

**Awareness on the prevention
and suppression of human
trafficking for field-level
law enforcement
officers.**

**Training
Module**



USAID
আমেরিকার জনগণের পক্ষ থেকে



WINROCK
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Awareness on the prevention and suppression of human trafficking for field-level law enforcement officers.

Training **Module**

Prepared and edited by:

A. K.M. Akhtaruzzaman

Additional Special Superintendent of Police
Faculty member, Forensic Training Institute (FTI)
C.I.D, Dhaka.

and

Advocate Md Mozahidul Islam

Prosecution Manager, BC/TIP program

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Preface

In terms of crime, human trafficking is an organized crime. Not just an organized crime of itself, but traffickers and their associates organize a variety of crimes against a victim of trafficking. Those crimes include deception, physical and mental abuse, sexual abuse, ransom, deprivation of food and medical care, forced labor, mutilation, use in war, and even murder. And in the immigration process, organized traffickers provide misinformation to labor migrants or forcibly employ them in a variety of over and cumbersome, low-wage, and risky jobs by concealing their information. They are sent abroad by deceiving them in the name of employment. In most cases, they are then forced to work or exploited as indebted slaves. The main causes of human trafficking are economic, social, and cultural. Degradation of values, advantages of legal pitfalls, disregard for policies and the law, poverty, and lack of education and lack of institutional initiatives to prevent it, and, above all, limited access to legal aid, all contribute to trafficking. Human trafficking has increased at an alarming rate around the world. Therefore, it has become the basic responsibility of all citizens to speak out against this crime.

The Government of Bangladesh is making sincere efforts to suppress all forms of human trafficking, especially trafficking of women and children. In addition, legal reforms of anti-trafficking activities are being taken. To serve this purpose, the Prevention and Suppression of Human Trafficking Act, 2012 and its Rules (2017) have been introduced. Special funds and the National Countertrafficking in Persons Agency have also been formed under the law. Winrock International, the current government, community, and international organizations are facing the challenge of implementing the goals of this law. In addition, they have expressed a sincere commitment to implement the Sustainable Development Goals (SDGs). To serve this purpose, they have formulated action plans for their respective ministries to achieve specific targets. In addition, initiatives have been taken to implement the Seventh Five-Year National Action Plan based on the SDGs. The Seventh Five-Year Plan and the various goals of the SDGs are directly or indirectly linked to the suppression and prevention of human trafficking. Since 2009, four consecutive national action plans (2009-2011, 2012-2014, 2015-2017, and 2018-2022) have been implemented. Under the action plan, the government and various national and international governmental, and non-governmental organizations have been working together on enforcement, risk reduction, rescue, repatriation, and rehabilitation.

As part of continuous implementation of the National Action Plan and development goals, Winrock International, under the Bangladesh Counter Trafficking in Persons Program, the Solicitor Wing, the Ministry of Law and Justice, the Ministry of Law, Justice, and Parliamentary Affairs work together to inform government officials about internationally recognized standards for managing human trafficking cases by identifying the legal and practical aspects of human trafficking prevention and suppression and protection of rights and protection of victims of human trafficking, trials of human trafficking cases and basic legal concepts. The purpose of this training is not to acquire expertise in managing human trafficking cases. In particular, long, precise, and specialized training is required to acquire expert skills.

By setting this goal in mind, this motivational guide for government law enforcement officers has been formulated to prevent and suppress human trafficking. The staff of the prosecution body has sincerely

tried to enrich it on the basis of their talent and labor. Special thanks to H.M Nazrul Islam, Program Team Lead, Bangladesh Counter Trafficking in Persons (BCTIP), whose valued feedback and guidance have encouraged us to publish this guide. Also, thanks to all those who have contributed to this guide.

The main purpose of this guide will be achieved if it is used properly. We think, in order to get maximum results, it is necessary to verify the practical application of this guide through the training of trainers. In addition, important feedback from readers about the publication will help to enrich the publication in the future.

Readers are kindly requested to sincerely accept any unintentional mistakes and look at them with a forgiving look.

Md. Mujahidul Islam, Attorney
Prosecuting Attorney
Bangladesh Counter Trafficking in Persons (BCTIP) program

— Objective —

One of the goals of the training is to increase the ability of law enforcement officers to prevent the traffickers from escaping the human trafficking trial and to ensure justice for victims of trafficking.



Awareness training module on prevention and suppression of human trafficking for field-level law enforcement officers.

Module 1

What is human trafficking?

This module discusses the causes and mechanisms of human trafficking.

The objective of this module

To further enrich the participants' current knowledge about human trafficking and its mechanism.

Learning objectives

At the end of the training, participants will be able:

- To describe and understand the active push and pull factors behind human trafficking;
- To explain the different stages of human trafficking crime, such as recruitment-transportation-exploitation;
- To list different types of exploitation involved in human trafficking;
- To explain how traffickers' commit this crime;
- To specifically mention the ways by which traffickers control their victims.

Module 2

Law

This module discusses the international and legal context of human trafficking and the specific sections of the penal code related to this issue. In particular, the Palermo Protocol (Resolution 55/25 adopted by the UN General Assembly) and certain provisions of the Prevention and Suppression of Human Trafficking Act, 2012 have been discussed.

The objective of this module

To increase the ability of the participants in implementing the National Law of Bangladesh, especially the Prevention and Suppression of Human Trafficking Act, 2012.

Learning objectives

At the end of the training, participants will be able:

- To describe the key features of the third article of the Palermo Protocol;
- To differentiate between human trafficking and human smuggling;
- To explain specific sections of the Penal Code to combat human trafficking and identify the key issues mentioned in the penal code to prove the crime;
- To review the relevant laws and to refer to the relevant sections as per the penal code.

Module 3

Victim identification of human trafficking

This module describes the importance of quick and accurate victim identification and its methods.

The objective of this module

To improve trainees' perception of the importance of victim identification skills and increase their ability to apply victim identification methods quickly and accurately.

Learning objectives

At the end of the training, participants will be able:

- To understand and explain why it is important to identify victims quickly and accurately to prevent human trafficking;
- To know the intricacies of victim identification;
- To explain the four steps of the victim identification process;
- To identify the indicators of human trafficking in Bangladesh;
- To list the favorable conditions for interviewing a victim;
- To prepare useful questionnaires for the interview in the context of Bangladesh

Module 4

Effects of trafficking on identified victims and emergency services for them

This module explains in detail the physical and emotional effects of human trafficking on victims and the emergency services after rescuing them and the 'victims rights.

The objective of this module

To increase the scope of participants' knowledge about the multifaceted harmful effects of physical, psychological, and sexual abuse on victims of trafficking and to enhance participants' skills in meeting their immediate needs without treating the victim as a criminal.

Learning objectives

At the end of the training, participants will be able:

- To describe the detrimental effects of physical, mental, and sexual abuse on victims;
- To list what needs to be done to help the exploited victim;
- To understand the moral basis of not considering the identified victim as criminal and explain the actual reasons for it;
- To explain the conventional victim support system in their own country and the processes for getting these services to the victim;
- To explain the Victim Verification Toolkit provided by Winrock International.

Module 5

Interrogation of suspects

The power to interrogate a suspect is determined either by law or imposed by law enforcement officers who interrogate a suspect in the event of a complaint.

The objective of this module

To provide necessary knowledge and skills to the participants to conduct intensive interrogation of human trafficking suspects.

Learning objectives

At the end of the training, participants will be able:

- To identify national legal issues regarding the interrogation of suspects.
- To formulate and compile appropriate investigation plans for interrogation.
- To provide details of interrogation procedure to the suspects.
- To identify and prioritize the post-investigation steps.

Module 6

Immediate responsibilities

This module describes the steps of the initial investigative duty assigned to field-level law enforcement officers.

The objective of this module

To enhance the practical skills of field-level law enforcement officers to take immediate, appropriate, and effective action in case of trafficking.

Learning objectives

At the end of the training, participants will be able:

- To identify and describe five immediate responsibilities of the officers;
- To identify and explain the legal rights and opportunities for identified victims;
- To plan the rules, procedures, and content of an interview for collecting preliminary evidence;
- To identify key aspects of planning and conducting an arrest operation;
- To ensure the human rights of those arrested individuals;
- To explain the key considerations for preserving evidence at a crime scene and understanding its importance;
- To identify the best way to conduct an arrest operation, its principle legal basis, and evidence of trafficking;
- To describe the conventional ways of receiving investigative assistance from the experts.

Module 7

Intelligence in dealing with human trafficking

This module explains the importance of intelligence in tackling human trafficking, the potential of field-level officials to gather intelligence, and step-by-step instructions for managing, collecting, and documenting intelligence.

The objective of this module

To increase the practical skills of field-level law enforcement officers in terms of the importance of intelligence, intelligence gathering, and its management.

Learning objectives

At the end of the training, participants will be able:

- To instantly identify human trafficking cases and learn how to weaken traffickers through intelligence gathering;
- To understand the importance of field-level intelligence in preventing human trafficking;
- To understand the potentialities of intelligence and the importance of collecting information, as well as the limitations of it;
- To list the potential sources of intelligence;
- To learn intelligence gathering techniques and describe the source of information;
- To show how to record intelligence in accordance with national laws and regulations;
- To understand and demonstrate the practical methods of evaluating information;
- To provide an accurate description of the manners in which intelligence should be provided in case of expert investigation.

Necessary facilities and materials

- 1 Push pin board
- 1 white board
- A well-equipped training room that will be large enough for all participants to sit and move around in a U-shape.
- Overhead projector
- Screen LCD projector
- Flipcharts
- Easel board markers
- Transparent paper

Necessary materials

- Lesson materials
- Poster paper
- Brown paper
- Markers
- Colored paper and white paper
- Push pin card
- Push pin
- Pens, Pencils, Notebooks, pads

Instructions for using the training module

We believe that the “Awareness training module on the prevention and suppression of human trafficking for field-level law enforcement officers” will play a significant role in raising awareness and preventing and suppressing human trafficking. Its effectiveness depends on the successful use of this module. A skilled and diligent facilitator is expected to pay special attention to the following issues while using this module.

- The objectives of each session/module are recorded. The facilitator has to achieve the desired objective by conducting the session in a participatory manner. And in order to achieve this, it is necessary to understand the objectives well and to be onboard with them.
- The materials required to conduct the session/module have been mentioned. These materials should be collected or prepared in advance. Otherwise, there may be a disruption in the conduct of the session. For a facilitator, it is not mandatory to use all the materials described in this module. A skilled facilitator can show creativity in the use of materials and set new goals beyond the desired ones by creating new materials.
- The success of training depends on the preparation of the facilitator. So, before any session, you have to read the module well because it is not advisable to be reviewing the module while conducting any session.
- The steps of the session are arranged in stages, follow as required. However, it can be changed in accordance with any special needs.
- When discussing a topic, give relevant examples and your opinion on the need to explain and clarify a topic. Talk simply, smile, and try to keep everyone engaged in the discussion.
- Properly check the required number of copies of the materials to be provided to the participants in advance so that they can be delivered on time.
- At the beginning of each session, link it to the previous one so that the participants do not feel disconnected. Discuss where and how the session will be useful in their lives and give your opinion. Check the relevance of what happened in their daily lives to the topic of the session and try your best to open their hearts to the topics being discussed.
- If you want to ask a question, be clear and ask the question to everyone, repeat, if necessary. Wait, if no one answers voluntarily, then ask someone.
- Contextually appreciate it when participants say something or give feedback. If someone says something wrong or can't express themselves clearly, help them and point it out to them in a way that makes them feel respected.
- A topic could be quite interesting. Therefore, it should not be rushed. If necessary, time management can be changed. And to adjust this time, some time can be taken from tea and lunch breaks.
- After all, the effectiveness of a training course depends on the facilitator. How a skilled facilitator uses, enriches, and succeeds in presenting a module is entirely up to them.

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Training on raising human rights awareness

Day-to-day topics

First day

Serial No.	Subject	Objective	Method	Materials	Time
1	Registration	<ul style="list-style-type: none"> Accurately preserve the names and addresses of the participants so that they can be contacted later. 	Each trainee will register by writing their respective names and addresses in the appropriate form	Participant list form	9.00 am - 9.30 am
2	Breaking inertia and introductory episode.	<ul style="list-style-type: none"> Trainees will get to know each other. An active and tolerant environment shall be ensured in the training room 			9.30 am - 10.00 am
3	Things to follow during training	<ul style="list-style-type: none"> Maintaining mutual respect, ensuring participation of all and in order to make the training course effective, you will be able to specify the things to be followed during training and the necessary policies. Be able to explain the rationale of certain rules and regulations. 	Discussions in large groups	Flipchart, Marker pen	10.00 am - 10.30 am
4	National trafficking situations and human trafficking (Push and Pull factors, three steps of trafficking)	<ul style="list-style-type: none"> Be able to tell the situation of human trafficking in Bangladesh Be able to describe and understand the active push and pull factors behind human trafficking; Be able to describe and understand the active push and pull factors behind human trafficking; Be able to explain the different stages of human trafficking crime, such as recruitment-transportation exploitation; Be able to list different types of exploitation involved in human trafficking; 			
5	Trafficking and victim control procedures	<ul style="list-style-type: none"> Be able to specifically mention the ways by which traffickers control their victims; Be able to explain how traffickers commit this crime; 	Discussion in pairs or in large groups	Flipchart, Marker pen	11.45 am - 12.45 pm

Serial No.	Subject	Objective	Method	Materials	Time
6	Palermo Protocol (Key components and articles 3- Key topics)	<ul style="list-style-type: none"> • Be able to describe the key features of the 3rd article of Palermo Protocol; 	Storytelling, discussion in a large group		12.45 pm - 1.15 pm
7	The main components of human smuggling and the difference between human trafficking and human smuggling and its comparative characteristics	<ul style="list-style-type: none"> • Be able to describe the main components of human smuggling • Be able to differentiate between human trafficking and human smuggling; 	Role play, discussion in a large group		2.15 pm - 3.15 pm
8	National law to suppress human trafficking	<ul style="list-style-type: none"> • Be able to explain specific sections of the Penal Code to combat human trafficking and identify the key issues mentioned in the penal code to prove the crime; • Be able to review the relevant laws and refer to the relevant sections as per the penal code. 	Simulation, brain-storm, push pin card display		2.30 pm - 3.30 pm
9	Victim identification of human trafficking and its procedures	<ul style="list-style-type: none"> • Be able to explain the physical and emotional effects of human trafficking on victims in detail; • Be able to mention what things need to be done to help the victim; 	Small group task		3.30 pm - 4.30 pm
10	Daily evaluation	<ul style="list-style-type: none"> • Be able to recall the main topics of the day 	Large group discussion		4.30 pm - 5.00 pm

Morning tea break
10:30 am - 11:00 am

Lunch
1.00 pm - 2.00 pm

Afternoon tea break
4.00 pm - 4.15 pm

Second day

Serial No.	Subject	Objective	Method	Materials	Time
11	Recapping the previous day's topics	<ul style="list-style-type: none"> Be able to remember the lessons of the previous day 	Q&A		9.00 am - 9.30 am
12	The effects of trafficking on identified victims and emergency services for them	<ul style="list-style-type: none"> To be able to understand the moral basis of not considering the identified victim as a criminal and explain the actual reasons for it; To be able to explain the conventional victim support system in their own country and the procedures of how to apply those actions to the victim; Be able to explain the victim verification toolkit provided by Winrock International. 	Discussion in small groups, Moving plenary, Discussion in a large group		9.30 am - 10.45 am
13	International law and interrogation of suspects	<ul style="list-style-type: none"> Be able to explain the international law in the case of interrogation of suspects 	Case study, Discussion in a large group		11.00 am - 12.00 pm
14	The country's systematic criminal law on the interrogation of suspects - the power of investigation, confession, and guilt testimony	<ul style="list-style-type: none"> Be able to describe the power of investigation, confession, and guilt testimony under the criminal law 	Small group task		12.00 pm - 1.00 pm
15	Internationally accepted practices for interrogating suspects	<ul style="list-style-type: none"> Be able to explain the internationally accepted practices for interrogating suspects 			2.00 pm - 3.15 pm
16	Daily evaluation	<ul style="list-style-type: none"> Be able to recall the main topics of the day 	Single task		4.30 pm - 5.00 pm

Morning tea break
10:30 am - 11:00 am

Lunch
1.00 pm - 2.00 pm

Afternoon tea break
4.00 pm - 4.15 pm

Third day

Serial No.	Subject	Objective	Method	Materials	Time
17	Recapping the previous day's learning	<ul style="list-style-type: none"> • Be able to remember the lessons of the previous day 	Game and Q&A	Piece of paper	9.00 am - 9.30 am
18	Immediate responsibilities to the victim	<ul style="list-style-type: none"> • The ability to identify and describe five immediate responsibilities of officers; • The ability to identify and explain the legal rights and opportunities for identified victims; • The ability to plan the rules, procedures, and content of the interview for the collection of preliminary evidence; • The ability to identify key aspects of planning and conducting an arrest operation; • To the ability to ensure the human rights of arrested individuals; • The ability to explain the key considerations for preservin evidence at a crime scene and understand its importance; • The ability to identify the best way to conduct an arrest operation, its principle legal basis, and evidence of trafficking; • To be able to describe the conventional ways of receiving investigative assistance from the experts. 			
19	- Intelligence in combating human trafficking - Why intelligence gathering is effective - The importance and prospects at the field-level - Officers in Intelligence gathering - 8 ways of intelligence gathering	<ul style="list-style-type: none"> • To be able to instantly identify human trafficking cases and learn how to weaken traffickers through intelligence gathering; • To be able to understand the importance of field-level intelligence in preventing human trafficking; • To be able to describe 8 ways of intelligence gathering 	Small group task	Learning material (Learning material on CEDAW, UDHR, and Fundamental Rights mentioned in the Constitution of Bangladesh) Flipchart, Whiteboard, Markers, Poster paper	9.30 am - 10.30 am

Serial No.	Subject	Objective	Method	Materials	Time
20	<ul style="list-style-type: none"> - Intelligence in dealing with human trafficking - Limitations of intelligence gathering by field-level officers - Sources of intelligence in dealing with trafficking - How many types of intelligence are needed? - Recording and evaluation of intelligence 	<ul style="list-style-type: none"> • To know the potentialities of intelligence and the importance of intelligence gathering, as well as the limitations of it; • List the potential sources of intelligence; • Learn intelligence gathering techniques and describe the source of information; • Show how to record intelligence in accordance with national laws and regulations; • Understand and demonstrate the practical methods of evaluating information • To provide an accurate description of the manners in which intelligence should be provided in case of expert investigation. 	Q&A		9.00 am - 9.30 am
21	Reviewing the main points of the whole course	<ul style="list-style-type: none"> • Explain how cases are working to protect human rights in the public interest. 			11.00 am - 1.00 pm
22	Training evaluation and concluding the session	<ul style="list-style-type: none"> • Evaluation of the training and the announcement of the formal completion of the course 	Appreciation speech	Colored paper, Ball pens (as many as participants)	4.15 pm - 5.00 pm

Morning tea break
10:30 am - 11:00 am

Lunch
1.00 pm - 2.00 pm

Afternoon tea break
4.00 pm - 4.15 pm

The main agenda of the first day

- **National trafficking situations and human trafficking (Push and Pull factor, three steps of trafficking)**
- **Mechanism of trafficking and victim control process**
- **Palermo Protocol (Key component and article 3- Key topics)**
- **The main components of human smuggling and the difference between human trafficking and human smuggling and its comparative characteristics**
- **National law to suppress human trafficking**
- **Victim identification of human trafficking and procedure**

Chapter 1

Introductory episode and pre-training evaluation



Session No: 1

Title : Registration

Objective : At the end of this session:

- Properly preserve the names and addresses of the participants so that they can be contacted later

Method : Each trainee will register by writing their name and address in the appropriate form.

Time : 15 minutes

Materials : Participant list form.

Process :

- Paste the pre-prepared participant list format into a clipboard.
- Place the clipboard on a table and place a chair next to it.
- Either you or anyone among the organizers of the training takes this responsibility so that the registration of each participant is confirmed. Help participants to write if needed.

Note for the facilitator:

- Keep a participant name list format prepared in advance.
- Attend the training room at least 1 hour in advance.
- Tidy up the training room. Arrange seating in a T-shape to ensure two-way communication. If physical facilities are not available, arrange to sit in a way that allows the participants to see each other as much as possible.
- Make sure there are no trash or dirty items in the training room.
- When participants start coming to the training room, greet them yourself and ask them to register with a smile.

Session No: 2

Title : Introductory discussion

Objective : At the end of this session:

- Be able to know about training name, main topics, nature, duration, food, accommodation, and other essentials

Method : Discussion

Time : 15 minutes

Materials : White board, Markers

Process :

- Start the session by welcoming everyone to the training.
- Warmly thanks the participants for attending at the scheduled time.
- Tell them that the active participation of everyone in this training is essential to increase the scope of the knowledge and to enrich the discussion. Without everyone's active participation, it is not possible to complete the training successfully.
- Then discuss the training name, duration, food, accommodations, and other facilities. Mention the main points of the training, if necessary.
- Conclude the session by thanking everyone for their participation in the discussion.

Note for the facilitator:

- Since the first session of the training is a comparative discussion, engage the trainees by speaking clearly and concisely.
- Communicate with the participants with direct eye contact, a smile, and speak to them in a clear voice. Eye contact is an important issue.
- Do not talk about your physical weaknesses.
- Never turn your back to the participants, as this disrupts communication.
- If you want to write anything on the board or flipchart, use markers of different colors. When writing, stand in such a way that the board or flipchart is not covered.

Session No: 3

Title : Breaking inertia and introductory session

Objective : At the end of this session:

- Participants will get to know each other.
- An active and tolerant environment will be ensured in the training room.

Time : 35 minutes

Method : Single presentation, Q&A, Discussion

Material : Registration sheets, Push pin cards, Markers, White boards

Process :

Step 1 : The objective of the training, 5 minutes

- At the beginning of the session, invite the organizer to give a short talk to explain the purpose of the training.
- Thank all the guests for their input.

Step 2 : Introductory episode, 30 minutes

- In line with the objective of the training, tell all the participants that you are working in a state position to fulfill an important responsibility. You are working to establish the legal rights of the people through your hard work. In particular, you are working to prevent traffickers from escaping the criminal justice system and to ensure justice to victims of trafficking.
- Addressing the participants, tell them that all of them have their own story. For example: In terms of profession and gender.
- Now, in addition to our introduction, also share your story (name, profession, gender, racial, physical disability, age, etc.) that you feel comfortable doing.
- Also, you can explain why you feel comfortable with this identity. Say, for example, I am "A," but as a human, I want to introduce myself as "B." Because.....
- When everyone introduces themselves, the facilitator will write down the story on one side of the board so that the facilitator can link it to the next session.
- After introducing everyone, read the story written on the board for everyone.

- Tell them we are human beings. This is our biggest story. Humans are the best of creation. Our greatest responsibility as human beings is not to discriminate against anyone on the basis of race, religion, caste, gender, etc. We should treat everyone equally—especially those who are vulnerable in society. Emphasize special care for women and children and pay attention to them.
- End up the session by thanking everyone and inviting them to the next session.

Note for the facilitator:

- Engagement and introductory sessions are an important part of the training. So, prepare well for the methods used in this session.
- You can choose any other method or game to handle the inertia and introductory session. However, choose a method that is connected with the purpose of training.

Session No: 4

Title : Things to be followed during training:

Objective : At the end of this session, participants will be able:

- To maintain mutual respect, ensure the participation of all, and in order to make the training course meaningful, they will be able to specify the matters and the necessary rules and regulations to be followed during the training.
- To explain the rationality of certain rules and regulations.

Method : Discussion in a large group

Time : 15 minutes

Materials : Flipchart, Markers

Process :

- Tell them that in order to make this training course meaningful, it is necessary to specify certain rules and regulations and adhere to them.
- Ask the participants: what rules and regulations are needed to be followed for the success of each session of this course and to ensure the participation of all.
- Write the rules and regulations that the participants are mentioned on the flipchart. Possible rules and regulation may come from participants:
 - ✓ I will be present in the training room on time
 - ✓ I will not have side conversations during the session
 - ✓ I will not interfere or interrupt anyone's speech
 - ✓ I will be responsive and attentive
 - ✓ I will participate in the discussion actively
 - ✓ I will turn off the ringtone of my mobile phone
- Then discuss the relevance and rationale of each set of rules and regulations and explain the need to adhere to it to create a positive training environment.
- Then write the rules and regulations on a poster and place it in a place in the training room so that the participants can see it easily. If necessary, you can draw their attention to it yourself.

Note for the facilitator:

- Poster writing needs to be clear and accurate. Write fast. Anything wrong in the writing can lead to developing negative perceptions about you among the participants. So, if it is not possible for you, get the help of participants whose handwriting is good.

Session No: 5

Title	:	Pre-training assessment
Objective	:	➤ To understand the participants' ideas prior to training
Time	:	15 minutes
Method	:	Single task
Materials	:	Pre-training assessment sheets, pens
Continuous process	:	Steps to conduct the session

Step 1 : Fill out pre-training assessment sheets (15 minutes)

- Start the session by greeting everyone.
- Provide training evaluation sheets (Appendix 1) to each participant.
- Ask everyone to fill out the sheet. Set the time for 10 minutes.
- When everyone has finished writing, collect the assessment sheet once the allotted time is over.
- Tell everyone we have filled out this assessment sheet based on our pre-training knowledge. At the end of the training, we will be able to fill this assessment sheet in a better way. Expressing this optimism, invite them to the next session.

Note for the facilitator:

- The pre-training assessment sheet will also be provided after the training. So, keep the post-training assessment sheet ready for every trainee.
- Ensure that the trainees do not consider the training assessment as a test.

Attachment 1

Pre-training assessment

Prosecutor Training on Trafficking-in-Persons and Protection of Victims' Rights in Bangladesh

In implementation: WINROCK International

Participant: Public Prosecutor

Participant's name:

Date:

1. Name of the current law on human trafficking (mark left):

- A. Human Trafficking Prevention Act 2012
- B. Prevention and Suppression of Human Trafficking Act 2012
- C. Human Trafficking Crime Suppression Ordinance 2011

2. What are the elements that should be there to refer to an incident as human trafficking? 4

3. Write down three rights of a victim in the Human Trafficking Act: 4

4. Human trafficking cases can be filed (mark left):
- A. Only at the applicable police station
 - B. Only at the tribunal
 - C. Both
5. Name of the Tribunal under Human Trafficking Act (tick left): 2
- A. Human Trafficking Prevention and Suppression Tribunal
 - B. Human Trafficking Crime Suppression Tribunal
 - C. Human Trafficking Suppression Tribunal
6. Timeframe for the completion of human trafficking investigation (mark left): 2
- A. Within 60 working days from the date on which the case is filed or the reference from the Tribunal is received
 - B. Within 90 working days from the date on which the case is filed or the reference from the Tribunal is received
 - C. Within 180 working days from the date on which the case is filed or the reference from the Tribunal is received
7. Is it possible to file a compensation case in a civil court as well as a criminal court? (mark left): 2
- A. Yes
 - B. No
8. What is the maximum punishment under human trafficking law (mark left): 2
- A. The death penalty
 - B. Lifetime imprisonment
 - C. Rigorous imprisonment and a fine of Tk 50,000

Chapter 2

**Presentation of the nature of human trafficking
and the international legal framework for the
prevention and suppression of human trafficking**



Session No 6 : National trafficking situation and human trafficking

Time: 55 minutes

Session No: 6

- Title** : National trafficking situation and human trafficking (Push and Pull factors, three steps of trafficking)
- Objective** : At the end of this session:
- Be able to tell the situation of human trafficking in Bangladesh
 - Be able to describe and understand the active push and pull factors behind human trafficking;
 - Be able to explain the different stages of human trafficking crime, such as recruitment-transportation-torture;
 - Be able to list different types of torture involved in human trafficking;
- Method** : Discussion in a large group, PowerPoint presentation, Single task
- Time** : 55 minutes
- Material** : Poster paper, Markers, Masking tape, Push pin card, Push pin board
- Process** :

Step 1 : National Trafficking situation: 15 minutes

- Tell them we will discuss various issues related to human trafficking in detail during this training course on prevention and suppression of human trafficking for the whole three days.
- So, we will first discuss the trafficking situation in Bangladesh.
- Tell them, since you are working as a law enforcement officer at the field level, you can tell us about the situation of trafficking here.
- Ask some of the participants to share their experiences. In addition to the presentations of the participants, highlight various information related to the trafficking situation as a facilitator.
- Then use the PowerPoint presentation to highlight a recent statistic. In the presentation, the following issues can be kept.

✓ Number of trafficked persons (as per statement)	✓ Number of closed cases
✓ Number of rescued trafficked persons	✓ Closed convicted cases
✓ Rehabilitation of trafficked persons	✓ Closed innocent acquitted cases
✓ Number of cases filed	✓ Convicted persons
✓ Number of defendants arrested	✓ Death penalty
✓ Number of charges filed	✓ Lifetime sentences
✓ Final report submitted	✓ Punishment in different terms
✓ Cases under investigation	✓ Acquitted persons

Step 2 : Push and Pull Factors: 15 minutes

- Tell the participants: by this time, we have discussed the trafficking situation in Bangladesh. Now we will discuss what factors work in the case of human trafficking.
- Ask them: what are the push and pull factors in human trafficking? Ask one or two participants to answer.
- Highlight some of the key aspects of the push and pull factors in human trafficking, according to the learning material, in line with participants' opinions.
- Create opportunities for the participants to provide feedback.
- Lastly, tell them to consider the push and pull factors together so that the reasons for the ongoing human trafficking can easily be understood. In addition to this, the role of traffickers and their criminal motives makes it clear why it is currently the third most profitable business in the world and why it continues to grow.

Step 3 : Three steps of trafficking: 25 minutes

- Tell them: we've talked about different factors of trafficking so far. This time we will discuss the three stages of trafficking.
- Tell them: although the types of trafficking are constantly changing, the crime can be divided into three parts. Criminals usually complete the trafficking process by following three steps.
- Then ask the participants to read this learning material - three stages of trafficking. Give 10 minutes for this.
- After the completion of the reading, ask if anyone has any questions or comments. Tell them: we need to know these steps to work against human trafficking. The more we know about this, the better it will be for us to work.
- Finally, thank everyone for participating in this session and end it up by inviting them to the next session.

Note for the facilitator:

- Arrange the learning materials to be given to the participants in advance.
- It is advisable to study more on this subject matter in addition to learning material.

Attachment 2

Learning material

Definition of human trafficking according to international law

1. Palermo protocol

In December 2000, "human trafficking" was first legally defined internationally in Palermo, Sicily. At the same time, the UN General Assembly adopted a Protocol on the prevention, suppression, and punishment of human trafficking, in particular the trafficking of women and children, replacing the United Nations Convention against Multinational Organized Crime (known as the Palermo Protocol for short).

Article 3 of the Palermo Protocol describes the criminal activities involved in human trafficking:

A. Human trafficking means the exploitation of a person by force or intimidation or by any other form of coercion, abduction, deception, exploitation of their vulnerability by abusing power or position, or recruitment, transportation, transfer, shelter or concealment or adoption for the purpose of exploitation with the consent of someone who has control over it in exchange for money or any other benefits.

Exploitation means prostitution or any other form of sexual exploitation, forced labor or service, slavery or slave-like conditions, forced labor or mutilation.

B. If any of the means mentioned in sub-article (A) is used, the consent of the victim to the possible exploitation described in sub-article (A) of this article will not be considered.

C. Recruitment, transportation, transfer, shelter, or concealment, or abduction of a child for the purpose of exploitation will be considered as "human trafficking," even if the means referred to in sub-article (A) of this article are not followed.

3(D) Child refers to a person who has not reached the age of eighteen

The main components of Section 3

The law can be divided into the following three separate components:

- Action - recruitment, transportation, transfer, shelter, and adoption.
- Means - intimidation, coercion, or any other form of coercion, abduction, deception, exploitation of their vulnerability by abusing power or position, accepting the consent of a person who has control over a person through the illegal transaction of money or other benefits.
- Purpose- prostitution or any other form of sexual exploitation, forced labor or service, debt slavery, exploitation through fraudulent marriage, use in the forced entertainment business, slavery or slave-like conditions, conditional forced labor at home, or mutilation.

Understanding the interrelationships between these three elements is crucial.

The terms of the protocol will be violated if:

- The actions are organized through one or more means;
- The actions and means are used to achieve one or more exploitative purposes;
- If any of the components are missing, it cannot be said that the terms of the protocol have been violated;

- The only exception is in the case of children. In the case of someone under the age of 18, it is sufficient to prove that one or more of the defined actions have been used for any one or more of the defined exploitative motives, then the means by which it occurred are considered irrelevant and can be ignored.

(The law includes this anomaly to ensure the protection of children from traffickers)

1.2. Article 3 The main notable aspects of the definition

1. The Palermo Protocol is a treaty and a legal document that creates liability among all the states that have signed and consented.
2. All types of trafficking involving a person's body, labor, or services have been included in the definition.
3. The definition acknowledges that trafficking is not limited to women and children only. Women, men, girls, and boys can all be the victims of trafficking.
4. The definition does not specify any boundaries, and it is not mandatory for the victim to cross any internationally recognized boundaries. This acknowledges the fact that victims are trafficked from one part of the country to the other.
5. In the case of being a victim of anyone under the age of 18, there is no requirement regardless of whether they have consented freely and conscientiously or not. Any action done for the purpose of exploitation is sufficient to violate the terms of the article.

1.3. Human smuggling

Along with the Palermo Protocol, human smuggling is also defined in international law.

The definition of human smuggling in accordance with Article 3 of the United Nations Protocol against Human Trafficking in Land, Sea, and Air, substituted in the United Nations Convention on Multinational Organized Crime, is as follows:

Human smuggling refers to the illegal entry of a person into a state for the purpose of direct or indirect financial or any other materialistic gain where they are not a citizen or permanent resident. One of the key differences between human trafficking and smuggling is "individual control." A smuggled person finds smugglers for immigration and implicates smugglers to smuggle him. In this case, any detention occurs during transportation. Another key difference is that a smuggled person is not forced into any form of forced exploitation like a trafficked person.

Field-level officers must be aware of the fact that initially smuggled persons may later become the victims of trafficking if they are controlled, transported, and exploited under changed situations.

Key components of the definition of human smuggling

The presence of the following three components is required to fulfill the definition of smuggling:

- Transfer- Must be transferred beyond an international border;
- Illegality- Must cross an international border illegally
- Benefit- Cross the international border illegally for any kind of gain.

1.4. Difference between human trafficking and human smuggling

The following points need to be considered seriously:

There are several similarities between trafficking and smuggling, especially at the transfer stage;

- In most cases, it is quite difficult to differentiate between them;
- This task becomes more difficult as the traffickers and smugglers cooperate closely with each other;
- People who are "smuggled" may include both the smuggled person and victims of trafficking;
- In many cases, at the time of transfer, the person may not know what is in their destiny, and that is why they themselves are unaware of the fact that they are the victim of trafficking;
- Once a victim reaches a new location, a trafficker can be distinguished from a smuggler by considering their intent to harm them. But it is very difficult to determine this difference at the recruitment and transfer stage. In most cases, it is only possible when the smuggled individuals have experienced exploitation.

Comparative features of trafficking and smuggling:

With the exception of some complications, it is possible to analyze the similarities and differences between human trafficking and human smuggling in order to differentiate them in a better way.

The issues raised in the table below can be considered:

Feature	Human trafficking	Human smuggling
Legal definition	To intimidate, coerce, deceive, or exploit a person or obtain the consent of someone who has control over him or her in exchange for money or benefits, to sell or buy, collect, or adopt, deport or transfer, hold in consignment or detention, hide or shelter for the purpose of sexual harassment or any other exploitation, inside or outside Bangladesh.	Arranging for the illegal entry of a person into a country for which they are not a citizen or permanent resident for the purpose of direct or indirect economic or any other benefit.
The motive to transfer	Sexual abuse, labor-slavery or mutilation of a person for profit.	Transfer for profit.
Types and values of consent	Even if there is consent initially, force, coercion, deception, fraud, etc., by the traffickers then make that consent worthless.	There is clear consent for transfer.
The relationship between the individual and the perpetrator	Victim – Exploiter Long-term relationships are maintained even after the transfer process is completed (relationships between individuals and trafficking network continue)	Buyer-Supplier A short-term relationship that ends as soon as the transfer is over.

Feature	Human trafficking	Human smuggling
Profitable material	The main source of profit is to exploit someone.	The only source of profit is transferring.
Violence and fear	One of the characteristics of human trafficking is to create a terrifying situation for the purpose of exploiting the victim.	The need for transfer may lead to a situation of violence or fear.
Will and freedom	Is extremely violated	Usually, there is no extreme violation if it is necessary for a successful transfer.

The nature of human trafficking

Push and pull factors

In terms of economics, human trafficking is a supply and demand-based crime that takes people at-risk from one place to another to meet the growing demand for cheap manual labor. To understand the matter, it is very important to know the factors that create that demand and supply. Which is as follows:

Push factors

There are a number of factors that contribute to the regular supply of victims as per demand. Some of the main ones are:

- **Poverty**
Most of the victims come from families where poverty is an inevitable reality, and it seems impossible for them to get out of poverty on their own.
- **Lack of education**
Lack of education makes the victims more vulnerable. It reduces their employment opportunities and can block their access to information on various risks of human trafficking.
- **Unemployment**
Lack of employment increases the risk of human trafficking. Unemployment perpetuates the poverty of many victims. Lack of earning capacity, education, training, skills, and job opportunities in underdeveloped areas altogether make the poverty situation worsen.
- **Gender discrimination**
In many countries, women and girls are considered inferior to men and boys and are discriminated against in terms of family status, education, and employment opportunities.
- **Domestic violence and various forms of abuse**
Violence and sexual abuse in a family, especially in children and adults, are often identified as push factors. As a result, most people are forced to leave their families and society. These people are more likely to fall prey to traffickers when they leave their homes.

- The effects of conflict

Human trafficking is more common in conflict zones. In the case of Bangladesh, "conflict" may not be a possible push factor. However, if Bangladeshi victims come in contact with victims of different countries who are victims of trafficking as a result of conflict, the field-level officials can take this issue into special consideration. The potential damage caused by the conflict and the consequent breakdown of society and the rule of law make the victims more susceptible to trafficking. Thus, the risk of trafficking increases.

- Lack of legal immigration opportunities

Legal immigration is becoming increasingly difficult. This is because the destination countries are increasingly emphasizing the professional and linguistic skills of potential legal immigrants in order to qualify for immigration. Opportunities for regular immigration for professionally incompetent people are extremely limited. Most of the victims of trafficking do not have these skills, so they try to immigrate illegally. As a result, the risk of falling into the clutches of traffickers increases.

- Lack of opportunity or alternative to change the situation

The factors mentioned above are intertwined in most cases, and their presence can be noticed in most incidents. The combined presence of poverty, lack of education, unemployment, domestic violence, and discrimination make the lives of potential victims more difficult. These issues create a situation where many victims do not find a legitimate and sustainable way to get them out of this predicament or change their condition. They become more vulnerable to traffickers as there is no such alternative for them.

Pull factors

Pull factors are generally of two types, one affecting a potential victim and the other affecting those willing to exploit them.

Pull factors for potential victims:

- Expectations of employment and income. Fraudulent promises of higher wages may be made by the trafficker;
- Expectations to improve the condition of their own and their families. This is an economic pull factor.
- Accepting the trafficker's offer is the only chance to get out of the current situation. Basically, people, who can't find an alternative way to improve their lives, think so.
Pull factors for abusers - why one person trafficks another;
- The constant demand for physical labor of victims ensures supply according to human trafficking needs;
- Victims are forced to accept such pay, work, and living conditions by force that legitimate workers will never accept.
This strategy is financially profitable for traffickers because it allows them to get their work done by providing minimal benefits to trafficked workers instead of hiring legal workers;
- It is relatively easier to control the trafficked victims compared to the legal workers, and the costs behind them are much lower;
- Victims of trafficking are more profitable for the Traffickers.

Considering the push and pull factors together, the reasons for the ongoing human trafficking can be easy to understand. In addition to this, the role of traffickers and their criminal motives makes it clear why it is currently the third most profitable business in the world and why it continues to grow.

Three stages of trafficking

Traffickers are constantly changing the types of crimes they commit. There are two reasons for this- finding more effective ways to make more profit by using victims and avoiding anti-human trafficking activities by the law enforcement agencies.

Although the nature of human trafficking is constantly changing, this crime can be divided into three specific stages. For example:

- First stage – Recruitment
- Second stage – Transportation
- Third stage – Exploitation

Traffickers use different methods to implement each of the above stages. So, each stage needs to be considered seriously. Each of these three stages must be present in a trafficking case to be completed.

First stage – Recruitment

Traffickers use three different methods to recruit victims:

Coercion- forcibly abduct someone;

Complete deception- complete deception with false assurances to victims or their parents about the expected work conditions in the new place;

Partial deception - giving hope to the victim or their parents about the expected work conditions in the new place but deceiving them with misconceptions about the working conditions.

Second stage – Transportation

Traffickers use a variety of routes and vehicles to transport victims:

- Land, sea, and air;
- On foot, by vehicles, trains, ships and planes.

Third stage – Exploitation

Based on the data obtained so far, one or more of the following actions have been identified as exploitative acts:

- Prostitution;
- Different types of sexual abuse, such as to force someone to act in pornographic films;
- To force someone to work in mining, construction, agriculture, fishing, serving food and textile factories;
- Household chores;
- Begging on the streets and selling goods;

- Different types of criminal activities;
- Working as a child soldier;
- Force to participate in terrorist activities;
- Forced marriage;
- Illegal adoption;
- Mutilation.

Procedures/Mechanism of human trafficking

Global picture

The following points are noteworthy:

- The exact number of people trafficked worldwide is not known, but UNODC estimates that at least 21 million people are trafficked worldwide each year;
- Women, men, girls, and boys are all the victims of trafficking;
- Traffickers collect victims by recruiting through family and personal networks and through advertisements in magazines or the media;
- Human traffickers and smugglers often collaborate with each other, and it is very difficult to distinguish between these two crimes due to the similar mechanisms;
- Human trafficking may take place inside or outside the country;
- More people are trafficked for the purpose of forced labor than sexual abuse;
- Among the various types of human trafficking, sex trafficking is the most profitable;
- Children are being trafficked on a daily basis for various purposes;
- The number of women traffickers has increased compared to before;
- Trafficking and institutional corruption are closely linked. The crime is increasing day by day as: the police, immigration, and other officials are getting involved in it, or the authorities are neglecting to take action against the traffickers even though there is enough evidence about their involvement in the crime.

Recruitment Stage – Considerable mechanisms

The following issues need to be considered seriously:

Coercion - Threats of violence or forced recruitment through violence are not uncommon. It is usually seen in conflict situations. An example of such an incident is juvenile trafficking in Nigeria. It should be kept in mind that such incidents do not happen with the consent of both parties. Victims are taken against their will.

Complete deception - This is a well-known tactic by which traffickers completely deceive the victims by promising them fake work opportunities. For example, even though the victims are promised to employ as a housekeeper, child care, nurse, or similar job, they are not told for what purpose they are being taken, or the employer builds a relationship with the victim in such a way that ultimately turns into a fake love affair between the victim and the employer. And by taking advantage of this relationship, the employer controls the movement of the victim. In the end, the victims are trafficked.

It should be kept in mind that the victims have been completely deceived by keeping it secret what kind of work they might have to do.

Partial deception- This is probably the most common tactic. Traffickers do not deceive about what the victims will be doing. But victims are deceived by false promises about their workplace or living environment. For example: Female and male victims agree to leave their homes to work as housemaids, tailors, prostitutes, construction workers, or agricultural workers, but they are subsequently deceived about payment, housing, and the workplace environment. The salary that was promised is not paid, or much less is paid. The workplace environment is either extremely hazardous or requires working much longer than promised. They are deprived of adequate food and shelter and have limited freedom of movement.

It should be noted here that in this case, the victims may have been interested in working. But they were not given the right idea about the salary and the environment in which to live and work, which the victim might not have agreed to do if they had known.

Consent of the victim

The question that arises regarding recruiting someone by deception is whether the victim himself consented to trafficking.

Here are some important things to keep in mind:

- According to international law, a victim cannot consent to being abused;
- The term 'consent' is used in the law to mean the voluntary and well-informed consent of an adult to a proposal after receiving full information regarding it;
- Since a victim is deceived and does not receive full information about the situation, it cannot be assumed that they can consent;
- A victim cannot be forced to consent or threatened with harm if they do not consent to be exploited;
- Thus, there is no chance of arising such a situation in which a victim can consent to exploitation themselves.

The implication of the things discussed above is that fraudulently recruited victims cannot be considered to have consented to trafficking. Because:

- Giving consent to exploitation in a criminal case is not legally possible;
- Victims are not given all the information about the purpose for which traffickers will use them. For that reason, it cannot be said that the victim consented knowingly.

Parental consent and child trafficking

Based on recent data, it is known that many children are being trafficked every day by their parents or other family members. (Forced abductions of children also occur, but it usually occurs within the country or in conflict areas across the border).

Traffickers usually obtain parental consent in one of the following ways:

Traffickers deceive their parents by promising them a good job with other opportunities for their child.

While making such deceptive promises, the traffickers tell the parents that their son and daughter can work and send money home. So, thinking about the future of their child and the betterment of the family condition, parents allow it trustingly. Parents are usually given a tiny amount of money at the beginning to get their consent.

Involvement in crime: In the second case, parents get involved in crime by accepting money from the trafficker in exchange for letting their child go.

In this case, the parents do not know the exact information about what kind of abuse the trafficker could do to their child or do not care about what will happen to the child.

Transfer stage: Considerable mechanisms

Victims are transferred in different routes. For example:

- Internal: Transfer from a rural area or small town to a big city or capital.
- Territorial: Transfer through one or more borders within a specific geographical area.
- Intercontinental: From Asia to Europe or from Asia to Africa or from Asia to America etc.

Traffickers use a variety of methods to transfer victims:

- Covert transfer: Victims are taken out of the border on foot behind the scenes or in hidden vehicles, boats, or ships.
- Transfer publicly: Victims are allowed to cross the border through travel documents or forged documents or are publicly present at the entrances to other countries.

Generally, victims are more likely to be publicly transferred if they need to be taken to a remote location and to show any type of identification documents to enter the final destination country.

In most cases, one or more members of the trafficking network accompany the victims on the journey to reach them safely to the destination.

(Generally, internal trafficking does not require any covert activity or illegal use of travel documents, as traffickers are able to transfer victims across borders without privacy.)

Torture or exploitation: Considerable mechanism

The ways in which victims may be exploited are described above. However, the following points need to be noted:

- It is possible to exploit someone by coercion;
- Traffickers use various methods to obtain consent by coercion;
- Coercion and exploitation usually begin within a short time after reaching the scene of exploitation in order to make quick profits by using victims;
- Victims may not be paid or paid a small fee for their work or services;
- Victims trapped in conditional loans do not receive any remuneration until their debts are paid to the trafficker. In such a situation, it is normal for the victims not to know the amount of the conditional loan;

- The duration of the exploitation depends on the situation. In some cases, especially in the case of domestic workers, the abuse may last for weeks, months, or even years;
- In rare cases, victims of conditional debt may be allowed to leave after the loan has been repaid. Otherwise, this exploitation only stops when victims flee or are rescued by law enforcement officers or the local public;
- Not all victims are physically prevented from escaping from exploitation. In these cases, every day they get the opportunity to escape from the traffickers. Here, the type of control is emotional. Victims of human trafficking are usually controlled in such a way that they fear the person controlling them as well as the government authorities (police/judges/government agencies).
Their thoughts are affected in two ways:
 - Victims are said to have committed crimes by illegally processing their visa/travel documents;
 - Considering previous experience or situations, the victims may fear that the authorities engaged in rescuing them are corrupted themselves and easily influenced by the traffickers. Victims may also think that the authorities have failed to provide security or investigate the crime.

There are three important things that need to keep in mind at the exploitation stage:

- Analysis of various cases revealed that the victim was subjected to physical, sexual, and emotional abuse during the exploitation stage. This may be done as part of coercion or because traffickers want to exploit them in this way.
- They are forced into physical and labor exploitation. Victims have no choice whether to work or not to work or to accept the situation in which they are being asked to live and work.
- Once the exploitation has started, the victim has no chance to get rid of it. Victims are not allowed to leave without taking the risk of retaliatory behavior or any other kind of illegal consequences. The victim usually has to face real or unseen obstacles if they want to escape.

3.4. Victim control process

As discussed earlier, traffickers use a number of repressive methods to exploit in order to make trafficking successful. Traffickers use these methods to achieve three goals:

- To exploit victims;
- To comply with instructions of the traffickers forcefully;
- Once the victim understands the real situation, then ensure that the victim cannot escape from exploitation.

To answer the following question, it is important to know these methods and understand how they work:

- Why aren't more victims fleeing without being physically prevented?
To answer this question, it is necessary to consider the methods used by traffickers to control the victim:

Economic coercion: Victims may be held in debt. So that they cannot leave until they have paid the overmuch amount of money spent by the trafficker to work or transport them to the destination. Demands for debt repayment are further intensified by threatening to take revenge on them or their family or loved ones if the victim leaves before the debt is repaid.

In addition, traffickers withhold the victim's debts or do not pay the debts. This ensures that the victim accepts the exploitation of the trafficker in the hope of getting back the wages they deserve.

Loneliness: Traffickers isolate victims to prevent and suppress them from escaping. Victims who share the same language may be isolated from other victims or traffickers. Traffickers may confiscate their identity or travel documents to increase the feeling of loneliness among victims. In order to perceive it, traffickers may say that the victim is in the country illegally and may be detained if they go to the authorities. Or the victims may be told that there is communication between the police and the trafficker, so trying to escape is meaningless. The main goal of these strategies is to keep the victims isolated from outside cooperation.

Intimidation of violence or coercion: A common method of control victims through coercion is to persuade people to commit acts of violence through fear of physical, sexual, and emotional abuse, and to ensure regular submission.

Drug addiction: Traffickers force victims to accept their situation by making them addicted to drugs. This strategy is applied because the victim wants to use drugs to forget the reality of daily exploitation. Traffickers encourage this tendency and make victims dependent on them.

Threats to harm relatives or loved ones - This tactic is very common and has proven to be very effective in persuading or forcing victims. Victims are beaten as well as threatened with harm of their relatives or loved ones if they do not comply with the trafficker's condition or try to flee.

Threats to shame by revealing embarrassing realities: This technique is mainly used in the case of victims of sex trafficking, but there are exceptions. Although prostitution is forced through deception, prostitution is considered scandalous in most countries, and victims find it shameful. Traffickers take advantage of this shame and force victims to accept their conditions by intimidating them to reveal their scandals to their family, friends, or the general public. It is important to remember that this strategy may also be applied to other forms of exploitation in order to recruit victims by deception.

The reason this strategy succeeds is that people usually do not feel comfortable being fooled by others, and they feel embarrassed when family, friends or the general public find out that they have been deceived.

The methods mentioned above may be applied separately but are usually known to be used collectively. As a result, it is easy to understand the pressures that victims face. The answer to the above question is why the victim does not flee when they get a chance despite not being physically prevented:

- Victims are forced to accept allegiance and are prevented from fleeing in physical, mental, or both processes.

Chapter 3

National legal framework to prevent and suppress human trafficking



Session No. 7 : National legal frameworks to prevent and suppress human trafficking

Time : 60 minutes

Session No: 7

Title	:	National legal frameworks to prevent and suppress human trafficking
Objectives	:	<ul style="list-style-type: none">➤ Explain national legal frameworks for the prevention and suppression of human trafficking;➤ Be able to apply all these laws in professional life.
Time	:	60 minutes
Method	:	Lesson discussion, discussion in a large group
Materials	:	Relevant reading materials, photocopies of laws, markers, pens and flipcharts
Continuous Process	:	Steps to conduct the session

Step 1

National legal frameworks to prevent and suppress human trafficking: 60 minutes

- Welcome participants of the session and link to the previous session.
- Then ask to summarize what was discussed in the previous session. Possible answers may include international documents on human trafficking, anti-human trafficking protocols, etc. Write on the board if necessary and thank for the correct answer.
- Then ask the participants if any national laws, rules, or policies have been enacted to prevent and suppress human trafficking. Give them a few minutes to think. Possible answers that may come from the participants include: the Prevention and Suppression of Human Trafficking Act and the Constitution of Bangladesh. Write on the board and thank them for participating in the discussion.
- Help guide participants if the correct answer does not come immediately. Then explain that, in our country, the Suppression of Violence Against Women & Child Act was enacted in 2000 and was amended in 2003. Subsequently, the Prevention and Suppression of Human Trafficking Act was enacted in 2012.
- Tell the participants at this stage that many of them know the details of this law and have worked with this law. Now we all together will discuss this law again.
- Then divide into five groups, taking into account the total number of participants.
- Then distribute in advance photocopies of the Prevention and Suppression of Human Trafficking Act among the participants.
- At this stage, ask the first group to read sections 1 to 5 of the law, the second group to read sections 6 to 16, the third group to read sections 17 to 20, the fourth group to read sections 21 to 31 and the fifth group to read sections 32 to 40. Give them 20 minutes to reading.

- Give each team poster paper and markers. At the end of the lesson, tell each group to write what we have learned so far in bullet points on paper. Each team will have five minutes to write on the poster. Each team will present after writing.
- At the end of each group presentation, ask participants if they have any questions.
- At the end of the presentations, say that the 2012 Prevention and Suppression of Human Trafficking Act is a comprehensive law for the protection and rehabilitation of victims of human trafficking. Explain that the rules of this law were formed in 2018 and a five-year national action plan was also created. Conclude the session by thanking everyone.

Note for assistant:

- Learn about the 2012 Prevention and Suppression of Human Trafficking Act. Also, learn about the various articles related to this that are mentioned in the Constitution of Bangladesh.

Attachment 3

National law on human trafficking

The existing national law in Bangladesh that is applicable to human trafficking is: 'the 2012 Prevention and Suppression of Human Trafficking Act'.

This law fully defines human trafficking and other exploitative activities, in addition to explaining how the implementation of the law works.

Legal Definition:

The following words are frequently used in the context of human trafficking. According to the definition given in the 2012 Prevention and Suppression of Human Trafficking Act:

(1) "human trafficking" means any person

(a) by intimidation or coercion; Or

(b) by cheating or exploiting the person's socio-economic, environmental or other vulnerability; Or

(c) giving or receiving money or other benefit to procure consent to have control over a person.

The sale or purchase, collection or acceptance, deportation or transfer, shipment, detention or concealment or sheltering inside or outside of Bangladesh for the purpose of sexual exploitation or harassment, labor exploitation, or any other exploitation or harassment.

(2) In cases where the victim of trafficking is a child, it shall be immaterial whether any of the means of committing the offense mentioned in clause (a) to (c) of sub-section (1) is used or not.

Debt-bondage -

The condition that arises from a pledge by a person of his or her personal service or labor as security for a debt actually owed or unlawfully claimed to be owed by that person, when the value of the service or labor is not deemed enough to pay the debt, or the service or labor is unlimited.

Forced labor or service -

Any work or service that is exacted from any person under the threat of loss or damage to life, liberty, right, property, or reputation of the person

Slavery -

The deterioration of status and position of any person to a condition in which he or she is controlled or treated as property by another person, which shall also include a condition arising from a debt or a contract made by that person.

Prostitution -

The sexual exploitation or abuse of any person for commercial purpose or for consideration in money or kind.

Brothel -

Any house, place, or structure used for the purpose of prostitution.

Victim of human trafficking or victim -

A person against whom the offense of human trafficking has been committed under this Act, which also includes the legal guardians and heirs of the person.

Child -

A person who has not yet reached the age of eighteen.

Coercion -

The use of force, intimidation, or psychological pressure, which also includes the threat of harm or physical confinement, torture, or any threat or psychological stress using the official or legal status of a person

Consent -

The consent of a person which is given freely and consciously and is not influenced by his or her weak position arising out of his or her age, sex, and socio-economic background.

Slavery -

The conditions or the obligations to work or to render services from which the person cannot escape and which he or she cannot prevent or alter.

Organized criminal group -

An organization of a group of two or more persons, irrespective of their nationality and location, which exists for a specific period and the members of which act together to commit offenses under The 2012 Prevention and Suppression of Human Trafficking Act

Application of law:

Judicial proceedings under the 2012 Prevention and Suppression of Human Trafficking Act cannot take place outside the state borders of Bangladesh.

However, offenses under this Act may be committed outside the state borders of Bangladesh and may be tried in Bangladesh if the victim is a citizen of Bangladesh.

Simply, the law can be applied to both the victim and the suspect, even if the crime took place outside the country.

Application of this Act in the case of a victim is as follows: A Bangladeshi citizen will be considered a victim of trafficking anywhere in the world, even in cases that don't enter the borders of Bangladesh. Such a victim must be treated as a victim of human trafficking, and the provisions applicable to any other victim shall apply to them.

Application of this Act in the case of a suspect is as follows: If any offense under this Act is committed against a Bangladeshi citizen outside the state borders of Bangladesh, it will be considered as an offense under the Act.

Similarly, if a crime is committed against a Bangladeshi citizen, a suspect can be brought to justice under this Act for committing a crime, regardless of the place.

State boundaries and transportation under the Act are as follows: If any offense or part of an offense under this Act occurs within the State boundaries of Bangladesh, the offense shall be deemed to have been committed in Bangladesh, and the provisions of this Act shall apply.

Section 5 of the Act clearly states its extraterritorial application:

- 1) If any offense under this Act is committed by any person against a Bangladeshi national outside the territory of Bangladesh or onboard an aircraft or ship, then the provisions of this Act shall be applicable.
- 2) If any person commits any offense under this Act from outside of Bangladesh into the territory of Bangladesh or from inside of Bangladesh to outside of Bangladesh, the offense and the whole process of its commission shall be deemed to have been committed and taken place in Bangladesh, and the provisions of this Act shall be applicable to the person and the offense.

Definition of offense under this act:

Section 6 of the 2012 Prevention and Suppression of Human Trafficking Act defines the offenses of human trafficking as follows:

If a person commits any act according to the definition of human trafficking, it shall be deemed as an offense of human trafficking.

'Actions' involved in human trafficking are defined in Section 3 of the Act. They are defined as:

- (1) "human trafficking" means any person
 - (a) by intimidation or coercion; Or
 - (b) by cheating or exploiting the person's socio-economic, environmental, or other vulnerabilities; Or
 - (c) giving or receiving money or other benefit to procure consent to have control over a person

The sale or purchase, collection or acceptance, deportation or transfer, shipment, detention or concealment or sheltering inside or outside of Bangladesh for the purpose of sexual exploitation or harassment, labor exploitation, or any other exploitation or harassment.

It is said in Section 3 (2) that if the victim of trafficking is a child, it shall be immaterial whether any of the means of committing the offense mentioned in clause (a) to (c) of sub-section (1) is used or not.

Legal presumption as to committing of offense:

The law provides clear guidelines for those involved in the judicial process on how to determine the circumstances under which a crime was committed and when to suspect a person as a trafficker:

A crime is presumed to have occurred:

- Where any victim of trafficking is rescued or recovered from the custody of any person;
- Where any material used for the committing the offense of trafficking is rescued or recovered;
- Where any person is identified by the victim to be the trafficker.

The person may be presumed, unless the contrary is proved, to have committed the offense of human trafficking under this Act.

Provisions regarding investigation under this act:

Section 19 of the Act describes how the investigation process should be followed if a report of trafficking is reported to the police or if a tribunal orders an investigation into a case of trafficking. The instructions given in the Act are as follows:

Sub section 1) A police officer not below the rank of Sub-Inspector shall conclude the investigation under this Act.

Sub section 2) In the likelihood of commission of any offense under this Act, the police may conduct a proactive inquiry before the filing of the first information report regarding the commission of the offense.

Sub section 3) Investigation shall be completed within ninety working days.

Sub section 4) If the Investigation is not concluded within ninety working days, the investigation officer shall, at least at the eighty seventh day, report in writing to his supervising officer or to the Tribunal the reason for the delay in concluding the investigation. The supervising officer or the Tribunal may, upon receiving the report, extend the period of investigation by another thirty working days.

Sub section 5) In the case of a transnational investigation, only the Tribunal may extend the period of such investigation.

Evidence management:

The 2012 Prevention and Suppression of Human Trafficking Act

According to section 20 (sub-section 2), during the search, the police officer and the witnesses from the general public shall jointly prepare a list of the items seized during the search and the places where such items were found. All police officers must sign the list and verify the accuracy of the search and call on all general observers to sign the list. This list should contain the following information:

- Description of seized items;
- Names of the places where such items were found.

Code of Criminal Procedure 1898

According to Section 353 of the Code of Criminal Procedure:

Except as otherwise expressly provided, all evidence shall be taken in the presence of the defendant, or, when his or her personal attendance is not possible, in the presence of his or her lawyer.

Special Note:

The enactment of specific laws does not mean that sections of any offense under this Act or other act cannot be applied to the trafficker. In countries where specific anti-human trafficking laws have been enacted, law enforcement officials will usually accuse traffickers under those acts for specific trafficking and other acts of exploitation committed against the victim. For example, if a person is sold as a house slave and subsequently beaten by the householder, the householder may be charged with trafficking and criminal harassment.

In Bangladesh, all decisions made by law enforcement officers must be lawful and based on the principles of victim management and investigation. Officers must know and understand the law in detail in order to make reasonable and lawful decisions effectively, as well as have the ability to clearly identify crimes, provide appropriate assistance to victims, and effectively conduct investigations.

The 2012 Prevention and Suppression of Human Trafficking Act

(Act No. 3 of 2012)

[February 20, 2012]

An Act to make provisions to prevent and suppress human trafficking to ensure the protection of victims of the offense of human trafficking and their rights, and to ensure safe migration.

Whereas it is necessary to make provisions to prevent and suppress human trafficking and to ensure the protection of victims of the offense of human trafficking and to ensure safe migration; and

Whereas it is expedient and necessary to make provisions, keeping conformity with the international standards, to prevent and suppress the transnational organized crimes relating to human trafficking;

Therefore, the following law was enacted:

Chapter I: Preliminary	
Short title and commencement	<p>1. (1) This Act may be called the 2012 Prevention and Suppression of Human Trafficking Act.</p> <p>(2) It shall be enacted immediately.</p>
Definition	<p>2. In this Act, unless there is anything repugnant in the subject or context</p> <p>(1) “shelter” by whatever name called, means an institution, except for a prison, which is established for the reception, shelter, and rehabilitation of the victims of human trafficking or of the persons rescued from human trafficking;</p> <p>(2) “sheltering” or “harboring” means to harbor, provide with a shelter to or assist in any other means, any person in order to sell or traffic that person inside or outside of the country, and shall also include the meanings for which the term ‘harbor’ has been used in section 52A of the Penal Code. 1860 (Act No. 45 of 1860);</p> <p>(3) “debt-bondage” means the condition that arises from a pledge by a person of his personal service or labor, as security for a debt actually owed or unlawfully claimed to be owed by that person, but the value of the service or labor is not deemed to be paid the debt or the service or labor is unlimited;</p> <p>(4) “forced labor or service” means any work or service that is exacted from any person under the threat to loss or damage to life, liberty, right, property or reputation of the person;</p>

Chapter I: Preliminary

(5) “Tribunal” means the Anti-Human Trafficking Offense Tribunal established under this Act, or any other Tribunal assigned or empowered as the Anti-Human Trafficking Offense Tribunal;

(6) “slavery” means the reduction of status and position of any person to a condition in which he is controlled or treated as property by another person and shall also include a condition arising from a debt or a contract made by that person;

(7) “Embassy” means any Mission or Embassy, High Commission, Deputy High Commission, or Assistant High Commission of Bangladesh situated in a foreign country and shall also include the Consulate General and consulate and Visa Offices situated in such countries;

(8) “Prostitution” means the sexual exploitation or abuse of any person for commercial purpose or for consideration in money or kind;

(9) “brothel” means any house, place, or structure used for the purpose of prostitution;

(10) “victim of human trafficking” or “victim” means a person against whom the offense of human trafficking has been committed under this Act and shall also include the legal guardians and heirs of the person;

(11) “fraud” means to defraud or induce others, whether willingly or recklessly, by any words or conduct or any written contract or document as to facts or the law and deception as to the intent of the person deceiving or any other person, and shall also include the meaning for which the expression ‘fraud’ has been used in Section 17 of the Contract Act, 1872 (Act No. 9 of 1872);

(12) “coercion” means the use of force or intimidation or psychological pressure and shall also include the threat of doing harm or of physical confinement, torture, or any threat or psychological pressure of using the official or legal status of a person against another person;

(13) “person” means a natural person including any company, firm, or association or group of persons, whether incorporated or not;

(14) “child” means a person who has not reached eighteen years of age;

(15) “exploitation” or “oppression” means but shall not be limited to the following actions done against any person with or without their consent:

Chapter I: Preliminary

	<p>(a) exploitation or oppression of any person through prostitution or sexual exploitation or oppression;</p> <p>(b) taking benefits from any person, engaging the person in the prostitution or production or distribution of pornographic materials;</p> <p>(c) receiving forced labor or service;</p> <p>(d) debt-bondage, slavery or servitude, practices similar to slavery, or servitude in the household;</p> <p>(e) exploitation or oppression through fraudulent marriage;</p> <p>(f) forcibly engaging any person in the entertainment business;</p> <p>(g) forcibly engaging any person in begging; and</p> <p>(h) maiming any person or the removing organs for the purpose of financial gains;</p> <p>(16) “organized criminal group” means an organization of a group of two or more persons regardless their nationality and location, which exists for a specific period and the member of it acts together with a goal of committing offenses under this Act;</p> <p>(17) “consent” means the consent of a person, which is given freely and consciously, and is not influenced by their vulnerable position, arising out of their age, gender</p> <p>and socio-economic backwardness;</p> <p>(18) “public servant/official” means a public service official, mentioned in section 21 of the Penal Code 1860 (Act No. 45 of 1860) or a person appointed in the service of the Republic as defined in article 152 of the constitution of the People’s Republic of Bangladesh, who is performing or carrying out a legal duty under this Act;</p> <p>(19) “servitude” means the conditions or the obligations to work or to render services from which the person cannot escape and which they cannot prevent or alter.</p>
Human Trafficking	<p>3. (1) “human trafficking” means any person</p> <p>(a) by intimidation or coercion; Or</p> <p>(b) by deceiting or exploiting the person's socio-economic, environmental or other disadvantages; Or</p> <p>(c) giving or receiving money or other benefit to procure the consent of a person having control over them.</p>

Chapter I: Preliminary

	<p>Inside or outside of Bangladesh sale or purchase, collection or acceptance, transportation or transfer, shipment or detention or concealment or sheltering for the purpose of sexual exploitation or harassment or labor exploitation or any other exploitation or harassment.</p> <p>(2) If the victim of trafficking is a minor, it shall be immaterial whether any of the means of committing the offense mentioned in clause (a) to (c) of sub-section (1) are used or not.</p> <p>Explanation: For the purposes of this section, if any person induces or assists any other person through deception and for bad intention to move, migrate or transfer for work or service, either inside or outside of the territory of Bangladesh, though they know that such other person would be put into exploitative labor conditions similar to practices of servitude or forced labor or into any other form of exploitation or oppression, as mentioned in sub-section (15) of section 2, such act of the person shall be included as an act within the meaning of "human trafficking" as defined in sub-section (1).</p>
Act to override and the applicability of the Code of Criminal Procedure, 1898, etc.	<p>4. (1) Notwithstanding anything contained in any other law currently in force, the provisions of this Act shall have effect:</p> <p>Provided that the provisions of any other law currently in force, containing a better standard concerning the protection of victims and witnesses shall be applicable, the subject being consistent with this Act.</p> <p>(2) In the event of deficiency of any provision in this Act regarding the filing of any case or complaint investigation and trial of the offenses and any other matters relating to trial under this Act, the provisions of the Code of Criminal Procedure, 1898 (Act No. 5 of 1898) and, as the case may be, the Evidence Act, 1872 (Act No. 1 of 1872) shall be applicable.</p> <p>(3) The provisions of chapter III of the Penal Code, 1860 (Act No. 45 of 1860) shall be applicable to determine the responsibilities in respect of the offenses and penalties under this Act.</p> <p>(4) Offenses under this Act shall be deemed to be offenses of 'extradition' within the meaning, defined in section 2(1) (a) of the Extradition Act, 1974 (Act No. 58 of 1974).</p> <p>(5) This Act shall be complementary to other existing laws concerning emigration and immigration and shall not be used in contradiction to the same.</p>
Extraterritorial application of this Act	<p>5. (1) If any offense under this Act is committed by any person against a Bangladeshi national outside the territory of Bangladesh or board an aircraft or ship the provisions of this Act shall be applicable.</p> <p>(2) If any person commits any offense under this Act from outside of Bangladesh into the territory of Bangladesh or from inside of Bangladesh to outside of Bangladesh the offense and the entire process of its commission shall be deemed to have been committed and taken place in Bangladesh, and the provisions of this Act shall be applicable to the person and the offense.</p>

Chapter II: Human trafficking and ancillary offenses and penalties

Prohibition of human trafficking and penalty	6. (1) If any person commits any act mentioned in section 3, such act shall be deemed to be the offense of human trafficking. (2) The person committing the offense of human trafficking shall be punished by imprisonment, not exceeding life in prison, but not less than 5 (five) years in a maximum-security prison and a fine not less than taka 50 (fifty) thousand.
Penalty for the organized offense of human trafficking	7. Where an offense under this Act is committed by several members of any organized group for their common intention of obtaining financial or other material or immaterial gain, each member of the group shall be responsible for the offense and the person committed the offense shall be punished by death or life in prison or in a maximum security prison for a term not less than 7 (seven) years and a fine not less than taka 5 (five) lac.
Penalty for instigating, conspiring or attempting to commit an offense	8. (1) Where any person by instigating, conspiring or attempting to commit an offense of human trafficking or by knowingly allowing their property to be used in the commission of or facilitation of committing any such offense, or by receiving, canceling, concealing, removing, destroying or taking possession of any document, engages themselves in the offense they shall be punished with a maximum security prison term, not exceeding 7 (seven) years but not less than 3 (three) years and a fine of not less than taka 20 (twenty) thousand. (2) The person who aids in a commission of any offense under this Act shall be punished with the equal punishment provided for the offense in question.
Penalty for forced or bonded labor or service offenses	9. If any person unlawfully forces any other person to work against their will or compels to provide labor or service or holds in debt-bondage or to demands any work or service by using force or other means of pressure or threat of such from a person, they shall be deemed to have committed an offense and shall for the offense be punished with a maximum security prison term not exceeding 12 (twelve) years but not less than 5 (five) years and a fine not less than taka 50 (fifty) thousand.
Penalty for kidnapping, stealing, and confining with intent to commit the offense of human trafficking	10. (1) If any person kidnaps, conceals or confines any other person with intent to commit the offense of human trafficking or to put that person into a state of sexual or other exploitation or oppression as mentioned in section 2 (15), they shall be deemed to have committed an offense and shall for the offense be punished with a maximum security prison term not exceeding 10 (ten) years but not less than 5 (five) years and a fine not less than taka 20 (twenty) thousand. (2) If any person steals or kidnaps a newborn baby from any hospital, nursing home, maternity clinic, childcare center, or a custody of parents of the newborn baby with intent to commit the offense of human trafficking, they shall be deemed to have committed an offense and shall for the offense be punished with life in prison or with a maximum security prison term not less than 5 (five) years and a fine not less than taka 50 (fifty) thousand.

Chapter II: Human trafficking and ancillary offenses and penalties

Penalty for importing or transferring for prostitution or any other form of sexual exploitation or oppression	11. If any person brings any other person into Bangladesh or transfers the person inside the territory of Bangladesh with an intent of forcing them into prostitution or any other form of sexual exploitation or oppression by means of force of fraud or seduction, they shall be deemed to have committed an offense and shall for the offense be punished with a maximum security prison term not exceeding 7 (seven) years but not less than 5 (five) years and a fine not less than taka 50 (fifty) thousand.
Penalty for running a brothel or allowing any place to be used as a brothel	<p>12. (1) If any person keeps or manages or aids or participates actively in the running or management of a brothel shall be deemed to have committed an offense, and he shall for the offense be punished with a maximum-security prison term not exceeding 5 (five) years but not less 3 (three) years and a fine, not less than taka 20 (twenty) thousand.</p> <p>(2) Any person, who-</p> <p>(a) being the tenant, lessee, occupier, or person in charge of any place, knowingly permits such place or any part thereof to be used as a brothel, or</p> <p>(b) being the owner of any house, tenant or owner of any land or the agent of such owner or tenant of any house or land, with the knowledge that the house or any part thereof shall be used as a brothel; shall be deemed to have committed an offense and for the offense be punished with a maximum security prison term not exceeding 5 (five) years but not less than 3 (three) years and a fine not less than taka 20 (twenty) thousand.</p>
Penalty for soliciting for the purpose of prostitution	13. If any person in any street or public place or from within any house or building by words, gestures or indecent personal exposure attracts the attention of any other person for the purpose of prostitution, they shall be deemed to have committed an offense, for the offense, be punished with a maximum security prison term not exceeding 3 (three) years or a fine not exceeding taka 20 (twenty) thousand or both.
Penalty for threatening a victim or witnesses	14. If any person threatens, intimidates or uses force against victims of trafficking or witnesses of any proceedings or any member of their families and thereby seriously obstructs the investigation or trial of any case initiated under this Act, they shall be deemed to have committed an offense and shall for the offense be punished with a maximum security prison term not exceeding 7 (seven) years but not less than 3 (three) years and a fine not less than taka 20 (twenty) thousand.

Chapter II: Human trafficking and ancillary offenses and penalties

Penalty for filing false claim or complaint	<p>15. (1) If any person files any false or frivolous claim or complaint to harm any other person under this Act or abuses the legal process or compels any other person to do so, they shall be deemed to have committed an offense and shall for the offense be punished with a maximum-security prison term not exceeding 5 (five) years but not less than 2 (two) years and a fine not less than taka 20 (twenty) thousand.</p> <p>(2) The Tribunal established under this Act may upon a written complaint or of its own intent, take cognizance of the offense mentioned in sub-section (1) and proceed to try the offense, and, if necessary by recording the reasons, stay the original case.</p>
Cognizability, Compoundability, and availability of offenses	<p>16. The offenses under this Act shall be cognizable, non-bailable, and non-compoundable.</p>

Chapter III: Filing of complaints and investigation

Filing of complaints	<p>17. (1) In case of commission of any offense under this Act, any person may file a complaint regarding the offense to the police or to the Tribunal, and the police shall provide with the necessary security to such complainant and conceal their identity unless otherwise required for the purpose of any legal proceeding.</p> <p>(2) The Government may, if it sees fit, appoint one or more Special Prosecutors (Public Prosecutors) to conduct cases before the Tribunal.</p> <p>(3) If the Tribunal submits any report to the Government against a Special Prosecutor appointed under sub-section (2) regarding any serious negligence of their duty, the Government shall remove or replace the Public Prosecutor.</p>
Legal presumption as to the commission of an offense	<p>18. Where any victim of trafficking or any material used for the commission of the offense of trafficking is rescued or recovered from the custody or a place under the direct control of any person and, if such person is reasonably suspected to be or is identified by the victim to be the trafficker, the person may be presumed, unless the contrary is proven, to have committed the offense of human trafficking under this Act.</p>

Chapter III: Filing of complaints and investigation

Investigation

19.(1) Where an offense committed under this Act is reported to the police, or upon a reference of Investigation by the Tribunal, a police officer, not below the rank of Sub-Inspector, from the applicable police station shall conclude the Investigation under this Act.

(2) In the likelihood of a commission of any offense under this Act, the police may conduct a proactive inquiry before the filing of the first information report regarding the commission of the offense.

(3) Subject to the provisions of section 20, the Investigation under sub-section (1) shall be concluded within 90 (ninety) working days from the date on which the case is filed or the reference from the Tribunal is received.

(4) If the Investigation is not concluded within the time mentioned in sub-section (3), the Investigation officer shall, at least three days prior to the time limit expiration, apply in writing to their supervising officer, or, in case of receiving a referral for investigation from the Tribunal, to the Tribunal for a time extension. The supervising officer or the Tribunal, upon being satisfied with the reasons shown for the failure to conclude the investigation, extend the period of investigation by another 30 (thirty) working days:

Provided that, in case of a transnational investigation, only the Tribunal may extend the period of such investigation and in this case, the Tribunal may extend a reasonable period of investigation in its own discretion.

(5) In case of any investigation of a transnational offense under this Act, if it is required to travel a foreign country to examine foreign evidence, the police authority shall, with the approval of the Tribunal, organize a special investigation team to conduct the investigation within a time assigned by the Tribunal, and shall provide administrative and financial assistance to the investigation team as much as possible.

(6) With regards to coordinating and monitoring the investigation, providing security and preventive functions and duties of the police under this Act, the Government shall establish a central monitoring cell at the police headquarters via an announcement in the official newspaper.

Chapter III: Filing of complaints and investigation

Preventive search and seizure

20. (1) With regards to preventing the commission of any offense of human trafficking, a police officer not below the rank of a Sub-Inspector, being directed or authorized by his superior officer, shall have power to conduct preventive search, to enter into any premises and to seize any equipment or evidence or document used or likely to be used in a commission of any offense under this Act.

(2) The search under sub-section (1) may be done without a warrant, if there is a reasonable ground to believe that there are equipment or materials for the commission of any offense under this Act with any person or at any place, and that the delay in obtaining a search warrant would lead to the actual commission of such offense or to the loss of evidence; and before such search, a police officer shall ask two or more respectable persons, local to where the search to be conducted to remain present during the search and to be witnesses thereto. The search shall be conducted in presence of these witnesses and the police officer shall prepare a list of all articles found during the search and places where the search was conducted and shall have the witnesses sign it.

(3) The search under sub-section (1) shall be conducted in compliance with the provisions of the section 103 of the Code of Criminal Procedure, 1898 and respecting human rights and dignity of the person, whose body or property is being searched, and, in particular, when the search is conducted of a woman, there shall be a female officer or a female probation officer on the search team.

(4) The officer conducting the search, shall prepare a report, describing search results within 72 (seventy-two) hours after the search was concluded and shall send a copy of the same to the applicable magistrate and to the Tribunal, having jurisdiction to try the relevant offense via electronic or any other means, which shall be preserved in the custody of the Tribunal and a copy of the report shall also be given to the supervisor of the officer and the person against whom the search was conducted.

Chapter IV: The Anti-Human Trafficking Offense Tribunal and the Trial of Offenses

Establishment of Anti-Human Trafficking Offense Tribunals

21. (1) For the purpose of speedy trial of offenses under this Act, the Government may establish an Anti-Human Trafficking Offense Tribunal, consisting of a judge of the rank of a Sessions Judge or Additional Sessions Judge in any district, via making an announcement in the official newspaper.

(2) Until such Tribunals are established in accordance with sub-section (1), the Government may assign and empower the Women and Child Abuse Suppression Tribunal in each district as the Anti-Human Trafficking Tribunal of the district.

Chapter IV: The Anti-Human Trafficking Offense Tribunal and the Trial of Offenses

	<p>(3) The offenses under this Act shall be tried only by a Tribunal, established under this Act.</p> <p>(4) The offense may be tried by the Tribunal under whose territorial jurisdiction any offense or any part thereof is committed or the victim of the offense of human trafficking is rescued.</p> <p>(5) If any offense under this Act is committed outside the territory of Bangladesh by any Bangladeshi citizen or company or by a habitually resident in Bangladesh, the Tribunal, under whose territorial jurisdiction he was a resident, in case of a company, its registered office was located, may try the offense.</p>
Powers of the Tribunal	<p>22. (1) Subject to the provisions of this Act, the Tribunal shall have all the powers of a Court of Sessions, and, in the interest of justice, the Tribunal may issue any protective order and direct any person or institution to submit any report, document or register to the Tribunal under the control or disposal of a person or institution.</p> <p>(2) In the interest of a speedy trial of the offenses under this Act or for the security of any victim or witness, the Tribunal may, by itself or through any Commission, record the statement of any witness or examine him at any place directly or v any electronic means, and the Tribunal may accept any official statement or report of any public officer or employee as evidence under this Act, exempting them from being depose before the Tribunal.</p> <p>(3) During the period of trial or before the prosecution of an offense under this Act, the Tribunal may, upon an Application by any person or on its own motion refer any victim of human trafficking located in any public or private shelter or in a custody of any competent person or organization, including the Social Welfare Department, for such time and subject to such conditions as may be determined and, if the victim is a woman or a child, the Tribunal, while issuing an order under this sub-section, shall consider the input of such victim.</p> <p>(4) A magistrate having necessary jurisdiction may, in any case before filing charges, exercise the power, conferred under sub-section (3) with necessary revisions.</p>

Chapter IV: The Anti-Human Trafficking Offense Tribunal and the Trial of Offenses

	<p>(5) The Tribunal may, upon hearing the prosecution and by recording the reasons, grant bail to a defendant under this Act and, when exercising the discretion to grant bail under this subsection, the tribunal shall take into consideration, among other things, the gravity of the offense committed, the security of and injury to the victim and witness, and the previous criminal record of the defendant.</p> <p>(6) While granting bail to accused defendant, the Tribunal may include bail instructions, including check-ins with the police or any officer of the Tribunal on such days as it may determine.</p>
Tribunal's Power to direct further investigation	23. The Tribunal may, upon application of any person or of its own intent, direct any further investigation of any case and to submit a report within such time as it may determine.
Time-limit to conclude the trial	<p>24. (1) The Tribunal shall conclude the trial within 180 (one hundred and eighty) working days from the date on which a charge for an offense under this Act has been filed.</p> <p>(2) Despite the provision of sub-section (1), the failure to conclude the trial within such time limit shall not cancel the trial, but the Tribunal shall send a report to the High Court Division of the Supreme Court of Bangladesh within 10 (ten) working days, explaining the reasons for not being able to conclude the trial within the time.</p>
Trial on-camera	25. In the interest of justice and to protect children and women victims, the Tribunal may, by stating the reasons, direct that the trial of an offense under this Act be conducted on-camera with the presence only of the parties to the case and their attorneys or other representatives, as the Tribunal may permit.
Appointment of interpreters	26. The victim of trafficking or any other witness may, at any stage of the trial of an offense under this Act, request a translator or interpreter, including a sign-language interpreter, and the Tribunal may issue an appropriate order to that effect.
Seizure of property, freeze, and confiscation, and extraterritorial injunction	27. (1) The Tribunal may, upon an application by any person or of its own intent, at any stage of the trial, pass an order to seize, freeze or confiscate any movable or real estate property, which has been acquired by a defendant through the commission of an offense under this Act.

Chapter IV: The Anti-Human Trafficking Offense Tribunal and the Trial of Offenses

	<p>(2) The Tribunal may pass an order to attach any house, land or vehicle if it has reasons to believe that such house, land or vehicle has been or is being used for committing or attempting to commit any offense under this Act.</p> <p>(3) If any person is convicted of an offense under this Act, the Tribunal may confiscate the property, acquired by the convict through the commission of an offense, and the property so confiscated shall be deposited to the Human Trafficking Prevention Fund.</p> <p>(4) In the interest of the trial of any offense, committed under this Act, the Tribunal may issue an order to freeze and attach the proceeds of crime located in a foreign country and any property subsequently acquired by a defendant through such property and, if the order is violated, a defendant shall be punished with a maximum security prison term not exceeding 5 (five) years and a fine not less than taka 20 (twenty) thousand.</p> <p>(5) In specifying the property to be frozen or seized under this section, the Government and the applicable Bangladeshi Embassy, situated abroad shall duly cooperate with the Tribunal, and if any order under sub-section (4) is issued, the Government shall inform the applicable authority of the country in which the relevant property is located about the orders of the Tribunal.</p>
<p>Order of compensation by the Tribunal</p>	<p>28. (1) Where a defendant is convicted of an offense committed under this Act, the Tribunal may pass an order to a defendant to pay the victim of the offense of human trafficking a reasonable compensation amount in addition to a fine imposed by it, and, any such compensation shall be recovered by the tribunal directly, or, if necessary, in accordance with the provisions of the Public Demands Recovery Act, 1913 (Bengal Act No. III of 1913).</p> <p>(2) If the Tribunal only passes an order of fine, without passing the order of compensation under sub-section (1), it may order that a portion of the entire fine as imposed be provided to the victim of trafficking.</p> <p>(3) The compensation amount passed under sub-section (1) shall be determined at the discretion of the Tribunal, and, while awarding compensation, it shall take into consideration the matters regarding the costs of physical and mental treatment of the victim, costs of necessary transportation or temporary housing, lost income, suffering, the actual or emotional pain and the gravity of the distress.</p>

Chapter IV: The Anti-Human Trafficking Offense Tribunal and the Trial of Offenses

Admissibility of foreign documents, written proof or materials	<p>29. (1) Notwithstanding anything contained in any other law currently in force, any foreign written document, order or judgement of the court, investigation report or government declaration, if duly sent, signed and authenticated by a competent authority, shall be admissible as evidence before the Tribunal upon attestation by the applicable country's Embassy in Bangladesh or, in absence of its Embassy in Bangladesh, by the authority, assigned in its place.</p> <p>(2) Any document, including power of attorney, generated abroad by any Bangladeshi shall not be admissible as evidence in a proceeding under this Act unless it is attested and authenticated by the Ministry of Foreign Affairs in accordance with the existing rules relating thereto.</p> <p>(3) The Ministry of Foreign Affairs or any Bangladeshi Embassy shall not be responsible for the truthfulness of the contents of any document, attested and authenticated by it.</p>
Admissibility of electronic proofs	<p>30. Any evidence held in audio-visual recordings or through any electronic communication shall, subject to the satisfaction of the Tribunal, be admissible as evidence.</p>
Appeals	<p>31. An appeal of any order, judgment, or sentence of a Tribunal may be referred to the High Court Division of the Supreme Court of Bangladesh within 30 (thirty) days from the date of the order issued, or the judgment or sentence declared.</p>

Chapter V

Assistance, protection, and rehabilitation of the victims of human trafficking and witnesses

Identification and rescue of the victims of human trafficking or the victims	<p>32. (1) The Government shall make procedural rules for identification, rescue, repatriation and rehabilitation of the victims of human trafficking and act in partnership with applicable government and non-government organizations.</p> <p>(2) The processes of identification, rescue, repatriation and rehabilitation of the affected persons, shall be conducted with particular care being paid to the welfare and special needs of women and children and in a victim-friendly manner.</p>
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Chapter V

Assistance, protection, and rehabilitation of the victims of human trafficking and witnesses

<p>Repatriation and return of the victims of human trafficking</p>	<p>33. (1) If any Bangladeshi national is identified as a victim of human trafficking in a foreign country, the Government shall, in cooperation with the applicable Bangladeshi Embassy in that country and, if necessary, with the Ministry of Foreign Affairs or the Ministry of Expatriates' Welfare and Overseas Employment, initiate the process to return the person to Bangladesh.</p> <p>(2) Notwithstanding anything contained in sub-section (1), if any Bangladeshi Embassy in a foreign country learns that a victim of human trafficking, a citizen of Bangladesh, is detained or arrested in that country, the Embassy shall initiate the process to rescue, release and return of the affected person to Bangladesh.</p> <p>(3) If any victim of human trafficking is compelled to stay in a foreign country for any case, the Bangladeshi Embassy shall take measures to provide them with legal counseling or assistance.</p> <p>(4) When a foreign national has been identified as a victim of human trafficking in Bangladesh, the Government, in cooperation with the Embassy of that country in Bangladesh shall, after concluding due legal process and recording the statement of the victim, initiate the process to repatriate such person to their home country through proper diplomatic channels.</p>
<p>Providing with information to the victims and to the general public</p>	<p>34. (1) The Victim of human trafficking shall be entitled to be informed by the Government or police, or, as the case may be, by non-government organizations of the actions taken against the traffickers and of the stages of the criminal case at least once in a month.</p> <p>(2) The investigating officer or the person or organization, identifying and rescuing the victim of human trafficking, shall right away inform the victim of their rights to compensation and legal aid and of other benefits available under this Act.</p> <p>(3) With due regard being paid to the victims' of human trafficking right of privacy, the competent authority of the Government shall maintain a comprehensive data storage, including necessary data to provide applicable information to the relevant professionals, media or to the public in order to effectively carry out the functions of identification, rescue, transfer, return, repatriation and rehabilitation of the victims of human trafficking.</p>

Chapter V Assistance, protection, and rehabilitation of the victims of human trafficking and witnesses	
Establishment of shelters and rehabilitation centers	<p>35. (1) With regards to facilitating physical and psychological treatment, rehabilitation, and family reconciliation of the victims of trafficking, the Government shall establish adequate numbers of shelters and rehabilitation centers throughout the country.</p> <p>(2) After the commencement of this Act, every person or organization willing to establish any such shelter or rehabilitation center shall not conduct any activities without obtaining the license or temporary permits from the Government in such manner and under such conditions as may be required:</p> <p>Provided that any shelter or rehabilitation center already established, shall obtain such license or permit within 6 (six) months from the commencement of this Act.</p>
Protection, rehabilitation, and social integration	<p>36. (1) The victim of human trafficking shall, upon being rescued, if not returned to their own family, be sent to any government or non-government shelter or rehabilitation center, and all information relating thereto shall be sent right away to the Government or to the competent authority.</p> <p>(2) Every victim of human trafficking, residing in a shelter or rehabilitation center, shall be entitled to give consent to the concerned matter and to get medical treatment and legal and psychological counseling service, including sustainable rehabilitation and social integration.</p>
Provisions regarding the protection of victims or affected persons and witnesses in a criminal trial.	<p>37. (1) Any person or agency dealing with the subject of this Act shall ensure that any victim of the offense of human trafficking is not subjected to conviction or punishment under this Act or any other existing law.</p> <p>(2) Nobody shall publish or announce the name, photographs or any information or identity of a victim of human trafficking or of any member of their family without the permission of the Tribunal, and who violates the provision shall be punished with imprisonment for a term not exceeding 6 (six) months or with a fine not exceeding taka 1 (one) lac, or with both.</p> <p>(3) If any victim of human trafficking or witness is threatened or concerned with any threat or risk of any kind, they shall be entitled to receive police protection and other protective measures to be provided by the Government, and the security being provided to the victim of the offense of human trafficking or to the witness during travel to the court or other prosecutorial institutions or residing in a shelter shall also be included in government protective measures.</p>

Chapter V

Assistance, protection, and rehabilitation of the victims of human trafficking and witnesses

Protection of the rights of child victims and witnesses	<p>38. (1) Without prejudice to the general provisions of this Act regarding the protection of the victims and witnesses, any person including the Tribunal working with a child victim or witness shall apply the principle of welfare and the best interest of the child and the principle of priority and follow the provisions of any other law currently in force as well as the principles in different international instruments, and take necessary measure to avoid the stigmatization and social marginalization of the child victim and the child witness.</p> <p>(2) Under this Act a child shall not be treated by the police or the Government or any other organization, working with the subject matters of this act, except as through the intervention of a child-friendly officer and processes, and, a child victim of human trafficking or a child witness shall not be sent or detained in any development center or in another facility.</p>
Right to file a civil suit for compensation	<p>39. Without prejudice to the right to file criminal proceedings, and in addition to any criminal proceeding initiated, the victim or the witness of human trafficking may sue for compensation in any civil court for their actual suffering or legal injury resulting from the offense committed under this Act or for the breach of any contract pertaining to the offense.</p>
Financial assistance to the victim of human trafficking	<p>40. Without prejudice to the right or opportunity to receive legal aid from any non-government organization or under the Legal Aid Services Act, 2000 (Act No. VI of 2000), the Government may provide financial assistance to a victim of human trafficking or to a witness from the fund established under this act.</p>

Chapter VI

Joint or mutual legal cooperation to suppress and prevent human trafficking

Joint or mutual legal cooperation to suppress and prevent human trafficking	<p>41. (1) With regards to facilitating joint or mutual legal assistance in investigations, trials and judicial proceedings regarding offenses under this Act, the Government shall sign memorandum of understanding or agreements with other States where the victims, witnesses, proceeds, places, evidences or defendants or abettors of offenses under this Act are located or are likely to be located:</p>
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Chapter VI

Joint or mutual legal cooperation to suppress and prevent human trafficking

	<p>Provided that, unless the memorandum of understanding and the agreements are signed under this subsection, nothing in this act shall prevent the Government to take administrative measures to receive or issue such joint or mutual legal assistance.</p> <p>(2) The Government may, by the memorandum of understanding or agreement signed under sub-section (1) provide joint or mutual legal assistance in the following matters:</p> <ul style="list-style-type: none"> (a) investigations of the offense of human trafficking, conducting of searches and seizures and the matters regarding legal assistance to the victims of human trafficking; (b) examinations of witnesses under oath, and exchanges of the statements of the witnesses, government reports, and evidence submitted in court; (c) mutual exchanges of victims of human trafficking and the persons charged with the offense of human trafficking or the persons sentenced for committing such offenses; (d) necessary legal, diplomatic and administrative assistance for the purpose of enforcing court orders, relating to the confiscation of proceeds of the crime or properties or fines or attachments; (e) Sustainable rehabilitation of the victims of human trafficking and their social reintegration in the home countries.
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Chapter VII Miscellaneous

The Human Trafficking Prevention Fund	<p>42. (1) Once this act is valid, the Government shall establish a fund to be called "The Human Trafficking Prevention Fund" via making an announcement in the official newspaper. The fund shall be used and operated in accordance with the law.</p> <p>(2) The money received from the following sources shall be deposited to the Human Trafficking Prevention Fund, namely:</p> <ul style="list-style-type: none"> (a) grants or sanction from the Government; (b) grants from any local authority; or (c) donations from any person or institution; and (d) money, received from any other source, to prevent and suppress human trafficking.
National Anti-Human Trafficking Organization	<p>43. For the purposes of this Act, the Government may establish an organization to be called the National Anti-Human Trafficking Organization in accordance with the law.</p>

Chapter VII Miscellaneous

Offenses by companies or organizations	<p>44. Where any offense under this Act is committed by a company or firm, whether incorporated in Bangladesh or located outside of it, the proprietors, directors, managers, secretaries or agents of a company or firm at the time of a commission of a offense, shall be deemed to have committed the offense, unless the defendants may prove that the offense has been committed without their knowledge and they have tried their best to prevent it.</p>
The application of the principle of equality and the provision to prevent abuse of power	<p>45. (1) In working with defendants, victims and witnesses under this act, the principle of equality shall be followed, and nobody shall be discriminated against.</p> <p>(2) If any complain against any public officer or employee for abusing their power or failing to meet their legal duties under this Act is proven, the employing authority shall, at the recommendation of the Tribunal, take disciplinary punitive actions against them in accordance with the service rules and the Tribunal may also pass an order against such person to pay adequate compensation.</p> <p>(3) If any disciplinary punitive action is taken under sub-section (2), the employing authority shall report it to the Tribunal within 1 (one) month of such action being taken.</p>
Power to set rules	<p>46. (1) For the purposes of this Act, the Government may set rules by making an announcement in the official newspaper.</p> <p>(2) Without prejudice to the generality of the power conferred under sub-section (1), such rules may provide for all or any of the following matters, namely:</p> <ul style="list-style-type: none"> (1) resources of the Human Trafficking Prevention Fund; (2) operations of the Fund; (3) method and criteria for obtaining grants from the Fund; (4) the amount and divisions of the grants from the fund; and (5) any other functions, as required by rules.

Chapter VII Miscellaneous

Repeal and custody

47. (1) Suppression of immoral Traffic Act, 1933 (Act No. VI of 1933) and sections 5 and 6 of the Women and Child Abuse Prevention Act, 2000 (Act No. VIII of 2000) are hereby repealed.

(2) Notwithstanding such repeal, any order issued, direction given or acts done or any case filed under or in pursuance of the repealed acts shall from the date of the commencement of this Act, be deemed to have been made, issued, taken, done or filed under this Act and shall continue accordingly.

Publication of an Authentic English Text

48. (1) After the commencement of this Act, the Government shall as soon as possible publish an Authentic English text of this Act via making an announcement in the Official Gazette.

(2) In case of any conflict between the Bangla Text and the English Text, the Bangla Text shall prevail.

Chapter 4

Identification of victim of human trafficking



Session No. 8 : Identification of victim of human trafficking

Time : 1:30 minutes

Session No: 8

Title : Identification of victim of human trafficking

Objective : ➤ To understand and explain why it is important to identify victims quickly and accurately to prevent human trafficking; Learn the complexities of identifying victims; Explain the four steps of the victim identification process; Identify indicators of human trafficking in Bangladesh; List appropriate conditions for interviewing victims; Be able to create useful interview questionnaires in the context of Bangladesh

Time : 1:30 minutes

Procedure : Lesson discussions, slide presentation, discussions in a large group, checklist verification.

Materials : Relevant reading materials, checklist photocopies, markers and flipcharts

Continuous Process : Steps to conduct the session

Step 1

National legal frameworks to prevent and suppress human trafficking: 60 minutes

- Welcome participants of the session and connect with the content of the previous session.
- Briefly go over what was discussed in the previous session. Possible questions may be, what is human trafficking, what is exploitation, punishment, punishment for a false claim, investigation, place of a case filing, etc. Write on the board, if needed, and thank participants for their correct answers.

Collect input from the participants on why human trafficking victim identification is necessary and why human trafficking victim identification is difficult. Write on the board and thank them for participating in the discussion.

- Work on engaging the participants, so they actively provide input. Then talk about- human responsibility, legal responsibility, the purpose of The inquisitive investigation, traffickers' own procedures, lack of experience and time restrictions of the field officers, lack of necessary help from the victim and explain this context.
- Victim identification procedures Step 1: Things to consider before the main interview (Indicator); Step 2: main interview; Step 3: Additional evidence; Step 4: Slide presentation and discussion on the final decision.
- Take a break for 5 minutes.
- Then divide into five groups, considering the total number of participants.
- Distribute the photocopied victim identification checklists among the participants and give 15 minutes to read.

- While the rest are reading, invite four participants to review the mock case study and prepare them to play the roles.
- At the end of reading time, listen to the participants' input on what should be addressed of in the victim identification. Write comments on the board and thank the participants.
- Now invite the participants to watch the role-play and tell them to take notes on what they have learned from the checklist.
- Call four persons; Ask them to present a mock case study role-play.
- At the end of the presentation, ask the participants for their input and whether the victim identification process has been followed. At the end of the Q&A session, end the session by thanking everyone.

Note for assistants:

- Learn more about the Victim Identification Checklist in the Rules of the Prevention and Suppression of Human Trafficking Act. Also, study the provided Victim Identity Checklist.

Attachment 4

Study Materials:

Identification of victim of human trafficking

3.1 Why is the Identification of victims of human trafficking important?

Generally, one thing to keep in mind is that just as there are different types of victims, there are also different types of exploitation. The behavior of a victim in household servitude is different from that of a victim of sexual abuse. It is important to identify victims quickly and accurately for the following three main reasons:

1. Human responsibility

Analysis of human trafficking cases worldwide provides undisputed evidence that trafficked victims are subjected to severe physical, emotional and sexual abuse by the traffickers.

Field-level law enforcement officers/staff should make all possible efforts to quickly identify potential victims in order to save them from torture and exploitation or to prevent human trafficking at the outset.

2. Legal responsibility

International law has ensured the basic right of victims of human trafficking to get justice. Victims of trafficking need to be identified quickly and accurately to rescue them from exploitation, torture, and deprivation. Otherwise, it is not possible to ensure their basic rights.

In 2002, the UN High Commissioner for Human Rights issued specific guidelines on human rights and human trafficking. Victims must be protected in accordance with these policies and international standards. To implement this policy, the member countries of the United Nations are committed to the following guidelines:

Guideline 2(A) Develop policies and procedures for the relevant authorities (such as the police, border guards, immigration authorities, and those involved in identifying, detaining, accepting, and processing documents of irregular immigrants) so that traffickers can be identified quickly and accurately.

Guideline 2(B) To identify the trafficked persons and properly train the relevant authorities on the proper implementation of the above policies and procedures.

3. Opportunity for inquisitive investigation

If it is possible to increase the rate of identification and rescue of victims through inquisitive investigations, there will be a huge opportunity to collect information and data related to human trafficking. This will create greater scope for investigations of human trafficking through the gathering of knowledge on trafficking, analysis of trafficking trends, and the collection of evidence.

3.2 Why is the Identification of victims of human trafficking difficult?

The main challenge in this case is to differentiate between the smuggled person and the trafficked person from other migrants. The following three types of factors highlight the complexity of this task:

1. Traffickers have their own way of working

- It is difficult to distinguish between human smugglers and human traffickers because they help each other closely;
- The methods of human trafficking and human smuggling are almost the same;

- Human traffickers and smugglers quickly change their methods to adapt to changing circumstances. Thus, they are able to avoid the attention of the law enforcement agencies;
- Human smuggling and human trafficking are distinctly different, yet in many circumstances the two things seem to be the same. In most cases, the two can be distinguished when the victim is exploited, and so the trafficked victim can be identified.

2. Lack of necessary experience and time restrictions of the field staff and officers

- Analysis of various trafficking cases shows that in many places it is not possible to identify the victim in many instances, when the victim faces or encounters law enforcement or border guards. Therefore, the victim is further exploited. One reason of this may be that law enforcement officers engaged in this work lack the necessary knowledge and training to identify victims in sight.
- In many situations where the victim can be identified, law enforcement personnel at busy borders cannot engage in detailed questioning of every person who migrates due to being busy and lack of time.

3. Lack of necessary cooperation from the victim

Victims, especially those waiting to be transferred after being recruited, do not cooperate as expected with the law enforcement field level officials for the following reasons:

- Victims waiting for transfer after recruitment do not usually know at that time that they are being trafficked. At this stage, victims probably think they are going out of the country or traveling somewhere with a friend.
- In the recruitment and transfer stage of the trafficking process, most of the victims are intimidated by law enforcement officials. They think of them as a barrier to the way of migration and the expectation of a better life. This attitude prevents the victim from receiving the necessary assistance. Also, the traffickers instill fear in the victim's mind that the victim was involved in the crime and they might be arrested.
- Traffickers can force the victims to give false information to the law enforcement officials. So try to find out as much information as possible by questioning potential victims and verify the accuracy of their information. If you find any discrepancies in their answers or information, ask an 'open question' (It is a question that cannot be answered in one word) to get more information.
- Most victims are intimidated by law enforcement officials. So it is difficult to believe they're telling the truth. It may happen for various reasons: Fear of punishment for trafficking offenses or fear of arrest for violating immigration laws.

3.3 Victim identification procedure

To help law enforcement officials overcome the complexities of victim identification and increase their ability to identify victims quickly and accurately. Many countries follow a four-step 'identification' process:

- 1, Step 1 - Things to be considered before the main interview
2. Step 2- Main interview
3. Step 3- Additional evidence
4. Step 4- Final decision

Step 1 - Things to be considered before the main interview

Careful observation and verification of the field level officer and a person during any kind of communication (speech, eye contact, gestures) allows the officer to make some guesses. It is also possible to get a lot of information by checking and observing the environment of that person before asking them a question. From the following factors, it is possible to understand the importance of the first step in the victim identification process:

- During the main interview, most of the victims don't cooperate with the officials;
- During the main interview, very few victims confess that they had been trafficked;
- Victim Identification Procedure based on interview and Q/A often is not acceptable. Thus, this step before the interview is very important.

The objective of considering the environment before the main interview is: To verify all the things related to the victim and to verify both questions and answers during the interview, as it will make it possible to identify the victim more accurately.

The verification of questions with answers can be made more accurate:

- Full name?
- Mother's name?
- Father's name?
- What do your parents do?
- Do you have siblings?
- Grandparents?
- Other relatives (aunts / uncles / cousins)?
- Where do they live?
- What school do they go to?
- What grade do they go to in school?
- Is there anyone else with them (Victim)?
- So where did you meet?
- How long have you known them?
- Do you know anyone else who knows them?

The list of questions above is not inclusive. If necessary, more questions can be added, but through these questions, the conversation with the victim can be started. The information received from this informal discussion can be utilized in a formal discussion.

The answers obtained from the above questions must be verified by any written evidence or through authorities.

Some important things about using the indicators.

To use the indicators, consider the following things:

- If the indicators identify the procedures of the traffickers, it can be considered as effective. Officials must remember that traffickers are able to adapt quickly to any situation and use alternative strategies to avoid being identified.
- The guidelines should be prepared, verified and regularly updated by local authorities.
- It is not possible to know whether a person has been trafficked through just an indicator.
- It is possible to get an overall picture of a person's condition by considering all the indicators together.

Suggested indicators

Below is an explanation with examples of some indicators. But it is important to remember that the list of indicators can be changed according to needs and events:

Age

- Does the age of the suspect fall within the age limit set in the current trafficking process guidelines?
- Generally, older people are less likely to be trafficked. Children and young people are more likely to be trafficked;
- It is important to remember that the old women are trafficked for sewing and housework. And older people are also trafficked to work as beggars.

Gender

- Do women face trafficking more than men?
- Is gender a required indicator according to the prevalent type of trafficking in different countries?
- For example, it can be assumed that men are prioritized for mining or agriculture work.
- And, women are more likely to be exploited for prostitution or garments factory work.

Nationality

- Usually, Bangladesh is considered as the source-country of trafficking. That means the victim is first trafficked from Bangladesh. Bangladesh is also used as a transnational route for trafficking.

Language

- Does the person speak the local language? Each language has some clear dialects or regionalities. Such as: A Bangladeshi speaks in their regional language. This dialect of speaking will be different from a person speaking in another regional language of Bangladesh.
- Does the person speak the language of the source country or region?

Documents

- Does the person have valid documents to prove their identity or for travel? If they have:
 - What type of documents?
 - Where were they issued?
 - Can any investigation be done using the reference number of the document?
 - Does the paper look valid or invalid?
- Do the documents look like the documents from the country used in trafficking or frequently used documents in the trafficking process?
- Remember that confiscating the documents of the victim in order to control them is a widely used strategy of the traffickers.
- Also remember that almost no documents are used in case of human trafficking within the country, and there is also no documentation may be present in case of refugees.

Transfer

- Did the person use the most commonly used trafficking path (route)?
- Did the person use any travel agency or carrier for trafficking?
- Does the person have any papers as the proof of purchasing the ticket? Usually, the traffickers lend the ticket fee with the condition of repaying it.
- Did the person travel with the victim or the trafficker? In that case, was the travel method the same as the most commonly used trafficking method?
- Does the person look like they are under someone's subordination or control?
- Keep in mind that usually, the trafficker accompanies the victim when transferring the trafficked person. So, it should be noted how the passengers are behaving towards the suspect. Which country were the accompanied passengers traveling as the citizens of?

Place/Location

- Where was the person found, and does the place indicate anything? Are there marks of a frequently used trafficking path?
- For example, was the person found in a brothel, a shady garments factory with unusually low wages, an open field, or at a border crossing frequently used by the traffickers?
- How long/how many days did the person spend in those places?

Behavior

- Is the person trying to deceive or acting in a suspicious manner when answering a question?
- Does the person look afraid, angry, doubtful, or frustrated?

Signs of torture

- Are there any visible signs of torture, when looking at the person? These signs can be a wound on the body, symptoms of malnutrition, or mental shock.

Victim, referred by a referral agency

- The person may be brought to the law enforcement agency by a referral agency, like a health clinic, community organization, etc. In that case, it is required to learn about their analysis of the victim.
- Does the agency have any additional information to check the overall status of the victim?

Desired results can be obtained if all the indicators are considered for verifying a situation. Subsequently, the overall picture of the situation may emerge, and it will be possible to identify whether the suspicious person is a victim or a possible victim.

Step 2 – Interview

The next in the identification process is an informal interview with the suspected person. The questions from step 1 can be used for the interview.

Possible hurdles for the interview

This type of an interview can be very complex and challenging. One important consideration is that the mood and feelings of the interviewee should be understood by looking in their eyes.

Before starting an interview, the following things should be considered:

An appropriate, respectful conduct should be used with the person being interviewed (the person can be a victim of human trafficking, a smuggled migrant or a legal migrant) with regards to their human rights.

Remember that the person can be:

Doubtful - about the interviewer, surrounding environment and interview process.

Hesitant - about the interview process, understanding the language, questions and the purpose of the interview.

Skeptic - If the person was trafficked, it is more likely that they will be extremely skeptical about the law enforcement officers because the victim is given negative ideas about the law enforcement agencies.

Scared - There is a possibility that the person is scared of the law enforcement officers. And if the person was smuggled, they will be more scared, and they will be scared about the consequences of answering the interview questions truthfully.

Injured - The person can have a pain from a wound, malnutrition or trauma (this will depend on the corresponding situation and at what stage of the trafficking the interview is being conducted). If the torture had begun very early, they are more likely to be injured. However, if there is a chance to interview before the person is transferred for trafficking, they are less likely to be injured.

Trauma - usually the trafficked victim suffers from an extreme trauma, due to physical, sexual and mental torture and may suffer from a memory loss. In such situations, it is important to provide the victim with victim support care first. The following signs can be seen from outside in a case of mental shock:

- Suicidal tendency;
- Anger and resistance towards the law enforcement officers;
- extreme fatigue and detachment;
- emotional pain.

The mental capacity of the person can be affected because of dementia memory loss. As a result, the person:

- May deny being involved with any kind of trafficking;
- May be unable to recall past memories;
- May be unable to recall past events consistently or sequentially;
- May be unable to express which incident they are not able to remember;
- May make up answers to the questions about the events they cannot remember;
- May get impacted from suddenly remembering the events of the trauma.

Managing the obstructions of the interview

The real purpose of the interview is creating a friendly environment where the interviewee is able to answer the questions properly with the sincere support of the interviewer.

This environment can be created in different ways. The following needs to be considered for this purpose:

- The first condition is to conduct the interview in such a way that the person is not harmed or faced with problems in any way. In this stage the wellness and safety of the victim should be the highest priority of the law enforcement officers. The focus should be given to this before conducting an investigation.
- Remember that the traumatized person can have more stress and fear due to being interviewed. As a result, the mental state of the person may deteriorate.
- In any situation if it seems that the person is traumatized, they need to be monitored closely. They can never be out of sight, so that they do not harm themselves or someone else.

To reduce the risk of harm to the person and to get positive answers to the questions asked in the interview, the following steps are arranged:

Ensure privacy

1. Select a private place for the interview where no one can eavesdrop or enter suddenly. Ensure from the start that mobile phones, radio, television are turned off. Hang an 'Entry Prohibited' sign outside of the interview room to stop unwanted entry.
2. If a separate room cannot be found, create a place inside the office as private as possible, where no one can eavesdrop or enter suddenly.
3. Hang an 'Entry Prohibited' sign in bold letters on the door of the interview room.
4. Keep the mobile phone off during the interview, so it will be easier to focus on the interviewee.

Communication

1. If the person cannot understand the interview questions, there will be nothing to do. So, make sure to arrange the interview in the mother tongue of the victim.
2. In the beginning, check if the person can understand the questions correctly.

3. If the person cannot understand the language of the country, get an interpreter.
4. If an interpreter cannot be found, get help from a trusted individual, who can speak the mother tongue of the person. They must be someone the person does not know and place, located far from the home area of the person.

Support

1. Notice if the person is feeling uncomfortable during the interview.
2. If the person feels sick or if there is a wound, which needs treatment, then it is essential to make arrangements for treatment before the interview.
3. Check if the person considers the interview place a safe place.
4. Check if the person finds the interview place comfortable and if they need any snacks or need to go to the restroom.
5. If the person needs the assistance of mental health or legal expert, get assistance from the experts based on the situation's needs.

Behavior

1. The person has the right to be treated respectfully as a human.
2. Generally, a human trafficking victim may have suffered a lot long before the interview stage.
3. Be respectful and professional/use polite language.
4. Refrain from making a decision like - 'you understand what happened with the victim'. Be compassionate/sympathetic about the victim's situation, so they cooperate in the interview process.
5. Build a trust with the person by explaining and assuring support.

Beginning the interview

1. It is important to tell in the beginning what will happen in the interview and who will be present.
2. The person taking the interview will introduce them and any colleagues they have with them.
3. Explain your designation and responsibility.
4. If there is anyone else present, such as an interpreter or counselor, introduce them and explain their responsibilities.

Explanation

1. The sooner the person understands what is going to happen and why the sooner they will cooperate in giving the correct answers to the interview questions.
2. Briefly explain the purpose of the interview.
3. Explain that this interview aims to know what happened with the victim and what more can happen. And the purpose is to provide the person with the required assistance and protect from possible harm.
4. Explain to the person that they may have difficulty remembering the answers to some of the questions.
5. Encourage the person to take their time answering the questions.

6. Explain to the person that they can ask about anything they do not understand during the interview.
7. Check if the person understood what you said.
8. Ask the person if they agree to participate in the interview.

Specific questions for the interview

Matters to be considered before the initial interview will be suitable for the main interview as well.

- Interviews should usually use 'open questions' (questions that cannot be answered in one word) and Victims should not be prevented from speaking.
- The questions will only be effective if they are based on conventional trafficking practices at the place where the trafficking occurred.
- Interview questions should be prepared, reviewed and regularly updated by local officials.
- The fact that a person is a victim of human trafficking cannot be determined by a single question.
- The answers should be analyzed together, not separately, so that an overall picture of the person's condition can be obtained.
- Always remember the main purpose of the interview - the main purpose at this stage is to try to find out if the person is a victim of trafficking, just by asking questions. It is not appropriate or necessary at this stage to ask for evidence to identify the main criminal.

Questionnaire for interview

Interview questions should be based on three stages of trafficking. Such as:

Recruitment - Transportation –Exploitation

The example of the questionnaire shown below is not complete. Law enforcement officers can create more questions, as needed. It is important to always remember that an interview is a type of discussion. So don't limit it to asking questions only and instead encourage the person to speak freely. Keep the rhythm of the interview in mind.

Recruitment

1. Why are you leaving your last location or home?
2. Were you forced to leave your home or last location?
3. If so, how and who forced you?
4. If you are not forced, who offered you to leave home or your last location?
5. If no one offered you, did you decide to look at any advertisement?
6. What were you asked to do when you arrived in the new place?
7. What was said about wages, work environment and place of residence?
8. Did you sign a contract before leaving home or the last location?

Transfer

1. How did you come/travel so far?
2. Who helped you to travel this far?
3. Have you used any tickets for the trip? Who paid for it?
4. Have you been told that you will have to pay your travel expenses later?
5. Have you used valid documents for travel?
6. If you did not use valid documents, who provided you with the documents?
7. Did you have to get a visa to come here?
8. Has anyone helped you get a visa?
9. Who was with you on the trip or who brought you along?
10. If so, did that person help you cross the border?

Exploitation

1. What kind of work did you do?
 2. Is this job different from the job you were first asked to come here?
 3. Have you ever been forced to do this or any other type of work?
 4. If so, who forced you?
 5. Did you get paid for the work?
 6. How much wages have you received, and is this wage equal to the wages stated before coming here?
 7. Did you receive wages or are they unpaid?
 8. Have you ever been told that you have debts to your employer?
 9. If so, have you ever been told you will not receive any wages until the debt is paid?
 10. Has anyone ever taken your travel documents or your identity card?
 11. How was your place of residence and work environment?
 12. Where did you sleep and eat?
 13. Did you work and eat in the same place?
 14. Have you ever been deprived of food, water, sleep and medical care?
 15. Can you come and go as you wish?
 16. Did you have to get someone's permission to eat, sleep and leave work?
- Were the doors where you worked or lived locked, or were the windows locked with bars on them?
18. Have you been intimidated to not leave this place?
 19. Were you subjected to any form of physical abuse?
 20. Has anyone in your family or relatives ever been intimidated?
 21. Did someone force you to do something you didn't want to do?

Step 3 - Additional evidence

The main task of this step is to collect and analyze additional information obtained from the first and second steps. Verify the following:

1. Does the person's appearance/ behavior match his/her answer - such as:

Is the person sick or has a physical injury or is he/she suffering from malnutrition?

2. Is it possible to match the information obtained through the interview with the information stored in the relevant database?

In order to identify whether any information was brought to the notice of the authorities as an incident of trafficking?

3. Does the person have any document/evidence that confirms the veracity of what they have said or that the incident is proven to be false? For example:

- Travel document or own identity card;
- Travel ticket;
- Copy of job advertisement;
- Copy of job contract;
- Departure or arrival card for immigration;
- Proof of medical services;
- Any letter or diary in which any note, work, wages, or any evidence of physical torture is written;
- If there is a bank card or document, is there any similarity between the name written on that paper and the name mentioned by the victim and other information?

Step 4 - Final decision

The final step is the decision-making process. The main points to consider here are:

Evaluate the information obtained from the above three steps (Indicators to consider before the interview, interview and additional evidence). At the end of the evaluation:

- Decide as accurately as possible whether the person is actually a victim of human trafficking. This decision must be made on the basis of sufficient evidence. Law enforcement officials must consider this evidence and information and compare it with the criteria for when a person can be called a victim of trafficking. That is, based on the information obtained, can it be proven whether a person is recruited, transferred, or tortured?
- If it is reasonable suspected to be a case of trafficking, then the person should be deemed as a victim of human trafficking.

If any person is considered as a victim of human trafficking:

- Ensure their safety immediately and keep them away from any harmful situations;
- Treat the victim as advised in Chapter 4 of this guide.

3.4 Some instructions in the context of children-victims

In the case of children-victims, everyone agrees on two things:

- The rate of child trafficking is rising;
- Children victims of trafficking feel extremely helpless. So, they have some special needs.

Therefore, considering this particular vulnerability of the children, it is expected to treat them carefully in the process of identifying a child victim.

Special protection shields for children-victims

The following should be specially considered for the protection of children-victims:

1. In case of any apparent uncertainty about age, the person should be treated as a child until proof of age is obtained.

If in any situation a person has any reason to believe to be a minor, the assistance of an adult neutral person should be sought for the interview and identification process.

Which needs to be done for the maximum protection of the child's interests.

3. In any case if there is any reason to believe the person to be a minor, the interview will be conducted first to prove the person is a minor and secondly to collect evidence as to whether the minor (child) is a victim of trafficking.
4. It is not advisable to conduct the interview in detail until urgent matters such as the safety and well-being of the child have been established.
5. In any case, if there is a reason to suspect that a child has been trafficked, the person must be considered as a minor unless they are proven to be an adult.
6. In such cases, the minor should be kept safe in a safe place suitable for children.

This tool is designed for field level officers to identify victims. In order to determine whether a person is currently a victim of human trafficking and whether they have ever been a victim of human trafficking in the past.

Attachment 4.1

Victim Identification Checklist

Name:

Date of Birth:

Alias:

Agency Name:

Interviewer:

Date of Interview:

Recruitment of Victim & Trafficking

- ☐ Was the victim abducted? ☐ Was the victim confined?
- ☐ Was the victim told that they would have to live in a 'destination country'? If yes, to which country or place they thought they would be taken?
-

- ☐ Did the victim give any money to recruiter before leaving the country?
- ☐ Was the victim obliged to work at the destination country because of repaying a fixed amount of money to the recruiter for any "debt bondage/term" agreement?
- ☐ Was the victim told that they would have to pay additional money for food, accommodation, etc.?
- ☐ Did any family member of the victim receive money or anything from the trafficker/recruiter?
- ☐ Was the victim sent abroad secretly?
- ☐ Did the victim leave their homeland openly through a valid port for migration?

Transportation of Victim

- ☐ Can the victim remember the date of leaving their homeland? If yes, when did they depart? -----
- ☐ Can the victim remember the date of arrival at the destination country? If yes, when did they arrive? -----
- ☐ Does the victim know from where they left their homeland? If yes, from where did they depart? -----
- ☐ Can the victim remember where they arrived at the destination country? If yes, where did they arrive?
-
- ☐ Was the victim noticed by any law enforcement agency, or any medical or social service provider while in transit? If yes, which one(s)?
-

Open transport

- ☐ Was the victim checked/verified by a law enforcement agency?
- ☐ Did the victim complete any arrival documents? (e.g. arrival/disembarkment card)
- ☐ Were any of the traffickers with the victim at the time of passing through immigration control?

Secret transport

Which type of vehicle was used for transporting the victim?

- | | |
|---|--|
| <input type="checkbox"/> Chartered Aircraft | <input type="checkbox"/> Commercial Aircraft |
| <input type="checkbox"/> Personal Boat | <input type="checkbox"/> Commercial Boat |
| <input type="checkbox"/> Personal Vehicle | <input type="checkbox"/> Public Bus |
| <input type="checkbox"/> By Walking | |

Travel documents used for passing immigration control:

Is the passport of victim valid? ☐ Yes ☐ No

Issue date of Passport:

Name of Passport issuing Authority:

Passport Number (if known):

Machine Readable Passport: ☐ Yes ☐ No

Which of the following behaviors did the victim encounter during transportation?

- ☐ Threats of violence or injuries upon trying to escape
- ☐ Sexual assault or harassment
- ☐ Physical torture
- ☐ Threatening the victim's family
- ☐ Ransom demand for the release of the victim
- ☐ Not providing medical services to the victim
- ☐ Beating
- ☐ Illegally captured or detained
- ☐ Mental torture
- ☐ Forcing the victim to take drugs or put to sleep
- ☐ Traffickers behaved well

Description of the Place Where the Victim Was

- ☐ Was the victim confined there?
- ☐ Were other people like the victim, kept at the same place?
- ☐ Could the victim go out of the house and come back per their own will? Did they have the keys to the house?
- ☐ Can the victim describe the residence?

- ☐ If kept in confinement, can the victim tell for how much time they were confined every day? (e.g., all day, half day, or allowed to go out for a specific time span every day, etc.)
- ☐ Were they provided with sufficient food and water?
- ☐ Was there a water facility in that residence?
- ☐ Can the victim describe any route to the residence?
- ☐ Was the victim kept in the house or outside of the house?
- ☐ Was there an electricity facility in that residence?

Was the Victim Deceived?

- ☐ Was the victim deceived about the type of work they would be doing at the destination? (i.e., the victim was told that they would legally work or be paid a salary to work in an office or a household; a factory, a construction site, or a fishing business, etc., but instead they were forcibly employed in illegal work like prostitution or drug trafficking)
- ☐ Did the victim believe that they would be employed legally?
- ☐ Did the victim know that they would be employed illegally?

What did the victim assume the job would be? What did the victim actually do upon arriving at the destination?

Controlling the Victim

- ☐ Did the trafficker know the location or address of the victim, their family, or friends?
- ☐ Was the victim threatened with beatings so that the victim could not escape?
- ☐ Did the traffickers threaten the safety of the victim's family or friends so that they could not escape?
- ☐ Was the victim kept in an interim location after recruitment and before transportation?
- ☐ Was the victim informed by which route they would be taken to the destination?
- ☐ Was the victim informed for how many days they would be taken to the destination?
- ☐ Were the victim's identification documents taken away from them?
- ☐ Were any of the victim's properties/belongings taken away from them?

If the answer is Yes, specify them: -----

- ☐ Did any of the victim's family or friends know about the victim's travel related matter?
- ☐ Did the victim ever get a chance to escape but they thought that they could not escape? If the answer is Yes, describe in which situation and why they could not escape.

Identification of Victim Exploitation and Paid Money / Benefits

Which type of abuse did the victim suffer from?

- ☐ Forced prostitution ☐ Sexual abuse, such as making pornographic films ☐ Home enslavement
- ☐ Labor enslavement ☐ Recruited in a beggars' group ☐ Labor enslavement due to debt
bondage/termed agreement
- ☐ Illegal organ removal

Was the victim able to refrain from doing things against their will?

- ☐ Yes ☐ No

If the victim suffered from sexual exploitation, were they forced to provide sexual service without protection for their health? ☐ Yes ☐ No

What happened when/if the victim refused to do what was demanded?

How many hours did the victim work every day?

- ☐ 6-8 hours ☐ 8-15 hours ☐ 15-20 hours ☐ Almost all the time, with a little break

How many days did the victim work per week?

- ☐ 1-2 days ☐ 3-4 days ☐ 5-6 days ☐ 7 days

Was the victim working with other victims? If the answer is yes, is there a possibility that those victims are still being abused/exploited?

- ☐ Yes ☐ No

Was the victim being monitored during the abuse/exploitation?

- ☐ Yes ☐ No

Was the victim ever allowed unsupervised activities or allowed to move around freely?

- ☐ Yes ☐ No

Did the victim tell anyone about the abuse they experienced?

☐ Yes ☐ No

To whom:

Where was the victim abused/exploited?

☐ Where was the victim kept?

☐ How was the victim transported if taken elsewhere for exploitation?-----

Who took the victim there? -----

Can the victim tell what was the traffickers' daily income or daily wage? -----

If the victim was forced to provide sexual service, did they know how much the trafficker would be paid in exchange for the sexual service? ☐ Yes ☐ No

- Can the victim guess how much money was given to the trafficker for each time the victim was sexually exploited?

- Can the victim estimate the amount of money paid for sexual services? -----

- Did the victim get any money for being sexually exploited?-----

- What did the victim do with that money -----

Did law enforcement officers ever search the site of exploitation?

☐ Yes ☐ No

If so, give a brief description of what happened there, specifying the date of the visit:

When did the victim realize that they were being abused?

Did the victim ever get arrested in the destination country or did they ever get noticed by any law enforcement agency?

Elements of Human Trafficking

As per the above-mentioned information the victim was:

☐ Recruited

☐ Transported

☐ Abused

Observation Summary

In the light of the information received from the victim and the surrounding perspective; it can be said that this person:

- ☐ Is currently a victim of human trafficking
- ☐ Is a former victim of human trafficking but is no longer in that situation
- ☐ Is an irregular migrant but not a victim of human trafficking
- ☐ Is a regular economic migrant and not a victim of human trafficking
- ☐ Is not a victim of human trafficking neither a migrant of any type

Recommendation for Referral

Write below the name of the 'Victim Services' to which the victim was referred:

1.
2.
3.
4.
5.

Chapter 5

Effects of Trafficking on the Identified Victims and the Emergency Services for Them



4.2. Emergency services for victims of trafficking

In fact, due to the exploitation, the victim suffers from various consequences, as shown in the table above. A large number of the victims suffer a variety of losses at the same time.

For all these reasons, law enforcement should provide all possible assistance and services to the identified victims as soon as possible.

Legal Obligations

Emergency services for the victims do not mean just humanitarian assistance. In addition, it is the responsibility of field level law enforcement officers to provide legal services for them.

Guidelines for working with victims are clearly defined in international standards:

In regards to victims the UN Declaration states:

- "Victim shall receive the appropriate legal, physical and psychological medical and social assistance services and must be informed of the availability of these services."

Ensuring timely access to legal services for victims after identification is a crucial task. Such services are urgently needed by the victims of trafficking.

This does not mean that field-level law enforcement officers will be proficient in physical and mental therapy and social services skills to assist victims. Officers may not have the time, resources, training or skills to provide these services.

The field-level law enforcement officers are responsible for:

1. Ensuring victims' safety;
2. Identifying all possible types of services for the victims;
3. Informing the victims about the available services and helping them to enroll in the service immediately.

Once identified, the victim must be moved to a safe place and efforts must be made to protect them from further damage. Necessary treatment should be arranged by checking their physical and mental condition. Social services should be provided to them to feel supported and rebuild confidence.

An analysis of the methods, used in different countries, shows that law enforcement officers and victim support agencies should jointly carry out emergency services for victims. Victim support agencies provide expert-level assistance in such services.

The following table summarizes the steps required for victims' emergency services:

Victims' Emergency Services	
Security	Do not detain - Save from further damage, move to a safe place, such as: police station, victim's residence, hospital, etc. Keep up the good work to ensure the safety of the victim. Keep records of the measures taken.
Health	Seek help of a physician to diagnose physical injuries, illnesses, malnutrition and sexually transmitted diseases.
Counseling	Check for neurological problems and arrange for psychiatric evaluations and services.
Advocacy	Explain the different aspects and obligations of legal services, temporary visa rights and repatriation issues.
Help	Provide information on social, financial and welfare assistance. Special Note: Officers will ensure victim support services through appropriate authorities. Appropriate arrangements for follow-up with victim assistance are required.

Among the above services, it is the responsibility of law enforcement officers to ensure the safety first, which does not depend on involvement of any other organization. As soon as the victim is identified, in the interest of his/her safety, he/she should be removed from the harmful and exploitative situation. The first task of the law enforcement officers is to ensure the safety of the victim.

Finally, keep the following two points in mind:

1. Even if the victim does not cooperate with the law enforcement officers, the victim has a fundamental right to receive the 'Victim Support Services'. This support service needs to be secured for the victim before any kind of investigation.
2. The victim's willingness to cooperate with the law enforcement officials does not change the obligations of the latter.

4.3. Victims of trafficking should not be considered as criminals

Individuals identified as victims of human trafficking are, in fact, victims of a serious crime and extreme human rights violations in the eyes of the law. Thus, the victim must be treated as a victim only in any consideration. There is no angle of them to be considered as criminals under immigration law.

The identified victims are victims of serious crime and exploitation. Therefore, it is important to ensure that they do not fall victims to further crimes under the custody of law enforcement.

International Standards

International standards are clear in this regard. In 2002, the UN High Commissioner for Human Rights issued specific policies and guidelines on human rights and human trafficking. This guideline is recognized as an international standard for working with victims.

These policies and guidelines state:

The victim of trafficking cannot be charged, detained or prosecuted for any of the following:

1. Illegal entry into the destination or transit country;
2. Illegal residence in the destination or transit country;
3. An involvement in illegal activities solely due to being a victim of trafficking.

Responsibilities

The responsibilities of the field-level law enforcement officers:

When a person:

1. Reasonably claims to be a victim of human trafficking , or;
2. Is identified as a victim through the identification procedure;
3. The person should then be enrolled into the above-mentioned Assistance Services without being arrested or detained;
4. If a person needs to be temporarily detained prevent further harm or to be kept safe, that detention should be for a short period of time and only as long as the person needs protection;
5. The person should then be released from a temporary detention and assistance should be ensured, as described in sections 4.2 and 4.3 above.

4.4. Assistance received nationally and locally

At the end of the attached Victim Reference Tool there is a procedure to list recommendations for the accepted referral service. The involved authorities must keep records in the Victim Verification Tool to arrange appropriate services as per the victim's condition and to preserve its evidence.

Chapter 6

Interrogation of the Suspects



Session No. 10 : Interrogation of the Suspects

Time : 1:30 minutes

Session No: 10

Title : Interrogation of the Suspects

Purpose : ➤ To be able to identify national legal issues related to the interrogation of the suspects; to be able to formulate and compile appropriate investigation plans for interrogation; to be able to preserve details of interrogation of the suspect; to be able to identify and prioritize the post-interrogation investigative steps; to be able to create useful questionnaires for the interview in the context of Bangladesh.

Time : 1:30 minutes

Methods : discussion on the lesson, slide presentation, group discussion, role play.

Materials : Relevant study materials, checklist photocopies, markers and flipcharts

Sequence: Steps to conduct the session

Interrogation of the Suspects: 90 minutes

- Welcome participants to the session and refer to the previous session.
- First briefly refresh on the topics discussed in the previous session. The potential questions may be: what is human trafficking, what are the harmful effects of physical, mental and sexual abuse? What needs to be done to help the victim of torture, etc.? Write on the board, if necessary, and thank them for the correct answers.

Then obtain feedback from the participants on the statements in the international law about interrogating the suspect, what are stated in the Code of Criminal Procedure of Bangladesh, etc. Write on the board and thank them for participating in the discussion.

- Discuss and present slides on the interrogation of the suspects and the international law, Code of Criminal Procedure of Bangladesh - confession and admission of guilt, internationally accepted practices in interrogation of the suspects, application of the P.E.A.C.E. strategy for interrogation of the suspected traffickers.
- Take a 5 minutes break.
- Then, considering the total number of participants, divide them into five groups.
- Distribute the photocopied case studies among the participants and ask them to find the suspects. Give them 15 minutes to read.
- After the reading, ask each team leader to present the reasons why they think the person is a suspect.
- Invite questions among from participants at the end of all group presentations. At the end of the Q&A session, summarize the session, thank everyone and conclude the session.

Note for the facilitator:

- Learn in detail about interrogation of the suspects. Also read the attachment provided.

Attachment-6

Study material: Interrogation of suspects

1. Introduction

Interrogation of a suspect by a law enforcement officer is a vital part of the investigation process. In general, the authority to interrogate a suspect is either designated by law or assigned to law enforcement officers in light of a complaint. The interrogation process must be conducted in a fair manner, so that the suspect retains the right to remain silent, to speak without coercion and to give his or her own explanation of the allegations against him or her. The goal of an interrogation process should always be to investigate the incident in the interest of justice and subject to the observance and compliance with the national and international laws.

The investigating officer must remember that the suspect is innocent, until convicted by a properly constituted court of law. The recommendations described in this module are formulated in such a way that the investigating officers are able to interrogate the suspect in a realistic manner in order to investigate the incident impartially.

This module presents such a standard framework, so it can be applied to all types of interrogation of suspects. Besides, several stages of the post-arrest inquiry that may be necessary for further investigation are also discussed.

2. International law and interrogation of the suspects

International law recognizes the need for policies and regulations regarding the conduct of members of law enforcement agencies during interrogation of a person in custody or detention. Historically, where the law enforcement environment is not controlled or where there is control but the regulations and policies are weak, and where the behavior of members of the law enforcement agencies is not monitored, significant human rights violations occur regarding a person in custody. Members of the law enforcement agencies must know and abide by the international law that is binding with regards to the treatment of a person in custody or detention. This is especially important when national laws, policies or procedures regarding interrogation of persons in custody are mute or do not contain adequate or specific rules or regulations.

Table 1: The international laws that the law enforcement officials are obliged to abide by

International law	The international laws that the law enforcement officials are obliged to abide by
	<p>Mandatory international law states:</p> <p>"Everyone has the right to personal liberty and security." (International Covenant on Civil and Political Rights, Article - 9)</p> <p>Torture is defined as "any act by which severe pain or suffering, whether physical or mental, is inflicted on a person for such purposes as obtaining his or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." (Convention against Torture, Article 1)</p>

International law	<p>Each state shall ensure that all acts of torture are offences under its criminal laws. The same shall apply to an attempt to commit torture or to commit an act by any person which constitutes complicity or participation in torture internationally. (Convention against Torture, Article 4)</p> <p>Each state shall conduct a systematic review of interrogation rules, instructions, methods and practices, as well as arrangements for the custody and treatment of persons, subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with the objective of preventing any cases of torture. (Convention against Torture, Article 11).</p> <p>This prohibition on torture is final and there are no exceptions to it. Under no circumstances can torture be legitimate, nor can any justification for any torture that has taken place be successfully defended. Prohibitions on torture are part of customary international law and are binding on all countries.</p>
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3. Code of Criminal Procedure of Bangladesh - Power of inquiry

Information on cognizable crimes

Section 154 of the Code of Criminal Procedure: Every information relating to the commission of a cognizable offence if given orally to an Police Chief, should be write down or recorded, signed by a person giving a statement, putputand the substance thereof shall be entered in a record book to be kept by such officer in such a form as the Government may indicate.

Investigation into non-cognizable cases

Criminal Procedure Code, Section 155 (2): A police officer shall not investigate a non-cognizable case without an order of a Magistrate of the first or second class having power to try such case.

- (3) Any police officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an Police Chief may exercise in a cognizable case.

Investigation into cognizable cases

Criminal Procedure Code, Section 156

- (1) Any officer in charge of a police station may, without an order of a Magistrate, investigate any cognizable case within the Court's jurisdiction. Such police officer would have the authority to investigate such crime within the local are limits under the provisions of Chapter XV relating to the place of jurisdiction.
- (2) In accordance with this section a police officer should not be questioned on his/her methods during an investigation, he/she is authorized to work on.
- (3) Any Magistrate empowered under Section 190 may order such an investigation as mentioned above.

Procedure where a cognizable offence is suspected

Criminal Procedure Code, Section 157 (1): If, from information received or otherwise, an Police Chief has reason to suspect the commission of an offence, which under section 156 he is authorized to investigate, he shall forthwith send a report of the same to a Magistrate authorized to take cognizance of such offence upon a police report, and shall proceed in person, or shall assign one

of his subordinate officers, not being below such rank as the Government may, by general or special order, require in this instance, to proceed to the location, to investigate the facts and circumstances of the case, and, if necessary, to take measures for the discovery and arrest of the offender:

When an on-the-scene investigation is not required:

Provided as follows:

- (a) when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the police chief doesn't need to proceed in person or assign a subordinate officer to make an investigation on the spot;

Where a police officer in charge sees no sufficient ground for an investigation

- (b) if it appears to the police chief that there is no sufficient ground for an investigation, he shall not investigate the case.
- (2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the Police Chief shall state in his report the reasons for not fully complying with the requirements of that sub-section, and, in the case mentioned in clause (b), such officer shall also forthwith notify to the informant, if any, in such manner as may be required by the Government, that he will not investigate the case or have it be investigated.

How to submit a report under section 157

Criminal Procedure Code, Section: 158 -

- (1) Every report sent to a magistrate under section 158, if directed by the government, must be submitted by a senior police officer appointed by the government in this regard by a general or special order.
- (2) A superior officer may give instructions to a police chief as he sees fit, and shall, after recording such instructions in such report, transmit the same without delay to the Magistrate.

Authority to hold an investigation or preliminary inquiry

Criminal Procedure Code, Section 159 Upon receipt of this report, the Magistrate may direct an inquiry into the incident, or, if he deems it appropriate, take immediate action to conduct a preliminary inquiry into the incident or to dispose of it in the manner described in this Code of Conduct or to appoint a Magistrate under him.

Police officers have the authority to summon witnesses of Police officer.

Criminal Procedure Code, Section 160 Any police officer investigating under this Chapter may, by a written order, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend, as so required.

Examination of witnesses by police

Criminal Procedure Code, Section 161

- (1) Under this Chapter when investigating any police officer, or any police officer above such rank as the Government may, by general or special order, require in this case, may orally take the testimony of a person, presumed to be acquainted with the facts and circumstances.

- (2) Such person shall be bound to answer all questions relating to such case put to him by an officer, other than questions the answers to which may implicate him in a criminal offence.
- (3) The police officer may put into writing any statement made to him in a course of an examination under this section, and, if he does so, he shall make a separate record of the statement, of each such person, whose statement he records.
Statements to police not to be signed; use of such statements in evidence. Search by police.

Criminal Procedure Code, Section 162

- (1) No statement made by any person to a police officer in a course of an investigation under this Chapter shall, if put into writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police records or otherwise, or any part of such statement or record, be used for any purpose (except as hereinafter provided) at any inquiry or trial in respect of any offence under investigation at the time, when such statement was made.

Provided that, when any witness is called by the prosecution in such inquiry or trial whose statement has been put into writing as aforesaid, the Court shall on the request of the defendant, refer to such writing and direct that the defendant be provided with a copy thereof, in order that any part of such statement, if duly proven, may be used to contradict such witness in the manner provided by section 145 of the Evidence Act, 1842. When any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but only for the scope of explaining any matter referred to in his/her cross-examination:

Provided further that, if the Court is of opinion that any part of any such statement is not relevant to the subject-matter of the inquiry or trial or that its disclosure to the defendant is not essential in the interests of justice and is inexpedient in the public interests, it shall record such opinion (but not the reasons thereof) and shall exclude such part from the copy of the statement provided to the defendant.

- (2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 32, clause (1), of the Evidence Act, 1842 or to affect the provisions of section 27 of that Act.

No promises to be offered

Criminal Procedure Code, Section: 163-

- (1) No police officer or other person of authority shall offer or make, or cause to be offered or made, any such promise, threat or enticement as is mentioned in the Evidence Act, 1872, section 24.
- (2) Under this Chapter no police officer or other person shall prevent, by warning or otherwise, any person from making in the course of any investigation any statement which he may decide to make of his own free will.

Confession obtained by enticement, threat or promise, when irrelevant in criminal proceeding, Section 24: A confession obtained from a defendant is not acceptable in a criminal proceeding, if the confession appears to the Court to have been obtained by any inducement, threat or promise having reference to the charge against an accused person, proceeding from a person in authority and sufficient, in the opinion of the Court, to give an accused person grounds, which would make an accused reasonably believe that by making it, he/she would gain an advantage with regards to the offense against him/her.

Power to record statements and confessions

Criminal Procedure Code, Section: 164-

- (1) Any Metropolitan Magistrate, any Magistrate of the first class and any Magistrate of the second class specially empowered in this behalf by the Government may, if he is not a police officer, record any statement or confession made to him in a course of an investigation under this Chapter or at any time afterwards before the commencement of the inquiry or trial.
- (2) Such statements shall be recorded in such a way hereinafter requested for recording the evidence as, in his opinion, is best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the way provided in section 364, and such statements or confessions shall then be forwarded to the Magistrate who will be presiding over the case.
- (3) A Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that if he does so, it may be used as evidence against him and no Magistrate shall record any such confession unless, upon questioning the person making it, he/she has reason to believe that it was made voluntarily; and, when he/she records any confession, he/she shall make a memorandum at the foot of such record to the following effect:

I have explained to (name) that he/she is not bound to make a confession and that, if he/she does so, any confession he/she may make, may be used as evidence against him/her and I believe that this confession was voluntarily made. It was taken in my presence and heard by me, and was read over to the person making it and acknowledge by him/her to be correct, and it contains a full and true account of the statement made by him/her.

Explanation: It is not necessary that a Magistrate receiving and recording a confession or statement should be the Magistrate having jurisdiction over the case.

Search by a police officer

Criminal Procedure Code, Section: 165-

- (1) Whenever a Police Chief or a police officer investigating, has reasonable grounds to believe that anything necessary for the purposes of an investigation into any offence, which he is authorized to investigate, may be found in any place within the jurisdiction of his police station, and that such objective cannot, in his opinion, be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in details in such writing, the objective of the search.

Provided that such officer shall not search, or cause search to be made, for anything in the custody of a bank or banker as defined in the Bankers' Books Evidence Act, 1891 (XVIII of 1891), and relates, or might disclose any information which relates, to the bank account of any person except,-

- (a) for the purpose of investigating an offence under sections 403, 406, 408 and 409 and section 421 to 424 (inclusive) and sections 465 to 477A (inclusive) of the Penal Code with the prior permission in writing of a Sessions Judge; and
- (b) in other cases, with the prior permission in writing of the High Court Division.

- (2) A police officer proceeding under a sub-section (1) shall, if applicable, conduct a search in person.
- (3) If he/she is unable to conduct a search in person, and there is no other person authorize to conduct a search present at the time, he/she may after recording in writing his reasons for so doing require any officer subordinate to him/her to conduct the search, and he/she shall deliver to such subordinate officer a written order, specifying the place to be searched and, so far as possible, the object of the search; and such subordinate officer may thereupon search for the object in such place.
- (4) The provisions of this Code as to search warrants and the general provisions as to searches, contained in section 102 and section 103 shall, as they may, apply to a search made under this section.
- (5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate authorized to take cognizance of the offence and the owner or tenant of the place to be searched be provided with a copy of the same by the Magistrate. Provided that he/she shall pay for the copy, unless the Magistrate for some special reason sees fit to provide it free of charge.

When a police station chief may require another to issue a searchwarrant

Criminal Procedure Code, Section: 166-

- (1) A Police Chief or a police officer not being below the rank of sub-inspector may require another police station chief, whether in the same or a different district, to conduct a search to be made in any place, in any case in which the former officer might initiate such search within the limits of his own station.
- (2) Such officer, as required, shall proceed according to the provisions of section 165, and shall forward the result of a search, if any, to the officer at whose request the search was conducted.
- (3) Whenever there is reason to believe that the delay was due to having an officer in charge of another police station to conduct a search under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, a Police Chief or a police officer shall conduct a search, or initiate a search of any place in the limits of another police station, in accordance with the provisions of section 165, as if such place were within the limits of his own station.
- (4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to a police station chief within the limits of which such place is located, and also include a copy of the list (if any) prepared under section 103; which shall also be sent to the nearest Magistrate authorized to try the case, copies of the records referred to in section 155, sub-sections (1) and (3).
- (5) An owner or tenant of the place searched shall be provided with a copy of any records sent to the Magistrate under sub-section (4). Provided that he/she shall pay for the same, unless the Magistrate for some special reason sees fit to provide it free of charge.

Procedure when investigation cannot be completed in twenty-four hours

Criminal Procedure Code, Section: 167-

- (1) Whenever a person is arrested and in custody, and it appears that the investigation cannot be completed within the period of twenty-four hours as per section 61, and there are grounds for believing that the charges or information is well-founded, a police station chief or the police officer conducting the investigation, if he is not below the rank of a sub-inspector, shall forthwith transmit to the 1[nearest Judicial Magistrate] a copy of the record, hereinafter relating to the case, and shall at the same time transfer the defendant to such Magistrate.
 - (2) The Magistrate to whom a defendant is transferred under this section may, whether he/she has or has not jurisdiction to try the case from time to time authorize the detention of a defendant in such custody as such Magistrate sees fit, for a term not exceeding fifteen days in total. If he/she doesn't have jurisdiction to try the case or 2[send] it for trial, and considers further detention unnecessary, he may order a defendant to be transferred to a Magistrate having such jurisdiction: Provided that no Magistrates of the third or second class, specially authorized in this case by the Government shall authorize detention in the police custody.
 - (3) Under this section a Magistrate authorizing detention in the police custody shall record his reasons for so doing.
 - (4) If such order is given by any Magistrate other than a Chief Metropolitan Magistrate or a District Magistrate or a Sub-District Magistrate, he/she shall forward a copy of his/her order, with reasons for making it to the immediate Higher Magistrate.
 - (5) If the investigation is not concluded within one hundred and twenty days from the date of receipt of the information relating to the commission of the offence or the order of the Magistrate for such investigation:
 - (a) the Magistrate authorized to try the case or making the order for investigation may, if the offence to which the investigation relates is not punishable by death, life in prison or imprisonment exceeding ten years, release the defendant on bail to the satisfaction of such Magistrate; and
 - (b) the Court of Session may, if the offence to which the investigation relates is punishable by death, life in prison or imprisonment exceeding ten years, release the defendant on bail to the satisfaction of such Court. Provided that if the defendant is not released on bail under this sub-section, the Magistrate or, as the case may be, the Court of Session shall record the reasons for it.
- Provided further that in cases in which sanction of appropriate authority is required to be obtained under the provisions of the relevant law for prosecution of a defendant, the time spent on obtaining such sanction shall be excluded from the period specified in this sub-section.
- Explanation: The time spent on obtaining sanction shall commence from the day the case, with all necessary documents, is submitted for consideration of the appropriate authority and be deemed to end on the day of the receipt of the sanction order of the authority.
- (8) The provisions of sub-section (5) shall not apply to an investigation of an offence under section 400 or section 401 of the Penal Code, 1860 (Act XLV of 1860).

An investigation report of by a subordinate police officer

Criminal Procedure Code, Section 168 When any subordinate police officer conducted any investigation under this Chapter, he/she shall report the result of such investigation to a police station chief.

Release of defendant when evidence is deficient Criminal Procedure Code, Section: 169

If, after the investigation under this chapter, police chief or the investigating police officer finds that there is not a sufficient evidence or reasonable ground to justify sending a defendant to a magistrate, he/she will then release him/her if, according to the bond, as necessary, a defendant will appear before a presiding magistrate, who has the authority to try the case or send the defendant to trial.

Case to be sent to Magistrate when evidence is sufficient

Criminal Procedure Code, Section 170

- (1) If, upon an investigation under this Chapter, it appears to a police station chief that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward a defendant under custody to a Magistrate presiding magistrate, who has the authority try a case based on a police report or 1[send] him for trial or, if the offence requires a bail and the defendant is able to post it, shall receive the bail amount for his/her appearance before such Magistrate on a scheduled day before such Magistrate, unless directed otherwise.
- (2) When a police station chief transfers a defendant to a Magistrate or receives the bail for an appearance before such Magistrate under this section, he/she shall send such Magistrate any weapon or other evidence which may be necessary to produce before him, and shall require the complainant (if any) and other witnesses, to appear before the Magistrate as thereby directed and testify (as the case may be) in the matter against the defendant.
- (3) If the Court of the 2[Chief Metropolitan Magistrate,] 3[or the Chief Judicial Magistrate] is mentioned in the bond, such Court may include any Court to which such Magistrate may refer the case for inquiry or trial, provided reasonable notice of such reference is given to such complainant or witnesses.
- (5) The officer, in whose presence the bond is executed, shall deliver a copy thereof to one of the persons, who executed it, and shall then send to the Magistrate the original with his report.

Complainants and witnesses shall not required to accompany a police officer

Criminal Procedure Code, Section 171(1) No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a police officer.

Complainants and witnesses shall not to be subjected to detention or shall be subjected to unnecessary restrictions

or inconvenience, or required to provide any security for their appearance other than their own bond:

Reluctant complainant or witness may be forwarded in custody

Provided that, if any complainant or witness refuses to attend or to execute a bond, as directed in section 170, a police station chief may refer him to the custody to a Magistrate, who may detain until he/she executes such bond, or until a hearing of a case is completed.

- (2) Notwithstanding anything contained in sub-section (1), it shall be the responsibility of a police officer to ensure that a complainant or witness appears before the Court at the time of a hearing of a case.

Record of proceedings in investigation

Criminal Procedure Code, Section 172

- (1) Every police officer, conducting an investigation under this Chapter shall record his/her investigation daily, noting the time when he/she received information, the time at which he/she began and closed his/her investigation, the place or places visited by him/her, and a statement outlining circumstances, ascertained through his/her investigation.
- (2) Any Criminal Court may send for a file of a case for an inquiry or trial in such Court and may use such files, not as evidence in the case, but to aid in such inquiry or trial. Neither a defendant nor his/her agents shall be entitled to request a file, nor shall they be entitled to see it merely because they are in Court; but, if they are used by a police officer, to refresh his memory or if the Court uses them for the purpose of questioning a police officer, the provisions of the Evidence Act, 1872, section 161 or section 145, as the case may be, shall apply.

Evidence Act Section 145 A witness may be cross-examined as to previous written statements put, and relevant to matters in question, without such written statements being shown to him/her, or being proven;

but, if it is intended to contradict him via a written statement, his attention must be called to those parts which are to be used to dispute his/her testimony.

Right of adverse party as to used written statements to refresh memory

Evidence Act, 1872 Section 161 Any written statement referred to under the provisions of the two last preceding sections must be produced and shown to the adverse party, if he/she requests it: at its discretion such party may cross-examine the witness thereupon.

Report of a police officer

Criminal Procedure Code, Section 173

- (1) Every investigation under this Chapter shall be completed without unnecessary delay, and, as soon as it is completed, a police station chief shall-
 - (a) forward to a Magistrate authorized to try the case a police report, in the form required by the Government, including the names of the parties, the nature of the information and the names of the persons, familiar with the circumstances of the case, and stating whether a defendant (if arrested) has been transferred in custody or has been released on bond, and, if so, whether with or without sureties, and

(B) The person who first reported the crime shall inform him/her of the action taken by the Government.

- (2) When a senior police officer is appointed under section 158, the report must be submitted through that officer as required by the government by a general or special order, and he/she may direct further investigation to a police station chief subject to the magistrate's order.
- (3) Whenever it appears from a report forwarded under this section that a defendant has been released on bond, the Magistrate shall make such order for the discharge of the bond or otherwise, as he sees fit.

(3-A) When such report is in respect of a case to which section 170 applies, the police officer shall forward to the Magistrate along with the report:

(a) all documents or relevant extracts thereof on which the prosecution bases its case, other than those already sent to the Magistrate during an investigation;

(b) the statements recorded under sub-section (3) of section 161 of all prosecution's witnesses .

(3-B) Nothing in this section shall be deemed to preclude further investigation of an offence after a report under sub-section (1) has been forwarded to the Magistrate and, whereupon such investigation, a police-station chief obtains further evidence, oral or written, he/she shall forward to the Magistrate a further report or reports regarding such evidence in a required form; and the provisions of sub-sections (1) to (3-A) shall, as far as may be, apply to such report or reports as they apply to a report forwarded under sub-section (1).

- (4) a copy of any report forwarded under this section shall be provided to a defendant before the start of a inquiry or trial.

Provided that the same shall be paid for, unless the Magistrate for some special reason thinks fit to provide it free of charge.

Police to inquire and report on suicide, etc.

Criminal Procedure Act, Section 174 (1) A police chief or some other police officer, specially empowered by the Government in such case, on receiving information that a person:

- (a) has committed suicide, or
- (b) has been killed by another, or by an animal, or by machinery or by an accident, or
- (c) has died under circumstances raising a reasonable suspicion that some other person has committed a crime,

Immediately inform the nearest magistrate in charge for inquest and, if there is no other rule applied by the government or any other general or special order of the Chief Metropolitan Magistrate, District or Subdivisional Magistrate where the body of the deceased is found, it should be done on a local level; investigate in a presence of authorized person and notate marks of wounds, bruises, bruises and other injuries on the body of the deceased and the apparent cause of death by listing the manner in which the marks appear to have been caused by a weapon or instrument (if any). Prepare a report.

Provided that, unless the Government otherwise directs, it may not be necessary under this sub-section to make any investigation or to prepare a report to send to a Magistrate authorized to hold inquests in a case, where the death has been caused by an adverse action.

- (2) The report shall be signed by such police officer and other persons, as many as applicable, and shall be forthwith forwarded to Chief Metropolitan Magistrate, District Magistrate or Sub-District Magistrate.
- (3) When there is any doubt regarding the cause of death, or when for any other reason a police officer considers it expedient so to do, he/she shall, subject to applicable Government rules, forward the body for an autopsy to a nearest Civil Surgeon, or other qualified medical professional appointed by the Government. If the weather and distance allow it being so forwarded without a risk of such putrefaction on the road as would render such examination useless.
- (4) Omitted by the Schedule of the Adaptation of Central Acts and Ordinances Order, 1949.
- (5) The following Magistrates are empowered to hold inquest, namely, any Metropolitan Magistrate, District Magistrate, Sub-District Magistrate or a First-Class Magistrate and any other Executive Magistrate specially empowered in this behalf by the Government or the District Magistrate.

Authority to summon persons

Criminal Procedure Code, Section 175

- (1) Proceeding under section 174 a police officer may, by order in writing, summon two or more persons as aforesaid for the purpose of the investigation, and any other person, familiar with the facts of the case. Every person so summoned shall be bound to attend and to answer truthfully all questions, unless that may incriminate him/her, leading to a criminal charge, or penalty or forfeiture.
- (2) If the facts do not disclose a cognizable offence to which section 170 applies, such persons shall not be required by a police officer to attend a Magistrate's Court.

Inquiry by Magistrate into a cause of death

Criminal Procedure Code, Section 176

- (1) When any person dies, while in the police custody, the nearest Magistrate authorized to hold inquests shall, and, in any other case mentioned in section 157, clauses (a), (b) and (c) of sub-section (1) hold an inquiry into the cause of death either instead of, or in addition to, the investigation held by the police, and if he/she does so, he/she shall have authority to conduct it when an inquiry may turn into an offence. The Magistrate, holding such an inquiry, shall record the evidence taken by him/her in connection therewith in any of the manners hereinafter prescribed according to the circumstances of the case.

Authority to exhumate corpses from graves

- (2) Whenever such Magistrate considers it expedient to make an examination of a dead body of any person, who has been already buried, in order to discover the cause of his death, the Magistrate may, cause the body to be exhumed and examined.

4. Systematic Criminal Law of Bangladesh - Confession and Confessional Evidence

Examination of witnesses by police

Criminal Procedure Code, Section 161

- (1) Any police officer conducting an investigation under this Chapter or any officer not below such rank as the Government may, by general or special order, require in such case, acting on an order may question any person familiar with the facts and circumstances of a case.
- (2) Such person shall be bound to answer all questions relating to such case as asked by the , unless it may incriminate him/her and lead to a criminal charge, penalty, or forfeiture.
- (3) A police officer may put into writing any statement made to him in the course of an examination under this section, and, if he does so, he shall make a separate record of each statement.
Statements to police not to be signed; use of such statements in evidence

Criminal Procedure Code, Section 162

- (1) No statement made by any person to a police officer in a course of an investigation under this Chapter shall, if put into writing, shall be signed by a person making it; nor shall any such statement or any record thereof, whether in a police records or otherwise, or any part of such statement or record, be used for any purpose (save as hereinafter provided) at any inquiry or trial in respect of any offence under investigation at the time, when such statement was made.

Provided that, when any witness is called by the prosecution in such inquiry or trial whose statement has been put into writing as aforesaid, the Court shall on the request of a defendant, refer to such writing and direct that a defendant be provided with a copy thereof, in order that any part of such statement, if duly proven supported, may be used to contradict such witness in the manner provided by section 145 of the Evidence Act, 1842. When any part of such statement is used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any questions raised in his/her cross-examination:

Provided, further that, if the Court is of opinion that any part of any such statement is not relevant to the subject matter of the inquiry or trial or that its disclosure to a defendant is not essential in the interests of justice and is inexpedient in the public interests, it shall record such opinion (but not the reasons thereof) and shall exclude such part from the copy of the statement provided to the defendant.

- (2) Nothing in this section shall be deemed to apply to any statement within the provisions of section 32, clause (1), of the Evidence Act, 1872 or to affect the provisions of section 27 of that Act.

Cross-examination of prior written statement

Evidence Act, Section 145 A witness may be cross-examined as to previous statements made by him/her in writing or put into writing, and relevant to matters in question, without such statement shown to him/her, or being proven;

but, if the statement is intended to contradict him/her, his/her attention must be called to those parts that are used to contradict him, before the statement can be proven,.

Regarding the cause of death Evidence Act, Section 32 Statements, written or verbal, of relevant facts made by a deceased person, or who cannot be found, or who has become incapable of giving evidence, or whose attendance cannot be procured without a delay or expense which under the circumstances of the case appears unreasonable to the Court, are themselves relevant facts in the following cases:

- (1) When the statement is made by a person as to the cause of death, or as to any of the circumstances of the transaction which resulted in his/her death, where the cause of that person's death comes into question.
How much of information received from defendant may be authenticated. Evidence Act, Section 29 Provided that, when any fact is presented to as discovered in consequence of information received from a person accused of any offence, in the custody of a police officer, so much of such information, whether it amounts to a confession or not, as relates specifically to the fact thereby discovered, may be proven.

No enticements to be offered

Criminal Procedure Code, Section 163

- (1) No police officer or other person in authority shall offer or make, or cause to be offered or made, any such enticement, threat or promise as is mentioned in the Evidence Act, 1872, section 24.
- (2) But no police officer or other person shall prevent, by warning or otherwise, any person from making any statement which he/she may be disposed to make of his/her own free will in the course of any investigation under this Chapter.
Confession caused by enticement, threat or promise are not acceptable in criminal proceedings. Evidence Act, Section 24 A confession made by an accused person is not acceptable in a criminal proceeding, if the confession appears to the Court to have been caused by any enticement, threat or promise referencing the charge against an accused person, coming from a person in authority and sufficient, in the opinion of the Court, to make an accused reasonably believe that by making it, he/she would gain an advantage with regards to the offense against him.

Authority to record statements and confessions

Criminal Procedure Code, Section 164

- (1) Under this Chapter any Metropolitan Magistrate, any Magistrate of the first class and any Magistrate of the second class specially authorized in this case by the Government may, if he is not a police officer, record any statement or confession made to him in a course of an investigation or at any time afterwards, before the commencement of the inquiry or trial.
- (2) Such statements shall be recorded in such a manner, hereinafter prescribed for recording evidence as is, in his opinion, best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and such statements or confessions shall then be forwarded to the Magistrate presiding over the inquiry or trial of the case.
- (3) A Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that, if he does so it may be used as evidence against him, and no Magistrate shall record any such confession unless, upon questioning the person making it, he/she has reason to believe that it was made voluntarily; and, when he/she records any confession, he/she shall make a memorandum at the foot of such record to the following effect:

I have explained to (name) that he/she is not bound to make a confession and that, if he/she does so, any confession he/she may make may be used as evidence against him/her and I believe that this confession was voluntarily made. It was taken in my presence and I heard it, and was read over to the person making it and admitted by him/her to be correct, and it contains a full and true account of the statement made by him/her.

Explanation: It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case.

5. Internationally recognized practices for interrogating suspects

The same policy that applies at all stages of the investigative process, especially during arrests, searches and seizures, and during the detention of suspects, will be equally applicable to interrogation of suspects. The interrogation of suspects must comply with international human rights standards and procedural provisions of the national criminal law. There should be no possibility of any legal challenge, due to the ethical or legal integrity of the interrogation, as it should be conducted in accordance with the highest professional standards.

5.1 Application of P.E.A.C.E. strategy in interrogation of suspected traffickers

In many countries the interrogators apply an interrogation framework based on the mentioned model. The meanings of the initials are as follows:

P- Preparation

E- Explanation

A- Account

C- Closure

E- Evaluation

P (Preparation)

The focus of the preparation phase will be on the number of suspects to be interrogated and the number of interrogators to be determined based on the pool to conduct the interrogation. Many types of trafficking suspects are interviewed. As a result, any planning should be keeping in mind the availability of resources in the planning and preparation phase.

The following points should be considered in the planning and preparation phase of all interrogations:

- A. How can interrogation play a role in the investigation - does it give the suspect enough opportunity to present his or her case? Or will it prove the involvement of the suspect in the alleged crime or prove it wrong?
- B. Legal requirements
- C. Crimes and "Evidence subjects"
- D. Eco-friendly arrangements such as: venue, equipment, deadlines, etc.

Interrogation team selection

This selection should be done on the basis of personal and professional skills. e.g.

- Developing a friendly relationship with the suspect and having a non-judgmental attitude - the interrogation may take place only once and this process will be easier, only when a friendly relationship develops between the interrogator and the suspect;
- Questioning skills, training and experience;
- Professional knowledge on trafficking and related offenses, such as physical and sexual abuse, illegal detention, illegal immigration offenses, etc.;
- Patience and flexibility - interrogation of a trafficking suspect is often a matter of time, as the complaint may have a long chronology. The suspect may take several breaks during the interrogation, consulting with his or her lawyer or having snacks;
- If a suspect is a foreign national, then the cultural issues may arise. The same issues that have been raised regarding the cultural issues of a victim of trafficking will also apply to the suspects of trafficking. Interrogation is an opportunity for the suspect to present his or her story and the interrogator must be aware of cultural issues that may affect the suspect's ability to communicate freely. In the case of an interview with a victim, the interviewer must understand the interpreter's point of view, prior to the interview to consider, whether any particular cultural issues need to be considered.

Analysis of pre-interrogation

The selected interrogator must review all the evidence collected so far during the investigation and choose the necessary material to prove the crime for which the suspect has been arrested and for which he will be interrogated. The evidence obtained will include the following:

- All matters pertaining to the allegations made in the statements of the victim and the eyewitness
- Additional evidence obtained on the basis of statements of victims and eyewitnesses
- Additional evidence collected during arrest, search and seizure of evidence
- Any confessions, denials, or other comments made by the suspect during those times
- Any evidence exhibited during the search and seizure of evidence, such as weapons used in the injury, documents, travel and identity documents, etc.

The best way to do this is to divide the evidence into 3 phases of trafficking (recruiting a new member, transporting and exploiting) and then further analyze all the evidence, obtained on the basis of 5 elements (advertising, purchasing and rent, transportation, communication and financial transactions).

Where there are allegations of crimes, including physical and sexual abuse, relevant medical evidence should be collected to prove the crime.

Exhibits related to interrogation should be prepared to be presented to a suspect during an interrogation.

Time constraints

The interrogator in the trafficking case has to be under the pressure of time constraints for the following reasons:

- Ensuring the presence of an interpreter if necessary - Sometimes the suspect may be a foreign national. In that case interrogation cannot be started without an interpreter, which takes some time to arrange.
- Waiting for their lawyer to arrive and giving the lawyer enough time to review all the information related to the crime and consult with the suspect before interrogation. This is because the description of human trafficking allegations is usually a matter of time. Moreover, it takes a long time for the lawyer to consider details of the case, as it takes a lot of time to collect the facts of the case and the evidence obtained and instructions from the suspect.
- In order to understand the allegations, it is necessary to interrogate the main person as well as other suspects. The crime of human trafficking is virtually impossible to commit alone, so in most cases the interrogation team has to interrogate many suspects and the group members needs to be prioritized on the basis of their involvement in the crime. In many cases, the most appropriate method is to first interrogate the lesser suspects before interrogating the original trafficker to get a full picture. This adds time pressure to interrogate the suspect within the legal detention period.
- Schedule a suspect for a full medical or forensic examination, if a sexual assault charge is brought against the person to be interrogated. Physical and sexual abuse is a very common occurrence in human trafficking cases and physical abuse occurs close to the time, when the suspect is arrested. Interrogation may be delayed in the highest interest of the investigation, when the suspect is forensically examined for any evidence that may prove the involvement in the crime.
- If you are sure about a suspect, you need to examine any evidence seized from him. Trafficking investigations and arrests usually find significant evidence, especially documentation evidence that has high testimonial value. It is important to identify that before. the interrogators can question a suspect about it. This amount of work takes a lot of time, which again increases the time pressure.

Space and equipment

By identifying and examining the interrogation area, it is important to make sure that all the necessary equipment is fully functional and that there are enough forms, pens, tapes, etc. in the room. Interrupting the interview to bring recording materials is absolutely unprofessional. It's important to have a written interview plan that summarizes the purpose of the interview and provides the structure for the questions to be asked. This will give the investigator confidence and make it easier to conduct professional and effective interviews.

A written interview plan is an effective tool to assist the investigator in the investigation process. He/she should include in this plan is the following:

- Number and scope of offenses to be covered

- Elements required to prove possible crime under investigation
- Introduce any subject matter that may be used as an evidence to prove the crime being investigated, samples that may confirm or disprove that a crime was committed by a suspect, and other evidence
- Flexibility in using information or evidence that was not known before and which may affect the course of an interrogation

E – Explanation

The following principles should be observed as best practice when interrogating all suspects and therefore apply equally to suspects in trafficking. This part in the beginning of the interrogation is similar to the development of the relationship in questioning the victim and should be used for the purpose of similar assessment. This part should be used to explain the purpose of the interrogation to a suspect. To explain the legal authority under which it is being conducted and to explain his/her legal rights in the process. The steps involved in this process are:

- The chief interrogator will ask about the evidence at the time of his/her arrest and re-inform the suspect about the charges he/she has been arrested on and what he/she will be questioned about;
- Read the record of the arrest notes and the record of the search to the suspect and record the suspect's consent or disapproval. The steps to be taken are:
- This will reinforce the facts of the incident and ensure the accuracy of documenting what and when happened, and
- This is just for the suspect, because it will give him/her a second chance to raise any issue with the arrest and search or its filings. If there is any further objection to either matter, the same may be filed at this stage.

A – Account

Phase 1 - Allegations and History. The suspect should be informed of the details of the allegations brought against him/her and then his/her general opinion on the matter and the details of the victim's name and the suspect's involvement with them will be asked for.

Then proceed with general questions, such as:

Allegations and proceedings of specific cases; His/her contact with the victims; Where, when they met; Movement and transportation; His/her connection with the victim at the specified place and address of the location; Details of any physical relationship; etc.

Before concluding this phase, the interrogator will review the evidence obtained so far with the suspect and ask for his/her agreement or disagreement on any specific aspects of the evidence. Finally, a special charge must be brought before the suspect for clear and explicit consent or denial of his/her involvement in the crime. It is fair to inform the suspect about the allegations brought against him/her.

Phase two - Related Specific Questions. In the second phase, the method of interrogation has to be changed from a general subject to a specific point and particular event. The fact must be selected based on the evidential materials, available to the interrogator. Where possible, these materials should be shown to the suspect and his input on these should be sought. If his/hers answer given in the first episode is false, then you need to ask why he/she lied previously.

Table 6 : What is the underlying meaning of any interrogation?

Comments	<p>What is the underlying meaning of any interrogation?</p> <p>When asking a detailed question, it is important for the law enforcement officials to keep in mind that the suspect has the right to remain silent. Excessive questioning, repeated questioning, blaming him/her for lying, telling him/her to talk for cooperating in his/her own interest - these can create unjust pressure and can be considered cruel behavior by law enforcement officials.</p>
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C – Closure

To reinforce, the closure part is a matter of best practice for interrogating all suspects, and the same applies to suspects in human trafficking. In this case the following procedure should be followed:

- At the end of an interrogation, the interrogator will summarize the discussion and ask if the suspect has anything more to say or if there is anything more to clarify.
- It is considered the best practice to inform the suspect about the allegations made for the last time in a form of a summary and to ask the suspect to admit or deny them.
- The interrogating team will then ask the suspect to verify the interrogation record in the presence of his/her lawyer and to sign to be correct.
- If the interrogation is audio or video recorded, the suspect should be asked to counter-sign the label attached to the recording by observing the process of sealing it.
- Finally, before leaving the interrogation spot, the interrogators must explain to the suspect (and his/her lawyer, if present) what will happen next after the detention.

E - Evaluation. After completing the interrogation of a suspect, the interrogating team should review and evaluate its contents as soon as possible and identify the further necessary investigation steps based on the evaluation, for example:

- Conducting further investigation to examine the elements related to the relevant evidences - This may be necessary in cases of human trafficking, because questioning the victim will mean that the time limit for the bringing charges , where it may not be possible to complete all types of evidence within a single interrogation period, if the suspect refuses to engage.
- Forensic medical examination - Whether this issue will be raised will depend on the type of an allegation; If the allegation does not include physical or sexual abuse, a medical examination may not be necessary. If such allegations are made, the interrogator must evaluate whether the medical examination will assist in proving or disproving the suspect's involvement.
- Identification procedure- This issue will be raised only if a suspect refuses to provide any information regarding the victim. In the case of human trafficking, this is less likely to happen because there is usually enough evidence of communication between the victim and the suspect, making it difficult to claim that the suspect has never met the victim. However, if a suspect makes such a claim, the interrogator will have to arrange for the relevant identification procedure for the purpose of proceeding with the case.

Searching in additional addresses or arrests of more suspects as a result of the interrogation process-

Whether this issue will be raised will depend entirely on what the suspect is saying during the interrogation. If he/she doesn't engage, there will be no results. On the other hand, if the suspect admits to something, he/she may disclose information that might lead to such actions. For example, the suspect may talk about more persons involved and individuals harmed, or disclose the location of evidence materials (such as money or documents).

- Additional inquiries to obtain relevant evidence to support the investigation - as above, whether any additional evidence-collecting activities will be required will depend on what the suspect says during the interrogation.
- Evaluating the suspect's work as an interrogator at an appropriate time - This is a matter of best practice and on-the-job skills development. It doesn't have to be done right away. However, interrogators should take the time to talk regularly and review their work together to identify their strengths and weaknesses. Interrogation of human trafficking suspects can be complex and necessary for the same reason, because it involves multidimensionality of allegations and possible deadlines, and interrogators can increase their ability to take responsibility only by reviewing their work.

5.2. The phase after arrest - The steps of the next investigation

The purpose of the post-arrest investigation is to present evidence that will assist in the trial for any crime. Investigators will systematically complete this process. For this they will record in a written list the possible means of investigation. The list may contain:

Incidents and statements made at the time of arrest

- From the review of any seized evidence
- From the review the issues raised by the suspect at the interrogation stage

Investigators should make a separate list based on each identified evidence-based opportunity and then prioritize that list for investigative work. It is almost certain that the main task of the post-arrest phase will be to collect testimony and seize evidence-based materials and to examine and investigate various evidence-raising opportunities that may arise during the interrogation of the suspect.

Relevant sources of evidence and their types of evidence can usually be found in the following ways:

- Collection
- Transportation and travel
- Procedure
- Lifestyle
- Types of exploitation
- Evidence of communication between the suspect and the victim
- Expenses and financial gain

There may be two primary sources of this evidence: Documents obtained in pre-arrest and post-arrest activities and other evidence, provided by the victim and the suspect during interrogation.

Five Proof Sources

The crime of trafficking can be divided into five parts:

- **Publicity:** The ability to substantially link any promotional materials that may be part of the exploitative method to the suspect is very important in trafficking cases. In Southeast Asia, the campaign is less likely to be linked to the collection. However, it may exist in connection with exploitative motives. For example, promotional activities may exist through nightclubs, karaoke bars, strip clubs, and lap dancing bars.
- **Rent or purchase:** An investigation should be conducted based of the seized documents related to the rent of any premises connected to the crime. Such as any safe house in the country of origin, transit or destination country, any place involved in exploitation, factory, sweat shop, house, brothel, etc. and any means of rent or purchase for transportation and communication.
- **Transportation:** The investigation should be centralized by dividing the source, transit and destination into three parts. The investigation will then focus on two sets of documents:
 - Identity and access documents; passport, identity card, visa, etc.
 - Travel documents; air, rail, ferry tickets, boarding passes, road tolls
- **Communication:** Analysis of mobile phone or landline call logs, computer hard drives, past history and subject matter of emails, and information on internet activities can be an excellent evidence against the owners and users of those devices. Similarly, analysis of landline and mobile phone bills can be effective.
- **Financial transactions:** The purpose of the post-arrest financial investigation is to establish only three factual information:
How much money was earned through the crime? How much money is there now?
 - Where is the money now?

Types of Relevant Documents in the Investigation of Human Trafficking Crime. There are generally four types of documents associated with human trafficking crimes:

- Personal identity and visa documents
- Documents related to the method of transportation
- Documents related to fraudulent purposes
- Documents related to profit trafficking and management

What and how many types of documents will be involved in the crime will depend mainly on its operation. Given the current state of human trafficking in Southeast Asia, a significant amount of the documents mentioned above, especially identity and transportation documents, are unlikely to be found. The nature of trafficking in Southeast Asia is determined by the irregular movement through unstable borders. The use of identity or visa documents or long-distance travel documents, such as air tickets at these borders is not prominent. The same can be said based on the experience of the current investigation, in the trafficking activities in this area.

It is less likely to get very accurate and perfect documentation on exploitation management and profit trafficking. Often these trafficking is handled regionally and hand-to-hand rather than through profit transactional financial institutions. However, if trafficking occurs outside of Southeast Asia, all of the following policies may become relevant to the investigator. If traffickers want to transport their prey to the inter-continent, the four types mentioned above will be useful.

Identification and entry documents: Passport, identity card, visa application

These documents can be stolen or forged, and even if they are genuine, fake visas can be attached to them. In order to verify the authenticity of these documents, it is necessary to search through the applicable ministry, embassy and with the help of a liaison officer. The documents may have an exit or entry seal and those may be used to identify not only the date and time of departure and arrival, but also the relevant immigration or border officer. Documents like landing or departure cards need to be collected. The immigration officer may have a note of meeting the suspect or the victim before departure or landing, and these must also be collected. A thorough search with the visa section of the ministry or embassy concerned with any documents related to the entering or departing visa application should be conducted. These forms usually contain a lot of important information, as well as the date and time of the appointment on the part of the applicant. The visa officer may also take notes of any interviews, and collect them where possible.

Supplementary documents, such as sponsorship letters, job offerings or admission papers for study or language courses should also be collected as these may reveal important involvement in the crime process at the transport stage.

Consideration should also be given to whether any CCTV video record is still preserved at an embassy or in each country's port of entry during the trafficking process.

Travel documents

Immigration or border officials at the port usually maintain formal and informal exchange arrangements with airlines and ferry companies. Initial consultations with all these officers usually yield results. There are big discrepancies between travel documents and the amount of information obtained. Some trips can be instantaneous, like buying a ticket on a train or ferry. In that case, it contains the personal information of the ticket holder. It may be difficult to follow the movement, if no receipt of payment is received from the victim at the time of arrest or when the evidence is seized. The case is different with air tickets. Depending on the airline involved, a large amount of information can be obtained. If the plane ticket is provided by the victim's witness or is seized at the time of arrest, it becomes easier to follow the movement.

The original information on any ticket is given below the initials 'PRN'. 'PRN' stands for Passenger Reference Number. This number is no longer on an airline and information such as booking, purchasing, etc. can be found with that number. Evidence of the date, location and procurement process is important in the trial of any trafficking offense and must be collected and displayed.

If the suspect is a member of an airline's 'Frequent Flyer' or 'Executive Club', it is always convenient to identify him. These issues are important commercial endeavors for airlines, and preserve large amounts of information about such passengers that may be important (all of these searches must comply with the relevant data protection laws - airlines cooperate in criminal investigations only if they are done in accordance with the law).

Once the route and travel arrangements have been confirmed, a similar inquiry should be conducted with any travel agency involved in this matter and ticket sales. Further evidence can be found in the documents associated with the sale of a vehicle.

Financial transactions

In addition to cost and living evidence, intensive analysis of financial evidence can play a vital role in criminal prosecution. At the same time, the suspect may be identified in a certain place at a certain time by using many documents of financial transactions. This applies not only to large bank transactions, but also to small transactions such as restaurant bills or petrol purchase receipts. The following can be a valuable source of evidence:

- Accommodation receipt
- Promotion
- Travel expenses
- Visa costs
- Personal expenses such as transportation, jewelry, restaurants, gambling, casinos, nightclubs, etc.

Any documents relating to the procedures and routes of laundering or transaction of money outside the country. These may include money transfers, interbank transfers as intermediate banks in multiple countries, credit card transfers, and so on. It is also important to note that the method of profiteering before reaching the final destination may not always be available in computerized form from multiple bank accounts, such as international bank transactions. Traffickers use multiple methods to launder their profits. For example, many times cash is exchanged for other forms i.e., buying a car, a large quantity of clothes or something else. Such actions may take place in the destination country or even in the intermediary country before the profit reaches the final destination country.

6. Summary of important issues

- The highest moral and professional standards need to be applied at this stage and it should always be remembered that the primary goal of interrogating a suspect is to establish the truth, not just to convict him.
- Interrogation of suspects is an integral part of the investigation process by implementing law. These notes will provide the investigator with information about the international standards and laws regarding the appropriate treatment and handling of persons under interrogation.
- These knowledge and ability to apply these standards and practices is essential for the efficiency of the members of law enforcement agencies in Bangladesh.
- An interrogation of a suspect should be under the P.E.A.C.E model i.e., Preparation, Explanation, Account, Closure, Evaluation. This model is a proven framework that can be applied to all types of situations when interrogating a suspect and to address challenges with good preparation and methodology.

- The final assessment portion of this model is closely linked to post-arrest search identification and execution. This creates an opportunity to search all types of evidence in the context of arrest, search, seizure and interrogation of a suspect.
- The purpose of the post-arrest investigation is to present evidence to assist during trial and similar methods are used to strongly support victim's testimony, such as identifying and evaluating evidence and launching an investigation to find them.
- Post-arrest investigation usually has two primary sources: Documents obtained before an arrest or those obtained during an arrest, search and seizure of evidences, and other evidence provided during questioning witnesses and suspects.
- Investigative experience shows that five-element investigation approach usually provides valuable results; These are - promotion, rent or purchase, transportation, communication and financial transactions. Any analytical view of a human trafficking crime scene method shows that it is impossible to commit this crime without involving in at least two of the five elements mentioned above. In most instances, evidence can be generated from at least four or all of the elements.

7. Questions for review

- In light of international law, make a list of human rights issues for questioning a person suspected of human trafficking.
- Identify the legal implications of interrogating a suspect in accordance with the Code of Criminal Procedure Act of Bangladesh.
- Describe the results of a policy of legitimacy, necessity and proportionality during the interrogation of suspects in anti-human trafficking investigations.
- Prepare an appropriate investigation plan for the interrogation process.
- Describe the method of interrogating a suspect.
- Identify the steps of the post-interrogation investigation and arrange them on a priority basis.

Chapter 7

Urgent responsibilities of law enforcement officers



Session No.: 11

Headline : Provide information about the victim interview

Objective : Promote sensitivity toward the victim

- Will learn about the strategies for collecting information from the victim
- Will learn about the avenues for collecting proof

Time : 45 Minutes

Method : Role play

Materials : Case study, participation, slide presentation

Continuous process :

- Call 5-6 participants.
- After explaining the case study, ask them to role-play according to the character.
- Ask the rest of the participants to watch attentively and take notes.
- Give 10 minutes for preparation. Ask others to read the lesson materials.
- Ask audience participants for their opinions after the role play.
- Present your slides after listening to everyone's opinion and explain how to interview victims.
- At the end of the session, listen to questions, if there are any. Afterward, provide your summary and release everyone saying thank you.

Note for the Assistant:

- Read both lesson materials carefully. Prepare slides.

**Session No. 12: Immediate Responsibilities
of Law Enforcement Officers**
Time : 90 Minutes

Session No: 12

- Headline : Provide information about the victim interview
- Objective : ➤ Will be able to identify and describe the five immediate responsibilities of officers. Will be able to identify and explain the legal rights of the identified victims and the opportunities that they deserve. Will be able to plan the rules, method, and subject matter of the interview to collect primary evidence.
- Will be able to identify and understand the main aspects of planning and conducting an arrest operation. Will be able to explain the key issues for preserving evidence at the crime scene and understand its importance. Will be able to identify the best way to conduct an arrest operation in trafficking cases, the main legal basis of arrests, and evidence of trafficking.
- Time : 90 Minutes
- Method : Brainstorming, group work, lesson discussion, discussion in large groups
- Materials : Relevant lesson materials, instructive slides, marker and flipchart
- Continuous Process: Steps of conducting the session

Step 1

Brainstorming: 30 Minutes

- Welcome the participants to the session and establish a link with the previous session.
- Then inquire about what was discussed in the previous session in brief. Possible questions may include “What does international law say about questioning a suspect?”, “What does Bangladesh’s criminal law say?”, etc. Write on the board if needed and thank them for giving the correct answer. Then ask participants what the immediate responsibilities of law enforcement officers should be, with respect to human trafficking victims, listen to their responses, and write them on the board. Now establish links by writing the first five items from the attachment on the board. Examples include: collecting information from the identified victim, protecting the victim’s security and rights, interviewing in order to collect primary evidence, information verification, decision-making and emergency intervention, planning and conducting rescue and arrest operations, etc.

Step 1

Group work: 60 Minutes

Now discuss if, based on information received, there are logical reasons to think that other victims are still being exploited and if it is possible to identify the place of exploitation. Then, after verifying the information received, make a decision regarding any emergency operation to rescue those victims from further abuse and harm.

- Divide the participants into four groups. Distribute posters, paper, and markers to each group. Say, many of us already know about it in detail and have also worked on it. Now, we shall together see if there still are other victims who are being exploited and if it is possible to identify the place of exploitation. Next, tell them to write in bullet points on poster paper what steps are generally taken to conduct an emergency operation to rescue those victims from further exploitation and harm. Give them 20 minutes. After they finish writing, every group will present. After all the groups are finished with their presentations, collect all their points, thank them, and then give a presentation on P.E.A.C.E (P – Planning and preparation, E – Entry and execution, A – Arrest, C – Crime scene management, E – Evidence) using prepared slides and match their written points with it.
- After the presentation, ask whether the participants have any questions or opinions. End the session by thanking everyone.

Note for assistant

- Learn in detail about the immediate responsibilities of law enforcement officers. Also, learn about the various articles mentioned in the Constitution of Bangladesh and the rules of the Prevention and Suppression of Human Trafficking Act.

Lesson materials

Reading Materials

6. Victim interview and immediate responsibilities of law enforcement officers

6.1 Immediate responsibilities: 5 initial things to do

There are two main ways to bring cases of a suspicious trafficking incident to the attention of law enforcement officers at the field level:

1. Collecting information from the identified victim: Information obtained from a person who has been confirmed as a victim of human trafficking.
2. Collecting information from other sources, including:
 - If the suspected victim does not provide any information, then use the Victim Identification Process to obtain information from the victim's family and friends;
 - Information obtained from the staff of the victim assistance agency; Information obtained as a result of police activities such as information collected by detectives.
 - Information received from the staff of the Victim Support Agency
 - Information obtained as a result of police activities, such as information gathered by intelligence

As soon as the information of a suspected human trafficking incident comes to their attention, law enforcement officers will take the following five steps as quickly as possible:

1. Transfer the victim to a safe place if the incident is proven by Victim Identification Process. Inform them about their legal rights and the benefits they are entitled to, and ensure that they receive them.
2. On the basis of information received, try to ascertain whether other victims are still being exploited or not and, if so, at which location.
3. If proof and location of human trafficking can be confirmed, then arrange for field-level officers to get the matter verified through their senior officers. Through verification, a decision must be made about whether immediate steps need to be taken to ensure the rescue and safety of other victims. For this step, it may not be right to wait for expert assistance.
4. Along with this, inform the expert investigators as quickly as possible and continue subsequent activities according to their advice.
5. If immediate intervention needs to be taken before expert assistance arrives, plan and conduct an operation considering the following points:
 - Determining the location of the victim and rescuing them;
 - Determining the location of the suspected traffickers and arresting them;
 - Collection and preservation of related evidence.

These five steps initially required have been described in detail in the remaining part of this Module.

6.2. Things to Do 1

Field-level law enforcement officers will ensure the transfer of the identified victim to a safe place. They will also ensure that the victim is informed of their legal rights and benefits they are entitled to and ensure that they receive them.

6. Victim interview and immediate responsibilities of law enforcement officers

Besides bringing the victim to the attention of the law enforcement officers:

1. The victim shall be transferred to a secure place as quickly as possible and conventional support has to be ensured.
2. It has to be ensured that the victim is kept in a safe place such as a police station, immigration center, victim assistance agency shelter, or hospital. Police protection has to be arranged to stop all communication between the victim and the trafficker for the victim's overall security.
3. If the victim needs to be kept in a police station or an immigration center, then it should be for a short period of time. In the meantime, arrangements should be made to send them to an appropriate place, such as a place provided by a victim assistance agency.

Step 2 Legal rights and opportunities

In addition to the right to receive comprehensive support as a crime victim, all victims of human trafficking also have the right to justice. That means they deserve the opportunity and have the right to receive justice under the criminal judicial system. This right and opportunity is described in brief below:

The UN declaration regarding victims of human trafficking mentions that the victims of identified human trafficking maintain the following rights as victims of a crime committed against them:

- Right to empathy and respectful treatment;
- Right to receive justice and be rehabilitated;
- Right to receive assistance and information about the incident that occurred against them;
- Right to speak in hearings related to the crime;
- Right to preserve personal privacy;
- Right to receive legal aid for deserved compensation;

One main job of field-level law enforcement officers is:

To ensure that the victims of human trafficking receive all the information about their deserved rights and the crime committed against them in due time.

As a part of this responsibility, the victim must be informed about their options in the criminal justice system in their mother tongue.

1. The victim has the right not to cooperate with law enforcement officers by remaining silent. This right is recognized in Article 35(4) of the Constitution of the People's Republic of Bangladesh. It is important to be aware of the implication: since the victim has the right to remain silent, they cannot be forced to collect any information or to give any statement.

All victims reserve this right, and they cannot be compelled to cooperate against their will.

2. The victim reserves the right to give information about the traffickers to law enforcement officers. But they can express their inability to be an eyewitness or testify in court. The officers must be fully aware that the victim does not have to do anything to receive their entitlements. This means that the victim reserves the right to receive services unconditionally and cannot be told that they will only get services if they help in the investigation or testify in the case.

The victim shall be transferred to a secure place as quickly as possible and conventional support has to be ensured.

3. The victim reserves the right to file a formal complaint, give a statement of proof, and testify against the traffickers.

The subsequent steps of the relevant officers will be determined by the victim, who will choose one of three arrangements.

6.3. Things to Do 2

Based on the information received, try to confirm whether there are other victims who are still being abused and, if so, where this is occurring.

Collecting information from the identified victim

In this phase, the action taken will depend on the victim's choice:

Step 1 If the victim decides to remain silent according to their rights

1. Analyze all the information received through the Victim Identification Process (Such as pre-interview guidelines and additional evidential information or evidence.) Information obtained from a mobile phone is a very effective way of finding a person's location. If the victim gives permission to the officers to verify the information on their mobile phone, the location of other victims and information on abuse can be obtained from information found on that phone.
2. Answers to the following two questions can be used to verify the information received:
 - Are there enough logical reasons to believe that other victims are still being abused? If the answer is yes, then;
 - Is it possible to find out the location where they are being abused?
3. If the answer to the second question is 'No', or if the location cannot be determined, record all the information received, reach out to the expert investigators as soon as possible, and follow their advice.
4. If the answer to the above two questions is 'Yes', follow the instructions described in 'Things to Do – 3' below.

Step 1 If the victim decides to remain silent according to their rights

1. Following the conditions described in step 3, take information from the victim through a friendly conversation.
2. Collect information from the victim by getting answers to the following questions:
 - Are other victims still being abused and, if so, what is their location?
3. If the answer to this question is 'Yes', try to get the following information:
 - The number of other victims, their ages, nationalities, and languages.
 - Do they regularly face the risk of physical injury and other abuse?
 - Address of the torture location with as detailed and accurate a description as possible; if possible, make a plan with a map of the place
 - Number of abusers, their names, nationalities, and physical descriptions;
 - Do the abusers or does the place pose any risk of danger? – for example, are they armed, are they oppressive, is the location dangerous?

4. Keep written records of the information given by the victim.
5. If the victim being interviewed does not want to provide information about other victims being exploited, or if it is not possible to determine the location of where exploitation is occurring, record all other information, reach out to the expert investigators as soon as possible, and follow their advice. Keep a record of information for the expert investigators and ensure that the information reaches them at the right time.
6. If the victim being interviewed reveals information about other victims being exploited and it is possible to determine the location where it is occurring, then follow instructions in 'Things to Do – 3' described below.

Step 3 - If the victim agrees to provide proof and testify in court

If the victim agrees to hand over proof and testify in court, then they should be interviewed in order to collect primary evidence.

Obtaining detailed information from the victim in length, a time-consuming interview is not the objective. Rather, the purpose of this interview is to prepare a brief description of the incident. That is why it is important to ask the victims open-ended questions (questions with answers beyond just 'Yes' and 'No') as much as possible. These questions encourage the victim to talk.

There are four main purposes of this interview:

1. Establishing the fact that a crime occurred through evidential information.
2. Trying to find out if other victims are still being exploited and, if so, their location.
3. Using the evidential information gathered in legal work to make it possible to rescue other victims, arrest suspected traffickers, and preserve relevant evidence.
4. Preparing an outline for the expert investigators.

Conducting an interview to collect primary evidence

The interview process is made up of five components:

- Terms and conditions of the interview;
- Necessary employees/officers;
- Conduct, introduction, and explanation;
- Content of the interview;
- The conclusion of the interview.

Terms and conditions of the interview

Uphold the following points as far as possible:

1. A secret place for the interview, such as an office room, where it is not possible to eavesdrop and where it will be easier for the victim to answer questions;
2. Cleanliness and security of the interview room;
3. "Entry Restricted" notice on the door of the interview room to prevent interruptions;
4. Necessary arrangements for snacks and toilet breaks;
5. Adequate arrangement to record the victim's statement;
6. Shutting off mobile phones.

Note: Notice if the victim appears confused, afraid, unbelieving, skeptical, and physically or neurologically injured.

Necessary employees/officers

1. Keep the number of police personnel as low as possible. There should not be more than two interviewers in the interview room.
2. Request two police personnel for the following tasks:
 - Only one person will ask questions, which will be helpful for the victim to understand the questions;
 - The second person will ensure that no harm comes to the victim (as in, Do No Harm); They will observe in a manner that the victim does not feel too much mental stress.
3. If the victim is female, then a female officer should conduct the interview. If there are no female officers, the male officer must refrain from asking questions about sexual harassment and individual privacy.
4. If the victim is a child, then a female officer should conduct the interview if present.
5. If the victim seems to be like a child, then in order to preserve the rights of the victim, the interview should be conducted by a neutral person. Since it is not possible to get the parents or other adult family members, use the help of victim assistance agency workers for the interview.
6. If the victim cannot speak the local language accurately, then enlist the help of an approved interpreter.
7. If an interpreter cannot be found immediately, then enlist the help of someone trustworthy and efficient who can speak the victim's language. Make sure that this interpreter is not another victim, witness, or someone suspected of the crime. It is best if the interpreter is not known by the victim, that their residential area is far from that of the victim's, and that they are not at all aware of the crime.
8. If the victim agrees and the help of psychological and legal experts is needed in the interview, then arrange for it.
9. Explain the purpose of the interview to the experts and request that they do not participate or talk in the middle of the interview. They can talk or give an opinion if:
 - The psychological expert feels that the victim is becoming mentally distressed, or;
 - The legal expert feels that the victims' legal rights are not being followed appropriately.

Conduct – introduction - explanation

Conduct

1. The success of the interview may be affected by the interviewer's attitude, manner of speech, and conduct, which is why as much as possible, the victim should be asked open-ended questions (questions with answers beyond just 'Yes' and 'No'). Refrain from considering or expressing that the victim is being accused of anything and from using that kind of language.
2. Refrain from coming across as if you have understood everything by simply seeing looking at the victim. Remember that the person is a victim of dangerous crime and of abuse. Try to be empathetic toward their situation.
3. Only use appropriate language. Refrain from using contemptuous language.
4. Reassure the victims through professionalism and respectful behavior.
5. Develop the necessary relationship of trust with the victim through patience.

Introduction

At first, it should be explained with gravity what is going to happen in the interview and who is going to be present. The sooner the victim understands what is happening and why, the sooner they will cooperate in giving appropriate answers to interview questions.

Therefore, consider the following points:

1. Introduce everyone present in the interview room.
2. Explain the reason for their presence at the interview.
3. Ask the victim to take a seat.
4. Ensure that the victim is feeling safe and not feeling any discomfort.
5. Ensure that the victim is feeling well enough to answer questions. If the victim speaks of illness, then organize necessary medical treatment before the interview. It is the first and foremost duty of the responsible officers to ensure the victim's wellness.
6. Inform the victim about snacks and the toilet.
7. Check-in from time to time to make sure that the victim can understand the questions correctly.

Explanation

1. Explain the purpose of the interview in brief.
2. Try to understand the summary of the incident.
3. Try to find out if other victims are still being exploited and, if so, their location.
4. Explain to the victim that they may have a problem remembering the correct answers to some questions.
5. Encourage the victim to take time while answering questions.
6. Explain to the victim that they can ask questions during the interview if they do not understand something.
7. Tell the victims that they can ask for a break at any time. They can just give a signal when needed.
8. Check that the victim has understood everything that has been said until now.
9. Ask the victim if they are willing to participate in the interview. Although the interview has been arranged with the primary consent of the victim, consent should still always be confirmed before starting the interview.
10. In the case of a child victim, consent must be obtained from the adult who has taken responsibility to conserve the child's rights.

The subject of the interview

It is the duty of the interviewer to gather information about the incident from the victim and prepare a summary of the incident. Interview questions should be based on the three stages of human trafficking:

- Recruitment/collection
- Transport and transfer
- Exploitation

A checklist as a subsidiary for the interview process has been given below, but it should be kept in mind that there are differences in each case. Therefore, questions may be changed according to the background of the incident. According to this checklist, an interview can be conducted through questioning. The second officer involved in the interview will keep a written record of the victim's answers.

Recruitment/collection	
When	<ul style="list-style-type: none"> Day, date, week, or month of the start of the incident, i.e., when did the victim first get introduced to their recruiter or kidnapper; <p>(If the victim cannot remember the correct date, then try to start with a significant incident in their life, such as their birthday or the day of any religious festival).</p>
Where	<ul style="list-style-type: none"> Place of first meeting; A specific description, such as: the name of the place, address from where the letter was sent, etc. Any specific, revealing description of the place (or places).
Who	<ul style="list-style-type: none"> Details about the suspected persons; Name; Description of physical structure; Detailed address; Transportation used; Telephone Number;
What	<ul style="list-style-type: none"> What happened How did the victim leave their home; If it was done by force or not, and if so, how did it happen; If the victim was offered a new opportunity, what promise was made. Does the victim have any copy of an advertisement or contract? (If so, collect)
Why	<ul style="list-style-type: none"> Why did the victim agree to the proposal? What did the victim expect to happen in the new place?

Transport and Transfer	
When	<ul style="list-style-type: none"> • Day, date, week, or month when the victim left home or previous location; • When did the victim reach the place where they were abused? <p>(If the victim cannot remember the correct date, try to start with a significant incident of their life, such as their birthday or the day of any religious festival.)</p>
Where	<ul style="list-style-type: none"> • From where did the victim travel? • Which path (route) did they use? • If it is an international incident, then inquire whether the victim crossed the border with the help of human traffickers; If so, can the victim remember the exact place where they crossed the border; • If it is an international incident and the victim did not cross the border with the help of human traffickers, then ask them to identify exactly where along the border they exited the country; • Through which border did they enter the transit country; • Through which border did they enter the country where they were abused.
Who	<ul style="list-style-type: none"> • Details of the personal relationship between the victim and the suspected travelers; • Role of these suspected persons during travel; • Details of other victims who traveled with the victim; • Their name and description of physical structure.
What	<ul style="list-style-type: none"> • Which mode of transfer was used: on foot, by car, railway, boat, or air; whether authorized documents were used and, if so, which name was used in the documents of the victim; • Details of the transportation company if any transportation company was used • If any ticket was bought, how and through whom it was paid; • Are there any travel documents or identity cards available with the victim at the moment? (collect if so)
Why	<ul style="list-style-type: none"> • Why did the victim agree to travel with the suspected persons; • The path (route) used for travel and what the logic/reasoning was for choosing this path

Abuse	
When	<ul style="list-style-type: none"> Day, date, week, or month when the abuse started and when the victim actually began to understand the situation; How long after reaching that location did the abuse/harassment start; <p>(If the victim cannot remember the correct date, try to start with a significant incident of their life, such as their birthday or the day of any religious festival.)</p>
Where	<ul style="list-style-type: none"> As much detailed information as much as possible to identify the location of exploitation; Address, location of exploitation/name of the house; Description of the surroundings of the location of exploitation ; A detailed description of the location/house of exploitation how many doors were there, were the doors locked, <p>(if possible, draw a sketch of the place with the help of the victim).</p>
Who	<p>Other victims:</p> <ul style="list-style-type: none"> Detailed information of other victims who are still in that place; Find out whether they are male or female, their ages, nationalities, and languages; Are they suffering from any sickness or wounds? If so, then detailed information of it; How long they have been in there. <p>Suspected traffickers:</p> <ul style="list-style-type: none"> How many suspected traffickers are in that place; Information about their gender, age, nationality, language, and physical structure; Are they aggressive and what arms do they possess?
What	<ul style="list-style-type: none"> Method of exploitation: Physical labor, prostitution, domestic work, organ harvesting, etc.; Did the victim stay and sleep in the same place; If not, where did they stay; Brief description of the workplace and the residence. Was enough food given to the victim; if not, describe what was given; Was salary paid to the victim; if so, how much and who paid; Has the victim been harmed; if so; how was the harm done? Were any arms or weapons used to inflict physical, sexual, or mental harm? Was the victim ever detained in any way; if so, get a description of how they were detained and identify the person suspected to have controlled access to that place.
Why	<ul style="list-style-type: none"> Was there an opportunity for the victim to run away? If so, why did they not take the opportunity?

Things to do after the end of the interview to collect primary evidence

1. When the interview ends, questions and answers should be read out to the victim, and their signature should be recorded on every page. This ensures that the answers are recorded accurately.
2. If the victim wants to change or add something to their answers, then the victim will read that correction after it is recorded and sign again.
3. After this process, the victim has to be informed of the next steps to be taken for the sake of their security and wellbeing.
4. After that, the victim must be returned to a safe place.
5. If information of other victims being exploited is not found, and/or it is impossible to find out the location of exploitation,
6. Then inform the expert investigators, provide them the primary evidential information, and follow their instructions.
7. If information about other victims being exploited is found, and it becomes possible to identify the location of exploitation, then follow the directions in Things to Do – 3 described below.

Collecting information from other sources

It has already been stated before that information about the occurrence of human trafficking can be found from various sources, such as:

- Information found from victims' family and friends;
- Information found from staff of victim assistance agency;
- Policing steps such as information found as a result of detective activities.

In this case, relevant officers will adhere to the following steps:

1. Arrange an informal interview with the information provider.
2. Use a standard checklist for interview questions.
3. Specifically, emphasize two questions- are other victims still being exploited? And if so, where are they?
4. Keep a written record of the interview and get the signature of the information provider. If the informant does not want to sign, then do not force them. A signature cannot be procured by applying pressure.
5. Verify the reliability of the received information. For example, if the victim says, "One day police raided their workplace," then try to find documentation from local police station records.
6. If information about other victims being exploited is not found, and determining the location of exploitation is impossible;
 - Inform the expert investigative unit, provide a copy of the victim interview or record of the information received, and follow their instructions.
 - If the matter of other victim's being exploited turns out to be true, and it is possible to identify the location of exploitation, then follow the instructions in Things to Do – 3 as described below.

6.4. Things to Do 3

Based on information received, if there is a logical reason to believe that other victims are still being exploited and it is possible to identify the location of exploitation, then after verifying the information received, make a decision regarding any emergency operation to rescue those victims from further exploitation and harm.

All decisions made at this stage (Things to Do – 3) will depend on verification of information received up until this point. Adhere to the following steps:

Step 1

In this case, the main basis of the decision is to consider the following two questions, based on all the information received.

Is the security risk to the other victim(s) very high, meaning do they need to be rescued immediately to protect them from further exploitation and harm?

Or

How high is the security risk to the other victim(s)? Can the rescue wait until the expert investigative team arrives?

In such cases, it is not possible to compile a complete list of possible reasons to help make a decision because each incident should be considered according to its uniqueness. However, it is essential to take the following matters into consideration in order to verify any incident:

1. Based on all the information received, if it seems that the following information is certainly true, then emergency action is almost certainly required:
 - Children are being exploited as victims of human trafficking;
 - The behavior of the traffickers towards victims (regardless of whether they are children or adults) is so aggressive that they are at extreme risk. In these circumstances, any delay in deciding to plan and conduct a rescue mission may increase the risk of their harm. At that time, it may not be possible to provide an appropriate explanation of the reason for the delay in making a decision;
 - The location where the victims are being exploited is so dangerous that the risk is of the highest level. In this situation, it is necessary to protect the victim on an emergency basis from being subjected to further harm. Examples could be exploitation in garment factories, construction sites, or field work where the environment is very dangerous or where they are deprived of nutrition and medical services for a long time. As a result, they would be a tremendous health risk if they are not rescued on an emergency basis.
2. These decisions need to be made with careful and deep consideration because these matters are always extremely sensitive. The next step for field-level officers is to take advice from the experts.
3. After this, follow Things to Do – 4

6.5. Things to Do 4

Inform expert investigators as soon as possible, consult with them, and follow their instructions.

Step 1

Before taking any steps:

1. Communicate with expert investigators as quickly as possible.
2. Inform them about the incident and the primary verification method of the incident.
3. To reduce further risk and harm to the victim, if the expert investigators can reach the location of the incident and start investigating quickly, then wait for them and follow their instructions.
4. If communication with the expert investigating unit is not possible or if they cannot reach the location of the incident and start investigating quickly to reduce further risk and harm to the victim, then follow Things to Do – 5.

6.6. Things to Do 5

If an operation must be conducted on an emergency basis before the expert investigators reach the location and give their consent, or if their advice cannot be obtained fast, then planning and conducting an emergency operation is necessary:

- Rescue the victims by determining their location;
- Arrest the suspected traffickers by determining their location;
- Collect and preserve relevant evidence.

The purpose of this operation is to ensure the safety of the victims by rescuing them and to identify the traffickers from the place of occurrence. In order for the operation to be successful, its planning should be clear, and every officer's responsibility should be specific. It must be confirmed before the operation that all officers are consciously aware of the responsibilities given to them.

Here, one may have to face two possible situations:

Situation 1 - When the expert team is unable to reach and help quickly

In the first situation, the field officers have communicated with the expert investigators. Experts have advised proceeding with the emergency operation because the security risk to the victim is such that immediate steps must be taken before the expert team arrives and takes control of the situation.

It may take too much time to reach the place of occurrence because of the distance between the location of exploitation of the victim and the location of the expert investigative team, or the investigative team may not be able to arrive on time to help because of their excessive workload.

Under such circumstances, the field-level officers will conduct the operation themselves by communicating with the expert investigators and taking their advice for the rescue and arrest operation.

Situation 2 – Establishing quick communication with the expert team is not possible

If for any reason, the officers cannot communicate with the expert investigators, but they have to conduct an emergency operation, then the most important thing is to make the right decision at the right time with proper planning.

Officers might have to make a decision about the maximum amount of time that they can delay what needs to be done. The question is:

- Can the emergency operation be delayed until expert advice comes?

In most cases, it may be logical to delay for some time until expert advice comes.

However, if expert investigators cannot be communicated with or they do not work after office hours, then the situation may require the field officers to do the necessary planning and conduct the operation without expert advice. For example, if information about the sexual exploitation of children or regular physical abuse of victim is obtained at dawn or during the weekend, then waiting for the appropriate time for discussion with the expert team

would not be logical, and field officers may have to take necessary steps without expert advice.

Planning and conducting a rescue and arrest operation

The following guide has been created to assist field officers responsible for planning and conducting emergency rescue and arrest operations step by step.

Objective and criteria

There are three objectives of this operation:

1. Rescue victim by determining location;
2. Arrest suspected traffickers by determining their location;
3. Collect and preserve relevant evidence.

The procedure of operation used to accomplish these objectives must adhere to the following four criteria:

1. Ensuring the safety and rights of the victim;
2. Ensuring the safety and rights of the suspected persons.
3. Ensuring the safety of all members of the operation team.
4. Abiding by the law properly and not taking the law into one's own hands.

The following method has been prepared to accomplish the objectives of the operation and to ensure the above criteria:

- Planning and preparation
- Entrance and conduct
- Arrest
- Crime scene management
- Evidential information

P - Planning and preparation

E - Entry and execution

A - Arrest

Planning and preparation

Will be able to identify and understand the main aspects of planning and conducting an arrest operation.
Will be able to explain the key issues for preserving evidence at the crime scene and understand its importance.

Will be able to identify the best way to conduct an arrest operation in trafficking cases, the main legal basis of arrests, and evidence of trafficking.

1) Law

1. Depending on the reliability of the information received, can the law be used to arrest suspects by entering and raiding the place of incidence?
2. Confirm that the court has issued an arrest warrant and collect a copy of it.

2) Place of incidence

1. Be sure of the exact location of victim exploitation.
2. Try to get a sketch drawn of the location of exploitation (interior of the house and the outside surrounding area).
3. Identify which path (route) will be the easiest to reach the location.

3) Manpower

1. How many victims will be rescued, and where will they be taken after being rescued?
2. How many traffickers are anticipated to be there; how many officers will be needed to capture the traffickers; where will the traffickers be taken after the arrest?
3. Who else might be at the place of operation? Examples include sex workers and their customers, legal workers, owner of the house, etc. How will they be handled?
4. Medical service: does it seem from the information obtained that the victim would need treatment, and does a doctor need to be with the operation team?
5. If the victim cannot speak the local language, is an interpreter needed?
6. Is a counselor needed to help the victim?

4) Risk and risk management

Consider the potential risks of each step of the operation in advance.

1. Is there any indication in the information obtained about the potential risks?
2. How many traffickers can there be; are they aggressive; do they have weapons?
3. How many victims are there; will they panic during the operation?
4. Is there anything dangerous at the scene, such as things scattered on the floor, dangerous electric wires, risk of fire, or other risks?
5. How will these risks be dealt with?

5) Weapons/equipment

1. Carry the necessary weapons for safety such as firearms, bulletproof vest, handcuffs, etc., with you.
2. Transportation - how will the raid team go to the place?
3. Camera - carry video and camera equipment with you.
4. Other equipment - flashlight, screwdriver, pen, etc.
5. Communication – How will the raid team communicate with each other – by talking, wireless radio, mobile phone?

6) Team briefing

1. Divide the total manpower of the operation into different groups and assign specific responsibilities to each group.
2. Everyone will enter the scene by dividing into different groups: some will search and arrest, some will control and rescue victims, some will look after the security of the surroundings of the house, some will collect evidence found at the scene.
3. Ensure the presence of all officers participating in the operation at the briefing session. Tell everyone:
 - The purpose of the operation;
 - The legal permission which will be used as the basis of the operation;
 - Details of the information obtained about the victims to be rescued;
 - Details of the information obtained about the suspected traffickers to be arrested.
 - Any specific evidence at the scene that requires special care.
 - Specific duties and responsibilities of each officer.
4. Conduct the brief by following the format below:

Description of the incident/situation – what has exactly happened?

Mission – what are we going to achieve? (what is our goal?)

Conduct – How will the operation be conducted logistically? Let everyone know about the legal approval for conducting the operation. Distribute the responsibilities of each officer precisely.

Entering the spot and conducting operations

Since the success of the campaign will depend on the strategy of entering the scene, consider the following:

Entry

1. What is the best way to enter the scene?
2. Is it necessary to enter the scene by force, or is it possible to enter by any other means?
3. Ask the first team entering the scene and the team responsible for the security around the scene to start the operation together.
4. If possible, the first team to enter will carry video or still camera equipment so that they can capture pictures and events of the moment of entry.
5. To avoid any trouble, make the first team enter in police uniform.
6. Take control of the scene as soon as possible.

Suspected traffickers

1. Quickly identify and arrest traffickers through the arresting team.
2. Ensure that the suspected traffickers cannot remove anything that is in their possession.
3. Separate the suspected traffickers from the victims as soon as they come under control so they cannot intimidate the victims.
4. Isolate the suspected traffickers as much as possible so that they cannot communicate with each other.

Victims

1. Ensure the safety of the victims by properly identifying them.
2. They may panic and not cooperate if they do not understand the suddenness of the situation. Anticipate the matter in advance and take the necessary steps to resolve it.
3. Enlist help from the interpreter and counselor, if necessary, to inform the victims about the operation after the arrest of the traffickers and as soon as the security of the scene is ensured.
4. Ask the victims to point out their belongings, though their belongings will remain there for now as evidence.
5. Move the victims to a secure place such as a police station, immigrant shelter, or hospital as soon as possible

Other people

1. If there are other people there, such as clients or legal staff, then after learning about them in detail, move them to a secure location as soon as possible.

Medical assistance

1. If any person (such as an officer, victim, or other people) gets wounded or becomes sick at any stage of the operation, provide medical assistance through a doctor at the scene or by taking them to the hospital as soon as possible.

Arrest

Ensure the safety of the suspected traffickers, arrest them legally, and follow through with the next steps

Consider the following points:

Steps for the security and operation team

1. Arrest the suspected traffickers after identifying them.
2. Use brute force only as much as needed to stop any harm from the suspected traffickers and to arrest them.
3. Handcuff the traffickers for the sake of everyone's safety.
4. Make sure that the suspected traffickers cannot communicate with the victims verbally or through gestures.
5. Make sure that the suspected traffickers cannot communicate with each other as well.
6. Make sure that the suspected traffickers cannot use mobile or landline phones.

Information to be given to the suspected traffickers

1. Inform the suspected traffickers of the following points as soon as possible:
 - Name and rank of the arresting officers;
 - The specific reason for arresting them;
 - A brief explanation of the reasons for the arrest;
 - Their legal rights, such as the right to remain silent.
 - Keep a record of what suspected traffickers say.

1) Security

Crime scene management needs to be appropriate. The most important evidence is likely to be found here. Consider the following:

1. The scene will be considered a crime scene upon entrance.
2. It is very important to preserve any evidence of the crime so that it does not get destroyed for any reason.
3. As soon as the suspects come under control, assign the responsibility of entrance security to the team in charge of the security of the surrounding area.
4. The main responsibility of this team will be to only allow the authorized authority to enter and exit.

Steps for the security and operation team

1. If the suspected trafficker gets arrested at the scene, then the following places will be considered as crime scenes and should be searched for evidence:
 - Place of exploitation and arrest;
 - Home address of the suspected traffickers (if different from the exploitation location);
Any vehicle used by the suspects (car or other vehicles).
 - Any vehicle used by the suspects (car or other vehicles).

3) Search preparation

1. Whenever the suspects come under control, follow the Move Slowly policy to complete rest of the operation without rushing.
2. Do not start searching until:
 - The victims are removed from the crime scene;
 - Others are removed;
 - A sketch of the crime scene has been drawn;
 - The crime scene is video recorded – all the areas, starting from the entrance and including each room, should be video recorded;
 - Take pictures with a still camera if a video camera is not available;
 - Take pictures or videos of door locks, locks, chains or window grills with a video or still camera.

4) Method

1. Make sure that there are adequate evidence bags and search records for collecting evidence during the search.
2. Take your time and work slowly. Do not rush.
3. Divide work among the search team: one person will search, one will record, one will pack the evidence, one will ensure the safety of the suspects, etc.

5) Rights of the suspects

1. Before starting the search, inform the suspects of the following points:
 - On the basis of which authority the search is being conducted;
 - If the search is being conducted on the basis of a court warrant, then you can show them a copy of the warrant;
 - The right of the suspects to remain at the site of the search during the search;
 - If applicable, the right of a neutral person to be present during the search and in whose presence the confiscated evidence can be listed.

Proof or evidence

What needs to be done: All the evidential information related to human trafficking needs to be identified and preserved.

Evidential information can be very effective in establishing the facts of a crime.

Consider the following points:

1) Verify the information you have

1. Since there is enough information available to prove the rationality of exercising legal power in conducting the rescue and arrest operation, then there must be some information about the type of complaint.
2. Consider the facts and find the answer to the question below:
What evidence may be relevant to confirm or deny the authenticity of this allegation?
3. Make a list of the things to look for as proof or evidence and inform all officers.

2) Method

1. Search exploitation sites as well as the homes, cars, and other vehicles of the suspects.
2. Collect every item that seems legally relevant as evidence.
3. If there is any question of an item being evidence, collect it. It can be returned later.
4. Search in the presence of the owner of the scene or the owner of the vehicle.
5. Work slowly and correctly by following certain procedures.
 - A detailed description of the item;
 - Exactly where the item was found at the scene;
 - An accurate time when the item was found;
 - Detailed information from the investigating officer who found and collected it.
 - Packaging details: how is the packing done? In sealed bags, envelopes, etc.
7. When the search is over, read the list of collected items to the suspects and ask them to sign.

3) Evidential materials

Specific materials

1. Collect the items specifically mentioned in the primary information, such as:
 - Arms or tools that have been used to hurt the victims;
 - Items used to detain the victims;

- Victim's personal goods;
- Victim's personal papers, such as identity cards, travel documents, diary, etc.

Common objects

1. In addition to the above-mentioned goods, the goods mentioned below are always relevant in an investigation:

- Cash, credit cards, checkbooks;
- Papers with proof of financial transactions, such as house, car, or machinery rent or lease agreements, invoices, etc.
- Any paper/receipt for payment of salary or wages;
- Identity card or travel documents;
- Advertising-related evidence such as advertisements made to attract and recruit victims or advertisements of products made by the victims.
- Evidence of management of products produced through exploitation of the victims, such as the purchase of raw materials/machinery,
- Documents related to vehicle use or means of communication. Such as: evidence that demonstrates the use of a telephone, mobile, fax, computer, e-mails, etc.
- Parts, raw materials, telephone, mobile, fax, computer, car;
- If keys are recovered from the suspects, then which locks at the scene can be opened by those keys.
- Items used by the victims at the scene – food utensils, medical equipment, food, bedding, etc.

2. At the end of each crime scene search, make sure that nothing is left out and that a written record of the items collected has been made.

6.7. The next tasks after the rescue and arrest operation

1. Confirm the following at the end of the operation:

- Victims have been kept safe in appropriate places.
- The suspects have been kept safe under police supervision and communication between them has been impeded as much as possible.
- The evidence collected has been kept secure.

2. Contact the expert investigative team on an emergency basis, inform them of the steps taken in operation, and follow their instructions.

Chapter

8

Intelligence in countering human trafficking



Session No.13: Intelligence information for defencing or conducting human trafficking cases

Time : 60 minutes

Session No.: 13

Title: Intelligence in countering or managing human trafficking cases.

- Objective :
- Sources of intelligence in countering or managing human trafficking cases
 - Officers will be able to know the effectiveness of gathering intelligence
 - Officers will be able to evaluate intelligence and conduct rescue operations based on it.

Time : 60 Minutes

Method : Brainstorming, group work, lesson discussion, discussion in large groups.

Materials : Related text materials, instructive slides, marker, pen, flipchart.

Continuous process : Steps to conduct the session

Step-1

Brainstorming: 30 Minutes

- Welcome the participants of the session and establish a link with the previous session. Continuous process: Steps to conduct the session
- Then ask them to brief you on what was discussed in the previous session. A potential question is what are the immediate responsibilities of law enforcement officers with human trafficking victims? Write answers on the board.

Step-2

Group work : 60 Minutes

- Divide the participants into five groups. Distribute poster papers and markers to each team. Say, many of us already know about it in detail and have also worked on it. Now, we shall together explore what could be the sources of intelligence information in countering or managing human trafficking cases? Ask them to write that in bullet points on the poster paper.
Allow 15 minutes. Each team will present at the end of the writing session. At the end of the presentations, collect the points from all teams after thanking them. Now, present from prepared slides and by looking from the book (ask everyone to follow along) and ask them to match their written points with it.
- After the presentation ask the participants if they have any questions or comments. Thank everyone and end the session.

Note for assistant:

- Learn about the sources of intelligence information in countering or managing human trafficking cases and the usefulness of intelligence gathered by the officers. Apart from that, learn about the relevant rules of the Human Trafficking Prevention and Suppression Act.

Attachment - 8

7. Intelligence in countering human trafficking

In the case of human trafficking, intelligence is:

Information about the human traffickers, victims, and the trafficker's own modus operandi.

The success of gathering intelligence on human trafficking depends on the traffickers' own modus operandi. Human trafficking is divided into three stages. Such as:

1. Recruitment/collection
2. Transfer and transportation
3. Exploitation

Crime is less visible in the first two stages. As a result, it is difficult to gather intelligence about traffickers, victims, and their movements. At this stage, it is quite difficult for field-level officials to collect precise information.

The most appropriate time to gather intelligence information is at the abuse stage because at this stage, the victim is employed in various exploitive activities. As a result, it is almost impossible to hide the signs of abuse on their bodies. And at this stage, in most cases, it is not possible to hide the victim.

7.1. Why is gathering intelligence about traffickers effective?

The effectiveness of intelligence gathering lies in the following three factors:

1. Visible causes

It is usually not possible to completely hide a victim of exploitation. Areas where victims are exploited include workplace abuse—fieldwork, mining, farming, fishing, construction, factories, manufacturing clothes in an unhealthy environment, begging in the streets, housework, etc.

Prostitution exploitation—brothels, nightclubs, red-light areas, or sale of body parts, etc.

The main point is issues of exploitation/abuse can be caught if law enforcement officers sincerely pay due attention. For example, exploited people working in fields, fishing trawlers, or construction workers can be easily identified; victims of sexual harassment can be identified from advertisements of brothels that attract clients or from nightclubs/special streets where they attract customers; street beggars or hawkers work in front of everyone. It is possible to identify people who have been abused at work in a factory, in a garment manufacturing center with an unhealthy environment, or in a restaurant through their neighbors or customers. Although indoor exploitation or sale of body parts are less visible from the outside, it is possible to catch them if proper attention is given.

2. Factors regarding forced control

To maintain control, traffickers must use force or coercion to intimidate victims. Otherwise, the victim will try to escape when they know they have been created. For this reason, the traffickers will always guard the victim, and at least one trafficker will guard them on a daily basis.

3. Factors regarding traffickers' weakness

Victims are the weakness of the traffickers. So, find out the location of the victim to know the location of the traffickers:

1. If it is possible to locate a victim of exploitation, and
2. If they are always under surveillance, and
3. If law enforcement officers try to determine the exact location of the victim;
4. Then, they will find at least one trafficker in charge of the victim;
5. The trafficker can then be brought under expert investigation and used to find other traffickers.

7.2. The importance and potential of field level officers in intelligence gathering

The most important of the three factors described above is visibility, through which it is possible to identify the suspected traffickers by locating the victim. Therefore, it is important to identify the best way to use this issue:

- The use of visibility depends on reliable intelligence of the victim's whereabouts.

Intelligence information about victims and traffickers can be gathered in two ways:

1. Advance and special intelligence collected through the expert investigative team.
2. Viewing the issue of human trafficking through the eye of a detective as a part of field-level officers' daily responsibilities and collecting intelligence information through analyzing with detective intelligence.

The above two ways are extremely important. However, the collection of intelligence through field level officers is very important for the following three reasons:

1. Trafficking offenses most commonly occur in the regular workplace of field-level officials.
2. Numerous examples have been found by analyzing various incidents worldwide, where large-scale investigations are underway and significant progress has been made due to intelligence provided by field-level officials.
3. The expert team does not have the advantage of time or position like that of the full-time field-level officers. So, the limitation of the expert team is that they rely more on reported information rather than primary or field information.

7.3. How will field-level officials collect intelligence information?

8 ways to gather intelligence about trafficking

1. Commitment: Field officers and their superiors need to be responsible for gathering intelligence to locate victims as part of their daily responsibilities.
2. Training: Officers need to receive basic introductory training about the crime of human trafficking, the source, the type of intelligence and they need to be briefed on how to manage trafficking-related intelligence information.
3. The use of eyes and ears: Identifying the indicators of human trafficking through the detective's observant eyes. Listening to all the possible people involved in trafficking through the ears of a detective.
4. Mouth: There is a possibility of obtaining very important intelligence information by contacting the local people.

5. Local knowledge: Field-level officers have detailed information about their work area, local villages, and the people of border areas and their activities.
6. Pen and paper: Officers should always have a pen and notebook with them to write down the information after it has been collected.
7. Communication: Intelligence information can be sent to the expert investigative team through mobile phone, fax, or email. For the security of the information, it is necessary to send the information using the approved communication method of the appropriate authority.
8. Information security: There are some restrictions on using the information obtained from the victim and their eyewitnesses. So, electronic information can be stored in secure computer servers and encrypted or hardcopy information can be stored in secure files.

7.4. Limitations of field-level officers in collecting intelligence information.

It is very important for all field level officials to be aware of these limitations:

1. Field-level officers/staff will search, identify, file, and supply intelligence information as a part of their daily routine.
2. This does not mean that the officers will collect information with the help of the locals as part of planning and implementing any future action by going beyond their routine responsibility.
3. Such measures need to be carefully planned and coordinated for the sake of the victim's safety. Field officials should not take such action without the approval, guidance, and specific request of expert investigators.

7.5. Sources of intelligence in countering trafficking

Potential sources of intelligence vary. They include:

- Trafficked victims;
- Family members, neighbors, friends of trafficked victims;
- Supporting agency staff working to assist trafficked victims;
- Workers in local labor organizations who act as spokespersons for legal and affected workers, such as: agriculture, mining, construction, sewing workers, fishermen, domestic services agencies, sex workers organizations, etc.;
- Workers of local professional organizations and owner's associations;
- Approved source/informant or police agent;
- Airport staff, immigration staff, especially check-in staff and porters;
- People working at border immigration;
- Taxi drivers;
- Hotel staff, especially people working at the reception and insecurity;
- Hawkers, who witness victims such as child-beggars and other hawkers and their handlers walk around on the streets;
- Hawkers and shopkeepers at border crossings, travel terminals;

- Buyers of products produced by abused victims, such as clients of brothels, agriculture and marine products, or retailers and wholesalers of garments and other products;
- Local staff who are engaged in the supply of goods or equipment used in abuse, such as raw materials for garments, and equipment and raw materials used in agriculture and construction, Liquor and cigarettes supplied in brothels, nightclubs, bars, or saunas and massage parlors;
- Local staff working in electricity, water, and telephone services;
- Local municipality staff such as: tax department, community service etc.;
- Staff engaged in Taka/currency exchange and remittances;
- Religious groups who are in some way related to victims or their families;
- Local staff working in bus, rail, ferry or other transportation organizations;
- Local staff engaged in advertising: newspaper, radio, television or another electronic medium.
- Local people: neighbors or jobholders who are near to the place of victim recruitment/collection or victim's transportation and work near the place of exploitation or have themselves been victims;
- Local leadership or Chairperson of the Union Council

It will depend on the trafficker's own modus operandi, which of the above sources will be useful or to what extent they can provide intelligence information.

The job responsibilities of field level officers are:

1. Verifying and selecting the information obtained about human trafficking in their respective areas of work and trying to identify the methods used by traffickers in the case of a victim's recruitment, transfer, or exploitation.
2. Identify which sources are the most reliable after verifying and selecting the information about the traffickers and from which sources information can be obtained regularly.
3. Field-level officials talk to the local people as part of their daily work. So, if they talk to potential sources of intelligence in the community, then traffickers may not suspect it as police activity.

7.6. How many types of intelligence information are needed?

Officers can search for intelligence information in 3 stages of trafficking. The receipt of information will depend on the stage at which the crime was committed in a particular place. Collecting intelligence information from the scene of victim exploitation is always easy:

Recruitment/collection

People from whom intelligence information can be collected at this stage:

1. Affected group: children, women, men, indigenous minority group;
2. Locations where the affected groups can be found: school, cafe, bar, known exit points;
3. Method: Family communication, personal network, advertising, job or travel agency;
4. Details about the victim: name, age, address, personal details;
5. Details of suspects: name, nickname, age, gender, home address and addresses they went to, vehicles and phone numbers used by them, details about their associates or those with business interests.

Transfer and transportation

People from whom/places from where the intelligence information can be gathered at this stage:

1. Suspicious travel agencies or transportation agencies;
2. From the use of identity cards;
3. From the use of travel tickets: travel agency, how the ticket was paid;
4. Application for visa: relevant embassy, the identity of the sponsor, type of the visa, etc.;
5. Method of transfer: openly or secretly, on foot, by car, ship, airplane;
6. Details about the transport used, details of any compartment, if used in transportation;
7. Details of the path(route) used: entry and exit points at the border;
8. Details of the suspected victim: name, age, address, personal details, background information;
9. Details of suspects: name, nickname, age, gender, home address and addresses where they went, vehicles and phone numbers used by them, details about their associates or those with business interests;
10. The last place where the victim was found;
11. The last place where the victim was exploited;

Exploitation/abuse

1. Method of exploitation: forced labor, domestic work, prostitution, etc.;
2. Place of abuse: precise address and ownership information of the field, construction site, house, brothel etc.;
3. Daily hours of work or business in places/location of exploitation;
4. Contact phone numbers of the suspected home or place;
5. Advertisement of products produced through abuse: garments, sexuality, etc.;
6. Details of the suspected victim: name, age, address, personal details, background information;
7. Details of suspects: name, nickname, age, gender, home address and addresses where they went, vehicles and phone numbers used by them, details about their associates or those with business interests;

7.7. Recording and evaluating intelligence information

Accurately documenting intelligence information is crucial. The following steps need to be adhered to for this purpose:

Recording intelligence information

1. Intelligence information should be recorded as soon as possible according to local official rules and procedures.
2. The information has to be recorded in writing with the help of a pen. The following topics will be included:
 - The date and time the intelligence information reached the officer in charge of recording;
 - The identity of the source providing the intelligence information;
 - Details of all intelligence materials;

- The date and time of recording the intelligence information;
- Signature, name, and rank of the officer in charge of recording the intelligence information;
- Contact address and phone number of the officer in charge of recording the intelligence information.

Evaluating the intelligence information

One of the most important things for expert investigators is to make the right decision about the reliability of the information obtained by verifying/evaluating the accuracy of the information obtained.

The officer in charge of recording information will record the information, while using the following two steps to evaluate the received information in a way that will assist the expert investigators.

1. Evaluate the credibility of the source of the intelligence obtained.
2. Evaluate the accuracy of the intelligence information obtained. The accuracy of the information is being decided on the basis of the relationship between the information obtained and many other external factors

Assessment of credibility of the source of the information

Write notes if there are issues in proving the credibility of the source of the information and make sure whether the source of the information can be considered trustworthy:

For example:

- Is the informant respectable and professional?
- Has the person provided information in the past? If so, was that information trustworthy and accurate?
- Is there any reason to doubt the credibility of the person – such as, is the source or informant addicted to drugs or alcohol, associated with any crime, or do they have any mental weaknesses?

Evaluation of the accuracy of the source of information

Write notes if there are issues in proving the credibility of the source of the information and make sure the source of the information can be considered trustworthy:

For example,

- Is the officer in charge of recording the information certain about the authenticity of the actual incident?
- The officer may not know about the incident mentioned in the report personally, but the source/informant of the information does.
- Has the officer seen the incident mentioned in the intelligence report with his own eyes or;

Chapter

9

Post-training assessment

Session No: 14

Title	:	Post-training assessment and training assessment
Objective	:	➤ Verify the participants' understanding of post-training concepts
Time	:	30 Minutes
Method	:	Individual work
Materials	:	Post-training assessment sheet, pen
Continuous Process	:	Steps of conducting the session

Step 1

Filling out the post-training evaluation sheet: 15 minutes

- Start the session by greeting everyone.
- Give the post-training assessment sheet and training assessment to each participant.
- Ask everyone to fill out the sheet. Assign 30 minutes for it.
- Collect post-training assessment sheet and training assessment after the scheduled time, when everyone's writing ends.
- Tell everyone, we have filled out this assessment sheet from our training knowledge.

Note for assistant:

- Assure the trainees that the training assessment is not a test.

Attachment 9

Pre-training assessment

Awareness Training for Law Enforcement Officers to Prevent and Suppress Human Trafficking

Implemented by: WINROCK International

Participant:

Name of the participant:

Date:

1| Name of the current law related to the crime of human trafficking (Checkmark on the left side):

- a) Human Trafficking Crime Suppression Act 2012
- b) Human Trafficking Prevention and Suppression Act 2012
- c) Human Trafficking Crime Suppression Ordinance 2011

2| Which components are included to classify an incident as human trafficking?

3| Write 3 rights of a victim in the human trafficking law:

4| Human trafficking cases can be filed (Checkmark on the left side):

- a) Only in the relevant police station
- b) Only in the Tribunal
- c) Both

5| Name of the Tribunal in the human trafficking act (Checkmark on the left side):

- a) Human Trafficking Prevention and Suppression Tribunal
- b) Human Trafficking Crime Suppression Tribunal
- c) Human Trafficking Suppression Tribunal

6| Deadline for completion of an investigation into human trafficking cases (Checkmark on the left side):

- a) Within 60 working days of filing the case or receiving the inquiry order from the Tribunal
- b) Within 90 working days of filing the case or receiving the inquiry order from the Tribunal
- c) Within 180 working days of filing the case or receiving the inquiry order from the Tribunal

7| Can a compensation case be filed in a civil court as well as a criminal court? (Checkmark on the left side):

- a) Yes
- b) No

8| The maximum punishment under human trafficking law (Checkmark on the left side):

2

- a) Death sentence
- b) Life imprisonment
- c) Rigorous imprisonment and 50,000 Takas fine

Attachment – 10

Pre-training assessment

Awareness Training for Law Enforcement Officers to Prevent and Suppress Human Trafficking

Implemented by: WINROCK International

Participant:

Name of the participant:

Date:

1| Have you acquired any new knowledge or skills from the training? If so, then what have you acquired?
And if not, then why?

2| Have you learned any important topics from the training? Describe.

3| Which training method do you think was the most effective? Describe.

4| What do you think could be discussed in more detail in training?

5| Training rating:

(Checkmark the box you like)

	Very good	Good	Average	Bad
This training as a subject of instruction				
Level of team participation				
Level of personal participation				
Style of presentation of the facilitator				
Training materials/handouts				

6| Do you think you were able to participate spontaneously in different sessions of the training?

Yes:

No:

Why?

7|How well do you think the content of the training has met your expectations?

8| Write your overall opinion regarding the training.

Thank you for helping to increase the standard of the training.
Please return the form to the facilitator.

