

## **Synergy in Action**

# **Protocol on the Structure and Function of the Integrated Anti Human Trafficking Unit (IAHTU) in India**

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## The Context

United Nations Office on Drugs and Crime, Regional Office for South Asia in partnership with the Ministry of Home Affairs, Government of India, is implementing Project IND/S16 on “Strengthening Law Enforcement Response to Human Trafficking”. The project aims to intensify efforts to combat trafficking through capacity building of law enforcement personnel (police and prosecutors) in five states - Andhra Pradesh, Bihar, Goa, Maharashtra and West Bengal. One of the components of this project is to develop (or strengthen) Integrated Anti-Human Trafficking Units (IAHTU) at the state level. The Unit is founded on a systematic understanding and assessment of the dimensions of human trafficking and the existing response systems. This Protocol provides a basic framework for the establishment and functioning of the IAHTU within existing response systems. It seeks to create an effective partnership among several stakeholders engaged in providing responses to human trafficking in India. It may be mentioned here that the universal need for establishing specialist anti-trafficking units comprising all stakeholders has been recognized by the United Nations Office on Drugs and Crime (UNODC Tool Kit to Combat Trafficking in Persons, GLOBAL PROGRAMME AGAINST TRAFFICKING IN HUMAN BEINGS, 2006. P. 86)

## 1. The Rationale

Human trafficking (HT) is an organized crime involving multiple abuses and abusers. Combating and preventing HT requires special skills and efforts. Survivors of trafficking require focused care and attention. Rescue and post rescue activities have to be based on human rights and the 'best interest of the victim'. The offences with linkages at several places need to be investigated and all offenders brought to book. Steps for prevention have to focus on all relevant places – source, transit and destination. Effective law enforcement requires that all these activities be attended to simultaneously. This calls for synergy and involvement of several responders, including officials from departments of police, prosecution, welfare and health, agencies who run Shelter, Protective and Children's Homes, civil society partners, and media. Based on all these factors, and as part of the mandate of Project IND/S16, UNODC facilitated setting up Special Task Forces involving the primary responders, who need to work together in addressing the issues of human trafficking. This task force has been named the 'Integrated Anti Human Trafficking Unit' (IAHTU).

An IAHTU is a special unit set up within the existing police machinery to deal with crimes of HT in a holistic manner. The rationale for IAHTU is explicit in its mandate, which includes:

- Ensuring focused attention in dealing with offences of HT;
- Providing a multi- disciplinary approach and a joint response by all stake holders, such as police, prosecutors, NGOs, civil society and media;
- Bringing about inter-departmental collaboration among the police and all other government agencies and departments, such as women and child, labour, health, etc.;
- Bringing about inter-agency collaboration among government agencies and non-state actors like, NGOs and corporates;
- Bringing about effective networking among various civil society partners, especially those working on specialized aspects of anti human trafficking;
- Ensuring a human rights approach in the response systems;

- Ensuring a victim-centric approach which ensures the ‘best interest of the victim/ survivor’ and prevents ‘secondary victimization/ re-victimization’ of the victim;
- Ensuring a gender sensitive and child rights sensitive approach in dealing with trafficked victims;
- Ensuring an ‘organized crime’ perspective in dealing with trafficking crimes.

The IAHTUs have a comprehensive mandate for attending to the 3 P’s, that is Prevention, Prosecution and Protection:

- **Prevention** – to prevent trafficking crimes
- **Prosecution** - to prosecute all the offenders, conspirators and abettors
- **Protection** – to ensure best care and attention to the survivors and ensure that they are not harmed further.

## 2. Legal support in the functioning of IAHTU

Law enforcement agencies are mandated under the Constitution of India and the various substantive and procedural laws to undertake activities relating to prevention of crimes, prosecution of offenders and protection of the victims of crimes of trafficking. The existing laws also provide civil society partners with legal support (for eg. s. 43 Cr. PC empowers any private person to arrest a trafficker). The police are empowered u/s. 15 and 16 ITPA, to carry out search and rescue of trafficked persons. The ITPA provides legal mandate to NGOs and social workers u/s. 13 (3) (b) and envisages the setting up of an advisory body (consisting of NGOs including women, numbering up to five persons) to advise the special police officer on the working of the ITPA. S. 17 (5) ITPA gives the Magistrate powers to summon a panel of five persons, three of whom wherever practicable, shall be women, to assist him in matters pertaining to the intermediate custody of rescued persons. The Magistrate needs to keep a list of experienced NGOs, particularly women social welfare workers working on anti human trafficking. According to s. 17A ITPA, the Magistrate has to get Home Verification and investigation carried out by a recognized welfare

institution or NGO regarding the capacity or genuineness of the parents, guardian or husband before the rescued person is returned to them. Thus, ITPA provides for a wide-ranging involvement of NGOs in the implementation of the Act. Furthermore, ITPA envisions a synergy of efforts among the Judiciary, Executive Magistrate, Police, other government departments and NGOs; thereby ensuring a comprehensive and rights based approach towards victims of trafficking. This vision and mandate can be aptly implemented with the setting up of the IAHTU.

The mandate of IAHTU includes dealing with human trafficking for all types of exploitation, including forced/ exploitative labour. Therefore, the services of IAHTU may be utilized for carrying out rescue and after care of victims of trafficking for forced labour, under the labour legislations and trafficking for other forms such as forced marriages, illicit adoption, begging, etc. under the relevant legislations.



The Home Minister of Andhra Pradesh launching the first Integrated Anti Human Trafficking Unit (IAHTU) in India on 22 January 2007, along with UNODC and state government officials.

### 3. Location and jurisdiction of IAHTU

IAHTU (s) are to be set up in locations that require focused attention. **These places could be the source – transit – destination areas where trafficking is rampant.** The aim is that the state police needs to establish several IAHTU (s) across the state and at all places which require focused attention and comprehensive responses to combat human trafficking. The widespread prevalence of human trafficking and administrative considerations are the criteria for deciding on a particular location and demarcation of jurisdiction, authority and control of the IAHTU.

IAHTU may also be set up in the Criminal Investigation Department (CID) or any special wing of the state police. These units could be tasked with both intra state and inter state Anti Human Trafficking (AHT) activities.

#### 4. Staff, equipment, infrastructure and resources

IAHTU should have representation of police, prosecutors and NGOs as well as other departments, viz. labour, health, welfare, etc. as per the requirement of the situation. A suggested module is available in the Appendix with respect to the staff, equipment, infrastructure and resources of the IAHTU (Appendix 1).

#### 5. Memorandum of Understanding (MOU) among stakeholders



The Chief Minister of West Bengal launching the Integrated Anti Human Trafficking Unit (IAHTU) on 28 June 2007, in the presence of senior officials of the government and UNODC.

Though this Protocol is itself a mandate/ Memorandum of Understanding (MOU) for all the stakeholders to function in synergy, the police may, as deemed fit, draw up a separate MOU with different stakeholders. The mandate prescribed here can be used as a model for the MOUs. In this context, the MOU finalised by the CID of West Bengal with the NGOs is appended for information (Appendix 2).

#### 6. Role of Police in IAHTU

There should be one senior police officer notified/ earmarked as the Nodal Officer (NO) on anti-human trafficking. This should be an official notified u/s. 13 ITPA as Special Police Officer (SPO). The NO will exercise command and control over the IAHTU and ensure effective functioning,

best output and best performance. The strength of the IAHTU will depend on its jurisdiction and responsibility. Ideally, there should be adequate representation of women police officials and officials of different ranks. Police officials in the IAHTU will perform the following tasks, within its given jurisdiction:

- Timely collection, dissemination and utilization of intelligence on victims of trafficking and offenders.
- Maintain database of all categories of offenders including recruiters, traffickers, buyers, sellers, transporters, harbourers, 'customers', financiers, etc.
- Maintain database of all places of exploitation, including the source, transit and destination areas as well as places where exploitation takes place under the façade of legal activities (like massage parlours, beer bars, friendship clubs, tourist circuits, film clubs, video parlours, etc.).
- Diligent rescue operations after undertaking thorough research and groundwork (the aim should be the rescue of maximum number of trafficked persons).
- Attend to post-rescue care and attention of rescued victims by involving government agencies and NGOs.
- Carry out professional investigation on all aspects of the crime.
- Ensure effective prosecution and strive for maximum and expeditious conviction of offenders.
- Undertake all post-prosecution/ conviction actions, as per the law.
- Initiate action for restoration and repatriation of victims, in consultation with concerned authorities and NGOs.
- Work closely with the prosecutors on all aspects of law enforcement including drafting charge sheets and other such documents and attend to the legal aspects that come up during investigation.
- Work closely with the prosecutor in monitoring the trial of cases including post-trial requirements (like compensation to victim, closure of brothels, etc.).

- Undertake community policing in vulnerable source areas to prevent trafficking.
- Keep vigil at transit areas, such as railway stations, bus stops, etc. to spot trafficked victims and carry out all steps for timely intervention.
- Maintain constant liaison with other government departments and agencies and associate them for all activities on anti human trafficking.
- Maintain constant liaison with NGOs working on anti human trafficking and associate them for all actions.
- Associate the civil society, corporates and other willing agencies for effective rehabilitation of victims.
- Maintain linkages with the media, subject to the administrative guidelines in the state, so as to ensure non-victimization of victims as well as rights-oriented reporting.
- Any other activity, as deemed necessary, in preventing and combating human trafficking.

## 7. Role of Public Prosecutors

Public prosecutors have a vital role to perform in crimes of human trafficking. An ideal situation is when the public prosecutor is involved in the functioning of the IAHTU at all stages, beginning with the drafting of the First Information Report (FIR) and culminating in prosecution/ post-prosecution activities.

Therefore, the IAHTU will associate/ involve public prosecutors in:

- Drafting the FIR and other legal documents.
- Providing legal counseling to rescued victims.
- Assisting the IAHTU during investigation, to ensure that legal protocols are complied with, including matters relating to chain of custody and all legal requirements that arise during investigation (eg. opposing bail, cancellation of bail, cancellation of surety, etc.).

- Assisting Investigation Officer (IO) to draft legal documents like the charge sheet.
- Ensuring victim-witness protection before, during and after trial.
- Coordinating with the police for eviction of offenders and closure of places of exploitation.
- Providing compensation/ relief to rescued persons as per the law/ administrative regulations.

## 8. Role of other government agencies

Government agencies which perform various tasks in AHT include officials of the Department of Women and Child, Welfare, Labour, Health and Medical, and those running Children's Homes and Shelter Homes set up under the Juvenile Justice Act (JJ Act), as well as Protective Homes set up under the ITPA. Their mandate includes the following activities:

- Respond promptly to any request from the IAHTU in all activities particularly those pertaining to care and attention of victims.
- Hold regular meetings to review the progress of work and share contact addresses, telephones, etc. so that a prompt response can be ensured.
- While conducting raids to rescue trafficked victims, the Labour Department can utilize the services of IAHTU police officials not only to provide security but also for diligent investigation of trafficking linkages, which can lead to the rescue of more victims.
- Ensure that the Department of Women and Child provides all relief to rescued victims without delay.
- Ensure that state provisions to provide interim relief/ compensation to rescued children/ women victims of trafficking are expedited, immediately. For instance, Andhra Pradesh has allocated Rs. 10,000/- to be paid either by the Director, Women Development & Child Welfare or the District Collector, as immediate relief for the purposes of travel, clothing, medicine and other immediate necessities.

## 9. Role of NGOs/ nodal NGO

The ITPA foresees NGOs/ social welfare organizations as significant constituents/ components in the implementation of the legislation as brought out in para 2 above. The Bonded Labour System (Abolition) Act, 1976 also provides a specific role to social welfare organizations in the constitution and functioning of the Vigilance Committees in the rescue and rehabilitation of victims of trafficking for forced labour. Similarly, the JJ Act envisages a role for NGOs in the rehabilitation and integration of 'children in need of care and protection', who could be victims of trafficking for any type of exploitation.

NGOs can facilitate all activities of AHT starting with intelligence collection up to conviction of the trafficker. They also have a major role in prevention of trafficking and re-trafficking of victim – survivors. Therefore, the mandate of the NGOs in the IAHTUs is clear:

- Share intelligence and information about victims, vulnerable persons and vulnerable places with IAHTU.
- Act as whistle-blowers against any exploitation and exploiter. Share intelligence and information about the traffickers and all exploiters with IAHTU.
- Support the IAHTU in all steps pertaining to pre-rescue, rescue and post rescue activities.
- Assist the IAHTU in providing medical care and help, legal counseling and psychosocial counselling to rescued victims. Assist the victims to get interim compensation granted by the state governments.
- Assist the IAHTU in liaising with the Shelter Homes, both government and NGO supported, and ensure safe care of rescued persons.
- Undertake efforts for post rescue care and attention of rescued victims, by maintaining proper liaison with concerned state government agencies.
- Take initiative and involve the IAHTU in all prevention activities of trafficking at the source, transit and destination areas.
- Associate other appropriate NGOs and corporates for various

activities, especially rehabilitation, providing livelihood skills and employment to rescued persons.

- Provide counselors, translators, support personnel and witnesses as and when required and possible.
- Advise IAHTU on any improvement in functioning.
- As ambassadors of the IAHTU appreciate and recognize good work/ best practices.

## 10. Role of local government/ Panchayat Raj Institutions (PRI)

Local governments and PRIs have a major role in identifying vulnerable persons/ places and referring them to the IAHTU. They can also be whistle blowers against recruiters and traffickers; alert IAHTU about missing persons; and work with NGOs to empower vulnerable persons. The synergy of IAHTU with local government institutions and PRIs can help to reduce the harm done to rescued persons. Such initiatives are of tremendous value in preventing re-trafficking.

## 11. Role of media

Media can perform a responsible function in the field of anti human trafficking by sensitive reporting. The JJ Act and the IPC prohibit the disclosure of the identity of the trafficked victim vide s. 21 (in case of child in need of care and protection) and 228A (in cases of all victims who have been raped), respectively. In collaboration with the IAHTU, the media can undertake the following activities:

- Create awareness among the masses on all aspects of trafficking and develop zero tolerance to human trafficking.
- Empower vulnerable persons by providing relevant information and thereby prevent trafficking.
- Generate publicity for the IAHTU by reporting its achievements.
- Generate whistle blowers in society against traffickers and encourage people to report instances of trafficking to the IAHTU. The 'culture of silence' should be substituted with 'zero tolerance' to human trafficking.



The Integrated Anti Human Trafficking Unit (IAHTU) of Goa being launched by the Chief Minister on 24 March 2007, in the presence of senior officials of the state government and UNODC.

- Develop synergy among all stakeholders in all aspects of Prevention, Prosecution and Protection.
- Ensure that media follows protocols and regulations in protecting the rights of the victims and survivors.

## 12. Database/ reporting format

Developing and sharing a database on traffickers and victims should be one of the major activities of the IAHTU. Building up a comprehensive database on traffickers and exploiters (including recruiters, buyers, sellers, harbourers, transporters, financiers, 'customers', etc.) will help in breaking their 'organized crime networks'. Similarly, a database on victims and vulnerable persons/ communities will help to prevent them from being trafficked.

This database must be shared with all concerned police agencies to ensure prompt action, when required. The IAHTU database should contribute to the district database and to the state database which should eventually be amalgamated into the national database in the National Crime Record Bureau. The data must be updated at all levels on a monthly basis and disseminated to all concerned, without any delay. It may be data for just one person, but it could be critical intelligence for another. Hence, no time should be lost in dissemination.

## APPENDIX 1

### 1. Structure of IAHTU

An officer of the rank of Deputy Superintendent of Police (Dy. SP) would head each IAHTU. He/ she will be the anti-human trafficking officer (AHTO) and would be supported by adequate number of inspectors/ sub-inspectors of police, head constables/ constables. The IAHTU should necessarily comprise of women police officials. The overall supervision of the IAHTU will be with an official designated by the state government/ DGP.

A nodal NGO identified by the state police will support each IAHTU. In consultation with the AHTO, this nodal NGO can associate other local NGOs as and when required, restricting the number to three NGOs per IAHTU.

### 2. Staff of IAHTU

The State Police will provide the required manpower to run the IAHTU (s). Efforts should be made to ensure that at least 30% of the IAHTU personnel are females. It is advisable that officials of IAHTU are selected from the personnel already trained by the UNODC in the anti-human trafficking project. Their posting may be made for fixed term tenures, to the extent possible.

### 3. Infrastructure and Resources of IAHTU

#### 3.1 Accommodation

The state police will provide the necessary accommodation for each IAHTU. Keeping in view the nature of the work, especially in relation to assistance provided to victims of trafficking, it is advisable to provide for one dedicated interview/ counseling room within each unit.

#### 3.2 Logistics and other infrastructure

Each IAHTU needs to be provided with the following equipment:

- One vehicle per IAHTU (Tata Sumo has been preferred by the states where the IAHTU was set up under the UNODC project).
- One desktop computer with accessories per IAHTU (including printer-fax-scanner, UPS, modem for internet connection).
- Three mobile phone equipments for each IAHTU.
- Equipment for conducting videography, photography, etc. during rescue and for collection of evidence.

### 3.3 Contingency Fund

Each IAHTU needs to be provided a consolidated grant of Rs 1,00,000/- (Rupees One lakh) as a minimum, for meeting expenditures on contingency items (which include non-expendable, expendable and contingency items) on an annual basis. The following are the essential items:

- Basic furniture, if required.
- Purchase of essential books including law books required for the IAHTU.
- Purchase of stationery for the office and for computer systems in the IAHTU.
- Contingency expenditure towards the care and attention to victims and survivors, including expenditure on food, clothes, medicines, psychosocial support, legal support etc.
- Honorarium to NGO partners (subject to a maximum of three per IAHTU), a minimum of Rs 5,000/- per month, per NGO, totalling Rs 15,000/- per month, per IAHTU.

Authorized auditors of the State Government may periodically audit the accounts for this Contingency Fund.

### 3.4 Expenditure

The expenditure on running costs and repairs etc. of vehicles and other equipment will have to be borne by the state police. The drivers of the vehicles are also to be provided by the state police. Depending on the specific requirements, it will be the responsibility of the state police to provide any other resources required by the IAHTU (s).

(Note: In the IAHTUs set up by UNODC, in the project states, UNODC had provided all non-expendable stated in para 3.2 and the contingency fund stated in para 3.3).

### 3.5 Training

Officials supervising the IAHTU should ensure that all stakeholders in AHT (police, government officials, executive magistrates, NGOs etc.) are given regular training on all aspects to enhance/ refresh their knowledge (of the law, procedures, human rights principles, etc.), skills (technical and scientific as well as psychosocial methods in attending to victims/ witnesses etc.) and all related aspects.



The Chief Minister of Bihar, launching the Integrated Anti Human Trafficking Unit (IAHTU) on 07 November 2007, in the presence of senior officials of the government and UNODC.

**APPENDIX 2****CONTRACT**

Dated

MEMORANDUM OF CONTRACT made this ..... day of September 2007, between the Spl. Inspector General & Deputy Inspector General of Police, CID, Special Cell, West Bengal and ..... (hereinafter referred to as the Subscriber), whose address is, .....

WHEREAS Criminal Investigation Department desires to engage the service of the subscriber on the terms and conditions hereinafter set forth and

WHEREAS the subscriber is ready and willing to accept this engagement of service with Criminal Investigation Department on the said terms and conditions,

NOW, THEREFORE, the parties hereto agree as follows:

**STATUS**

The Subscriber shall be considered as having the same status of an independent Subscriber.

**2. NATURE OF SERVICES****PROVIDE**

- a) As part of the AHTU, participate in all activities of the AHTU, on Rescue and Post rescue care and attention.
- b) Link up with the NGOs in the Country and elsewhere and take proper steps for the restoration/ repatriation of the rescued persons.

- c) Provide Resource persons for anti-human trafficking training conducted by CID WB.
- d) Provide legal support – inside and outside court.
- c) Accompaniment during special drives conducted by CID, WB.
- e) Give access to long and medium duration shelter home for trafficked victims.
- f) Post rescue trauma counseling.
- g) Loan of IT trained office assistance for few hours per week.
- h) Access to research findings.

### **3. DURATION OF AGREEMENT**

The contract will be for a duration of six months from the date of signing of this contract

### **4. CONSIDERATION**

The total professional fee of Rupees 5,000/- (Rupees five thousand only) will be given on monthly basis.

### **5. RIGHT AND OBLIGATIONS OF THE SUBSCRIBER**

- (a) The rights and obligations of the subscriber are strictly limited to the terms and conditions of this Agreement. Accordingly, the Subscriber shall not be entitled to any benefit, payment, subsidy, or compensation from CID, WB, except as expressly provided in Article 4 of this Agreement.
- (b) The Subscriber shall be solely liable for claims by third parties arising from the Subscriber's own negligent acts or commissions in the course of performing this Agreement, and under no circumstances shall CID be held liable for such claims(s) by third parties.

## **6. ARBITRATION**

Any claim or dispute arising out of or in connection with this Agreement or any breach thereof, if not settled by direct negotiation, shall be settled by arbitration in accordance with the Arbitration Rules as at present in force. The parties hereto agree to be bound by any arbitration award rendered in accordance with this final adjudication of any dispute.

## **7. PRIVILEGES AND IMMUNITIES**

Nothing in or relating to this Agreement shall be deemed a waiver of any of the privileges and immunities of the CID.

IN WITNESS WHEREOF, the authorized representatives of the parties have executed this Agreement.

**8.** Addl. DGP CID West Bengal will be the final authority to decide on all matters of AHTU and his decision will be binding on all concerned.

NGO 1  
NGO 2  
NGO 3

Spl. Inspector General of Police,  
Special Cell  
CID, West Bengal

## ACRONYMS

AHT	Anti Human Trafficking
AHTO	Anti Human Trafficking Officer
CID	Criminal Investigation Department
Cr. PC	Criminal Procedure Code
DGP	Director General of Police
FIR	First Information Report
HT	Human Trafficking
IAHTU	Integrated Anti Human Trafficking Unit
IO	Investigation Officer
IPC	Indian Penal Code
ITPA	Immoral Traffic (Prevention) Act, 1956
JJ Act	Juvenile Justice (Care and Protection of Children) Act, 2000
MOU	Memorandum of Understanding
NGO	Non Government Organization
NO	Nodal Officer
PRI	Panchayat Raj Institutions
SPO	Special Police Officer
UNODC	United Nations Office on Drugs and Crime