

## Recent Human Trafficking Crisis and Policy Implementation in Bangladesh

Jahirul Islam<sup>1</sup>  
Md Zahir Ahmed<sup>2</sup>

### *Abstract*

Recent human trafficking crisis in Bangladesh have increased by 61% comparing with the previous time. The government policy has formed without enough implication to prevent and protect human trafficking. With people's desperation to go abroad in search of new jobs, better future, corrupt law enforcers and money managers with the political influence in the coastal areas are in league with agents of ruthless trafficking gangs. In this south Asian zone, the transnational traffickers are mostly active and they have lured some 2.5 lakh Bangladeshi fortune-seekers through the sea route in last 8 years using the most brutal way. Many push and pull factors are related with human trafficking in recent period but the Government of Bangladesh seems to have implied less importance in this fact. Peoples after trafficking are behaved with bad behavior. This human trafficking is killing and affecting the valuable manpower of this country and creating a bad image. The 21 century is observing a new way of slavery and brutality which have drawn the attention of the world.

Key Words: *Human Trafficking, Policy, Law Enforcement, Mass Campaign.*

### **Introduction**

Bangladesh is a country where 31.5% people live upper poverty line and 17.6% people live under lower poverty line indicates the level of extreme poverty level. According to CIA World Fact book 2012, the average literacy rate is 56.75%. A huge number of people being unemployed and illiterate suffers from depression and mental pressure about their family, children and society. Besides, high migration cost, internal political unrest, absence of proper rural development, failure of government policy implementation, corruption and natural disaster have made peoples hopeless and frustrated. There are some smugglers who use those people's frustration, spread rumors and deceit them. Influenced peoples shift their place with new hopes without knowing the hell waiting for them. For many several years the ambition of many people's was to cross the sea to reach in Malaysia. In 3 February, 2013 after the Sri Lankan navy rescued 138 peoples from a boat, the topic come into flash. Manpower specialist are saying that, the G2G project have failed to send manpower to Malaysia and this reason have influenced the people to choose the illegal way. G2G process is working at the core of the reasons behind human trafficking. This period is also facing less scope of working abroad while a big proportion of fortune seekers ambition is still working on it. Besides most of the fortune seekers are unskilled and illiterate. This type of quality make them depend on the opportunities that doesn't require skill. Thus working abroad was considered as more suitable for them with less skilled knowledge to earn money and support their families.

---

<sup>1</sup> Student Researcher, Department of Health Economics, University of Dhaka, Bangladesh

<sup>2</sup> Jr. Research Coordinator, Policy Research Centre.bd

Corresponding Email: [ahmedzahirdu@gmail.com](mailto:ahmedzahirdu@gmail.com)

Recently working abroad opportunities in abroad have decreased. Many illegal agencies are still providing hope and assurance for the interested people to go abroad. Rumors also spread sometimes about the working facilities and the income opportunities of the developed countries. There is no doubt that the developed countries include many opportunities for unemployed people with good salary and better living condition. But the illegal process to migrate to the developed countries should be adopted and followed. In this position, peoples are failed to make their own decision, believe in the rumors and take the wrong path to migrate. Thus every year, a huge number of people are being trafficked in India, Malaysia, Thailand, Saudi Arabia etc. Trafficking decrease the country image, increase various types of risks like ransom, HIV virus, sexual harassment, selling body organs and brutal behavior. Peoples related with human trafficking is increasing their network throughout the world and they are out of reach form the law agencies.

### **Objectives of the Study**

The aims and objectives of the study are as following:

1. Identify the recent data of Human Trafficking in Bangladesh to realize the seriousness that have arisen recently
2. Show the process of recent human migration in Malaysia using the sea route
3. Analyze government policies and the ministries related with human trafficking in Bangladesh
4. Find out the policy implementation regarding human trafficking
5. Explore the law enforcing agencies statistics to show the total number of the convicted person and the enforcement of the law against them
6. Review the reasons behind human trafficking and examine the influencing factors
7. Find out the problems of policy implementation and formulate a plan to combat human trafficking with proper recommendations.

### **Methodology**

The core of this research paper have structured by qualitative research and findings form the current information from the newspapers and journals. Some statistics regarding human trafficking was gathered from Bangladesh Coast Guard data, Bangladesh Police yearly statistics and various writings from different scholars related with this field like Dr. Sarasu Esther Thomas, United Nations Office on Drugs and Crime , Professor. Md. Zakir Hossain, dean of the faculty of law, University of Chittagong who is also a working staff of United Nations Office on Drugs and Crime regional office of South Asia, Mohammad Barad Hossain Chowdhury, senior assistant secretary, Ministry of Home Affairs, Tasneem Siddiqui, researcher at Refugee and Migratory Movement Research Unit (RMMRU), University of Dhaka etc. Different refugee analysis organization like United Nation High Commission for Refugees (UNHCR), International Organization for Migration (IOM), Human Rights Watch, South Asian Association for Regional Cooperation (SAARC), Fortify Rights etc. statistics and data regarding human migration crisis in Bangladesh was analyzed and explained. International and local media, newspapers, blogs, journals, articles and reports was analyzed including The New York Times, The Daily Star, The Guardian, BBC News, Prothom Alo, Unnayan Onneshan, Bangladesh Economic Update, May 2014 etc. As the policy analysis was the most important to be analyzed, so various policies and acts like The Prevention and Suppression of Human Trafficking Act,

2012, Foreign Employment and Immigration Law 2013: 48, Women and Children Repression Prevention Act, 2000, National Education Policy 2010, Foreign Employment and Immigration Law, 2013 etc. was analyzed very carefully. Different ministries of Bangladesh government like The Ministry of Expatriates' Welfare and Overseas Employment, Ministry of Finance, Ministry of Information, Ministry of Home Affairs, Ministry of Foreign Affairs, Ministry of Education was explored to explain the policy and show the interrelationship among the ministries in the implementation of the policy. Policy analysis was the core of this research because human trafficking law and policies have been made but implementation of the law by enforcing the legal authority was absent.

## Literature Review

### Definition of Human Trafficking

- Human trafficking means the selling or buying, recruiting, deporting or transferring, sending or confining or harboring either inside or outside of the territory of Bangladesh of any person for the purpose of sexual exploitation or oppression, labor exploitation or any other form of exploitation or oppression by means of-
  - a) Threat or use of force, or
  - b) Deception, or abuse of his or her socio-economic or environmental or other types of vulnerability, or
- Giving or receiving money or benefit to procure the consent of a person having control over him or her. (Bangladesh Gazette 2013)
- According to the world largest international police organization Interpol, the definition is “Trafficking in human beings is a multi-billion-dollar form of international organized crime, constituting modern-day slavery.” (INTERPOL 2015)
- Several forms of trafficking as:
  - a. Sex trafficking in which commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or,
  - b. The recruitment, harboring, transportation, provision, or obtaining of a person for labor or service, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bond-age, or slavery. A victim need not be physically transported from one location to another in order for the crime to fall within these definitions. (Trafficking in Person Report 2010)
- Trafficking is a dynamic concept, the parameters of which are constantly changing to response to changing economic, social, and political condition. (Ruth Afza Ruhi 2003)
- The European Parliament (1997) defined human trafficking as “The illegal action of someone who, directly or indirectly, encourages a citizen from a third country to enter or stay in another country in order to exploit that person by using deceit or any other form of coercion or by abusing that person’s vulnerable situation or administrative status. (Carmen GALIANA 2000)
- The UN trafficking Protocols- 2000 defined human trafficking as “recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving of payment or benefits to achieve

the consent of a person having control over another person, for the purpose of exploitation. (United Nation 2000)

### **Human Trafficking in Bangladesh**

- For the human traffickers, Bangladesh is one of the most targeted place for many push and pull factors. Bangladesh is mainly serving as a country of origin with a little evidence as destination country for all forms of trafficking. (SAARC 2012)
- 2015 UNHCR sub regional operation profile- South-East Asia state about Bangladesh that, “Available protection space for refugees, asylum-seekers and stateless people in the region is fragile and unpredictable, due to a lack of national legal frameworks in most South-East Asian countries”. (UNHCR 2015)
- Bangladesh is facing with illegal trafficking form the very past time. Situated in a south Asian zone, this country works like a network of human traffickers around the world. A large proportion of the people living here is poor with inadequate food, shelter and employment opportunities. Natural disasters like flood, drought, and storm affects people lives and wishes. The Ministry of Home Affairs is stating that Bangladesh government is in its effort to fight against human trafficking. Though limited success have found these years. “Over the years, the trickle gradually grew into an unending stream. The late-night flashes of light on the water, signaling that the coast was clear to launch boats, multiplied until they looked like summer lightening. That the boats were not carrying fish was an open secret here: one day, when a trawler sank on its way out, the water was littered with human bodies”. (New York times 2015)
- How misguided the people are, how they fall in such a misery is pointing to many reasons. “The investigation showed it is a big syndicate. There were networks that brought them [the migrants] from overseas into the country systematically”. (The Guardian 2015)
- Inadequate efficient law enforcing resources to target the discrepant situations frequently allows the negative environment to go on. In addition, stringent migratory policies often compel people to resort to irregular and/or vulnerable migration methods that make it easier for them to fall into the trafficking exploitation. (IOM 2004)
- In recent times, attempts at clandestine outward migration through unlawful means and smuggling of migrants (mainly into Malaysia) via water routes are on the rise. This illegal trading of humans has already claimed the lives of many people. Moreover, the transport and accommodation organized for the smuggled people are often so dangerous and/or degrading that they could be regarded as human rights violations. (IOM 2014)

### **Recent Human trafficking Crisis Reports in Bangladesh**

- According to AFP, Reuters, UNB, Jakarta the post, “In the running year from January to March more than 25,000 Bangladeshi and Rohingya people have sailed for Malaysia and Thailand illegally crossing the Bay of Bangle. This year the number of the victim was double.
- The former President of Rohingya club Abdul Kalam have complaint that, for the Bangladeshi and Rohingya victims there are some prisoner camp situated nearby the

border of Thailand and Malaysia. 80% of the total prisoner camp are situated inside Malaysia have direct connection with the human traffickers. Every prisoner camp is consist of 500-1000 inhabitants. Abdul kalam have also said that the situation have become worse than previous 10 years. There are approximately 50 prisoner camp nearby the border. In those prisoner camp there lack of enough food and water. (The Star Online, Friday, 8<sup>th</sup> May, 2015)

- From 2012 till now the total statistics of the victim is around 0.15 million. (Prothom Alo, 9<sup>th</sup> May, 2015)
- A survey was conducted by daily newspaper Prothom Alo, 24 groups from Bangladesh and Myanmar are related with human trafficking. (Prothom Alo, 19<sup>th</sup> May, 2015)
- The report of Guardian on 24<sup>th</sup> July, 2015 have stated that, Thailand's state prosecutors are pressing charge against more than 100 people, including an army general, in a multinational human trafficking scandal that came to light after dozens of bodies were discovered in the south of the country earlier this year. Ninety-one Thais, nine Burmese nationals and four Bangladeshis face 16 charges, including human trafficking, partaking in a transnational crime network, and assisting or bringing aliens into the kingdom illegally. (The Guardian 24th July, 2015)
- Promising jobs in Malaysia, transnational human traffickers held about 2.5 lakh Bangladeshis captive in Thailand for ransom over the last eight years and released cores of taka from them, the daily star can report. (Prothom Alo 4<sup>th</sup> May, 2015)

## **Process of recent Human Trafficking**

After falling in the clutches of the agent, the peoples going to Malaysia are sold for about four times. This selling process begins form Cox's Bazar, Bangladesh and finished after arrived in Thailand, beside Malaysian border. Victims have shared that, the last part of the selling process is more shocking and painful. If the victims are failed to pay the ransom then they are surely sentenced to death.

### **1<sup>st</sup> Step**

The first step starts from Taknaf situated in Cox's Bazar district is the southernmost point in mainland Bangladesh. A lot of agents are working for smuggling and collect people from different area and gather them in a specific time. The interested people take sit on a small engine boat. For every person the agent get around \$130 dollar. Their journey starts from the coast and reach to big engine boats waiting for them in the sea. Those boats are mostly used for catch fish and have the shape of trawlers made of wood. Simply it takes 4-5 hours to reach to the big engine trawlers. Sometimes if the trawlers situated very far then it takes more than 1 day to reach. Every single boat carries 10-15 peoples. In that time peoples are hidden by spreading the net over them.

### **2<sup>nd</sup> Step**

When the owner of big ship pick up the people from the small boat then the owner of the trawler earn \$320 dollars. A big trawler can carry 300-500 peoples. If the trawler is not filled with enough victims, it waits. Sometimes it takes 1-2 months to fill up with people. For this long

standing in a place the human traffickers make a deal with the Myanmar navy pay \$270 dollars for each of the trawler. The deal is for 15 days but sometime it takes more than 2 months. Victims ride on that trawlers with no scope to come back. There is lack of enough food and water. If someone become sick are thrown to the sea. 5-6 people guard the trawler using arms and to control a lot of people they kill at least 4-5 people in every big boat. The people on the boat are tortured brutally for ransom.

### **3<sup>rd</sup> Step**

When the boat is filled with people then it starts journey. After 7 days 7 nights the boat reaches Thailand coast. Then they use small boats to reach in the shore. For every victim the agent pay \$420 dollars to the big boat. Sometimes they walks for 1 day one night to reach in the jungle nearby Malaysian border which includes a lot of camps.

### **4<sup>th</sup> Step**

The agents sell the people in the camp for \$645 dollars. The Mafia who are the real criminal is few in numbers. They are form Bangladesh, Myanmar and Thailand. Every camp of the Jungle have different types of management. For every person the camp fee is \$280 dollars. This includes living cost, security, food cost and crossing the Malaysian border fees. Every victim fee is \$280 dollars whether he stay for one year or one day. The Mafias and their agents torture the victims brutally and demand ransom from the victim's family. They demands for around \$3600 dollars as ransom. Sometimes the victim failed to pay the ransom and stay for a long time. The camps are made of polythene, wood, bamboo like a small shack.

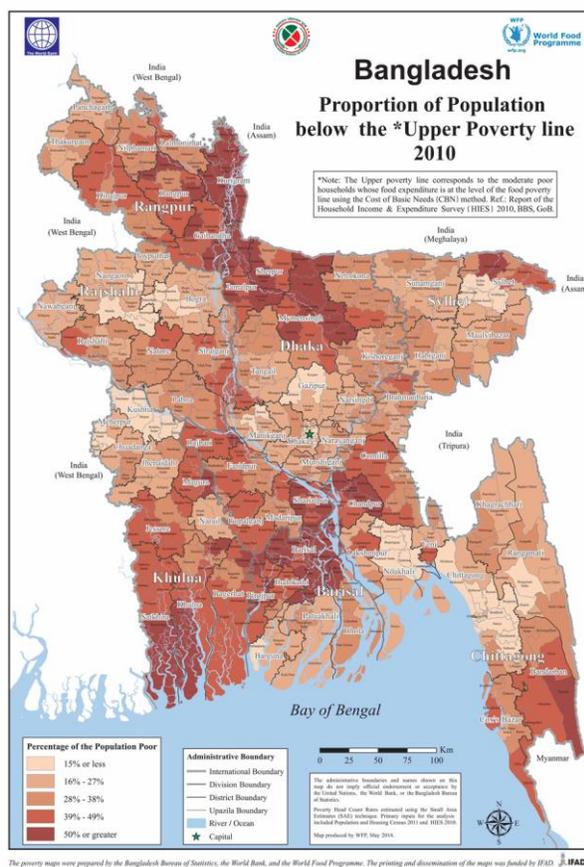
### **Reasons behind the human trafficking**

- The Refugee and Migratory Movements Research Unit (RAMRU) and University of Sussex have conducted a joint report showing that, Climate disaster is the reason for more than 10-20 million people to migrate from one place to another. (RAMRU 2015)
- Another reason is government failure to export manpower to Malaysia. In 2012, Bangladesh and Malaysia government have signed a bilateral agreement to export manpower from Bangladesh and seems like that reason have increased human trafficking rate. In the year of 2009, Malaysian labor market was closed for Bangladesh labor. To reopen the closed labor supply and export labor force from Bangladesh without trouble was the main focus. BMET statistics shows that after signing the agreement more than 1 million people have registered their name. In that year, only 7 thousand people were able to go Malaysia. But the agreement was about to exchange million 0.1 million people every year. This matter was criticized by RAMRU's director Tasnim Siddiki that, "The G&G agreement was failed in vain and it give rise to the illegal human trafficking. As the agreement have failed to reach the goal so people choose the illegal way to go Malaysia. (Prothom Alo, 8<sup>th</sup> May, 2015)
- According to the report of Bangladesh Bureau of Statistics, 2010, the poverty rate for of Bangladesh is 31.5%. This data is based on Upper poverty line.

**Figure: 1- Poverty Rate in the Coastal Area of Bangladesh**

1. This figure indicates that the coastal area is badly affected with extreme poverty rate. The coastal area of Bangladesh is severally affected by floods and cyclones and cause damage to lives and livelihoods, especially for the poor. To survive themselves people migrate from one place to others to lead a better life.

2. As the international labor market have been consolidated so the most 3 employee countries- Saudi Arabia, United Arab Amirah and Malaysia have reduced to import labor from Bangladesh. Bangladesh Economic Survey 2013 shows the total quantity of labor force of Bangladesh working abroad is decreasing day by day. For the unavailability to go abroad to find job have increased the risks of choosing the illegal way towards the neighbor countries. This illegal journey have started form 2005. In 2007, approximately 273,201 people and in 2008, 131,762 people have gone to Malaysia for work.



Source: [www.wfp.org](http://www.wfp.org)

In 2009, Malaysia stops the process of import labor force. After that an agreement had signed between Bangladesh and Malaysia to exchange 50,000 labor force at the first step from Bangladesh. It was panned to import 100,000 labor from Bangladesh. But statistics shows that only 10 thousand labor was imported by Malaysia by last 2 years. This shocking pattern of labor exchange have increased many people to choose illegal way.

**Table: 1- Quantity of Labor Force in Bangladesh.**

Year	No. of Labor force
2002	225256
2003	254190
2004	272958
2005	252702
2006	381516

<b>2007</b>	832609
<b>2008</b>	875055
<b>2009</b>	475278
<b>2010</b>	390702
<b>2011</b>	568062
<b>2012</b>	607798

*Source: Bangladesh Economic Survey, 2013. P-35.*

- Deception with the young unemployed population is another reason stands for human trafficking. According to Unnayan Onneshan, “In 2010, 20.90 million (36.96 percent) out of 56.70 million of the total labor force was youth labor. The failure to provide adequate employment opportunities especially to youth labor has significant economic and social implications in Bangladesh. In 2010, the share of unemployed youth labor in total unemployed labor was 61.54 percent revealing that 1.6 million out of a total of 2.6 million unemployed persons were youth. (Bangladesh Economic Update 2014)
- So, for this huge percentage of youth unemployment, students after completing their graduation possessed with mental depression. This mental depression finds the way to move other countries to find jobs and they fall by deception.
- The G2G process seems too lengthy and complex. Besides, the employee company want more cheap way to import labors. For supplying cheap Bangladeshi labor force in Malaysia, many agencies are working in the illegal way to export labor force to Malaysia.
- Zaid Bakht, research director of Bangladesh Institute of Development Studies, said every year some 2 million youths join the labor force in the country. Some 60% of them are absorbed into domestic and foreign labor markets. The rest remain either unemployed or underemployed; many often become desperate to find jobs abroad, even illegally. For this reason many youths now want to try their luck in Malaysia that has annual labor shortage of some 1 lakh. (The Daily Star, 9<sup>th</sup> May, 2015)

### **Government initiatives to prevent recent human trafficking**

The government of Bangladesh was severally warned about the recent human trafficking crisis using the sea route but necessary initiatives seem not to have taken in time. Even no action plan has been taken in the Human trafficking protection and prevention act. According to Ministry of Home Affairs, a National Action plan was taken in 2008 to protect and prevent human trafficking which term have ended in 2011. Later another action plan was taken in 2012 and ended by 2014. Every initiatives taken for protect and prevent human trafficking follow those action plans. But neither of those two action plan includes any topic regarding human trafficking by sea. Again in 20<sup>th</sup> February 2012 a bill was passed about National Human trafficking Organization and Rules under legislation, Human Trafficking Protection and Prevention Rules

and Human trafficking protection fund but nothing has happened between 3 years. To prevent human trafficking, in 2013 a law was enforced followed by International Convention on the Protection of the Rights of All Migrant Workers and Members of Their families, 1990 act. This act is also seems to have failed to prevent human trafficking.

### **Government policy in assistance, protection and rehabilitation of the victims of human trafficking and witnesses**

According to “*The prevention and suppression of Human Trafficking Act, 2012*” the policies are as following:

#### **1. Identification and rescue the victims of human trafficking or the victims:**

- A. The government shall make procedures by rules for identification, rescue, repatriation and rehabilitation of the victims of human trafficking and act by partnership with concerned government and non-government organizations.
- B. The process of identification, rescue, repatriation and rehabilitation of the affected persons, shall be conducted with special regard being paid to the welfare and special needs of women and children and in a victims-friendly manner.

#### **2. Repatriation and return of the victims of human trafficking:**

- A. If any Bangladeshi national is identified as a victim of human trafficking in a foreign country, the government shall, in operation with the concerned Bangladesh Embassy in the 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 in Bangladesh.
- B. Notwithstanding anything contained in sub-section (A), if any Bangladesh Embassy in a foreign country comes to know that a victim of human trafficking being a citizen of Bangladesh is detained or arrested in the country, the Embassy shall initiate the process to rescue, release and return of the affected person to Bangladesh.
- C. If any victim of human trafficking is compelled to stay in a foreign country for any case, the Bangladesh Embassy shall take measures to provide him with legal counseling or assistance.
- D. When a foreign national has been identified as a victim of human trafficking in Bangladesh, the Government in cooperation with the Embassy of the concerned country in Bangladesh shall, after concluding due legal process and recording the statement of the victim, initiate the process to repatriate such person to his home country through proper diplomatic channel.

#### **3. Providing with information to the victim and to the public generally:**

- A. The victim of human trafficking shall be entitled to be informed by the Government or police or, as the case may be, non-government organizations of the actions taken against the traffickers and of the stages of the concerned criminal case at least once in a month.
- B. The investigating officer or the person or organization identifying and rescuing the victim of human trafficking shall at once inform the affected person of his

rights to compensation and legal aid and of other benefits available under this Act.

- C. With due regard being paid to the right of privacy of the victims of the offences of human trafficking, the competent authority of the Government shall in order to effectively carry out the functions of identification, rescue, transfer, return, repatriation and rehabilitation of the victims of human trafficking, maintain a comprehensive data-storage including necessary data to provide with necessary information to the relevant professionals, journalists or to the public.

**4. Establishment of protective homes and rehabilitation center:**

- A. With a view to facilitating physical and psychological treatment, rehabilitation and family reconciliation of the victims of trafficking, the Government shall establish adequate numbers of protective home and rehabilitation center throughout the country.
- B. After the commencement of this Act, every person or organization willing to establish any such protective home or rehabilitation center shall not conduct any activities without obtaining the license or temporary permission from the Government by such manner and under such conditions as may be prescribed by rules: Provided that any protective home or rehabilitation center already established, shall obtain such license or permit within 6 (six) months from the commencement of this Act.

**5. Protection, rehabilitation and social integration:**

- A. The victim of human trafficking shall upon being rescued, if not return to his own family, be sent to any government or non-government protective home or rehabilitation center and all information relating thereto shall be sent at once to the Government or to the competent authority.
- B. Every victim of human trafficking residing in a protective home 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 facilities.

**6. Provisions regarding the protection of victims or affected persons and witnesses in criminal trail:**

- A. Any person or agency dealing with the subject matter of this Act shall endeavor to ensure that any victim of the offence of human trafficking is not subjected to conviction or punishment under this Act or any other existing law.
- B. Nobody shall publish or broadcast the name, photograph or any information or identity of a victim of human trafficking or of any member of his family without the permission of the Tribunal, and who contravenes the provision shall be punished with imprisonment for a term not exceeding 6 (six) months or with fine not exceeding taka 1 (one) lac or with both.

- C. If any victim of human trafficking or witness is threatened or apprehended by any threat or risk of any kind 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 offence of human trafficking or to the witness during travel to the court or other prosecutorial institution or residing in a protective home shall also be included to those government protective measures.

#### **7. Protection of the rights of child victims and witnesses:**

- A. Without prejudice to the generality of the provisions of this Act regarding the protection of the victims and witness, any person including the Tribunal dealing 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 for the time being in force as well as the principles in different international instruments and take necessary measure to avoid the child victim and the child witness.
- B. No child coming in contact or conflict with this Act shall be dealt with by the police or the Government of any other person dealing with the subject matters of this act otherwise than through the intervention of a child-friendly officer and processes and no child victim of human trafficking or victim child shall be sent or detained in any development center or in a remand home.

#### **8. Right to institute civil suit for compensation:**

Without prejudice to the right to institute criminal proceedings and beside any criminal proceeding initiated, the victim of the victim of human trafficking may sue for compensation in any civil court for his actual sufferance or legal injury resulting from the offence committed under this Act or for the breach of any contract concerned to the offence.

#### **9. Financial assistance to the victim of human trafficking:**

Without prejudice to the right or opportunity to receive legal aid from any non-governmental organization or under the Legal Aid Service Act, 2000 (Act no. VI of 2000), the Government may provide financial assistance to the victim of human trafficking or to the victim from the fund established under this act.

### **Weak Implementation of Policy, skull daggling, negligence of Government, Lack of Information and Knowledge is Provoking Human Trafficking**

The Prevention and Suppression of Human Trafficking Act, 2012 have included the concept name Protective Home, it means an institution except a prison which is established for the reception, shelter and rehabilitation of the victim if human trafficking or of the persons rescued from human trafficking. For Assistance, protection and rehabilitation of the victims if human trafficking and witness, the act regarding this sector says that, "With a view to facilitating physical and psychological treatment, rehabilitation and family reconciliation of the victims of trafficking, the Government shall, establish

adequate numbers of protective home and rehabilitation center throughout the country.  
(Bangladesh Gazette (2013))

**Table: 2 Number of Human Trafficking victims.**

Period	No. of cases recorded	No of victims recovered	Rehabilitation of Recovered Victims	
			Family	NGO/Govt. Safe house
<b>January 2015</b>	46	151	151	0
<b>February 2015</b>	36	32	32	0
<b>March 2015</b>	66	87	87	0
<b>April 2015</b>	54	53	53	0
<b>May 2015</b>	155	232	232	0
<b>June 2015</b>	-	407	407	0

*Source: Bangladesh Police 2015*

This analysis shows that all of the victims after rescue are send to their parents. In that time proper guidance and cancelling by professionals is very important which are not provided with.

- The provision on “Fund” has been kept to the minimum length, leaving the detailed rules concerning the management and utilization of the fund to be incorporated into the rules. It is proposed that the Fund may be used for any purpose under the Act or by any agency governmental and non-governmental including the police or the Bangladeshi foreign mission on a rational basis. (Bangladesh Country Report 2010)
- The Prevention and Suppression of Human Trafficking Act, 2012 includes, “The human Trafficking Prevention Fund- After coming into force of this act, the government shall, by notification in the official Gazette, establish a fund to be called “The Human Trafficking Prevention Fund” and the fund shall be used and operate in accordance with the manner prescribed by rules.

The money received from the following source shall be deposited to the Human Trafficking Prevention Fund, namely-

- a) Grants or sanction from the Government;
  - b) Grants from any local authority; or
  - c) Grants from any person or institution; and
  - d) Money received from any other source to prevent and suppress human trafficking.”
- (Bangladesh Gazette 2013)

But According to National Social Security Strategy of Bangladesh, March 2015, human trafficking being an important topic didn't have included and funding has been raised for poverty, disaster risk mitigation programs, disability people etc. With those other factors raising awareness and conduct programs was also important, but there is no fund and proper planning. (NSSS 2015)

- Recent Budget for the fiscal year 2015-2016, Social Security and Welfare section doesn't include any funding or program for human trafficking crisis. The main objectives of the government for expenditure in this sector are to ensure equity, improve socio-economic condition, create safety net for the disadvantaged people, established social justice, guarantee food security, enhance women empowerment through their increased participation in socio-economic process and achieve the welfare of freedom fighters. (MoF 2015)
- Women and Children Repression Prevention Act, 2000 was made to hold the rights of women in dealing with violence against women and children. This act also include sexual exploitation and the law against such kind of violence. According to the Act No VIII of 2000 enacted by The Parliament of Bangladesh to make necessary provisions for the prevention of crime against women and children.

#### **Punishment for trafficking of women:**

- “Whoever fetches from abroad or dispatches or sends abroad for prostitution or, to engage a woman in illicit immoral act or sale or buy or, for the purpose of torturing her in rent or otherwise or, keeps a woman in his possession, custody or security for such purpose, he shall be punished with death or transportation for life or with rigorous imprisonment of either description which may extend to twenty years but not less than ten years and also with fine.” (Women and Children Repression Prevention Act 2000)

#### **Punishment for Trafficking of child:**

“Whoever fetches from abroad or dispatches or smuggles abroad a child for any illegal or immoral purpose, or sells or purchases or keeps a child in his possession, custody or security for such purpose, he shall be punished with death or rigorous transportation for life and also with fine.” (Women and Children Repression Prevention Act 2000)

The statistics of Bangladesh Police shows that, a lot of women and child victims have been rescued by police and law agencies, but very few people or sometimes the convicted person related with human trafficking are not being punished under the tribunal. This kind of weak law enforcement have led to increase recent human trafficking.

**Table: 3- The Statistics of Bangladesh Police**

Period	No of Victim Trafficked		No of victims recovered		No. of Person Arrested	No of Convicted person
	Female	Child	Female	Child		
January 2015	17	10	13	10	42	3
February 2015	16	12	12	4	25	0
March 2015	17	15	9	8	159	0
April 2015	19	13	7	11	75	0
May 2015	32	19	21	10	202	0
June 2015	34	15	22	11	70	0

*Source: Bangladesh Police (2015)*

- There have been no arrests of politicians, police officers or border security force. Because the network was active for so long, “It is likely that some individuals in the administration and police department were involved,” Mr. Baqui said, adding that investigators were looking into police involvement. (The New York Times July 24, 2015.)
- The Curriculum and Syllabus of National Education Policy 2010 doesn’t include any policy regarding this kind of social problems and issues. (National Education Policy 2010)
- Ministry of Foreign Affairs and Ministry of Expatriates’ Welfare and Overseas Employment, no one take the responsibility regarding recent human trafficking in Bangladesh. They are saying that Border guard Bangladesh (BGB), Coast guard, police and security protection force should be enforced by Ministry of Home Affairs but they have failed in vain.
- To prevent illegal migration, Foreign Employment and Immigration Law, 2013, includes that overseas employment by the Government by notification in the official Gazette, shall be departures from the port or place.” This law includes three international airports of Bangladesh but doesn’t include the sea ways. So, if someone is using the sea route for human trafficking than there is a scope to proceed case against the suspect. But until now Ministry of Expatriates' Welfare and Overseas Employment didn’t take any initiative. The Ministry of Expatriates' Welfare and Overseas Employment have stated that Ministry of Home Affairs is responsible in this regard. So, the ministries doesn’t have cooperation and harmony between them.

- In addition to substantive provisions, procedures also plays an important role in the Act. There are provisions to expedite persecution by imposing time limits and setting up special tribunals. This is much needed in a situation where prosecution may not succeed and traffickers go scot free if there are delays in prosecution. Evidence may be mislaid, and victims of the crime of trafficking may not be traceable. (Dr. Sarasu Esther Thomas 2011)
- As the Law enforcing agency is weak in punishing this matter s oiling the human traffickers. A table is showing below regarding number of Prosecution and Disposition of Human Trafficking Case in 2011.

**Table: 4- Number of Prosecutions and Disposition of Human Trafficking Cases in 2011.**

<b>Prosecution</b>		<b>Disposal</b>	
<b>Number of cases lodged</b>	143	Number of case disposed	38
<b>Number of accused arrested</b>	455	Cases ended in conviction	09
<b>Number of cases charged</b>	70	Cases ended in acquittal	29
<b>Final report submitted</b>	39	Persons Convicted	14 Death sentence- Nil Life imprisonment- 08 Other terms- 06
<b>Under investigation</b>	34	Persons acquitted	70

*Source: Bangladesh country report, 2011*

### **Problems regarding Legal Framework on Human Trafficking**

Problems in the legal framework on Human Trafficking: The problems regarding human trafficking include prosecution, protection and prevention processes.

#### **Prosecution process problems:**

- Non ratification of UNTOC and protocols which is a major stumbling as many enabling provisions of these instruments cannot be availed of. (Dr. Sarasu Esther Thomas 2011)
- Human traffickers are unreachable as the law enforcement condition is very weak.
- Bangladesh does not have a single comprehensive law to combat human trafficking. The anti-human trafficking legal framework in Bangladesh consists of a series of penal laws that have a direct relation with human trafficking and certain complementary laws having indirect bearing on combating trafficking. (Md. Zakir Hossain 2009)
- Gender sensitivity is missing even though there are laws for women. This doesn't translate into a sensitive law, at least in its working, as commercial sex workers

also get booked under trafficking law. Victims may be re- victimized during the procedure, and some who are prosecution witness may turn hostile. (Dr. Sarasu Esther Thomas 2011)

- Trafficking is not often seen as an organized crime, and provisions relevant to organized crime are not made use of in trafficking cases although the Bangladesh Penal Code, 1860, does have provisions relating to common intention to commit an offence, criminal conspiracy and abetment. (Dr. Sarasu Esther Thomas 2011)
- Absence of a comprehensive definition of trafficking leaves space for dishonest police personnel to convert a trafficking case into illegal migration, illegal border crossing, human smuggling, etc. (Dr. Sarasu Esther Thomas 2011)

### **Problems regarding Protection:**

- There is something no adequate distinction drawn between the traffickers and the victim; e.g., in the case of prostitution or in the case of unsafe migration without document. Although there have been cases where courts have ordered rescue, some of this who migrate may not be treated as Bangladeshis by the country if they don't have documents to prove so.
- There is no positive duty cast upon States to provide sufficient shelters or for rehabilitation or rescue victims of trafficking.
- Civil remedies in tort law are not used against employers who violate labor standards or force employment.
- Financial support for existing programs is often insufficient.
- A conducive atmosphere to make it safe for victims to testify is not created. There is not witness protection program, either.
- The focus is on women and children, with inadequate protection for men.
- The focus is also on trafficking for sexual exploitation and punishments for trafficking for labor do not carry the same weight. (Dr. Sarasu Esther Thomas 2011)
- The government of Bangladesh made limited efforts to protect victims of trafficking over time. The government didn't have systematic procedure to identifying trafficking victims among vulnerable populations or to refer victims of trafficking to protective services. (Mohammad Barad Hossain Chowdhury, Trafficking person in Bangladesh)

### **Lack of Prevention:**

- Trainings of personnel at different levels are done sporadically, and materials are not revised systematically. (Dr. Sarasu Esther Thomas 2011)
- In the root level there are lack of public awareness, campaign, seminar types of public communication. This manner have increased vulnerability to trafficking,
- The recruiting agencies in Bangladesh are not properly monitored. This improper monitoring have gave rise to many agencies to supply people. Police verifications are not happening and with the help of social media those unlicensed and risky agencies are collecting people from the root level.
- Logistics of Bangladesh police force and Bangladesh coast guard are suffering in crisis.

## **Recommendations and Combat Human Trafficking in Bangladesh**

- As the people of Bangladesh is this country's manpower so government should take initiatives to prevent human trafficking. As the peoples are not educated much so they can be educated by seminars, meetings, focus group discussion, conversation etc. When the people will able to know the bad sides related with human trafficking then they will understand what they should do. Different media advertisement, newspaper forum, billboard, street campaigning, short film, TV show, field campaign, volunteer access to raise awareness can be more effective.
- Bangladesh government can increase budget to increase Bangladesh Coastal Guard's logistics, increase community police and volunteers that will help police or law agencies by giving information and raise public awareness. Budget for the victims, budget for research projects, budget for public awareness can play important role.
- Policies should be implemented quickly. Currently the process is very low and it have failed to decrease the victims. So, sector related with the policy should implement very quickly.
- A research team can be made with local non-government organizations or agencies. That group will count down the number of victims and follow up them. The statistics will publish every months showing the number of peoples trafficked. It will also include the case against human trafficking and whether the tribunal is implementing the policy or not. By proper follow up with correct statistics the ministry will be able to find out the flow of human trafficking is increasing or not. Necessary measures can be also initiate according to the statistics. A website can also be established to relate the research outcomes so that other agencies or organizations will be able to analyze the data.
- The ministries related with human trafficking policy and act should coordinate more properly.
- Poverty plays an important role and influence by the people to choose the cheap way which is illegal. Necessary initiatives to improve the condition of people's life can eradicate poverty. To eradicate poverty government and NGO's can work together. At first illiteracy rate can be increased by proper education policy. Primary and secondary books can include the topics related with different forms of human trafficking. Focus group discussion with the adults of most victimize area can also prevent human trafficking. For poverty reduction, people can be encouraged to start small business like selling eggs, bamboo made products, selling cow milk, plant trees and vegetables etc. They should understand that to invest in the legal carrier is safer and more fruitful than the illegal way. Small entrepreneurship can help poor people to eradicate poverty. If anyone is unable to invest, the government fund can help that person with proper monitoring and guidance.
- The people related with crime should bring under punishment very quickly. Bangladesh in the aspect of law enforcing is very poor and the process is still badly slow. It can be improved by an active tribunal for Human Trafficking and the government should fight against the criminals. As the Women and Children Repression Prevention Act (2000) includes death penalty but actually very few death penalty take place, so the law enforcing agencies should more active to make proper judgment according to the policy.
- Illegal agencies that doesn't have license to migrate people should find out and penalize with fine. A lot of illegal agencies use the sea and air route for human trafficking. Reports have found the airport officials are also related with the smugglers. The officials should

follow up carefully. If any suspected officials are found then they should also bring under the law like other criminals. Proper policy regarding the officials should initiate very quickly.

- Violation of women strands for another reason and an acute problem in Bangladesh. Women are oppressed by property, civil rights, employment etc. Women and children are most vulnerable in trafficking. By enforcing law and policies, the rights of women should increase and public awareness can build human behavior and manner towards women.
- A new system to complain against human trafficking by the local people can be establish. A telephone code number can be operate where any people will be able to notify the news and secret information regarding human trafficking. The name of the informer can be anonymous and the informer can also be rewarded. Thus, if any person know about any matter regarding the smuggler or the victims then that person can inform the coastal guard or the police. Then it will be very easy for the police or the costal guard to take necessary initiatives.
- As the population of Bangladesh is increasing in an alarming rate, so this huge manpower can be send to another country to work and earn their livelihoods. The G2G process of Malaysia have been stopped, in the previous time many countries like Saudi Arabia, Dubai, Bahrain had used to import a lot of labor from Bangladesh. But the scope has been decreased gradually. So, the Ministry of Foreign Affairs can take strong initiatives to increase the relationship with those countries to export more manpower.

## **Conclusion**

As of late the phenomena, Human Trafficking is widely spreading in the third world countries like Bangladesh enormously. Since 31.5% people live upper poverty line and 17.6% people live under lower poverty line indicates the level of extreme poverty level in this country so the poverty is regarded as the curse for a long time. With the mental and social pressure, the poor and ultra poor peoples of these countries like Bangladesh can be easily manipulated for trafficking. These Influenced peoples shift their place with new hopes without knowing the actual future waiting for them. In this study, we have tried to unveil the actual factors influencing the trafficking.

Weak and unorganized government policy in preventing human trafficking is playing an important role. More job opportunities for the unemployed population, increase productivity in the agricultural sector, enforce law in the illegal activity is the demand of this time. Human trafficking left with a bad impact towards women, children and also create a bad image of the country. After rescue the victims will pass time with mental depression and social humiliation. They need proper guidance and knowledge. The overpopulation problem of Bangladesh can be turned into a great manpower. For that reason proper policy implementation and enforcement of law is the demand of time.

## Reference

- Bangladesh Gazette (2013) Extra, The prevention and suppression of Human Trafficking Act, 2012, August 4, 2013, p-6799.
- INTERPOL (2015), Connecting Police for a Safer World, Crime Areas, Human Trafficking <http://www.interpol.int/Crime-areas/Trafficking-in-human-beings/Types-of-human-trafficking>
- Trafficking in Person Report (2010), Department of State, United States of America, 10t Edition, also available at <http://www.state.gov/documents/organization/142979.pdf> accessed on 08 July, 2010
- Ruth Afza Ruhi (2003), Human Trafficking in Bangladesh, Asian Affairs, Vol. 25, No. 4: 45-56, October- December, 2003, CDRB Publication, also available at <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.474.4696&rep=rep1&type=pdf>
- UN (2002), The United Nations response to trafficking in women and girls, Department of Economics and Social Affairs (DESA), United Nation, 18-22 November 2002, New York, USA.
- Carmen GALIANA (2000), European Parliament, Trafficking in Women, The European Parliament, B-1047 Brussels, Also available at [http://www.europarl.europa.eu/workingpapers/libe/pdf/109\\_en.pdf](http://www.europarl.europa.eu/workingpapers/libe/pdf/109_en.pdf)
- United Nation (2000), PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED CRIME, Article 3 (a), <http://www.osce.org/odihr/19223?download=true>
- SAARC (2012), Human Trafficking Situation in SAARC Region: Bridging the gap, p. 27, also available at <http://www.shrdc.org/doc/research/study/HumanTrafficking12.pdf>
- UNHCR (2015), 2015 UNHCR sub regional operations profile South- East Asia, Bangladesh, United Nation High commissioner for Refugee, <http://www.unhcr.org/pages/49e487546.html>
- New York Times (2015), *A Bangladeshi Town in Human Trafficking's Grip*, July 23, 2015, [http://www.nytimes.com/2015/07/24/world/asia/bangladesh-human-trafficking.html?\\_r=0](http://www.nytimes.com/2015/07/24/world/asia/bangladesh-human-trafficking.html?_r=0)
- The Guardian (2015), Thai official among more than 100 charged with human trafficking, Friday, 24th July, 2015, also available at <http://www.theguardian.com/world/2015/jul/24/thai-officials-among-more-than-100-charged-with-human-trafficking>
- Brown, L. (2000). *Sex Slaves: the Trafficking of Women in Asia*. London: Virago Press.

- IOM (2004), Revisiting the Human Trafficking Paradigm: The Bangladesh Experience, Part 1: Trafficking of Adults, International Organization for Migration, the Bangladesh Thematic Group on Trafficking, September 2004.  
[http://www.iom.org.bd/images/publication/1356248964\\_Revisiting%20the%20Human%20Trafficking%20ParadigmThe%20Bangladesh%20Experience%20Part%201%20Traffic%20of%20Adults.pdf](http://www.iom.org.bd/images/publication/1356248964_Revisiting%20the%20Human%20Trafficking%20ParadigmThe%20Bangladesh%20Experience%20Part%201%20Traffic%20of%20Adults.pdf)
- IOM (2014), Leading Judgment on Human Trafficking Offences, International Organization for Migration, [http://iom.org.bd/images/publication/Leading\\_Judgment\\_11.pdf](http://iom.org.bd/images/publication/Leading_Judgment_11.pdf)
- RAMRU (2015), Refugee and Migratory Movements Research Unit, Arts Building, University of Dhaka.
- Prothom Alo, 8<sup>th</sup> May, 2015, <http://epaper.prothom-alo.com/view/dhaka/2015-05-08/1>
- Poverty maps of Bangladesh (2010), WBB- World Bank Bangladesh, BBS- Bangladesh Bureau of Statistics, and WFP- World Food Program.
- Bangladesh Economic Survey (2013), Ministry of Finance, Department of Finance, People's Republic of Bangladesh, 2013. P-35.
- Bangladesh Economic Update (2014), State of Unemployment and Poverty, Unnayan Onneshan, Volume 5, No.5, May 2014 , also available at [http://www.unnayan.org/reports/meu/MEU\\_May\\_2014/MEU\\_May\\_2014.pdf](http://www.unnayan.org/reports/meu/MEU_May_2014/MEU_May_2014.pdf)
- The Daily Star (2015), Bangladesh, 9<sup>th</sup> May, 2015  
<http://epaper.thedailystar.net/index.php?opt=view&page=1&date=2015-05-09>
- The Star Online (2015), Friday, 8<sup>th</sup> May, 2015  
<http://www.thestar.com.my/News/Nation/2015/05/08/Rohingya-Msia-has-slave-camps-too-Malaysians-also-involved-in-trafficking-syndicates-claims-groups-e/>
- Prothom Alo (2015), Bangladesh, 9<sup>th</sup> May, 2015  
<http://epaper.prothom-alo.com/view/dhaka/2015-05-09/1>
- Fortified Rights (2015), The boat people crisis won't end until Burma stops persecuting the Rohingya, 20<sup>th</sup> July, 2015, <http://www.fortifyrights.org/commentary-20150720.html>
- Prothom Alo (2015), Bangladesh, 19<sup>th</sup> May, 2015  
<http://epaper.prothom-alo.com/view/dhaka/2015-05-19/1>
- Prothom Alo (2015), Bangladesh, 4<sup>th</sup> May, 2015  
<http://epaper.prothom-alo.com/view/dhaka/2015-05-04/1>, 2015
- Bangladesh Police (2015), Monthly Status of Human Trafficking Cases, also available at <http://www.police.gov.bd/Human-Trafficking-Monthly.php?id=324>
- Legal Aid Service Act (2000), National Legal Aid Service Organization, Act no. VI of 2000.
- Bangladesh Country Report (2010), Combating Human Trafficking, Ministry of Home Affairs, People's Republic of Bangladesh 2010.

Bangladesh Gazette (2013) Extra, The prevention and suppression of Human Trafficking Act, 2012, August 4, 2013, p-6812.

NSSS (2015), National Social Security Strategy of Bangladesh, Planning Commission, Government of the People's Republic of Bangladesh, March 2015,  
[http://www.plancomm.gov.bd/wp-content/uploads/2015/04/Final-Draft-of-National-Social-Security-Strategy\\_NSSS.pdf](http://www.plancomm.gov.bd/wp-content/uploads/2015/04/Final-Draft-of-National-Social-Security-Strategy_NSSS.pdf)

MoF (2015), Government Spending and Sectorial Priorities, Ministry of Finance, Bangladesh,  
[http://www.mof.gov.bd/en/budget/13\\_14/mtbs/en/chapter3\\_en.pdf](http://www.mof.gov.bd/en/budget/13_14/mtbs/en/chapter3_en.pdf)

Women and Children Repression Prevention Act (2000), The parliament of Bangladesh, Dhaka, 14<sup>th</sup> February 2000/2 Falgun 1406, Act No VIII of 2000, P-3,  
[http://iknowpolitics.org/sites/default/files/prevention\\_act\\_bangladesh.pdf](http://iknowpolitics.org/sites/default/files/prevention_act_bangladesh.pdf)

The New York Times (2015), on page A1 of the New York edition, July 24, 2015.  
[http://www.nytimes.com/2015/07/24/world/asia/bangladesh-human-trafficking.html?\\_r=0](http://www.nytimes.com/2015/07/24/world/asia/bangladesh-human-trafficking.html?_r=0)

National Education Policy (2010), Ministry of Education, Government of the People's Republic of Bangladesh, P- 69

Dr. Sarasu Esther Thomas (2011), Responses to Human Trafficking in Bangladesh, India, Nepal and Sri Lanka, Legal and Policy Review, A publication of United Nations Office on Drugs and Crime, 2011

Bangladesh Country Report (2010), Combating Human Trafficking, Ministry of Home Affairs, People's Republic of Bangladesh 2010, pp. 1-2

Bangladesh Coast Guard (2015), *Ministry of Home Affairs*,  
<http://www.coastguard.gov.bd/main/download/HumanTraffickingUptoJune2015.pdf>

Interview on 9<sup>th</sup> June 2009 by Md. Zakir Hossain, Staff from United Nations Office on Drugs and Crime, <http://www.unodc.org/unodc/en/frontpage/2009/June/human-trafficking-in-bangladesh.html>