

TRAFFICKING IN PERSONS IN BANGLADESH

*Mohammad Barad Hossain Chowdhury**

I. INTRODUCTION

Bangladesh, a small country with a huge population, is notably affected by the organized crime called Trafficking in Persons (TIP). According to Article 3 of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime,¹ trafficking in persons means:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the 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 the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Bangladesh acts as an important source and transit country for trafficking in persons in Southern Asia. The main domain of human trafficking is forced labour and sex trafficking. Trafficking victims of Bangladesh consist of men, women and children. Men recruited by fraudulent employment offers for work overseas consist of a significant share of Bangladesh's trafficking victims who are subsequently exploited under conditions of forced labour or debt bondage. Women and children are the primary constituents of sex trafficking. The underlying dynamics of human trafficking have led to the formulation of many international and regional legal instruments and much national legislation. The government of Bangladesh has been taking administrative measures to address human trafficking, especially trafficking in women and children. Hence, the aim of this paper is to identify the overall situation of trafficking in persons in Bangladesh with the government's initiatives and developments on this issue. This essay portrays the current situation of trafficking in persons in Bangladesh, the challenges, underpinning problems, government initiatives and country achievements. The paper concludes with recommendations to the government of possible solutions.

II. TRAFFICKING IN PERSONS IN BANGLADESH: OVERVIEW

Trafficking in persons is illegal, and it is difficult to find reliable estimates of the size of the problem. However, various reports, such as Congressional Research Service (CRS) Reports, TIP Reports of the U.S. State Department, Bangladesh's Country Reports, etc., reveal that it is a large and growing crime globally as well as in Bangladesh. According to the 2012 TIP Report of the U.S. State Department,² Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In February 2012, the government of Bangladesh enacted a comprehensive anti-trafficking law which addressed legislative gaps such as the absence of a prohibition on the trafficking of men. The government also approved a new anti-trafficking action plan (2012-2014) which incorporated necessary steps to implement the new law. The number of prosecutions increased, but the number of convictions declined as compared to previous years.

* Senior Assistant Secretary, Ministry of Home Affairs, Bangladesh Secretariat, Dhaka, Bangladesh.

¹ United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime, 2 (2000) <http://www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf> accessed 21 Nov. 2012.

² U.S. State Department, 2012 *Trafficking in Persons Report* <<http://www.state.gov/documents/organization/192594.pdf>> accessed 21 Nov. 2012.

In terms of *modus operandi*, there are two types of trafficking in persons that occur in Bangladesh: internal trafficking and international trafficking.

A. Internal Trafficking:

Bangladeshi children and adults are trafficked internally for commercial sexual exploitation, domestic servitude, and forced and bonded labour, including forced begging. In some instances, children are sold into bondage by their parents, while others are induced into labour or commercial sexual exploitation through fraud and physical coercion. Girls and boys as young as eight years old are subjected to forced prostitution within the country, living in slave-like conditions in secluded environments. Trafficking occurs throughout the country, and the vulnerable poor are trafficked from poorer rural regions to cities.

B. International Trafficking:

Internationally, women and children from Bangladesh are trafficked to India and Pakistan for commercial sexual exploitation or forced labour. Some Rohingya refugees from Burma have been subjected to human trafficking in Bangladesh. Many brothel owners and pimps coerce Bangladeshi girls to take steroids to make them more attractive to clients, with devastating side effects; the drug is reported to be used by 90 percent of girls and women between the ages of 15 and 35 in Bangladeshi brothels. In 2012, nine South African labour-trafficking victims were found in Bangladesh.

III. MEASURES OF PROSECUTION

The Government of Bangladesh adopted a clear anti-trafficking law, “The Human Trafficking Deterrence and Suppression Act, 2012,” which resulted in an increased number of investigations and prosecutions. This Act generally prohibits and punishes all forms of human trafficking, though it does not flatly prohibit the fraudulent recruitment of labour migrants; rather, the Act requires the recruiter to have known that the recruited workers would be subject to forced labour.³ Prescribed penalties for labour trafficking offences are 5 to 12 years’ imprisonment and a fine of not less than the rough equivalent of \$600, and prescribed penalties for sex trafficking offences range from 5 years’ imprisonment to the death sentence. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The new law supersedes sections of the Repression of Women and Children Act of 2000 (amended in 2003), which had prohibited the trafficking of women and children for the purpose of commercial sexual exploitation or involuntary servitude.

Table 1: Number of Prosecutions and Disposition of Human Trafficking Cases in 2011.

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

Source: Bangladesh Country Report, 2011, Combating Human Trafficking, Ministry of Home Affairs, Government of the People’s Republic of Bangladesh, pp 1-2.

The alleged complicity of some Bangladeshi government officials in human trafficking remained a serious problem, and the government made no discernible efforts to address it. Several NGOs reported a nexus among members of parliament, corrupt recruiting agencies, and village-level brokers and also reported that politicians and regional gangs were involved in human trafficking. NGOs and the media reported that registered recruitment agencies in Dhaka have links with employers and brokers in destination countries —

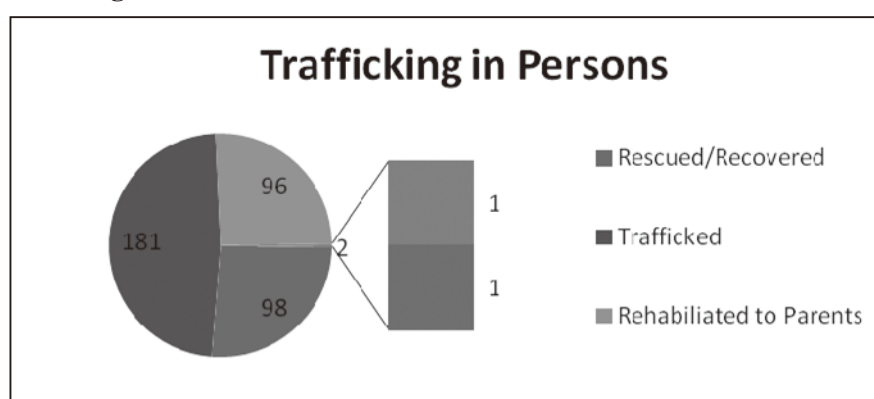
³ Ibid.

some of which have subjected migrant workers to trafficking — and help facilitate fraudulent recruitment. The Government of Bangladesh did not investigate or prosecute government officials suspected of trafficking-related complicity. Government officials continued to receive training from civil society groups and foreign governments.

IV. MEASURES OF PROTECTION

The government of Bangladesh made limited efforts to protect victims of trafficking over time. The government did not have a systematic procedure to identify trafficking victims among vulnerable populations or to refer victims of trafficking to protective services. The government reported that immigration police, working with the Ministry of Expatriate Welfare's Vigilance Taskforce, identified trafficking victims at international airports by checking passports and questioning potential trafficking victims; it is not known how many victims were identified through this process. The chart below shows the distribution of rescued/recovered victims in 2011.

Fig. 1: Distribution of Rescued/Recovered Victims in 2011.



Source: Bangladesh Country Report, 2011, Combating Human Trafficking, Ministry of Home Affairs, Government of the People's Republic of Bangladesh, pp 1-2.

The government identified 181 victims in 2011. Among them, 98 victims were rescued or recovered. Ninety-six victims out of 98 were handed over to their parents. One victim was rehabilitated by an NGO (purple), and one victim was rehabilitated by the Government (light blue). While the government did not provide funds, shelter or other services specifically dedicated to trafficking victims, it continued to run nine homes for women and children who were victims of violence, which could be accessed by trafficking victims; the government also ran a "one-stop crisis center" for women and children in the Dhaka general hospital — also accessible to trafficking victims. The government continued to run one shelter in the Bangladeshi Embassy in Riyadh for female Bangladeshi domestic workers fleeing abusive employers. The government did not compile statistics on the number of trafficking victims, if any, assisted through these establishments. An NGO noted that adult female victims could leave the shelters in Bangladesh at will. The government did not provide protective services to male victims of trafficking. Law enforcement personnel occasionally encouraged victims of trafficking, when identified, to participate in investigations and prosecutions of their traffickers by providing transportation to courts, but there was no information on the number of victims who did so. Some trafficking victims were detained, fined, or jailed for unlawful acts committed as a direct result of their being trafficked. Victims were often detained when they returned to Bangladesh after migrating irregularly to another country. Government officials detained women in prostitution without determining whether they were trafficking victims. Female trafficking victims were placed in divisional custody facilities at government-run prisons when no space was available in shelter homes. Unregistered Rohingya refugees (trafficking victims) were detained indefinitely for their lack of documentation. The government did not provide temporary or permanent residency status for these trafficking victims — the only foreign victims of human trafficking identified in Bangladesh. When Bangladeshi migrant workers lodged complaints of labour and recruitment violations, they most often resorted to arbitration by the Bangladesh Association of International Recruiting Agencies (BAIRA), which did not provide sufficient financial compensation and rarely addressed the illegal activities of some BAIRA-affiliated recruitment agents. NGOs and news reports

alleged instances of officials working at some Bangladeshi embassies abroad who were mostly unresponsive to complaints; attempts to seek restitution abroad were rare.

V. MEASURES OF PREVENTION

The Bangladeshi government has made efforts to prevent trafficking over the last several years. In January 2012, the Ministry of Home Affairs promulgated a new National Plan of Action for Combating Human Trafficking for 2012-2014, which includes plans to implement the new law. The Ministries of Social Welfare, Women and Children Affairs, and Primary and Mass Education continued to raise awareness on the trafficking of women and children. The Ministry of Expatriate Welfare's Vigilance Task Force continued its work to improve the oversight of Bangladesh's labour recruiting process ahead of a future merger with a Monitoring Wing. This wing lacks the funding or professional capacity to address fraudulent recruitment. The government continued to allow the Bangladesh Association of International Recruiting Agencies (BAIRA) to set fees, to license individual agencies, to certify workers for overseas labour, and to handle most complaints of expatriate labourers, while exercising inadequate oversight over this consortium of labour recruiters to ensure their practices did not facilitate debt bondage of Bangladeshi workers abroad. The Home Secretary continued to chair the interministerial National Anti-Trafficking Committee meetings, which met regularly. Training, including awareness about human trafficking, was provided to Bangladeshi soldiers prior to their deployment abroad on international peacekeeping missions. During the year, the government took no action to reduce the demand for commercial sex acts. Bangladesh is not a party to the 2000 UN TIP Protocol.

VI. PROBLEMS UNDERPINNING TRAFFICKING IN PERSONS

The issue of trafficking is integrally linked to the insecurity of livelihoods as well as to the continuing disparities and discrimination against marginalized communities generally, and against women in particular. Many trafficked persons are lured and deceived by false promises of good jobs or marriage, and some are bought, abducted, kidnapped, coerced, threatened with force or placed in debt bondage. Some of these women and children are trafficked with the tacit consent of their poverty-stricken families (NPA 2008).⁴ Bangladesh is one of the major sources of labour of the world with a surplus population. It has enormous possibility to become the top foreign currency earner by sending skilled migrant workers abroad.⁵ But unfortunately there are rackets working to traffic men and women both inside and outside the country by exploiting them in the name of providing jobs either with legal or illegal documents. Unsafe and undocumented migration leads to trafficking. In recent times, many Bangladeshi potential male and female migrants suffered within the country before going aboard, and many also faced adverse situations abroad. In the regional and international arenas, groups of persons are working in the migration sector to earn more money at any cost without considering the exploitation of the migrant workers. The major underpinnings of these problems are as follows:

- **Overpopulation:** Bangladesh is overwhelmed with its large population. This population burden has exposed a large segment of the citizenry to the vulnerabilities of trafficking in persons.
- **Demand for cheap labour:** Worldwide demand for cheap labour targets the Bangladeshi people and very often jeopardizes them as trafficking victims.
- **Lack of opportunity and resources:** Poverty exists in every part of social and economic life of the majority of the Bangladeshi population. Combining a large population with a weak economic base makes the resource base scarce and bottlenecks opportunities for people to lead happy lives. These discontentments lead the people into vulnerability and towards becoming victims of trafficking in persons.
- **Lack of awareness:** Lack of proper education easily escorts the people towards hazardous lifestyles, which ultimately ends up with the dejected outcome of human trafficking. Lack of education also prevents the development of an awareness of human rights and causes fatal consequences.
- **Sexual services:** Augmented demand for sexual services around the globe, as well as within the

⁴ Government of Bangladesh. *National Action Plan, Ministry of Home Affairs*. Dhaka: Ministry of Home Affairs (2008).

⁵ The economy of Bangladesh depends on remittance. Every year, the Bangladeshi economy is infused by remittances of foreign currency earned by Bangladeshi labourers abroad.

country, makes young girls and boys vulnerable to being trafficked. Burdened with the problems of poverty and lack of education, Bangladeshi women and children are very vulnerable to the brutality of sex trafficking.

- Lack of control over recruiting agencies: There are more than 1,000 recruiting agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA). These agencies are permitted legally to charge workers recruitment fees that are the equivalent of a year's salary, but these recruiting agencies often charge additional amounts in contravention of government regulations. These exorbitant fees place migrant workers in a condition of debt bondage, in which they are compelled to work out of fear of otherwise incurring serious financial harm. Many Bangladeshi migrant labourers are victims of recruitment fraud, including additional and illegal exorbitant recruitment fees often accompanied by fraudulent representation of terms of employment. These victims may also experience restrictions on their movements, nonpayment of wages, threats, and physical or sexual abuse.

VII. GOVERNMENT INITIATIVES

Bangladesh has taken the problem of human trafficking seriously. The Constitution of Bangladesh mandates the establishment of a society based on the rule of law, justice, and the respect for human dignity and the worth of all persons. The Constitution bans forced and bonded labour (Article 34), imposes a duty on the state to prevent and suppress the prostitution of human beings, and guarantees a number of fundamental human rights (Articles 27-44).⁶

The government of Bangladesh has been implementing a series of activities to combat trafficking. As a result of the effectiveness of all committees and the motivational, preventive and awareness-building activities against human trafficking, Bangladesh has achieved commendable success in combating trafficking in the years 2008-11 — successes which are indeed based on earlier successes. A major anti-trafficking initiative by the government is the drafting of the new anti-trafficking statute, which has recently culminated in the enactment of the Human Trafficking Deterrence and Suppression Ordinance of 2011, an overview of which follows below. Before that, the Government enacted the Domestic Violence (Protection and Prevention) Act of 2010 to address the problem of violence against women. Notably on 13 July 2011 the government has in the meantime ratified the UN Convention against Transnational Organized Crime of 2000.⁷ Bangladesh has also recently ratified another ancillary international instrument, namely, the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990. Ratification of this Convention is sure to have a positive impact on Bangladesh's efforts to prevent and combat human trafficking. Further, the process for the ratification of the most notable anti-trafficking instrument, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons 2000 (Palermo Protocol) is currently underway. The government has also adopted three major national policies — the Policy for the Advancement of Women of 2011, the Child Labour Elimination Policy of 2010 and the Child Rights Policy of 2011 — all of which will have strong impacts on anti-trafficking measures generally. Specially, the Women's Policy of 2011 and the Child Rights Policy of 2011 categorically spell out the government's commitment to eradicate trafficking in women and children.

Other noteworthy anti-trafficking initiatives and achievements of the government and other implementing partners are:

A. Setting up of National and District Committees

Anti-trafficking activities in Bangladesh have received a major boost with the formation of an interministerial committee at the national level headed by the Secretary of the Ministry of Home Affairs (MoHA) and committees in each District headed by Deputy Commissioners to monitor matters at district levels. Also, there are anti-trafficking committees at the *upazilla* (sub-districts) and Union levels.

B. Setting up of Monitoring Cells

Another major device was the setting up of a monitoring cell at the Police Headquarters (and in each

⁶ The Constitution of the People's Republic of Bangladesh (1972).

⁷ Although Bangladesh has adopted the 2000 Convention, it still has not adopted the TIP Protocol.

District) to monitor anti-trafficking actions, specifically the prosecution of human trafficking. Initially, the Cell focused on trafficking in women and children, and now its terms of reference include measures against all forms of human trafficking, including the prevention of trafficking, rescue and rehabilitation of trafficked persons and day-to-day development of the criminal cases related to human trafficking.

C. Continued Awareness-Raising Programmes

The Government of Bangladesh has sponsored awareness-raising activities at national and district levels and a series of specialist trainings imparted to government officials, police officials (including investigators and immigration officers), lawyers, judges, social service officials, and public prosecutors.

D. Taskforce for Rescue, Recovery, Repatriation and Integration (RRRI) of Trafficked Women and Children

A Taskforce for the rescue, recovery, repatriation and reintegration of children and women victims/survivors of trafficking has been established at the MoHA. The initial mandate of the Taskforce — to work for the rescue, recovery, repatriation, and integration of child victims of trafficking — has been extended to cover victims of all types of human trafficking.

E. Standard Operating Procedure for Repatriation of Trafficked Child Victims between Bangladesh and India

The Ministry of Home Affairs and UNICEF have jointly developed a Standard Operational Procedure (SOP) to be followed by law enforcement agencies, development practitioners or rights activists receiving and sending child victims. This SOP provides for eight different forms or information sheets which are to be used in the identification of child victims and their rescue, repatriation and integration. Broadly, the SOP provides for a normative and practical framework for the identification and rescue of victims, for the entry of data regarding their particulars, for placement of victims and the collection of information, for sharing of information among the taskforces, administrative processes, permission for repatriation, physical repatriation itself, and the reception of the repatriated victims. Also, a website has been designed and put in place for the activities of the RRRI Taskforce.

F. Reporting Trafficking Situation Annually

Every year, a country report is prepared and published by the MoHA, which details actions by the governmental, non-governmental and intergovernmental implementing organizations on the prevention of human trafficking and the protection of its victims, including the successes made so far.

G. Vigilant Task Force at the Ministry of Expatriate Welfare and Overseas Employment (MoEWOE)

This Taskforce was established to monitor the activities of recruiting agencies so that irregular/fraudulent recruiting for overseas employment may be stopped. This institutional device is expected to check and reduce human trafficking for labour under the garb of migration.

H. Legal Reforms

A number of efforts for the reform of the legal framework are currently underway. The Ministry of Expatriate Welfare and Overseas Employment is currently revising the Emigration Ordinance 1982 to make it more effective against fraudulent and criminal recruitment of people for the purpose of labour. MoHA is also currently working to revise the laws relating to immigration into Bangladesh. These legal interventions are expected to further consolidate the legal tools available in the fight against trafficking.

I. Increased Prosecution/Convictions and a Criminal Database

During the past several years, the number of arrests, prosecutions, and convictions of traffickers has increased. This may be attributed, among other factors, to the consistent monitoring of the progress of the most serious criminal cases of trafficking. Also, the Police Authority has developed a criminal database which is based on integrated software with information about crimes, prosecution, and criminals and with additional information on trafficked victims.

J. Standard Operating Procedure (SOP) for the Investigation of Crimes

An SOP (Standard Operating Procedure) for the investigation of trafficking cases has been put into effect.

The SOP is expected to help the investigators effectively investigate crimes.

K. Bilateral Agreements

Bangladesh has recently entered into Agreements with India with a view to providing mutual legal assistance in criminal matters and to combat organized crime and trafficking in drugs. Specifically, the government of Bangladesh has concluded the following agreements with India:

- (i) The Agreement for Mutual Legal Assistance in Criminal Matters;
- (ii) Agreement Between the Government of Bangladesh and the Government of India for Combating Terrorism, Transnational Organized Crimes, and Illegal Drug Trafficking; and
- (iii) Agreement for the Transfer of Sentenced Persons (Except those sentenced with capital punishment).

Needless to say, human trafficking is one of the most heinous types of organized crime, and therefore these pacts — particularly the first two pacts — will facilitate cooperation between Bangladesh and India for combating human trafficking.

VIII. CONCLUSION AND RECOMMENDATIONS

Bangladesh has made significant improvements in dealing with trafficking in persons. This paper recommends that the government of Bangladesh:

- increase efforts to prosecute trafficking cases and convict trafficking offenders, and use the new trafficking law to prosecute fraudulent labour recruiters;
- become a party to the 2000 UN TIP Protocol;
- take steps to address the allegations concerning the complicity of public officials in trafficking, particularly through criminal prosecution and punishment of those involved in or abetting human trafficking;
- improve oversight of Bangladesh's international recruiting agencies to ensure they are not promoting practices that contribute to labour trafficking;
- reduce exorbitant legal recruitment fees, per the Vigilance Task Force's mandate;
- expand the roles and responsibilities of existing labour attachés in destination countries to include anti-trafficking monitoring, reporting, and engagement with destination countries;
- provide support services for adult male trafficking victims and victims of forced labour; and
- work with civil society to improve anti-trafficking messaging through awareness campaigns.