

Research Monograph

Human Trafficking in Bangladesh: Bureaucratic Challenges in Implementing the Laws of Bangladesh

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Letter of Transmittal

Mr. Arif Mahmud

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Respected Sir,

It's a great pleasure for me that I have been able to make research on "Human Trafficking in Bangladesh: Bureaucratic Challenges in Implementing the Laws of Bangladesh". During concluding this research I have given all of my best effort to form the useful research and by collecting all the relevant information from different sources that it can fulfill your expectation.

Therefore, I shall remain grateful to you if you pass through this research paper for your evaluation and I would be like that if any valuable recommendation is formed from your part in this matter.

I am always available for any further clarification of any part of this paper at your convenience.

Sincerely yours.

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Letter of Approval

This is to certify that the work is done “Human Trafficking in Bangladesh: Bureaucratic Challenges in Implementing the Laws of Bangladesh” is a real work done by GM. Faizur Rahman Akash, ID:212-38-422, batch: 35th, Department of Law, Daffodil International University, done under my supervision in the partial fulfillment for the research, work is done for the fulfillment of course requirements of Law-812 from the Department of law, Daffodil international University.

A handwritten signature in black ink on a light gray background. The signature is cursive and reads "Arif Mahmud". Below the signature is a dashed horizontal line.

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Declaration

I, hereby, declare that the work, present in this research is performed by me under the supervision of Mr. Arif Mahmud (Lecturer, Department of Law, Daffodil International University). I also assure that this research or no part thereof is being submitted anywhere for the award of any degree.



(Candidate)

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It is a great pleasure for me to thank that person who supports me to complete this research like family and teachers. To begin with, I would like to express my deep gratitude to my supervisor Mr. Arif Mahmud (Sr. Lecturer, Department of Law, Daffodil International University), who was a source of ideas, and provider of suggestions. A great thanks due to this well regarded teacher for supporting at the time of COVID-19 when the whole world is shuttered.

I also express my special gratitude to honorable Police Officer MD Bazlur Rahman and fellow teachers who has helped me by resources.

Dedication

Firstly I am showing very much respect and gratitude to my Allah. I would like to express my gratitude and love to my parents for their sacrifice and to provide me the opportunities for higher education. They are still guiding me being a good human being and motivated me to dedicate myself benefit of the country.

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Human Trafficking in Bangladesh: Bureaucratic Challenges in Implementing the Laws of Bangladesh

Introduction

The objective of this research is to find out the challenges of implementing laws to prevent the human trafficking. In this research paper we will discuss the condition and the trafficking situation of Bangladesh. This human trafficking is a very appealing to money making form of illegitimate enterprise in Bangladesh.¹ This problem is increasing day by day and it's getting impossible for government to address the issues to minimize this crime. Those who are ultra poor and searching for work, for them the local body should approach to them very gently because the poorer are the sufferer to the human trafficking. We know that there are some bureaucratic challenges that we have to implement laws and policies to solve the problem of human trafficking. The problem is not only a major issue in Bangladesh but also to the whole world. We demonstrate the roots the cause and the reason for human trafficking that stuck the country. At present due to rising prices of all commodities in our country and low standard of living, low-income families of the country plan to travel abroad for the purpose of good income. Poor people rely on immigration information, job visas and informal networks for travel due to lack of assistance from the ministry. Such networks have gained much traction in the villages. There are many push factors that make people reluctant to go abroad for various reasons. This makes them vulnerable to the human trafficking group. We can see some phenomena on the purpose of trafficking given by a human right activist Alexis a famous researcher; she has sorted 12 specific purposes in the push factor in her book-

- Poverty caused by feminization.
- Scarcity of basic needs and civil facilities.
- Increasing the rate of marital dissolution in terms of separation, desertion and divorce of the women.
- Number of working children is increasing.
- Need of cheap labor in the international market and unemployment issue.
- Increasing the level of corruption in the national level with the job scarcity.
- In the tourism season attracts black market economy.
- Rapid growth of the transport facilities.
- The poor justice system when the cases of brutalization in case of women increasing.
- Natural disesteem made the affected people go to change their fate.
- The false hope given by the groom not to give dowry.

¹ Amrita Biswas, 'Human Trafficking Scenario in Bangladesh: Some Concerns' (2015) International Journal of Humanities & Social Science Studies 85-90, 86.

- The international trafficking syndicate has increases their activity .²

I will discuss here on the bureaucratic issue that people are willing to go abroad for good income but in Bangladesh there is no similarity in work between legal and administrative level and has inter agency coordination deflects for this reason they rely on informal network for various reasons. Seeing these poor people, there is a lack of coordination among the concerned ministries. They have to pay bribes at various tables of their government for the achievement of this visa. It takes a long time to get these visas and get them registered. So they want to migrate to a developed country with half the money depending on this unofficial network as soon as they are unregistered this is their pull factor to use this illegal path. There is a Ministry of Expatriate Welfare to handle these immigration issues but there is often a lack of coordination between the Ministry of Home Affairs and the Ministry of Foreign Affairs. As a result, the labor migration process is weakening and traffickers are becoming more active.

Moreover this paper will signify the challenges that organization faces to implement laws against the human trafficking. In this research I will figure out the notable cases and sort out how to tackle these challenges and implement the policy properly.

² Aronowitz, Alexis A, *Human Trafficking, Human Misery: The Global Trade in Human Beings* (1st, Praeger Publishers, 88 Post Road West, Westport, CT 06881 An imprint of Greenwood Publishing Group, Inc., London). 2009).28

Research Question

1. Views of human trafficking in Bangladesh? (cause, process and challenges perspective)
2. How law enacted for combating against human trafficking?
3. What are the challenges of combating against human trafficking in Bangladesh?
4. What can be the possible recommendation and conclusion?

The research methodology

Human trafficking can be a major topic to discuss and can be a prominent topic for research. I hope this research paper can decrease the information gap and can help for those who want further research on this topic. Both qualitative and quantitative approach is used to complete this research. In order to find out the bureaucratic challenges to implementing anti human trafficking law, the research will help us. This research required a lot of secondary sources and been shown here. The secondary source are collected from the relevant books, journal articles, research reports, office publication, newspaper, conference paper etc. this research also analyzed the relevant anti human trafficking law also.

Literature Review

This research is a sardonic because there are little research had been done on this contemporary matter. There found many research on human trafficking and duties of government and combating against it but there found no research on bureaucratic condition and challenges aspects. In the research of Amrita Biswas a prominent researcher has published an article on the human trafficking and it's emerging in the countries of India and Bangladesh. She had stated a vast emergence of human trafficking with historical debates and theorization in the recent times. She discussed about various catalyst in the process of human trafficking. This research showed an intense level of effort given by the national and international organizations to measure the success level. ³ On the other hand other research of Selma Ali in her article discussed about the recent phenomena of human trafficking in Bangladesh. In the first part she reviewed the conceptual framework and the global perspective of human trafficking and in the second part of her research she analyzed the scenario of Bangladeshi perspective of human trafficking and the gender and sex perspective with explained data information. ⁴ In the research of Suvendu Biswas

³ Biswas, Amrita, "Human Trafficking Scenario in Bangladesh: Some Concerns", 1 (2015) International Journal of Humanities & Social Science Studies 4, pp. 85-90.

⁴ Ali, Salma, "Human Trafficking in Bangladesh: Analysis, Challenges & Recommendations", Dhaka, 2013.

in his article he has reviewed the whole Bangladesh perspective.⁵ Proffulla C Sarker and Pranab Kumar Pandey in their research they have given a proper present state and process system of trafficking. They have also analyzed the network relation among the traffickers group. Their research found that women are victimized of feminization of poverty, desertion, separation and divorce. To getting rid of this issue they wants to go other country to income more to end poverty but this makes the traffickers easy to traffic them.⁶ This author thinks there need to be address the Bureaucratic problems to implement the anti human trafficking laws. So this research can help to sort out the issues.

The way the research fits into the faculty's research program

This study aims at analyzing to identify the bureaucratic challenges of combating against human trafficking. This research will overview-

1. What is the overview situation with the special cause, process and consequences of human trafficking?
2. Which laws are enacted for combating against human trafficking?
3. What are the bureaucratic challenges to combat against human trafficking?
4. What can be the solutions for the human trafficking on its loopholes?

Views of human trafficking in Bangladesh (Causes, Process and Challenges)

Introduction:

Human trafficking is very much linked with the poor and insecure livelihood as well as creates a nature of discrimination on a specific group of people; it is against the woman and children. With the case promise and deception the traffickers kidnapped, coerced, threatened or force labor especially with the promise of marriage and jobs.⁷ These women and children are trafficked with their implicit consent. Now a day we can see Bangladesh is a very major source of labor in the world with its surplus. Bangladesh has enormous possibility to become a top foreign currency earner in the world. That's why rackets are very active to traffic men and woman exploiting them

⁵ Biswas, Suvendu, "Human Trafficking In Bangladesh: An Overview", (2015) Foreign Affairs Insights & Reviews. [Http://Fairbd.Net/Human-Trafficking-In-Bangladesh-An-Overview/](http://Fairbd.Net/Human-Trafficking-In-Bangladesh-An-Overview/).

⁶ Sarker, Proffulla C. and Panday, Pranab Kumar, "Trafficking of Women and Children in Bangladesh: A National Issue in Global Perspective", 2 (2006) Asian Journal of Social Policy 1, pp 45-60.

⁷ Rekha Pande, Foreign Policy and Security in an Asian Century: Threats, strategies and Policy choices (1st, World Scientific, Hackensack, N.J. U.S.A e.g. 2005) pp.277-296.

in the name of giving good jobs outside of the country. On the other hand undocumented migration leads to trafficking also. Without considering the exploitation to the migrate workers there are many group of rackets working in the regional and international arena for earning more.⁸ Trafficking happens mostly to the ruler women and children. Basically they are victim of coercion of prostitution, forced marriage, forced begging, organ harvesting etc. people involved with the crime should be executed punishment as the future generation would fear to do this. Most importantly awareness should be increased and general people will have to learn about its bad effects for this reason every individual community should work on this.⁹

Causes of trafficking on the gender basis:

As Bangladesh has a large density of population the chances to traffic them is easier. We can see that most victim comes from a chronic poverty and also a tremendous victimized by natural digesters so they likes to migrate from rural to urban area for better economic purpose.¹⁰ Due to the situation of river bank erosion, flood etc the problem for girls knows know bound especially the security issue of girl shelter. These entire factors make the victim people go to traffickers and they loot the chances to traffic them. The existing matrilineal family system of Bangladesh makes women socials Barden in a long extent in the low class family. Family feels Barden to their family because of wed to give dowry to the groom. They all need to make sure the sexual cleanness of neither premarital status nor none will marry them off. Moreover dowry offered by groom extensive wedding expenses that will have to provide by bride family. We can give an illustration like this, the family who has very poor in status has a beautiful teenage daughter sold to trafficking on a good attractive market value to getting rid of financial strain.¹¹ It is very pathetic that in the rural custom the woman are treated as consumerism as they are sold into the prostitution even if that the costume over there. Many women who are very enthusiastic wants to lose the Barden in the name of economic benefit for their family, so they voluntarily wishes to migrate to other country for the better economic purpose even the child also are being forced to go migrate with the undocumented way. This situation makes them susceptible to trafficking. We can see some phenomena on the purpose of trafficking given by a human right activist Alexis, she has sorted 12 specific purposes in the push factor-

⁸ Dorothy Stein, *People Who Count: Population and Politics, Women and Children* (1st, Earth scan, London, United Kingdom September 1, 1995).

⁹ Profulla C Sarker and Pranab Kumar Panday, ' Trafficking in women and children in Bangladesh: A national issue in global perspective' [2006] Asian Journal of Social Policy 1-13, 2.

¹⁰ Paul, Bimal Kanti and Syed Abu Hasnath, 'Trafficking in Bangladeshi Women and Girls' (2000) Geographical Review 2 90, 5.

¹¹ Noeleen Heyzer, 'Combating Trafficking in Women and Children' (13- 15 November 2002) Combating Trafficking in Women and Children , pg- 10.

- Poverty caused by feminization.
- Scarcity of basic needs and civil facilities.
- Increasing the rate of marital dissolution in terms of sedation, desertion and divorce of the women.
- Number of working children is increasing.
- Need of cheap labor in the international market and unemployment issue.
- Increasing the level of corruption in the national level with the job scarcity.
- In the tourism season attracts black market economy.
- Rapid growth of the transport facilities.
- The poor justice system when the cases of brutalization in case of women increasing.
- Natural disesteem made the affected people go to change their fate.
- The false hope given by the groom not to give dowry.
- The international trafficking syndicate has increases their activity.¹²

Network relationship of trafficking in Bangladesh

The trafficking syndicates are active through all over the Bangladesh, India, Pakistan and the Middle East. The government of our country cant ensure the basic right of the all poor people like food, shelter, education, health care etc. in this circumstance the trafficker mobilize the targeted women proposing them job then traffic them.¹³ The trafficking agents give assurance that their daughter or children will get a handsome salary and will get leave one a year to visit their family which is false. The trafficking agent reports to the family member of the victim that they will keep the victim safe with free accommodation with the yearly leave. ¹⁴ This proposal from the trafficking agents is very motivational so, the guardian gives their consent over it. Trafficker belongs to a very concrete group of international criminal syndicate which has alliance with the law enforcing group. Daily newspaper report shows that universal truth. Members of the Bangladesh of the syndicate pass the monitoring result of trafficking in the relevant authority. They orchestrate the trafficked women and children to travel by buses, trains or boats this is call the transport stage of trafficking. The women and the children need to wear a particular amulet in their hand for identification in the transit point. At the border side the trafficked woman and the children kept in particular prearranged houses to stay and simply walk

¹² Aronowitz, Alexis A, Human Trafficking, Human Misery: The Global Trade in Human Beings (1st, Praeger Publishers, 88 Post Road West, Westport, CT 06881 An imprint of Greenwood Publishing Group, Inc., London 2009) 28.

¹³ Shirley Hune, ' Migrant Women in the Context of the International Convention on the Protection of the Rights of All migrant Workers and members of Their Families' [1991] International Migration Review 4 800-817.

¹⁴ Ahmed, L. A. and A. Sarker, "For a Handful of Dreams", Star Weekend Magazine, Dhaka, 20-26 June, 1997, pp 4-9.

in the convenient time to cross the border.¹⁵ During the trafficking from one border there are many dishonest police officers who takes bribe from the trafficking agents and remain silent. The network in the south Asian reign is very strong. The agents who are local targets the woman and girl from different places of Bangladesh and they hand over them to the broker then the broker arrange to the journey to the border and there they handover the trafficked persons to the counterpart broker from the India. In this way the young girls and women even kids escort to the core agent for prostitution and also sold to the Middle East for slavery. ¹⁶ In Bangladesh the hot spot for trafficking are particularly districts are Jessore and Khulna along with the other border district but these two are the hot spot right now. Also small group of women are trafficked by direct flight to the Middle East with the help of corrupted officer forced in the terminal.¹⁷

Problems regarding human trafficking

The government of Bangladesh has taken a very little effort to protect victims of trafficking. We hardly see a systematic procedure to lessen the trafficking. The major problems are-

1. Bangladesh is an over populated country so scarcity of jobs makes a huge number of population go for migration.¹⁸
2. This is a huge demand of illegal cheap labor in the international market.
3. Cent percent of people in Bangladesh lives under poverty so this lacks opportunity to get a job and weak resources.
4. Lack of necessary education they hardly knows the administrative procedure this lack of awareness they falls under the trafficking.
5. An amplified demand of sexual service there is always need of young beautiful girls and women and this makes them at a vulnerable stage in trafficking.
6. Bangladesh government is very much disable to list all the unregistered recruiting agencies under Bangladesh Association of International Recruiting Agencies (BAIRA).

¹⁵ Paul, Bimal Kanti and Syed Abu Hasnath, ' Trafficking in Bangladeshi Women and Girls' [2000] Geographical Review 2 e.g. 2, 90.

¹⁶ Lin, S. G. and M. C. Paul, ' Bangladeshi Migrants in Delhi: Social Insecurity, State Power and Captive Vote Banks' [1995] Bulletin of Concerned Asian Scholars, pp 3-20.

¹⁷ Probashi, "Traffickers also Use Dhaka Airport", Probashi (in Bengali), New York, (june 11, 1993).

¹⁸ U.S. Department of State, "Trafficking in Persons Report 2010", Country Report of Bangladesh (June 14, 2010).

Conclusion

Human trafficking is basically gender bagged specific phenomenon especially to the rural woman and girls. General they are the victim of forced labor, prostitution, organ transplanting, forged begging etc.¹⁹ not only in rural but also urban girls and woman are being trafficked now a day's who comes from impoverished families. So there is no other way rather than to teach the general public the bad effect of trafficking so awareness Champaign can be arranged.

Law enacted for combating against human trafficking

Introduction

Law is to protect individual and rights. It punishes, regulates such sectors, to take actions against crudity, protecting believes, fundamental rights etc. an analysis of human trafficking has two fundamental realities that is trafficking is a common crime involving severe human rights violations and trafficking produces victims in need of rescue and protection. Challenge to combat against this crime has three dimensions.²⁰ The first one is to ensure justice against this crime, penalize them and prosecute traffickers. The second one is restoring victims by the way of care and support. The third one is to find out the root of this crime. Bangladesh's criminal justice system and legal framework has lack the capacity to penalize the traffickers. On the other hand government needs to be very credible to support justice system to punish the traffickers and this will bring citizen's public confidence. The particular law in Bangladesh covers some form of human trafficking particularly for women and children under Women and Children Repression Prevention Act 2000 amended on 2003 and The Human Trafficking Deterrence and Suppression Act, 2012 but does not cover thoroughly all forms of human trafficking. The law focuses on the punishment of trafficker who traffics women and children for commercial sex while ignoring the part of trafficking of adult males.²¹ In Bangladesh the laws against the human trafficking is not so international standard that's why it fails to inherent human rights and gender consideration. Identification of the legal obligation and a review of national legislation and making proper administrative arrangements strategy need to be developed to prevent this crime.²² The anti trafficking legal frame work in Bangladesh consists of constitutional, procedural and substantive laws enacted by legislative and executive authorities as well as the international treaties, covenants signed or ratified by the state. Human traffickers are prosecuted under some national

¹⁹ Sarker, Profulla C., and Pranab Kumar Panday, ' Trafficking in women and children in Bangladesh: A national issue in global perspective' [2006] Asian Journal of Social Policy 2.2, pg 1-13.

²⁰ Star Report, "Implementation of laws can prevent human trafficking" The Daily Star (July 07, 2015).

²¹ Mohammad Golam Sarwar, "Fighting against Human Trafficking" The Daily Star (February 18, 2014).

²² Star Report, "Implementation of laws can prevent human trafficking" The Daily Star (July 07, 2015).

and constitutional provisions. There consist both substantive and procedural laws as general to specific. These anti trafficking legal framework are-

- a. Specific law against human trafficking;
- b. Laws that can address human trafficking and related criminal acts (i.e. kidnapping, wrongful confinement, slavery/forced labor, rape or sexual assault, etc.);
- c. Migration laws, regulations and polices;
- d. Other complementary laws (i.e. extradition, prohibition of child marriage and dowry, birth and death registration); and
- e. International instruments to which Bangladesh is a party.

In Bangladesh, trafficking in persons and related activities can theoretically (and actually) be prosecuted under the following pieces of legislation:

- a. The Constitution of Bangladesh
- b. The Human Trafficking Deterrence and Suppression Act, 2012 (HTDSA 2012)
- c. The Women and Children Repression Prevention Act, 2000 (amended 2003)
- d. The Penal Code, 1860
- e. The Children Act, 1974
- f. The Bangladesh Passport Order, 1973
- g. The Passport (Offense) Act, 1952
- h. The Emigration Ordinance, 1982
- i. The Extradition Act, 1974

The Constitution of Bangladesh:

The construction of Bangladesh provides much enough protection to the human right of ones. The contusion has no specific provision to address the human trafficking but states in the article 18 (2) states “the state shall adopt effective measures to prevent prostitution and gambling”.²³ On the other article 27 gives provision to the protection of the fundamental rights of equality.²⁴ If we read carefully article number 28, 31, 32,34,35,36 we can understand how the constitution gives protection of the human dignity there are some special laws that protects women and children to protect from trafficking.

²³ For details, see article 18 of Constitution of Bangladesh.

²⁴ For details, see article 27 of Constitution of Bangladesh.

Specific laws against the Human Trafficking:

The human trafficking deterrence and suppression act 2012:

This law is the first law in Bangladesh on the prevention of trafficking and also labor trafficking. This law has the provision to ensure the accountability of the government and the vested organization that work on this issue. The feature of this act are given below-

1. This act provides the definition of human trafficking and the meaning of the term exploitation.²⁵ And there is also non exhaustive list that also be considered as exploitation.²⁶
2. This act provides death penalty in case of organized crime in form and life imprisonment in case of other scale of trafficking.²⁷
3. Section 5 of this act provides extra territorial application in case of the perpetrator or the victim is from Bangladesh by extradition.²⁸
4. This law provides a special tribunal for the trafficking adjudication.²⁹
5. It describes the protective measure for the rescue of the victim by rehabilitation and other step.³⁰
6. Section 5 gives government to sign any memorandum agreement with the other state there they can rescue their country people.³¹

The woman and children repression prevention act 2000 (amended 2003):

The law was originally enacted in 2000. Sections 5 and 6 of the law provide for stricter penalties for trafficking in women and children for prostitution and other harmful purposes. The tribunal for the suppression of violence against women and children has been established through this law³². The law also provides for penalties for trafficking and trafficking women out of the country for prostitution and other illegal economic purposes, and for keeping a woman in their custody. Sub-paragraph one of its five sections states that if a person holds a woman in custody

²⁵ Section 3 of the Human Trafficking Deterrence and Suppression Act, 2012.

²⁶ Section 2 (15) of the Human Trafficking Deterrence and Suppression Act, 2012.

²⁷ Sections 6 and 7 of the Human Trafficking Deterrence and Suppression Act, 2012.

²⁸ Section 5 of the Human Trafficking Deterrence and Suppression Act, 2012.

²⁹ Sections 21-22 and 27-30 of the Human Trafficking Deterrence and Suppression Act, 2012.

³⁰ Section 32-40 of the Human Trafficking Deterrence and Suppression Act, 2012.

³¹ Section 41 of the Human Trafficking Deterrence and Suppression Act, 2012.

³² A special tribunal established under section 26 of the Women and Children Repression Prevention Act, 2000.

or custody for the purpose of illegally engaging in prostitution or for the purpose of sending her abroad, he is liable to death or life imprisonment and also to 20 years imprisonment and 10 years rigorous imprisonment. In addition, there may be additional fines.

The Prevention of Violence against Women and Children Act 2000 does not include some provisions. There is no provision for the protection of those who do not testify in trafficking cases. There are no specific provisions for the trafficking of adult males. There is no provision for punishment for such illegal acts if it is illegal to be trafficked for any reason other than sexual harassment. Those who have clients in this sex industry have no system of punishment, only brokers and brothel owners should not be punished. Those who are clients should be brought under punishment.

The law enshrines children under the age of 16 but the UN Convention on the Rights of the Child up to 18 is considered an international convention by a child. So this matter is very conflicting. The above law does not define human trafficking very well and here the emphasis is on the punishment of prostitution. There is no provision for specific punishments against certain elements of human trafficking, such as forced slaves. The fact that the law does not cross national boundaries is indefinite in many respects.

Penal code 1860:

Penal Code 1860 does not recognize human trafficking as a directly punishable offense, but the penalties for crimes related to it, such as forcing a minor to engage in immoral activity, rape³³, forced labor³⁴, etc., are inadequate. Crimes such as forced and unjust detention, the maximum punishment for buying and selling slavery should extend to life imprisonment. Moreover, the Penal Code does not provide for punishment for certain offenses such as child pornography, incest, sex tourism, etc

Conclusion:

Bangladesh's national law can't take account against the clandestine nature of the human trafficking crime. Much legislative measure has been taken but it is not enough to comply with the recent situation.

³³ Section 375-376 of the Penal Code, 1860.

³⁴ Section 374 of the Penal Code, 1860.

The challenges of combating against human trafficking in Bangladesh

Introduction:

Trafficking touches the issues along with violation of human right, child labor and sexual exploitation. There are very few governmental agencies that oversee this vast area of crime but not the all of it. Further most important key player's police and NGO do not coordinate their activities.³⁵ Furthermore officials and community members are not even aware about its consequences.³⁶ In fact there are extreme beurocrate procedures for implementing the anti trafficking laws. This is why the crime is increasing day by day. Activities of NGO and multilateral agencies are very limited to advocate the awareness. The support of the government with the nexus trafficker has added more doubt whether the government is abundantly willing to address the issue, while the US Department of state included Bangladesh in its trafficking watch list in the 2 tier ranking that poses the threat of sanctions upon Bangladesh, if the country fails to improve the trafficking condition by next year.³⁷ The trafficking issue as a major threat to citizen the law maker and the policy maker can overview very clearly and can make an effective law.

Infertility of enforcement of migration and trafficking laws in Bangladesh

Basically, the challenges of the immigration system come through various government agencies such as the Ministry of Home Affairs, the Department of Labor of the Ministry of Labor and Employment, Border Guard Bangladesh, Bangladesh Navy, Bangladesh Coast Guard Agency.³⁸ Various studies show that due to a lack of coordination between the legislature and the administration or lack of awareness about the existing laws due to technical faults at the village level many people do not know about the existing laws.³⁹ They are very poor and illiterate people. That's why they collect job information and visa information through informal networks. Human traffickers capitalize on the demand of these illiterate rural people to go abroad. They are

³⁵ C. R. Abrar, "Malaysia's Turn-around in Labor Recruitment: Consequence of Non-transparency," The Daily Star (February 21, 2016).

³⁶ Amitava Kar, "Migration Augments Development," The Daily Star (September 24, 2015).

³⁷ U.S. Department of State, "Bangladesh," in *Trafficking in Persons Report* (Washington, D.C.: U.S. Department of State, [2015], 84-85, accessed 18. 8. 2021, < <http://www.state.gov/documents/organization/245365.pdf>.>.

³⁸ Tasneem Siddiqui, "Where is the Migration Law 2013?" The Daily Star, (December 2, 2015).

³⁹ Syeda Rozana Rashid, , *Uncertain Tomorrows: Livelihoods, Capital and Risks in Labor Migration from Bangladesh* (1st, UPL, Dhaka 2016) 127.

plagued by various push factors. As many people become victims of climate change and are willing to go abroad.⁴⁰

Although the Human Trafficking Act 2012 prohibits and punishes all forms of human trafficking, it essentially prohibits fraudulent recruitment of divisional aspirants only if the employer knows that the recruited worker will be forcibly paid. Despite such laws, very few traffickers are eventually convicted and brought to justice. Of the 13,026 recorded cases of trafficking in 2013, 366 of cases were filed but only six cases were convicted and brought to justice, according to government figures⁴¹. One of the reasons is that members of law enforcement agencies, immigration officials, lawyers and various levels of administrative and judicial officials who are unaware of the proper laws encourage traffickers to commit such crimes again and again. We also see that there are officers at various levels, including members of the police and the judiciary, who have not been properly trained and have not been given the practical knowledge they need. As a result, agencies fail to differentiate between human trafficking and irregular migration. As a result, traffickers are often treated as "illegal accomplices" to irregular migration, and are judged not to be the main traffickers.

We can see that the traffickers arrested under the Immigration Act 2013 will be tried if the allegation is proved to be true. The victim's family often complains that those being tried under immigration law are initially imprisoned but are quickly released on bail and return to past practice. It has punishment for 10 years of imprisonment up to 10 years and 100000 as fine penalty in the Migrants act 2013.

The trial of the case is further complicated by a kind of unholy transaction between corrupt government officials and those who have traffickers. Moreover, there is a lack of formal reference system for handling these human trafficking cases, which does not make the victims feel motivated to sue the traffickers as they suffer injustice.⁴² Due to the lack of proper implementation of the Immigration Act 2013 and the Human Trafficking Act 2012, Bangladesh was ranked as a Tier 2 country for human trafficking in the 2015 Trafficking in Personality Report by the United States, which is very disappointing. This is an indication that Bangladesh does not meet the minimum standards for the eradication of trafficking, but that Bangladesh is working to reduce this crime. The Immigration Act 2013 does not provide for the regulation of those who act as unofficial intermediaries as very active agents. Instead of appointing a legal mediator through a rule of law, section 31 32 33 of the law provides for the confiscation of a

⁴⁰ Syeda Rozana Rashid and ASM Ali Ashraf, a Scoping Study on Ensuring Transparency and Accountability in Labor Migration from Bangladesh. Unpublished Report (Dhaka: The British Council, 2016), pg 49.

⁴¹ Government of Bangladesh, Bangladesh Country Report 2013: Combating Human Trafficking (Dhaka: Ministry of Home Affairs, 2014), pg 11.

⁴² Nthamburi, Nerida. Fighting terror in East Africa: less liberty for more security? Analysis of Anti-terrorism legislation and its impact on human rights. University of Cape Town, 2014. < https://open.uct.ac.za/bitstream/handle/11427/4727/thesis_law_nthner002.pdf?sequence=1&isAllowed=y>.

passport for the offense of false promise of employment and a fine and imprisonment for up to five years for illegal purchase business. These clauses have the potential to reduce fraudulent recruitment, but there is no clear procedure for enforcing these clauses. And that's why it's so difficult to sue under immigration law. Of course, illiterate people living in cities and villages are not aware of the usefulness of the law.⁴³

Inter agency coordination collision:

Another problem is the lack of coordination among the concerned ministries which I mentioned earlier. I have also said that the Ministry of Expatriates is the main body for handling immigration matters in the country, yet law enforcement is limited due to lack of coordination between the Ministry of Home Affairs and the Ministry of Foreign Affairs. However, it is true that the Ministry of Home Affairs is one of the second most important ministries in the fight against human trafficking, but it cannot ignore the Ministry of Expatriates. We learn about various national plans that the Ministry of Home Affairs has conducted various workshops on controlling human trafficking. They are trying to reduce trafficking by creating a coalition of different national and international stakeholders to prevent human trafficking. We know that the police, the Border Guard, the Coast Guard and all the law enforcement agencies work under the Ministry of Home Affairs. Most of the initiatives taken by the organization to combat this human trafficking network are often seen as more reactive than proactive.⁴⁴ The various measures taken by the Coast Guard in the Bay of Bengal are occasionally observed against human trafficking. The Ministry of Foreign Affairs should work closely with the Ministry of Expatriate Welfare and Overseas Employment. Those who have gone abroad for the purpose of labor registered abroad from the Ministry of Foreign Affairs should have their company clearance, visa and various documents registered with the Ministry of Expatriate Welfare and Overseas Employment. In order to monitor the condition of the expatriate workers who have gone for work abroad in a registered manner, it is as if the foreign mission has appointed an insufficient number of staff to monitor the condition of the expatriates and to meet their demand. The problem is compounded by the fact that agents sent from abroad to a foreign mission want the foreign ministry of that country to establish control over them. And such non-cooperation adversely affects the creation of a growing immigration market.⁴⁵ Such bureaucratic barriers make traffickers very powerful and they create an illegal network like their own and are said to have no bureaucratic complication and that is why illiterate people are eager to go this illegal route.

⁴³ Tasneem Siddiqui, "Where is the Migration Law 2013?" The Daily Star (December 2, 2014).

⁴⁴ "Human Trafficking: A Security Concern for Bangladesh," BIPSS Issue Brief, Issue 9 (August 2011), pg 5.

⁴⁵ Sabates-Wheeler, Rachel, and Myrtha Waite. "Migration and Social Protection: A concept paper." Institute of Development Studies, Sussex, December 1645 (2003) <https://gsdrc.org/document-library/migration-and-social-protection-a-concept-paper/>.

State initiatives and the limitations of its actions:

The government of Bangladesh has identified human trafficking as one of the major problems and has pledged to tackle it.⁴⁶ That is why the government of Bangladesh took a landmark step in the year 2000 with a three year project to prevent child trafficking. A national task force was formed under this committee. The task force consisted of ten government ministries and representatives from non-governmental organizations (NGOs)⁴⁷. The Government of Bangladesh, as part of its national plan, has regularly reviewed the situation of human trafficking and initiated programs to prevent child trafficking and punish the perpetrators. In fact, the lack of reliable information on the internal and border trafficking of women and children makes it difficult to implement these government initiatives. The Ministry of Women and Children Affairs has set up Rehabilitation Centers in 6 departments in eight districts. Recently, the Ministry of Home Affairs of the Government of Bangladesh has taken several steps to curb trafficking in women and children, such as setting up a monitoring cell at the Police Headquarters. Despite the government's efforts to curb human trafficking, this growing amount of trafficking is thwarting their efforts. Laws to prevent trafficking from Bangladesh are not being followed properly⁴⁸. We know that there are certain penalties for hiring these fraudulent workers but they are quite incompetent in enforcing it because in some case the government doesn't demonstrate proper evidence to the prosecutor with minimum effort.⁴⁹

Conclusion:

The insecurity integrally falls on the under marginalized economical class of population and also against woman in particular. Bangladesh is a potential human resource for labor to the foreign country by this Bangladesh can earn an enormous foreign currency from abroad sent remittance by the labors.⁵⁰ But human trafficking really deflects the chance of the development to the economy of our country.

⁴⁶ Combating Trafficking of Women and Children in South Asia, Country Paper: Bangladesh, 2002.

⁴⁷ ECPAT International Online Database, 4 March 2003, <http://www.ecpat.net> < https://ecpat.org/wp-content/uploads/2021/08/EXSUM_A4A_SA_BANGLADESH.pdf>.

⁴⁸ Report to the 34th Session of the United Nations Committee on the Rights of the Child, 2003 < <https://resourcecentre.savethechildren.net/pdf/2053.pdf>>.

⁴⁹ Country Narratives, Trafficking in Persons Report, 2020 < <https://www.state.gov/reports/2020-trafficking-in-persons-report/bangladesh/>>.

⁵⁰ The counter trafficking framework report: Bangladesh perspective, 2004.

Major findings

Human trafficking is giving a grave concern for human rights and security in Bangladesh. Government effort is not enough to addressing this issue. To tackle up this problem Bangladesh need to- ⁵¹

- Draft a precise legislation to combat against who forces force labor to other.
- Combining anti labor trafficking with the national anti trafficking policies.
- Increasing the criminal prosecution and punishment⁵ for all forms of labor trafficking.
- Establishing special court to deal with these cases.
- Reinforce border control specially the trafficking hot spot area.
- Oversight any international recruiting agency to ensure they don't promote labor trafficking, that why government law agency and NGO should be aware.
- Improving consular assistance in embassies abroad.
- The entire law enforcement official should be adequately trained with the human rights especially on trafficking issues.

On the other hand government should⁵²-

- A vast research should be done whether there is a relation between human trafficking and the HIV because when the trafficked women and men returns to home he can transmit HIV by jelly means to another body.
- Developing the mechanism to the border is with technology.
- It is duty of a prosecutor to prove the traffickers wrong and proper law should be implemented.
- Bangladesh can become a party to the 2000 UN TIP protocol.
- Improving the oversight of Bangladesh's international recruiting agency they cannot promote labor trafficking.
- Reduce excessive legal requirement fees per the caution task force's mandate.
- Working with civil society to improve anti trafficking Campaign.

⁵¹ Country Narratives, Trafficking in Persons Report,(2009).

< <https://2009-2017.state.gov/documents/organization/123361> > accesed 22 august 2021.

⁵² Ministry of Home Affairs, Government of Bangladesh,(2007) < https://mhapsd.portal.gov.bd/sites/default/files/files/mhapsd.portal.gov.bd/page/d9fa01c7_35a1_42f2_827c_1030c3e0e474/Country%20report%202016%20%20fina > > accesed 22 august 2021.

Conclusion

Providing more systemic and effective way to reprioritizing the human trafficking in women and girl children can help both NGOs to help them from this crisis, so NGO and as well as international campaign can take hand to reduce this problem.⁵³ Equal emphasis need to be formed to remove this impunity. Prosecution of crimes related to violence against women, including rape, must be increased along with the stiffening of sentences for those persons convicted. We have to promote and fund more community outreach programs to educate the entire population about gender equality, human rights, and violence against women, economic development, and physical security. Media should come up forward with coverage, campaign and advocacy against these slave-like exploitations.⁵⁴ In addition, more coordination is needed between the national and international humanitarian, human rights, anti-trafficking, and anti-corruption movements to avoid repetition, wasteful spending, and confusing mandates.

⁵³ Tasneem Siddiqui, "Migration as a livelihood strategy of the poor: the Bangladesh case" (obligations Regional Conference on Migration, Development and Pro-Poor Policy Choices in Asia, Dhaka, Bangladesh. June 22-23, 2003), accessed, August, 19, 2021< http://www.migrationdrc.org/publications/working_papers/WP-C1.pdf>.

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