

A Study on Women as Human Trafficking Victim and the Related Laws in Bangladesh

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Abstract:

Trafficking has appeared as one of the wickedest and most pervasive forms of human rights violation of women and children around the world. Today it has become a major social and political concern both internationally as well as nationally. Bangladesh is predominantly a source country for victims of cross-border trafficking due to a plethora of reasons. By this current study our main objective is to explore of trafficking, the present situation and the ways to lessen or combat the issue in a tradition bound society like Bangladesh. Qualitative Method like content analysis and documentary analysis has been taken for the study. Data have been gathered from different secondary sources and reports, like books, journals, newspapers, magazines and related organizations and stakeholders. Trafficking victims of 80 countries of the various region of the world where victims are mostly women which is 50%. And commercial sex trafficking was higher. Northern regions of Bangladesh are more prone to women trafficking. Both government and NGOs have been working in fighting trafficking. In addition, in recent years, a number of laws have been promulgated, and various policies and regulations have been approved to ensure equal rights of women in all spheres of life and also to eliminate violence against them. In Bangladesh now, a day most NGOs which work on anti-trafficking prevention activities have awareness-raising activities. Research and analysis is necessary to understand the situation of women trafficking in Bangladesh.

Keywords: Human trafficking, NGOs, Victims.

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I. INTRODUCTION

In today's world human trafficking is the trade of humans for the purpose of forced labor, sexual slavery, or commercial sexual exploitation for the trafficker or others. This may encompass providing a spouse in the context of forced marriage, or the extraction of organs or tissues, including for surrogacy and ovary removal human trafficking can occur within a country or trans-nationally. Specially developing country like Bangladesh human trafficking problem right now is one of the major issues. Bangladesh is one of the source countries as well as transit points for this human trafficking where in every year thousands of people are trafficked out. In a study shows that, it has been found that among the trafficking victims, the women and the children are in the most vulnerable position. From Bangladesh, around four hundred women are trafficked out every month. All these sufferers are abducted either for forced labor or for sexual mistreatments. [1][2][3] Human rights groups in Bangladesh approximation that between 10,000 and 20,000 women and girls are trafficked yearly to India, Pakistan, Bahrain, Kuwait, and the United Arab Emirates. In Bangladesh, it is not only women and girls that are trafficked, but a significant number of boys and men are also trafficked internally and internationally for sexual exploitation. The victims and their families have to pay for the crisis and nobody else in the society. The root causes of women trafficking include extreme disparities of wealth, continuing and pervasive inequality due to class, and most importantly gender biases throughout the region, erosion of traditional family systems and values, iniquitous social conventions, lack of transparency in regulations governing labor migration (both domestic and cross border), poor enforcement of internationally agreed-upon human rights standards, and enormous profits ensured by the trafficking business to the traffickers. Poverty and child marriage is the major reason, which makes the majority of children and women vulnerable. Different strategies and tricks adopt by traffickers to allure and enroll young children and women into the trafficking process. Because of not paying dowry to husband, many girls are trafficked in the name of marriage because of not paying dowry to India and other Middle Eastern countries.

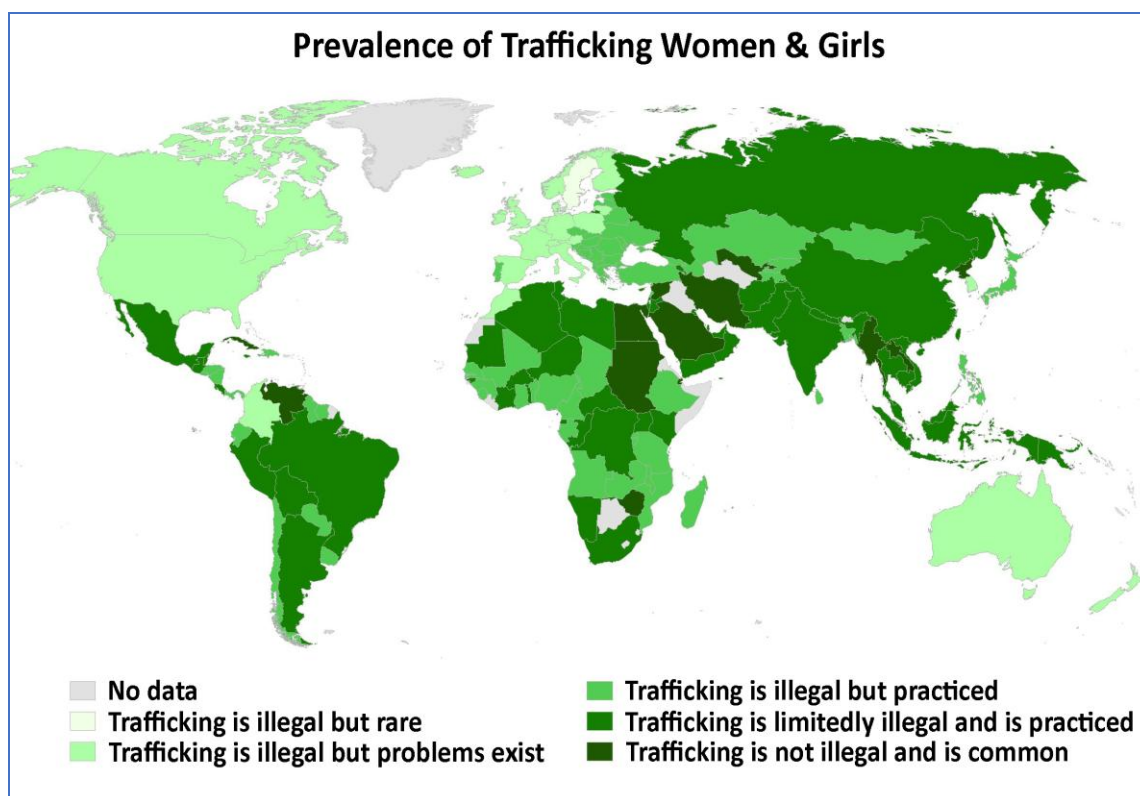


Figure-1: shows prevalence of trafficking women & girls^[4]

The border areas of Khulna, Jessore, Satkhira, Rajshahi, Dinajpur, Rangpur, Mymensingh, Comilla, Brahmanbaria, and Sylhet are recurrently used as land routes for trafficking. In the northern region, the districts of Kurigram, Lalmonirhat, Nilphamari, Panchagarh, Thakurgaon, Dinajpur, Naogaon, Chapai Nawabganj and Rajshahi, and in the south, Jessore and Satkhira are the areas where women and children are most prone to trafficking. The Northern region is the most susceptible area for trafficking with a large number of upazilas and districts having common borders with India. The next most susceptible area is the area south of the Ganges-Padma with 11 upazilas having a common border with India and its closeness to Kolkata. Moreover Unemployment, Domestic Violence, & Lack of Employment Opportunities and Trainings are the other important causative factor for women trafficking. The government made limited efforts to protect victims of trafficking. The government described the rescue of 2,621 victims in 2014, an increase from 1,090 in 2013; of those rescued in 2014, 2,218 were men, 227 women, and 176 children. Because the government continued to lack a formal mechanism for authorities to refer victims to care, only nine of the 2,621 victims identified were placed in government-operated shelters. In this study our main objective is to examine current situation of women trafficking and challenges and to provide some policy recommendations to overcome limitations the society.

Theoretical Framework

Gender inequalities, social divisions and stratifications and the political disagreements in Bangladesh, in line with internationally accepted theories i.e. feminist theory and conflict theory can be used in relation to the human trafficking in Bangladesh.

The majority of the theories related to human trafficking generated by the feminist schools of thought. Women most of the world are culturally, socially, economically, politically and legally being deprived compared to the men, this subjugation and suppression works at different levels in communal, local, national, regional, international and familial. Conflict theory depicts the sociological fundamental idea that crime is caused by the economic and social drives within society. Conflict theory can help explain the thoughts and reasoning behind women trafficking.

II. OBJECTIVE

General Objective:

- To explore current situation of women trafficking and the Related Laws in Bangladesh.

Specific Objective:

- To identify the Number of human trafficking cases by different region of the world.
- To evaluate the different types of human trafficking.

III. METHODOLOGY

Qualitative Method like content analysis and documentary analysis has been taken for the study. Data have been gathered from different secondary sources and reports, like books, journals, newspapers, magazines and related organizations and stakeholders.

IV. RESULTS

In figure-2 shows victims trafficking in persons by gender in 2011. This information is collected from the trafficking victims of 80 countries of the various region of the World where victims are mostly women which 50%. The following figure is given below in detail:

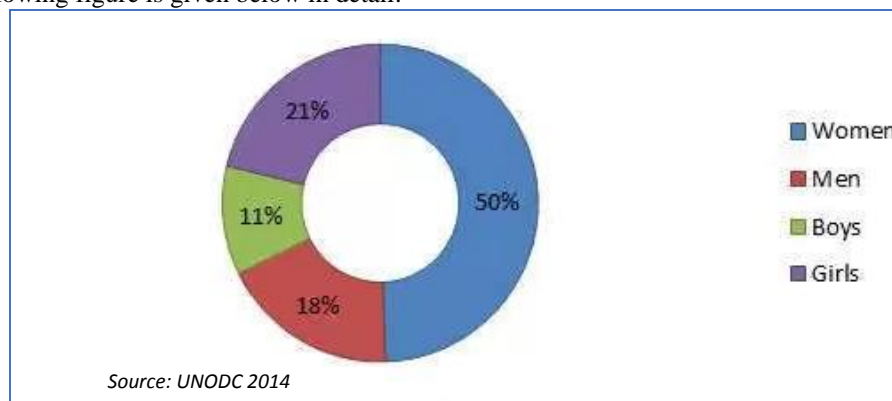


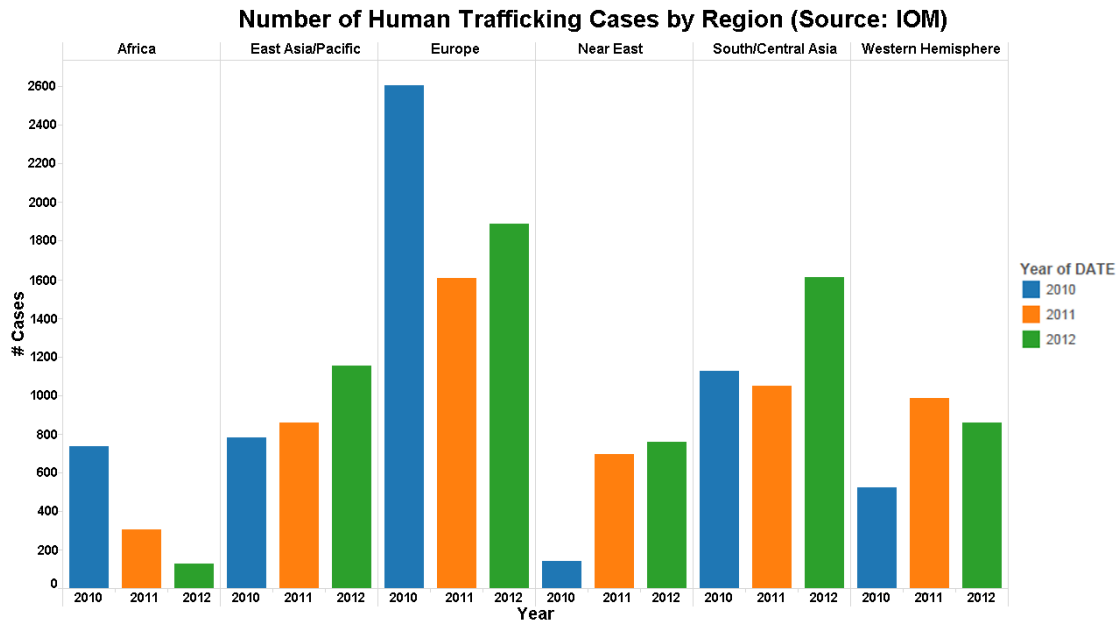
Figure-2: Victims trafficking in persons by gender in 2011

There is no reliable estimate of women who are being trafficked from Bangladesh to other countries. According to the estimates by human rights activists, 200-400 young women and children are smuggled every month to Bangladesh to Pakistan. Most of them end up in prostitution. A large number of Bangladeshi women are involved in sex trade in India, mostly in the brothels of Kolkata, Mumbai and Delhi. In table-1 shows traffic-prone districts and Upazillas of Bangladesh where northern regions of Bangladesh are more prone to women trafficking than other areas of Bangladesh. The following table is given below in detail:

Table-1: Traffic-prone districts and Upazillas of Bangladesh

Northern region	Northwest	South	Southeast	East
Dinajpur Lalmonirhat Nilphamari Panchagarh Rajshahi Nawabganj Joypurhat	Chuadanga Meherpur Kustia Jhinaidaha	Jessore Shatkhira	Cox's bazaar Chittagong	Brahmanbaria Comilla
↓	↓	↓	↓	↓
Twelve upazillas of this region are linked to West Bengal and Assam	Five upazillas of this region are linked to West Bengal	Six upazillas of this region are linked to West Bengal	Four upazillas of this region are linked to Myanmar	Two upazillas of this region are linked to Tripura

In figure-3 shows number of human trafficking cases by different region of the world in from 2010-2012 where Europe is a more susceptible region for human trafficking than other countries. The following figure is given below in detail:



Source: IOM

Figure-3: Number of human trafficking cases by different region of the world.

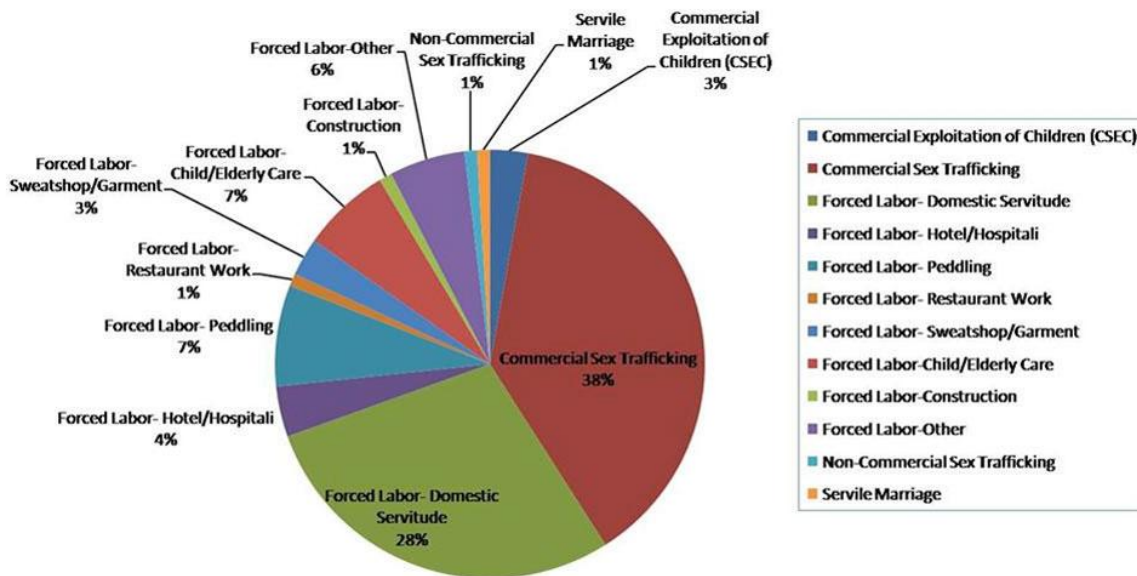
In table-2 shows monthly status of human trafficking cases in Bangladesh where the more recent scenario of trafficking of Bangladeshi women and children can be seen. In 2014 August the highest number of cases in human trafficking had been recorded. The following table is given below in detail:

Table -2: Monthly Status of Human Trafficking Cases

Period	No. of Cases Recorded	No of Victims Trafficked			No of Victims Recovered			Rehabilitation of Recovered Victims		No. of Persons Arrested	No. of Persons Convicted
		Male	Female	Child	Male	Female	Child	Parents	NGO/Govt . Safe Home		
January.14	23	183	10	3	181	4	2	181	0	53	0
February.14	25	162	31	29	162	26	24	212	0	56	3
March.14	33	84	18	11	80	7	7	94	0	55	0
April.14	53	104	24	11	101	16	3	120	0	62	1
May.14	57	47	26	37	29	20	31	80	0	55	2
June.14	57	377	34	15	374	22	11	407	0	70	0
July.14	39	21	24	11	20	15	06	41	0	37	1
August.14	74	220	53	19	218	46	15	270	9	99	0
September.14	68	180	33	20	170	23	15	208	0	83	1

Source: <http://www.police.gov.bd/Human-Trafficking-Monthly.php?id=324>

In figure-4 shows different types of human trafficking where commercial sex trafficking was higher than other types. The following figure is given below in detail:



Source: <https://lindahourihan.wordpress.com/2014/02/19/paying-for-sex-battering-sex-for-payment-human-trafficking-menwomen-and-children-are-not-bargaining-chips/>

Figure-4: Different types of human trafficking

In table-3 shows comparison and Contrast between Bangladesh and other Asian countries where Asia is the continent where the rate of trafficking is so high. The highest rate is in Nepal. There traffickers are the victims' kith and kin. Devoid of Nepal, Bangladesh, India, and Pakistan and Middle East is also the red marked area of trafficking. Women trafficked from those countries and most of the times they are brought to Middle East. Among the four Asian countries two are only receiving countries, whereas the other two are both sending and receiving countries. These two countries also act as a transit point for final destinations mostly in the Middle East. This is shown by a table below:

Table-3 :comparison and Contrast between Bangladesh and other Asian countries

Source	Intermediate	End Point
Nepal		India
	India	Middle East
India		Middle East
Bangladesh		India
	India	Pakistan
	India	Middle East
	India	Pakistan
	India	Middle East
Pakistan		Middle East

V. DISCUSSION

Effects of trafficking on a Victim

▪ **Phycological effect:** Most traffickers recruit their victims between the ages of 6 to 24, because a young victim will easily succumb to force and give in. They are forced into heavy physical labor in unsafe environment. Many are also trained the use of weapons and are recruited as 'soldiers' in armed conflicts. According to statistics by the U.S. Department of State, globally, 2 million women are trafficked into the sex

trade each year. The children and women suffer from lack of self-esteem, emotional disturbance, disorientation, and depression and are scarred for life. They progress deep psychological disorders that they struggle with for the rest of their lives even if they have been rescued. Psychological vulnerability hinders them from having a healthy state of mind in the future. The children are likely to become withdrawn and tend to be suicidal. Any children born to the victims of prostitution are taken away at the time of birth causing further mental agony to the mothers. In fact, the longer the victims have been enslaved, greater will be their traumatic experience.

- **Health Effects:** Many scientific report states that 80% victims of trafficking are sexually exploited, abused or forced into prostitution as most victims are young women and children. Such a victim probably might have to cater to anywhere between 8 to 15 clients in a day. The use of sexual protection is negligible in this industry, leaving the exploited at a high risk of contracting various sexually transmitted diseases and HIV/AIDS that they further pass on to the men and their partners. In some cases, victims are also subjected to substance abuse by being forced to take drugs. Such individuals also have to constantly battle with drug addiction. Improper supply of meals and the lack of nutritious food causes malnourishment in these entrapped victims. Poor living conditions also contribute to the development of various diseases that these victims suffer from in later years. The victims are not given any medicinal aid to cure these ailments. Those recruited in chemical factories are treated like modern-day slaves and when they succumb to occupational diseases, are quickly replaced by another batch of victims.

- **Societal Effects:** The victims may be used as bonded labor in their own country or transported to another country whereupon arrival, their passports and migration documents are taken away from them, leaving them helpless and immobile. Sadly, they are often charged as collaborators of the crimes rather than being seen as victims. They are kept in very poor conditions with sub-standard clothing and food, unhygienic living conditions and no provision for healthcare. They are also often physically and sexually abused by their employers and 'clients' for non-compliance with demands. This is a very gruesome picture of the face of our society, hiding behind a wall. Another point to be noted here is that the victims are deprived of education and all human rights. The victims always struggle to gain acceptance in society from the stigma after being rescued^[5]

Women trafficking and the related laws in Bangladesh

Women and children are the most vulnerable and delicate members of any society, especially when it is a developing country, like Bangladesh, the government should take extra care for these members. Bangladesh does not have a comprehensive anti-trafficking legislation but prostitution, trafficking for the purpose of prostitution, or other immoral acts are covered in the Penal Code of 1860, the Suppression of Immoral Trafficking Act of 1933, the Children Act of 1974 and the Prevention of Repression against Women and Children Act of 2000 (as amended in 2003). Complementary laws that tend to create a preventive environment and mechanism against human trafficking also exist, in particular, the Child Marriage Restraint Act, 1929, the Dowry Prohibition Act, 1980, the Primary Education Act, 1990, and the Labour Act, 2006. The Penal Code prohibits procurement of a girl under the age of 18 to illicit intercourse with another person. The Bangladeshi government, consulted by the International Organization for Migration (IOM), is currently working to develop a National Anti-Trafficking Strategic Plan for Action. In recent years; NGOs have recognized the importance of Muslim leaders in Bangladesh and have turned to religious leaders for help. Bangladesh has begun to encourage local Imams to speak out against trafficking in local gatherings and religious ceremonies in hopes of raising awareness on the issue. Local imams have begun to organize community advocacy groups as well as 'watchdog' organizations to try to prevent future instances of trafficking.^[6]

Current Approaches to Address the Trafficking Problem in Bangladesh

Both government and NGOs have been working in combating trafficking. Their present activities can be grouped as follows: targeted research, strengthening anti-trafficking network capacity-building, prosecution and protection, and anti-trafficking prevention activities. Appropriate and targeted research is needed for a better understanding of what can be done to reduce the problem of trafficking. Although some research reports on the trafficking issues are available, very little is known about the deep-rooted causes and antecedents of trafficking. A systematic research agenda that includes both qualitative and quantitative methods is mandatory. Also, an information system needs to be developed for getting updated information. However, some national NGOs, e.g. UBINIG, CWCS, BNWLA, ACD, Human Rights Journalists Forum of Bangladesh, INCIDIN, and UDDIPAN, undertake research for advocacy on trafficking in women and children by identifying the causes, mechanisms, trends, high-risk areas, and routes of trafficking. Bangladesh has also played an operative role at the Fourth World Conference on Women in Beijing in 1995 and endorsed the Plan of Action. In addition, in recent years, a number of laws have been promulgated, and various policies and regulations have been approved to ensure equal rights of women in all spheres of life and also to eliminate violence against them. In Bangladesh now a days most NGOs which work on anti-trafficking prevention activities have awareness-raising activities. The important NGOs working in these fields are BNWLA, CWCS, Resource Bangladesh, Theatre Centre for Social Development (TCSD), BITA, UDDIPAN, PROSHIKA, and UBINIG.

Donors, NGOs and International efforts

The donors, both bilateral and multilateral, working in Bangladesh have also shown their concerns about the increasing problem of trafficking of women and children in this part of the world. Some of them have taken a number of programs and projects to combat the problem. Noteworthy among them are the United States Agency for International Development (USAID), International Labour Organisation (ILO), United Nations Children Emergency Fund (UNICEF), NORAD, Asia foundation, Red Bernet, Denmark and International Organisation for Migration (IOM) and United Nations Development Fund for Women (UNIFEM).

In Bangladesh, many NGOs and women's organizations, from the last decade, have initiated interventions to prevent and eliminate prostitution as well as provide rehabilitation and support services to sex-workers and their children. Such interventions include education, awareness development, research and documentation, action programs, advocacy and media participation for combating women and children trafficking. Various national NGOs like UBINIG, the Centre for Women and Children Studies (CWCS), Uttoron, besides many others, are playing an important role in addressing the issue of trafficking. Also there are regional networks like Action Against Trafficking and Sexual Exploitation of Children (ATSEC) playing an important role in addressing the issue through different collaborative efforts. While at the national level, many NGOs are doing a lot of rehabilitation and reintegration work but the extent of successful reintegration is limited. This is primarily true in the case of South Asia due to the community resistance to accept the trafficked women or girls once they are identified as being associated with the sex trade. The social and cultural morality based code of conduct for women is defined by patriarchal norms of the South As Trafficking of women and children is crime against humanity and also a gross violation of human right. As such, it has become a global concern. The Platform for Action (PFA) adopted in Beijing at the Fourth World Conference on Women is a call for concrete action to protect and promote the human rights of women and the girl child as an integral part of universal human rights and to eliminate all forms of violence against women. It has addressed the issue of trafficking in women in its three critical areas of concern that are violence against women, human rights of women and the girl child. In the Fifty-first session of the United Nations General Assembly held in New York on the 14th November 1996, 43 countries adopted a resolution on the trafficking in women and girls. In the said resolution, governments are called upon to implement the Platform for Action adopted in the Fourth World Conference on Women. It also encourages cooperation and concerted action by law enforcing authorities and institutions so as to dismantle national, regional and international networks in trafficking. Governments are also asked to declare trafficking in women and girls in all its forms as a criminal offence and to condemn and penalize all those offenders involved. This would include intermediaries, regardless of the place where the offence are committed, while ensuring that victims of trafficking are not penalized; and to penalize persons in authority found guilty of sexually assaulting victims of trafficking in their custody. The report of the Special Reporter Ms. Radhika Coomaraswamy of the 53rd session of the Commission on Human Rights held in Geneva on March 10th through April 17th, 1997, covered the rape and sexual violence against women including sexual harassment and trafficking in women and forced prostitution. In her recommendation on trafficking in women, she urged the international community to begin a dialogue toward an adoption of new international standards with regard to trafficking and prostitution. Such standards, she further suggested "should be developed along with international mechanisms to ensure reporting and monitoring of State activities."^[5]

VI. CONCLUSION AND RECOMMENDATIONS

Trafficking has appeared as one of the nastiest and most pervasive forms of human rights violation of women and children and it is currently a most important social and political concern both universally as well as nationally. This problem has generated lot of concerns and apprehensions among the international and national policy makers and governments and the civil society at large. It has been observed that the human trafficking is an age old problem. But the concern is that the magnitude of it is multiplying with the growing incidence of poverty and criminalization. Local Government, law enforcing agencies, community led organizations and NGOs have to play a significant role in controlling the risks while we can hope a cordial cooperation of the international agencies as the problem is beyond the boundaries of a particular nation. A risk control framework also has the potential to offer a space required for the target communities to monitor the risk situation, and thereby bring the community potentialities into wider focus in managing the risk dynamics. But this potential can only be fulfilled when all the actors; national and international, will be both considering the minimization of issues as part of their own responsibility, and willing as well as able to protect the community from further insurgencies. . However, concerted efforts are there on the part of the Government, the international agencies, the donor community and the NGOs to combat the problem. It has been observed that the problem has international and regional dimensions. As such, more concerted international and regional efforts should be mooted alongside national efforts to combat the menace of trafficking of women and children from one country to the other.

To protect women from human trafficking the following steps are necessary:

- The Central and State Government needs to lay more stress on employment and income generation schemes for vulnerable families, along with vocational training and education in the source areas of trafficking (which have already been identified by the NGOs).
- All the districts should have a specific monitoring mechanism – a task force / core committee to look into the issue of trafficking and NGOs should necessarily be a part of this Committee.
- All the concerned Govt. personnel need to be trained to implement and monitor the National Plan of Action.
- SAARC Convention should be translated in action.
- The Government needs to have bilateral agreements with other countries in order to facilitate safer repatriation processes.
- The Government should carry out time bound collaborations with the High Commissions and Embassies as and when needed.
- Processes and systems need to be put in place for the regularization and registration of interstate migration.
- Some laws related to trafficking ought to be amended or new laws should be introduced so that people who commit trafficking can be convicted. Also labor laws need to be amended to protect the rights of women and children as labors.
- The task of amending the IPTA was given to the National Law School and the Institution has already done the needful. There is a need to prioritize on it and implement the same.
- Buying and selling of minors, fake marriages and forced prostitution (372, 373, 366A) should be heavily punished. Sometimes parents or nearest kin are involved in the crime and they should be punished too.
- There should be speedy recovery of cases: trafficking and all others. Fast track court has been established but we need separate court to deal with cases of trafficking.
- Push back system should be abolished and new laws for repatriation need to be implemented so that the Bangladesh and Nepal Nationals (women and children) may go back to their country safely.
- ITPA (the special National Act to combat trafficking) is rarely used by the police and needs to be put to practice much more.
- Provision of punishment of police should be there if they fail to give charge sheet within 90 days.
- A rescue committee comprising of the police, NGOs, social activists, members of the Judiciary should be formed in cities where brothels exist, to probe into the matter further
- BGB should be more active regarding the porous border and should be accordingly sensitized regarding cross border migration and trafficking.

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