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Human Trafficking Scenario in Bangladesh: Some Concerns

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Abstract

Human trafficking is one of the major evils in the modern world. The article looks into the issue of human trafficking as it emerged in the countries of India and Bangladesh. It starts with the historical debates and theorizations about emergence of human trafficking and traces it to the recent times. Human trafficking is not an isolated phenomenon in itself but is closely linked with various socio-economic factors of post-colonial third-world nations. The article also discusses the various factors that act as catalyst in the process of human trafficking. The last few decades of the twentieth century have witnessed the rise of a global consciousness about the issue. Various efforts are being made on national and international scale to fight the menace. In the last section, the article will study the intensity of these various efforts by national and international organizations so as gauge the levels of their success.

Since the beginning of civilization, the problem of slavery has always been endemic to human societies. Even after it was recognized as a gross violation of human rights in 1926 with the drafting of the Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention by the League of Nations, slavery was far from over. With the progress of the century, socio-economic condition of people has undergone a sea change. Hopes and expectations of common man have increased, making way for frustration and agony for many others. This has resulted in a fundamental change in human mobility. Human trafficking is the sinister face of human mobility. It represents the “dark side”¹ and has become a major concern for nations all over the world. It’s a new face of slavery that is gradually draining the precious life blood of nations all over the world.

Mobility, Migration and Trafficking: Conceptions and Misconceptions: Human trafficking is one of the major bone of contentions between Indian and Bangladesh. It is a huge irritant in the relationship of these two neighbors. But before we go deeper into the issue of human trafficking, it would be worthwhile to clarify our conceptualizations about various patterns of human mobility. According to Christiane Harzig and Dirk Hoerder, the term migration is multi-dimensional in character and differs significantly from the dichotomy presented by the traditional perceptions of *emigration-immigration*.² But the implications of migration is much broader. In words of Harzig and Hoerder, *the term migration, by contrast, implies multiple options: mobility may be many directional and multiple, temporary or long term, voluntary or forced*.³

There are various factors that encourage migrating tendencies in people. Social scientists often term them as *push* and *pull* factors. Inconsistencies of global economy coupled with lack of viable economic opportunities often force people to migrate to a new land in search of a better life. Apart from these *push* factors, some *pull* factors also play a decisive role in migration. Demand of cheap labour and availability of employment in a place makes it an attractive destination for others. But the same forces that lead to migration make a migrating person especially vulnerable to exploitation and abuse. Human trafficking is the worst form of abuse that utilizes these vulnerabilities.

The term ‘Human trafficking’ itself came into being in the 1990s and is often confused with ‘Human smuggling’. Unlike ‘Human smuggling’ where the smuggled persons are permitted to leave upon arrival of their destinations, victims of ‘Human trafficking’ are held against their will and are made to provide labour and sexual services to their captors. According to the United Nations Office on Drugs and Crime (UNODC), *Human trafficking is the acquisition of people by improper means such as force, fraud or deception, with the aim of exploiting them*.⁴

What sets Human trafficking apart from other forms of abuse is the fact that it's in fact multiple injustices rolled into one. It violates any and every type of fundamental right and freedom that a modern day human holds precious to his/her heart. A trafficked human isn't just abducted, exploited or raped. The tragedy of this evil phenomenon lies in the fact that the victim is utilized in every way inhumanly possible. In its report published in 2003 titled '*Combating Human Trafficking in Asia: A Resource Guide to International and Regional Legal Instruments, Political Commitments and Recommended Practices*', the United Nations aptly defined this multi-dimensional aspect of the world wide crime, *Trafficking in persons is a multi-dimensional form of exploitation. Trafficking involves many forms of exploitation, including violations of human rights and fundamental freedoms, forced labour, debt bondage, exploitation of migrant workers, sexual exploitation, violence and discrimination against women and sexual, labour and other exploitation of children. Trafficking is also itself a form of exploitation. Each form of exploitation falls within one or several dimensions-including human rights slavery and slavery like practices, trafficking, migration, labour, gender, child, law enforcement and legal-each of which has its own conceptual, legal and other frameworks.*⁵ There is a common misconception amongst us that all victims of trafficking are recruited under false pretenses and are forcefully abducted. The general belief about human trafficking conjures the image of an abducted or kidnapped person who has no idea about his/her destination. But in reality a person can become the victim at any point of time. Sometimes the perpetrators take complete advantage of the economic backwardness of victims to lure them to a different place with false promises of better jobs. Yet in other cases, migrant workers opt for completely legitimate jobs in other economies and fall into the trap of the human traffickers. In her book '*Human Trafficking, Human Misery: The Global Trade in Human Beings*', Dr. Alexis Aronowitz has expressed the view that the nature of victimization in Human Trafficking often depends on the degree of deception a victim is subjected to. Complete coercion takes place when victims are kidnapped. However, complete coercion rarely takes place in case of adults and mostly happens in the case of child victims.⁶

All our traditional beliefs related to 'Human Trafficking' have been questioned by the results of intensive studies conducted by international organizations in recent times. In a major study on 'Human Trafficking' conducted by the Bangladesh Thematic Group on Human Trafficking in 2004 titled '*Revisiting the Human Trafficking Paradigm: The Bangladesh Experience*', some new issues have come to the forefront. It has been pointed out that some new terms, phrases and practices have begun to surface to suggest variety of different situations in which this crime can occur. For example, the term 'Reverse Trafficking' is used in Sri Lanka to describe a phenomenon where pedophiles come to the country to molest children.⁷ In Nepal, the same term is used to describe the situation of victim who was forced to return to the country of origin against his/her will.⁸ Another relatively new term called 'Virtual Trafficking' has emerged to denote to the use of children in pornographic images and videos.⁹

It is thus clear that the very term has become intensely problematic in nature. Perhaps one of the most mistaken beliefs about 'Human Trafficking' is that it's victims are always women and children and never men. In reality, male migrant workers also suffer the fate of being abused and exploited. Illegal migratory practices is also often confused as 'Human Trafficking'. Strangely enough, it's the outcome of a migration that decides whether it is an act of trafficking or not.

The very term 'Human Trafficking' is often prone to generalizations and its very crucial to identify and differentiate various trends of migration, so that the real threat hidden in them can be recognized easily.

Human Trafficking Scenerio in Bangladesh: Migration from one place to another is a very old phenomenon indeed. Various external forces work together in forcing a person to migrate. In his essay '*Forced Migration in South Asia: A Study in Bangladesh*', Dr Barman has aptly summarized this ever present aspect of human civilization.

*"From the antiquity, people are found to move from one place to another, sometimes in search of better opportunities, when they see some of their needs and desires are not adequately fulfilled in their present location, sometimes just to maintain the status quo when they see their present situation seems to be a declining one."*¹⁰

Throughout the colonial period, the inhabitants of eastern and western Bengal have moved in between these two parts of the province in search of livelihood, stability or other reasons. Imposition

of an artificial boundary in a land with shared past disrupted the natural order of things. The partition border sliced through a society that had always been highly mobile.¹¹ The movements which were previously considered completely natural, were criminalized as 'cross-border' movements after the partition. The newly created border extended through an area of more than 4000 kilometers and cut across everything that was previously the economic lifeblood of everyone. This included agricultural grounds, markets, railways and major roads, populated villages as well as common lands. The highly porous and often indistinguishable Indo-Bangladesh border gave rise to a number of issues that often vitiated friendly relations between the two neighbors.

There are various factors that contribute in making Bangladesh a hotbed for Human Trafficking. This very evil thrives on the compulsion of people to migrate. Lack of viable sources of livelihood forces people to seek employment elsewhere. It's this compulsion that turns them into pawns in the hands of traffickers. Limited Natural resources, underdeveloped industrialization along with natural disasters such as floods, droughts and cyclones cursed the population mobility and human trafficking is one of the inadvertent consequences thereof.¹² Other chief cause lies in the vindictive social structure that devalues females and accords them a very negligible role on the family and society. Lack of education and awareness, utter inadequacy of government policies in favor of women and lack of rural development projects and schemes aimed at making women economically self sufficient are some other chief causes behind trafficking of women in Bangladesh. Spread of globalization and consumerism has also had a detrimental effect on Human Trafficking scenario in Bangladesh.

In one of its recent reports, the INTERPOL has recognized four broad types of Human Trafficking.¹³ These are trafficking in women for sexual exploitation, trafficking for forced labour, commercial sexual exploitation of children in tourism and trafficking for organs. In Bangladesh, human trafficking has slowly assumed the form of an acute menace in last few decades. It's a prime source and transit country for women and children subjected to trafficking in person, especially forced labour and forced prostitution.¹⁴ Trafficking in Bangladesh is now an well-organized economic phenomenon that's run by forces of demand and supply and thrives on exploitation of vulnerable human beings. The clandestine nature of the crime has made it really difficult for authorities to prevent it. In addition, the families of the victims show unusual reluctance in reporting cases of trafficking to authorities, for a number of socio-psychological reasons.¹⁵

The exact numbers of women and children trafficked from Bangladesh is not really known. Due to the clandestine nature of the crime and even rarer prosecutions, crime statistics give us a very low estimate of total persons trafficked. Consequently figures are estimated and tend to be quoted and cross quoted in all literature.¹⁶ Most of the women who are trafficked are lured by promises of good job or marriage. Others are forced into involuntary servitude outside or within the country.¹⁷

An intensive study into the human trafficking pattern in Bangladesh reveals that it's not always outward. A significant number of women and children are displaced from their homes and trafficked to various parts of the country. But though there is internal trafficking, majority of the trafficking in Bangladesh is cross border. Illegal transactions between traffickers of India and Bangladesh are on the rise, causing major concerns to the governments of both countries. Shared past between both countries enables traffickers to carry on transactions with remarkable ease. After 1947, the complex nature of the border resulted in creation of several 'enclaves' in both countries. These are nothing but small pockets of land belonging to a nation other than that which surrounds it. There are 111 Indian enclaves in Bangladesh and 51 Indian enclaves in India.¹⁸ These are actively used as recruitment and collection site by traffickers.¹⁹ Border areas of Khulna, Jessore, Satkhira, Rajshahi, Dinajpur, Rangpur, Mymensingh, Comilla, Brahmanbaria and Sylhet are frequently used by traffickers to carry on Indo-Bangladesh trafficking. Bangladesh shares 4,222 kilometers border of 28 districts with India and 288 kilometers of two districts with Myanmar. Thus, Bangladeshi touts build up powerful bases in the border districts build up powerful bases in the border districts and these are now favourite transit points of human trafficking.²⁰ Benapole border crossing, known as the southwest transit point, is the most-commonly used and the easiest land route to India. In the northern region, the districts of Kurigram, Lalmonirhat, Nilphamari, Panchagarh, Thakurgaon, Dinajppur, Naogaon, Chapai Nawabganj and Rajshahi and in the south Jessore and Satkhira are areas through which trafficked persons are moved to India.²¹

A research conducted by the Bangladesh National Women Lawyers Association (established in 1979) in 2013 titled '*Human Trafficking in Bangladesh: Analysis, Challenges and Recommendations*' expressed the view that absence of broad definition of Human Trafficking inclusive of trafficking of men, women and children alike is one of the major gaps in the anti-trafficking framework in Bangladesh. Moreover none of the existing legislations recognize human trafficking to be a cross-border crime and so have failed to provide any procedures for the investigations of cross border trafficking offences.²² A reported 200,000 Bangladeshi women and children have been taken out of the country between the years 1990 and 2000.²³ The porous border between the both countries have been repeatedly utilized by traffickers to carry on their operations with effortless ease. Checkpoints and security personnel are too widely dispersed worsening the matters further. According to a report of the United Nations Development Program, 50,000 Bangladeshi girls are trafficked to India every year through these highly porous borders. Apart from India, Bangladeshi women and children are also trafficked to Pakistan, Bahrain, Kuwait and United Arab Emirates for the purposes of sexual exploitation, domestic servitude and debt bondage.²⁴

Latest reports of the UNICEF reveals that children living on the streets of Dhaka and other big cities of Bangladesh are among the prime targets of child traffickers of the country. Pakistan and oil rich states of Middle-East are the principal destinations of trafficked Bangladeshi children. The boys among them mostly end up in Persian Gulf especially UAE to work as camel jockeys or farmers. Girls on the other hand are trafficked to the brothels of the big cities of India (mostly Kolkata, Mumbai or Pune), Pakistan countries of Middle East or South East Asia. The main trafficking route is *Dhaka-Mumbai-Karachi-Dubai*.²⁵ Activists and governments alike acknowledge this national and international character of trafficking. South Asia had reportedly the second highest number of trafficked persons in the world. Among countries of the region, Bangladesh, Nepal and Sri Lanka constitute main centres of origin. India and Pakistan on the other hand act as destination countries to women and children trafficked from its three neighbors and transit countries to those trafficked to Middle East.²⁶ An estimated ninety percent women of those trafficked from Bangladesh are forced into prostitution.²⁷ The children of these sex workers, especially girls are also forced into prostitution as a substitute of their mothers. Some recent reports indicate that most of the brothel owners and pimps addict Bangladeshi girls to steroids to make them more attractive to their clients, with devastating results. The women who are forced into prostitution in Nepal, Sri Lanka and Bangladesh are also highly vulnerable to HIV and other sexually transmitted diseases due to their rampant disregard of crucial safety and health norms. Gender, age and transmission via sex are key elements of the fast growing HIV epidemic in South Asia. An increasing number of people living with HIV are women of prime reproductive age, many of them less than eighteen years old. Transmission is predominantly through unprotected sexual intercourse. Out of six million HIV-infected people in the region, women constitute over 30 percent of the cases and the figure is growing alarmingly.²⁸

One major reason behind the fact that majority of the traffickers manage to evade the reach of authorities is the fact that trafficking routes of South Asia are incredibly fluid in nature. Traffickers explore and find new routes every other time and replace old routes with new ones to avoid detection. Their vast networks span across borders and countries and function mostly with police connivance. The international trafficking chains connects variety of criminals starting from local hoodlums and smalltime crime lords, corrupt police and border security officers, debauched members of local political elite as well as pimps, procurers and agents in a single thread.

Trafficking for purposes of forced labor is another critical area that requires urgent attention of the government of South Asian countries. A significant share of Bangladesh's trafficking victims are men recruited for overseas work with fraudulent employment offers who are subsequently exploited under conditions of forced labor or debt bondage.²⁹ In its report titled '*Trafficking for forced labor: How to monitor the recruitment of migrant workers*' the ILO pointed out that rise of the private recruitment agencies at the beginning of 1990s brought a major change in recruitment scenario of unskilled workers. Many of these private recruiters, either intermediaries or agencies are former victims of trafficking and often utilize their past contacts to victimize more men and women.³⁰ It is often very difficult to establish any direct link between recruiters and the abusive employers at the end of the trafficking chain. It would also be a gross injustice to generalize all private recruiters as traffickers. What is needed is to prevent abuse at any stage of migration without criminalizing the recruitment

business. There have also been reports of trafficking in organs in Bangladesh.³¹ A group of Anthropologists had claimed to have uncovered the practice of kidney theft in Bangladesh some years ago.³²

The government of Bangladesh has prioritized trafficking as one of the key social issues in the recent years.³³ In 2000 Bangladesh took a ground breaking step initiating a three year project to combat trafficking in children.³⁴ But the most comprehensive anti-trafficking in Bangladesh enacted till date is the Human Trafficking Deterrence and Suppression Act 2012. This recently enacted statute provides a broad legislative framework for the prevention of trafficking, prosecution of traffickers, and treatment /protection of actual and potential victims of human trafficking.³⁵ One of the biggest loopholes of Bangladesh's anti-trafficking legislations is that the traffickers are finely tuned with the laws of the land. They manage to use their significant power, political connections and wealth to avoid arrest, manage bail and vitiate the merits of prosecutions' case through bribes, threats and intimidations.³⁶ A study of the statistics of arrest and convictions in Bangladesh between 2006 and 2010 will reveal that while the conviction rate had been gradually increasing from 26% in 2006 to 39% in 2010, the arrest rate dipped from 50% in 2006 to 31% in 2010.³⁷ The enactment of HTDSA is expected to bring a welcome change in trafficking scenario of the country.

¹ Revisiting the Human Trafficking Paradigm: The Bangladesh Experience Part I: Trafficking of Adults, 2004 International Organization for Migration (IOM), Geneva, Switzerland: IOM, p.7. Available at: http://www.childtrafficking.com/Docs/iom_2004_trafficking_paradigma_bangladesh_4.pdf

² Harzig, Christiane and Dirk Hoerder. *What is Migration History?* Cambridge: Polity Press, 2009, Page 3.

³ *What is Migration History?., Ibid.*

⁴ UNODC on "Human trafficking and migrant smuggling" Available in full text on <http://www.unodc.org/unodc/en/human-trafficking/> Accessed on 23.08.13.

⁵ *Combating Human Trafficking in Asia: A Resource Guide to International and Regional Legal Instruments, Political Commitments and Recommended Practices.* Bangkok: United Nations Publications, 2003,Page 4.

⁶ Aronowitz, Alexis A. *Human Trafficking, Human Misery: The Global Trade in Human Beings.* Philadelphia: Greenwood Publishing Group,2009. Page 2.

⁷ Bangladesh Thematic Group on Trafficking, 2004, "Revisiting the Human Trafficking Paradigm: The Bangladesh Experience (Part I: Trafficking of Adults)", Geneva: IOM, Page 11.

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