

Current Scenario of Women and Children Trafficking in Bangladesh: A Way Forward

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Abstract- *Women and Children trafficking in Bangladesh has experienced a significant increase in the recent years. According to different sources around four to five hundred women and children are being trafficked through twenty transits points with India. Almost all of them are sold for servitude, prostitution and forced labor. Bangladesh had some scattered regulations in different laws. Gradually it came up with Prevention and Suppression of Human Trafficking Act 2012 to fight back human trafficking in the whole country. The whole thesis examines the attributes of human trafficking in the whole country. It also smirks a comprehensive discussion on the present legal developments regarding human trafficking. Side by side it proposes for a unanimous definition of trafficking for better monitoring and inspection of the whole phenomenon. Moreover, it seeks for some feasible mechanisms to control human trafficking and save innocent lives from getting spoiled. After a comprehensive analysis of the different issues regarding human trafficking, shortcomings in the laws and practice will be brought out. Role of different agencies and concerned ministry will be thoroughly demonstrated. The policy gaps between different government organs and the role of society as well as local government in the transit points will also be figured out. Moreover, feasible and compact recommendations will be made to protect women and children from trafficking and wreck trafficking from its root.*

Indexed Terms- *Unanimous approach, Human trafficking, Human liberty*

I. INTRODUCTION

Human trafficking requires the use of force, fraud, or coercion to obtain some type of forced labor, prostitution or illegal organ transfer.¹ Human trafficking is a globally recognized crisis that occurs in different forms. Many women and children are prey

to trafficking across the world. Because it is one of the most polished and organized crime that makes a huge profit transnationally. International Labour Organization says there are 21 million people across the world who are the victims of human trafficking. A report of 2016 of the US Department of State estimated that, around 8,20,000 people are being trafficked each year. At the same time, IOM cited almost 8,00,000 people are the victims of human trafficking in the world for every following year.² Not surprisingly human trafficking being the third largest crime industry generates 32 billion dollars annually.³ According to United Nations Convention against Transnational Organized Crime (UNTOC) there are three constituents of human trafficking; i. the act, ii. the means, iii. the purpose. The act describes what is done, means portrays how it is done and purpose inculcates why it is done. United Nations Office on Drugs and Crimes has criminalized human trafficking in this particular convention to stop the grave violation of human rights in this particular sector.⁴ Human trafficking basically originates from least developed countries and ends up in developed countries. And the matter of concern is about 70 percent of victims of human trafficking is women and children.⁵ Unfortunately one of the major victims of human trafficking is China, where 25 percent of its population are living in modern slavery being involved in sex slavery and forced labour. On the other hand US State Department stated almost 57,700 people are being trafficked in US every year and 70 percent of them are for sexual exploitation. Almost every country across the world is connected to human trafficking either as a country of transition, origin or destination.⁶ Ethnic minorities, marginally vulnerable people are very much prone to human trafficking, who end up working in mining, tanning, stoning and quarry work along other sort of forced labours. Extraction of organs and removing ova to sell them is also a common target of human trafficking. Many of the trafficked victims lose their lives in the cycle of sexual exploitation,

commercial sexual acts etc. ILO also says 3.1 million adult women and 1 million children are trafficked annually by the human trafficking racket to do commercial sexual acts, stripping and prostitution.⁷ This is very unfortunate to say that countries with strong economy like USA and China are somehow proactively contributing to the facet of human trafficking every year. Then obviously the countries with low income or least developed countries will suffer more severely due to human trafficking.

II. DEFINING TRAFFICKING: A UNANIMOUS APPROACH

Human Trafficking is one of the serious crises of this modern world. But it needs to be addressed at a unanimous forum. Though United Nations Office of Drugs and Crimes has endeavored to define human trafficking through a general definition. It misses the conventional established definition under international law provision. This crisis has worsened because at the uprising stages it somehow remained unaddressed and uncontrolled by the international agencies.⁸

In spite of a close and consistent assertion that human trafficking is an ethically inexcusable practice. And there is a serious disarray around the world about what action qualifies as human trafficking. Receiving a mixed-method technique, we look at how human trafficking is characterized by the common people; how modern misunderstanding of human trafficking created; and the public supposition result of this absolute misunderstanding. The definition of human trafficking has advanced over time to time and remained clearly subjugated due to void of words. In that case, we only illustrate that media and anti-trafficking associations have been focusing their consideration on the sexual abuse of foreign ladies. Common people easily come to conclusion and reflect this skewed consideration that human trafficking is a mere business of women for commercial sexual act only and also compares human trafficking with the sneaking of ladies for sexual subjugation. To create public response on the issue and increase security mechanisms we should focus on unanimous definition of human trafficking that to some extent forwarded by Palermo Convention 2000. But still the convention misses a clear definition of human trafficking. For the purpose of this dissertation, we are going through this

definition as follows: “Human trafficking is basically an organized criminal activity that uses human as the property or possession and exploit them by detention, forced labour, stripping, commercial sexual activities, prostitution etc.” At the same time, the definition approach shall be overtaken by the international agencies to look for comprehensive solutions to combat human trafficking.

III. HUMAN TRAFFICKING FROM GLOBAL PERSPECTIVE

Human trafficking is basically an organized criminal activity that uses human as the property or possession and exploit them by detention, forced labour, stripping, commercial sexual activities, prostitution etc. It also uses force, coercion, misrepresentation and undue influence to beget any kind of labor or commercial sexual act. Human trafficking is also one of the benefactors of modern-day slavery now a days. The victims of human trafficking are unidentifiable regardless of any nation, race, sex or caste.

United Nations Office of Drugs and Crimes illustrates this as follows⁹:

“Elements of human trafficking: On the basis of the definition given in the Trafficking in Persons Protocol, it is evident that trafficking in persons has three constituent elements;

1. The Act- Recruitment, transportation, transfer, harbouring or receipt of persons.
2. The Means- Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim.
3. The Purpose- For the purpose of exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

To ascertain whether a particular circumstance constitutes trafficking in persons, consider the definition of trafficking in the Trafficking in Persons Protocol and the constituent elements of the offense, as defined by relevant domestic legislation.”

3.1 Current Scenario of Human Trafficking in the World:

A cited figure comes from the 2012 report issued by the International Labor Organization (ILO) that has been endeavoring to assemble universal information over a decade presently. Within the Asia-Pacific locale where most of the world's constrained laborers come from at a rate of 56%, an evaluated 11.7 million individuals, taken after by Africa at 18% or 3.7 million individuals live in subjugation.¹⁰ Considering that at the top of America's servitude earlier to the Gracious War that ultimately declared it unlawful, the whole was four million individuals, comprehending that over five times of the number that are right now enduring in subjugation here within the twenty-first century, casts a few genuine questions on whether people are advancing as a species at all. The taking after insights come from the 2012 ILF report.¹¹ The worldwide financial emergency in later a long time has as it were given rise to conditions ready for acceleration of advanced servitude. An add up to of 18.7 million individuals or 90% gotten to be constrained laborers within the private division of person homes or private undertaking as restricted to the 10% or 2.2 million individuals that endure state-imposed shapes of constrained labor.¹² Of those 18.7 million constrained to work in private settings, 4.5 million (or 22%) are constrained into sexual abuse whereas 14.2 million (or 68%) are casualties of constrained labor such as in farming, household work, development or fabricating.¹³ The foremost concentrated zone of constrained labor victimization is in central and southeastern Europe at 4.2 people out of 1000 taken after by 4 out of 1000 in Africa. Subjugation is most reduced in the created countries and the European Union at 1.5 per 1000 individuals. Three individuals in each 1000 are constrained into forced labor.¹⁴ A horrifying 26% of all cutting-edge slaves or 5.5 million are children under 18, and the larger part is under aged young ladies constrained into child prostitution and explicit entertainment.¹⁵ Other children are constrained into working in sweat shops whereas youthful boys i.e., 12 years of age engaged into labour and more of them are habitually enrolled and constrained to become child troopers. The lion's share of 56% (11.8 million) of the world's constrained laborers stay in their domestic nation. As an illustration India has been distinguished as a country where numerous of its claim destitute citizens are

constrained into slave labor.¹⁶ However, of the 44% (9.1 million) are constrained into labor over borders, the tremendous larger part being ladies and children are sold into the exceedingly beneficial sex trafficking exchange regularly by organized rackets.¹⁷ Though slaves around the world nowadays may not be lawfully beaten, shackled or sold as property like African American slaves endured for over two centuries between 1619-1865, an assessed 32 billion dollars is produced every year in an underground industry classified as a sort of servitude – human trafficking.¹⁸ Numerous sources appraise benefits distant more prominent than the Joined Countries add up to of 32 billion. Weapons and drugs are more profitable criminal endeavors and now trafficking has joined the league. Agreeing to the UN, transporting people from their homes to another area against their will into automatic bondage or constrained labor includes at slightest 2.5 million human trafficking casualties around the world at any given time.¹⁹ Seventy nine percent of casualties of the human trafficking drop into the servitude category of sexually mishandled ladies and under aged children. Female casualties are both ladies and young ladies grabbed up from their recognizable environment, coercively taken over borders where they are all alone after an unusual arrival encompassed with brutal treatment by the outsiders. And they are constrained into prostitution in spite of the fact that they didn't intend to. Only a few were forced to do household work as caretakers, house keepers, cooks or plant laborers. Fifteen percent of human trafficking casualties are men most frequently constrained into conditions of difficult labor.²⁰ Since numerous countries don't have the will nor the formal instrument to evaluate how numerous people are slaves, genuine numbers have been troublesome to determine. Also due to the common recognition of servitude being so stigmatized with disgrace, beside fear of potential migration issues or violent retribution from slave exchange culprits, numerous casualties naturally stand up to a great extent through imperceptible wrongdoing against humankind. A few are casualties of the Stockholm disorder where they really distinguish with their enslavers. Of course, the illegal nature of both servitude as well as prostitution is undesirable.²¹ A brutally savage industry clandestinely run by organized rackets too acts as an impressive boundary comes through extreme underreporting and generally few cases ever are being

brought to indictment.²² All of the components have developed a serious issue of subjugation across the world and sufferings for many people around the world. The racket's monstrosity somehow squeezed the future of thousands of women and children across the world. The globe shall march hand in hands to tackle this crisis.

3.2 Causes of Human Trafficking in the Globe:

Reasons of Human Trafficking are many. The capital flow from this sector is different and huge comparing to other sectors. In fact, the differentiation between developed, developing and least developing countries is somehow contributing to the dynamics of human trafficking across the world. From general perspective there are some specific contributors to these problems.

They are as follows:

1. The countries which are extremely destitute, war torn or prone to natural disasters are obviously remaining in an economically unstable condition. The population of these places struggle to live a better life. They often tend to migrate and the tendency is utilized by the human trafficking racket around the world to cause human trafficking.
2. Secondly, women and children always remain the easy target for the traffickers. In the name of giving employment in a better city they mobilize women and gradually they fall prey to human trafficking. About 20 million women and children are trafficked around the world and 98 percent of them are trafficked for sexual exploitation.²³
3. Labor has been the cheapest commodity around the world in the 21st century. The developed countries demand labours to be engaged for uplifting their development process. It attracts the trafficking racket from the poor countries to rich countries. It might be considered one of the significant reasons of human trafficking.
4. Human trafficking generates a net worth of 150 million dollars every year. So, a sector which generates this amount of money will obviously attract the wrong doers. Demand of money can cause any sort of misnomer around the world. And human trafficking is the clear example of it.²⁴
5. The victims of human trafficking are unidentifiable many of the times. The amount of trauma they carry make them extremely frightened and

awkward towards the society and investigators can't trace any information from them. As a result, the roots of human trafficking remain unidentified.

3.3 The Effects of Human Trafficking:

Every cause has effects on the society or on the victims at large identifiable or unidentifiable. Human trafficking has greater effects on the society. Every country around the world is somehow suffering due to human trafficking. We may shed some light on the effects of human trafficking.

1. The first problem human trafficking creates is basically the mental trauma on the victims. The victims get torn emotionally and become fragile psychologically. This makes their life traumatized because of which they forget to lead the normal life they used to live
2. Human trafficking breaks the family chain around the world. If any member is being trafficked from a family, it gets broken morally as well as the whole family goes into the same trauma of a victim.
3. It creates hindrances in the advancement of women and children in our society. It may also be considered as one of the barriers of women empowerment. The major effect on the women and children is undeniable.
4. Human trafficking creates unwanted migration and displacement. And gradually this displacement makes the lives of victims more complex. Living a better life was a dream and it gets worse in every step after the trafficking occurs.
5. The victims of human trafficking lose the independent and individual living skills due to mental and physical trauma if human trafficking. Even after being rescued from the racket, they can't get back to normal life easily.
6. The physical exploitation human trafficking gives is a life time defect towards the soul of a victim of human trafficking. Recovering it remains one of the biggest challenges.
7. The victims of human trafficking become prey to ostracism. They keep themselves away from society, friends and relatives. Victim blaming is also contributor to ostracism. Physical and mental trauma also contributes to ostracism.

IV. HUMAN TRAFFICKING: WOMEN AND CHILDREN FUTURE IN BANGLADESH

Bangladesh has become one of the source countries for human trafficking. Every year, a huge number of people are trafficked out. At present, there is no exact global comparable official statistics on human trafficking. A study from the United Nations International Labour Organization estimated that, around 3.8 million adults and 1 million children were victims of forced sexual exploitation and 99% of those adults and children are female.

The first international law on human trafficking was the International Agreement for the Suppression of the "White Slave Traffic [1904]²⁵. The treaty was enacted with a purpose to protect "white women" against trafficking of prostitution and sexual exploitation. This law was developed in 1910, placing a legal duty to punish those who were engaged in the trafficking of white women or girls for immoral purposes²⁶. Also this law compelled States to enact domestic legislation to punish such offences 'according to their gravity'²⁷. Human trafficking is a serious global problem and heinous violation of human rights in the present world. The International Convention for the Suppression of the Traffic in Women and Children, 1921²⁸ was huge development in international human trafficking law where thirty-three States signed the treaty in protection of women and children²⁹. The International Convention for the Suppression of the Traffic in Women of Full Age was sought in 1933 and this convention enacted more secure provisions on the suppression of the traffic in women and children. This Convention ensures punishing of those who prepares to traffic others³⁰, and through a more comprehensive sharing of information on offenders such as "his civil status, description, finger-prints, photograph and police record, his methods of operation, etc"³¹. The first in international human trafficking law was enacted in 1949 named United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others³². This Convention explicitly mentioned about trafficking for the purposes of prostitution and set its objective to punish the person who "Keeps or manages, or knowingly finances or takes part in the financing of a brothel" or "Knowingly lets or rents a building or other place or any part thereof for the purpose of the

prostitution of others"³³. This Convention not only focuses on women and children but also the needs of victims to be addressed through social, educational and health related programs³⁴.

Women and children trafficking is a serious problem of Bangladesh for long time ago and Bangladesh has taken it seriously on 1933. But constitutionally there is no exact definition of trafficking. Directly and indirectly, the provisions show that the constitution upholds the dignity of women and children. The Constitution ensures equality of opportunity to all citizens and declares to take effective measures to remove social and economic inequality³⁵. The Constitution identified prostitution as an anti-social act and declares that the State should take every preventive measure to stop prostitution and gambling. The Constitution also ensures Right to life³⁶ where right to live include human dignity and decency. Prohibiting forced labour³⁷ is also guaranteed by the Constitution. In Article 28(4), the Constitution empowers legislative to make special laws in protection of women and children. The Penal Code also deals with the offences of human trafficking. The Penal Code, 1860 also deals with the offences of human trafficking. Penal Code penalizes the offences related to trafficking such as Kidnapping and abduction³⁸ Procurement of female minors³⁹, Slavery⁴⁰, Sale or purchase of minors for immoral purpose⁴¹ Forced labor⁴², Rape⁴³, Wrongful confinement and wrongful restraint⁴⁴. This Code penalizes those crimes with different types of punishments. Section 364A provides the highest punishment to the criminals. The Suppression of Immoral Traffic Act, 1933 was the first specified law on human trafficking introduced by Bangladesh. This Act was on commercial exploitation and doesn't prohibit prostitution. Because of the inadequacy of the Act, this Act was repealed by enacting a new law on 2000. The Women and Children Repression Prevention Act, 2000 is a specified law for punishing trafficking in women and children in Bangladesh. Bangladesh government enacted this provision on 2000 and it was amended on 2003. This Act is considered as a spectacular achievement by the government and other implementing partners to prevent and suppress human trafficking. Rigorous penal measures for trafficking in women⁴⁵, children, up to and including age 16⁴⁶ and abducting of women and children⁴⁷ is directed in this

Act. The Act also establishes a special tribunal, the Nari-o-Shishu Nirjaton Domon (Women and Children Repression Prevention Act) Tribunal, for prosecuting specific offenses against women and children. But one of the limitations of the Act is that, it is not in alignment with the United Nations Convention on the Rights of the Child in the definition of applicable age of children and doesn't define human trafficking. The Human Trafficking Deterrence and Suppression Ordinance (2011) and The Human Trafficking Deterrence and Suppression Act (2012) provides the most comprehensive legislative framework for the prevention of trafficking and ensures victims right and safe migration. Following the dignity of the Constitution, The Bangladesh Labor Act (2006) covers most aspects of labor law and prohibits forced labour and child labour. This Act is insufficient in matter of maximum punishment for serious crimes. The Extradition Act (1974) addresses a little about forced labor, slavery and other offenses linked with human trafficking. Along with those laws, The Passport (Offenses) Act, 1952,⁴⁸ The Bangladesh Passport Order, 1973⁴⁹, The Emigration Ordinance, 1982⁵⁰, Emigration Rules, 2002 cover the issues related with human trafficking in purpose of ensuring the rights of victim. There are some other complementary laws which are not directly linked with the matter of human trafficking but their target offenses may link with the crime. The Extradition Act, 1974, The Dowry Prohibition Act, 1980, The Birth Registration Act, 2004, The Child Marriage Restraint Act also complements above mentioned laws in protection of women and children from trafficking.

The criminal justice system in Bangladesh aims to deter human trafficking of women and children for sexual exploitation through fierce penalties (including death). On the other hand, the justice system finds and prosecutes only a fraction of estimated cases that apply to the Women and Children Repression Act (WCRA), and it fails to provide adequate protection for victims and witnesses. Bangladesh's legal framework does not take into account the clandestine nature of the crime of human trafficking⁵¹. Many legislative and administrative measures have been undertaken and a formal commitment has been made to comply with a number of international instruments, but the problem of human trafficking remains unabated due to lack of a comprehensive legal framework covering all forms

of human trafficking, lack of proper enforcement of existing laws.

V. EFFECTS OF HUMAN TRAFFICKING IN BANGLADESH

Trafficking in person's, the darkest episode of population mobility, has been widely considered as a major human security issue today. Increasingly, people from the poor families are being forced to this new form of human slavery and the trade of human dignity. In Bangladesh human trafficking has gone to an acute condition⁵². Government through endowed huge effort, failed evidently to control the trafficking in a person's in the country. Activities of the NGOs and Multilateral agencies are also limited to the function of awareness building and advocacy. In that case, Human Trafficking has a great effects on the society, to the victims so on. As there are so many countries affected through human trafficking, it has a big impact on Bangladesh also⁵³. Human Trafficking not only effecting the society but also the economy, educational system of Bangladesh. It violates the human rights and human liberty also.

5.1 Effects of Human Trafficking on victims and their families

The experience of human trafficking can cause many short and long-term adverse psychological effects. These effects may lead to maladaptive behaviors, mental health concerns, and substance use⁵⁴. Knowing what the specific effects are and how they impact a victim is an important part of understanding the complexity of this crime and providing appropriate support. The experience of being trafficked may induce or exacerbate mental health concerns and symptoms. While those with pre-existing mental health concerns or disabilities are also extremely vulnerable to the manipulation and exploitation of trafficking.

Possible psychological effects of human trafficking include⁵⁵:

- Depression
- Anxiety disorders, including panic disorder
- Post-Traumatic Stress Disorder (PTSD)
- Substance use and disorders Shame and guilt
- Alienation and isolation from social supports

- Suicidal ideation (thoughts of suicide)
- Identity disturbance/confusion
- The risk of developing a mental health disorder
- Sexual dysfunction (including promiscuity or fear of sex)

The victims of human trafficking face difficulties maintaining healthy relationships- Usually people who have suffered from sexual abuse or exploitation find it difficult to trust people, therefore making it difficult to keep healthy relationships⁵⁶. Although the families of the victims suffer from huge differences from the society. A community of people in the society make them separated. They also face problems in the work place, suffering from poverty and again being forced to a new form of human slavery.

5.2 Effects of Human Trafficking on Society:

The social effects of human trafficking are rather universal. This does not denote them as being not a serious matter, nonetheless. Those who have truly experienced human trafficking are the ones who must cope with the majority of the social impacts⁵⁷. Although, HIV and AIDS can be spread because of human trafficking, which can affect any and all of the population. Despite there being shared impacts of human trafficking, the specific incidents tend to differ from country to country.⁵⁸

If a person has had to experience human trafficking, they have known a life worse than death itself. The conditions those are forced to live in the brothels are thoroughly atrocious. Victims of human trafficking have absolutely no freedoms, and experience horrors such as abuse, violence, deprivation, and torture. These kind of conditions often lead to trauma. With that in mind, it can be understandable how these people would feel the urge to escape. Unfortunately, this misdeed will never go without punishment, which are never minor. One person once had to submerge their body in a barrel filled with water contaminated with scorpion and other vermin, and sit there for one week. As if that wasn't enough, they also had to sit in the darkness all lonesome. Another way to make the victims more cooperative would be to inject them with drugs, leading to addiction, which meant the brothel was eventually their lifeline. Many people who have been trafficked fought it at first, but eventually

accepted they lost that battle from the beginning. They have even been seen smiling and flirting, but it is only an act. On the inside, they are broken and crying.⁵⁹

Since human trafficking involves selling a person for sex, pregnancies would be expected. No matter, human traffickers have even found a way to make that seem dark and twisted. They force those who are pregnant to have abortions, with unclean instruments by non-certified practitioners. This lack of sanitation is one of the many factors in the ever spreading HIV in the human trafficking world. The relationship between human trafficking and HIV isn't always completely obvious. Really, the fact that there was any relationship at all between these two problems is a recent realization. Currently, there is not much research to show the connection, but more studies are being conducted in order to have that sufficient information necessary for ending the social issue of human trafficking. What is known thus far is that many are not properly educated in the area of sexually transmitted diseases, meaning they are typically unaware of what they are and most definitely whether or not one would have them. This means people all over the world, especially in the world of human trafficking, people are spreading life threatening diseases, such as HIV and AIDS.

5.3 Effect of Human Trafficking on The Economy:

The crime of human trafficking is not new. What is new is its global expansion- a market- driven industry which is based on the principle of supply and demand, where the risk is low and the profits are high⁶¹. The organized crime of trafficking is estimated to be the third largest international criminal enterprise, generating an estimated \$150 billion dollars annually (ILO, 2014)⁶². It is a market, which exhibits serious violation of human rights where victims are treated like commodities, bought, sold, traded and used to meet the worldwide demand for sex, cheap labour, slavery, human organs and pornography, etc.

The demand for children is for the purpose of cheap labour, sex/ sex tourism; pornography, drug paddling, carpet weaving, mining, terrorist activities and so on. The demand is for women and young girls for commercial sexual exploitation, pornography, and domestic work⁶³. The demand is for male adults for

the purpose of forced or bonded labour, drug trafficking, etc.

Human trafficking as a criminal act violates the rule of law at source, transit and destination countries which as a result endangers their national security. In simple terms, human trafficking is a growing form of transnational organized crime that inherently breeds more crimes by providing fuel from its proceeds to strengthen other criminal activities such as drugs trafficking or illegal business of arms and ammunitions resulting in to human as well as national and international threat to the economic and national security of a nation.⁶⁴

Human trafficking profits the traffickers, pimps and the employers. Human trafficking is an organized crime, committed and facilitated by multiple actors at the source, transit and destination points of trafficking. Huge profits with minimal risk rolls from this offence, which is solely meant for its organizers and the exploiters. The profits accrued from the criminal business of human trafficking do not add to the GDP of a nation, rather it is a loss to the economy and national security of a nation, as it is one of those illegal activities which are responsible for funding other illegal activities⁶⁵. The process of trafficking and the exploitation involved continuously generates large sums of illegal income for criminal networks, with a consequent threat on other legitimate businesses such as tourism and hospitality which have the potential to add and improve the economic conditions of a country.

It is a common phenomenon for these organized criminal groups of traffickers to hide their profits by investing them in various legitimate businesses. According to United States of America, Department of State, Trafficking in Persons Report (June 2006), there are some businesses that are simply established to launder money and not necessarily to make profits.⁶⁶ This practice may in turn have a negative impact on the economy of a nation, as legitimate businesses may find themselves to compete against enterprises, which is being secretly or unknowingly subsidized by laundered proceeds of crime or supported by the exploitation of trafficked persons.⁶⁷ Fair competition may also be affected when exploited trafficked persons have been used further down the supply chain to produce materials such as textiles.

Human trafficking as a source of funding for terrorist activities. - According to Financial Action Task Force (FATF) report (2018), there is a strong link between the human trafficking and terrorist organizations.⁶⁸ Human trafficking within and into conflict and terrorist affected areas is primarily for domestic servitude, sexual slavery, forced armed recruitment, forced labour and forced marriage. It has also been observed that terrorist organisations use human trafficking as a way to raise funds to nurture their organisations and to support their terrorist activities. In a report, "Fighting Human Trafficking in Conflict: 10 Ideas for Action by the United Nations Security Council by the United Nations University, it has been stated that in the year 2016, ISIL fighters have used the encrypted communications app Telegram and applications such as WhatsApp, Twitter and Threema to auction enslaved Yazidi women and launder the resulting profits. It was also observed that over 5,000 Yazidi women, children and men.⁶⁹

5.4 Effects of Human Trafficking On Human Rights and Liberty:

Human Trafficking effect the Human Rights and liberty; also the prohibition of discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. We can enlist the rights mostly affected by human trafficking. They are as follows:

- The right to life: Right to life is primarily transgressed due to human trafficking. The way it gets affected it influences the future of a victim of human trafficking.
- The right to liberty and security: Undoubtedly right to life includes liberty and security of a person. Liberty and security becomes non-existent when someone falls prey to human trafficking.
- The right not to be submitted to slavery, servitude, forced labor or bonded labor: Slavery and servitude is common for the victims of human trafficking. The people who are trafficked are somehow forced to engage in slaver and servitude.
- The right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment: Every single victim of human trafficking becomes the subject of cruel and inhuman treatment when they are forced to prostitution and forced labour.

All other rights addressed hereupon are somehow get violated when someone becomes a victim of human trafficking i.e. the right to be free from gendered violence, the right to freedom of association, the right to freedom of movement, the right to the highest attainable standard of physical and mental health, the right to just and favorable conditions of work, the right to an adequate standard of living, the right to social security, the right of children to special protection, the right to an effective remedy, the right to be protected from non-refoulement, the right to seek asylum. Human trafficking violate all these human rights during the whole treatment. When it comes to women and children the violations become intensified.

VI. ATTRIBUTES OF HUMAN TRAFFICKING IN BANGLADESH

Human trafficking is a crime against humanity. Trafficking in persons is nothing short of modern day Slavery. It is therefore not only a problem for Bangladesh but rather it is a global problem. Bangladesh, along with regional and international partners, is making continuous effort to eliminate this vice. Despite this human trafficking is expanding at alarming rate. The most common form of human trafficking in Bangladesh among others, trafficking for sexual exploitation forced prostitution, domestic servitude, forced labour and other forms of exploitation⁷⁰.

Bangladesh is a small deltaic country of South Asia with total land area of 145,035 sq. km. It contains the eighth largest population in the world. Recently Child trafficking especially female child trafficking has become painful reality in Bangladesh. For the last two-three years trafficking in women and children has so alarmingly increased that it has become a matter of great concern for the peace loving people of our country as well the government. Trafficking in women and children is undoubtedly heinous crime against humanity. The organized gangs of traffickers are targeting the poorest of the poor and disadvantaged women and children deprived of financial, legal, social support in the rural areas of the country⁷¹. The victims are either abducted or allured with promises of better life by providing lucrative marriage offers and false proposals to visit holy places. Also, international dimension of poverty, lack of education and large

families are three major factors for why trafficking has been able to flourish in the country.

It is difficult to have appropriate data and statistics in human trafficking. However, various studies reveal that Over 1 million women and children have been trafficked out of the country in the last 30 years. A UNICEF reports says that approximately 400 women and children in Bangladesh are victims of trafficking each month. Another report says that approximately 300,000 Bangladeshi children and women between 12 and 30 have been trafficked to India alone in last 10 years.

Poverty, Social exclusion, gender based discrimination, wide-spread illiteracy, lack of awareness and poor governance are the key factors contributing to trafficking in persons in Bangladesh⁷².

Trafficking is indeed a growing problem in Bangladesh. Bangladesh is one of the vulnerable countries for trafficking because of its large population and large population living in a conditions of chronic poverty, regular natural disaster and gender inequality⁷³. However for the present purpose, the factors have been categorized into two groups. The first group, the "push" factors includes conditions which are responsible for trafficking people from one country to another country. The second group refers to the set if pull factors that support the demands for trafficked victims.

Push factors⁷⁴:

- Lack of economic solvency
- Lack of awareness
- Poverty
- Gender discrimination
- Migration
- Illiteracy
- Dowry
- Natural Disaster
- Empowerment

Pull factors⁷⁵:

- Effect of free market economy
- Urbanization
- Better jib opportunity
- Influential power of media

- Information and communication system
- Economic solvency

Besides there are some others identified causes trafficking in women and children that includes⁷⁶:

- Poverty is one of the vital problem and prime factors behind woman and child trafficking in our country.
- Unemployment problem has been facing for a long time, population is increasing in alarming rate whereas job Opportunities in our country very limited.
- Economic and social disparity "Poor are becoming poor and rich getting richer" another major issue.⁷⁷
- Overpopulation is one of the most important reason behind trafficking about 59 % victims came from big families, 25% from medium sized families only 6% from small families⁷⁸.
- Violence in the home often linked to economic instability can also make women and Children more vulnerable to trafficking
- Conflict and increasing militarization worldwide play a significant role in human trafficking, traffickers often take advantage of desperate conditions created by conflict.
- The security system in our boarder, land, river sea airport is not so strong and modernized "Sluggish Security system "⁷⁹.
- Corruption of security and immigration personal, being bribed by traffickers they allow to trafficked women and children to go abroad with false passport and visa⁸⁰.
- Social vulnerability of women and female children
- Economic vulnerability of women and children
- Urbanization and Migration, people are continuously migrating from rural to urban areas for economic and social reason.⁸¹
- Wage employment or bonded labour, there is an increasing demand for child labour for sex, trade, domestic work and other exploitive events because child labour is cheap and easily controlled. Due to lack of identity papers women and children are often exploited and abused.⁸²
- Labor migration and prostitution, very little information is available on labor migration of Bangladeshi women. Women are at risk of being stigmatize, particularly when they migrate alone.⁸³

- Cultural Myths, main causes of the increasing demand for young girls is the myths that intercourse with virgin girl can cure a man if sexually transmitted diseases and rejuvenate him.⁸⁴
- Apart from these poor, unmarried, divorced separated abandoned, widowed and sexually exploited women falls prey to human trafficking.

Increased marital dissolution in terms of desertion, separation and divorce of women, unemployment and rapid growing need of cheap labour in the International market, natural disaster and displacement of people, inadequate Government policies in favor of women, lack if social security and safety, inefficiency of law enforce agency, corruption amongst member of law enforce agencies, sexually abused children, complications of restoring to law are all the acing factors towards women and children trafficking in Bangladesh.

VII. A COMPREHENSIVE ANALYSIS OF LAWS ON TRAFFICKING:

This part of the paper discusses about the statutes of Bangladesh. And it marks the loopholes of Acts and tries to provide a better picture about where Bangladesh shall look forward to.

7.1 An Analysis of National Laws:

Trafficking in human is undoubtedly a horrendous offence against humankind. Considering the truth of the expanded number of human trafficking the Prevention and Suppression of Human Trafficking Act, 2012 has come into impact to control and smother human trafficking, to guarantee the security of casualties of the offence of human trafficking, the rights of human trafficking victims⁸⁵ and to guarantee secured relocation of the victims. So, under this act, in the event that any offence has been committed that amount to human trafficking, anybody can record a complaint (taking after the arrangements of the Code of Criminal Procedure 1898), to the police or Tribunal and his identity may be concealed for ensuring the security.⁸⁶ The arrangements of this Act can be appropriate indeed id committed outside of Bangladesh (in case any offence under the Act is committed by somebody outside Bangladesh), or when someone is on board in an aero plane, ship or a transport.

To conduct the cases in the Tribunal following section 17 of the Prevention and Suppression of Human Trafficking Act 2012 the Government may delegate one or more special prosecutors (public prosecutor) additionally, and it may reappoint or replace on the event of carelessness within the periphery of prosecutor's duty⁸⁷. Now in case of an examination, a police officer, not underneath the rank of Sub-Inspector, of the concerned police station should execute the examination which is expressed under section 19 of the Prevention and Suppression of Human Trafficking Act 2012.⁸⁸ It has been guaranteed under the section that he can conduct a proactive inquiry before the recording of the FIR, in case there's any plausibility of commission of any offence under the provisions of this Act. The examination or inquiry shall be conducted within 90 days, in the event that there's any direness to travel to a remote nation for the collection of any foreign evidence since the interstate inquiry under the Act is going on with the endorsement of the Tribunal, the police officer might organize an extraordinary examination committee and provide authoritative and budgetary assistance.⁸⁹ In any case, there should be a central examination cell at the police headquarters for planning and observing the examination, security arrangements, preventive capacities and obligations of the police.

A Police officer not underneath the rank of Sub-Inspector might be authorized and have the control following section 20 of the PSHT Act, 2012, additionally in compliance with the arrangements given in section 103 of the Code of Criminal Procedure 1898, to conduct preventive search, to enter into any premises, to seize any equipment, archive any document anticipating the offence of human trafficking.⁹⁰ This search may be started without a warrant in the presence of two or more respectable witnesses of the region. In addition, this search might be concluded within 72 hours and the police officer should send a copy about the details of the search to the concerned Officer and the Tribunal having purview.⁹¹

Anti-Human Trafficking Offence Tribunal is also an outcome of the Act of 2012. Fundamentally the Anti-Human Trafficking Offence Tribunal is set up to ensure a speedy trial (which should be concluded within 180 working days from the date on which a

charge of the offence has been framed concurring to section 24 of the Prevention and Suppression of Human Trafficking Act, 2012) comprising of a judge of the rank of a Session Judge or Additional Session Judge in any locality.⁹²

There are several penalties under the Prevention and Suppression of Human Trafficking Act, 2012 for committing such acts which amount to human trafficking or other ancillary offences. These are:

1. If someone commits human trafficking, then he shall be punished with imprisonment not exceeding the imprisonment for life but not less than 5 years of rigorous imprisonment. Fine; not less than 50 thousand.⁹³
2. If human trafficking is committed by several members of any organized group for acquiring financial or other benefits then each member, responsible for the offence, shall be punished with death or imprisonment for life or rigorous imprisonment for a term not exceeding 7 years, fine not less than taka 5 lac.⁹⁴
3. If a person is guilty of instigating, conspiring or attempting to commit the offence of human trafficking or knowingly allowing his property in use for such an offence or taking possession of any document involves himself in the offence then he shall be punished with rigorous imprisonment for a term not exceeding 7 years but not less than 3 years fine not less than taka 20 thousand.⁹⁵
4. If someone, by using unlawful forces, threats or by any other means of pressure, compels any other person to do any work, to provide labor or services or holds in debt-bondage then he shall be punished with rigorous imprisonment for a term not exceeding 12 years but not less than 5 years, fine not less than taka 50 thousand.⁹⁶
5. If any person kidnaps, conceals or confines someone for human trafficking or puts into a state of sexual exploitation or oppression then he shall be punished with rigorous imprisonment for a term not exceeding 10 years but not less than 5 years fine not less than taka 5 thousand.⁹⁷
6. However, if any person steals or kidnaps a newborn baby to commit human trafficking then he shall be punished with imprisonment for life or with rigorous imprisonment for a term not less than 5 years, fine not less than taka 5 thousand.⁹⁸

7. If any person, by means of force or fraud or inducement, imports any other person in Bangladesh or transfers inside Bangladesh for prostitution or other sexual exploitation or oppression then he shall be punished with rigorous imprisonment for a term not exceeding 7 years but not less than 5 years, fine not less than taka 50 thousand.⁹⁹
8. If someone places or manages or assists in placing or managing a brothel, then he shall be punished with rigorous imprisonment for a term not exceeding 5 years or but not less than 3 years, fine not less than taka 20 thousand.¹⁰⁰
9. Moreover, if any person being tenant, lessee, in charge of any place or being owner of any land or house knowingly allows someone to use that place as brothel then he shall be punished with rigorous imprisonment for a term not exceeding 5 years but not less than 3 years fine not less than taka 20 thousand.¹⁰¹
10. If any person, in any public place or from within the house, provokes others for the purpose of prostitution by words or indecent gesture, he shall be punished with rigorous imprisonment for a term not exceeding 3 years or with fine not less than taka 20 thousand or with both.¹⁰²
11. If any person creates any major obstacles in an investigation or in any judicial proceeding initiated under the Act by threatening or using force against the victim of human trafficking or witness or his family, then he shall be punished with rigorous imprisonment for a term not exceeding 7 years but not less than 3 years fine not less than taka 20 thousand.¹⁰³
12. If any person files a false case or complaint or abuses the legal process or compels any other person to do so under this Act in order to harm someone then he shall be punished with rigorous imprisonment for a term not exceeding 5 years but not less than 2 years, fine not less than taka 20 thousand.¹⁰⁴

Where a person who abets in the commission of such an offence under the Act shall be punished with the equal punishment provided for the concerned offence.¹⁰⁵

7.2 An Analysis of International Laws:

Human Trafficking violates many provisions of International human rights law. Many provisions of International Covenant on Civil and Political Rights 1966, Convention on the Rights of the Child 1989, Convention on the Elimination of All Forms of Discrimination 1981, International Covenant on Economic Social and Cultural Rights 1976 are violated and seriously transgressed due to the vices of human trafficking. In fact there is no single provision that are not violated by human trafficking across the world.

There is a specialized convention to combat human trafficking across the world. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the U.N. Convention against Transnational Organized Crime 2000 or Palermo Protocol 2000 is the convention that deals with the vices of human trafficking. A convention titled 'Slavery Convention 1926' was the predecessor of this convention that prohibited forced labor at that time.¹⁰⁶

And the convention's preamble says "Every member state shall adopt effective action to prevent and combat trafficking in persons, especially women and children, requires a comprehensive international approach in the countries of origin, transit and destination that includes measures to prevent such trafficking, to punish the traffickers and to protect the victims of such trafficking, including by protecting their internationally recognized human rights." It aspires for collective effort from every country around the world.¹⁰⁷

VIII. SUSTAINABLE MECHANISMS TO CONTROL TRAFFICKING

Human Trafficking is a grievous crime and considered to be the gravest violation of Human Rights. Almost every year a huge number of women, children and men are falling prey to human trafficking. The victims of trafficking can be of any age, gender, community and nationality. To lure the victims the traffickers use force, coercion, abduction and fraud them for the purpose of labor, sexual exploitation and so on. Now this problem has become a global concern.

If we peep into the history of human trafficking, we get to know that the first flow of global human trafficking began with the African slave trade.¹⁰⁸ At that time this sort of trade was deemed as legal and also permitted by the government.¹⁰⁹ For absence of adequate International Organization it was hard to make binding decisions at once.

In Bangladesh the ratio of human trafficking is at top. Today Bangladesh has become a major source of supplying victims to the countries of the Middle East, Asia, Africa and Europe. At present times, this issue has become a modern-day slavery of vulnerable people. Though human trafficking is considered as the major violation of human rights under The Constitution of People's Republic of Bangladesh, still every year thousands of Men, Women and Children are becoming victim to it.

The root cause of Human Trafficking is mainly the financial condition of the vulnerable people. As a result, these people are psychologically pushed to get migrated for a better life with better options. The International Labor Organization (ILO) found 42% trafficking victims are sexually abused and another 32% are financially exploited.¹¹⁰ After the financial condition comes inequality and gender discrimination. We are living in the 21st century still we are encouraging the male dominating society. The root problem of the massive woman trafficking is the low mentality towards women. Gender discrimination and male mindset are proportionately responsible for this crime. The women are not given proper education as compared to men. Women's social status has always been lower than men. The loopholes in existing laws and orders also contributing the increasing ratio of human trafficking. The security measures are not taken in a satisfactory level in the border areas. The growing tendency of human trade is now turning into a great business. It's attracting the criminal gangs to smuggle and transfer the women, children and men for their financial benefit. According to a research from 2011 of the 'Bangladesh National Women Lawyer Association' (BNWLA) there are more than 30,000 children living in the Indian brothel. Yearly, more than 4500 women and children are transferred to Pakistan and other countries.¹¹¹

Bangladesh has a number of legal frameworks to prevent human trafficking. The constitution of the people's republic of Bangladesh provides that the respect for human rights and Dignity pervades the constitution of Bangladesh and the state shall take effective measures to prevent prostitution and Gambling.¹¹² The Constitution has strictly prohibited forced labor under Article 34(1). The 'Human Trafficking deterrence and suppression Act of 2012' ensures the protection of the victims. The act also has provisions regarding safe migration. A special tribunal has been created to prosecute the offences against Women and children under 'The women and children repression prevention Act of 2000'. The Children Act of 2013 deals with safe custody and protection of child. However, the punishment discussed in the act is not sufficient to prevent such crimes.¹¹³ The Bangladesh Labor Act also prohibited children under the age of 14 to be engaged in hard Labor. Any person employing children for working not obeying the provision of this act shall be punished under this act. To combat the battle of human trafficking the government along with national and international organizations are showing reluctance in taking effective measures. The national plan of action 2012-14, combating human trafficking is yet to be implemented by the ministry of Bangladesh.

These are some policies and suggestions for controlling them growing threat;

1. The definition of human trafficking in existing laws are ambiguous. Government and policymakers should update the existing laws at a level that make it more precise.
2. Government should take serious action against the corrupted border guards, coast guards and local police. There should be a satisfactory number of police checkpoints in every borders area and targeted areas.
3. Creating awareness among the vulnerable group people can play a great role to indicate the problem.
4. As mentioned earlier the major factor of being induced by the traffickers is financial status. If government can take some measures and give the poor people the scope of being employed and earn their livelihood it will solve half of the crisis.
5. Government should start giving proper training to the law enforcement agencies so they can fight

cases of child trafficking with utmost capability and diligence

6. There has to be an easy access medium for people to contact with the law enforcement agencies, if they observe any unnatural behavior or crime in their locality
7. Speedy identification and prosecution of the middleman or agents shall play a key role in combating the human traffickers
8. The punishment for all sort of Labor trafficking should be increased to a certain level.
9. Implementing policy that protects the safety and wellbeing of the victims and cooperating them with financial assistance.
10. The process of registering the migrated workers should be inflexible and firm.
11. Education should prevail above all. Education for children and women and targeted group of vulnerable people should be the paramount responsibility of the state. If the state can ensure this than combating human trafficking would not be very hard.
12. NGOs with the help of government should come up with new effective policies which will be facilitated to prevent this violation of human rights.
13. For speedy investigation the use of modern technology can prove very fruitful.
14. The cross-border relationship is a major factor. Except blaming each other jointly they should undertake measures to identify the main entry points and all corridors, where the crimes take place and demolished the corridors thereby.

Human trafficking is becoming a great concern of the world. It's becoming a great threat to human existence. If government fails to incorporate effective sustainable measures, we may fail to control the growing margin of human trafficking. It's not only a crime but also the violation of several human rights. So, this crisis of human trafficking should be addressed and re-addressed for the gross sustainable eradication of this crime from the society.

IX. CONCLUDING REMARKS FOR ENHANCING ANTI TRAFFICKING ENVIRONMENT

This paper has endeavored to find the reasons of human trafficking around the world and contributing factors of women and children trafficking in Bangladesh. It found that Bangladesh being a developing country somehow creates the demand of earning more money and a better life standard. This betterment creates demand at the lower level of country. The ones who are destitute or in need of money will tend to do anything or migrate anywhere to eradicate destitution. This vulnerability is utilized by the traffickers to target the women and children of our country. In fact, the rohingya crisis is somehow contributing more to the dynamics of women and children trafficking of our country. Eventually the dissertation shows how trafficking has spread like a pandemic across the world and what legal administrative and legal development took place. Side by side the contribution of United Nations Office of Drugs and Crimes is also explained in the paper. Finally, the paper showed some comprehensive mechanisms to resolve the crisis in Bangladesh and sought for some sustainable solutions along with the legal developments occurred in Bangladesh.

Lastly, human trafficking is also spreading like a global pandemic across the world. The international community has addressed the problem through different mechanisms. United Nations Office of Drugs and Crime has recognized the problem through different vices and they are working continuously to solve the crisis. As human trafficking has become a modern-day slavery all over the world it will obviously threaten the mankind in several ways. It will damage the societal structure of a country and gradually the structure of the whole world.

As of late wonders, Human Trafficking is broadly spreading within the third world nations like Bangladesh hugely. Since 31.5% individuals live upper destitution line and 17.6% individuals live beneath lower destitution line demonstrates the level of extraordinary poverty level in this nation so the destitution is regarded as the revile for a long time.¹¹⁴ With the mental and social weight, the people and extremely poor people groups of these nations like

Bangladesh can be effortlessly controlled for trafficking. These affected people of groups move their vile of trust without knowing the actual future waiting for them. In this ponder, we have attempted to disclose the real variables impacting the trafficking. Also, frail and unorganized government approach in avoiding human trafficking is playing a critical part. Powerless and unorganized government mechanisms are somehow contributing to the factor. More work opportunities for the unemployed populace, increment efficiency within the agricultural sector, implementation of law to squeeze the illicit movement is the time tailored demand now. Human trafficking has left an awful affect towards ladies, children additionally that makes an awful picture of the nation's protection mechanisms. After protecting the victims from these casualties, they will be going through a lot of mental misery and social mortification. They require legitimate direction and information. The overpopulation issue of Bangladesh can be turned into an incredible labor. For that reason, legitimate arrangement usage and requirement of law is the most needed for Bangladesh. As Bangladesh, being a destitute and overpopulated nation, the escalation of the offence of human trafficking is most horrifying to some extent. To combat with this extremely touchy complication, the Government and other individual NGOs has taken into consideration a few strategies and carried out certain laws as of now. In any case, all their endeavors may not illustrate to be profitable operation centering on the matter. To highlight this appalling issue and to battle against this challenge the Government, NGOs and other worldwide communities in conjunction with the Media (for campaigning against trafficking) ought to join hand in hands at the same time government should adopt major steps to fight back human trafficking. As manpower is the strength of Bangladesh it might project necessary projects to safeguard the biggest strength of the nation. Coastal areas shall be protected and equipped with necessary equipment. Campaign and social awareness program can be run individually to make people aware of the gravity of the offence and the effect of it to a victim. Policies should be adopted as early as possible as Bangladesh is somehow falling prey to the vices of human trafficking. All government agencies shall work hand in hand under comprehensive guideline of the government so that we can deserve a human trafficking free country.

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