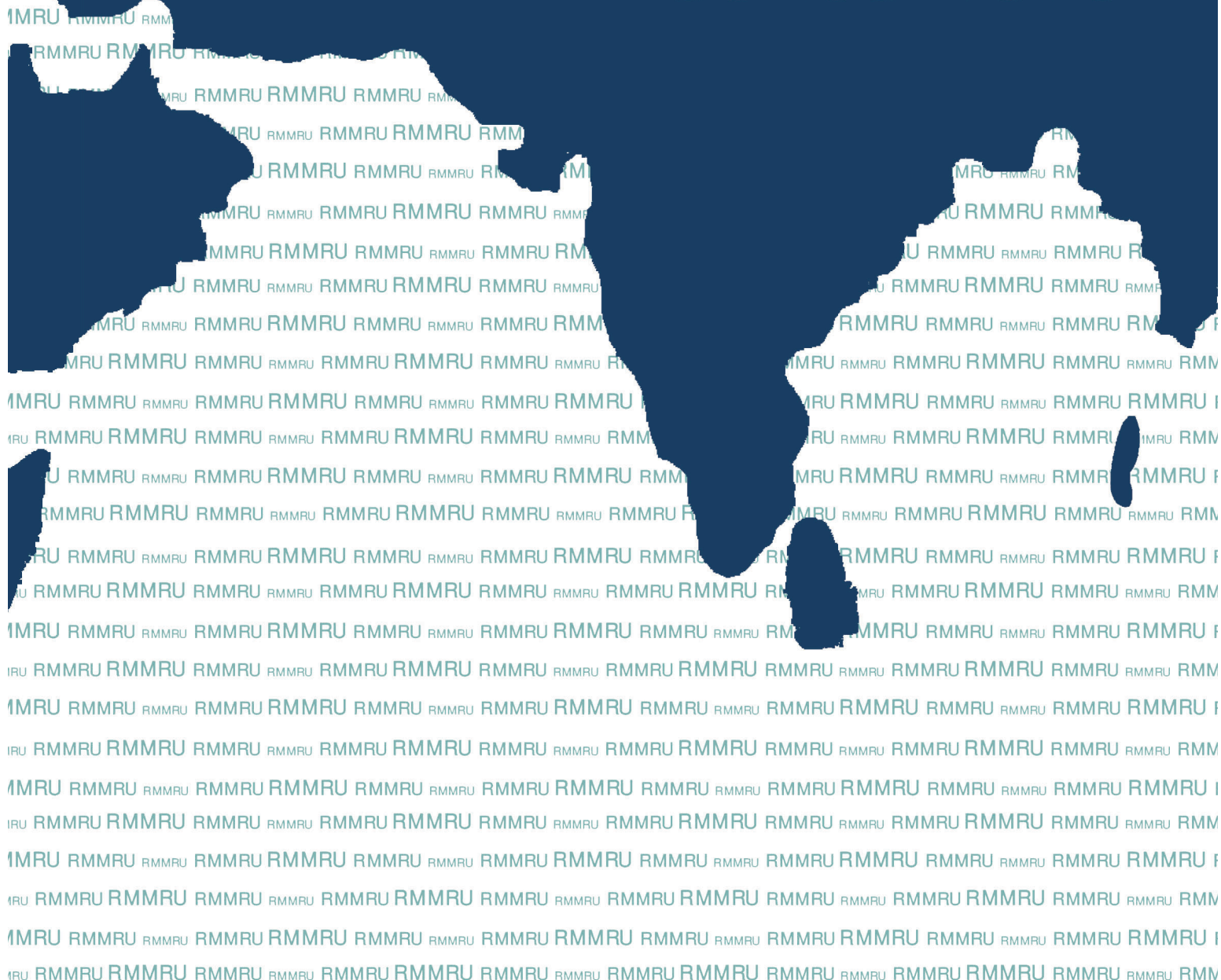




# RMMRU

## Working Paper Series No. 6



**Human Security Concerns:  
Trafficked Women and Children from Bangladesh**

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The RMMRU Working Paper Series presents papers in a preliminary form. More information on the work and research projects of RMMRU can be found online at [www.rmmru.org](http://www.rmmru.org).

**Acknowledgements**

This paper was produced under RMMRU's project titled: *Population Movements: Non-Traditional Issue in South Asian Security Discourse Project*, supported by the Ford Foundation.

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**Recommended Citation**

Khair, Sumaiya, (2005). *Human Security Concerns: The Case of Women and Children Trafficked from Bangladesh* (Working Paper Series no. 6, Dhaka: RMMR

# **HUMAN SECURITY CONCERNS: THE CASE OF WOMEN AND CHILDREN TRAFFICKED FROM BANGLADESH**

## **Chapter 1**

### **Introduction**

Security discourses have customarily concentrated on external armed or military threats to a state. Influenced largely by the realist underpinnings of international politics, the traditional school of thought did not differentiate between the security of a state and that of its citizens. Over the years however, this perception has undergone substantial transformation as the issue of human security gained prominence whereby it was considered synonymous to state security. New issues of human insecurity have been identified that include *inter alia* economic security, food security, environmental security, personal security, community security and political security. In common parlance these issues are referred to as non-traditional security, which has a direct bearing on individuals.

Restrictions on mobility of the people across the region invariably result in underhand movements of human populations. Historically people of this region have always migrated to neighbouring countries for economic reasons. While lack of regularised migration opportunities is manifested in some countries, in others the immigration controls are too rigid. In either situation, people are compelled to rely on unscrupulous groups in order to procure jobs abroad. Undeniably, this enhances the profitability of human trafficking and more and more people are unwittingly entrapped in sexual slavery and forced labour, women and children predominating. With many countries restricting immigration, more and more people are relying on trafficking networks for assistance for crossing borders thereby placing themselves in potentially dangerous situations. Consequently, trafficking today has reportedly turned into a big business in Bangladesh as women and children in large numbers are routinely transferred into the bordering countries and beyond.

Of late, policy makers and analysts have been viewing mass movements of people as a major security challenge. Alluding to it as non traditional security threat, they argue that such movements carry serious implications in terms of financial capacity, political and social stability and the well-being and integrity of the host countries. Illegal immigrants, irregular migrants and trafficked victims fuel resentment amongst the local populace for apparently imposing a strain on jobs, housing, food, education and public utilities. There is also the general perception that immigrants bring an increase in crime, delinquency and social disorder<sup>1</sup>. There is evidence of an increasing tendency amongst vested groups, who, through speech act and other calculated measures, advocate for emergency actions by the state to mitigate such movements ostensibly in the greater interests of the people, state and international community. Operating outside the ambit of normal political philosophy, these deliberate actions link ordinary social threats to notions of state security in ways that make irregular population movements seem like a nexus of all fears. Needless to say, the process fails to acknowledge the effect of securitisation of trafficking on the human security of the victims.

### **1.1 Understanding Trafficking**

The present study seeks to examine the human security threats to a particular group of individuals, namely women and children victims of trafficking. In order to achieve the clear understanding of the phenomenon it is deemed essential to distinguish between trafficking, human smuggling and irregular migration.

According to the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000* (a supplement to the UN Convention against Transnational Organized Crime) “ Trafficking in Persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, fraud, deception, of the abuse of power or position of vulnerability,

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<sup>1</sup> ‘Non-Traditional Security Threats: Economics, Crime and Migration’ in Croft, Stuart, James, Lucy, Morgan Patrick M., Terriff, Terry (eds.), *Security Studies Today*, Polity Press, Cambridge, 1999, pp.135-168, at p. 157, 161.

of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation. Exploitation in this context shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs”.

Comprehensive in its approach, the UN Protocol addresses three principal factors, namely, *what acts constitute trafficking* (recruitment, transportation, transfer, harbouring, receipt), *what are the means of trafficking* (threat, use of force, other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability, giving/receiving payments) and *what are the purposes of trafficking* (exploitation of prostitution, other forms of sexual exploitation, forced labour or services, slavery or slavery-like practices, servitude and the removal of organs). It is evident from the definition of trafficking under the Protocol that the people who are being trafficked have become diverse and the means of trafficking have also developed over the time in view of the changing demand in a highly lucrative global market.

An analysis of existing definitions on trafficking indicates that the key element in trafficking is force or other forms of coercion. Although trafficking implies the absence of consent, Article 3 of the *Palermo Protocol on Trafficking* explicitly maintains that such consent is irrelevant in the case of children. In other words, the recruitment, transportation, harbouring or receipt of a child shall constitute “trafficking in persons” whether or not any force, coercion or deception are involved.<sup>2</sup>

In any case, the term “consent” and the assumption that individuals have the ability to choose and take control of their lives must be viewed with care. What may seem like free consent may not be free after all. For example, trafficked persons may choose to remain in exploitative situations, as the available

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<sup>2</sup> ILO Technical Paper on *Forced Labour, Child Labour and human Trafficking in Europe: An ILO Perspective*, presented at the European Conference on Preventing and Combating Trafficking in Human Beings, 18-20 September, 2002, Brussels, Belgium, p. 5.

alternatives are worse. In some cases families may have incurred debts while helping the girl to migrate, albeit under false promises. If she returns home before the debt is repaid, the consequences will be far worse, so she chooses to stay back. Again, trafficked persons fear persecution by families and communities on being “spoiled” in the process and consequently, not accepted back in their midst. Moreover, where families stand to gain financially from the process, return of trafficked persons would be far from welcome. In instances of forced or fake marriages, the “wives” have no choice but to submit to the whims and control of their “husbands” whereby they are held as virtual prisoners, raped and forced to work as domestic labourers.

NGOs, media and policymakers often use the terms ‘trafficking’ and ‘human smuggling’ interchangeably. Smuggling is fundamentally distinct from trafficking in the sense that it implies a degree of consent between the individual who is being transported and the transporting agent. Upon arrival at the country of destination, the business relationship terminates and the smuggler and the smuggled part and go their respective ways. In trafficking, the journey culminates in abusive and exploitative engagements and in smuggling, although the smuggled individual may suffer injuries and indignities, the choice is voluntarily made.

Migration and trafficking, though separate, are nevertheless interrelated issues. Migration may be through both regular and irregular channels. If the migration is through irregular ways then although migrants are exposed to serious risks in the course of the journey, they are generally free to do as they choose on arrival at the place of destination. Trafficking, on the other hand, has an altogether different dimension. It involves the movement of people for the sole purpose of exploiting their labour, sexual and otherwise.

However, while distinctions between trafficking, smuggling and irregular migration are important for conceptual clarity, the fact that human smuggling and irregular migration can, and often does, turn into trafficking cannot be ruled out. It is often that, with the exception of those who are sold or abducted, people who are trafficked are basically individuals who decide to

migrate or agree to be smuggled in search of a better livelihood; instead, they become hapless victims of exploitation and forced labour in an alien territory.

## **1.2 Objective of the Study**

Until recently, the principal thrust of public concern has been in the context of women and child trafficking for sexual exploitation. There is, however, a growing realisation that trafficking of women and children also takes place for other purposes, like forced labour. While human trafficking has long been viewed as a security concern in destination countries, there is a need to traverse beyond existing rhetoric and examine the broader dimensions of trafficking to gain an understanding of the human security concerns of women and children who have been subjected to cross-border trafficking on the one hand and the impact of securitisation of trafficking on the other.

Accordingly, the present study seeks to examine the specificities of human security concerns of women and children who have fallen prey to cross-border trafficking. It also looks at attempts to securitise the phenomenon in ways that justify extreme measures at the state level outside of the normal parameters of political ethos. Finally, it addresses the gaps in regulatory mechanisms that contribute to the continuance of the phenomenon and attempts to provide a benchmark for possible redress of the problem.

## **1.3 Research Methodology**

The research involved both primary and secondary methods of data collection. Secondary data comprises primarily of existing literature on the subject including unpublished books, monographs and reports of NGOs working in this field. The primary data have been generated from two sources: firstly, in-depth interviews with 26 women and children who had been trafficked and who have now returned or been rescued and secondly, discussions with key NGO personnel and other stakeholders working with trafficking in women and children. The women and children were identified and interviewed with the assistance of the concerned NGOs. The sampling of the respondents was therefore, purposive.

The NGOs that facilitated access to the respondents are Bangladesh National Women Lawyers Association (BNWLA), Association for Community Development (ACD) and Dhaka Ahsania Mission (DAM). The locations where the interviews were conducted are Dhaka, Brahmanbaria, Rajshahi, Chapainawabganj and Jessore.

### **1.3.1 Difficulties experienced during fieldwork**

The study was beset with a few difficulties from the outset. At the beginning efforts were made to establish contact with selected NGOs that worked in the area of trafficking in women and children. The study outline and objectives were shared with them and formal permission was sought to conduct interviews with residents of shelter homes run by each of the NGOs consulted. At the beginning it appeared that there would be no dearth of interviewees since the field operations of the concerned NGOs demonstrated their active engagement in rescue, return and reintegration initiatives.

Once the fieldwork commenced, we were taken completely by surprise by the actual scenario. Although the aim in the project proposal was to interview 35 women and children in all, the target sample was difficult to achieve for a number of reasons. To begin with, in the majority of cases, the selected shelter homes had victims of internal trafficking only, namely individuals who were trafficked from the rural to the urban areas for various purposes, prostitution predominating; they virtually had no victim of cross-border trafficking. When the matter was taken up with the concerned NGOs they stated that the cross-border victims generally do not linger at the homes but are soon reintegrated. This necessitated a shift in locale for the fieldwork and steps were taken to visit some of the places where victims of cross-border trafficking were now settled with the assistance of the relevant NGOs. This essentially involved more time and expenses since the exercise often involved traveling to remote villages.

The other problem stemmed from definitional ambiguities. During the interviews it was found that quite a number of respondents who were



introduced as trafficked victims were actually irregular migrants. This presented with practical problems in the selection of individuals for interviews.

## **Chapter 2**

### **Dynamics of Trafficking in Women and Children**

This chapter concentrates on the complex factors that contribute to trafficking in women and children. In order to understand the complexities associated with the phenomenon, it is important to appreciate the circumstances that essentially push individuals into vulnerable situations and the resultant effect of their move.

#### **2.1 The Country Context**

The issue of sale and trafficking of women and children has gained considerable importance in Bangladesh. Trafficking in women and children is not simply an isolated practice, which preys on a few socially vulnerable individuals. It must be understood in the context of markets that promote an oppressive use of women and children, of cultures that sustain gender injustice and inequity and of family compliance with blatant violation of human rights.

Given that Bangladesh is strategically located and shares common borders with both India and Myanmar that are slackly patrolled greatly facilitates the illegal influx of women and children into these countries. Cox's Bazar in Chittagong is used as a transit point for people from Myanmar. The Benapole border area in Jessore is a popular site for illegal crossing into Calcutta. Other points of crossing into India are Rajshahi, Dianjpur, Naogaon and Nawabganj.

Due to the clandestine nature of the phenomenon there is no reliable quantitative data to indicate the extent of trafficking in women and children. Moreover, missing women and children often go unreported or simply suppressed for fear of stigmatisation. In the circumstances, the media and

local NGOs play an important role in documenting trafficking cases and generating information and data on incidences of cross-border trafficking in women and children. According to a survey report by South Asian Association for Regional Cooperation (SAARC), at least 12 thousand women and children are trafficked to India every year.<sup>3</sup> Given definitional complexities, an accurate calculation of the number of women and children trafficked from the country is hard to achieve. It is not uncommon even for the media to confuse cases of human smuggling and irregular migration with trafficking. Consequently, the available statistics on trafficking tend to be unreliable.

## **2.2 Factors instigating trafficking in women and children**

Poverty is as much a product as a cause of trafficking in women and children. In Bangladesh, the ideal site for recruitment for trafficking is usually an impoverished area that is characterised by livelihood loss and food insecurity. Those living in poverty have limited access to resources, which reinforces their vulnerability to trafficking. Women and children tend to suffer more on account of their positions in the social hierarchy. They have fewer employment opportunities, unequal access to land and other assets and lack education and skills necessary for competing in the formal labour market. Consequently, they are confined to subsistence activities for very little pay. These conditions compel increasing numbers of women and children to seek alternative livelihood options, thereby enhancing their vulnerabilities to trafficking.

Although discussions on trafficking are essentially premised on supply factors derived from conditions of poverty and unemployment, the practice does not exist in a vacuum. Rather, it is the result of multi-dimensional factors that range from the expansion of global market forces and growing materialism to rapid social transformation accompanied by, an overall erosion of values. Social exclusion of persons on the basis of sex is one of the major factors contributing to the trafficking of women. Such stereotyping reinforces women's subordinate positions and engenders in them a sense of powerlessness without male

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<sup>3</sup> Source: *The Daily Bhorer Kagoj*, September 27, 2003.

protection. In case of children, they are mostly at risk when they are illegitimate or orphaned or separated from their families or are subjected to abuse or are economically and socially deprived. Child labourers in the informal sector and street children are particularly vulnerable to trafficking in the absence of concrete safety nets.

Governance or rather the lack of it similarly contributes to the continuation of the practice. Absence of good governance breeds corruption amongst various state actors who often collude with recruiters and traffickers instead of prosecuting and punishing them. Despite domestic legislation and international and regional obligations to curb the practice, Bangladesh has been unable to restrict trafficking in women and children for exploitation. In fact, state mechanisms are often found to operate against women and children to the extent where gender violence even receives institutional acceptance. There exists a plethora of laws but very little awareness, much less implementation.

External migration policies of Bangladesh exclude unskilled people, particularly, women, from migrating legally. This ban essentially creates opportunities for traffickers and human smugglers to engage in illegal transportation of women and girls with promises of jobs abroad. In the absence of legal migration across the borders, vulnerable groups choose to migrate in illegal ways and become unwitting victims of exploitation in the process. Moreover, those working in illegal situations are more likely to be susceptible to traffickers and recruiters. It is therefore recognised that interventions should primarily focus on addressing human rights abuse occurring during migration or at the place of destination rather than hindering migration *per se*.<sup>4</sup> In other words, care should be taken to secure the rights of the person who chooses to migrate without restricting the process.

The demand for trafficked persons arises from a number of factors. Prosperity and commercialisation in industrialised countries and in societies in transition have triggered off a demand for new commodities, namely humans. This

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<sup>4</sup> Asian Development Bank, *Combating Trafficking of Women and Children in South Asia*, Regional Synthesis Paper for Bangladesh, India and Nepal, April 2003, p.65.

demand is met by a regular supply of vulnerable women and children, preferably from other states, so that the victims, having little access to resources and development opportunities and even less recourse to legal protection, are unable to assert minimum claims. Thus, while the term 'slavery' includes diverse forms of exploitation of human rights including slave trade, sale, prostitution, pornography, debt bondage, traffic in persons and so forth, new forms, methods and trends in enslavement practices have emerged in the contemporary world. There is a great demand for trafficked women and children from the commercial sex industries in both countries of origin as well as transit and destination countries. Besides brothels and bars, trafficked persons are also engaged in forced labour and slavery-like situations. Domestic labour is yet another occupation, which absorbs a considerable proportion of trafficked populations. Stiff competition between countries in the region has lowered the cost of labour, encouraging employers to access increasingly cheaper labour sources. Women, and children account for the bulk of this population by virtue of their relative disadvantage in the formal job market.

### **2.3 Impact of trafficking**

Trafficking reduces women and children to bare commodities that can be bought, sold, transported according to market demands. The primary means of trafficking include *inter alia* promises of well-paid jobs in the Middle Eastern countries, fake marriages, kidnapping and abduction. The resultant trauma, both physical and psychological, for victims and their families makes it one of the most degrading forms of human exploitation. Trafficked victims are subjected to harsh working conditions including violence, physical and sexual abuse in the countries of destination. Alienated from their own communities they are unable to go to local authorities for help; where they do have the option they are reluctant to utilise it lest they are jailed and prosecuted as illegal migrants.

The absence of adequate legislation and in some instances, slack implementation of existing legislation on trafficking, permits organised syndicates, recruiters and middlemen to engage in this criminal activity with impunity. Charges are rarely pressed; apart from the complexities involved in

judicial proceedings fear of reprisal by the accused generally discourages victims from bringing formal charges against the offenders.

The Bangladesh Thematic Group on Trafficking expounds certain factors that engender harm/exploitation for trafficked persons, for example, loss of control, third party involvement, commercial gain, violation of human rights and national laws and finally, mobility. According to their analysis, loss of control refers to circumstances where the individual cannot simply leave the situation due to some inhibiting factors, like fear of reprisal, physical confinement, violence or threats of violence, intimidation and the like. Third party involvement is basically the participation of others, typically family members, brokers, pimps and employers in deciding or influencing the decision of an individual to move that culminates in exploitative outcomes. The harm/exploitation within the trafficking paradigm essentially denotes work-related exploitation, either in the formal or the informal sector, and which produces financial gains for the third party involved. The process of recruiting, harbouring, selling and transporting of individuals conflicts with the laws of the land. When elements of force, violence, deprivation of food, rape, and beatings accompany the process, the human rights of the individuals are compromised as well. Finally, when the movement itself results from coercion, force, deception or fraud, there harm/exploitation cycle is complete.<sup>5</sup>

### **Chapter 3**

#### **Anti-Trafficking Initiatives: Law and Policy**

The present section examines the various laws and policies adopted and endorsed by Bangladesh at the national, regional and international levels that are geared towards addressing the issue of trafficking in women and children. An attempt is made here to highlight the initiatives taken by the State to curb the practice, at the same demonstrate the practical constraints impeding their effective implementation.

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<sup>5</sup> Bangladesh Thematic Group on Trafficking, *Revisiting the Human Trafficking Paradigm: The Bangladesh Experience*, Part I: Trafficking of Adults, International organization for Migration (IOM), 2004, pp. 24-27.

### **3.1 The National Legal Regime**

Bangladesh has a host of laws that deals with the issue of women and child trafficking in varying degrees. The *Constitution of Bangladesh 1972*, a vanguard of fundamental rights for citizens, pledges *inter alia* the protection of women and children from exploitation including forced labour and prostitution. Constitutional guarantees in this regard are supplemented by other laws, a brief overview of which is given below.

#### **The Penal Code, 1860**

*The Penal Code, 1860*, deals with various offences affecting the human body that range from exposure and abandonment of a child under 12 years by parents or others (Section 317), to wrongful restraint (Section 339) and wrongful confinement (Section 340), criminal force (Section 350) and assault (Section 351) to kidnapping (Section 359), abduction (Section 362), slavery (Section 371), forced labour (Section 374), rape (Section 375) and other kinds of unnatural offences (Section 377).

Children receive special focus in respect of kidnapping from lawful guardianship (Section 361), kidnapping and abduction of a person under 10 years of age (Section 364A), procurement of a minor girl (Section 366A), importation of a girl from foreign country (Section 366B), sale and purchase of a minor for purposes of prostitution, etc. (Sections 372 and 373 respectively).

The Penal Code, 1860 also provides rigorous punishment that may even extend up to a death sentence. It prescribes imprisonment for 7 years and fine for the kidnapping of minor boys under 14 years and girls under 16 years, a maximum sentence of 10 years and/or fine or both for the procreation of a minor girl and for habitual dealing in slave, kidnapping or abducting any other person (Section 367), or wrongful concealing (Section 368), or kidnapping a child under 10 years with the intention to steal from his parents (Section 369), for forcing a minor girl under the age of 18 years to illicit intercourse with another person (Section 366A), for buying and selling of minors for purposes

of prostitution or for any unlawful and/or immoral purpose (Sections 372, 373), death or rigorous punishment for up to 14 years for kidnapping or abducting anyone under the age of 10 years for grievous hurt, slavery or the lust of any person (Section 364 A). It also prescribes punishment for the person who unlawfully compels any person to labour against his will with imprisonment, which may extend to one year (Section 374).

### **The Suppression of Immoral Traffic Act, 1933**

*The Suppression of Immoral Traffic Act, 1933* prescribes punishment for living off the earnings of the prostitution of others (Section 8), for procuring and importing females for the purpose of prostitution (Sections 9 and 10), for detaining a female under 18 years against her will in a place where prostitution is carried on or detaining a female against her will in any premise with the intent to engage her in sexual intercourse with any man other than her lawful husband (Section 11) and for causing or encouraging or abetting the seduction or prostitution of a girl under 18 years (Section 12).

### **The Children (Pledging of Labour) Act, 1933**

*The Children (Pledging of Labour) Act, 1933* prohibits the making of agreements to pledge the labour of children and the employment of children whose labour has been pledged. It prescribes punishment for parents and guardians who enter into agreements to pledge the labour of their children and makes such agreements void (Sections 2 and 3). It also provides punishment for the person who enters into an agreement with a parent or guardian pledging the labour of a child (Section 5). Similar treatment is stipulated for a person who employs or permits the employment of a child, knowing that the labour of the child has been pledged (Section 6).

### **The Vagrancy Act, 1943**

*The Vagrancy Act, 1943* was enacted to deal with vagrancy in the country. The act prescribes punishment for the person who employs or causes any person to ask for alms or abets the employment or the causing of a person to ask for alms. It also provides punishment for the person who, having custody,

charge or care of the child, connives at or encourages the employment or the causing of a child to ask for alms (Section 19).

### **The Children Act, 1974**

*The Children Act, 1972* is a consolidated law on the custody protection and treatment of children. Part VI of the Act relates to special offences in respect of children. The Act provides stringent punishment for persons who engage in cruelty to children in their care or custody. This includes assaults, ill-treatment, neglect, abandonment or exposure in a manner that is likely to cause injury to his/her health, life and limb (Section 34). Punishment is also meted out to persons for giving a child intoxicated liquor or dangerous drugs (Section 37) or allowing a child to reside in or go to a brothel (41). The Act also makes punishable the causing or encouraging the seduction or prostitution of a girl under 16 years or causing her to have sexual relations with any person other than her lawful husband (Section 42). The Act also forbids the exploitation of child employees who have been secured ostensibly for menial labour or work in a factory or other establishment (Section 44).

### **The Extradition Act, 1974**

*The Extradition Act, 1974* provides for the extradition of fugitive offenders to and from a treaty State, the names of which are declared by the Government by way of a gazette notification. The schedule to this Act lists a number of offences for which the offender shall be extradited. The enlisted offences include *inter alia* rape, procuring or trafficking in women or young persons for immoral purposes, kidnapping, abduction or dealing in slaves, stealing, abandoning, exposing or unlawfully detaining a child. The aiding and abetting, or counselling or procuring the commission of, or being an accessory before or after, or attempting or conspiring to commit, any of the aforesaid offences also fall within the ambit of this law.

### **The Emigration Ordinance, 1982**

*The Emigration Ordinance, 1982* prohibits the recruitment of or attempt to recruit any citizen for overseas employment except in accordance with the



provisions of the Ordinance unless he possesses a valid demand and valid travel documents with registration [Article 7(2)]. “Emigration” has been defined as the departure by sea, air, or land out of Bangladesh of any person for the purpose or with the intention of working for wages or engaging in any trade, profession or calling in any country beyond the limits of Bangladesh [Article 2 (f)]. Persons who have been duly selected by a recruiting authority or agency recognised by the Government are permitted to emigrate under the Ordinance. However, the Government may prohibit the emigration of any person if it is satisfied that the emigration of such person is not in the public interest [Article 8(1)].

### **The Women and Children Repression Prevention Act, 2000**

*The Women and Children Repression Prevention Act, 2000* was enacted to provide stringent measures for suppressing offences relating to repression of women and children.

The Act prescribes punishment for any person, who, with the intention of engaging in prostitution or illegal or immoral acts, brings in from abroad and send from the country women and children or deals in the sale, purchase, hire and delivery of women and children for illegal and immoral purposes. The Act imposes a maximum punishment of death or life imprisonment or rigorous imprisonment of not less than 10 years with fine against a person who engages in imports or traffics or sends any woman abroad with the intention of using her in prostitution or unlawful or immoral purposes or buys or sells or lets to hire or hand over for such purpose (Sections 5 and 6). The Act also stipulates a sentence for life or a minimum of 14 years rigorous punishment and cash fine against any person who kidnaps a woman or a child for “unlawful purposes” including prostitution.

### **3.2 The National Policy Regime**

The seriousness with which the Government views the issue of trafficking in women and children is evident from certain policy initiatives taken by it in recent times.

The *Interim Poverty Reduction Strategy Paper* adopted by the Government in 2003, underscores the need to reduce poverty and at the same time eliminate social violence against the poor and the disadvantaged, especially violence against women and children. It states unequivocally:

The growing violence against women both in public places and at home has been identified as a major social concern in urban as well as rural areas. This represents a serious constraint on the physical mobility of women, acts as a hindrance to women's participation in market activities especially in the labour market and restricts their pursuit of education beyond the primary level and access to health services.

Social violence clearly escalates vulnerabilities of women and children to trafficking and insecurity. The strong endorsement by the IPRSP to reduce social violence indeed strengthens and supplements existing policies that seek to combat trafficking in women and children.

To date, the significant policy documents that significantly address the issue of trafficking in women and children include the *National Plan of Action for Women and Platform of Action 1998*, the *National Plan of Action for Children 1997-2002*<sup>6</sup> and the *National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking, 2002*. These policies contain explicit programmes to combat trafficking in women and children. The role of different agencies of the Government in implementing anti-trafficking laws and policies is also explicitly outlined in these documents.

### **Current Government Programmes**

Current initiatives of the Government focus on prevention, interception, rescue, recovery and reintegration of trafficked women and children. The key Government stakeholder is the Ministry of Women and Children Affairs (MWCA), which is implementing a NORAD supported pilot project on *Child Development: Coordinated Programme to Combat Child Trafficking* (CPCCT). The primary thrust of this project is to undertake motivational activities and to support organisations working in the area and other relevant stakeholders

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<sup>6</sup> The National Plan of Action for Children 2003-2007 has been drafted and is awaiting approval by the Government.

through trainings, workshops, information dissemination and community empowerment. Law enforcement officials including police, BDR, CID and Ansar-VDP constitute one of the major stakeholders who are trained on salient issues pertaining to trafficking. MWCA is also implementing another Project with UNICEF on *Empowerment and Protection of Children and Women*, which essentially addresses sexual exploitation and abuse of women and children, the promotion of gender equality and empowerment of adolescent girls. Other programmes include capacity building of law enforcement agencies with support from IOM and vocational training, non-formal education and health services for improving street children's environment and addressing the problem of HIV/AIDs and mobility in the development context with assistance from the UNDP and ILO-IPEC Programme to combat trafficking in children for exploitative employment.

The Ministries of Home, Social Welfare, Expatriate Welfare and Overseas Employment, Information and Foreign Affairs frequently collaborate with MWCA in implementing and monitoring various anti-trafficking initiatives. Besides, the Government works in partnership with local NGOs and INGOs, e.g., Action Aid-Bangladesh, Care-Bangladesh, Asian Development Bank, USAID, Save the Children Alliance, UNAIDS and UNIFEM in its attempts to prevent the phenomenon and provide assistance to the victims.

### **3.3 Regional Initiatives**

#### **The SAARC Convention for Preventing and Combating Trafficking in Women and Children for Prostitution, 2002**

At a regional level, Bangladesh has endorsed the *SAARC Convention on Combating the Crimes of Trafficking in Women and Children for Prostitution* in 2002. The Convention provides a framework for regional cooperation in curbing human trafficking and other exploitative practices. It requires member states to take necessary measures for ensuring *inter alia* legal and health services for victims of trafficking. It calls on countries to sensitise their Judiciaries and law enforcement agencies on the issue of trafficking and to promote awareness of the phenomenon with particular focus on preventive and

development focus. Bilateral mechanisms are recommended for interception of trafficked women and children. It further specifies that trafficking will be an extraditable offence within terms of any extradition treaty between states parties.

Doubtless a commendable effort, the SAARC Convention nevertheless, has a serious drawback in that it only applies to women and children in prostitution, exploitation, fraudulent and child marriages without taking into account other aspects of trafficking, e.g., domestic labour, camel jockeys.

### **The Bangkok Declaration on Irregular Migration 1999**

South Asian countries, including Bangladesh, participated in the international symposium that adopted the Bangkok Declaration on Irregular Migration. It acknowledges the various factors that contribute to irregular migration, which often result in smuggling and trafficking in human beings. Accordingly, the Declaration urges countries in the region to enact legislation that would criminalise these practices and cooperate to bring the perpetrators to justice. It also calls for humanitarian treatment of irregular migrants and for designating national focal points for collaboration on issues of migration.

### **South Asian Strategy against Commercial Sexual Exploitation of Children and Child Sexual Abuse 2001**

Governments of South Asian countries endorsed the South Asian Strategy against Commercial Sexual Exploitation of Children and Child Sexual Abuse in preparation for the Second World Conference against Commercial Sexual Exploitation of Children in Yokahama in 2001. The strategy stresses on development of national plans of action, the enactment of requisite laws and effective implementation of the same, the establishment of regional and national focal points, consultations with relevant stakeholders, advocacy for law reform, strengthening prosecution mechanisms and sensitizing judicial and law enforcing agencies for combating commercial sexual exploitation of children.

### **3.4 The International Legal Framework**

Bangladesh is party to a number of international legal instruments, adopted under the auspices of the United Nations and the International Labour Organisation that impinge directly on the issue of trafficking in women and children.

#### **The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949**

The Convention stipulates that a person who procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person shall be punishable (Article 1). It further provides that any person who keeps or manages, or knowingly finances or takes part in the financing of a brothel and knowingly lets or rents a building or other place or any part thereof for the purpose of prostitution shall also be punishable (Article 2). The Convention encourages States Parties to adopt measures to prevent trafficking through education, health facilities, social and economic activities (Article 16), ensure protection of children while entering/leaving a country (Article 17) and supervise employment agencies (Article 20).

#### **The Slavery Convention, 1926**

The Slavery Convention, 1926 enjoins upon States Parties to prevent and suppress slave trade that includes the capture, acquisition or disposal of a person with the intent to subject him to sale or exchange and reduce him to slavery. It also calls for a complete abolition of slavery in all its forms (Articles 1 and 2). Severe penalties are recommended for breach of the provisions of this Convention (Article 6).

#### **The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956**

The Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956 enjoins upon States Parties to take practical and necessary legislative and other measures to bring about progressive and speedy abolition or abandonment of institutions

and practices relating to slavery and slave trade including debt bondage and serfdom (Article 1).

### **ILO Convention on Forced Labour, 1930 (No. 29)**

The Forced Labour Convention, 1930 seeks to suppress forced labour or compulsory labour in all its forms and makes the illegal exaction of forced or compulsory labour punishable as a penal offence. The Convention defines forced labour as the work or service, which is exacted from any person under the threat of any penalty and for which the said person has not offered himself voluntarily (Article 2) and calls for its suppression in the shortest possible time.

### **ILO Convention on the Abolition of Forced Labour, 1957 (No.105)**

This Convention enjoins upon States Parties to take appropriate measures not only to suppress forced labour, but also to secure the immediate and complete abolition of forced or compulsory labour (Articles 1 and 2).

### **The International Covenant on Civil and Political Rights, 1966**

The Covenant expressly provides that none shall be held in slavery and servitude. It prohibits slavery and the slave trade in all its forms and adds that none shall be required to perform forced or compulsory labour (Article 8). The Covenant further provides that none shall be subjected to torture or cruel, inhuman or degrading treatment or punishment (Article 7).

### **The Convention on the Rights of the Child, 1989**

One of the most comprehensive of UN documents the CRC is noted for its high number of ratifications. The Convention recognises that children need special care and protection on account of their vulnerability. It provides for the protection of the child from all forms of sexual exploitation and sexual abuse and requires States Parties to take appropriate national, bilateral and multilateral measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices, the exploitative use of children in pornographic performances and material (Article 34). Similar initiatives are

recommended to prevent the abduction of. Sale of and traffic in children for any purposes and in any form (Article 35). States Parties shall protect the child against all forms of exploitation prejudicial to any aspect of the child's welfare (Article 36). States parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment. States Parties are also required to take appropriate measures to combat the illicit transfer and non-return of children abroad (Article 11).

The Convention further requires States Parties to recognise the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development. Accordingly, appropriate legislative, administrative, social and educational measures are recommended in implementing this provision.

### **Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2001**

The Optional Protocol to the CRC has been adopted to supplement the provisions of the CRC and effectively ensure the protection of the child from sale, prostitution and pornography. Under the Protocol, States Parties are required to prohibit child sale, prostitution and pornography (Article 1). It provides that State Parties shall make the offer, delivery or acceptance of a child for the purpose of sexual exploitation, transfer of organs for profit, engagement in forced labour and prostitution punishable under the penal laws of the land (Article 3). The Protocol urges States Parties to adopt or strengthen, implement and disseminate laws, administrative measures and social policies and programmes to prevent the abovementioned offences (Article 9).

### **The Convention on the Elimination of All Forms of Discrimination against Women, 1979**

Premised on the fundamental principle of equality and non-discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, 1979 requires States Parties to take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation and prostitution of women (Article 6). The Convention calls for women's right to protection of health and safety in working conditions, including the safeguarding of their reproductive functions [Article 11(1)(f)].

### **ILO Convention on the Elimination of the Worst Forms of Child Labour, 1999 (No. 182)**

The Convention defines the worst forms of child labour as all forms and practices of slavery such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour including forced or compulsory recruitment of children for use in armed conflict, the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances, the use procuring or offering of a child for illicit activities in particular for the production and trafficking of drugs and the work, which is likely to harm the health safety or morals of children (Article 3). States Parties are enjoined upon to take all appropriate measures for the effective implementation of the provisions this Convention and secure the prohibition and elimination of the worst forms of child labour on an urgent basis (Article 1).

### **International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990**

The Convention provides protective measures for migrant workers and their families. Accordingly, they are granted the right to life (Article 9) and effective protection by the State against violence, physical injury, threats and intimidation (Article 16). Migrant workers and their families are excluded from from torture or to cruel, inhuman or degrading treatment or punishment (Article 10). The convention also provides that a migrant worker or a member



of his/her family shall not be held either in slavery or servitude or be required to perform forced or compulsory labour (Article 11).

### **Other International Commitments**

Apart from the various human rights treaties and labour conventions Bangladesh also participated in a number of international events that culminated in declarations and plans of action relevant to human trafficking. While these declarations lack binding force, they nevertheless demonstrate the willingness and consensus amongst the participating states with regard to taking necessary action to implement the commitments set out in these documents.

The most celebrated of these international commitments is the *Universal Declaration of Human Rights, 1948* that prohibits slavery and the slave trade in all their forms and maintains that none shall be held in slavery or servitude. It provides that none shall be subjected to torture or to cruel, inhuman or degrading treatment. It further lays down that everyone who works has the right to a just and favourable remuneration ensuring an existence worthy of human dignity, supplemented, if necessary, by other means of social protection.

In 1993, the *Vienna Programme of Action* adopted by the World Conference on Human Rights viewed trafficking as one form of gender-based violence. This was followed by the *Cairo Programme of Action* adopted by the International Conference on Population and Development in 1994 called on governments to prevent international trafficking in migrants, particularly for purposes of prostitution. Similarly, the *Copenhagen Declaration on Social Development* adopted at the World Summit for Social Development in 1995 urged countries to take effective measures for protecting the rights of migrants and their families and to prevent trafficking in undocumented migrants.

*The Beijing Declaration and Platform of Action* adopted in 1995 at the Fourth World Conference on Women called on governments to address the root

causes of trafficking in women and children. It urged countries to strengthen existing laws to better protect women from violence, take special measures to assist migrant women in both countries of origin and destination, ensure punishment of traffickers, allocate resources to heal and rehabilitate victims of trafficking.

### **3.5 Factors Impeding Implementation of Laws and Policies**

Like many other countries, policies and practices in Bangladesh largely focus on the illegal aspect of migration, ignoring the involvement of organised criminal networks in the trafficking of women and children. Consequently, control mechanisms are primarily aimed at irregular migrants rather than perpetrators involved in the exploitation of women and children. National laws and policies prove inadequate in dismantling the organised criminal networks and the linkages with local partners. This is largely due to the weakness in law enforcement, collusion of law enforcement officials with recruiters and traffickers, inadequate cooperation between law enforcement agencies and the criminal justice system and other relevant institutions such as border control and immigration. Victims of trafficking, therefore, shy away from the formal justice system for a number of reasons. Apart from the fact that they are persecuted for violating the immigration laws, they become labeled as perpetrators of illegal acts, mostly on account of the kind of jobs they are forced to engage in on arrival in the destination countries, e.g., prostitution and criminal offences. The general public in the destination countries likewise, tend to regard them as perpetrators of crimes rather than victims of exploitation. Accordingly, attempts to flee from abusive conditions often result in arbitrary detention and inhuman treatment by the authorities.

The clandestine nature of the movement of trafficked individuals discourages individuals from actually reporting to authorities, particularly where immigration officials and law enforcement agencies are involved in the process. Consequently, the number of prosecutions is low compared to the estimated magnitude of the practice. Where victims are emotionally attached to recruiters, typically a husband or a boyfriend, or a relative, classically an

elder cousin, uncle, brother-in-law, they do not immediately recognise the risks attached. When they do realise their predicament, it is too late to take any practical action.

Lack of proper evidence incriminating traffickers is yet another reason why they are not prosecuted. Victims are generally reluctant to divulge the identities of the perpetrators for fear of backlash. Equally, victims of trafficking are restricted from lodging any formal complaints on account of their own illegal status. Moreover, devoid of money, shelter, family and friends, trafficked individuals, on arrival at the destination countries, are severely curtailed in their choices. Another fundamental factor that compels trafficked people to acquiesce to such exploitation and refrain from lodging formal complaints is the fact that they are reluctant to return to the environment that compelled them to move in the first place.

Despite the Bangladesh Government's increased commitment to address trafficking in women and children, policies often fail to curb the practice, on account of existing complexities at various levels. Government plans of action often lack clarity on structural measures for engaging different agencies of the Government and fostering collaboration amongst them in addressing the issue. Budgetary allocations are nearly always inadequate and not all elements of Government policy have been included in plans of action, for example, the significance of promoting safe migration. Consequently, the extent to which these plans and programmes contribute to the more coordinated approach to dealing with the issue of trafficking in women and children remain, for the most part, unclear.<sup>7</sup>

Regional initiatives too, fall short of expectations for a number of reasons. There is an absence of concrete arrangements between Bangladesh and neighbouring countries for sharing information on trafficked individuals or arranging for their rehabilitation and/or repatriation. Consequently, it often takes years to arrange a safe return of a trafficked victim despite being traced

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<sup>7</sup> *The Counter Trafficking Framework Report: Bangladesh Perspective*, GoB, February 2004, p.30.

by NGOs or families. The situation is no different for individuals who are willing and eager to return.

A fundamental problem that commonly hinders implementation of regional arrangements is the absence of birth registration of victims of trafficking. In Bangladesh, notwithstanding existing legislation that requires compulsory birth registration, the practice is virtually non-existent. Birth registration is crucial for ensuring a person's right to a name and nationality. It is difficult to trace and bring back women and children who have been trafficked to foreign states as, in the absence of birth registration, they are devoid of official documentation defining their nationality.

High commissions and consular officials are often found lacking in dedication and commitment to assist in the rescue and repatriation of trafficked victims. In some instances, writ petitions had to be filed before the Court before the Foreign Ministry was galvanised into action. For example, in *Abdul Gafur vs Secretary, Ministry of Foreign Affairs, et al.*, a young woman who was trafficked from Bangladesh into India as a child was subsequently taken into custody and detained in an Indian remand home for 5 years. On reviewing a petition filed by Bangladesh Women Lawyers' Association (BNWLA), the High Court Division found that the woman's right to legal protection under Article 31 of the Constitution of Bangladesh has been infringed on account of the failure of the Bangladeshi High Commission in India to provide her with legal assistance. The High Court Division accordingly directed the Ministry of Foreign Affairs to make arrangements for her repatriation.<sup>8</sup>

As for international commitments, implementation is seriously hampered on account of the non-binding nature of the initiatives. There is very little evidence of Courts actually making use of international human rights law to interpret and apply national laws in a way that would advance justice for trafficked victims. This is largely due to ignorance of the concerned judges of the scope and content of international instruments and the manner in which

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<sup>8</sup> Writ Petition No. 4031, 1997, Bangladesh Legal Decisions XVII:560-62.

they may be applied in domestic jurisdictions. Where, however, Judges are knowledgeable on the subject, they are nonetheless content to settle matters on the basis of national laws alone without resorting to international human rights law. Despite this uninspiring scenario, there is growing evidence of judicial activism whereby Judges are increasingly referring to international human rights instruments in interpreting and applying domestic laws. Consequently, precedents are being set with emphasis on the relevance of international human rights law.

### **3.5.1. Securitising Trafficking: The Politics of Sanctions for Perceived Inaction by Government**

Bangladesh has been identified as a source country from where huge numbers of women and children are trafficked across the borders each year for sexual exploitation, domestic servitude and debt bondage. Accordingly, it has been subjected to censure and critique by the US State Department which deemed it fit to rate Bangladesh as Tier 3 in their June 2004 Report on Trafficking in Persons. The State Department classifies countries into Tiers 1, 2 and 3 respectively on the basis of the extent of their efforts to enforce laws against trafficking, protect victims and generally prevent the practice. Tier 1 signifies countries whose Governments fully comply with this requirement, Tier 2 describes countries whose Governments, while not fully complying with minimum standards for eliminating the practice are, nevertheless, making significant efforts to address the problem and Tier 3 essentially indicates countries whose Governments do not comply with minimum standards for eradicating the problem and are not making significant efforts to address the same.

Countries in Tier 3 are therefore, blacklisted countries that face the threat of US sanctions. Until 2004, Bangladesh was rated as Tier 2; the advent of the report in 2004 saw Bangladesh slide to Tier 3, purportedly on account of rampant corruption and weak governance. It is important to note that the US Report emphasises on the supply side and puts the blame squarely on the source countries without so much as considering the demand factors and the

far-reaching impact of globalisation. This rather one-sided view may well have been the result of inappropriate reporting on the status of trafficking in Bangladesh. Undeniably, there exist serious ambiguities in terms of defining trafficking, as is also evident from the present study. Available statistics on trafficking are not verifiable, and consequently, not reliable. If sanctions are imposed on a country on the basis of such statistics, the validity of the move becomes questionable.

The US Report triggered off a great deal of concern amongst activists, lawyers, NGOs and policy makers. There were numerous consultations and discussions amongst concerned stakeholders that not only challenged the categorisation but also provided justifications that refuted the findings of the report. Sustained efforts of civil society and expert groups and Government records of current measures on prevention and rescue including prosecution statistics have been successful in shifting the position of Bangladesh back to tier 2.

The practice of imposing sanctions on a State for its perceived inability of restricting human trafficking on the basis of unsubstantiated evidence incurs a grave risk, on the one hand, of securitising an otherwise ordinary social evil and on the other, tarnishing the image of the State itself. It has been argued that since trafficking in women and children currently features prominently on the donor agenda, interest groups publish inflated figures on trafficking in order to ensure a continuous flow of donor money for running their programmes. For example, when Nepal had surprisingly been shifted to Tier 1 in the US report, the move was severely criticised by the Nepalese populace. While this reaction could well have been triggered by the apprehension of possible reduction in donor funding in the area, it could also have been an honest reflection by the Nepalese people given their knowledge about the true status of trafficking in their country which is well known for its trafficking operations.

## **Chapter 4**

### **Socio-Economic Profile of Trafficked Women and Children**

This section examines the demographic characteristics and socio-economic background of the respondents in the study. It assesses the impact of the trafficking experience on family conditions and personal security of the respondents.

#### **4.1 Age and Gender**

The practice of trafficking in Bangladesh has a definite gender and age bias. Victims of trafficking are by and large women and children. This propensity stems from prevalent socio-cultural prejudices that relegate women and children to a subordinate position in the social hierarchy. Consequently, women and children seldom have control over their own lives but are compelled to adhere to stereotypical behaviour. This reinforces their helplessness and increases the likelihood of their exploitation by unscrupulous individuals.

Of the 26 respondents in the present study, 14 were female and 16 male. Of the 26 respondents interviewed, 46 percent were currently between 10-15 years of age, 31 percent were between 16-20 years and 15 percent were between the ages of 21-25 years. Amongst the total respondents only 1 was between 26-30 years and 1 in the 31-35 years age bracket.

**Table No. 1: Age (current)**

Age	Response	
	Frequency	%
10 – 15 yrs.	12	46
16 – 20 yrs.	8	31
21 – 25 yrs.	4	15
26 – 30 yrs.	1	4
31 – 35 yrs.	1	4
<b>Total</b>	<b>26</b>	<b>100</b>

When asked about their age at the time when they were trafficked, 42 percent replied that they were between 6-10 years while 38 percent said that they were between 11-15 years of age when they were trafficked. These figures are followed by 12 percent who stated that they were between 1-5 years of age at the time. Only 1 person reported to have been between the ages of 16-20 years and another 1 was between 21-25 years at the time of being trafficked.

**Table No. 2: Age (when trafficked)**

	Response	
	Frequency	%
1 – 5 yrs.	3	12
6 – 10 yrs.	11	42
11 – 15 yrs.	10	38
16 – 20 yrs.	1	4
21 – 25 yrs.	1	4
<b>Total</b>	<b>26</b>	<b>100</b>

It is evident from the above findings that in the majority of cases, trafficked persons were relatively young which indicates a general preference for youthful people.

#### **4.2 Marital and educational status**

76 percent of the total respondents in the sample stated that they were currently unmarried. This is followed by 12 percent who are married presently. When asked about their marital status at the time of trafficking an overwhelming majority, i.e., 81 percent stated that they were unmarried at the time, while only 19 percent were reportedly married. These statistics again confirm that young and unattached individuals generally constitute the target group for human trafficking.

The respondents were asked how far they have studied. Their current educational status demonstrates that 36 percent of them read up to the primary level, while 20 percent reached up to the secondary level of education. Another 20 percent stated that they had non-formal education.



27 percent of the total respondents were at the primary level of education at the time when they were trafficked, while 57 percent had no education at all. A small proportion, i.e., 8 percent was at the secondary level of education when they were trafficked.

**Table No. 3: Educational status**

	Current Education Status		Education Status when Trafficked	
	Frequency	%	Frequency	%
Primary	9	36	7	27
Secondary	5	20	2	8
Higher Secondary	0	0	0	0
Graduate	0	0	0	0
Post Graduate	0	0	0	0
Nil	9	32	15	57
Non formal education	3	12	0	0
Other	0	0	2	8
<b>Total</b>	<b>26</b>	<b>100</b>	<b>26</b>	<b>100</b>

It is obvious from the above findings that a great majority of the respondents lacked education at the time when they were trafficked. This merely confirms that traffickers target uneducated individuals or individuals with nominal education as it is easier to manipulate and convince them of the need to move. Moreover, given the age at which most of the respondents were trafficked and their socio-economic background, the lack in scope for higher education is understandable.

#### **4.3 Occupation: Pre and post-trafficking stage**

Efforts were made to assess the difference between occupations prior to trafficking of respondents and after the experience. In response to questions regarding their occupation, both pre-and post trafficking, 46 percent stated they were currently studying, while 38 percent said that they had been studying when they were trafficked. Another 38 percent are currently engaged in different occupations like security guard, tailor, employee in NGO, trainer in NGO, garments factory worker, earth digging and cattle hand whereas 17

percent were similarly occupied in different undertakings when they were trafficked.

**Table No. 4: Occupation (current)**

	Response	
	Frequency	%
Student	17	46
Unemployed	1	4
Small business	1	4
Petty trading	0	0
Production cum trading	0	0
Homemaker	0	0
Domestic worker	1	4
Other (specify)	10	38
Not occupied	0	0
Not Applicable	1	4
<b>Total</b>	<b>26</b>	<b>100</b>

**Table No. 4a: Occupation (when trafficked)**

	Response	
	Frequency	%
Student	9	38
Unemployed	0	0
Small business	0	0
Petty trading	0	0
Production cum trading	0	0
Homemaker	1	6
Domestic worker	1	6
Other (specify)	3	17
Not occupied	2	11
Not Applicable	10	22
<b>Total</b>	<b>26</b>	<b>100</b>

It is evident from the above data that 11 percent of the respondents were totally unoccupied at the time they were trafficked whereas this trend is noticeably absent in their current status. The option 'not applicable' refers to those who are not in a position to be occupied in the strict sense of the term on account of their tender age. It is seen that for 22 percent of the respondents the option was not applicable as they were very young when they were trafficked and hence was not occupied in any way.

#### 4.4 Income: Pre and post-trafficking stage

When asked about their current income, 42 percent of the respondents said that they earned between Taka 100-1000 per month, while 8 percent stated their earnings varied between Taka 1100-2000 each month. 42 percent of the interviewees alleged that they currently had no income whatsoever.

**Table No. 5: Monthly income (current)**

	Response	
	Frequency	%
Tk. 100 – 1000	11	42
Tk. 1100 – 2000	2	8
Tk. 2100 – 3000	0	0
Tk. 3100 – 4000	1	4
Nil	11	42
Not Applicable	1	4
<b>Total</b>	<b>26</b>	<b>100</b>

With regard to monthly income at the time when they were trafficked, an overwhelming majority, i.e., 80 percent reported that they had no income at the time.

**Table No. 5a: Monthly income (when trafficked)**

	Response	
	Frequency	%
Tk. 100 – 500	1	4
Tk. 600 – 1000	2	8
Tk. 1100 – 15000	1	4
Nil	21	80
Not Applicable	1	4
<b>Total</b>	<b>26</b>	<b>100</b>

Thus, the majority of the respondents virtually earned nothing at the time when they were trafficked. The post trafficking income status reveals that there has been some improvement in their income status following trafficking, for instance whereas 80 percent of the respondents had no income prior to trafficking, the percentage has reduced to 42 percent after trafficking.

## 4.5 Families

The respondents came from relatively large families. 34 percent of them belonged to families comprising 5-6 members, while 31 percent stated they came from families that had 7-8 members. Only 12 percent stated their families were relatively small, consisting of 1-2 members only while another 8 percent reportedly had families hosting 9-10 members.

**Table No. 6: Total number of family members**

	Response	
	Frequency	%
One – two	3	12
Three – Four	4	15
Five – Six	9	34
Seven – eight	8	31
Nine – ten	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

Respondents were asked whether their families had members belonging to the same household unit and eating at the same hearth who had been trafficked abroad at some point. A great majority, i.e., 96 percent answered in the negative. Of the 1 who responded in the affirmative, the member present was an elder sister who had been trafficked abroad. When asked about her current whereabouts, the responded replied that they had no idea where she was now or what she did. When asked what the sister did prior to being trafficked, the respondent could not answer, as she was too young at the time.

The respondents were asked whether there was any family member in the same household unit eating at the same hearth who had migrated abroad. 96 percent of the respondents replied in the negative whereas only 1 of them answered that there was an elder brother who migrated abroad and is still residing there. He works in Saudi Arabia as a construction worker whereas prior to migration, he used to work as a hawker.

**Table No. 7: Family member of same household unit (as eating at the same hearth) who has migrated abroad**

	Response	
	Frequency	%
Yes	1	4
No	25	96
<b>Total</b>	<b>26</b>	<b>100</b>

It is evident from the above findings that the respondents, with a couple of exceptions, did not belong to families where other members had migrated or had been trafficked. This rules out the possibility that respondents were inspired to move by other family members who moved earlier.

#### **4.6 Family Income: Pre and post movement**

Respondents were asked about family income prior to migration and trafficking of family member and respondents as the case may be. Only 1 respondent had a family member who has migrated abroad and 1 had a family member who has been trafficked abroad. For the family whose member migrated abroad their income prior to migration was Taka 1100-1500 per month. As for the family who had a member who was trafficked abroad, their income prior to the occurrence was Taka 500-1000 per month. In the case of respondents who were trafficked, 57 percent were unable to state their family income prior to the incident, while 35 percent responded that their family had an income of Taka 1100-1500 prior to their being trafficked. Only 8 percent had families who had an earning of Taka 500-1000 prior to the incident.

Respondents were also asked about family income following migration and trafficking of family member and respondents as the case may be. As mentioned earlier, only 1 respondent had a family member who has migrated abroad and 1 had a family member who has been trafficked abroad. For the family whose member migrated abroad, their income following migration was Taka 2100-plus per month. As for the family who had a member who was trafficked abroad, their income following the occurrence was also found to be Taka 2100-plus per month. In the case of respondents who were trafficked,

46 percent stated that their family income following the incident was between Taka 1100-1500, while 31 percent responded that their family had an income of Taka 1600-2000. 15 percent answered that their family had an earning of Taka 2100-plus following their being trafficked. For 8 percent of the respondents the family income after the incident took place varied between Taka 500-1000 each month.

It appears from the above data that the family income of the respondents has improved following migration and trafficking of family member and trafficking of the respondents themselves. This indicates that, despite the risks attached, the potential for earning a livelihood abroad, however small, cannot by any means be undermined.

#### **4.7 Impact of migration and trafficking on family conditions**

Attempts were made to assess the impact on family status following migration by family. The impacts were listed in terms of food, housing and personal security for a general idea of transformations, if any, in family conditions as a result of migration by a family member. The respondent whose family had one member who migrated abroad the status of food intake and quality as well as housing facilities was same as it was prior to migration. Improvements were only visible in the context of personal security, which the respondent claims is better than before.

Respondents were asked to identify the impacts, in terms of food, housing and personal security, on family conditions following trafficking of family member and respondents themselves. 50 percent of them responded that the quality and intake of food of their families were unchanged, whereas 27 percent claimed that the situation was worse than before. Only 23 percent of the respondents alleged that their food quality and intake have improved following their being trafficked. With regard impact on housing, 57 percent stated that housing conditions were the same as before, while 35 percent said that housing conditions changed for the better after the incident. Only 8 percent of the respondents alleged that housing conditions deteriorated after they were trafficked. As for the impact on personal security,

a good majority, i.e., 64 percent replied that they enjoyed greater personal security, while 28 percent stated that the security situation remained unaltered. Only 8 percent alleged that their personal security suffered a setback following the incident.

#### 8. Impact of trafficking of family member and respondents on family conditions

Impact on food	Response	
	Frequency	%
Same as before	13	50
Worse	7	27
Better	6	23
Unable to answer	0	0
<b>Total</b>	<b>26</b>	<b>100</b>

Impact on housing	Response	
	Frequency	%
Same as before	15	57
Worse	2	8
Better	9	35
Unable to answer	0	0
<b>Total</b>	<b>26</b>	<b>100</b>

Impact on Personal security	Response	
	Frequency	%
Same as before	7	27
Worse	2	8
Better	16	61
Unable to answer	1	4
<b>Total</b>	<b>26</b>	<b>100</b>

Evidently, there have not been conspicuous improvements in family conditions, despite increase in family income after migration and trafficking of members of families and respondents. However, it is noteworthy that while family conditions following migration of family member may not indicate any overt improvement, the situation appears slightly better after the trafficking of family member and respondents. Even more interesting is the impact on personal security that shows a positive trend following the trafficking of family

member and the respondents. This, in some ways, indicates the bargaining power acquired by respondents by virtue of their exposure and experience as survivors of the trafficking experience.

## **Chapter 5**

### **Threats to Human Security: Pre-Departure Stage**

This section looks at the various threats at the family and societal level that essentially compelled women and children to seek a life away from the apparent safety of their homes.

#### **5.1 Impoverishment**

Poverty is commonly associated with choices individuals often make despite their being unfavorable to their overall well-being. Acute impoverishment compels individuals to seek ways of ameliorating their economic conditions notwithstanding the attending risks. Undeniably, economic vulnerability enhances the risk of trafficking. Poverty is a gendered process, as women tend to experience poverty more acutely than men. Situated at the lowest rung of the social hierarchy on account of their age, children similarly suffer the brunt of poverty. Consequently, there is a constant flow of women and children who move in search of better prospects.

While poverty has traditionally been at the core of the debates as the principal source of vulnerability of trafficked persons, there are other equally strong extenuating factors that operate either in isolation of, or in conjunction with poverty in contributing to the process.

#### **5.1.2 Socio-cultural and normative ideologies**

Socio-cultural norms and ideologies often work to the detriment of women and children. There are customary traditions and practices that relegate women and children to a subordinate position within the social hierarchy. Discrimination and neglect of girl children, for example, often proceed from normative ideologies that attach greater value to male children as future bread



earners of the family. In the circumstances, within the scarce resources, whatever little is available, is first offered to men and boys followed by women and girls. Prevalent patriarchal culture also enhances the scope for abuse and maltreatment within the context of the family and the wider society. Moreover, disintegration of families through death of parents, incest and sexual abuse, domestic violence, marital discord, desertion and divorce compel women and children to seek out ways to flee such oppressive situations. Unfortunately, their ambitions for autonomy and financial independence suffer serious setbacks when they are entrapped in exploitative situations instead of achieving their coveted goals.

### 5.1.3 Relationship with families

Attempts were made to discover the factors that triggered their move in the first place. Respondents were asked about their relationship with their family members prior to their move from their homes in an attempt to discover the compelling factors that encouraged the respondents to leave home. It was found that a great majority of them, i.e., 77 percent claimed that they enjoyed a good relationship with their family members at home. This was followed by 23 percent who alleged that their relationship with their family members was, in fact, bad.

**Table No. 9: Relationship with family members prior to move**

	Response	
	Frequency	%
Good	20	77
Bad	6	23
Tolerable	0	0
Intolerable	0	0
<b>Total</b>	<b>26</b>	<b>100</b>

There were different versions of respondents' relationships with their families. In one case for instance, the respondent lost her father before she was born. Although after her birth her uncles tried to get custody of her, her mother declined. Her mother had a relationship with another man prior to her marriage with her father, which she continued even after her marriage. Her

mother married that man after her father's death and left for India leaving her with her grandparents. Her grandparents tried to take care of her but as they were poor, there was very little they could do for her.

There were cases where the respondents were indeed loved by their respective families. They tried to enjoy life with whatever little was available to them. Contrarily, there were also cases where the relationship with their families was far from congenial. The family environment was disrupted by constant bickering amongst family members. This was often the result of extreme poverty that left no room for compassion and tolerance.

When asked about the cause of bad relationship with family members, an overwhelming majority cited poverty as a major cause for disharmony with family members. Only 1 respondent complained of mistreatment as the chief motivating factor behind the move. She was adopted by a family where the father was a rickshaw puller and the mother, a domestic help. They were extremely poor and she was not treated kindly, presumably due to the fact that she was not their own child.

**Table No. 10: Reason for bad relationship**

	<b>Response</b>	
	<b>Frequency</b>	<b>%</b>
Neglected	0	0
Mistreated	1	4
Poverty	5	96
Sexually abused	0	0
<b>Total</b>	<b>6</b>	<b>100</b>

It appears that in situations of extreme poverty, there exists very little room for external manifestations of love and affection. Impoverishment, in many ways, seemingly divests individuals of the ability and inclination of displaying even the most ordinary of emotions. This aversion may well be interpreted by some as 'bad relationship' and can operate as an incentive to leave home.

#### 5.1.4 Relationship with neighbours and friends

As for relationship with the neighbours, the scenario was positive. 61 percent of the respondents stated that they shared a good relationship with their neighbours, whereas 19 percent thought that their relationship with the neighbours was so-so. Only 8 percent admitted that their relationship with neighbours was not good, while another 12 percent were unable to answer.

**Table No. 11: Relationship with neighbours**

	Response	
	Frequency	%
Good	16	61
Not good	2	8
So-so	5	19
Unable to answer	3	12
<b>Total</b>	<b>26</b>	<b>100</b>

There were different responses with regard to respondents' relationship with neighbours. In some instances respondents reportedly shared an amiable relationship with their neighbours, while in others, the relationship was not as affable. There were circumstances where neighbours maintained a distance from respondents due to the difference in economic and social status, whereas in others, they co-existed relatively peacefully, despite the occasional disagreement over the use of land, water and other utilities.

Attempts were made to explore whether the respondents developed friendships within the community. 62 percent answered in the affirmative, while 15 percent replied in the negative. 23 percent was unable to answer.

**Table No. 12: Whether there were friends in the community**

	Response	
	Frequency	%
Yes	16	62
No	4	15
Unable to answer	6	23
<b>Total</b>	<b>26</b>	<b>100</b>

Of the respondents who admitted to not having any friends in the community, all stated that impoverishment hardly left any room for forging friendships. Poverty in many ways detracted from their social status thereby augmenting their alienation from others in the society.

**Table No. 12a: Reason for not having friends in the community**

	Response	
	Frequency	%
People were unfriendly	0	0
People were not nice	0	0
People were of questionable reputation	0	0
Due to poverty and social status	4	100
<b>Total</b>	<b>4</b>	<b>100</b>

It is evident from the above findings that the respondents shared a good relationship with neighbours in their respective communities. This coincides with the trend amongst women and children to accompany members of their communities in search of a livelihood abroad. They never consider the associated risk factors and put their fates in the hands of people they genuinely regard as their well-wishers.

While trafficking may well have its roots in poverty and prejudice against vulnerable groups like women and children in countries of origin, it is also essential to focus on the demand factors in destination countries. The demand factors are essentially driven by the motivation of specific groups of people who stand to gain the most from the practice. These include recruiters/traffickers, employers and consumers who benefit from trafficked labour. The principal factor that motivates these various categories of individuals is the tangible financial gain that accrues from the trade of individuals and exploitation of their labour. The fact that in the majority of cases trafficked individuals largely comprise of people who are socially and economically marginalised in the countries of origin enables beneficiaries of trafficking to manipulate and exploit their labour and make a quick and hefty profit in the process.

## 5.2 Decision to move and modes of trafficking

Traffickers usually deploy a wide range of methods to procure and transfer their victims. While word-of-mouth and personal contacts are amongst the most common means of drawing people who want to migrate abroad for employment, recruitment techniques tend to vary in terms of age and sex. For instance, children are usually lured away and abducted or taken from the parents on the pretext of finding them a job as domestic workers. In extreme cases of impoverishment, parents would willingly give up their child for a price. In the case of women, apart from abduction and job offers as domestic maids, the mechanism may also include promises of employment abroad and marriage. Women and children are often deceived about the destination country and the nature of the job. Sometimes they are forced to engage in prostitution and criminal activities upon arrival in the destination country in their bid to repay the debt or costs incurred during travel from the country of origin.

Efforts were made to discover whether the respondents' move was voluntary or whether there was any element of force involved. A great majority, i.e., 69 percent responded in the affirmative whereas 31 percent answered in the negative. Although the move was reportedly voluntary in the majority of cases, it is important to note that the respondents were convinced by family members of the resultant benefits before they decided to move.

**Table No. 13: Whether move was voluntary**

	Response	
	Frequency	%
Yes	18	69
No	8	31
<b>Total</b>	<b>26</b>	<b>100</b>

Where the move was not voluntary, 38 percent of the respondents were abducted or kidnapped, closely followed by 37 percent who cited other causes of involuntary movement.

**Table No. 13a: If not voluntary, cause of move**

	Response	
	Frequency	%
Abduction/Kidnapping	3	38
Traffick	0	0
Sale	0	0
Others	3	37
Husband	2	25
<b>Total</b>	<b>8</b>	<b>100</b>

In one case for example, the respondent was kidnapped by her stepfather. He informed her that her mother was very ill and wanted to take her with him to visit her. Although she was upset and desperately longed to see her mother, the respondent was unwilling to accompany her father as she did not like or trust him. The stepfather sensed her uncertainty and bided his time. At one point he offered her watermelon juice, which she believes was medicated. She went into a daze after drinking the stuff and did not resist her stepfather any more.

In another case, the respondent used to work in a garment factory where she earned about Tk. 1500 per month. Her husband convinced her that she could earn at least Tk. 10,000 if she worked in a steel company in India. She succumbed to his ideas and eventually entrapped in the trafficking circle.

Where the move was voluntary, 41 percent of the respondents were instigated by family poverty, 41 percent was motivated by the urge to seek economic independence, 7percent was inspired to seek material comfort, 7 percent moved following marriage and only 1 respondent moved in response to external approach.

**Table No. 13b: If move was voluntary, factors influencing decision**

	Response	
	Frequency	%
Family poverty	16	41
Seek material comfort	2	7
Seek economic independence	5	41
Abuse/neglect at home	0	0
External approach	1	4
Marriage	2	7
<b>Total</b>	<b>26</b>	<b>100</b>

External approach in the present context signifies approach by a fiancé by way of a promise of marriage.

**Table No. 14: If move due to ‘external approach’, identification of the person**

	Response	
	Frequency	%
Friend	0	0
Relative	0	0
Neighbour	0	0
Fiancé	1	100
Boyfriend	0	0
<b>Total</b>	<b>1</b>	<b>100</b>

**Table No. 14a: Mode of approach**

	Response	
	Frequency	%
Promise of marriage	1	100
Promise of well paid jobs	0	0
Other	0	0
<b>Total</b>	<b>1</b>	<b>100</b>

When asked about the reaction of their families to promises of jobs/marriage made prior to the move by the people involved in trafficking, 61 percent of the respondents stated that their families were indeed happy at the prospects. 23 percent admitted that the whole thing confused their families. There was only one instance where the family actually discouraged the move. When asked why she moved despite the obvious reluctance of the family, the respondent stated was simply hypnotised by the rich promises of a better way of life abroad.

For 3 respondents, i.e., 12 percent, the option did not apply as they were kidnapped and as such, had no scope to assess the reaction of their families nor was the process of transfer conducive to such expression.

**Table No. 15: Reaction of family to promises made**

	Response	
	Frequency	%
They were happy	16	61
They were unhappy	0	0
They were confused	6	23
They discouraged the move	1	4
Not applicable	3	12
<b>Total</b>	<b>26</b>	<b>100</b>

The respondents were asked whether the income they earned prior to their move was sufficient. 42 percent answered in the negative, while 58 percent did not earn at the time so the question of sufficiency did not apply.

**Table No. 16: Whether income, if any, prior to move, sufficient**

	Response	
	Frequency	%
Yes	0	0
No	11	42
Did not earn anything	15	58
<b>Total</b>	<b>26</b>	<b>100</b>

When asked as who made the actual decision for them to move, 62 percent of the respondents admitted that it was their parents who actually decided that they should move. 18 percent claimed that the decision to move was taken by themselves, while, 15 percent moved at the wish of their husbands. Relatives and siblings played a negligible role in decision-making.

**Table No. 17: Decision maker in favour of move**

	Response	
	Frequency	%
Self	4	18
Husband	4	15
Parents	16	62
Relatives	1	4
Friends/neighbours	0	0
Mutually cooperative	0	0
Brother	1	4
<b>Total</b>	<b>26</b>	<b>100</b>



It is evident that the decision to move is often the result of a collective effort at the family level and the movement itself is frequently voluntary in nature. The fact that the respondents moved in groups primarily consisting of community members or people they knew personally (as seen below), presents them with practical difficulties in differentiating between elements of “altruism” and “harm”. Consequently, in many instances what seemingly starts out as internal migration for employment may end up in cross border trafficking for commercial sex work or domestic servitude.

## **Chapter 6**

### **Threats to Human Security in Transit**

This section examines the various insecurities respondents faced in transit, i.e., before they arrived at the place of destination.

#### **6.1 Experiences in Transit**

Trafficked people suffer a multitude of other problems during transportation and on arrival in the destination country. To begin with, application of force and the use of violence in covert and overt ways is a common means of ensuring compliance of individuals on the move. The mobility of trafficked women and children is circumscribed by the fact that the recruiters keep a constant vigil over all their activities. They experience various discomforts during their journey from home. Since the move is made through illegal channels, victims are subjected to the rigours of travel without food, rest and medical aid, often for long periods of time.

Their clandestine movement also exposes them to different physical and psychological health troubles. They are particularly vulnerable to sexual abuse and exploitation, forced labour and physical maltreatment by their recruiters. Consequently, they contract sexually transmitted infections, including HIV/Aids and sustain multiple injuries that often result in permanent disability of the body. They are often forced into criminal activities that expose them to the risk of being arrested and at times, convicted on false charges.

They are deprived of access to social services. Given their physical immaturity, children tend to suffer more intensely. Victims of trafficking, who are subjected to constant physical and sexual abuse, undergo psychosomatic disorders and post-traumatic stress for years. Emotional stress is usually compounded by a nagging fear of arrest and social stigmatisation, which effectively discourages victims from returning home.

## 6.2 Accompanying members

The respondents were asked about the people in whose company they made their journey from home. A great majority, i.e. 69 percent, moved with the person/group that had approached them and helped others find jobs abroad. 15 percent relied on family members whereas 8 percent went with people who had made similar trips. 4 percent stated that they left with their boyfriend.

**Table No. 18: Journey undertaken -**

	Response	
	Frequency	%
On your own	0	0
With family members	4	15
With friends	0	0
With relatives	1	4
With neighbours	0	0
With person/group who has approached you and helped others find jobs abroad	18	69
With individuals who have already made similar trips	2	8
With boy friend	1	4
<b>Total</b>	<b>26</b>	<b>100</b>

Responses about their journey abroad were often fragmented and unclear. In one instance, the respondent stated that she left her house with her husband and reached Gabtoli. Her husband accompanied her. They started for India with four other people at 4 a.m. and reached some border area at 4 a.m. the following morning. She recalls a narrow canal and paddy and jute fields. She claimed that there was a middleman at that point who helped them cross the border.

In another instance, the respondent could not recall anything about the journey abroad as he was kidnapped by his brother-in-law (husband of his step-sister) with assistance from his stepsister. One evening, his stepsister asked his mother if he could sleep with her son, who was crying and was not able to sleep. His mother naturally agreed and sent the respondent over to his sister's place. On arrival there he was given some rice. He dozed off soon after taking the meal. When he awoke he found himself in an alien environment. He could not understand the people around him and soon discovered that he was in a city called Kolkata.

From her earliest memories, the respondent could recall being tortured by her adoptive parents. One day, she escaped from them and sought shelter in a neighbour's house. Unfortunately, the neighbour had wicked designs and he sold her to another person. While her buyer was transporting her to another destination by train, she managed to escape. She remembers that the place where she got off was Rangpur. As the sun was setting she boarded a rickshaw when she was besieged by some local boys who started to harass her. At this juncture a man came upon the scene and offered to help her. He took her across the border at Noagaon on foot, traveled through India and crossed the border at Punjab to arrive at a place near Lahore in Pakistan.

For some respondents the transition was relatively easy since they lived close to the border anyway. They followed narrow paths before coming up to the border from where they crossed over and followed other narrow winding paths before arriving at the place of destination. These were areas that predominantly housed bidi factories, particularly in Murshidabad, India, which relied quite heavily on labour from neighboring areas.

### **6.3 Expenses involved**

During their passage from home, the majority of the respondents, i.e., 96 percent did not have to make my kind of payment. Only 1 respondent said that she had to pay for her travel costs. She alleged that she had to pay a sum of Taka 3000 in all.

**Table No. 19: Whether made any kind of payment in the process**

	Response	
	Frequency	%
Yes	1	4
No	25	96
<b>Total</b>	<b>26</b>	<b>100</b>

#### **6.4 Organisation of group**

Respondents were asked about the total number of people in a group where they traveled in a group. 92 percent of them reported that there were 2-5 people in the group they traveled with. Only 8 percent stated that they were 6-10 in a group when they traveled.

**Table No. 20: Number of members in a group in case of group travel**

	Response	
	Frequency	%
Two – Five	24	92
Six – Ten	2	8
More	0	0
Unable to answer	0	0
<b>Total</b>	<b>26</b>	<b>100</b>

The composition of the group was predominantly mixed. 61 percent of the respondents stated that the composition of the group they traveled in consisted both male and female members. 35 percent of them affirmed that the group they traveled in was entirely male, while only 1 respondent said that the group she traveled in comprised of females only.

**Table No. 20a: Composition of group**

	Response	
	Frequency	%
All male	9	35
All female	1	4
Mixed	16	61
<b>Total</b>	<b>26</b>	<b>100</b>

Attempts were made to discover whether all the group members belonged to the respondents' own community or village. 54 percent of the respondents

reported that the members in the group belonged to their own community/village, whereas 46 percent stated otherwise.

**Table No. 20b: Whether group members from respondents' own community/village**

	Response	
	Frequency	%
Yes	14	54
No	12	46
<b>Total</b>	<b>26</b>	<b>100</b>

As for the identity of the members who were from the respondents' own community/village, 43 percent of the respondents said that the group members were from their extended families, 36 percent claimed that they were their neighbours, 14 percent said the group members admitted that the members were part of their household. Only 7 percent of them replied that the group comprised of friends from the community/village.

**Table No. 20c: Identification of group members who were from respondents' own village/community**

	Response	
	Frequency	%
Members of your household family	2	14
Members of extended family	6	43
Friends	1	7
Neighbours	5	36
Well-known personalities	0	0
<b>Total</b>	<b>14</b>	<b>100</b>

The above findings demonstrate that trafficked persons ordinarily move in the company of people they know or are related to in some way. Very rarely, do they leave home in the company of unknown people. It would seem that the general idea that women and children are safe with their own families and are only at risk with outsiders is largely a myth.

## 6.5 Means of travel

73 percent of the respondents stated that they traveled to the place of destination by road and 27 percent said they traveled by air.

**Table No. 21: Mode of travel to place of destination**

	Response	
	Frequency	%
By road	19	73
By sea	0	0
By air	7	27
<b>Total</b>	<b>26</b>	<b>100</b>

When asked what type of carriers was used during their travel, all of the respondents replied that public transports were used for the purpose.

**Table No. 22: Type of carriers used**

	Response	
	Frequency	%
Public	26	100
Private	0	0
<b>Total</b>	<b>26</b>	<b>100</b>

Evidently, travel by road was by far considered the most cost-effective and safe way to transfer trafficked individuals. It is also noteworthy that the use of public transports belied any suspicion of irregular activities, which in ordinary circumstances, are expected to be carried out surreptitiously.

## 6.6 Treatment in transit

85 percent of the respondents claimed that they were treated well during the journey. 15 percent of them (4 respondents) responded that they were treated badly during the travel. Of the 4 respondents who admitted that they were treated badly during travel stated that they were physically beaten.

**Table No. 23: Treatment during journey**

	Response	
	Frequency	%
Well	22	85
Badly	4	15
So-so	0	0
<b>Total</b>	<b>26</b>	<b>100</b>

**Table No. 24: Description of bad treatment during journey**

	Response	
	Frequency	%
Physically beaten	4	100
Sexually abused	0	0
Left without food and water	0	0
All of the mentioned	0	0
<b>Total</b>	<b>4</b>	<b>100</b>

Some respondents could not remember very clearly what transpired at the time or how they were treated. Many of them were doped and were therefore not able to recall anything with clarity. By the time they revived, it was too late and there was nothing they could do to change the situation. The respondents were by and large treated well. In one instance, the culprit was the husband who did not give his wife any clue as to what was in store for her. He treated her with utmost care and she never guessed his real intentions. In another instance, the uncle from the village gave her food and reassured her that what she was doing was essentially in the best interests of her family. Therefore, despite the fact that she was scared by the experience she accompanied him without protest. Where respondents had misgivings about leaving home, economic imperatives compelled them to submit to the process. For example, there was one respondent who was clearly reluctant to leave home to work abroad instead of attending school. However, he realised that given the state of impoverishment, his parents had no alternative but to send him to India.

There was one incident where the aunt of the respondent brought him, along with a few others, to Dhaka and sold them to another lady. They managed to cross but the police detained them when they were attempting to cross

through the airport at Mumbai. The respondent maintained that although they were treated well during their transfer from the village to Dhaka, but by the time they traveled to India the scenario altered and they were treated rather badly.

Attempts were made to gauge the state of mind of respondents in transit. A great majority, i.e., 73 percent admitted that they were scared. Amongst the others, only 4 percent realised that they were actually trapped, 4 percent were miserable on account of their predicament and another 4 percent were reportedly tearful.

**Table No. 24a: State of mind in transit**

	<b>Response</b>	
	<b>Frequency</b>	<b>%</b>
Scared	19	73
Realised that you were trapped	1	4
Planning escape	0	0
Miserable	1	4
Crying	1	4
Other	4	15
<b>Total</b>	<b>26</b>	<b>100</b>

**Table No. 25: Whether sought help from outside**

	<b>Response</b>	
	<b>Frequency</b>	<b>%</b>
Yes	0	0
No	26	100
<b>Total</b>	<b>26</b>	<b>100</b>

All the respondents stated that when they were in transit they did not seek help from anyone. They were given a checklist of probable people who they might have approached for help, for example, the police, BDR, border security, local people and local government officials. In each case the respondents replied to the contrary.

When asked why they refrained from seeking assistance from others, 39 percent stated that since their families were eager for them to leave in search



of a livelihood, they saw no justification in seeking assistance from anyone, while 23 percent admitted that they did not realise the gravity of the situation until too late.

**Table No. 25a: Reason for not seeking help**

	Response	
	Frequency	%
Kept under strict vigilance	0	0
Scared of getting caught	0	0
Never came close to anyone	0	0
Did not realise the gravity of the situation	6	23
Their families wanted them to leave	10	39
Other	10	38
<b>Total</b>	<b>26</b>	<b>100</b>

## 6.7 Role of border and law enforcement agencies

A vast majority of the respondents stated that they were not stopped by the border security or the law enforcement agencies during their move to the place of destination. While 92 percent denied any intervention by border or law enforcing agencies, only 8 percent of the respondents admitted that they were stopped on their way out of the country.

**Table No. 26: Whether stopped by border security/law enforcement agencies during move**

	Response	
	Frequency	%
Yes	3	12
No	23	88
<b>Total</b>	<b>26</b>	<b>100</b>

In case of the respondents who were stopped by the border security/police, 1 was temporarily detained, questioned and released without any further trouble. As for the other 2, they were arrested and sent to jail.

**Table No. 26a: Action following intervention**

	Response	
	Frequency	%
Arrested	2	67
Detained and questioned and released without hassle	1	33
Detained but released after negotiation	0	0
Rescued	0	0
<b>Total</b>	<b>3</b>	<b>100</b>

The incidents of detention and arrest occurred after crossing into the border and at the place of destination. The respondent who had been detained stated that she was not been treated badly while in detention. As for the respondents who were arrested, they were far too young at the time of arrest and could not recollect their experiences.

Respondents were asked about the number of attempts they were compelled to resort to before successfully crossing the border. 58 percent stated that they crossed the border successfully at the first attempt, closely followed by 42 percent who were successful at the second attempt.

**Table No. 27: Number of attempts before successfully crossing border**

	Response	
	Frequency	%
One	15	58
Two	11	42
Three	0	0
More	0	0
<b>Total</b>	<b>26</b>	<b>100</b>

It is widely reported that a grave source of vulnerability is the complicity of government agencies and crime networks in trafficking in persons. It is recognised that corrupt officials collaborate with criminal syndicates in furtherance of a common design for personal gain. Slack enforcement mechanisms enable recruiters and traffickers to engage in the practice with impunity. Consequently, the sending and destination countries provide victims

with very little protection. Rather, they consider victims of trafficking as criminals and illegal aliens, an attitude that effectively discourages trafficked persons from seeking help from local government authorities of the destination countries or representatives of their own countries for fear of arrest and incarceration. This, in essence, enables perpetrators to go scot-free and continue business as usual.

Attempts were made in the present context to uncover the extent of complicity of border security and other government functionaries in trafficking in women and children. The following table demonstrates the involvement of state functionaries in trafficking in women and children.

**Table No. 28: Person/s involved, if any, in assisting border crossing**

	Response	
	Frequency	%
Police	1	50
BDR	1	50
Border Security	0	0
Local people	0	0
Local government functionaries	0	0
<b>Total</b>	<b>2</b>	<b>100</b>

Curiously, only two respondents were allegedly assisted by the Police and BDR respectively in crossing the border. The majority of the respondents reportedly moved in the company of people who seemed to know the routes that would get them across fairly easily without being detected or apprehended by relevant state authorities. In the event of their capture, the perceived notion is that the trafficking network can ensure their release in exchange for a price.

## **Chapter 7**

### **Security Threats at Place of Destination**

A human security framework is essentially premised on the expectation that states will protect the security of their national borders as well as protect the rights of their citizens within those borders. The issue of trafficking in persons is of particular significance within the human security discourse for a number of reasons. To begin with, trafficking has developed into a highly profitable transnational activity that is carried out by organised networks in innovative ways. Secondly, it is a criminal activity whereby perpetrators target the weakest and most vulnerable individuals of a society in order to exploit them for monetary gain. Therefore, where the insecurity of individuals in a given society is heightened by economic, political and socio-cultural factors, they run a greater risk of exploitation. Thirdly, while trafficking is fundamentally a crime against individuals, the collusion of state functionaries and institutions greatly facilitates the entire process. Consequently, risk factors for women and children increase in environments that are customarily considered safe, like, families, communities, place of work and so on.

#### **7.1 Place of destination**

In the majority of cases it was found that the country of destination was India. 61 percent of the respondents reportedly crossed into India whereas 31 percent stated that they traveled to the United Arab Emirates. Only 8 percent crossed into Pakistan.

**Table No.29: Country travelled to**

	<b>Response</b>	
	<b>Frequency</b>	<b>%</b>
India	16	61
Pakistan	2	8
United Arab Emirates	8	31
<b>Total</b>	<b>26</b>	<b>100</b>

For most of the respondents the common route that was followed during their move was Chapainawabganj. 46 percent of the respondents used this route while 31 percent took the Jessore and Satkhira route. 23 percent of the respondents could not tell the route that they had taken.

**Table No.30: Route taken**

	Response	
	Frequency	%
Jessore and Satkhira	8	31
Chapainawabganj	12	46
Unknown	6	23
<b>Total</b>	<b>26</b>	<b>100</b>

### 7.1.2 Problems at place of destination

The respondents were asked about problems they faced at the place of destination. Most respondents cited more than one problem from the given options. 32 percent of them said that they felt uncomfortable with the unfamiliar environment, 28 percent claimed that they were virtually imprisoned, 19 percent complained of physical insecurity. 9 percent of the respondents felt the pangs of separation from family and friends, while 7 percent experienced wage insecurity. Only 5 percent alleged that they suffered from all the above-mentioned elements.

**Table No. 31: Problems faced at place of destination (multiple answers)**

	Response	
	Frequency	%
Unfamiliar environment	14	32
Alienation from family and friends	4	9
Virtual imprisonment	12	28
Physical insecurity	8	19
Wage insecurity	3	7
All of the mentioned	2	5
<b>Total</b>	<b>43</b>	<b>100</b>

When asked about the place of residence where after crossing the border, all the respondents, i.e., 100 percent admitted that the place they stayed was unknown to them.

### 7.1.3 Place of residence in after crossing border

When asked about the place of residence where after crossing the border, all the respondents, i.e., 100 percent admitted that the place they stayed was unknown to them.

**Table No.33: Place of residence after border crossing**

	Response	
	Frequency	%
Unknown place	26	100
Familiar place	0	0
<b>Total</b>	<b>26</b>	<b>100</b>

### 7.1.4 Insecurities at place of residence and work

Responses from the interviewees reveal that they experienced the greatest insecurity at both home and the workplace. 38 percent of them stated that they suffered from insecurity at the workplace, 16 percent affirmed that they felt insecure at home and another 38 percent alleged that they experienced insecurity at both home and the workplace. 2 respondents, i.e., 8 percent never got the opportunity of facing any insecurity in the places mentioned as they were in jail on arrival at the place of destination.

**Table No. 32: Place where greatest insecurity was experienced in the place of destination**

	Response	
	Frequency	%
At the workplace	10	38
At home	4	16
On way to work	0	0
Both at workplace and at home	10	38
Both at workplace and on way to work	0	0
Others	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

The kind of insecurity faced at the workplace varied a great deal. While responses overlapped at times, 26 percent complained of mental torture, while 37 percent mentioned about violence by employers/customers depending on the nature of the job. 29 percent replied that the principal source of their insecurity stemmed from the non-payment of wages, while 4 percent alleged sexual abuse/exploitation.

**Table No. 33: Insecurities at workplace (multiple answers)**

	Response	
	Frequency	%
Violence by employers/customers	10	37
Sexual abuse/exploitation	1	4
Non-payment of wages	8	29
Mental torture	7	26
Other	0	0
Not Applicable	1	4
<b>Total</b>	<b>27</b>	<b>100</b>

Stories of workplace insecurities varied amongst the respondents. One of them said that they never had a proper workplace as they were engaged as camel jockeys. They were given inadequate food to keep their weight down so that they could be used as jockeys for a long period. Consequently, they suffered from perpetual undernourishment. Moreover, they were expected to be ready for any kind of injury during the races or while crossing the highways. They had very little opportunity for rest and slept only for a few hours each day. The money that was given in their name was collected by a woman who used it for her personal expenses.

Another respondent spoke of her experience when they reached Pakistan. Upon arrival in Pakistan, a Punjabi man married her. She was reportedly happy in the early days of her marriage. At one stage her husband compelled her to in the house of a renowned human rights activist. While she still believed that her husband loved her, she was nevertheless upset by the fact that her wages were paid directly to him and she had no stake in it. In the meantime she produced three boys. By this time, she had spent nearly 10/12

years in Pakistan. It so happened one day, while in conversation with her employer, she narrated how she came to be in Pakistan and her condition thereafter. She expressed her wish to see her adopted parents in Bangladesh. On hearing her story, her employer, who was a human rights activist, made arrangements with the Bangladesh High Commission to send her back to Bangladesh. She left behind her husband and children and arrived in Bangladesh. She now longs to go back to her family but is finding it difficult to do so.

In yet another case, the respondent discovered that the man who married her and brought her home had an existing wife and grown-up children. She was totally at their mercy as they constantly sought ways to torment her both physically and mentally. She was forced to carry out all the household chores after which she used to make bidi, which her husband sold to bidi factories. Being new at this task she frequently committed mistakes for which her husband tortured her physically. Maltreatment was a routine affair for her.

With regard to insecurities on the street, the respondents stated they there was hardly any scope of experiencing these, as they never had the opportunity of venturing out on the streets. Virtually confined in their workplaces, the respondents were not free to move about at their will. Consequently, the respondents were not qualified to indicate any kind of insecurities that have been suggested in the questionnaire like violence, intimidation, sexual abuse/exploitation, harassment and other specific insecurities, if any. In the same vein they were unable to indicate the sources of such insecurities, for example, the police, hoodlums, pimps or any other source.

With regard to insecurities at places of residence, 42 percent of the respondents confirmed that they were subjected to violence by employers or customers as the case may be. 12 percent complained of intimidation while 38 percent spoke of harassment. Only 1 respondent claimed that she was sexually abused and another 1 implied that she had to pay a fine for every little mistake she committed.



**Table No.34: Insecurities at the place of residence**

	Response	
	Frequency	%
Violence by employers/customers	10	42
Sexual abuse/exploitation	1	4
Intimidation	3	12
Harassment	9	38
Persecution	0	0
Penalty	1	4
<b>Total</b>	<b>24</b>	<b>100</b>

81 percent of the respondents stated they had virtually no freedom of movement in the place of destination. Only 19 percent were reportedly free to move as they pleased during the time they were abroad.

**Table No. 35: Whether enjoyed freedom of movement in the place of destination**

	Response	
	Frequency	%
Yes	5	19
No	21	81
<b>Total</b>	<b>26</b>	<b>100</b>

For those who did not have freedom of movement, 52 percent stated that they were restricted to their residence and were not allowed to venture out. 38 percent of the respondents alleged their mobility was curtailed as the doors and windows of their workplace were kept locked from the outside to ensure that they did not go anywhere. 10 percent had their mobility curtailed as they were in police custody.

**Table No. 35a: Reason curtailing freedom of movement in the place of destination**

	Response	
	Frequency	%
Doors and windows were locked from the outside at workplace	8	38
Restricted movement at place of residence	11	52
Cautious movement on streets for fear of being apprehended by the police	0	0
Arrested	2	10
<b>Total</b>	<b>21</b>	<b>100</b>

It is evident from the above responses that maltreatment can have varied dimensions. While the respondents on the whole may not have been subjected to physical brutality to an extent that is commonly highlighted in trafficking literature, the fact that their mobility was severely curtailed amply demonstrates another side to human security threats. An individual may have all the comforts in life and still be handicapped if s/he is deprived of the freedom of movement or to make rational choices.

#### 7.1.5 Engagement with the law in place of destination

Of the 26 respondents, only 3 respondents had been arrested by the police at the place of destination. Amongst these three respondents, one was simply detained and then released after interrogation.

**Table No.36: Whether ever arrested by the police in transit /at the place of destination**

	Response	
	Frequency	%
Yes	3	12
No	23	88
<b>Total</b>	<b>26</b>	<b>100</b>

**Table No.36a: Grounds of arrest**

	Response	
	Frequency	%
Illegal immigration	0	0
Absence of proper papers, e.g. passport	2	67
Suspicious movements	1	33
Engagement in anti-social activities	0	0
<b>Total</b>	<b>3</b>	<b>100</b>

As for treatment in police custody, 2 of the respondents were very young when they were picked up. They were still young at the time of the interview. Consequently, they could hardly recall any occurrence from within the given options. With regard to the other respondent, she was living with her husband in Varasat, India and was a mother of three children. At one point of time her husband married a second time. Since his second marriage her husband was a

changed man. One day her husband brought her to Siliguri station when she realised that he was planning to sell her. As her husband was negotiating with another person, she started to scream. The police arrived and arrested them. She was later sent to a shelter home and finally sent home at the initiative of the Bangladesh High Commission. She stated that she suffered no abuse during her confinement in jail or her stay at the shelter home. As for release from police custody, it was effected by interventions by human rights NGOs and the Bangladesh High Commission.

## **7.2 Conditions of Work at Place of Destination**

Clearly, the market forces operate to the detriment of the persons who are trafficked. Forced to work in unregulated conditions, their vulnerability to exploitation increases manifold. On one hand, the laws of the destination country do not protect them and on the other, where laws are enforced in destination countries, they are more likely to be enforced against the victims instead of the perpetrators. For example, in a typical police raid of brothels, it is the women who are questioned, detained and deported while the associates of the organised syndicate and pimps go scot-free. Consequently, criminal prosecutions of traffickers are virtually non-existent.

The present section strives to explore the conditions under which respondents worked in the place of destination and to underscore the insecurities they were confronted with in the process.

### **7.2.1 Nature of job**

On arrival at the destination country, 2 respondents, i.e., 8 percent obtained the promised job, 2 respondents, i.e., another 8 percent did not get the job that was promised or hoped to acquire (found themselves in prostitution instead) and for the remaining 84 percent, no promise of this nature was made. In other words, 84 percent of the respondents simply relied on Fate as they moved in pursuit of a livelihood abroad. For those who did not acquire the job promised, they were engaged in prostitution instead. The respondents who

**Table No. 37: Whether obtained job that was promised or hoped for**

	Response	
	Frequency	%
Yes	2	8
No	2	8
No such promise made	22	84
<b>Total</b>	<b>26</b>	<b>100</b>

In case of respondents who were not given assurance of any specific job, 13 percent found themselves in prostitution, 23 percent were engaged in domestic service. 9 percent worked as cattle herds, 23 percent became camel jockeys and 32 percent were engaged in home-based *bidi* making.

**Table No. 37a: Where no such promise was made, nature of job on arrival**

	Response	
	Frequency	%
Prostitution	3	13
Domestic work	5	23
Cattle herd	2	9
Camel jockey	5	23
<i>Bidi</i> making	7	32
<b>Total</b>	<b>22</b>	<b>100</b>

While the significance of trafficking as a market for sexual exploitation of women and children can in no way be undermined, there are other aspects to the problem, for example, exploitation of women and children in domestic work, sweatshops and other forms of forced labour. Although domestic work *per se* is not necessarily forced labour, it can be reduced to the latter when it involves debt bondage, trafficking, and physical restraint. There is a general demand for migrant domestic workers in countries where there is no reserve labour to satisfy the needs for domestic service. The demand of domestic workers is found in countries, which have a sizeable urban middle class including significant numbers of female professionals and where industrialisation has created a proletariat out of the rural and urban poor.<sup>9</sup>

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<sup>9</sup> Chew, Lin, Discussion paper on the *Protection of Domestic Workers against the Threat of Forced Labour and Trafficking*, Anti-Slavery International in cooperation with ILO's Special Programme to Combat Forced Labour, 2003, p. 6.

The bulk of domestic workers are women and young girls, as domestic service is perceived primarily as woman's work. Women and girls leave their homes for the economically richer urban cities either in their own countries or across the borders. Where domestic workers migrate abroad their vulnerabilities are compounded by social alienation, adjustment problems and above all, immigration and labour restrictions in host countries. Apart from the practical difficulties in the destination countries, they are also restricted by the seemingly protective emigratory regimes in the countries of origin that essentially seek to deter trafficking by preventing women from migrating.<sup>10</sup>

### 7.2.2 Existence of formal contract

When respondents were asked whether any formal contract for work or services was entered into with their employers, an overwhelming majority replied in the negative. Only 4 percent admitted that they had formal contracts with their employers. For 2 respondents the option did not apply as they were arrested on arrival at the place of destination and never got the opportunity of acquiring a job, let alone a formal contract. Accordingly, other options relating to workplace insecurities do not apply in the case of these two respondents who were arrested on arrival.

**Table No. 38: Existence of formal contract with employer for services/work**

	Response	
	Frequency	%
Yes	1	4
No	23	88
Not applicable	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

The absence of formal contracts increases the vulnerabilities of respondents to the whims of their employers, who are at liberty to hire and fire at will. It also encourages violation of labour law standards as is evident from the following findings.

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<sup>10</sup> *Ibid.*, p.7.

### 7.2.3 Working hours

As for working hours, 46 percent of the respondents worked for 12 hours per day, while 23 percent worked longer than 12 hours each day. 19 percent of the respondents worked for 8 hours a day, whereas only 1 respondent. i.e., 4 percent reportedly worked for 3 hours only.

**Table No. 39: Working hours**

	Response	
	Frequency	%
3 hours	1	4
8 hours	5	19
10 hours	0	0
12 hours	12	46
More than 12 hours	6	23
Not applicable	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

#### 7.2.3.1 Scope for rest

When asked whether they received any rest during work, a great majority, i.e., 65 percent answered in the negative and 27 percent responded in the affirmative.

**Table No. 39a: Rest during work**

	Response	
	Frequency	%
Yes	7	27
No	17	65
Not applicable	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

#### 7.2.3.2 Breaks for meals

Breaks or meals were also not common. 58 percent of the respondents stated that they did not get any breaks for meals while 34 percent admitted to receiving breaks for meals.

**Table No. 39b: Breaks for meals during work**

	Response	
	Frequency	%
Yes	9	34
No	15	58
Not applicable	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

**7.2.4 Wage payment**

The entire group of respondents who were engaged in work was unanimous with regard to irregularity in wage payment. 92 percent of the respondents stated that they were not paid their wages regularly.

**Table No. 40: Whether wages paid regularly**

	Response	
	Frequency	%
Yes	0	0
No	24	92
Not applicable	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

Moreover, when wages were paid at all, they were not adequate. 46 percent of the respondents said that wages that were paid to them fell short of their expectations or of the amount promised. For the rest of the 46 percent the option did not apply. These were cases where the wage was not fixed as the respondents were paid a lump sum at the will of the employer, for example, when they needed clothes or wanted to taste some special food.

**Table No. 40a: Whether amount paid as wages as promised /expected?**

	Response	
	Frequency	%
Yes	0	0
No	12	46
Not applicable	12	46
Not applicable	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

With regard to overtime payment none of the respondents who worked were given any payment for working overtime. The response on this was unanimous amongst the respondents.

**Table No. 40b: Whether overtime payment made**

	Response	
	Frequency	%
Yes	0	0
No	24	92
Not applicable	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

As for festival bonuses, 48 percent of the respondents stated they never received any festival bonus, whereas 12 percent admitted to receiving festival bonuses. For 40 percent of the respondents, the option was not applicable since no bonus was paid formally. However, whenever festivals approached they would get some extra money to buy food and clothes. For others, their stay abroad being for a short period did not coincide with any festival. Consequently, the option did not apply to them.

**Table No. 40c: Whether any bonuses paid (e.g., festivals)**

	Response	
	Frequency	%
Yes	3	12
No	13	50
Not applicable	10	38
<b>Total</b>	<b>26</b>	<b>100</b>

### 7.2.5 Holidays

The respondents did not enjoy weekly holidays. 77 percent of them alleged that they had not weekly holidays, whereas only 15 percent said that they received weekly holidays.



**Table No. 41: Weekly holidays**

	Response	
	Frequency	%
Yes	4	15
No	20	77
Not applicable	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

Similar responses were received with regard to festival holidays. 73 percent of the respondents complained that they were not granted any holidays for festivals. Only 19 percent of the respondents reportedly received holidays on festivals.

**Table No. 41a: Festival holidays**

	Response	
	Frequency	%
Yes	5	19
No	19	73
Not applicable	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

#### **7.2.6 Medical benefits and compensation for injuries**

Attempts were made to discover whether respondents received medical support for workplace injuries. 42 percent of the respondents admitted to receiving medical treatment for workplace injuries while 50 percent denied the existence of these facilities.

**Table No. 42: Medical treatment for workplace injuries**

	Response	
	Frequency	%
Yes	11	42
No	13	50
Not applicable	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

For the most part, respondents received medication for their ailments. 45 percent said that they were given medicines to help them recover, 10 percent admitted that they were sent to the doctor, while 45 percent cited other kinds

of treatment. Evidently, the kind of treatment given depended on the nature of the illness or injury incurred.

**Table No. 42a: Kind of treatment for workplace injuries**

	Response	
	Frequency	%
Medicine	5	45
Visit to Doctor	1	10
Others	5	45
<b>Total</b>	<b>11</b>	<b>100</b>

Where respondents were not given medical assistance they had very little options. 85 percent responded that they went without treatment, while 15 percent managed their own medicine.

**Table No. 42b: Course of action in the absence of medical treatment**

	Response	
	Frequency	%
Went without treatment	11	85
Managed own medicine	2	15
Managed visit to doctor on own initiative	0	0
Managed with help from co-workers/friends	0	0
<b>Total</b>	<b>13</b>	<b>100</b>

While medical treatment for workplace injuries was sometimes available, the practice of paying compensation for such injury was non-existent. 88 percent of the respondents stated that they received no compensation for workplace injury, irrespective of its seriousness.

**Table No. 42c: Compensation for workplace injury**

	Response	
	Frequency	%
Yes	1	4
No	23	88
Not applicable	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

Respondents reportedly suffered no major health hazard during their stay abroad. 96 percent of them denied having any health problem during their stay abroad. Only 1 respondent complained of respiratory disorder.

**Table No. 43: Health risks during stay abroad**

	Response	
	Frequency	%
HIV/aids	0	0
STD	0	0
Skin disease	0	0
Respiratory disorder	1	4
Urinary tract infection	0	0
Other (specify)	0	0
Not Applicable	25	96
<b>Total</b>	<b>26</b>	<b>100</b>

This is indeed remarkable given that existing literature on human trafficking speaks vociferously on health risks of trafficked individuals. The somewhat unexpected response to the issue in this study may be on account of the respondents' ignorance of the issue or the simple fact that they were not aware of any such affliction even if they contacted it, or they were simply evading the issue. Culturally, Bangladeshi women are accustomed to overlooking illnesses that afflict them. In a male dominated society whatever resources are available are utilised first by the male. Consequently, they learn to suppress their own discomforts from an early age in the greater interest of their families. The responses in the present study may well be a reflection of this cultural orientation.

#### **7.2.7 Punishment at work**

When respondents were asked whether they were given any punishment for mistakes at work or unwillingness to work, 61 percent admitted to being punished for one or the other of the options suggested. 31 percent of the respondents stated that they were never punished on such grounds.

**Table No. 44: Punishment for mistakes at work or unwillingness to work**

	Response	
	Frequency	%
Yes	16	61
No	8	31
Not applicable	2	8
<b>Total</b>	<b>26</b>	<b>100</b>

When asked about the kind of punishment received, 50 percent of the respondents spoke of verbal abuse, while another 50 percent mentioned physical chastisement as means of punishment for mistakes committed during work.

**Table No. 44a: Type of punishment**

	Response	
	Frequency	%
Verbal abuse	8	50
Physical chastisement	8	50
Salary cut	0	0
Other (specify)	0	0
<b>Total</b>	<b>16</b>	<b>100</b>

Experiences from different countries reveal that like other irregular migrants, victims of trafficking are subjected to exploitation by recruiters and employers alike. While recruiting agents maintain control over them confiscating travel documents and other relevant papers, employers subject them to illegal confinement, cruel, inhuman and degrading treatment, sexual exploitation, torture and physical abuse, violent punishments and unregulated work without wages. While individuals may face similar situations in their home countries, the susceptibility of migrant workers to human rights violations is higher due to lack of legal status, both in terms of immigration and employment.<sup>11</sup>

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<sup>11</sup> *Ibid.*, pp.8.

## **Chapter 8**

### **Security Issues upon Return to Home Country**

Unequal power and gender relations make many abuses peculiar to and more commonly perpetrated against women and children during transfer, in countries of destination and during return and resettlement. The intensity of these violations, coupled with the victims' limited access to support and redress mechanisms essentially makes long-term recovery a difficult task.<sup>12</sup> An attempt is made in this section to examine the situation of respondents upon their return from aboard.

#### **8.1 Mode of return**

When respondents were asked as to their mode of returning home from the place of destination, 57 percent claimed that they had escaped, 31 percent said they were rescued and 12 percent admitted to having negotiated their freedom.

**Table No. 45: Mode of returning home**

	Response	
	Frequency	%
Escaped	15	57
Rescued	8	31
Negotiated freedom	3	12
Other (specify)	0	0
<b>Total</b>	<b>26</b>	<b>100</b>

#### **8.2 Mental condition upon return**

When asked about their emotional and mental condition upon returning home, 58 percent replied that they were indeed happy to be back, 38 percent stated they were relieved, and 12 percent admitted to suffering from a sense of shame.

**Table No. 46: Feelings upon return**

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<sup>12</sup> D'Cunha, Jean, *Trafficking in Persons: A Gender and Rights Perspective*, paper presented at the Expert Group Meeting on Trafficking in Women and Girls, New York, November, 2002, p. 13.

	Response	
	Frequency	%
Happy	13	50
Relieved	10	38
Ashamed	3	12
Fearful	0	0
Confused	0	0
Others	0	0
<b>Total</b>	<b>26</b>	<b>100</b>

As for their feelings at present, 23 percent felt insecure, 12 percent felt uncomfortable and 1 respondent felt contented while another 1 felt disillusioned. 15 percent of the respondents were discontented with their lives.

**Table No. 47: Current feelings**

	Response	
	Frequency	%
Contented	1	4
Uncomfortable	3	12
Insecure	6	23
Disillusioned	1	4
Ostracised	0	0
Discontented	15	50
<b>Total</b>	<b>26</b>	<b>100</b>

There were mixed feelings amongst respondents with regard to their current feelings. Some of them were relieved that they are no longer in dubious professions, at the same time they feel ashamed when people look at them differently. When they were abroad they dreamt of escaping oppressive situations and returning to the safety of their homes. However, the reactions they on their arrival home were not as they had anticipated.

### **8.3 Reaction at home**

Respondents were asked about the reaction of the community when they returned. 88 percent of the respondents reported that the community accepted them gladly whereas a small proportion of 12 percent admitted that they were received back with reservation.

**Table No. 48: Response of the community upon return**

	Response	
	Frequency	%
Accepted back gladly	23	88
Received with reservation	3	12
Rejection	0	0
Indifference	0	0
Contempt	0	0
<b>Total</b>	<b>26</b>	<b>100</b>

Clearly, trafficked individuals suffer stigmatisation in a number of ways. The kind of work they engage in destination countries has a labeling effect on them which intensifies on their return home. They are marginalised to an extent where even their families are unwilling to receive them back. Considered spoilt in the process, trafficked individuals suffer social exclusion, indifference and intolerance at different levels, which make their reintegration a difficult task.

#### **8.4 Role of State**

The respondents were asked whether they received any support from the State upon their return. An overwhelming majority, i.e., 96 percent answered in the negative. Only 1 respondent stated that she received medical treatment from the Government when she returned back home.

**Table No. 49: Whether received State support upon return**

	Response	
	Frequency	%
Yes	1	4
No	25	96
<b>Total</b>	<b>26</b>	<b>100</b>

#### **8.5 Tangible gain from stay abroad**

In response to queries as to whether financial status was better off now compared to the pre-trafficking stage, 45 percent replied in the negative and 35 percent answered in the affirmative. 8 percent of the respondents said that their economic status was modest, while 12 percent claimed that their financial position remained unchanged.

**Table No. 50: Whether financially better off now compared to pre-traffic state**

	Response	
	Frequency	%
Yes	9	35
No	12	45
So-so	2	8
Same as before	3	12
<b>Total</b>	<b>26</b>	<b>100</b>

Of those whose financial status was reportedly better off after the trafficking experience, 67 percent claimed of enjoying a better life than before whereas 33 percent felt that they now had greater independence. These were the most tangible benefits that they reaped in the process.

**Table No. 50a: If better off, the most tangible example**

	Response	
	Frequency	%
Owner of house	0	0
Have own business	0	0
Better lifestyle	6	67
Greater independence	3	33
Other (specify)	0	0
<b>Total</b>	<b>9</b>	<b>100</b>

In answer to the question whether they were able to remit any money home from the place of destination, the respondents unanimously answered in the negative.

**Table No. 51: Whether able to remit home any earnings from the place of destination**

	Response	
	Frequency	%
Yes	0	0
No	24	100
Not applicable	2	
<b>Total</b>	<b>21</b>	<b>100</b>



When asked whether the move had enhanced their social status, 58 percent disagreed while 38 percent stated that their social status remained the same. Only 1 respondent claimed that her social position has enhanced since the move and cited increased self-confidence as an important indicator of her enhanced status.

**Table No. 52: Whether move abroad has enhanced social status**

	Response	
	Frequency	%
Yes	1	4
No	15	58
Same	10	38
<b>Total</b>	<b>26</b>	<b>100</b>

**Table No. 52a: Indicator of enhanced status**

	Response	
	Frequency	%
Financial independence	0	
Increased self-confidence	1	100
Other	0	
<b>Total</b>	<b>1</b>	<b>100</b>

Of those whose status in the society did not improve, 47 percent of them stated that social rejection impeded their social status, 40 percent spoke of insecurity as hindering their social status whereas 13 percent indicated other reasons.

**Table No. 52b: Reason for non-enhancement of social status post return**

	Response	
	Frequency	%
Social rejection	7	47
Stigmatisation	0	0
Insecurity	6	40
Other	2	13
<b>Total</b>	<b>15</b>	<b>100</b>

## 8.6 Respondents' views on trafficking

When respondents were asked for their views on strategising against trafficking, many of them gave multiple answers. 39 percent felt that stricter law enforcement was essential to curb trafficking in women and children, 42 percent called for creating public awareness of the issue and 7 percent regarded economic stability as a crucial tool for dealing with the problem. 12 percent of the respondents were unable to answer.

**Table No. 53: Strategies for curbing trafficking in women and children (multiple answers)**

	Response	
	Frequency	%
Public awareness	18	42
Gender sensitisation	0	0
Economic stability	3	7
Strict law enforcement	17	39
Regularised migration	0	0
Other	0	0
Unable to answer	5	12
<b>Total</b>	<b>43</b>	<b>100</b>

Undeniably, awareness of the phenomenon, its associated complexities, the mechanisms for complaint and prosecution, the options for legal aid and support services are all crucial for creating an enabling environment for combating the problem.

## **Chapter 9**

### **Case Studies**

#### **Case Study 1**

Matin is a 14 year old orphan. His elder brothers are his guardians, who engaged him for minding the cattle. He has three brothers and one sister. He never had the opportunity of attending school. Consequently, he is devoid even of basic education. However, he did train to become a tailor under the

guidance of the Association for Community Development (ACD), a Rajshahi based development NGO. He is now training to be a barber.

Matin recalls that his neighbours who were richer than them always maintained a distance from his family. Accordingly, he did not have any friends in the community. Moreover, since he was very young at the time when he was trafficked there was no opportunity for forging any lasting friendships.

Matin was 8 years old when he crossed the border. Since Matin was keen on getting an education, a local man convinced his brothers that he could arrange for Matin's schooling in India. His eldest brother thought it a good idea particularly as family impoverishment prevented them from providing him with any education. Accordingly, he conceded to the man's proposal.

Matin crossed the border on foot with the local man. Matin's family did not pay anything for the journey as the man did not demand anything. Matin confessed that crossing the border was an easy matter as there was no fencing, no border patrol and no restriction whatsoever. As such, they crossed the border in a single attempt. After crossing the border they reached Chaipara wherefrom they travelled first by bus and then by tempo to reach Kolkata. Once they crossed the border, Matin and his companion used public carriers every time. During the journey his companion treated him very well. Matin was actually happy thinking that his days of suffering were finally over. At the same time Matin felt apprehensive about his new surroundings.

Matin's companion handed him over to another man who would actually employ Matin. It was at this juncture that he realised that something was seriously wrong. Matin's employer explained his duties which was basically to beg on the streets. He found other boys like him in the small room which was to be his residence for the period he was employed. The room was small and congested and housed all the other children as well.

Matin was awakened each day very early in the morning and sent off to remote places to beg. He was always fearful of losing his way and suffered great anxieties over crossing busy roads. At the end of each day Matin, like the other boys, deposited all the money that he obtained through begging. He slept like a log at night due to extreme fatigue. Whenever the amount was less than anticipated, the employer would be incensed and mete out punishment including physical beating. There was a time when Matin's backbone was almost displaced by his employer who struck him very hard. Verbal abuse was a norm.

Matin worked on an average for 10/12 hours each day. There was no holiday, no rest nor any time for recreation. He ate on the job. Although he was free to roam about on the streets at will, he never felt totally relaxed due to the nagging worry that he would not be able to collect enough money if he took time off for his own pastime. Matin never received any share of the money that he earned nor was he given any wages. He does not remember being treated for any ailment. Despite the fact that he roamed the streets, Matin never encountered the police nor was he ever detained by them.

It gradually dawned on Matin that he could not continue with this way of life for long. One day, he decided to try his luck and escape. Since he was free to move to different places for begging purposes, he utilised this liberty and made his way to the border from where he was rescued by ACD personnel.

Matin still has not been reunited with his family. He does not know how they are. Nonetheless, he feels relieved to be back home and is determined to make something of his life. Matin's economic status has not improved after his trafficking experience. However, the process has wrought other changes in his life. His present conditions in terms of food, housing and health are better as he is being looked after by ACD. He is confident that skills he is learning at ACD will equip him for a constructive future life.

## **Case Study 2**

Khadija was 15 years old when she was trafficked. She was married at the time and worked as a garment worker. She is 17 years old now and still married. She shared a congenial relationship with family members and neighbours before she was trafficked. She also had many friends in the community where she lived.

Khadija earned Taka 1500 per month as a garment worker. Her husband convinced her that she could earn up to Taka 10,000 per month if she worked in a steel factory in India. Khadija considered the potential of earning a reasonably high salary and agreed to travel to India. Her family was also happy with the decision as the extra money would come in handy.

Khadija's father gave her husband Taka 3000 for the journey. She was accompanied by her husband when she arrived at Gabtoli via Gulistan on a bus. They started for India with four other people and reached a locality near the Indian border at around 4 a.m. the next morning. There was a narrow canal with paddy and jute fields around it. Her husband informed her that they would have to stay there until 8/9 at night as they might be apprehended or attacked by the police or the BDR.

Khadija had no clue that her husband actually had an ill motive as he was very attentive to her needs. She was confident in the thought that she was traveling with her husband and no ill could befall her.

They managed to cross the border easily and were not stopped by the border security/law enforcement agencies at any stage. They were also assisted by some local people. After crossing the border her husband sold her for a price and she was forced into prostitution. She was scared to death in her new environment where she was virtually imprisoned.

Life as a prostitute entailed many kinds of insecurities. She was subjected to sexual abuse and exploitation and forced to service customers, often without a respite. There was no formal contract for work nor was any wage fixed. Nevertheless, she received a handsome amount, about Rs. 1500 on an average. She was free to buy clothes or special food for festivals if she chose to do so and was given time off for rest and recreation. However, she was not paid any money for working overtime. She received weekly breaks and other festival holidays.

Khadija alleges that she did not contract any serious disease as a prostitute. Whenever she was ill her employer provided medicines or called on the doctor. Her employer normally did not misbehave but resorted to occasional slaps on the face for unwillingness to work. She enjoyed freedom of movement in the place of destination and could even visit the markets frequently. She never encountered the police during her stay in India.

She managed to escape with the help of a fellow countryman. Although she is happy to be back but is ashamed by the fact that everyone in her locality knows that she was working in a brothel. Her husband actually disseminated this piece of information. She admits that people look at her differently. However, she was relieved that her family received her back cordially enough. Khadija confesses that her experience has not brought about any real change in her socio-economic conditions as she was not able to remit home any of her earnings. In fact her health has deteriorated in comparison to her pre-trafficking stage. She did not receive any assistance from the Government upon her return. Khadija is now a student of non-formal education run by Bangladesh National Women Lawyers Association (BNWLA). She also receives vocational training there.

### **Case Study 3**

Saima, presently 25 years of age, was only 16 years old and unmarried when she was trafficked. Saima is physically challenged as she cannot speak; she is also illiterate. She is illiterate. She now works as a domestic help and earns

Taka 300 per month. Prior to her trafficking experience Saima earned nothing. She has four brothers and mother. Her father died while she was away from home. Saima now lives with her mother whereas her brothers live away from them. Saima knows of no one in her immediate family who has been abroad whether by way of trafficking or migration. Therefore, Saima was the first in her family to have experienced the implications of moving away from home.

Saima shared a good relationship with her family. When her father was alive he earned reasonably well to support his family. It was however difficult to find a husband for Saima. Since she was dumb no man was willing to marry her. Eventually they found a match for Saima. He claimed that he lived in India and came to Bangladesh to find himself a good, obedient wife. It was customary for families in Saima's village to pay a large dowry for their daughters' marriage. However, the situation was quite different for Saima. Her prospective groom demanded no money; rather, he paid Taka 5000 from her dower which was agreed at Taka 10,000 to assist in the wedding arrangements. As her prospective groom did not demand any dowry, unlike other men in the village, Saima's family was overjoyed at having found such a good man for their physically challenged daughter.

She left home after her marriage to accompany her husband to his home across the border. There were two more men with them, one from India and the other from Bangladesh. Saima now realises that they were actually middlemen. They crossed the Jominpur border on foot. They were not stopped by border security or any one else at any point of their journey and the border crossing was smooth. After crossing the border, they walked for a bit before reaching Maldah where they stayed with some relatives of her husband. They traveled from there by train to Firozabad, Uttar Pradesh. The journey lasted for nearly 48 hours. During the journey she was treated well. Since she was moving with her husband she had no cause for concern and accordingly did not question him on any matter. While she may have experienced some degree of anxiety having arrived at a new country, she drew comfort from her husband's company.

When they finally arrived at her husband's house she discovered that he already had two wives and grown-up children. It dawned upon her at that point that she was deceived. From that day on she was at the mercy of her husband's family, being at their beck and call at all hours of the day. They forced her do all the household chores. She was not allowed to move freely. She was miserable and devoid of friends or family she could not share her dilemma with anyone.

After few days, her husband convinced her to work in a bangle factory. She did not have any formal contract with her employer. She had to work for more than 12 hours without break. There were virtually no time for rest and breaks for meals were very short. She was given some food but the quality was poor and amount inadequate. Her wages were nominal. She had no control over the use of her wages as her husband received the wages on her behalf. Although she worked long hours, she was never paid for overtime work. There were no designated holidays, weekly or otherwise. There was no provision for medical treatment for workplace injury. Fortunately, Saima did not experience any major health risk during her work in the bangle factory. Whatever physical illness she experienced during her stay abroad stemmed primarily from the physical violence meted out to her by her husband and his family. She was sometimes subjected to physical violence by her employer for mistakes committed during work. She also suffered at the hands of street hoodlums on her way to work. The fact that she was unable to speak, complicated matters further.

By this time Saima found out that her husband was involved in trading in women from across the border. Known as the "Khotta", these people worked in organised groups and infiltrated into Bangladesh by posing as cattle traders. In reality they traded in women in the guise of marriage. One night, as Saima was sleeping, she was awakened by a light on her face. She woke up with a start and found that her husband, in the company of 4/5 other men was flashing a torchlight at her. In response to her gestures they said that they were checking her out just as cows were examined before sale. Saima realised what they were up to—she managed to tear away from their grasp



and ran as fast as she could to the nearest house. She somehow conveyed her predicament to the inmates of the house upon which they took her in. Later they gave her some money and took her to a bus. Saima's journey home was arduous. Her inability to communicate freely and lack of sufficient money made things doubly complicated. She sometimes travelled by bus, sometimes by train and often on foot. She resorted to begging when her money ran out.

When she finally reached home, the scenario had changed considerably. Her father had passed away, her brothers had married and moved away and her mother was all alone. Reintegration was difficult. Although she managed to procure a job as a domestic help in a house in the village, she was compelled to leave after being raped by the master of the house. This incident marginalised her further from her family and her community. The villagers thought she was unchaste and avoided her. Her brothers considered her a burden and do not want to take her responsibility.

She is currently a beneficiary of the Rehabilitation Programme run by ACD. However, her material circumstances, in terms of food and income, have not improved since her return home. She did not receive any assistance from the Government. If anything, her stay abroad has impacted negatively on her social status.

#### **Case Study 4**

Parveen, now 16 years old and unmarried, was only 11 when she was trafficked. Parveen does not know how to read or write. She belongs to a family of five members. She has no brothers and there was no history of migration or trafficking in her family prior to her own move.

Parveen lived in Jhikra, a village in Jessore, which is very close to the Indian border. Her family was poor and her father, though alive, could not provide for his family as he was suffering from acute condition of stomach ulcer and was unable to work regularly. Her maternal grandmother reared Parveen in an attempt to ease her family's burden. She shared a good relationship with her

family members and had friends and neighbours in the community who were good to her.

One day, one of their neighbours approached her parents with a proposal of procuring a job for Parveen as a domestic help in view of the deteriorating economic conditions of her family. At the beginning, her parents were reluctant to let her go but Parveena convinced her parents of the necessity of earning a living to ameliorate the impoverishment of the family. Her parents finally gave in and permitted her to leave with the neighbour who was known to them for years.

Parveen travelled with the woman, first on foot and then by bus, until they reached Benapole. After crossing the border, the Parveen was taken to a room where she met 3/4 other women. After a while, they all boarded a bus and arrived at a railway station. They took a train from that station and traveled to Mumbai. The journey took nearly 2-3 days.

Parveen was treated well during the entire journey. She was adequately fed and cared for and she did not for a moment suspect that her travel companion may have dubious other plans for her. Rather, she felt extremely grateful for what appeared to be a great deal of trouble to help her get a job. Since their passage across the border was smooth with the BDR and police actually helping them move, Parveen felt doubly secure.

After reaching Mumbai, they stayed in a house about which she could not remember much. The next morning, they traveled to another place by a microbus. They arrived at a brick-built building in the woods where she saw more women. At this point, Parveen began to feel uncomfortable and started to ask questions about their whereabouts. When they were evading her questions she began to argue only to be subdued harshly. By this time it dawned on Parveen that she was trapped. She remembers that the people

who were involved in the business were clever and extremely organised. The plans were done meticulously with very little room for error.

Parveen was soon exposed to the horrors of her job as a prostitute. She worked for 3 hours every night, sometimes more, servicing customers from different backgrounds. Some of the customers were cruel and tortured her in numerous ways. She was subjected to violence by customers and employers alike when she refused to comply with their orders. Parveen was miserable. Physically alienated from friends and family, virtually imprisoned in her workplace that also served as residence and exposed to routine physical and mental torment, Parveen felt she would not survive this ordeal.

She did not have any formal contract with the employer. Although she was allowed time to rest and eat, she did not receive any wages. She was neither paid for overtime work nor did she get any bonus during festivals. Weekly or festival holidays were a dream. There was no provision for medical treatment. She often complained of bodily pain but her employers ignored her pleas. The only drug that was supplied to her on a regular basis was contraceptive pills which she was required to take every night. Her mobility was severely curtailed and she was not allowed to interact with anyone outside of the brothel. In fact, the doors and windows were kept perpetually locked from the outside to prevent anyone from leaving the place. Parveen spent three years in this brothel. One day her employers sold her to another brothel. The situation was much the same there.

Once, during Puja, all the inmates of the brothel were allowed to go out for refreshment in the afternoon. Parveen declined to go on a pretext. Actually, she had made up her mind that she would attempt to escape when everybody was out of the brothel. The weather was stormy which continued well into the night. Parveen's room was located on the first floor. She broke open the window but as she tried to climb down the security guard caught hold of her and locked her up. Parveen was adamant on escape. She squeezed through a ventilator and leapt on to a garage below. She sustained injuries in different places of her body but she was determined to go on. She desperately looked

around for an outlet and found sewage drain. She followed that drain and soon came out in the open.

Parveen could not believe her good fortune. By the time she managed to free herself, news of her escape spread and her employers sent out teams of people to recapture her. Parveen never stopped running. She came upon a house and asked for help. Coincidentally, the members of the house were from Jessore in Bangladesh. Realising the danger she was, they agreed to help her. Agents of her employer reached that house and asked whether they had seen Parveen. The owner flatly denied any knowledge of her existence, let alone her whereabouts.

Parveen continued to stay with the family. When they were planning to visit Bangladesh Parveen begged them to take her with them. At the beginning they were unwilling to take her to avoid hassles at the border. However, they later relented and agreed to take Parveen with them. Ironically, this time, the BDR stopped them and detained Parveen on the ground that she did not have relevant papers. Despite clarification about her situation and repeated requests the BDR refused to allow Parveen to enter into Bangladesh. As a final resort, the family members offered the BDR personnel some bribe following which she was released and allowed to cross into Bangladesh with them.

The family took her to her village. Parveen was beside herself with joy. However, her feelings of euphoria were short lived. The neighbour who had originally taken her away spread rumours about her. Consequently, the villagers think that she is a fallen woman and has no respect for her. They treat her with contempt and she is made to feel ashamed for the crime that was committed against her. She also suffers from physical insecurity. Parveen has no earning. She was not engaged in any income earning activity even prior to being trafficked. However, since her father is physically better than before, he is able to earn a little. As a result, she is now able to eat better than her pre-traffic stage. Nonetheless, the condition of her house remains unchanged as whatever is earned is spent on food and other necessities and

there is nothing left to use for repairing the house. She did not receive any help from the Government upon her return. However, she received a rickshaw van from the Bangladesh National Lawyers Association (BNWLA) which her father plies and manages to earn some money for the family.

#### Case Study 5

Sajib, now 16 years old, was a boy of 5 years when he was trafficked. Although at the time when he was trafficked Sajib did not go to school, he is currently a student of class seven. He also serves as a trainer for children for Bangladesh National Women Lawyers Association (BNWLA) and earns Taka 2000 per month. Sajib does not recall anyone from his immediate family who had been exposed to either migration or trafficking abroad.

Since Sajib was very young when he was trafficked he cannot remember details of his household economics and social dynamics in order to provide a comparison with his present position.

However, he does remember that he did not move on his own volition. His brother-in-law (husband of his step sister) kidnapped him with the assistance of his wife, i.e. his step-sister. Sajib recalls how his step-sister requested his mother to allow Sajib to sleep with her young son who was crying. She said that her baby would fall asleep if he had Sajib for company. His mother gladly sent him over. When Sajib came to his step-sister's house she offered him some food. Sajib felt sleepy right after dinner and promptly dozed off. When he finally awoke he found that he was in another place. He learned that he was in Kolkata and although the people seemed to be speaking in Bangla, Sajib could not fully comprehend the language.

Sajib was confused. The people accompanying him told him not to be afraid. They said that they were going to take him to a nice place where he could play and have lots to eat. Sajib remembers boarding a train at Kolkata and arriving at yet another new destination. The language of the people here was even more incomprehensible to Sajib. He later learnt that this place was called Mumbai. After a couple of days, he was taken to an airport. For Sajib,

the trip to the airport and subsequent travel by air was indeed unique. He had never flown in an airplane in his life nor did he ever dream of it. Understandably, Sajib was excited and happy. The Security Officials at the airport did not stop them at the airport and they took off without any difficulty.

Throughout the journey his companions treated him well. When they finally arrived at the place of destination he found other boys like himself there. He was told that he would have to ride on camels. Sajib had never seen a camel in his entire life, let alone ride one. He was scared to see the animal and cried at the thought of having to straddle on it. He realised that he would not be able to see his family again and was practically at the mercy of his captors.

Sajib was initially trained to sit on a camel. They tied him on to the camel's back and whipped the animal's buttocks, urging it to run. Sajib remembers how he screamed and cried but that only made the animal run faster. He fell off the camel's back a number of times and sustained serious injuries. Injuries sustained during training and racing were normally attended to very superficially. They were often made to cross highways on the camel's backs. Frightened by the speeding cars on the highways, the camels usually bolted which invariably increased the risks of injury.

The children were under constant supervision of an older Sudanese boy. He was responsible for their training and overall management. Sajib and the other children were not fed properly. The Sudanese boy would treat them unkindly and punish them for every mistake they made. They were not allowed to rest and were allowed very few hours of sleep. They were all undernourished and suffered from different ailments. Sajib, along with the other boys were kept under strict surveillance and were not allowed to venture out of their abodes, when not riding training.

Like the other boys, Sajib served as a jockey for racing camels. On an average he worked for 10/12 hours per day. There was no formal contract of with his employer. There were no designated times of meals. The jockeys were allowed to eat during the time the camels were fed. Sajib never received

his wages personally—they were collected by the people he came. They reassured Sajib that they would arrange to send his wages to his mother. It did not occur to Sajib that they might be deceiving him until much later. Although he worked for long hours he was never paid any overtime. Similarly, the concept of festival bonuses did not exist.

The most celebrated camel races were held on Fridays. On those days, Sajib had to wake up as early as 10 o'clock in the morning and prepare himself for the event. The race would take place from 9/10 a.m. and would last until the call for Juma'a prayers. At the end of the prayers, the jockeys would have the rest of the day off. Apart from this brief respite, they never had any other holidays.

As Sajib grew older, the demand for his services began to decline. This was largely on account of his increasing body weight. When he turned 9, his employers released him. In fact it was his employer who contacted the Bangladesh Embassy to arrange for his return home.

Once he was back home, he did not receive any help from the Government. Since all his earnings were usurped, he was not able to remit home any money. Consequently, there has not been any tangible improvement in his financial status in comparison to his pre-trafficking stage. However, his experience abroad has earned him his current job with BNWLA where he trains children on different aspects of trafficking in children.

### **Case Study 6**

Khurshida Begum is a 25 year old woman who was barely 14 when she was trafficked. She was a housewife at the time and is still married. Khurshida was illiterate when she left home but now knows how to read and write a little. She is presently working in a garment factory where she earns Taka 1500 taka per month. Khurshida was not gainfully employed prior to her trafficking experience. Like many others, Khurshida was the first amongst her immediate family to have gone abroad.

Khurshida was born in Madaripur. Her father passed away when she was very young and her mother single handedly reared her and her sister. She was married off at the age of 14 years to a rickshaw-puller. Her husband rented a room in Jurain and took Khurshida to live with him and his mother. Soon afterwards, her husband started to pressurise her for dowry from her mother. When Khurshida failed to meet his demands, he tortured her physically.

One day, her husband and mother-in-law deserted her and went away without paying three months rent for the room. Khurshida was helpless—she was destitute and could not fathom where to go or whom to turn to. She went without food for a couple of days. On the third day, a woman neighbour, whom Khurshida referred to as aunt, came to see how she was faring on her own. The lady was sympathetic about Khurshida's condition and offered to help her in any way she could. She arranged to sell all accessories that Khurshida owned for settling the unpaid rents. Khurshida was overcome with gratitude at the lady's apparent kindness. Soon she became overtly dependent on the lady who was guiding her every move.

The lady convinced Khurshida that she could find her a good job if she went to India. Khurshida readily agreed as she had no means of supporting herself. Moreover, she did not fancy going back to her mother, who was herself struggling to survive. In the meantime, her younger sister left their mother and joined her. Both decided to go to India with the lady. They travelled with the lady and crossed the Benapole border by bus. It is only when they arrived in India, did the lady expose her true intentions.

The lady took her to a house where she was handed over to another woman who forced to work as a sex worker when she was done with the domestic chores. Her sister was taken to another house to serve as a domestic help. After a couple of months, Khurshida began to cry and asked to see her sister. She convinced the woman of the house that she would return right after seeing her sister. In the meantime, Khurshida's younger sister, getting wind of



her sister's predicament, related the entire story to the master of the house she was working for. When Khurshida finally came to visit her sister, the gentleman took her straight to a local shelter home that had connections with BNWLA. Subsequently, Khurshida was brought back home from the shelter home.

Khurshida's exposure abroad was unproductive to say the least. She did not earn anything substantial; rather, her social status has declined. She did not receive any support from the State upon her return. Nonetheless, the experience has hardened her to the realities of life. She has managed to find herself a job and is now earning a steady income. Consequently, she is now financially better off compared to her pre-traffic stage. She also enjoys greater independence. Although her living conditions have remained unchanged, her condition in terms of food, health and personal security has vastly improved.

### **Case Study 7**

Morjina was born in Monirampur, Jessore. She is now 16 years old and was 14 when she was trafficked by her step father. She used to go to school and was a student of Class VI in her village school. Morjina's father died when her mother was pregnant with her. When she was born her paternal uncles tried to take custody of Morgina but her mother declined. Consequently, she remained with her mother. Unfortunately, Morgina's mother was of disreputable character. She was having an extra-marital affair with one Mizanur Rahman. Her relationship with this man continued after Morjina's father passed away. At one point Mojina's mother and Mizanur Rahman got married and went off to India, leaving Morjina with her grandparents. Morjina was happy with her grandparents who showered her with a lot of love and affection. The neighbours, too, were very kind to her as she had lost her father and were left behind by her mother. She was well-loved in the community and had a host of friends and well-wishers. Despite their care and concern for Morjina, her grandparents could do very little for Morjina in material terms as they were poor. Nonetheless, they tried their best to care for Morjina to the best of their ability.

One day her stepfather appeared and said that her mother was critically ill and was asking to see Morjina. Morjina did not like her stepfather nor did she trust him. She refused to accompany him to see her mother. Her grandparents, too, were reluctant to let Morjina go. However, her stepfather regaled them about the seriousness of her mother's condition and stated how heartbroken she would be if Morjina did not go to see her. Moreover, her illness was so acute that she might not even survive. Morjina's resolve not to give in to her stepfather's request weakened considerably at these words. Her stepfather asked her to rethink her decision in view of the urgency of the matter. While Morjina was contemplating on her next course of action, her stepfather took her to the local bazaar for a treat. He offered her some watermelon juice. The juice appeared fresh and juicy and despite Morjina's initial reserve, she could not resist the temptation of tasting the drink. She started to feel drowsy and soon lost consciousness.

Morjina does not remember anything between taking the drink and the time when she awoke. When she came to she found that she was on the road with her stepfather and his nephew. She wanted to protest and shout for help but she could not speak. Her body felt heavy and she could hardly move her legs. Although she slept on and off, she remembers that they first travelled by bus and then took the train. She does not remember exactly how long it took them to reach the place of destination but guesses that it might have taken them to 3-4 days to reach the place. Since she was doped for the most part of the journey she could not recall any details of their travel. She does remember being fed at intervals.

Morjina remembers being stopped by the police near the border. The police asked them where they were taking Morjina. The traffickers related the story of her mother's illness. They were not convinced. There were some local people who intervened and negotiated on behalf of the traffickers. They soon reached an understanding following which they were allowed to cross the border. Morjina later learnt that the local people who assisted traffickers in crossing the border were known as *Dhar'*.

The group crossed the border into Kolkata and moved on to Mumbai. By this time Morjina was totally conscious of the implications of her journey. When they reached Mumbai, she was taken to a place where there were other women like her. Morjina realised that she was brought to a brothel. What shocked her most was that her mother was also a prostitute there. Morjina resisted their attempts to hold her captive but her efforts were soon subdued by physical force. She was beaten, locked up and denied food until she finally gave in. Thus, her life as a prostitute began.

Morjina refuses to divulge the tribulations she faced in that brothel. Nevertheless, she reveals that being totally alienated from her family and friends, she felt physically and mentally insecure. Her work schedule depended on the whim of the employer and since she lived and worked in the same place, there was no respite from the nightmarish experiences. She was paid nominal sums and that too, irregularly. One night, the brothel was raided by the police at the initiative of a human rights organisation. The women were rounded up and asked about their whereabouts. Morjina described her experience and tried to give details of her place of origin. She was handed over to the relevant authorities.

After being rescued, Morjina was taken to a shelter home of BNWLA. She received vocational training and is currently serving as House Sister for looking after children at the shelter home. She earns Taka 500 from this occupation. She is financially better now compared to her pre-trafficking stage as she is now working for Bangladesh National Lawyers Association (BNWLA). She did not gain financially as a result of her trafficking experience as she was not able to remit any money home. Since she has not visited her village yet, Morjina does not know how her community will react to her. However, she thinks that the reaction might not be positive after all.

### **Case Study 8**

Razia was 16 years old when she was trafficked. She is now 30 years old. She was illiterate and unmarried at the time she was trafficked. After her

return she received non-formal education from BNWLA and is now married. She also works as a cleaner at BNWLA.

Razia does not recall anything about her own family as she was reared by her adoptive parents. However, she did not share a congenial relationship with her adoptive family. Razia was always regarded treated with pity, instead of genuine affection and often treated her harshly. Razia resented this attitude. The neighbours demonstrated a similar approach for which Razia did not have any real friends in the community.

Razia was tired of the situation at home. One day, she escaped from her house and took refuge with a neighbour who appeared to be more compassionate towards Razia than the others. Before Razia could fathom what was happening the neighbour sold her to another man. While Razia was travelling with that man she managed to escape when the train paused briefly at a station. Razia later found out that she was at Rangpur. As the day was drawing to a close, Razia hailed a rickshaw and boarded it. Suddenly, some young men came upon her and started to harass her. At this point a man, Selim, came to her rescue and got rid of the unruly gang of young men. Razia told Selim her whole story. Selim was sympathetic and promised to help her. They crossed into India through the border in Noagaon, reached Punjab and went on to Lahore in Pakistan. Razia did not have to spend any money during the entire journey that was undertaken at times on foot and at others, on bus and train.

Although Razia was apprehensive about going to a new place, her relief at having escaped from the oppressive state at home overrode all other emotions. She felt secure in the thought that Selim would help her find a job the moment they arrived at the place of destination and her days of suffering would be over. They had no problems in crossing the border.

Once in Lahore, one Punjabi man married Razia. The early days of the marriage passed quite well. Razia's husband found her a job as a domestic

servant in the residence of a renowned human rights activist. She did not have any problem with her employer. She worked for 8 hours a day. However, she was allowed sufficient time to rest and eat her meals. She was paid her salary regularly which was received by her husband on her behalf. Consequently, she had no control over the money she earned. There was no scope for overtime payment as she worked in a private residence. Nonetheless, she did receive bonuses on special festivals along with weekly and festival holidays. She was fortunate in not incurring any serious injury in her workplace. Her employer was a kind and provided her with medication whenever the need arose. She was never mistreated by her employer and she had the freedom of movement.

Since Razia was married to a Pakistani man, she never experienced harassment or insecurity on the streets that was often faced by other unattached Bangladeshi women who migrated or were trafficked to Pakistan. Razia never came into contact with the law during her stay in Pakistan.

Razia had been living in Pakistan for 10/12 years. By this time Razia had three sons. One day Razia's employer got into a discussion about Razia's past. Razia described about how she had arrived in Pakistan. She was nostalgic and wanted to visit Bangladesh. On hearing this, her employer contacted the Bangladesh High Commission and arranged for her return home. The fact that her employer was a human rights activist expedited matters.

Razia did not receive any State support her return. Her economic condition is better in the sense that she now earns contrary to her pre-traffick stage. She is more independent and has access to better food and housing. Since she had no real family she never attempted to remit any money to Bangladesh.

Razia's is a case with a difference. She was not unhappy with her life in Pakistan. It may not have been a perfect life but she was content with it. What Razia failed to comprehend is that it would be difficult for her to return to Pakistan once she left. Razia has now returned to Bangladesh but has failed

to locate her adoptive family. She misses her sons and wants to go back but is unable to do so apparently on account of visa problems.

### **Case Study 9**

Salma is a 13 year old girl. She was only 9 years old when she was trafficked. She is a student of class IV now and is also receiving vocational training at ACD. She did not go to school at the time when she was trafficked. ACD's officials inform that Salma is regularly performs in plays staged by ACD. Salma also travels to different parts of Bangladesh performing and receiving training. Whatever she earns in the process is deposited in a savings account by ACD on the understanding that she will receive the full amount when she leaves ACD. When Salma was trafficked she did not earn anything.

Salma's parents are alive and she has six sisters. Her elder sister was also trafficked to India but to this day they have no clue about her whereabouts. Salma was the youngest in the family and clearly well-loved. Salma admits that despite their poverty, they enjoyed a full life. They would help their mother prepare the meals and work around the house while their father worked in the field. Salma's family shared a good relationship with their neighbours. She had her elder sisters and cousins for friends.

When Salma moved the decision was made by her father. The trafficker, an uncle from the village, gave her father Taka 2000 taka and convinced him that he would engage Salma at a well paid job in India. In view of the impoverished conditions of the family, Salma's father consulted her mother and both of them agreed to let her go.

Salma and her uncle crossed the border easily. There was neither any border patrol nor police at the border. Although she was scared, her uncle reassured her that once in India she would be able to help her family financially. They crossed the border on foot. Salma was treated well by her village uncle. Consequently, she did not suspect that her uncle had other ideas. Soon after

crossing the border they made their way through a narrow and winding path. After a while they reached Salma's new workplace, which was basically a bidi factory. Salma was quickly absorbed in the workforce engaged at the bidi factory. Salma's self confidence increased when she discovered other children like herself who were busy rolling bidis at the factory.

Salma, like the other children there, worked and stayed at the same place. The bidi factory was actually located in a compound which also housed the young workers. They lived and worked in a small and congested dwelling which was inadequate to hold such a large number of workers. Salma felt uncomfortable in her new environment. She was confined to her workplace and she had nowhere to go. She intensely missed her family and community.

Salma did not have any opportunity of venturing outside her workplace. It was common for the workers to be rebuked for their mistakes. Salma was no exception. None of them had any formal contract with their employer. Salma worked for more than 17/18 hours a day. There was no fixed working time or breaks for meals. The children would eat one at a time while the others continued to toil so as not to disrupt the work process. Salma worked for three months and did not receive any wages during the period.

Since Salma's time at the bidi factory did not coincide with any festival, Salma was not in a position to comment whether she would be given any festival allowance. However, given that she was never paid any wages, the likelihood of getting festival allowances was remote. In the event of illness or injury at work, Salma had to go without any treatment. Sometimes, when Salma, on finding the work tedious, refused to work, she was seriously punished. Salma's freedom of movement was curtailed severely. She and other children were not allowed to move about freely and they were confined to their workplace which also doubled as their residence.

Salma planned on escaping. Their toilet was located at some distance from the factory. One morning, on the pretext of going to the toilet, Salma ran away from the bidi factory. The factory being quite close to the border, Salma made

her way back. However, she was afraid that she would be taken away again if the traffickers found her. However, her connections with ACD have given her a great deal of courage. Now she is able to lead an independent life and is able to earn and save some money. She has also acquired self esteem confidence despite the fact she was unable to remit any money from India. She was not able to remit any amount of money in Bangladesh.

Salma thinks that if the local government functionaries were alert about young children's whereabouts and life styles and if there were more awareness through radio and television about human trafficking then it would be possible to curb the phenomenon. Salma's life changed after her trafficking experience; she now enjoys better food, greater personal security and better health than her pre-traffick condition.

### **Case Study 10**

Golam Nabi, a boy of 13 was only 8 years old when he was trafficked. He used to study in class V at a remote village school. Nabi did not share a sound relationship with his family. They were poor and were always bickering over the scarce resources his family had access to. Since their neighbours were more affluent Nabi and his family kept a distance from them. Consequently, the only friends Nabi had, had been his relatives.

A local man convinced Nabi's father about the futility of keeping him at home. He described the lucrative jobs that were available for boys like him in India. Nabi's father, swayed by promises of riches from abroad, readily agreed to let Nabi go to India with him. What was more convincing is that the man did not ask for any money for taking Nabi along with him. Nabi resented his fathers' decision to send him away. He argued that his father should have sent him to school instead of sending him off to an unknown country, and that too, for earning money.



He did not seek any help from anyone. Since his parents sent him and actually he could not understand what was going to happen. There was no border fence in the border. No police was there also. So it was a very easy matter to cross the border. After crossing Jominpur village they crossed a narrow path and then there was the border and after crossing the border there was another narrow path. After crossing that path they reached a place from where they traveled Murshidabad by Bus. Then they reached his workplace, a Bidi making factory, where the other processes of making Bidi except putting tobacco was finished. They directly reached his workplace and did not stay anywhere. Actually no specific promise was made except providing a suitable job. Actually her workplace and residence was situated in the same place. It was a very small-congested room and there lived more children than usually could be resided. The environment was unfamiliar, they were virtually imprisoned, and he did not have any physical and wage security. He had to remain away from his family and friends. In India, both in workplace and residence he had to face insecurities.

Actually his workplace and residence was situated in the same place. It was a very small-crammed room and there lived more children than usually could be lodged.

They had no minimum chance to come out on the street. The respondent had to be ready always to receive punishment for a simple mistake. Mental torture in a way of chiding was a common experience.

He did not have any formal contract with his employer for his services/work. They had to work more than 17/18 hours. There no time was fixed for taking meal, the situation was like when they were working they had to take food one after another. Actually there was no promise at all for wage. He worked there for three months but did not receive even one single penny. They did not have any weekly holidays or festival holidays. He did not receive any medical treatment for workplace injuries. So he had to go without treatment. but fortunately he did not exposed to any health risk during stay abroad.

He did not enjoy freedom of movement in the place of destination. As the doors and windows were locked from the outside at workplace and the movement was restricted at the place of residence. He was never arrested by the police.

The toilet was far away from their workplace cum residence and one day in the very morning he along with other four Bangladeshi boys escaped from the residence by saying to go to the toilet and escaped away. Then they traveled by bus without paying fare and got down the bus stand which was near to the Jaminpur Border and returned to Bangladesh.

He did not receive any support from the State upon his return. He is now financially better off compared to her pre-traffic stage because of his better lifestyle and greater independence. He was not able to remit any amount of money in Bangladesh.

He is unmarried and a student of Class four in a school in Rajshahi town. But at the time of trafficking, he was a student of class five of a school of remote village. He is a cricketer and he is now attending the cricket clinic to be qualified in under 15 Rajshahi Divisional Team for national cricket tournament. There were four brothers, 2 sisters and his parents. There was none in his family who had been trafficked and migrated abroad.

Before being trafficked, his father and two elder brothers were the earning members of the family and each of them earned 30/35/40 taka per day. The situation is still almost unchanged. Trafficking created a great change in other affairs of his life. The condition of his food, personal security, housing and health are now better than the conditions comparing to his pre-trafficking life.

His experience increased his social status as he is now more confident. It is his opinion that the Local government functionaries can be alert so that they can enquire where the young children of one's family is living, more and more

involvement of TV and Radio, more and more awareness meeting with local people can be introduced to curb trafficking.

He does not want to go back in his family. He is fearful that his family may again help the traffickers and handed him over again to their hands.

He is feeling very nice, happy and self confident that he may enlighten the name of the nation if he gets the chance to represent the nation in Cricket ground. He cannot understand whether his family status was enhanced as he was not with his family for more than three/four days but his personal status was enhanced. He is now mentally and physically well in comparison to his previous condition. The Local government functionaries can be alert so that they can enquire where the young children of one's family is living, more and more involvement of TV and Radio, more and more awareness meeting with local people.

## **Chapter 10**

### **Conclusion and Policy Recommendations**

Despite growing awareness of the issue of human trafficking amongst relevant actors, there still exist ambiguities in the context of understanding labour market dimensions. Authors have time and again emphasised the need to examine labour market dimensions in order to effectively address the issue of trafficking. With globalisation has come increased mobility of people across national and international borders for various purposes, earning a livelihood predominating. Rapid economic growth in the newly industrialised countries, the graduation of the earlier unskilled labour pool and declining fertility rates, have produced labour deficit economies. This has led to the growing demand for labour from abroad, particularly, for unskilled jobs into which irregular migrants are drawn.<sup>13</sup>

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<sup>13</sup> Marshall, Phil, *Globalisation, Migration and Trafficking: Some Thoughts from the South-East Asian Region*, paper presented at the Globalisation Workshop, Kuala Lumpur, 8-10 May,

It is said that trafficking can be construed as a market in which women and children are treated as commodities. Monzini, for example, underscores three principal factors that essentially make this market work, namely, demand, supply and the institutional framework within which it develops. The 'demand' can be explained by recent trends in the globalised market that seek cheap labour for sexual and other purposes for a minimum price. With regard to 'supply', women make up the bulk of the trafficked population. The fact that women have limited access to formal and regulated labour markets and experience greater restriction in their mobility than men greatly circumscribes their opportunities for legal migration. This situation is compounded by rigid immigration policies of both the countries of origin and destination. Consequently, women opt for irregular migration, a process that ultimately lands them into low-paid, unskilled and exploitative work. The exercise is carried out by organised criminal syndicates that work in collusion with local pimps and recruits under pretense of assisting migrant women to reach labour markets abroad. With regard to the institutional framework, all too often in countries of origin, transit and destination, there is a conspicuous lack of anti-trafficking mechanisms/ regulations; where they do exist, they are not properly enforced. Passport controls are often weak and border management slack and rife with corruption. To make matters worse, trafficking is not a priority on the law enforcement agenda.<sup>14</sup>

Therefore, women and children, on account of their sex and age, invariably find themselves at the bottom of occupational hierarchies in destination countries, which are largely characterised by inadequate labour standards and poor conditions of work. Thus, the emergence and expansion of certain gender specific economic sectors that are typified by gendered perceptions of

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2001, UN Inter-Agency Project on Trafficking in Women and Children in the Mekong Sub-region, Special Action Programme to Combat Forced Labour (SAP-FL) and International Programme on the Elimination of Child Labour (IPEC), p. 2.

<sup>14</sup> Monzini, Paola, "Trafficking in women and girls and the involvement of organised crime, with reference to the situation in Central and Eastern Europe", paper presented at the first Annual Conference of the European Society of Criminology, September 6-8, 2001, pp. 1-10, at pp. 1-2.

skills, value, body and sexuality, contribute significantly to the demand of trafficked women and children.

Traffickers maintain control over their recruits in various ways. While in the majority of cases the victims are devoid of formal travel documents as they are transported illegally, for those who do possess passports, they are likely to have them confiscated. In the absence of legal documents, the vulnerability of the victims increases manifold. The fact that they lack the necessary papers divests them of an identity, which is essential for pressing legal charges. Moreover, they are unable to seek help from the police for fear of being arrested on account of their irregular entry into the country. Existing cultural and language divide marginalises them further as they are unable to speak in the local language and seek assistance from the local residents. The situation is augmented when the local populace views their presence in their country with suspicion and hostility on account of their illegal status. Besides, the traffickers very often subject them to physical and psychological abuse, rape and torture in order to extract their subservience.

While the fundamental motivation behind these moves more or less remain the same, dynamics of population movements tend to vary. Since these movements occur in both regular and irregular ways, there is often an overlap between the two, which adds to the complexity of the phenomenon. Consequently, there appear gaps and inconsistencies in the paradigms of irregular migration and trafficking, making it difficult to make clear-cut distinctions between the two. It is thus, essential to develop an understanding of the broader dimensions of trafficking in order to alienate it from irregular migration if targeted solutions are to be achieved. Restrictive immigration laws and policies generate a lucrative market for traffickers. Poor women and children from remote rural areas who have little or no information on migration and job opportunities, recruitment procedures and channels are at a greater risk of being trafficked. While restrictions on mobility are rationalised as “protection”, such measures essentially increase the demand for irregular

migration and marginalise women and children from access to pre-departure orientations that may have helped them guard against potential exploitation.<sup>15</sup>

It is found that in the majority of instances different aspects of movement during trafficking are for the most part voluntary, in the sense that the individuals themselves have chosen to migrate for work. Generally, the decision to move is made with support from their families, which also assist in raising the money for the trip from relatives or lenders on the assumption that it would all be repaid from the monthly salaries of migrating individuals. It is the ultimate outcome, the nature and the terms and conditions of work in the destination country that defines most cases of trafficking. In essence, the situation is characterised by a combination of migration, generally irregular, and labour exploitation.<sup>16</sup>

To date, most of the concentration on human trafficking has revolved around security concerns, which are generally addressed by deportation and repatriation of victims as measures against the practice. Nonetheless, these measures must focus more on contracting and recruitment systems in countries of origin, transit and destination. Slack supervision and regulation of employment agencies has often been at the core of the problem. It is imperative therefore, to ensure that these agencies are routinely monitored and regulated in a manner that would enable them to contribute in tangible ways to improved management of migration. More importantly, approaches and programmes against trafficking should not be compartmentalised where law enforcement and victim protection are seen in isolation from preventive approaches. Just as adequate prevention will require targeted programmes in communities/regions from where most of the trafficked victims originate, it is

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<sup>15</sup>D'Cunha, Jean, *Trafficking in Persons: A Gender and Rights Perspective*, paper presented at the Expert Group Meeting on Trafficking in Women and Girls, New York, November, 2002, p. 19.

<sup>16</sup>Marshall, Phil, *Globalisation, Migration and Trafficking: Some Thoughts from the South-East Asian Region*, paper presented at the Globalisation Workshop, Kuala Lumpur, 8-10 May, 2001, UN Inter-Agency Project on Trafficking in Women and Children in the Mekong Sub-region, Special Action Programme to Combat Forced Labour (SAP-FL) and International Programme on the Elimination of Child Labour (IPEC), p. 3.

equally important for prevention that relevant institutions be strengthened and supervised to carry out their proper functions.<sup>17</sup>

### ***Possible responses to trafficking***

In view of existing complexities of the issues involved, any response to international trafficking must be comprehensive and designed to take in both the “push” and “pull” factors that determine the nature and direction of people’s movement. Integrated strategies are a prerequisite for effectively dealing with the problem of trafficking in women and children and addressing their human security concerns. The components should ideally include prevention of the phenomenon by concentrating on eradicating some of the root causes of the problem, setting up prosecution mechanisms and offering victim protection and assistance.

Since recruitment essentially occurs in countries of origin, there is an urgent necessity to adopt and implement programmes that are geared towards preventing the phenomenon. This should ideally include mass-scale awareness campaigns, information dissemination, research and assistance to relevant actors to improve and develop capacities for combating against trafficking. One fundamental area that requires immediate attention is the need to ensure that all births are compulsorily registered. While the Convention on the Rights of the Child 1989 expressly requires a child to be legally registered immediately after birth, the practice is sadly neglected in Bangladesh. While birth registration is indeed important in terms of the right to an identity and nationality, its absence increases the vulnerability of women and children to trafficking and exploitation. The absence of birth certificates makes it difficult, if not entirely impossible, to trace trafficked persons, let alone rescue them. Lack of registration similarly disentitles individuals from other kinds of legal and social services and protection.

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<sup>17</sup> ILO technical paper on *Forced Labour, Child Labour and Human Trafficking in Europe: An ILO Perspective*, presented at the European Conference on Preventing and Combating Trafficking in Human Beings, 18-20 September, 2002, Brussels, Belgium, p. 15.

Restrictions on emigration are often legally untenable. As such, certain routine practices that have developed in limiting the right to leave one's country have acquired the paradoxical status of legally indefensible, yet tolerated practices. In the circumstances, the sending state treads a legal tightrope in attempting to reconcile the inviolability of the constitutional right to leave one's own country with limiting the exercise of the right for ensuring an orderly and human emigration process. This is relevant for Bangladesh, which, confronted with the need to restrict clandestine emigration and at the same time, ensure the welfare of emigrants deemed most vulnerable to exploitation, adopted restrictive emigration policies.<sup>18</sup> It is important to bear in mind that gender differentials also play a crucial role in designating the status of men and women within the trafficking-migration paradigm. For instance, it is a common perception that when men move, they are said to "migrate" but when women move, whatever may be the manner, they are said to be "trafficked". It is important to recognise that men can be trafficked just as women may migrate.

Thus, initiatives to restrict the movement of women and children might not always be in their best interests and would not necessarily offer them the protection they deserve. Measures adopted to prevent trafficking should not restrict a woman's freedom of movement. Rather, measures to prevent the practice should be counterbalanced by providing safe migration options and the recognition that migration contributes significantly to increasing the means of survival of both men and women.<sup>19</sup>

If one recognises that trafficking is, in the majority of cases, essentially a fall-out from irregular migration, the need for well-managed regular migratory movements becomes a matter of national priority. The global demand for migrants will be filled by an outflow of irregular migrants unless the policy makers recognise the need for facilitating the process in regular ways. Just as destination countries benefit from the work and tax contributions by migrant workers, if migration process was well managed, remittances channeled back

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<sup>18</sup> Ahmed, Syed Refaat, *Toward an International Legal Regime on Undocumented Migrant Workers*, pp.1-12, p. 3.

<sup>19</sup> Asian Development Bank, *Combating Trafficking of Women and Children in South Asia*, Regional Synthesis Paper for Bangladesh, India and Nepal, April 2003, p.37.



to home countries would contribute greatly to social and economic development. As it is, remittances from abroad account for a substantial amount of Bangladesh's income. Apart from narrowing the trade gap, increasing foreign currency reserves, facilitating debt servicing, reducing poverty and inequality and supporting sustainable development, remittances have the potential of improving family conditions in terms of food, health, education and business investments.<sup>20</sup> Thus, it is essential to promote regular migration within a transparent, standards based and well-managed migration system whereby individuals can take up jobs abroad in ways that are safer, and cost-effective and guarantees their human rights, including their rights at work, in the country of destination.<sup>21</sup>

Regularisation of migration would offset the negative consequences pertaining to irregular migrants, namely, unregulated working conditions and violation of human rights. Measures aimed at reducing irregular migration would invariably reduce trafficking and the involvement of transnational criminal networks. If irregular migration were to be brought under a regulatory framework, it would be useful to consider linking immigration policies to labour laws. Rights of migrants must be ensured, regardless of their status. Complaint mechanisms must be made available to them, ensuring at the same time, that they are not required to come into direct contact with the police or immigration officials. This would encourage migrants, irrespective of their status, to report instances of abuse and exploitation without fear of reprisal and deportation.

It is essential that trafficked individuals be decriminalised and desecuritised. This would entail a change in attitude and mindset of policy makers and law enforcers. Welfare services geared to reintegrate victims are to be developed and implemented. This would include *inter alia*, health care, counseling, vocational and skills training. The rescue and return of victims should also be carried out systematically in order that they are not subjected to yet another

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<sup>20</sup> Anti-Slavery Society, *The Migration-Trafficking Nexus. Combating Trafficking through the Protection of Migrants' Human Rights*, U.K., 2003, p. 14.

<sup>21</sup> *Ibid.*, p. 24.

form of exploitation in the process. Thus, while the protection of the human rights of the victims is certainly a priority, it is equally important to ensure that they are not subjected to further harm and humiliation during recovery, return and reintegration.

While the passage of legislation is indeed crucial for deterring the practice, it is similarly important to ensure that anti-trafficking laws are properly implemented. Enabling policy, institutional and social environments must be manifested in supportive, rights-based anti-trafficking interventions. This is more pertinent because trafficked persons, more particularly women and children, are generally unable to claim their rights effectively on account of persistent inequalities that undervalue their roles. The success of legislative interventions depend on certain key measures that include (a) training of relevant agencies which come into contact with trafficked migrants like police, border officials, immigration personnel, NGOs, judicial officers and so forth, (b) ensure adequate resource allocation for agencies working in this sector, (c) place the issue on the policy agenda on a priority basis and finally, (d) ensure protection of the victims with the necessary support services.

Since trafficking in persons is a transnational crime, there is a serious need for an effective legal approach to the problem, which can be successfully achieved if there is a transnational policy that underscores the treatment of trafficking in persons. It is likewise important to ensure that the human rights implications of trafficking in persons are addressed in relevant policies, programmes and legislation adopted to address the problem of trafficking. In other words, a human rights framework is integral to the design, implementation, monitoring and evaluation of anti-trafficking initiatives.

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