

## THE PRACTICE OF HUMAN TRAFFICKING IN BANGLADESH

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**DOI: 10.5958/2249-7137.2021.02635.5**

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### ABSTRACT

*Human trafficking by organized criminals is a long-standing crime. Apart from conventional land routes, the use of maritime routes for people trafficking is a relatively new issue. Several international and regional instruments exist to fight human trafficking throughout the globe, notwithstanding the use of maritime instruments to reduce human trafficking via water routes. In Bangladesh, there are many regulations for combating human trafficking that are ordinarily successful, but they are insufficient to prevent people trafficking by sea. Bangladesh is susceptible to women's and children's trafficking, which must be properly avoided. Bangladesh's maritime laws include a number of measures that seem to be effective in combating human trafficking by water. As a result, the goal of this essay is to determine how maritime laws may be used to combat people trafficking at sea. The study's goal is to examine human trafficking from a global, regional, and Bangladeshi viewpoint. It ends by determining the extent of maritime law implementation in combating human trafficking by sea, as well as specific recommendations in the area.*

**KEYWORDS:** *Crime, Maritime Laws, Sea, Human Trafficking, Implementation.*

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### 1. INTRODUCTION

Human trafficking is one of the world's most lucrative criminal enterprises. Human trafficking is not a new problem; it has existed for centuries. Several anti-slavery laws were passed throughout the nineteenth century, mostly as a result of vigorous anti-slavery movements. Previously, there was no globally agreed-upon meaning of the term "human trafficking." During the early twentieth century, the word "trafficking" was first employed in an international context. For the first time, the United Nations Protocol to Prevent, Suppress, and Punish Human Trafficking in Persons, 2000' recognized human trafficking, which was reciprocated by a United States legislation named the 'Trafficking Victims Protection Act, 2000'. Human trafficking is also described under the SAARC Convention on the Prevention and Combating of Trafficking of Women and Children for Prostitution. Bangladesh, India, and Nepal are the most susceptible countries in South Asia to the crime. In light of the above, Bangladesh is vulnerable to human trafficking owing to its geological location. In recent years, traffickers have increasingly utilized the maritime route, which is the most inhumane method of human trafficking, owing to the more secure route and more reward[1].

Human trafficking by sea is a global crime that is linked to maritime issues. Offenders from various states are generally the perpetrators of the aforementioned crime. As a result, fighting this inhumane crime only via current laws is difficult due to its limitations in terms of operation and structure. Despite the fact that state laws are well-drafted, there is room to combat people trafficking by enacting marine laws, which include numerous sections connected to maritime crime. As a result, there is a potential opportunity to conduct research on the application of maritime laws in the prevention of people trafficking by sea[2].

## 2. LITERATURE REVIEW

In Bangladesh, there are less literatures focused on maritime legislation and the problem of people trafficking. However, in conjunction with the study, several legal books, research papers, and current write-ups were examined. In his paper titled 'Human Trafficking in Bangladesh: An Overview' studied the current problem of human trafficking, particularly through the water route, and correctly identified the causes as well as the government's responses. In another piece titled 'Trafficking in Bangladesh: Humanity Lost in a Sea of Inhumanity,' describes the inhumane consequences of human trafficking by the sea, as well as the reactions of concerned governments on a national and international level. It's worth noting that the results of the articles were based only on situational data; no in-depth discussion was conducted, and no alternative or novel ideas were produced as a result of the article. In his study article titled 'Bay of Bengal maritime delimitation cases: Upholding the Rule of Law in International Relations,' an Indian legal expert has left a major impact on marine criminal problems, including human trafficking, in this subcontinent. The UNCLOS, according to the researcher, has a number of important prohibitions against marine crimes. The importance of the UNCLOS, an international legal instrument, in maritime problems in South Asia was discovered by the researcher. He has not, however, offered any suggestions for addressing the problem[3].

Apart from the foregoing, in his research paper "Human Trafficking in South Asia (Special Preferences on Bangladesh, India, and Nepal): A Human Rights Perspective" has focused on the fact that human trafficking is an age-old issue, and that South Asia is a trafficking-prone region where countries are vulnerable to organized crime. Human trafficking was compared to a violation of a human right on a degree of severity in the research. It has been suggested that states follow the convention. The document, although recommending it, was unable to address the current phenomenon of people trafficking by water, and therefore maritime regulations were not discussed. "Data and Research on Human Trafficking: A Global Survey," produced by the International Organization for Migration in Geneva, Switzerland, is an interesting pamphlet. The authority has compiled a large amount of data and information on human trafficking across the globe in this book. This article showed that human trafficking has become a major social, legal, and humanitarian issue that is being researched across the globe, and that study in this area is very valuable[4].

A research-based study issued by the United States Department of Status titled "Trafficking in Persons Report - Bangladesh" has also been examined, which analyses the state of human trafficking, the current scenario, and makes recommendations on the government's duties. The existing literature covered many aspects of maritime law, but the topic of people trafficking by sea in conjunction with maritime laws is conspicuously missing. The majority of current activities have been concentrated on marine and admiralty issues, ship and linked party

standards, maritime law execution, and dispute resolution procedures. However, there is a potential information vacuum when it comes to investigating the function of maritime regulations in combating people trafficking at sea. As a result, there is a lot of room for study into maritime legislation in order to combat people trafficking by water. As a result, a new method is required to evaluate the likelihood of discovering some superior approaches via future research.

### 3. DISCUSSION

#### *Human Trafficking in the Present Situation*

Bangladesh has been a source and transit nation for men, women, and children trafficking due to its geographical position. Manpower, Bangladesh's most precious asset, has been misled, kidnapped, forced to labor, and died inhumanely. According to a research, a lot of children and women have been smuggled out of Bangladesh in the past decade. Previously, traffickers in Bangladesh utilized different land routes for this purpose. In recent years, traffickers have increasingly utilized the maritime route, which is the most inhumane method of human trafficking, owing to the more secure route and more reward. In the recent past, new transit sites for smuggling people from Bangladesh to South-East Asian nations through sea routes have been identified. However, following the discovery of mass graves in Thailand, all of this material became public. The magnitudes of the issues of the current situation of human trafficking in Bangladesh are shown in the overall research and recorded data.

Bangladesh's government has made a number of steps to increase its efforts to fight human trafficking. The 'Human Trafficking (Deterrence and Suppression) Act, 2012' and the 'Overseas Employment and Migration Act, 2013' were passed in response to the growing need to combat this crime. However, according to recent studies on human trafficking, the amount of human trafficking via water is growing by the day[5].

#### *In a Global Context, the Regulatory Framework*

Every year, an estimated two and a half million individuals are trafficked throughout the world; about half of them are trafficked for sexual exploitation, one-third for labor exploitation, and the rest for a mixture of both. To combat human trafficking, a variety of international and regional tools have been created. There are many legal instruments/frameworks that are relevant to the study goals, which are as follows:

#### *The 1949 Convention*

A number of international accords have addressed human trafficking and prostitute exploitation, which are the most common and widely used instruments in the world. The following treaties were combined in the 1949 Convention for the Suppression of Human Trafficking:

- The International Agreement for the Suppression of White Slave Traffic (1904),
- The International Convention for the Suppression of White Slave Traffic (May 1910),
- The International Convention for the Suppression of Traffic in Women and Children (1921), (1933).

#### *The Convention on Transnational Organized Crime*

In response to the absence of a Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, the United Nations General Assembly approved the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol). The UN Convention against Transnational Organized Crime (the Transnational Crime Convention), which went into force in September 2003, is supplemented by the Trafficking Protocol[6].

Its goal is to guarantee that national policy, legislative, administrative, and enforcement responses to the issue are more consistent and coordinated, resulting in a more efficient and successful worldwide effort to manage it. The parties to the Transnational Crime Convention are legally bound by it. States The parties agree to criminalize these offenses in line with the Transnational Crime Convention's provisions. The United Nations High Commissioner for Human Rights created the following instruments to enhance the Protocol's human rights principles and perspective:

- The Human Rights and Human Trafficking Recommended Principles, and
- The Human Rights and Human Trafficking Recommended Guidelines

*The concepts and standards that should be followed*

The Trafficking Protocol was mainly designed as a law enforcement tool rather than a human rights one. The Human Trafficking Protocol addresses human rights issues by setting some baseline human rights standards and ensuring that its provisions do not conflict with current international human rights safeguards. According to Article 2, the Protocol's goals are to: • prevent and combat human trafficking, with a focus on women and children; • protect and assist victims of such trafficking while maintaining full respect for their human rights; and • promote cooperation among States Parties in order to achieve those goals[7].

The Transnational Crime Convention defines an organized criminal group as a structured group of three or more people who have been working together for a period of time with the goal of committing one or more serious crimes or offenses defined by the Transnational Crime Convention or the Trafficking Protocol in order to obtain a financial or other material benefit, either directly or indirectly. The World Congress Against Commercial Sexual Exploitation is a non-profit organization dedicated to ending commercial sexual

To fight commercial sexual exploitation of minors, two global congresses have been organized (CSEC). In 1996, the First World Congress and the Second World Congress were convened in Stockholm, Sweden. In 2001, the Congress was held in Yokohama, Japan. The Stockholm Declaration, the Stockholm Agenda for Action Against Commercial Sexual Exploitation of Children, and the Yokohama Global Commitment are the result papers that include states' pledges to combat CSEC. The scope of this Resource Guide does not include a description of these instruments[7].

*The Millennium Declaration of the United Nations*

The Millennium Declaration was adopted in September 2000 during the Millennium Summit. The Millennium Summit was the world's biggest meeting of leaders ever. All 189 members of the United Nations General Assembly voted in favor of the Millennium Declaration. The Millennium Declaration "sets out in a single framework the key challenges confronting humanity

at the turn of the millennium, outlines a response to these challenges, and establishes concrete measures for judging performance through a set of interrelated commitments, goals, and targets on development, governance, peace, security, and human rights."

#### *Bangladesh's Laws on Human Trafficking*

Human trafficking is one of the most serious crimes in the world, and Bangladesh is no different. A large number of children and women are reportedly trafficked out of Bangladesh. Many of the victims of human trafficking are murdered inhumanely by organized slave traffickers on the sea or in the jungles off the coast of other countries. Bangladesh's government is usually tough and has done a remarkable job enacting many laws with a range of penalties. In order to combat human trafficking, Bangladesh has enacted a number of laws that include harsh penalties[8].

Under the "Nari-O-Shishu Nirjaton Daman Ain, 2000," the crime of human trafficking and sexual exploitation of women and children is punished by life imprisonment (amended in 2003). Sections 372 and 373 of the Penal Code, 1860, likewise make such offenses illegal. The Human Trafficking (Deterrence and Suppression) Act of 2012 and the Overseas Employment and Migration Act of 2013 were passed in response to the issue. However, according to recent studies on human trafficking, the amount of human trafficking via water is growing by the day. As a result, it is assumed that the regulations stated above are effective against human trafficking in general but insufficient when human beings are trafficked by sea. As a result, there is room to explore alternative legal options for combating people trafficking by sea. Human trafficking by sea is a global crime that takes place mostly in the maritime domain. Offenders and crime scenes are often on an international platform, necessitating the use of a marine legal instrument[9].

#### **4. CONCLUSION**

Human trafficking, along with the weapons trade, is considered to be the world's second biggest criminal enterprise. Bangladesh has been a source and transit nation for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation due to its geographical position. Manpower, Bangladesh's most precious asset, has been misled, kidnapped, forced to labor, and died inhumanely. Previously, traffickers in Bangladesh utilized different land routes for this purpose. However, in the recent past, new transit sites for smuggling individuals from Bangladesh to South-East Asian nations through sea routes have been identified. However, following the discovery of mass graves in Thailand, all of this material became public. The magnitudes of the issues of the current situation of human trafficking in Bangladesh are shown in the overall research and recorded data.

To combat people trafficking by water, it is now essential to include maritime elements and players. Exploring Bangladesh's Maritime Laws in order to justify the current laws against people trafficking by sea is a top priority. It is possible that current maritime regulations will be a useful weapon in combating people trafficking at sea. Maritime rules may play a part in this problem, which requires more investigation. The study that I have suggested will play an important part in determining an all-encompassing answer for the future and will result in a useful suggestion in this area. Examining the efficacy of maritime laws may reveal a wide area of jurisdiction and all-encompassing method for combating people trafficking by sea from Bangladesh.

## REFERENCES

1. M. R. Rahaman, “Human Trafficking in South Asia (Special preferences on Bangladesh, India and Nepal): A Human Rights perspective,” IOSR J. Humanit. Soc. Sci., 2015.
2. M. B. Uddin, “Human Trafficking in South Asia: Issues of Corruption and Human Security,” Int. J. Soc. Work Hum. Serv. Pract., 2014, doi: 10.13189/ijrh.2014.020103.
3. A. R. Wulandari, “Peran United Nations Office on Drugs and Crime ( Unodc ) Dalam Menanggulangi Human,” eJournal Ilmu Hub. Int., 2018.
4. S. Ghosh, “Anti-trafficking and its discontents: women’s migrations and work in an Indian borderland,” Gender, Place Cult., 2015, doi: 10.1080/0966369X.2014.970139.
5. A. Ahmed, “Combating Sea-route Human Trafficking in Bangladesh: A Critical Analysis on Legal and Institutional Framework,” Asian J. Res. Soc. Sci. Humanit., 2016, doi: 10.5958/2249-7315.2016.00481.0.
6. M. A. M. Joarder and P. W. Miller, “Empirical Evidence on Human Trafficking and Migration-Debt Contracts in Bangladesh,” J. Dev. Stud., 2014, doi: 10.1080/00220388.2013.858128.
7. M. Rezaeian, “The frequency of burns among the victims of sex trafficking in some lower-middle-income countries,” Burns, 2017, doi: 10.1016/j.burns.2016.07.010.
8. C. Joffres, E. Mills, M. Joffres, T. Khanna, H. Walia, and D. Grund, “Sexual slavery without borders: Trafficking for commercial sexual exploitation in India,” International Journal for Equity in Health. 2008, doi: 10.1186/1475-9276-7-22.
9. M. A. M. Joarder and P. W. Miller, “The Experiences of Migrants Trafficked from Bangladesh,” Ann. Am. Acad. Pol. Soc. Sci., 2014, doi: 10.1177/0002716213518722.