

SLAVE TRADE IN SAARC REGION: BANGLADESH CONTEXT

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I. INTRODUCTION

From 6 April, 2007 to 12 April, 2007, I happened to be in Kolkata having been invited by the Legal Aid Services of West Bengal (LASWEB) headed by Mr. Justice D. K. Basu to be the Guest of Honor at the Silver Jubilee Celebration of LASWEB on 7-8 April last.

On 7 April while the celebration was being held, I noticed from the podium a grey-haired elderly lady sitting at the front row and frequently looking at me. I could not recognize the lady.

During the coffee break at about 11-30 A.M. the lady came to me and Justice Basu introduced her to me informing me that she was running a Home in Kolkata for rehabilitation of distressed women and children. As requested by her, I refrain from disclosing her name and the name and address of the Home she runs. She invited me and

Mr. Taslimur Rahman, Executive Director, Bangladesh Legal Aid and Services Trust (BLAST) who had also been invited by LASWEB to join the Celebration and inaugurate the web-site of LASWEB, to visit the Home and told us that she would take us to the Home the next day. We became specially interested when she told us that several Bangladeshi women, some with children, illegally trafficked to India were given shelter at the Home and she was trying for their repatriation to Bangladesh.

On the following day, the lady appeared at the Sri Shiskayatan at Lord Sinha Road, where the function was being held. Skipping the lunch scheduled at 1-30 P.M., accompanied by Mr. Taslimur Rahman, I visited the Home in her car. We were surprised to find the big complex in which the Home is housed. The discipline and management of the Home highly impressed us. Such a well-managed complex had been built on private enterprise with some assistance from the Government of West Bengal. No foreign donor agency's financial assistance has been taken.

At the Home we saw the women trafficked from Bangladesh and interviewed them. In the following chapter their harrowing tales and the ingenuous methods adopted by the traffickers to take them across the border to India and sell them to various brothel keepers in various States of India are given below. For obvious reasons, only their names are disclosed in

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this piece and keeping their detailed particulars and addresses which are with us (BLAST) confidential.

II. HARROWING TALES

1. Nasima Begum of a southern district of Bangladesh now aged about twenty years. She was living with her parents in their village home. Two years back on the initiative of her elder sister and the elder sister's husband she was married to a person under a registered kabinnama. Two- three days after her marriage, her elder sister, her sister's husband and her newly-married husband brought her to Kolkata on the pretext of a pleasure trip. From there these persons took her to Mumbai. In Mumbai, her elder sister vanished and her sister's husband her so called husband took her to Bangalore in Karnataka. There her sister's husband and her husband took her to a brothel and forcibly sold her to a woman brothel keeper against her wishes for a substantial amount of money and went away. Apart from sexual exploitation by various persons in ingenuous ways day and night everyday, she was subjected to various methods of torture whenever she expressed her physical inability to entertain her "guests" whenever they came to the brothel-even food was denied to her as punishment. After she underwent life of hell for two years, the police recovered her and sent her to Kolkata for repatriation to Bangladesh and the Home gave her shelter. The lady running the Home told us that she had approached the Bangladesh Mission in Calcutta and several NGOs in Bangladesh and also the Government of Bangladesh but in vain. The girl told us she was willing to return to her parents.

2. Sathi Majhi alias Sheuli Shaikh. She lost her mother at a young age. Her step mother and father used to torture her. Her maternal uncle then negotiated her marriage to a person (whose name and other particulars are with us but are kept undisclosed) and she was married to that person at the age of only twelve.

A year after her marriage, her husband brought her to Kolkata and sold her to a Brothel keeper named Joya at Sonagachi in Calcutta, an infamous area of flesh trade for more than a century. She gave birth to a daughter two years ago but cannot tell who had fathered the daughter. The name of the daughter is Tyea. Joya subsequently sold her to Uttam Prasad of 2, Sonagachi Lane. Uttam Prasad sent to a hotel named "Chaitali" at Haldia, a sea resort in West Bengal. She was arrested on that very day and sent to prison.

She was then sent to a Home by the Court where she was produced and she is there as the case filed by the police against her for entry into India without any valid travel documents being Sutahati P. S. Case No.

78/04 is still pending. She also told the police and the Court that Jaya runs her business at Sonagachi with nine girls all of whom are Bangladeshi, obviously, victims of illegal trafficking. On interrogation she expressed her unwillingness to return to Bangladesh as, according to her, there is nobody in Bangladesh to maintain her.

3. Tyea Shaikh aged two years, daughter of Sathi Majhi alias Sheuli Shaikh. She is with her mother.

4. Parbati Das alias Parbati Bibi aged about 26 years. She comes of a poor family of Bangladesh. (The name of her father, address and other particulars are with us but are not disclosed). She was married to a person whose name is available with us. Since her marriage she had been living with her parents in Bangladesh and her husband occasionally visited her in Bangladesh. A daughter was born to her out of the wedlock. The daughter is living with her maternal uncle in Bangladesh.

One day, a woman (whose name is available with us) whom she called Khala of the same village trafficked her to India alluring her to go to India where a good job was awaiting her. After bringing her to India, her so called Khala sold her to a hotel manager at Haldia. She was virtually a slave of the hotel manager, her buyer. The manager did not pay her anything except when she needed money for treatment. One day, she fled away and the police arrested her and produced her to the Court. The Court ordered her to be sent to a Home where she is presently living. A criminal case is pending against her for illegal entry into India.

5. Jayanti Mandal aged 22 years. She is a Bangladeshi girl. Her father is a farmer and has landed properties. She was living with her father, mother and an elder brother in Bangladesh. Her mother was eager for getting her married. At this time, her mother's brother who lives at Nabadwip, Dist. Nadia in West Bengal came from India and proposed to her sister to get her married to a good boy. He induced his sister to take her daughter to Nabadwip. Her mother agreed in spite of opposition by her father and brother. But her mother prevailed upon them and accompanied by her brother brought Jayanti to Nabadwip. At Nabadwip she was married to a person who had once been prosecuted for murdering his first wife but was acquitted for want of sufficient evidence. Within two-three days after the marriage her husband began to brutally beat her and torture her. Sometimes she was kept locked inside a room and food was denied to her. Having been unable to bear such torture she slipped out of her husband's house in one evening and arrived at the Krishnanagar Railway Station. Seeing her alone and weeping, a well-dressed man appeared before her and befriended her. Hearing about her plight, the man offered her a job. The

man brought her to Howrah Railway Station where she was introduced to another woman. Then all of them boarded a train and the man and the woman she had met at Howrah Railway Station took her to Mumbai where they took her to a brothel and sold her to a brothel keeper. She was at that time 16-17 years old. She disclosed that she was pressurized to entertain various persons at the brothel and severely beaten by the brothel keeper whenever she expressed her inability to entertain the “customers” any more without any rest. One day while she was being severely beaten by the brothel keeper, the police came hearing her screams. The police rescued her, arrested the brothel keeper and several other persons from the brothel and sent her to a rehabilitation centre. There was a case in the Court and Jayanti had to give evidence. There she told the Court that she did not remember the names of her father or mother or their address in Bangladesh and told that she was an orphan when her maternal uncle brought her to Nabadwip and gave the name of her maternal uncle who had brought her to Nabadwip and arranged her marriage. The Mumbai police sent her to Sanlaap Home in West Bengal.

Sanlaap traced out her maternal uncle and handed her over to him. As soon as Sanlaap left her maternal uncle pressurized her to go to her husband. Her grand mother refused to give her shelter when she heard that she had been in a brothel in Mumbai. She escaped from her maternal uncle’s house and this time she came to Kolkata and was arrested at the Sealdah Railway Station. A case was started against her and she was sent to Sukanya Home, a shelter for destitute women at Salt Lake. Sukanya sent her to the present Home in Kolkata. On my interrogation she told me that many years ago all these had taken place and, as such, she could not remember the man and the woman who had sold her to the brothel keeper.

When I asked her whether she would return to her parents, she shuddered and said that she could no longer remember her father or mother and expressed her unwillingness to go from the Home where she had been receiving human treatment and would like to remain with Ma whereby she meant the lady who is managing the Home. She was obviously suffering from trauma and entreated me not to take her out of the Home. I put my hands on her head and assured her that nobody would separate her from her Ma. The lady who had taken us to the Home also requested me that we must not try for her repatriation to Bangladesh, because, the trauma from which she was suffering might ultimately turn into insanity of Jayanti. Assuring her that I will come to see her whenever I come to Kolkata, she faintly smiled and left the room.

I have met many of the Bangladeshi girls, women, children and also men detained in Internee Camps in various jails of India and Pakistan. In Kathmandu jail, I did not find any Bangladeshi.

There has never been any effort on the part of any past governments to arrange for their repatriation although the authorities of these jails made correspondences with Bangladesh Missions in both India and Pakistan.

III. SAARC SCENARIO: KATHMANDU SYMPOSIUM ON TRAFFICKING

Last month, Kathmandu School of Law in collaboration with the South Asian Law Schools Forum and Tds Consortium organized a three-day Regional Symposium on Developing Right Based Approach for Anti-Trafficking Actions in South Asia from 19 March, 2007 to 21 March, 2007 in Kathmandu. Delegates from Bangladesh, India and Nepal composed of judges including judges of the superior courts, law professors from different universities and human rights activists from all the three countries participated during the three-day deliberations in the Symposium. Each of the three countries presented country papers on the problem of trafficking in their respective countries.

Dr. Zakir Hossain, Dean of the Faculty of Law, University of Chittagong and National Consultant for Regional Research and Dr. Abdullah Al Faruque, professor in the same university said, in the country paper for Bangladesh presented by them, that the weak and vulnerable boundaries between India and Bangladesh is one of the causes of trafficking from Bangladesh to India and several land ports, such as, Benapole, Hili, Sarsha, are used as transit points of trafficking, Violence against women compelling helpless women in Bangladesh to migrate to India for work to escape violence directly contributes to trafficking of women, they said. I, however, agree with them partially since I visited the Home in Kolkata on 8 April last. All the cases I came across at the Home adds a new dimension to the causes of trafficking of Bangladeshi women, particularly, young girls, outside of Bangladesh, India in particular. Nasima's case is unique in the sense that her full sister, brother-in-law and her married husband induced her to go to Kolkata on the pretext of pleasure trip and ultimately sold her to a brothel after taking her to Mumbai apparently for a pleasure trip.

After hearing Parbati Das alias Parbati Bibi and Jayanti Mandal, can there be any doubt that their apparent close relations were involved in trafficking them for selling them to brothel keepers? The traffickers have invented novel techniques of trafficking of women for selling them and the

close relations of the trafficked women were involved in it. My firm conviction about reasons behind the cruelty on Jayanti by her husband at Nabadwip is that the said husband was also involved in trafficking her through the well dressed man waiting at Krishnanagar Railway Station. The oppression and torture perpetrated on her was adopted in order to drive her away from the house and throw in the grip of the well dressed man who is obviously a professional trafficker. Probably, the first wife of the husband of Jayanti was murdered as she had decided to stay at her husband's house in spite of torture and oppression on her. The lady running the Home in Kolkata informed me that Jayanti's husband married another girl after departure of Jayanti and he is being prosecuted for bigamy. It appears that the husband of Jayanti and his associates in trafficking trade invented an innovative technique of at first marrying a young girl and then perpetrate torture on her so that she may leave the house of her own will and fall at the hands of his business partners. If his wife leaves his house of her free will, there will be none to blame him and he may escape prosecution as well.

Ms. Geeta Sekhon, Expert for Regional Research, Delhi University, presented the country paper of India. She highlighted the scenario the of legal frameworks against trafficking in India. Trafficking is understood in India, she said, only in terms of prostitution because of which India has neither identified the types of trafficking nor has been able to define it in terms of violation of human rights. While talking about the cross-border trafficking, India, in particular, is the transit nation where authorities fail to distinguish between migration and trafficking, she added. The concrete cases of Nasima, Sathi Mandal alias Sathi Sheikh and Jayanti and hundreds of other victims show that India is not only used for transit of traffic victims to other countries but is also the ultimate destination of the victims.

Mrs. Geeta Pathak of Kathmandu School of Law and National Consultant, Regional Research, gave a horrible picture of trafficking of young girls from Nepal to India mainly for selling to brothels. She held research after a village to village survey and found that between 500 and 700 girls are trafficked to India from Nepal every month and then sold to the brothels in big cities and thereby subjected to life-long slavery and misery. She also exposed the weakness in Nepalese laws to prevent the vice of trafficking and to secure punishment of traffickers.

IV. ARE THE LAWS IN BANGLADESH SUFFICIENT?

In Bangladesh, we have the following statutory laws in addition to article 34 of the Constitution which prohibits forced labour which is a fundamental right of every citizen of Bangladesh:

1. The Suppression of Immoral Traffic Act, 1933.
2. The Children Act, 1974. 3. Repression of Women and Children (Special Provision) Act, 1995. (Nari O Shshu Nirjatan (Bishes Bidhan) Ain, 1995) (Act 18 of 1995).
4. Prevention of Repression of Women and Children Act, 2000. (Act 8 of 2000) (Nari O Sishu Nirjatan Daman Ain, 2000.)
5. Repression of Women and Children (Special Provision) Act, 2000, (Act 8 of 2000). (Nari O Sishu Nirjatan (Bishes Bidhan Ain, 2000. (Act 8 of 2000).

There is no comprehensive and separate statutory law dealing with trafficking alone. It is essential that a comprehensive law is required to be enacted in order to combat and eliminate this vice from this country. But, enactment of law alone will not be enough. It must be rigorously enforced against the traffickers.

In the second place, it is obvious that all the countries of the SAARC region and Afghanistan and Myanmar are also connected with either as transit or final destination of trafficked men, women and children, particularly, young girls. So, a uniform legal framework for combating this vice must be worked out by all these countries involved and each of these countries has to enact its law in conformity with this uniform legal framework. However, until such law is enacted, section 8 of the Repression of Women and Children (Special Provision) Act, 1995, can, if seriously and strictly enforced, combat trafficking to a large extent.

Thirdly, a uniform system of repatriation and rehabilitation of trafficked victims must be worked out and implemented, both in the public sector and the private sector

Fourthly, The NGOs and all human rights organizations must work for creating awareness among the people, particularly, among women and children so that they may not be allured by promise of good job, good life after once they are taken to a foreign country.

V. GLOBAL FIGURE OF TRAFFICKED PERSONS

In the above context, a vital question is bound to agitate one's mind. Is slavery confined to only the underdeveloped countries like that of ours, Nepal and developing countries like India? Has it been completely eliminated from the rest of the world including the so called civilized western world in spite of the American Civil War and sacrifice of the life a

great man, American President Abraham Lincoln, who even risked a civil war for eliminating this vice?

Only about a month back, two African teen aged boys were abducted by some Italians from an African country, trafficked to Italy and engaged at their house to work as slaves. Getting this information the Italian police recovered one of the boys and the other could not be traced out. (See the New York Herald Tribune dated 20 March, 2007) “Trafficking is an undercover or clandestinely organized phenomenon. It is thus very difficult to find accurate data as to how many people are trafficked internally and internationally.”(See Mico and Park, 2002) According to a U, S. Government estimate, based on 1997 figures, 700,000 persons are trafficked across the international borders worldwide. The following figure which is not a complete figure given below will give a scenario of minimum number of people trafficked from one country to another country annually:

Origin of Trafficked Persons.	Minimum Number of Persons Trafficked Annually.	
	Number.	Percentage.
South East Asia	225,000	32.14
Former Soviet Union and Eastern and Central Europe	175, 000	25.00
South Asia.	1,50,000	21.43
Latin America and the Caribbean.	100, 000	14.29
Africa	50,000	7.14

According to an estimate of the International Organization on Migration (IOM, 2001), trafficking of persons annually across international borders is between 700,000 and 2, 000,000. But, the actual number of trafficked persons would be much larger if the internally trafficked persons are included. Internal trafficking exists mostly in Bangladesh, Nepal, Thailand, India and Colombia mainly of women for prostitution.

A large number of studies show that poor and developing countries in South Asia, South East Asia, States in former Soviet Union, East and Central Europe and South America are most severely affected by trafficking across the international border. While the problem of internal trafficking is pervasive all throughout the world, the smaller poor and developing countries are most vulnerable to transnational trafficking. Thousands of women from these countries end up every year in brothels in big cities and towns. Trafficking trend analysis of South Asia, South East Asia and the Far East shows that a huge number of women and girls prostituting in the Thai sex market are

trafficked from Myanmar, Cambodia and Laos. China and Cambodia are destinations for trafficking of women and girls from Vietnam. Japan is a destination for trafficking of women and girls from Thailand and the Philippines. According to Thailand's Foreign Ministry's estimate, 50,000 Thai women were living in 1994 illegally in Japan working in prostitution. Thai women in countries like Switzerland and Germany are also engaged in prostitution in a considerable number. Similarly, newly industrialized countries, such as, Taiwan, South Korea, Malaysia and Hong Kong are other important destinations for trafficking of men, women and girls from South East Asian countries, men for labour at cheap rate and women and girls for prostitution.

As reported by UNFP (2003), international criminal gangs are involved in trafficking away women and girls from China, Myanmar, the Philippines, Thailand, Cambodia and Vietnam to Europe, the United States, Australia and the Middle East. Women and girls from Thailand, the Philippines, Indonesia, India, Pakistan and Bangladesh are trafficked to Saudi Arabia and the United Arab Emirates mainly for domestic service work and to become brides as well as concubines. Children aged only 5-6 years are trafficked to these two countries and other countries of the Middle East to act as camel jockeys.

According to the same U.N.F.P. report, international criminal gangs are involved in trafficking away women and girls from China, Myanmar, the Philippines, Thailand, Cambodia and Vietnam to Western Europe, the United States, Australia and the Middle East. Although the report does not mention Afghanistan, Bangladesh, India, Myanmar, Nepal and Pakistan, I have no doubt that these countries are also victims of trafficking of women and girls to the above countries by international criminal gangs with whom traffickers from these victim countries are connected.

VI. CONCLUSION

This vicious problem of trafficking has, therefore, global dimension and is not confined to one or only a few countries. So, this global vice cannot be effectively combated by individual initiative or even national initiative. It requires international initiative to effectively combat and eliminate this vice from the face of the earth only by international initiative which can be undertaken by the United Nations Organization alone.

So far as initiative on national level and on regional level by the SAARC countries, Bangladesh in particular, are concerned, it should not be presumed from the above observation that we have nothing to do until international initiative is taken considering the gravity of the situation as unfolded in this paper.

It is hard to believe that the police, other law enforcing agencies, particularly, the immigration authorities and border security forces in these countries do not know the traffickers and that trafficking is practiced beyond their knowledge. Either they themselves collaborate with the traffickers for monetary benefit or are afraid to nab them because of political clout of the godfathers of traffickers.

No previous government in Bangladesh took any concrete steps to combat this vicious trade for obvious reasons. The godfathers of traffickers enjoy political patronage and politicization has destroyed all our institutions without exception including the law enforcing agencies.

Let us hope that the present non-political government does not suffer from any political interests and as such, will not hesitate at least to start the process of combating this vice.

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