

Bangladesh statement on the agenda item "Review of Domestic and Bilateral Responses" to irregular people movement in the region in The First Ad-Hoc Group Meeting of the Bali Process, Bali, 27 – 29 July 2009

Co-Chairs, Excellencies, Ladies and Gentlemen,

Let me begin by thanking the Government of Indonesia for organising this meeting in this wonderful city of Bali. Bangladesh has been actively participating in the Bali Process, and will continue to do so. We are confident that the Process would enhance understanding of the Member States on the issues within our mandate and evolve agreed mechanisms to deal with those in an effective manner.

Movement of people from one place to other, from one country to other, is a historical phenomenon. If we take a look at the societies of today in many developed countries, for example, we find that some of these countries are rightly called as "country of migrants". There is nobody, except for a few indigenous people, who had not been a migrant, in his/her generation or in his/her previous generations in these societies. We should not, therefore, pretend that migration is a new or unusual phenomenon and we need to contain this. Migration rather is a very natural and age-old way for the people from all parts of the world to find a place where they wish to live, for whatever reasons. People, therefore, would continue to migrate in diverse directions to pursue their visions or ambitions of life. We should not have any doubt about this.

Our job, as governments, is not to put obstacles to the natural movement of people and thereby force these people to adopt risky methods of migration. We should also remind ourselves that these people, documented or undocumented, are human beings. They should be treated first and foremost as human beings and their human rights must be protected under all circumstances. It may not be an overstatement to say that too restrictive and sometimes discriminatory migration regimes push people into the hands of human traffickers. So, while we deal with human trafficking, the worst form of human rights abuse, it would be in our collective interest to see the issue from an overall perspective – legal, social, economic and humanitarian – not just from law and order perspective.

Trafficking in persons, one of the most heinous crimes, should be dealt with firmly. Almost in all of the cases of trafficking in persons, the victims are helpless, poor and underprivileged people. Most part of these victims are again women and children, which makes us to resolve to take stronger actions against the syndicate which, taking advantage of the people in distress, make fortune out of their misery. We must not allow these traffickers to violate human rights of our innocent people. But under no circumstances, we can take steps that would amount to punishing the victims. We must uphold their dignity and human rights at all points of their movement. This should be applicable to all countries – source, transit and destination.

We also need to adopt a holistic approach in fighting this menace of trafficking in persons. In addition to further strengthening implementation of legal and administrative measures in place, we must address the root causes of the movement of people. It is true that nobody wants to stay away from his/her traditional place of

living. These people move from one country to another not by choice, but often because of lack of choices. Poverty and illiteracy as well as absence of adequate opportunities under legal migration regimes are at the root of trafficking in persons and people smuggling. The illiterate people, who are also poor, easily fall prey to human traffickers and people smugglers. This is a reality that we cannot afford to ignore.

The current financial and economic crisis, which is disproportionately affecting the developing countries, and particularly the LDCs, has made the situation worse. We have reasons to believe that our expatriate workers in labour-receiving countries are being given discriminatory treatment when it comes to terminating jobs due to the recession. Return of workers to Bangladesh from abroad, for example, who were working there legally, has been showing a demoralising trend in the recent months. Apparently, there is no acknowledgement of the contribution those expatriate workers had been making to the economic development of these labour-receiving countries. This has come as an additional burden to the labour-sending countries like Bangladesh which were already experiencing difficult challenges in their economies due to the food and fuel crises as well as the negative impact of climate change.

Irregular movement of people is not something only to do with source countries. We see major issues of concern in the destination countries as well, particularly in the labour-importing and migrant-receiving countries. The people smugglers and human traffickers are syndicated through a strong network in source, transit and destination countries. It has been the case more often than not that poor people including women and children are lured with fake promises of good jobs and better lives abroad. When they realise their mistake, it is too late to correct the situation. The money they already spent on the people smuggler and human trafficker needed to be earned, to the least, before they can return home. Such hapless people are left in a terrible situation with no option but to let them be physically and sexually abused, and their fundamental freedoms and human rights be violated at the hands of accomplices in foreign land. We may not be oblivious of the existence of this network of human traffickers that involves people in both labour and migrant sending countries as well as in labour and migrant receiving countries. In order to achieve results, we need to cooperate closely to crack down on this network.

All these factors demand of us to be pragmatic. We need to adopt measures that would provide safety to the people susceptible to become victims of human trafficking. This should be our priority. Bali Process provides an excellent forum for exchanging views and experiences on this very critical issue of human trafficking which involves their economic, social and human rights.

In Bangladesh, we are striving hard to curb trafficking in persons and related transnational crimes within our limited resources – financial as well as human. Besides legal and administrative measures taken against the traffickers, our effort is also focused on rehabilitation and social reintegration of the victims. The task becomes complicated as Bangladesh is being used both as a source and destination country. Records show that the people from Bangladesh are usually trafficked for the purposes, among others, of commercial sexual exploitation, camel jockeys, human organ trade, forced labour, and domestic aide.

Bangladesh is committed to curb this crime. The legislative measures put in place in Bangladesh include:

1. The Women and Children Repression Prevention Act 2000 (amended in 2003); and
2. Bangladesh Penal Code.

The international instruments that Bangladesh is party to in this respect include:

1. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
2. Convention on the Rights of the Child (CRC);
3. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;
4. UN Convention Against Transitional Organised Crime;
5. UN Protocol to Prevent, Suppress and Punish Trafficking in Persons;
6. International Labour Organization (ILO) Convention on the Worst Forms of Child Labour; and
7. SAARC (South Asian Association for Regional Cooperation) Convention on Prevention and Combating Trafficking in Women and Children for Prostitution.

Besides these, Bangladesh has institutional mechanisms in place to deal with the issues of trafficking in persons and related transnational crimes with its neighbours. These mechanisms are working well, and we review them on a continued basis for their better functioning.

Our efforts at domestic as well as at bilateral, regional and global levels have proved useful. Although full implementation of the legislative and administrative measures is an issue to be dealt with on continued basis, the number of cases prosecuted and convicted are showing encouraging trend. Numbers of arrest, accused and convicted people have gone up considerably in the recent years. Number of victims rescued from the clutches of the human traffickers has also gone up demonstrating seriousness of the government in curbing this worst form of human rights abuse. Sentences awarded to the convicted criminals mostly include life imprisonment, and capital punishment in cases of serious offences.

Our multi-pronged strategy to curb the crimes of trafficking in persons and related transnational crimes include prevention, protection, prosecution, rescue and recovery, rehabilitation, and social reintegration. To implement this strategy, the government has adopted the National Plan of Action for Combating Trafficking in Women and Children last year. Our law-enforcement agencies are making serious efforts to implement the Plan of Action.

Bangladesh has made substantial improvement in identity management of its population through the development of national voter ID database of over 80 million people, a unique achievement by any standard anywhere. Machine-readable passport will be introduced soon. Immigration authority is currently engaged with automation of the border outposts, which will help tracking illegal or suspected incoming or

outgoing passengers. We are currently receiving some assistance from our development partners in digitalising the border outposts and in the establishment of data analysis centres. We would need enhanced cooperation in these sectors including on capacity building, perhaps through arranging regional training programmes for officials in charge of monitoring movement of people through borders – land, sea and air.

As I have mentioned earlier, Excellencies, trafficking in persons is not merely a law and order issue, and, therefore, cannot be handled by the law-enforcement agencies alone. This problem has economic and social roots. We need to address those issues as well. Raising awareness among the general populace is another important aspect in fighting this curse that we are working on in collaboration with the non-governmental organisations and the very vibrant civil society of Bangladesh. We have incorporated trafficking in persons issues in our formal and non-formal education curricula. The present government of Bangladesh is committed to provide job to at least one member of each family as well as to provide alternative livelihood opportunities. Legislative and administrative measures adopted with regard to violence against women and children including against dowry and child marriage have been helpful. Provision of legal assistance to the victims is encouraging them to come forward with complaints.

Poverty eradication and ensuring universal education have been the overarching priority programmes for the government of Bangladesh. We have made some progress in poverty eradication, but need to do much more. Bangladesh has achieved the Millennium Development Goal (MDG) related to gender parity in primary and secondary school enrolment, which, we are sure, would contribute significantly in our future efforts to fight trafficking in persons, particularly of women and children.

Addressing issues related to trafficking in persons from the supply side must be complemented by firm actions on the demand side as well. Migrant and labour-receiving countries should adhere to international instruments safeguarding the rights of the migrants as well as their human rights irrespective of their legal status. They should adopt enabling legislations, and put appropriate and non-discriminatory measures in place to implement the provisions of law. The labour-sending and labour-receiving countries should also intensify cooperation in terms of exchange of information related to labour market opportunities and difficulties.

Bangladesh is committed to the Bali Process. We believe that Bali Process is a forum where issues related to movement of people across borders can be discussed in a frank and candid manner. Such discussions should lead to concrete outcomes which would be critical in mitigating the sufferings of the victims of people smuggling and trafficking in persons. That should be our overarching goal in this very important exercise.

I thank you all.