

# IMPLEMENTATION OF LAW

## can prevent human trafficking

Nazrul Islam is the Bangladesh Country Director for Relief International (RI), a US based international non-government organization that provides development services in more than 20 countries. He is currently leading RI's efforts to combat human trafficking and to promote safe migration in Bangladesh under the 'Protecting Victims of Human Trafficking in Bangladesh' project, supported by the US Department of State's Office to Monitor and Combat Trafficking in Persons. Interestingly, Mr. Islam developed a public awareness campaign against human trafficking, which included the innovative use of print and electronic media, arts and culture, social media, and private and community radio stations. Sakina Huq from Law Desk talks with him on the following issues.

### LAW INTERVIEW



**Law Desk (LD):** What are the usual channels for trafficking?  
**Nazrul Islam (NI):** Human Trafficking is a lengthy process. It requires an organised group of people to facilitate the process. This group works in both national and international arenas. The process starts with false information being provided by local agents/traffickers/ brokers, who are based mostly in rural areas of Bangladesh, to trafficked persons. These unregistered agents, who are proliferating throughout Bangladesh, provide false information to villagers to lead them to believe that they have the possibility of receiving a better income and/or job opportunities. Once they have been taken to a border area, international syndicates take over. The trafficked persons are then handed over to different groups. These groups of traffickers are often assisted by law enforcement agencies and politically influential groups in exchange for bribes. Human trafficking is a form of illegal migration. Countries involved in this process can be categorised into two types, sending and destination countries. Bangladesh is categorised as a sending country. Current receiving countries for Bangladeshi trafficked persons are mainly within Southeast Asia, such as Malaysia. Previous receiving countries were mainly Middle Eastern states. In recent years, Malaysia has become a more and more attractive destination for traffickers. The political crisis in Myanmar forced many Rohingyas (a Muslim minority group in Myanmar) to flee their country to a number of Southeast Asian nations illegally by sea. The route that passes through the Bay of Bengal and the Indian Ocean has been

popular with illegal migrants since the mid 90's.  
**LD:** Who approaches and manipulates these victims in the first stage?  
**NI:** Currently, we are working in 20 districts to support victims of human trafficking; we talked to many victims in these districts and found that most of the time they are falsely informed by their close relatives, for example their uncles, cousins, and even respected elders. In many cases, politically influential persons are also engaged in human trafficking.  
**LD:** What are the main drivers of human trafficking?  
**NI:** Trafficking is a billion dollar industry and persons are trafficked for many different reasons. Initially in Bangladesh, children were trafficked to become camel jockeys. Then this was replaced by children and women being trafficked for organs and prostitution. Currently, woman and child trafficking have decreased and labour trafficking has taken the lead. There are two factors behind illegal migration. One is the 'push factor', where trafficked persons are themselves looking for better opportunities, a way out of dire poverty and hope for a better life. For example, women who have little power at home, who are exploited or discriminated against often look for opportunities for a brighter future. The second is the 'pull factor', which exists when a country's law and/or enforcement are weak and traffickers capitalise on the opportunity, for example Malaysia and Thailand, who is now working to improve their 'pull factor'.

**LD:** What happens to victims once they are rescued?  
**NI:** Bangladesh recently enacted an anti-trafficking law the Human Trafficking Deterrence and Suppression Act of 2012 that requires the Bangladesh government to provide support to victims of human trafficking. The implementation procedures of the Act is still in process, however once enacted it will ensure that 'protective homes' or shelters will be provided by the government for victims of human trafficking. At present, the government is only assisting in the rescue of victims through the Ministry of Foreign Affairs and the Ministry of Home Affairs. There are, however, a small number of national and international NGOs working on the rehabilitation of trafficked victims. These NGOs are well-trained and have the infrastructure and human resource required to work closely with victims. They provide various kinds of supports such as shelter, psychological and physical health, legal, and advocacy for rehabilitation processes. One such NGO is Relief International (RI), who helps victims establish small businesses. Since January 2015 RI has supported more than 700 victims of trafficking through their current anti-trafficking project. RI will continue to support victims of trafficking and I encourage others NGOs to extend support to survivors of human trafficking.  
**LD:** Do you think Bangladesh should have special agreements with destination countries regarding safe migration and/or proper rescue of victims?  
**NI:** You have raised a very interesting issue. A

few years ago government representatives from some South Asian 'sending countries' attempted to create a forum to enable engagement with 'destination country' governments with the goal of collectively negotiating a systematic process for rescuing victims of human trafficking. Unfortunately, to my knowledge, this has not yet materialised despite the fact that such a forum is greatly needed and would go a long way to protect the rights of migrant workers. Bangladesh should negotiate with destination countries, with the help of Ministry of Foreign Affairs and Embassies, to achieve safe migration and the protection of human trafficking victims.  
**LD:** How is Relief International (RI) helping Bangladesh deal with its human trafficking issues?  
**NI:** RI has close partnerships with 20 Bangladeshi NGOs engaged in the prevention of human trafficking and protection of victims of trafficking. Under our current project, funded by the US State Department Office to Monitor and Combat Trafficking in Persons (I/TIP), we are providing protection services mainly to male victims of trafficking in 19 districts, providing them with legal and medical support, temporary shelter, and livelihoods training through our NGO network. The project also raises awareness on the newly enacted Human Trafficking Deterrence and Suppression Act of 2012 through print, electronic, and social media, and private and community based radio stations. Our anti-trafficking project also galvanises students, educators, media professionals, and community members to fight human

trafficking. We utilise the power of print, electronic and social media to disseminate information on human trafficking and safe migration. Most recently, we organised an anti-trafficking poster exhibition at the Institute of Fine Arts in University of Dhaka. We are collaborating with Radio Today to broadcast public service announcement and radio shows. To create public awareness we use new and popular media that attracts the younger generation. Over the next three years we look forward to working with government institutions such as the Bureau of Manpower, Employment, and Training (BMET), the Technical Training Center (TTC), and the District Employment and Manpower Office (DEMO) to train aspiring migrant workers on human trafficking and safe migration. We will also be working with the Union Digital Center in rural areas to create a safe migration information hub, targeting the rural population.  
**LD:** What have been some of the positive developments in human trafficking in Bangladesh?  
**NI:** The introduction of the Act of 2012 is a great achievement for Bangladesh as it previously had insufficient legislation surrounding human trafficking. If it is implemented properly the entire human trafficking situation can be improved. I also feel that the NGOs, civil society and media are playing an active role these days, bringing public attention to the problems surrounding human trafficking and unsafe migration.  
**LD:** Thank you so much.  
**NI:** Thanks.

### WRITING FOR EQUALITY

## Father's right to paternity leave



A. Z. M. ARMAN HABIB  
A mother usually bears the main responsibility of childcare work in family life. Father's has also duty to take care of both mother and child. Father plays a crucial role in the development of their children. The latest research indicates that fathers who are actively involved in raising their children can make a positive and lasting difference in their lives. So father has also responsibility of childcare parallel to mother. If a woman employee becomes pregnant while in employment, she is entitled to take maternity leave. Under Article 4(1) of Maternity Protection Convention, 2000, ensure the period of maternity leave of not less than 14 weeks. Rule 197(1) of the Bangladesh Service Rules (as amended 9 January 2011) provides for female Government servants six months and the Bangladesh Labour Act, 2006 section 46, provides for a female workers 16 weeks maternity leave. Though paternity leave is not a new concept but Bangladesh has no paternity leave opportunity for its male employees or workers. To take care of a child and also mother, employee father needs paternity leave while in employment. This engagement has positive long-term effects for both father and child. Paternity leave is generally available to fathers only, usually to be taken soon after the birth of a child, and intended to enable the father to spend time with his partner, new child and older children. In 1974, Sweden became the first country in the world to offer fathers the statutory right of taking paid leave from work to be with their families after childbirth and adoption. According to ILO report 2014, approximately 70 countries offer paid leave for fathers in the form of paternity leave or shared parental leave. Also a few progressive companies offer new dads paid time off ranging from a few days to a few weeks like Microsoft gives 2 weeks paid leave and Google India for 10 days. In UK fathers gained the right to paid paternity leave in 2003. Recent legislation has set the dramatic change in fathers' rights to parental leave. By the new law, mothers and fathers will be able to share

up to 50 weeks of parental leave. The rule will also apply to couples who adopt a child. The new law says, "Eligible couples whose child is due on or after April 5, 2015 can now share up to 50 weeks of leave and 37 weeks of pay in the first year of their child's life. Parents can take the time off at the same time as each other or separately. "Under Central Civil Service (Leave) Rules, 1972, Rule 43-A, India made provisions for paternity leave for male government employee with less than two surviving children for a period of 15 days to take care of his wife and new born child. For paternity leave he shall be paid leave salary equal to the pay last drawn immediately before proceeding on leave. New Zealand also has Parental Leave and Employment Protection Act, 1987; section 17 ensures the employee to partners/paternity leave. Children have been described as our future, our greatest resource, and our hope for a better tomorrow. It is duty of parents to rear their children as a good citizen of a state and at the same time state cannot ignore this duty. Now modern welfare states are taking responsibility of a child. Bangladesh is a progressive, democratic and welfare state in the world and it has so many dynamic laws for the wellbeing of countrymen. Though Bangladesh government is not constitutionally bound for rearing child's mental growth and physical evolution but for the greater good state should regard its duty. Like other states Bangladesh should welcome the Paternity leave law for the wellbeing of child as well as mother. For proper growing of a child needs the active participation of both mother and father. Beside the mother, a child also needs father so it is high time for the Government of Bangladesh to put attention on enacting Paternity leave law for the male employees and workers. Government can enact Paternity leave law or shared parental leave law for both male and female employees and workers and it would be better for child as well as for the state.

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### LAW EVENT

## Artworks on anti trafficking spirits

WE often sense the scream and see the gloomy faces of the ill fated migrant workers who have been hidden in the shadow of our society. Unfortunately their terrible ordeals remained unnoticeable for decades due to the unflinching reluctance of different quarters of potential responders. Despite the spectacular inclusion of Human Trafficking, Deterrence and Suppression Act 2012 we still are struggling hard to tackle the issue. Meanwhile Relief International Bangladesh under the project of Protecting Victims of human trafficking in Bangladesh funded by U.S. Department of State Office to Monitor and Combat Trafficking in Persons has continued their effort to break the ice of silence regarding the horrible incidents of human trafficking since 2010. Recently in respond to the heart-breaking conditions of the victims of human trafficking abandoned in the deep sea ,RI organised an anti trafficking Poster Exhibition from 8th July till 14th July as the pictures can through the language barrier . One of the pictures hanged on the Exhibition warns people through travelling in the sea, one just surrender his life to be manipulated and that is the indicators of the blindness while in the picture showing someone holding the valid passport to make people aware the right way to build the life

abroad . On the other hand the picture of first winning entity depicts the limb of a muscle man who control the thread of the fortune of marginalised people and eventually push them in the grave of various exploitative environment. Alongside this particular picture utilising the artistic approach urges the activists cutting off the thread and frees them to unwind their choices. Like those pictures, 33 young artists of Graphic and Design Department of Faculty of Fine Arts University of Dhaka showcased their works on recent disaster of human trafficking in solidarity against human trafficking. The Exhibition was opened

by Professor Dr. Mizanur Rahman, Chairman National Human Rights Commission in his inaugural speech appreciated the initiative and said that "human trafficking is the grave violation of human rights". Besides Mr. Nazrul Islam Country Director Relief International stated that "the exhibition is a manifestation of our efforts towards establishing an anti trafficking culture in Bangladesh through innovative use of art and culture".  
- Sushmita Choudhury  
Human Rights Program Specialist, Relief International.



### LAW NEWS

## A justice system that fails children ultimately fails society

THE treatment of children in judicial proceedings around the world, both civil and criminal, is not satisfactory and often "unacceptable," the UN human rights expert on the independence of judges and lawyers said on 18th June and called on countries to develop justice systems that are sensitive to the needs of children. The UN Special Rapporteur on the independence of judges and lawyers Gabriela Knaul made public her findings during the presentation of her latest report to the UN Human Rights Council. "Every day throughout the world, countless children suffer adverse consequences at the hands of justice systems that disregard or even directly violate their fundamental human rights," she noted. "Not only do children face the same obstacles as adults to access justice, but they also encounter challenges and barriers linked to their status of minors." "Children still count among the most vulnerable to human rights violations and other types of abuse," Ms. Knaul said, calling on States to develop justice systems adapted to their needs and rights. "Justice must be child-

sensitive; it needs to respect, protect and fulfil the rights of children and take into account their best interests." Despite the quasi-universal ratification of the Convention on the Rights of the Child, the report notes that children still count among the most vulnerable to human rights violations and other types of abuse, and Ms. Knaul said "it is unacceptable that children who come into contact with the justice system are often victimized or re-victimized." "For this reason, the importance of child-sensitive justice – justice that respects, protects and fulfils the rights of children – cannot be overemphasized," the expert said in her report. "An administration of justice that fails children ultimately also fails society." According to the report, "between 1 March 2014 and 28 February 2015 inclusive, she sent a total of 117 communications alleging violations of human rights in the context of her mandate to 54 Member States. Of these communications, 86 were urgent appeals and the remaining 31 were letters of allegation."

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