The Daily Star

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Prioritise human trafficking prevention

Low conviction rate illustrates govt's lacklustre attitude towards prevention

The revelations of a report prepared by the United Nations Office on Drugs and Crime (UNODC) titled, "Trafficking in Persons 2022," are chilling and concerning. According to it, only one person was convicted in a human trafficking case in Bangladesh in 2020, illustrating a shockingly low conviction rate in the country for such an egregious crime. The year before, the number of people convicted in trafficking cases was nine. In 2018, that number was four. Meanwhile, a total of 373 people were arrested in 2020 in connection with human trafficking, 199 were arrested in 2019, and 688 were arrested in 2018. Given the number of people arrested were in the hundreds, while the number of convictions were less than 10, we should be seriously concerned about how our legal system is handling the issue of human trafficking.

The report contains critical information that could help the authorities identify a number of trends that could prove useful in the fight against human trafficking. For example, Dhaka apparently saw the highest number of human trafficking cases (40 percent) filed in 2020, followed by Khulna (22 percent) and Chattogram (17 percent). It pointed out that economic need was the main driver of trafficking in persons in Bangladesh, while the other factors are discrimination and marginalisation. The relative lack of economic opportunities in rural areas functions as a push factor.

While victims from all over Bangladesh have been detected in the countries of the Gulf Cooperation Countries (GCC), those districts sharing borders with India near larger city centres disproportionately report repatriated victims. For example, Khulna, which shares its western border with West Bengal and is not far from Kolkata in India, reported the most repatriated victims in 2020. The report also found that traffickers consciously target victims affected by environmental disasters caused by climate change, such as floods and droughts, which erode livelihoods and heighten levels of vulnerability. And that the top destination for trafficking victims from Bangladesh are countries in the GCC, Thailand, Malaysia, India, Europe, and the Americas.

Lack of resources, bribery by traffickers, and insufficient evidence are the main reasons for the low conviction rate in Bangladesh, according to the report. And while trafficking cases should be closed within 180 working days, in practice, the process becomes far more protracted due to these reasons, as well as the involvement of high levels of corruption. The involvement of insiders is another worrying factor here. On January 27, for example, CID officials arrested one security staff of Civil Aviation and another involved with the engineering service of the Dhaka airport. These two employees were allegedly working with a transnational human trafficking syndicate, which has trafficked at least 50 Bangladeshis to Iran. Ultimately, the authorities need to place much greater priority on preventing human trafficking and punishing the perpetrators of such crimes. Human trafficking is one of the most serious crimes around the world – amounting to modern day slavery. Therefore, the lack of resources being invested to prevent it by the government makes no sense.

All government agencies need to communicate better with each other and collaborate better to prevent human trafficking. And lastly, law enforcement agencies, with the help of other countries, need to identify the masterminds of human trafficking syndicates – who tend to be extremely powerful and influential individuals – and bring them to book.

Heritage no hurdle?

Authorities must save Kayettuli Manasa temple from collapse

Are we, as a nation, blind towards the value that our heritage holds? It increasingly seems so, given the apathy of even our authorities towards preserving the thousands of structures around the country which are embedded with decades of culture, traditions, and history. One such structure is the century-old Manasa temple in Old Dhaka's Kayettuli area, which, according to a report by this daily, is on the verge of extinction due to neglect and lack of maintenance by the Dhaka South City Corporation (DSCC) and the archaeology department. Though still frequented by hundreds of Hindu devotees and visitors from all around, the temple is quite simply falling apart and has been given only eight months' time by the vice president of the temple committee before it collapses completely. The exterior of the temple, adorned with a rare chinitikri mosaic of imported china clay tiles, is near disintegration while the structure itself is barely noticeable since newer buildings have been built around it – not only too close to the temple boundaries but also towering over it. Why should this be the state of a historically significant religious establishment in the country's capital?

The aforementioned Manasa temple is merely one of at least 2,200 heritage structures identified by the Urban Study Group (USG) which require protection, and which the High Court, in 2018, had ordered authorities to stop changing, modifying, and demolishing. But the inaction of our authorities when it comes to protecting heritage sites has always been disheartening. And the list of structures which come under threat of decay, demolition, or alteration is ever-increasing.

It is no wonder that the Manasa temple is in a crumbling state, given that it has been deprived of necessary repairs for 33 years. While the temple committee tries its best to maintain it, the onus is on city authorities and the archaeology department to restore the heritage structure back to health. We are eager to believe that our authorities do care about the country's heritage, as was demonstrated by the recent retrieval of the Brajo Niketan palace in Nawabganj from the clutches of local influentials. But past records of authorities turning a blind eye to the destruction of heritage – such as the numerous lanes of Old Dhaka being stripped of the oldest of old buildings (without any attempt at proper conservation) – makes us wary.

If we are failing to care for the culturally and historically significant structures of the country, what guarantee is there that all the developmental infrastructure being built now will sustain the next century, let alone beyond it?

Regardless, we urge city authorities, the archaeology department, and other relevant quarters to show up for the Kayettuli Manasa temple immediately and assist the temple committee in saving the structure from collapse. It is unacceptable that, besides residential heritage buildings, historically and culturally significant religious establishments, too, should succumb to authorities' apathy.

HC VERDICT ON STUDENTS' LEGAL GUARDIANS

Why are our guardianship laws still so patriarchal?

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This week, the High Court ruled that student information forms for examinations with the name of the student's mother or any legal guardian instead of the father must be accepted, and that the refusal to provide admit cards to students who have not used their father's name in forms was illegal and unconstitutional.

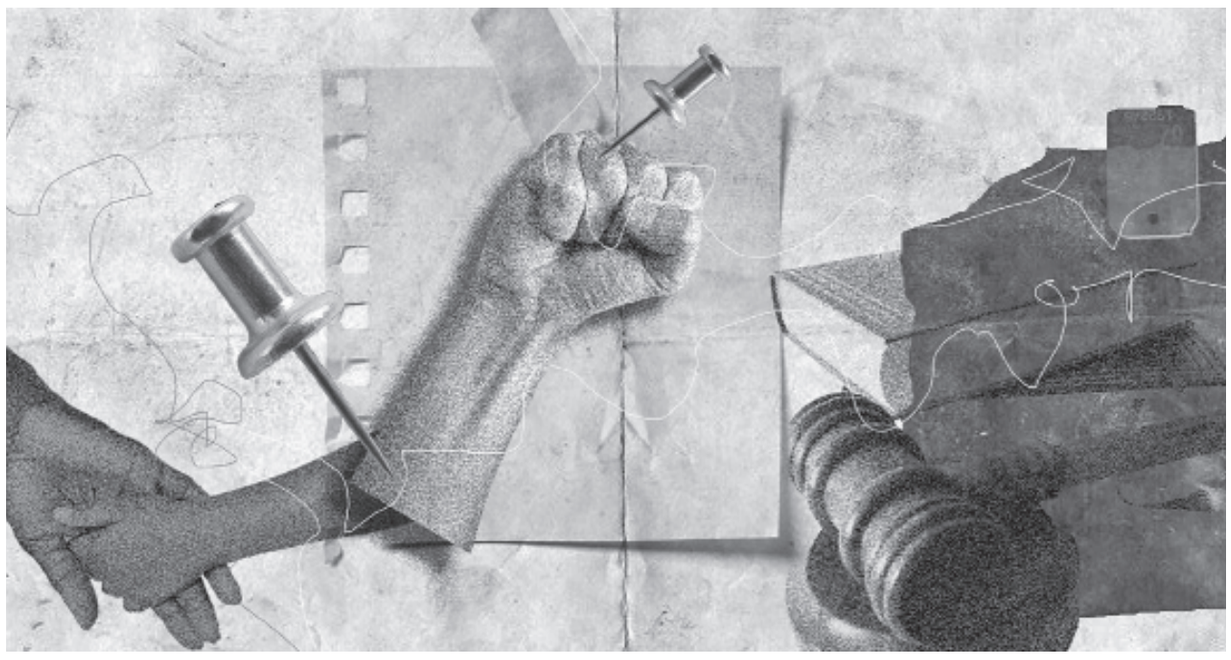
This is a landmark verdict that has been widely applauded – the final step in a long campaign that began in 2009, when rights organisations BLAST, Bangladesh Mahila Parishad and Naripokkho submitted a petition challenging the refusals by different boards of education to issue registration cards to SSC and HSC candidates because of the absence of their father's information.

The significance of this decision cannot be understated in any way, and it sheds light on how, despite so much talk about gender equality and women's empowerment, our laws (and social conventions) are yet to catch up.

Aside from actual legislation, conventions such as being compelled to write one's father's name in documents lurk without getting much attention, and challenges to such requirements are rare. In the 2009 petition, the examples of children of sex workers were given as those who cannot cite their father's name on educational documents. But why do we need to look for exceptional examples while trying to legitimise this fundamental part of a child's identity? Why is the parent who grew a child inside her body not adequate as that child's "guardian"?

There can be many other situations where mothers have the sole custody of their children, regardless of whether the parents lovingly co-parent their child, split in an unpleasant way, or the fathers are completely absent from the beginning. Yet, prior to the latest HC verdict, regardless of how much she sacrificed, a mother's sole identity was deemed insufficient to ensure her child's most basic right to education.

As much as we feel joy at this historic decision, we are also reminded of so many single mothers' lived realities of being deemed less than



VISUAL: **SALMAN SAKIB SHAHRYAR**

and unworthy. After the verdict, social media was flooded with users sharing their painful experiences of having to ask for an estranged or abusive father's details, who despite no longer being in the picture, still had the invisible power to affect their right to education.

However, many have been misled into believing that this decision has some bearing on the legal guardianship of a minor. Unfortunately, this is not the case, and we are still operating under some very antiquated guardianship laws.

When a marriage dissolves, children's custody splits into two components – legal guardianship and physical custody. The legal guardian is entitled to make significant decisions for the minor, while the parent with physical custody takes care of them day to day. Whether the legal guardian chooses to actively participate in decision-making for the child or not, their details are often made mandatory to ensure the child's rights. For example, the legal guardian's signature may be required for administrative documents, immigration, etc.

This is not just a logistical setback for the physical custodian, but also discriminates and belittles the parent who is not granted the default right of being the legal guardian. As per the Guardians and Wards Act 1890, the legal guardian of a minor is their father. And unless he is proven to be unfit, his guardianship rights subsist, while the child's physical custody usually goes to the mother.

This is a crucial point to be noted when it comes to analysing how our laws are tailored to burden women with responsibilities, but does not proportionally accord them with rights.

The mother loses the right to even physical custody in the event of remarriage. However, remarrying after divorce does not disqualify a father from losing legal guardianship of a child from his previous marriage.

When it comes to matters of physical custody, the law does give paramount importance to the welfare of the children, but legal guardianship is predominantly not questioned, nor does it go to the mother. In practice, while providing legal counsel to mothers undergoing divorce, lawyers note that fathers often use their sole right of legal guardianship as leverage over mothers, for example, to withhold the child's documents, disregarding the welfare of the child.

Our guardianship laws are a staggering display of gender inequality, dispersed over both personal laws and acts of Parliament.

Most perhaps regard parenthood as a thing of joy, but the duties that come with it cannot be taken lightly. Following divorce, the parent with physical custody effectively undertakes all responsibilities of raising the child. Law and society in unison have entrusted mothers to carry out this Herculean task, but they have not simultaneously awarded them the right to be the legal guardian of the children they nurture. For that, they are at the behest of the father, without whose name the child's identity remains incomplete.

Documents such as admission tests forms or student information forms are not created in isolation from actual laws. A simple legal provision of legal guardianship that caters to the patriarchy can create a far-reaching domino effect of hardships for families, and the system that designed such laws can end up violating the very fundamental rights of citizens, such as the right to education.

I congratulate the honourable judges for handing out this week's extraordinary verdict, but I also feel compelled to question the whopping 14 year delay in doing so, thus depriving many young people of reaping its benefit.

The court rightfully asked the authorities to show cause as to why such arbitrary and archaic requirements should not be directed to change. However, I hope it will not be too audacious of me to also root for the next ground-breaking judgement by the High Court that encourages the Parliament to repeal our guardianship laws, allowing both parents to be the legal guardian of their child.

An Indo-Pacific Outlook for Bangladesh

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Indo-Pacific politics has garnered a lot of interest lately. This was noticeable during consecutive US officials' visits to Bangladesh in recent months. The publication of the US Indo-Pacific Strategy in early 2022, followed by Canada's and South Korea's IPS later that year, provided a better understanding, along with previously adopted policies and outlooks of Japan, Australia, India, Germany, France, the UK, the EU, ASEAN and The Indian Ocean Rim Association (IORA). As a resident country of the Indo-Pacific, Bangladesh, too, can formulate its own outlook and determine its engagement with the region.

In formulating an outlook for the Indo-Pacific, it is important to identify Bangladesh's regional scope. Although existing Indo-Pacific strategies are concerned with the two oceanic regions as a whole, different countries can emphasise selective geographic areas based on strategic objectives.

South Korea has the most expansive view of the region. It starts from the African coast of the Indian Ocean and stretches all the way to South America. For Japan, it starts from the eastern coast of Africa and expands to North America. For the US, it stretches from its Pacific coastline to South Asia. Australia's strategic emphasis is from the north-eastern side of the Indian Ocean to the Southwest Pacific. France's focus is on its overseas territories in this region.

Similarly, it is important for Bangladesh to develop a mental mapping of the Indo-Pacific based on its interest areas. It can start with the immediate Bay of Bengal and cover the countries, trade routes and flashpoints that have significance for Bangladesh's foreign policy and security. This tailored approach would help Bangladesh sharpen its focus in areas important to the country and avoid being dragged into geopolitical vicissitudes in areas where it does not have a stake.

The sectors of engagement are also important. Most documents emphasise securing global trade, exploring economic opportunities, developing connectivity, supporting technological development, and addressing climate change. The US introduced the Indo-Pacific Economic Framework for Prosperity (IPEF) as part of this process, and Japan has its Bay of Bengal Industrial Growth Belt initiative (BIG-B).

Bangladesh, too, must identify the areas where its interests converge with the priorities of regional and extra-regional countries.

Security cooperation is a key aspect of most of these strategies. In the traditional aspects of security, the attention is towards modernising existing alliances, strengthening relations with regional partners, and enhancing military exercise, naval deployment and defence-industrial cooperation. Non-traditional areas include maritime security, energy security, global health, cyber security, humanitarian assistance and disaster response, etc. Cooperation in these non-traditional security areas is also emphasised among QUAD members.

Two existing strategies already refer to security cooperation with Bangladesh. Japan's FOIP mentions working with Bangladesh in counter-terrorism and disaster risk reduction. The US IPS also aims to build the defence capacity of South Asian partners, including Bangladesh.

The US and Bangladesh are already cooperating in areas like climate change, counter-terrorism, maritime security, military training and UN peacekeeping. The details regarding what additional areas the US would want to expand cooperation in are not yet available, but it is clear that the expectation is to strengthen bilateral security relations as part of its IPS. Other strategies or policies do not specify Bangladesh, but South Asia is among the priority areas.

Bangladesh has been open to expanding cooperation in non-traditional security areas, as many of these issues cannot be addressed without international cooperation. However, when it comes to traditional security cooperation, Bangladesh has always maintained a cautious position. Publishing Bangladesh's outlook for the Indo-Pacific would give clarity to international partners regarding this. It will also allow the country to highlight additional important areas where it seeks international cooperation, like drug and human trafficking, and Rohingya refugee repatriation.

Clarity regarding the position on China is also important. The conceptualisation of Indo-Pacific policies has commonly been seen as an effort targeted against China. The documents of the US, France and Canada view China as an assertive actor. However, other countries and organisations avoid adopting such views. For example, South Korea calls for inclusiveness. It sees China as a key partner for achieving prosperity and peace in the Indo-Pacific region. The EU also states that its view is inclusive of all partners wishing to cooperate with it. ASEAN calls for inclusiveness in terms of ideas and proposals. This shows that not all stakeholders view the Indo-Pacific through the lens of great power competition; some prefer a cooperative approach like Bangladesh.

As part of our "friendship to all and malice towards none" foreign policy dictum, Bangladesh has been working closely with all partners. We have always advocated for a free, open, inclusive, peaceful and secure Indo-Pacific region. A policy document elaborating on these views would be immensely beneficial to guide Bangladesh's international engagement and foreign policy discourse. This will provide clarity and prevent misinterpretation, which is very important in the current context of global politics.

The Indo-Pacific has undoubtedly become a core area of global politics and its importance is only going to grow. Publicising a holistic outlook on the Indo-Pacific would be a timely initiative to project Bangladesh as an active, interested and responsible stakeholder of the region.

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