Submission to the United Nations OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

**CALL FOR INPUT | SPECIAL PROCEDURES**

**ISSUED BY Special Rapporteur on Trafficking Persons, especially Women and Children**

**Call for Input for the report on trafficking in persons and gender and peace security**

**Submitting Organization: BROKEN CHALK**

**June 2024**

**By**

**Jade Brunton**

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**Broken Chalk** is an Amsterdam-based non-governmental organisation (NGO) committed to addressing human rights violations in the education sector. It was established in October 2020. A multinational team of dedicated human rights advocates collaborates extensively on researching violations in every corner of the world.

The organisation's primary activities include removing obstacles to education, promoting peace and tranquillity in society through intercultural tolerance, preventing radicalism and polarisation, and eliminating educational opportunity gaps across different demographics.

Broken Chalk works hard in advocacy and lobbying on behalf of these educational victims, engaging with international organisations to prompt action. Additionally, the volunteers and interns working remotely worldwide at Broken Chalk prepare comprehensive reports for international organisations, stakeholders, and governments, highlighting human rights violations in education. These reports aim to draw attention to the often-overlooked aspects of human rights violations, providing stakeholders with a complete understanding and calling for the international community to act in cases where conflict halts access to education and endangers civilians’ lives. This approach ensures that awareness is raised and necessary actions are taken to address these violations. Broken Chalk is genuinely international, achieving a local and global perspective in its work.

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# **National Procedures for Early Identification and Assistance**

After the implementation of the Anti-trafficking National Plan of Action 2018-2022, and updating it for years 2023-2025, it has been established that greater emphasis was put on prevention measures, whereas protection measures were still lacking improvement (97% of investments go to prevention measures, while only 3% are devoted to protection measures, which include identification)[[1]](#footnote-1). There are several areas for the development of early identification measures for victims and assistance to them.

The first legislative lacuna to address is the absence of administrative regulations for sending unqualified workers abroad. Experts underline that the agencies recruiting these workers do not need to inform the government, at least at the local level, about sending the workforce abroad[[2]](#footnote-2). Moreover, there is no registry of the agencies that are sending workers to other countries[[3]](#footnote-3).

Another area to work on is ensuring the proper identification of potential victims. The Government of Bangladesh has already invited the NGO “Justice and Care” to work with the Public Security Division of the Ministry of Home Affairs to develop Human Trafficking Crime and Victim Identification Guidelines[[4]](#footnote-4). These guidelines could help in identifying overlooked victims of human trafficking in existing cases and change the classification of cases that were not previously perceived as human trafficking[[5]](#footnote-5). This enables the special tribunals to focus on human trafficking cases with correctly identified elements of crime.

One more point to mention is the necessity to increase awareness within the population about the crime of human trafficking. Victims of human trafficking are often people with low income and low levels of education who fall victim to legal and illegal recruiting agencies, promising them a better life in other countries[[6]](#footnote-6). Recently, cases of luring women for human trafficking through TikTok and other social media have appeared. This proves the necessity of addressing this problem through education, to reduce the incentives for people to use dubious measures to find income or to cross the border[[7]](#footnote-7).

# **Peace Agreements Which Address Trafficking in Persons for All Purposes of Exploitation, and Crimes of Enslavement and Sexual Slavery**

Currently, Bangladesh does not explicitly document peace agreements that address trafficking in persons for all purposes of exploitation, and crimes of enslavement and sexual slavery as part of their formal peace treaties. Despite this shortcoming, there are other legal frameworks worth mentioning, which aim to combat these issues.

In 2012, Bangladesh passed the Prevention and Suppression of Human Trafficking Act (PSHTA), which criminalizes sex and labour trafficking, penalizing them with fines (no less than 50,000 Bangladeshi Taka) and up to life imprisonment. Moreover, the government provided police training through an anti-trafficking module alongside in-kind support to international organizations and NGOs in the same domain. Currently, Bangladesh is classified as ‘Tier 2’ according to the U.S. Department of State’s annual Trafficking in Persons (TIP) Report. A tier 2 ranking means that Bangladesh does not fully meet the minimum standards for the elimination of trafficking that is set by the Trafficking Victims Protection Act (TVPA). However, despite these shortcomings the country is assessed to be showing significant efforts to comply.[[8]](#footnote-8)

Bangladesh’s efforts to combat trafficking in persons for all purposes of exploitation are visible in its international collaboration with the International Organization for Migration (IOM) and the United Nations. For instance, the Bangladeshi government and the IOM have engaged in the national consultation on “Combating Human Trafficking in the Context of Use of Technology and its Abuse”. Dr. Ahmed Munirus Saleheen, Secretary of the Ministry of Expatriates' Welfare and Overseas Employment, adds that Bangladesh has adequate laws and policies being implemented to fight human trafficking. In order to continue doing so in times of increased digitalization, he stresses the need for coordinated efforts at regional, national but also global levels.[[9]](#footnote-9)

The United Nations are also actively involved in assessing the current situation and anti-trafficking measures in Bangladesh through visits of the UN Special Rapporteurs.[[10]](#footnote-10) The last official visit occurred in November 2022, with the 2022 report revealing that overall trafficking offenses fell by 56% in South Asia. Nonetheless, the COVID-19 pandemic and climate change are found to have emerging and alarming consequences for human trafficking. This calls for greater attention and policy changes, as well as multi-stakeholder efforts to include these emerging issues in peace treaties to protect vulnerable individuals. [[11]](#footnote-11)

The 2018-2022 Anti-trafficking National Plan of Action also includes measures to enhance victim care and more regulated prosecution of traffickers. The inter-ministerial anti-trafficking committee meets bi-monthly; however, it has struggled to clarify distinct roles.[[12]](#footnote-12) Alongside national plans, regional cooperation includes initiatives such as the South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. This regional cooperation among SAARC countries allows for a joint effort on preventing trafficking, prosecuting traffickers and supporting victims. This is possible through harmonized laws and penalties across member states.[[13]](#footnote-13) Women’s rights activities, however, are urging a revision of the SAARC Convention arguing it is outdated and ignores certain forms of trafficking such as labor exploitation and organ transplant. An alignment with international definitions is needed, which is why Nepal, the current chair of the SAARC, is used to lead these changes for all members including Bangladesh.[[14]](#footnote-14)

# **Mandatory trainings for peacekeeping personnel on trafficking in persons for all purposes of exploitation**

Developing and implementing effective training programs on trafficking in persons requires a thorough understanding of the specific needs and challenges faced by relevant personnel. By following a structured approach to needs assessment, curriculum development, training delivery, and evaluation, these programs can significantly enhance the capacity of personnel to combat trafficking and provide better protection for vulnerable populations in Bangladesh[[15]](#footnote-15). Collaboration with international organizations, local authorities, and NGOs is essential to ensure the success and sustainability of these training initiatives.

The objective of the training must be equipping personnel with the skills to identify, document, and respond to trafficking risks effectively[[16]](#footnote-16). The training should include sessions onthe Indicators of Trafficking, therefore recognizing signs of trafficking, such as physical and psychological indicators, unusual behaviour, and documentation issues. Also, the interview techniques as methods for conducting sensitive interviews with potential trafficking victims, ensuring a non-threatening and supportive environment[[17]](#footnote-17).

The documentation phase needs training on the Case Management Systems, for example by using standardized forms and digital tools for documenting cases of trafficking and ad-hoc confidentiality protocols ensuring the privacy and safety of trafficking victims by adhering to strict confidentiality protocols[[18]](#footnote-18). The response to trafficking Risks must include Referral Mechanisms, namely the establishment of clear referral pathways to provide victims with immediate support, including medical care, legal assistance, and psychological counselling. Training should be provided also on how to work effectively with local law enforcement, social services, and NGOs to coordinate responses and provide comprehensive care to victims.

For example, in Cox's Bazar, where many Rohingya refugees are settled, UNHCR and IOM have implemented extensive training programs for their personnel[[19]](#footnote-19). These programs include modules on recognizing and responding to trafficking among the refugee population, with a focus on women and children who are particularly vulnerable[[20]](#footnote-20).

Trainings need to address the unique needs of different vulnerable populations and therefore include components for women, children, and LGBTQ+ people[[21]](#footnote-21). For women, is crucial the gender-sensitive Approach focused on understanding the specific trafficking risks faced by women, including forced marriage and sexual exploitation. This should be accompanied by an empowerment and support programthat empower women through education and vocational training, reducing their vulnerability to trafficking[[22]](#footnote-22). Concerning children, the child Protection Policies should implement child-friendly practices in identification and interviewing processes. Educating children and their families about the dangers of trafficking and how to seek help can also be another training to be considered. LGBTQ+ Individuals are a vulnerable group often not considered, buttraining should address the specific vulnerabilities of LGBTQ+ individuals, including discrimination and lack of legal protections granting the presence of safe spaces; ensuring that shelters and support services are inclusive and safe for LGBTQ+ victims of trafficking is crucial. In Bangladesh, the Ministry of Women and Children Affairs, in partnership with UNICEF, has developed training modules specifically tailored for frontline workers[[23]](#footnote-23). These modules include gender-sensitive approaches and child protection policies. They focus on the Rohingya refugee camps, where women and children are at high risk of trafficking.

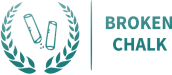
Some examples of good practices are present in Bangladesh; Bangladesh Police Anti-Human Trafficking Unithas received specialized training from international organizations on identifying and responding to trafficking cases[[24]](#footnote-24). This training includes the use of technology for case management and effective collaboration with NGOs. Also civil society plays a role from which to learn[[25]](#footnote-25). Local NGOs, such as the Bangladesh National Women Lawyers' Association (BNWLA), have implemented community-based training programs. These programs educate community leaders and volunteers on the signs of trafficking and the importance of reporting suspicious activities[[26]](#footnote-26).

# **Relief, recovery and assistance programmes which ensure effective access to reparations for victims of trafficking**

Between the years of 2014 to 2022, Bangladesh Counter Trafficking-In-Persons-Program (hereafter: BC/TIP) funded by USAID, operated in zones that are vulnerable to human trafficking. The programme focusing on prevention, protection, prosecution and partnership connects non-governmental organizations, citizens of Bangladesh and national government representatives to increase responsiveness of law enforcement officers responsible for dealing with trafficking and child marriage.[[27]](#footnote-27) Prevention portion of the program provides community members with tools to identify traffickers and aim on connecting survivors to appropriate services they need.[[28]](#footnote-28) Relevantly, on a domestic level, alongside with partnering civil society and private organizations, the BC/TIP seeks out to coordinate and work in conjunction with Ministry of Home Affairs, Ministry of Social Affairs and Ministry of Women and Children Affairs.[[29]](#footnote-29)

Bangladesh furthered its assistance programmes for victims in trafficking with the USAID’s Fight Slavery and Trafficking-In-Persons (hereon: FS/TIP). Under FS/TIP, it is planned that for the period of 2023-2025 the National Plan of Action (hereafter: NPA) will be updated on the basis of stakeholder revisions.[[30]](#footnote-30) Additionally, there has been a formal recognition of The Ministry of Disaster Management and Relief as a major contributor to the implementation of the NPA.[[31]](#footnote-31) This was a novel decision for Bangladesh since ministries are not considered as key players in trafficking prevention, however, for effective access to safety Bangladesh’s approach to assistance and recovery programmes has changed.[[32]](#footnote-32)

Over the years, relief and recovery from trafficking in Bangladesh meant financial assistance. In 2015, one Bangladeshi boy was offered financial help after being victimized in the Andaman Sea Crisis.[[33]](#footnote-33) Furthermore, it was reported that the Bangladeshi government offered legal services to those who fell victim to trafficking regardless of their nationality.[[34]](#footnote-34) Another initiative important to note is the YPSA-BCTIP (Bangladesh Counter Trafficking-in-Persons) programme which has already moved on to its second phase. Its main project objectives are to focus on shelter and community based assistance to rehabilitate and support the trafficking victims.[[35]](#footnote-35) Furthermore, YPSA-BCTIP is ambitious to enhance the capacity of the Counter Trafficking Committee (hereafter: CTC) to effectively ensure effective reintegration of trafficking victims.[[36]](#footnote-36) Moreover, the project focuses on trainings on leadership and capacity development and training on survivor’s reintegration strategy to CTC.[[37]](#footnote-37) Finally, it is reported that YPSA covered Cox’s Bazar district in Bangladesh by monitoring the victims from that area. This approach will continue towards the future as YPSA announced that they will expand the protection of victims to Chittagong district aiming to make victim assistance services to a wider geographic area.[[38]](#footnote-38)



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