Pending Accession to the Palermo Protocol:  
The Case of Bangladesh

Farida Noer Fitri  
Universitas Airlangga  
Email: faridanoerfitri@gmail.com

Baiq Wardhani  
Universitas Airlangga  
Email: baiq.wardhani@fisip.unair.ac.id  
DOI: https://doi.org/10.18196/jiwp.v7i1.36

Abstract

The People’s Republic of Bangladesh is a Muslim-majority country that has long struggled with human trafficking, and even though Bangladesh is the first largest provider country in human trafficking, especially for sex trafficking, this country needs sixteen years to accede and become part of the Palermo Protocol, which aims to criminalize and punish human trafficking, particularly for women and children. The authors aim to answer why Bangladesh takes so long to access the Palermo Protocol. This study intends to determine the reasons behind Bangladesh’s actions using qualitative-explanatory research, employing the International Regime Theory and the Cost of Sovereignty Theory viewed from a neoliberal perspective. This study uncovered that the reason for Bangladesh acceding to the Palermo Protocol in 2019 was due to three factors: (1) a spike in cases in 2016-2019, (2) Bangladesh’s readiness to fulfill the sovereignty cost of the Palermo Protocol complete in 2019, and (3) Bangladesh’s desire to access advantages under the Palermo Protocol that can help the country to combat the activities of cross-border criminal organizations that perpetuate sex trafficking.

Keywords: Sex Trafficking, Sovereignty Cost, Palermo Protocol, Humanitarian Regime
INTRODUCTION

The end of the Cold War raised human security issues, including human trafficking. Trafficking in persons for sex is the most extreme form of modern slavery in which victims are forced into a trap of dependence on their traffickers. Trafficking cases in South Asia are the second largest after Southeast Asia. India, Pakistan, Nepal, and Bangladesh have the highest cases, with Bangladesh at the top (Berty, 2019; Rahaman, 2015). To deal with high cases in the country, the Government of Bangladesh made several laws to combat cases of human trafficking. In addition, this transnational crime occurs in many places and has become a practice of violating human rights, and the numbers tend to increase significantly, including in Bangladesh and Indonesia (Moniruzzaman, 2021: 100; Oktadewi and Khairiyah, 2018: 347). Bangladesh is also a source and transit point for transnational crime, and one of the most complex is the crime of human trafficking. In this case, the Palermo Protocol is an agreement that regulates human trafficking. This protocol binds all countries that ratify it to prevent, suppress, and punish trafficking in human beings, especially children and women. Because many have become victims, human trafficking is a global issue that concerns all countries and international organizations.

Moreover, economically human trafficking is a business that creates enormous profits because the opening of national borders and the massive development of transportation and communication technology supports it. Human trafficking takes many forms, such as sex trafficking, forced domestic labor, or forced marriages. Specifically, sex trafficking is the most significant type of human trafficking and has significantly increased in the contemporary era; threats to human security are related to not only food, health, and environmental threats but also personal security and freedom for women and children in the public sphere (Llyod & Simons, 2015).

Threats to personal security can put women and children in a vulnerable position in being netted in human trafficking syndicates whose primary purpose is sexual exploitation, known as sex trafficking. Typically, due to poverty, modern-day slavery takes different forms, including human trafficking (Wattimena, 2020, 121). According to UNODC (2016), South Asia has many sex trafficking cases, reaching 150,000 annually. In the South Asian Region, Bangladesh has the first and most significant case of human trafficking (Berty, 2019). Bangladesh is also known as the country that exports the most victims, which are usually sent to India, Malaysia, and countries in the Middle East region, such as Saudi Arabia and the UAE (UNODC, 2016). The reality of the high cases of trafficking in children and women makes Bangladesh interesting to study. For that reason, this research period is from 2003 (when the Palermo Protocol came into effect) to 2019 (when Bangladesh officially acceded to the Palermo Protocol).

Furthermore, sex trafficking is a cross-border threat growing globally, so collective action from several countries is needed. UNTOC is the first and foremost international instrument for international organized crime. Initially, this convention contained two main protocols: the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, and the Protocol Against Smuggling of Migrants by Land, Air, and Sea. On May 31, 2001, the UN General Assembly added the Protocol against Manufacture and Trade in Illegal Firearms, Parts, Components, and Ammunition to complement United Nations Convention against Transnational Organized Crime through Resolution 55/255 (UNODC, 2001).

To combat cases of human trafficking, the Government of Bangladesh has made several regulations. However, cases of sex trafficking in Bangladesh are still increasing. One reason is that Bangladesh has not agreed to the Palermo Protocol.
According to Ahmed (2016), cases of sex trafficking are a cross-border threat developing globally, so joint collective action is needed from several countries. One of the significant steps taken to reduce the threat to cases of sex trafficking was the establishment of the United Nations Convention against Transnational Organized Crime (UNTOC), which the UN General Assembly adopted on November 15, 2000, and came into effect on September 29, 2003 (UNODC, 2001). The protocol is the first legally binding global instrument with a collectively agreed definition of trafficking in persons.

Because Bangladesh is one of the countries not a UNTOC member, it did not sign the Palermo Protocol in 2000. Bangladesh’s absence of multilateral action that seriously deals with cases of human trafficking has drawn much criticism and is considered the cause of the high number of cases of human trafficking. After 16 years, Bangladesh only acceded to the Palermo Protocol on September 12, 2019. In this regard, the act of accession is a term used in UN agreements, which indicates the availability of a country to be involved in international agreements after the agreement is enforced. Therefore, this research was conducted to determine the reasons for the change in Bangladesh’s policy direction in engaging with the Palermo Protocol.

LITERATURE REVIEW

In order to comprehend the driving forces behind Bangladesh’s decision, numerous studies have examined the variables affecting nations’ choices to ratify international treaties. The findings demonstrate that domestic and international considerations significantly impact ratification decisions (Perrin and Bernauer, 2010).

Domestically, the ratification of international agreements is determined by the potential costs and the level of commitment required (Cole, 2009). Costs of changing policy, gains from auxiliary treaty purposes, and advantages from adhering to regional peers’ ratification methods are all included (Karlas, 2023). Therefore, more treaties are ratified by larger, wealthier, and core countries with many NGOs than their opposites (Roberts et al., 2004).

On the other hand, international considerations, such as the late 1980s and early 1990s’ hegemonic shift, catalyzed global institutions’ rise that pushed countries to ratify more international treaties (Yamagata et al., 2017). As a result, normative pressure and imitation have significantly influenced governments’ decisions to ratify international human rights agreements (Wotipka & Tsutsui, 2008). In line with the findings, Mathy’s (2023) research shows that regional normative pressure is one of the essential factors in a country’s commitment. Moreover, Bellelli et al. (2023) find that regional agreements have a 2.5 times higher chance of being ratified than global ones.

The regional pressure and the interdependence and relationships of the contending giants also impacted the nation’s ratification decisions (Schneider and Urpelainen, 2013). Accordingly, countries will intentionally select the obligations that will best satisfy the major countries at the lowest cost of compliance because big countries’ interests are reflected in humanitarian accords like the Palermo Protocol.

Nevertheless, none of these studies have pinpointed Bangladesh’s choice to ratify the Palermo Protocol after a 19-year absence. Thus, more research is necessary.

THEORETICAL FRAMEWORK: INTERNATIONAL REGIME AND THE COST OF SOVEREIGNTY COST

International regimes are defined by Krasner (1983) as a group of implicit or explicit principles, norms, rules, and decision-making procedures where the expectations of actors are met. Regime Theory has a function to explain and predict international outcomes (Bradford, 2007). This

---

2One of the protocols specifically made to combat sex trafficking is the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.
theory builds a causal relationship to determine why and how a rule develops and can affect the state. In addition, Regime Theory provides descriptive policy analysis that adopts an instrumentalist approach to international law.

In the Neoliberal Approach, the state as a rational actor aims to obtain absolute gains (Keohane, 1984). The states do not care about what benefits other countries will get as long as they get benefits for their national interests, which are a non-zero-sum game. Therefore, according to this view, the state will not see the benefits gained by other countries as a threat. According to the Neoliberal View, Regime Theory believes that cooperation is possible for the state amid anarchy, even without the presence of hegemonic powers (Keohane, 1984). States consider the future consequences of their actions and adopt a long-term view of their interactions with other states. When states feel that there are benefits from cooperation, they are willing to sacrifice their short-term interests to achieve their shared interests in the long term (Bradford, 2007). Hence, it can be understood that the International Regime can affect changes in state behavior. As mentioned by Keohane (1984), the existence of a regime can change even a selfish state to work together because the regime is present as a response to collective action problems arising from the state’s interests. When the state cannot optimally pursue individual interests, the state as a rational actor will avoid independent action and cooperate (Keohane, 1984).

Countries will cooperate and be involved in the international regime to get absolute gains, i.e., profits that combine the total effects of strength, security, economy, and culture (Grieco, 1988). The state’s action in participating in the International Regime through the ratification of international treaties is a state effort to solve problems that cannot be handled independently and seek absolute gains in the form of advantages from the aspects of strength, security, economy, and culture.

To further explain Bangladesh’s decision to access the Palermo Protocol, this paper used the approach of ‘the cost of sovereignty cost.’ The sovereignty cost is the cost of compliance that must be paid by a country when it decides to ratify an agreement. The more different domestic law enforcement is from the requirements proposed for membership, the higher the sovereign cost (Hathaway, 2003). The high difference between domestic law and the requirements for membership in international regulations makes the state have to change more and adjust the domestic law enforcement structure to comply with the standards set out in the membership requirements. According to Hathaway (2003), sovereignty cost is neither uniform nor random. Therefore, the state’s decision to permanently join the agreement with the least cost of compliance is also unproven. When a country ratifies an agreement, it must be based on the cost of compliance and the possibility of realizing the cost of compliance with the agreement.

Hathaway’s (2003) premise is that democracies are more likely to sign humanitarian agreements than non-democracies because developing democracies tend to sign more humanitarian agreements with high sovereignty costs. Waltz in Hathaway (2011) explained that developing democratic countries follow humanitarian agreements because the advantages offered by stronger countries drive them. In addition, Moravcsik in Hathaway (2011) added that the reason developing democracies want to join humanitarian agreements is because of their inability to resolve their humanitarian conflicts domestically, which the equal distribution of commitment costs among members will significantly assist. This equity helps reduce the state’s burden if they solve it individually.

Based on this premise, countries with high cases of trafficking and poor handling are very likely to enter into humanitarian agreements with high sovereignty costs if these countries cannot address their humanitarian problems individually. Therefore, it can be concluded that countries with high cases of trafficking and poor handling follow international humanitarian agreements to get the benefits of stronger member countries and help
them overcome humanitarian conflicts that cannot be resolved individually.

Departing from the framework above, the authors argue that several things caused Bangladesh’s decision to ratify the Palermo Protocol in 2019: (1) The significance of the cases, which increased sharply from 2017 to 2019, made Bangladesh unable to handle it individually so that Bangladesh needed the help of the humanitarian regime law through accession to the Palermo Protocol; (2) In 2019, Bangladesh is ready to meet the sovereignty costs contained in the Palermo Protocol; (3) The Palermo Protocol Accession Act provides access to absolute advantages that can help Bangladesh fight transnational criminal organizations in perpetuating sex trafficking cases.

DISCUSSION

Bangladesh Domestic Efforts towards Accession to the Palermo Protocol

The Palermo Protocol is one of three international agreements to supplement the 2000 Convention against Transnational Organized Crime or the United Nations Convention against Transnational Organized Crime (UNODC, 2018). The Palermo Protocol is also part of the UNTOC adopted by General Assembly Resolution 55/25 on November 15, 2000, whereas UNTOC is the leading international instrument in the fight against transnational organized crime. This convention was held in Palermo, Italy, on December 12-15, 2000 (UNODC, 2018). In addition, the Palermo Protocol is one of the protocols in the UNTOC. The three protocols that complement UNTOC are the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol); Protocol Against Smuggling of Migrants by Land, Sea, and Air; and Protocol Against the Illegal Manufacture and Trafficking in Firearms, Parts, and Components thereof and Ammunition (UNODC, 2018).

According to Leoluca Orlando, Mayor of Palermo, the Palermo Protocol was the first international convention to fight transnational organized crime, trafficking of human beings, and terrorism that began on December 25, 2003. Furthermore, it was the first global instrument capable of legally binding to prevent and punish human trafficking, especially for children and women (UNODC, 2018). Hence, the Palermo Protocol aims to elaborate on the convention against transnational criminal organized crime as the first global instrument specifically addressing cases of human trafficking for women and children.

As an international regime, the Palermo Protocol has sovereignty costs that the members must meet through ratification or accession processes. Sovereignty costs are those a country must bear by surrendering sovereignty over changes in their national policies to comply with standards set by an international organization/institution as the primary requirement before joining an international agreement. According to Moravcsik (2000), the high cost of sovereignty in an international humanitarian agreement is characterized by obligations that members must fulfill and formal reporting on human rights conditions in member countries. For example, in the Palermo Protocol, several obligations must be fulfilled by its members contained in Articles 3, 5, 6, 8, and 9. Furthermore, in terms of formal annual reporting, it is under the direct auspices of UNODC, which annually issues annual reports regarding cases and conditions of human trafficking in various countries.

Before Bangladesh acceded to the Palermo Protocol, the Government of Bangladesh had made various efforts by utilizing existing capabilities and human resources to take advantage of cooperation with various international parties. Fundamentally, efforts to domestically and support international cooperation related to investigating and prosecuting cases of human trafficking (UNODC, 2018).
address sex trafficking cases started with reforming the applicable laws and regulations regarding the handling and punishing violations related to sex trafficking cases. Before accession, Bangladesh also already had several regulations governing sex trafficking, which can be seen in the following table.

<table>
<thead>
<tr>
<th>Table 1: Regulations related to sex trafficking in Bangladesh</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of Regulations</td>
</tr>
<tr>
<td>KUHP atau Penal Code 1860</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Bangladesh Constitutions(2000)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Bangladesh’s Women and Children Repression Prevention Act (2003)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

Source: UNODC Report, 2011

Based on the data collected by UNODC in its report, it can be concluded that Bangladesh already has laws that expressly prohibit the trafficking of persons for sexual exploitation. In addition, since 2003, Bangladesh has had laws that criminalize human trafficking, especially sex trafficking for women and children. However, these existing laws cannot be implemented effectively due to a lack of gender sensitivity in law enforcement in Bangladesh (Thomas, 2002).

Accession of Bangladesh and Establishment of National Plan of Action

The next effort undertaken by the Government of Bangladesh is the formation of a National Plan of Action (NPA) divided into three generations. The first generation is NPA 2001-2003; the second is 2012-2014; and the third is 2018-2022. In 2001, through the Ministry of Women and Children, the Government of Bangladesh formed a team involving national non-governmental
organizations, such as the Bangladesh National Women Lawyers’ Association (BNWLA), the Bangladesh Chapter of Action against Trafficking and Sexual Exploitation of Children (ATSEC), Association for Community Development (ACD), and Dhaka Ahsania Mission (DAM). In the first generation of NPA, the main focus has not been on fighting human trafficking, but these NPAs are actively trying to raise awareness and mobilize the community in educating the public about human trafficking (TIP Report, 2003). The government conducted campaigns targeted at the population most vulnerable to being caught in human trafficking. The campaign carried out by the Ministry of Women and Children’s Affairs aimed to increase public awareness regarding the dangers of human trafficking and educate the public not to give a lousy stigma to victims (TIP Report, 2003).

Furthermore, on May 19, 2012, the Government of Bangladesh, for the first time, launched a National Plan of Action (NPA) specifically aimed at combating human trafficking (UN Women, 2012). This second-generation NPA aimed to prevent and combat human trafficking through preventive activities and protect victims through allocating responsibilities among various government agencies and other implementing organizations. Some activities carried out to achieve this goal were monitoring and implementing laws related to human trafficking, ensuring justice for victims through state intervention in rescue, recovery from physical and psychosocial trauma, return, and reintegration into the family and society (UN Women, 2012). The activities carried out to achieve the goals of the 2012-2014 NPA were the prevention of human trafficking, protection of trafficking survivors, prosecution of trafficking crimes, development of partnerships, participation, coordination, and cross-country cooperation legal assistance, development of monitoring systems, evaluation, and reporting (UN Women, 2012).

In the third generation, the National Plan of Action for 2018-2022 mainly focuses on improving the previous year’s NPA, which only emphasizes increasing public awareness regarding the issue of human trafficking. The recent NPA has programs and strategies to combat all forms of human trafficking internally and internationally (United States Department of State, 2018). One of the differences from the previous NPA is strengthening people’s social and economic security to prevent human trafficking. Therefore, the main priority in this NPA is placed on the development of social and economic safety nets. In addition, several specific interventions to combat child trafficking were included.

Furthermore, the 2018-2022 NPA contains the values of the SDGs and the 7th Five-Year Plan of the Government of Bangladesh (United States Department of State, 2018). This NPA also has five areas of action: prevention of human trafficking, holistic protection of victims of human trafficking, prosecution of traffickers, partnerships and cross-border legal assistance, and monitoring and evaluation. In addition, this NPA has identified budgetary sources to avoid corrupt practices in the financial sector. Apart from going through the NPA, several ministries are also given a big responsibility to participate in efforts to overcome cases of human trafficking, including human trafficking for sex in Bangladesh. In the following, the authors describe the ministries in charge and their roles and duties in overcoming cases of human trafficking in Bangladesh. Several types of ministries involved are summarized in the following table.
It can be seen from the table that through various ministries, the Government of Bangladesh has made efforts to reduce cases of human trafficking. Not only that, but the Government of Bangladesh is also working with local NGOs with the same goal of fighting sex trafficking and helping rescue victims netted in human trafficking. One of the collaborations was carried out with Bangladesh National Women Lawyers’ Association (BNWLA). This NGO aims to create equal opportunities and rights for women and children in Bangladesh.

BNWLA is heavily involved in rescuing trafficking victims. According to a report written by Ali in Rosy (2016), BNWLA once helped repatriate 378 victims from various states in South Asia, where 144 of them were women, and the rest were men. In addition, in 2011, BNWLA was involved in rescuing 119 victims and reintegrating 102 victims of human trafficking. As a result, 25 victims of trafficking managed to find work or livelihood support from BNWLA in 2011 (Rosy, 2016). Besides, BNWLA plays a significant role in helping victims to reintegrate with their families. In addition, BNWLA also plays a significant role in providing halfway house facilities before undergoing further integration processes. At this halfway house, victims will receive counseling assistance and physical care related to reproductive health examinations from survivors. Furthermore, it is not uncommon for BNWLA to provide capital to survivors through cash, cows, or even sewing machines to help them start a better life. Some survivors were also assisted in finding factory jobs (Rosy, 2016).

The following NGO is the Bangladesh Chapter of Action against Trafficking and Sexual Exploitation of Children (ATSEC), a coalition of 15 NGOs working together to prevent the trafficking of children and women with the aim of sexual exploitation. ATSEC has an essential role in establishing a national resource tasked with...
disseminating information about the dangers of human trafficking (Amin and Seikh, 2011). One of ATSEC’s significant roles is establishing a workshop on anti-trafficking issues with the Bangladesh Forum against Human Trafficking in 2004 (Amin and Seikh, 2011). Apart from that, ATSEC also has a vital role in developing a proposal to regulate Bangladesh’s relations with the primary destination country, India, regarding information regarding trafficked and detained persons and information regarding the return of victims (Thomas, 2002). NGOs in Bangladesh, including ATSEC, have an essential role in raising awareness, conducting research and documentation, conducting action programs, advocating, involving media participation, and investigating and rehabilitating women and children victims of trafficking (Amin & Sheikh, 2011).

The third NGO, Association for Community Development (ACD), has successfully implemented an interception project in Northern Bangladesh. ACD carries out tasks that open awareness of Bangladesh’s patriarchal society to accept trafficking victims back to their families. The repatriation process is not easy in Bangladesh, and because of this, ACD plays a role in making people aware of gender and human rights issues (Tzvetkova, 2002:63). In addition, they run shelters for rescued children of victims of human trafficking as well as children who have experienced sexual abuse. They carry out their activities using funding sources from the Danish NGO, Save the Children (Asian Development Bank, 2003).

Furthermore, the Government of Bangladesh collaborates with an NGO called Mission Dhaka Ahsania (DAM), which provides community services to increase public awareness regarding human trafficking. The DAM does this through courtyard meetings with the village community. In addition, this NGO plays a role in rescuing, repatriating, rehabilitating, and reintegrating victims of human trafficking. DAM also has a shelter in one of the Bangladesh-India border areas for rescued victims of human trafficking (Asian Development Bank, 2003). DAM’s participation in combating human trafficking in Bangladesh is demonstrated by its active role in forming networks at the country level and across national borders with Indian NGOs in West Bengal and other major cities. This work was undertaken to facilitate the rescue and repatriation of trafficking victims in Bangladesh. Other concrete actions by DAM include providing shelter in Vecutia (on the outskirts of Jessore City). This house is provided for developing and rehabilitating children, women, and men who are victims of violence, human trafficking, and illegal labor migration (Dhaka Ahsania Mission, n.d.).

Aside from operating nationally or locally, the Government of Bangladesh also carries out international efforts. For example, one works with several international organizations, such as UNICEF, Asian Development Bank (ADB), UNODC, IOM, and Winrock International. This cooperation is usually through socialization and prevention education through congresses, workshops, or training (United States Department of State, 2016). This collaboration aims to increase the intensity of the Bangladesh Government in fighting human trafficking crimes in the country and ward off Bangladesh’s international image as a source and transit country for human crime.

International cooperation carried out by the Government of Bangladesh does not stop there but is also carried out with its neighboring country, India, because Bangladesh and India share a border with a reasonably long area of 4096 KM (Kumari, 2022). The long border makes the border prone to being used as a place for cross-border crime operations carried out by TOC. Therefore, to overcome this, India and Bangladesh conduct bilateral cooperation regarding their borders. Some of these collaborations can be seen in the following table.
The coordinated border management plan is a bilateral partnership between Bangladesh and India to overcome cross-border crimes primarily committed in these two countries’ border areas. These crimes include human trafficking, smuggling of drugs, weapons, counterfeit money, terrorism, illegally traded rare animals, illegal immigration, and kidnapping. The activities comprise coordinating patrols, establishing permanent patrol offices, exchanging information, dialogue, meetings between countries, and joint action in emergencies (CBMP Report, 2016). Managing the common border will remain a vital concern of the Bangladesh-India bilateral relationship. The two countries continue to make more efforts on each side of the border to prevent smuggling from illegal activities by Bangladeshis and Indians, which are carried out by land or sea/river (Chakravarty, 2020).

Based on the explanation above, it can be concluded that the Government of Bangladesh has maximized its domestic and foreign potential to combat human trafficking cases. Nonetheless, the results are very disappointing. Cases of sex trafficking in Bangladesh are still high. To see its dynamics, the authors collected data on victims of sex trafficking from 2003-2019. Due to the limited data on reporting of sex trafficking victims, the data were taken from various agencies, including the UNODC report, USAID’s Trafficking in Person, and reports from the Bangladesh police department.

Graph 1: Number of victims of sex trafficking 2003-2019

The graph above depicts that cases of sex trafficking in Bangladesh tend to increase yearly, as seen by the increasing number of victims yearly. Since 2012, victims of sex trafficking syndicates have continued to increase, with a peak in 2019 with a reported number of victims reaching 425 people. This very significant increase makes it difficult for Bangladesh to handle it independently. Because of the many efforts that the previous Government of Bangladesh has made, the number of cases has not been able to reduce. Even cases in his country experienced a very high increase compared to cases that had existed in the previous year.

In addition, Bangladesh’s inability to overcome sex trafficking cases can also be seen from the tier rankings each year. The tier ranking results from evaluating the number of victims and how the Government of Bangladesh handles human trafficking and takes preventive steps. Tier 1 is the best ranking, while Tier 3 is the worst rating (US Department of State, 2021). Moreover, United States Agency for International Development (USAID) has a program to combat trafficking in persons (TIP), which publishes an annual report focusing on research related to trends, challenges, and progress made globally in tackling human trafficking. USAID carries out the tier ranking for almost all countries, including Bangladesh. Through the 2003-2019 annual report on trafficking in persons, the authors collected Bangladesh tier ranking data.

Graph 2: Bangladesh Tier Ranking

The statistical data above illustrates that Bangladesh has not met the minimum criteria of a country to combat human trafficking cases based on the tier ranking chart, which is still up and down and has never been ranked tier 1 for 16 years. Kazi Reazul Hoque, the Head of the Independent National Human Rights Commission (NHRC), stated that Bangladesh is very serious in responding to its position assigned by the United States to the Tier 2 Watch List (Karim, 2019). This statement indicates that the Tier 2 Watch List rating is a serious enough threat to Bangladesh, so human trafficking that occur in their country. Four tier ratings are used as a scale to measure the success of a country in dealing with cases of human trafficking.

4Tier ranking is one way to measure and compare the efforts of a country’s government to overcome cases of human trafficking.
Bangladesh needs to combat human trafficking in the country vigorously.

In addition to the high dynamics of cases supported by Bangladesh’s poor tier rating, the Secretary of the Ministry of Foreign Affairs (Kemenlu) statement also emphasized Bangladesh’s inability to deal with individual cases of human trafficking. In 2019, through a workshop program entitled National Consultative Workshop on Comprehensive Response to Trafficking in Persons with IOM and UNODC conducted in Dhaka, the Secretary of the Ministry of Foreign Affairs of Bangladesh explained the challenges in dealing with cases of human trafficking. Some of these factors are caused by the intelligent strategy carried out by the traffickers, supported by their extensive experience because the business has been passed down from generation to generation for three to four generations. Another factor mentioned as a problem of the high cases of sex trafficking in Bangladesh is the large gap between the scale of the human trafficking business and the resources to follow up on the case (BDNews24, 2019).

The next factor mentioned by the Secretary of the Ministry of Foreign Affairs of Bangladesh is that human trafficking has a larger migration context to provide greater leeway for perpetrators to reach people after they leave their homes for migration purposes (BDNews24, 2019). In addition, human trafficking is often carried out through migration routes, such as sending foreign workers or other economic reasons. Therefore, the Secretary to the Ministry of Foreign Affairs stated that ratifying the Palermo Protocol was a significant step towards overcoming human trafficking in Bangladesh (BDNews24, 2019).

Apart from incapacity due to the factors above, the Government of Bangladesh also sees the potential benefits of acceding to the Palermo Protocol. The absolute advantage here is the total profit to be achieved by a country without considering the power that other countries will obtain. Thus, absolute benefits only focus on the benefits that will be received by the individual state (Grieco, 1988). This advantage aligns with the interests of the State of Bangladesh to combat cases of sex trafficking in the country. In addition, several absolute advantages are implicitly offered in the Palermo Protocol. One is the opportunity to join a bilateral or multilateral cooperation mechanism exclusive to members who have ratified the Palermo Protocol, as mentioned in Article 9, paragraph 4. A further benefit is the information exchange mechanism mentioned in the Palermo Protocol Article 10 (UNODC, 2016). The third benefit is a cooperation mechanism for securing the borders of member countries, described in Article 11 (UNODC, 2016). The absolute advantages that Bangladesh can access after acceding to the Palermo Protocol are (1) Exclusive multilateral cooperation through the GLO ACT mechanism; (2) Formation of an integrated information system with GLO ACT; (3) Joint Training with USAID; (4) Strengthening India-Bangladesh border cooperation through Integrated Check-Posts (ICPs) (UNODC, 2016). These benefits have had a positive impact on the efforts of the Government of Bangladesh in combating sex trafficking cases, which have made its tier rating return to the safe zone at tier 2, followed by a decrease in cases. This rating indicates that cases are still relatively high but still under control due to significant efforts from the relevant government.

The factors above have pushed Bangladesh to accede to the Palermo Protocol immediately. Meanwhile, one factor that has made Bangladesh continue to delay this is its unpreparedness to meet sovereign costs. Nevertheless, in 2019, Bangladesh has proven capable of meeting all sovereignty costs under the Palermo Protocol, which can be seen in the following table:
Table 4: Compliance with the Sovereignty Cost of the Palermo Protocol by Bangladesh

<table>
<thead>
<tr>
<th>No.</th>
<th>Type of Sovereignty Cost</th>
<th>Chapters</th>
<th>Status</th>
<th>Bangladesh’s Effort</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Member countries are required to enact laws that criminalize suspected trafficking in persons</td>
<td>Ch. 3 and 5</td>
<td>Fulfilled</td>
<td>- Bangladesh Women and Children Repression Prevention Act (2003) Article 29 paragraphs 5 and 6 The Prevention and Suppression of Human Trafficking Act 2012</td>
</tr>
<tr>
<td>2</td>
<td>Member states must side with victims of human trafficking</td>
<td>Ch. 6</td>
<td>Fulfilled</td>
<td>- NAP 2018-2022                                                                                   - Collaboration with NGOs (BNWLA)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Guarantee of safety and repatriation of victims in The Prevention and Suppression of Human Trafficking Act 2012 Chapter 5 article 32 (2), 34 (2), 34 (3)</td>
</tr>
<tr>
<td>3</td>
<td>Member countries must establish a preventive scheme for cases of human trafficking</td>
<td>Ch. 9</td>
<td>Fulfilled</td>
<td>- The Ministry of Home Affairs is working with ATSEC to establish a preventive scheme for the trafficking in children and women for sexual exploitation</td>
</tr>
<tr>
<td>4</td>
<td>Member countries must be willing to cooperate in the process of returning victims</td>
<td>Ch. 8</td>
<td>Fulfilled</td>
<td>- The Ministry of Home Affairs cooperates with ATSEC to be involved in repatriating victims, including issuing the required documents</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- The Prevention and Suppression of Human Trafficking Act 2012, articles 33 (1) and (2), guarantees the safe return of victims</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>- Global Report on Trafficking in Persons 2012-2020</td>
</tr>
</tbody>
</table>

Source: the author’s analysis

Based on the table above, it can be concluded that Bangladesh has been trying to fulfill the sovereign cost in the Palermo Protocol for a long time. In 2019, Bangladesh’s preparations were complete with the presence of the third generation NAP 2018-2022, which in a structured manner, provides a mechanism for taking sides with victims through the process of returning and rehabilitating sex trafficking victims. This momentum then accumulated, pushing the Government of Bangladesh to accede to the Palermo Protocol in 2019.

Conclusion

Bangladesh’s condition, which has been deteriorating for years with many cases, has not motivated Bangladesh to seek assistance through an international humanitarian regime that aims explicitly to define and punish human trafficking as a crime, namely the Palermo Protocol. This protocol has been officially ratified since 2003. After 16 years, Bangladesh only then acceded to the Palermo Protocol. Based on the analysis results that the researchers in the previous chapter carried out, it can be concluded that the authors’ hypothesis has been verified. The authors argue that Bangladesh has just acceded to the Palermo Protocol after 16 years of being in force because three main interrelated factors caused it.

The first factor was driven by the high number of cases in 2017 and the unpreparedness of the Bangladesh government, which caused Bangladesh’s tier ranking to drop for three consecutive years. The second factor was Bangladesh’s unpreparedness in acceding to the Palermo Protocol. Even though Bangladesh has had laws that define human trafficking, especially women and children, as a crime for a long time, Bangladesh still has many shortcomings, particularly in the areas of investigation, rescue, return, and rehabilitation of victims. Ultimately, Bangladesh was only considered ready after ratifying the Prevention and Suppression of Human Trafficking Act in 2012 and the formation
of the 2018-2022 NAP. These two instruments have become a turning point for Bangladesh’s readiness to accede to the Palermo Protocol. The final factor that pushed Bangladesh to accede to the Palermo Protocol was the absolute advantage that could only be accessed by members who had ratified and acceded to the Palermo Protocol. Thus, it can be concluded that the accession process carried out by Bangladesh is the effect of two big momentums, i.e., the high number of victims from 2017 to 2019 and Bangladesh’s readiness to fulfill the sovereignty cost of the Palermo Protocol in the same year. Another solid supporting factor then drove this momentum in the form of Bangladesh’s desire to access profits that could help it overcome the progress of the illegal sex trafficking business, which cross-border criminal organizations are perpetuating.

Further, neoliberalism often mentions that countries prefer to form or join international regimes when experiencing difficulties in dealing with anarchy. However, the case in Bangladesh can provide another point of view that many countries like Bangladesh have had difficulties for a long time and cannot overcome anarchy alone. Nevertheless, conditions in the home country prevented it from immediately joining a sizeable international regime such as the Palermo Protocol due to many domestic adjustments that needed to be prepared to qualify for an international regime.

REFERENCES


https://doi.org/10.1080/13552070215893


