



**Child and Woman
Trafficking in
Bangladesh: A Study
Exploring its Causes and
Challenges**

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Abstract

This research work mainly deals with child and woman trafficking in Bangladesh and a study exploring its causes and challenges. As we know that, trafficking has appeared as one of the wickedest and most pervasive forms of human rights violation of woman and children. The major purpose of this paper is to analyze the process of trafficking, network relations among the traffickers and the causes of trafficking and its impact in a social system like Bangladesh. In this paper I try to show some the conceptual matter, the origin of trafficking or when Bangladesh adopt trafficking. This research work has discussed destination, trafficking routes, and transit points of child and woman trafficking in Bangladesh. It shows various laws in Bangladesh regarding child and woman trafficking and try to find out the prime purposes of such trafficking and its consequences. This paper also point out some recommendation to prevent child and woman trafficking as well as to reintegrate the trafficked victims with the main stream of population.

Table of Contents

No	Topic	Page Number
1	<i>Acknowledgement</i>	
2	<i>Abstract</i>	
3	<i>Chapter I-</i> <i>Introduction</i> <i>Objectives of the study</i> <i>Methodology</i> <i>Scope and Limitations</i> <i>Research Questions</i>	1-2 1 1 2 2 2
4	<i>Chapter II-</i> <i>History of Child Trafficking in Bangladesh</i> <i>Concept and Nature of Trafficking, Destination,</i> <i>Trafficking Routes, and Transit Points of Child and Woman Trafficking in</i> <i>Bangladesh</i> <i>Main Targets and Forms of Human Trafficking</i>	3- 8 3-4 5-6 6-7 7 8
5	<i>Chapter III- The Reason behind Child and Woman Trafficking and</i> <i>Their Consequences</i>	9-16
6	<i>Chapter IV-Analysis of the Relevant Provisions regarding Child and</i> <i>Woman Trafficking in Bangladesh</i> <i>Role of NGO</i> <i>Number of Victim in previous years and current situation in</i> <i>Bangladesh</i>	17- 23 20-21 21-23
7	<i>Chapter V- Recommendation and Conclusion</i>	24-25
8	<i>Bibliography</i>	26-29

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Chapter I

Introduction:

The trafficking in women and children is a nationwide as well as worldwide issue. Trafficking in women and children is repugnant phenomenon. Trafficking in persons means the transportation of a person within a country or across borders through coercion, deception or illicit influence with the purpose of exploiting the victim. Women and children are trafficked within the country for the purposes of commercial sexual exploitation and forced marriage. Women and Children are subjected to forced labor as factory workers, domestic servants, beggars, and agricultural workers. Human trafficking is a multi-dimensional issue. Trafficking clearly violates the fundamental rights to life with dignity. Victims may suffer physical and emotional abuse, rape, threats against self and family and even death.

Efforts have been made during the last decade by the UN, other international agencies, international and local NGOs and governments to highlight and address the issue by reaffirming policy commitments and strengthening legislation and law enforcement, as well as by supporting the victims. During the last few years a series of broad programs have been developed. Most countries have ratified the UN Convention on the Rights of the Child and the UN Convention on Elimination of All Forms of Discrimination against Women, thereby committing themselves to respect, protect, promote and fulfill the human rights of women and children.

The main purpose of this paper is to analyze the present situation, causes and challenges of woman and child trafficking in Bangladesh, where women and children are forced them to engage in sex trade, domestic work, forced pleading, jockeying and organ harvesting in fake hope of employment etc. In chapter I, I discuss about introduction, objective, methodology, limitation and scope of my research work. In chapter II, I try discuss about the history, the conceptual matter, destination, trafficking routes, and transit points of child and woman trafficking in Bangladesh. In chapter III, I try to point out some reason behind child and woman trafficking and their consequences. In chapter IV, I also show the legal provision regarding child and woman trafficking in Bangladesh and chapter V, I put some recommendation and conclude my research work.

Objectives of the study:

The overall objective of this study is to identify the causes and challenges of child and woman trafficking in Bangladesh. The general objectives of this research are given below:

- To explore the causes and challenges of child, woman trafficking in Bangladesh

- To understand the trends and patterns of trafficking
- To analyze the legal provision regarding child trafficking and functions of the formal and voluntary agencies that was involved in containing and combating this phenomenon

Methodology:

Basically, this research is theoretical research or a descriptive research. Most of the data has been collected from secondary sources. So this work has been based on published information and data available in any form such as books, journals, magazines, newspaper etc. Existing information was extracted from various sources to understand the causes, challenges, current situation in Bangladesh relating to child and woman trafficking. This paper covers many aspects of the problem and tries to explore its causes, challenges and present situation in Bangladesh.

Scope and Limitation:

My work mainly based on child and woman trafficking in Bangladesh and explore its causes and challenges. I also try to show the main reason for woman and child trafficking and what kind of difficulties they face through trafficking.

The research on this issue might be able to get better outcome if there is no limitation of time. There are lacking of current information and resources for research is not enough

Research question:

Number of questions can be framed on this research topic. However, this research has been limited to following question. To fulfill the purpose of the research following question will be addressed:

What are the reasons behind the child and woman trafficking in Bangladesh?

How Bangladeshi laws are effective to prevent child and woman trafficking in Bangladesh?

Chapter II

History of Child Trafficking in Bangladesh

Trafficking is indeed a growing problem in Bangladesh. It is not a crime starts suddenly. It has a yearlong old history. Till mid-20th century it was more or less a silent feature of crime. In post 2nd World War period because of extreme human rights violation and exploitation of human dignity, movements in favor of protecting human rights started. Trafficking in Persons as a crime against humanity got global acceptance at that time. Gradually UN and other organizations declare fight against it. After passing the Trafficking Victims Protection Act, 2000 by US Congress, combat trafficking in persons took a new turn all over the world. Bangladesh like other countries has a dirty history of trafficking. Slavery, one consequence of trafficking, is a matter of dark period of colonial history. Selling and buying of human beings for slavery and bonded labour is not a very old phenomenon. In the 18th and 19th century 23 slaves were imported to Bengal from Africa, Arabia, Malaya, China, Arakan and Nepal. Today the pattern of slavery of previous century has been changed but remains in society in a broader and more clandestine range. One aspect of modern slavery is the trafficking of women in the sex industry. British rulers after occupying power in sub-continent established a number of brothels in Kanpur, Jabalpur, khidirpur in Kolkata and Kamatipara in Mumbai. These were found for British soldiers and foreigners mainly. These areas are still main destination for Bangladeshi trafficked women. In 1927, the League of Nation published an inquiry report which revealed evidence of route for women trafficking from the East via Egypt to Mumbai. Besides, the culture keeping girls for entertainment by Muslim rulers as well as Hindu kings is a well-established fact in the sub-continent. Banglapedia cites that there had been a very considerable level of commercial sex in the 19th century East Bengal especially in the riverside towns of Dhaka and Narayangang. Bangladesh became independent with this problem.

Bangladesh, a small developing country of South Asia, contains the ninth largest population in the world. In 2019, its population stood at 163.05 million. 12 Limited natural resources, underdeveloped industrialization along with natural disasters such as floods, droughts and cyclones cursed the population mobility and human trafficking is one of the inadvertent consequences thereof. However, trafficking is getting in an acute condition in Bangladesh. Although exact figures on the scope of the problem vary widely, the consensus is that the trafficking problem is growing rapidly. Though the history of women and child trafficking from Bangladesh goes back to the early 50's when camel race and 'jockey' gained momentum in the Middle East countries, in the course of time, this criminal business has taken an alarming proportion, women and children are being trafficked out of Bangladesh to various countries predominantly in India, Pakistan and the Middle Eastern countries.¹

¹ Human Trafficking : A Security Concern for Bangladesh'(2011)<<https://www.files.ethz.ch/isn/164375/Issue%209.pdf>> accessed 24 July, 2019

2.1. What is actually mean by Trafficking?

The Bangla equivalent of the word ‘trafficking’ is pachar. It has a mild connotation which means transfer from one place to another. If the term pachar is used in reference to women and children, in Bangali the phrase nari o shishupachar means illegal transfer of women and children from one place to another.

There was no internationally agreed definition of trafficking in persons until 2000. The United Nations Protocol on Trafficking in Persons, adopted in November 2000, defines trafficking as:

“the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, or deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs”.

The countries of the South Asian Association for Regional Cooperation (SAARC) adopted a definition in their Convention for Preventing and Combating Trafficking in Women and Children. Nevertheless, consultation workshop, organized by the Resistance Network in Bangladesh in August 1999, made suggestions for changes in the convention. The following definitions were proposed in the workshop:

“Trafficking in women consists of all acts involved in the procurement, transportation, forced movement, and/or selling and buying of women within and/or across border by fraudulent means, deception, coercion, direct and/or indirect threats, abuse of authority, for the purpose of placing a woman against her will without her consent in exploitative and abusive situations such as forced prostitution, forced marriage, bonded and forced labor, begging, organ trade, etc.”

“Trafficking in children consists of all acts involved in the procurement, transportation, forced movement, and/or selling and buying of children within and/or across border by fraudulent means, deception, coercion, direct and/or indirect threats, abuse of authority, for the purpose of placing a child against her/his will without his/her consent in exploitative and abusive situations such as commercial sexual abuse, forced marriage, bonded and forced labor, begging, camel jockeying and other sports, organ trade, etc.” In the context of Bangladesh, Bangladesh National Women’s Lawyer Association (BNWLA) defined trafficking as,

“ all acts involved in the recruitment and or transportation of a women or child within or across national borders for work or service by means of violence or threat of violence, abuse of authority or dominant position, dept bondage, deception or other forms of coercion”.

2.2. The Nature of the Problem of Child and Woman Trafficking

Who are trafficked?

- Women and children are the key target group, because of their marginalisation, limited economic resources and predominance in the “invisible” informal sector
- People from impoverished and low income households in rural areas and urban slums, especially women engaged in small farming, petty trading, vending, as labourers, scavengers and in other low status work and services
- Ethnic minorities, indigenous people, hill tribes, refugees, and illegal migrants
- people with low levels of education, a few years of formal schooling, some primary school education, or illiterate
- Young girls running away from home, or girls from families that expect their daughters to financially contribute to their support are easy targets for traffickers people who lack awareness of their legal rights, their exploited situation, and have no channel for seeking redress
- Women and children of varying ages, ranging from babies to women in their seventies.

2.3. Types of Trafficking: There are two types of trafficking in persons that occur in Bangladesh. One is internal trafficking and another is international trafficking.

A. Internal Trafficking: Bangladeshi children and adults are trafficked internally for commercial sexual exploitation, domestic servitude, and forced and bonded labour, including forced begging. In some instances, children are sold into bondage by their parents, while others are induced into labour or commercial sexual exploitation through fraud and physical coercion. Girls and boys as young as eight years old are subjected to forced prostitution within the country, living in slave-like conditions in secluded environments. Trafficking occurs throughout the country, and the vulnerable poor are trafficked from poorer rural regions to cities.

B. International Trafficking: Internationally, women and children from Bangladesh are trafficked to India and Pakistan for commercial sexual exploitation or forced labour. Many brothel owners and pimps coerce Bangladeshi girls to take steroids to make them more attractive to clients, with devastating side effects; the drug is reported to be used by 90 percent of girls and women between the ages of 15 and 35 in Bangladeshi brothels. In 2012, nine South African labour-trafficking victims were found in Bangladesh.

2.4. Destination, Trafficking Routes, and Transit Points of Child and Woman Trafficking in Bangladesh:

In the region of South Asia, India and Pakistan are the major two countries of destination or transit to other regions, commonly Gulf States or South East Asia for the trafficked persons from Bangladesh and Nepal, Kolkata in India being a major transit point for other destinations. Besides, Bangladeshi women and girls are trafficked to Middle East particularly Bahrain, Kuwait, and the United Arab Emirates (UAE). Bangladeshi boys are also trafficked to the UAE, Qatar, and Kuwait for forced work as camel jockeys and beggars.² In addition, considerable numbers of women from Bangladesh are trafficked to Eastern Europe. People from Bangladesh go to Malaysia as illegal immigrants through Thailand as well. Bangladesh shares 4,222 kilometers border of 28 districts with India and 288 kilometers of two districts with Myanmar. Thus, Bangladeshi touts build up powerful bases in the border districts and these are now favourite transit points of human trafficking.³

There are as many as 20 transit points from districts of Bangladesh bordering India through which women are smuggled out of the country.⁴ Benapole border crossing, known as the southwest transit point, is the most-commonly used and the easiest land route to India. In the northern region, the districts of Kurigram, Lalmonirhat, Nilphamari, Panchagarh, Thakurgaon, Dinajpur, Naogaon, Chapainawabganj and Rajshahi and in the south Jessore and Satkhira are areas through which trafficked persons are moved to India.⁵ There are also transit points on the other side of the Indian border where women and girl children are kept for supplying to various destinations including Pakistan, and Gulf States.⁶ Trafficking to Myanmar and then on to other destinations in South East Asia are being smuggled out and gathered in Cox's Bazaar. Internally, women and children from rural areas in Bangladesh are trafficked to urban centers for commercial sexual exploitation and domestic servitude.⁷ The most advantageous route used by the traffickers is the land route followed by air and waterways. Those using the air routes usually have work permit or a false family visa to travel to the countries of the Middle East.⁸ Some of the most used trafficking routes, as identified by Bangladesh Government are⁹:

Route 1: From Dhaka to Barisal by launch and from there to Jessore, Satkhira

²Yasmin, S. 2006, Human trafficking in Bangladesh, The Daily Star, January 25.

³Human Trafficking : A Security Concern for Bangladesh'(2011)<<https://www.files.ethz.ch/isn/164375/Issue%209.pdf>> accessed 24 July, 2019

⁴Combating Trafficking of Women and Children in South Asia, Country Paper: Bangladesh, 2002, op cit

⁵Shamim, I. 2001, Mapping of Missing, Kidnapped and Trafficked Children and Women: Bangladesh Perspective, International Organization for Migration, Dhaka

⁶Combating Trafficking of Women and Children in South Asia, Country Paper: Bangladesh, 2002, op cit. p. 17.

⁷Human Trafficking : A Security Concern for Bangladesh'(2011)<<https://www.files.ethz.ch/isn/164375/Issue%209.pdf>> accessed 24 July, 2019

⁸Combating Trafficking of Women and Children in South Asia, Country Paper: Bangladesh, 2002, op cit, p.22.

⁹Human Trafficking : A Security Concern for Bangladesh'(2011)<<https://www.files.ethz.ch/isn/164375/Issue%209.pdf>> accessed 24 July, 2019

Route 2: From Barisal to Benapole and other border areas via Jessore

Route 3: From Gabtoli, Dhaka to Jessore and Satkhira via Aricha

Route 4: From Gabtoli, Dhaka to ChapaiNawabgang and other border areas via Nagarbari

Route 5: From Gabtoli, Dhaka to Darshana by bus and from there to different border areas.

Route 6: From Gabtoli, Dhaka to Dinajpur and Lalmonirhat by bus and from there to different border areas.

2.5 Main Targets and Forms of Human Trafficking:

The main targets of the smugglers are teenagers, girls, widows, maidservants and the women abandoned by their husbands, floating women and children, slum dwellers and female garment workers and children from poor family.¹⁰ Street children living in the capital are among the prime targets of organized child-trafficking rings.¹¹ Men are also trafficked but their portion in the total trafficking volume is relatively low and they are mostly from labour migration.

Table: Targets of Trafficking ¹²

No.	Woman	Children
1	Widow	Orphan
2	Divorced	Broken Family
3	Deprived of social recognition	Deprived of social recognition
4	Not beautiful	Absconding from home
5	Suppressed by husband	Tortured by step parents

¹⁰Country Paper on "Combating Trafficking in Women and Children in Bangladesh", 2004, op cit

¹¹"Seven Foreigners Released after Being Detained on Suspicion of Child Trafficking," Associated Press Worldstream, 30 September 2002

¹²Country Paper on "Combating Trafficking in Women and Children in Bangladesh", 2004, p.6

Chapter III

The Reason behind Child and Woman Trafficking and Their Consequences

Causes of Woman and Child Trafficking in Bangladesh:

Bangladesh is poor and overwhelmed with its large population. This population burden has exposed a large segment of the citizenry to the vulnerabilities of trafficking in persons. Lack of proper education easily escorts the people towards hazardous lifestyle, which ultimately ends up with the dejected outcome of human trafficking. There are some economic and social problems which are responsible for women and children trafficking. These are as follows:

3.1. Poverty, Inequality and Discrimination:

Poverty exists in every part of social and economic life of the majority of the Bangladeshi population. It is one of the vital problems of our country. Poverty happens to be the main factor behind woman and child trafficking from villages of the country's border areas. At least 42% of our population lives below the subsistence level. Most of them live from hand to mouth and pass their days in hardship. Due to extreme poverty many of them prefer to go abroad for better life. About 22 percent of the total populations of the country are poor and destitute women. According to women affairs directorate, there are 17, 39,542 poor and destitute women in the country.¹³ Parents may decide to sell one child because they cannot afford to raise that child without risking the survival of every member of the family. In many places, girls are considered less valuable than boys, and are more likely to be sold. Poverty, social inequality and deep rooted discrimination particularly against women are the most commonly identified factors to the trafficking process. The people who are living under extreme poverty, the promise of a better life, no matter how unrealistic, is worth the risk. Poverty provides traffickers with people who have no alternatives for survival, impoverished and desperate who trust the offers of work or marriage abroad, which ultimately lead them to be exploited through trafficking.¹⁴ A UNICEF report revealed that most of the guardians of trafficked women and children are landless, and of them 45 percent are farmers and 16 percent day labourers while the remaining are small traders.¹⁵ Similarly, income disparities between regions, countries or job opportunities encourage people out to exploitation. In addition, gender discrimination and the feminization of poverty are primarily responsible for the massive women trafficking. Deeply rooted discrimination and low status of women within Bangladesh society excluded them from development opportunities disproportionately. They experience poverty more intensely than men as they have fewer assets

¹³<https://www.lawyersnjurists.com/convention/causes-and-consequences-of-women-trafficking-bangladesh-2/>

¹⁴A Human Rights Report on Trafficking of Persons, Especially Women and Children, 2002, the Protection Project 2002, op cit.

¹⁵Country Paper on "Combating Trafficking in Women and Children in Bangladesh", 2004, op cit

such as skills, education or resources to remove themselves from these situations, and the incidence of poverty is higher for women which makes them at high risk of being trafficked.¹⁶

3.2. Unemployment and Low Employment opportunity:

Bangladesh has been facing acute unemployment problem for a long time. Population is increasing in alarming rate whereas job opportunities in our country are very limited. Traffickers are exploiting the situation and allured trafficked persons for employment abroad. Organized gangs of traffickers take advantage of the crushing poverty of their victims and lure them away with prospects of job opportunities.¹⁷ Due to increasing landlessness and inadequate investment in rural industrialization, the scope for employment opportunities and skill development, particularly for rural woman, is less. Women have traditionally worked as unpaid family labourers in the society. Employment opportunities, access to land, and credit facilities have traditionally been limited for women. Low employment opportunity for women in the rural areas and growing demand for workforce in the informal sector in the urban areas push women to migrate from rural areas to urban areas. This trend of migration creates vulnerable conditions for women and children and provides opportunities to traffickers to exploit women and children.¹⁸

3.3. Economic Motive and Social Disparity:

In the prevailing economic system the poor are becoming poorer and the rich are getting richer. The poor section of people is moving within the vicious cycle. As a result the number of landless and uprooted people in our country is increasing day by day. The uprooted and displaced people take shelter in different slums in cities and towns. They work as day labourer or servant in the houses. In the most of the cases they become the victim of human trafficking. Other major factors behind the trafficking have been identified as illiteracy, landlessness, and over-population and low levels of income.¹⁹ Human trafficking has become a profitable industry. Its high-profit, low-penalty-nature makes human trafficking attractive to criminal gangs.²⁰ Economic benefit underlies why traffickers tend to smuggle women and children. Trafficking is a big business, primarily with respect to the utilization of trafficked persons, rather than their actual transport.²¹ The profits from transporting and handing over trafficked individuals to brothels, sweatshops, etc

¹⁶ Combating Trafficking of Women and Children in South Asia, Country Paper: Bangladesh, 2002, op cit, p.30.

¹⁷ (<https://www.lawyersjurists.com/convention/causes-and-consequences-of-women-trafficking-bangladesh-2/>) accessed 27 June, 2019

¹⁸ Trafficking of Woman and Children in Bangladesh An overview, ed M Shamsul Islam(ICDDR,B: Centre for Health and Population Research Mohakhali, Dhaka 1212, Bangladesh,2001), pp-20

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²⁰ Dasgupta, Anindita, 2003, BANGLADESH: Dreams - and Hunger - Drive Trafficking into India, Inter Press Service - December 9.

²¹ Rapid Assessment on Trafficking in Children for Exploitative Employment in Bangladesh, 2002, op cit, p. xx.

are shared by many traffickers, transporters, trafficking facilitators such as shelter provider, members of criminal gang, corrupt government or security officials, and the employers of the trafficked persons. Traffickers get the price for girls is between Tk. 10,000 to Tk. 30,000 for beautiful and healthy girls; and children are bought for Tk. 7,000 to Tk. 8,000²² Usually prices vary according to age, 'beauty', skin colour and virginity. According to another study, the female touts earn about 10,000 to 50,000 taka for each victim while the traffickers earn anything from 50,000 to 500,000 taka after sales.²³ Besides, organs trade of the trafficked children and women increases the volume of profit these days.

3.4. Urbanization and Migration:

The population growth rate of urban areas is three times higher (6-7%) than the national population growth of 2% per year. At present, about 20% (25 million) of the country's total population of (129 million) live in the urban areas. The growth of urban slums and the homeless population are some of the gravest challenges that the country is now encountering. The environmental and socioeconomic conditions in the slum and squatter settlements are extremely poor and, in fact, very hazardous. These conditions are health hazards to the residents of these settlements and to those living outside. The densities are very high (up to 2,000 persons or more per acre or 5,000 persons per hectare). The per-capita living space is terribly low, even down to 10 square feet (or 1 sq. meter) in some settlement. Again, due to continuous in-migration of the illiterate rural poor and the increase in the number of the urban poor, the urban literacy rate has actually been declining and the total number of urban illiterates has also gone up from 1,389,000 in 1961 to 3,218,000 in 1974 and 5,429,000 in 1981. People are continuously migrating from rural to urban areas for economic and social reasons. A study, conducted by the Research Evaluation Associates for Development among vulnerable and floating groups of people in four cities of Bangladesh, reported that social factors are as important as economic factors for their vulnerability. However, acute financial crisis, limited or no access to resources, unemployment, and crisis due to natural calamities are important economic factors for vulnerability.²⁴ It is also identified that social factors, such as torture by husbands and other family members, torture (including rape in some cases) by miscreants and deception at the community level, deception regarding property by relatives, neighbors and influential men, deception by lovers and agents, remarriage of husband/wife, pressure of dowry, and infertility, including son preference, might

²²Trafficking in Women and Children: The Cases of Bangladesh, pp. 20 &21, UBINIG, 1995.

²³Dasgupta, Anindita, 2003, op cit.

²⁴<https://www.lawyersnjurists.com/convention/causes-and-consequences-of-women-trafficking-bangladesh-2/> accessed 27 June, 2019

have attributed in trafficking. When the rural poor migrate to cities, traffickers take chances and lure women and children for money and jobs.²⁵

3.5. Wage employment or bonded labor:

There is an increasing demand for child labor for the sex trade, domestic work, and other exploitative events, because child labor is cheap and easily controlled. Bangladeshi children are engaged in construction sites, carpet trade, and glass bangles industries in Kolkata, Uttar Pradesh, and Karachi. In large cities, such as Karachi, it is not uncommon to find Bangladeshi women and children recruited as housemaids. Due to lack of identity papers, these women and children are often exploited and abused. Camel racing is a profitable sport in some middle-eastern countries, particularly in Dubai. This requires lightweight jockeys, and has led to an increased trafficking of Bangladeshi boys, as young as five years old.²⁶

3.6. Labor Migration and Prostitution:

Very little information is available on labor migration of Bangladeshi women. Although women's claim to work and to migrate transitionally is a legitimate human right, it is not officially recognized in Bangladesh. However, migrations of men and women have completely different dimensions because of differences in its implications and consequences. When men migrate and return to home country they are easily reintegrated. But, women are at risk of being stigmatized, particularly when they migrate alone. On the other hand, continued migration of men seeking employment in big cities within and outside the country leads to an increased demand for cheap and available sex. Often male migrant laborers desire sex workers who share a common linguistic and cultural background. This involves the migration of sex workers from the home country.²⁷

3.7. Cultural Myths:

There are reports that one of the main causes of the increasing demand for young girls is the myth that intercourse with a virgin can cure a man of sexually transmitted diseases (STDs) and

²⁵<<https://www.lawyersnjurists.com/convention/causes-and-consequences-of-women-trafficking-bangladesh-2/>>accessed 27 June, 2019

²⁶<<https://www.lawyersnjurists.com/convention/causes-and-consequences-of-women-trafficking-bangladesh-2/>>accessed 27 June, 2019

²⁷<<https://www.lawyersnjurists.com/convention/causes-and-consequences-of-women-trafficking-bangladesh-2/>>accessed 27 June, 2019

rejuvenate him. It is also a widely prevalent belief that sex with a female child does not expose a person to STDs and human immunodeficiency virus (HIV).²⁸

However, there are two factor. One is can be called push factor another is pull factor. ‘Push’ factor includes the conditions which are responsible for trafficking of people from one country to another country. Pull factors that support that demand for trafficked victims.

Causes	
Push factors	Pull factor
<ul style="list-style-type: none"> • Lack of economic solvency • Lack of awareness • Poverty • Gender Discrimination • Migration • Illiteracy • Dowry • Natural Disaster • Empowerment 	<ul style="list-style-type: none"> • Effect of Market Economy • Urbanization • Better job opportunity • Influential power of Media • Information and communication technology • Economic Solvency

3.8. Modes of Trafficking and The procurement process:

Traffickers adopt different strategies and tricks to allure and enroll young children and women into the trafficking process. The procurement process of women for trafficking in the sex industry in Bangladesh involves skilled entrapment procedure. In Bangladesh, the traffickers hunt for their clients at the river ports, especially the SadarGhat area of Dhaka, bus stations, and the railway stations across the country. At these locations, the traffickers look for migrants who come from the rural areas for jobs or for poor young people abandoned by their families and

²⁸<<https://www.lawyersjurists.com/convention/causes-and-consequences-of-women-trafficking-bangladesh-2/>>accessed 27 June, 2019

allure them with false promises of better life. The victims collected from these spots are usually sold to Bangladeshi brothels. Procurement of victims in villages and towns in the border areas of the country is more frequently associated with the purpose of supplying sex workers for the sex industry in India and the Middle East.²⁹

The following strategies are mainly adopted by the traffickers involved in the national and international human trade in Bangladesh.

Employment Prospects: Traffickers look for girls from poorer and vulnerable families in villages and tempt them and their parents with offers of lucrative jobs and a comfortable life in neighboring countries, such as India and Pakistan. At times, the girls are so motivated by promises of the trafficker that they leave home without consulting their parents.³⁰

Love Affair: Traffickers also pretend to be in love with young girls and asking them to elope. The girls believe them and leave their parents/home with their boyfriends full of illusions about a happy married life.³¹

Promise of Marriage: In addition to the strategy of alluring girls from poor families with love affairs, promises of marriage and a better future, the traffickers also take full advantage of the cultural practice of arranged marriages by parents. Sometimes they gain the confidence of parents, and manage to develop a close relationship with them before offering to marry their daughters. The poor parents agree, because the offer may appear to be a good opportunity for the family because of low or no demand of dowry.³²

Kidnapping: Kidnapping, one of the methods for trafficking, is normally done by deception and by force. Now-a-days the number of kidnapping cases has increased significantly.³³

Sale and Adoption: Many families, even foreigners in Bangladesh adopt children. Using this opportunity, the traffickers collect children from poor families from rural and slum areas and sell them.³⁴

Entertainment: Many children join the local circuses as feminized acrobats. This is a trade, under cover-up for a trafficked child with no other survival options, no other skill and no

²⁹N.M.SajjadulHoque, 'Female Child Trafficking from Bangladesh: A New Form of Slavery'(2010) pp.49

³⁰N.M.SajjadulHoque, 'Female Child Trafficking from Bangladesh: A New Form of Slavery'(2010) pp.49

³¹N.M.SajjadulHoque, 'Female Child Trafficking from Bangladesh: A New Form of Slavery'(2010) pp.49

³²N.M.SajjadulHoque, 'Female Child Trafficking from Bangladesh: A New Form of Slavery'(2010) pp.49

³³N.M.SajjadulHoque, 'Female Child Trafficking from Bangladesh: A New Form of Slavery'(2010) pp.50

³⁴N.M.SajjadulHoque, 'Female Child Trafficking from Bangladesh: A New Form of Slavery'(2010) pp.50

schooling (Ibid). These children, who are mostly girls, are also found in different places of Bangladesh in similar conditions.³⁵

3.9. Consequences of Child and Woman Trafficking:

Trafficking is a violation of human rights, and has various consequences at the individual, family, community and country levels. The trafficked women and children are forced and sold as sex workers, domestic workers, laborers and other type of exploitative works. The main consequence of trafficking is the violation of basic human rights of women and children. The specific consequences are stated below.

Health: Victims of trafficking work under conditions which are hazardous to their mental and physical health. The trafficking of young women into prostitution has a formidable impact on HIV transmission. Studies have shown that brothel sex workers are most likely to become infected during the first six months of work. Another study reported that about 80% of the street child prostitutes were suffering from problems relating to reproductive organs, such as vaginal oozing, vaginal itching. Children and women trafficked for purposes other than commercial sex, for instance, domestic and industrial work may also have an increased risk of HIV infection because of their exposure to instances of forced sex and perhaps also the potential initiation into substance misuse, including contact with intravenous drug users. The provision of health care for these women and children is often sporadic at best. Serious illnesses often go untreated. Unwanted pregnancies and high-risk abortions are also common and may have lethal consequences.³⁶

Social effects: Trafficking into the sex industry leads to stigmatization of the victims and their families. This makes it hard for the victims to return to their families, who may not welcome them. It may also be hard to get acceptance and support from the community at large. It may be even harder if the victim is believed to suffer from HIV.

Legal effects: The legal consequences for trafficked persons vary depending on the legislation in the country of destination and the country of origin. In the vast majority of destination countries, trafficking is primarily seen in terms of illegal migration and prostitution. Since trafficked persons rarely have either travel documents or residence permits, the law enforcement authorities focus on the victims rather than the traffickers. Victims may be arrested and deported while the perpetrators go unpunished and continue to operate.

Communal effects: The effects of trafficking in persons on society have not yet been sufficiently analyzed. However, there seem to be negative repercussions. Trafficking manifests

³⁵N.M.SajjadulHoque, 'Female Child Trafficking from Bangladesh: A New Form of Slavery'(2010) pp.50

³⁶Beyrer, C. and J. Stachowiak (2003). "Health Consequences of Trafficking of Women and Girls in Southeast Asia." The Brown Journal of World Affairs 10(1): pp. 105-117

and perpetuates patriarchal attitudes and behavior and undermines efforts to promote gender equality and eradicate the discrimination of women and children. Trafficking in persons is also closely intertwined with other criminal activities such as drug dealing, illegal gambling and money laundering.

Chapter IV

Analysis of the Relevant Provisions regarding Child and Woman Trafficking in Bangladesh and Role of NGOs

4.1. Constitutional provisions and obligations on trafficking:

Human trafficking as well as child trafficking violates the rule of law, threatening national jurisdictions and International law. The Constitution of Bangladesh mandates the establishment of a society based on the rule of law, justice, and of respect for human dignity and worth of all persons. The Constitution bans forced and bonded labour³⁷. The fundamental responsibility of the State to emancipate the toiling masses the peasants and workers and backward sections of the people from all forms of exploitation.³⁸ Article 18(2) imposes a duty upon the state to adopt effective measures to prevent prostitution. Regarding repatriation of victims, article 31 of the Constitution guarantees every citizen the right to enjoy the protection of law wherever they may be. The obligation of Bangladesh for repatriation of trafficked victims is very much implied in the fundamental rights provision of the Constitution of Bangladesh. With spirit of the Constitution, the High Court Division (HCD) of the Supreme Court issued a verdict upon the Government to repatriate a trafficked girl from Kolkata to Bangladesh³⁹. So it can be said that the Constitution guarantees a number of fundamental human rights from article 27 to 44 which provide for an obligation for the state to prevent violations of human rights in any form, including child trafficking.

4.2. Legal enactments against trafficking:

The Ministry of Home Affairs has been in the lead role of coordinating counter trafficking activities. Other relevant ministries are also actively engaged in counter trafficking activities and are extending their cooperation to the Ministry of Home Affairs⁴⁰. However, laws alone cannot be the only solution to combat human trafficking. There is the need for other continuing actions for proper implementing the existing laws. Apart from the constitutional basis, a number of statutes and policies together provide for the legal regime against trafficking in human beings. The recently enacted statute Human Trafficking Deterrence and suppression Act (HTDSA) 2012 provides the most comprehensive legislative framework for the prevention of trafficking,

³⁷ Article 34(1), The Constitution of the People's Republic of Bangladesh

³⁸ Article 14 , The Constitution of the People's Republic of Bangladesh

³⁹ Abdul Gafurvs Secy. Ministry of Foreign Affairs [1997] BLD 453

⁴⁰< http://mha.gov.bd/up-content/uploads/2013/10Country_Report_2012.pdf> accessed 20 july ,2019

prosecution of traffickers and the treatment or protection of actual and potential victims of human trafficking. Other major laws within the antitrafficking legal regime include: the Emigration Ordinance 1982, the Penal Code 1860, the Children Act 1974, the Bangladesh Passport Order 1973, the Passports Act 1920, the Passport (Offences) Act 1952, and the Bangladesh Labour Act 2006. The HTSDA includes some provisions to mitigate some of the identified problems which are supplementary to the Evidence Act 1972 and the Code of Criminal Procedure 1898. Prior to the enactment of the HTSDA, there were two pieces of domestic legislation that specifically addressed trafficking in persons: The Suppression of Immoral Trafficking Act 1933 and The Women and Children Repression Prevention Act (WCRPA) 2000 (amended as 2003).⁴¹

4.3. Provision under Penal Code, 1860:

If a person conveys any person beyond the limit of Bangladesh without the consent of that person is said to kidnap that person from Bangladesh.⁴² If someone takes or entices any minor under fourteen years of age if a male, or under sixteen years of age if a female, or unsound mind of any person, out of the lawful guardian of such minor or person The unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.⁴³ In the case of *Krishna PadaDattavs Secretary, Ministry of Home Affairs*⁴⁴ section 361 of the Penal Code is for the purpose of commissioning the offense of kidnapping punishable under section 363 of the Penal Code and not for the purpose of deciding a girl age.

Section 363 states about punishment for kidnapping, if any person kidnaps any person from Bangladesh or lawful guardian shall be punished with imprisonment which may extent seven years. In the case of *Banney khan vs State*⁴⁵ kidnapping girl under sixteen years of age leaving parents' house of her own accord and going over to her paramour. Paramour taking girl to accused and seeking his assistance in getting married with girl. Mere taking a girl in circumstances of case does not established removal of girl by accused from legal guardianship of parents.

*MdWahed Ali Dewanvs State &anothe*⁴⁶, custody of a victim girl, if the allegations are that of kidnapping of a minor girl out of the keeping of the lawful guardian. Kidnapping of a minor girl

⁴¹ Human Trafficking : Review of the respective act and its enforcement in Bangladesh, Fahmidasaewar Eshita (Proceedings of 50th IASTEM International Conference, Dhaka, Bangladesh, 1st -2 nd April 2017), pp-53

⁴² Section 360, Penal Code 1860

⁴³ Section 361, Penal Code 1860

⁴⁴10 BCR 43.

⁴⁵ 18 DLR (WP) 28

⁴⁶ 1994 BLD (AD) 32

out of the keeping of the lawful guardian is an offence under section 363 of the Penal Code. For the purpose of custody of the victim girl as may be prayed for in the criminal Court in a pending proceeding, the court has to prove on the basis that the female is a minor under sixteen years of age as laid down in section 361 of the Penal Code. For proving the offence of kidnapping the minority of the victim will have to be established at the trial.

In the case of, *Gannendra Nath vs Abdul Khaleque*⁴⁷ ascertainment of the age of the girl, on a charge of kidnapping, the question to be duly gone into upon due consideration of all facts and circumstances.

Whoever kidnaps or abducts any person under age of ten in order to grievous hurt, or slavery, to the lust of any person shall be punished with imprisonment for life⁴⁸.

If a person kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any person against her will, or in order that she may be forced or seduced to illicit intercourse, or knowing it to be likely that she will be forced or seduced to illicit intercourse, shall be punished with imprisonment for a term which may extend to ten years.⁴⁹

In the case of *Ear Ali vs State*⁵⁰ when the age of the girl is above 16 years and the allegation is that she might be compelled to marry against her will, the accused ought to have been charged under section 366 for abducting her with intent that she may be compelled to or knowing it to be likely that she would be compelled to marry against her will.

Adam Ali vs Crown,⁵¹ it is not necessary under section 366 that the girl should be kidnapped with the intent of contracting a valid marriage. If the girl is kidnapped with the intention of compelling her to go through a form of marriage whether valid or not case would come within the mischief of the section.

If anyone sell any child or woman for the purpose of prostitution shall be punished with imprisonment for a term which may extent to ten years.⁵²

4.4. Narrative discussion on the Human Trafficking Deterrence and Suppression Act (HTDSA) 2012:

⁴⁷15 DLR 272

⁴⁸ Section 365 of Penal Code 1860

⁴⁹ Section 366, Penal Code 1860

⁵⁰11 DLR 249

⁵¹2 DLR 374

⁵² Section 172, Penal Code, 1860

The parliament of Bangladesh passed the HTDSA 2012. This is the first law in Bangladesh, to some extent, also in South Asia, to include labour trafficking. The new statute provides for accountability of the government and non-public organizations that would be undertaking activities under the law. The statute lays down for private public partnership for its implementation and sets out a number of principles for implementation. It provides some basic feature like trafficking has been defined in compliance with international and regional standards, abatement of trafficking has been defined as an offence, gender neutral law , burden of proof of guilt has been imposed upon the accused, improved investigation systems, establishment of separate tribunals, women, children, and disabled persons friendly law, admissibility of electronically recorded evidence, admissibility of foreign documents as evidence, protection order for the victims and witnesses, safe home facility, repatriation, rehabilitation and re-integration mechanisms , financial aid for survivors and recognition of Right to Compensation, provision for mutual legal assistance in between recipient and sending country, establishment of formation of Human Trafficking Commission, corporate liability and doctrine of strict liability has been recognized ⁵³.

4.5 Other recent action taken by government:

In 2013, the Government of Bangladesh passed the Overseas Employment and Migrants Act. In 2016 the government also passed a migration policy. Additionally, Labour Migration rules, Migrant workers welfare rules, Recruitment Agents Licensing and Conduct Rules, Registration Rules are currently being developed. In June 2015, the government launched the 2015-2017 National Plan of Action for combating human trafficking, which should provide for better coordination between government and NGOs.⁵⁴ The government is also drafting a new National Plan of Action for the next phase (2018-2021) in consultation with relevant actors in the field. Over 10,000 police officers received anti-trafficking training in over 94 training programmes in 2016. Additionally 81 investigators were given training on human trafficking by an international organization.⁵⁵ In 2016 the Ministry of Expatriates' Welfare and Overseas Employment (MEWOE) conducted human trafficking awareness campaigns through newspaper ads and posters at a national level and in high risk areas.⁵⁶

⁵³ Human trafficking in Bangladesh: Analysis, Challenges & Recommendations, ed. Salma Ali (Dhaka : Bangladesh National Woman Lawyers ' Association,2013) pp-13

⁵⁴US Department of State, Trafficking in Persons Report, July 2016 <<https://www.state.gov/j/tip/rls/tiprpt/>> accessed 25 June ,2019

⁵⁵US Department of State, Trafficking in Persons Report, July 2016 <<https://www.state.gov/j/tip/rls/tiprpt/>>accessed 25 June ,2019

⁵⁶US Department of State, Trafficking in Persons Report, July 2016 <<https://www.state.gov/j/tip/rls/tiprpt/>>accessed 25 June ,2019

4.6. Role of NGOs for Combating Child and woman trafficking:

In Bangladesh, many NGOs and women's organizations, from the last decade, have initiated interventions to prevent and eliminate prostitution as well as provide rehabilitation and support services to sex-workers and their children. Such interventions include education, awareness development, research and documentation, action programs, advocacy and media participation for combating women and child trafficking. Various national NGOs like UBINIG, the Centre for Women and Children Studies (CWCS), Uttoron, besides many others, are playing an important role in addressing the issue of trafficking. Also there are regional networks like Action against Trafficking and Sexual Exploitation of Children (ATSEC) playing an important role in addressing the issue through different collaborative efforts. While at the national level, many NGOs are doing a lot of rehabilitation and reintegration work but the extent of successful reintegration is limited. This is primarily true in the case of South Asia due to the community resistance to accept the trafficked women or girls once they are identified as being associated with the sex trade. The social and cultural morality based code of conduct for women is defined by patriarchal norms of the South Asian society. However, certain NGOs have been able to strategize and find an effective way for dealing with this problem. NGOs in Bangladesh are observed to be involved in the following types of activities to combat the menace of trafficking. These are awareness raising, research and documentation, action programs, advocacy and media participation, investigation, rescue and rehabilitation programs for trafficked women and children. In Bangladesh, many international NGOs have incorporated women and children specific programs related specifically to addressing issues of trafficking in their activities. These are: Save the Children Alliance, The Asia Foundation, Plan International, Action Aid, etc. In addition, some major INGOs and donor organizations such as CIDA, DANIDA, SIDA, OXFAM, CEDPA, Population Council, US AID, Red Barnet, Trafficking Watch Bangladesh, etc. are involved in anti-trafficking programs. In addition of the above women centered policies, the GOB has introduced National Action Plan in consultation with NGOs. This plan identifies priority areas in 14 ministries and divisions under initiative of The Ministry of Women and Children's Affairs. Besides, UN Task Force in Bangladesh, UNAIDS in Bangladesh, Office of the High Commissioner for Human Rights (OHCHR), UNDP, UNICEF, UNIFEM ILO-IPEC supports NGO program, International Organization of Migration (IOM), UNFPA and who are involved for combating the trafficking of women and children.

4.7. Number of Victim in previous years and current situation in Bangladesh:

The Government of Bangladesh adopted a clear anti-trafficking law, "The Human Trafficking Deterrence and Suppression Act, 2012," which resulted in an increased number of investigations and prosecutions. This Act generally prohibits and punishes all forms of human trafficking, though it does not flatly prohibit the fraudulent recruitment of labour migrants rather the Act requires the recruiter to have known that the recruited workers would be subject to forced labour.

Prescribed penalties for labour trafficking offences are 5 to 12 years' imprisonment and a fine of not less than the rough equivalent of \$600, and prescribed penalties for sex trafficking offences range from 5 years' imprisonment to the death sentence. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The new law supersedes sections of the Repression of Women and Children Act of 2000 (amended in 2003), which had prohibited the trafficking of women and children for the purpose of commercial sexual exploitation or involuntary servitude.⁵⁷

Period	No. of victims trafficked			No. of persons arrested	No. of persons convicted
	Male	Female	Child		
2013	916	319	118	233	13
2014	2316	354	236	807	4
2015	1218	327	188	1540	3
2016	365	283	122	13	1
2017	382	259	129	1594	1
2018	118	96	42	517	
Up to June					
Total	5367	1138	535	6106	25

Source: Bangladesh Police

The Government of Bangladesh does not fully meet the minimum standards for the elimination of trafficking. However, it is making significant efforts to do so. The government demonstrated significant efforts during the reporting period by prosecuting two officials allegedly complicit in human trafficking. The government investigated alleged trafficking crimes against Rohingya

⁵⁷Mohammad Barad Hossain Chowdhury, 'TRAFFICKING IN PERSONS IN BANGLADESH' <https://www.unafei.or.jp/publications/pdf/RS_No89/No89_PA_Chowdhury.pdf> accessed 25 June, 2019

refugees and arrested some of the perpetrators, while also establishing humanitarian aid and security that may contribute to the prevention of some trafficking crimes. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Courts convicted only one trafficker in 2017 a decrease from 2016 and a low number compared with the scale of the trafficking problem. Official complicity in trafficking crimes remained a serious problem and the government did not report taking action against some credible allegations. While the government retained a court-order mechanism to refer trafficking victims to rehabilitation services, the government reported referring only one victim to such care in 2017 and it did not have a broader referral mechanism encompassing all relevant stakeholders. The government's protection services, when acquired, were neither designed for trafficking victims' specific needs nor available for adult male victims. While the government maintained labor export agreements with several countries intended to regulate recruitment fees, the government continued to allow high recruitment fees and did not consistently address illegally operating recruitment sub-agents, which left workers vulnerable to trafficking. Therefore Bangladesh remained on Tier 2 Watch List for the second consecutive year.⁵⁸

⁵⁸2018 Trafficking in Persons Report – Bangladesh <<https://www.refworld.org/docid/5b3e0ba9a.html>> accessed 27 July, 2019

Chapter V

Findings, Recommendation and Conclusion

Findings: Being a theoretical research, it is quite difficult to come to a conclusive statement or to give any direct decision on the topic. The main thing of my paper is child and woman trafficking, exploring its causes and challenges. Some causes are especially responsible for this problem like poverty, population, lack of economic awareness, gender discrimination, migration, illiteracy, dowry, natural disaster. Victims of trafficking and their family face mental and physical torture also. Government takes necessary steps to solve this problem but unfortunately they fail to do so properly.

Recommendation: Actually, trafficking networks include both economically and politically motivated criminals. Different forms of violent political action are funded by human trafficking. Trafficking undermines democracy, rule of law, and accountability of governments. State officials such as border patrol members, customs officials, law enforcement officers, and members of the security apparatus are often trafficking facilitators, but they participate in this repression for personal gain and not in the interests of the employers. Most of the time victims are not willing to file cases. If victims file case then witnesses do not present in the hearing, so finally justice is delayed. Sometimes traffickers will threaten the victim or the victim's family to withdraw the case. As a result, most trafficking cases are withdrawn before they ever reach trial. Therefore, adequate protection and safety should be ensured for the victims so that they can give evidence without fear.

To protect women from human trafficking the following steps are necessary:

- ❖ It is necessary to ensure that women are not marginalized in low paid labor market. Programs should be developed on vocational training and education for women to enter into modern labor market.
- ❖ Training programs should be developed for law enforcement officials, law and policy makers, teachers, medical and immigration personal on trafficking
- ❖ NGOs should play important role in developing and implementing these programs and should be supported both by Governments and International organizations.
- ❖ National Plan of Action has to be developed to coordinate anti trafficking efforts.
- ❖ The Central and State Government needs to lay more stress on employment and income generation schemes for vulnerable families, along with vocational training and education in the source areas of trafficking (which have already been identified by the NGOs).

- ❖ All the districts should have a specific monitoring mechanism – a task force / core committee to look into the issue of trafficking and NGOs should necessarily be a part of this Committee.
- ❖ All the concerned Govt. personnel need to be trained to implement and monitor the National Plan of Action.
- ❖ SAARC Convention should be translated in action.
- ❖ The Government needs to have bilateral agreements with other countries in order to facilitate safer repatriation processes.
- ❖ The Government should carry out time bound collaborations with the High Commissions and Embassies as and when needed.
- ❖ Processes and systems need to be put in place for the regularization and registration of interstate migration.
- ❖ Some laws related to trafficking ought to be amended or new laws should be introduced so that people who commit trafficking can be convicted. Also labor laws need to be amended to protect the rights of women and children as labors.
- ❖ The task of amending the IPTA was given to the National Law School and the Institution has already done the needful. There is a need to prioritize on it and implement the same.
- ❖ Buying and selling of minors, fake marriages and forced prostitution (372, 373, 366A) should be heavily punished. Sometimes parents or nearest kin are involved in the crime and they should be punished too.
- ❖ There should be speedy recovery of cases: trafficking and all others. Fast track court has been established but we need separate court to deal with cases of trafficking.
- ❖ Push back system should be abolished and new laws for repatriation need to be implemented so that the Bangladesh and Nepal Nationals (women and children) may go back to their country safely.
- ❖ ITPA (the special National Act to combat trafficking) is rarely used by the police and needs to be put to practice much more.
- ❖ Provision of punishment of police should be there if they fail to give charge sheet within 90 days.
- ❖ A rescue committee comprising of the police, NGOs, social activists, members of the Judiciary should be formed in cities where brothels exist, to probe into the matter further
- ❖ BGB should be more active regarding the porous border and should be accordingly sensitized regarding cross border migration and trafficking.

Conclusion:

Trafficking has appeared as one of the nastiest and most pervasive forms of human rights violation of women and children and it is currently a most important social and political concern both universally as well as nationally. Child and Woman trafficking is a phenomenon which undermines the value, worth, and dignity of the persons trafficked. Bangladesh has taken the problem of child and woman trafficking seriously. Without a strong and effective legal regime, traffickers will continue to exploit and take advantage of the vulnerabilities of the poor and marginalized, especially women and children. Bangladesh has taken several important steps in its fight against human trafficking, most significantly the enactment of the HTDSA and Execute bilateral agreements between SAARC, Middle-Eastern, and other countries. But the result is no satisfactory. People awareness is necessary to combat the crime human trafficking.

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