DISSERTATION

ON

Child trafficking and legal protection of children: An analysis in Bangladesh perspective.

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Consent form

This dissertation is titled Child trafficking and legal protection of children: An analysis in Bangladesh perspective is prepared by Nadia Hossain, ID: 2016-2-66-044, submitted to Monira Nazmi Jahan (senior lecturer, Department of East West University) for the fulfillment of the requirement of courses 406 (Supervised Dissertation) for LL.B (hon's) degree offered by the Department of Law, East West University is approved for submission.

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Declaration

I, Nadia Hossain, declared that I have completed this research work as a requirement of my bachelor of law degree at East West University. I state that I do this research work, and it has not been published or submitted to be published previously in any journals in any form. I also declare that the information derived from any published and unpublished work of others has been appropriately acknowledged.

Nadia Hossain

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Abstract

Child trafficking is a common incident in Bangladeshi society. It is increasing day by day. Both male and female children are trafficked. Survivors often report feeling shame. The children who are being trafficked are facing mental, physical and health issues. Children should be protected by law, but existing laws are insufficient to ensure proper protection; the Government should be more concerned and strict about the legislation to ensure proper justice to the victim of child trafficking. The location of our country is suitable for trafficking because it is the heart gulf region which is connected to South Asia trafficker transfer the victim very easily. Many people of our country lives in extreme poverty and to get-ride of this situation people are willing to have any job opportunity and the trafficker use this to their advantage and promise to those people to give good career to aboard and by this people fall into the trick of the traffickers. In many families, the head of the house are illiterate or have low education and they do not even watch their children the children become vulnerable to trafficking as they do not any guidelines from their head of the house. NGO plays a constructive role by raising awareness and rescuing rehabilitation. We also have many international laws to prevent trafficking and the Act related to the crime. With the help of SAARC, our country has committed to preventing child trafficking. The U.S. introduced some preventive action to combat trafficking. Bangladesh should follow those actions to prevent trafficking.

Key Words: Child trafficking, SAARC, victims of crime, rehabilitation, prevention.

Abbreviation:

- UNICEF The United Nations Children's Fund.
- UNIFEM United Nations Development Fund for Women.
- NGO Non-Governmental Organization.
- BNWLA Bangladesh Women Lawyers Association.
- CWCS Child Welfare and Community Services.
- ATSEC The Action Against Trafficking and Sexual Exploitation of Children
- SAARC South Asian Association for Regional Co-operation.
- TIP- Trafficking in Persons.
- TVPA- Trafficking Victims Protection Act 2000.

Chapter 1: Introduction

1.1: Introductory statement: Bangladesh is both a source and a transit country for trafficking, many of the people are trafficked out every year. As per one study, female and children are the most unsafe victims of human trafficking, over 400 female and children are trafficked out of Bangladesh each month, they all kidnapped for enslavement or sexual exploitation.¹ The Government will take proper legal action to solve it; it is a felony that is considered a crime against humanity, and the Government will take suitable legal action to address it.² Daily, the entire world is working to solve this problem, and several countries, including Bangladesh, have formed numerous international partnerships to address it. Human trafficking in Bangladesh includes involuntary prostitution, domestic slavery, sexual slavery, forced labor, and other types of mistreatment. Human trafficking has been used to sell people in an exploitative environment to recognise a lengthy number of human rights violations and crimes that tie the campaign and recruitment.³ Human traffickers are taking advantage of the opportunities offered by the current economic environment; finding appropriate data and statistics on trafficking is hard because of the analysis, secret nature of the crime, organisation, and victim avoidance for a variety of sociophysiological reasons.⁴ Regardless, different investigations reveal that Bangladesh held almost two million children and women imprisoned for nearly four decades, human trafficking continues

¹ Biswas Suvendu, "HUMAN TRAFFICKING IN BANGLADESH: AN OVERVIEW" Foreign Affairs Insights & Review, 5th November 2015 <<u>https://fairbd.net/human-trafficking-in-bangladesh-an-overview/</u>> accessed on 3rd May 2022.

² T Obokata, "Trafficking of Human Beings as a Crime against Humanity: Some Implications for the International Legal System" *"The International and Comparative Law Quarterly,*" Vol. 54, No. 2 (Apr., 2005), pp. 445-457> <Accessed on 5^{sth} may 2022>.

³ Revisiting the human Trafficking Paradigm: The Bangladesh Experience Part I: Trafficking of Adults, 2004 International organization for Migration (IOM), Geneva, Switzerland: IOM, p, 7 <Access on 5th may 2022>

⁴ Combating Trafficking of Women and Children in South Asia, Country Paper: Bangladesh, 2002, Asian Development Bank, Canada: Agriteam Canada Consulting Ltd., July., p.11.,<Accessed on 5th may 2022>

to be a target for many women and children, according to reports from international agencies such as the UNICEF. According to the other research, about half a million children and women of various ages have been trafficked in Bangladesh alone during the last decade, and nearly two million girls and women were trafficked to the Indian and Pakistani border, according to Lawyers for Human Rights and Legal.⁵

1.2: **Objectives**: The object and purpose of this critical analysis is to examine the practical circumstances of child-Trafficking in Bangladesh and to what extend the legal provisions are enforced and the condition of enforceability of relevant laws considering the basic elements for child Trafficking offences in international laws.

1.3: **Methodology**: This research is exploratory research of qualitative method supported by quantitative data. Primary data has been collected from national and international Statues, books, and case laws. Secondary data has been collected through content analysis of various pieces of literature; the different journals were collected from the different writers and periods—scholarly writings and documents related to the subject matter.

1.4: **Research question:**

- a) What are the reasons behind child trafficking?
- b) Whether our laws enough to combat child trafficking?
- c) What preventive measures should be taken to stop child trafficking?

⁵ Professor Z Hossain, "Interview: Human Trafficking in Bangladesh" (9th June, 2009), <Accessed on 5th may,2022>

1.5: Scope and Limitation:

This particular research focuses on the fundamental rights of the victims of child trafficking to categorise and recognise the actual shortcomings, legal inroads and restrictions of trafficking to find the best practices of the provisions on child trafficking in international conventions to suggest Bangladesh some best practices on this law. This research is minimal because of this pandemic situation and the complete unavailability of key resources. Furthermore, the unavailability of exploring important printed law journals from East West University and other libraries was not possible because of the pandemic situation. In addition, some of the drawbacks of this research paper are also the unavailability of Bangladeshi case laws on the internet and, perhaps most importantly, the unavailability of relevant records and the inability to conduct interviews due to restrictions.

Chapter 2: Conceptual analysis of child trafficking in Bangladesh.

2.1: Who is a child?

Every boy and girl under the age of 18 is referred to as a child. Every human being below the age 18 years is treated as a child by the U.N. Convention of the Rights of Children.⁶ All persons up to the age 18 years old shall be regarded as children as per section 4 of the Children Act 2013.⁷

2.2: What is human-Trafficking?

Pachar is the Bangla counterpart of the word "Trafficking". It has a moderate sense, implying movement from one location to another.⁸ Human-Trafficking is known as recruiting, transporting, transferring, harboring, or receiving a person for exploitation, such as sexual exploitation, slavery, or other forms of exploitation by coercion, fraud, or abuse of vulnerability.⁹ The process of entrapping people through the use of deception, violation, coercion and exploiting them for monetary or one's own profit is also known as Human-Trafficking.¹⁰ Trafficking can take place within a country or even within a community, People/victims do not have to be transferred or to be transferred across borders.¹¹

¹¹ Ibid.

⁶ "Children", Banglapedia

<<u>https://en.banglapedia.org/index.php/Children#:~:text=Children%20are%20boys%20and%20girls,its%2</u> <u>0own%20laws%20and%20customs</u>> accessed on 28th March 2022.

⁷ The Children Act 2013.

⁸ Amin Md. Ruhul & Sheikh Md. Rashidul Islam, "Trafficking Women and Children in Bangladesh: A Silent Tsunami of Bangladesh", Journal of Economics and Sustainable Development ISSN 2222-1700 (Paper) ISSN 2222-2855 (Online) Vol.2, No.4, 2011 <<u>https://core.ac.uk/download/pdf/234645455.pdf</u>> accessed on 28th March 2022.
⁹ "What is trafficking", Coatnet <<u>https://www.coatnet.org/what-is-trafficking</u>/> accessed on 28th March 2022.

¹⁰ "What is human trafficking?", Anti-Slavery <<u>https://www.antislavery.org/slavery-today/human-trafficking/</u>> accessed on 28th March 2022.

2.3: Types of Human-Trafficking:

There are three common types of Human-Trafficking:

- Forced labor: forced labor is also known as involuntary servitude. Which is the biggest sector of trafficking in the world.¹²
- Sex trafficking: when women and children are forced to participate in commercial sex acts is known as sex trafficking. The child under the age of 18 is considered trafficking victim if he\she has been forced to involve in a commercial sex acts.¹³
- Debt bondage: when an individual is enforced to do work in order to pay the debt is known as debt bondage.¹⁴
- 2.4: Signs of Human-Trafficking:-¹⁵

Signs which indicate that the person is trafficked,

- 1. If a person's movement is controlled by another person forcefully,
- 2. If a person is forced to have false identity or travel documents,
- 3. If a person does not know their home or work place address,
- 4. If a person have no access to their own earning,
- 5. If a person forced to work excessively long hours over long periods,

¹² "What is human trafficking?" Human Rights Commission City and County of San Francisco <<u>https://sf-hrc.org/what-human-trafficking#Types%20of%20Human%20 Trafficking</u>> accessed on 28th March 2022.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid.

6. If a person is not allowed to have any social interaction.¹⁶

2.5: Child-trafficking for labor:

In our country, child labor is cheap and as well as child labor is easy to control and for this the demands of child labor is increasing day by day, in Kolkata, Uttar Pradesh, Karachi many children of our country work in carpet trade, construction site and glass bangles industries.¹⁷ Bangladeshi children are also recruited as house-maids, children are frequently exploited and abused due to lack of identification papers.¹⁸ Camel racing is a profitable sports in some countries like Dubai, in camel race it requires lightweight jockeys and children are usually lightweight, it has led to an increased child trafficking in Bangladeshi boys as young as below 12 years old.¹⁹

2.6: Child trafficking for commercial sex:

In Bangladesh child are the most vulnerable to Human-Trafficking, They are trafficked and sold into prostitution in the age between 10-15 years old. In Bangladesh, girls trafficked are often forced to marry to create bonds with their clients this is one of the tricks used by the traffickers.²⁰

¹⁷ Gazi, Rukhsana & Haque, Ziaul & Alam, Nurul & Chowdhury, Elma & Ahmed, Faiz & Begum, Suraiya. "Trafficking of women and children in Bangladesh: An Overview", Published by ICDDR,B: Centre for Health and Population Research, 2001 <<u>https://www.researchgate.net/profile/Rukhsana-</u> <u>Gazi/publication/345008182</u> Trafficking of women and children in Bangladesh An Overview/links/5f9c26c9a6 fdccfd7b8ab103/Trafficking-of-women-and-children-in-Bangladesh-An-Overview.pdf> accessed on 28th March

2022.

¹⁶ Ibid.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Raven Heyne, "HUMAN TRAFFICKING IN BANGLADESH", THE BROGEN PROJECT, AUGUST 11, 2020 <<u>https://borgenproject.org/human-trafficking-in-bangladesh/</u>> accessed on 29th March 2022.

Child trafficking for labor and sexual exploitation violets human rights and constitutes a major global public health problem.²¹ In rural areas, urban areas and as well as in suburban areas Child trafficking occurs for labor and sex, Human trafficking in case of children is often difficult to detect.²²

2.7: Push Pull Factor:

There are two types of factors by which Human Trafficking can occur.

1. Push Factor: when the victim is compelled to walk on the street of, vulnerabilities to trafficking is known as push factor.²³

Causes of Push factors:-

- 1. To escape from economic hardship,
- 2. To escape from an abusive home environment,
- 3. To get rid of from step-parents,
- 4. To escape from a dysfunctional family.²⁴

²¹ Jordan Greenbaum, "Global Human Trafficking and Child Victimization", AMERICAN ACADEMY OF PEDIATRICS, DECEMBER 01 2017 <<u>https://www.publications.aap.org/pediatrics/article-</u> <u>split/140/6/e20173138/38241/Global-Human-Trafficking-and-Child-</u>

<u>Victimization?utm_source=TrendMD&utm_medium=TrendMD&utm_campaign=Pediatrics_TrendMD_0</u>> accessed on 29th March 2022.

²² <u>Carol Smolenski</u> & <u>Sarah Ingerman</u>, "Trafficking of Children Within the United States", <u>Human</u> <u>Trafficking Is a Public Health Issue</u>, pp 93–104.

 ²³ "Human Trafficking: A Security Concern for Bangladesh", BIPSS, Issue 9 August 2011
 <<u>https://www.files.ethz.ch/isn/164375/Issue%209.pdf</u>> accessed on 29th March 2022.
 ²⁴ Ibid.

2. Pull Factor: when the trafficker makes false promises and delusions leading to the exploitative condition at the end is known as Pull Factor.²⁵

Causes of Pull Factor:

- 1. Traffickers make false job promises,
- 2. Traffickers make false promises of marriage,
- 3. The delusion of better life,
- 4. The delusion of a better workplace.²⁶

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²⁵ Ibid.

²⁶ Ibid.

Chapter 3: Reasons and Consequences of Trafficking:

3.1. Introduction: Children who have been trafficked are forced to work as sex workers, domestic workers, laborers, and other exploitative jobs.²⁷ Young girls are duped into believing that they may find work and marriage without a dowry, and as a result, many of them end up on the sex trail. Many children are forced into forced marriages, forced begging, and camel jockeying as a result of coercion; children are subjected to forced labor and slavery-like practices; many children are victims of debt bondage labor; the risk of AIDS as a result of the sex industry's expansion; organ harvesting is a common cause of trafficked victims' deaths; the most serious consequence of human trafficking is the violation of children's human rights; the most serious consequence of human trafficking.²⁸

3.2: Reasons for child-Trafficking:

(a). Bangladesh's location plays a significant influence on the country's human trafficking problems. It is near the Gulf region, which connects to South Asia, to one of 20 designated down slide zones in any of the 16 districts in the area people are transported by boat , and victims could potentially be transported to a variety of other Southeast Asian nations.²⁹

²⁷ Amin Md. Ruhul & Sheikh Md. Rashidul Islam, "Trafficking Women and Children in Bangladesh: A Silent Tsunami of Bangladesh", Journal of Economics and Sustainable Development ISSN 2222-1700 (Paper) ISSN 2222-2855 (Online) Vol.2, No.4, 2011 <<u>https://www.iiste.org/Journals/index.php/JEDS/article/viewFile/356/244</u>> accessed on 20th April 2022.

²⁸ Ibid.

 ²⁹ Kat Fries, "10 Facts About Human Trafficking in Bangladesh", THE BROGEN PROJECT, OCTOBER 29,
 2019 <<u>https://borgenproject.org/10-facts-about-human-trafficking-in-bangladesh/</u>> accessed on 13th
 May 2022.

(b). Bangladesh is a hub not only because of its location but also because of its scarcity of jobs and resources; someone can easily be duped into the tricks of the traffickers because they want to get work at any cost. In Bangladesh, 27 million people live in destitution, with 31% of them lives in incurable poverty in non-developed areas, people who are thus poor are eager to take any job opportunity they may find in these conditions. Human traffickers take advantage of this by luring unsuspecting people into work scams, They promise an excellent job in another nation, but in reality, they will utilise desperate people for a variety of torture, prostitution, and labor schemes.³⁰

(c). According to statistics, 3,500 teenage girls were trafficked into prostitution in Cox's Bazar in just ten years; young girls who are forced into prostitution are subject to assault, rape, and maybe murder; human trafficking has compelled young Bangladeshi girls as young as nine to travel to foreign countries.³¹

(d). For children aged 14 to 18, education in Bangladesh is lacking, that age group had a 65 per cent dropout rate, and many of the household heads were uneducated. 17% of these heads of the house had low literacy levels. Children must discover ways to keep themselves occupied because school attendance is not mandatory. They are prone to human trafficking since they are not watched as rigorously as children in school.³²

3.3: Consequences of Trafficking:

³⁰ Ibid.

³¹ Ibid.

³² Ibid.

(a) Phycological effect: Young victims succumb to compulsion and give in; most traffickers target them between the ages of 8 to 16, they are made to perform severe physical labor in an unsafe atmosphere, and many are also tough how to use weapons.³³ The children and women are undergo with low self-esteem, emotionalinstability, and sadness, even if they are rescued, they develop significant psychological issues with which they will fight throughout their entire lives.³⁴ They will be unable to maintain a healthy mental state in the future due to psychological fragility. The children will most likely retreat and become suicidal.³⁵

(b). Health Effects: Human trafficking victims are compelled to work in hazardous situations that endanger their mental and physical health.³⁶ According to many scientific reports, most of the victims of human trafficking are young girls and children who are sexually exploited, abused or forced into prostitution. In this sector, sexual protection is rarely used, putting the exploited at danger of contracting a variety of sexually transmitted diseases, including AIDS, According to another study, over 80% of street child prostitutes had suffered from their reproductive organs.³⁷ Victims are sometimes forced to consume drugs, which can lead to substance abuse. Such people have to battle drug addiction constantly.³⁸ Lack of sufficient meals causes malnourishment to those

³³ Ashraf Musfiqa, "A Study on Women as Human Trafficking Victim and the Related Laws in Bangladesh", IOSR Journal Of Humanities And Social Science (IOSR-JHSS) Volume 23, Issue 9, Ver. 6 (September. 2018) 64-71e-ISSN: 2279-0837, p-ISSN: 2279-

^{0845. &}lt;<u>https://www.coursehero.com/file/103863445/J2309066471pdf/</u>> accessed on 20th April 2022. ³⁴ Ibid.

³⁵ Ibid.

³⁶ Amin Md. Ruhul & Sheikh Md. Rashidul Islam, "Trafficking Women and Children in Bangladesh: A Silent Tsunami of Bangladesh", Journal of Economics and Sustainable Development ISSN 2222-1700 (Paper) ISSN 2222-2855 (Online) Vol.2, No.4, 2011 <<u>https://www.iiste.org/Journals/index.php/JEDS/article/viewFile/356/244</u>> accessed on 20th April 2022.

³⁷ Ibid.

³⁸ Ashraf Musfiqa, "A Study on Women as Human Trafficking Victim and the Related Laws in Bangladesh", IOSR Journal Of Humanities And Social Science (IOSR-JHSS) Volume 23, Issue 9, Ver. 6 (September. 2018) 64-71e-ISSN: 2279-0837, p-ISSN: 2279-

^{0845. &}lt;<u>https://www.coursehero.com/file/103863445/J2309066471pdf/</u>> accessed on 20th April 2022.

entrapped victims.³⁹ Unhygienic living conditions also play a role in developing numerous health issue that the victims suffer in future.⁴⁰ The surviver are not provided with any proper treatment to help them recover from their illnesses.⁴¹ Health care is generally irregular and worst for these young girls and children; serious illnesses frequently go undiagnosed and untreated, and undesired pregnancy and high-risk abortions are also common, with potentially fatal results.⁴²

(c) Societal Effects: The victims are forced to work as bonded labor inside the country or relocated to another country, where their passport and immigration papers seized from them upon arrival and leaving them helpless and obsolete.⁴³ Sadly, rather than being recognised as victims, they are sometimes accused as accomplices to the crimes.⁴⁴ The victims are placed in very deplorable conditions, with sub-standard clothing and food, filthy living quarters and no access to healthcare, for non-compliance with demands, they are frequently physically and sexually abused by their employers and clients.⁴⁵ This is a graphic depiction of our society's face hidden behind a wall. Another point worth mentioning is that the victims are denied all human rights, including access to education.⁴⁶ People who trafficked into the sex industry, they and their families are

⁴¹ Ibid.

³⁹ Ibid.

⁴⁰ Ibid.

⁴² Amin Md. Ruhul & Sheikh Md. Rashidul Islam, "Trafficking Women and Children in Bangladesh: A Silent Tsunami of Bangladesh", Journal of Economics and Sustainable Development ISSN 2222-1700 (Paper) ISSN 2222-2855 (Online) Vol.2, No.4, 2011 <<u>https://www.iiste.org/Journals/index.php/JEDS/article/viewFile/356/244</u>> accessed on 20th April 2022.

⁴³ Ashraf Musfiqa, "A Study on Women as Human Trafficking Victim and the Related Laws in Bangladesh", IOSR Journal Of Humanities And Social Science (IOSR-JHSS) Volume 23, Issue 9, Ver. 6 (September. 2018) 64-71e-ISSN: 2279-0837, p-ISSN: 2279-

^{0845. &}lt;<u>https://www.coursehero.com/file/103863445/J2309066471pdf/</u>> accessed on 20th April 2022. ⁴⁴ Ibid.

⁴⁵ Ibid.

⁴⁶ Ibid.

vilified.⁴⁷ After being rescued, the victims may find it difficult to come back to home to their relatives, who may reject them; it may also be difficult to acquire community acceptance and support; this may be made even more difficult if the victim is suspected of carrying HIV.⁴⁸

(d) Legal effects: the legal implications for trafficking people differ based on the laws in both the destination and origin countries.⁴⁹ Illegal migration and prostitution are the most common forms of trafficking in the vast majority of destination nations, because victims of human trafficking are unlikely to have travel documents or residency permits, instead of focusing on the traffickers, law enforcement agencies focus on the victims.⁵⁰ Criminals may go unpunished and continue to operate while Victims are jailed and deported.⁵¹

Chapter 4: Domestic laws and their enforcement and activities of NGO.

4.1: Introduction: Bangladesh is an overpopulated country; more than 150 million people live in our country. The majority of our country's citizens are unaware about human-trafficking, and even if they are aware of it, they are unconcerned.⁵² The traffickers induce people by showing them the dreams of better job, better salary, better life.⁵³ As Bangladesh has a huge population, the Government cannot create employment opportunities for everyone.⁵⁴ People of Bangladesh are

⁵¹ Ibid.

- 53 Ibid.
- 54 Ibid.

⁴⁷ Amin Md. Ruhul & Sheikh Md. Rashidul Islam, "Trafficking Women and Children in Bangladesh: A Silent Tsunami of Bangladesh", Journal of Economics and Sustainable Development ISSN 2222-1700 (Paper) ISSN 2222-2855 (Online) Vol.2, No.4, 2011 <<u>https://www.iiste.org/Journals/index.php/JEDS/article/viewFile/356/244</u>> accessed on 20th April 2022.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵² <u>https://bdlawdigest.org/human-trafficking-in-bangladesh-dead-men-tell-no-tales.html</u>.

very aspiring and dream of a better life and higher salary, though they do not even have enough qualities.⁵⁵

Most of the people of our country have a misapprehension that money is easy to earn in foreign countries, by believing that misconception, people try to go abroad to earn more money.⁵⁶ When people covet money, they are easily entrapped by traffickers.⁵⁷ Majority of the victims are kidinapped either for sexual exploitation or for forced labor.⁵⁸ In case of trafficking in our country, women and children are most vulnerable.⁵⁹ According to UNIFEM, around 300,000 Bangladeshi children have been trafficked to India's brothels throughout the years, at least 13,220 children have been registered as being trafficked out of the country in the last 5 years, with 4,700 of them being rescued.⁶⁰ Bangladeshi children are smuggled into Pakistan every year.⁶¹ Boys between the ages of 4 to 12 are trafficked for camel racing, in the gulf, the employers sexually exploit these boys.⁶²

Children are treated as sexual objects and as commercial objects.⁶³ Due to poverty and hunger, parents may also sell their children to traffickers.⁶⁴ Sometimes parents sell their children to the

⁵⁵ Ibid.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Biswas Suvendu, "HUMAN TRAFFICKING IN BANGLADESH: AN OVERVIEW" Foreign Affairs Insights & Review, 5th November 2015 <<u>https://fairbd.net/human-trafficking-in-bangladesh-an-overview/</u>> accessed on 25th April 2022.

⁵⁹ Ibid.

 ⁶⁰ Amin Md. Ruhul & Sheikh Md. Rashidul Islam, "Trafficking Women and Children in Bangladesh: A Silent Tsunami of Bangladesh", Journal of Economics and Sustainable Development ISSN 2222-1700 (Paper) ISSN 2222-2855 (Online) Vol.2, No.4, 2011 <<u>https://core.ac.uk/download/pdf/234645455.pdf</u>> accessed on 25th April 2022.
 ⁶¹ Ibid.

⁶² Ibid.

⁶³ "Commercial Sexual Exploitation and Trafficking of Children in a Nutshell" – A Resource for Pacific Island Countries, International Labour Office, International Programme on the Elimination of Child Labour (IPEC) – Geneva: ILO, 2014, 40 p <<u>https://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/----</u> <u>ilo-suva/documents/publication/wcms_494314.pdf</u>> accessed on 25th April 2022.

⁶⁴ Amin Md. Ruhul & Sheikh Md. Rashidul Islam, "Trafficking Women and Children in Bangladesh: A Silent Tsunami of Bangladesh", Journal of Economics and Sustainable Development ISSN 2222-1700 (Paper) ISSN 2222-2855 (Online) Vol.2, No.4, 2011 <<u>https://core.ac.uk/download/pdf/234645455.pdf</u>> accessed on 25th April 2022.

trafficker to earn money.⁶⁵ Kidnapping is another method used to obtain children for Human-Trafficking.⁶⁶ The Government of Bangladesh has adopted various legislation and initiatives to prevent child trafficking.⁶⁷ For no way of them (traffickers) to be free from the prime.⁶⁸

4.2: Domestic laws: Even though no Constitutional provision defined the term trafficking, the following provisions, directly and indirectly, bear on trafficking.⁶⁹ As per the Constitution of the People's Republic of Bangladesh 1972, all forms of forced labor are prohibited and all citizens are entitle to equal protection of law and has the fundamental right to be protected by law.⁷⁰

The Penal Code 1860 says, whoever kidnaps a person and habitually imports, exports, removes, buys, sells, traffics, or deals in slaves and whoever goes through the ceremony of getting married dishonestly or fraudulently, knowing that he is not lawfully married shall be punished with imprisonment and shall also be liable to a fine.⁷¹ The Women & Children Repression Prevention Act 2000 says kidnapping of woman or child for the purpose of committing an offence, shall be punishable with life or imprisonment for a term that may extend to 14 years and fine.⁷²

The Prevention and Suppression of Human Trafficking Act 2012 says, a person who commits the offence of human trafficking brings any other person into Bangladesh or transfer inside Bangladesh with a view to engaging that person in prostitution or any other form of sexual

⁶⁹ "LEGAL FRAMEWORK ON ANTI TRAFFICKING IN BANGLADESH" The Lawyers &

⁶⁵ <u>https://bdlawdigest.org/human-trafficking-in-bangladesh-dead-men-tell-no-tales.html.</u>

 ⁶⁶ Amin Md. Ruhul & Sheikh Md. Rashidul Islam, "Trafficking Women and Children in Bangladesh: A Silent Tsunami of Bangladesh", Journal of Economics and Sustainable Development ISSN 2222-1700 (Paper) ISSN 2222-2855 (Online) Vol.2, No.4, 2011 <<u>https://core.ac.uk/download/pdf/234645455.pdf</u>> accessed on 25th April 2022.
 ⁶⁷ ibid.

⁶⁸ Ibid.

Jurists <<u>https://www.lawyersnjurists.com/article/legal-framework-on-anti-trafficking-in-bangladesh/</u>> accessed on 25th April 2022.

⁷⁰ The constitution of Bangladesh, 1972

⁷¹ The penal code, 1860.

⁷² The Women & Children Repression Prevention Act 2000.

exploitation or oppression by means of force or of fraud or seduction and draws the attention of someone else for the aim of prostitution shall be punished with imprisonment and with fine.⁷³

Bangladesh's government has not yet fully achived the minimal benchmarks for the elimination of human trafficking, despit its best efforts.⁷⁴ The Government has maintained strong efforts to inhibit trafficking.⁷⁵

4.3: NGO Activities and intervention:

NGOs help victims of human trafficking by raising awareness, campaigning, conducting research, networking, and rescuing, repatriating, and rehabilitating them, two of the most important NGOs working in these fields are BNWLA and CWCS, the BNWLA has a facility for rescued male and female victims that specialises in rescue, repatriation, and rehabilitation, they aid victims in reintegrating into society by assisting them in getting jobs and locating family members.⁷⁶

The main activities of the CWCS include research, training, and advocacy, the ATSEC has prepared a "preliminary directory of non-governmental organisations working in preventing child and women trafficking sexual exploitation."⁷⁷ The directory lists 130 distinct local and national non-governmental organisations, the directory reveals that NGOs work on issues as public

⁷⁴ "2021 Trafficking in Persons Report: Bangladesh", <u>OFFICE TO MONITOR AND COMBAT TRAFFICKING IN</u> <u>PERSONS</u>, U.S DEPARTMENT Of STATE <<u>https://www.state.gov/reports/2021-trafficking-in-persons-</u> <u>report/bangladesh/#:~:text=Child%20sex%20trafficking%20remained%20widespread,women%20fled%20abusive%</u> <u>20child%20marriages.</u>> accessed on 25th April 2022.

⁷³ the Prevention and Suppression of Human Trafficking Act 2012.

⁷⁵ Ibid.

⁷⁶ Gazi, Rukhsana & Haque, Ziaul & Alam, Nurul & Chowdhury, Elma & Ahmed, Faiz & Begum, Suraiya. (2001) "Trafficking of women and children in Bangladesh: An Overview", Published by ICDDR,B: Centre for Health and Population

Research <<u>https://www.researchgate.net/publication/345008182_Trafficking_of_women_and_children_in_Bangl</u> adesh An Overview> accessed on 27th April 2022.

⁷⁷ Ibid.

awareness, information dissemination, advocacy, repatriation, and rehabilitation.⁷⁸ When it comes to dealing with human trafficking, NGOs encounter numerous challenges, the most notable one has been the lack of a properly equipped investigative cell.⁷⁹

NGOs learn about cases from the media or when they commission a special study or research, on occasion, they receive information from local partner NGOs/organisations, they try to hunt down a case when it is reported in the media, and in most cases, they are able to free the children from jail or police custody.⁸⁰ NGOs aim to rescue, repatriate, and reintegrate victims by building national, regional, and international networks to share information, collaborate, and coordinate rescue, repatriation, and reintegration activities.⁸¹ NGOs also address human trafficking in their public awareness programs in order to increase public awareness and encourage community participation, to combat human trafficking, and also work with the Government to develop national (and regional) policies programs.⁸² and One of the most major anti-trafficking networks is Action Against Trafficking and Sexual Exploitation of Children (atsec). The atsec Bangladesh chapter began as a collaboration between 12 local NGOs, one international NGO (Save the Children Denmark), and the British Council, the ATSEC was founded following a consultation meeting between members of the red barnet partners coordinating body (RBPCB) and child trafficking and prostitution experts from Bangladesh and West Bengal, India.⁸³ The ATSEC Bangladesh chapter is currently a subgroup of the RBPCB,

- ⁸⁰ Ibid.
- ⁸¹ Ibid.
- ⁸² Ibid.

⁸³ Babu Ahkterzzaman, "HUMAN TRAFFICKING IN BANGLADESH Table of content", ACADEMIA

⁷⁸ Ibid.

⁷⁹ Ibid.

<<u>https://www.academia.edu/28664802/HUMAN_TRAFFICKING_IN_BANGLADESH_Table_of_content</u>> accessed on 27th April 2022.

emphasising child trafficking and sexual exploitation. There are further regional secretariats for Atsec in West Bengal, Delhi, and Nepal.⁸⁴

4.4: Current situation:

Bangladesh is one of the countries where human-trafficking is regarded a significant social concern, with population of about 147 million people and land area of 147,570 square kilometres, in South Asia Bangladesh has the highest population density.⁸⁵ Female literacy stands at 31%, whereas overall literacy stands at 43%. Rural villages are home to more than half of our people. 45% people live below the poverty line.⁸⁶ Bangladesh shares 4,222 kilometres of its border with India, and the majority of it accessible to illegal migration and traffic; there are various enclaves of territory between Bangladesh and India's boundaries, in Bangladesh, there are 111 Indian enclaves and 51 Bangladeshi enclaves in India, typically those fields are not patrolled or monitored by law enforcement agencies, trafficker have used these enclaves as recruitment and collection centres, according to BNWLA research.⁸⁷ Despite the fact that micro-credit and other development initiatives have helped to alleviate some poverty, the vast majority of Bangladesh's population still lives in poverty, with significant levels of illiteracy and unemployment. Natural disasters that occur on a regular basis exacerbate the situation for the entire population.⁸⁸ Lack of refuge for young girls and children during disasters is a major issue, all of these conditions render young girls and children vulnerable, making them easy targets for traffickers, there is no accurate estimate of

- 85 Ibid.
- ⁸⁶ Ibid.

88 Ibid.

⁸⁴Ibid.

⁸⁷ Ibid.

the number of young Bangladeshi girls trafficked to other nations, human rights activists estimate that 200-400 teenage girls and children are transported into Pakistan from our country every month, the major of them become prostitutes, in India a huge number of young Bangladeshi female engage in sex-trafficking, particularly in Kolkata, Mumbai, and Delhi brothels.⁸⁹

4.5: Prevention: In recent years, the problem of child trafficking has taken on global proportions, particularly in south Asian countries, the issue is already regarded as a serious regional concern that requires a coordinated response, although additional research is needed to shed light on the antecedents of trafficking, there are currently various reports highlighting the problem in our country.⁹⁰ There is a need for research that can provide first-hand information on the problem's social, economic, political, and health implications, at the local, national, regional, and international levels, advocacy and awareness-raising are required to combat trafficking of young women and children.⁹¹ People are generally unaware of human trafficking, and concerns with child trafficking have not been seriously explored at the individual and organisational levels. It is also crucial to figure out the government's and NGOs' current and potential responsibilities and how civil society contributes to this unethical activity.⁹²

4.6. Conclusion: In Bangladesh human trafficking is strictly forbided. The Government of Bangladesh recently adopted a National Plan of Action against child sexual exploitation and trafficking.⁹³ The country now has some tough laws against women and child trafficking but those

- ⁹⁰ Ibid.
- ⁹¹ Ibid.
- 92 Ibid.

⁸⁹ Ibid.

⁹³ "Human Trafficking: A Security Concern for Bangladesh", BIPSS, Issue 9 August 2011 <<u>https://www.files.ethz.ch/isn/164375/Issue%209.pdf</u>> accessed on 29th April 2022.

laws are rarely enforced due to lack of knowledge and lengthy process.⁹⁴ Despite the Government of Bangladesh's efforts to eliminate trafficking, the growing amount of trafficking in persons strongly indicate that laws has not been effectively implemented to prevent the trafficking from Bangladesh.⁹⁵ However Bangladesh does not fully abide by the minimal standards for elimination of human trafficking.⁹⁶ The Government of our country is taking steps to stop this, but they are not enough.⁹⁷ Even after this kind of legal arrangement which our Government takes the rate of human trafficking is not decreasing.⁹⁸ Laws of our country alone can never be enough to prevent human trafficking but it can play an important role, social awareness must needed.⁹⁹

Chapter 5: International Laws and Preventive Action of United States.

5.1. Introduction: Human trafficking is a multibillion-dollar international enterprise that most of us have never seen, but it occurs every day worldwide.¹⁰⁰ Human trafficking can be successfully combated by international law.¹⁰¹

5.2: International obligations to prevent trafficking: The most important international document on human rights is the Universal Declaretion of Human Rights 1948, which prohibits slavery and the slave trade in all of their forms are prohibited, and it states that no one shall be held in

⁹⁴ Ibid.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ https://bdlawdigest.org/human-trafficking-in-bangladesh-dead-men-tell-no-tales.html.

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ "THE GLOBAL INITIATIVE TO FIGHT HUMAN TRAFFICKING", UNITED NATIONS Office on Drugs and Crimes <<u>https://www.unodc.org/pdf/gift%20brochure.pdf</u>> accessed on 29th April 2022.

¹⁰¹ King Lindsey, "International Law and Human Trafficking", Sharing Electronic Resources And Laws on crime <<u>https://sherloc.unodc.org/cld/en/bibliography/international law and human trafficking.html</u>> accessed on 29th April 2022.

slavery or servitude, nor shall anyone be tortured or subjected to cruel, inhuman, or degrading treatment.¹⁰² In addition, the International Covenant on Civil and Political Rights 1966, conveys civic and political rights such as the right to life, freedom from torture, and freedom from slavery, etc, whereas the International Covenant on Economic, Social and Cultural Rights 1966, Promotes many economic and social rights, such as the right to social security and living condition, as well as the best possible bodily and mental health.¹⁰³ Convention for the Suppression of the Traffic in Persons and of Exploitation of Prostitution of Others 1950, is a specific instrument that requires state signatories to punish anybody who procures, entices, or leads another person away for the purpose of prostitution, even with that person's agreement, exploits the prostitution of another person, runs brothels, or rents rooms for prostitution purposes.¹⁰⁴ The Supplementary Convention on the Abolition of Slavery, Slave Trade and Institutions and Practices Similar to Slavery 1956, is an international treaty banning debt bondage, serfdom, early and servile marriage, and child servitude.¹⁰⁵ There are other two ILO conventions prohibiting forced labor, Forced Labor Convention No.29 (1930) and Abolition of Forced Labor Convention No.105 (1957) have been ratified by Bangladesh at the beginning of its inception.¹⁰⁶ As a result of these international agreements, Bangladesh is obligated to prevent child trafficking and to safeguard children from exploitation and oppression.¹⁰⁷ The Convention on the Rights of the Child 1989, requires that Bangladesh is obligated to prevent child trafficking and safeguard children from exploitation and oppression as a result of these international agreements.

¹⁰² Rahman, K. F, "Women Trafficking in Bangladesh: Responses to Combat Trafficking with Reference of the Human Trafficking Deterrence and Suppression Act, 2012", Jagannath University Journal of Law, 1(1), 165–180, 15 October

^{2021 &}lt;<u>https://deliverypdf.ssrn.com/delivery.php?ID=9460991130930651030710731170220270900150220280450</u> 89092075002075099000101109106115127011017012000106100015112110071018124089075010050012092072 0901230710970240900181200540530120991210720931150311006403009407512301708012106509709410407 7002125013074114119&EXT=pdf&INDEX=TRUE</u>> accessed on 29th April 2022.

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

If a child is ever a victim of human trafficking, abuse, or exploitation, they have the right to rehabilitative assistance. It states that the Government should take all reasonable steps to prevent children from being abducted, sold, or trafficked. It also prohibits injurious child labor, sexual abuse, child recruitment for armed conflict, and any other activities that take advantage of children or have the potential to harm their welfare and development. ¹⁰⁸ Last but not least, under the SAARC Anti-Trafficking Convention 2000, Bangladesh has committed to prevent and prosecute the crime of child trafficking effectively.¹⁰⁹

5.3 Preventive measures of the United States: With the passage of the TVPA in 2000, international regulations to combat human trafficking were established. The landmark TVPA made human-trafficking a federal crime in the United States and increased penalties for related acts, for the first time, this law addressed psychological as well as physical coercion in human trafficking.¹¹⁰ It defined trafficked people as "victims" and gave them access to certain benefits and services, including a special trafficking-visa, which permits victims and family members to reside and work in the United States temporarily. The TVPA is the world's first comprehensive national anti-trafficking law, punishing governments that fail to combat human trafficking.¹¹¹ The TIP Reports

¹⁰⁹ Ibid.

¹⁰⁸ Rahman, K. F, "Women Trafficking in Bangladesh: Responses to Combat Trafficking with Reference of the Human Trafficking Deterrence and Suppression Act, 2012", Jagannath University Journal of Law, 1(1), 165–180, 15 October

^{2021 &}lt;<u>https://deliverypdf.ssrn.com/delivery.php?ID=9460991130930651030710731170220270900150220280450</u> 89092075002075099000101109106115127011017012000106100015112110071018124089075010050012092072 09012307109702409001812005405301209912107209311503110006403009407512301708012106509709410407 7002125013074114119&EXT=pdf&INDEX=TRUE> accessed on 29th April 2022.

 ¹¹⁰ Elle Magaña Mireles, "INTERNATIONAL POLICIES FIGHTING HUMAN TRAFFICKING",
 DRESSEMBER <<u>https://www.dressember.org/blog/international-policies</u>> accessed on 13th May 2022.
 ¹¹¹ Ibid.

are published by the U.S. government every year. It assigns points to governments depending on their efforts to combat and detect trafficking. Because it is hard to keep tracesing trafficking data, figures are frequently updated. Despite the difficulty of pinpointing human trafficking data, the TIP report is significant because it encourages other countries to tighten anti-trafficking laws and enforcement.¹¹²

The United States Department of Transportation is dedicated to combating human trafficking on America's transportation network.¹¹³ Every stage of human trafficking relies on the transportation industry: recruiting, transportation and control of victims, and delivery of victims to purchasers. Every mode of transportation is used to traffic victims in the United States.¹¹⁴ The USDOT's Advisory Committee on Human Trafficking was established in 2018. ACHT is a Federative advisory committee established in response to the combating trafficking in Commercial Vehicles Act to make recommendations to the Secretary of Transportation on actions the Department can take to help combat human trafficking as well as to develop recommended best practices for states and local transportation stakeholders in combating human trafficking.¹¹⁵

¹¹² Ibid.

¹¹³ Jihan Noizet and Shari Schaftlein, "Combating Human Trafficking", U.S Department of Transportation Fedarel Highway of Administration <<u>https://highways.dot.gov/public-roads/winter-2021/combating-human-trafficking</u>> accessed on 13th May 2022.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

Chapter 6: Conclusion.

6.1. Findings: In Bangladesh, the main causes behind the increased rate of child trafficking is destitution, lack of awareness, illiteracy, poor government systems, and weak enforcement of existing laws. Children are very easy to control, making the traffickers easy to operate. Most of the trafficked victims are sold into prostitution and some of them are forced to work as slaves or as a domestic worker. Many of the children are forced to begging and camel jockeying due to coercion. As many of the people of our country are poor and illiterate, they do not even know about their basic human rights. Many of the children were killed by the trafficker due to organ harvesting. Almost all the victim of trafficking are suffer from health problems, mental traumas, and physical issues. The matter of sorrow the society of our country blame the victims rather than the traffickers and accused them as accomplices to the crime. Most of the time, society does not want to accept the victims. Due to a lack of identity papers trafficked children are challenging to detect. The law enforcement agencies focus on the victims as they do not have their identity papers or documents, and sometimes for this reason the victim may be detained. Sometimes, the victims' parents, due to poverty and excessive hunger, sell their child to the traffickers. There are articles which talks about the rights and protection of the people of our country by Law. Sections, which prohibit trafficking and relating to it and provide penalties. NGO's of our country are put their efforts to rescue the victims and provide them rehabilitation service but still the Government of our country does not achieve the minimum standard fully, and for this reason the laws of our country are not enough to combat child trafficking alone, but still they are trying their best. There are international prohibitions that forbid slavery, inhumanity, cruelty ,early child marriage, prostitution, abuse and provide punishment, economic and social rights, and security and require the victims' rehabilitation assistance. The United States increased penalties and followed a system

to give points to the Government on the bases of the efforts the Government takes to combat human trafficking, which encourages other countries to increase anti-trafficking legislation.

6.2. Recommendation: After analysing this research, I have found some recommendations for combating child trafficking. Bangladesh should follow its national legislation more strictly and the international laws relating to the trafficking in human beings. Before adopting and amending the laws in Bangladesh, the people must be aware of these problems. SAARC can play an important role by arraigning the regional instrument to prevent human trafficking. In order to resolve cross border trafficking cases, the primacy given to national law makes it essential for a formidable legal structure. In order to ensure the prevention and eradication of child trafficking, a robust criminal justice system is also important. In criminal procedure and criminal law trafficking must be seen as an organised crime. Corruption among police and border officials must be investigated to reduce illegal migration in the border area. In Bangladesh, in between the trafficker and the victim there must be a clear line in protection. In unsafe migration, prostitution, there must be distinction trafficking, and victims must not further penalise. In order to deter trafficking and to ensure that dangerous migration does not take place, awareness-building and community programs should be improved. As Bangladesh is a hub because of its location, the Government should take measures to combat child trafficking by making recommendations by which the secretary of transportation department can prevent illegal migration and if the illegal migration can be prevented, it can help combat child. The Government should be introduced the system of TIP reports, and by this report, everyone can have an idea about the trafficking situation; depending on the situation of the trafficking public can know how much effort the Government gave to combat trafficking and upon this public give point to the Government. It can be very helpful because every Government wants

to hold their position. There are so many legal provisions regarding trafficking in our country, of which the maximum penalty is 14 years and 50 thousand takas the Government should increase the penalties for trafficking and related offences a law should be enforced by which if the Government fails to fight against human trafficking. In our country, the provisions regarding trafficking and related crime need to be practised very strictly, and the time of procedure should be faster to punish the criminal. Last but not least, the enclaves areas should be strictly patrolled or monitored by law enforcement agencies.

6.3. Conclusion: The current state of human trafficking in Bangladesh clearly indicates that formal legislation does not provide a meaningful response. Because the law alone will never be enough to stop the rising rate of social stigma such as human trafficking, awareness and sincere mentality and appropriate activities are required. In this regard, it should be noted that improving intercountry relations may play a vital role in reducing the occurrence of human trafficking. Finally, we can assert that "being human is a given." However, we can choose to maintain our humanity."¹¹⁶

Human trafficking is known as the oldest and most heinous crime. It is, nevertheless, a modern crime that has grown at an exponential rate in recent decades. Every year, millions of individuals, , are victims of this crime. Although human trafficking is primarily a worldwide crime, evidence suggests that it occurs within the borders of most countries, including the United States. Victims might be of any race, ethnicity, age, or gender, and it is a crime that does not discriminate. The majority of casualties, however, are women and children.¹¹⁷

¹¹⁶ <u>https://bdlawdigest.org/human-trafficking-in-bangladesh-dead-men-tell-no-tales.html.</u>

¹¹⁷ "Human Trafficking Research Paper", RESEARCH PAPER < <u>https://research-</u>

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