

DISSERTATION ON

***“Born Into Brothels: A critical discussion of the rights of the off-springs of sex-workers
and their exploitation in Bangladesh”***

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Consent Form

The dissertation titled “*Born Into Brothels: A critical discussion of the rights of the off-springs of sex-workers and their exploitation in Bangladesh*” prepared by Sifatunnessa Hoque, ID- 2019-1-66-002 submitted to Farzana Rifat Siddique, Lecturer, Department of East West University for the fulfilment of the requirement of Course 406 (Supervised Dissertation) for LLB (Hons.) degree offered by the Department of Law, East West University is approved for submission.

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Acknowledgement

This dissertation is based on Law-406 (Supervised Dissertation) of the Department of Law, East West University. This is done for the purpose of an undergraduate academic course.

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Declaration

I hereby declare that I am the only author of this dissertation work titled “*Born Into Brothels: A critical discussion of the rights of the off-springs of sex-workers and their exploitation in Bangladesh*”. This dissertation has been conducted by me with the supervision of Farzana Rifat Siddique, Lecturer, Department of East West University. Not only that, but no earlier application to a degree has ever included the dissertation in whole or in part. I hereby declare that the above study is being submitted in partial fulfilment of the requirements for the undergraduate course Law 406 (Supervised Dissertation) at East West University. I have not before submitted this research study for credit toward any other degree program, and it is new. Any data or information supplied here has been properly credited and referenced.

*“Born Into Brothels: A critical discussion of the rights of the off-springs of sex-
workers
and their exploitation in Bangladesh”*

Abstract

Bangladesh is classified as a developing nation with the vast majority of its people falling into lower socioeconomic brackets. Children that are conceived and brought up in prostitution houses constitute a significant portion of the population that falls into the vulnerable category. These children are subjected to discrimination and challenges in enjoying their basic human rights from the moment they are born. The objective of this dissertation is to shed light on the question of whether or not the law in Bangladesh is appropriate or well-equipped to assist this group of children in preventing them from being denied from their rights as persons.

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Abbreviations

NGO: Non-Governmental Organization.

UNCRC: United Convention on the Rights of the Child

1st Chapter

Introductions

1.1 Statement of the problem:

Bangladesh, one of the world's most densely inhabited countries, is attempting to enhance the living conditions of a particularly vulnerable portion of society. There is still a portion of the world today, even as we move closer to a new period and a vision of inclusiveness, where there is no acknowledgment of sex worker or their children. Children of the sex workers, who are helpless and innocent, bear the brunt of this discrimination and are its main direct victims. Bangladesh is one of the nations that are particularly vulnerable to unlawful activities using children. Although prostitution was not made illegal in Bangladesh, it is still considered one of the most scandalous statements. Currently, Bangladesh has many brothel establishments within the country. There is an estimation of twenty thousand children being born and raised in brothels on which are known and there might be a number unknown. From birth, these young children confront prejudice and difficulties in exercising their fundamental human rights. They grow up in an atmosphere that is completely different from the conventional culture in terms of lifestyle, hygiene, language, behavior, and tradition.

According to Section 4 of the Children Act 2013 Act, everyone under the age of 18 will be a child, regardless of what is stated in any other laws now in effect. Several significant acts against children, such as the sexual abuse of children and child labor are prohibited and punished. Forced labor was forbidden by Article 34 of the Constitution of the People's Republic of Bangladesh. Several laws safeguard children's rights, but the concern is that not every child especially, children of sex workers are not protected by these laws in terms of application.

In the Brothel, 'Chukris' is a type to refer to girls. The girls who serve madams are known as 'Chukris'. In a brothel society, 'Chukris'; bonded girls have the lowest status. They are mostly younger than 18 and frequently coerced into prostitution. They are less liberated. Even having

so much as such laws and rights still the rights of these children are unheard of and unserved. In most cases, the female child is put into brothels for sex workers and the male child is out to train to be a 'Dalal' or involved in various illegal orders. Children are considered the country's future; hence, they must be protected and taken care of. This can be accomplished by using legal support in the form of legislation and statutes to provide these children with an identity and assist them in leading positive, constructive lives free from much negativity. Being among the most vulnerable groups, as children of sex workers, has yet to be addressed through policy instruments and operational measures. In Bangladesh where there are many precedents and the constitution itself supports positive discrimination when in respect of disability, autism, insanity, etc, there is no remote recognition legally to ensure the rights of the children born in brothels when these children are highly prone to be dragged into the same sex work or trafficked or put into illegal activities. Every child comes under the definition laid down by law but when it comes to rights, privileges, and safety it seems that these children are not getting the exposure as every ordinary child living in Bangladesh. It is indeed true that there are initiatives that have been taken to safeguard or educate these children but again it is not enough to ensure the rights as a child that they deserve. The social prejudice towards these children still exists and as so much so that they are treated lower in their social standings just because they are the children of a sex worker and no child deserves that.

1.2. Research Question:

Does the legal framework of Bangladesh protect the rights of the offspring of sex workers as every other child in Bangladesh?

1.3. Objective of the thesis:

- a. To evaluate the efficiency of the existing laws and policies as to Children's rights of a prostitute to ensure the rights of the victims.
- b. To determine the reasons which are creating difficulties in the implementation of the law.

- c. To provide appropriate recommendations and findings.

1.4. Research Scope & Methodology:

Children of prostitutes are the focus of this dissertation. The research has relied on academic print sources. This report examines the existing condition of children born to sex workers in Bangladesh and attempts to clarify the rights of these children. In addition, it briefly discusses a comparison between India and Bangladesh. Both international and domestic legislation is considered in the study.

The research for this thesis will be carried out using a qualitative methodology. The author of the dissertation has mostly relied on statutes and international law for research. Published papers, newspapers, journals, articles, blogs, websites, and so forth are all examples of secondary sources. These works will serve as secondary references in the thesis paper. The footnotes and bibliography have been cited using the OSCOLA method.

1.5. Literature Review:

The title of the article is 'Child Rights in Bangladesh' published on 10th January, 2014. The name of the author is Haradhan Kumar Mohajan who was then a student at Premier University, Chittagong, Bangladesh. This is a well-written article in which the rights of children are examined, beginning with the concept, and progressing through the laws and regulations in Bangladesh. A significant portion of this study was devoted to the subject of child work, including the many sorts of labor, psychological elements, and legal implications. It also mentioned the exploitation of children based on their gender, as well as the many methods by which the abuse has been carried out. The report also discusses the vulnerability of female children and child marriage. The explanation of child human trafficking and the child criminal landscape in Bangladesh is one of the features of this article. In summary, this document is quite educational and covers almost every area of children's rights and aspirations.

Somehow still, as good as the article is, there is a vacuum that exists. This refers to the safety and reassurance of the rights of children of sex workers or any type of debate that involves the exploitation of children in sex work due to being born in a brothel. There is no doubt that children are easy victims of the prostitution business due to their birth in brothels, a lack of protection, and a lot of prejudice towards them. The article focused on children's rights, but it didn't address the needs of kids who were born into poverty or hostile circumstances. As such, this article has certain limitations.

1.6. Chapter Outline:

This thesis will be divided into five chapters. The introduction, Objective of the thesis, methodology, literature review, and limitations will be provided in the first chapter. In the second chapter, Bangladesh presents laws will be elaborated so much with the relevance of the topic. that are there to protect children will be discussed. In the third chapter, the international standard outlook in respect of safeguarding the children of the sex worker will be explored. In the fourth chapter, there would be a comparative discussion in respect of the other countries' legislation and initiative with Bangladesh. In the Fifth chapter, the conclusion of the thesis paper will be drawn with recommendations and remarks for the trafficking victims safeguarded by the existing laws and implementing procedures that meet human rights standards.

1.7. Limitation of the Thesis:

Children born in brothels and their legal protections are the focus of this dissertation. This issue itself was quite tough since it is a distinct and rare approach toward child rights which is why there was not enough information on it. It was challenging to locate relevant literature (books, newspapers, blogs, journals, articles, etc.) to support the thesis's claims and provide evidence for the situation being studied. There were no strong reported incidents involving children born in brothels in Bangladesh that would have made the matter more generic and accessible. The incidence and occurrence with regard to the issue were also extremely rare since in Bangladesh the greater attention was on the rights and safeguards placed towards children's exploitation

as a general concept rather particular. Also, the legislation and recommendations do not address the vulnerability of the children born to a sex worker in a focus rather it may be viewed under the veil of other feasible laws for children. Therefore, the author has relied most of the research based on statutes and laws, articles, online journals, online newspapers and news, and blogs.

2nd Chapter

Existing laws to Safeguard the rights of Children of Sex worker

In this chapter, the rights of children born in brothels in light of current legislation will be examined. In Bangladesh, infants born in brothels are provided the same protections and opportunities as any other kid. As a result, children of sex workers will be protected by the same rules that apply to other children in Bangladesh.

2.1 Background:

Prostitution has indeed been allowed in Bangladesh since 2000, although it is not a profession legally; presently, there are roughly 20 brothels in Bangladesh¹ among which 14 are authorized², with Daulatdia being one of the largest brothel villages.³ Nonetheless, prostitution as a profession is neither encouraged nor condoned. It is clear that the issue of sex work is frowned upon and severely rebuked. The children who live in this hellhole are more defenseless and exposed to the middle of social prejudice and norms against it. Nearly, 20,000 children are born and raised in these brothels and the chances are high the actual amount is larger than is reported.⁴ Doc weekly, in 2018, directed by Tom Silverstone and Michael Tait has released a 12 min documentary to cover the story of the children

¹ Rashpiatur Rashpi, Sex Work and The Law: An Approach Towards the Protection of Women's Rights, Lawyers Club Bangladesh.com, 19th April, 2022

<<https://lawyersclubbangladesh.com/en/2022/04/19/sex-work-and-the-law-an-approach-towards-the-protection-of-womens-rights/>>

² Asna Zareen, Children Born in Brothel, The Daily Stars, 15th, May, 2022

³ Miguel Candela and Zigor Aldama, The Brothel of Bangladesh, (The Diplomat, 23rd, February, 2013

⁴ See note; 2

trapped in Dalatdia Brothel⁵. In this documentary, there had been stories narrated about the life of a child in a brothel along with other stories.⁶ Approximately then around 300 children were born and raised in Daulatdia itself.⁷ Magla and Buna are the children of a sex worker living in the brothel with their mother and grandmother who were the previous generation of sex workers.⁸

Even so, they are not yet been thrown into the hellfire of prostitution but on daily basis, they are living in the fear of being put through it today or tomorrow. There is indeed a safe house for these children where the children are sent for a few hours but it really doesn't ensure the safety of their life and security being a child born and raised in the biggest brothel village in Bangladesh.⁹ Consequently, apart from certain 'non-governmental organizations' (NGO) engagement or initiatives, there are no legislative or effective regulations in place to protect these children in implications specifically. This chapter will address children's rights that exist in Bangladeshi legislation. Additionally, the difficulties, risks, hazards, and hostility faced by children born in brothels are discussed.

2.2. Laws for Children's Rights in Bangladesh:

2.2.1. Constitution of Bangladesh:

⁵ Tom Silverstone & Michael Tait, The Children Trapped in Bangladeshi's Brothels, Doc Weekly, 2018, <<https://documentaryweekly.com/home/2019/3/3/the-children-trapped-in-bangladeshs-brothel-village>>

⁶ Ibid

⁷ Ibid.

⁸ Ibid.

⁹ Ibid

The supreme legislation of the state states that all types of prostitution, which also includes child prostitution.¹⁰ Furthermore, the Constitution of the People’s Republic of Bangladesh¹¹ states that nobody ought to be tormented or exposed to harsh, inhumane, or demeaning punishment or treatment. Here the term ‘No one’ is also inclusive to children as well; in this regard therefore the children born in the brothel should also be protected by this article. The constitution gives the right to protection of law¹² To be secured by the law and to be regarded in conformity with the law, and only in compliance with the law. the essential right of every citizen, wherever he might be, and of each other individual for the period to be within Bangladesh.¹³ No intervention harmful to any human's body, freedom, body, public image, or assets shall be granted except in respect of the law.¹⁴ Somehow this provision is including of children, and the legislation is sufficiently strong to safeguard a child who is in desperate need of security as a fundamental right. However, the highest law of the nation is still not being implemented in practice, leaving these children exposed to horrendous acts.

2.2.2 Children Act,2013

The Preamble of Children Act, 2013 officially declares that it was adopted to enforce the United Nations Convention on the Rights of the Child(UNCRC).¹⁵ This legislation defines a child as anybody under the age of 18.¹⁶ Chapter III of this act has directed to establish a board named “National Child Welfare Board” for monitoring child development centers and certified institutions, to implement policies and it also has the direction to establish a

¹⁰The Constitution of People’s Republic of Bangladesh. Article 18(2),

¹¹ The Constitution of People’s Republic of Bangladesh. Article 35(5),

¹² The Constitution of People’s Republic of Bangladesh. Article 31

¹³ Ibid

¹⁴ Ibid

¹⁵ Preamble of Children Act,2013

¹⁶ Children Act,2013, Section 4

“District Child Welfare Board”¹⁷. Concerning disadvantaged children, the provision mandates the National Child Welfare Board to develop policies, and strategies, and execute them in the areas of inclusion and rehabilitation in the family and social life¹⁸, to advise the government on the child's well-being while establishing the gender ratio and collecting data on it and their way of living¹⁹, to determine alternative care and diversify the way of protecting a child.²⁰

The act further provided provision for a child affair desk set up by the Ministry of Home Affairs and its duties.²¹ Overall, this legislation contains all of the required provisions for protecting and regulating children's rights. Section 84-88²² of the act has incorporated an alternate care service in the best interests of disadvantaged children²³ and children in need of particular protection. This act has defined the ‘Disadvantaged Children’ where we can include the children of the sex worker.²⁴

In conclusion, this statute recognizes the children born and reared in brothels on an individual basis. This is compelling proof that the children of sex workers deserve protection and care. In Bangladesh, there are no rules or particular adaptations to protect the children of sex workers, with the exception of a few efforts and aims that are just in print and not in effect.

2.2.3. Domestic Violence (Prevention and Protection) Act, 2010

¹⁷ Children Act, 2013, Section 7 and 8

¹⁸ Children Act,2013, Section 7(2)(b)(i)

¹⁹ Children Act,2013, Section 7(2)(b)(ii)

²⁰ Children Act,2013, Section 7(2)(b)(iii),

²¹ Children Act,2013, Section 13 and 14

²² Children Act 2013, Section 84-88

²³ Children Act,2013, Section 89(1),

²⁴ Children Act,2013, Section 89 (1) (f,g,h),

The phrase "Domestic Violence", is defined as physical, psychological, sexual, or economic abuse against a woman or child of a family by any other member of that family with whom the victim is or has been in a familial connection.²⁵ The service providers established under any legislation, or any certified NGO shall safeguard human rights, particularly the rights and interests of women and children, using any legitimate methods, including the provision of legal aid, medical, financial, or other support.²⁶ However, the extent to which unspoken violence is occurring or the danger to the children of sex workers is prevalent does not inevitably included in this act.

2.2.4. Penal Code,1860

The Penal Code of 1860 states that if a parent or someone who is responsible for children abandons the child, they will be punished, however, the term of the kid is restricted to 12 years.²⁷ Abduction or kidnapping of any child below the age of ten is unlawful in Bangladesh, particularly if done for the intention of lust or slavery.²⁸ Additionally, persuading a girl under the age of 18 to travel to areas where she would be compelled to be exploited is likewise illegal under the law.²⁹ Rape, according to the fifth elaboration of Section 375, means that permission is not required when it comes to minors under the age of 15; it is deemed rape and is illegal.³⁰ The legislation includes safeguards to protect minors if they engage in a crime, with an age restriction of 9³¹ and 9 to 12³² dependent on a child's underdeveloped comprehension

²⁵ Domestic violence (Prevention and Protection) Act, 2010, Section 3,

²⁶ Domestic violence (Prevention and Protection) Act, 2010, Section 7

²⁷ The Penal Code,1860, Section 317

²⁸ The Penal Code,1860, Section 364A

²⁹ The Penal Code,1860, Section 366A

³⁰ The Penal Code,1860, Section 375

³¹ The Penal Code,1860, Section 82

³² The Penal Code,1860, Section 83,

2.2.5. Other Laws

In Bangladesh, the legal age for consenting to sexual intercourse is 16 years; anything less is considered rape.³³ Similarly, kidnapping is a crime.³⁴ The Nari-O-Shishu-Nirjaton Daman Ain,2000 has classified and criminalized molestation towards minors and women.³⁵ However, despite the fact that this is a special legislation, it still does not address the sexual exploitation of underprivileged children. This is a clear sign of the legal system's indifference toward this group of people.

Trafficking in people is defined as the selling, purchasing, recruiting, obtaining, relocating, or transporting of individuals beyond or within the borders of Bangladesh for the purpose of sexual exploitation.³⁶ Furthermore, when trafficking involves minors, it is not required to meet the conditions outlined in the statute.³⁷ The government will be responsible for carefully rescuing and identifying people who have been trafficked.³⁸ It must also be mentioned that extra consideration must be given to those who are minors or women.³⁹ In terms of appointing a guardian, Bangladeshi law gives attention to minors who are mature enough and intelligent enough to have a perspective in such regard.⁴⁰ Recently, local authorities assisted in the return to Bangladesh of two sisters who had escaped a trafficking ring that was attempting to transport them from this country and 4 people got arrested for it.⁴¹ Whereas children, in general, are so prone to sexual exploitation, the risk of children who are has been born into it is beyond our knowledge.

³³ Nari-O-Shishu-Nirjaton Daman Ain,2000, Section 9

³⁴ Nari-O-Shishu-Nirjaton Daman Ain,2000, Section 7

³⁵ Nari-O-Shishu-Nirjaton Daman Ain,2000, Section 10

³⁶ The Prevention and Suppression of Human Trafficking Act,2012, Section 3

³⁷ The Prevention and Suppression of Human Trafficking Act,2012, Section 3(2),

³⁸ The Prevention and Suppression of Human Trafficking Act,2012, Section 32,

³⁹ The Prevention and Suppression of Human Trafficking Act,2012

⁴⁰ The Guardian and Ward Act,1890, Section 17(3),

⁴¹ Star Digital Report, 4 Arrested to Traffick Two sisters To India, Forcing them into prostitution: CID, Dhaka Tribunal,10th August,2022

The state precludes minors from working in any profession or entity, with exceptions.⁴² Furthermore, it is proposed that a selection of unsafe labor is established and that minors are not exposed to such labor.⁴³

2.3. Is There Indeed Discrimination Towards Children Born In Brothels ?

The children that live in brothels are the most endangered.⁴⁴ They are subjected to premature sexuality and are victims of bodily, mental, and mistreatment.⁴⁵ It is very much established that the children of sex workers are subjected to discrimination and prejudice by the world due to their birth identity. Human molds and create their moral setups and ethical objectives when they are a child. The innocent heart of a child does what they see and they fear what their surroundings make them feel. Children of sex workers are denied a nurturing environment that seldom meets their fundamental requirements.⁴⁶ They are socially inept and rely on the assistance of safety homes or non-governmental organizations. According to the Encyclopedia of Children's Health, "social forces such as societal pressure, family influence, cultural and religious origin, financial level, and

⁴² Bangladesh Labour Act,2006, Section 34

⁴³ Bangladesh Labour Act,2006, Section 39

⁴⁴ Laila Khondokar, Khaleda Akhter and Flora Jasmeen Deepa, FAMILY AND COMMUNITY REINTEGRATION OF CHILDREN OF SEX WORKERS LIVING IN INSTITUTIONAL CARE IN BANGLADESH, Institutionalized Children Explorations and Beyond Volume 4, Number 1, March 2017 pp. 32-39 DOI: 10.5958/2349-3011.2017.00004.4

⁴⁵ *ibid*

⁴⁶ Deepa V, Manjula MY. The influence of social environment on children of a commercial sex worker. Indian J Soc Psychiatry 2020; 36:310-6.

interpersonal communication assist to create personality and influence the psychological makeup" of disadvantaged children.⁴⁷

The children of sex workers are living in an environment where they are exposed to the vulnerability of prostitution or illegal order. Amidst such an environment the children being born and raised here are not safe. Early female youngsters are forced to assist their moms and learn about prostitution at a young age in brothels.⁴⁸ Even if their mother tries to shield them from the negative influence of the brothel, 'Sardarni' (retired female sex worker) and other related people try to instill in those children the belief that their mothers or siblings are prostitutes and that they will have to follow in their footsteps in the future.⁴⁹ As a result, the majority of girls raised in brothels become prostitutes, with the majority having their first sexual encounter by the age of 8 or 9.⁵⁰ Buyers, brothel owners, and policemen take advantage of these young girls, and as a result, the girls endure a highly perilous time throughout their early years as prostitutes.⁵¹ The protection of infants born inside brothels is paramount.

Children of sex workers are frequently victims of power dynamics in their local community as well as the larger society, leaving them vulnerable to terrible life situations such as the obligation of drug misuse, no legal protection, extortion, trafficking, and everyday violence.⁵² Ranu's mother was a sex worker, thus she was born and raised in a brothel, and Ranu began using steroids called "Oradexon" at a young age to help her grow

⁴⁷ Encyclopedia of Children's Health. (n. d.). Psychosocial Personality Disorders. <http://www.healthofchildren.com/P/Psychosocial-Personality-Disorders.html>. [Last retrieved on 2020 Mar

31]

⁴⁸ Md. Joynul Abedin, Born in Brothel: Cursed for No Reason, Daily Sun, 11th, January, 2019

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ Ibid.

⁵² Ibid

in size; she became a habitual sex worker at the brothel.⁵³ Steroids used in all these brothels are intended to make underage children bulk up so that they may be exploited in the sex trade under the false pretense that they are adults. As part of human trafficking, these kids are also shipped overseas.

The most frightening aspect of the sexual exploitation problem in Bangladesh is that genuine and effective initiatives taken on behalf of children born in brothels are not given the same priority or attention as other concerns. In the same vein, when it comes to focusing on younger children, boys tend to be overlooked. They also fall prey to numerous illegal approaches, but only limited precautions and no primary prevention are taken on their behalf. Sexual exploitation of boys is often not seen as a problem in Bangladeshi society. We tend to focus on female victims of sexual exploitation of children and overlook the reality that boys are also affected. When it comes to rape and sexual exploitation of minors, the legal age of consent is 16⁵⁴, whereas, for other laws, it's 18⁵⁵. Additionally, the Penal Code, of 1860 might classify male-on-male sexual exploitation of youngsters as something that is both unnatural and unlawful,⁵⁶ not when a boy is exploited by women along with no regard for who will be punished for such activity.

But it doesn't say anything about how a youngster above the age of 16 who is a boy would be classified or regarded if he is forced into the sex trade. And in many communities, the perspective of young males being forced into sex work is not acknowledged. Whereas children, in general, are being trafficked and used as beggars, laborers, illegal organ donation, and every other illegal work; the vulnerability of the children born in brothels to such is in active practice but overlooked. The state did not make any attempts to locate victims or investigate the pervasive allegations of child sex trafficking, even when such

⁵³ Mark Dummett, Bangladesh's Dark brothel Steroid Secrets, BBC News, Bangladesh, 30th May, 2010.

⁵⁴ See note: 33.

⁵⁵ See note: 16.

⁵⁶ Section 377, Penal Code, 1860.

trafficking was reported in legal brothels.⁵⁷ There is a lack of public discussion about the dangers young kids face, and the government has taken little action to address the issue. Children born in brothels are not properly counted, and there is no reliable data on this issue. Many volunteers from NGOs put their names on school enrollment forms for these children since they don't have father figures. Another large gap exists in which the safety of unidentifiable children is compromised without anybody being aware of it. These children fall beneath the general norm and are not appropriately cared for with a specific perspective, thus the state pays less attention to their living conditions, education, health benefits, and other fundamental necessities.

⁵⁷ 2020 Trafficking In Persons Report: Bangladesh, US Department of State, <https://www.state.gov/reports/2020-trafficking-in-persons-report/bangladesh/>

3rd Chapter

The Standard Set up of International Law for the Children Born in Brothel

The international perspective on the research theme will be covered in this chapter. International laws serve as a guide for nations in ensuring basic rights. The convention and recommendations are the fundamental sources from which states develop domestic rules and laws. International law has consistently been prudent when it comes to children's rights across the globe.

3.1 Background:

The Universal Declaration of Human Rights specifies the characteristics that must be viewed as a fundamental necessity for each male, woman, or child. It has stated the standard of Human rights; equality⁵⁸; having freedom of life and liberty⁵⁹; non-discrimination regardless of ethnicity, skin tone, sexual orientation, religious beliefs, political leanings, socioeconomic background, place of birth, or other defining characteristics⁶⁰; Slavery in all its manifestations, including the buying and selling of slaves, is outlawed⁶¹; Violence, along with other forms of ruthless, inhuman, and degrading punishment or treatment is expressly forbidden⁶² etc. As a whole, society now agrees that these goals are important for all kids. These protections are enshrined as constitutional guarantees in Bangladesh's founding document. Bangladesh has accepted a number of international agreements and conventions throughout the years, including the UN Convention on the Rights of the Child (UNCRC).

⁵⁸ Universal Declaration of Human Rights, Article 1.

⁵⁹ Universal Declaration of Human Rights, Article 2.

⁶⁰ Universal Declaration of Human Rights, Article 3.

⁶¹ Universal Declaration of Human Rights, Article 4.

⁶² Universal Declaration of Human Rights, Article 5.

It's important to establish who is an adult in terms of international standards before diving headfirst into the topic. Who qualifies as a minor is defined under international law. Here, the worldwide norm includes children born with so "red-light districts" as well. Article of the Convention on the Rights of the Child defines a child as any person that is under the age 18 unless the such child has reached the age of adulthood under the legislation in relation to them.⁶³ According to many international laws, 18 is the minimum or, if you prefer, the legal age.⁶⁴ Therefore, from the perspective of the fundamental international standard, the age of the majority is 18. This immediately considers that the marginalized group into which a child is born has the right to benefit from the possibility of a higher standard of living in terms of health care, education, freedom, and so on. However, we question whether this is the case in practice. Taking a fresh look at the issue, we can observe that many international regulations consider the working conditions for children to be secure, non-hazardous, and morally appropriate.⁶⁵ But for the children born in brothels, they don't come under any specification even by international outlook rather they are defined under the interpretation or shroud of other safety nets laid upon. It is the right of every minor to be protected in without being discriminated against in respect of ethnicity, color, gender, nationality, faith, national or societal background, wealth, or place of birth, each child is entitled to the home, societal, and state protections necessary for his or her age.⁶⁶ But in case of implications, the discrimination is prompt and yet not gone. Furthermore, it a child should be registered immediately right after birth.⁶⁷ Whereas when comes to the children born in the red-light area most of the children don't get registered and the headcount of such children are based on estimation and not on specification.

⁶³ Convention on the Rights of the Child, 1989, art 1.

⁶⁴ Minimum Age Convention, 1973 article 3 ; Worst Forms of Child Labour Convention, 1999 (No. 182), art 2

⁶⁵ Worst Forms of Child Labour Convention, 1999 (C-182), art, 3

⁶⁶ International Covenant on Civil and Political Rights, 1966, article, 24(1)

⁶⁷ International Covenant on Civil and Political Rights, 1966, article, 24(2)

3.2 Convention on the Rights of the Child:

The UNCRC is constituted of 54 articles that outline children's rights and how countries should collaborate to ensure that they are available to all children.⁶⁸ Governments are obligated under the agreement to provide for the fundamental requirements of children and to assist them in reaching their full potential. On August 1990 Bangladesh has ratified the CRC.⁶⁹ The major purpose of this convention is to protect children all around the globe and secure their basic human rights. Without prejudice to the children's or his or her parent's or guardian's ethnicity, color, sex, language, faith, ideological or another opinion, national, ethnic, social background, possession, handicap, birth, or another standing, each child has the same fundamental rights.⁷⁰ The convention has defined a child as anyone below the age of 18.⁷¹ The convention has rendered it to the state parties to acknowledge the rights of children. One kind of discrimination that no kid should ever have to face is being labeled or treated differently because of their birth or parental status.⁷² But as we discussed further the discrimination towards the children born in the brothel is on the prompt of being discriminated against based upon their origin. Furthermore, the convention ensures that protection against physical harm is a fundamental human right.⁷³ In addition to this comes making sure everyone has access to schooling,⁷⁴ freedom of expression,⁷⁵ etc. The convention has implied obligation to imply necessary measurement in respect of the state party's social, cultural, and economic aspects to ensure the rights of children.⁷⁶ Being a state party, Bangladesh is obligated to uphold the convention's provisions, while the Children Act, 2013 is now being established in accordance with

⁶⁸ Convention on the Rights of the Child, 2nd, September, 1990

⁶⁹ Rights are power! 30 Years of Child Convention Rights In Bangladesh, World Vision, 12th, November, 2019

⁷⁰ Convention on the Rights of the Child, Article 2.

⁷¹ See note: 63

⁷² Convention on the Rights of the Child 1989, Article 2

⁷³ Convention on the Rights of the Child 1989, Article 19

⁷⁴ Convention on the Rights of the Child 1989, Article 28,

⁷⁵ Convention on the Rights of the Child 1989, Article 13

⁷⁶ Convention on the Rights of the Child 1989, Article 4

those provisions, the convention's provisions and the actual situation on the ground do not yet correspond to the same extent. It is a given standard that every child to be registered right after they are born.⁷⁷ But when it comes to the children of sex workers where they don't have fathers and the living environment is overlooked and there is no registration reality. Even for educational enrollment, it has been stated that volunteer from different NGOs voluntarily inserts their name as their father.⁷⁸ The convention also in respect of sexual exploitation safeguards the children.⁷⁹ All potential goals for protecting children's rights and setting the norm for all the state parties are included in the convention itself.

3.3 Optional Protocol to the Convention of the Child on the Sale of Children, Child Prostitution, and Child Pornography:

The optional protocol extends further in respect of the Convention on the Rights of the Child 1989; especially in respect of articles 1, 11, 21, 32, 33, 34, 35, and 36 of the convention.⁸⁰ The trade of minors, exploitation of children, and pornographic depictions of children are all outlawed under the optional protocol.⁸¹ The convention also established a list of actions taken by the state parties that would have domestic legal effects under penal and criminal law⁸² and have a jurisdictional effect within domestic legislation in such respect.⁸³ A child's vulnerability is acknowledged in the

⁷⁷ Convention on the Rights of the Child 1989, Article 7

⁷⁸ Shakil Bin Mustaq, She used to be a Sex Worker. Now She Cares for Sex Worker's Children, The Diplomat, 13TH August, 2017.

⁷⁹ Convention on the Rights of the Child 1989, Article 34.

⁸⁰ Optional Protocol to the Convention of the Child on the Sale of Children, Child Prostitution, and Child Pornography, 18th January, 2002

⁸¹ Optional Protocol to the Convention of the Child on the Sale of Children, Child Prostitution, and Child Pornography, Article 1

⁸² Optional Protocol to the Convention of the Child on the Sale of Children, Child Prostitution, and Child Pornography, Article 3

⁸³ Optional Protocol to the Convention of the Child on the Sale of Children, Child Prostitution, and Child Pornography, Article 4.

protocol and with respect to such vulnerability, adequate measures are to be taken.⁸⁴ This protocol discusses the issue of child exploitation and establishes guidelines to safeguard children from harm.

3.4 SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia:

The South Asian Association for Regional Cooperation has Bangladesh as a member state. Bangladesh is a State party of the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. Like the UNCRC this regional convention states the rights and notion to safeguard children.⁸⁵ It has defined the 'The rights of Children' in the ambit of UNCRC and defined a child as someone below the age of 18.⁸⁶ There has been an emphasis on the 'Best Interest of a Child' as a guiding principle with regulatory effects on issues involving children.⁸⁷ This principle, stresses the need of considering the means at one's disposal to bring about the quickest possible benefit for a child when the topic at hand involves children. Since it has been demonstrated throughout this dissertation that children born in brothels are highly vulnerable, initiatives taken on their behalf should be given top priority in order to ensure that their needs are met in every area. The inclusion of Bangladesh as a signatory state is indicative of its acceptance of these provisions. Nonetheless, there is a lack of focused language for these kids. Article VIII encourages a cooperative relationship with the NGOs.⁸⁸ In Bangladesh even though it

⁸⁴ Optional Protocol to the Convention of the Child on the Sale of Children, Child Prostitution, and Child Pornography, Article 8 (1)(a)

⁸⁵ SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. Article IV, V, VI

⁸⁶ SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. Article I

⁸⁷ SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. Article III (5)

⁸⁸ SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. Article VIII

is seen that the NGOs are prompt for the protection of such children yet the collaboration with the government is not as active as it should be.

As follows, Bangladesh is also a state party of the **SAARC** Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. And likewise, the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. Children born and raised in brothels may use the rights guaranteed in this agreement as a benchmark. The focus of the convention is on eliminating prostitution and stopping trafficking.⁸⁹ It has directives to establish shelters, and homes for the victims of trafficking and prostitution.⁹⁰ Nonetheless, it doesn't detail the plight of kids who are born into precarious circumstances and reared in an environment that's certain to be negative for them. It is not simple to bring infants born in a brothel to the victims of the articles of the convention, but that issue is handled here as well.

It has been widely acknowledged so far that several international laws have effective measures to guarantee children's rights. All future domestic law enacted in the name of children's rights should be measured against these benchmarks. Because of this, the rights of children born to sex workers may be governed, but because of the lack of focus on it, their protection is uncertain

⁸⁹ Preamble, **SAARC** Convention on Preventing and Combating Trafficking in Women and Children for Prostitution

⁹⁰ **SAARC** Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, Article IX.

4th Chapter

A Prompt Comparative Discussion and Initiatives by Countries Similar to Bangladesh for the rights of Children of Prostitute

This chapter of the dissertation will provide a comparative analysis of the laws and efforts in different nations. Here, India will serve as the focal point so that we may have a more in-depth conversation on the matter at hand. Following this section, this chapter will analyze the shortcomings and initiatives of Bangladesh on this topic.

4.1 India:

Historically, India and Bangladesh have been on the same page regarding law and order. The bulk of Bangladesh's legal framework originates in Indian law. When it comes to issues like prostitution and the treatment of children involved in it, the two nations share much of the same social and cultural norms. In India, the societal stigma against the offspring of prostitutes is quite strong too. More than three million women and girls, mostly between the ages of 15 and 35, engage in the business of sex work in India.⁹¹ In a report on child prostitution, the Indian government found that 30 percent of the country's child prostitutes operate in the metropolitan areas of Kolkata, Mumbai, Bangalore, and Delhi.⁹²

Human trafficking, forced labor, and exploitation are all illegal under the ambit of the Constitution of India.⁹³ This article was manifested to eradicate trafficking and sexual exploitation to its which

⁹¹ Sofia Bhambri, Study on Life Of Children In Brothel, S. Bhambri & Associates, 8th June, 2021 <<https://www.sbhambriadvocates.com/post/study-on-lives-of-children-in-brothels>> accessed on 5th January, 2023

⁹² SOCIAL AWARENESS INSTITUTION (SAI), TRAFFICKING IN WOMEN AND GIRL CHILDREN FOR COMMERCIAL SEXUAL EXPLOITATION: AN INTER STATE EXPLORATIVE STUDY IN JHARKHAND, ODISHA AND WEST BENGAL, MINISTRY OF WOMEN AND CHILD DEVELOPMENT, Government of India, New Delhi, <<https://wcd.nic.in/sites/default/files/Final%20Report%20Trafficking%20in%20women%20and%20girl%2C%20SAI.pdf>>

⁹³ Constitution of India 1949, Article, 23

is inclusive to the children as well. Article 39(f) requires the provision of constructive methods of development for children for the purpose of protecting childhood and adolescence.⁹⁴ Under Article 15, the state is allowed to provide preferential treatment to women and children in the event of discrimination⁹⁵ According to Article 39 (e) of Directive Principles of State Policy, the state has the obligation to safeguard children from being pressured into doing activities that are inappropriate for their age or maturity.⁹⁶ The constitution expresses the prevention article of trafficking⁹⁷ and exploitation of children⁹⁸ separately. It's worth noting, though, that neither of these regulations or legislation dealt with the needs and rights of children born in brothels.⁹⁹ Despite the State's competence under Article 15(3), no action has been taken to mainline children born in brothels in order to safeguard their childhoods and prevent child exploitation.¹⁰⁰

India in their legislation through the Indian Penal Code, of 1860 had addressed children's rights that are like the Bangladeshi legislation. The Indian Penal Code aids the specialized legislation passed to reduce prostitution by going after its root cause. It is illegal to transport a girl under the age of 18 from one jurisdiction to another.¹⁰¹ To bring a female who is less than 21 years old into the country is punishable¹⁰² along with offering or purchasing an underage girl for the purpose of prostitution.¹⁰³ Yet these provision does not include the rights of a male child who falls victim to sexual exploitation.

The Juvenile Justice Act of 1986 classifies the children of the brothel as "neglected juveniles"¹⁰⁴ who have become morally delinquent due to their involvement with a prostitute, it does not provide for the recognition of their needs or the restoration of their rights. The Act mandates that children have access to secure housing away from their potentially dangerous surroundings.¹⁰⁵ While there

⁹⁴ Constitution of India 1949, Article, 39(f)

⁹⁵ Constitution of India 1949, Article 15

⁹⁶ Constitution of India 1949, Article 39 (e)

⁹⁷ Constitution of India 1949, Article 23

⁹⁸ Constitution of India 1949, Article 24

⁹⁹ Susmita Rath, A Socio-Legal Studies on Lives of the Children Born into Brothel, International Journal Of Law Management & Humanities,[ISSN 2581-5369], Volume 3|Issue 5, 2020,

¹⁰⁰ Ibid

¹⁰¹ Indian Penal Code, 1860, Section 366A

¹⁰² Indian Penal Code, 1860, Section 366B

¹⁰³ Indian Penal Code, 1860, Section 372,374

¹⁰⁴ Juvenile Justice Act, 1986, Section Section 2 (1)(iv)

¹⁰⁵ Juvenile Justice Act, 1986, Section Section 30

are many more acts in India that protect children's rights, for the sake of a more focused comparison, just a handful are covered here.

The Indian government established the National Commission for Protection of Child Rights (NCPCR) in accordance with the Commission for the Protection of Child Rights (CPCR) Act, 2005 so that it could carry out the responsibilities laid out for it by that law.¹⁰⁶ The authority's working method includes advocating for children's rights. Recent research by the National Commission for the Protection of Child Rights (NCCPR) in 2018 found that children who experience this sort of prejudice at school are more likely to choose seclusion than to interact with their peers.¹⁰⁷ Some of the pointers of the study of The National Commission for the Protection of Child Rights (NCCPR) are as follows:

1. The research found that there was a significant correlation between having a mother who worked in the sex industry and the child's subsequent decision to do the same.¹⁰⁸
2. When questioned for the study, 1000 individuals reported feeling safer in their own group, away from the rest of society, due to prejudice and discrimination.¹⁰⁹
3. To protect kids from the "impact of their usual occupation," the children of sex workers need access to high-quality education, counseling, and rehabilitation, according to the NCPCR. "Otherwise, they gradually become part of the family profession," it warns, highlighting the need to provide them with a place to live.¹¹⁰

In order to ensure the safety of children in brothels, the National Commission for the Protection of Child Rights (NCPCR) has conducted a comprehensive study on the subject and is in motion to resolve these problems with the cooperation of the State and NGOs.

¹⁰⁶ K. Balaji, National Commission for Protection of Child Rights - NCPCR Full Form, Role, NCPCR UPSC Questions, BYJU'S Exam Prep, Updated on 29th October, 2022, Accessed on 5th January, 2023 < <https://byjusexamprep.com/national-commission-for-protection-of-child-rights-ncpcr-i> > accessed on 5th January

¹⁰⁷ Bhartiya Kisan Sangh, Report by National Commission For Protection of Child Rights, EDUCATIONAL STATUS OF CHILDREN OF TRADITIONAL SEX WORKERS IN INDIA, December, 2018

¹⁰⁸ Ibid

¹⁰⁹ Ibid

¹¹⁰ Ibid

In contrast to Bangladesh, India has seen landmark judgments where the rights of sex workers and their children have been prioritized. The Supreme Court of India evaluated the current rehabilitation provisions for sex workers and their children and asserted how these regulations have stalled to achieve the goals, so the Central and State governments should indeed try to assess these provisions to ensure their execution.¹¹¹ In order to safeguard the children, the court-mandated swift and severe judicial action against the smugglers, hustlers, and brothel proprietors.¹¹² The Court also mandated the formation of a Zonal Advisory Committee to better manage rehabilitation facilities.¹¹³

Children of prostitutes finally received the attention they deserved thanks to a historic ruling by the Supreme Court of India in the case of *Gaurav Jain v. Union of India*.¹¹⁴ In this case, the Supreme Court ruled that children born in brothels to prostitutes have the right to be treated with self-respect and given the care and security they need, as well as to receive restoration services that will help them feel like they belong in society and rid them of the negative connotations others may have about them.¹¹⁵ With this case in mind, the court also ordered the establishment of a committee charged with developing a plan to safeguard and rehabilitate these kids, as well as to report on their progress on a regular basis.¹¹⁶

In another case, the court concluded that a woman who raises her kid alone is not required by law to disclose the father's name in connection with any legal proceedings she or her child may be required to undergo.¹¹⁷ This means that the mother will be treated as the child's only legal guardian.¹¹⁸ Because of this ruling, sex workers who are required to give childbirth in a brothel may rest easier knowing that their infants will have a better chance of survival.

¹¹¹ *Vishal Jeet v. Union of India* (1990) 3 SCC 318

¹¹² *Ibid*

¹¹³ *Ibid*

¹¹⁴ *Gaurav Jain v. Union of India* (1997) 8 SCC 114

¹¹⁵ *Ibid*

¹¹⁶ *Ibid*

¹¹⁷ *ABC v The State (NCT Of Delhi)* 2015 SC 609

¹¹⁸ *Ibid*

Children born and raised in brothels also benefit from the efforts of several non-governmental organizations (NGOs). Even so, India still is lacking behind compared to the vast brothel market it has spread out throughout the country.

4.2 Bangladesh:

Bangladesh has guidelines under which the children of the brothel can be protected. National Children's Policy-2011 is one of them. This policy defines children as someone under the age of 18.¹¹⁹ The main purpose of this policy is to benefit children; its goals and aims are to protect their fundamental rights and ensure that they are not subject to discrimination on the basis of their gender, religion, faith, nationality, etc., and to provide them with the finest facilities possible.¹²⁰ Moreover, it emphasizes that it will be its own intention to adopt laws with the aim of creating children's rights.¹²¹ However, despite the obvious need to protect children born in a Brothel, no such measures have been adopted. The policy also emphasizes the need to adapt plans and initiate additional projects in order to protect the rights of children.¹²² For this reason, the National Children's Policy-2011 should have taken action to help disadvantaged children such as the children of sex workers, yet it has not done anything of the like.

4.2.1 Non-Governmental Organizations (NGO):

There are numerous non-governmental organizations (NGOs) in Bangladesh fighting for children's rights, and it's important to highlight the positive impact these organizations have had, especially on the lives of vulnerable children and those born into brothels.

In May 1990, a group of concerned citizens assembled in Chiang Mai, Northern Thailand, to establish an “End Child Prostitution and Trafficking” (ECPAT) worldwide campaign to prevent

¹¹⁹ “জাতীয়-শিশু-নীশত- ২০১১”, rule 2.1

¹²⁰ “জাতীয়-শিশু-নীশত- ২০১১”, rule 5.1

¹²¹ “জাতীয়-শিশু-নীশত- ২০১১”, rule 5.7

¹²² “জাতীয়-শিশু-নীশত- ২০১১”, rule 6

child sexual exploitation.¹²³ In response to this rallying cry, groups from all corners of the world have banded together to help end this terrible crisis.¹²⁴ There are 3 member of this international organization in Bangladesh. They are as follows: Ain o Salish Kendro (ASK) , Aparajeyo-Bangladesh (AB), The Association for Community Development's (ACD's).¹²⁵ and these organization are actively working for the rights of the children.

Apart from these they are many other NGO's and projects there for aiding the children in Bangladesh. Then BANDHU Foundation now under the Give Bangladesh Foundation is overseeing two major initiatives: Project Pothchola and Project Konna.¹²⁶ Children of sex workers are a focus of Project Pothchola, which aims to help them live with the respect and autonomy expected of all human beings.¹²⁷ Three brothels make up Project Pothchola's three shelter residences. The goal of this initiative is to ensure that children of sex workers do not acquire a sense of inferiority as a result of their mother's choice to make a living for themselves in a brothel.¹²⁸ This project specifically works for the betterment of the children born in red-light areas.

Sonar Bangla Children Home is located in the Mogra union of the Tangail sadar upazila. The Society for Social Service (SSS), a local development group in the district town, has made it possible for the kids of prostitution to realize their goals.¹²⁹ This is a significant and laudable initiative. Home is on 9.5 acres of property. In an effort to protect the children of sex workers from a life of prostitution and other crimes, the Society for Social Service takes them to the house. They get access to all of the school's resources, including vocational education, at no cost.

There are a variety of other groups doing good work for kids, but they're sometimes hampered by limitations inherent to their status as non-governmental organizations (NGOs), such as insufficient resources to carry out their operations. Also, the collaboration of the State and NGOs is quite restricted and not accessible to each other as it ought to be

¹²³ "End Child Prostitution and Trafficking" (ECPAT), <<https://ecpat.org/country/bangladesh/>>

¹²⁴ Ibid.

¹²⁵ Ibid

¹²⁶ Saudia Afrin, Do Unto Others, Dhaka Tribune, 16th, August, 2017

¹²⁷ Ibid.

¹²⁸ Author's note.

¹²⁹ BSS. Dhaka, A Home Turned into blessing for the Children of Sex Worker. The Business Post, Updated on: 9th June,2022

5th Chapter

Conclusion

This Chapter is the final chapter of the dissertation. In this part, the findings and recommendations will be elaborated.

5.1. Findings:

The dissertation makes it clear that existing child rights protection mechanisms and goals fall short of meeting the needs of children born into brothels. They are very defenseless in the social setting as well as the legal one. The worst aspect of all this is that they are seldom acknowledged while being vulnerable to discrimination and violence. The best interest of the kid concept is a widely revered principle in cases involving minors. It's a sad reality, but in our society, the kids who are most at risk often don't even come second to other concerns, and children of the sex worker are no exception.

5.1.1. Bangladeshi Legislation:

The law in Bangladesh has a number of provisions in place to protect children. However, these rules leave a larger gap than necessary with regard to several of their purposes. The issue of these children not having a NID or a birth certificate was completely ignored by the existing legislation in Bangladesh. In order to get a NID or a birth certificate in Bangladesh, you are required to have the father's name on file. However, since these children were born in a brothel, they do not have a biological father. There is not a single legislation in Bangladesh that addresses this issue.

In addition, since we do not have an accurate total count for the number of children that are born in a brothel, the probability that unregistered children may be exposed to a higher level of danger is extremely concerning. If the kid cannot establish their identity, they will have no rights to exercise. Even though our constitution guarantees some basic liberties,

these children are not having even their most basic necessities met, putting them in threat. Additionally, the engagement of governments with non-governmental organizations is limited. In most cases, non-governmental organizations (NGOs) are doing more than the state itself in this circumstance. In Bangladesh even in this case of child exploitation; wrongdoing towards male children are neglected and disregarded. Also In Bangladesh's guidelines, the authority is granted the right to legislate or adopt initiatives if they deem it essential; however, this power does not seem to have been used in practice.

5.1.2 International Gap:

Despite the fact that there are international legal instruments concerning the topic, international law makes no mention of the children who are born in brothels or gives them any priority. International laws are well equipped to help children entitlement to rights, but there is neither acceptable recognition nor narration in the circumstance on the children who are proactive to the risk of human trafficking, sexual exploitation, organ donation, slavery, and every other illegal order due to the fact that they were born in a red-light area. It is common knowledge that prostitution houses are the epicenter of illicit activity. However, the concern shown for these youngsters does not meet the criteria established at the international level in the real scenario.

In addition, international laws protect their rights even if they do not do so in a particular manner but rather in terms and circumstances that are more general; yet, they, too, fall under the protection of international laws. However, the problem is that Bangladesh's domestic laws have not yet been effectively incorporated into the course of activity, therefore the goal of these laws is still not adequately integrated into the course of action.

5.1.3. India:

India is one of the countries that has the biggest number of brothel villages inside its borders, and thousands of children are being born and reared in these villages at the every year. Although India's legal system is far more developed and advanced than that of Bangladesh, discrimination towards

children who are forced to work in brothels is just as prevalent in the former country as it is in the latter. When it comes to classifying the children who were born in the brothel, there are no particular guidelines in a place similar to Bangladesh. However, it did define them in accordance with the phrase "neglected juvenile." Whereas Bangladesh has a significant problem with even the most basic of childbirth registrations. Despite the fact that India has an exceptional case decision and legal system, the country has not been able to significantly limit the amount of child exploitation that takes place inside the walls of brothels. Also prevalent is a callous attitude toward the young children and girls who are the products of Indian brothels. In contrast to Bangladesh, India is enormous, and a significant amount of childbirth is frequent in these brothels, both of which contribute to an increase in the number of offenses perpetrated and of children who are exploited.

5.2. Recommendation:

It is absolutely necessary for the legislation to have appropriate inclusions that put these children at less risk and protect them in order to serve the purpose of protecting the rights of children who are not privileged like every other child in society. Every kid has the right to a better life since they are the future of our nation. Regardless of who they are or where they come from, nobody should be denied basic human protection.

1. There is no compliance with laws requiring these children to have a NID or a birth certificate. Children born in brothels should not be denied birth certificates due to a lack of a father's name, hence rules should be made to facilitate this.
2. There is no system in place to adequately address the needs of these children who were born in brothels. As a result, it is necessary to make certain provisions for the advantage of the children.
3. There are no laws or regulations in place to keep track of how many babies are born in these brothels. Therefore, it is necessary to establish a committee or agency to oversee the tally of these newborns and to mandate that they all be recorded.
4. The National Child Policy-2011 ought to take the initiative to establish plans and projects for the progress of children who were born in brothels and ought to guarantee that their fundamental requirements are met.

5. When a baby is born in a brothel, the "Dalals" or "Sardani" often kidnap the infant, sell them, or force them to beg on the streets. The government should work with non-governmental organizations (NGOs) to construct a rescue branch team that will carry out missions to save children who have been born and nurtured in prostitution.
6. Every brothel hamlet should have easy access to quality healthcare, and there should be child psychologists on hand to help kids avoid internalizing stereotypes about the industry.
7. Boys could be abused sexually by women, but no protections exist in case they are assaulted after the age of 16, hence legislation addressing crimes committed against male children is needed. Also, provisions in the existing laws should be amended and be more open towards the crimes occurring to children or teenagers who are male.
8. The brothel has no place for kids. For the sake of the child's development, it is important that there be homing facilities given to both the sex worker and her family.
9. Education must be ensured for these children from primary to high school by the government.
10. There needs to be an authorized body to overview the matter in respect of these children.
11. Additional study and analysis is required.

5.3 Conclusion

Therefore, it is acceptable to say that children born in brothels in Bangladesh are not adequately protected from exploitation. So that these children might have a better life in Bangladesh, the country has to adopt international rules. It is not enough for Bangladesh to only recognize the need to improve the lives of children; the country must also take the initiative to establish child welfare objectives and projects with the end goal in mind. The law needs to recognize their existence and provide them with unique protections so they may live without fear of harm. Further, the rules should be made more effective so that infants born in a red light district are not exploited or victimized in any other

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