



*Dissertation on*

**Trafficking of Women and Children from Bangladesh: An Examination of  
Current Trends and Legal Responses**

**Course Title: Supervised Dissertation**

**Course Code: Law 406**

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**Word Count: 7970 words**

**Date of Submission: 27<sup>th</sup> December 2023**

## **Declaration**

I hereby declare that the dissertation of my Bachelor of Law (LLB) degree on “Trafficking of Women and Children from Bangladesh: An Examination of Current Trends and Legal Responses” has been carried out by me. It does not include any material which has been previously submitted for any degree or diploma in any University, and no part of this dissertation was previously published or written by another person except where due reference is made in the text.

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## **Acknowledgement**

I acknowledge my gratitude and indebtedness to my supervisor, Md Pizar Hossain (Senior Lecturer, Department of Law, East West University) for this valuable guidance and help in choosing the research topic. I would not be able to complete my task without his support and encouragement, his patience and valuable feedback made this task possible. I consider it a wonderful and rare privilege to have got the opportunity of conducting my thesis under his supervision.

I would like to extend and heartiest thanks with sincere gratitude to Dr. Md. Mehedi Hasan, Assistant Professor and Chairperson Department of Law that allows me to conduct the research.

I am immensely grateful to Almighty Allah for his blessings towards the completion of this research paper's task and respectfully offer my thanks to my family and friends for their support to achieve success in every sphere of my life.

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## **Abstract**

Human trafficking is the recruitment, transportation, transfer, harboring, or receipt of people through force, fraud, or deception with the intention of exploiting them for financial gain. It is a widespread type of organized crime. It is an extensive and complex issue that influences enormous people worldwide, with disastrous physical, emotional, and psychological consequences for the victims. South Asia faces a significant risk of trafficking due to its substantial population and extensive rural-urban migration. Women and children are sold, traded, and exchanged for sexual slavery, prostitution, and bonded labor across borders in Bangladesh, India, Pakistan, Burma etc. Bangladesh is one of the countries that has been heavily affected by human trafficking. It is a source, transit, and destination country for men, women, and children. The issue is getting worse because of the country's socio-economic circumstances, which make it fertile ground for human traffickers to operate. The country is being made highly vulnerable due to its poverty, high population density, geopolitical location, and some other factors. It includes forced labor, sexual abuse, the slave trade, forced prostitution, organ removal, etc. This research offers an in-depth analysis of the organized criminal activity of human trafficking in Bangladesh. It examines the current trends, legal frameworks, and various forms of human trafficking, the factors fueling it, and the strategies that are being used to combat the crime.

# Chapter 1

## Introduction:

### 1.1 Background

Trafficking of women and children is a widespread type of crime and repugnant event. Trafficking of women and children is an illegal business. It is expanding quickly and the traffickers think it is worth about 32\$ billion per year.<sup>1</sup> It occurs through international supply chains and many different types of routes. It occurs all over the world no matter how wealthy or poor the country is and its government. The United Nations built laws to stop human trafficking in 2000, 178 countries approved the laws and adopted some legal mechanisms to fight the crime.<sup>2</sup> Domestic trafficking is growing along with international trafficking. It takes away the rights of people and forces them to leave one country to another regarding the crime. People have become easy targets for harm and exploitation.<sup>3</sup> Women are the main target for the traffickers. A statistic of United Nations Drugs and Crime reveals that 46% of women and 19% of girls (minor) are considered to be victims of human trafficking.<sup>4</sup> The traffickers trade them for prostitution, forced labor, begging, forced marriage, and many more. They are also being traded for organ removal.<sup>5</sup>

A new country named Bangladesh was formed after the independence of East Pakistan in 1971.<sup>6</sup> During the liberation war between East Pakistan and West Pakistan the non-Bengali Pakistanis who are originally from India tried to move back to West Pakistan.<sup>7</sup> They stayed in 66 camps which were established in 66 districts in Bangladesh.<sup>8</sup> They were waiting for repartition but faced delay, during that period many people crossed the border unlawfully.<sup>9</sup> As a result, many women

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<sup>1</sup> Fardaus Ara, Md Mostafizur Rahman Khan, 'Trafficking of Women and Children in Bangladesh: Laws and Strategies for Prevention' (June 2022) 127,128. [https://www.researchgate.net/profile/Fardaus-Ara/publication/361221251\\_Trafficking\\_in\\_Women\\_and\\_Children\\_in\\_Bangladesh\\_Laws\\_and\\_Strategies\\_for\\_Prevention/links/62f676c9c6f6732999c680c1/Trafficking-in-Women-and-Children-in-Bangladesh-Laws-and-Strategies-for-Prevention.pdf](https://www.researchgate.net/profile/Fardaus-Ara/publication/361221251_Trafficking_in_Women_and_Children_in_Bangladesh_Laws_and_Strategies_for_Prevention/links/62f676c9c6f6732999c680c1/Trafficking-in-Women-and-Children-in-Bangladesh-Laws-and-Strategies-for-Prevention.pdf) (accessed on 30 October 2023).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

and children were trafficked frequently during that period.<sup>10</sup> There were several “enclaves” which are pockets of land belonging to one country within the borders of another country.<sup>11</sup> For example, 111 Indian enclaves situated in Bangladesh and 51 Bangladeshi enclaves situated in India. According to BNWLA research these areas are not guarded by law-enforcement agencies and have been suitable places for traffickers to perform the crime.<sup>12</sup>

Bangladesh is in a vulnerable situation due to its high population, job crisis, natural disaster, and not having enough resources.<sup>13</sup> Because of these reasons women and children are tempted by the trafficker’s scheme and leave their own country. After leaving their country, they are often forced into sexual exploitation, prostitution, and working as domestic helpers in countries like India, Middle East, Eastern Europe and many more.<sup>14</sup> Many women are trapped in human trafficking through the internet, love, friendship, or even kidnappings. Most victims are tempted by fake promises and jobs or other opportunities.<sup>15</sup> For example, a boy pretends to be in love with a girl, and gains her trust. He makes the whole scenario like he is going to start a new life with the girl, after that he trades the girl for money.<sup>16</sup> Because of limited abilities of law and enforcement the government could not be able to protect women and children who are being subject to human trafficking.<sup>17</sup> It is a consequential problem that violates human rights and people still have not understood how terrible it is. When a young girl is trapped in forced prostitution or forced labor, it leads her to the death, which is equivalent to murder and rape. When people hear or read about trafficking, they do not react as they react to other crimes.<sup>18</sup> The government of Bangladesh has taken steps to address the trafficking of women and children, including the enactment of laws and

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<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> Arushi Agarwal, ‘Human Trafficking as a Modern-Day Slavery’. <https://supremoamicus.org/wp-content/uploads/2019/07/A13.v12.pdf> (accessed on 30 October 2023).

<sup>14</sup> Ara (n 1), 128.

<sup>15</sup> Agarwal (n 17).

<sup>16</sup> Ibid.

<sup>17</sup> Ara (n 18).

<sup>18</sup> Rukhsana Gazi, Ziaul Haque Chowdhury, SM Nurul Alam, Elma Chowdhury, Faiz Ahmed, Suraiya Begum, ‘Trafficking of Women and Children in Bangladesh: An Overview’ (January,2001) 2. [https://www.researchgate.net/profile/Rukhsana-Gazi/publication/345008182\\_Trafficking\\_of\\_women\\_and\\_children\\_in\\_Bangladesh\\_An\\_Overview/links/5f9c26c9a6fdccfd7b8ab103/Trafficking-of-women-and-children-in-Bangladesh-An-Overview.pdf](https://www.researchgate.net/profile/Rukhsana-Gazi/publication/345008182_Trafficking_of_women_and_children_in_Bangladesh_An_Overview/links/5f9c26c9a6fdccfd7b8ab103/Trafficking-of-women-and-children-in-Bangladesh-An-Overview.pdf) (accessed on 30 October 2023).



the establishment of specialized law enforcement units.<sup>19</sup> There are numerous challenges regarding the crime that need to be solved. The challenges incorporate lack of awareness, weak law enforcement, poverty, and the fact that people do not know much about the issue.<sup>20</sup>

## 1.2 Research Objectives

This article aims to elaborate on the aforesaid concept of trafficking of women and children in Bangladesh. To examine the current trends and pattern of trafficking. This article also provides legal frameworks. Analyze the roles and mechanism of institutional agencies that are involved to protect the women and children from the crime. Lastly, making appropriate recommendations for solving the problems and challenges of trafficking of women and children in Bangladesh.

## 1.3 Research Questions

The primary focus of this study is directed towards the following inquires:

1. What are the present patterns regarding women and children trafficking from Bangladesh?
2. Where do Bangladesh's legal frameworks stand in terms of responding to this phenomenon?

## 1.4 Literature Review

Several research have been done to learn and understand the issue of trafficking of women and children in Bangladesh. For instance, Ara Ferdous analyzed the causes of women and children in Bangladesh. She observed that women and children have been trafficked from Bangladesh to India, Pakistan, and Arab since the early 1950s.<sup>21</sup> However, the social, cultural, and economical structure

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<sup>19</sup> Mahamud Khalid, 'Understanding the Complexities of Human Trafficking in Bangladesh: A Multifaceted Organized Crime' (April, 2023) 3. [https://www.researchgate.net/profile/Mahamud-Khalid/publication/370527614\\_Understanding\\_the\\_Complexities\\_of\\_Human\\_Trafficking\\_in\\_Bangladesh\\_A\\_Multifaceted\\_Organized\\_Crime/links/6454bdce97449a0e1a7c38bd/Understanding-the-Complexities-of-Human-Trafficking-in-Bangladesh-A-Multifaceted-Organized-Crime.pdf](https://www.researchgate.net/profile/Mahamud-Khalid/publication/370527614_Understanding_the_Complexities_of_Human_Trafficking_in_Bangladesh_A_Multifaceted_Organized_Crime/links/6454bdce97449a0e1a7c38bd/Understanding-the-Complexities-of-Human-Trafficking-in-Bangladesh-A-Multifaceted-Organized-Crime.pdf) (accessed on 30 October 2023).

<sup>20</sup> Ibid.

<sup>21</sup> Fardaus Ara, Md Mostafizur Rahman Khan, 'Trafficking of Women and Children in Bangladesh: Laws and Strategies for Prevention' (June 2022). [https://www.researchgate.net/profile/Fardaus-Ara/publication/361221251\\_Trafficking\\_in\\_Women\\_and\\_Children\\_in\\_Bangladesh\\_Laws\\_and\\_Strategies\\_for\\_Prevention/links/62f676c9c6f6732999c680c1/Trafficking-in-Women-and-Children-in-Bangladesh-Laws-and-Strategies-for-Prevention.pdf](https://www.researchgate.net/profile/Fardaus-Ara/publication/361221251_Trafficking_in_Women_and_Children_in_Bangladesh_Laws_and_Strategies_for_Prevention/links/62f676c9c6f6732999c680c1/Trafficking-in-Women-and-Children-in-Bangladesh-Laws-and-Strategies-for-Prevention.pdf) (accessed on 30 October 2023).

of Bangladesh is mostly responsible for trafficking of women and children in Bangladesh.<sup>22</sup> Poverty, lack of education and awareness, gender discrimination also contributes in order to establish the problem in Bangladesh.<sup>23</sup> Furthermore, Bangladesh shares the common border with India and Myanmar.<sup>24</sup> The proper entry and exit on the border are often overlooked. Besides, there is also a lack of laws and strategies in order to prevent problems.<sup>25</sup> Moreover, absence of border control mechanisms and lack proper documentation make it more vulnerable for combating the problem.<sup>26</sup> However, internet and digital technology is assisting to establish women and children trafficking in Bangladesh.<sup>27</sup> Due to the use of social media the problem is increasing day by day in Bangladesh.<sup>28</sup> Recently police arrested a person while organizing an event in order to trap women for trafficking in a social media platform.<sup>29</sup>

Mahamud Khalid studied that Bangladesh is one of the countries that is severely affected by the trafficking of women and children in Bangladesh.<sup>30</sup> The United States Department of State reported in 2022, that Bangladesh is considered a Tier 2 country regarding the crime.<sup>31</sup> The government of Bangladesh is not giving proper attention to stop the crime.<sup>32</sup> He observed that poverty is the big reason for establishing the crime.<sup>33</sup> The people of low income are at high risk of being victims of trafficking according to the International Labor Organization.<sup>34</sup> The government of Bangladesh has taken the initiative by enacting the “*Prevention and Suppression of Human Trafficking Act, 2012*” but the statute is not enough to prevent the crime due to adequate resources

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<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Mahamud Khalid, ‘Understanding the Complexities of Human Trafficking in Bangladesh: A Multifaceted Organized Crime’ (April, 2023). [https://www.researchgate.net/profile/Mahamud-Khalid/publication/370527614\\_Understanding\\_the\\_Complexities\\_of\\_Human\\_Trafficking\\_in\\_Bangladesh\\_A\\_Multifaceted\\_Organized\\_Crime/links/6454bdce97449a0e1a7c38bd/Understanding-the-Complexities-of-Human-Trafficking-in-Bangladesh-A-Multifaceted-Organized-Crime.pdf](https://www.researchgate.net/profile/Mahamud-Khalid/publication/370527614_Understanding_the_Complexities_of_Human_Trafficking_in_Bangladesh_A_Multifaceted_Organized_Crime/links/6454bdce97449a0e1a7c38bd/Understanding-the-Complexities-of-Human-Trafficking-in-Bangladesh-A-Multifaceted-Organized-Crime.pdf) (accessed on 30 October 2023).

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

and corruption.<sup>35</sup> He also looked at the consequences such as physical, emotional, social, economic and legal effects of the victims who have already experienced the crime.<sup>36</sup>

Nasrin Khandakar studied that trafficking is a severe violation of human rights.<sup>37</sup> However, victims of trafficking have to work in unsafe environments for which they have to endure physical and mental harm.<sup>38</sup> Trafficking is often connected with the sex industry, due to the reason serious diseases including HIV are increasing. Rather than sexual exploitation, the victims who are trafficked for other exploitation such as domestic and industrial purposes also face the disease due to exposure to instances of forced sex.<sup>39</sup> Furthermore, two researchers from ORP went to Jessore to interview convicted traffickers.<sup>40</sup> Their object was to see the crime from the trafficker's perception to gather knowledge about why trafficking occurs, how they select their targets, trafficking routes, and the whole network behind the crime.<sup>41</sup>

Sabiha Yeasmin Rosy highlighted the shelter, education, and counseling of the victims who have experienced trafficking.<sup>42</sup> This research also focuses on the next important measure in their lives which is reintegration.<sup>43</sup> Bangladesh National Women Lawyers Association (BNWLA) actively took initiatives to rejoin survivors with their family and society after their psychological recovery in the BNWLA shelter home.<sup>44</sup> She observed that bringing back the survivors into the society is difficult because it takes a long time to recover mentally, and victims might not be interested due to social taboo.<sup>45</sup>

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<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Nasrin Khandaker, 'Study on Girls, Women and Children Trafficking in Bangladesh' (June 2023) 10(6). <https://www.jetir.org/papers/JETIR2306608.pdf> (accessed on 20 November 2023).

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Sabiha Yeasmin Rosy, 'Bangladeshi Women Trafficking Survivors Situation in Family and Society: "NGO Response towards their Reintegration"', *Multidisciplinary Journal of Gender Studies*, (February 2016). <file:///C:/Users/user/Downloads/1572-Anonymous%20manuscript-7594-1-10-20160225.pdf> (accessed on 20 November 2023).

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

According to them, poverty, lack of education, lack of awareness and as well as socio-economic circumstances are helping to institute the crime in Bangladesh. There is also corruption and lack of proper enforcement of laws are also fueling the issue. However, the trafficking victims are experiencing the consequences and diseases, it's also becoming difficult for them to get back into society due to social taboos. However, the laws and strategies are not enough to prevent the crime and suggested regional cooperation and partnership among the countries through treaties and should increase public awareness to deal with the crime. Through this review the deficiencies in the research field have been given, and this study tries to fill those gaps.

## **1.5 Research Methodology**

Basically, this research is theoretical or descriptive research. Majority of the data has been collected from secondary resources. The information was collected from a variety of sources, including journal articles, books, newspapers etc. The approach taken for the research is qualitative analysis. The existing information is collected from the various sources to understand the concept, challenges, and present circumstances of trafficking of women and children in Bangladesh.

## **1.6 Research Limitations**

My research is based on the trends, and patterns regarding trafficking of women and children in Bangladesh. There are not enough data and case references regarding the topic. Due to the unavailability of data and case references, some aspects of the trafficking of women and children are not completed. Due to frequent blockades and strikes, it became difficult for me to go to the library to collect data regarding the topics. I have tried my best to gather authentic information regarding the topic and tried to reflect it in my research.

## **1.7 Chapter Outline**

Chapter 1 - This chapter is based on the concept and historical background of the trafficking of women and children in Bangladesh.

Chapter 2 - This chapter contains the definition of human trafficking, trafficking of women and children, and as well as impacts of trafficking.

Chapter 3 - This chapter contains an overview of legal frameworks regarding the trafficking of women and children.

Chapter 4 - This chapter contains information regarding current trends and patterns and a statistical overview of the trafficking of women and children.

Chapter 5 - This chapter contains information discussion and recommendations regarding the trafficking of women and children in Bangladesh.

Chapter 6 - Conclusion

## Chapter 2

### Conceptual Frameworks

#### 2.1 Defining Human Trafficking

In Bengali the word “trafficking” is called “*pachar*”. So generally, it means the transfer of people from one place to another place for financial gain. The term “*pachar*” is also used to refer to women and children.<sup>46</sup>

According to section 3 of the *Prevention and Suppression of Human Trafficking Act, 2012*:

“(1) When someone is sold, bought, recruited, or taken to another place, either inside or outside of the Bangladesh for the purpose of sexual exploitation, labor exploitation or any other form of exploitation or oppression by means of:

- (a) threat or use of force, or
- (b) deception or taking advantage of someone’s socio-economic or environmental or other types of weakness, or and
- (c) paying or receiving money for obtaining someone’s consent and having control over them.

(2) If the victim is a child, it does not matter if any of the means of committing the offense mentioned in clause (a) to (c) of sub-section are used or not.

Explanation: If any person induces another person through fraud to move to another place for work with the knowledge that, he/she would be exploited for forced labor or any form of exploitation mentioned in section 2(15) shall be considered as human trafficking according to (1).”<sup>47</sup>

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<sup>46</sup> Rukhsana Gazi, Ziaul Haque Chowdhury, SM Nurul Alam, Elma Chowdhury, Faiz Ahmed, Suraiya Begum, ‘Trafficking of Women and Children in Bangladesh: An Overview’ (January 2001) 2. [https://www.researchgate.net/profile/Rukhsana-Gazi/publication/345008182\\_Trafficking\\_of\\_women\\_and\\_children\\_in\\_Bangladesh\\_An\\_Overview/links/5f9c26c9a6fdccfd7b8ab103/Trafficking-of-women-and-children-in-Bangladesh-An-Overview.pdf](https://www.researchgate.net/profile/Rukhsana-Gazi/publication/345008182_Trafficking_of_women_and_children_in_Bangladesh_An_Overview/links/5f9c26c9a6fdccfd7b8ab103/Trafficking-of-women-and-children-in-Bangladesh-An-Overview.pdf) (accessed on 1 November 2023).

<sup>47</sup> ‘Prevention and Suppression of Human Trafficking Act 2012’ s 3. <https://www.refworld.org/pdfid/543f75664.pdf> (accessed on 1 November 2023).

According to article 3 of the “*Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and children, Supplementing United Nation Convention against Transnational Organized Crime, 2000*,” Trafficking in person refers to the act of recruiting, transporting, transferring, harboring, or receiving individuals by using threat, force, coercion, abduction, deceit, abuse of power, or exploiting the individuals by taking advantage of their weakness.<sup>48</sup> It also includes paying or receiving money or benefits to get someone's agreement when they have control over another person, with the intention of exploiting them.<sup>49</sup> Exploiting shall include things like forced labor, sexual exploitation, slavery, or removing organs.<sup>50</sup>

## 2.2 Trafficking in Women and Children

In Bengali, the phrase “*nari o shishu pachar*” refers to illegal transfer of women and children from one place to another.<sup>51</sup>

The countries of the South Asian Association for Regional Cooperation (SAARC) approved a definition in their Convention for stopping and fighting against trafficking in women and children.<sup>52</sup> However, a meeting was organized by the Resistance Network in Bangladesh in August 1999, and proposed a suggestion for changes in their convention. The proposed definitions are given below:<sup>53</sup>

By including acts like procurement, transportation, deception, and forced movement if someone transfers any women without her consent either within or outside the country, by using fraud, threats, or deceit to exploit them for doing forced prostitution, forced marriage, bonded labor, begging, organ trade shall be considered as trafficking in women.<sup>54</sup>

Similar to the definition of trafficking of women;

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<sup>48</sup> United Nation Human Rights Office of The High Commissioner, ‘Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and children, Supplementing United Nation Convention against Transnational Organized Crime, 2000’. <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons> (accessed on 1 November 2023).

<sup>49</sup> Ibid.

<sup>50</sup> Ibid.

<sup>51</sup> Md Ruhul Amin, Md. Rashidul Islam Sheikh, ‘Trafficking Women and Children in Bangladesh: A Silent Tsunami of Bangladesh’ (2011) 203. <https://core.ac.uk/download/pdf/234645455.pdf> (accessed on 2 November 2023).

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

By including acts like procurement, transportation, deception, and forced movement if someone transfers any children without his/her consent either within or outside the country, by using fraud, threats, or deceit to exploit them for doing forced prostitution, forced marriage, bonded labor, begging, organ trade shall be considered as trafficking in children.<sup>55</sup>

According to Bangladesh National Women's Lawyers Association (BNWLA): by including like recruitment or transportation of a woman or child for employment or labor purpose either inside or outside of the country by using violence, threats of violence, abuse of authority or a dominant position, bonded labor, fraud, or other coercive methods shall be considered as trafficking of women and children.<sup>56</sup>

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<sup>55</sup> Ibid.

<sup>56</sup> Ibid.



## Chapter 3

# Legal and Institutional Frameworks for Combating Trafficking of Women and Children

### 3.1 National Frameworks

**3.1.1 The Constitution of Bangladesh:** The Constitution of Bangladesh ensures that all the citizens in the country will have a society governed by the rule of law, basic human rights, fairness and equality, and prohibit any form of exploitation.<sup>57</sup> It also allows the government to create special provisions to help women and children under article 28.<sup>58</sup> Furthermore, article 34 forbids all forms of forced labor and violating the provision shall be considered as crime.<sup>59</sup> Lastly, article 35 ensures that no one can torture or treat any citizen of Bangladesh violently, inhumanely, or disrespectfully.<sup>60</sup>

**3.1.2 The Penal Code, 1860:** The Penal Code, 1860 does not directly address trafficking of women and children. Nevertheless, it provides provisions against slavery, sale, and purchase of children to exploit them for illegal purposes, forced labor, and illegal detention which are broadly applicable to trafficking cases and the provisions can be used for punishing various crimes. Section 364A, ensures that whoever kidnaps any child under 10 years old for enslaving him or her to lust of another person shall be given death penalty or rigorous imprisonment which may extend to 14 years.<sup>61</sup> Section 367 ensures that whoever kidnap or abduct any person with the intent to grievous hurt, or slavery, or to the unnatural lust of any person shall be given imprisonment which may extend to 10 years and also be liable to fine.<sup>62</sup>

However, section 370 ensures that whoever export, import, buy, and sell any person for slavery against him or her will be punished with imprisonment which may extend to 7 years and shall also

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<sup>57</sup> Ibid.

<sup>58</sup> The Constitution of the People's Republic of Bangladesh (ACT NO. OF 1972), art 28. <http://bdlaws.minlaw.gov.bd/act-367/section-24576.html> (accessed on 9 November 2023).

<sup>59</sup> Ibid, art 34.

<sup>60</sup> Ibid, art 35.

<sup>61</sup> The Penal Code, 1860 (ACT NO, XLV of 1860), sec 364A. <http://bdlaws.minlaw.gov.bd/act-11/section-3218.html> (accessed on 9 November 2023).

<sup>62</sup> Ibid, sec 367.

be liable to fine.<sup>63</sup> Furthermore, section 366A says that whoever induces, force or convince any girl under 18 years old to have illicit intercourse with someone else shall be punished with 10 years' imprisonment and also be liable to fine.<sup>64</sup> Finally, section 366B says that if any person imports any girl under 21 years old in Bangladesh and induce, force, or convince her to have illicit intercourse with someone else shall be punished with imprisonment of 10 years and also be liable to fine.<sup>65</sup>

**3.1.3 The Prevention and Suppression of Human Trafficking Act, 2012:** Bangladesh passed its first anti-trafficking law named as “*The Prevention and Suppression of Human Trafficking Act, 2012*” which includes labor trafficking. The law establishes strong rules to stop trafficking, prosecuting the traffickers, and also protecting the victims of trafficking.<sup>66</sup> Section 6 of the act specifies the harsh penalty which is life imprisonment or at least 5 years imprisonment with the financial penalty amounting 50,000 taka (fifty thousand) for committing the trafficking offense.<sup>67</sup> Section 7 specifies the penalty which is death penalty or life imprisonment or at least 7 years imprisonment with financial penalty amounting 500,000 taka (fifty thousand) for more than one offender who commits the offense jointly.<sup>68</sup> Besides, section 9 ensures that sex and labor trafficking are illegal, with the punishment of 12 years imprisonment or at least 5 years imprisonment and liable to fine which is 50,000 taka (fifty thousand).<sup>69</sup>

However, section 11 ensures a penalty for forced or enticed prostitution which is 7 years imprisonment or at least 5 years imprisonment with 50,000 taka (fifty thousand) fine.<sup>70</sup> Furthermore, the Act also established ‘The Prevention and Suppression of Human Trafficking Tribunal, for speedy trial, and taking effective measures for safeguarding the victims of trafficking of women and children in chapter 4 of the Act.<sup>71</sup> According to section 46, read with the section 42 and 43, the Act established three rules for penalizing the offenders and protecting the victims and their families, which are “*The Prevention and Suppression of Human Trafficking Rules, 2017*”,

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<sup>63</sup> Ibid, sec 370.

<sup>64</sup> Ibid, sec 366A.

<sup>65</sup> Ibid, sec 366B.

<sup>66</sup> Ara (n 25), 136.

<sup>67</sup> The Prevention and Suppression of Human Trafficking Act, 2012 (ACT NO, III of 2012) sec 6. <http://bdlaws.minlaw.gov.bd/act-1086/section-41711.html> (accessed on 10 November, 2023).

<sup>68</sup> Ibid, sec 7.

<sup>69</sup> Ibid, sec 9.

<sup>70</sup> Ibid, sec 11.

<sup>71</sup> Ibid, chapter 4.

“*The Human Trafficking Prevention Fund Rules 2017*”, and the “*National Anti-Human-Trafficking Authority Rules, 2017*”.<sup>72</sup>

**3.1.4 The Children Act, 2013:** In 2013, Bangladesh made a new legislation for providing help to around 70 million kids, repealing the Children Act, 1974. The preamble of the Act is known as the ‘*Shishu Ain, 2013*’ which was enacted for implementing the United Nations Convention on the Rights of the Child (UNCRC).<sup>73</sup> The Act ensures the establishment of ‘Juvenile Courts’ for solving the children's conflict. The Act provides that at least one court shall be established in every district headquarter and in every metropolitan area which shall be known as ‘Children Court’.<sup>74</sup> However, it also ensures the punishment for several types of crimes against children such as brutality, begging, giving harmful drugs and drinks, exploitation, tempting a child to work in a brothel, inciting seduction etc.<sup>75</sup> Furthermore, section 77 of the Act, specifies the punishment for a person who allows a child older than four years to live in or often visit a brothel shall be punished with imprisonment which may extend to 2 years or fine up to 50,000 taka (fifty thousand).<sup>76</sup>

**3.1.5 The Passport (Offences) Act, 1952:** The Act, specifies the punishment for making a fake passport or making false declaration on a passport application is a criminal offense and shall be punished with imprisonment which may extend to 2 years or with fine or with both.<sup>77</sup>

**3.1.6 The Bangladesh Passport Order, 1973:** According to section 6 (d), if anyone is convicted of any offense in Bangladesh or strongly suspected to be involved in smuggling, trafficking of women and slaves, or any other, illegal activities the person might not be given a passport.

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<sup>72</sup> ‘The Prevention and Suppression of Human Trafficking Rules, 2017’, ‘The Human Trafficking Prevention Fund Rules 2017’, and the ‘National Anti-Human-Trafficking Authority Rules, 2017’. <https://www.refworld.org/docid/5d4a92817.html>, <https://www.refworld.org/pdfid/5d4a91754.pdf>, <https://www.refworld.org/pdfid/5d4a942b7.pdf> (accessed on 10 November 2023).

<sup>73</sup> Justice M Imman Ali, ‘Justice for Children in Bangladesh: A Brief Commentary on the Children Act 2013’ (September 2014) 7. <https://www.blast.org.bd/content/publications/The-Children-Act%202013.pdf> (accessed on 10 November, 2023).

<sup>74</sup> Ibid, 12.

<sup>75</sup> Ara (n 25), 137.

<sup>76</sup> The Children Act, 2013 (ACT NO, XXIV of 2013) sec 77. <http://bdlaws.minlaw.gov.bd/act-1119/section-42789.html> (accessed on 10 November 2023).

<sup>77</sup> The Passport (Offences) Act, 1952 (ACT NO, LVI of 1952) sec 3 (1). [http://bdlaws.minlaw.gov.bd/act-details-252.html#:~:text=\(%20ACT%20NO.,LVI%20OF%201952%20\)&text=L..come%20into%20force%20at%20once](http://bdlaws.minlaw.gov.bd/act-details-252.html#:~:text=(%20ACT%20NO.,LVI%20OF%201952%20)&text=L..come%20into%20force%20at%20once) (accessed on 10 November 2023).

However, section 3 ensures that no person shall depart or attempt to depart from Bangladesh without a valid passport.<sup>78</sup>

**3.1.7 The Bangladesh Labor Code, 2006:** Section 34 of the Act, restricted the adolescent to work under any industry or company. Additionally, section 284 specifies that whoever employs any child or adolescent shall be punishable with a fine of taka 5000 (five thousand). However, section 35 prohibits any parent or guardian from making any contract for child to work under any person, and section 285 specifies the punishment for making any contract for child by any parent or guardian which is 1000 taka (one thousand) fine.<sup>79</sup>

## 3.2 International Frameworks

The United Nation and international community are really concerned about discrimination and exploitation of women and children, and they agreed to provide protection through several Declarations and Conventions approved by numerous countries.<sup>80</sup> Bangladesh also approved various United Nations Declarations and Conventions for protecting the rights of women and children including trafficking.<sup>81</sup> The relevant Conventions and anti-trafficking statutes are given below.

**3.2.1 Forced Labor Convention, 1930 (International Labor Organization):** Article 25 declares forced and compulsory labor illegal and punishable offense and the members who approved this Convention must ensure that penalties for this offense shall be strictly enforced.<sup>82</sup>

**3.2.2 The Universal Declaration of Human Rights (UDHR), 1948:** Article 4 of UDHR declares that no one shall be subjected to slavery and the article prohibits all forms of slavery and trading of slaves.<sup>83</sup>

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<sup>78</sup> The Bangladesh Passport Order, 1973 (PRESIDENT'S ORDER NO 9 of 1973) sec 3 and 6 (d). <http://bdlaws.minlaw.gov.bd/act-details-445.html> (accessed on 10 November 2023).

<sup>79</sup> The Bangladesh Labor Code, 2006 (ACT NO, XLII of 2006) sec 34,35,284, and 285. [file:///C:/Users/user/Downloads/BGD76402%20Eng%20\(1\).pdf](file:///C:/Users/user/Downloads/BGD76402%20Eng%20(1).pdf) (accessed on 10 November 2023).

<sup>80</sup> Ara (n 25), 138.

<sup>81</sup> Ibid.

<sup>82</sup> ILO, Forced Labor Convention, 1930 (NO. 29) art 25. [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C029](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029) (accessed on 11 November 2023).

<sup>83</sup> The Universal Declaration of Human Rights, 1948, art 4. <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (accessed on 11 November 2023).

**3.2.3 Convention for the Suppression of Traffic in Persons and of the Exploitations of the Prostitution of Others, 1949 (UN):** Article 1 ensures to penalize a person who induces someone else to do prostitution with her consent and taking advantage of any person involved with prostitution even if she gives consent.<sup>84</sup> However, article 2 ensures to penalize a person who owns or knowingly finances a brothel or knowingly rents a building or a space for running a brothel.<sup>85</sup>

**3.2.4 Convention on the Rights of the Child, 1989:** Article 34 of this Convention ensures that States parties shall take effective measures to protect a child from engaging in any illegal sexual activities, or sexual practices, or any pornographic performances.<sup>86</sup>

**3.2.5 Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979:** The state parties are required by this Convention to take national action to eliminate every form of discrimination against women. Furthermore, it enables us to take the necessary steps to combat women's trafficking and prostitution.<sup>87</sup>

**3.2.6 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990:** The State parties are bound by this Convention to protect the rights of immigrants and their families from harassment, threats, and physical abuse.<sup>88</sup>

**3.2.7 The Beijing Declaration and the Platform for Action, 1995:** The Platform for Action requests that all State parties implement effective steps, like changing legislation to penalize traffickers and addressing the root causes of the problem that leads to the trafficking of women and girls for sex work, prostitution, and slavery.<sup>89</sup>

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<sup>84</sup> Convention for the Suppression of Traffic in Persons and of the Exploitations of the Prostitution of Others, 1949 (UN), art 1. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-suppression-traffic-persons-and-exploitation> (accessed on 12 November 2023).

<sup>85</sup> Ibid, art 2.

<sup>86</sup> Convention on the Rights of the Child, 1989, art 34. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> (accessed on 12 November 2023).

<sup>87</sup> Ara (n 25), 138.

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

### 3.3 Regional Frameworks

Several preventive measures have been taken by South Asia to combat trafficking of women and children which include regional plans, and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000.<sup>90</sup>

*The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000*; the convention is trying to fight trafficking of women and children and inspiring the countries in South Asia for working together to stop the crime, also focusing on rehabilitating the trafficking victims.<sup>91</sup> Specially article 1, of the convention ensures to prohibit any children from being sold, or used for the purpose of prostitution, or used in child pornography.<sup>92</sup>

The Bangkok Accord and Plan of Action was adopted for fighting trafficking in women in a meeting which assembled by United Nation Economic and Social Commission for Asia and the Pacific in 1998, where it has been proposed that each country to take several activities to stop trafficking, protect victims and penalize the traffickers at national, regional, and sub-regional level.<sup>93</sup> It is suggested to do particular activities at national level such as providing medical and mental treatment for trafficking victims, penalizing the traffickers, bringing victims to their home etc.<sup>94</sup> It also suggested doing particular activities at regional and sub-regional level which includes making bilateral treaties and plans to combat trafficking, forming special task forces, forming rehabilitation centers etc.<sup>95</sup>

### 3.4 Institutional Frameworks

The Ministry of Home Affairs is working together with different governmental departments, INGO and NGO to stop trafficking of women and children. They played an effective role in creating ‘The

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<sup>90</sup> Asian Development Bank, ‘Combating Trafficking of Women and Children in South Asia’ (published, April 2003) 81. <https://www.adb.org/sites/default/files/publication/30364/combating-trafficking-south-asia-paper.pdf> (accessed on 12 November 2023).

<sup>91</sup> Ara (n 25), 138.

<sup>92</sup> Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000, art 1. <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-rights-child-sale-children-child> (accessed on 12 November 2023).

<sup>93</sup> Asian Development Bank (n 122), 82.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

Prevention and Suppression of Human Trafficking Act, 2012' and created three rules under this Act for enforcing the law and punishing the offenders.<sup>96</sup> The rules have been mentioned above on national frameworks. The other organizations and law enforcement agencies under government working to combat trafficking of women and children are given below:

**3.4.1 Bangladesh Police:** Bangladesh police is taking different action to prevent trafficking of women and children such as:

- Enforcement of “*The Prevention and Suppression of Human Trafficking Act, 2012*”.<sup>97</sup>
- Zero tolerance against trafficking of women and children.<sup>98</sup>
- Issuing FIR, conducting investigation, arresting the criminals regarding the crime.<sup>99</sup>
- Operating District Monitoring cell in each district, which consists of three members and headed by Additional Superintendents to Police.<sup>100</sup>
- Collecting information about traffickers from their confidential sources, and continuously tracking the movement of traffickers.<sup>101</sup>

**3.4.2 Rapid Action Battalion (RAB):** RAB is playing important roles on behalf of the government to combat trafficking of women and children. The preventive measures RAB is taking are given below:

- RAB is immediately helping the trafficking victims and conducting numerous operations against trafficking and arresting lots of criminals and illegal migrants regarding the crime.<sup>102</sup>
- RAB is performing numerous numbers of mobile court operations to stop the unlawful actions of unregistered agencies.<sup>103</sup>

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<sup>96</sup> Ministry of Home Affairs Government of the People’s Republic of Bangladesh, Bangladesh Country Report, 2018 Combating Human Trafficking (published, July 2018) 5. [https://mhapsd.portal.gov.bd/sites/default/files/files/mhapsd.portal.gov.bd/annual\\_reports/0cc28f8e\\_1dcf\\_4b4e\\_9a3\\_8\\_264aaa42510c/Final%20%20Country%20Report%202018%20%2018.12.19%20\(2\).pdf](https://mhapsd.portal.gov.bd/sites/default/files/files/mhapsd.portal.gov.bd/annual_reports/0cc28f8e_1dcf_4b4e_9a3_8_264aaa42510c/Final%20%20Country%20Report%202018%20%2018.12.19%20(2).pdf) (accessed on 13 November 2023).

<sup>97</sup> Ibid, 9.

<sup>98</sup> Ibid, 6.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid, 14.

<sup>103</sup> Ibid.

- RAB often organizes events to increase awareness regarding trafficking. Recently they arranged a seminar on safe migration along with the Ministry of Home Affairs, local and international NGOs, and Bangladesh Association of International Recruiting Agencies etc.<sup>104</sup>

**3.4.3 Border Guard Bangladesh (BGB):** Bangladesh shares its border with two countries who are India and Myanmar. Due to attachment of rivers, forests, and hills in borders creating chances for unlawful activities such as smuggling of drugs, human trafficking etc.<sup>105</sup> However, BGB is responsible for protecting the borders, they rescue the victims and arrest the traffickers within the border areas. They also arrange public awareness programs to stop trafficking.<sup>106</sup> To prevent the crime BGB members received 1,951 motor vehicles.<sup>107</sup> They also conduct joint operations along with BSF and BGP to combat the crime.<sup>108</sup> They have conducted around 20,490 joint operations in 2018.<sup>109</sup>

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<sup>104</sup> Ibid.

<sup>105</sup> Ibid, 16.

<sup>106</sup> Ibid.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.



## Chapter 4

### Analyzing Current Trends of Trafficking of Women and Children

#### 4.1 Explaining Types of Victims

In Bangladesh trafficking of women and children is a serious crime. There are numerous women and children who are facing the crime as victims. Traffickers are operating the crime from rural areas, where there are several uneducated people who know nothing about the crime. However financial difficulties are also a prominent cause of the crime. Traffickers take unfair advantage of their obstacles and induce them by showing financial benefits for migrating them to other countries. Most of them are young girls and children. The current trends and patterns regarding crime are given in the following discussion.

Firstly, there are three types of victims regarding the crime:

**4.1.1 Women:** There are significant numbers of women becoming the victims of trafficking both within the country and abroad for the purpose of sexual exploitation.<sup>110</sup> Research shows the women who are getting divorce or separation from their family are at higher risk of being victims of trafficking, because separation makes them more vulnerable and traffickers see great opportunity to take unfair advantage to exploit them.<sup>111</sup> Women who are being trafficked within Bangladesh may be trafficked for sexual exploitation on numerous places such as street, brothel and restaurant.<sup>112</sup> Women who are being trafficked outside of the Bangladesh such as in India, are mainly exploited for doing sex work within brothel.<sup>113</sup> Women are also being exploited for the purpose of forced labor or as domestic slavery.<sup>114</sup> Due to few administrative restrictions women face trafficking and traffickers may target young women for exploitation purposes.<sup>115</sup> Sometimes traffickers make some young girls believe that they are in love and induce the girls to run away

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<sup>110</sup> Mr. Masud Ali, Mr. Md Golam Sarwar, 'First National Study on Trafficking in Person in Bangladesh (UNODC)' (2022) 28. <https://respect.international/wp-content/uploads/2022/11/First-National-Study-on-Trafficking-in-Persons-in-Bangladesh.pdf> (accessed on 20 November 2023).

<sup>111</sup> Ibid.

<sup>112</sup> Ibid.

<sup>113</sup> Rosy (n 46), 917-918.

<sup>114</sup> Ali (n 146), 29.

<sup>115</sup> Ibid.

together.<sup>116</sup> The girls think that they will have a happy married life and due to the reason they leave their family. However, they are taken to India or many other countries for the purpose of exploitation.<sup>117</sup>

There is a **case study** regarding love marriage:<sup>118</sup> Abdul (32 years old) is a close friend of Helal who lives in Hakimpur, India. He frequently comes to Bangladesh to take women and children to India. He suggested Abdul to quit smuggling. Instead of smuggling Helal offered Abdul a large amount of money, so that he would help Helal in the trafficking business. He proposed the Helal taka 30,000 (thirty thousand) for finding a young girl. He agreed with Helal's proposal and planned together to traffic a girl named Nasima. Abdul made Nasima believe that he is in love with her and proposed to her for marriage. He deceived her with false promises and trafficked her to India.

There is another **case study** regarding the love marriage:<sup>119</sup> Jahanara (16 years old) from Magurkhali village in Keshabpur. She belongs to a poor family and her father was sick and unable to work. She started to work as a housemaid in Jessore, where she met a hotel boy and fell in love with him. She was told by the boy that they would go to India together, where he would find a job. They first crossed the Benapole border and shifted to Bongaon, India. After shifting in India, they changed places and went to Darjeeling, where they got married. They stayed in a hotel, where some strangers came to meet her husband. The next day the stranger came back again and told her that they were sent by her husband to take her with them. She made an inquiry of her husband, and they told her that her husband went to buy a ticket for leaving the city. Finally, she realized that she was trapped by her husband. At midnight when the strangers (traffickers) were in sleep, she managed to escape and somehow returned to Bangladesh though Kolkata.

Kidnapping is also a big reason for trafficking, which can happen through deceit or force.<sup>120</sup> There is a **case study** regarding kidnapping:<sup>121</sup> A young woman named Teresa Shuely Rozario (19 years

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<sup>116</sup> Nasrin Khandaker, "Study on Girls, Women and Children Trafficking in Bangladesh" [June 2023] 95. <https://www.jetir.org/papers/JETIR2306608.pdf> (accessed on 20 November 2023).

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Gazi (n 50), 25.

<sup>121</sup> Agenzia Fides, "ASIA/BANGLADESH - Catholic women kidnapped by human traffickers: alarm of the Church" (4 April 2019). [http://www.fides.org/en/news/65833-ASIA\\_BANGLADESH\\_Catholic\\_women\\_kidnapped\\_by\\_human\\_traffickers\\_alarm\\_of\\_the\\_Church](http://www.fides.org/en/news/65833-ASIA_BANGLADESH_Catholic_women_kidnapped_by_human_traffickers_alarm_of_the_Church) (accessed on 20 November 2023).

old) was kidnapped by human traffickers. She disappeared on 22 March 2019. However, other women named Ranjita Das and her three years old daughter were also kidnapped. They were rescued on 27 March 2019. They are all part of a Catholic Church in Bopara, Natore. Shuely Rozario's father informed police and they believed that she was kidnapped by traffickers. Ranjita Das who had a similar experience informed that she was approached by two women who promised her a government-funded house-building plan but ended up being kidnapped. She was detained by a man named Athur Rahman Hasan and he falsely declared himself as a member of the local government.

Bangladesh is a highly populated country where unemployment is a common issue. Due to the issue traffickers find a large opportunity for trafficking women from Bangladesh to other countries. There is a **case study** regarding the unemployment issue:<sup>122</sup> Manowara khatun (16 years old), Mazeda (19 years old), and Khatun (14 years old) were taken from the village named Mrigedanga, Shatkhira. They were tempted by a trafficker named Jahanara. However, Jahanara offered them a good job, marriage, and better life in India. They accepted her offer and went to India and never came back to their village. The villagers doubted that they were traded in brothels or trafficking gangs in India.

**4.1.2 Children:** Traffickers may concentrate on children which includes both boys and girls.<sup>123</sup> Traffickers often use their family's economic problems to victimize them. Their parents face pressure due to low income and forced their children to work in exploitative labor situations for securing their income. Sometimes children have to move from their village to the city alone to search for a job and are often targeted by the traffickers.<sup>124</sup> Research shows that the trafficker often targets children under 12 years of age who do not have proper adult supervision.<sup>125</sup> Trafficker's target both boys and girls for the purpose of forced labor and as well as bonded labor.<sup>126</sup> They are at high risk of becoming victims of trafficking because their households rely on the advance sale of labor. Due to this, their parents have to sell their children's work in advance. They must work hard until their parents pay off the advance. Research shows that children who are under 15 years

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<sup>122</sup> Gazi (n 50), 23.

<sup>123</sup> Ali (n 146), 28.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid, 29.

<sup>126</sup> Ibid.

of age are becoming victims of trafficking with advanced payment methods and they must particularly work in the fishing industry, cargo loading, operating fixed bag nets, and drying fish etc.<sup>127</sup>

According to a ‘survey children’, working in the fishing industry are generally recruited from Borguna, Patuakhali, Chittagong and Cox’s bazar.<sup>128</sup> According to recent study traffickers target girls for sexual exploitation and estimated 2% of women and girls aged under 12 to 30 years old are being victims of sexual exploitation.<sup>129</sup> Most of them are teenagers between 13 and 17 years old.<sup>130</sup> However, Traffickers often send young women and children abroad for the purpose of sexual exploitation. According to research more than 700 teenage girls and young women who are between 16 to 25 years old are being forced by the traffickers for the purpose of sexual exploitation.<sup>131</sup> However, there are also Rohingya camps which make it easier to institute the crime. About one million Rohingya people live in different camps in Bangladesh situated near the Burma border.<sup>132</sup>

The government of Bangladesh specified limitations for schooling and local jobs for Rohingyas. Due to this reason, they try to move to another place for a job by using irregular channels which creates a big opportunity for traffickers to institute the crime.<sup>133</sup> Traffickers often transport Rohingya people within Bangladesh and also outside of Bangladesh such as India, Nepal, Malaysia by using fake promises of job and marriage and some traffickers trade young girls through the internet.<sup>134</sup> However, some local trafficking organizations induce Rohingya girls and children for the purpose of providing jobs and trading them for financial gain.<sup>135</sup> Furthermore, some Bangladeshi officials are helping the traffickers to make regular access to the camps, which make

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<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid.

<sup>132</sup> U.S. Department of State, ‘2023 Trafficking in Persons Report: Bangladesh’. <https://www.state.gov/reports/2023-trafficking-in-persons-report/bangladesh/#:~:text=Child%20sex%20trafficking%20remained%20widespread,women%20fled%20abusive%20child%20marriages> (accessed on 27 November 2023).

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

it easier for traffickers to institute the crime.<sup>136</sup> In the case of boys, most of them are targeted by the traffickers for bonded labor.<sup>137</sup>

There is **case study**.<sup>138</sup> Sumi is 11 years of age, daughter of Moharuddin lived in a village named Khanbari in Mymensingh district. Her father is a day laborer, and she has seven brothers and sisters. She is the youngest among them She came to Dhaka to search for a job but did not get any job. She was aimlessly roaming at Komolapur Railway Station, a woman took her home and told her to find a job. The woman traded her for money at a brothel in Dhaka. She is only allowed to go to see her parents once in seven months but on condition that she must come back to the brothel after the visit.

A news report by “The Daily Star” which reported that, “a trawler was containing some Rohingya refugees sunk off the coast of Teknaf, Cox’s Bazar. The refugees were trapped into some local trafficker’s scheme who were sent to Malaysia. During the trip at least four women including a child died according to the report by MD. Delwar, who works with Bangladesh Coast Guard. According to a survivor, some Majhis along with some Bangladeshi agents recruit young people from camps and the recruited people given them 4.34 lakh (four-point three four lac taka) taka for their migration purpose”<sup>139</sup>

## 4.2 Forms of Exploitation

Particularly there are two types of exploitations given below:

**4.2.1 Forced Labor:** Forced labor means making someone work against his or her will or being treated unfairly in jobs. However, the jobs include fishing industry, agriculture (tea plantation), construction and domestic workers jobs etc.<sup>140</sup> Generally, forced labor in Bangladesh involves doing hard and physically demanding work.<sup>141</sup> According to civil society organizations working along the Bangladesh-India border areas, men are often being victimized by forced labor for

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<sup>136</sup> Ibid.

<sup>137</sup> Ali (n 146), 29.

<sup>138</sup> Khandaker (n 152), 97.

<sup>139</sup> The Daily Star, “Human Trafficking: Four Rohingya Dies as Boat Sink of Teknaf” (5 October 2022). <https://www.thedailystar.net/news/trafficking/news/human-trafficking-4-rohingyas-die-boat-sinks-teknaf-3135221> (accessed on 27 November 2023).

<sup>140</sup> Ali (n 146), 32.

<sup>141</sup> Ibid.

working in the steel manufacturing industry.<sup>142</sup> However, workers who are working in tea gardens encounter low wages problems, overtime duty without payment, and having no employment contracts which make it vulnerable for workers to survive.<sup>143</sup> Reports also show that the domestic workers in tea gardens are also becoming the subject of law and may experience several kinds of abuse.<sup>144</sup> Sometimes people can be victims of trafficking for domestic work, but most people choose domestic work willfully due to the job crisis.<sup>145</sup>

However, in case of trafficking, the majority of victims have been deceived by marriage proposals and after completing marriage the victims are forced to do domestic work and become the servant.<sup>146</sup> Sometimes, people are also trafficked domestically for the purpose of forced labor in the ship-breaking industry.<sup>147</sup> However, 40,000 (forty thousand) men are working on ship-breaking yards situated in the coastal area of Chittagong and around 200,000 (two lakh) businesses are connected to ship-breaking industries and which includes many risky chemicals and workers do not get enough training or safety gear while working in the industry. However, around hundreds of workers get injured every year and do not get any compensation or healthcare.<sup>148</sup>

**4.2.2 Commercial Sexual Exploitation:** In Bangladesh, prostitution become legal since 2000, although exact or reliable numbers are not available. However, some campaigners say that there are about 200,000 (two lakh) sex workers in Bangladesh.<sup>149</sup> They often work in brothels or do street prostitution in red light areas. Women who are financially weak and do not get enough job opportunities, willfully choose the profession.<sup>150</sup> Some women may be sold against their will or tricked into this work without knowledge by their husband due to economic need.<sup>151</sup> However, sometimes women get tricked by their boyfriend by a fake marriage promise. They run away with their boyfriend and are taken to another place for selling them to a brothel.<sup>152</sup>

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<sup>142</sup> Ibid.

<sup>143</sup> Murray (n 179), 11.

<sup>144</sup> Ibid.

<sup>145</sup> Ibid, 15.

<sup>146</sup> Ibid.

<sup>147</sup> Ali (n 146), 29.

<sup>148</sup> Murray (n 179), 19.

<sup>149</sup> Ibid.

<sup>150</sup> Ibid.

<sup>151</sup> Ibid.

<sup>152</sup> Ibid.

Sometimes traffickers send women and children abroad by deception, for sexual exploitation.<sup>153</sup> However, victims are being sent to India for work in dance beach resorts, as well as sexually exploited in dance bars in Dheli and Mumbai. Similarly, some women and children are being sent to the Middle East where they are being recruited for sexual exploitation in hotels.<sup>154</sup> The individuals who forced women and children to do sex work, they often use physical and sexual violence, drugs, threat for controlling them.<sup>155</sup> Some government officials and police are directly involved with the crime in Bangladesh.<sup>156</sup> A study shows that approximately 58% (fifty eight percent) sex workers facing violence while working with police and inflicting highest level of torture.<sup>157</sup> Police torture involves taking money from the sex workers, demand free sex, harassment and as well as unwanted arrest.<sup>158</sup> However, the study also shows that more than 30% (thirty percent) of businesses regarding the sex work are controlled by the police.<sup>159</sup>

### 4.3 Statistics of Trafficking

In Bangladesh, most of the victims of trafficking are women and children, who are usually being victims of trafficking for forced labor and sexual exploitation. According to a Bangladesh government report, there were 1,111 victims including 443 children found in 2020.<sup>160</sup> However, the government identified 235 traffickers from 2018 to 2020 and imprisoned them at least three years to life imprisonment.<sup>161</sup> Research shows that around 300,000 Bangladeshi children have been traded to brothels in India according to UNIFEM (United Nations Development Fund for women).<sup>162</sup> The research also shows that around 13,220 children were taken out of Bangladesh over past years for trafficking purposes and only 4,700 were rescued.<sup>163</sup> It also indicates that around 4,500 women and children were taken to Pakistan every year for trafficking purposes.<sup>164</sup>

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<sup>153</sup> Ali (n 146), 33.

<sup>154</sup> Ibid.

<sup>155</sup> AKM Ahsan Ullah, 'Prostitution in Bangladesh: An Empirical Profile of Sex Workers' (November 2005) 120. [\(https://vc.bridgew.edu/cgi/viewcontent.cgi?article=1437&context=jiws#:~:text=Nearly%2039%20per%20cent%20of,ones%20\(18%20per%20cent\)](https://vc.bridgew.edu/cgi/viewcontent.cgi?article=1437&context=jiws#:~:text=Nearly%2039%20per%20cent%20of,ones%20(18%20per%20cent)) (accessed on 28 November 2023).

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid.

<sup>160</sup> Khalid (n 34), 14-15.

<sup>161</sup> Ibid.

<sup>162</sup> Amin (n 55), 204.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.

Similarly, a research conducted by Nasrin Khandaker (Advocate of Supreme Court of Bangladesh) in 2023, which also indicates that over the past five years 13,220 children were taken out of Bangladesh.<sup>165</sup> However, an estimated 300,000 Bangladeshi children are working in brothels situated in India.<sup>166</sup> Additionally, an estimated 200,000 Bangladeshi children are working in brothels situated in Pakistan and 4,500 women and children were taken to Pakistan for trafficking purposes.<sup>167</sup>

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<sup>165</sup> Khandaker (n 152), 93.

<sup>166</sup> *Ibid.*

<sup>167</sup> *Ibid.*



## Chapter 5

### Discussions and Recommendations

#### 5.1 Discussions

According to “U.S. Department of State 2021 Trafficking in Person Report” the government of Bangladesh is working on enforcing laws and prosecuting the individuals who are making other individuals to work against their will and also collaborating with other countries to prevent trafficking of women and children in Bangladesh.<sup>168</sup> In 2012, “*The Prevention and Suppression of Human Trafficking Act*” declared sex and labor trafficking illegal.<sup>169</sup> It also penalizes the traffickers for 5 years imprisonment and 50,000 taka (fifty thousand taka) fine for committing the offense.<sup>170</sup> However, bonded labor is treated as a separate offense for which 5 to 12 years imprisonment and 50,000 taka (fifty thousand taka) fine have been declared.<sup>171</sup>

However, punishments for the crime are adequate and strong enough. The government is taking initiative and providing training and instruction to police by an anti-trafficking module at the police academy.<sup>172</sup> The government is also trying to provide training through international organizations and NGOs for judicial, immigration, and border officials.<sup>173</sup> The government inquired 384 cases under the “Preventions and Suppression of Human Trafficking Act” (including 138 cases continuing from the previous year).<sup>174</sup> The government has taken legal action against 517 individuals, between them 184 offenders were prosecuted for sex trafficking and 333 offenders were prosecuted for forced labor.<sup>175</sup>

“There is a case named *Abdul Gafur vs. Secretary, Ministry of Foreign Affairs Govt. of Bangladesh* [17 (1997) BLD (HCD)], in which a 15-year-old girl lives in Bangladesh was lost. Her family members discovered that she was kidnapped by the traffickers, and they sold her to

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<sup>168</sup> U.S. Department of State, ‘2021 Trafficking in Persons Report: Bangladesh’. <https://www.state.gov/reports/2021-trafficking-in-persons-report/> (accessed on 17 December 2023).

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

India. She was later rescued and currently lives in West Bengal. However, her father wrote to the government asking them to bring her back and lodged a writ petition before the honorable High Court Division seeking direction to the concerned government department to take quick action. This is an important cross-border trafficking case, arguing that the girl is entitled to protection under articles 27,31, and 32 of the Constitution. It suggested that if someone leaves their home country of their own will and is attracted by the promise of work and marriage, the responsibility of the Bangladesh government to help them remains. The Supreme Court of Bangladesh agreed and approved the reparation as a basic constitutional right, and the government must make sure that trafficked victims shall be brought back.”<sup>176</sup> This focuses on cross-border trafficking and argues that she is entitled to be protected under articles 27,31, and 32 of the Constitution. The case emphasizes that the government should help the people who leave their home country for marriage or work willingly and become victims of trafficking. The Supreme Court agreed with the approach and said that reparation is a basic constitutional right.

Bangladesh is trying hard to diminish trafficking through the ‘Prevention and Suppression of Human Trafficking Act, 2012’. By thinking about the victim's circumstances Bangladesh has agreed on several international conventions and treaties such as the ‘*Forced Labor Convention, 1930 (International Labor Organization)*’ and the ‘*Convention on the Rights of the Child, 1989*’ to combat trafficking. In Bangladesh, there are many enforcement agencies such as Bangladesh Police, Rapid Action Battalion (RAB), and BGB (Border Guard Bangladesh) are trying to diminish the crime through different strategies and implementing the laws. Many non-governmental Organizations including International Organization for Migration (IMO), United Nations Office on Drugs and Crime (UNODC), Save the Children, and BRAC are trying to spread awareness for uneducated people who know nothing about crime and also supporting the victims by giving them financial and mental support

According to a study, the Emigration Ordinance of 1982 is now being updated by the Ministry of Expatriate Welfare and Overseas Employment to implement more effective measures against the

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<sup>176</sup> Arif Ahmed, ‘Combating Sea-Routes Human Trafficking in Bangladesh: A Critical Analysis on Legal and Institutional Framework’ (2016) 978. [https://www.researchgate.net/publication/304781004\\_Combating\\_Sea-route\\_Human\\_Trafficking\\_in\\_Bangladesh\\_A\\_Critical\\_Analysis\\_on\\_Legal\\_and\\_Institutional\\_Framework](https://www.researchgate.net/publication/304781004_Combating_Sea-route_Human_Trafficking_in_Bangladesh_A_Critical_Analysis_on_Legal_and_Institutional_Framework) (accessed on 17 December 2023)

fraudulent and illegal recruitment of persons for labor reasons.<sup>177</sup> More arrests, prosecutions, and convictions have occurred in the past several years.<sup>178</sup> The police authority has made a criminal database using integrated software that contains information regarding trafficking crimes, prosecution, and criminals along with information on trafficking victims.”<sup>179</sup> In conclusion, the U.S. Department of State's 2021 Trafficking in Person report recognizes Bangladesh’s effort to enforce the law against trafficking and prosecute the criminals who are responsible for trafficking crime. Furthermore, Bangladesh collaborates with other countries to prevent the trafficking of women and children and also implemented the "Prevention and Suppression of Human Trafficking Act, 2012" to combat this offense. Additionally, the government has conducted successful training for law enforcement officials and agencies through both national and international initiatives. Furthermore, Bangladesh has passed laws and participated in global agreements to address human trafficking, while several non-governmental organizations are actively raising awareness and offering support.

## 5.2 Recommendations

1. **Tier 2 Watchlist:** Bangladesh encounters criticism regarding the crime. According to the United States Trafficking in Persons report included Bangladesh on Tier 2 Watchlist. The report suggested that Bangladesh is taking enough steps to combat the crime. Bangladesh needs to take strong action to combat the crime.

2. **Corruption:** There are several local politicians, governmental officials, and recruitment agencies who are indirectly connected with the crime. Due to this reason, the crime is increasing day by day. Appropriate investigation shall be conducted for the purpose identifying offenders working under governmental organizations. A study shows that approximately 58% (fifty eight percent) sex workers facing violence while working with police and inflicting highest level of torture.<sup>180</sup> Police torture involves taking money from the sex workers, demand free sex, harassment and as well as unwanted arrest.<sup>181</sup> However, the study also shows that more than 30% (thirty

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<sup>177</sup> Mohammad Barad Hossain Chowdhury, ‘TRAFFICKING IN PERSONS IN BANGLADESH’ [2013] 60. [https://www.unafei.or.jp/publications/pdf/RS\\_No89/No89\\_PA\\_Chowdhury.pdf](https://www.unafei.or.jp/publications/pdf/RS_No89/No89_PA_Chowdhury.pdf) (accessed on 21 December 2023).

<sup>178</sup> Ibid.

<sup>179</sup> Ibid.

<sup>180</sup> Ullah (n 200), 120.

<sup>181</sup> Ibid.

percent) of businesses regarding the sex work are controlled by the police.<sup>182</sup> However, the local politicians, government officials and law enforcement agencies who are directly involved with trafficking of women and children shall be prosecuted and given punishment under the existing laws in Bangladesh.

**3. Imposing Punishments:** There are some provisions in “*The Penal Code, 1860*” which includes weak penalties regarding the crime. Due to this reason, the offenders do not hesitate to perform the crime again. The provisions need to be reevaluated and ensure rigorous punishments to combat the crime.

**4. Speedy Trial:** Bangladesh is encountering difficulties to ensure speedy trial due to the multiplicity of cases. However, it is necessary to ensure speedy trial and effective implementation for the purpose of ensuring justice.

**5. Cross-border cooperation:** Trafficking in women and children is a serious global crime. When a victim is brought to another country by a trafficker, locating the victim becomes extremely difficult. Due to this reason, the cross-border countries need to conduct collaborative operations for combating the crime.

**6. Additional support for victims:** The existing laws in Bangladesh ensure penalties for offenders but no additional protection or support is mentioned for victims. However, additional support and rehabilitation for victims need to be ensured.

**7. Adequate Employments:** The primary reason for the trafficking of women and children is poverty and not enough employment for poor people. The traffickers are often taking advantage of their financial conditions and tempting them with attractive job schemes. However, they are tempted by the trafficker’s scheme and leave their home to seek jobs. As a result, they become the subject of trafficking. The government of Bangladesh must take effective steps to increase employment so that poor people can do jobs and secure their income.

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<sup>182</sup> Ibid.

## Chapter 6

### Conclusion

Human Trafficking is the violation of human rights. It's a profitable unlawful business that is occurring worldwide, which also involves Bangladesh. The causes behind the crime are the way society treats women, poverty, lack of awareness, corrupt government officials, and unfair practices of law enforcement agencies. However, the number of incidents related to the crime is increasing day by day. "The Anti-Trafficking Tribunals over the country are unsolved due to a lack of evidence and charge sheets that create opportunity for many traffickers to move freely."<sup>183</sup> Victims lose their trust in justice witnessing the small conviction rate of trafficking crimes.<sup>184</sup> The present circumstance of human trafficking in Bangladesh expresses that the existing laws are not sufficient to address the issue.<sup>185</sup> The people specifically those who are not underprivileged and easy targets of traffickers must be aware of the negative effects of trafficking.<sup>186</sup> Besides, these weak people must be informed about the strategies used by the criminals to induce them.<sup>187</sup> The Government of Bangladesh, law enforcement authorities, civil society members, and other stakeholders should work together to diminish crime in society.<sup>188</sup> Furthermore, international and regional cooperation shall be established to reduce the threat of human trafficking.<sup>189</sup>

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<sup>183</sup> Ara (n 25), 142-143.

<sup>184</sup> Ibid.

<sup>185</sup> Ibid.

<sup>186</sup> Ibid.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

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