

**Research Monograph**  
**on**  
**Trafficking Women and Children in Bangladesh:**  
**A Legal Analysis**



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## LETTER OF TRANSMITTAL

To

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Subject: Submission of research paper on **Trafficking Women and Children in Bangladesh: A Legal Analysis**

Revered Sir,

It is a gratification for me to put forward the Research Monograph on “**Trafficking Women and Children in Bangladesh: A Legal Analysis**” which is done for the partial fulfillment of the degree of Masters of laws. While doing this study, I have tried my best to maintain the required standard. I hope that this thesis will accomplish your expectation.

I, therefore, pray and Hope that you would be kind enough to this dissertation for evolution. I always available for any further clarification on any part of this research paper at your convenience.

Thank You

Sincerely Yours,

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## DECLARATION

It is hereby declared and affirmed that the Research Monograph titled “**Trafficking Women and Children in Bangladesh: A Legal Analysis**” is an original work done by me and the citations are taken with proper references.

The work I have presented does not breach any copyright.

I further undertake to indemnify the University against any loss or damage arising from a breach of the foregoing obligations.

Thank You.

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.....

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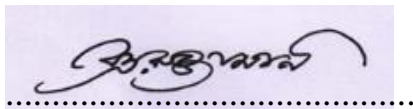
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## CERTIFICATION

This is to certify that the dissertation report on “**Trafficking Women and Children in Bangladesh: A Legal Analysis**” An Appraisal is done by Lima in partial fulfillment of the requirements for the degree of Law from the Daffodil International University. The dissertation report has been carried out under our guidance and as a record of the bona fide work carried out successfully.

Thank You



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## **TABLE OF CONTENTS**

<b>CONTENTS</b>	<b>PAGE</b>
Letter of Transmittal	ii
Declaration	iii
Certification	iv
Acknowledgment	v
Abbreviation	ix
<b>CHAPTER 1: INTRODUCTION</b>	<b>1-4</b>
1.1 Introduction	1
1.2 Definition of Trafficking	1
1.3 Objective of the study	2
1.4 Methodology of study	2
1.5 Rational of the study	3
1.6 Conclusion	4
<b>CHAPTER 2: HUMAN TRAFFICKING IN BANGLADESH: AN OVERVIEW</b>	<b>5-9</b>
2.1 Introduction	5
2.2 Human trafficking: Global Perspective	6
2.3 Human Trafficking: Scenario of Bangladesh	6
2.4 Human Trafficking: Understanding Sex and Gender	8
2.5 Conclusion	8
<b>CHAPTER 3: TRAFFICKING WOMEN AND CHILDREN IN BANGLADESH: A SILENT TSUNAMI OF BANGLADESH</b>	<b>10-16</b>
3.1 Introduction	10
3.2 Definition of Trafficking	10
3.3 Trafficking in Bangladesh	11
3.4 Causes of Trafficking in Women and Children in Bangladesh	12

3.5 Process and Network Relationship of Trafficking in Bangladesh	13
3.6 Consequences of Trafficking	14
3.7 Recommendations	15
3.8 Conclusion	16
<b>CHAPTER 4: TRAFFICKING PERSONS, ESPECIALLY WOMEN AND CHILDREN IN BANGLADESH: PROBLEM AND PROSPECTS</b>	<b>17-23</b>
4.1 Introduction	17
4.2 Meaning of Women and Children	17
4.3 Concept and Internalization of Trafficking Problem	18
4.4 Magnitude of the matter	19
4.5 Trafficking Routes	19
4.6 Women and children trafficking profile in Bangladesh	19
4.7 Trafficking and Development	20
4.7.1 Women and children and Development	20
4.7.2 Factors Leading to Trafficking	21
4.8 International Instruments on trafficking in person	22
4.9 Conclusion	23
<b>CHAPTER 5: TRAFFICKING IN WOMEN AND CHILDREN IN BANGLADESH: LAWS AND STRATEGIES FOR PREVENTION</b>	<b>24-36</b>
5.1 Introduction	24
5.2 Relevant Literature	25
5.3 Overview of Legal Framework to Combat Trafficking	25
5.4 Legal framework related to trafficking in Bangladesh	26
5.5 Specific Laws Related to Counter-Trafficking	26
5.5.1 The Constitution of Bangladesh	27
5.5.2 Anti-Trafficking Laws and Acts in Bangladesh	27
5.6 International and Regional Instruments Relating to Women and	

Children	30
5.7 Flaws in the legal framework to prevent and punish the crime of trafficking	33
5.8 Recommendation for Legal and Policy Reforms	34
5.9 Conclusion	36
<b>CHAPTER 6: TRAFFICKING WOMEN AND CHILDREN IN BANGLADESH: FINDING AND RECOMMENDATION</b>	<b>37-40</b>
6.1 Introduction	37
6.2 Causes of Women and Children Trafficking in Bangladesh	37
6.3 Current Scenario and Ongoing Issues	38
6.4 Solution and Recommendations	39
6.5 Conclusion	40
<b>CHAPTER 7: CONCLUSION</b>	<b>41-43</b>
<b>REFERENCES</b>	<b>44-20</b>

## Abbreviations



ASK - Ain O Salish Kendro  
BNWLA - Bangladesh National Women Lawyers Association  
BSAF - Bangladesh Shishu Adhiker Forum  
CRC- Convention on the Rights of the Child  
CSW - Commercial Sex Worker  
GAATW- Global Alliance Against Trafficking of Women  
HIV- Human Immunodeficiency Virus  
MOWCA - Ministry of Women and Children  
STI-Sexually Transmitted Infections  
SEACT- Sexual Exploitation and Abuse of Children including Trafficking  
UNICEF-United Nations International Children Emergency Fund  
VAW-Violence Against Women  
WHO-World Health Organization  
INGO- International Non-Governmental Organization  
BSAF - Bangladesh ShisuAdhikar Forum  
CRC- Convention on the Rights of the Child  
CWCS - Centre for Women and Children Studies  
DAM - Dhaka Ahsania Mission  
GO - Government Organization  
SCF- UK - Save the Children Fund-UK  
ATSEC - Against Trafficking Sexual Exploitation of Children  
GPAT - Global Program Against Trafficking in Human Beings  
LEA - Law Enforcing Agency  
UNHCR - United Nations Commission on Human Rights  
W&C - Women and Children

# CHAPTER 1

## INTRODUCTION

### 1.1 Introduction

Bangladesh is one of the source nations as well as travel focuses for women and children. Each year thousands of individuals are trafficked out. On the other hand, it has been found that among the trafficking casualties, the women and the children are in the most defenseless position. In Bangladesh, around four hundred women and children are trafficked out each month (Sultana, 2015). All these casualties are stolen either for constrained labor or for sexual misuse<sup>1</sup>. Trafficking among women and children can be a national and global problem. Trafficking among women and children is a tragic phenomenon. A person is trafficked, a member of a freedom fighter group across a country or territory through illicit influence due to duplicity or waste of prey. Commercial sexual exploitation and multiple trafficking of women and children within the country. subjected to restricted labor. Women and children g can be a multidimensional problem. Trafficking damages individual rights including dignity, Casualties may endure physical and passionate manhandling, assault, dangers against self and family, and indeed passing.<sup>2</sup> Trafficking is getting paramount significance amongst academicians and practitioners internationally, domestically, and nationally. Thousands of women and children are being victims of trafficking to India, Pakistan and the Middle East looking for paintings, and they come to be at risk of exploitation and unprotected regulation because of their unlawful status. Many of them are compelled to paint for extraordinarily low wages, even as different auctioned for intercourse paintings to increase tourism or compelled marriage, which is mostly a shape of slavery. Laws exist in Bangladesh if you want to prosecute traffickers however those aren't applied successfully to shield ladies and children. Countries like India and Pakistan aren't simplest the web website online of vacation spots for trafficked victims, however extensively utilized as a transit to tour throughout the world.

### 1.2. Definition of Trafficking:

Woman and children g can be characterized in different ways. Basically, woman and children g is the recruitment, transportation, exchange, harboring or receipt of persons by restraint, extortion or misdirection for financial and sexual abuse. The United Nations Convention to Avoid, Smother and Rebuff Trafficking in People, Especially Ladies and Children, also known as the Palermo Convention

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<sup>1</sup>Woman and children in Bangladesh. (2015, June 22). Bdnews24.Com. Retrieved July 3, 2015, from <<http://bdnews24.com/bangladesh/2015/06/22/bangladesh-government-is-silently-endorsing-humantrafficking-says-a-research-group>> accessed 13 September 2022

<sup>2</sup> Woman and children in Bangladesh. [http://en.wikipedia.org/wiki/Human\\_trafficking\\_in\\_Bangladesh](http://en.wikipedia.org/wiki/Human_trafficking_in_Bangladesh).

of 2000, marks the 2000 Palermo Convention on Trafficking in Persons. Drugs and Injustice, 2004) as: Trafficking in persons The enlistment, transportation, exchange, harboring or receipt of persons may be cruel through threats or drives or other forms of deterrence, extortion, extortion, manipulation of control or manipulation. Giving or receiving installments or benefits to obtain the consent of a person who has control over another person because of a position of vulnerability or abuse. Abuse should include, at a minimum, abuse of the prostitution of others or other forms of sexual abuse, restricted labor or administration, servitude or servitude, comparable to servitude or mutilation.

### **1.3 Objective of the study**

The idea of trafficking is related to the crook manipulation of men and women who need or want to emigrate for a higher exceptional of life. It exists at the intersection of prepared crime and migration. The global network considers trafficking in men and women a current shape of slavery or slavery-like practices and a gross violation of human rights and dignity. Trafficking is basically a gender and age-particular phenomenon which impacts especially women and children. It is a tough project to broaden a uniform and the world over greed definition of trafficking. The time period trafficking is utilized by extraordinary actors to explain sports that vary from voluntary, facilitated migration, to the exploitation of prostitution, to the motion of men and women via the danger or use of force, coercion, violence, etc. The idea of trafficking is limited right here inside the unlawful migration of ladies and children from the 1/3 international nations with the fake wish of employment, or marriage without dowry or higher nice of existence in and throughout the nations retaining with those perspectives to contain them in intercourse change, pressured marriage, home works, dangerous business works, pressured begging, camel jockeying, adoption change, and organ harvesting.

### **1.4 Methodology of the study**

Usually, look at the vicinity of a piece. Most data are accumulated from secondary resets. So those artworks are based on absolutely disbursed facts and data that are in any shape like books, diaries, magazines, each day papers, etc. Existing statistics have been accumulated from one-of-a-kind reasserts in order that the researchers ought to get the associated issues. Trafficking from a person's perspective. In this article, we examine statistics from six current instances of long-term trafficking in Bangladesh.

They think about four major components that incorporate:<sup>3</sup>

- i. Drafting legal guidelines and preparation and safeguarding audits of the existing situation on trafficking and sexual/industrial sexual abuse of girls and children.
- ii. Discovery is primarily based on the meeting primarily a thorough study conversations with professional groups (attorneys, judges, law enforcement agencies, etc.) of consciousness institutions, in addition to girl and child survivors.
- iii. The bunch too covered agents of various non-Governmental and respectful societal institutions and
- iv. Case studies based entirely on in-depth interviews with women and children who experienced trafficking and sexual abuse as well as the related legal processes.

**Research question:**

1. What is the current state of trafficking of women and children in Bangladesh?
2. Is it possible to prevent Human Trafficking through the implementation of the law?
3. What kind of initiatives should be taken by the Government?

**1.5 Rational of the study**

There are 111 Indian enclaves in Bangladesh and fifty-one Indian enclaves in India. These are actively used as recruitment and series web pages via way of means of traffickers. Border regions of Khulna, Jessore, Satkhira, Rajshahi, Dinajpur, Rangpur, Mymensingh, Comilla, Brahmanbaria, and Sylhet are often utilized by traffickers to hold on Indo-Bangladesh trafficking. Bangladesh stocks 4,222 kilometers border of 28 districts with India and 288 kilometers of districts with Myanmar. Thus, Bangladeshi touts increase effective bases withinside the border districts and those are actually the favorite transit factors of human trafficking. Benaspole border crossing, called the southwest transit point, is the most typically used and the very best land course to India. In the northern region, the districts of Kurigram, Lalmonnirhat, Nilphamari, Panchagarh, Thakurgaon, Dinajpur, Naogaon, Chapai Nawabganj, and Rajshahi and withinside the south Jessore and Satkhira are regions thru which trafficked people are moved to India. According to the UNIFEM, approximately 300,000 Bangladeshi kids had been trafficked to brothels in India over a duration of time. Over the remaining 5 years

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<sup>3</sup>Journal of Economics and Sustainable Development. (2011). ISSN, Vol.2, No. 4(ISSN 2222-1700 (Paper) ISSN 2222-2855 (Online)). <https://www.iiste.org>

a minimum of 13,220 kids are mentioned as being trafficked out of the country and it became viable to rescue the most effective 4,700 of them.

## **1.6 Conclusion**

Trafficking is a gender and age-particular phenomenon i.e. it impacts, in particular ladies and youngsters. Consequently, those are the sufferers of coercion of prostitution, pressured marriage, pressured work, pressured begging, camel jockeying, adoption trade, organ harvesting, and so on. The trafficked ladies and youngsters commonly come from inclined and impoverished households of each rural and concrete backgrounds. A top-notch quantity of companies is worried for anti-trafficking sports both for my part or jointly. Unfortunately, trafficking sports are growing nationally and globally, and as an end result, a huge quantity of ladies and children are difficult violating primary human rights, particularly from the 0.33 international countries. What is now required is a determined attempt from all actors. Along with NGOs, INGOs, and Civil Society Organizations, the Government of Bangladesh will shoulder the obligation to remove this curse from society.

## CHAPTER 2

### HUMAN TRAFFICKING IN BANGLADESH: AN OVERVIEW

#### 2.1 Introduction

Bangladesh is one of the providers of women and children because of its international location and transit advantages. Each year, thousands of people are trafficked. A study indicates that the most inclined positions are those of trafficked women and children. Each month, over 400 women and girls from Bangladesh are trafficked (Sultana, 2015).

All of the victims are taken either as forced laborers or for sexual business exploitation. This essay aims to discuss the recent phenomena of women and children in Bangladesh. This text's conceptual framework and the global attitude of young people and women were mentioned in a section that was inside the outlet. The reputation of trafficking in Bangladesh and perceptions of gender and sexuality are described in the following parts using a current database and information.

The definition of "trafficking" is still questionable. However, there might not be a broad-based agreement on what constitutes trafficking in performing artists. From character viewpoints, specific on-screen characters recognize the phrase "trafficking" All those definitions include thoughts that include limited work, restriction, prostitute abuse, vice, and the advised and planned movement of people from one location to another to be promoted by utilizing fear and authority for particular exploitative means (Ruhi, 2003). The traditional justification for the term "trafficking" in stable situations is antiquated, vague, and unresponsive (United Nations Economic and Social Council, 2000)

The definition of "trafficking" is continually altering in reaction to bettering or shifting political, economic, and social factors, making the concept incredibly unrealistic. The fundamental components of trafficking don't alter, despite the fact that the types and methods occasionally change due to environment and change. Therefore, the fact that it is not connected should be central to the notion of trafficking. It differs from forms of movement that are unlawful. Any form of trafficking is prohibited, even if not all unlawful traffic falls under this category.

## **2.2 Human trafficking: Global Perspective**

Women and children are the second largest crooked enterprise in the world after the arms trade and the annual revenue for it is huge. Statistics show that worldwide, the \$150 billion annual market is generated by the sale of men, women, and children for labor and sex. A study found that 32,777 victims were identified from 2010 to 2012. The data was elected from victims of trafficking in 80 countries around the world. That study also reported the age, as well as the sex, of the victims. The survey also shows that male participation is increasing compared to 2006 and 2009. After the arms trade, the woman and child industry generate enormous amounts of illicit profits every year. According to statistics, the global market for the sale of men, women, and children for work and sex is worth \$150 billion annually. According to a survey, 32,777 victims were located between 2010 and 2012. The information was chosen from victims of trafficking in 80 different nations. Along with the sex of the victims, that study also provided the victims' ages. In addition, the study reveals that more men are participating now than they did in 2006 and 2009. More than 30% of all victims in the two-year period between 2010 and 2012 were victims of child trafficking, where the victims are under the age of 18. (UNODC, 2014)

The estimated 120,000 women and children that are trafficked into EU nations from other parts of the world each year have been a sizable number and constitute a true representation of women and children. Even more concerning material has been released by the US State Department. The US Department of State estimates that between 700,000 and 4,000,000 children and women are trafficked each year. United States Department of State, 2002. In the south Asian region, Nepal sees a sizable number of women trafficked, but Bangladesh sees a high level of child trafficking.<sup>4</sup>

## **2.3 Human Trafficking: Scenario of Bangladesh**

Women and children are one of the main ways to earn money in Bangladesh at unthinkable expenses. Traffickers (criminal organizations) are particularly drawn to it due to the long-term earnings and punishing nature of women and children as well as the extraordinarily high level of organized crime in Bangladesh (choudhury, 2003). In one of his writings, Mohammad Jamil Khan claimed that Bangladeshi immigrants seeking employment in the UAE have lost hope in the Straits of Hormuz. Bangladeshis are being drawn to Iran by a woman and child organization

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<sup>4</sup> Global Alliance Against Traffic in Women. : Beyond Borders: Exploring Links between Trafficking and Gender. (2008). Bangkok: Global Alliance Against Traffick in Women.

that promises to provide them with excellent jobs in Europe. 39 kilometers away from the mainland, where they were imprisoned and subjected to torture,

they were abducted from the United Arab Emirates. Inmates endure torture, sometimes even if their relatives do not provide them with money, they will be killed (Khan 2015) Because the families of the victims are reluctant to disclose precise information, it is extremely difficult to find particular facts. Some people believed that the country had lost more than three million women and children. According to the most recent UNICEF data, 400 children and women are trafficked each month. According to another research, almost 3 lakh women and children between the ages of 12 and 30 have migrated from Bangladesh to India during the past ten years. This estimate, which has been collated by several non-governmental organizations, brings the total to 500,000. There are over 200,000 women and girls who are citizens of Bangladesh, according to a report by lawyers for human rights and legal aid located in Pakistan. In Pakistan, commerce is conducted. Other studies indicate that a proportion of Bangladeshi women without documentation and more than 250,000 girls may exist in Pakistan.

Bangladesh serves as an important trafficking crossroads between South Asia and the Gulf. Traffickers travel the primary route from Dhaka to Dubai, Karachi, and Mumbai in that order. Human traffickers use 20 transit sites spread across 16 regions to bring victims from Bangladesh to India (Koraya, 2015). Recently, a number of additional transit locations for persons being transported across the water from Bangladesh to Southeast Asian nations have been found.

According to a UNHCR assessment, 1.5 million individuals have been trafficked by boats and ships via the Bay of Bengal during the past 18 months. About 25,000 persons were trafficked from other regions of the nation through the points of Teknaf, Ukhia, Cox's Bazar Sadar, and Maheshkhali in the first three months of 2015. Two-thirds of the 116 people who were saved from the Bay of Bengal by a Bangladesh Coast Guard squad in June 2015 were between the ages of 16 and 25.

One of Bangladesh's most-watched television programs, Crime Watch<sup>5</sup>, reports that some law enforcement officers from Bangladesh Police and Border Guard Bangladesh (BGB) have worked as intermediaries for women and children. In discussing the scenario of women and

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<sup>5</sup> "Full Scenario of Woman and children in Bangladesh." (2015, May 28). Ntv Online. Retrieved July 3, 2015, from <http://en.ntvbd.com/video/others/crime-watch/full-scenario-of-human-trafficking-inbangladesh/1432809204.ntv>



children using waterways, the show also mentioned that since 2003, women and children have been traveling by boat from Bangladesh to Thailand. The economy expanded. Increased points for women and children using the nation's rivers from Cox's Bazar, Teknaf, Maheshkhali, and Ukhia districts in 2012 created an alarming situation (NTV Bangladesh, 2015). This information has been known in that context ever since mass graves in Thailand were discovered.

## **2.4 Human Trafficking: Understanding Sex and Gender**

A child is one of every five victims of human trafficking worldwide. However, children make up the bulk of those who are trafficked in several other areas, including in Africa and the Mekong. Children are abused for pornographic pleasure, sex snooping, and other limited purposes. The majority of victims of human trafficking is women. Young adults between the ages of 11 and 25 make up the majority of two-thirds of women and children who are victims around the world. Most often, false promises of well-paying jobs are used to entice these women.

Victims are then violently beaten, drugged, attacked, locked up, and have their identities taken away at the last minute. (UNODC ,2015).<sup>6</sup> However, in the evaluation, the cost of male victims is smaller than the cost of female victims. Boys and girls who have been trafficked become child officers, restricted laborers, and restricted interrogators. They are trafficked in part for sexual exploitation. One of the disagreements between women activists about prostitution, promiscuity, and trafficking, as well as the connections between the three, is the relationship between trafficking and promiscuity. Most female activists believe that prostitution and trafficking are inextricably linked and that prostitution must be outlawed in order to stop trafficking (Worldwide Union Against Activity in Ladies, 2010).In conclusion, practically all conversations about women and children focus on girls and their sex life. Despite the fact that there are many possibilities beyond this hypothesis, hardly anyone discusses it.

## **2.5 Conclusion**

In Bangladesh, the main causes of the rise in the number of women and children include poverty, gender discrimination, social isolation, a lack of awareness, illiteracy, and a bad governance structure<sup>7</sup>. All of these elements are driving traffickers to locate a significant

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<sup>6</sup>UNODC.: Global Report on Trafficking in Persons 2014. (2014). Annual Report, New York: United Nations.

<sup>7</sup>Transitional Organized Crime: Let's put them out of business. (2015, July 4).  
<http://www.unodc.org/toc/en/crimes/human-trafficking.html>

location to start a criminal enterprise as soon as possible. Every year, Bangladesh sends a sizable number of workers. However, the majority of hiring is done by organizations with poor accountability. This is another factor contributing to the nation's expanding smuggling industry.

## **CHAPTER 3**

### **TRAFFICKING WOMEN AND CHILDREN IN BANGLADESH: A SILENT**

## TSUNAMI OF BANGLADESH

### 3.1 Introduction

For the purpose of forcing a female against her will without her consent in abusive and exploitative circumstances, such as forced prostitution, forced marriage, bona fide prostitution, or bona fide trafficking in girls includes all acts involving the procurement, transportation, compelled movement, and/or marketing and shopping of girls inside and/or across borders using dishonest means, deception, coercion, direct and/or indirect threats, abuse of authority, and other similar methods.<sup>8</sup>

"Trafficking in children includes all acts involving the acquisition, transportation, compelled movement, and/or marketing and purchasing of children inside and/or across borders with the use of dishonest means, deception, coercion, direct and/or indirect threats, abuse of authority, for the purpose of setting an infant against its parents."<sup>9</sup>

### 3.2 Definition of Trafficking

The idea of trafficking is related to the crook manipulation of humans who need or want to emigrate for a higher fine of life. It exists at the intersection of prepared crime and migration. The worldwide network considers trafficking in humans a cutting-edge shape of slavery or slavery-like practices and a gross violation of human rights and dignity. Trafficking is basically a gender and age-unique phenomenon that affects in particular ladies and children. It is a tough venture to broaden a uniform and across the world agreed definition of trafficking. The time period trafficking is utilized by distinct actors to explain sports that vary from voluntary, facilitated migration, to the exploitation of prostitution, to the motion of humans thru the hazard or use of pressure, coercion, violence, etc. for sure exploitation purposes (Skrobanek, 2001). The United Nations Protocol on Trafficking in Persons, followed in November 2000, defines trafficking as:

"the act of obtaining a person's consent to exploit them by recruiting, moving, transferring, harboring, or receiving them through pressure, threats, or other forms of coercion, kidnapping, fraud, or deception, improper use of electricity or exploiting a vulnerability, or by paying or receiving favors in exchange for their cooperation. At a minimum, "the exploitation of another person's prostitution or other types of sexual exploitation, forced labor or services, slavery or

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<sup>8</sup> Amin, M. R., & Sheikh, M. R. I. (2011). Trafficking women and children in Bangladesh: A silent tsunami of Bangladesh. *Journal of Economics and Sustainable Development*, 2(4), 202–211

<sup>9</sup> Woman and children in Bangladesh. [http://en.wikipedia.org/wiki/Human\\_trafficking\\_in\\_Bangladesh](http://en.wikipedia.org/wiki/Human_trafficking_in_Bangladesh)

acts that are substantially akin to slavery, servitude, or the removal of organs" should be included in the definition of "exploitation."(Heyzer, 2002: 1).

### **3.3 Trafficking in Bangladesh**

Trafficking is certainly a developing hassle in Bangladesh. The unlawful trafficking of Bangladeshi girls commenced for the primary time while the huge-scale migration of each male and woman employee to Middle Eastern international locations began in 1976. The trafficking was surprisingly and instinctively exaggerated in early 1982, while the Bangladeshi authorities in reaction to the troubles normally confronted through maids hired there, handed protecting regulations to dissuade the migration of girls people to the Middle East.<sup>1</sup> Many girls who legally entered Middle Eastern international locations previous to 1982 disparaged lopsided norms of behavior and inequitable lifestyles, which includes substandard meals and dwelling arrangement. Other lawsuits of ill-treatment and offensive behavior protected overburden, whipping, dishonor, inadequate meals, sexual persecution, and rape (Hossain, 1993; Paul and Hasnath, 2000). In a few cases, girls have been singled out for prostitution and had clearly been surpassed over to brothels through pimps posing as recruiting marketers (Shoban, 1989). Women who've been bought or have long past to the Middle East as maids are mostly young between twelve and twenty-five and from very bad families. The inner intercourse markets of the receiving country, whose brothels cater to nearby men, absorb a maximum of the girls.

A small wide variety is resold to the Western European intercourse market (Paul and Hasnath, 2000). All of those practices are gross violations of more than a few articles of the UN International Convention at the Protection of the Rights of All Migrants Workers and Members of Their Families (Hune, 1991). Estimates of the wide variety of girls and youngsters worried about trafficking in Bangladesh aren't effortlessly available. It could be very hard to get dependable and authentic facts on each inner and go border trafficking of girls and youngsters. In the circumstances, anecdotal proof and estimates primarily based totally on media coverage approximately trafficked girls or approximately marketers of traffickers and reviews through Government Organizations (GOs) and Non-Governmental Organizations (NGOs) are the main assets of statistics on trafficking in Bangladesh. However, those reviews aren't sufficient to estimate the importance of trafficking in girls and youngsters from Bangladesh. Available statistics indicate that approximately 2 million girls and youngsters were trafficked to the Middle East within side the closing two long times and approximately 2 million girls were

trafficked to Pakistan over the closing ten years (MWCA, 1997). Moreover, 4, seven hundred youngsters were trafficked within side the 12 months of 1993-1998, and 3,500 ladies were trafficked out of Cox's Bazar<sup>2</sup> during 1988-1998. It is crucial to note that the real number is much higher than the projections.<sup>10</sup>

### **3.4 Causes of Trafficking in Women and Children in Bangladesh**

Bangladesh is one of the maximum susceptible international locations for trafficking due to its massive population, the massive scale of rural-city migration, and the massive population residing in situations of persistent poverty, recurrent herbal catastrophe, and gender inequality. During miserable situations, like river financial institution erosion over the flood, etc. lack of refuge for women and their safety is the awesome problem. All those elements make human beings susceptible and a smooth goal for traffickers. Moreover, the current patrilineal own circle of relatives device of Bangladesh is making ladies and kids at risk of trafficking to a more extent. Daughters are identified as a burden through their households who're indebted to wed them off well, make sure of their pre-marital sexual cleanliness, and provide significant wedding ceremony prices and prolong to soft cloth possessions to the daughter's marital own circle of relatives on favorable occasions. Poor households, in particular, address this in diverse ways. If an opening provides itself, households are keen to site visitors discarded ladies and women with modest attention for his or her rights or capability welfare. Examples encompass the alternate of ladies and women in wedding ceremonies; enthusiasm to get married off younger women to unexpected individuals who craft no economic strain, therefore set off them to trafficking, and the sale of ladies and women into prostitution while sexuality acquires an attractive marketplace value (Heyzer, 2002). Women are maneuvered through consumerism and distortion of their own circle of relatives values to accomplish their own circle of relatives desires and expenditure within side the call of cultural custom— obligation, concern, appreciation—although it method being bought into prostitution. Many younger ladies are at risk of trafficking now no longer best due to the fact they lack financial opportunities, however additionally due to the fact, they experience to escape from the weight of long hours of voluntary family exertions and their own circle of relatives care predicted of them. The monotony of fetching gasoline and water in rural regions and running as unpaid exertions on their own circle of relatives farms or in a casual regional enterprise isn't appealing to younger

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<sup>10</sup> Hansson Malin. (2021, May). Trafficking in Women and Children in Asia and Europe: A background presentation of the problems involved and the initiatives taken. Ministry for Foreign Affairs. Department for Asia and the Pacific, Stockholm, Sweden., 12–14

ladies specifically the ones uncovered thru a few training or the media to opportunity current lifestyles (Heyzer, 2002).

Additionally, there are certain other known factors that contribute to the trafficking of women and children, such as:

1. One is the feminization of poverty,
2. Increasing unreliability of public services and necessities,
3. A rise in divorce, separation, and desertion among women as a result of marriages,
4. The rise in the number of children living on the streets and working;
5. The rapid rise in the demand for inexpensive labor on the global market;
6. Natural disasters and population relocation;
7. The deception of work and dowry-free unions, increased levels of corruption within the institutions tasked with upholding law and order,
8. Increased activity of traffickers, and
9. The introduction and consolidation of organized crime syndicates into the field of trafficking
10. Increased tourism around the world,
11. Rapid growth of transport facilities, and
12. Increased criminalization and brutalization of society and intensification of crime against women and children, such as rape and acid throwing.

### **3.5 Process and Network Relationship of Trafficking in Bangladesh**

There is a properly prepared channel of trafficking in ladies and kids constituted via way of means of the traffickers of Bangladesh, India, Pakistan, and the Middle East. The poorer segment of human beings in Bangladesh couldn't offer fundamental wishes which include meals, clothing, education, refuge, and fitness care offerings alongside different civic facilities for her kids. In these circumstances, the dealers and agents mobilize the focused ladies and ladies consisting of their guardians with the intention to offer their employees or even marriage without dowry which might cause them to have a better pleasant life. It has been said that the dealers deliver a guarantee to the guardians of the focused ladies and ladies that the employers will preserve touch with them and their daughters or sisters get one month to depart as soon as in 12 months to go to their dad and mom and relatives. The dealers additionally said to the

guardians that the income of their daughters and sisters may be given every year further to their unfastened accommodation, meals, and fitness care facilities. <sup>11</sup>

These are a very motivating inspiration to the guardians in addition to the ladies and ladies and in the long run, they turn out to be the sufferer of trafficking (ACD, 2001).

Traffickers belong as a collection to global crime consortia, and trafficking is done in alliance with corrupt law-implementing groups. Reports which are posted with inside each day newspaper of Dhaka substantiate that crime communities dominate the trafficking of ladies and kids from Bangladesh. Bangladeshi individuals of the syndicates screen the motion of trafficked ladies and ladies and skip on facts to applicable authorities. They additionally assist orchestrate end path adjustments of the buses, trains, or boats used to move trafficked ladies and ladies. The ladies are usually advised to put on a specific band or amulet on their palms for easy identity on the transit factors and destinations. At the border, the ladies have stored particular homes for prearranged costs after which honestly stroll throughout fields adjunct to the border at a handy time (Paul and Hasnath, 2000). Due to economic benefits and personal sexual favors, some of the dishonest border police in Bangladesh help sport-trafficked ladies throughout the national border. These corrupt policemen are paid for or their provider in neighborhood foreign money via way of means of traffickers or their dealers. Several instances of sexual harassment via way of means of the ones policemen had been said.

### **3.6 Consequences of Trafficking**

Trafficking is a coercive and exploitative system or mechanism by which the trafficked girls and kids are coerced, compelled, and offered as intercourse workers, home workers, people, and different forms of exploitative work. The foremost consequence of trafficking is the violation of the simple human rights of girls and kids. The particular results are said below.

#### **Health:**

Working conditions for trafficking victims are dangerous to their physical and emotional well-being. HIV transmission is strongly influenced by the trafficking of young women for prostitution. According to studies, the first six months of employment are the riskiest for brothel sex workers to have an infection. According to another study, over 80% of street child prostitutes experienced issues with their reproductive systems, such as vaginal leaking and

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<sup>11</sup> Ara Fardaus and Khan, Md. M. R. (2006). Trafficking of Women and Children in Bangladesh: An overview. *Journal of Empowerment.*, Vol. 13, Women for Women., 99.

itching. Due to their exposure to forced sex incidents and possible introduction into substance abuse, particularly interaction with intravenous drug users, children and women trafficked for purposes other than commercial sex, like domestic and industrial employment, may also be at an increased risk of contracting HIV. These women and their children receive, at best, sporadic medical treatment. Serious illnesses often go untreated.

### **High-risk abortions and social effects:**

The victims and their families are stigmatized as a result of trafficking in the sex business. The victims find it challenging to go home since their relatives might not welcome them. The victims are unable to return home because their families might not welcome them. It could also be challenging to win over the general public's acceptance and support. If the victim is thought to have HIV, it can be even more difficult.

The specific consequences are given below:<sup>12</sup>

1. The younger girls are being sufferers of deception with the fake wish of employment and marriage without dowry and in the long run, lots of them are contained in the intercourse trade.
2. Many of the girls and kids are pressured into compelled marriage, compelled begging, and camel jockeying because of coercion.
3. Women and kids are concerned about compelled exertions and slavery-like practices.
4. Many kids are being sufferers of debt bondage exertions.
5. Probability of HIV/AIDS because of the enlargement of the intercourse industry.
6. In frequently trafficked sufferers are killed for organ harvesting.

### **3.7 Recommendations**

- In order to get a clear picture of the different signs of trafficking, research should be done on bonded labor, child trafficking for want, the impact of trafficking on the well-being of victims, and the social system in which they live.
- Organizing sex-sensitive mindfulness programs for individuals, tending to the core of gender segregation.

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<sup>12</sup> J. Carryer, P., P. (2000). "Girl-Trafficking, HIV/AIDS, and the Position of Women in Nepal." *Gender and Development*, 8(2), 74–79



- It is fundamental to guarantee that women are not marginalized in labor wage advertising. Programs should be developed with professional preparation and guidance for women to enter sophisticated labor advertising.
- Legal requirements authorities, law and procedure makers, trainers, therapeutics, and preparedness programs for trafficked persons should be developed.
- NGOs should play an important role in developing and implementing these programs and should be supported by both governments and global organizations.
- National Action Mechanisms should be developed to counter-trafficking efforts.

### **3.8 Conclusion**

Trafficking is a first-rate social and political difficulty in those days, both public and widespread. It has come to be the quickest-developing crook business enterprise withinside the world. Bangladesh can be a destitute nation, ladies and kids are developing at an alarming rate. That is because it may also, there's a concerted attempt with the aid of using governments, international organizations, philanthropic networks, and NGOs to address the problem. Trafficking in girls and kids may also violate sure human rights, including, exceptionally, the proper existence, the proper to liberty, and the proper human dignity and protection of the person, the proper to be loose from fair, merciless, or, corrupt treatment, and the proper to freedom from torture or impunity, exactly. The proper to domesticity and family, the proper to practice and valid business, the proper to fitness care, and the proper to the entirety that constitutes an existence with dignity. Trafficking of girls and kids is increasing. And anyway, the re-addressed device is woefully insufficient and disparate government.

## CHAPTER 4

### TRAFFICKING PERSONS, ESPECIALLY WOMEN AND CHILDREN IN BANGLADESH: PROBLEM AND PROSPECTS

#### 4.1 Introduction

Trafficking in women and children can be perpetual trouble in Bangladesh. It became now no longer a trouble for Bangladesh or it could be trouble for the whole world. Trafficking is useful and associated with crook motion and scorn. It is mechanically secured and difficult to good deal with. Day by day its miles spread over the sector and take numerous shapes. Trafficking proceeds to weaken the human proper to increase up in own circle of relative environment. It is not unusual to place in denied areas or politically volatile countries. But trafficking of younger women for intercourse change is not unusual to place in every country. This might be an extended useful exchange. There are kinds of ladies and children intra-country (inside) and global trafficking. It has been visible that extra than 1 million women and youngsters were trafficked from the country in the very last 30 a long term. Concurring to a UNICEF report, around four hundred women and youngsters are casualties of trafficking in Bangladesh every month. Another assumes nearly review that around 300,000 Bangladeshi youngsters and ladies among a long time of 12 and 30 were trafficked to India by myself in the last 10 long terms.

#### 4.2 Meaning of Women and Children

Public organizations use different definitions to describe trafficking. Definitions center on sexual orientation, age, reasons for trafficking, and issues of restriction and bad habits routinely related to trafficking.

Within the case of children, in 1998, request almost a report entitled "Trafficking of children for labor abuse counting child prostitution inside the Mekong sub-region" compared the definitions utilized by the Joined together Countries Common Get Together, the worldwide union against trafficking in ladies. Around the world Organization for Migrations and Widespread Work Affiliation.<sup>13</sup>

Article 3, section (a) of the UNODC Convention to Anticipate, Smother and Rebuff Trafficking in People characterizes trafficking in men and ladies as the enrollment, transportation,

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<sup>13</sup> Hansson Malin. (2001), trafficking in Women and Children in Asia and Europe: A background presentation of the problems involved and the initiatives taken. Ministry for Foreign Affairs. Department for Asia and the Pacific, Stockholm, Sweden. May, 2001. pp. 12-14

exchange, harboring or receipt, endangerment, or utilization of men and ladies. With the assistance of weight or utilizing diverse shapes. For the purpose of giving or receiving cash or favors to obtain someone's consent by coercion, abduction, deception, fraud, abuse of power or the role of weak point or manipulation of another person, exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution or various styles of sexual exploitation of others, stressful hard labor or service, slavery or practices similar to slavery, servitude, or the removal of organs.<sup>14</sup>

### **4.3 Concept and Internalization of Trafficking Problem**

The Bengali proportionate of the phrase 'pachar' is chorachalan (pran). It carries a delicate that means shows a switch from one place to another. In case the phrase pachar is utilized inside the putting of girls and kids, the phrase pachar in Bengali implies the unlawful improvement of girls and kids from one place to another. However, one needs to be deeply involved approximately what takes place when a pre-grownup younger woman is abducted and brought to a brothel, humiliated, overwhelmed and assaulted, and pressured to have sex with guys seven days a week. Inevitably, he may also emerge as unwell which may also be skipped in a few cases. In the middle of the problem is Bangladesh's decent society however internalizes the mindset that trafficking and drug dealing are as risky as hot (murder), dharshon (assault), or chintai (robbery). When a person hears or perceives trafficking, it does now no longer create an equal reaction as different crook practices together with assault, murder, or robbery.

"Trafficking in children includes all acts involving the procurement, transportation, coerced movement, marketing, and/or shopping for children within and across borders with the use of fraudulent methods, deception, coercion, direct and/or indirect threats, abuse of authority, for the purpose of setting a child against her/his will without her/his consent in exploitative and abusive conditions, including industrial sexual abuse, competitive recruitment, and compulsive shopping," states the United Nations Convention Against Trafficking in Persons.<sup>15</sup>

### **4.4 Magnitude of the matter**

Human rights activists estimate that 200-400 young women and youngsters are bootleg monthly from Bangladesh into Pakistan. Most of them find themselves in vice crime. An

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<sup>14</sup> Hansson Malin. (2021, May). Trafficking in Women and Children in Asia and Europe: A background presentation of the problems involved and the initiatives taken. Ministry for Foreign Affairs. Department for Asia and the Pacific, Stockholm, Sweden., 12–14

<sup>15</sup> Woman and children in Bangladesh. [http://en.wikipedia.org/wiki/Human\\_trafficking\\_in\\_Bangladesh](http://en.wikipedia.org/wiki/Human_trafficking_in_Bangladesh)

outsized variety of Bangladeshi women add brothels in India, principally in the city (former Calcutta), Mumbai, and Delhi. Consistent to newspaper reports, 165,000 Bangladeshi women were engaged in prostitution in Pakistan in 1992. There is no reliable estimate of ladies and children who are trafficked from Bangladesh to alternative countries.

#### **4.5 Trafficking Routes**

A review of various literature confirmed that a few 18 transit factors alongside the India-Bangladesh border are used for smuggling youngsters and girls out of the country. The border regions of Khulna, Jessore, Satkhira, Rajshahi, Dinajpur, Rangpur, Mymensingh, Comilla, Brahmanbaria, and Sylhet are often used as land routes for trafficking. In the northern region, the districts of Kurigram, Lalmonirhat, Nilphamari, Panchagarh, Thakurgoan, Dinajpur, Naogaon, Chapai Nawabganj, and Rajshahi, and withinside the south, Jessore and Satkhira are the regions wherein girls and youngsters are maximumly liable to trafficking. Cox's Bazaar is likewise a not unusual place web website online for recruitment of youngsters and girls to be trafficked, due to the fact there are 3 Muslim Rohingya refugee camps in this district from wherein the traffickers acquire victims. Usually, the traffickers use unique routes at unique instances to keep away from police and different law-imposing agencies. However, for coming into India thru Kolkata, the 2 maximums not unusual place routes are the Benapol borders in Jessore thru which nearly 50% of the trafficking take location, and Satkhira.

#### **4.6 Women and children trafficking profile in Bangladesh**

Bangladesh is a critical trafficking hall connecting South Asia with the Gulf region. India and Bangladesh have the world's fifth-longest global border with 18 transit factors alongside the borders thru which traffickers ship kids and ladies out of Bangladesh. The traffickers generally take distinctive routes at distinctive instances to avert police and different protection agencies. However, they decide on road routes over waterways and airlines for unlawful migration of humans throughout borders (Ara & Khan, 2006; Kumar, 2016). Furthermore, the not unusual place border between Bangladesh and Myanmar is another transit factor that traffickers use for sending out the prey amassed especially from the 3 Muslim Rohingya camps placed within side the district of Cox's Bazar (Ara & Khan, 2006).

Trafficking in ladies and kids is one of the maximum rewarding unlawful corporations in Bangladesh. The full-size income margins and minimum punishments have attracted a great number of criminals to get worried about their crimes. News of human trafficking or kidnapping/abducting for human trafficking can be determined in Bangladeshi media nearly

every day. Acquiring dependable facts on humans who were trafficked from Bangladesh to different international locations is distinctly tough because the enterprise is secret; also, distinctive assets quote dramatically various estimates. Between 1991 and 2001, it miles estimated that 200,000 Bangladeshi ladies and kids had been transported out of the country (Shamim, 2001). Every year, a minimum of 20,000 Bangladeshi ladies and kids are transported illegally to India, Pakistan, and the Gulf Region. Bangladesh National Women Lawyers Association reviews that 300,000 Bangladeshi kids painting as intercourse employees in Indian brothels. Besides, 4,500 Bangladeshi ladies and kids have moved throughout the border to Pakistan annually. Yet, the most effective 1,000 incidents of toddler trafficking had been registered with inside the Bangladeshi mainstream press between 1990 and 1992 (Bangladesh National Women Lawyers Association, 1997).<sup>16</sup>

Furthermore, a massive variety of Bangladeshi ladies are running as prostitutes at numerous red mild regions in Kolkata, Mumbai, and Delhi. Indian regulation enforcement corporations documented 3,517 incidents of human trafficking in 2010 and more or less 2,554 instances in 2011, an upward thrust of 1.1%. These ladies were normally persuaded to transport to India, every so often fraudulently or with assurances of jobs with lucrative salaries (Kumar, 2018). Besides, 100,000 ladies and younger women are projected to paint as escorts, and less than 10% do this voluntarily. Even though pressured intercourse hard work harms ladies and women throughout Bangladesh, it's miles infrequently penalized (Fries, 2019). It may be stated that the variety of ladies and youngsters trafficked into and out of Bangladesh has been stepping by step growing in latest years.<sup>17</sup>

## **4.7 Trafficking and Development**

### **4.7.1 Women and children and Development**

Like other neighboring countries, Bangladesh is at risk of entering the HIV/AIDS era. The prostitution of young Bangladeshi women abroad is one of the main causes of the threat of this widespread disease in the country, along with the basis of women and children. Women and children also deny trafficking victims the opportunity to seek counseling and develop socially and emotionally to reach their full potential. Thus, it denies a country the human resources

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<sup>16</sup>Ara Fardaus and Khan, Md. M. R. (2006). Trafficking of Women and Children in Bangladesh: An overview. *Journal of Empowerment*, Vol. 13, Women for Women., 99.

<sup>17</sup>J. Carryer, P., P. (2000). "Girl-Trafficking, HIV/AIDS, and the Position of Women in Nepal." *Gender and Development*, 8(2), 74–79.

essential to progress and perpetuates a vicious cycle of abuse and impoverishment that leads to wealth misdistribution and the feminization of poverty.

#### **4.7.2 Factors Leading to Trafficking**

At that time if we need to kill some terrible things from our society the first thing is to identify the reasons that can happen. There are some driving variables in the case of trafficking, which lead us to the path of women and children. A reflection on trafficking in women and children in India, for which an extensive literature study was conducted, focused on the fact that there seems to be a broader understanding of the factors that lead to trafficking, in spite of the fact that there are a few instabilities almost their exact roles.<sup>18</sup>

##### **Illiteracy:**

Lack of education is the number one cause of trafficking. In our towns, most individuals are uneducated and they are not mindful approximately the celerity of traffickers. The traffickers can effortlessly impact these uneducated town individuals and thus they ended up the casualty of trafficking. But the primary verse of the Holy Quran is. "Read within the title of your Master who makes you? "Allah (SwT) said again "Those who know and those who don't know are they similar?" As in the case that we need to safeguard ourselves from trafficking, we must gather knowledge. Heavenly Prophet Muhammad (Sm) said- "To secure information is required for each Muslim."<sup>19</sup>

##### **Dowry System:**

The so-called settlement framework has victimized many women in our society. At that time they ended the divorcee on the off chance that they fell flat to satisfy the request made by their in-laws. Failure to fulfill the promise of settlement affects the treatment of a young bride by her husband's relatives and increases the powerlessness of being deserted and trafficked for nefarious purposes or fortified work. Traffickers make these helpless women their targets with incredible dreams of working at home or abroad. Our ordinary law as well as Islamic law denies this sort of settlement or additional request from the bride or bridegroom's side. Allah (SwT) says in the Sacred Qur'an, "Oh! You, who agree, don't infringe on private property without permission.

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<sup>18</sup> Journal of Economics and Sustainable Development [www.iiste.org](http://www.iiste.org) ISSN 2222-1700 (Paper) ISSN 2222-2855 (Online) Vol.2, No.4, 2011 [www.iiste.or](http://www.iiste.or)

<sup>19</sup> Bangladesh National Women Lawyers Association. (1997). Survey in the Area of Child and Women Trafficking. Red Barnet, Danish save the Children

### **Illicit Adoption:**

The need to place a child up for adoption arises when a child's birth parents or next of kin are unable to care for the child, or when the child is abandoned with no evidence of paternity. Because of this, the demand for children for adoption is increasing rapidly and child trafficking has become more profitable for traffickers than any other business.

### **Divorce**

Women become emotionally disturbed and helpless in case of divorce. Traffickers take advantage of their helplessness to transport these women. But two acts are recognized as the least halal in Islam - one is begging and the other is divorce. So, it is our main duty not to do such a thing (talaq) and if it becomes unavoidable then it should be given in such a way that women are never helpless and never in danger, even Islam calls for divorce to the other party. Its maintenance is during the adaptation period.

### **4.8 International Instruments on trafficking in person**

- ❖ Suppression of Trafficking in Persons and for the Benefit of the Prostitution Convention, 1949
- ❖ Supplementary Convention for the Abolition of Slavery, the Slave Trade, Institutions, and Practices Analogous to Slavery, 1956
- ❖ Child's rights convention from 1989
- ❖ Against Women Convention for the elimination of all forms of Discrimination, 1979
- ❖ Optional Protocol to the Convention on the Rights of the Child concerning the Sale of Children, Child Prostitution and Child Pornography, 2000.
- ❖ ILO Worst Forms of Child Labor Convention and Immediate Action to Eliminate it (182), 1999
- ❖ International Covenant on Economic, Social and Cultural Rights, 1966
- ❖ Optional Protocol to CEDAW<sup>20</sup>, 1999
- ❖ International convention for the protection of all migrant workers and their families' rights, 1990

### **4.9 Conclusion**

From the above discussion, it can be said that the anti-trafficking system is not that old. So numerous variables are increasing the incidence of trafficking. In a creative state like

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<sup>20</sup> Convention on The Elimination of All Forms of Discrimination against Women. (2007).  
<http://www.un.org/womenwatch/daw/cedaw/>

Bangladesh, the level of poverty plays a significant role in this and the northern border of Bangladesh with neighboring India is an essential reason for such measures of women trafficking. Dinajpur is one such border area in the northeastern region of Bangladesh. Of the 13 upazilas in the area, four upazilas (Hakimpur, Birampur, Nawabganj and Ghorahat) share a border with the Indian state of West Bengal. It is also known that children from other parts of the country are collected here and trafficked to India, Pakistan and Middle East countries through these ports. Therefore, the government at the national level should enact new and realistic laws and ensure proper implementation of existing laws to reduce woman and children , especially women and children. In addition to this, regional cooperation should be ensured. Therefore, by combining these two tasks, it is possible to reduce woman and children in the Southeast Asian region.

## **CHAPTER 5**

### **TRAFFICKING IN WOMEN AND CHILDREN IN BANGLADESH: LAWS AND STRATEGIES FOR PREVENTION**



## **5.1 Introduction**

Trafficking in human beings is a swiftly increasing unlawful organization inside the international, with an envisioned global marketplace really well worth around \$32 billion in line with annum. This heinous crime in conjunction with unlawful finger trafficking is the second one maximum profitable crook enterprise inside the international following drug trafficking (United States Department of Justice, 2016). Human trafficking takes location thru global delivery chains and migratory routes affecting each country, regardless of socio-monetary status, history, or government system (Clark & Poucki, 2018). Since the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) turned into opened for signature on the twelfth of December 2000 in Palermo, Italy, 178 events have ratified the Protocol and followed some prison mechanisms to address this crime (United Nations Office on Drugs and Crime, 2020). Yet, the typical wide variety of prosecutions remains insignificant as many nations lack ok expertise to detect, investigate, and efficaciously body instances in opposition to human trafficking (United Nations Office on Drugs and Crime, 2016).

Women and youngsters are much more likely to turn out to be sufferers of trafficking in Bangladesh as this U.S. is suffering from excessive populace density, unemployment, herbal catastrophe, and a scarcity of resources. Every 12 months a huge variety of girls are trafficked from Bangladesh by and large to India, Eastern Europe, and the Middle East for sexual exploitation, pressured prostitution, and home labor. However, it's far tough to get correct records of the trafficking of girls and youngsters each home and transnational because of the covert nature of trafficking and the paucity of prosecutions. Organizational inefficiencies and restrained functionality of law-imposing agencies, which can be to a massive volume linked with corruption, restrict legal guidelines designed to guard girls and youngsters against being implemented (Khan, 2021).

This observation targets to introduce the reader to the complicated trouble of girls and youngsters trafficking in Bangladesh. Following content material analysis, this bankruptcy discusses the applicable country-wide legal guidelines and techniques as nicely as worldwide treaties and rules followed and/or ratified via way of means of the Government of Bangladesh to combat trafficking.

## **5.2 Relevant Literature**

Several research was executed to higher apprehend the hassle of ladies and kids trafficking in Bangladesh. For instance, Siddiqui et al. (2006) checked out the anti-trafficking projects operated by Bangladeshi Non-Governmental Organizations (NGOs) and concluded that there's a loss of coordination and conversation amongst them, ensuing in Non-Governmental Organizations being overburdened with comparable functions. Amin and Sheikh (2011) researched the cutting-edge situation and technique of ladies and kids trafficking in Bangladesh, traffickers' community relationships, and the motives for trafficking and its consequences. They cautioned collaboration with a number of governments, international agencies, and Non-Governmental Organizations to fight traffic. Trafficking in Women and Children in Bangladesh position of Non-Governmental Organizations in stopping ladies and children trafficking. They claimed that the presence of sizeable push forces, a loss of coordination and law, and inefficiencies hamper the effectiveness of prevention activities. Rosy (2013) seemed into the lives of trafficking survivors in Bangladesh and the demanding situations they come across in reintegrating. According to her, reintegration of survivors is difficult, as it takes a long term to get better psychologically and there's a loss of interest in the sufferers because of social taboos. None of the studies seemed into the anti-trafficking law and techniques of Bangladesh for fighting and stopping trafficking.

### **5.3 Overview of Legal Framework to Combat Trafficking**

- Article 32 of the Bangladesh Structure gives the premise for a lawful framework to combat trafficking by joining the Security of Life framework. Life inside the meaning of Article 32 of the System implies more than the nearness of immaterial animals. The proper to live incorporates the correct to live reliably with human respect and resistance. "Life" moreover incorporates the proper to move approximately energetically and blend and blend with a person's human creatures. On the other hand, flexibility incorporates a wide extend of things. It implies that an individual is free to appreciate all his belonging: to live and work where he needs. The term "freedom" beneath the law broadens all conduct that van individual is free to seek after and which cannot be confined but for a substantial legitimate reason.
- Article 34(1) forbids all shapes of constrained labor and trafficking and states that people trafficked for constrained labor are entitled to the proper ensured within the Constitution. Any act that damages this standard may be a criminal offense.
- In spite of a few impediments, the structure of Bangladesh has a few arrangements that can be viably utilized to anticipate trafficking. For occasion, Article 28(4) Makes space for states to sanction extraordinary laws for ladies, children, and in reverse people groups. Extraordinary

ladies and children neighborly laws can offer assistance to decrease trafficking from Bangladesh.

#### **5.4 Legal framework related to trafficking in Bangladesh**

Trafficking in folks is largely a without border lines international prepared crime. Bangladesh, like many other South Asian international locations, is swiftly turning into a source, transit point, and vacation spot for traffickers. To manage and save you from this crime, South Asian international locations have added and revised their anti-trafficking legal guidelines. For instance, Sri Lanka installed a National Anti-Human Trafficking Task Force in 2010 for the coordination of all sports aiming to cope with problems of human trafficking. Pakistan has promulgated the Prevention and Control of Human Trafficking Ordinance, 2002 and created a brand-new apartment to fight human trafficking. Nepal enacted the Human Trafficking and Transportation (Control) Act, 2007 at the same time as India up to date the Immoral Traffic Prevention Act, 1956 in 1986 (UN Women, n.d.). Bangladesh currently enacted the Prevention and Suppression of Human Trafficking Act, in 2012.<sup>21</sup> However, those legal guidelines have been deemed in vain because of a loss of political and judicial enforcement. Bangladesh become position edat the Tier 2 Watch List in step with America Trafficking in Persons Report because the authorities ail to absolutely observe the minimum necessities for eradication of trafficking. The human trafficking nexus consists of neighborhood politicians, crooked recruitment agencies, and authorities officials. However, authorities employees suspected of being worried about human trafficking are in large part unexplored or penalized via way of means of the Government of Bangladesh (United States Department of State, 2021). The essence of the hassle is that, as a distinctly hidden and covert sector, human trafficking is basically under-said and untraced. The anti-trafficking criminal framework of Bangladesh is made up of constitutional, legislative, and procedural legal guidelines followed via way of means of govt and legislative branches, and additionally worldwide treaties, conventions, and declarations signed and/or authorized via way of means of the authorities of Bangladesh (Winrock International, n.d.).

#### **5.5 Specific Laws Related to Counter-Trafficking:**

##### **5.5.1 The Constitution of Bangladesh**

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<sup>21</sup>The Prevention of Repression Against Women and Children Act, 2000 : Section 5. (2000).

The Constitution of Bangladesh (Ministry of Law, Justice & Parliamentary Affairs, n.d.-a) assures all citizens a society governed by the rule of law, basic human rights, social justice, and equality and prohibits any form of exploitation. The State is empowered under article 28 to create special provisions that benefit women and children. As per article 18, the State must address the issue of prostitution and gambling by adopting appropriate actions. Furthermore, article 34 forbids all forms of forced labor and makes any violation of this provision a crime, and article 35 prohibits any form of torture including violent, inhumane, or derogatory action against a Bangladeshi citizen.<sup>22</sup>

### **5.5.2 Anti-Trafficking Laws and Acts in Bangladesh**

Several ordinances and laws have addressed the difficulty of girls and baby trafficking in Bangladesh over the years. Here are glimpses of the modern-day felony provisions regarding human trafficking in Bangladesh.

#### **The Penal Code, 1860**

The Penal Code, 1860 (Ministry of Law, Justice & Parliamentary Affairs, n.d.-b), as revised in 1991, does not now longer mainly deal with human trafficking. Yet, it consists of provisions for slavery, the sale or buying of youngsters to take advantage of and discover them for unlawful purposes, compelled hard work, rape, faux or illegitimate marriage, and illegal detention (Winrock International, n.d.) which are all broadly applicable to trafficking. The Code specifies different punishments for crimes.

The Penal Code, of 1860 contains provisions for penalizing crimes related to abduction, kidnapping, subject to slavery, keeping in confinement, buying or disposing of any person as a slave, and selling for purpose of prostitution which in general cover trafficking.

Sections 360, 362, 363, 365, 366(A), 366(B), 367, 368, 369, 370, 371, 372, 373, and 370, of the code have provisions for penalizing such crimes

For instance, the kidnapping of boys under the age of 14 and girls below 16 including persons of unsound mind is punishable by a seven-year prison sentence and a fine or both. Kidnapping or abducting anyone below the age of 10 with the intention or likelihood of the child being enslaved or exposed to the lust of another person is punishable by death or a sentence of up to 14 years of imprisonment. A person suspected of kidnapping or abduction with the intent to

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kill will be sentenced to life in prison or 10 years in jail and a fine. Kidnapping or abducting a woman and forcing her to marry someone against her desire or consent, or to compel or entice her into illegal sexual intimacy or intercourse, is punishable by 10 years in jail and a fine (Shamim, 2010). The Penal Code does not specifically address pornography involving minors, incest, sex tourism, or organ harvesting and the penalties are light in comparison to the magnitude of the crime (Winrock International, n.d.).

### **Law on Human Organ Transplant, 1999**

The Law on Human Organ Transplant, 1999 (Ministry of Law, Justice & Parliamentary Affairs, n.d.-c) makes it illegal to purchase or sell human organs, and it carries a penalty of seven years in prison and/or a fine of Bangladeshi Taka (BDT) 300,000 /USD 3,485.94 (1 USD equals 86.06 BDT as on 10 February 2022). Although the act might be used to punish the trafficking of human body parts, it has yet to be completely implemented (Winrock International, n.d.)

### **The Children Act, 2013**

The Children Act, 2013 (Ministry of Law, Justice & Parliamentary Affairs, 2016) covers child custody, protection, and treatment, including the prosecution and punishment of young offenders by juvenile courts. It specifies the sentences for several types of crimes against children, like brutality, begging, passing over or transferring intoxicating drinks or dangerous narcotics, exploitation, luring a child to a brothel, inciting seduction, and so on. Furthermore, anyone who allows a child over the age of four to dwell in or visit regularly a brothel faces a sentence of up to two years in prison or a fine of a maximum of BDT 50000 (USD 580.99), or sometimes both.

### **The Bangladesh Passport Order, 1973**

As per the Bangladesh Passport Order, 1973 (Ministry of Law, Justice & Parliamentary Affairs, n.d.-g), if a person has been convicted of any crime at a Bangladeshi court or is strongly suspected of smuggling, trafficking, or engaging in unlawful activities, a passport or travel document may be denied to him/her. Additionally, Section 3 of the Bangladesh Passport Order 1973 declares it illegal to leave Bangladesh without a valid passport or travel document. Anyone who violates Section 3, and/or who intentionally provides false information to obtain a passport, or who uses a passport granted to someone else, faces a maximum sentence of six months in prison or a fine of up to BDT 2,000 /USD 23.23 or both if convicted. The maximum

penalty is minimal and ineffective in combating the use of fake and invalid passports (Winrock International, n.d.)

### **The Prevention of Repression Against Women and Children Act, 2000 (Amended 2003)**

The Prevention of Repression against Women and Children Act, 2000 (Ministry of Law, Justice & Parliamentary Affairs, n.d.-d) declares trafficking in women and children as punishable with death or a life sentence of the highest 20 years or a minimum of 10 years' life imprisonment along with a financial penalty (Shamim, 2010). The Act also creates a special Women and Children Repression Prevention Tribunal to prosecute specific crimes against women and children. The Act was revised in 2003 and made the investigating officials accountable for their failure in finalizing inquiries within the specified time. The Amendment also provides for a 'camera trial' to ensure the privacy of survivors/ witnesses and thus prevent them from further harassment (Winrock International, n.d.). The act fails to comply fully with the United Nations Convention on the Rights of the Child and defines a 'child' as anyone under the age of 16 instead of 18. Additionally, this legislation has inconsistencies regarding the punishment of crimes as it may impose a death sentence for human traffickers. However, when it comes to prostitution which also belongs to human trafficking, the law only punishes the middlemen or brokers, not the clients (Bangladesh National Women Lawyers Association, 2004; Winrock International, n.d.).

### **The Prevention and Suppression of Human Trafficking Act, 2012**

The Prevention and Suppression of Human Trafficking Act, 2012 is the first anti-trafficking law in Bangladesh (Ministry of Law, Justice & Parliamentary Affairs, 2013) to include labor trafficking. It establishes the most comprehensive legal framework for preventing human trafficking, prosecuting traffickers, and treating and protecting existing and potential victims of human trafficking. Sections 6 and 7 of the Act stipulate harsh penalties for trafficking-related crimes like a death sentence for organized crime and life sentences for other sorts of offenses. Besides, the Act assures punishment for ancillary crimes. The Prevention and Suppression of Human Trafficking Act declare sex and labor trafficking illegal, with punishments ranging from five years to a life sentence in jail and a fine of at least 50,000 BDT /US\$580.99. Bonded labor is punishable by five to 12 years in jail and a fine of a minimum of BDT 50,000 /USD 580.99. The Act also establishes special tribunals with extensive powers for the speedy trial of human trafficking charges, and precautionary measures for safeguarding the victims and survivors, such as victim identification, rescuing, rehabilitation, repatriation, and reintegration.

The Prevention and Suppression of Human Trafficking Act, of 2012; allowed for the enactment of legislation and processes for identifying and rescuing human trafficking victims in collaboration with the Government of Bangladesh and Non-Governmental Organizations. The Act also makes provision for the rehabilitation and reintegration of human trafficking victims, such as fostering and supporting the rescue process of the victim if he/ she is located in a foreign state the Bangladesh embassy. The law allows the Government of Bangladesh to build sufficient protective housing and rehabilitation facilities. Additionally, the Act encourages Non-Governmental Organizations to create such shelters with government authorization or licensing. Furthermore, the law has established a framework for victim rehabilitation, reintegration, and social reunification if the victim desires to return or if their family welcomes them. The Act also upheld the principle of well-being and the best interests of the children. Moreover, the Government of Bangladesh may use the fund created by this Act to offer monetary support to trafficking victims (Ministry of Law, Justice & Parliamentary Affairs, 2013). The Prevention and Suppression of Human Trafficking Act is the most significant piece of law passed by the Government of Bangladesh as part of the continuing anti-trafficking efforts.

### **The Emigration Ordinance, 1982**

The Emigration Ordinance, 1982 (Ministry of Law, Justice & Parliamentary Affairs, n.d.-i) regulates the operational and regulatory aspects of labor migration and could be used to combat human trafficking. Anyone who emigrates or travels disregarding this Ordinance is subject to a one-year sentence of imprisonment. However, there is no mechanism to penalize employers and brokers who breach an agreement with migrant workers or engage in deceptive conduct (Winrock International, n.d.)

### **5.6 International and Regional Instruments Relating to Women and Children**

The United Nations and international community have expressed serious concern against discrimination and exploitation of women and children and agreed to ensure the protection of children and women through various Declarations and Conventions, which have been approved by the majority of member countries. Bangladesh has also ratified several United Nations Declarations and Conventions aimed at safeguarding the rights of women and children against oppression and exploitation including human trafficking. Below is a summary of the relevant conventions, international anti-trafficking statutes, and other international and regional agreements ratified by the Government of Bangladesh

- The ILO Forced Labor Convention, 1930 (No. 29): It declares forced or involuntary labor that is illegally obtained as a criminal offense (Bangladesh National Women Lawyers Association, 2004);
- The Universal Declaration of Human Rights, 1948: Bans all forms of enslavement and slavery-related trading activities (Bangladesh National Women Lawyers Association, 2004);
- UN Convention for the Suppression of Trafficking in Persons and Exploitations of the Prostitution of Others, 1949: The Convention states that prostitution and the associated evil of human trafficking targeting prostitution are inconsistent with human dignity and jeopardize the welfare of society as a whole. The Convention allows the state parties to penalize any person who is involved with the procurement, enticement, or leading another person for prostitution even if that person agrees to do so (Bangladesh National Women Lawyers Association, 2004);
- Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979: It states for national action by the state parties to abolish all forms of discrimination against women and allows to initiate of necessary steps to combat female trafficking and prostitution (Bangladesh National Women Lawyers Association, 2004);
- Convention on the Rights of the Child, 1989: This Convention ensures that children's rights are protected without favoritism or discrimination (Bangladesh National Women Lawyers Association, 2004);
- International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990: It calls the State parties to protect the rights of migrant workers and their family members against violence, physical harm, threats, and harassment (Bangladesh National Women Lawyers Association, 2004);
- The Beijing Declaration and the Platform for Action, 1995: The Platform for Action calls all state parties to take required steps like amending current laws to punish trafficking offenders and address the issues that trigger the trafficking of women and girls for prostitution, sex trade, forced marriages, and slavery (Shamim, 2010);
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000: The Protocol bans the selling of children, child prostitution, and child pornography. It emphasizes on repatriation/deportation of perpetrators and promotes international collaboration between States for the prosecution of criminals (Shamim, 2010);



- South Asian Association for Regional Cooperation [SAARC] Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2002: The Convention is working for the prevention of trafficking in South Asia. The Convention encourages member states to work together to address issues of women and children trafficking and emphasize repatriation, rehabilitation, and reunification of trafficking victims. Additionally, the SAARC Convention is trying to control the abuse/exploitation of women and children in the global sex industry (Shamim, 2010).

Furthermore, the Government of Bangladesh has acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention in opposition to Transnational Organized Crime (Palermo Protocol) in September 2019 (Pereira & Hossain, 2020). The Protocol specializes in developing a holistic global reaction in opposition to human trafficking and calls the State's Parties to undertake applicable legislative and administrative steps (Shamim, 20).

### **Punishment for Women Trafficking**

A person who intentionally imports, traffics, or sends a woman abroad for the purpose of using her for prostitution or another illegal or shameful activity, or who allows a woman to be purchased, sold, leased, or exchanged, or who keeps a woman for any form of torture or a similar motive, is prohibited from doing so. ownership, guardianship, or care, followed by death, indefinite detention, or indefinite detention for a term of not more than 20 years and not less than 10 years, all with a fine.

### **Punishment for Child Trafficking**

Anyone who brings children into the country illegally transports them abroad, engages in child trafficking, purchases them, offers them for adoption, or has them in their custody shall be punished with death, life in prison, or both. 20 years, not less than 10 years, and in good condition.

Punishment for rape and deaths brought on by rape: A male who rapes a woman faces the death penalty as well as a fine.

The employment of minors is forbidden by the 2006 Bangladesh Labor Code. No kid shall be obliged or permitted to work in any occupation or institution, according to Section 34 of the Code.

One more time, it states that "no parents or guardians of a kid can make a contract of employment of a child giving the authorization to work with anyone."

### **5.7 Flaws in the legal framework to prevent and punish the crime of trafficking**

The South Asian Affiliation for Territorial Participation (SAARC) member countries adopted the Convention on Prevention and Prevention of Trafficking in Women and Children for Prostitution (hereinafter the "SAARC" Trafficking Tradition" or "Tradition") in January 2020 to combat trafficking at the regional level. Kathmandu SAARC at the meeting. Following ratification by each of the seven member states, the custom was broken in 2006. These lines were drawn in Afghanistan in 2007. The custom is significant because it demonstrates a governmental commission on the part of the area to fight human trafficking. South Asian women and kids. It is a legally binding agreement that obligates each state party to take decisive action to settle. trafficking in females and minors for sexual exploitation.

Nevertheless, the researchers try to show the weaknesses in combating women and children based on the following points, which can be summarized as follows:

1. There is no definition of women and children within the structure of Bangladesh.
2. Bangladesh may be a party to numerous worldwide and territorial rebellions that bargain with different viewpoints of trafficking, however, most of them are not straightforwardly pertinent as Bangladesh takes after a dualistic hypothesis in applying worldwide law to the state region.
3. The Correctional Code, of 1860 does not have particular arrangements for child explicit entertainment nor does it have arrangements against prostitution or sex tourism. Too there's no arrangement for organ exchange.
4. The Suppression of Immoral Traffic Act, of 1933 forces no bar against the prostitution of ladies over 18 a long time of age. The statutory arrangement does not announce prostitution as a culpable offense, which is opposite to Article 18(2) of the Structure of Bangladesh.
5. The Suppression of Brutality Against Women and Children Act of 2000 contains no provisions to protect witnesses in women and children cases. In the case of prostitution, the law punishes pimps and pimps, but not clients. In addition, the law conflicts with the United Nations Tradition on the Rights of the Child (CRC) 1989 regarding the definition of a child.

6. There is no single law that deals exclusively with the problem of women and children. The existing legal framework mainly deals with the criminalization and enforcement of women and children but does not deal with anti-trafficking measures.
7. There is no separate body with the appropriate knowledge, skills, and training of members to investigate women and children cases.
8. Woman and children cases, like other irregularities, are tried openly in court, with no unusual treatment or procedure, etc. A 2003 amendment to the Prevention of Cruelty to Women and Children Act, whatever that may be, introduced a regime for the hearing of crimes behind closed doors.

The Evidence Act, of 1872 made the state bear the burden of demonstrating blame past sensible question, and numerous traffickers got away with discipline due to the prosecution's disappointment to demonstrate the charges against the charged trafficker past sensible question. To begin with, a Data Report (FIR) enrolled beneath Section 154 of the Criminal Strategy Code isn't considered rundown proof.

### **5.8 Recommendations for Legal and Policy Reforms:**

1. Significant laws on trafficking ought to be revised in line with universal legitimate benchmarks and anti-trafficking norms.
2. Insufficiency of procedural laws ought to be addressed.
3. Video conferencing and other mechanical apparatuses ought to be utilized to arraign traffickers.
4. A free examination component ought to be created for activity-related cases.
5. Bangladesh ought to confirm and actualize all worldwide rebellions related to trafficking.
6. The legitimate system ought to clearly recognize trafficking as a net infringement of human rights.
7. Activity casualties ought to be given with legitimate help in legitimate procedures as a matter of right.

### **Reform of the Criminal System:**

- I. Gender delicate and child-friendly approach ought to be embraced within the examination of trafficking cases.

- II. Law authorization offices must recognize casualties of trafficking as casualties of genuine wrongdoings who ought to not re-victimize and treat them in agreement with their human rights.
- III. Witness security plans ought to be put in put for ladies and children to affirm against their traffickers. Such plans will offer assistance to the police show prove some time recently the courts and guarantee higher conviction rates.
- IV. If charge sheets are issued against affirmed traffickers after examination, their bank accounts ought to be solidified to break criminal systems and avoid utilize of stores to wrongfully impact law requirement agencies.
- V. There ought to be database data on activity victims.
- VI. A National Founded for Data Assets on the Rights and Status of Ladies and Children should be made to gather information and conduct anti-trafficking investigations. The proposed national institution will also be responsible for the control of trafficking and the rehabilitation of victims of trafficking.

**Preventive Strategies:**

- a. Mobilizing respectful society, social laborers, and media as anti-trafficking apparatuses in the expansion of the jail system.
- b. Community-first completed ventures to offer jail education and jail strengthening are vital increases to any anti-trafficking strategy.
- c. Community readiness for trafficking must be developed and enhanced.
- d. It is fundamental to require instructive plans for youth and young ladies in night and evening work.
- e. Educational showcasing campaigns to spare you mothers and fathers from sending their wards to work.
- f. Empowering young ladies through tutoring and upgrading their monetary notoriety can be a vital way to battle destitution which is the root cause of poverty.
- g. Educational applications like theater, recordings, quick movies, and flyers have to be broadly utilized as a implies of attention.

### **Repatriation and Rehabilitation:**

1. Every call for educated and intentional repatriation ought to be acknowledged and conveyed by Parties, centering on the pleasurable intrigue of survivors and the commitments of States.
2. Government-NGO associations in anti-trafficking procedures ought to progress recovery and reintegration proposition for protected casualties, counting mental counseling and care.
3. Hones ought to address the interesting vulnerabilities and wants of trafficked youth. As a last drift sufferers ought to select tall school structures and professional schools that take into consideration those one-of-a-kind desires.
4. Construct solid casualty back structures and cultivate community-police organizations to combat trafficking.
5. Adequate courses of action ought to be made for the secure safe house of trafficked women and youth who are now not in police custody.

### **5.9 Conclusion**

These days, both nationally and internationally, trafficking is a major social and political issue. It has developed into the criminal enterprise with the fastest global growth. Bangladesh suffers from extreme poverty, and the number of women and children is increasing rapidly. Governments, international organizations, donor networks, and NGOs are all working together to address the issue. Trafficking in children is on the rise.

## CHAPTER 6

### **Trafficking Women and Children in Bangladesh: Finding and Recommendation**

#### **6.1 Introduction:**

The fastest-growing non-legal industry in the world is women and children, with an estimated global market value of over \$32 billion yearly. This astounding offense is the second most deplorable criminal operation in the world's former narcotraffic after illegal hand trafficking (United States Department of Justice, 2016). Every country, regardless of socioeconomic condition, history, or political system, is affected by the movement of women and children via global supply chains and migration routes (Clark & Poucki, 2018).

Bangladesh struggles with high population density, unemployment, herb bugs, and a lack of valuable resources, which contributes to the country's high rate of women and youth trafficking. Every year, hundreds of Bangladeshi women are trafficked into India, Eastern Europe, and the Middle East for domestic work, forced prostitution, and sexual exploitation. As a result of the trafficking's covert nature and lack of enforcement, it is challenging to find reliable data on it both locally and globally. The execution of laws protecting women and children is hampered by organizational shortcomings, a lack of law enforcement resources, and widespread corruption

#### **6.2 Causes of Women and Children Trafficking in Bangladesh**

Beginning in the early 1950s, women's and children's trafficking from Bangladesh to India, Pakistan, and the Arab world began (Ara & Khan, 2006). There are many different and intricate reasons why women have children. The risk of sexual exploitation of girls and boys as well as the complex socio-cultural and monetary structure of Bangladesh are to blame. The complexity of women and children, as well as the sexual exploitation of boys and girls in Bangladesh, is heightened by awareness of their effects. In Bangladeshi society, discrimination against girls starts soon after birth and persists throughout their lives, depriving them of many fundamental rights and opportunities. Because it is so common, patriarchal values contribute to its normalization.

It depends on the method of socialization. Encourage girls to make decisions on their own initiative. Men strongly oppose gender equality, especially in regard to leadership, family

responsibilities, and property inheritance, which promotes women's dependence on men. In these circumstances, poverty enables traffickers to take in helpless, vulnerable people who have no other way of surviving so they can be used for labor or marriage abroad. Additionally, people engage on the road through expensive fines and other consequences. Rahman, 2011, (Ara & Khan, 2006.)

Bangladesh shares a common border crossing with Myanmar and India. Smuggling from outside the country occurs at certain borders. At the border, formal exit and admission procedures are disregarded or undetected. -crossing traffic Additionally, the lack of official reporting procedures and border control infrastructure makes it simpler for traffickers to move victims across borders. Additionally, traffickers profit from the terrible victims' incapacity to retain counsel or visit the police station. Because of the lack of witnesses, traffickers frequently get off with a light sentence. Additionally, traffickers are organized businesses that support a large national and international community with effective social, political, and law enforcement elites. Consequently, many attempts to approach women and children are ignored (Rahman, 2011).

### **6.3 Current Scenario and Ongoing Issues**

Along with approving/ratifying multiple international and regional agreements and conventions, the government of Bangladesh has taken a number of legislative and administrative steps to protect you and fight for women and children in Bangladesh. However, because of a lack of effective law enforcement, a lack of motivation on the part of the authorities charged with enforcing the law, and a failure to interpret existing laws in a way that criminalizes crime, women and children continue to be one of the most serious extreme problems. In exchange for overlooking sex worker abuse, evading the obligatory age verification procedure, and gathering fictitious files for young girls, brothels receive phony records for underage girls.

Police, courts, and local officials may seek money from complainants' spouses and kids in order to investigate accusations. A few rural criminals who prey on women and children also have strong contacts with politicians, which gives them carte blanche to wander the countryside and maintain their unlawful enterprises. As they no longer record fraudulent recruitment attempts for law enforcement, those who were negative and weak were now also seduced with cash. He is accompanied by the suspects (United States Department of State, 2021).

Additionally, judges can encounter serious issues during hearings on the costs of women and children due to a shortage of victims and witnesses. Lack of witness or victim protection systems frequently makes it difficult to conduct fair and quick trials. There are situations when the victim's family, support system, or witnesses refuse to comply with the legal system. The loss of skills, expertise and current information about serious crime also has an impact on a large number of people in law enforcement organizations and among judges. Act of 2012 to Prevent and Suppress Human Trafficking The victim may also ask the court to obtain a specific order to ensure detention. However, this typically doesn't happen anymore.

#### **6.4 Solution and Recommendations**

Women and children is a criminal crime that has a serious negative impact on people's life, breaches the victims' fundamental rights, and causes significant physical and psychological pain. It is difficult to take preventive action because there is no immediate or direct solution to such problems, and it isn't always easy to identify and identify human trafficking. Although there isn't a ready-made solution for such problems, taking the right actions can produce pleasing outcomes.

##### **Recommended measures for prevention include**

- I. Girls and children who are victims of crimes against women and children should be given appropriate guidance and protection so that they can testify in court. The country should establish a strong community-police relationship and patient care programs. For trafficking victims outside of detention, enough safe shelters should be connected because they will feel uneasy there.
- II. Promoting collaboration between sending and receiving nations in the fight against trafficking is crucial. All of those foreign sites must have standardized judicial systems, accurate reporting, and open information flow.
- III. National and local projects that draw attention must be distributed through educational institutions, nonprofit organizations, mainstream media, criminal justice, organizations for women, and civil society organizations. Network attention can be drawn through plays, videos, short films, and pamphlets. The level of community vigilance against women and children needs to be increased.
- IV. Poverty needs to be eradicated since the majority of poor people have no choice but to follow the quickest, illegal means of surviving and end up in the hands of traffickers.



In these situations, small organizations can work with government agencies and non-governmental organizations to help lift the poor out of poverty.

- V. In order to prevent the unlawful shipment of people abroad, recruiting companies in Bangladesh must use a very stringent tracking system. It is necessary to fully establish victim-witness protection measures as well as anti-trafficking tribunals.

Ultimately, all parties involved want to work together to eradicate this social evil.

## **6.5 Conclusion**

The worst sort of violation of human rights involves women and children, and it is a lucrative criminal trade that takes place not just in Bangladesh but also all over the world. The trafficking of women and children in Bangladesh is frequently caused by the social structure, attitudes toward women, poverty, mass brainwashing, corruption of a small number of government officials, and misconduct with the aid of recruitment agencies. Every day in Bangladesh, more crimes against women and children are committed. Because of the threat this illegal act poses to Bangladesh's capacity for internal and foreign security, its elimination is crucial. The Bangladeshi government has ratified a wide range of regional and international conventions, as well as several anti-trafficking legislation and regulations.

## CHAPTER 7

### CONCLUSION

Women and children who have been coerced into prostitution are sold as laborers, domestic helpers, sex workers, and other types of exploitative jobs. The primary effect of trafficking is the violation of women's and children's fundamental human rights. Grave sites discovered in a hilly region of southern Thailand and boat people in the Bay of Bengal are both connected to illegal migration and represent two different sides of the same issue. The problem in both situations is an attempt at illegal immigration and trafficking. There is not much distinction between trafficking and illegal immigration in this case. This is hardly the first instance of trafficking or unlawful emigration. It wasn't the first time someone was brutally murdered or that someone was still alive. Unsurprisingly, women and children make up a large portion of the victims.

According to a research by the International Migration Organization, women make up half of all international migrants (IMO). Surprisingly, just 5% of Bangladeshi women who migrate internationally are female. International migration from Bangladesh began formally in 1976; nevertheless, it wasn't until 1991 that female migration became very noticeable. Up until 2001, there were a number of restrictions on the immigration of women from Bangladesh for lower-level jobs. Positive trends are evident following the lifting of substantial restrictions on female immigration to lower level occupations. Women workers made up 0.54 percent of all Bangladeshi workers who traveled abroad in 2002, according data from the Bureau of Manpower Employment and Training (BMET). This percentage increased to 6.14 in 2012, and by the middle of 2013 it was at 13. This percentage increased to 6.14 in 2012, and by the middle of 2013, it was up to 13 and continuing to rise. Between 1991 and 2013, a total of 276,262 female workers took jobs abroad. Only 51 countries allow women to migrate. Most of them were employed as housemaids in Middle Eastern nations. The true number of Bangladeshi women who have left the country in search of employment is unquestionably significantly higher than the official statistic of migratory women workers who have emigrated. Only 40% of migrant women workers migrate through recruitment agencies, according to attendees in a recent expert workshop conducted in Dhaka; the remaining 60% travel overseas with the aid of actual well-wishers Agents or traffickers. The data indicates accounted for just 2.9% of all migrants who emigrated through official methods, which represents a very small

portion of Bangladesh's labor migration. Others rely on trafficking routes or covert corridors for illegal immigration.

International migration of Bangladeshi women migrant workers is rising as a result of a lack of stable employment, internal displacement brought on by natural disasters, and workforce demands on the world labor market. International migration prospects came with an upsurge in both child and woman trafficking. Human trafficking is victimizing women and teenage girls in Bangladesh at an alarming rate. The primary vulnerability of a "possible" victim is a strong desire to enhance their standard of living by leaving their home and internal displacement or climate refugees looking for sanctuary. Women and teenage girls are the most common victims of human trafficking. Victims are compelled to engage in prostitution, work in sweatshops and quarries, work on farms, serve in the militia or as hired soldiers, or engage in a variety of other forced labor.

Trafficking is primarily motivated by prostitution. Approximately 27,000 Bangladeshi women and children were forced into prostitution in India, according to a 2006 report on commercial sexual exploitation of children (CSEC), and another 40,000 Bangladeshi children were engaged in prostitution in Pakistan (UNICEF, 2007). In the past 30 years, more than 1 million women and children have been trafficked out of the country; many of them were sent to work as domestic servants, prostitutes, camel jockeys, and beggars. According to a UNICEF estimate, 400 women and children in Bangladesh fall prey to human trafficking every month. According to a different estimate, 300,000 children and women from Bangladesh have been trafficked to India alone during the past ten years (UNICEF, 2009).

Various methods are used in Bangladesh to obtain women and children for the purpose of human trafficking. Getting young females through marriage is one of these methods. Men are employed outside of the nation for this reason. To get married, they return to the homes in their community. These young girls have vanished without a trace since their marriage, when the young wife accompanied the husband to his place of employment.

Various methods are used in Bangladesh to obtain women and children for the purpose of human trafficking. Getting young females through marriage is one of these methods. Men are employed outside of the nation for this reason. To get married, they return to the homes in their community. These young girls have vanished without a trace since their marriage, when the young wife accompanied the husband to his place of employment. Our national anti-trafficking strategies and initiatives must include encountering human trafficking targets. All types of

illegal immigration and labor trafficking, especially those involving deceptive labor recruiting and coerced child labor, must be ensured through criminal prosecutions and penalties. Government personnel who may be suspected of involvement in trafficking must be subjected to thorough investigation by law enforcement agencies, who must also bring charges against them. In order to protect victims of forced labor and human trafficking, Bangladesh's overseas recruiting firms must make sure they are not endorsing behaviors that encourage it. We must make sure that we are solely punishing the network's organizers and facilitators of illegal immigration and human trafficking. Networks of illegal immigration and human trafficking are strongly related. Government must be proactive in the emigration process both domestically and internationally, and we should have a thorough emigration process. We still don't have a particular human trafficking provision in our constitution. In order to stop the human trafficking of Bangladeshi nationals, it is urgent that explicit provisions addressing the issue of human trafficking as well as safeguards for women and adolescent girls be included to the constitution. This will also help to increase awareness of the problem.

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