DISSERTATION

ON

REVISITING THE LEGAL FRAMEWORK FOR COMBATING CHILD TRAFFICKING IN BANGLADESH: A LEGAL ANALYSIS

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Declaration

I, Farzana Sharmen Lopa, declared that I have completed this research work as a requirement of my Master of Law degree at Sonargaon University. I state that I do this research work, and it has not been published or submitted to be published previously in any journals in any form. I also declare that the information derived from any published and unpublished work of others has been appropriately acknowledged.

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Acknowledgement

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Table of Contents

Declaration……..... **ii**

Acknowledgement……..... **iii**

Abbreviations……..... **v**

Abstract ……..... **1**

Chapter- I: Introduction ……..... **2-10**

Chapter- II: (Conceptual Analysis and current situation of child trafficking in Bangladesh) …. …… 11-17

Chapter- III: (National Legal Frameworks on Child Trafficking) ……..... **18-26**

Chapter- IV: (International Legal Frameworks on Child Trafficking) ……..... **27-29**

Chapter- V: Challenges and Gaps in the Legal Framework) ……..... **30-33**

Chapter- VI: Findings, Recommendations, Conclusion……..... **34-36**

Bibliography……..... **37-39**

Abbreviations:

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

REVISITING THE LEGAL FRAMEWORK FOR COMBATING CHILD TRAFFICKING IN BANGLADESH: A LEGAL ANALYSIS

Chapter I: Introduction

Abstract

In Bangladesh, hundreds of children are exploited and abused every year as a result of child trafficking, which is still a widespread and horrifying problem. The present study conducts a thorough analysis of Bangladesh's legislative framework with the objective of addressing child trafficking. In addition to identifying implementation issues, it explores current laws, regulations, and international duties and makes recommendations for strengthening the legal response to this grave human rights violation. This study seeks to provide practical insights for policymakers, legal practitioners, and stakeholders who are devoted to safeguarding the rights and welfare of Bangladeshi children by providing a thorough examination of the complicated subject. It aims to clarify the nuances of the matter, evaluate the efficacy of current laws and regulations, pinpoint any implementation gaps and difficulties, and make suggestions for new legislation. This article intends to provide a comprehensive knowledge of the legal landscape surrounding child trafficking in Bangladesh by a thorough review of national legislation, international commitments, institutional processes, and case studies. One cannot stress the significance of this analysis enough. Poverty, inequality, corruption, and a lack of awareness all contribute to the continued success of child trafficking, despite the efforts of governments, civil society organizations, and international authorities. Although laws and policies are essential in tackling this problem, their efficacy depends on strong enforcement mechanisms, sufficient funding, and a victim-centred strategy.

Introductory statement:

One of the most heinous abuses of human rights is child trafficking, a scourge that causes unimaginable pain to its victims and threatens the foundation of society all over the world. The problem of child trafficking is a major concern in Bangladesh, a nation facing several socio-economic difficulties, as it claims hundreds of lives every year. Children in Bangladesh are exposed to a variety of exploitative practices, such as forced labour, forced marriage, organ trafficking, and sexual exploitation, many of which have severe effects on the physical, emotional, and mental health of the victims. The government of Bangladesh and several non-governmental organizations have taken anti-trafficking measures in response to the alarming rise in child trafficking to India, Pakistan, and other Middle Eastern countries for labour sex and other forms of exploitation, including the sale of organs. These measures include the enactment of laws that criminalize child trafficking in all its forms, the prosecution of traffickers and their middlemen, the provision of protection and support for the victims' rehabilitation and family reintegration, the raising of community awareness, and more. In addition to these events, a variety of training courses are being planned for participants, social workers, and law enforcement personnel.[1] Let us not forget the voices muffled by exploitation, the human faces hidden behind the statistics, and the necessity of justice for those who have been denied it for far too long as we set out on our voyage of investigation and analysis.

[1] Rahman, M. "Child Trafficking in Bangladesh." *International Journal of Research in Economics and Social Sciences (IJRESS)* 8.1 (2018), 151.

Conceptualization of Terms used in the Research:

i. Who is a child?

Every boy and girl under the age of 18 is referred to as a child. Every human being below the age 18 years is treated as a child by the U.N. Convention of the Rights of Children[2]. All persons up to the age 18 years old shall be regarded as children as per section 4 of the Children Act 2013[3].

ii. What is Trafficking?

Trafficking is known as recruiting, transporting, transferring, harbouring, or receiving a person for exploitation, such as sexual exploitation, slavery, or other forms of exploitation by coercion, fraud, or abuse of vulnerability[4]. The process of entrapping people with deception, violation, coercion and exploiting them for monetary or one's own profit is also known as Human-Trafficking[5]. Trafficking can take place within a country or even within a community, People/victims do not have to be transferred or to be transported across borders[6].

iii. Child-trafficking for labour

In our country, child labour is cheap and as well as child labour is easy to control and for this the demands of child labour is increasing day by day, in Kolkata, Uttar Pradesh, Karachi many children of our country work in carpet trade, construction site and glass bangles industries[7].Bangladeshi children are also recruited as house-maids, children are frequently

[2] "Children", Banglapedia <https://en.banglapedia.org/index.php/Children# :~:text=Children% 20are%20boys %20and%20girls,its%2 0own%20laws%20and%20customs>, accessed on 23 May 2024.

[3] The Children Act 2013.

[4] "What is trafficking", Coatnet https://www.coatnet.org/what-is-trafficking/ > accessed on 23 May 2024

[5] What is human trafficking?", Anti-Slavery https://www.antislavery.org/slavery-today/human-trafficking/ > accessed on 23 May 2024.

[6] Ibid

[7] Gazi, Rukhsana & Haque, Ziaul & Alam, Nurul & Chowdhury, Elma & Ahmed, Faiz & Begum, Suraiya. "Trafficking of women and children in Bangladesh: An Overview", Published by ICDDR, B: Centre for Health and Population Research, 2001 <https://www.researchgate.net/profile/Rukhsana-Gazi/publication/345008182_Trafficking_of_women_and_children_in_Bangladesh_An_Overview/links/5f9c26c9a6fdccfd7b8ab103/Trafficking-of-women-and-children-in-Bangladesh-An-Overview.pdf> accessed on 23 May 2024.

exploited and abused due to lack of identification papers.18 Camel racing is a profitable sports in some countries like Dubai, in camel race it requires lightweight jockeys and children are usually lightweight, it has led to an increased child trafficking in Bangladeshi boys as young as below 12 years old.

iv. Child trafficking for commercial sex

In Bangladesh child are the most vulnerable to Human-Trafficking, They are trafficked and sold into prostitution in the age between 10-15 years old. In Bangladesh, girls trafficked are often forced to marry to create bonds with their clients this is one of the tricks used by the traffickers[8].

v. Push and pull factor in child trafficking.

The phrase "child trafficking" refers to the result of a mix of pull and push factors. While pull factors typically give false promises and illusions that ultimately lead to the exploitative situation, push factors force the victim"s to wander in a trafficking-like atmosphere and expose them to vulnerabilities. Micro-level factors that contribute to persons being trafficked voluntarily or under duress include the need to flee abusive homes and harsh economic circumstances, gender discrimination and social marginalization, dysfunctional families or stepparents, the societal acceptability of child labor and young marriages, and more[9]. However, additional motivations that draw victims into contemporary slavery include the traffickers' false promises of marriage or jobs, the impression of a safer and better life in the city, and the belief that they would be secure from abuse away from home. Young individuals or those who are currently in perilous situations are encouraged by pull factors to go for more glamorous or stable life alternatives than they believe are available in their own areas. The emergence of the sex industry and sex tourism, the effects of globalization, employment, trade and migration policies, conflicts, environmental disasters, the

[8] Raven Heyne, "HUMAN TRAFFICKING IN BANGLADESH", THE BROGEN PROJECT, AUGUST 11, 2020 <https://borgenproject.org/human-trafficking-in-bangladesh/> accessed on 23 May 2024.

[9] Md. Mahbub Rahman, "CHILD TRAFFICKING IN BANGLADESH", International Journal of Research in Economics and Social Sciences (IJRESS), International Journal of Research in Economics and Social Sciences (IJRESS), http://euroasiapub.org , accessed on 23 May 2024.

demand for exploitable labor in harsh and criminal working sectors, and development-induced risks are just a few examples of macro-factors that can create situations that increase vulnerabilities[10].

Background of the Research:

A widespread and extremely concerning issue, child trafficking affects millions of children worldwide, including those in Bangladesh. Children are exploited for a variety of reasons when they are trafficked, such as forced labour, sexual exploitation, domestic servitude, and even the trafficking of organs. Bangladesh is especially vulnerable to child trafficking because of its sizable population, high rates of poverty, and susceptibility to natural catastrophes. The impetus for this study is the pressing necessity to use a legal framework to address the complex problem of child trafficking in Bangladesh. Numerous children continue to be exploited and abused as a result of child trafficking, despite numerous attempts by the government, civil society organizations, and international actors.

Bangladesh is party to a number of international treaties and conventions, such as the Convention on the Rights of the Child (CRC) and its Optional Protocols, which are designed to safeguard children's rights. Examining the legislative framework enables one to determine whether the nation complies with its international commitments with relation to child trafficking. Assessing the merits and demerits of current laws and regulations is crucial to determining how well they work to stop child trafficking. Legal analysis clarifies the channels open to prosecute human traffickers and giving victims' rights to justice and compensation. It also emphasizes how crucial victim support and protection are to the functioning of the justice system. A thorough analysis of the legal framework makes it feasible to pinpoint areas where prevention initiatives may be strengthened, and potential traffickers can be discouraged by strong legal measures. To enhance Bangladesh's response to child trafficking, policy formation and advocacy initiatives can benefit from the legal analysis's conclusions. This entails suggesting changes to the law, how to allocate resources, and steps to increase capacity.

[10] Ibid

Due to the intricate nature of child trafficking and how it interacts with many socioeconomic elements, a legal study offers a methodical framework for comprehending the problem in its entirety. It helps stakeholders to recognize systemic issues, investigate underlying causes, and create focused actions that protect Bangladeshi children's rights and dignity. In the end, this study aims to address the unique context and difficulties encountered by Bangladesh while making a contribution to the larger conversation on the fight against child trafficking worldwide.

Objectives of the Research

This research on the legal aspects of preventing child trafficking in Bangladesh aims to fulfil the following goals:

1. Understanding Legal Framework: To gain an understanding of the legal framework in force, an analysis of the laws and regulations pertaining to child trafficking in Bangladesh is conducted.

2. Identification of Legal Gaps: This refers to finding flaws or shortcomings in the current legal systems that let child trafficking to continue or obstruct successful prosecution.

3. Assessment of Implementation: Assessing how well-informed current laws and policies, along with institutional capabilities and enforcement methods, are preventing child trafficking locally.

4. Legal Challenges and Obstacles: Examining the legal difficulties that victims, law enforcement, and legal professionals encounter when pursuing traffickers and defending victims.

5. International obligations and compliance: Evaluating Bangladesh's adherence to international conventions and treaties pertaining to child trafficking and looking at ways to improve legal frameworks in order to satisfy global norms.

6. Victim Protection and Rehabilitation: Analyzing the laws pertaining to the defense, support, and recovery of victims of child trafficking, including their access to justice, housing, medical treatment, and education.

7. Preventive Measures: Determining the legal approaches that can be used to stop child trafficking, such as community organizing, awareness campaigns, and legislative changes that focus on vulnerabilities and underlying causes.

8. Cross-Border Cooperation: Examining bilateral and multilateral agreements' legal foundations for extradition and international cooperation in cases of cross-border child trafficking.

9. Policy Recommendations: Developing institutional modifications, policy measures, and legislative reforms to fortify Bangladesh's legal response to child trafficking in light of the research findings.

10. Empowerment of Stakeholders: Through partnership initiatives, legal education, and capacity building, government agencies, law enforcement, the courts, civil society organizations, and communities are among the major stakeholders that are empowered.

Through the pursuit of these goals, scholars can enhance the overall comprehension of the legal aspects of countering child trafficking in Bangladesh and offer significant perspectives for the development and execution of policy.

Rationale of the Research

The following are some of the strong and well-rounded arguments in favor of researching child trafficking prevention in Bangladesh through legal analysis:

1. Humanitarian Imperative: Child trafficking seriously jeopardizes children's safety, wellbeing, and chances for the future. It is a flagrant violation of their human rights. The moral need to safeguard society's most vulnerable citizens motivates research in this field.

2. Legal Obligations: Bangladesh has ratified a number of international agreements and conventions, including the UN Convention on the Rights of the Child and the Protocol to

Prevent, Suppress, and Punish Trafficking in Persons, which require action against child trafficking. Research reveals opportunities for development and assists in evaluating Bangladesh's adherence to these commitments.

3. Impact on Society: Child trafficking has a significant negative impact on Bangladesh's social, economic, and developmental prospects. Research attempts to lessen these effects and support larger societal objectives of social justice and sustainable development by addressing the legal aspects of trafficking.

4. Policy Formulation and Implementation: A thorough grasp of the institutional mechanisms and legal frameworks in place is necessary for developing effective policy responses to child trafficking. Research offers fact-based information that can guide the creation and application of laws intended to stop human trafficking, safeguard victims, and bring offenders to justice.

5. Capacity Building: Government agencies, law enforcement, the judiciary, and civil society organizations are among the pertinent stakeholders whose capacities are strengthened by research on the legal elements of fighting child trafficking. It gives them the information and resources they need to deal with trafficking issues within the judicial system.

6. Accountability and Transparency: Research evaluates the efficacy of current legal procedures, identifies gaps and problems, and advocates for necessary revisions in order to improve accountability and transparency in efforts to combat child trafficking. It makes those who have a duty to safeguard children from exploitation and abuse responsible for their actions.

7. Empowerment of Victims: Having a better understanding of the legal framework around child trafficking helps victims receive better support and empowerment. Research aids in the recovery and reintegration of survivors into society by pointing out legal options and paths to justice.

8. Knowledge Generation and Dissemination: New information about the intricacies of child trafficking, such as its underlying causes, patterns, and dynamics, is produced via research. Researchers help to promote change by sharing their results through policy briefs, advocacy campaigns, and scholarly publications. This broadens the public's understanding of the problem.

In general, studies conducted using a legal analysis lens to address child trafficking in Bangladesh are essential for improving children's rights and protection, fortifying institutions and legal frameworks, and fostering an environment that values equality and human dignity.

Scope of the Study:

The scope of study for the topic "Revisiting the Legal Framework for Combating Child Trafficking in Bangladesh: A Legal Analysis" encompasses a comprehensive examination of the existing legislative measures, their effectiveness, and the gaps within the legal framework that need to be addressed to combat child trafficking more effectively. This study will delve into the historical context and evolution of child trafficking laws in Bangladesh, providing an overview of the key legal instruments, both national and international, that Bangladesh is a part of. In addressing these aspects, the study aims to offer a holistic view of the legal landscape surrounding child trafficking in Bangladesh, identifying both the strengths and areas for improvement. Recommendations for legislative reforms, policy enhancements, and improved enforcement mechanisms will be proposed, aimed at strengthening the overall legal response to child trafficking. The ultimate goal is to contribute to a more robust legal framework that not only addresses the immediate legal needs but also fosters a safer environment for children, ensuring their rights are protected and upheld in accordance with national and international standards.

Limitations of the study:

The study on "Revisiting the Legal Framework for Combating Child Trafficking in Bangladesh: A Legal Analysis" is subject to several limitations. The availability and reliability of data pose a significant challenge, as child trafficking is a clandestine activity with limited official statistics and comprehensive databases. The study may rely heavily on secondary data from government reports, NGOs, and international organizations, which might not always reflect the current or

complete situation. The study's focus on legal frameworks might underemphasize the socio-cultural and economic dimensions of child trafficking, which are crucial for understanding and addressing the issue holistically. Field research and primary data collection could provide richer insights but are beyond scope due to time and resource constraints. Another limitation is the potential bias in case studies and reported incidents, which might skew the analysis towards more documented or high-profile cases, overlooking less visible but equally critical instances of child trafficking.

Research Methodology:

The discussion of this research paper is doctrinal in nature. Both primary and secondary sources are used to gather data and information. This study is both inquisitive and persuasive in style. The researcher conducted a descriptive and comparative examination of primary materials, such as international conventions, laws, and judgments of international courts, tribunals, and domestic courts. Books, articles, comments, digests, journals, internet resources, law commission reports, etc., are secondary legal study sources. Research tools used were the library and the Internet.

Research Questions:

I. What socio-economic factors contribute to the high rates of human trafficking in Bangladesh?

II. What are the gaps in the legal framework that allow human trafficking to persist and what could be probable solutions to fill these gaps?

Chapter Organization:

This research paper is formulated into five chapters including Introduction and Conclusion. The first chapter titled “Introduction” discusses the study and the questions that have prompted the study. Basic understanding of the relevant terms of the topic have been discussed in chapter two. In third chapter National legal frameworks on child trafficking have been discussed. The fourth chapter is International Legal Frameworks on Child Trafficking. The fifth chapter discuss about the gaps in legal frameworks. Lastly, the sixth and concluding chapter provides the overview and conclusion of the paper.

CHAPTER II:

CONCEPTUAL ANALYSIS AND CURRENT SITUATION OF CHILD TRAFFICKING IN BANGLADESH

The definition of trafficking is dynamic and constantly evolving in response to shifting political, social, and economic contexts. The reasons behind women's trafficking vary, as do the methods used to transfer women from one nation to another, but the essential elements never change. The understanding that trafficking is never consenting must be at the center of any definition of the term. The distinction between human trafficking and other types of migration lies in its non-consensual character. It is important to distinguish between the illegality of some types of migration and the absence of informed permission. All unlawful movement is not the same as trafficking, even if all trafficking is or ought to be criminal.

Defining Child Trafficking in International Context

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (also known as the Palermo Protocol) defines child trafficking in terms of international law. The following is how child trafficking is defined by the Palermo Protocol:

"Trafficking in Persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.[11]

[11] Article 3 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Adopted in 15 November, 2000.

The Protocol places particular emphasis on safeguarding children, acknowledging their increased susceptibility to being trafficked and exploited. Thus, the recruitment, transfer, harboring, or receipt of children through various forms of coercion, deception, abuse, or exploitation for purposes like forced labor, sexual exploitation, slavery, servitude, or organ removal is included in the definition of child trafficking under international law.

Defining Child Trafficking under Bangladeshi Law

Several important laws and policies, such as the Prevention and Suppression of Human Trafficking Act 2012, the Suppression of Women and Children Repression Act 2000, and the Anti-Trafficking in Persons Rules 2018, largely regulate Bangladesh's legal framework regarding trafficking. Through these laws, Bangladesh hopes to prevent human trafficking, especially that of women and children, by establishing a comprehensive legal framework.[12]

The primary piece of legislation addressing human trafficking in Bangladesh is the Prevention and Suppression of Human Trafficking Act, 2012. According to section 3(1) of the Prevention and Suppression of Human Trafficking Act 2012 of Bangladesh:

"human trafficking" means the selling or buying, recruiting or receiving, deporting or transferring, sending or confining or harbouring either inside or outside of the territory of Bangladesh of any person for the purpose of sexual exploitation or oppression, labour exploitation or any other form of exploitation or oppression by means of-

(a) threat or use afforce; or

(b) deception, or abuse of his or her socio-economic or environmental or other types of vulnerability; or (c) giving or receiving money or benefit to procure the consent of a person having control over him or her.[13]

[12] Legal Framework on Trafficking in Bangladesh, BD Lex, 2024. Retrieved from https://www.linkedin.com/pulse/legal-framework-trafficking-bangladesh-bdlex-manupatra-ued6c/

[13] Section 3(1) of the Prevention and Suppression of Human Trafficking Act, 2012.

Section 3(2) further states that if the victim of trafficking is a child, it shall be immaterial whether any of the means of committing the offence mentioned in clause (a) to (c) of subsection (1) is used or not.[14]

Section 2(14) has defined child as a person who has not completed the age of eighteen years.[15]

Therefore, the recruitment, transportation, transfer, harboring, or receipt of people through the use of threats, actual or threatened force, other forms of coercion, abduction, fraud, deception, abuse of authority, or a position of vulnerability, or the giving or receiving of payments or benefits to obtain the consent of an individual in a position of control over another individual, for the purpose of exploitation, are all considered trafficking in persons under this law.[16]

The aforesaid statutory definition covers a wide range of exploitation that occurs when it comes to minors, such as forced labor, organ removal, sexual exploitation, and slavery. It emphasizes the exploitation of children for financial gain or other advantages by the use of pressure, force, deceit, or abuse of vulnerability.

Bangladesh's legal framework recognizes the vulnerability of children to trafficking and provides specific provisions for their protection and support. The definition aligns with international standards, including the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000), ensuring a comprehensive approach to combating child trafficking within the country.

Forms of Child Trafficking

There are several ways that child trafficking appears in Bangladesh, and each one puts children's rights, safety, and wellbeing at danger. In Bangladesh, a few prominent types of child trafficking are as follows:

[14] Section 3(2) of the Prevention and Suppression of Human Trafficking Act, 2012.
[15] Section 2(14) of the Prevention and Suppression of Human Trafficking Act, 2012.
[16] Legal Framework on Trafficking in Bangladesh, BD Lex, 2024. Retrieved from https://www.linkedin.com/pulse/legal-framework-trafficking-bangladesh-bdlex-manupatra-ued6c/ accessed 23 May, 2024.

1. **Sex trafficking:** Forced prostitution, pornography, and commercial sexual exploitation are among the sexual exploitations for which children, especially girls, are trafficked. They are frequently tricked into the sex trade by threats of coercion or marriage after being promised
   job or marriage.

   2. Labor Trafficking: Children are trafficked for forced labor in a variety of industries, including manufacturing, construction, agriculture, domestic work, and unofficial industries like begging and street selling. They frequently labor in harsh and exploitative workplaces, enduring long hours, dangerous conditions, and little to no remuneration.

2. **Forced Begging:** Organized criminal networks and shady people trade and compel children, including newborns and toddlers, to beg. On the streets, they endure physical mistreatment, deprivation, and exploitation; traffickers frequently profit from these practices.

   4. Child Marriage Trafficking: In Bangladesh, child marriage is still a common practice. Girls are trafficked and coerced into young or compelled marriages. Education, independence, and chances for personal growth are denied to them, which has long-term effects on their health, happiness, and hopes for the future.

   5. Bonded Labor: Children who are compelled to work to pay off debts owing by themselves, or their family are trafficked and abused in bonded labor situations. They frequently experience psychological and physical abuse, with little to no chance of escape or assistance.

   6. Organ Trafficking: Although comparatively uncommon, child trafficking incidents involving the removal of organs sometimes happen in Bangladesh. Organ transplantation may necessitate the kidnapping or trafficking of minors, a practice frequently motivated by the illicit organ trade.

7. Trafficking for Illegal operations: Children are abused and trafficked in order to use them as part of illicit operations including smuggling, drug trafficking, theft, and other criminal endeavors. Traffickers or criminal networks use coercion, manipulation, or threats to force them to engage in illegal operations.

8. Child Soldiers: Although less frequent than in some other areas, child recruitment by armed groups or criminal organizations does happen occasionally in Bangladesh. Youngsters may be forced, kidnapped, or lured into armed gangs, where they suffer from psychological trauma, brutality and exploitation.

In order to combat various types of child trafficking in Bangladesh, government institutions, law enforcement, civil society groups, local communities, and foreign partners must work together in a comprehensive and coordinated manner. To combat human trafficking, defend children's rights, and advance their wellbeing, efforts should concentrate on collaboration methods, prevention, protection, and prosecution.

Causes of Child Trafficking

In Bangladesh, child trafficking is a complicated problem with many underlying causes that are influenced by social, political, cultural, and economic variables. Among the main reasons are:

1. Poverty: Families and children are more likely to be trafficked when they are placed in precarious situations due to economic hardship and a lack of possibilities for employment. Parents in poverty frequently have little choice but to send their kids to labor or give them over to human traffickers in the hopes of better prospects.

3. **Lack of Education:** Children who live in underprivileged neighborhoods or in rural regions are more likely to be victims of child trafficking because they have less access to high-quality education. Families with low levels of knowledge or illiteracy may find it easier to fall victim to false claims of work or education, or they may not fully comprehend the dangers associated with human trafficking.

3. Gender Inequality: Girls and women are more susceptible to human trafficking because of discrimination against them and deeply ingrained patriarchal standards. Forced marriage, sexual slavery, and domestic servitude disproportionately impact girls, which feeds the cycle of inequality and exploitation.

4. Social Exclusion: Ethnic minorities, indigenous communities, and religious minority are examples of marginalized groups that experience discrimination and social exclusion, which increases their vulnerability to human trafficking. Their vulnerability is further increased by their lack of access to legal protections, social services, and land rights.

5. Child Marriage: Because of poverty, societal conventions, and a lack of knowledge about the negative impacts of early marriage, girls in Bangladesh are frequently married off at a young age, making it one of the countries with the highest rates of child marriage worldwide. Child brides are more vulnerable to trafficking, abuse, and exploitation.

6. Climate Change and Natural Disasters: Bangladesh is vulnerable to cyclones, floods, and river erosion, all of which worsen poverty, displacement, and vulnerability. Families with children who are displaced and seek safety and assistance in strange places are especially vulnerable to human trafficking.

7. Lack of Law Enforcement and Accountability: Ineffective law enforcement, corruption, and impunity encourage the growth of trafficking networks and impede attempts to successfully confront the crime. Traffickers frequently take advantage of legal gaps to operate with impunity and avoid punishment.

8. Demand for Cheap Labor and Commercial Sex: Child trafficking for forced labor and sexual exploitation is fueled by the need for cheap labor in sectors including manufacturing, construction, and agriculture as well as the need for commercial sex. Traffickers take advantage of this need to make money by abusing helpless youngsters.

9. Social Instability and violence: Trafficking of Rohingya children and refugees into Bangladesh, where they are susceptible to exploitation and abuse, is facilitated by political instability, violence, and displacement in neighboring countries like Myanmar.

In Bangladesh, tackling the underlying causes of child trafficking necessitates all-encompassing approaches that tackle poverty, inequality, education, safeguarding children, law enforcement, and government. In order to effectively combat trafficking networks, efforts should be directed at bolstering social safety nets, empowering vulnerable groups, boosting education and awareness, improving law enforcement capabilities, and developing international cooperation.

CHAPTER III:

NATIONAL LEGAL FRAMEWORKS ON CHILD TRAFFICKING

Bangladesh's legal system for trafficking is primarily governed by a number of significant laws and regulations, including the Anti-Trafficking in Persons Rules 2018, the Suppression of Women and Children Repression Act 2000, and the Prevention and Suppression of Human Trafficking Act 2012. Bangladesh intends to stop human trafficking through these laws by creating a thorough legal framework, particularly for women and children.[17] However, for the sake of effective discussion other relevant laws including the Constitution of Bangladesh will be analyzed. The following are important laws and guidelines pertaining to child trafficking in Bangladesh:

Constitution of the People's Republic of Bangladesh

The following clauses have both direct and indirect bearing on trafficking, notwithstanding the fact that no article in the Constitution defines the word.[18] The People's Republic of Bangladesh's Constitution stipulates that the state must authorize efficient measures to outlaw prostitution and gambling.[19] The Bangladesh Constitution has recognized prostitution as an anti-social behavior and has taken on the duty to combat it.

According to Article 19, the state must work to guarantee that every person has equal access to opportunities. This article also states that state shall adopt effective measures to remove social and economic inequality between man and woman.

Considering Bangladesh's extreme gender prejudice, the claim that social inequity between men and women would be eliminated is vitally significant. The foundation for human trafficking is created by gendered cultural practices, gender inequality, and violence against women in homes and communities. The poverty issue, which is seen to be one of the main causes of human

[17] Legal Framework on Trafficking in Bangladesh, BD Lex, 2024. Retrieved from https://www.linkedin.com/pulse/legal-framework-trafficking-bangladesh-bdlex-manupatra-ued6c/ accessed 23 May, 2024.

[18] Legal Framework on Trafficking in Bangladesh, BD Lex, 2024. Retrieved from https://www.linkedin.com/pulse/legal-framework-trafficking-bangladesh-bdlex-manupatra-ued6c/ accessed 23 May, 2024.

[19] Article 18 of the Constitution of the People's Republic of Bangladesh.

trafficking, has been addressed by the Constitution by taking on the duty to ensure the provision of necessities of life and to provide work.[20]

The constitutional clause on the safety of life and liberty of individuals has given rise to a legislative system aimed at countering human trafficking. According to Article 32 of the Constitution, "life" refers to more than only animal existence.[21] The right to a life that is characterized by human dignity and decency is part of the right to life. It refers to a person's freedom to live and work wherever they like while exercising all of their legal rights.[22] Contrarily, liberty includes a wide variety of concepts. It refers to a person's freedom to live and work wherever they like while exercising all of their legal rights. According to the law, "liberty" refers to any behavior that a person is allowed to engage in and that cannot be prohibited, with the exception of legitimate governmental purposes. Any act of human trafficking results in the victim losing their freedom to make decisions for themselves, thereby creating a state of slavery or servitude. One of the most heinous crimes against human decency and dignity is human trafficking.[23]

The right to be free from exploitation is guaranteed by Article 34 (1) of the Constitution, which expressly forbids any kind of forced labor.[24] Any action that violates this clause is illegal and subject to punishment. This article, which designates forced labor as a crime against the state, has also established the constitutional foundation for the countertrafficking legal system. Bangladesh's Constitution provides a particular clause for passing legislation specifically for women, children, or any other people who are disadvantaged. This clause acknowledged that, despite the need to use the equity principle rather than equality in order to better the situation of women, children, and the underprivileged, an equality clause without any qualifications would perpetuate the status quo. Without question, Bangladesh's socioeconomic and cultural norms that

[20] Legal Framework on Trafficking in Bangladesh, BD Lex, 2024. Retrieved from https://www.linkedin.com/pulse/legal-framework-trafficking-bangladesh-bdlex-manupatra-ued6c/ accessed 23 May, 2024.
[21] See Article 32 of the Constitution of the People's Republic of Bangladesh.
[22] Legal Framework on Trafficking in Bangladesh, BD Lex, 2024. Retrieved from https://www.linkedin.com/pulse/legal-framework-trafficking-bangladesh-bdlex-manupatra-ued6c/ accessed 23 May, 2024.
[23] Ibid.
[24] Article 34 of the Constitution of the People's Republic of Bangladesh.

marginalize women and children contribute to their increased susceptibility to human trafficking.[25]

In light of the aforementioned Constitutional clause, the government of Bangladesh may enact legislation granting women, children, and members of the underprivileged population rights not granted to others. Every person, wherever they may be, is guaranteed the right to legal protection under Article 31 of the Constitution. The same clause also ensures that non-citizens who are temporarily in Bangladesh would be protected by the law.[26]

Thus, the constitutional framework offers some support for a right-based strategy against human trafficking. The People's Republic of Bangladesh's Constitution addresses human trafficking in the following ways: The term "person trafficking" was not defined in the constitution of Bangladesh. In the Constitution, the phrase "person trafficking" is not even stated. Certain forms of forced labor, including prostitution, are considered exploitative forms of trafficking and are specifically recognized in the Constitution as criminal laws, mainly from a law-and-order standpoint.[27]

The Constitution of Bangladesh has several measures that are useful in the fight against human trafficking. For instance, Article 28(4) gives the state the authority to enact legislation specifically for women, children, and the underprivileged.[28] Special regulations geared toward women and children can aid in the decrease of human trafficking in Bangladesh.[29]

[25] Legal Framework on Trafficking in Bangladesh, BD Lex, 2024. Retrieved from https://www.linkedin.com/pulse/legal-framework-trafficking-bangladesh-bdlex-manupatra-ued6c/ accessed 23 May, 2024.
[26] Ibid.
[27] Ibid.
[28] Article 28(4) of the Constitution of the People's Republic of Bangladesh.
[29] Legal Framework on Trafficking in Bangladesh, BD Lex, 2024. Retrieved from https://www.linkedin.com/pulse/legal-framework-trafficking-bangladesh-bdlex-manupatra-ued6c/ accessed 23 May, 2024.

The Prevention and Suppression of Human Trafficking Act, 2012

The Prevention and Suppression of Human Trafficking Act, 2012, largely governs the legal framework for preventing child trafficking in Bangladesh. It offers a thorough legal framework for countering, prosecuting, and safeguarding against human trafficking. An outline of the main elements of this statute is provided below:

1. **Definition of Trafficking:** According to the Act, trafficking in persons includes a wide range of exploitative practices, such as forced labor, sexual exploitation, slavery, servitude, and organ removal. The term recognizes children's vulnerability to human trafficking and expressly includes them within its purview[30].

2. Penalties and Punishments: Under the Act, traffickers who abuse minors face severe punishments, including fines and up to 12 years in jail. The harshness of the penalty is intended to discourage prospective traffickers from committing similar crimes and reflects the seriousness of the violation.

3. Victim Protection: The legislative framework contains clauses that provide help and protection for victims of human trafficking, particularly minors. Victims are entitled to a range of services, including rehabilitation programs, medical attention, lodging, and legal aid. Considering the sensitivity and unique requirements of young victims, additional safeguards are provided for their protection.[31]

4. Law Enforcement Mechanisms: The Act gives police and other law enforcement organizations the authority to look into and prosecute incidents of human trafficking. To combat trafficking crimes, particularly the trafficking of children, specialized units have been developed, such as the Anti-Human Trafficking Units (AHTUs). Coordinating and carrying out actions to rescue victims and capture traffickers is the responsibility of these groups.[32]

[30] See Section 3(1) and 3(2) of the Prevention and Suppression of Human Trafficking Act, 2012.
[31] See Sections 32-40 under Chapter V of the Prevention and Suppression of Human Trafficking Act, 2012.
[32] See Sections 17-20 under Chapter III of the Prevention and Suppression of Human Trafficking Act, 2012.

5. International Cooperation: The United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, particularly Women and Children, is one of the international treaties and protocols against human trafficking that Bangladesh has ratified. This improves the nation's legal system by bringing it into compliance with international norms and facilitates collaboration with foreign partners in tackling challenges related to human trafficking.[33]

6. Prevention Strategies: Awareness-raising campaigns, community mobilization, and capacity-building activities are some of the ways that trafficking is prevented, even though the legal structure predominantly concentrates on reactive measures like prosecution and victim support. The main causes of human trafficking, such as poverty, inequality, and a lack of education, are the focus of prevention techniques.

The Children Act, 2013:

This act provides comprehensive protection for children in Bangladesh, including provisions related to child trafficking. It outlines measures for the prevention and rehabilitation of trafficked children and imposes penalties on offenders.

The new 'Children Act 2013[34]' abolished the Early Children Act of 1974. The law perceives some associations and individuals and notices their obligations. The new demonstrations are in line with the "United Nations Convention on the Rights of the Child[35]" which is mentioned in the preamble. According to the Children Act of 2013 of the Ministry of Home Affairs, there are children's desks at every police station across the country. Officials at or above the sub-inspector are taking care of the work area[36]. The demonstration confirmed the duties of the designated police. The Child Welfare Board was established under the leadership of the Minister of Social Welfare (Section 7 of the Children Act, 2013). According to the demonstration, the charge sheet composed of adults and children together cannot be submitted[37]. In any case, a juvenile court will be formed in every district or metropolitan area. If there is an opportunity to record evidence against a child, no matter what violations he/she has committed, the juvenile court will try

[33] See Section 41 of the Prevention and Suppression of Human Trafficking Act, 2012.
[34] The Children Act 2013 http://bdlaws.minlaw.gov.bd/act-1119.html
[35] United Nations Convention on the Rights of the Child , https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child
[36] Supra 34
[37] Ibid; Sec 15

him/her. According to the provisions of section 16 of this Act, judges of the District and Sessions Judge or the Additional Sessions Judge shall constitute the juvenile court. According to the Children Act 2013[38], no matter what the situation is, it is impossible to capture children under 9 years old. If there is little chance of catching children over 9 years old, the police cannot tie the rope or handcuff the child. If a child is committing a crime, the odd number will be punished by the most extreme long-term detention or a fine of 500,000 taka or both. As mentioned in section 33, it does not include the death penalty, life imprisonment or the detention of guilty children. Moreover, Children Act 2013 stipulates: "Children involved in a case pending in court testimony provider or any child or any of the pictures, news or reports printed or electronic media or on the Internet or in the media shall not be directly or indirectly related to the identity of the child[39].

NGO Activities and intervention:

NGOs help victims of human trafficking by raising awareness, campaigning, conducting research, networking, and rescuing, repatriating, and rehabilitating them. Two of the most significant NGOs working in these fields are BNWLA and CWCS. BNWLA has a facility for rescued male and female victims that specializes in rescue, repatriation, and rehabilitation. They also help victims reintegrate into society by helping them find jobs and family members. NGOs help victims of human trafficking by raising awareness, campaigning, conducting research, networking, and rescuing, repatriating, and rehabilitating them[40]. The main activities of the CWCS include research, training, and advocacy, the ATSEC has prepared a "preliminary directory of non-governmental organizations working in preventing child and women trafficking sexual exploitation[41]." The directory lists 130 distinct local and national non-governmental organizations, the directory reveals that NGOs work on issues as public awareness, information dissemination, advocacy, repatriation, and rehabilitation[42]. NGOs face several obstacles in their fight against human trafficking, but the absence of a well-stocked investigation unit has been the most prominent one. The lack of a well-stocked investigative section has been the most notable

[38] Ibid; sec 44

[39] Ibid; 28

[40] Gazi, Rukhsana & Haque, Ziaul & Alam, Nurul & Chowdhury, Elma & Ahmed, Faiz & Begum, Suraiya. (2001) "Trafficking of women and children in Bangladesh: An Overview", Published by ICDDR,B: Centre for Health and Population Research <https://www.researchgate.net/publication/345008182_Trafficking_of_women_and_children_in_Bangladesh_An_Overview> accessed on 23 May 2024.

[41] Ibid

challenge faced by NGOs in their battle against human trafficking. By creating national, regional, and worldwide networks to exchange information, work together, and plan rescue, repatriation, and reintegration operations, NGOs seek to save, return, and reintegrate victims[43]. In addition to addressing human trafficking in their public awareness campaigns, non-governmental organizations also collaborate with the government to create national (and regional) policies and initiatives, raise public awareness, and promote community involvement in the fight against human trafficking[44]. Action Against Trafficking and Sexual Exploitation of Children is one of the largest anti-trafficking organizations (atsec). The British Council, one international NGO (Save the Children Denmark), and twelve local NGOs came together to form the atsec Bangladesh chapter. Members of the Red Barnet Partners Coordinating Body (RBPCB) met with experts on child trafficking and prostitution from West Bengal, India, and Bangladesh to discuss the formation of ATTEC[45].

National Plan of Action to Combat Human Trafficking (2018-2022:

This plan outlines the government's strategy to prevent and combat human trafficking, including child trafficking. It focuses on prevention, protection, prosecution, and partnership to address the various dimensions of trafficking. Despite the fact that human trafficking is an international issue, effective local initiatives to stop it are necessary. The Bangladesh Counter Trafficking-in-Persons Program is to organize and coordinate the efforts of local and national governments, non-governmental organizations, individuals, and community leaders, with a focus on 20 most susceptible areas. The program's objectives include empowering and assisting survivors, enhancing the efficiency of legal proceedings, and involving all societal strata in the fight against human trafficking[46]. To do this, BC/TIP facilitated connections between representatives of local and federal governments, non-governmental organizations, the business community, local leaders, and individuals. By enhancing community capacities to recognize at-risk and vulnerable individuals, victims/survivors of trafficking and CM, and take protective action for them through a district referral mechanism and volunteer groups, such as youth Peer Leaders and survivor

[43] Ibid
[44] Ibid
[45] Babu Ahkterzzaman, " HUMAN TRAFFICKING IN BANGLADESH Table of content", ACADEMIA <https://www.academia.edu/28664802/HUMAN_TRAFFICKING_IN_BANGLADESH_Table_of_content>
[46] A report on Bangladesh Counter Trafficking-in-Persons Project (BC/TIP), <https://winrock.org/projects/bctip/ > , accessed on 23 May 2024.

ANIRBAN groups, the project prioritized the sustainability of CTIP efforts[47]. The following theory of change supported BC/TIP: if community members are more aware of and equipped to recognize trafficking activities, traffickers, and child marriage (CM), if they have better access to support services for victims of child marriage and trafficking survivors, if criminal justice actors are more responsive, and if all relevant stakeholders are effectively coordinating to combat trafficking and child marriage, then the prevalence of these human rights abuses and vulnerability factors in Bangladesh will decrease[48].

Penal Code 1860:

Human trafficking offenses including kidnapping, abduction, enslavement, and the sale or purchase of minors for immoral reasons are all included in the Penal Code in Bangladesh[49]. Offenders risk penalties and many years in jail for these offenses. Kidnapping and abduction from Bangladesh is punishable by up to seven years in jail, as stated in Section 363[50]. People who engage in human trafficking are subject to fines and imprisonment for up to seven years under Section 370[51]. Section 371 addresses "habitual dealing in slaves," which is punishable by a fine and/or up to seven years in jail[52]. Significant penalties apply to the selling and purchase of juveniles for illicit purposes as well as the unlawful use of forced labor, which is covered under Sections 372, 373, and 374[53]. Notwithstanding these clauses, the seriousness of the offenses—including human trafficking—may not be sufficiently reflected in the sanctions.

The Human Trafficking Deterrence and Suppression Ordinance (2011)

The Human Trafficking Deterrence and Suppression Ordinance (2011) is a recent and comprehensive legal framework to prevent and address human trafficking [54]. This legislation represents a significant milestone in the government's proactive efforts to combat trafficking. It criminalizes all aspects of human trafficking, encompassing internal and sea-route trafficking. The ordinance focuses on effectively prosecuting traffickers and protecting potential trafficking

[47] Ibid
[48] Ibid
[49] The Penal Code, 1860, (ACT NO. XLV OF 1860), < http://bdlaws.minlaw.gov.bd/act-11.html>
[50] Ibid ; sec 363
[51] Ibid ; sec 370
[52] Ibid ; sec 371
[53] Ibid ; sec 372-374
[54] The Human Trafficking Deterrence and Suppression Ordinance (2011)

victims. This enactment is remarkable in the ongoing fight against trafficking, emphasizing the government's commitment to deter and suppress this heinous crime[55].

The Labour Act (2006)

The Labor Act comprehensively addresses labor laws and explicitly prohibits the employment of children and young individuals[56]. It strictly forbids employing anyone under 18 years old in any profession or establishment [57]. Violators who employ or permit children or adolescents to work in defiance of the Act may face fines of up to 5,000 taka (Bangladeshi Currency)[58]. Moreover, the Act stipulates that parents or guardians cannot agree to use their child's service for any employment, with a penalty of up to 1,000 takas for violations[59]. However, the Act's maximum punishments are deemed inadequate in deterring serious crimes like human trafficking, raising concerns about the law's effectiveness.

These laws and policies demonstrate Bangladesh's commitment to combating child trafficking and protecting the rights of children. However, effective implementation, enforcement, and coordination among various stakeholders remain crucial challenges in addressing this complex issue.

Overall, the legal framework for combating child trafficking in Bangladesh provides a solid foundation for addressing this grave human rights violation. However, effective implementation, coordination among relevant stakeholders, and sustained efforts are essential to ensure the protection of children and the prosecution of trafficking.

[55] Ibid
[56] The Labor Act 2006, (ACT 42,2006) < http://bdlaws.minlaw.gov.bd/act-952.html>
[57] Ibid
[58] Ibid
[59] Ibid

CHAPTER IV:

INTERNATIONAL LEGAL FRAMEWORKS ON CHILD TRAFFICKING

Child trafficking is a global issue that requires international cooperation and coordination to effectively combat. Several international legal instruments and frameworks have been established to address child trafficking and protect the rights of children. Here are some key components of the international legal framework for combating child trafficking:

United Nations Universal Declaration of Human Rights[60]

One essential tool for combating human trafficking is the Universal Declaration of Human Rights (UDHR). Article 4 of the document forbids slavery and servitude, Article 5 forbids torture and harsh treatment, and Article 3 protects liberty and security. These provisions all have a direct bearing on addressing the abuses of human trafficking. While Article 25 guarantees living standards. Article 16 guards against forced marriages, which are widespread in human trafficking. The Right to Asylum is protected by Article 14. Regarding the disproportionate harm that human trafficking causes to marginalized communities, Article 7 encourages equality. Lastly, victims have the right to pursue legal action under Article 8. The UDHR's tenets offer an essential foundation for stopping exploitation, helping victims, and upholding dignity.

UN Convention against Transnational Organized Crime (2000) (Palermo Convention)[61]:

The "Palermo Convention," a key international agreement, shapes effective legal and enforcement measures against transnational human trafficking. It defines terms like "organized criminal group," "serious crime," and more. The convention's scope includes prevention, investigation, and prosecution of human trafficking and related serious crimes involving transnational criminal groups across borders. Article 5 mandates each state to criminalize participation in trafficking for financial gain, including organizing, directing, aiding, or abetting such activities. Bangladesh ratified this UN Convention in 2011, reinforcing efforts against transnational organized crime, including human trafficking.

[60] https://www.un.org/en/about-us/universal-declaration-of-human-rights
[61] https://www.unodc.org/unodc/en/organized-crime/intro/UNTOC.html

International Labor Organization (ILO) Conventions[62]:

These conventions address forced labor, which is a fundamental component of human trafficking. They provide guidelines for addressing labor exploitation and trafficking for labor purposes. ILO Convention No. 29 addresses forced labor, prohibiting coerced work situations. It requires member states to prevent and eliminate forced labor. Convention No. 105 builds on these principles, emphasizing the eradication of forced labor and ensuring workers are not compelled to work under undignified conditions. Both conventions are vital in promoting decent work and protecting workers' rights, contributing to global efforts against forced labor and exploitation.

International Covenant on Civil and Political Rights (ICCPR)[63]

Adopted on 16 December 1966 but came into force in 1976. Article 8 of the International Covenant on Civil and Political Rights serves as a foundational principle against human trafficking. By prohibiting all forms of slavery, ensuring freedom from servitude, and guaranteeing the right against forced labor, it directly addresses the key elements and practices commonly seen in trafficking scenarios. These protections, especially against forced labor and servitude, highlight the international commitment to combat human trafficking and its associated exploitative practices.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)[64]

Bangladesh has ratified CEDAW, which includes provisions related to protecting women's rights and preventing gender-based violence, including trafficking. Article 6, which addresses trafficking, and Article 11 on employment align with preventing forced labor and exploitation. Article 16 safeguards against forced marriages often linked to trafficking. Article 3, ensuring women's political and public life participation, counters vulnerabilities. Articles 5 and 12, focusing on combating stereotypes and ensuring health access, support victim protection.

[62] https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C105
[63] https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights
[64] https://www.un.org/womenwatch/daw/cedaw/cedaw.htm

South Asian Association for Regional Cooperation (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution (2002)[65]

Bangladesh, as a member of SAARC, is bound by this convention, which calls for regional cooperation to prevent and combat trafficking in women and children for prostitution. The Convention addresses human trafficking. Key articles include Article 2, which defines terms like "trafficking in persons" and "exploitation". Article 4 highlights the necessity for member states to criminalize trafficking and states penalties. Article 5 emphasizes preventive measures, such as raising awareness and addressing root causes. Article 6 discusses comprehensive protection and support for victims, including medical and legal assistance. Article 8 promotes cooperation between law enforcement and the judicial system across countries. Article 10 accentuates the importance of data sharing among member states to identify trafficking trends. Article 12 focuses on enhancing the skills and capacities of law enforcement and judicial officials. Article 13 stresses on border control and immigration measures, while Article 14 speaks of bilateral and regional cooperation. Together, these articles form a strategic framework to address trafficking through prevention, protection, prosecution, and cooperation among SAARC nations.

Overall, the international legal framework for combating child trafficking is based on principles of human rights, child protection, and criminal justice cooperation. Effective implementation of these instruments requires strong political commitment, resources, and cooperation among governments, civil society organizations, and other stakeholders at both national and international levels.

[65] https://www.saarc-sec.org/index.php/resources/agreements-conventions/50-saarc-convention-on-preventing-and-combating-trafficking-in-women-and-children-for-prostitution/file

CHAPTER V

CHALLENGES AND GAPS IN THE LEGAL FRAMEWORK

Implementing child trafficking prevention laws in Bangladesh faces multifaceted challenges that hinder effective enforcement and protection. One significant obstacle is the pervasive poverty that affects a large portion of the population. In impoverished communities, families may resort to sending their children to work, making them vulnerable to traffickers who exploit their financial desperation. The lack of economic opportunities and social safety nets exacerbates this issue, making it difficult for families to resist the lure of traffickers promising better prospects for their children[66].

Another challenge is the inadequate infrastructure and resources allocated to law enforcement and judicial systems. Police and other law enforcement agencies often lack the training, resources, and manpower needed to effectively combat child trafficking[67]. Corruption within these institutions further undermines efforts, as traffickers can bribe officials to avoid prosecution. Additionally, the judiciary is often overburdened and under-resourced, leading to delays in the prosecution of trafficking cases, which discourages victims and their families from seeking justice. The porous borders of Bangladesh with neighboring countries such as India and Myanmar also pose a significant challenge. These borders are often poorly monitored, facilitating the cross-border trafficking of children. Traffickers exploit these vulnerabilities, taking advantage of the lack of coordinated efforts between countries to curb trafficking. The regional nature of trafficking necessitates international cooperation, which is often hampered by political and diplomatic tensions[68]. Cultural and social factors also play a role in the challenges of implementing child trafficking prevention laws. In some communities, child labor and early marriage are culturally accepted practices, which can mask trafficking under the guise of

[66] Fardaus Ara & Md Mostafizur Rahman Khan, "Trafficking in Women and Children in Bangladesh: Laws and Strategies for Prevention" ,< https://www.researchgate.net/publication/361221251_Trafficking_in_Women_and_Children_in_Bangladesh_Laws_and_Strategies_for_Prevention> ,accessed on 23 May 2024.

[67] Ibid

[68] Sreeparna Banerjee, " Porous borders: The Indo-Bangladesh challenge of human trafficking" ,< https://www.orfonline.org/expert-speak/the-indo-bangladesh-challenge-of-human-trafficking> ,accessed on 23 May 2024.

traditional customs[69]. Raising awareness about the dangers of trafficking and changing deeply entrenched cultural norms requires sustained educational and advocacy efforts, which are often limited by resources and reach[70]. Moreover, the lack of comprehensive data and research on the scope and patterns of child trafficking in Bangladesh hampers the formulation of effective policies and interventions. Without accurate data, it is challenging to target interventions appropriately and measure their impact. The absence of a centralized database and effective data-sharing mechanisms between agencies further complicates efforts to track and combat trafficking. Non-governmental organizations (NGOs) and civil society play a crucial role in combating child trafficking, but they often face their own set of challenges, including limited funding, bureaucratic hurdles, and sometimes even hostility from local communities and authorities. Coordination among NGOs, government agencies, and international organizations is essential but often lacking, leading to fragmented and inefficient efforts[71].

Even though Bangladesh's legal system has recently strengthened, there are still a number of obstacles and holes that must be filled in order to effectively handle the problem of human trafficking. A primary obstacle is the general public's, law enforcement agencies', and other stakeholders' lack of knowledge and comprehension of human trafficking. This frequently results in a lack of victim support and an underreporting of trafficking incidents. One such difficulty is in the absence of coordination and collaboration between various government agencies and non-governmental groups that are engaged in the fight against human trafficking.[72]. Child trafficking is a grave issue in Bangladesh, where the gap between existing laws and their implementation remains a critical challenge. Bangladesh has ratified various international conventions such as the UN Convention on the Rights of the Child and has enacted domestic laws like the Prevention and Suppression of Human Trafficking Act, 2012. These laws theoretically offer robust protection against child trafficking, stipulating severe penalties for offenders and outlining comprehensive measures for victim rehabilitation. However, the effective implementation of these laws is hampered by multiple factors. Firstly, there is a significant lack of resources and

[69] Rehema John Magesa, "Cultural Factors Associated with Human Trafficking of Girls and Women in Northern Tanzania: The Case of Arusha Region Women in Northern Tanzania: The Case of Arusha Region" *Dignity: A Journal of Analysis of Exploitation and Violence*, Vol 8,(I).

[70] Ibid

[71] Ibid 40 (Gazi)

[72]

training for law enforcement agencies. Police officers and other relevant authorities often lack the specialized knowledge and skills required to handle trafficking cases sensitively and effectively. This results in poor investigation and prosecution rates, with many traffickers escaping justice. Corruption within law enforcement and the judiciary further exacerbates the problem, as traffickers often bribe officials to avoid prosecution or receive lenient sentences[73].

Moreover, the socio-economic conditions in Bangladesh contribute to the persistence of child trafficking. High levels of poverty, unemployment, and lack of education make children particularly vulnerable to traffickers, who exploit these weaknesses. Despite legal provisions for victim support, the actual availability of rehabilitation services is limited. Shelters and support services are often underfunded and lack adequate resources to provide long-term care and reintegration programs for rescued children. This inadequacy not only hampers the recovery of victims but also increases the risk of re-trafficking[74].

Public awareness about child trafficking laws and the rights of children is also alarmingly low. Many communities, particularly in rural areas, are unaware of the legal protections available or the mechanisms for reporting trafficking. This lack of awareness, coupled with societal stigma and fear of reprisal, discourages victims and their families from seeking legal recourse. Additionally, the legal process itself is often lengthy and complex, deterring victims from pursuing justice[75].

The coordination between different governmental and non-governmental agencies involved in combating child trafficking is often weak. While various organizations work towards preventing trafficking and assisting victims, their efforts are frequently fragmented and lack a cohesive strategy. This disjointed approach undermines the overall effectiveness of anti-trafficking

[73] "Trafficking in Persons Report: Bangladesh" <https://www.state.gov/reports/2023-trafficking-in-persons-report/bangladesh/ > .
[74] Aniruddha Das, " Human trafficking: why it is a problem in Bangladesh" , < https://www.researchgate.net/publication/370952406_Human_trafficking_why_it_is_a_problem_in_Bangladesh> ,accessed on 23 May 2024.
[75] Ibid

initiatives[76]. Moreover, there is a need for more rigorous data collection and research on child trafficking trends in Bangladesh to inform policy and practice. Current data is often incomplete or outdated, making it difficult to assess the full scope of the problem and the impact of existing interventions.

This frequently leads to a disjointed approach to problem solving, with inadequate information exchange and communication amongst various parties. Furthermore, due to a lack of funding, manpower, and experience on the part of law enforcement agencies and other stakeholders, the current laws and regulations on trafficking in Bangladesh are frequently poorly implemented. This makes it more difficult to prosecute traffickers and effectively enforce the law, which gives those who commit these crimes a pass. Furthermore, the dearth of thorough data and research on human trafficking in Bangladesh is a challenge in determining the extent and magnitude of the issue and formulating evidence-based solutions[77].

[76] Nadiya Tasmim, " Human Trafficking: How did became so big of a problem in Bangladesh" , May 2023, < https://www.researchgate.net/publication/370629598_Human_Trafficking_How_did_became_so_big_of_a_problem_in_Bangladesh> accessed on 23 May 2024.
[77] Ibid

CHAPTER VI:

CONCLUSION

Findings:

The legal framework for combating child trafficking in Bangladesh, while comprehensive in its intent, reveals several gaps and areas requiring enhancement to be fully effective. The primary legislation, such as the Prevention and Suppression of Human Trafficking Act 2012, provides a robust foundation with stringent penalties for offenders. However, implementation remains inconsistent due to systemic challenges like inadequate training and resources for law enforcement agencies and pervasive corruption. Additionally, the legal definitions and provisions sometimes lack clarity, leading to difficulties in prosecution and conviction of traffickers. The coordination between various governmental agencies and non-governmental organizations is often fragmented, resulting in overlapping responsibilities and inefficiencies. Moreover, victim protection measures are insufficiently developed; there is a lack of comprehensive rehabilitation and reintegration programs, which are crucial for the recovery of trafficked children. Cross-border trafficking, exacerbated by porous borders and insufficient international cooperation, remains a significant issue that the current legal framework does not adequately address. There is also a pressing need for regular updates to the laws to keep pace with evolving trafficking methods and patterns. Enhancing public awareness and education about child trafficking laws and the associated penalties is essential for community-based prevention. A thorough legal analysis suggests that while the existing laws provide a strong starting point, significant reforms are needed to address these implementation gaps. Strengthening inter-agency collaboration, improving resource allocation, and fostering regional cooperation are critical steps towards a more effective legal framework. Additionally, integrating comprehensive victim support services and ensuring regular legal updates will enhance the ability of Bangladesh to combat child trafficking more effectively.

Recommendations:

Based on the findings, several key recommendations can help strengthen the fight against child trafficking in Bangladesh. First, it's crucial to improve training and resources for police and other law enforcement agencies to ensure they can effectively enforce the laws. Reducing corruption within these agencies is also essential for fair and consistent application of the laws. Clearer legal definitions and provisions are needed to make it easier to prosecute and convict traffickers. Better coordination between government agencies and NGOs can reduce overlapping efforts and improve efficiency. Victim protection must be enhanced with comprehensive rehabilitation and reintegration programs to support children who have been trafficked. Addressing cross-border trafficking requires stronger international cooperation and better border security. Regular updates to the laws are necessary to keep up with new trafficking methods and trends. Public awareness campaigns can help communities understand the dangers of child trafficking and the penalties involved, encouraging prevention at the grassroots level. Overall, a combined effort from the government, NGOs, and international partners, along with more resources and clearer laws, will make a significant difference in combating child trafficking in Bangladesh.

Conclusion

Trafficking in persons is a serious and complex issue that requires a comprehensive and coordinated response from all stakeholders, including government agencies, non-governmental organizations, and the public. The legal framework on trafficking in Bangladesh has improved in recent years, but there are still several challenges and gaps that need to be addressed in order to effectively combat this issue. Bangladesh's anti-human trafficking legal system is disjointed, with several laws covering different facets of the crime. There isn't a single complete law that addresses the problem in an efficient manner. Furthermore, there are several obstacles to overcome in order to put current legislation into practice, including law enforcement agencies' corruption and lack of accountability, protracted court cases, victims' lack of awareness making it difficult for them to access the courts, unwelcoming court settings, and security concerns. The situation is further compounded by a lack of witnesses and evidence, political influence, criminal intimidation methods, and other factors. Bangladesh has signed several international accords to fight human trafficking, however many of these agreements have not yet been put into practice. With sustained effort and commitment, Bangladesh can make significant progress in combating trafficking in persons and promoting the rights and dignity of all individuals.

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