

Human Trafficking in Bangladesh: An Analysis of the National and International Legal Framework

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Abstract: Now a days human trafficking is a concern all over the world including Bangladesh. Million persons worldwide are trafficked each year. The predominance of victims of human trafficking come primarily from Asia and Africa. Today, we observe that a sizable number of individuals from the Middle East are trafficked for a variety of reasons. The object of the research is to find out the causes of human trafficking in Bangladesh and how important it is to fight with the problem of human trafficking. What are the regional and global instruments that deal with these issues? Are the tools available sufficient to stop such crimes? Article needs to demonstrate how it can be curbed and how the victims will be reincorporated into society at large. Due to the fact that this crime occurs mostly on an international scale, study discovers a backlog that might be difficult to address at times. As a result, the laws that are enforced are frequently vague, and the victim also rarely expresses an interest in holding the accused accountable for such complexity. It further analyzes the utility of the national and global legal framework. The article identifies significant gaps in implementation, including limited victim protection, inadequate cross-border cooperation and challenges in prosecution and conviction. This study needs to consult numerous publications from the national and worldwide levels in order to do the research. In addition, it has to read books about human trafficking, also talk about the matter with a different court that handles concerns related to human trafficking. The study also discovered what the tools are for dealing with it. In addition, this discovered the ineffectiveness of the authorities lack stopping human trafficking, it discovered some solutions to stop human trafficking. Finally, the study believes that the mediocre exploration on human trafficking gives the ability to take steps to the concern authority and it concluding by proposing reforms to strengthen legal enforcement, enhance victim support systems and improve regional and international collaboration.

Keywords: Human Trafficking, Provisions, International, Reasons, ILO, Protocol, Convention.

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Introduction

What is the current state of trafficking human in Bangladesh and international arena? How are they trafficked? What are the consequences of trafficking and how trafficking human can be reduced in Bangladesh as well as in the international arena? The present study intends to explore answers of these questions by examining the situations of trafficking in the rural area in Bangladesh and international arena. Human trafficking is both a domestic and international problem. According to Congressional study and the State Department of the United States, between 1-2 million persons trafficked annually, with the bulk occurring in Asia¹. Internationally, regionally, and nationally, academics and practitioners are placing a high priority on the problem of human trafficking. Particularly, hundreds of women and children are being trafficked into India, Pakistan, and the Middle East in search of work. As a result of their illegal status, they are subject to abuse and the law². Most of them are compelled to work for pitiful salaries, while others are sold at sex auctions to promote tourism or pushed into forced marriages, which are frequently a form of slavery.

Bangladesh has laws in place to prosecute traffickers, but these don't protect women and children very well. In addition to serving as the victims' final destination, nations like Pakistan and India are also used as conductance hubs for international travel³. The unlawful recruitment, transportation, or sale of people for the goal of utilizing their labor is known as human trafficking. The primary goal of the essay is to investigate the extent to which rural women and children's socioeconomic and cultural backgrounds have driven them to engage in illegal sex trade, domestic labor, hazardous industrial work, forced marriage, forced begging, camel racing, adoption trade, and organ harvesting in vain hope of finding employment, getting married without a dowry, and living a better quality of life. This study also makes an attempt to provide a model for an anti-trafficking device that might help both prevent trafficking and help reintegrate trafficked victims into society.

Research Methodology

This study follows the qualitative method of research and the descriptive method is used to explain and analyze the information to accomplice the aim of the study. As a primary source, the study refers to different instruments of Bangladesh as well as international. At the same time, the study collects secondary information scholarly books, articles, newspaper, reports and different websites. Besides, the study collects data from different tribunal and courts.

1. Reasons, Patterns and Ways of Human Trafficking from Bangladesh

¹ Survey on Human Trafficking in the world Conducts by State Department of USA, 2025, see more above in-8

² Md. Shahnewaz Hossain (2023), MP3, at P638

³ Md. Aminul Islam, statistics of hearing cases on suppression tribunal, the Prothom-Alo (Dhaka 20 may 2022)

1.1. Concept of Human Trafficking:

Human trafficking, in its broadest sense, refers to the illicit movement of individuals between nations or locations, frequently for the purpose of forced labor or sexual exploitation. In another sense, Human Trafficking is transporting of the people one place to another place or one country to another country without any legal authorization. It is illegal method of migrating people. The suffering of those who move in this way cannot be described in words. Human Trafficking, Trafficking in persons is the act of obtaining a person's consent to be exploited by recruiting, transporting, transferring, harboring, or receiving them through threats of violence, the use of force, other coercive measures, kidnapping, fraud, deception, abuse of power, or the use of a vulnerable position. It can also involve paying or receiving them money or benefits⁴. At the absolute least, exploitation must involve the use of prostitution, other forms of forced labor or services, slavery or practices that are comparable to slavery, servitude, or organ harvesting. The illegal or covert crossing of national borders by residents of poor nations or those going through economic transitions is directed to as human trafficking, under the definition of the crime approved by the United Nations General Assembly in 1994.⁵ The definition of human trafficking is provided by the Human Trafficking Protection and Suppression Act of 2012. This Act defines "human trafficking" as the act of demonstrating

- a. Threat, fear, or compulsion toward any individual.
- b. Lying or taking advantage of their socioeconomic, environmental, or other vulnerabilities
- c. By using any other method or by getting the person in charge of the target's consent before engaging in any kind of transaction, including one that involves purchasing, selling, collecting, exporting, detaining, hiding, or harboring someone for the purpose of sexually torturing or exploiting them or their labor⁶. The means of committing the crime specified in subsection in cases involving child trafficking. It is not important whether clauses (a) to (c) are followed or not.

For the purposes of this section, anybody who forces another person to work, immigrate, or leave Bangladesh with the knowledge that they could be subjected to torture or exploitation under section 2(15) is considered to be engaging in human trafficking, as defined in subsection.

These definitions will lead to the discovery of many types of human trafficking. One of them is sexual occlusion. When someone is tricked, pressured, or coerced into engaging in sexual activity, this occurs.

⁴ Protocol to Prevent Suppression and punish Trafficking in persons, Art-03, paragraph-a. Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (New York, 15 November 2000)

⁵ General Assembly, 1994

⁶ The Prevention and Suppression of Human Trafficking Act 2012, s3

- I. Abuse of workers.⁷
- II. Household labor.⁸
- III. Forced union.⁹
- IV. Coercive crime.¹⁰
- V. Youth as soldiers.¹¹
- VI. Harvesting organs.¹²

‘According to Justice Siddikur Rahman Miah, "for the purposes of this section, if any person in Bangladesh or outside of Bangladesh is engaged in fraud, illegal intent, or compulsively performs servitude or labor, the sending people will be exploited, known by the sending person, and if any person sends for work, immigrates by inducing or assisting that also constitutes human trafficking."¹³

1.2. Elements of Human Trafficking

There are a few key components that make up human trafficking. These components are necessary for some behaviors to qualify as human trafficking. The "Manob Pachar Pratirod Damon Ain 2012" lists three components that are necessary for human trafficking. The components are: 1. "by demonstrating menace, fear, or coercion/force; 2. deceit; or by taking advantage of such person's socioeconomic, environmental, or other vulnerabilities; or 3. by any other means; or by procuring such person's permission who has power over that person by transaction of kind."¹⁴

It is clear that trafficking in persons includes three components based on the terminology provided in the Protocol against Trafficking in Persons.

- I. "The act" (i.e., what is done?)
- II. The procedure (how is it done?)
- III. The purposes (the "why").¹⁵

Actions include freighting, moving, transferring, harboring, and accepting people.

Threats, the use of force, coercion, kidnapping, fraud, deception, abuse of power or weakness, or providing money or perks to a person who has authority over the victim are examples of these methods. The word "purpose" refers to the intent to exploit, including the use of others for sexual prostitution, forced labor, slavery, or other similar practices, and organ harvesting.

⁷ The Prevention and Suppression of Human Trafficking Act 2012 s2(15)

⁸ Ibid

⁹ Ibid

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

¹³ Justice Md. Siddikur Rahman Miah, Manob Pachar Pratirod O Daman Ain, Dhaka 2015, P-2

¹⁴ The Prevention and Suppression of Human Trafficking Act, 2012, s 3(a,b,c)

¹⁵ United Nations Protocol Art-3

So, the criteria of human trafficking must be met in order to determine if a given act constitutes trafficking. These components are well acknowledged. Specific nations may define the components of human trafficking by their own laws. We must keep in mind that acts, methods, and purposes are required for human trafficking to exist. One act cannot constitute trafficking if the other two are missing. A given conduct would not be considered trafficking if it met one of the other two criteria. Three conditions must be met for human trafficking to exist.

1.3. Reasons for Human Trafficking

Human trafficking is not a modern issue. It has been happening for a very long time. Since there are more people in the world than ever before, the breadth of human trafficking will also grow. The causes of human trafficking are numerous. I'll now go over the most likely causes of human trafficking worldwide and in Bangladesh.

1.3.1 Poverty

The impoverished seek to move their lot wheel by all means possible because everyone wants to live a better life. Hence, when they are persuaded or shown that, like other people, they too may live happy lives through immigration, the people are persuaded and start looking for human trafficking. But the truth is that they will rarely live up to their expectations.

1.3.2 War

No one can survive since the people in this circumstance have created a dangerous environment. Their home, way of life, and food will be ruined. As a result, people will migrate or become victims of human trafficking in an effort to escape such chaos. If we look at the past, we can find some instances of this circumstance. One million Bangladeshis fled to India in 1971 to avoid the fighting. War is a circumstance that strongly forces people to leave the country in order to save lives.¹⁶

1.3.3 Natural disaster

Natural disasters including *floods, cyclones, sidr, tsunamis, earthquakes, and thunder* are becoming more frequent in the modern world. People desire to escape terrible catastrophes for this reason. No one can escape the effects of a natural disaster on their life, home, or socioeconomic situation. In Bangladesh, there are some areas that are vulnerable to natural disasters and where residents are helpless when they strike. They will become victims of trafficking as a result of getting out of this predicament. If we consider the cause in a global framework, the result will be the same.

1.3.4 Searching for better life

It is currently one of the main reasons of human trafficking. Individuals who are unhappy wish to change their lives for the better. In capitalist societies, the rich people living lovely lives, which the poor people observe and wish they could also

¹⁶ The New Nation, Dhaka (Bangladesh), 5 May 2019

live. They were therefore transported from developing to rich nations. But nothing in their way of life could change. Also, they will abuse in several ways. People from countries like Panama, Honduras, and Mexico are currently migrating to the USA in quest of a better life. Since the dawn of time, it has been occurring. People from the subcontinent traveled to Rangoon in quest of employment and a better way of life.¹⁷

1.3.5 Demand for cheap labor

We can observe that the majority of developing nations depend on foreign labor to build their territories. So, they bring in immigrants, especially from developing nations. Nonetheless, in developing nations where wages are low, many are willing to labor because they had no employment at home. People from overpopulated and economically underdeveloped nations are more likely to be trafficked. Bangladesh is both overpopulated and poor, therefore there is a high likelihood that people will be trafficked from this country.¹⁸

1.3.6 Profitable Trading of Human Trafficking

The world's most lucrative illegal trade is this one. Because of how much money it generates, the criminal will commit this crime with ease. ILO estimates that each year,¹⁹ illegal revenues from human trafficking total 150.2 billion US dollars. Below is a disruption of profits by industry: 34 billion from utilities, mining, manufacturing, and construction, and \$99 billion from commercial sexual exploitation.

1.3.7 Political Condition

When a nation's politics are stable, its citizens can live in security. However, if it is unstable, it will interfere with people's natural way of life. It fuels numerous conflicts and devastates vast amounts of wealth²⁰. People consider their options carefully in order to get out of these precarious situations and stay safe. As a result, there will be an upsurge in trafficking²¹.

1.3.8 Social and cultural practice

Many civilizations and cultures undervalue, mistreat, and exploit women and girls, which puts them in hazardous situations and makes them susceptible to human trafficking. These women also have little possibilities for upward mobility. We witness a broken world realize it needs Jesus to step in and change many lives. At CGI, we envision and pray for a time when those we serve have the liberty, worth, and abundance of life that come from a relationship with Jesus Christ²².

¹⁷ Md. Abdul Mannan, *Human Trafficking in Bangladesh*, Chittagong, 2008, p.36

¹⁸ Ibid

¹⁹ The New Nation, Dhaka (Bangladesh), 5 may 2019

²⁰ Ibid

²¹ Ibid

²² Ibid

1.3.9 Vulnerable Group (like woman and children are trafficked most)

Because of their inherent vulnerability, they will readily participate in sexual acts. Many people enjoy forcing women into marriage. Children are utilized in camel racing, organ transplants, household chores, pornography, and child labor. Those they are highly vulnerable to trafficking in their natural environment. The majority of women in Bangladesh who are trafficked by the traffickers express a desire to lead very luxurious lives, yet the majority of the time they look for opportunities for sexual exploitation. Children are particularly vulnerable to trafficking, since they are in high demand in Middle Eastern nations for a variety of reasons. To significantly reduce the rate of child and woman trafficking, special attention should be paid to this issue.²³

1.3.10 Internal Disturbance

A select set of people will be put in mortal danger. A particular group wants to flee this persecution as a result. Then they manage to save their lives. The simplest targets for traffickers are those who are being persecuted. If we look at the current global situation, we can see that notable human trafficking occurs in the nations where there have been internal dissents. The amount of trafficking among the Rohingya people of Myanmar, Yemen, and Syria is frightening. When they desire to go from Asia to Europe, the majority of individuals will perish in sinking boats on the ocean.²⁴

2. National Legal Regime to Combat Human Trafficking from Bangladesh

2.1. The Peoples Republic of Bangladesh Constitution

Bangladesh's constitution is characterized by a concern for human rights and dignity. Although laws of this kind do not specifically address human trafficking, a fair reading would acknowledge that trafficking is a breach of both tenets. Prostitution, which is frequently a result of trafficking and is considered an anti-social behavior, is defined in the constitution as a powerful tool against trafficking. The state "must adopt adequate measures to combat prostitution and gambling,"²⁵

Certain items are included in other supporting clauses. I will now briefly discuss them below. "All citizens are entitled to equal protection of the law and are equal before the law"²⁶. In this article, the government is charged with ensuring that all citizens get equal protection under the law. No one will be trafficked if the government guarantees the safety of all its residents. So, the constitution indirectly safeguards against human trafficking. Exploitation was disputed as well. According to the constitution, "All types of forced labor are illegal, and any violation of this clause shall be punished in accordance with law."²⁷ The constitution expressly forbids human trafficking in this clause. Since, we are aware that the majority of the

²³Harunur Rashid, *Refugee Law*, Dhaka, 2008, p.48

²⁴www.dhakatribune.com>Accessed on 24 April, 2019

²⁵Art 18(2), The Peoples Republic of Bangladesh Constitution.

²⁶ Art 27

²⁷ Art 34

victims are being used as forced labor. Thus, this article can be utilized as a defense against trafficking for the purpose of exploiting labor. No one shall be subjected to torture or cruel, inhumane, or humiliating treatment, according to the Constitution²⁸. Also, it offers protection to the victims of trafficking. Due to the frequent use of torture and other cruel treatment on trafficking victims, consequently, the victims of trafficking are likewise protected by this clause. Also, according to the constitution, "Every citizen shall have the freedom to roam freely across Bangladesh, to dwell and establish in any place within the country, and to leave and reenter the country." Moreover, this article offers protection against human trafficking. Those who are trafficked are not permitted to travel anywhere. As they arrived there by illicit means, they don't have any freedom to move. In other words, this article might be read to prosecute human trafficking. The constitution also contains a clause that addresses the creation of unique laws in support of women and children.

2.2. The Penal Code, 1860

Several prohibitions pertaining to human trafficking are found in the Penal Code 1860. I will now run over the pertinent sections of the Criminal Code that deal with human trafficking. The Code outlines several abuse-related offenses with specificity. Over the years, the Code has undergone numerous revisions. Although the Criminal Code does not specifically mention people trafficking as a crime, it does list similar crimes like: Kidnapped and enslavement²⁹, Obtaining female minors³⁰, slavery³¹, Buying or selling kids for immoral reasons³², Forced work³³, Rape³⁴, A fake or invalid union³⁵, Inappropriate confinement and restraint³⁶.

All of these sections deal with human trafficking in some way. Victims of trafficking are obtained through kidnapping, acquiring, selling, or obtaining young women. The victims are imprisoned in a specific location and used for raping, forced labor, mock or invalid marriages, or other crimes. We discover a strong connection between these areas and human trafficking.

While the Criminal Code 1860 handles several offenses that may be related to trafficking, it makes no indication of child pornography, incest, sex tourism, or the organ trade.

2.3. The Human Trafficking Prevention and Suppression Act, 2012

²⁸ Art 35(5)

²⁹ The Penal Code 1860, Ss (359-369)

³⁰ Ibid s(366A-366B)

³¹ Ibid s(370-371)

³² Ibid s(372-373)

³³ Ibid s(374)

³⁴ Ibid s(375-376)

³⁵ Ibid s(496)

³⁶ Ibid s(342-346)

The current administration is considering the negative effects of trafficking. As a result, she passed a law in 2012 that deals with the issue of human trafficking. I'll now briefly describe the Act below. The various terminology used in this act's discussion are defined in Section 2. A few of these include "shelter-center, harboring, bondage servitude, brothels, forced labor and, person exploitation, etc." There is a detailed definition of human trafficking in Section 3. We can identify three aspects of human trafficking if we analyze the section. According to the Act, "the provisions of this Act shall come into force whenever any person commits any offense under this Act against any Bangladeshi citizen outside the state border of Bangladesh, or against any ship by air." If somebody violated this Act from outside to within Bangladesh or from inside to outside Bangladesh, the offense and the means by which it was done are deemed to have been committed in Bangladesh, and the provisions of this Act apply to that person and that offense.³⁷The Act contains a few sections that deal with punishing traffickers. This Act's Sections 6, 7, 8, 9, 10, 11, 12, 13, and 14 deal with the penalties for traffickers.

There is clause dealing to false accusations in one of the sections. According to this section, "if any person lodges any false case or misuses the law or compel another person to do so, he shall be considered to have committed an offence and punished with rigorous imprisonment not exceeding five years, but not less than two years and twenty thousand Taka for committing such offence."³⁸The Act also outlines the steps for filing a case³⁹. How can the investigation be carried out⁴⁰? establishing the tribunal⁴¹. Time allotted for trials and the tribunal's authority⁴². Also, it aids in the victims' reintegration into society at large.⁴³

2.4.Nari O Shishu Nirjaton Damon Ain 2000

This law was enacted to safeguard women and children from being tortured, raped, and subjected to other inhumane treatment. This Act is extremely pertinent because women and children are more frequently victims of trafficking. The topic of human trafficking is specifically addressed in Section 07 of this Act. If a person kidnaps a woman or a child for any reason other than to conduct one of the crimes listed in Section 5 of this Act, they will face a minimum of 14 years in jail and a fine, according to the law.⁴⁴ We are aware that the traffickers will demand a ransom from the victims' families and offer them the promise of the victim's release in exchange for the money. This Act offers the criminal penalty in order to stop this vandalism. This Act's Section 08 addresses the payment of ransom. This clause states that anyone who kidnaps a woman or child in order to extract a ransom is subject to the

³⁷Human Trafficking Protection and Suppression, 2012, sec 02.

³⁸ Ibid, sec 15

³⁹ Ibid, sec 27

⁴⁰ Ibid, sec19

⁴¹ Ibid sec21

⁴² Ibid, sec24

⁴³ Ibid sec 36

⁴⁴Nari O Shishu Nirjatan Daman Ain 2000, sec 07

capital punishment or a harsh life sentence as well as a fine.⁴⁵ Sections 9, 10, and 12 of this Act additionally stipulate penalties for rape, sexual assault, organ mutilation, and begging.

2.5. Other Related Laws

2.5.1. The Shishu Ain, 2013: This Act relates to juvenile offenders' trials and punishment as well as the custody, protection, and treatment of minors. A few parts focus on the punishment of crimes related to trafficking in sex and labor. The requirements to prevent luring a kid into a brothel, engaging in or inciting seduction, or exploiting a child are all covered in Part 6 of the Act, which deals with particular offences that may be related to the human trafficking of children.

This Act offers some criminal penalties that are directly related to child trafficking. "The punishment will be given to the traffickers for punishment for cruelty to a child, punishment for employing a child in the beginning, punishment for being intoxicated while in charge of a child, punishment for giving intoxicating drug or dangerous drug to a child, punishment for allowing a child in a brothel, punishment for leading or encouraging a child to seduction, punishment for exploitation of a child."⁴⁶ The general aspects of trafficking, which are carried out by victims of trafficking, are given in those sections, making this Act connected to human trafficking.

2.5.2. The Bangladesh Passport Order, 1973: In order to control Bangladeshi nationals' departure from Bangladesh in the public good, this legislation calls for the issuance of passports and other travel papers. It generally talks about getting a passport, renewing it, etc. It is occasionally abused to charge human trafficking victims with crimes.

I now talk about the connection between this decree and human trafficking. No one may leave Bangladesh without a valid passport or other travel document⁴⁷, according to this decree. Additionally, it states that anyone who violates section 03's requirements, willfully gives false information to acquire a passport, uses a passport that was issued to someone else, or permits someone else to use the passport that was provided to him would be punished.

Thus it is evident to us that anyone wishing to travel from Bangladesh to another nation must obtain a passport in order to do so legally. This reduces the likelihood of human trafficking. Yet issuing a travel passport must be simple, or else it won't be useful at all.

2.5.3. The Passport (Offense) Act, 1952: This Act was also passed to prevent persons from traveling illegally from Bangladesh to other nations.

⁴⁵ Ibid sec08

⁴⁶ Children Act 2013 secs 70, 71, 73, 75, 77, 78, 80

⁴⁷ Bangladesh Passport Order 1973, sec 3

According to this Act, "any person who forges, alters, or tampers with any passport or uses a passport which he knows to be forged, altered, or tampered with, or engages in the trafficking of passports, will be punished."⁴⁸

This Act expressly forbids entering any country without a valid document, making people trafficking expressly illegal. However, this Act has certain flaws because it is relatively condensed and only lists a few offenses linked to falsifying or forging a passport or making a false declaration on a passport application. The offenses are specific, and there are a lot of opportunities for abuse. The Emigration Ordinance of 1982: This Law was created particularly to encourage Bangladeshi labor export. It addresses the formal and legal facets of labor migration in general. Even if it doesn't cover everything, it especially doesn't address migrant workers' rights and wellbeing. It is the main tool for Bangladeshi labor migration. According to this Ordinance, "anyone emirates, attempts to emigrate, departs, or attempts to depart shall be punished" if they do not do so in accordance with its provisions.⁴⁹The Ordinance was not created to anticipate or incorporate both civil and criminal sanctions, even though it includes some criminal offenses that overlap with human trafficking. As a result, the major focus of the Ordinance, which requires persons to leave the country with legal documentation, is to stop unlawful immigration into neighboring countries. There are a few issues with this ordinance. The lack of a provision is to punish an employer or recruitment agent that violates a contract or agreement with migrant workers, the lack of a right for migrant workers to immediately seek relief under this Ordinance, and the inability of this Ordinance to stop fraud actions are all factors.

2.5.4. The Extradition Act of 1974: This Act addresses a number of specific crimes, including the illegal trafficking of women and children. In addition, it targets additional crimes related to human trafficking, such as forced labor and slavery. It contains provisions for the extradition of fugitive offenders charged with the trafficking-related crimes listed below, including rape, obtaining or trafficking women or young people for immoral purposes, kidnapping, abduction, or dealing with slaves, theft, abandonment, exposure, and illegal dealing with children. It also contains provisions for aiding and abetting provisions. As a result, we can see that some crimes have a direct connection to people trafficking. The aforementioned components can be used to traffic in a man, a woman, or a child. The Act is subject to several restrictions. There are two restrictions: This Act only applies to state parties, and each state party is required to cooperate. The process is time-consuming and entirely dependent on diplomatic ties when dealing with non-state parties. It excludes extradition connected to adult male trafficking.

⁴⁸ The Passport (Offence) Act 1952, Space

⁴⁹ The Emigration Ordinance 1982 sec 20

- 2.5.5. The Labor Act 2006: This recently passed law, which fully addresses most issues of labor law, forbids the employment of children and young people. I'll now discuss a few pertinent provisions of The Labor Code that have to do with human trafficking.

No child under the age of 14 shall be required or permitted to work in any profession or establishment, according to this Law. Anybody who hires a child or adolescent or allows a child or adolescent to work in violation of any rule in this code faces a fine.⁵⁰ Additionally, it states that "no parent or guardian of a kid shall enter into an arrangement to permit the child's service to be exploited in any occupation." Any person who breaches this provision will be fined.⁵¹ We therefore know that The Labor Act of Bangladesh of 2006 contains several measures connected to anti-human trafficking. But it is also true that this Act has some restrictions. Namely, the Act's maximum penalties are insufficient to prevent severe crime; in fact, they are so lax that they raise doubts about the sincerity of the law. Household and domestic work, as well as employment on an agricultural farm, is not recognized as work under this regulation. A recent Act has been passed that is directly relevant to human trafficking. "Overseas Employment and Migrants Act 2013" is the name of the law. This Act addresses the movement of workers. In order to guarantee the rights and welfare of migrant workers and family members, it encourages options for employment abroad and seeks to develop a fair and safe migration system. It also seeks to repeal the 1982 Ordinance and replace it with a new law. "It also endeavors to provide arrangements in compliance with the International Convention on the Rights of Migrant Workers and Members of their Families of 1990 and other International labor and human rights conventions and treaties approved by the People Republic of Bangladesh." It includes a definition clause,⁵² licensing requirements for recruitment agencies,⁵³ registration information for foreign workers,⁵⁴ etc.

3. International Legal Regime to Prevent Human Trafficking

3.1. United Declaration of Human Rights, 1948:

The government of Bangladesh affirms to its people that it would uphold the constitution and other legal provisions that are outlined in the universal declaration of human rights (UDHR) to defend their rights. The government of Bangladesh has gone above and above to sign and ratify a number of international treaties as part of its commitment to preserving human rights in accordance with international standards. Some of these laws specifically address human trafficking (especially that which affects women and children), and others include measures that provide protection for anyone who may become victims of any type of human trafficking. I will now discuss the UDHR articles that are pertinent to human trafficking.

⁵⁰ The Labor Act 2006, space

⁵¹ Ibid space

⁵² Overseas Employment and Emigration Act 2013, space

⁵³ Ibid, space

⁵⁴ Ibid space

"Everyone has the right to life, to an independent existence, and to safety."⁵⁵ The Convention guarantees the right to life, freedom, and safety in this article. Because a person who is being trafficked faces a significant danger of death and has no freedom or safety, this article promotes the idea of ending human trafficking. "Neither you, nor anyone else, has the right to treat you as a slave. No one shall be subjected to slavery or servitude, and all forms of slavery and the slave trade shall be outlawed. This clause Outlaws slavery in its entirety. We are aware that when a person is being trafficked, they will be utilized for slavery, which is completely against both local and international law. 'No one has the right to torture you. No one shall be subjected to torture or the cruel, inhuman or degrading treatment or punishment.'⁵⁶ In this article any kind of tortures are prohibited. According to this article one has the right to torture you, means you are free from every kind of torture. We know that the victims of trafficking are going under various tortures which are illegal under UDHR.

Nobody has the right to arbitrarily detain you, arrest you, or forcibly expel you from your nation⁵⁷. "No one may be arbitrarily detained, imprisoned, or exiled"⁵⁸. We are aware that the traffickers detain the victims, and that this incarceration is completely against the law. Also, this article states that no one may be forcibly expelled from their own country. It is well known, the UDHR is violated when victims of trafficking are forcibly transferred from their own countries. You should be able to migrate outside of or inside of your own country and exercise your right to do so. "Everyone has the right to unrestricted travel and residence inside each state's borders"⁵⁹. "Everyone has the freedom to travel and the right to return to any country",⁶⁰ even their own. In order for people to freely develop and take full advantage of all that their nation has to offer, society should assist them. "Everyone has the right to social security as a member of society, and they also have the right to have the economic, social, and cultural rights that are necessary for their dignity and the unrestricted development of their personalities realized through national and international collaboration"⁶¹. We are aware that women and children are primarily trafficked because of their vulnerable circumstances. The amount of trafficking will decline if they receive social security protection. So, it is clear that everyone has rights under the UDHR of 1948, and if those rights are upheld, human trafficking will be significantly reduced.

3.2. United Nations Protocol:

Supplementing the 2000 United Nations Conventions against Transnational Organized Crime is the Protocol to Prevent, Suppress, and Punish People

⁵⁵ Universal Declaration of human Rights 1948, art.3

⁵⁶ *Ibid.*, Artic-04

⁵⁷ *Ibid* art 5

⁵⁸ *Ibid* art 9

⁵⁹ *Ibid* art12

⁶⁰ *Ibid* art13

⁶¹ *Ibid* art 22

Trafficking, Particularly of Women and Children. The UN General Assembly adopted this convention in a resolution in November 2000, and it was ratified on December 25, 2000. The 17 signatories and 143 states as of March 2011, it has been ratified by 166 parties as of December 2014. Human trafficking law enforcement response is the topic of an international treaty on crime prevention. It lays out a legal definition of human trafficking, rules for making it illegal under national law, cooperative preventative efforts, and procedures for helping victims. Only international human trafficking involving a gang of organized criminals is covered. The Protocol prevents the following:

1. facilitating, with adequate consideration for their safety, the return and acceptance of children who have been the victims of cross-border trafficking.
2. Outlawing the trafficking of kids for the purpose of sexually abusing them for profit.
3. In the event that parents, caregivers, or anyone else who has parental rights over a child is discovered to have trafficked in children, their rights will be suspended.
4. making sure that those who have been trafficked are not penalized for any crimes or actions connected to their being trafficked, such as prostitution and immigration infractions.
5. Protecting victims of trafficking from deportation or returns when there is a good reason to believe that doing so would pose a serious security risk to the victim or their family.
6. Ensuring that those found guilty of trafficking in aggravating circumstances will face proportionate criminal punishment⁶².

The UN Convention against Transnational Organized Crime 2000, which calls for the prevention, suppression, and punishment of human trafficking, is therefore supplemented by this. International guidelines for preventing human trafficking are outlined in the PALERMO Conventions. All types of trafficking can be prosecuted under its comprehensive definition of the crime, and all victims of trafficking can be identified. The term also refers to labor trafficking, which includes migrant laborers who have been exploited in violation of Articles 3, 6–10, and 14. Bangladesh's government has neither accepted nor acceded to the UN PALERMO Protocol, which is necessary to ensure protection from all types of human trafficking.

3.3. SAARC Convention:

In 2002, in Kathmandu, the South Asian Association for Regional Cooperation (SAARC) adopted a resolution on preventing and combating the trafficking of women and children for prostitution. This convention has been ratified by Bangladesh. The Convention encourages member states to work together to effectively deal with issues such as the prevention, interdiction, and suppression of

⁶² Ibid

trafficking in women and children only, the repatriation and rehabilitation of trafficking victims, and the prevention of the entrapment of women and children by international prostitution networks, especially when the SAARC member countries are the countries of origin, transit, and destination. Alliance for Regional Cooperation in South Asia (SAARC) The SAARC Conventions were adopted with the hope that they would be a powerful regional weapon to combat human trafficking, which is a regional issue involving numerous source, transit, and destination nations. Unfortunately, the SAARC Agreement only addresses the trafficking of women and children for sexual exploitation, ignoring other types of exploitation. It does not employ a comprehensive definition of human trafficking. Thus, the SAARC Convention is insufficient to handle trafficking in human organs, adult males, or labor. on Prevention and Defense⁶³

3.4. International Conventions:

One more international agreement addresses human trafficking. I'll list some of the more important ones below. "International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families," Section 5.5.1 The year 1990 was chosen to save the migrant workers' families. This convention has been ratified by Bangladesh. The most comprehensive policy regarding migrant labor is this one. By expanding the application of human rights law to all migrant workers and their families throughout the whole migration process,⁶⁴ it draws on the principles of the UDHR and ILO Conventions 97 and 143. Additionally, it aims to stop and eradicate migrant labor trafficking, illegal hiring of migrants, and clandestine migration. Bangladesh's government has approved the Protocol on the Rights of All Migrant Workers and Members of their Family 1990 but has not yet done so.

The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) is referenced in paragraph 5.5.2. The UN General Assembly ratified this treaty in December 1979, and it became effective on September 3, 1981. 98 signatories out of 186 state parties. The UNGA is frequently referred to be an international declaration of women's rights. According to the convention, "discrimination against women is any distinction, exclusion, or nullification of the recognition, enjoyment, or exercise by women—regardless of their marital status—of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field that is based on equality of men and women."⁶⁵By signing on to the convention, states agree to take a number of steps to end discrimination against women in all its forms, including:

⁶³Winrock International Action for Combating Trafficking in Progame Bangladesh, 2008

⁶⁴ ibid

⁶⁵ ibid

1. Including the idea of gender equality in their legal framework; abolishing all laws that are discriminatory; and adopting laws that are appropriate and prohibit discrimination against women.
2. To achieve the abolition of all acts of prejudice against women committed by individuals, groups, or businesses,
3. To create courts and other public institutions that will effectively protect women from discrimination,
4. To outlaw all types of prostitution of women and the trafficking in women. By the review of periodic reports, the Committee on the Elimination of All Forms of Discrimination against Women keeps track of how well states parties are carrying out the CEDAW convention.

3.4.1. Convention on the Rights of the Child 1989: The prologue makes reference to the CRC's goals and the necessity for governments to implement certain provisions found in articles 34 and 35 of the CRC, which provide comprehensive protections against child trafficking, sexual exploitation, and abuse.⁶⁶ According to the CRC, States Parties are required to safeguard children from all types of sexual exploitation and abuse. In order to achieve these goals, States Parties must take all necessary domestic, international, and multilateral action to stop the following:

- (a) Encouraging or pressuring a child to engage in any unlawful sexual activity;
- (b) Using children for prostitution or other illegal sexual activities; and
- (c) Using children for pornographic purposes.⁶⁷

States Parties are required to take all necessary domestic, international, and multilateral steps to stop kidnapping, selling, and trafficking in minors for any reason or in any way.⁶⁸

3.4.2. ILO Conventions: Human trafficking is a topic covered in ILO conventions. This topic received a lot of attention at several conferences, and advocates fought to pass new legislation to combat human trafficking. I'll now go over each pertinent ILO convention one by one.

3.4.3. ILO Convention 97: This Convention, which addressed migration for employment but was not ratified by Bangladesh, was adopted in 1949. There are various articles that discuss the issues that migrants now confront as victims of trafficking in this topic about migrating for jobs. The articles 2, 3, 6 and 10 are pertinent.

3.4.4. ILO Convention 143: It became official in 1978. This convention is not ratified by Bangladesh. Migrations are under abusive circumstances and the

⁶⁶ World University Bangladesh, April 2019

⁶⁷ Children Rights Convention, 1989, art 34

⁶⁸ Ibid art 35

advocacy for migrant workers' rights to equal treatment and opportunity. This addresses abusive conditions that encourage migration and aims to prevent and lessen irregular migration. Additionally, it aims to advance immigrants' rights to equitable treatment and opportunity in everyday life⁶⁹.

3.4.5. ILO Convention 182: The worst forms of child labor are prohibited, and immediate action is taken to end them. By ratifying it, Bangladesh did. According to this, members must make sure that the following child labor practices are illegal.

(a) Any type of slavery or practice that involves the sale, acquisition, or offer of minors for prostitution or the creation of pornographic works of art.

(b) The use of children for debt servitude, serfdom, or forced or obligatory labor.

4. Suggestions

The recommendations have given under the following heads:

4.1 Forming rules under ITPA: The rules are issued long ago under the SITA (Suppression of Immoral Traffic Act, 1956) should be reviewed, and new rules should be issued under the ITPA. These regulations should also specify the protocols and procedures that must be followed during rescue efforts and afterward while keeping the victims' best interests in mind.

4.2 Minimum Standards: Government should release state policies that outline minimum requirements for the care, concern, and assistance that must be given to victims and survivors by all service providers, including law enforcement officers, judicial officers, prosecutors, medical professionals, psychosocial professionals, counselors, people working in after-care facilities, and all other relevant parties.

4.3 NGO Coordination at the National Level:

At now, NGOs don't work together; they work separately. The NGOs must coordinate within each state, between states, and across international borders.

4.4 Government-NGOs partnership: Cooperation between NGOs and government organizations is crucial to anti-trafficking efforts.

4.5 Bilateral trans-border Cooperation: The SAARC convention calls for the creation of a task force to address cross-border trafficking. The implementation of the convention has not started because not all state parties have ratified it. Requirements for trans-border collaboration cannot be restricted to just the bordering districts. Such informal networks, which include government representatives and NGOs from both sides, may initially be institutionalized in order for them to carry out anti-trafficking actions in an effective manner.

4.6 Regional Initiatives: Since the research has revealed the issues with transnational trafficking, coordinated effort is needed for both effective law

⁶⁹Winrock International Action for Combating Trafficking in Person (Act) Programme Bangladesh 2008

enforcement and care and protection for women. A regional victim-witness protection plan could be created and sent to everyone involved for advice.

4.7 Vulnerability mapping of the Source Area: This is a crucial condition for stopping the trafficking of women and children. The investigation has determined the numerous source regions across the nation.

4.8 Public Awareness Campaigns: The exploiters' motivation is sparked by the victims' ignorance of their own human rights. Public awareness campaigns must therefore be expanded.

4.9 Combating sex tourism: Civil society and law enforcement organizations need to make specific efforts in this area. The government must act quickly to stop the threat posed by sex tourism. It can no longer be swept under the rug.

4.10 Role of Media: The public's support and involvement in preventing and combating trafficking can be greatly aided by the media.

4.11 Urgency of Rescue Operations: The analysis made clear how urgent and important it is to conduct rescue operations. Most survivors and victims are anxious to be saved and given new opportunities.

4.12 Justice Delivery: The study has demonstrated the length of the trial, the prosecution's failure to call witnesses, and the victim's recurrent court appearance requests. Even after the culprit has been found guilty, the victim is frequently not given compensation.

4.13 Volunteer: Every state should establish a volunteer organization to investigate the offense, since their assistance will be required when it comes time to save the victims.

4.14 School syllabus: The Bangladeshi government should incorporate the subject into the regular school curriculum so that children can learn about the dreadful consequences of human trafficking and prevent themselves from becoming victims of it.

4.15 Employment Plan of the Government: The Bangladeshi government needs to establish an employment center to provide jobs and work to those in need. The amount of people trafficking will significantly diminish if the government takes on this responsibility.

5. Conclusion

Human trafficking has increased dramatically in recent years. This particular issue has become a global issue. In South Asian countries, the issue is already seen as serious and demands a coordinated response. As a result, during the Ninth SAARC Heads of Government Conference, which took place in the Maldives in 1997, trafficking was a significant issue of discussion. Trafficking has substantial effects on public health, law enforcement, and socioeconomic development in general. It is closely tied to the human rights issue. There are many important factors that

contribute to the trafficking of women and children in Bangladesh, including poverty, attitudes toward the victims of trafficking, entrenched gender discrimination, unemployment, cultural norms regarding marriage, well-organized national and international networks of traffickers, and weak law-enforcement agencies. Laws alone will not be able to stop this illegal conduct. In addition to trafficking and kidnapping, other laws already impose penalties for abuse against women and children. But, putting these laws into action still poses a significant obstacle. Although additional research is required to understand the causes of trafficking, numerous papers currently exist that detail the problem in Bangladesh. Studies are required that can provide firsthand knowledge of the issue's social, economic, political, and health ramifications. Identification of the existing and potential roles of the government, NGOs, and civil society in supporting this immoral activity are equally crucial.

