



Trafficking for Sex Slave of Children and Women

Nasrin Khandaker

Advocate

Supreme Court of Bangladesh

ABSTRACT

The trafficking and sex slavery of children and women in the world is a serious international problem. Each and every year multi-billion dollar business occurs in this sector. In Bangladesh it has also become a tremendous national problem for family, society, country. Many criminal activities such as torturing, physical assault, mental shocks, kidnapping, rape, gang rape, murder etc. occur for continuing trafficking and sex slavery of children and women. Each and every year many children and women are trafficked from Bangladesh for sex slave. However the present study has conducted to review the concepts related to trafficking and sex slavery of children and women. For this reason data and information were collected from secondary sources. Data and information were collected from books, research reports, journals, magazines and daily newspapers, internet, different websites of government and non government organizations etc. From the study it was found that Therefore, Bangladesh needs to accrete and put its affairs in order for robustly fighting against this circumstance which can easily be compared to modern day slavery. The effort that Bangladesh is making in tackling the forced prostitution and human trafficking complication is visible but unfortunately is not enough. It needs to be understood that, when a problem like this takes root in the community it spreads like a cancer. It is the duty of the state to make sure that the gremlin is butchered from the root, especially when it can easily heighten its ascendancy. A reform in terms of implementation and execution in addition to some changes in the policy along with a nationwide awareness raising campaign can be triumphant in terms of handling this predicament.

Key words: Trafficking, Sex Slave, Sex trafficking, Child prostitution, Child sex tourism Child pornography, Forced prostitution, Forced marriage.

INTRODUCTION

The trafficking and sex slavery industry itself is a multi-billion dollar business that transports and enslaves hundreds of thousands girls and women each year. Current statistics estimate that there are 4.5 million sex trafficking victims around the world: 98% of those are girls and women. Poverty and socio-economic inequalities create the ideal environment for trafficking and sex slavery to develop and flourish. With the exception of existing demand, which is fuelled by the vast amount of money that traffickers can earn, another key factor is poverty. Poverty, intended as a “lack of wellbeing,” is composed of different aspects, such as: financial resources, health-related well-being, and accommodation, level of education, societal integration and family of origin. Labeled as ‘Modern Slavery’ human trafficking is a crime against humanity which undermines the rule of law and threatens the political foundation of a nation. It is an organized crime involving different actors and it violates a plethora of basic human rights as enshrined in the universal human rights documents which includes but is not limited to the right to life, right to liberty and security, right to freedom of movement, right to be free from gendered violence and right to social security and right to adequate standard of living. The United Nations Office of the High Commissioner for Human Rights addresses that there must be three key elements present in a situation of a trafficking in person. The three key elements consist of action, means and purpose. Actions refer to the recruitment of persons who are intended to be trafficked, means refer to either threatening or coercing the person who will fall victim to the act of trafficking and purpose refers to the exploitation of the victim in question in various form such as forced prostitution, forced labor, subjugation and removal of organs. According to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, when all of these elements are present in a situation only then trafficking in person occurs. This protocol notes the difference of trafficking from migrant smuggling and also clarifies that any consent acquired when the three key elements are present does not amount to any consent at all. In Bangladesh the lion’s share of the victims of trafficking are women and mostly underage girls. According to the recent 2019 report, among these women most of them are sold and forced into prostitution pursuant to internal or external trafficking where the destinations include Southeast Asia, India, Pakistan and Gulf states. The act of human trafficking is marginally a global problem where operations and interests of various nation states are at stake. However, predominantly it is the responsibility of Bangladesh to curb the growing manifestation of forced prostitution and human trafficking which can be subdued by implementing proper actions and by bringing change in terms or endeavors, policies and undertakings. In some cases families will actually

sell their daughters into sex slavery. In other cases the traffickers will lure girls from low economic settings with promises of employment in foreign countries. Once the girls are sent in the foreign country, instead of going to their respective promised jobs, they are sold. Throughout this entire process, girls and women are exposed to a wide range of emotional, physical and psychological abuse. Physical effects of trafficking and sex slavery can include:

- STIs
- Pregnancy
- Infertility
- Infections or mutilations
- Chronic back, hearing, cardiovascular or respiratory problems
- Malnourishment and serious dental problems
- Infectious diseases like tuberculosis
- Undetected or untreated diseases
- Bruises, scars and other signs of physical abuse and torture
- Substance abuse problems or addictions

Psychological effects of trafficking and sex slavery can include:

- Anxiety and Stress Disorder
- Attachment Disorder
- Attention Deficit/Hyperactivity Disorder (ADHD)
- Developmental Disorders
- Eating Disorders
- Learning Disorders
- Impulse Control Disorders
- Mood Disorders
- Personality Disorders
- Self-Harming Disorders
- Sleep Disorders
- Substance Abuse Disorders

By developing programmes that focus on economic empowerment, including life skills training and financial literacy, especially for girls and women and other traditionally disadvantaged groups, we can increase their economic opportunities and contribute to risk reduction of trafficking and sex slavery. Addressing sex trafficking also requires measures to prevent it, to deal with the perpetrators, and to care for the victims. Preventive measures can include:

- Empowering adolescent girls with information on risks and how to mitigate them
- Educating families and caretakers
- Providing educational, vocational, and employment opportunities for girls
- Undertaking education campaigns directed at potential victims
- Training teachers, youth workers or others to identify girls at high risk of being sold and working with those families and communities
- Pursuing and adopting legislation and providing education to reduce the demands that foster trafficking
- Establishing cooperative preventive programmes among sending, receiving and transit countries

Services for survivors of trafficking must address their immediate needs: protection, medical care, legal redress, housing, employment and counseling. They should not be penalized, criminalized or arrested. They should be assisted without conditions, regardless of their legal status or documents. Governments must priorities and allocate sufficient resources to combating sex trafficking, and, over the long term, address its root causes, particularly poverty, gender inequality and discrimination. Sport programmes can provide spaces where trafficked children can reintegrate back into society, benefit from the positive emotional and physical impacts of sport, access medical care and counseling, and be educated on their rights as children. Children and women in Bangladesh are vulnerable to being trafficked into bonded labour or brothels; being sexually abused in the home, the workplace, community and at school; and being sexually exploited. In a country where less than 10 per cent of children are registered at birth, it is difficult to track whether children's rights are being protected. Those who are abused, trafficked or exploited are explicitly denied their rights to be safe from these practices under the Convention on the Rights of the Child (CRC). They are also more vulnerable to HIV/AIDS, drug abuse, more likely to not finish - or begin - their education, or realize their right to be brought up with their family.

OBJECTIVE OF THE STUDY

The objective of the study is as follows:

1. To review the concepts related to trafficking and sex slavery of children and women.

METHODOLOGY OF THE STUDY

The study was conducted at urban and rural areas in Bangladesh. Data and information were collected from secondary sources. Data and information were collected from books, research reports, journals, magazines and daily newspaper, internet, different websites of government and non government organizations etc.

RESULTS AND DISCUSSION

Definition of Concepts

Trafficking

Human Trafficking is the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit. Men, women and children of all ages and from all backgrounds can become victims of this crime, which occurs in every region of the world. Human trafficking in Bangladesh is believed to be extensive both within the country and to India, Pakistan and the Middle East. Many girls are trafficked into sexual exploitation or bonded servitude. Many boys have also been trafficked to the Middle East to become camel racing jockeys. Children involved in camel racing (CICR) are often injured in the course of their work, are vulnerable to abuse from their employers and there are reports of employers deliberately keeping the children's weights low by not feeding them enough. Many children are taken with their parents' consent, having been duped by stories of well-paid jobs or marriages. Reintegration into mainstream society is a huge issue for trafficked children, especially for girls with the stigma and taboo associated with it. If they return with a Sexually Transmitted Infection (STI) or HIV positive, it becomes more challenging for the family and community to accept them. For children involved in camel racing, many can no longer remember their own language. They become strangers in their own land.

Sex trafficking

Sex trafficking is a crime when women, men and/or children are forcefully involved in commercial sex acts. In the United States, any minor under the age of 18 engaged in commercial sex acts is automatically considered a victim of sex trafficking under the law. Worldwide, it's estimated that there are 4.5 million victims of sex trafficking. Worldwide, false promises are ways in which traffickers bait and enslave their victims – both adults and minors. Indigenous populations and those who live in abject poverty are typically economically and politically marginalized; thus, most lack rights and access to basic services such as education which make them particularly vulnerable to sex trafficking. Many times, people from these communities are offered false employment opportunities in major cities. For example, men and boys are sent overseas to work in construction and agriculture but are also forced to perform commercial sex acts. Women and young girls may be offered jobs as models, nannies, waitresses or dancers. Some traffickers operate under the guise of agencies that offer cross-country dating services. However, upon arrival, these individuals are abused, threatened and sold in the sex industry. Often, traffickers keep victims under their control by saying that they'll be free after they pay their debt. The "debt" is supposedly incurred from the victims' recruitment, transportation, upkeep or even their crude "sale." Thus, sex trafficking may occur within debt bondage/bonded labor. Victims of sex trafficking may eventually perform other functions, in addition to being forced sex workers. Some traffickers use sex trafficking victims to recruit or transport other victims. As a result, when sex trafficking victims are caught, they might be detained and prosecuted for criminal activity (e.g., prostitution). However, a legal charge is only one area of concern. Sex trafficking has devastating consequences for the trafficked individual. Victims may suffer from long-lasting physical and psychological trauma, disease (HIV/AIDS), drug addiction, malnutrition and social ostracism.

International Definition

Forced labor includes forced sexual services. The ILO's Forced Labor Convention defines forced labor as all work or service exacted from a person under the threat of a penalty and for which the person has not offered himself or herself voluntarily. The UN's Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Palermo Protocol) includes three elements in its definition: the act, the means and the object. Sex trafficking is the recruitment, transportation, transfer, harboring or receipt of persons who under threat, force, coercion, fraud, deception or abuse of power are sexually exploited for the financial gain of another.

United States' Definition

Similarly, in the United States, sex trafficking involves three elements: the process, the means and the goal. The U.S. Trafficking Victims Protection Reauthorization Act defines sex trafficking as the recruitment, harboring, transportation, provision or obtaining of an individual who under force, fraud or coercion is induced to perform a commercial sex act. Note that sex trafficking does not have to have some form of travel, transportation or movement across borders. At the core, sex trafficking is characterized by sexual exploitation through force, fraud or coercion. For children (anyone under 18 years old), consent is irrelevant, and the element of means (e.g., force) is not necessary (22 USC §7102). The Rome Statute (1998) (which defines the crimes over which the International Criminal Court may have jurisdiction) encompasses crimes against humanity (Article 7) which include "enslavement" (Article 7.1.c) and "sexual enslavement" (Article 7.1.g) "when committed as part of a widespread or systematic attack directed against any civilian population". It also defines sexual enslavement as a war crime and a breach of the Geneva

Conventions when committed during an international armed conflict (Article 8.b.xxii) and indirectly in an internal armed conflict under Article (8.c.ii), but the court's jurisdiction over war crimes is explicitly excluded from including crimes committed during "situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence or other acts of a similar nature" (Article 8.d). The text of the Rome Statute does not explicitly define sexual enslavement, but does define enslavement as "the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children" (Article 7.2.c). Sexual slavery is a particular form of enslavement which includes limitations on one's autonomy, freedom of movement and power to decide matters relating to one's sexual activity. Thus, the crime also includes forced marriages, domestic servitude or other forced labor that ultimately involves forced sexual activity. In contrast to the crime of rape, which is a completed offence, sexual slavery constitutes a continuing offence. ... Forms of sexual slavery can, for example, be practices such as the detention of women in "rape camps" or "comfort stations", forced temporary "marriages" to soldiers and other practices involving the treatment of women as chattel, and as such, violations of the peremptory norm prohibiting slavery.

Sex slavery

Sexual slavery and sexual exploitation is an attachment of any ownership right over one or more people with the intent of coercing or otherwise forcing them to engage in sexual activities. This includes forced labor, reducing a person to a servile status (including forced marriage) and sex trafficking persons, such as the sexual trafficking of children. Sexual slavery may also involve single-owner sexual slavery; ritual slavery sometimes associated with certain religious practices, such as ritual servitude in Ghana, Togo and Benin; slavery for primarily non-sexual purposes but where non-consensual sexual activity is common; or forced prostitution. The Vienna Declaration and Programme of Action calls for an international effort to make people aware of sexual slavery, and that sexual slavery is an abuse of human rights. The incidence of sexual slavery by country has been studied and tabulated by UNESCO, with the cooperation of various international agencies.

Types of sexual exploitation

Commercial child sexual exploitation

Child sexual exploitation can start when children are as young as 10 in Bangladesh's registered brothels, its hotels and its parks, streets and stations. The children of women who work in a brothel often end up working there too. In brothels, many children have to work as bonded sex workers. They must pay all their earnings to the brothel's madam for their first few years in return for food, clothes and essentials. Child victims of commercial sexual exploitation can also end up in brothels or on the streets through trafficking, family break-downs or poverty. On the streets, many children are beaten and robbed. Many boys are drawn into crime through their pimps. Men having sex with men (MSM) is a growing and hidden issue but often not acknowledged due to the stigma or shame attached to it.

Commercial sexual exploitation of children

Commercial sexual exploitation of children (CSEC) includes child prostitution (or child sex trafficking), child sex tourism, child pornography, or other forms of transactional sex with children. The Youth Advocate Program International (YAPI) describes CSEC as a form of coercion and violence against children and a contemporary form of slavery. A declaration of the World Congress Against the Commercial Sexual Exploitation of Children, held in Stockholm in 1996, defined CSEC as, "sexual abuse by the adult and remuneration in cash or in kind to the child or to a third person or persons. The child is treated as a sexual object and as a commercial object".

Commercial sexual exploitation of adults

Commercial sexual exploitation of adults (often referred to as "sex trafficking")^[10] is a type of human trafficking involving the recruitment, transportation, transfer, harboring or receipt of people, by coercive or abusive means for the purpose of sexual exploitation. Commercial sexual exploitation is not the only form of human trafficking and estimates vary as to the percentage of human trafficking which is for the purpose of transporting someone into sexual slavery. The BBC News cited a report by UNODC as listing the most common destinations for victims of human trafficking in 2007 as Thailand, Japan, Israel, Belgium, the Netherlands, Germany, Italy, Turkey and the United States. The report lists Thailand, China, Nigeria, Albania, Bulgaria, Belarus, Moldova and Ukraine as major sources of trafficked persons.

Child prostitution

Child prostitution, or child sex trafficking, is a form of sexual slavery. It is the commercial sexual exploitation of children, in which a child performs the services of prostitution, usually for the financial benefit of an adult. India's federal police said in 2009 that they believed around 1.2 million children in India to be involved in prostitution. A CBI statement said that studies and surveys sponsored by the Ministry of Women and Child Development estimated about 40% of India's prostitutes to be children. Thailand's Health System Research Institute reported that children in prostitution make up 40% of prostitutes in Thailand. In some parts of the world, child prostitution is tolerated or ignored by the authorities. Reflecting an attitude which prevails in many developing countries, a judge from Honduras said, on condition of anonymity: "If the victim [the child prostitute] is older than 12, if he or she refuses to file a

complaint and if the parents clearly profit from their child's commerce, we tend to look the other way".

Child sex tourism

Child sex tourism is a form of child sex trafficking, and is mainly centered on buying and selling children into sexual slavery. It is when an adult travels to a foreign country for the purpose of engaging in commercially facilitated child sexual abuse. Child sex tourism results in both mental and physical consequences for the exploited children, that may include "disease (including HIV/AIDS), drug addiction, pregnancy, malnutrition, social ostracism, and possibly death", according to the State Department of the United States. Thailand, Cambodia, India, Brazil and Mexico have been identified as leading hotspots of child sexual exploitation.

Child pornography

Child pornography, sometimes referred to as 'child abuse images', refers to images or films depicting sexually explicit activities involving a child. As such, child pornography is often a visual record of child sexual abuse. Abuse of the child occurs during the sexual acts which are photographed in the production of child pornography, and the effects of the abuse on the child (and continuing into maturity) are compounded by the wide distribution and lasting availability of the photographs of the abuse. Child sex trafficking often involves child pornography. Children are commonly purchased and sold for sexual purposes without the parents knowing. In these cases, children are often used to produce child pornography, especially sadistic forms of child pornography where they may be tortured.

Cybersex trafficking

Victims of cybersex trafficking, primarily women and children, are sex slaves who are trafficked and then forced to perform in live streaming shows involving coerced sex acts or rape on webcam. They are usually made to watch the paying consumers on shared screens and follow their orders. It occurs in 'cybersex dens', which are rooms equipped with webcams.

Forced prostitution

Forced prostitution may be viewed as a kind of sexual slavery. The terms "forced prostitution" and "enforced prostitution" appear in international and humanitarian conventions but have been insufficiently understood and inconsistently applied. "Forced prostitution" generally refers to conditions of control over a person who is coerced by another to engage in sexual activity. The issue of consent in prostitution is hotly debated. Legal opinions in places such as Europe have been divided over the question of whether prostitution should be considered a free choice or as inherently exploitative of women. [The law in Sweden, Norway, and Iceland – where it is illegal to pay for sex, but not to sell sexual services – is based on the notion that all forms of prostitution are inherently exploitative, opposing the notion that prostitution can be voluntary. In contrast, prostitution is a recognized profession in countries such as the Netherlands, Germany, and Singapore. In 1949 the UN General Assembly adopted the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (the 1949 Convention). Article 1 of the 1949 Convention provides punishment for any person who "[p]rocures, entices or leads away, for purposes of prostitution, another person" or "[e]xploits the prostitution of another person, even with the consent of that person." To fall under the provisions of the 1949 Convention, the trafficking need not cross international lines. In contrast, organizations such as UNAIDS, WHO, Amnesty International, Human Rights Watch and UNFPA have called on states to decriminalize sex work in the global effort to tackle the HIV/AIDS epidemic, other STD-related health issues, and to ensure sex workers' access to health services.

Forced marriage

A forced marriage is a marriage where one or both participants are married, without their freely given consent. Forced marriage is a form of sexual slavery. Causes for forced marriages include customs such as bride price and dowry; poverty; the importance given to female premarital virginity; "family honor"; the fact that marriage is considered in certain communities a social arrangement between the extended families of the bride and groom; limited education and economic options; perceived protection of cultural or religious traditions; assisting immigration. Forced marriage is most common in parts of South Asia and sub-Saharan Africa.

Crime against humanity

The Rome Statute Explanatory Memorandum, which defines the jurisdiction of the International Criminal Court, recognizes rape, sexual slavery, forced prostitution, forced pregnancy, forced sterilization, "or any other form of sexual violence of comparable gravity" as crimes against humanity if the action is part of a widespread or systematic practice. Sexual slavery was first recognized as a crime against humanity when the International Criminal Tribunal for the former Yugoslavia issued arrest warrants based on the Geneva Conventions and Violations of the Laws or Customs of War. Specifically, it was recognized that Muslim women in Foča (southeastern Bosnia and Herzegovina) were subjected to systematic and widespread gang rape, torture and sexual enslavement by Bosnian Serb soldiers, policemen, and members of paramilitary groups after the takeover of the city in April 1992. The indictment was of major legal significance and was the first time that sexual assaults were investigated for the purpose of prosecution under the rubric of torture and enslavement as a crime against humanity. The indictment was confirmed by a 2001

verdict by the International Criminal Tribunal for the former Yugoslavia that rape and sexual enslavement are crimes against humanity. This ruling challenged the widespread acceptance of rape and sexual enslavement of women as an intrinsic part of war. The International Criminal Tribunal for the former Yugoslavia found three Bosnian Serb men guilty of rape of Bosniak (Bosnian Muslim) women and girls – some as young as 12 and 15 years of age – in Foča, eastern Bosnia and Herzegovina. The charges were brought as crimes against humanity and war crimes. Furthermore, two of the men were found guilty of the crime against humanity of sexual enslavement for holding women and girls captive in a number of de facto detention centers. Many of the women had subsequently disappeared. In areas controlled by religious militants, non-Muslim women are enslaved in occupied territories. Many Islamists see the abolition of slavery as forced upon Muslims by the West and want to revive the practice of slavery. In areas controlled by Catholic priests, clerical abuse of nuns, including sexual slavery, has been acknowledged by the Pope.

Bride kidnapping and raptio

The Rape of the Sabine Women, by Nicolas Poussin, Rome, 1637–38 (Louvre Museum)

Bride kidnapping, also known as marriage by abduction or marriage by captive, is a form of forced marriage practised in some traditional cultures. Though the motivations behind bride kidnapping vary by region, the cultures with traditions of marriage by abduction are generally patriarchal with a strong social stigma against sex or pregnancy outside marriage and illegitimate births. In most cases, however, the men who resort to capturing a wife is often of lower social status, whether because of poverty, disease, poor character or criminality. In some cases, the couple collude together to elope under the guise of a bride kidnapping, presenting their parents with a *fait accompli*. These men are sometimes deterred from legitimately seeking a wife because of the payment the woman's family expects, the bride price (not to be confused with a dowry, paid by the woman's family). The Mongol invasion of Hungary. The Mongols, with captured women, are on the left, the Hungarians, with one saved woman, on the right.

Bride kidnapping is distinguished from raptio in that the former refers to the abduction of one woman by one man (and/or his friends and relatives), and is often a widespread and ongoing practice. The latter refers to the large-scale abduction of women by groups of men, most frequently in a time of war (see also war rape).[citation needed] The Latin term raptio refers to abduction of women, either for marriage (by kidnapping or elopement) or enslavement (particularly sexual slavery). In Roman Catholic canon law, raptio refers to the legal prohibition of matrimony if the bride was abducted forcibly (Canon 1089 CIC). The practice of raptio is surmised to have existed since anthropological antiquity. In Neolithic Europe, excavation of a Linear Pottery culture site at Asparn-Schletz, Austria, unearthed the remains of numerous slain victims. Among them, young women and children were clearly under-represented, suggesting that perhaps the attackers had killed the men but abducted the young women.

Wartime sexual violence

Rape and sexual violence have accompanied warfare in virtually every known historical era. Before the 19th century, military circles supported the notion that all persons, including unarmed women and children, were still the enemy, with the belligerent (nation or person engaged in conflict) having conquering rights over them. "To the victor goes the spoils" has been a war cry for centuries and women were included as part of the spoils of war. Institutionalized sexual slavery and enforced prostitution have been documented in a number of wars, most notably the Second World War (See #During the Second World War) and in the War in Bosnia.

Trafficking and sexual exploitation of children

Bangladesh Chapter of Action against Trafficking and Sexual Exploitation of Children (ATSEC) network is an important reference list of agencies involved in preventing child trafficking and in rehabilitating victims in the country. This review contains numerous quotes from these documents. Although focused on Bangladesh, the review also considered reports and publications on trafficking from other countries in the region, made available by Mr. Matt Friedman, USAID/Bangladesh. Several key informants selected from NGOs and research organizations were interviewed to add an additional perspective on trafficking and increase the range of activities and interventions on trafficking covered in this report (Annexure A). All interviews were tape recorded. Photographs, booklets, newsletters, and research reports from local organizations were also reviewed. The Ponline and Medline databases were consulted to find literature on trafficking. Studies done in Bangladesh by various NGOs on trafficking of women and children were also consulted to understand the emotional, mental, physical and developmental implications of trafficking.

Child sexual abuse

Child sexual abuse permeates all levels of Bangladeshi society. Children are at risk of abuse or harassment in their own homes, from relatives and family "friends". It is found in schools, communities and the workplace. While disadvantaged and disabled children are more vulnerable to abuse, it is not limited to them. Most children know their abuser, who is usually someone close to them.

Impacts of child trafficking

169 children formerly involved in camel racing have been repatriated to Bangladesh. Of those, 168 children have now

been successfully reintegrated with their families. Another 32 children are waiting for repatriation. Community Care Committees (CCC) formed and regular follow up mechanism developed with the Ministry, relevant NGOs and CCCs. UNICEF is supporting the development and implementation of the livelihood component for these repatriated children for a sustainable reintegration and to protect them from the risk of re-trafficking. In 2006 Kishori Abhijan (Empowerment of Adolescents, Phase II) started with a new dimension based on the lessons learnt from Phase I of the project. In this phase adolescent boys were included and to date 2462 boys have received training on various social issues including gender awareness. 2860 adolescent centers in 27 districts are operational and managed by 5000 peer leaders. 86,000 girls have increased their mobility through participation in different activities with their families and communities. There are 575 community base committees to stop child marriage and dowry and will soon be functional.

Forced labour

Forced labour can be understood as work that is performed involuntarily and under the menace of any penalty. It refers to situations in which persons are coerced to work through the use of violence or intimidation or by more subtle means such as manipulated debt, retention of identity papers or threats of denunciation to immigration authorities.

The Definition of forced labour

According to the ILO Forced Labour Convention, 1930 (No. 29), forced or compulsory labour is: “all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily.” The Forced Labour Protocol (Article 1(3)) explicitly reaffirms this definition. This definition consists of three elements:

1. Work or service refers to all types of work occurring in any activity, industry or sector including in the informal economy.
2. Menace of any penalty refers to a wide range of penalties used to compel someone to work.
3. Involuntariness: The terms “offered voluntarily” refer to the free and informed consent of a worker to take a job and his or her freedom to leave at any time. This is not the case for example when an employer or recruiter makes false promises so that a worker take a job he or she would not otherwise have accepted.

Exceptions to the “forced labour” definition

Article 2(2) of Convention No. 29 describes five situations, which constitute exceptions to the “forced labour” definition under certain conditions (See General Survey on Forced Labour, ILO Committee of Experts, 2007):

- a) Compulsory military service.
- b) Normal civic obligations.
- c) Prison labour (under certain conditions).
- d) Work in emergency, situations (such as war, calamity or threatened calamity e.g. fire, flood, famine, earthquake).
- e) Minor communal services (within the community).

Forced labour imposed by state authorities

The Abolition of Forced Labour Convention No. 105 adopted by the ILO in 1957 primarily concerns forced labour imposed by state authorities. It prohibits specifically the use of forced labour:

- a) as punishment for the expression of political views,
- b) for the purposes of economic development,
- c) as a means of labour discipline,
- d) as a punishment for participation in strikes,
- e) as a means of racial, religious or other discrimination.

The scope of ILO Instruments on Forced Labour

Both Forced labour Conventions enjoy nearly universal ratification, meaning that almost all countries are legally obliged to respect their provisions and regularly report on them to the ILO’s standards supervisory bodies. Not being subject to forced labour is a fundamental human right: all ILO member States have to respect the principle of the elimination of forced labour regardless of ratification. In June 2014, governments, employers and workers at the ILO International Labour Conference (ILC) decided to give new impetus to the global fight against forced labour, including trafficking in persons and slavery-like practices. They voted overwhelmingly to adopt the Protocol of 2014 to the Forced Labour Convention, 1930 and the Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203) which supplement the Forced Labour Convention, 1930 (No. 29), and complement existing international instruments by providing specific guidance on effective measures to be taken regarding prevention, protection and remedy to eliminate all forms of forced labour.

The reality of forced labour, trafficking and modern slavery

Forced labour can be imposed to adults and children, by State authorities, by private enterprises or by individuals. It is observed in all types of economic activity, such as domestic work, construction, agriculture, manufacturing, sexual exploitation, forced begging, etc. and in every country.

The forced labour definition encompasses:

“Traditional practices of forced labour, such as vestiges of slavery or slave-like practices, and various forms of debt bondage, as well as new forms of forced labour that have emerged in recent decades, such as human trafficking.”¹ also called “modern-slavery” to shed light on working and living conditions contrary to human dignity. Forced labour is different from sub-standard or exploitative working conditions. Various indicators can be used to ascertain when a situation amounts to forced labour, such as restrictions on workers’ freedom of movement, withholding of wages or identity documents, physical or sexual violence, threats and intimidation or fraudulent debt from which workers cannot escape. In addition to being a serious violation of fundamental human rights and labour rights, the exaction of forced labour is a criminal offence.

The Magnitude of forced prostitution and human trafficking in Bangladesh

From the different assorted reports from nongovernmental organizations and other international human rights groups the escalation in recent cases of human trafficking for forced prostitution can be distinguished and these reports paint a scenario which needs immediate attention. The 2019 trafficking in person’s country report of Bangladesh by the United States department of state puts Bangladesh in tier two watch list. Bangladesh is now housing almost a million of undocumented Rohingya refugee’s most of who have arrived here before 2017. The arrival of a large population of 700,000 Rohingya put forth a substantial challenge towards the government of Bangladesh. Undocumented and unsolicited, these people who have escaped near death situations were only looking for a better living situation which cannot be provided in the refugee camps of Chattogram and Cox’s Bazar. As a result, they became easy prey of the trafficking rings and actors who lured in a lot of them by manifesting the dream of a better future. Various rackets operating from different countries have been growing in the border areas adjacent to the refugee camp and not only Rohingya girls but also Bangladeshi girls are being trafficked for sex in countries like Malaysia, Kathmandu, India and Thailand. Sometimes, these girls are even traded for sex online by the criminal rackets. Since 2016 after the arrival of Rohingyas the percentage of trafficking women for forced prostitution has increased to sixty-one percent. The growing number and cluster of people around the border actually created an opportunity for trafficking rackets to operate more efficaciously since the law enforcement authority had their hands full with the waves of refugees coming in. Besides external trafficking, the internal trafficking also saw a rapid increase as Rohingya girls were trafficked to the capital from the refugee camp. The criminal rings often take the Rohingya women from the refugee camp at night, force them into prostitution and return them in the camp the next morning. The refugees are highly vulnerable to human trafficking since their stateless status acts as a major impediment in securing a standard life and thus they are prone to the deception and deceitfulness of the criminal rackets. According to varied reports, increase in the existent demand has been noted among Bangladeshis and foreigners for child sex tourism which has over the years created a vast market of forcefully sexually exploiting minor Rohingya and Bangladeshi girls in the border areas. This phenomenon is termed as ‘reverse trafficking’ where instead of trafficking children; pedophiles visit the countries which are vulnerable to trafficking. Observing the recent reports and news it is evident that forced prostitution and human trafficking has reached to a magnitude which is alarming to say the least and it is perceptible that there lies problems within the system for it to reach to such an exponential extent.

Understanding the problem and the causation

To minimize the problem the initial step is to understand the causation and factors that triggered this situation in the first place. The problem of human trafficking is a response to the multi-tiered mishandle of a wide range of factors which involves the socio-economic dynamics of a region. Bangladesh, much like any other country is prey to the mismanagement and colligation of the actors that profit primarily from forced prostitution; predominantly subjected to vulnerable women and children.

1 Push and pull and actor-factor nexus

Push and pull factor is one of the main element which makes the victims susceptible to fall prey to the scheme of the traffickers. The push factors consist of the impulse of escaping from economic destitution, dysfunctional family and social exclusion. These situations push the victim to believe the false claims that the criminals make which acts as the pull factor. The pull factors in this scenario are incorrect promises for a job, a better life, work environment and the security of a good income which pulls the victims into the trap set by the trafficking rackets. It shall be noted that the trafficking and forced prostitution of women are not an autonomous occurring rather different actors and factors are closely connected. The global market and demand in the sex industry is one of the vital points for increase of this dynamics. The rise of the demand creates the need of the supply and establishes a lucrative business module for the criminals to invest in. From the arrested gang members who have been working with the sex trafficking ring RAB reported that each women and children are sold for at least 22,000 to 25,000 Malaysian Ringgit if they are being trafficked to Malaysia. The prospects of this criminal activity have been on the rise creating a market which consists of a large number of actors simultaneously fueling, elevating and augmenting the problem. There are also various macro factors like unemployment, trade policies, migration policies, sex tourism, vulnerability to environmental disasters in coastal areas are at work which contributes to part of the problem.

2 Vulnerability of women and children in the face of deceit

The worst form of trafficking in Bangladesh is the exploitation of women and children by integrating them forcefully in the commercial sex industries. The action of trafficking is predominantly a gendered violation because of the supply and demand dynamics and implications of the predicament of women in the society. Women and children are specifically vulnerable to forced prostitution and human trafficking because of the gender dynamics of Bangladesh and the feminization of poverty. Since they experience poverty more intensely than men and are systematically placed in a lower tier than men they become vulnerable to the remunerating offers from the trafficking rackets. Since particularly women in Bangladesh in essence own far less assets than men and also are struggling in terms of skills development because of inaccessibility to education and resources. Most of the women trafficked consist of adolescent girls since they can be manipulated easily and their vulnerability is used by thoughtless criminal who use to procure dividend.

3. The Rohingya Question

Bangladesh has not ratified the 1951 Refugee Convention and either has ratified any of the two Statelessness Conventions. This implies that Rohingyas living in Bangladesh are deprived of any status and are not protected under any international instrument which binds Bangladesh. Moreover, since there are no domestic laws governing the refugees Rohingyas are completely unprotected. Despite some protection granted by the Constitution of Bangladesh Rohingyas are not subjected to other legal protection. Since most of the Rohingyas living in the refugee camp is undocumented it is very hard to identify or track the missing persons who are being subjected to forced prostitution and human trafficking let alone taking actions against these abominations. This is one of the primary reasons for rise in the human trafficking and sex exploitation of the Rohingyas who have taken refuge in Bangladesh. As a result the trafficking rings are expanding their business and growing their reach and it is directly affecting the citizens of Bangladesh becomes a hub for 'sex tourism' and 'reverse trafficking'.

National framework for prevention, protection and punishment

Trafficking is strictly prohibited in Bangladesh. In terms of national framework for persecution Bangladesh has various legislations enacted which contains some tough laws and if implemented properly can help diminish the complication on a national level. However, when it comes to protection and prevention there are implementation complications and along with proper administrative oversight.

1 Laws and policies at force in order to tackle the problem

The latest enacted law the Prevention and Suppression of Human Trafficking Act, 2012 is applause worthy action on part of the government to prevent and punish human trafficking. This Act criminalized sex trafficking and other forms of trafficking by introducing harsh punishments such as five years to lifetime imprisonment and a fine not less than 50,000 taka. There are provisions for organized crime of human trafficking, for importing or transferring for prostitution, for keeping brothels, for threatening the victim and even for filing false complaint against anyone. Overall this legislation is very well made and deserves appreciation for its critical standpoint. Moreover, the rules under this law were also formulated later by 2017. Before the enactment of the Prevention and Suppression of Human Trafficking Act, 2012 the crimes of human trafficking were persecuted under the Women and Children Repression Prevention Amendment Act, 2003. Moreover, the Suppression of Immoral Trafficking Act, 1993, was adhered to provide stringent penalties for forcing women into prostitution and the Anti-terrorism Ordinance of 1992 listed the abduction of women and children a punishable offence as a type of terrorism. Besides these legislations, traffickers could also be punished under the Penal Code, 1860. The 2012 prevention Act successfully combined the laws which were disseminated among various legislations and assembled them under the umbrella of one legislation for the betterment of execution. Besides this commendable undertaking, Bangladesh launched a National Action Plan for five years in 2018 ranging to 2022 for combating and preventing the crime of human trafficking. This exhibits that Bangladesh indeed has commendable amount of legislations and policies to combat forced prostitution and other forms of human trafficking, the question remains as to why the problem still persists discernable and at such an alarming rate. Despite taking up all these policies questions remain as to why Bangladesh is still at tier two watch list of United State Government for the third consecutive year.

2 Lack of implementation and other drawbacks

The complications are embedded in the lack of the implementation of the rules and regulations, not the rules and regulation itself. Firstly, under the 2012 prevention Act there does not exist any tribunal, which is required by law for trying cases under this Act but has not been established till date. The women and children violence protection tribunal has been hearing cases under the 2012 prevent Act in the interim period which is creating pressure on this special tribunal where presiding judges were not even trained before handling such cases. The government does have training facilities for police and law enforcement agencies in order to tackle human trafficking but no training facilities have been set up for implementation of the rules under the 2012 prevention Act which were disseminated in 2017. Many law enforcement officials still cannot distinguish between human smuggling and trafficking, creating a gap in the investigation and persecution process. There have been reports from international organizations about the involvement of some law enforcement officials and local politicians with the trafficking rings and according to the United State

Government Report police arrested a law enforcement official allegedly recruiting two young girls for trafficking and sex exploitation. A significant decrease in the victim protection and identification efforts can be seen. There has been a lack of co-operation with NGOs who work in this particular sector. However some assistance of temporary shelters were given by the police which is a commendable effort but the policies guidelines from the government are lacking and these were only set up on the own accord of the local police departments. Prostitution is a legal profession as per the ruling of the high court case, however, keeping brothels or transferring for prostitution is illegal according to the 2012 prevention Act. This legality is sometimes discernable from the illegality and hard for the police to differentiate between the acts. Hence, the police let the brothels operate apart from occasional raids. This is another problem in regards to the women who are internally trafficked and entered into forced prostitution to be able to seek help while remaining in the hands of the perpetrators.

As discussed before, because of the statelessness and lack of status for the Rohingya women and lack of identification most of these women cannot be protected when they fall victim to the prey of the trafficking rings. Although, government has increased law enforcement officials in the adjacent area of the camp along with the configuration of biometric registration for some of them has been ensured and few international organizations are given access to the infrastructure of the camps but it is still not enough to protect these refugees since reports of Rohingya women being trafficked keep on appearing in media. Proper documentation and creation of checklist along with including awareness raising programs may be able to minimize the problem at hand. In regards to the prevention method the action plan contains various efforts such as inter-ministerial committee for overseeing the implementation of the plan and investigation the increase of trafficking in the refugee camps however, fruition of these policies are yet to be seen and some of these policies heavily rely upon the effort of international organizations and NGOs rather than setting up administrative oversight. Meanwhile reports suggest the lack of funding in terms of awareness raising programs and victims referral to care.

International obligations subjected to Bangladesh and the complications within

The biggest obstacle in terms of international obligations is that Bangladesh is not a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and UN Convention against Transnational Organized Crime. However, Bangladesh is a party to Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), SAARC Convention of Preventing and Combating Trafficking in Women and Children for Prostitution 2002 and SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. Since Bangladesh is not a part of the protocol several objectives of it which could have been able to help Bangladesh combat the forced prostitution and human trafficking are not subjected to obligation. Firstly, the newly enacted domestic laws and rules are able to give proper definitions and are able to persecute the criminals. However, the laws and rules are lacking to some extent in regards to the protection and assistance of the victims. Moreover, the third objective of promoting co-operation among the state parties cannot be fulfilled because of the non-ratification of Bangladesh. The existing domestic legal framework also do not address the repatriation and rehabilitation of the victims of human trafficking and it is one of the aspects which needs much work and would have created an obligation on Bangladesh if it was party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons. Since Bangladesh is surrounded by the borders of Indian territory from three sides and Indian law enforcement agencies stationed in the border treat the victims of trafficking as smuggled individuals, the return of victims become somewhat impossible, co-operation measures detailed in Article 9 are unattainable and taking border measures is unachievable since Bangladesh is not party to the protocol. Since, forced prostitution and human trafficking is a global problem where various nation states are involved Bangladesh should ratify the relevant important international legal documents if they want to ensure co-operation in order to fight against the obstacle of human trafficking presented in front of them.

CONCLUSION

UNICEF Bangladesh is working to create a culture of respect for children's protection rights through development of child rights based and gender appropriate policies, advocacy, a change of societal attitudes, strengthened capacity in government and civil society responses to protection issues and the establishment of protective mechanisms against abuse exploitation and violence. Legislations, policies and regulations only look good on paper but amount to nothing if they are not properly administered and implemented. The effort that Bangladesh is making in tackling the forced prostitution and human trafficking complication is visible but unfortunately is not enough. It needs to be understood that, when a problem like this takes root in the community it spreads like a cancer. It is the duty of the state to make sure that the gremlin is butchered from the root, especially when it can easily heighten its ascendancy. A reform in terms of implementation and execution in addition to some changes in the policy along with a nationwide awareness raising campaign can be triumphant in terms of handling this predicament. Since, Bangladesh has wholeheartedly opened the door for the Rohingya refugees it falls under their solemn duty to protect the life and liberty of these people and the Constitution of Bangladesh indicates such duty to be the responsibility of the state. Therefore, Bangladesh needs to accrete and put its affairs in order for robustly fighting against this circumstance which can easily be compared to modern day slavery.

RECOMMENDATION

Empowering children

Life skills

UNICEF works to enhance the life skills of children at risk. The Life Skills programme uses a peer to peer approach where partner NGOs build the capacity of adolescent peer leaders for facilitating issue based life skills sessions. These adolescent peer leaders then pass these skills on to their peers and facilitate further discussions with them. Various life skills are developed through discussing social issues that affect adolescents such as: child marriage, dowry, HIV and AIDS, personal hygiene, reproductive health, drug abuse, child abuse, trafficking and exploitation. These sessions develop interpersonal skills to make informed decisions, solve problems, think critically and creatively, build healthy relationships, empathies with others, and cope with and manage their lives in a healthy and a productive manner. The peer to peer networks provide support and help build self esteem, as well as enhance the adolescents' ability for stress management. Community support for these children is also enhanced through orientation on life skills for parents, government officials, social workers and community members such as teachers and religious leaders. Community based dowry committees and forced marriage committees are formed to take action to protect children from this kind of violation of child rights.

Reintegration

UNICEF Bangladesh and UNICEF Gulf Area Office work with respective governments to repatriate children involved in camel racing (CICR). It is planned that 250 children formerly involved in camel racing will return to Bangladesh. This repatriation has been in line with the Government of UAE's 2005 decision to ban the involvement of children under 18 in camel racing and to send any children back to their country of origin. UNICEF has supported the Bangladesh Ministry of Home Affairs to establish a "Repatriation, Rehabilitation and Reintegration Committee" for the returned camel jockeys. This committee, which oversees the repatriation process, comprises the Government, UNICEF, IOM and national NGOs such as the Bangladesh National Women Lawyers Association and the Dhaka Ahsania Mission. In Bangladesh, part of the repatriation involves tracing the children's families. Bangladeshi NGOs use individualized case management to contact the families and arrange appropriate social integration and alternative work or education for the child, in a way that ensures the development, protection and participation rights of the children. Before the former CICRs are reintegrated with their families, they stay in shelter homes set up by the national NGOs.

It is intended that their stay at these shelter homes is kept to a minimum, with the focus on reuniting the families as soon as possible. During their stay in the shelter homes, the boys are taught basic life skills, such as how to count in Bangla and to read and write their names. They are also provided with psycho-social support, legal support and medical care as required. The whole process is mirrored by discussions and meetings with the parents and the communities to strengthen community care mechanisms by creating community care committees (CCC) and supportive environments for the sustainable reintegration of children.

Support service to stop gender based violence in one urban slum area

UNICEF has undertaken an action research project to address the rights violations of the slum children, especially girls, and to empower them to fight for their rights. A local NGO (Nari Unnayan Shakti) is piloting this initiative to create awareness and sensitize community people regarding sexual abuse and other gender based violence among 2000 families living in 20 slums in Khilgaon Thana. They will empower community people by using 'Stop Violence Community Teams' in 20 slums, and at Thana level a 'Stop Violence Community Network' to take immediate action in case of any incident of violence and to take measures to prevent sexual abuse and exploitation of children and adolescents in the community.

Links with other protection tools

UNICEF's work in birth registration is another tool for combating exploitation, child marriage and trafficking. If children are registered at birth, and have their enrolment in school recorded, it is believed it will be easier to see when one slips off the radar. UNICEF is working towards universal birth registration in Bangladesh through birth registration drives, linking birth registration with other national campaigns such as vitamin distribution or vaccinations. Through the advocacy of UNICEF a new law for birth registration was introduced and the government has taken a mandate of universal birth registration by 2008. UNICEF is now supporting the government, specially the local government to achieve that mandate through capacity building and technical input.

Research, Networks and Advocacy

Research, networking and advocacy take on an important role when viewed through the cultural taboos associated with child sexual abuse, exploitation and trafficking. Efforts in this area have paved the way for the issues to be discussed publicly, but more is needed to properly understand the extent of the problems and the associated contributory factors. A study on child abuse has been conducted by UNICEF, the Government of Bangladesh and the Save the Children Alliance. This study was unique in terms of children's involvement in the process of developing

research tools, methods, etc. A child advisory group, consisting of children exposed to and at risk of abuse, was consulted throughout the study. The study aimed to find out what Bangladeshi children considered negative behaviors, their coping strategies, the people who could support them and their recommendations to stop such behaviors. As UNICEF has the goal to eliminate commercial sexual exploitation of children, it has decided to carry out a rapid assessment to understand the present situation and the extent of impact of commercially sexually exploited children in Bangladesh. A mapping of NGOs/Community Based Organizations working on this issue will include their existing skills, capacity, coverage and kind of interventions made.

Violence against Children Working Group

Under the supervision of this working group 20 district level consultations have taken place as a follow up of the UN study on violence against Children and Regional consultation on Violence against Children in South Asia. Another 44 district level consultations will take place in 2007.

SUGGESTIONS AND POLICY RECOMMENDATIONS

There are indeed some impediments when it comes to handling the forced prostitution and human trafficking problem of Bangladesh and there are specific areas which need to be worked on. The policy recommendations for reducing forced prostitution and human trafficking are suggested below:

1. Ratification of Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and UN Convention against Transnational Organized Crime for creating a common blueprint in terms of collaborative effort.
2. Setting up the tribunal under the Prevention and Suppression of Human Trafficking Act, 2012 so that, the issues are dealt by judges who are sensitized with gender issues.
3. Introduction of training program for the criminal justice system including, law enforcement officials the public prosecutors and the judicial officers in order to ensure the implementation of the Prevention and Suppression of Human Trafficking rules, 2017.
4. The state must take back the victims who have been trafficked to other countries and emphasis should be put on the protection of the victims after rescue. This whole process should be gender sensitive and more effort should be put in rehabilitation of the victims.
5. Documentation of Rohingya refugees and biometric registration for all of them should be ensures to keep the population in check and increasing the dispatch of law enforcement officials in the adjacent areas of Rohingya camps.
6. Strongly persecute and investigate the police and border guards who have been involved in the corruption and implement rule of law so that the officials adhere to their responsibilities properly
7. Awareness building from root level of the community and mass education program for disseminating knowledge about forced prostitution and human trafficking.
8. Create opportunities and construct resources for women to lift them up from extreme poverty. Train and equip them with knowledge to empower and get rid of their vulnerability.

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