



Global Monitoring



Report on the

status of action against commercial
sexual exploitation of children

BANGLADESH



This publication has been produced with the financial assistance of the Swedish International Development Cooperation Agency (SIDA) and the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg, the Ministry of Foreign Affairs of France, Groupe Développement and ECPAT Luxembourg. The views expressed herein are solely those of ECPAT International. The support received from SIDA, the Ministry of Foreign Affairs of the Grand Duchy of Luxembourg and the Ministry of Foreign Affairs of France does not constitute endorsement of the opinions expressed.



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DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère des Affaires étrangères



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Design by: Manida Naebklang

Printed by: Saladaeng Printing Co.Ltd.

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Contents

Glossary	4
Foreword	6
Methodology	8
Bangladesh: Introduction	11
National Plan of Action	16
Coordination and Cooperation	17
Prevention	21
Protection	23
Priority Actions Required	32
Endnotes	34

Glossary of terms and acronyms

AB: *Aparajeyo* - Bangladesh

ACD: Association for Community Development

AIDS: Acquired Immune Deficiency Syndrome

ASEAN: Association of Southeast Asian Nations

ASK: Ain O Salish Kendra

ATSEC: Action against Trafficking and Sexual Exploitation of Children

BITA: Bangladesh Institute for Theatre Arts

BDR: Bangladesh Rifles

BNWLA: Bangladesh National Women's Lawyers Association

CBO: Community-based organisation

CEDAW: Convention on the Elimination of All Forms of Discrimination against Women

Code of Conduct: A code for travel and tourism companies, providing guidance on the protection of children from sexual exploitation

CPCCT: Coordinated Programme to Combat Child Trafficking

CRC: Convention on the Rights of the Child

CSA: Child sexual abuse

CSE: Commercial sexual exploitation

CSEC: The commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Commercial sexual exploitation of children comprises sexual abuse by the adult and remuneration in cash or in kind to the child or a third person or persons.

CST: Child sex tourism, or the commercial sexual exploitation of children by men or women who travel from one place to another, usually from a richer country to one that is less developed, and there engage in sexual acts with children, defined as anyone under the age of 18.

CVTs: Community Vigilance Teams
DIC: Drop-In-Centres
ECPAT: End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
Grooming: Preparing a child for sexual abuse and exploitation
HIV: Human immunodeficiency virus
ILO: International Labour Organization
ILO/IPEC: International Labour Organization/ International Programme on the Elimination of Child Labour
INGO: International non-governmental organization
INHOPE: International Association of Internet Hotlines
IOM: International Organization for Migration
ISP: Internet service provider
MoU: Memorandum of Understanding
MWCA: Ministry of Women and Children's Affairs
NATIRC: National Anti-Trafficking Information Resource Centre
NATSPA: National Anti-Trafficking Strategic Plan for Action
NCTF: National Children's Task Force
NGO: Non-governmental organization
NPA: National Plan of Action
P2P: Peer-to-peer
SAARC: South Asian Association for Regional Cooperation
SAF-VAC: South Asia Forum on Violence against Children
SITA: Suppression of Immoral Traffic Act
STIs: Sexually transmitted infections
UNDP: United Nations Development Programme
UNESCAP: United Nations Economic and Social Commission for Asia and the Pacific
UNHCR: United Nations High Commissioner for Refugees
UNICEF: United Nations Children's Fund
UNIFEM: United Nations Development Fund for Women
VDP: Village Defence Party
WCRPA: Women and Children Repression Prevention Act
WHO: World Health Organization
WTO: World Tourism Organization
YPP: Youth Partnership Project

Foreword

Ten years have passed since the First World Congress against Commercial Sexual Exploitation of Children (CSEC) was held in 1996 in Stockholm, Sweden. The Stockholm Congress was a landmark event, providing testimony that convinced the world that sexual violations against children exist in all nations, irrespective of cultural differences or geographic location. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to a global Declaration and Agenda for Action, which was formally adopted by 122 governments, as a guide to the specific measures that must be taken for counteraction.

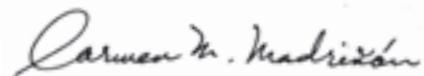
Since 1996, many actors around the world have focused their efforts around this common Agenda for Action and more government and non-government entities have linked, to ensure positive change for children and to protect their right to live free from sexual exploitation. This broad societal alliance (bolstered by a Second World Congress held in Yokohama in 2001, during which the number of countries adopting the Agenda rose to 159 - a figure which has since risen to 161) has made progress in improving protection for children from commercial sexual exploitation. However, the increasing sophistication of resources available to those who seek to exploit children have grown in equal measure. Responding to these challenges requires far more coordinated and targeted work to be undertaken to avoid retrogression.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection, like the lead taken for protecting children's rights, determines the nature, quantity and quality of what the country achieves for its children. Governments can and have accelerated progress for implementation of the Agenda for Action, often opening new and important channels for such work. Nevertheless, their actions have not been uniform and, as these country profiles attest, far more urgent work must be done to protect children from such heinous violations, as these are still perpetrated with impunity in many countries.

This report aims to provide a baseline of information on actions taken and remaining gaps for addressing CSEC in each country, based on the framework of the Agenda for Action, to enable more systematic assessment of progress on implementation of this commitment. It also seeks to contribute to other international mechanisms that exist to protect children's rights; the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the sale of children, child prostitution and child pornography* so as to strengthen the implementation and action against commercial sexual exploitation of children at all levels.

Another important objective of these reports is to stimulate the exchange of experience and knowledge among countries and different actors to create a dialogue that can further work against CSEC. While much has been achieved over the last 10 years, many gaps still remain. The implementation of the Agenda for Action is urgently required, for as the reports clearly illustrate, there is a compelling need for global action to protect children from these inhuman violations.

This project is the result of a broad and global collaboration. ECPAT International (EI) would like to thank all those who participated in the work and contributed their inputs, in particular the ECPAT member groups in the countries examined, local experts who provided valuable information and insights, other organisations that shared their experience and information, the dedicated staff and volunteers in the Secretariat of EI and the generous donors who backed the project (more extensive acknowledgements can be found in the Regional Report). This work would not have been realised without their support and solidarity.



Carmen Madriñán
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress of 2001 and in the Mid-Term Review meetings held between 2004 and 2005. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of information from different sources and parts of the world.

Early desktop research revealed a lack of information in the areas of Recovery, Rehabilitation and Reintegration; and Child Participation. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports would focus only on those areas of

the Agenda for Action where verifiable information could be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; and Protection, and where information on the other two areas was available, it has been included under the specific country or in the regional overview.

Research of secondary sources, including CRC country reports, alternative CRC reports, the reports of the Special Rapporteurs, submissions for the recent UN Study on Violence against Children, as well as research and field studies of ECPAT, governmental and non-governmental organizations, and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion through teleconferences, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation.

They also served as a measure for triangulating and validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all reports feature: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); and (vi) priority actions required.



BANGLADESH

The commercial sexual exploitation of children (CSEC) continues to be a widespread problem in Bangladesh, one of the poorest and most densely populated countries in the world, where nearly 36 per cent of the 139 million inhabitants live below the poverty line of US\$ 1 per day.¹ Though there are no reliable statistics on the extent of commercial sexual exploitation of children, it is estimated that there are approximately 10,000 to 29,000 victims of CSEC in Bangladesh, about 27,000 Bangladeshi women and children have been forced into prostitution in India, and around 40,000 children from Bangladesh are involved in prostitution in Pakistan.² However, the illegal and invisible nature of the issue makes it extremely difficult to gather reliable data.³ Government statistics usually bracket women and children together with no distinction by age.⁴ The situation of sexually exploited boys has generally been ignored, except in the case of trafficking, due to the high publicity surrounding the trafficking of boys to the Middle East.⁵ Despite the limitations in quantifying the problem, a growing number of qualitative studies and reports by national and international organisations have provided a sound base for understanding the nature, extent and causes of CSEC in Bangladesh.⁶

There are indications that in recent years the incidence of the commercial sexual exploitation of children in the country has changed. In addition to child marriage and traditional/customary laws that contribute to the commercial sexual exploitation of children, more incidences of child trafficking for sexual purposes, child prostitution, and child pornography are evident.⁷ It appears that the majority of Bangladeshi children forced into prostitution are based in brothels, with a smaller number of children exploited in hotel rooms, parks, railway and bus stations and rented flats.⁸ More than 20,000 children live in the 18 registered red light districts in Bangladesh and many are forced into or are expected to enter the same situation as that of their mothers. In these contexts, younger children, for example, help their mothers with household chores and provide refreshments for their mother's clients. Boys often become pimps when they get older and many girls enter prostitution before the age of 12.⁹

Human Rights Watch reports that girls involved in child labour, such as working in factories and as domestic workers are more vulnerable to rape and sexual exploitation as they lack adequate adult protection. Girls who have been raped in work or abused in home settings are highly stigmatised. While they may flee to escape such abuse, often they find that prostitution is the only option open to them for survival. Once in prostitution, girls are further marginalised, making it all the more difficult to extricate themselves from such exploitation.¹⁰ The pathway between sexual abuse of children and commercial sexual exploitation is clear and demonstrated in numerous studies that document the course of abuse and exploitation of children.¹¹

The dowry system makes girls vulnerable to sexual exploitation

The “dowry demand” is prevalent in Bangladeshi society. This is a demand from the groom’s family, in cash or kind, which the bride’s family has to pay at the time of the marriage. Many poor families cannot fulfill all or part of the dowry demand after the marriage has taken place. In such cases the husband and other family members may abuse and even torture the girl as a means to bring pressure on the girl’s family until they receive the dowry. Ultimately the girl may be forced to leave her husband to escape abuse and even death, and in the process may become vulnerable to trafficking and prostitution due to a lack of survival options. A study recently conducted by the Association for Community Development (ACD) – an ECPAT affiliate in the country – among 500 poor families revealed that 60 per cent of the girls from these families eventually returned to their families due to dowry demands that could not be met. While these are very common occurrences, many girls also commit suicide, unable to bear the torture and abuse. Similarly, dowry-free marriages are used by traffickers as a ploy to attract girls from poor families. The offer of a dowry-free marriage to poor parents who are eager to find a partner for their daughter is often irresistible. Once in the custody of their new husbands, many girls are forced into prostitution, factory work and domestic labour.¹²

A report published by Appropriate Resources for Improving Street Children’s Environment (Arise) in 2002, put the number of street children in Bangladesh at approximately two million and indicated that sexual exploitation of children is rampant. Little has changed to reduce these numbers and homeless children living on the streets continue to be particularly vulnerable to abuse and exploitation as their strategies for survival, usually as rag pickers, beggars or peddlers, renders them vulnerable to all forms of exploitation and abuse.¹³ In the precarious and dangerous conditions in which they exist, they are sometimes forced into offering sexual favors to meet basic needs such as food, shelter and clothing.¹⁴ A 2005 research study conducted by the NGO *Aparajeyo*-Bangladesh (AB), cited several forms of sexual exploitation on the streets: it reported that children are coerced into massaging adults

and are forced to engage in sexual activities in market places, parks, railway stations, and boat and bus terminals. Some pimps use city hotels or rented private flats in certain parts of the city for sexual exploitation.¹⁵ Men involved in small businesses such as operators/vendors (36%), beggars and day labourers (17.2%), as well as the police and security guards (9.6%), were among the largest groups of sexual exploiters of street children. Others include relatives, transport workers, employers, and strangers.¹⁶ The study noted that among the key contributing factors that drove children into situations of exploitation were poverty, hunger, the need to earn money, sexual abuse by employers, family members or other men and the threat and force by pimps and others in their environment.

Disabled children who live in institutions and children displaced as a result of natural disasters such as floods are highly susceptible to sexual abuse and exploitation in many forms, including commercial sexual exploitation.¹⁷ However, government efforts lack the necessary child rights and child protection focus to prevent these acts from happening.

While the largest number of sexual crimes against children are committed against girls, boys are victims of sexual exploitation in Bangladesh to a much larger degree than previously recognised. Nevertheless, their plight as victims of sexual abuse and exploitation remains largely overlooked and is treated as a peripheral issue to the broader concerns of gender violence, and few have worked to address it. A situational analysis on the prostitution of boys in Bangladesh, conducted by ECPAT International and INCIDIN Bangladesh in 2004, indicated that young boys living on the street, migrant boys and boys working as child labourers are especially vulnerable to sexual exploitation.¹⁸ The research notes that the issue of “male to male sex” and the taboo surrounding it have led to silence and indifference towards sexual crimes against boys. It indicates that commercial sexual exploitation of boys is a complex phenomenon that implicates men of all sexual persuasions, with the largest number being heterosexual. The study also reveals that for many men their first sexual experience with another male was forced. In many instances, young boys reported that they were initiated into sex by older men through coercive sexual interactions (such as massage, oral sex or rape). These abuses occurred outside the public scrutiny that usually surrounds male/female interaction, as adult relations with children and particularly between boys and men are far less constrained and restricted in the Bangladesh cultural context. Most of the prostituted boys come from very poor families, usually run by a single parent with a low level of education. Previous experience of sexual abuse, either in their own homes or in the workplace, was a common feature of their lives.¹⁹

The same study estimated that the average age of entry into prostitution was around 12

years old, with many boys having been sexually exploited at a much younger age, some as early as 8 years old.²⁰ Once boys are trapped in prostitution, they are made to continue through various forms of coercion, such as torture and threats of going public about their prostitution. Half of the boys in the study also mentioned that the “habituation” of sex with men decreased their motivation to escape their exploitative situation. Mental trauma, low self-esteem and fear of stigmatisation were strong features of the experience of boys in the study.

Children who are sexually exploited suffer serious physical and psychological harm.²¹ A 2004 study conducted by Ain O Salish Kendra (ASK) – an ECPAT affiliate group in Bangladesh – showed that children who are involved in prostitution experience serious mental and physical health problems, yet they lack access to health services.²² Thirty-four per cent of the children in the study said they serviced three perpetrators a day, while many serviced up to eight a day. Many of them (69%) suffered from sexually transmitted infections (STIs) and others had skin diseases, pain and infection of the sexual organs and symptoms of malnutrition and pregnancy. Psychologically, they reported strong feelings of anger, frustration, despair, and dejection. Girls reportedly suffered from low self-esteem with more frequency than boys (based on the children’s responses to a questionnaire). In addition, many children also reported suicidal tendencies, impulse to self injury/self mutilation and a desire to destroy the property of others.²³

The entrapment of children for all forms of exploitation can take them on a course from one part of Bangladesh to another or outside the country to neighbouring or far off countries (typically in the Middle East). Within Bangladesh, children from vulnerable family situations are usually engaged for domestic service and other forms of labour-arranged marriages, or they are sold and used for body organs, bonded labour and sexual exploitation. The problem of child trafficking in Bangladesh is compounded by the low rate of birth registration, which means that many children live without legal documents to register their existence and to prove their family of origin and age. Less than ten per cent of children in Bangladesh are registered at birth. This, coupled with a lack of border controls, including enforcement of required documentation for entry and exist from the country, allows traffickers to operate freely across borders.²⁴ India, Pakistan and the Middle East are the primary destinations for trafficked children from Bangladesh. Children are also trafficked from rural areas of Bangladesh to its larger cities and to countries in the Gulf region and the Middle East.²⁵ Bangladeshi girls who are trafficked to India through organised networks usually end up in brothels in Kolkata or Mumbai.²⁶ Moreover, each

year children as young as two years old are trafficked from Bangladesh, Pakistan, and Sudan to be used as camel jockeys in the Persian Gulf States, where they are often subject to sexual exploitation.²⁷

Child marriage is another form of commercial sexual exploitation of children, as many such marriages are performed under physical and emotional pressure or when one of the parties gains financially or in kind by arranging the marriage. In the case of Bangladesh, a 2003 research revealed that the markets for 'purchased' Bangladeshi wives are well established in North India, especially in Uttar Pradesh.²⁸ Young Bangladeshi girls in the age group of 14-16 are bought by much older men through brokers for as little as one thousand rupees (approximately US\$ 25). In most cases, parents had consented to the marriage but were not aware of the sale or the transaction of money in procuring the girl. After marriage these girls are kept in isolation and are not allowed to interact with outsiders, especially other Bangladeshi women, until they give birth to children; then it is commonly believed that they are less likely to run away. Many of them never return to Bangladesh and even those who are allowed to go back to visit their families can only do so without their children, thus ensuring their return to India. The obligation to marry a daughter early in order to secure a future for her and the difficulty for poor parents to meet dowry demands, were cited as the main push factors for such marriages.²⁹

ACD reports that there are undocumented cases of production of child pornography (photographs and films), with media news also attesting to such violations being perpetrated against children by child sex tourists³⁰. According to ACD, there is evidence of Bangladeshi children being trafficked to India, where they are exploited in the making of pornography. There have also been reports of cases involving child pornography in the city of Chittagong. While all children are susceptible to these crimes, children from middle class families, who have easy access to the Internet, are increasingly exposed to such materials, particularly in Dhaka.

Bangladesh adopted the *Stockholm Declaration and Agenda for Action* in 1996 and reaffirmed its commitment in Yokohama in 2001.

NATIONAL PLAN OF ACTION (NPA)

The *National Plan of Action on Trafficking and Sexual Exploitation of Children (2002-2007)* was developed by the Ministry of Women and Children's Affairs (MWCA), the National Council on Children and the Bangladesh *Shishu Adhikar* Forum (a network of NGOs), with support from the United Nations Children's Fund (UNICEF) and the International Labour Organization/International Programme on the Elimination of Child Labour (ILO/IPEC). Through support provided for implementation of the NPA, the Bangladesh Government supports activities that raise awareness, work with schools on preventive initiatives, sensitise law enforcement officials and address gaps in legislation.³¹ However, implementation of the NPA has been limited in scope. Bilateral agreements to ensure the repatriation of trafficked children are yet to be signed with key neighbouring countries; this is a serious gap that demands urgent attention given the large number of Bangladeshi children who are trafficked to foreign countries and cannot return to their families due to a lack of repatriation policies. Furthermore, the NPA fails to address the various forms of sexual exploitation and to take into consideration the exploitation of boys.

Headed by the Ministry of Women and Children's Affairs, an NPA Implementation and Monitoring Committee was established, comprising members of the Core Group (those responsible for developing the NPA), a number of government ministries and departments, and non-governmental organizations (NGOs). The Committee guides work in the four main areas outlined in the NPA through four sub-committees. Each sub-committee has adopted a set of Terms of Reference and a one-year work plan indicating priority tasks and responsibilities. A simplified Bangla version of the NPA was disseminated in all 64 districts of the country.³²

The *National Plan of Action for Children of Bangladesh (2004-2009)*, developed in cooperation with UNICEF and other stakeholders, includes a section on protection from abuse, exploitation and violence. The major interventions outline: Enabling Environment and Prevention, Protection, Recovery and Reintegration and Prosecution of Perpetrators.³³

COORDINATION AND COOPERATION

Local and National Level

While the process adopted for the development of the *National Plan of Action on Trafficking and Sexual Exploitation of Children* and subsequent collaboration with key stakeholders and civil society is positive, more concerted efforts are needed, especially at Government level, to consolidate the gains made and to meet the many challenges in combating CSEC. Trafficking has been the core focus of coordination and collaboration, while other forms of CSEC, such as pornography and prostitution, have not received the same level of attention.

In 2001, the Ministry of Women and Children's Affairs initiated a three-year pilot project, the Coordinated Programme to Combat Child Trafficking (CPCCT), to work with various organisations on trafficking prevention, rescue, repatriation and reintegration of victims.³⁴ Through this project, a national Inter-Ministerial Committee (of which the MWCA is a member) was established to monitor and provide technical assistance to related programmes. The Committee is chaired by the Ministry of Home Affairs, and has established anti-trafficking units in 64 districts of Bangladesh. The Government also appointed the Deputy Attorney-General to coordinate the prosecution of trafficking cases throughout the country.³⁵ The anti-trafficking police cells in each district compile daily statistics and relevant data on trafficking cases and victims. The Committee meets every month and reviews all reports on trafficking' counter action efforts to combat commercial sexual crimes against children have focused narrowly on trafficking. Nevertheless, it has resulted in improvements in the number of prosecutions of trafficking cases and also more cooperation between the government and NGOs in repatriation and rehabilitation of trafficked victims.³⁶ The Committee also works to monitor enforcement of related laws and promotes information sharing among concerned organisations regarding sexual exploitation of children, particularly trafficking.

Through the CPCCT project, MWCA has also undertaken awareness raising activities at the Union (*Parishad*) and village level. A pilot project was implemented through 10 national NGOs in 25 districts and included workshops for stakeholders using street drama, courtyard meetings with vulnerable children and families, rallies at the sub-district (*upazila*) level, public service announcements and distributing information. The project included three-day sensitisation courses for police, including the Village Defence Party (VDP), Bangladesh Ansars (lightly armed auxiliary forces) and the Bangladesh Rifles (BDR/paramilitary forces) on trafficking and counter-trafficking measures.³⁷ In February

2006, MWCA released the *National Anti-Trafficking Strategic Plan for Action (NATSPA)* to combat the trafficking of women and children in Bangladesh. This was developed through a consultative process with some government agencies and civil society organisations and based on a review of the CPCCT project. The Plan emphasizes the need to build linkages between government agencies and place the trafficking issue within the priority areas of other planning objectives within the government structure. It also includes extensive capacity building provisions for the Government to effectively implement the Plan.³⁸

Government action must continue focus on all the manifestations of commercial sexual exploitation of children. Trafficking in children for sexual purposes is part of a more complex problem that manifests itself in child prostitution, child pornography and child marriage, and requires comprehensive analysis and differentiated approaches that will ensure a framework of protection against CSEC.

The Juvenile Justice Task Force was formed in 2002 under the auspices of the Government and is headed by the Prime Minister's Office. Members include government and UN agencies, local and international NGOs. The main focus of the Task Force is on monitoring cases of children in conflict with the law to ensure their protection under the law. These efforts include preventing the incarceration of children in jails and with adults. It also entails working with NGOs and law enforcement officials to ensure that children are referred to safe houses and shelters run by NGOs as a first option in cases where they interface with the law. The Task Force has also worked to increase the age of criminal responsibility of children from 9 years of age to 11 years.³⁹

There are other initiatives that contribute to child protection in the country. Action against Trafficking and Sexual Exploitation of Children (ATSEC) is a coalition of NGOs that have been working on the issue since 1998.⁴⁰ It facilitates exchange of information, experiences and learning and provides technical support for research and programme response on this issue at both grassroots and national levels. ATSEC hosts the National Anti-Trafficking Information Resource Center (NATIRC) and provides information on organisations involved in trafficking and CSEC in Bangladesh.

The National Children's Task Force

In September 2003, a National Children's Consultation on the National Children's Task Force (NCTF) was organised by MWCA in conjunction with UNICEF Bangladesh and Save the Children. The Consultation was attended by 169 children between 11 and 18 years old, from 29 districts throughout the country. They discussed the framework of the *National Plan of Action on Trafficking and Sexual Exploitation of Children* and provided input to the recommendations, including on their role in monitoring its implementation. The NCTF is wholly managed by children and serves as a monitoring body to participate in and oversee the implementation of the NPA.⁴¹

Regional and International Level

There is an urgent need for Bangladesh to establish bilateral agreements with relevant countries that will facilitate action on cases involving children trafficked from Bangladesh to other countries, including ensuring the support needed for safe repatriation and social reintegration.

South Asian Governments have held a number of important regional level meetings and made commitments to tackle commercial sexual exploitation of children as well as other forms of violence against children. At the South Asia Regional Consultation on the UN Study on Violence against Children, held in Pakistan in 2005, a ministerial level forum was formed, the South Asia Forum on Violence against Children (SAF-VAC), which includes the Governments of Afghanistan, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka which have committed to collaborate with civil society organizations and children's groups to combat violence against children.⁴² A SAF Secretariat has been set up and a Coordinator appointed (currently hosted by the Government of Pakistan) with the intention that this post will be rotated among SAF member Governments every two years. One of the main functions of the SAF Secretariat is to facilitate the exchange of information and resources and conduct timely regional ministerial and technical meetings to monitor the progress of Forum plans and activities. The first SAF regional meeting, which was convened in Pakistan in July 2006, addressed physical and psychological violence against children as well as early marriage, to consider specific measures for counteraction in the region. The meeting was attended by representatives from United Nations Children's Fund (UNICEF), United Nations Development Fund for Women (UNIFEM), United Nations Population Fund (UNFPA), UNAIDS, Save the Children, PLAN International, ECPAT International, among others. A two-day Children's Forum was also organised to enable children to contribute to the ministerial meeting.

An ILO/IPEC project to combat child trafficking for labour and sexual exploitation, Trafficking in Children – South Asia (TICSA) Phase II, was launched in October 2002. The project has supported participating countries (Bangladesh, Nepal, Sri Lanka, Pakistan, Thailand, and Indonesia) in taking concerted action at national and regional levels to combat trafficking in children and to rehabilitate trafficking survivors. The parties involved include relevant government agencies, employers' and workers' organisations, and NGOs dealing with trafficking issues. Project strategies include policy development, capacity development, prevention, rescue, rehabilitation, and reintegration.⁴³

The Youth Partnership Project (YPP) for child victims of CSEC in South Asia is a unique initiative that endeavours to have a positive psychosocial impact by creating opportunities for child survivors of sexual exploitation to take action to combat these crimes and thus improve the lives of vulnerable or affected children.⁴⁴ Through participation in peer support programmes, community awareness campaigns and public advocacy, child survivors and young people at-risk have joined forces to combat commercial sexual exploitation of children in India, Nepal and Bangladesh. The project is a collaboration of ECPAT International, *Sanlaap* in India, *Maiti* in Nepal and *Aparajeyo*-Bangladesh. Regular communication and visits among the children and staff of the three countries are organised to facilitate learning and sharing of experiences and good practices. There are also frequent discussions on cross border issues among the partner organisations and the children and young people of the YPP.

Enhancing cooperation to fulfill commitments made by the South Asian Association of Regional Cooperation (SAARC)

The conference under the theme 'Trafficking and the South Asian Association of Regional Cooperation Agenda: The Way Forward', organised by UNICEF, was attended by 270 government and NGO officials, journalists, lawyers, local government representatives, media representatives, community organisations and a group of children and young people. The Conference suggested tangible goals beyond the commitment made by SAARC at its 2005 Dhaka Summit, for better addressing the issue of trafficking in women and children, in particular with regards to enhancing the work and coordination among law enforcement agencies of all member States.⁴⁵

PREVENTION

Bangladesh has made some progress in addressing structural issues that contribute to making children vulnerable, such as lack of access to education and birth registration. Efforts have been made to introduce topics related to prevention of child sexual abuse (CSA) and commercial sexual exploitation (CSE) in the curriculum of formal schools and government teacher training institutes.⁴⁶ Other well-designed efforts to combat trafficking have also been undertaken in recent years. Nevertheless there is a need to generate broad public awareness and create the channels that will allow public action against commercial sexual exploitation. Reforms are also needed to restore public confidence in the key agencies whose responsibility it is to act to protect children, the joint ECPAT International/PLAN International *Report on Laws and Legal Procedures Concerning the Commercial Sexual Exploitation of Children in Bangladesh* found that both children and the public are compelled to remain silent for fear that reporting such crimes could result in denial or further exploitation or victimisation at the hands of authorities.

In order to reduce the vulnerability of adolescents to CSA, CSEC, HIV/AIDS and STIs, two *Nijeko Jano* (Know Yourself) adolescent communication kits have been developed; one by UNICEF and one by a consultative group funded by Save the Children. The kits include peer-to-peer (P2P) video material and booklets, and have been distributed widely in non-formal education settings. As a next step in the process, they will be distributed more widely in formal schools.

Save the Children Australia is implementing the project 'Empowerment of Children in Need of Special Protection' in partnership with local and national NGOs in different districts of the country. The project aims to develop adolescents' psychosocial competencies through life-skills education to empower them to protect themselves from sexual abuse and exploitation. Adolescent facilitators function as peer educators.⁴⁷

An awareness-raising effort is also taking place in Chittagong, where street children's drama groups working with the Bangladesh Institute for Theatre Arts (BITA), visit police stations and advocate for child rights and protection of children from exploitation.⁴⁸

'Empowerment and Protection of Children and Women'

The UNICEF-led project 'Empowerment and Protection of Children and Women' aims to create an environment where rural adolescent girls and adolescents at risk or emerging from situations of exploitation can voice their concerns and take part in decisions that affect their lives. The project focuses on developing confidence, self-esteem, negotiation skills,

problem-solving capacity and awareness of risky behaviour. Through a variety of activities it seeks to create a better understanding of the United Nations *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)* and the implementation of articles concerned with protecting the rights of the child.

A number of awareness raising initiatives have been conducted by NGOs with support of ILO/IPEC. These have led to the formation of Community Vigilance Teams (CVTs) that are responsible to carry out community awareness activities using theatre performances that are based on true stories of trafficking.⁴⁹ The programme has also conducted research on trafficking in children in Bangladesh.⁵⁰

Child Rights Forums established in border areas

To address cross-border trafficking of children, ACD established child rights forums in the northwestern border areas, with assistance from governmental bodies. The forums disseminate messages related to the various child rights issues, adapting them to the realities of rural communities, especially in the border areas.⁵¹ Children have also participated and created plans for activities within the forum. ACD is working to build their capacity and develop them as volunteer activists.

The Bangladesh National Women's Lawyers Association (BNWLA) operates a Legal Aid Cell under which 26 local level legal aid offices are working throughout the country. They also operate safe shelter homes for child victims of abuse and exploitation.

The organisation ASK extends legal support to victims of abuse and exploitation;⁵² offering their services through 'Drop-In-Centres' (DIC) for street children. The group also works with domestic child workers, providing education, legal services and psychosocial assistance to victims of abuse and sexual exploitation.

Aparajeyo-Bangladesh works with and for marginalised children in urban cities and divisional towns in Bangladesh. *Aparajeyo*-Bangladesh supports over 60,000 children in need of special care and protection annually and operates shelters to provide these services for children. Through the YPP South Asia Project, they are also working to empower survivors of CSEC to take positive action to change their lives and those of others at risk.

The Birth and Death Registration Act

In 2002, the Bangladesh Parliament passed the *Birth and Death Registration Act*, which makes birth registration a requirement for obtaining a passport, a marriage certificate or school admission. It is anticipated that this step will go a long way to help prevent child labour and child marriages.⁵³ Other important initiatives of the Government relate to birth registration of adolescents. These were undertaken in Rajshahi in 2003 and in Tangail in 2004, under Save the Children Australia's CARD project, which involved ensuring birth registration of adolescents whose registration had not take place at birth.⁵⁴

UNICEF joined forces with the Ministry of Information, NGOs and media companies to create television, radio and print campaigns.⁵⁵ The Government supported the nationwide 'Campaign for the Prevention of Trafficking in Children and Women', undertaken by ATSEC,⁵⁶ which aimed to increase awareness of the problem among vulnerable groups. The campaign covered high-risk, trafficking-prone areas and was implemented from March 2000 to February 2004.

Finally, Bangladesh policy makers are currently working with Internet service providers (ISPs) to devise joint strategies to prevent child pornography on the Internet.

The Government also cooperated with the World Tourism Organization for the establishment of a code of conduct for the tourism industry in Bangladesh.⁵⁷

PROTECTION

The Government of Bangladesh ratified the *Convention on the Rights of the Child (CRC)* in 1990 and its *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)* in 2000. Bangladesh has not signed or ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)*. *ILO Convention No. 182* has yet to be fully ratified; the Labour Ministry is currently working on its full ratification and elaborating a child labour policy in accordance with the Convention. At regional level, Bangladesh ratified the *SAARC Convention on Child Welfare* and the *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*,⁵⁸ but national laws have yet to be harmonised with such conventions.

Legislation

Several Bangladeshi laws address child prostitution and child trafficking. These include provisions of the *Penal Code*; the *Women and Children Repression Prevention Act (WCRPA)* of 2000; the *Children's Act* and the *Suppression of Immoral Traffic Act (SITA)* of 1933. However, Bangladesh still lacks a comprehensive legal framework for deterring crimes or managing investigations related to the commercial sexual exploitation of children. For instance, Bangladeshi laws designed to counter the commercial sexual exploitation of children contain varying and conflicting offences for similar legal wrongs and, more importantly, reference inconsistent age limits for the legal protection of children. Moreover, Bangladesh does not have legal procedures to facilitate the reporting, investigating, or prosecuting of crimes related to the commercial sexual exploitation of children in appropriate manners.⁵⁹

Prostitution of Children

There are many gaps between Bangladesh's laws and international standards to protect children from prostitution. Four of five Bangladeshi laws fail to define child prostitution. The fifth, the *SITA* of 1933, defines prostitution as "promiscuous sexual intercourse for hire, whether in payment or in kind",⁶⁰ a definition which does not reflect the breadth of the *Optional Protocol* definition. Although *SITA* includes the element of remuneration, its limited definition does not apply to many situations where children are sexually exploited commercially by acts that are sexual, but not necessarily sexual intercourse - oral sex, inappropriate touching and fondling, and various forms of child pornography. As a result, many instances of commercial sexual exploitation are not covered under any Bangladeshi law.

Moreover, the varying age limits at which children can be afforded legal protection against child prostitution undermine the effectiveness of Bangladeshi laws. The *Penal Code* and *SITA* prohibit prostitution of girls under 18 years of age, the *Women and Children Repression Prevention Act* defines a child as a person under 14 years of age, and the *Children's Act* prohibits the prostitution of girls under 16 years of age. The two statutes that follow the CRC definition of a child, the *Penal Code* and *SITA*, have weaker protection for children. The *Penal Code* does not explicitly define or prohibit the prostitution of children, and *SITA*, while containing definitions of "prostitution" and "prostitute", is an outdated statute that is rarely applied. As a result, children below 18 years of age who are forced into prostitution are not well protected by this legislation. Similarly, while the *WCRPA* more comprehensively prohibits the prostitution of children, its protections only apply to children under 14 years of age, while the *Children's Act* only prohibits "encouraging" seduction or prostitution of girls, and only applies to girls under 16 years of age. Thus, the *WCRPA* and the *Children's Act* provide no protection for early teenage children, a particularly vulnerable group, as children in this age range may look older than their actual age, making it even easier to falsify documents.

A further weakness in all of these laws is their lack of protection for boys. The only provisions that apply to boys are the *Penal Code* sections on transferring or possessing a person under 18 years of age for the purpose of prostitution or any unlawful or immoral purpose,⁶¹ and the *WCRPA's* child trafficking section.

There are no laws directly prohibiting the prostitution of children in Bangladesh, so cases involving child prostitution are prosecuted using a variety of national and municipal statutes.

Three sections of Bangladesh's *Penal Code*, 1860,⁶² contain provisions related to the prostitution of children: Sections 366, 372 and 373. Section 366 makes it illegal for a person to intend, or know that it was likely, that a girl below 18 years of age might or could be seduced to have illicit intercourse with another person. Subsections 366A and 366B contain parallel provisions that prohibit, respectively (1) inducing a girl under 18 years of age to "go from any place or to do any act with the intent" that she will be forced or seduced into having illicit intercourse; or (2) importing a girl under 21 years of age into Bangladesh with the intent that she will be forced or seduced into having illicit intercourse.

Penal Code Section 372 prohibits selling, letting to hire, or otherwise disposing of a person under 18 years of age with the intent that the person will be used for the purpose of prostitution or any unlawful or immoral purpose. Section 373 prohibits buying, hiring, or otherwise obtaining possession of any person under 18 years of age for the same purposes, with the same intent.⁶³ According to the Court in *Matiar Rahman v. State*, "the gist of the offence ... lies in the exercise or effective control over a person under the age of 18 years with intent or knowledge that such person will be used for the purpose of prostitution or illicit intercourse with any person or for any unlawful or immoral purpose."⁶⁴

In addition to these *Penal Code* provisions, the WCRPA⁶⁵ addresses trafficking, prostitution and sexual harassment of women and children. In many cases, the three offences are dealt with together. Under the WCRPA, a child is defined as a person under the age of 14, while a woman is "a woman of any age."⁶⁶ The Act also prohibits sexual harassment, which is defined as when a man satisfies his sexual desire by illegally touching or violating the modesty of any woman or child.⁶⁷

While the terms "buying and selling a child", "immoral purpose" and "unlawful purpose" are not defined by the WCRPA, they are defined in the *Penal Code* and in the *Constitution*, and those definitions apply here.⁶⁸ Since the Constitution, as the supreme law of Bangladesh, defines prostitution as immoral, the immoral purpose under this statute therefore includes prostitution.⁶⁹

The *Suppression of Immoral Traffic Act* of 1933⁷⁰ has largely been superseded by the WCRPA, but is still in effect. SITA prohibits the prostitution of girls under 18 years of age and defines the terms "brothel" and "prostitution". A brothel is any place where a girl under

18 years of age is kept with the intent that she shall be employed or used for any immoral purpose,⁷¹ and this definition is used today under various laws, including the WCRPA. SITA defines prostitution as “promiscuous sexual intercourse for hire, whether in money or kind,” and a prostitute as “any female available for the purpose of prostitution.”⁷² The terms “immoral purpose” and “promiscuous sexual intercourse” are not defined. SITA prohibits soliciting for prostitution, engaging a girl under 18 years of age for commercial sexual use, or managing a brothel for that purpose.⁷³ SITA further prohibits causing, encouraging, or abetting the seduction or prostitution of girls, but again, what constitutes abetting the seduction or prostitution of girls is not defined.⁷⁴

The *Children's Act* of 1974⁷⁵ contains two provisions relevant to the prostitution of children, sections 41 and 42. These articles prohibit (1) allowing a child over 4 years of age to reside or frequently visit a brothel; and (2) encouraging the seduction or prostitution of a girl under 16 years of age. Finally, several municipal ordinances prohibit soliciting for prostitution: Dhaka, Chittagong, Khulna, and Rajshahi.⁷⁶ These statutes do not define prostitution, but they prohibit any person in a public place from attracting attention or soliciting for the purposes of prostitution.

Age falsification: the need to take strong action against corrupt public servants

Children whose ages are falsified do not have legal protection against commercial sexual exploitation, as Bangladeshi law allows the prostitution of adults over 18 years of age. Age falsification with the intent to sexually exploit a minor is common.

Although it is not part of any written law, a practice has emerged in Bangladesh where any woman above 18 years of age may affirm an affidavit before a Notary Public or First Class Magistrate attesting to her age and that she willingly chooses prostitution because she has no other source of income. The affidavit is commonly referred to as a “licence or registration for prostitution”. These licences have been used by corrupt Notary Publics and lawyers who make false affidavits for minor girls, claiming that these girls are adults.⁷⁷ Moreover, prostituted girls may use false names in local police registries and pay a fee for these “licences.” Thus, contrary to the *Constitution's* mandate that the Government prevent prostitution,⁷⁸ Government employees are the ones who support prostitution by collecting fees for “licences,” thereby creating an underground source of income for unscrupulous public servants.

Trafficking in Children for Sexual Purposes

Bangladeshi law against trafficking is not as broad as international standards. While the WCRPA prohibits the buying, selling, importing, exporting, and possession of women and children under 14 years of age, it does not include activities that are covered under the *Optional Protocol*, such as transporting, transferring or harbouring. Nor do its clauses cover all children - only those under 14 years of age, thereby offering no protection for early teenage children, who may be most vulnerable to commercial sexual exploitation. The *Penal Code* provisions involving conveying or taking a person without their consent or by force focuses on the transfer of a person and says nothing about any of the other activities related to trafficking. Finally, the *Emigration Ordinance* of 1982 regarding persons seeking employment overseas targets adults; a child can easily be transported as the child of the adult with whom they are travelling, so it seems unlikely that this provision could be effective in preventing child trafficking.

The main law for prosecuting cases of child trafficking in Bangladesh is the *Women and Children Repression Prevention Act*, although the *Penal Code* also contains several provisions that could be used in child trafficking cases.

The WCRPA prohibits importing, exporting, buying, selling, or possessing or *zimma* (i.e. taking custody of) a child - defined as a person under 14 years of age - for immoral or unlawful purposes.⁷⁹ Child trafficking may be punished with life imprisonment, a fine or death.⁸⁰ This statute also prohibits kidnapping women and children with the intent to commit any of the offences enumerated under Section 5 of the WCRPA, including engaging, buying, selling, importing, or delivering any woman into prostitution or other illegal or immoral acts. The WCRPA also prohibits the keeper or manager of a brothel from engaging, buying, or hiring any woman for the purpose of prostitution.⁸¹ Kidnapping is defined as compelling a person to move from one place to another by applying force, seduction or a false impression.⁸² The definition of “immoral purpose” under the *Constitution* applies to the WCRPA; thus, since the *Constitution* defines prostitution as immoral, the immoral purpose under the WCRPA includes prostitution.

The *Penal Code* does not specifically define or address trafficking, but it contains provisions similar to trafficking, such as kidnapping and abduction. There are two types of kidnapping offences in Bangladesh: (1) conveying a person, without their, or their legal guardian’s, consent, outside Bangladesh; and (2) taking or enticing males under 14 years of age and girls under 16 years of age from their lawful guardian without the guardian’s consent.⁸³ There is also an aggravated form of kidnapping with a greater punishment where a person

kidnaps a child under the age of 10 with the intent or likelihood that the child will be enslaved or “subject to the lust” of another person.⁸⁴ Abduction is explained as an offence committed where a person forces, compels, or by any deceitful means induces another person to go from any place.⁸⁵

Finally, the *Emigration Ordinance* of 1982 regulates Bangladeshi emigration by prohibiting any person from recruiting or attempting to recruit any citizen⁸⁶ for overseas employment unless the person possesses a valid demand, valid travel documents, a letter of appointment or work permit, or has been selected for emigration by a foreign employer through or by a Government-recognised recruiting agent.⁸⁷ Fraudulently inducing a person to emigrate, by means of intoxication, coercion, or fraud, is also prohibited.⁸⁸ The Government may prohibit the departure of any person based on their occupation, profession, vocation or qualifications, if the Government believes that it is not in the public interest.⁸⁹ For example, in 1997, the Government banned the emigration of unskilled women as a protective measure against trafficking and sexual exploitation.

Absence of repatriation laws impede trafficked Bangladeshi children from returning home

Bangladesh does not have any repatriation laws, which are necessary to return trafficked and prostituted children to Bangladesh. In the absence of these laws, the country must rely on bilateral agreements with other countries (Bangladesh is currently in the process of forming such a bilateral agreement with India). As a result, Bangladeshi children who are trafficked to countries other than these have no legal means of being returned to Bangladesh.⁹⁰

Child Pornography

There are no laws in Bangladesh specifically prohibiting the creation, possession, or distribution of child pornography, and it is unclear whether Bangladesh’s *Penal Code* provision on obscene matter includes child pornography as outlined in the *Optional Protocol*.

Furthermore, the case interpreting this provision focuses on protecting public morality, rather than a child’s right to be free from being involved in creating pornography. Even if the obscenity provision is applied in cases of child pornography, it is limited to visual media, rather than including audio, digital and electronic forms of communication, as well as simulated images. The law therefore falls far short of international standards.

The *Penal Code* contains provisions related to obscene matter by prohibiting the possession, sale, distribution, exhibition, or circulation of obscene books, pamphlets, papers, drawings, paintings, figures or other objects, and provides enhanced penalties for those who sell, distribute, exhibit or circulate obscene objects to any person under 21 years of age.⁹¹ Case law interprets obscenity as “publishing or exhibiting such matter or object which has the tendency to corrupt the minds of those who are open to immoral influence by exciting in them sexuality and carnal desire.”⁹²

Extraterritorial Legislation

Bangladesh does not have extraterritorial legislation that can be used to prosecute Bangladeshi nationals for crimes committed outside Bangladesh. The *Extradition Act* of Bangladesh has limited power because it only applies to countries with which Bangladesh has an extradition treaty. Thus, offenders who sexually exploit Bangladeshi children commercially can shield themselves from prosecution by escaping to countries that do not have extradition treaties with Bangladesh. Currently, Thailand is the only country with which Bangladesh has an extradition treaty.⁹³

Child Protection Units

Bangladesh does not have specialised police units to assist children at risk or victims of commercial sexual exploitation. While there are special Courts and some specific procedures for cases involving child prostitution and trafficking, in practice their effectiveness is limited. Moreover, few law enforcement officials, lawyers or judges are familiar with the Juvenile Court system or special laws for children, such as the WCRPA and the *Children’s Act*.⁹⁴ There are very few Juvenile Courts in existence and they lack logistical support and staff.⁹⁵

The WCRPA has established Women and Children Repression Prevention Tribunals⁹⁶ (WCRP Tribunals), which have jurisdiction over cases involving offences under the WCRPA, such as trafficking, prostitution, rape, sexual harassment, abduction, and dowry, among others. The WCRP Tribunals are presided over by a judge, appointed by the Government from among the District and Sessions Judges, and generally operate as a Sessions Court.⁹⁷

Bangladesh also allows some of its Courts to operate as Juvenile Courts; the Government may establish Juvenile Courts by notification in the Official Gazette in the area where it proposes to establish such Courts.⁹⁸ Juvenile Courts try all cases where a child is charged with a criminal offence and all other cases involving the *Children's Act*,⁹⁹ but they have no jurisdiction to try cases where an adult is charged with offences such as providing drugs or being cruel to children.¹⁰⁰ Thus, their applicability in cases involving the commercial sexual exploitation of children is limited to offences outlined in the *Children's Act*, prohibiting a child from residing in or frequently visiting a brothel or encouraging a girl under 16 years of age to be prostituted.¹⁰¹

Procedurally, Bangladeshi law prescribes that children be tried in locations and at times that are different from the ordinary location and/or times that Courts hear their regular cases.¹⁰² In addition, during the course of legal proceedings, if a tribunal determines that safe custody is necessary for any woman or child, it may order the woman or child to be placed in safe custody in a government or NGO shelter.¹⁰³ When determining whether a victim should be placed in safe custody, the WCRPA Tribunal takes the survivor's opinions into consideration, but Bangladesh law does not provide any additional guidelines for placing children in safe custody.¹⁰⁴

Inadequate legislation and lack of witness protection impede proper action against traffickers

In practice, the harsh laws related to human trafficking have not resulted in increased protection for children, and it has been reported that only a "few traffickers" have actually been arrested. The law metes out penalties such as capital punishment for those who are convicted of committing violent crimes, including trafficking; however, capital punishment depends on proof of the offence beyond a reasonable doubt, and due to a lack of proper witness protection, prosecutors often fail to prove their case to this high standard. As a result, there has been a reduction in incarceration rates for traffickers. In cases that may result in capital punishment, family members are less likely to report crimes for fear that a relative may be executed.¹⁰⁵

Support Services for Children

There is little support available to child survivors of commercial sexual exploitation in comparison to the scale of the problem. Since legal proceedings in Bangladesh are lengthy, child survivors are often not returned to their families because they must be readily available to provide testimony and evidence.¹⁰⁶ Thus, children are often placed in “safe custody” while legal proceedings are pending. Though legislation¹⁰⁷ provides for the provision of safe custody,¹⁰⁸ the Government does not have a sufficient number of shelter homes, so children are referred to non-governmental shelter homes and remain there until their cases are completed. The few government shelter homes that do exist cannot usually provide psychosocial support to children, and also fail to maintain an environment that is sensitive to child survivors’ needs.¹⁰⁹ In contrast, the quality of NGO-managed shelter homes is much better. Nevertheless, due to limited resources available for these types of programmes, only a few NGOs operate shelter homes that are insufficient in number.¹¹⁰ Additionally, long periods of separation from families can be detrimental to a child’s well being.

In many cases, due to the lack of government and NGO shelters, children rescued from abusive situations are kept in jail. Police stations, prisons or juvenile centres do not have prescribed arrangements for the safe custody of minor victims and, as they are kept with adults, they may be subjected to further abuse.¹¹¹

UNICEF is presently carrying out an analysis of services for vulnerable and exploited children, and developing standards for the management of institutions that provide care for victims. Training in psychosocial care and protection is being provided for service providers, as well as training for adolescents and younger children to serve as peer educators and peer leaders.¹¹²

Training Law Enforcement Personnel

The International Organization for Migration (IOM) has been working with the Ministry of Home Affairs to strengthen training institutes for law enforcement personnel through targeted capacity building programmes. IOM developed a training manual and training of trainers materials for the three institutes at which more than 1,000 police officers receive training on the prevention of trafficking, including child trafficking.¹¹³ Furthermore, the three-year trafficking project initiated by the Ministry of Women and Children’s Affairs in 2001 included training of trainers’ workshops for police forces, including the Bangladesh Rifles, Bangladesh Ansar, Criminal Investigation Division and the Village Defence Party. Training manuals and information booklets were developed and distributed among law enforcement officials, as well as an information and education kit.



PRIORITY ACTIONS REQUIRED

- Serious gaps in combating CSEC, generally including child marriage, must be addressed by providing the same level of attention as has been provided for combating child trafficking.
- The legislation on child prostitution urgently needs revision for the following reasons: most related laws fail to define child prostitution and do not address all the manifestations of commercial sexual exploitation; not all children between 16-18 are protected; boys are not afforded protection; and certain provisions could potentially lead to the prosecution of children forced into prostitution. These are severe gaps that must be closed through speedy reforms.
- Bangladeshi law on trafficking in human beings has proved highly ineffective in terms of protecting children. It needs to be reviewed as a matter of urgency to comply with the *Trafficking Protocol* standards, particularly in view of the serious dimensions that child trafficking takes in the country.
- The *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol)* must be ratified.
- If Bangladesh is to fulfill its commitment to the *Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol)*, it needs to develop and implement legislation to combat child pornography.
- Bangladesh must review the *Muslim Family Law Ordinance* of 1961 and adopt a uniform Family Code that eliminates gender-based discrimination towards women and girls, as this makes many girls vulnerable to exploitation.
- Bangladeshi laws must be harmonised with the *SAARC Convention on Child Welfare* and the *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*.
- Bilateral agreements, particularly with India and Pakistan, must be established to combat child trafficking and other crimes against children better, as stipulated by the *SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution*. Such agreements are also urgently needed to allow for the repatriation of trafficked children who find themselves trapped in foreign countries due to a lack of repatriation agreements and procedures.

- A child-friendly repatriation policy needs to be developed urgently, as well as a referral system to ensure child victims of trafficking and commercial sexual exploitation are provided comprehensive and timely assistance.
- Bangladesh must sign, ratify and enforce the *UN Convention on the Protection of the Rights of all Migrant Workers and their Families*, which contains several provisions that would greatly enhance the protection of child victims of trafficking.
- Bangladeshi boys are extremely vulnerable to and affected by commercial sexual exploitation. Further research must be conducted to understand the dynamics of the problem better and to provide the basis for a revision of the *National Plan of Action on Trafficking and Sexual Exploitation of Children* with a view to including much needed provisions against the prostitution of boys.
- There is an urgent need for appropriate accommodation, including shelter homes, for children in vulnerable situations, children in conflict with the law and sexually exploited children, as most of these children are currently being sent to prison due to a lack of viable options. The creation of a comprehensive rehabilitation and reintegration programme for CSEC victims must follow, and all concerned parties must redress the absence of laws on this regard. A system must be developed to monitor cases and to ensure children are treated in accordance with norms established under international guidelines. This includes appropriate training of specialised staff, not only in awareness raising, but also in increasing skill levels to work with children.
- Specialised police units to assist children vulnerable to or victims of commercial sexual exploitation should be established. Training law enforcers is also necessary, particularly with a view to making them familiar with the Juvenile Court system and special laws for children.
- The applicability of the few specialised Courts in cases involving the commercial sexual exploitation of children must be extended. Furthermore, effective witness protection mechanisms must be created if the public is to be encouraged to denounce cases of commercial sexual exploitation of children.
- New community vigilance systems must be created and existing ones strengthened, as they play important roles in creating protective environments for children.
- Peer education for victimised and vulnerable children must be promoted as a means of developing their protection skills and facilitating access to support systems.
- Further research is needed to establish the scale of other (than trafficking) forms of sexual exploitation of children and understand the nature of their manifestation in the Bangladesh context. This should also include the demand-side of the problem.

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