

EXECUTIVE SUMMARY BANGLADESH*



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Introduction

After independence from Pakistan in 1971, Bangladesh has reinstated democracy and exhibited an improved human rights record. In addition to inequality and lack of access to basic social services, widespread poverty is a major contributor to CSEC in Bangladesh, with almost half of Bangladesh's 60 million children living below the national poverty line.¹ Many children are trafficked with their parents' consent, lured with promises of marriage or a well-paid job.² The prostitution of children is often disguised within businesses primarily engaged in sexual services involving adults, which is legal in Bangladesh, and authorities appear to often ignore the minimum age of 18. The problem is exacerbated by a lack of birth³ registration, with less than ten percent of newborn babies in Bangladesh registered at birth. Inability to verify age makes children especially vulnerable to exploitation and underage marriage, which is a widely accepted practice in the country.⁴

Other key CSEC issues in Bangladesh include the vulnerability of children born to women involved in prostitution who may be

easily pushed into sexual exploitation. As in other countries in South Asia, the sexual exploitation of boys continues to receive insufficient attention. Bangladesh is also an origin, destination and transit country for child trafficking. Most children and women are trafficked to other South Asian countries, such as India and Pakistan, as well as domestically to be employed in brothels. Though it appears that there is no official data on the number of trafficking victims, a UNICEF report⁵ states that approximately 400 women and children are trafficked each month. Child pornography is a substantial problem, with one study showing that 80 percent of children exploited in prostitution are also exploited for the production of pornography.⁶ As more of the population has easy access to the Internet and mobile phones with less control by the government, child pornography can be accessed with increasing ease. With regard to child sex tourism, international tourists are rare.⁷ However, as the country moves to promote its tourism sector, child sex tourism will likely present an upcoming challenge for the Bangladeshi government.

National Plan of Action (NPA)

The government has come up with three national plans of action related to CSEC. The National Plan of Action for Children,⁸ formulated for 2005 – 2010, contains one chapter specifically dealing with protection from abuse, violence and sexual exploitation, including paedophilia and trafficking. The drafting process involved both government and civil society (including child and youth

participation), and proposes institutional mechanisms to implement, coordinate and monitor the activities. A number of programmes and projects have been undertaken in accordance with the Plan, though the general implementation of the Plan has been relatively slow and there has been no initiative from the government to involve civil society in its' implementation. However, there are two other

action plans that cover CSEC issues. First, the National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking⁹ aims to create a national policy to address both sexual abuse and exploitation of children and to identify good practices. This NPA is notable because it directly addressed non-commercial sexual abuse as well as commercial sexual exploitation. The plan also addresses important issues relating to perpetrators, the exploitation of boys, and

child participation. In 2006, the National Anti-Trafficking Strategic Plan of Action was also published. The plan helps clarify the roles of government agencies and NGOs with regard to coordinating specific actions for prevention, rescue, repatriation, prosecution and reintegration of trafficking victims. However, while addressing some of the root causes and protection for trafficking victims, it does not address some issues that are covered by NPA-SAECT, such as boys and street children.¹⁰

Coordination and Cooperation

The Ministry of Women and Child Affairs (MoWCA) is the main agency responsible for child protection as well as the implementation of child rights programmes and policies, including the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC). The MoWCA therefore acts as the coordinating agent with other acting partners. The Ministry of Home Affairs (MoHA) is in charge of coordination of the Inter-Ministerial Committee to Prevent Trafficking in Women and Children. Coalition among government agencies and NGOs exist for implementation of a number of projects for children's rights. National NGOs such as Bangladesh Shishu Adhikar Forum

(BSAF)¹¹ and Action against Trafficking and Sexual Exploitation of Children (ATSEC) Bangladesh¹² are very active in combating CSEC. However, it has been observed that despite their efforts at coordination, there remains overlapping and duplication in work. Additionally, most activities are focused mainly on trafficking, leaving other forms of CSEC under-addressed. Nevertheless, in order to receive complaints about human rights abuses, including the sexual abuse of children, the National Human Rights Commission was established in 2008.¹³ Though Bangladesh does participate in several regional bodies and workshops, regional and international cooperation remains relatively weak.¹⁴

Prevention

Most of Bangladesh's CSEC prevention efforts are focused on combating trafficking, primarily operating through the Inter-ministerial Coordination Committee. Government anti-trafficking projects include conducting awareness campaigns, research, lobbying, and rescue and rehabilitation programs.¹⁵ However, the majority of prevention actions against child trafficking are carried out by NGOs. Many of these NGOs are highly active working at the community level with local government leaders against trafficking through research, data

collection, documentation, advocacy, awareness raising, networking, cross-border collaboration, rescue and rehabilitation. Bangladesh unfortunately has few or no prevention activities focused on child pornography or child sex tourism, though there have been occasional initiatives with regard to child prostitution. The Government has also launched a campaign to stop early marriage¹⁶ and has also sought to reduce vulnerability by promoting birth registration.¹⁷

Bangladesh is party to the Convention on the Rights of Child as well as its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. However, it has not ratified the UN Trafficking Protocol. Bangladesh is part of the South Asia Association for Regional Cooperation (SAARC) and party to regional instruments, including the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia. However, despite the effort of the country to take part in international efforts to protect children, primary domestic laws addressing CSEC still fail to comply fully with international standards. Currently, the major laws focusing on CSEC include the Penal Code, the Suppression of Immoral Traffic Act (SITA) (1993), the Children Act (1974), the Suppression of Violence against Women and Children Act (SVWCA) (2000, amended in 2003). The failure to achieve full protection of children from CSEC is reflected in outdated legislation, lack of legal protection for boys and an age stipulation when classifying children lower than international standards.

None of Bangladesh's laws clearly defines **child prostitution**. Though the Penal Code criminalises the procurement of minors for prostitution, it does not define what child prostitution is. On the other hand, SITA, legislation that directly addresses prostitution, only recognises prostitution involving females, thus leaving exploited boys without legal protection. The same principle applies to brothels, which SITA defines as a place where two or more women engage in prostitution or where a child under 18 is kept for prostitution. SITA therefore denies the existence of boys exploited in brothels. However, SVWCA, which partially superseded SITA, criminalises engaging a woman or a child, which includes boys or girls under the age of 16, leaving children between 16 – 18 years without legal protection. In addition, the Children Act punishes encouraging or exposing or causing a child under 16 years old to become involved in sexual intercourse or sex work.

With regard to tourists engaging in sexual activity with children, Bangladesh has no

specific legislation to address the issue. Moreover, Bangladesh has no extraterritorial agreements with other countries except Thailand, with whom it has an extradition treaty applying to offences such as rape, procurement or trafficking of women or young persons for immoral purposes.

SVWCA is the primary law dealing with **child trafficking**. The law prohibits the trafficking of women and children for the purpose of commercial sexual exploitation and carries penalties as severe as life imprisonment and the death penalty. Additionally, the Penal Code states that selling and buying of a child under 18 years old for prostitution is prohibited. The Code also forbids kidnapping or abduction of a child under ten years old with the intent that the child will be “subject to the lust” of another person, and penalises whoever imports a girl from a foreign country into Bangladesh with the intent to be forced or seduced into illicit intercourse. The provision, however, fails to define what is trafficking in children and is not in line with the Trafficking Protocol.

There is no specific law regulating **child pornography** in Bangladesh. Pornography is referred to as “obscene” or “immoral” materials under Penal Code. Though there is no clear definition of the term, the Penal Code forbids the possession or production of pornography. Children are protected from exposure to pornography under the Penal Code that prohibits selling pornographic materials to children under 20 years old. Involvement of a child in pornography can be punished under SVWCA with the provision that criminalises “immoral” use of a child.

There are no specific police units designated to deal with commercial sexual exploitation, nor a law enforcement authority established to investigate Internet-related crimes against children or support victim identification. However, in 2004, the Police Monitoring Cell at the Police Headquarters in Dhaka was set up in order to monitor cases related to human trafficking. The Cell acts as a database and updates information daily from each district police headquarters on the rescue of trafficked children, arrest of traffickers and prosecution of cases. With regard to court procedure, 42 special

tribunals have been established and a Special Judge was appointed to each tribunal for trying cases relating to violence against women and children, including trafficking.¹⁸

Shelter and rehabilitation programmes are generally weak due to a lack of adequate funding and well-trained personnel. The Department of Social Services (DSS) under the Ministry of Social Welfare is responsible for implementing child protection programmes at the local level.¹⁹ The Department of Women Affairs under MoWCA operates nine safe homes in different areas in the country for women and children victims of violence.²⁰ Additionally, NGOs play a very big role in supporting street children by

establishing safe homes for street children and providing them basic care.

Though training programmes on children's rights are available to law enforcement agencies and legal practitioners, holistic capacity building programmes are yet to be carried out. The government has worked with legal experts to provide specialized training to prosecutors and with the IOM to develop an anti-trafficking course for the National Police Academy. The government is developing a new curriculum for law enforcement agencies to deal with the issues relating to sexual abuse and exploitation of children.²¹

Child and Youth Participation

The principal of child and youth participation is rather new to Bangladesh and not a common practice.²² Though involving children in decision-making is not part of the culture, children are given some role in the design of

several national plans and policies. NGOs have also been active in promoting child and youth participation; for example, Bangladeshi members of ECPAT's Youth Partnership Programme (YPP) are very active.

Priority Actions Required

National Plan of Action and policies on children and CSEC

Bangladesh should urgently improve implementation of its various plans of action, as well as clarify roles of different agencies in implementation, coordinating and monitoring the implementation of NPAs, especially, the National Plan of Action against Sexual Abuse and Exploitation of Children including Trafficking, as well as creating a Monitoring Committee.

level should be strengthened by the government entering into agreements in relating issues, particularly, with neighbouring countries, providing for the prevention, care, reunification and rehabilitation of child victims of trafficking for the purpose of prostitution. Efforts to establish an Ombudsman for Children should be revitalised, as well as the NHRC's role in children rights. Central data collection system should be developed for a better coordination among different agencies at local and national levels.

Coordination and cooperation

The government should allocate adequate human and financial resource to MoWCA to strengthen its function in child protection and coordination among other participating actors. The roles and mandates of different entities under the government should be clarified in order to reduce duplication. Also, coordination and cooperation at regional and international

Prevention

Research in areas that have been under-addressed, such as child pornography and child sex tourism should be carried out. Existing preventive campaigns should focus more on root causes of CSEC, such as poverty and access to education or health services and raise more awareness to the problem of sexually exploited boys. The government should urgently ensure

free birth registration for every child born on its territory.

Protection

Bangladesh should ratify the UN Trafficking Protocol, as well as the ILO Minimum Age Convention. As for domestic legislation, national legal reform regarding CSEC offences should take place in order to put the law to be in line with international standard including minimum age definition of a child. Priorities for national legal reform must include equal

protection for boys, child abuse image related offences and criminalisation of child sex tourism. Moreover, a child friendly justice process should be developed, together with training of law enforcers.

Child and youth participation

Bangladesh should take action to ensure effective participation of children in the implementation, monitoring and evaluation of the existing NPAs related to CSEC.

Endnotes

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- ¹³ Committee on the Rights of the Child, “Written Replies by the Government of Bangladesh to the List of Issues Prepared by the Committee on the Rights of the Child in Connection with the Consideration of the Third and Fourth Periodic Reports of Bangladesh, May 2009. Accessed on 23 August from: <http://www2.ohchr.org/english/bodies/crc/crcs51.htm>
- ¹⁴ Committee on the Rights of the Child, “Consideration of Reports Submitted by States Parties under Article 12 (1) of The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution And Child Pornography. Concluding Observations: Bangladesh”, 5 July 2007. Accessed on 9 August 2011 from: http://www.bayefsky.com/pdf/bangladesh_t4_crc_opsc_45.pdf
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