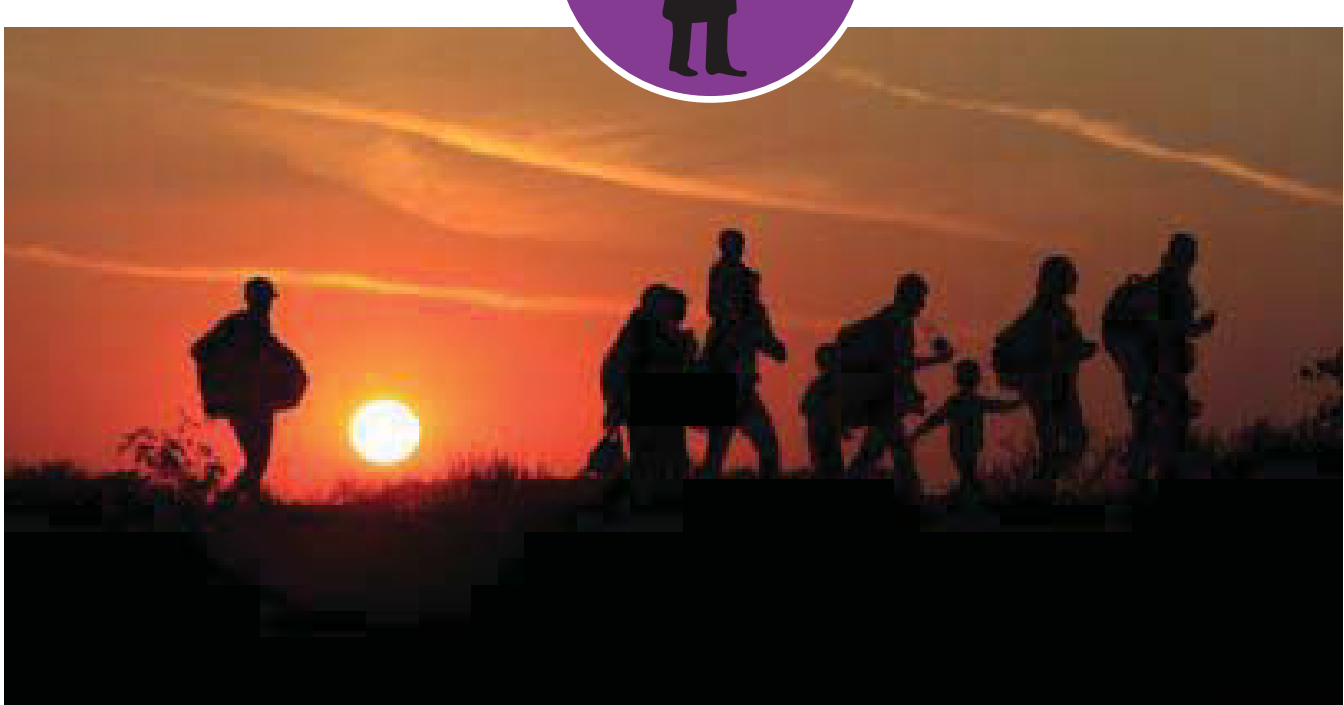


Training on the Prevention and Suppression
of Human Trafficking and Protection and Implementation
of Rights for the Victims of Human Trafficking

Training Guide



USAID
আমেরিকার জনগণের পক্ষ থেকে



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Training on the Prevention and Suppression of Human Trafficking and Protection and Implementation of Rights for the Victims of Human Trafficking

Training Guide

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USAID Bangladesh Counter Trafficking In-Persons (BC/TIP)

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Preface

Human trafficking is a form of organized crime. Traffickers and accomplices unhesitatingly commit several types of crimes against their victims: fraud, physical and mental abuse, sexual abuse, holding them for ransom, deprivation of food and medical care, forced labor, organ removal, recruitment for war, and even murder. In the process of migration, organized traffickers deceive labor migrants or forcibly make them work in various forms of hard labor, without wages, and at unsafe jobs. They are transported abroad in the name of foreign employment. In most cases, they are then forced to work, exploited, or held against their will. Some of the main causes of human trafficking are economic, social, and cultural vulnerability. These stem from deterioration of social bonds, legal loopholes, ignorance of policies and procedures, poverty, lack of education, a lack of institutional initiatives to prevent trafficking and, above all, limited access to legal aid for remediation. Human trafficking has increased at an alarming rate around the world. It is, therefore, a basic responsibility of all citizens to speak out against this type of violence.

The Government of Bangladesh is making sincere efforts to stop all forms of human trafficking, especially the trafficking of women and children. In addition to legal reform, it is undertaking counter-trafficking activities. To this end, it introduced the Prevention and Suppression of Human Trafficking Act (2012) and the Human Trafficking Prevention Fund Rules (2017). The Human Trafficking Prevention Fund and the National Anti-Human Trafficking Authority have been formed under the law. Winrock International, the current government, non-government and international organizations are meeting the challenge of implementing the objectives of this legislation. In addition, a sincere commitment was expressed to implement SDG. To this end, the Ministry of Home Affairs has formulated a National Plan of Action (NPA) to achieve specific development targets and taken additional initiatives to implement the seventh Five-Year Plan in coordination with the Sustainable Development Goals (SDG). The Seventh Five-Year Plan and the various goals of the SDGs are directly or indirectly related to the suppression and prevention of human trafficking. Four national action plans for counter-trafficking (2009-2011, 2012-2014, 2015-2016 and 2016-2022) have been implemented continuously since 2009. Under the NPA, the government and various national and international governmental and non-governmental organizations have been working together on law enforcement, risk reduction, victims' protection, repatriation, and reintegration.

As a part of the ongoing implementation of the NPA and the SDGs, the Judicial Administration Training Institute, the Ministry of Law and Justice, the Ministry of Law, Justice and Parliamentary Affairs, under the Winrock International Bangladesh Counter Trafficking in Persons (BC/TIP) program, organized regular training programs for employees of the Judicial Department to inform them about internationally recognized standards for managing and disposing of human trafficking cases; conventional practices and strategies for implementing human trafficking prevention and suppression; security and protection of the rights of victims of human trafficking; and basic legal concepts applicable in human trafficking cases trials. The purpose of this training is not to develop expertise in handling and disposing of human trafficking cases; that requires extended, focused, and specialized training.

The Guidelines for Motivation of Government Law Officers (PP/GP) on the Prevention and Suppression of Human Trafficking were formulated with this target in mind. The staff of the Prosecution Component are sincerely trying to enrich it on the basis of their talent and labor. Special thanks to Program Team Lead, Bangladesh Counter Trafficking in Persons (BCTIP) H.M. Nazrul Islam, whose valuable input

and direction have encouraged us to publish this guide and our sincere congratulations to all those who have contributed to the formulation of the guide.

The success of this guide depends on its proper use and implementation. We think it is necessary to verify the practical usefulness of the guide through training of trainers to get effective results. Feedback from readers will also be important to help its continuous improvement.

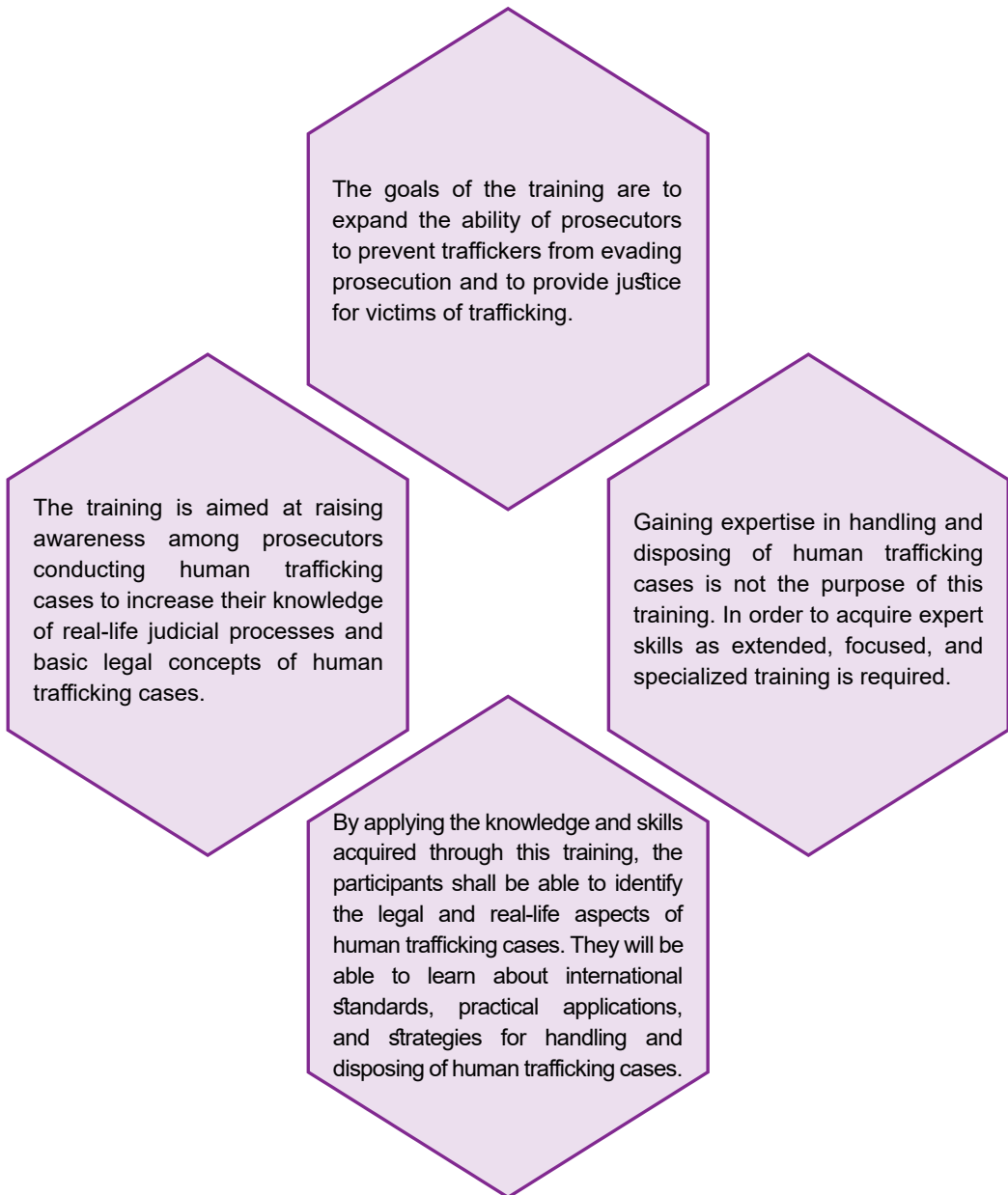
A request to our readers: please forgive any unintentional errors.

Mozahidul Islam, Md

Prosecuting Attorney

Bangladesh Counter Trafficking in Persons (BC/TIP) Program Manager

The Purpose of Formulating the Module



Learning Purpose

Participants at the end of the training will be able to:

- Demonstrate knowledge of the definition of human trafficking in international law and its application in various cases of human trafficking;
- Explain how human trafficking offenses are committed, the victim's mentality, and how gender dynamics affect the outcome of human trafficking cases;
- Demonstrate knowledge of international, regional, and national legal frameworks for the prevention and suppression of human trafficking, and explain the proper application of the law in the judicial process;
- Identify and understand the main aspects of a human trafficking case, such as:
 - ☞ The importance of collecting full and accurate details of the situation from the victim;
 - ☞ the challenges of ensuring the victim's cooperation during the trial and working with the traumatized victim;
 - ☞ the need to gather additional evidence based on the victim's detailed allegations and to confirm the type and source of evidence;
 - ☞ the importance of preparing victims in a comprehensive manner to testify in court;
 - ☞ the need to anticipate possible court cross-examination and prepare appropriate answers;
 - ☞ awareness of the responsibilities of judges and prosecutors to ensure a transparent and impartial judicial process in accordance with international standards;
 - ☞ and the need to ensure international coordination and cooperation in the interest of a fair trial.

Type of trainee

The course is designed for prosecutors who are in charge of or may be given responsibility for human trafficking cases.

Outline of the module

Day 1:

Module 1:

This module, entitled Basic Concepts of Human Trafficking, covers the following topics to achieve a clearer understanding of human trafficking and the trafficking situation:

- The definition of human trafficking and its link to other crimes;
- The dynamics of trafficking and related gender dynamics;
- Current patterns and trends of trafficking.

Module 2:

This module, entitled Legal Infrastructure, covers the following topics in order to gain a better understanding of the national and international legal framework for prevention and suppression of human trafficking:

International legal framework:

- Instruments relevant to international law;
- Major policy documents;
- Basic concepts of international cooperation;
- Mandatory legal obligation for all states.

National legal framework:

- International legal obligations;
- National legal liability (specific laws and provisions on human trafficking);
- Summary of existing human trafficking provisions in the national law;

Rights and protection of the victims:

- International infrastructure on victim rights;
- National infrastructure on victim rights;
- The basic concept of victim mentality.

Day 2:

Module 3:

The following topics are covered in this module on Human Trafficking and Disposal of Human Trafficking Cases to impart a preliminary idea of the major aspects of handling and disposal of cases:

- Duties and Responsibilities of the prosecutor;
- The importance of working in groups;
- The use of victims as witnesses, the main aspects, obstacles, and solutions;
- Authentic issues;
- Basic concepts of the transfer (extradition) process and mutual legal assistance.

Methods used in training:

- Discussions
- Incident analysis
- Work in small groups
- Discussions in large groups
- Question / Answer
- Group Presentation

Necessary materials:

- Flashcard board
- 1 whiteboard
- A well-equipped training room of a size that allows all participants to sit and move around comfortably, set up in a U shape.

Necessary materials:

- Reading materials
- Poster paper
- Brown paper
- Markers
- Colored and white paper
- Flash cards
- Dry-erase marker
- Pens, pencils, notebooks and pads

About the module:

This module includes a list of course objectives, training schedules, session titles, session management guidelines, and training materials. The following basic information is provided for each session:

Session:

Separate titles and numbers are used for each session, making it easy to identify relevant sessions.

Purpose:

This identifies the specific knowledge, skills, and attitudes that participants will acquire at the end of a particular session, and thus guides the facilitator in conducting the session and helps them measure how effective the training has been.

Time:

The time required for conducting a session is listed, which helps the facilitator (assistant) to formulate a plan for conducting a session.

Method:

This explains how the assistant can move the discussion forward in a way that is conducive to achieving the desired objectives of each session and can maintain momentum in the discussion. In doing so, the assistant shall adopt the described method.

Materials:

The list of materials is written in each session. The facilitators and participants will require all of the materials listed to manage each step. This information helps in selecting, using, and supplying the right materials.

Process:

This lists helpful steps the facilitator can take to prepare for the training. It includes activities that the participants have to complete in order to achieve the purpose of each session and the work that needs to be done after each step. These tasks will serve as a guide for the facilitator to conduct the session and will help in achieving the training goals.

Attached materials:

This lists the materials required for conducting the session, participants' practice portion, and their distribution process. The materials include text materials, flipcharts, stories, events, and so on. The number of listed materials is in accordance with the number of each session, allowing the assistant to easily identify them.

Guidelines on the use of the training module:

We believe that the training module will play a special role in training prosecutors to pursue trafficking cases and ensuring victims' rights in Bangladesh. The effectiveness of the training will depend on the successful use of this module. A skilled and diligent assistant is expected to pay special attention to the following points while using the module:

- The objectives of each session are noted. The facilitator has to achieve the desired objective by conducting the session in a participatory manner. In order to achieve this, it is necessary to understand the objectives well and to be in agreement with them.
- Data search is a broad topic. It is necessary to read other relevant information without relying only on this module. Lack of detailed knowledge about a relevant subject impacts the effectiveness of the training.
- The success of the training depends on the preparation of the assistant. So, it is essential to read the whole module thoroughly before each session. It is not advisable to consult the module during the session.
- The steps of the session have been arranged in series that can be followed as set out. However, the steps can be changed to suit any special needs.
- When discussing a topic, offer relevant examples and your opinion, if necessary, to analyze and clarify the topic. Speak simply and try to keep everyone engaged in the discussion.
- At the beginning of each session, establish a bridge to the previous session so the participants do not feel disconnected. Discuss where and how the session will be useful in the lives of the participants and offer your opinion. Check the relevance of what happened in their daily lives to the topic of the session and try your best to open their hearts to the main points of the discussion.
- If you want to ask a question, make sure you do so clearly, address it to everyone, and repeat it if necessary. Wait, and if no participant volunteers to answer, then call on one of them to do so.
- Show appreciation and provide feedback when participants engage. If someone says something wrong or cannot answer correctly, help them and direct the communication in a way that makes them feel respected.
- A discussion can be quite enjoyable. Therefore, do not rush through the subject. Adjust the time allocated, if necessary. This time can be recouped as needed by shortening the tea breaks or lunch break.
- The materials required to conduct the session are listed, and these materials must be collected or prepared in advance to avoid disrupting the sessions. There is no need for an instructor to use all the materials described in this module. A skilled assistant can show creativity in the use of materials and set new goals beyond the desired objective of training by creating new materials.
- Check in advance to ensure there are enough materials to be provided to the participants.
- Above all, the effectiveness of a training course depends on the assistant. How a skilled assistant uses, enriches, and succeeds in delivering a module is entirely up to them.

Index

Session No.	Session Name	Page No.
1	Introductory discussion and course objectives, engaging participants, and introduction	
2	Verify pre-training concepts	
3	The primary idea of human trafficking	
4	Human trafficking and international legal framework	
5	Human trafficking and national legal infrastructure	
6	Victims' rights	
7	Evaluate activities for the day	
8	Refreshing the previous day's learning	
9	Managing and disposing of human trafficking cases ● Role of the prosecutor	
10	Managing and disposing of human trafficking cases ● Specific evidence	
11	Managing and disposing of human trafficking cases ● Incomplete evidence management	
12	Managing and disposing of human trafficking cases ● International Assistance	
13	Post-training evaluation	
14	Learning revisited and completed	

**With regards to the proper preparation of the assistant,
conducting the training:**

- Get a clear understanding of who the participants are in advance.
- Avoid using English words as far as possible.
- This training will require a lot of space for group work. Make sure you arrange the seats in a U shape.
- All the posters used should be displayed in the training room during the entire training.
- Refrain from giving instructions during the training.
- Explain the purpose of each session at the start of it.
- Verify learnings at the end of each session.
- Go through the entire guide from beginning to end at the start of the training.
- It is important to start by making sure that everyone who registered is in attendance.

Schedule of the Training

Time	Topics
Day 1	
8: 30—9: 00	Learning revisited and completed
9: 00 — 10:00	Course Opening <ul style="list-style-type: none"> • Introductory discussion and course objectives • Introduction session • Verify pre-training concepts
10:00—10:15	<i>Tea break</i>
10:15 — 11:15	Module 1: Primary Concepts of Human Trafficking <ul style="list-style-type: none"> • Defining the crime of human trafficking
11:15 — 12:15	Primary ideas around human trafficking <ul style="list-style-type: none"> • Presenting the dynamics of human trafficking
12:15 — 1:15	Module 2: Legal Framework <ul style="list-style-type: none"> • International legal framework
1:15— 2:00	<i>Lunch break</i>
2:00 — 3:00	Module 2: Legal Framework <ul style="list-style-type: none"> • National legal framework
3:00 — 3:30	Tea break
3:30 — 4:00	Module 2: Victims' rights
4:00— 4:30	Evaluate the day's activities
Day 2	
9:00—9:30	Refreshing the previous day's learning
9:30— 10:30	Module 3: Managing and Disposing of Human Trafficking Cases <ul style="list-style-type: none"> • Prosecutor's role
10:30 — 10:45	Tea break

Time	Topics
Day 2	
9:00—9:30	Refreshing the previous day's learning
9:30 — 10:30	Module 3: Managing and Disposing of Human Trafficking Cases <ul style="list-style-type: none"> Prosecutor's role
10:30 — 10:45	Tea break
10:45 — 11:30	Module 4: Handling and Disposing of Human Trafficking Cases <ul style="list-style-type: none"> Specific evidence (Case study discussion)
11:30 — 12:30	Module 4: Handling and Disposing of Human Trafficking Cases <ul style="list-style-type: none"> Presenting group work on specific evidence
12:30 — 1:10	Module 4: Handling and Disposing of Human Trafficking Cases <ul style="list-style-type: none"> Incomplete evidence management (Case study discussion)
1:10— 2:10	Lunch break
2:10 — 3:10	Module 4: Handling and Disposing of Human Trafficking Cases <ul style="list-style-type: none"> Presenting group work on incomplete evidence management
3:10 —3:25	Learning revisited
3:25 —3: 45	Post-training evaluation
3:45— 4: 30	Closing session

Day 1 topics:

- Introductory discussion and course objectives, engaging participants, introductions, verifying pre-training concepts.
- The primary concept of human trafficking.
- Human trafficking and international legal framework
- Human trafficking and national legal infrastructure
- Victims' rights
- Evaluate the day's activities
- Introductory discussion and description of the purpose of the course
- Session No.1: Engaging participants Introduction Time: 45min

Chapter One

Introductory discussion and
description of the purpose of
the course



**Session No.1 : Engaging participants
Introduction**
Time : 45min

Session 1

- Title** : Engaging participants, introduction,
- Purpose** :
- getting acquainted with everyone.
 - Preparing mentally and physically for the two-day training.
- Subjects of the ceremony** :
- Registration
 - Opening speech
 - Training purpose
 - Introduction
- Time** : 45 minutes
- Technique** : Single presentation, Q&A, discussion, registration
- Materials** : Flash cards, white board:
- Process** : Steps for managing the session

Step 1

Greetings : 15 minutes

- Greet everyone and highlight the USAID-funded BC/TIP program.
- Invite the organizing body to give opening remarks, such as a short speech on the purpose of the training.
- Thank all the guests for their valuable presentations.

Step 2

Introduction : 30 minutes

- In line with the opening remarks and the purpose of the training, tell all the participants that you are working for the government, carrying out important and sensitive responsibilities. You are working to establish the legal rights of the people in various ways, exercising your will and hard work. In particular, you are working to prevent traffickers from escaping standing trial for human trafficking and to ensure justice for the victims of trafficking.

- Tell participants that each of us here have different identities, such as our profession or gender, for example.
- Then invite them to present their current identity (the capacity in which they are attending the training), as well as another, identify they are comfortable sharing (name, profession, gender, race, physical disability, age, etc.).
- Say: Also, I need to explain why I feel comfortable. For example I am 'A', but as a human being I want to introduce myself as 'B'. Because_____।
- When everyone introduces themselves, the participants on one side of the support board can transition into the next session by writing down the identity they are using, besides their actual identity.
- After introductions, read the identities, written on the board for everyone.
- Say that our biggest identity is being human. Humans are the best creature of creation. Our greatest responsibility as human beings is not to discriminate against anyone on the basis of race, religion, caste, gender, etc. and to treat everyone equally, especially those who are vulnerable in society, such as women and children. We have to take on special responsibility and care for them.
- Announce the end of the session by thanking everyone and inviting them to the next session.

Note for the assistant:

- The introductory session is an important element of the training, and engagement is vital. So prepare well for the method to use in this session.
- You can choose any method or game to ensure engagement and for people to get to know each other. However, choose a method that can be connected to the purpose of training.

Sample image



Session 2 : Pre-training evaluation
Time : 45min

Session 2

Title : Pre-training evaluation
 Purpose : ➤ Verify pre-training participants' ideas
 Time : 15 minutes
 Technique : Solo work
 Materials : Pre-training evaluation sheet, pen
 Process : Steps for managing the session

Step 1

Filling pre-training evaluation sheet: 15 minutes

- Start the session by thanking everyone.
- Provide each participant with a pre-training assessment sheet (Attachment 1).
- Ask everyone to fill out the sheet. Set a time of 10 minutes.
- Collect the assessment sheet after the allotted time, when everyone has finished writing.
- Tell everyone that we have completed this assessment sheet based on our previous knowledge. At the end of the training, we will surely be able to fill this assessment sheet better. Express this optimism and invite them to the next session.

Note for the assistant:

- The same assessment sheet will also be provided after the training. So, prepare it for each trainee in advance under the title of the Post-Training Assessment Sheet.
- Assure the trainees that the training evaluation is not a test.

Attachment 1

Pre-training evaluation

**Prosecutor Training on Trafficking in Persons and Protection
of Victims' Rights in Bangladesh**

Implemented by: WINROCK International

Participants: Public Prosecutor

Participant Name:

Date:

1. The name of the current law on human trafficking (mark left):

- a) Human Trafficking Crime Suppression Act, 2012
- b) Prevention and Suppression of Human Trafficking, 2012
- c) Human Trafficking Crime Suppression Ordinance, 2011

2. What elements constitute a crime of human trafficking?

3. Write about three rights of victims in human trafficking law:

4. Human trafficking cases can be filed (Mark on the left side):
 - a) Only at the respective police station
 - b) Only in tribunals
 - c) Both

5. Name of the Tribunal under the Human Trafficking Act (mark left):
 - a) Anti-Human Trafficking Offense Tribunal
 - b) Human Trafficking Crime Suppression Tribunal
 - c) Human Trafficking Suppression Tribunal

6. Deadline for completion of an investigation into a human trafficking case (Mark on the left side):
 - a) Within 60 working days of filing a case or receiving an inquiry order from the tribunal
 - b) Within 90 working days of filing the case or receiving the inquiry order from the tribunal
 - c) Within 180 working days of filing a case or receiving an inquiry order from the tribunal

7. Is it possible to file a compensation case in a civil court as well as a criminal case? (Mark on the left side):
 - a) Yes
 - b) No

8. The maximum penalty under the anti-human trafficking Act,2012 is (mark on the left):
 - a) Death penalty
 - b) Life imprisonment
 - C) Rigorous imprisonment and a fine of 50,000 Takas

Chapter Two

The basic idea of human trafficking



Session 3 : Primary concept of human trafficking
Time : 45 minutes

Session 3

Title	:	The primary concept of human trafficking, or defining the crime of human trafficking crime. Participants at the end of the session will be able to:
Purpose	:	<ul style="list-style-type: none"> ➤ Define human trafficking in international law, and ➤ differentiate between other migration-related crimes and human trafficking using examples.
Time	:	60 mins
Method	:	Case Study, Power Point presentation
Material	:	Poster paper, case study on colored A4 paper/ Reading material on human trafficking and multimedia materials on human trafficking
Process	:	Steps to manage the session

Step 1

Definition of the crime of human trafficking: 60 minutes

- Welcome the participants to the session.
- Now, divide into eight groups. Give each team a prepared case study. (Attachment: 2)
- Ask each team to read the case study. Tell them to find out through group discussion and, based on the story, what kind of crime the character of the case study has experienced. Give them 15 minutes.
- Then provide each participant with reading materials on human trafficking and human smuggling. (Attachment: 3)
- Ask them to go over the reading materials in groups. Allow 15 minutes.
- After reading, ask your team to match the case study with the various definitions and key elements of human trafficking and human smuggling identified in the reading materials.
- Ask teams to nominate one member to present to everyone the definition of human trafficking and the key elements of the definition based on their team's case study. Give each team 3 minutes to present.
- Highlight the difference between human trafficking and human smuggling through a PowerPoint presentation. Highlight the differences through different examples.
- Give the participants a chance to discuss if they have any experience in this regard.

- Finally, tell them that when we introduce our current identities, we see that there are different identities based on race, religion, caste, and gender. There is an identity among all those who are deprived in different ways in the society and those whom we deprive in different ways. Examples will include women and children. They are the most vulnerable and the most affected by trafficking. So, we need to pay more attention to them.
- Announce the end of the session by thanking everyone and inviting them to the next session.

Note for the assistant:

- Considering the importance of this session, arrange the necessary materials, reading materials, and props in advance.
- It might be necessary to think of alternative methods, materials, or strategies in advance due to differences in status and physical facilities.
- In addition to the attached keynote address and reading material, relevant topics need to be studied in depth according to the information source.

Attachment: 2**Case Study 1: Latif**

Latif used to work as a mechanic in a friend's workshop in a Bangladeshi town near the Indian border. He had to work long hours and did not earn much. He had a hard time caring for his wife and four children. Then, he heard from friends that he could earn a lot more if he worked in a shrimp factory in India.

One day, he met a man named Rafiq Mia at a local shop, who said he could help Latif find work through a friend in India. Rafiq Mia told Latif that, for the equivalent of \$200, he would organize a job and arrange for a vehicle to take Latif into India. Latif said that although this was more money than he could afford, he would try to borrow it. He managed to do so in a month and met Rafiq Mia and asked him to arrange the border crossing and arrange a job in India. Rafiq Mia said he needed two weeks to make the arrangements. Ten days later, he met Latif at his workplace and told him to get ready to start the journey the next morning. The following morning, Rafiq Mia went to Latif's house and handed him a bus ticket. He told Latif to pay \$100 before he left home and the rest after he reached his employer in India. The two caught a bus to a border town. They alighted there, and Rafiq Mia told Latif they would cross the border on foot the next day.

The next day they crossed the border on foot, and Latif was amazed at how easy it was. Rafiq Mia seemed to know the border migration officers, and so Latif was allowed to enter India even though he did not have a passport. At the Indian end of the border, a man named Atiq came to meet Latif and took him to the shrimp factory, where Latif would work under Atiq.

Latif would peel the shrimp with other workers in the factory every day from 1 am to 5 pm. Some days they did not finish work before 8 pm. They worked seven days a week. Latif received the salary Rafiq Mia had promised he would, but Atiq deducted the cost of living and food every month from it.

Attachment: 3**Reading materials****Definition of human trafficking in international law****Palermo Protocol**

Human trafficking was first legally defined internationally in Palermo, Sicily, in December 2000. At the same time, the UN General Assembly adopted a protocol to prevent, suppress and punish human trafficking, especially trafficking in women and children, by establishing the UN Convention against Multinational Organized Crime. This is known as Palermo Protocol, in short.

Article 3 of the Palermo Protocol describes the criminal activities involved in human trafficking as below:

- (a) “Trafficking in persons shall mean the recruitment, transportation, transfer, harboring, or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harboring, or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article
- (d) “Child” shall mean any person under eighteen years of age.

Key elements of Article 3

The law can be divided into the following three elements:

- Actions: Recruitment, transportation, transfer, harbouring, or receipt.
- Means: Threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve consent.
- Purpose: Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of organs.

Understanding the interrelationship between these three elements is crucial.

The terms of the protocol are violated:

- If the three components are present;
- Act and Means must be used in tandem to achieve one or more of the exploitative Purposes;
- If any one of the three components is missing, it cannot be said that the terms of the protocol have been violated;

- However, in the case of children – (d) any person under eighteen years of age – the recruitment, transportation, transfer, harboring, or receipt for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;
(The law includes this exception to ensure the protection of children from traffickers.)

Article 3: The key features of the definition are:

- The Palermo Protocol is a treaty and a legal instrument that creates liability between countries that have signed it and complied.
- All types of trafficking involving a person's body, labor, or services are included in the definition.
- The definition acknowledges that trafficking is not limited to women and children. Women, men, girls, and boys can all be victims of trafficking.
- The definition does not specify any boundaries, and it is not mandatory for the victim to cross any internationally recognized boundaries. This acknowledges the fact that victims are sometimes trafficked within the same country.
- In the case of being a victim, there is no condition in which consent has been obtained freely and consciously from a person under the age of 18: any act committed for the purpose of exploitation is sufficient to violate the provisions of this paragraph.

1.3. Human smuggling

Human smuggling is defined in international law, along with the Palermo Protocol.

The definition of human smuggling in accordance with Article 3 of the UN Protocol against Human Smuggling by Land, Sea, and Air, established by the United Nations Convention on the Rights of the Child, is as follows:

Human smuggling means arranging for the illegal entry of a person into a state of which they are not a citizen or permanent resident for the purpose of direct or indirect financial or any other material gain. One of the main differences between human trafficking and smuggling is 'individual control'. A "smuggled person" finds smugglers for migration and involves smugglers to smuggle them. In this case, if any arrest occurs, it is during transportation. Another key difference is that a smuggled person is not forced into any form of exploitation, like a trafficked person.

Field-level officials must be aware that persons who were smuggled initially may later become victims of trafficking if they are controlled, transported, and exploited under changed circumstances.

Key elements of the definition of human trafficking

The following three elements must be present to meet the definition of human trafficking:

- Transfer: the victim must be transferred across international borders;
- Illegal: the crossing of the international borders must be done illegally
- Profit: the purpose of the illegal crossing of the international border must be for profit.

The difference between human trafficking and human smuggling.

The following points need to be seriously considered:

There are several similarities between trafficking and smuggling, especially in the transfer phase;

- Telling the difference between them is quite difficult in most cases;

- This task becomes more difficult because traffickers and smugglers work closely together;
- People who are ‘transferred’ may include both the smuggled and the trafficked;
- In many cases, at the time of transfer, the person may not know what lies in store for them and therefore remain unaware that they are a victim of trafficking;
- Once a victim reaches a new location, a trafficker can be distinguished from a smuggler by considering the intent to harm them. It is difficult to tell the difference in recruitment and transfer phases. In most cases, it is only after exploitation that the correct distinction can be made.

Comparative features of trafficking and smuggling:

Despite some complications, it is possible to analyze the similarities and differences between human smuggling and human trafficking in order to better differentiate between them. The issues raised in the table below can be considered:

Feature	Human trafficking	Human smuggling
Legal Definition	Selling or buying, collecting or receiving, deporting or transferring, invoicing or detaining, hiding or sheltering a person for the purpose of sexual abuse or any other exploitation inside or outside Bangladesh by intimidating, coercing, deceiving or exploiting a person's vulnerability, by accepting the consent of someone who has control over them in exchange for financial or other benefits.	Arranging for the illegal entry of a person into a country of which they are not a citizen or permanent resident for the purpose of direct or indirect economic or any other benefits.
The purpose of the transfer	Sexual abuse, labor slavery, or body organ removal of a person for profit.	Transfer for profit.
Types and values of consent	Initially, even if there is consent, it becomes void as a result of force, coercion, deception, scamming, etc., of the traffickers.	There is clear consent for transfer.
The relationship between the individual and the perpetrator	The victim-exploiter process lasts a long time. That is, the relationship between individuals and traffickers in the trafficking cycle continues.	The duration of the buyer-supplier (victim-smuggler) relationship is short-lived, which ends as soon as the transfer is completed.
Profitable material	The main source of profit is to exploit someone.	The only source of profit is to transfer someone.
Violence and panic	One of the characteristics of human trafficking is that it creates a terrifying situation for the purpose of intimidating the victim.	The need for relocation may create an environment of violence or panic.
Will and freedom	They are completely violated.	Are not usually violated, except for the need to transfer successfully.

Session 4: Primary concepts of human trafficking**Time : 60 minutes****Session 4**

- Title** : The primary concept of human trafficking, or presenting the dynamics of human trafficking. After the session, participants will be able to explain:
- Purpose** :
 - The primary concepts of the nature of human trafficking and the psychology of victims in human trafficking cases;
- Subjects** :
 - The causes of human trafficking;
 - The stages of trafficking;
 - The procedures/methods for human trafficking;
 - The victim control process.
- Time** : 60 minutes
- Technique** : Brainstorming session, card display, small group discussion, Power Point presentation
- Materials** : Posterpaper, flash cards, markers, masking tape, reading material on rights and human rights
- Process** : Steps to conduct the session

Step 1***Causes of human trafficking***

Stages of trafficking : 20 minutes

- Start the session by greeting the participants.
- Say: In the previous session, we defined human trafficking and human smuggling in different ways. Now we will find out the reasons behind human trafficking.
- Write the word 'reason' on the board. Ask the participants what the reasons are behind human trafficking?
- Listen to the answers and write down what the participants say around the word 'reason.' When everyone is done, explain the reasons clearly by showing the cards prepared in advance.
- Then discuss the three stages of trafficking with the participants. Encourage participants to participate in the discussions.

Step 2

Processes/ Methods of Human trafficking: 20 minutes

- Tell the participants: So far, we have discussed the causes of human trafficking and the steps of trafficking.
- Now tell the participants: Traffickers use specific processes or methods in different stages of trafficking.

- Then provide each participant with the reading material on human trafficking processes.
- Ask everyone to read the materials carefully. Give them 10 minutes.
- When all the participants have finished reading, they should discuss the material with the person next to them.
- Lastly, encourage the participants to discuss any questions or comments they have on this subject in the larger group.

Step 3

Process of controlling the victim: 15 minutes

- Then say: We will now discuss how the trafficker handles the victim.
- Discuss, one by one and with the help of a PowerPoint presentation, the methods used by traffickers to control victims.
- Then, to clarify the session's lessons, summarize them, and conclude by thanking the participants.

Note for the assistant:

- This session covers a lot of ground. It was not divided in order to manage the time constraints of the overall course. So, you must discuss and prepare for the session very carefully.
- It may be necessary to think of alternative methods, materials, or strategies in advance due to differences in status and physical facilities.
- In addition to the attached keynote address and reading material, study the relevant topics in depth by accessing reliable sources.

Attachment: 4**The nature of human trafficking****3.1. Push and pull factors**

In the language of economics, human trafficking is a crime based on demand and supply that takes at-risk people from one place to another to meet the growing demand for cheap manual labor.

To understand the subject, it is very important to know about the factors that create demand and supply. These are as follows:

Push factors

There are some issues that help create a regular supply of victims on-demand. Some of the main ones are:

- **Poverty**

Most victims come from families where poverty is a fact of life, and it seems impossible for them to get out of poverty on their own.

- **Lack of education**

Lack of education makes victims more vulnerable. It reduces their employment opportunities and can block access to information about the various risks of human trafficking.

- **Unemployment**

Lack of employment further accelerates the victimization of human trafficking. Unemployment perpetuates the poverty of many victims. Lack of earning capacity, lack of education, training, and skills, and lack of job opportunities in underdeveloped areas all add to their poverty.

- **Gender discrimination**

In many countries, women and girls are considered inferior to men and boys and are discriminated against in terms of family status, education, and employment opportunities.

- **Domestic violence and various forms of abuse**

Violence and sexual abuse in the family, especially in children and adults, are often identified as push factors. Most victims of this abuse are forced to leave their families and communities. When they leave home in a vulnerable state, they are more likely to fall prey to traffickers.

- **Impact of conflict**

Human trafficking is common in conflict areas. In the case of Bangladesh, conflict is not a potential push factor. However, when a Bangladeshi victim comes into contact with victims from other countries, who are victims of trafficking as a result of the conflict, field-level officials may take conflict into special consideration. The potential damage caused by the conflict and the consequent breakdown of society and the rule of law increases the risks that victims will find themselves in situations with an increased risk of trafficking.

- Lack of opportunities for legitimate migration

Legal migration is becoming increasingly hard, as destination countries emphasize a preference for potential migrants with professional and linguistic skills. Opportunities for regular migration for professionally unskilled people are extremely limited. Most victims of trafficking do not have these skills and so try to migrate illegally. As a result, they face higher risks of falling into the clutches of traffickers.

- Lack of opportunity or alternatives to change one's situation

In most cases, the factors mentioned above are intertwined, and in most cases, their presence has a noticeable impact on quality of life and life satisfaction. The combined presence of poverty, lack of education, unemployment, domestic violence, and inequality makes life difficult for potential victims. These issues create a situation where many victims do not find a legitimate and sustainable way to get out of their predicament or change their condition. In the absence of such alternative measures, they become more vulnerable to traffickers.

Pull factors

Pull factors are usually of two types, one affecting a potential victim and the other affecting those willing to abuse them.

Pull factors for potential victims:

- Expectations of employment and income; fraudulent promises of higher wages/salary made by the trafficker;
- Expecting improvement for oneself and one's family are all economic pull factors;
- Believing that accepting the trafficker's offer is the only chance to get out of the current situation..

Pull factor for abusers, or why a person is motivated to traffic another:

- Continued demand for victims' physical labor ensures supply in line with human trafficking needs;
- Victims are forced to accept pay, work, and living conditions that legitimate workers would never accept. This strategy is financially profitable for traffickers, as they can provide trafficked workers minimum benefits instead of hiring legal workers;
- Trafficked victims are also relatively easier to control than legal workers, in addition to being cheaper, which means
- Victims of trafficking are more profitable because they are exploited.

Considering the push and pull factors together, the reasons for the ongoing human trafficking crisis can easily be understood. Additionally, the role of traffickers and their criminal motives makes it clear why trafficking is currently the third most profitable business in the world and why it continues to grow.

3.2 Three stages of trafficking

Traffickers are constantly changing the types of crime they commit. There are two reasons for this - finding more effective ways to make more profit using victims or avoiding anti-human trafficking activities by law enforcement agencies.

Despite the continuous change in the pattern of human trafficking, this crime can be divided into three specific steps:

- Step 1 — Recruitment
- Step 2 — Transfer
- Step 3 — Exploitation

Traffickers use different methods to implement each of the above steps. Each step needs to be seriously considered, as each must be present for trafficking to be accomplished.

Step 1 — Recruitment

The traffickers use three ways to recruit victims:

1. The traffickers use three ways to recruit victims:
2. Complete deception: completely deceiving victims or their parents with false assurances about the expected work situation in the new place;
3. Partial deception: giving victims or their parents an idea about the expected work situation in the new place but deceiving them or giving them misconceptions about working conditions.

Step 2 — Transfer

Traffickers use a variety of routes and vehicles to transfer victims:

- Land, sea, and air;
- On foot, by vehicles, trains, ships, and planes.

Step 3 — Exploitation

On the basis of the data obtained at this point, one or more of the following acts have been identified as exploitative:

- Prostitution;
- Different types of sexual abuse. E.g., being forced to participate in the making of pornographic films;
- Being forced to work in mining, construction, agriculture, fishing, food service, and textile factories;
- Domestic servitude;
- Begging and selling goods on the street;
- Various types of criminal activity;
- Being forced to be a child soldier;
- Being forced to participate in terrorist activities;
- Forced marriage;
- Illegal adoption;
- Illegal organ removal.

3.3 Procedure for Human trafficking

Global overview

The following points are noteworthy:

- There is no exact information about how many people are trafficked every year. However, according to the United Nations Office on Drugs and Crime (UNODC), at least 21 million people are trafficked every year:
- Women, men, girls, and boys are all victims of trafficking.
- Traffickers reach victims by word of mouth, through family and personal networks, and through advertisements in newspapers or the media.
- Human traffickers and smugglers often work together. It is quite difficult to distinguish between the two crimes because of the same processes.
- Human trafficking can take place inside or outside the country.
- More people are trafficked for the purpose of labor exploitation than for sexual abuse.
- Sex trafficking is the most profitable of the various types of human trafficking.
- More and more children are being trafficked daily for the purpose of various forms of exploitation.
- The number of women traffickers has increased compared to the past.
- Trafficking and institutional corruption are closely linked. Incidence of the crime is increasing rapidly because the police, migration, and other officials are involved in it, or officials are neglecting to take action against the traffickers, even when there is enough evidence of involvement in a crime.

Recruitment Stage - Consideration Procedures

The following issues need to be seriously considered:

Coercion: Threats of violence or forced recruitment through violence are not common and usually happen in the context of conflict situations. An example of this is the high frequency of juvenile trafficking in Nigeria.

Such incidents do not happen with the consent of both parties; victims are taken against their will.

Complete deception: This is a well-known tactic by which traffickers completely deceive the victims by telling them about a false work opportunity. For example, a victim is promised a job as a housemaid, babysitter, nurse, or similar, but not told what is intended to be done with them. Or, recruiters build a relationship with the victim that the latter perceives as one of love and can thus take advantage of this to control the victim's movements and eventually traffick them.

In these cases, victims have been completely deceived as to what kind of work they have to do, and important information has been kept secret from them.

Partial deception: This is probably the most common strategy. Traffickers do not resort to deception about what the victim will have to do in terms of work. But victims are deceived by false promises about conditions in their workplace or living environment. For example, female and male victims agree to leave home to work as housemaids, tailors, sex workers, construction workers, or agricultural workers but are deceived about their salaries, housing, and work environment. They either do not receive the salary they were promised or are paid much less. The workplace environment is extremely hazardous, or they are forced to work much longer hours than promised. They are deprived of adequate food and shelter and have limited freedom of movement.

It should be noted here that a victim may have been interested in working. But they were not given the right idea about the salary and/or living and working environment. Had they had more information, they might not have agreed to the work.

Victims' consent

The question that arises when dealing with the issue of recruiting by deception is whether the victim consented to the trafficking or not. Here are some important things to keep in mind:

- According to international law, a victim cannot consent to exploitation;
- The term 'consent' is used in the law to mean - the voluntary and conscious consent of an adult after receiving full information on a proposal;
- Since a victim of fraud does not receive full information about the situation, it cannot be assumed that they can consent;
- A victim cannot be said to give consent if threatened with harm.
- Thus, there is no chance of a situation arising in which a victim can consent to be exploited.

In other words, a victim recruited through deception cannot be considered to have consented to trafficking because:

- Consent to being exploited in a criminal situation is not legally binding;
- Victims are not given all the information about the purpose for which traffickers will use them. Therefore, it cannot be said that the victim consented knowingly.

Parental consent and child trafficking

Parental consent and child trafficking Based on recent data, it is known that many children are trafficked every day by their parents or other family members. (Forced abductions of children also occur, but usually within the country or in areas of inter-border conflict.)

Traffickers usually obtain parental consent in one of the following ways:

Possibility of a good job — traffickers deceive parents with a promise of various opportunities for their children. When making such deceptive promises, the trafficker tells the parents that their children will be able to work and send money home. So, parents allow this in good faith, thinking about the future of the child and the improvement of the family situation. Parents are usually paid a small fee in the beginning to obtain consent.

Involvement in crime — in the second method, parents get involved in a crime by accepting money from the trafficker in exchange for letting their child go. In this case, the parents do not know exactly the purpose for which the trafficker is taking their son or daughter or do not care about what will happen to the child.

Transfer Stage - Consideration Procedure

Victims are transferred in different ways such as:

- Internal — Transfer from a rural area or small town to a big city or capital.
- Regional/Territorial — Transfer through one or more borders within a specific geographical area.
- Intercontinental — from Asia to Europe or from Asia to Africa or from Asia to Americas, etc.

Traffickers use a variety of methods to transfer victims. These include:

- Secret Transfer — Victims are taken across the border on foot, in public, or in vehicles, boats, or ships.
- Transfer done publicly/Open transfer — Victims cross the border with legitimate or forged travel documents or cross publicly through entry points to other countries.

Usually, if victims need to be taken to a remote place, then they are transferred openly and are more likely to present some form of identification documents to enter the last destination country.

In most cases, one or more members of the trafficking network accompany the victims on the journey to reach the destination safely.

(Generally, internal trafficking does not require any covert activities or illegal use of travel documents, as traffickers can transfer victims across the border openly.)

Exploitation and Coercion— Consideration procedure

The manner in which victims may be exploited is described above. However, the following points should also be noted:

- Exploitation is possible only by force;
- Traffickers get victims to agree through the use of force in various ways;
- Coercion and exploitation usually begin within a short time of the victim reaching the place of exploitation in order to make quick profits from the victim;
- Victims may not be paid or paid a small fee for their work or services;
- Victims trapped in conditional loans do not receive any remuneration until their debts are paid to the trafficker. In such a situation, it is typical for the victims to be unaware of the amount of the conditional loan;
- The duration of the exploitation depends on the situation. In some cases, especially with victims of domestic violence, it can last for weeks, months, or even years;

- In rare cases, victims of conditional debt may be allowed to leave after the loan has been repaid. Otherwise, exploitation only stops when victims flee or are rescued by law enforcement officers or the local community;
- Not all victims are physically prevented from escaping from exploitation. In many cases, there is an opportunity to escape from the traffickers every day. In these cases, the type of control is psychological. Victims of human trafficking are controlled in such a way that they fear the person controlling them, as well as government authorities (police, judges, government agencies). In this case, their thinking is affected in two ways:
 - Victims are told that they have committed crimes by illegally producing visa/travel documents;
 - Considering previous experience or circumstances, a victim may fear that the authorities engaged in rescuing them are corrupt and easily influenced by the traffickers. Victims may also think that the authorities will not be able to provide security and investigate the crime.

There are three important things to keep in mind at the exploitation stage:

- Analysis of various incidents revealed that victims were subjected to physical, sexual, and emotional abuse during the exploitation. This may be done as part of coercion or because traffickers want to torment them this way.
- They are subjected to physical and labor abuse. The victim cannot refuse to accept the situation in which they are being forced to live and work.
- Once the exploitation has started, the victim has no chance to make it stop. Victims are not allowed to leave without the risk of retaliation or other illegal consequences. Victims usually face real or invisible obstacles in order to escape.

3.4. Victim control process

It has been previously discussed that traffickers use a number of oppressive methods in order to make trafficking successful. Traffickers use three methods to achieve this goal:

- To exploit the victims;
- To force them to obey the traffickers' instructions;
- To ensure that a victim cannot escape exploitation once

It is important to know these methods and understand how they work, in order to answer the following question:

- Why do most victims not flee, despite not being physically restrained?

To the methods that traffickers use to control victims include:

Economic force — Victims may be bound by debts. So they cannot leave until they have paid the alleged amount of money spent by the trafficker to provide work to the victim or transport them to the place of exploitation. Demands for loan repayment are further intensified by threatening to take revenge on the victim or their family and loved ones if they leave before the loan money is paid.

In addition, traffickers withhold the victim's wages or do not pay the wages. This ensures that the victim will accept the exploitation of the trafficker in the hope of getting back the wages they have earned.

Isolation — Traffickers isolate victims to prevent or suppress their escape. Victims may be isolated from other victims who speak the same language. Traffickers may take a victim's identity or travel documents to increase their isolation. To establish this, traffickers may say that the victim is in the country illegally and may be detained if they go to the authorities. Or, the victims may be told that the police and the trafficker work together, so it is pointless to try to escape. The main goal of these strategies is to keep the victims isolated from outside help.

Intimidation or threatening with violence — A common method of control through coercion is to persuade the victim to act out of fear of physical, sexual, and emotional abuse and to ensure ongoing obedience.

Addiction — Traffickers force victims to accept their situation by making them addicted. This strategy is often used because the victim wants to use drugs to forget the reality of daily abuse. Traffickers encourage this tendency and make victims dependent on them.

Threats to harm relatives or loved ones - This tactic is very common and has proven to be very effective in persuading or forcing victims. Victims are beaten, as well as threatened with harm to their relatives or loved ones if they do not comply with the trafficker's demands or try to escape.

Threats of shaming by revealing embarrassing truths — This technique is mainly used with victims of sexual trafficking, but there are exceptions. Sex work is considered scandalous in many countries. Thus, victims often find it shameful for others to know that they have participated in it, even though they were forced into prostitution through deception. Traffickers exploit this sense of shame and embarrassment and force victims to accept their terms by threatening to tell family, friends, or their community.

This strategy may also be applied to other forms of exploitation in order to recruit victims by deceit. The reason why this strategy is successful is that people usually do not feel comfortable being seen as having been fooled in the eyes of others. They feel ashamed should family, friends, or acquaintances come to know that they have been deceived.

The methods mentioned above may be applied separately but are usually used in combination. As a result, it is easy to understand the pressures that victims face.

The answer to the question of why victims do not run away when there is an opportunity, even when they are not physically restrained, is as follows:

- Victims are forced to accept their situations and are prevented from fleeing physically, mentally, or both.

Chapter Three

International Legal Frameworks for the Prevention and Suppression of Human Trafficking



**Session No. 5 : International Legal Frameworks
for the Prevention and Suppression
of Human Trafficking**
Time : 60 minutes

Session - 5

Title	: International Legal Frameworks for the Prevention and Suppression of Human Trafficking
Purpose	: <ul style="list-style-type: none"> ➤ Describe the international legal frameworks for the prevention and suppression of human trafficking ➤ Apply them in their professional life.
Time	: 60 minutes
Method	: PowerPoint presentation, Discussions in large groups
Material	: PowerPoint presentation, Reading Materials, Markers, White Board, Flipchart, Marking Tape, Pens, Brown Paper, Flashcards, etc.
Successive Process	: Steps to manage the session

Step 1

International Legal Frameworks for the Prevention and Suppression of Human Trafficking: 30 Minutes

- Welcome the participants to the session and establish a connection to the previous session.
- Ask them briefly about the discussion materials of the previous session. A possible answer might be “a basic concept of human trafficking and its definition.” If necessary, write their answers on the board and congratulate them on the correct answer.
- Then ask the participants whether any international laws, policies, documents, or contracts have been enacted to prevent and suppress human trafficking. Give them a few minutes to think.
- The responses from the participants should include: the Universal Declaration of Human Rights, the United Nations Certificate, etc. Write the answers on the board and thank them for participating in the discussion. If the answer is no, please assist them.
- Then say: “The United Nations established the first document to curtail international human trafficking crimes in 2000. In addition, the Anti-Human Trafficking Protocol was specifically established to prevent the trafficking of women and children.”
- At this stage, ask if there are any questions. If there are, listen and answer them. Proceed to the next discussion if there aren’t any questions.
- Say to the participants, “We will now learn about this international protocol.” Share the PowerPoint presentation with them. Prepare copies of the presentation in advance and provide one to each participant.

- Invite a few of the participants to read the PowerPoint presentation. Then ask them to discuss.
- At this point, let them put together any questions they might have. When the PowerPoint presentation is finished, patiently thank them all for participating. (See details in the PowerPoint presentation attachment 3).

Step 2:

International Legal Frameworks for the Prevention and Suppression of Human Trafficking: 30 Minutes

- At the end of the presentation, invite the participants to engage in the question-answer discussion. Listen to any questions they may have, and first, call on the group to offer possible answers. Conclude the discussion explain that in order to understand the full frameworks of the international laws on human trafficking, we need to fully study the following international documents:
 - ✓ Convention on Civil and Political Rights;
 - ✓ Convention on Economic, Social and Cultural Rights;
 - ✓ Convention on the Rights of the Children, Optional Protocol 2000 to the Convention on Child Marriage, Child Prostitution, and Child Pornography;
 - ✓ Convention on the Elimination of All Forms of Discrimination Against Women: United Nations, 1990;
 - ✓ Convention on the Protection of the Rights of Migrant Workers and Their Family Members;
 - ✓ UN Convention on Prevention of Corruption;
 - ✓ International Labor Organization (ILO) Convention No. 29, on Forced Labor;
 - ✓ ILO Convention No. 105, Forced Labor Cancellation Certificate;
 - ✓ ILO Convention No. 182, on the Worst Forms of Child Labor;
 - ✓ ILO Convention No. 182 - Convention on Prohibition of Worst Child Labor and Measures to Eliminate it;
 - ✓ ILO Convention No. 189 - Certificate on the appropriate work environment for workers.
- Finally say, we have reviewed the international legal framework to prevent and suppress human trafficking. We have also learned about some other documents. A copy of these documents has been provided to all participants so they can read the details on their own. Conclude the session by thanking everyone.

Note for assistants:

- Master the protocol on human trafficking. Also study the other international documents.
- Have the PowerPoint presentation ready ahead of time. Set up the multimedia well before the session starts.

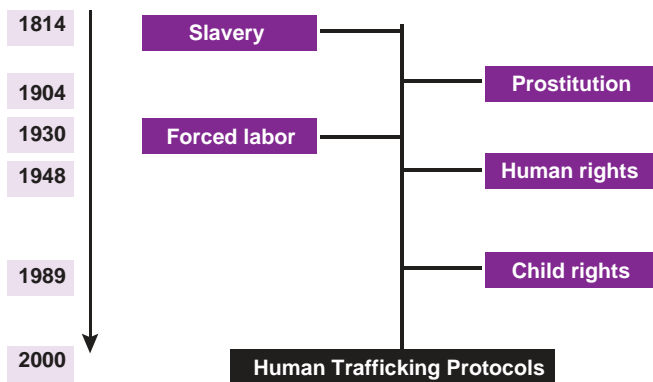
Attachment 5

International Legal Framework

The United Nations Human Trafficking Protocol, November 29, 2003, is the most important international document on human trafficking. An internationally recognized definition of human trafficking was first included in this protocol, which is now widely accepted by governments worldwide, international organizations, and non-governmental organizations alike.

The protocol has been adopted with the purpose of universally preventing and suppressing human trafficking, assisting victims of trafficking, and increasing international cooperation in combating trafficking. The protocol places the greatest importance on the prosecution of human trafficking crimes.

The BC/TIP project was designed with an understanding of these many international agreements. The project adopted serious measures to address the five main issues included in international law that contribute to the control and prevention of human trafficking in the international and domestic arenas. These five issues are slavery, prostitution, forced labor, human rights, and child rights. The international infrastructure that combines these issues is given below. This internationally recognized infrastructure contributed to the preparation of human trafficking protocols and the establishment of human trafficking as a crime.



The following international treaties and projects must be ratified in order for a state to develop a comprehensive approach to combat human trafficking and related crimes. Such as:

- Convention on Civil and Political Rights;
- Convention on Economic, Social and Cultural Rights;
- International Certificate on the Rights of the Child;
- Optional Protocol 2000 to the Child Convention on Child Marriage, Child Prostitution, and Child Pornography;
- Convention on the Elimination of All Forms of Discrimination Against Women;

- United Nations 1990 Convention on the Protection of the Rights of Migrant Workers and their Family Members;
- United Nations Convention on Prevention of Corruption;
- ILO Convention No. 29, on Forced Labor
- ILO Convention No. 105, Forced Labor Cancellation Certificate;
- ILO Convention No. 182, on Prohibition of Worst Forms of Child Labor and Measures to Eliminate it;
- ILO Convention No. 189, -Certificate on the appropriate work environment for workers;

2.2 Under the International Cooperation Protocol

the concerned state must ensure the following:

- Increase international cooperation in exchanging information on trafficking methods and travel documents used by traffickers;
- Arrange advanced quality training for immigration officers, law enforcement, and relevant officials to prevent human trafficking;
- Agree to comply with any restrictions on the use of information obtained from other countries.

It is possible to make an effective contribution to the prevention of human trafficking through the collection, exchange, and analysis of information about organized networks of criminals. Article 10 of the Human Trafficking Protocol states that nations are obliged to exchange information with each other about the following:

- Information on the identity of potential victims and/or traffickers during transit;
- Detailed information on the various methods used by traffickers, including the identity of the victims or illegal travel documents used for travel.

Article 28 (1) of the Convention on Organized Crime confirms the obligation of international cooperation. Countries shall co-operate through their law enforcement agencies to properly apply the Article in accordance with their own internal laws and administrative systems. This instruction is referred to in sub-paragraphs (a) to (f):

Strengthen communication between law enforcement authorities of the concerned countries (1-(a));

Take special co-operative measures to gather information about trafficking movements, harmful effects, and people involved (1-(b));

Exchanging objects, materials, and evidence with each other in case of investigation (1-(c));

Recruit officers, improve staff exchange systems (1-(d));

Exchange information on differences in methods and tactics used by organized criminal groups (1-(e));

Ensure all possible cooperation to assist in the early detection or halting of illegal activities (1-(f)).

Article 26 calls on all states to increase direct cooperation between governmental agencies through bilateral and multilateral agreements. Such cooperation is legally binding in most countries, particularly those that are Interpol members.

However, for states that do not have such a cooperation agreement, the second sentence of this paragraph addresses the legal validity of establishing mutual cooperation:

“Countries that are not covered by such agreements or treaties may consider the Convention as the legal basis for mutual cooperation.”

Finally, Article 27(3) calls on all Countries to contribute to the prevention and suppression of modern technology-based crime by increasing cooperation among their governmental agencies.

The Convention on Organized Crime (Article 28) calls for the protection of confidentiality in the exchange of information and observance of national law. Recipients of information must follow the restrictions imposed by the country providing the information. However, as a result, the use of information from human trafficking case materials may be limited. In the early stages of information exchange, law enforcement agencies need to launch joint efforts to analyze criminal offenses involved in trafficking through international partnerships. Activities that stem from joint projects are effective in building mutual trust between experienced law enforcement agencies. It is possible to establish a more trusting relationship between law enforcement agencies if perpetrators are identified by exchanging the necessary information within a pre-determined period of time on the basis of consensus. In this case, it is important to limit the scope of the joint venture in the beginning and increase the scope of data collection and analysis in line with the increase in cooperation. The future responsibilities and scope of work of project staff can be finalized when the project starts to deliver the desired results.

Many countries have developed joint countermeasures to increase international cooperation to prevent organized crime. The appointment of special officers in charge of preventing human trafficking has proved to be effective and affordable compared to bilateral networks. However, this system is implemented in different ways in different countries.

Chapter Four

National Legal Frameworks for Prevention and Suppression of Human Trafficking



Session No. 6 : National Legal Frameworks for Prevention and Suppression of Human Trafficking
Time : 60 minutes

Session 6

Title	: Prevention and suppression of human trafficking
Purpose	: <ul style="list-style-type: none"> ➤ Explain national legal frameworks for prevention and suppression of human trafficking; ➤ Explain the applicability of these laws in their professional work.
Time	: 60 minutes
Method	: Lesson Discussion, Discussion in large group
Material	: Related lesson materials, copies of the law, markers, pens, and flipcharts
Successive Process	: Steps to manage the session

Step 1

National Legal Frameworks for Prevention and Suppression of Human Trafficking: 60 Minutes

- Welcome the participants to the session and establish a connection to the previous session.
- Briefly go over what was discussed in the previous session. Possible answers from participants may mention international documents on human trafficking, anti-human trafficking protocols, etc. Write on the board if necessary and congratulate participants on their correct answers.
- Then ask the participants whether national laws, rules, or policies have been enacted to prevent and suppress human trafficking. Give the participants a few minutes to think. Possible answers may include the Prevention and Suppression of the Human Trafficking Act, the Constitution of Bangladesh, etc. Write their answers on the board and thank everyone for participating in the discussion.
- Encourage the participants if they are not engaging. Then, say that in our country, women and children are protected under the Prevention of Violence Against Women Act 2000 (amended in 2003). Subsequently, the Prevention and Suppression of the Human Trafficking Act, 2012, was enacted.
- At this stage, tell the participants that many of us know about this law and have worked with it and that now, we will discuss the law once again.
- Then, divide the participants into five groups, taking into account the total number of participants.
- Distribute copies of the Prevention and Suppression of the Human Trafficking Act, 2012 to participants.
- At this stage, the first group should review Articles 1 to 5 of the Law; the second group Articles 6 to 16; the third group Articles 17 to 20; the fourth Articles 21 to 31; and the fifth group should read Articles 32 to 40. Give them 20 minutes.

- Give each group poster paper and markers. At the end of the lesson, tell the groups to put down bullet points of their learnings so far on the poster paper. Each team will have 5 minutes to do so, and then a member of each group will present their section of the Law.
- At the end of each group's presentation, ask if there are any questions from participants.
- Once presentations are over, tell them that the Prevention and Suppression of Human Trafficking Act, 2012 is a comprehensive law for the protection and rehabilitation of victims of human trafficking. Say the rules of law were enacted in 2016, and a five-year National Plan of Action has been formulated. Conclude the session by congratulating the participants.

Note for assistants:

Learn about the Prevention and Suppression of the Human Trafficking Act, 2012. In addition, learn about the relevant articles of the Constitution of Bangladesh as well as the rules of the Act.

Attachment: 6

National Law against Human Trafficking

The national law against Human Trafficking is called the Prevention and Suppression of Human Trafficking, 2012.

This law fully explains the activities and exploitation in human trafficking and the implementation of the law.

Legal definition:

The following terms are used in the context of human trafficking. According to the definition given in the Prevention and Suppression of the Human Trafficking Act, 2012:

1) "Human trafficking" means any person:

- (a) coerced or enforced;
- (b) who, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability,
- (c) accepts the consent of the person who has control over the transaction by transferring financial or other benefits;

and the sale or purchase, collection or receiving, deportation or transfer, harboring or detention, or hiding or concealment, for any exploitation or sexual abuse or exploitation or forced labor or oppression inside or outside of Bangladesh.

2) In a case of a child, it is sufficient to prove that one or more of the defined acts have been used for any one or more exploitative purposes. The means by which they occurred are considered irrelevant and can be ignored. (1) (c).

Debt slavery:

If a person is in a position that they are actually indebted for a certain time, or if they are illegally claimed to be in debt, and are forced to work off the debt. This work is considered as debt repayment and the duration of the work is unspecified.

Forced labor or service:

Work or service obtained from a person by threatening them or their freedom, rights, property, or their family and loved ones. The work or service that is taken

Slavery:

If a person makes another person work against their will or compels them into servitude, or keeps as indebted slave, or obtains work or service by force, or applies any type of force or threatens to do so.

Prostitution:

Sexual exploitation or harassment of a person for financial gains or other benefits.

Brothel:

Any house, place, or establishment used for the purpose of conducting prostitution.

Person or victims of human trafficking:

This will include any person who is a victim of organized human trafficking offenses under this Act and their legal guardians or heirs.

Children:

Anyone under eighteen years of age.

Enforcement:

This may include using force, intimidation, or psychological pressure, as well as threats of detention, torture, or threatening to use a person's position against another person, or exerting psychological pressure.

Consent:

A voluntary and competent agreement is given by a person not influenced by their vulnerable position due to their age, gender, or socio-economic.

Forced labor:

The obligation to provide work or services, or coercive conditions of work or service from which the person is not relieved, or which they cannot prevent or change.

Organized criminal network:

An organization of two or more individuals, regardless of nationality and location, who are active and work together for the purpose of a criminal organization as outlined in the Prevention and Suppression of the Human Trafficking Act, 2012.

Law enforcement:

Under the Prevention and Suppression of the Human Trafficking Act, 2012, the judicial process cannot take place outside the national borders of Bangladesh.

However, under the law, crimes committed outside the national borders of Bangladesh will be prosecuted in Bangladesh if the victim is a citizen of Bangladesh.

Simply put, the law can be applied to the victim and the defendant, even if the crime is committed outside the country.

The application of the law in the case of human trafficking victims is as follows: A Bangladeshi citizen will be considered as a victim of trafficking anywhere in the world, even in cases that did not take place in Bangladesh. Such victims shall be treated as victims of human trafficking, and the legal provisions applicable to any victims will apply to them.

The application of the law in the case of a defendant is as follows: If any offense under the law is committed against any Bangladeshi citizen outside of Bangladesh, that will be considered as a crime under the law. Similarly, if a crime is committed against a Bangladeshi citizen, a defendant will be brought to justice under the law at any time for committing the crime regardless of the location.

International borders and transportation under the law are as follows: If any offense or part of an offense occurs within Bangladesh, the offense shall be deemed to have been committed in Bangladesh, and the provisions of this Act shall apply.

Section 5 of the Act clearly states its application:

- 1) If any person commits any offense under this Act against any Bangladeshi citizen, outside the borders of Bangladesh, or on any ship or aircraft, the provisions of this Act shall come into force.
- 2) If a person commits an offense under this Act from outside Bangladesh within the state border of Bangladesh or from within Bangladesh outside the state border of Bangladesh, then the entire offense shall be deemed to have taken place in Bangladesh, and the provisions of the Act shall apply.

The legal definition of crime:

Article 6 of the Prevention and Suppression of the Prevention and Suppression of the Human Trafficking, 2012 defines the crime of human trafficking:

If a person commits any act of human trafficking, it will be considered a crime of human trafficking. The crimes of human trafficking are defined in Section 3 of the Act.

By definition, “human trafficking” means any person:

- (a) coerced or enforced;
- (b) who, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability,
- (c) accepts the consent of the person who has control over the transaction by transferring financial or other benefits;

and the sale or purchase, collection or receiving, deportation or transfer, harboring or detention, or hiding or concealment, for any exploitation or sexual abuse or exploitation or forced labor or oppression inside or outside of Bangladesh.

Section 2 of 3 states that "in cases where a child is a victim of trafficking, the means of committing the crime of human trafficking described in clause (a) to (c) of sub-section 1 shall not be considered."

Legal presumption in case of crime:

The law provides guidelines on how to determine the circumstances under which a crime has been committed and how a person can be identified as a trafficker:

A crime is presumed to have occurred:

- When a victim of trafficking is rescued from the custody of a person;
- When anything used in the crime of human trafficking is recovered;
- When a victim of trafficking identifies a person as a trafficker;

If there is no conclusive evidence, otherwise, a person will be deemed to have committed a crime of human trafficking based on the above presumptions.

Section 19 of the Act describes how an investigative process should be followed if a report of trafficking is filed with the police or a tribunal orders an investigation into a case of trafficking. The instructions given by law are as follows:

Subsection 1) A police officer with a rank no lower than that of a deputy inspector will conduct the investigation.

Subsection 2) In cases where trafficking may occur, police can conduct preventive inquiries prior to filing charges.

Subsection 3) The investigation must be completed within 90 working days of the complaint being filed.

Subsection 4) In the event that the investigation is not completed within the prescribed timeframe, the investigating officer will file a report to their supervising officer or tribunal at least on the 87th day, citing the reasons for the delay in the investigation. Upon receipt of the report, the supervising officers or the tribunal will be able to extend the investigation period for up to an additional 30 working days.

Subsection 5) In intergovernmental investigations, only tribunals can extend the deadline for such investigations.

Evidence management:

Prevention and Suppression of Human Trafficking Act, 2012

According to Article 20 (Sub-section 2), during the search, police officers and the general public will jointly prepare a list of items seized during the search. All police officers must verify the accuracy of the list, sign it and call on general observers to sign the list. This list should contain:

- A description of seized goods;
- The locations where the items were found.

According to section 353 of the Criminal Procedure Code, 1898: If there is nothing contrary to the subject or procedure 182, all the evidence must be obtained in the presence of the defendant, or if their presence is not possible, a counsel for the defendant must be present.

Special note:

The enactment of specific laws does not mean that the provisions of this Act or any other offense under this Act cannot be applied to such traffickers. In countries where specific anti-human trafficking laws have been enacted, law enforcement officials will usually prosecute traffickers on certain charges under that law and for other criminal acts of torture. For example, a tenant may be charged with assault and criminal harassment if a tenant who sells household goods is subsequently beaten by the landlord.

All decisions regarding Bangladesh law enforcement officers must be in accordance with the law and based on the principle of the basis of victim rights and investigation. Officers must be in a position to know and understand the law in detail in order to take consistent actions and to enforce the law to conduct investigations effectively.

Prevention and Suppression of the Human Trafficking, 2012

(Act 3 of 2012)

[February 20, 2012]

Provisions for the prevention and suppression of human trafficking and the protection and rights of the victims of human trafficking offenses or provisions for ensuring their repatriation and safe travel.

Whereas, provision must be made for the prevention and suppression of human trafficking and the protection and rights of the victims of human trafficking crimes, and for the purpose of ensuring their repatriation and safe travel; and

Whereas it is expedient and necessary to make provision in accordance with international standards for the prevention and suppression of organized transnational crimes related to human trafficking;

Therefore, the following law was enacted:

Chapter One: Introduction	
Short Title and Introduction	<ol style="list-style-type: none"> (1) This Act shall be called the Prevention and Suppression of the Human Trafficking Act, 2012. (2) It shall be effective immediately.
Definitions	<ol style="list-style-type: none"> If there is nothing contrary to the subject or procedure 182, in this Act, <ol style="list-style-type: none"> "Shelter Center" means an institution other than a prison established by any name to receive and rehabilitate victims of human trafficking or persons rescued from human trafficking; "Sheltering" or "concealing" (harboring) means to conceal, shelter, or otherwise assist any person for the purpose of sale or trafficking within or outside their country, and the Penal Code, 1860 (Law no. 45 of 1860), in section 52A defines the word "harbor," which shall also be included here. "Debt bondage" means that if a person is in a position that they are actually indebted for a certain time, or if they are illegally claimed to be in debt and are forced to work off the debt. This work is considered as debt repayment, and the duration of the work is unspecified. "Forced labor or service" means work or service obtained from a person by threatening them or their freedom, rights, property, or their family and loved ones.

Chapter One: Introduction

(5) "Tribunal" means any tribunal working to suppress human trafficking under this Act or any other tribunal assigned to work as a human trafficking prevention tribunal;

(6) "Slavery" means if a person makes another person work against their will or compels them into servitude or keeps them as an indebted slave or obtains work or service by force, or applies any type of force or threatens to do so;

(7) "Embassy: means any mission or consulate of Bangladesh located abroad, including High Commissions, Sub-High Commissions, Deputy High Commissions, visa offices, consulate generals, and consulates;

(8) "Prostitution" means the sexual exploitation or harassment of a for financial gains or other benefits;

(9) "Brothel" means any house, place, or establishment used for the purpose of conducting prostitution;

(10) "Victims of Human Trafficking" or "Victim" means any victim of human trafficking offenses committed under this law or their legal guardians or heirs;

(11) "Fraud" means intentionally or irresponsibly speaking out about an event or law, influencing others by means of a deed or a written agreement, and intentional deception and including the definition of "Deception" in contract law (Section 17 of the Act No. 9 of 1872) 17a.

(12) "Enforcement" means the use of force or intimidation or psychological pressure and with it the threat of torture or physical detention, or threatening to use official or legal action or psychological pressure against a person;

(13) "Individual" means any company, partner, business, or firm or more than one individual association or associations, including a physical person, whether registered or not

(14) "Children" means a person under the age of eighteen years;

(15) "Exploitation" or "Persecution" (bereavement) means the following actions against a person with or without their consent, including but not limited to:

Chapter One: Introduction

	<p>(a) Exploiting or harassing a person through;</p> <p>(b) If any person indulges in prostitution or enjoys profit by engaging in the production or distribution of pornography;</p> <p>(c) Coercion to receive labor or services;</p> <p>(d) Debt slavery, slavery or servitude, slavery-like activities or servitude in the house;</p> <p>(e) Exploitation or persecution via fraudulent marriage;</p> <p>(f) Forcibly using a person in the entertainment business;</p> <p>(g) Forcing a person to beg; and</p> <p>(h) Mutilating or maiming someone for the purpose of doing business;</p> <p>(16) “Organized Criminal Network” means an organization of two or more groups regardless of nationality, which are active for a certain period of time, and whose members work together for the commissions of crimes listed under this law;</p> <p>(17) “Consent” means a person’s independent and conscientious opinion will not lead to a weak position due to his or her age, gender, or socio-economic background;</p> <p>(18) “Government official” means any public servant or person employed in the service of the state as defined in Verse 21 of section 45 of 1860, or any person employed by the government as defined by Article 152 of the Constitution of the People’s Republic of Bangladesh;</p> <p>(19) “Servitude” means the obligation to provide work or service or the coercive terms of work or service from which the person concerned is not relieved or which they cannot prevent or change.</p>
Human trafficking	<p>3. (1) “Human trafficking” means any person:</p> <p>(a) Intimidated or coerced; or</p> <p>(b) who, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability</p> <p>(c) accepts the consent of the person who has control over the transaction by transferring financial or other benefits;</p>

Chapter One: Introduction

	<p>and the sale or purchase, collection or receiving, deportation or transfer, harboring or detention, or hiding or concealment, for any exploitation or sexual abuse or exploitation or forced labor or oppression inside or outside of Bangladesh.</p> <p>(2) In the case of a child, it is sufficient to prove that one or more of the defined acts have been used for any one or more exploitative purposes. The means by which this occurred, as set out in clause (a) to (c) of sub-clause (1) are considered irrelevant and can be ignored.</p> <p>To fulfill the goals of this Act, if a person deceives or entices another person to migrate for work, knowing that the person is at risk of being a victim of exploitation, defined by subsection 15 of section 2, or servitude, inside or outside of Bangladesh, then that person's actions will be included under human trafficking, as defined by subsection 1.</p>
The supremacy of the law and the applicability of the Criminal Procedure Code, 1896, etc	<p>4. (1) The provisions of this law, no matter what is in force, shall be effective.</p> <p>However, if the prevailing law provides the best criteria for the protection of the victim and witnesses, these provisions shall be produced without regard for any inconsistency of the Act.</p> <p>(2) There is no provision in this law concerning the filing of cases or complaints, investigations, prosecution of offenses and prosecutions, cases, criminal proceedings, 1898 (Act 5 of 1898) and the Act, 1872 (Act 1 of 1872). These provisions shall be followed.</p> <p>(3) Liability for crimes and penalties under this Act are those in the third section of the Penal Code, 1860, Act 45.</p> <p>(4) The offenses committed under this Act shall be deemed to have been defined as an offense under Article 2 (a) of the Extradition Act, 1974 (Act 58 of 1974).</p> <p>(5) This Act shall be complementary to the Common Law on Immigration and Emigration and shall not be overruled.</p>
Extraterritorial application of this law	<p>5. (1) The provisions of this law shall be enforced if you commit any offense against any Bangladeshi citizen outside the state borders of Bangladesh or on any ship or aircraft in Bangladesh under the law.</p> <p>(2) If a person commits an offense under this Act from outside Bangladesh within Bangladesh or from within Bangladesh outside the country, the entire process of the offense shall be deemed to have taken place in Bangladesh, and the provisions of this Act shall apply to such offense.</p>

Chapter Two: Human trafficking and related crimes and punishments

The Prohibition of Human Trafficking and Punishments	<p>6. (1) If a person commits any act mentioned in section 3, it will be considered as a crime of human trafficking.</p> <p>(2) Anyone who commits the crime of human trafficking shall be punished with life imprisonment or a minimum of five (5) years of rigorous imprisonment and a fine of 50,000 Takas (fifty thousand).</p>
Penalty for the crime of organized human trafficking	<p>7. If any member of a group commits an offense under this Act for the purpose of obtaining financial or other material gain for the general purpose of all members of the group, the member of that group shall be charged with the offense, and the offender shall be sentenced to death or life imprisonment or a minimum of seven (7) years imprisonment and a minimum fine of 500,000 Takas.</p>
Penalty for incitement, conspiracy or attempt to blockade	<p>8. (1) If a person allows the use of their property in order to incite, conspire and attempt to incite, or is aware of human trafficking offenses to be committed, or commits any human trafficking offenses or by accepting, discarding, concealing, removing, destroying, or acquiring any document, or engaging in these offenses, they shall be sentenced to no more than seven (7) years and no less than three (3) years of labor imprisonment and a fine of 20,000 Takas.</p> <p>(2) If a person is complicit in the commission of an offense under the law, that person shall be punished with an equal penalty for that offense.</p>
Penalty for forcing or providing forced labor or services	<p>9. If any person illegally forces someone against their will to provide labor or service, or debt or other slavery or enforced labor or puts any pressure, or threats to do so, they have committed a crime and will be punished with no more than 12 years and no less than five (5) years of labor imprisonment and a fine of 50,000 Takas.</p>
Kidnapping, theft, and detention sentences for human trafficking offenses	<p>10. (1) Detention of a person for the purpose of exploitation as per Section 2 (15) of this Act, including intent to commit a major act of human trafficking or sexual exploitation, shall be deemed a crime and punishable with imprisonment for a term not exceeding ten years and a fine not exceeding 20,000 Takas.</p> <p>(2) A person, who commits a crime of human trafficking with an intent to steal a newborn child from the custody of a hospital, nursing home, maternity hospital, children's home, or parent, shall be deemed to have committed a crime and shall be liable to life imprisonment and a minimum of five (5) years rigorous imprisonment and a fine of 50,000.</p>

Chapter Two: Human trafficking and related crimes and punishments

Prostitution, solicitation, or other forms of sexual exploitation or harassment involving transfer or forced immigration	11. If a woman is brought to Bangladesh from abroad or transferred to Bangladesh by any person for the purpose of engaging in prostitution or any other form of sexual exploitation or harassment by force or deception, or temptation, that person shall be deemed to have committed a crime and shall be punished with a maximum of seven (7) years and a minimum of five (5) years of rigorous imprisonment and a fine of no less than 50,000 Takas.
Penalty for operating a brothel or allowing a place to be used as a brothel	<p>12. (1) Anyone who establishes or operates a brothel or actively participates in the establishment or operation of a brothel shall be deemed to have committed a crime and shall be liable to imprisonment for a term not exceeding five (5) years with a minimum fine of 20,000 Takas.</p> <p>(2) Any person, who:</p> <p>(a) If the tenant, lessee, occupier, or person in charge of the care of a place knowingly gives permission to use that place or any part of it as a brothel;</p> <p>(b) If the owner of a house, the lessee or the owner of the land or the representative of the said owner or the lease pays rent of the house or land without knowing that it will be used as a brothel;</p> <p>They will be deemed to have committed a crime, and for the crime, they will be sentenced to no more than five (5) years and a minimum of three (3) years of rigorous imprisonment, and a fine of 20,000 Takas.</p>
Punishments for soliciting prostitution	13. A person has committed a crime if they solicit any woman in public for prostitution inside or outside a house by using obscene language or gestures. They will be sentenced to a maximum of three (3) years of rigorous imprisonment or a fine not exceeding 20,000 Takas or both.
Sentencing for threatening the victim or witness of the case	14. A person shall be deemed to have committed a crime if they threaten, intimidate, or coerce a victim or witness of a human trafficking case or obstruct the investigation or trial of a case filed under this Act. They shall be sentenced to three (3) to seven (7) years of labor imprisonment and a fine of 20,000 Takas.

Chapter Two: Human trafficking and related crimes and punishments

Penalty for filing a false case or false complaint	<p>15.(1) Any person who files a false or frivolous lawsuit or false complaint under this Act for the purpose of harming another person or abuses the legal process or forces another person to do so shall be deemed to have committed an offense and will be sentenced to a maximum of five (5) years and minimum of two (2) years and fined at least 20,000 Takas.</p> <p>(2) A tribunal established under this law may initiate a trial on the basis of a written complaint or, at its sole discretion, take cognizance of the offenses referred to in sub-section (1) and, if necessary, proceed with the trial of the original case.</p>
Complaints filed and investigated	16.The offenses under this Act shall be cognizable and non-bailable, and non-compoundable.

Chapter Three: Complaints filed and investigation

Complaints filed	<p>17.(1) If a crime is committed under this Act, a person can file a complaint with the police or tribunal, and the police will provide necessary security to the person making such complaint and keep their name anonymous unless otherwise required by law.</p> <p>(2) The Government may, if necessary, appoint one or more special prosecutors (government lawyers) to handle the case in the tribunal.</p> <p>(3) Subject to the tribunal, the government will remove or replace a new prosecutor if they submit a report of gross negligence of duty against a particular prosecutor under subsection (2).</p>
Legal presumption in case of a crime	18.If a person is suspected of human trafficking or involved in a human trafficking organization or is identified as a human trafficker by a victim who has been rescued from such a person or from a place under their direct supervision unless otherwise substantiated, such person shall be presumed to have committed a crime under this Act.

Chapter Three: Complaints filed and investigation

Investigation	<p>19. (1) A police officer with a rank not lower than that of deputy inspector of the concerned station shall perform an investigation under this law if they receive a report of a crime committed or are directed to conduct an investigation of any crime under this law.</p> <p>(2) In the event that a crime may be committed under this Act, the police may conduct a preventive investigation, or Proactive Inquiry, prior to the filing of a crime report (FIR, first information report).</p> <p>(3) Subject to the provisions of Article 20, the investigation shall be carried out under this section within no more than 90 working days after the filing of the case under sub-section (1) or the order of the investigation to be received.</p> <p>(4) If the investigation is not completed within the time limit mentioned in sub-section 3, the investigating officer shall apply in writing for an extension of the time limit to their controlling officer or tribunal no less than three working days prior to time expiration or by the 87th day. The additional extension of 30 working days shall be granted should the reason for it be found satisfactory.</p> <p>However, the condition is that in the case of an inter-state inquiry, only the tribunal may extend the time limit of such inquiry, and in such case, the tribunal may the time limit at its own discretion.</p> <p>(5) If there is a need to travel abroad to examine foreign evidence in the investigation of an inter-state crime under this Act, the police authorities will form a special investigation team to complete the investigation within the time frame allowed by the tribunal and provide as much administrative and financial support as possible to the investigation team.</p> <p>(6) In order to coordinate and supervise police investigations, security provisions, and preventive activities and responsibilities under this Act, the Government shall form a central monitoring cell at the Police Headquarters and issue a notification in the Government newspaper.</p>
Preventive Search and Detention	<p>20. (1) To prevent a human trafficking crime, a police officer of a rank not lower than a sub-inspector shall be a senior supervising officer. Subject to authorization or instruction, the officer shall have the power to carry out preventive searches under this Act, to enter any premises, and to provide evidence or documents, including equipment or information, which may have been used in the commission of any offense under this Act.</p>

Chapter Three: Complaints filed and investigation

(2) There is no specific instrument or material suitable for the commission of any offense under this Act, and the delay in the collection of the search warrant shall not result in loss of any evidence of the offense that has been committed. A search may be conducted without a warrant under section (1), and the search officer may conduct a search at any place before the search warrant is issued. In that case, the officer shall invite two or more respected residents of the area to be present at the search and to be the witnesses. The search shall be conducted in the presence of the three, who will see all the materials seized during the search. The officer shall make a list of all the materials found at the scene, and the witnesses will sign the list.

(3) In light of the provisions of Section 103 of the Criminal Procedure Code, 1898, and with respect for the human rights and human dignity of the person whose body or property is to be searched, the search must be conducted under sub-section 1. If a woman or her property is to be searched, the team shall include a female officer.

(4) Within 72 hours of the search, the officer conducting the search shall make a report containing the details of the search and the results of the search and send a copy of it electronically or by any other means to the applicable Magistrate and tribunal with jurisdiction to prosecute the offenders. The report shall be kept in the custody of the tribunal, and a copy of the report must be provided to the supervisor of the officer conducting the search.

Chapter Four: Human Trafficking Crime Suppression Tribunal and the Trial

Human Trafficking
Crime
Suppression
Tribunal and the
Trial

21.(1) For the purpose of speedy trials of offenses under this Act, the Government may, by notification in the official newspaper, constitute a Tribunal for the Suppression of Human Trafficking in any district, consisting of a Sessions Judge or an Additional Sessions Judge.

(2) Until the tribunal is constituted under sub-section 1, the government may appoint or authorize the Women and Child Abuse Suppression Tribunal in each district to act as the Human Trafficking Crime Suppression Tribunal of the sub-district.

Chapter Four: Human Trafficking Crime Suppression Tribunal and the Trial

	<p>(3) The prosecution of offenses under this Act shall only be judged within the scope of this law.</p> <p>(4) A tribunal is authorized by the jurisdiction where the crime or a part thereof has taken place or where the victim of human trafficking has been rescued from or the victim's place of residence.</p> <p>(5) If a Bangladeshi citizen or company outside the borders of Bangladesh or any person considered to be a resident of Bangladesh commits an offense under this Act outside the borders of Bangladesh, the tribunal of the territory where they reside or have their registered office will have jurisdiction and try the offense.</p>
Powers of the Tribunal	<p>22. (1) Subject to the provisions of this Act, the tribunal shall have all powers in the Sessions Court and may direct any person or institution under their jurisdiction to submit to the Tribunal any report, document, registration book, including any protective order in the interest of justice.</p> <p>(2) The trial of offenses under this Act may be conducted in person or, for the safety of any victim or witness, in-camera at any place, through the Commission, either directly or electronically. The official reports of a government official or employee may be accepted in lieu of a witness, exempting them from the duty of appearing in front of the tribunal.</p> <p>(3) During the trial, or before filing a complaint of any crimes committed under the jurisdiction of this act, the tribunal can, by either request of a person before the court or the powers conferred to the tribunal by the state, place a victim of human trafficking in government or private care facilities, social-care organizations, or other appropriate person or institution's care. Furthermore, under this act, if the trafficked person is a female or children- the tribunal can take their opinions under consideration.</p> <p>(4) Until the filing of the charges, in any case, the magistrate may exercise the powers conferred to them in sub-clause (3), subject to the required adjustments.</p>

Chapter Four: Human Trafficking Crime Suppression Tribunal and the Trial

	<p>(5) Under this Act, a defendant can be granted bail after hearing the prosecution statement and recording the reasons for its granting. In the determination of bail under this sub-section, the tribunal shall consider, among other things, the severity of the offense, the safety of and potential harm to the witness, and the previous history of the defendant.</p> <p>(6) When granting bail to a defendant, a bail order may be attached to the control order with instructions to make the person on bail appear before the police or any officer in the tribunal on the day specified by the tribunal.</p>
Further investigation power of the tribunal	23. The tribunal may, on the application of a person or at its own discretion, order further investigation of a case and submit an investigation report within a specified time.
Jurisdiction deadline	<p>24. (1) The tribunal shall complete the trial within 180 working days of the formation of the charge of any offense committed under this Act.</p> <p>(2) Notwithstanding the provisions of sub-section 1, failure to complete the proceedings within that period shall not invalidate the proceedings. But the tribunal shall send a report to the High Court Division of the Bangladesh Supreme Court within 10 working days, explaining the reasons for not being able to complete the proceedings within that time.</p>
Trial in camera	25. For the sake of justice and the need to protect women or child victims, the tribunal may order a trial in camera in the presence of only the parties to the case and their appointed lawyers or other representatives, subject to the permission of the tribunal
Interpreter recruitment	26. At any stage of the trial of an offense under this Act, the trafficked person or any other witness may request the appointment of a foreign language interpreter or sign language interpreter, if necessary, and the tribunal shall make an appropriate order to that effect.
Property seizure, freeze, confiscation, and forfeiture.	27. (1) At any stage of the trial, on its own initiative or at the request of the individual, the tribunal may order the seizure, freezing, or confiscation of any known immovable or movable property of the defendant through any organization under this Act.

Chapter Four: Human Trafficking Crime Suppression Tribunal and the Trial

	<p>(2) The tribunal may order the seizure of a house, land, or vehicle if there is reason to believe that a house, land, or vehicle has been or is being used to commit a crime under this Act.</p> <p>(3) If a person is found guilty under this Act, the tribunal will be able to confiscate the property acquired as a result of the offense committed by the convicted person, and the property will be deposited in the Human Trafficking Prevention Fund.</p> <p>(4) In the interest of the trial of any offense committed under this Act, the Tribunal may comply with the order to freeze and seize property acquired abroad and any other property of the accused person thereafter, and if the said order is suspended, the defendant will be sentenced to not more than five (5) years of rigorous imprisonment and a minimum fine of 20,000 Takas.</p> <p>(5) The Government and the respective Bangladesh Embassy shall appropriately cooperate with the tribunal in identifying the property to be frozen or seized under this section. If an order is issued under sub-section (4), to which the respective property is subject, the party should be informed by the order of the tribunal.</p>
<p>Order for payment of compensation by the tribunal</p>	<p>28.(1) If a defendant is convicted of an offense under this Act, the tribunal may order them to pay a reasonable amount of compensation to the victim of human trafficking in addition to the fine imposed by the tribunal. Such compensation shall be recoverable by the tribunal directly or, if necessary, in accordance with the provisions of the Public Demands.</p> <p>(2) If the tribunal has only ordered a fine without seeking compensation under sub-section 1, the tribunal may order the defendant to pay the ordered amount or part thereof to the victim.</p>

Chapter Four: Anti-Human Trafficking Offense Tribunal and the Trial of Offences

Acceptance of foreign documents, written proof or materials.	<p>29. (1) Notwithstanding anything contained in any other law currently in force, any foreign written document, court order or judgment, investigation report or official declaration duly provided and signed and certified by the appropriate authority shall be admissible as evidence to the tribunal, if it is located in Bangladesh. If there is no embassy or consulate of the applicable country, it is attested by the authority in charge of the embassy.</p> <p>(2) In order to be accepted as evidence in the judicial proceedings under this Act, any document, including a power of attorney prepared by a Bangladeshi abroad shall be attested and certified by the Ministry of Foreign Affairs in accordance with the prevailing rules in this regard.</p> <p>(3) If any document is attested or certified by the Ministry of Foreign Affairs or the Embassy of Bangladesh, the Ministry of Foreign Affairs or the Embassy shall not be liable for the authenticity of the content of that document.</p>
Acceptance of electronic information evidence	30. Evidence contained on an audio visual device or any electronic communication shall be admissible as evidence, subject to the satisfaction of the tribunal.
Appeal	31. Judgment, order, or penalty against any order, judgment, or sentence of the tribunal can be appealed to the High Court Division of the Bangladesh Supreme Court within 30 (thirty) days of the issuance.

Chapter Five

Assistance and protection, and rehabilitation of victims of human trafficking and witnesses

Identification and rescue of victims of human trafficking	<p>32. (1) The Government shall make rules of procedure for the identification, rescue, repatriation, and rehabilitation of victims of human trafficking and shall work in partnership with the applicable governmental and non-governmental organizations.</p> <p>(2) The activities of identifying, rescuing, repatriating, and rehabilitating the victims of human trafficking shall be directed towards the welfare and special needs of the affected persons, especially women and children, in a victim-friendly manner.</p>
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Chapter Five

Assistance and protection, and rehabilitation of victims of human trafficking and witnesses

<p>Repatriation and return of trafficked persons</p>	<p>33. (1) If a Bangladeshi citizen is identified as a victim of human trafficking in another country, the Government shall initiate the process of repatriation of the person to Bangladesh in collaboration with the Embassy of Bangladesh and, if necessary, the Ministry of Foreign Affairs or the Ministry of Expatriate Welfare [and Overseas Employment].</p> <p>(2) Notwithstanding anything contained in sub-section (1), if the Bangladesh embassy in a foreign country finds out that a Bangladeshi citizen is a detainee in that country, the embassy shall rescue, release and start the repatriating process of the victim.</p> <p>(3) If a person who is a victim of human trafficking is forced to stay in a foreign country due to a case, the Bangladesh embassy shall take steps to provide legal advice or assistance to that person.</p> <p>(4) In the event that a foreign national is identified as a victim of human trafficking in Bangladesh, the Government shall, after due process, take necessary steps to repatriate the person, through appropriate diplomatic channels, in accordance with the relevant legal processes.</p>
<p>Providing information to victims of human trafficking and the general public</p>	<p>34. (1) The victim of human trafficking shall be entitled to be informed at least once a month about the actions taken against the traffickers by the government or the police or, as the case may be, the non-governmental organizations and the latest status of the relevant criminal case.</p> <p>(2) The investigating officer or the person or organization identifying and rescuing the victim of human trafficking shall at once inform that victim of their right to compensation, legal aid and opportunities, and other benefits under this Act.</p> <p>(3) With due respect to the right to privacy of victims of human trafficking, the appropriate government authorities shall maintain a comprehensive database with the necessary information to provide to the applicable professionals, media, or the public to carry out their identification, rescue, transfer, support, repatriation, and resettlement responsibilities.</p>

Chapter Five Assistance and protection, and rehabilitation of victims of human trafficking and witnesses	
Establishment of Shelter Centers and Rehabilitation Centers	<p>35. (1) The Government shall establish a sufficient number of shelters and rehabilitation centers throughout the country for the purpose of providing physical and mental health services, rehabilitation, and reunification for the victims of human trafficking.</p> <p>(2) No other person or organization, wishing to establish such center as soon as this Act comes into force, shall operate any shelter center or rehabilitation center or any other activity in the manner prescribed by the rules and under the conditions, without obtaining a license or temporary approval from the Government.</p> <p>However, the condition is, the already established shelters or rehabilitation centers shall obtain such license or approval within 6 (six) months of this Act coming into force.</p>
Safety Provisions, Rehabilitation and Social Integration	<p>36. (1) After being rescued, the victim of human trafficking shall, if not repatriated to their family, be sent to any public or private shelter or rehabilitation center, and in such case, all such information shall be sent immediately to the Government or the appropriate authority.</p> <p>(2) Any person or victim of human trafficking in a shelter or rehabilitation center shall be entitled to give an opinion on the matter and to receive physical, medical, legal, and psychological counseling services, including the benefits of sustainable rehabilitation and social reintegration.</p>
Provisions for protection of victims and witnesses in criminal cases	<p>37. (1) Every person or organization deemed to be subject to this Act shall endeavor to ensure that no victim or victim of human trafficking shall be prosecuted or punished under this Act or any other law in force.</p> <p>(2) No person, victim of human trafficking, or any member of their family can publish or broadcast information or identity without the permission of the tribunal, and the person, violating such provision shall be punished with imprisonment of not more than 6 (six) months or not more than 1 (one) lakh rupees or both.</p> <p>(3) Every person or witness, who is a victim of human trafficking, shall be entitled to police protection and other protective measures provided by the government if they are threatened or mistreated in any way while traveling to or from courts and other criminal establishments. Providing security for victims of human trafficking or witnesses will include all those government protection measures.</p>

Chapter Five

Assistance and protection, and rehabilitation of victims of human trafficking and witnesses

Protection of the rights of child victims and child witnesses	<p>38. (1) Notwithstanding the totality of the provisions of this Act concerning the protection of victims and witnesses, any person, including the tribunal, shall apply the principle of the best welfare and priority of a child when dealing with child victims of human trafficking and child witnesses. Follow the provisions of any law and take all necessary steps to ensure that child victims of human trafficking are not charged as criminals or that they and child witnesses are not stigmatized or socially isolated.</p> <p>(2) The police or the government or any person subject to this Act shall not work with any child in conflict with this Act in any manner, other than the intervention of a child-friendly officer or child-friendly process. No child victim or child witness may be sent or detained at a development center/remand home.</p>
The right to file a civil suit for compensation	<p>39. In addition to any criminal case filed, a victim of trafficking or a witness, while retaining the right to file a criminal case, is entitled to compensation for the actual suffering (sufferance) or legal harm caused by an offense committed under this Act or any contract related to that offense. A suit for compensation can be filed in a civil court.</p>
Providing Financial assistance to the victim of human trafficking	<p>40. The government may provide financial assistance to any victim or victim of human trafficking from a fund established under this Act, and such assistance may also be obtained from a private organization or from the Legal Aid Act, 2000 (Act No. 6 of 2000). In the case of any of their rights or opportunities will not be limited.</p>
Joint or mutual legal assistance in the suppression and prevention of human trafficking and Collaboration	<p>41. (1) The Government shall establish a collaborative task force for joint or mutual legal assistance in the investigation, trial, and judicial proceedings of offenses committed under this Act, with all countries where victims of human trafficking and witnesses are. MoUs or agreements shall be signed with countries that are or likely to be participating:</p>

Chapter Six Joint or mutual legal cooperation in the suppression and prevention of human trafficking	
	<p>However, if there is a condition, nothing in this Act shall prevent the Government from taking necessary administrative action for implementing such joint or mutual legal assistance until a Memorandum of Understanding or Agreement has been signed under this sub-section.</p> <p>(2) The Government may, by any Memorandum of Understanding or Agreement signed under sub-section (1), provide for joint or mutual legal assistance in the following matters:</p> <ul style="list-style-type: none"> (a) Conduct investigation, search, or detention of human trafficking offenses and issues related to the legal assistance for victims of human trafficking; (b) examination of witnesses under oath and exchange of witness statements, official reports, and evidence, submitted to the court; (c) Exchange of victims of human trafficking and criminals who have committed or are convicted of a crime of human trafficking; (d) the necessary legal, diplomatic, and administrative assistance in enforcing court orders, relating to the confiscation of criminal money or property or the imposition of fines or seizures; (e) Sustainable rehabilitation of victims of human trafficking and social integration of such persons in their homeland.
Funds to prevent human trafficking	<p>42. (1) After this Act is in force, the Government shall, by notification in the official newspaper, establish a fund called the “Fund for the Prevention of Human Trafficking,” and such fund shall be operated and used in the manner required by law.</p> <p>(2) The Human Trafficking Prevention Fund shall be based on the following sources, i.e.</p> <ul style="list-style-type: none"> (a) government grants or funds; (b) grants made by any local authority; or (c) grants made by any person or organization; and (d) Money, received from any other source for the purpose of prevention and suppression of human trafficking.
National Human Trafficking Suppression Agency	<p>43. For the purpose of this Act, the Government may, as required by law, establish an agency called the National Anti-Human Trafficking Agency.</p>

Chapter Seven: Miscellaneous

<p>Crime committed by a company or firm</p>	<p>44. Whether the person committing any offense under this Act, is a company or firm, whether incorporated in Bangladesh or not, all persons in charge, such as the owner or director, manager, secretary, or agent of the offending company at the time of the offense are guilty of the offense and will be deemed to have committed the crime, unless the accused person can prove that the crime was committed without their knowledge and they have tried to prevent it.</p>
<p>Provisions for the application of the principle of equality and prevention of abuse of power</p>	<p>45. (1) In accordance with this Act, the principle of equality must be followed in dealing with any defendant, the victim of human trafficking, or witness, and no one shall be discriminated against in any way.</p> <p>(2) If any allegation of abuse of government power or failure to discharge their legal duties under this Act is proven against any government official or employee, the appointing authority shall, on the recommendation of the tribunal, take disciplinary action against them and also order compensation in accordance with the law.</p> <p>(3) If disciplinary action is taken under sub-section (2), the appointing authority shall submit a report to the tribunal within 1 (one) month of issuing such decision.</p>
<p>Ability to formulate rules</p>	<p>46. (1) In fulfillment of this law, the Government may formulate the Rules by issuing a notification in the Government newspaper.</p> <p>(2) Without undermining the totality of the powers given under sub-clause (1), the provisions shall be formulated in all or any of the following matters, i.e.</p> <ul style="list-style-type: none"> (1) Source of anti-human trafficking funds; (2) Management of funds; (3) Procedure for receiving donations from funds and contributions to it (on an annual basis); (4) The amount and distributions of donations; and (5) any work set forth by the Rules.

Chapter Seven: Miscellaneous

<p>Repeal and custody</p>	<p>47. (1) Sections 5 and 6 of the Suppression of Immoral Traffic Act, 1933 (Act No. VI of 1933) and the Suppression of Violence against Women and Children Act, 2000 (Act No. 6 of 2000) are hereby repealed.</p> <p>(2) Notwithstanding such repeal, an order issued under the repealed Act or in the light of any instruction or action taken or a case filed shall be deemed to have been made, issued, accepted, done, or filed under this Act from the date of enactment of this Act and, therefore, shall continue.</p>
<p>Text of the law translated into English</p>	<p>48. (1) After the enactment of this Act, the Government shall, as soon as possible, publish an authentic English text of the Bengali text of this Act by notification in the official newspaper.</p> <p>(2) In case of conflict between Bangla text and English text, Bangla text shall prevail.</p>

Victim Rights and Protection



Session No. 7: Victim's rights

Time : 60 minutes

Session 7

Title : Victims' rights

Purpose : ➤ National law describes the rights and protection of victims,
➤ While this session focuses on the rights of victims under international law.

Time : Time: 60 mins

Method : Case study, discussion in large groups

Materials : Steps to conduct case studies, poster paper,

Process : markers, and related lesson materials sessions **Step 1**

Victims' rights: 60 mins

- Welcome the participants and ask about the issues discussed in the previous session. Write the answers on the board and thank the participants.
- Then say: We have been aware of the international infrastructure to prevent human trafficking for a long time. We will now look at what national and international laws are in place to protect victims of human trafficking.
- To start with, ask the participants if they know about any related laws. Give them a few minutes to think and actually write down any answers on the board and thank them for their contribution.
- Then divide them into four groups, according to the total number of participants. Provide the prepared case studies to each team.
- Make sure to provide case studies on victim's needs, a case study on victim identification methods, a third case study on the national legal framework for victim protection, and a case study on the international framework on victim protection.
- Let the participants know that there will be a group presentation at the end of the case study lesson. For case study lessons, allow 10 minutes for review and 2 minutes for each group for their presentation.
- At the end of the session, ask each group to answers the questions attached to the case study. Provide each group with poster paper and markers.
- At the end of each group presentation, if the other group has a question, listen and discuss it in the group. Let all groups complete their presentations in this manner. Thank everyone for their participation.

- At the end of the session, summarize the overall role participants play in ensuring justice for a victim of human trafficking and the purpose of enhancing everyone's professional skills.
- Tell the participants: We will now learn about the international protocol. Share the previously prepared PowerPoint presentation with them. Provide each participant in advance with a copy of the topics discussed in the presentation.

Notes for assistants:

- Learn more about the Prevention and Suppression of the Human Trafficking Act, 2012. In addition, learn about the various articles of the Constitution of Bangladesh and the rules of the Prevention and Suppression of the Human Trafficking Act.

Attachment 7

Rights and collaboration of Survivors

According to the law of Bangladesh, human trafficking survivors have the right to seek legal assistance from qualified advisers/counselors, and a survivor has the right to security legally and in principle. Regular risk assessments should be conducted to determine what steps the Government Law Officer (public prosecutor) can take to assess the level of the risk that survivors may face and ensure these are mitigated. Security risks may be higher during the trial because traffickers may attempt to pursue survivors at this time, and special security measures may be required. The prosecutor must clearly discuss the security risks with the survivors as well as what action can be taken. These measures may include the possibility of receiving Government Victim/Witness Security Services.

All arrangements must be made to ensure the safety of survivors within or outside the scope of the Government Victim/Witness Security Services, such as safe haven, safe custody, and relocation within Bangladesh. If the survivor has to be relocated abroad to cooperate with intergovernmental legal processes or to ensure the safety of the survivor, they must be provided with a visa application and other counseling services. Privacy must be protected with extreme caution in all cases.

After the survivor has given their consent, the case has to be filed in time, and an attorney has to be appointed on behalf of the survivor. A case has to be filed in the civil court for arbitration. Often times unscrupulous people involved in the prosecution unjustly demand money from the plaintiff. Care should be taken to ensure that only legitimate legal expenses are claimed from the survivors. The district human trafficking prevention committee needs to be informed about the case so that they can cooperate during the prosecution process. Sometimes the police are reluctant to supervise cases conducted abroad. However, according to the Prevention and Suppression of the Human Trafficking Act, 2012, it is the duty of the police to ensure prosecution of all cases at home and abroad. If necessary, the cooperation of the relevant service provider should be obtained.

Legal cases and the context in which they occur need to be properly presented to the court by the public prosecutor. Although the state is the plaintiff in such cases, it is best to have a qualified lawyer represent the survivor during the prosecution process. The service provider will ensure that the survivor is present in court, as required. The safety of survivors and other witnesses must be ensured en route to and during the legal process.

Once the case is filed, the necessary steps must be taken to conclude the case as soon as possible. Appropriate measures need to be taken so the judge can issue a quick verdict. Appropriate compensation arrangements have to be made for the survivor.

There should be no delay in planning to leave the shelter for legal proceedings. Security and financial support must be provided to keep the case going with the cooperation of the family.

Chapter 5 of the Prevention and Suppression of the Human Trafficking Act, 2012 on the rights and cooperation of victims/witnesses describes

The assistance and protection and rehabilitation of victims of human trafficking and witnesses.

Session No. 8: Evaluation of day activities

Time : 30 Minutes

Session 8

- Title : Evaluation of day activities
- Purpose : ➤ Analyze the main topics discussed during the day.
- Time : 30 minutes
- Method : Writing a letter to a friend
- Materials : White paper, pens
- Process : Steps to conduct the session

Step 1

Letter to a friend: 30 minutes

- Ask the participants to write a letter to their friends about how they feel about their day.
- Then provide size A8 colored paper and pen for each participant and set aside 5 minutes to write the letter.
- Once everyone finished writing the letter, ask the participants out how it feels to write a letter, covering about two-thirds of them, before collecting everyone's letters.
- Finally, express your feelings about the day and end the day by thanking everyone for writing the letter.

Note for the assistant:

- This session is the last session of the day. Everyone will be in a hurry to leave, so don't prolong the session unnecessarily. But keep in mind that this session is very important because participants provide feedback.

Day 2

Manage and dispose of human trafficking cases:

- The role of the prosecutor

Manage and dispose of human trafficking cases:

- Specific evidence

Manage and dispose of human trafficking cases:

- Incomplete evidence management,

Manage and dispose of human trafficking cases:

- International cooperation
- Lessons review and completion of training
- Lessons review and completion of training

Chapter Six

Handling and disposal of human trafficking cases (Prosecutor's role)

Session 9: Verification of previous day's learning

Time : 15 minutes

Session 9

Title : Verifying the previous day's learning:

Purpose : ➤ Discuss the topics from the previous day.

Time : 15 minutes

Method : Q&A

Materials : White board and whiteboard markers, white paper

Process : Steps to conduct the session

Step 1

Verification of previous day's learning: 15 minutes

- Start the session by greeting everyone.
- Then say: We will remember the things of the past in a slightly different way. One of the things I will do is to say Tapur, Tupur, and Vrishti.
- Divide the class into three teams, called Tapur, Tupur, and be Vrishti. Once the teams are formed, ask them to sit in circles.
- Now say: we have a total of 15 questions, 5 for 3 teams. The first group will answer first. If the team can give the correct answer, then the team will get 5 points. If they can't give the correct answer and the other two teams know the correct answer, then the team that raises their hand first and answers correctly will get 5 bonus points.
- Ask each team 5 questions and after 15 questions, thank everyone and end the session.

Note for the assistant:

- Write the questions for the quiz in advance on white paper.
- Prepare yourself in advance by arranging everything you need to manage the session well.
- The instructor must review the entire session before conducting it.

Session 10 : Handling and Disposal of Human Trafficking Cases (Prosecutor's Role)

Time : 60 mins

Session 10

- Title : Handling and disposing of human trafficking cases (Prosecutor's role)
- Purpose : ➤ **This module on the handling and disposal of human trafficking cases provides a basic idea of the main aspects of case handling and disposal, i.e., the responsibilities and duties of the prosecutor and the importance of working in a team.**
- Time : 60 minutes
- Method : Brainstorming and small group discussions,
- Materials : Case study with questions/ Poster paper, markers/ Related reading materials.
- Process : Steps to conduct the session.

Step 1

- **First, the trainer greets the participants and presents the topic with examples. Divide the participants into five groups.**
- **Give each team poster paper and markers. Ask each group to list what they can do individually and as a group to handle and dispose of human trafficking cases as prosecutors, and have them write answers on bulletin board poster paper. Each team will have 15 minutes to write. At the end of the writing, give each group 5 minutes for a**
- **Finally, summarize everyone's statements and say to each group, what we have learned so far is what we need to do, combined with the Criminal Procedure Code, 1898 and the Prevention and Suppression of the Human Trafficking Act, 2012.**

Note for the assistant:

- **Learn in advance about the appointment, responsibilities, and duties of the prosecutor in the Criminal Procedure Code 1897 and the Prevention and Suppression of the Human Trafficking Act, 2012.**

Attachment: 8**Lesson material: Introduction to the Government Counsel**

In 1854, Lieutenant Governor Sir Frederick Halliday divided the province into nine commissioners' divisions and 36 districts for policing.

Definition:

4 (c) Public Prosecutor means any person appointed under Section 492 of this Act and the person acting under the direction of the Public Prosecutor.

The following section of the Criminal Procedure Code describes the tactics of the public prosecutor: Section 492 of the Criminal Procedure Code, 1898 deals with the power to appoint public prosecutors.

Power to appoint public prosecutors:

- (1) The Government may appoint one or more officers, called public prosecutors, in a local area in general, or for a case, or for a particular group of cases.
- (2) In the absence of the public prosecutor or in the case where the public prosecutor has not been appointed, the District Magistrate may appoint any person other than a police officer below the rank as required by the Government in this regard.

Speaking about the responsibility of a public prosecutor, the purpose of a criminal trial is not to uphold a doctrine but to investigate the crime and for the government prosecutor to perform this duty fearlessly and honestly and to be fully aware of their responsibilities related to their position.

According to section 493, the public prosecutor can conduct cases they are in charge of all the courts. Privately appointed legal advisors will work under the prosecutor's direction.

Under Section 494, a public prosecutor may, with the permission of a court, withdraw a case brought against a person in general, or in any one or more of the charges for which they are being tried, prior to the verdict is being announced.

Authority and functions of government prosecutors:

According to Section 265A, the Public Prosecutor will conduct the case on behalf of the Government in each case in the Sessions Court. The Public Prosecutor includes the Assistant Public Prosecutor and any other person conducting the case under the direction of the Public Prosecutor.

Section 265B:

If the defendant appears in court or is produced in accordance with the provisions of section 205, the prosecutor will start their statement by stating the evidence brought against the defendant and the evidence with which they intend to prove the guilt of the defendant.

Section 497 - Appeal against Inadequate Penalty:

- (1) The Government may direct the Public Prosecutor to file an appeal in the High Court Division on the ground of inadequacy of the sentence passed in the judgment of any court.
- (2) The Government may direct the Public Prosecutor to file an appeal in the High Court Division in the case of a sentence passed by a court of law.

However, the condition is that no appeal shall be accepted by the Court of Appeal under this subsection after 60 days from the date of sentencing. To ensure the government's tactical objective, the government provides legal services to the public and, if necessary, collects any information, testimony, and collaborates on any subject related thereof.

The government prosecutor reviews the first information report (FIR) and charge sheets and negotiates with the investigating officer. The tactical support team should properly prepare the necessary documents to present the testimony in court. If necessary, they can help victims of crime and their witnesses file legal action, secure their lives, and sometimes even be on camera during a trial.

Occasionally, the court may be aware of the judgment of the interim order. The appellant may require shield proceedings and express their cooperative attitude to ensure justice through its services.

Justice can only be expected when government prosecutors work to ensure that all forms of greed are avoided and do not worry about personal success.

Appointment and Allowance of Government Counsel:

In most cases, the ruling party is in charge and its members are hired as government prosecutors. This often means that they cannot spare time for the victims of crime from their busy schedule. They are busy with their personal cases and as a result, there may be unnecessary delays in trying cases.

Compensation plays a very important role in this regard. Government prosecutors are paid a nominal compensation, which is inconsistent with their position. In many cases, they are reluctant to carry out their duties while simultaneously having to work on their own cases.

Chapter Seven

Handling and disposal of human trafficking cases (Prosecutor's role)



Session 11 : Managing and disposal of human trafficking cases (Specific evidence)
Time : 60 mins

Session 11

- Title** : Managing and disposal of human trafficking cases (specific evidence)
- Purpose** : ➤ The use of victims as witnesses, the main aspects, obstacles, and solutions; Authentication matters; Transfer/External: The basic concept of the extradition process and family legal aid.
- Time** : 60 minutes
- Method** : Brainstorming and small group discussions
- Materials** : Case study with questions, poster paper, markers, and related reading materials.
- Process** : Steps to conduct the session.

Step 1

- First, the trainer greets the participants and asks the participants to count off 1,2,3,4, and 5 in order and divide into groups based on common numbers.
- Provide each group with a case study prepared in advance. (Attachment: - -)
- Ask each team to read the case study and to discuss as a group what kind of crime was committed in the case study. Allow 25 minutes.
- When they have finished reading, ask one of each group member to listen to the discussion of their team about the case and summarize everyone's opinion for the larger group.
- Now summarize the whole subject and evaluate the lessons learned by asking two to four questions, and discuss ways to apply the lessons learned in real life.

Note for the assistant:

- Learn in advance about the appointment, responsibilities, and duties of the prosecutor under the Criminal Procedure Code 1897 and the Prevention and Suppression of the Human Trafficking Act, 2012.

Attachment 9**Managing and disposing of human trafficking cases****Specific evidence (Case study discussion)**

One day your senior official hands you a file. It is a case of human trafficking, and they ask you to work on it.

The file is quite thin. It contains several statements from the victim. In their latest, longest, and most detailed statement so far, they say the following statement:

They came from a neighboring country and lived with their widowed mother and six siblings in a small rural town. They worked in a local garment factory to help their family. But the salary was very low, and the family was barely surviving.

One evening, the wife of one of the richest men in town came to their home. This woman told their mother that she knew the plight of their family and could help them. The woman said that her family had connections with the hotel industry and that using that connection, she could arrange a good job for the daughter as a housemaid or receptionist. This would mean crossing the border and being away from home, but the salary would be enough to support the family.

The victim was very excited to hear everything. Their mother said she would agree for the victim to go if a suitable job were found. The victim and their mother trusted the neighbor because they were a respected member of society and were assuring the girl's mother that they will treat her like their own child.

Two weeks later, the rich woman returned to the victim's home with a young man. The woman said she had found a well-paying job in a good hotel. The young man was identified as a close relative of the woman from a neighboring town who would accompany the victim safely to their destination. The victim did not recognize the young man, who looked quite handsome and polite. Besides, the victim and their mother believed the woman.

The woman gave the victim a ticket for the night train to the border. She also gave them a passport. The victim quickly packed up some things, including a toy doll from their childhood. Before leaving the house that night, the young man took the victim to a local photographer to have their picture taken. The young man affixed that picture to the passport.

The victim bid farewell to their mother and siblings and went with the young man to the train station by taxi. They traveled by train overnight and reached the border the next morning.

At the border, the young man escorted the victim through a checkpoint. The border guards seemed to know the young man and did not even look at his passport.

After crossing the border, the young man introduced the victim to an old man and said the man would drive them to their new job. When the young man asked the victim to hand over their passport so it could be kept safe, the victim did so. The victim saw the young man say something briefly to the driver. After the young man left, the driver told the victim to get into a van parked nearby. There were three other young women in the van.

After several hours of traveling, the van started to have engine trouble. Where they stopped at the garage in a small village, the mechanic looked at the van and had a long talk with the driver. After a while, the young woman was asked to get out so that the mechanic could work.

While waiting for the van to be repaired, they went to eat at a nearby restaurant. Sitting in the restaurant, the driver was the only one to speak because none of the girls could speak the local language.

By evening, the van was still not fixed, so the driver took the girls to the only guest house in the village. The driver rented two rooms, one for himself and one for the four girls. The owner of the guest house had to arrange extra beds to accommodate the four girls. The victim could not remember the name of the village, though it was about three hours from the border.

The next morning the van was ready, and they traveled another three hours to stop at a dilapidated apartment building in an underdeveloped part of a city. The victim became confused and began to get scared.

The driver took the four girls inside the building, where they saw an old woman and two strong-looking men. The young women were given sexually suggestive clothing and were told to wear it. When the victim refused, the old woman slapped her hard and shouted at her to do as she was told. The victim was then taken to a room on the third floor. The small room had a sink and a bed; its windows were boarded and painted over, and there were iron bars on the outside. The victim could not open the door as it was locked from the outside. The victim did not know what happened to the three girls who were with her in the van.

That night the two large men came to her room. She was told she would see her first customer the next evening and further that she owed a lot of money for her papers and travel. She would be let go if she could earn enough to pay for it. If she escaped before that, they would find and kill her. The men told her not to think about going to the police. "The police are in our hands," they said. They said she had entered the country illegally and so, "if the police find you somewhere, they will throw you in jail." They further reminded her that they knew where her family lived. One of the two men pulled out a camera, told her to smile, and took pictures of her.

The victim started crying. One of the men held her and started kissing her. Then she was tied up, and the two men took turns raping her.

The victim was in the brothel for six months. According to her estimate, she served 10 to 15 customers every day. Although she was given condoms, many customers did not want to use them. Once a week, she was allowed to write letters to her mother, but she never told the truth in her letters, as she didn't want to risk worrying her mother or annoying the madam. Once, the victim wrote a long letter to her mother telling her everything, but she never dared send it.

The customers paid the madam of the brothel for the services of the victim. The victim never saw that money. Once in a while, a customer would give her some money. These tips were her only earnings.

Occasionally, the madam would show the victim a book with her name and a number next to it, saying it showed how much she had earned so far and how much more she owed. This gave the victim some hope for the future, but if she ever complained that her debt was being repaid too slowly, the boss would shout and threaten her.

The workers in the brothel were given one day off each week. At first, the victim was not allowed out of the apartment building, but after a while, she was allowed to go to the shop next door to buy personal items and walk around the park, but accompanied by one of the two full-time watchers.

Gradually, the madam began to trust the victim more, and she was allowed to go to the park alone for an hour on her days off. Every time, the victim would come back to the brothel.

Gradually, the victim developed a friendly relationship with one of her regular customers. She told her client how unhappy she was. The customer was saddened by what she said and told her about a place where she could stay safely. The customer gave her the address of a shelter and drew her a map, so she wouldn't get lost.

In the meantime, the victim realized that she had gotten pregnant. Madam had the same suspicion and told her to take a pill to get an abortion. At first, the victim did not agree. The boss became very angry and hit her repeatedly with a stick as the two guards stood by and watched. The victim had bruises on her face and body. She was forced to take the pill and had an abortion the next day.

The victim never returned to the brothel after her next day off. She followed the hand-drawn map and reached the shelter. There she was given medical treatment, food, and a safe place to stay. She talked with a volunteer at the shelter and told them what happened to her. But she was still frustrated, scared, and hesitant.

One day a police officer interviewed her at the shelter. The victim was very distrustful of the officer and made a very brief statement with few details.

Since then, over the past several weeks, the victim has made a few more statements to the police as she began feeling more secure. She has recalled the details and put them in order. The victim has not yet told her mother the whole truth, and she remains very worried about the safety of her family.

**Session No.12 : Handling and Disposing
Human Trafficking Cases**
Time : 60 mins

Session 12

- Title** : Managing and Disposing of Human Trafficking Cases
(Incomplete Evidence Management)
- Purpose** : ➤ The use of victims as witnesses, the main aspects, obstacles, and solutions; Authentication matters; Transfer/External: the basic concept of the extradition process and family legal aid.
- Time** : 60 minutes
- Technique** : Brainstorming and small group discussions
- Materials** : Case study with questions, poster paper, markers/ Related reading materials.
- Process** : Steps to conduct the session.

Step 1

- Each team should be given questions to review in the study.
- Ask the team to read the case study again and to find answers in groups based on the other cases presented in the case study and the questions that are in the case study. Allow 25 minutes.
- After reading, ask a person from every team to present the answers to their team's case study to the larger group. Give each group five minutes to answer each question.
- After answering each question, listen to the answers and opinions of the other parties and present the essence of everyone's opinion.
- Evaluate the lessons by summarizing the entire topic, asking a couple of questions, and discussing ways to apply the lessons learned in real life.

Notes for the assistant:

- Learn in advance about the responsibilities, duties, and appointment of Prosecutor in the Criminal Procedure Code, 1897, and the Prevention and Suppression of the Human Trafficking Act, 2012.

Attachment 10

Managing and disposing of human trafficking cases

(Incomplete Evidence Management)

Provide the following questions to each team

Make a report by discussing the following issues:

- 1 Is it a case of human trafficking as defined in the UN Trafficking Protocol? Explain.
- 2 Is this case justifiable under the local law? Explain.
- 3 Who can be charged with trafficking or trafficking-related offenses?
- 4 Discuss whether the victim's statement alone is sufficient to convict the defendant. Prepare to support your position.
- 5 List as many things as you can to help verify the veracity of the victim's statement.
- 6 List the possible arguments that the defendant's lawyer can raise.

Chapter Eight

Post-Training Evaluation



Session No. 13: Post-Training Assessment

Time : 30 minutes

Session 13

Title	: Post-training assessment
Purpose	: ➤ Verify what participants have learned after training
Time	: 30 minutes
Methode	: Post-training evaluation sheets,
Materials	: Pens
Process	: Steps to conduct the session.

Step 1

After training, fill out the main sheet: 30 minutes

- Start the session by thanking everyone.
- State that the session is over. Now, we will evaluate what we have learned.
- Provide each participant with an assessment form.
- Ask to fill the sheet. Allow 15 minutes.
- Collect the evaluation sheets after the allotted time, when everyone has finished writing.
- Now from the evaluation sheet, take each question and go over the correct answers just once.
- Tell everyone: we filled out this evaluation sheet from our knowledge prior to the training. Now we will complete the same evaluation sheet at the end of the training. Certainly, we would be able to answer better. Hopefully, we will be able to use these lessons in our later careers.

Attachment 11

Pre-training assessment

Prosecutor Training on Trafficking in Person and Protection of Victims' Rights in Bangladesh

Implemented by: WINROCK International

Participants: Public prosecutor

Name of the participant:

Date:

1. Name of the current law on human trafficking crime (tick on the left side):

- a) Human Trafficking Crime Suppression Act 2012
- b) Prevention and Suppression of Human Trafficking Act 2012
- c) Prevention of Human Trafficking Ordinance 2011

2. What elements makes us call an event a human trafficking?

3. Write down three rights of victims in human trafficking law:

4. Human trafficking cases can be filed (mark left):

- a) Only in the applicable police station
- b) Only with the tribunal
- c) Both

5. Name of the Tribunal under the Human Trafficking Act (mark left):

- a) Anti-Human Trafficking Offense Tribunal
- b) Human Trafficking Crime Suppression Tribunal
- c) Human Trafficking Suppression Tribunal

6. Deadline for completion of an investigation into human trafficking cases (mark left):

- a) Within 60 working days of filing a case or receiving an inquiry order from a tribunal
- b) Within 90 working days of filing the case or receiving the inquiry order from the tribunal
- c) Within 180 working days of filing a case or receiving an inquiry order from the tribunal

7. Compensation cases can be filed in civil courts, as well as in criminal cases.

(mark left):

- a) Yes
- b) No.

8. The maximum punishment under the Human Trafficking Act (mark left):

- a) Death penalty
- b) Life imprisonment
- c) rigorous imprisonment and a fine of 50,000 Takas

Session No. 14 : Evaluation and Completion of Training
Time : 30 minutes

Session 14

Title	: Training Evaluation and Completion:
Purpose	: <ul style="list-style-type: none"> ➤ Checking on what participants know best. ➤ Officially closing the training.
Time	: 30 minutes
Methode	: Expressing personal feelings, speeches.
Materials	: Certificates (where applicable), evaluation forms.
Process	: Steps to conduct the session.

Step 1

Learning re-discussion and completion: 30 minutes

- To the participants: Over the last two days, we have participated in training on prevention and suppression of human trafficking and protection and implementation of the rights of victims of human trafficking. Now please provide your written comments on how the training can be made more effective next time and what issues can be incorporated or considered.
- At this stage, provide each participant with an evaluation form and allow 15 minutes to complete the form (Sample Evaluation Form - Attachment -)
- When everyone has finished writing, ask the whole team to stand around in a circle.
- Ask everyone to summarize what they liked the best about the whole training and why they liked it.
- If it is decided to issue training certificates, hand them out to the participants at this point.
- Ask the organizers to say something about the training.
- Then finish the training by thanking the organizers and participants.

Attachment 12

Training evaluation

1. Have you gained any new knowledge and skills from the training? If so, what have you learned? And if not, why not?
2. Describe any important things that you have learned from the training?
3. Which method of training do you think is most effective? Why?
4. What do you think could be discussed in more detail in training?

5. Training rating:

(Mark the box of your choice)

	Very Good	Good	Fair	Bad
This training as a teaching subject				
Level of Team Participation				
The level of personal participation				
Type of Facilitator presentation				
Training materials/handouts				

6. Do you think that you have been able to participate in various training sessions spontaneously?

Yes:

No:

Why ?

7. How much do you think the content of the training has met your expectations?

8. Write your overall opinion about the training?

Thank you for helping to improve the quality of the training.

Please return the form to the facilitator.

