



## A legal study on role of NGOs in combating human trafficking in Bangladesh: An analysis

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### Abstract

Human trafficking continues to be a substantial human rights issue in Bangladesh, exacerbated by poverty, gender inequality, inadequate education, and inadequate law enforcement. The critical role of non-governmental organizations (NGOs) in the country's fight against human trafficking is the subject of this legal study. It evaluates the complementary role of NGOs in prevention, protection, prosecution, and rehabilitation, as well as the legal framework that governs anti-trafficking efforts in Bangladesh, including the Prevention and Suppression of Human Trafficking Act, 2012. The research emphasizes the role of non-governmental organizations (NGOs) in the provision of victim support services, the increase of awareness, the implementation of grassroots interventions, and the advocacy for policy reform. These organizations frequently fill the gaps that are left by governmental systems. This article emphasizes the necessity of more strong collaboration between state institutions and civil society by means of legal analysis and case studies. It also provides policy recommendations to improve the efficacy of anti-trafficking initiatives. The paper concludes that NGOs are essential actors in the fight against human trafficking and must be more effectively integrated into national strategies to ensure a victim-centered, rights-based approach.

**Keywords:** Trafficking, human rights, ngo, inequality, prevention, collaboration

### Introduction

Human trafficking is a severe form of human rights violation that impacts millions of individuals worldwide. Bangladesh, in particular, is a significant source, transit, and destination country for trafficked individuals in South Asia. Despite the existence of numerous international treaties, regional conventions, and national laws that are designed to combat this heinous crime, trafficking persists, frequently operating within intricate and concealed networks that circumvent conventional law enforcement. In Bangladesh, the vulnerability of populations, particularly women and children, to trafficking is significantly influenced by socio-economic factors, including poverty, unemployment, gender-based discrimination, natural disasters, and poor governance structures. Despite the fact that the Government of Bangladesh has implemented legislative measures to address this issue, such as the Prevention and Suppression of Human Trafficking Act, 2012 [2], implementation gaps, limited resources, corruption, and inadequate victim protection have impeded meaningful progress. Non-governmental organizations (NGOs) have emerged as critical actors in the fight against human trafficking within this challenging landscape. They engage in a multifaceted role that encompasses the following: legal assistance, policy advocacy, capacity-building of law enforcement, protection and rehabilitation of survivors, and prevention through community outreach. NGOs in Bangladesh have been at the forefront of anti-trafficking initiatives, frequently operating in resource-constrained and hazardous environments. They are able to more effectively reach vulnerable populations than state institutions in many cases due to their people-centered approach and grassroots presence. Furthermore, numerous nongovernmental organizations (NGOs)

collaborate with international organizations, including the United Nations, the International Organization for Migration (IOM), and foreign donors, to execute initiatives that are designed to eradicate human trafficking.

The aim of this article is to evaluate the legal and institutional obligations of nongovernmental organizations (NGOs) in Bangladesh's efforts to combat human trafficking. It is intended to comprehend the manner in which nongovernmental organizations (NGOs) assist in the enforcement of anti-trafficking laws, advocate for the rights of victims, and engage in advocacy to influence policy and legal reforms. The research also examines the obstacles that these organizations encounter, such as financial constraints, coordination issues, and legal constraints, and offers suggestions for improving their effectiveness through policy and legal reforms. This study contributes to the broader discourse on combating human trafficking by critically examining the intersection between law, civil society, and state mechanisms. It also underscores the indispensable role of NGOs in the development of a more just and effective anti-trafficking framework in Bangladesh.

### Objective of the Study

- To examine the existing legal framework in Bangladesh for combating human trafficking.
- To analyze the role of NGOs in prevention, victim support, and legal advocacy against human trafficking.
- To identify the challenges faced by NGOs in implementing anti-trafficking initiatives.
- To recommend legal and policy measures to strengthen NGO participation in combating human trafficking in Bangladesh.

## Methodology

This study uses a mixed-methods approach, integrating both qualitative and quantitative techniques to explore the role of NGOs in addressing human trafficking in Bangladesh. The qualitative component focuses on doctrinal legal research, examining laws, policies, judicial decisions, and international treaties, alongside non-doctrinal sources such as academic studies, NGO publications, and case reports to understand NGO activities and legal frameworks. The quantitative aspect analyzes statistical data from government sources, NGO records, and surveys to evaluate the scope of trafficking, the effectiveness of NGO interventions, and measurable outcomes. Combining these methods allows for a thorough examination of both the legal-institutional and practical dimensions of anti-trafficking efforts, supporting evidence-based recommendations to enhance NGO involvement.

## Research Questions

This study is guided by the following research questions

1. What is the current legal framework in Bangladesh for addressing human trafficking, and how effective is it in practice?
2. What roles do NGOs play in the prevention, protection, rehabilitation, and advocacy related to human trafficking.
3. What challenges and limitations do NGOs encounter in their efforts to combat human trafficking?
4. How can legal and policy reforms strengthen the participation and effectiveness of NGOs in anti-trafficking initiatives?

## Human Trafficking: What does it mean

The Bangla equivalent of the word ‘trafficking’ is pachar. It has a mild connotation which means transfer from one place to another. If the term pachar is used in reference to women and children, in Bangali the phrase nari o shishu pachar means illegal transfer of women and children from one place to another. There was no internationally agreed definition of trafficking in persons until 2000. The United Nations Protocol on Trafficking in Persons, adopted in November 2000, defines trafficking as: “the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, or 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.

In the context of Bangladesh, Bangladesh National Women’s Lawyer Association (BNWLA) defined trafficking as, “all acts involved in the recruitment and or transportation of a women or child within or across national borders for work or service by means of violence or threat of violence, abuse of authority or dominant position, debt bondage, deception or other forms of coercion”.or the removal of organs”.

## Bangladesh's Legal Framework Regarding Human Trafficking

A combination of national legislation, policies, and international commitments is employed to combat human trafficking in Bangladesh. The Prevention and Suppression of Human Trafficking Act, 2012 <sup>[2]</sup>, is the foundation of the national legal framework. This legislation criminalizes all forms of human trafficking, including forced labor, sexual exploitation, and child trafficking. The Act also establishes mechanisms for the rescue, rehabilitation, and reintegration of victims, in addition to punitive measures for traffickers. It mandates the provision of shelter, counseling, medical assistance, and legal aid to survivors, emphasizing a victim-centered approach. Therefore Bangladesh has multiple constitutional provisions, laws, and acts that directly or indirectly address human trafficking:

### Constitutional Provisions

Article 34(1) prohibits forced labor, establishing a constitutional basis against trafficking. Articles 19 and 28(4) empower the state to make special laws for women, children, and vulnerable groups. The judiciary has also recognizes the repatriation of trafficked victims as a fundamental right in *Abdul Gafur v. Bangladesh*.

### Penal Code, 1860 <sup>[3]</sup>

Does not directly criminalize human trafficking but covers related offenses such as kidnapping, abduction, procurement of minors, slavery, forced labor, rape, wrongful confinement, and fraudulent marriage.

### The Children Act, 1974 <sup>[4]</sup>

Provides protection and custody measures for children and penalties for offenses like exploitation, inducing begging, or seduction.

### Prevention of Repression against Women and Children Act, 2000 (amended 2003) <sup>[5]</sup>

Sections 5 and 6 specifically address trafficking of women and children for prostitution or immoral purposes.

### Extradition Act, 1974 <sup>[6]</sup>

Allows extradition of offenders involved in trafficking-related crimes, including rape, procurement of women/children, abduction, and dealing in slaves.

### Bangladesh Labor Code, 2006 <sup>[7]</sup>

Prohibits employment of children and young persons, aligning labor laws with anti-trafficking measures.

### Prevention and Suppression of Human Trafficking Act, 2012 <sup>[2]</sup>

Directly criminalizes human trafficking, provides protection for victims, ensures safe migration, allows complaints to police or tribunals, protects complainant identities, and applies extraterritoriality (including on ships or aircraft). Bangladesh has ratified numerous international conventions and protocols, such as the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), in addition to national legislation. This protocol establishes standards for the protection of trafficked persons and provides a framework for international cooperation. The

Convention on the Rights of the Child (CRC) and regional agreements within South Asia that encourage cross-border cooperation in the fight against trafficking are additional pertinent instruments. Furthermore, the law guarantees victim protection; however, there are practical deficiencies in the provision of long-term reintegration, rehabilitation, and timely rescue. NGOs frequently address these deficiencies by offering victims shelters, counseling, vocational training, and legal assistance. Additionally, they are instrumental in the monitoring of law enforcement actions, the advocacy for more robust policies, and the promotion of community awareness.

### **The Function of NGOs in Addressing Human Trafficking**

Non-governmental organizations (NGOs) are instrumental in combating human trafficking in Bangladesh, augmenting governmental initiatives in prevention, protection, rehabilitation, and advocacy.

#### **Prevention**

Non-governmental organizations implement awareness campaigns in communities, educational institutions, and at-risk regions to inform individuals about the dangers of trafficking and methods for self-defense. They execute poverty alleviation and skill development initiatives to mitigate socio-economic vulnerabilities that traffickers exploit.

#### **Safeguarding and Restoration**

Non-governmental organizations partner with law enforcement to liberate trafficked persons and offer immediate assistance. They provide shelters, medical support, counseling, and legal assistance to survivors. Non-governmental organizations assist in the reintegration of victims into society via vocational training and educational initiatives.

#### **Advocacy and Policy Impact**

Non-governmental organizations advocate for more robust anti-trafficking legislation and oversee the enforcement of current laws. They enhance public awareness and champion the rights of trafficking survivors at both national and international platforms.

#### **Skill Development**

Non-governmental organizations train law enforcement personnel, social workers, and community leaders to identify and address trafficking incidents proficiently. They formulate and disseminate optimal practices with other NGOs and governmental entities to enhance anti-trafficking initiatives.

#### **Obstacles faced by Non-Governmental Organizations**

Non-governmental organizations encounter constrained funding and resources, thereby limiting the extent of their interventions. Bureaucratic obstacles and insufficient coordination with governmental entities frequently hinder effective action. Cultural and social obstacles, in

conjunction with legal restrictions, may impede community involvement and program execution.

### **Challenges faced by NGOs in Addressing Human Trafficking**

#### **1. Restricted Financial Resources**

Numerous NGOs encounter difficulties in obtaining adequate financial and human resources, thereby constraining the scope and sustainability of their initiatives.

#### **2. Bureaucratic and Regulatory Obstacles**

Intricate registration processes, governmental regulations, and bureaucratic delays may obstruct prompt interventions.

#### **3. Collaboration with Government Entities**

Inadequate coordination between NGOs and law enforcement or social welfare agencies frequently diminishes program efficacy.

#### **4. Cultural and Social Obstacles**

Social stigma, gender norms, and local customs may hinder victim engagement in rehabilitation programs and community outreach efforts.

#### **5. Legal Limitations**

Specific laws and policies may restrict NGO activities, especially in rescue operations or cross-border interventions, resulting in operational difficulties.

#### **6. Challenges in Monitoring and Evaluation**

Assessing program efficacy is difficult owing to insufficient data, absence of standardized metrics, and challenges in monitoring the long-term reintegration of survivors.

### **Case Studies on the Role of NGOs in Combating Human Trafficking in Bangladesh**

#### **Case Study 1: BRAC and Safe Migration Initiatives**

BRAC has pioneered anti-trafficking interventions through its Safe Migration Programme, which focuses on awareness, legal aid, and rehabilitation of trafficking survivors. Studies suggest that NGOs like BRAC play an indispensable role in bridging gaps left by state institutions, particularly in rural areas where communities are most vulnerable to trafficking.

#### **Case Study 2: Ain o Salish Kendra (ASK) and Legal Protection**

ASK has worked extensively to secure justice for trafficked women and children through legal representation and advocacy. Research highlights that ASK's interventions not only repatriate survivors but also challenge institutional failures in implementing the Prevention and Suppression of Human Trafficking Act 2012<sup>[2]</sup>, thereby strengthening victim-centered justice approaches in Bangladesh.

#### **Case Study 3: Caritas Bangladesh and Child Protection**

Caritas has established shelters for rescued children in trafficking-prone border districts such as Jessore. These shelters provide education, healthcare, and psychosocial counseling, while also reintegrating children with their families when possible. Scholars argue that such rehabilitation mechanisms are crucial to prevent cycles of re-trafficking among vulnerable children.

#### **Case Study 4: BNWLA (Bangladesh National Women Lawyers' Association) and Strategic Litigation**

BNWLA has led several landmark cases that resulted in convictions of traffickers, marking rare but significant successes in Bangladesh's criminal justice system. Legal scholarship recognizes BNWLA as one of the few organizations actively holding traffickers accountable through litigation, while also empowering adolescent girls through rights-based clubs and community education.

#### **Case Study 5: Save the Children and Education-based Prevention**

Save the Children emphasizes preventive strategies, particularly through education in high-risk districts. Empirical studies show that community awareness and early intervention through schools reduce children's vulnerability to trafficking networks.

#### **Case Study 6: Uddipan and Economic Empowerment**

Uddipan addresses root causes of trafficking through microcredit schemes and vocational training for women. Evidence demonstrates that women with financial independence are significantly less likely to fall prey to traffickers' false promises of employment or marriage abroad.

#### **Findings**

- Bangladesh has strong anti-trafficking laws, most notably the Prevention and Suppression of Human Trafficking Act, 2012 <sup>[2]</sup>, but implementation is weak and victim protection is neglected.
- NGOs such as BRAC, BNWLA, ASK, Caritas, Save the Children, and Uddipan fill crucial gaps through prevention, rehabilitation, legal aid and advocacy that the government cannot effectively deliver.
- Tactical litigation exists (e.g., BNWLA cases), but prosecution rates remain low compared to the scale of trafficking due to lack of harmonization between state agencies and NGOs.
- NGOs face challenges like restricted financial and human resources, bureaucratic hurdles, social stigma and weak state collaboration.
- Cross-border rescue and repatriation are hindered by weak regional cooperation tools.

#### **Recommendations**

- Consolidation Legal and Institutional Frameworks with clearer victim-witness protection and NGO involvement in prosecution.
- Launch National NGO–Government Coordination Platform to share data, case updates, best practices and co-managed shelters.
- Expand prevention through anti-trafficking education into the national curriculum, safe migration awareness campaigns and community programs.
- Create a National Victim Assistance Fund financed by both state and donor contributions, accessible to NGOs for survivor rehabilitation and ensure faster cross-border repatriation.
- Develop law enforcement capacity through train police, border guards and judiciary in victim-centered approaches with NGO participation in training modules and improve monitoring and evaluation frameworks to assess long-term reintegration outcomes of survivors.

#### **Conclusion**

The study finds that the Prevention and Suppression of Human Trafficking Act, 2012 <sup>[2]</sup>, has not achieved its intended objectives, as enforcement remains weak and victim protection insufficient. Although the Act provides a robust legal framework, its practical impact has been minimal due to corruption, lack of coordination and limited state capacity. This study indicates that the state has constitutional and legal responsibility to fight trafficking, but these efforts are hindered by insufficient enforcement, corruption, not enough protection for victims and not enough coordination between regions. BRAC, BNWLA, ASK, Caritas, Save the Children and Uddipan are all important NGOs that help with prevention, protection, rehabilitation, advocacy and prosecution. Their community-based and survivor-centered initiatives work well with what the government is doing and fill important gaps. But they can't do their jobs as well as they could because they don't have enough resources, there are too many bureaucratic barriers, people look down on them, and they don't work well with government agencies. The study finds that NGOs need to be seen as important partners in Bangladesh's anti-trafficking efforts, not just as extra players. For a reaction that is long-lasting, based on rights, and focused on the victim, it is important for the state and NGOs to work together in a formal way.

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