

## Commercial Sexual Exploitation of Children in Bangladesh: Its Social and Legal Aspects

Mohammad Asecur Rahman\*

### Abstract

*The paper aims at to improving our understanding about the prevalence and determinants of child abuse in Bangladesh. For fulfillment of this aim some statistic has been shown for understanding the present picture of Bangladesh in this regard. Some case study has been given for better understanding of the Commercial sexual exploitation of children. Then some existing international and national legal framework which gives the protection of children from Commercial sexual exploitation of children has been discussed. Then the lacking of domestic laws in this regard has shown in this paper. Finally some recommendation has been given to overcome Commercial sexual exploitation of children problem in Bangladesh. Children in Bangladesh are vulnerable to being trafficked into bonded labor or brothels; being sexually abused at home, in the workplace, community and at school; and being sexually exploited. It also includes forms of transactional sex where the sexual abuse of children is not stopped or reported by household members, due to benefits derived by the household from the perpetrator. The paper concludes that raising public awareness against child abuse and promoting preventive measures should be adopted to reduce child abuse in Bangladesh.*

**Keywords:** commercial sexual exploitation of children, child prostitution, Bangladesh, child pornography, child rights-based legislation

Sexual abuse of children in the community falls into two forms of coercion: manipulation of the child's trust, such as in abuse by family friends, child caretakers, or neighbors, and exploitation of power, by those who can exert control over the child or the child's parents. Disempowerment, poverty, membership in a disadvantaged ethnic group, or disintegration of the social fabric due to war, corruption or lack of civil authority can be at the root of child sexual abuse experienced in the wider community. Sexual exploitation is the sexual abuse of children and youth through the exchange of sex or sexual acts for drugs, food, shelter, protection, other basics of life, and/or money. Sexual exploitation includes involving children and youth in creating pornography and sexually explicit websites. When this exploitation is done by any individual or group of individual for their fulfillment of own perverted satisfaction is known as non commercial sexual exploitation of children. For instance a young teenager housemaid was manipulated into having sexual relationships with older men. On the other hand when this sexual exploitation is used for business is known as Commercial sexual exploitation of children (CSEC). The similarity of non commercial and commercial sexual exploitation of children is that the users are always same. Those users are known as "Child abuser". The commercial or non-commercial aspects of this are not always easily separated, as the element of "consideration" included within these definitions

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\*Lecturer, Department of Law, ASA University Bangladesh

can reflect a wide range of forms of economic and non-economic dependence. In addition, the relationship between both aspects of sexual abuse is frequently demonstrated in research with adults engaged in prostitution. Findings suggest that a majority were previously victims of non-commercial sexual abuse.

Commercial sexual exploitation of children (CSEC) is defined in the Declaration and Agenda for Action against Commercial Sexual Exploitation of Children as “sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons”. It is a process through which “the child is treated as a sexual object and as a commercial object” and “which constitutes a form of coercion and violence against children, and amounts to forced labor and a contemporary form of slavery”. Although no comprehensive and reliable statistics are available of the actual numbers, anecdotal evidence suggests that sexual exploitation and abuse of girls is common in Bangladesh. Children, girls in particular, are vulnerable from a very young age. Girls with disabilities are more vulnerable, as they are perceived to be easy targets. However, reliable quantitative data on the extent of sexual abuse and sexual exploitation is limited, thus making protection difficult to enforce. A ‘culture of silence’ surrounding this issue forces victimized children into isolation and prevents them from accessing legal or social justice. In this way, a sexually abused girl in Bangladesh is abused twice: first by the perpetrator physically, and second by society, both psychologically and socially. In 1998, the NGO ‘INCIDIN Bangladesh’ breaking the silence launched a project in one part of Dhaka city with the objectives of raising awareness in the area against child sexual abuse, providing counseling to affected children and educating the clients and the children attending the center about child rights.

Bangladesh National Women Lawyers Association BNWLA conducted a study in 2001 about number of sexual abuse and prostitution. The study was qualitative rather than quantitative, emphasizing analysis of a few cases in their context. Research methods consisted of observations, interviews, consultations and focus group discussions with informants on their own ground (village, workplace, NGO site). Their case histories of 40 sexually abused girls (including 3 abused within marriage) and 29 boys were documented. Two thirds of the cases (22 girls and 23 boys) were documented in Dhaka and in district and sub-district towns, whereas one third (5 boys and 18 girls) were documented in rural areas. In addition, the case histories of 59 girls and 1 boy engaged in prostitution were documented in urban areas. Among the latter group, the boy and 42 per cent of the girls (25) went into prostitution after having been sexually abused. Table 1 Number of sexual abuse and prostitution case histories documented.

**Table 1: Number of sexual abuse and prostitution case histories documented**

	<b>Girls</b>	<b>Boys</b>	<b>Total</b>
<b>Sexually Abused</b>	<b>40</b>	<b>28</b>	<b>68</b>
<b>Engaged in prostitution<sup>3</sup></b>	<b>59</b>	<b>1</b>	<b>60</b>
<b>Total</b>	<b>99</b>	<b>29</b>	<b>128</b>
<b>Number who entered prostitution after sexual abuse</b>	<b>25</b>	<b>1</b>	<b>26</b>

Girls and boys are sexually abused in all classes of society, and the cases are not difficult to find. This brief study covers the case histories of 29 boys and 40 girls ranging in age from 2½ to 17 years. While 18 is the official end of childhood, this age is a necessary but arbitrary cutoff: few boys may be sexually abused past the age of 15, but girls continue to be victims of sexual aggression beyond the age of 18. The study shows that girls are victims of rape mostly between 13 and 18 years of age, a conclusion also reached by BNWLA (2001).

**Table 2: Age at time of abuse, by sex**



Table 3 shows the ages of the girls and one boy interviewed for the case histories compared to those in the INCIDIN Bangladesh (a leading NGO) survey, which included a much larger sample (431 sex workers).

**Table 3: Age of sex workers interviewed**

	Girls	Boys	Total	Per cent	INCIDIN study (per cent)
Below 12 years	2	–	2	3	2.8
12 to 14	12	–	12	20	16.5
15 to 17	45	1	46	76	75.6
18-19	–	–	--	--	5.1
Total	59	1	60		

There is a misconception that sexual abuse does not happen to young children. However, the research findings showed that the youngest of the victims was less than two years of age. It is useful to describe the context surrounding the commercial sexual exploitation of children, and specifically girl children, in Bangladesh through a narrative. The following narrative is provided by Kathryn Seymour, UNICEF.

### **Case Study**

A sexually exploited 13-year-old named Shetra was found in a hotel by a peer educator from Association of Voluntary Action for Society (AVAS). Shetra narrated her story as follows:

“My father died when I was six or seven, so my mother has always had to work to support us. When my mother goes to work, I look after my youngest sister, who is only 11 months old. My middle sister is eight. All four of us live in a rented house in Barisal, but the rent is very expensive. My mother often can’t earn enough as a maid, and things are very difficult. Sometimes, we can’t manage food or the rent for our house. Recently, I began to think that I really needed to earn some money to help us out, so I decided to go look for a job. For a short while, I got a job as a maid. My employer beat me and only gave me one meal a day, so I quit. Two months ago, I started as a sex worker. My mother doesn’t know where I go when I leave to meet men. I tell her that I am going to visit a friend. When I give her the money afterwards and she asks me where it came from, I tell her that I got a job on the roads chipping bricks. This is the story I tell everyone.”

### **How it started?**

“I started as a sex worker because of one of our neighbors. He is a close friend with my family, so I call him ‘uncle’, even though he is not my relative. One day, he called me and said that he had someone for me to meet at his house. When I got to his house, he introduced me to another man who he said I should also call ‘uncle’. We went to a hotel together and that was my first time. It hurt a lot. Since then, two or three days a week I go to the hotel with this uncle. One time, he took me to his home when no one else was there. I’ve been to other hotels and sometimes to houses when the wives are away. Normally, the oldest men come to me. I think that they are mostly over 40 years old. My neighbor usually calls me when there is a man for me. I don’t know if there are other girls that he calls, but there might be. I want to stop doing this, but I don’t know how because my mother needs the money. I don’t want to continue because then I know that I won’t have an education, but I need to help feed my family.”

Criminal networks make considerable profits by engaging girls in commercial sex work, smuggling, stealing, and the distribution of drugs and weapons. Reliable, disaggregated data, however, is not available on girls exploited by commercial sex work, although estimates for women and girls alone range from as high as 150,000. According to a recent study by UNICEF Bangladesh, the average age at which children first become involved in commercial sexual exploitation is 13 years. A study of 92 case histories from Daulotdia brothel, in the Rajbari

District in the early 1990s, put the average age at 13.5 years. According to a 2009 report by UNICEF, girls are in some cases recruited for sex work from shelter homes, despite the fact that such institutions are putatively designed for their care and protection.

Sexually exploited girls are highly vulnerable to general and reproductive health problems, which is worsened by the lack of access to health care services. In the three months preceding a UNICEF/Integrated Community & Industrial Development Initiative (INCIDIN) study on sexually exploited children, three quarters of the surveyed children were found to have been sick for 16 days on average and one third were injured, suffering for 12 days on average. More than half of the surveyed children suffered from sexually transmitted diseases. Of those who were sick or injured, 18 percent and 43 percent, respectively, received no treatment, and many of those who did seek treatment went to informal healthcare service providers. The survey also found that:

- a. 68 per cent of the children suffered from depression;
- b. 83 per cent had regular nightmares;
- c. Nearly half of the children (more boys than girls) reported that they used addictive substances, e.g. cigarettes, marijuana/ganja, alcohol and betel leaf; and
- d. Some of the girls reported using addictive substances at the demand of their customers.

The daughters of brothel-based sex workers also experience severe discrimination, as they are seen as having been conceived in sin. Accordingly, they often become sex workers themselves. UNICEF emphasizes that girls who work as bonded sex workers within brothels, or *chukri*, are in particularly difficult situations, as they are typically bought by an older sex worker in the brothel, and not permitted to go outside of the brothel or choose their customers. They are also under strict surveillance to prevent them from running away, and are often beaten and/or deprived of food when they are perceived to have broken brothel rules. Street-based sex workers commonly have more independence, but are also extremely vulnerable to violence from customers and police officers.

### **Factors contributing to commercial sexual exploitation of girls**

According to the 2001 Yokohama Global Commitment, children are drawn into the sex trade for many different reasons. However, the cross-cutting factors include poverty, inequality, discrimination; persecution, violence, armed conflict, dysfunctional families and criminality.

Children are vulnerable from a very young age, with the risks for boys diminishing in their mid-teens as their physical strength increases. As indicated, girls and children with disabilities are particularly vulnerable, as they are perceived to be easy targets. Abusers come from a wide range of social and occupational groups, but the majorities are known to the victim. It is the pre-existing relationship that gives the abusers easy access to the girl without raising the suspicions of guardians.

A key issue underlying girl sexual abuse, exploitation and trafficking is that these children are often unaware of their legal rights, or made to feel they cannot exercise these rights. Poor law

enforcement further compounds their vulnerability. UNICEF indicates that “(t) he Government rarely (if ever) prosecutes those responsible for holding people in involuntary servitude or those who procure child sex workers.” More inexperienced girls face a greater risk of sexual exploitation from *mastans* (participants in organized crime) and the police.

Girls living on the streets are particularly vulnerable to abuse and exploitation. Even when these children live with their families, poverty and the inability to access state resources render most parents unable to provide appropriate care, including accommodation, protection, education, health care, food, safe drinking water, security, recreation and guidance. Poor parents can often be driven to see their daughters as liabilities, and voluntarily introduce them to the sex industry at an early age. Without appropriate care and continually struggling to survive, many girls see themselves as have few other options.

### **Risks associated with commercial sexual exploitation**

Girl prostitution intersects with other considerable problems, including child labor, human trafficking, poverty, urbanization, cultural norms and patriarchy. It is the longest lasting and most vicious form of child abuse, causing immeasurable psychological and physical damage. It is moreover a considerable health hazard. Children are exposed to many sexually transmitted infections (STIs), including HIV/AIDS. Many also cope by turning to drugs.

In addition to the health risks associated with unsafe sex, some girls take the steroid '*Betamethasone*' which is harmful to their health, but which causes fluid retention which makes them look more sexually developed. Finally, sexual exploitation also tends to prevent girls from pursuing an education. The above-mentioned UNICEF/Integrated Community and Industrial Development Initiative (INCIDIN) study found that less than one percent of girls involved in sex work were attending an educational institution.

### **Legal framework governing child commercial sexual exploitation**

#### **International legal framework**

The international legal regime unequivocally prohibits the commercial sexual exploitation of children. This regime consists of key multilateral treaties, which requires signatory states to incorporate their provisions into domestic law. Bangladesh has made similar commitments through various other international treaties, including:

- Supplementary Convention on the Abolition of Slavery, Slave Trade and Institution and Practices Similar to Slavery 1956
- Convention on the Rights of the Child 1989
- Convention on the Elimination of all Forms of Discrimination against Women 1979

- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography 2000
- ILO Convention concerning the Prohibition and Immediate Action for the Elimination of The Worst Forms of Child Labour (No. 182) 1999
- Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women 1999
- Convention on Abolition of Forced Labour 1957

### **Effectiveness and obligations for Bangladesh**

Bangladesh was the first country in South Asia to sign the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography 2000, and has accordingly made provisions in the National Plan of Action for Children to tackle child prostitution, trafficking, sex tourism and child pornography. Bangladesh ratified the CRC 1989 on 3 August 1990 (with a reservation to article 14, paragraph 1), which came into force on 2 September 1990. The reservation is directed to preserving the current plurality in the legal system where many matters pertaining to family and private life are dictated by religious personal norms, e.g. child marriage.

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution & Child Pornography is definitely a very important international instrument to eliminate all forms of sexual exploitation against children. Bangladesh has signed and ratified the Optional Protocol in the year of 2000 as one of the first ten ratifying countries of the instrument. It came into force in the year of 2002. The Government of Bangladesh has submitted its first initial report in October of 2005. The report was prepared by the Ministry of Women & Children Affairs, Government of the Peoples' Republic of Bangladesh in consultation with concerned ministries and agencies working for children in Bangladesh.

The South Asian Association for Regional Cooperation Convention on Prevention and Combating Trafficking in Women and Children for Prostitution 2002 is also narrow in its conception of commercial sexual exploitation by focusing on trafficking. It does not apply to victims of sexual exploitation that are not also victims of trafficking.

### **National legal framework**

The right to life, liberty and security of person, the right to the protection of law, and the prohibition against forced labor are enshrined in the Constitution of Bangladesh. These rights are articulated in several other laws.

The Penal Code 1860 is the principal law defining the various categories of crimes. It lays down many provisions that criminalize the commercial sexual exploitation of women and children. The relevant sections of the Code are:

**Section: 364A.** whoever, kidnaps or abducts any person under the age of ten, in order that such a person may be or subjected to slavery or to the lust of any person shall be punished with death or with imprisonment for life or for rigorous imprisonment for a term which may extend to 14 years and may not be less than 7 years.

**Section: 366A.** Whoever, by any means whatsoever, induces any minor girl under the age of eighteen years to go from any place or to do any act with intent that such girl may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.

**Section: 367.** Whoever kidnaps or abducts any person in order that such person may be subjected, or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Section: 372.** Whoever sells, allows to hire, or otherwise disposes of any person under the age of eighteen years with intent that such person shall at any age be employed or used for the purpose of prostitution of illicit intercourse with any person or for any unlawful and immoral purpose, or knowing it to be likely that such person will at any age be employed or used for any such purpose, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

**Explanation I:** When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.

**Explanation II:** For the purposes of this section "illicit intercourse" means sexual intercourse between person not united by marriage or by any union or tie which, though not amounting to a marriage, is recognized by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a quasi-marital relation.

**Section 373:** Whoever buys, hires or otherwise obtains possession of any person under the age of eighteen years with the intent that such person shall at any age be employed or used for the purpose of prostitution or illicit intercourse with any person or knowing it likely that such person will at any age be employed or used for such purpose, shall be punished with imprisonment of either description for a term which may extend to 10 years and fine. Any prostitute or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of 18 years, shall until the contrary is proved, be presumed to have obtained possession of such female with the intent that she shall be used for the purpose of prostitution.

While the law does not specifically mention 'child pornography', Sections 292, 293 and 294 of the Penal Code (Act XLV of 1860) pertain to the sale, rent, distribution, and exhibition and/or circulation of materials that are 'obscene.'

The punishment for selling, renting, distributing, exhibiting and circulating obscenity to persons under 20 years of age is twice as harsh (with the penalty extended from a prison term of up to three months and/or a cash fine up to six months in prison and/or a cash fine).

The Suppression of Immoral Traffic Act, 1933 was enacted to suppress brothels, and trafficking in women and girls for immoral purposes.

Although the law stringently punishes trafficking and related activities (prescribing a minimum seven years' imprisonment), the Penal Code 1860 and Suppression of Immoral Traffic Act 1933 both have deficiencies that hamper the ability to prosecute cases of commercial sexual exploitation. These laws are mainly directed towards penalizing prostitution, and not towards a gender and child-sensitive prevention and prosecution of the more subtle forms of sexual exploitation.

The Nari o Shishu Nirjatan Daman Ain, 2000 (Prevention of Repression of Women and Children Act 2000) aims to protect women and children from the particular crimes to which they are most vulnerable. In Section 2 (Ta), the Act defines 'child' as a person not older than 16 years of age.

Section 6 of the Act lays down provisions for trafficking of children. In this provision trafficking is conflated with commercial sexual exploitation; as such, it fails to deal with the two issues independently. The section prescribes the death penalty, or imprisonment for life, in addition to a fine.

## **Children Act, 1974**

### **Section 41. *Penalty for allowing child to be in brothel***

Whoever allows or permits a child over the age of four years to reside in or frequently to go to a brothel shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to Taka one thousand, or with both.

### **Section 44. *Penalty for exploitation of child employees***

- (1) Whoever secures a child ostensibly for the purpose of menial employment or for labour in a factory or other establishment, but in fact exploits the child for his own ends, withholds or lives on his earnings, shall be punishable with fine which may extend to Taka one thousand.
- (2) Whoever secures a child ostensibly for any of the purposes mentioned in sub-section (1), but exposes such child to the risk of seduction, sodomy, prostitution or other immoral conditions shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to Taka one thousand, or with both.
- (3) Any person who avails himself of the labour of a child exploited in the manner referred to in sub-section (1) or sub-section (2), or for whose immoral gratification such child is used, shall be liable as an abettor.

## **The Information & Communication Technology Act, 2006**

**Section 57.** Punishment for publishing fake, obscene or defaming information in electronic form.-

(1) If any person deliberately publishes or transmits or causes to be published or transmitted in the website or in electronic form any material which is fake and obscene or its effect is such as to tend to deprave and corrupt persons who are likely, having regard to all relevant circumstances, to read, see or hear the matter contained or embodied in it, or causes to deteriorate or creates possibility to deteriorate law and order, prejudice the image of the State or person or causes to hurt or may hurt religious belief or instigate against any person or organization, then this activity of his will be regarded as an offence.

(2) Whoever commits offence under sub-section (1) of this section he shall be punishable with imprisonment for a term which may extend to ten years and with fine which may extend to Taka one crore.

### ***Pornography Control Act 2012***

The Act has a separate section (**Section 8 sub-section 6**) for child pornography and for this act any person below the age of 18 is a child and any pornography recording, pictures with a child being filmed will carry a sentence of 10 years imprisonment and five lac taka fine. Few other feature of the Act is that it empowers the Court to take expert opinion/help from IT experts and empowers the Investigation Officer to siege or search any device, book, CD etc as evidence.

## **The Births and Deaths Registration Act, 2004**

**Section 21.** Penalty:-

If any person or registrar breach the articles under this Act or any rule made there under this Act, shall be punished with a fine up to Taka 500.00 (five hundred) or 2 months imprisonment or both.

The courts have made two notable advances. The High Court Division's ruling in *State v. Abul Kashem* [10 MLR 2005 (HC) 164] has established that the evidence of a child witness is admissible in establishing the guilt of the accused person. In another decision, the Court provided a robust interpretation of the term immoral in Section 6 of the Nari o Shishu Nirjatan Daman Ain law. In *Rajib Kamrul Hasan and Others vs. the State* [MLR 2001 (AD) 70] the court has stated that taking nude photographs of a victim is a highly immoral act. Therefore cases of pornography can also be prosecuted under this provision.

However, trying cases of sexual exploitation becomes difficult when they do not include "movement or taking from one place to another." It remains to be seen how the courts will deal with such an issue under existing laws.

### **National policies and programs**

Bangladesh prepared three National Plans of Action (NPA) in 1990, 1999 and 2005 to fulfill its commitment to children's rights. The last, for the period 2005-2010, aims to improve children's lives, establish child rights, promote gender equality and implement the terms of the CRC 1989. A National Plan of Action against Sexual Exploitation and Abuse of Children, including Trafficking (NPA-SEACT), has also been formulated.

In 2009, two significant measures were adopted to advance children's rights. First, the National Council for Women and Child Development was established in February 2009 as an oversight mechanism. It is headed by the Prime Minister. Second, the 2008 Policy for the Advancement of Women aims at eradicating gender disparities that seriously affect girls. Additionally, a regional strategy to combat child sexual abuse and sexual exploitation of children was adopted by all seven South Asian Countries in Dhaka in 2001.

The regional strategy was developed in November 2001, with the Government of Bangladesh, together with the governments of Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka, to collectively combat CSEC. Specifically, the countries committed to: (i) reform legislation to ensure that children are defined as persons below the age of 18 years; (ii) harmonize national laws with international standards to more comprehensively protect children's substantive and procedural legal rights; and (iii) urge nations to sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

With respect to the reform of domestic laws in line with international standards, the strategy calls for:

- A) Child-friendly and gender-sensitive legal procedures for children;
- B) Registration of all births and marriages;
- C) Collaboration between governments to ensure prosecution of foreign violators of children's rights;
- D) Child rights training for lawyers, judges and law enforcement officials;
- E) Humane treatment of children commercially sexually exploited as victims rather than criminals;
- F) Establishment of monitoring systems to ensure accountability; and
- G) Simplified legal processes and procedures.

The Kishori Abhijan project has expanded its operation from 14 to 26 districts. It seeks to empower adolescent girls by providing life skills-based training through a peer-to-peer approach that reaches 100,000 adolescents. It has also provided livelihood and basic economic skills training to 25,000 adolescent girls. Different NGOs are also working to protect children from abuse and exploitation. Some of them are working with sex workers and their children, placing a special focus on their rehabilitation.

## **Assessing the current legal framework**

The current legal framework does not define what comprises “commercial sexual exploitation”, and practical uses of the term mirror common perceptions. In many cases, commercial sexual exploitation is understood to consist only of prostitution excluding other subtler forms. A comprehensive definition must encompass prostitution, pornography and trafficking for sexual purposes. Child sex tourism and some instances of child marriage can further be considered as specific forms of child prostitution. Commercial sexual exploitation of children is a grave violation of children’s rights and constitutes an affront to collective dignity. First identification as a global concern at the Stockholm World Congress against Commercial Sexual Exploitation of Children in 1996 (CSEC) is a complex problem that requires very specific interventions and the full attention of the world community. CSEC can take many forms each with equally devastating consequences for girls and the communities in which it occurs. The main forms of CSEC are child prostitution, child pornography and trafficking of children for sexual purposes while child sex tourism and some instances of child marriage can be also considered as specific forms of child prostitution. The first step in legislative reform is to provide an inclusive and comprehensive definition of commercial child sexual exploitation. This could be done by inserting an additional provision into the Nari-o-Shishu Nirjatan Daman Ain 2000. A legal framework on media and internet is also urgently needed, as child pornography is one of the largest and most widespread forms of sexual exploitation. Currently, the existing framework does not address this issue properly. Another important issue relates to the determination of age. The age limit defining the child varies in national legislation. This directly affects how stakeholders, particularly police and courts, address children’s needs, respect their ability to make decisions and approach their innocence and accountability. Girls particularly are exposed to employment in brothels due to the absence of any means of age verification. Law enforcement agencies are unable to take requisite steps to address child prostitution due to:

Lack of clarity in law on the scope and ambit of the issue;

- a) Absence of methods of age verification;
- b) Lack of sensitization through necessary training; and
- c) Lack of resources.

## **Recommendation**

### **Legislative reform**

Laws are currently directed towards penalizing prostitution, and not towards a gender or child-sensitive prevention and prosecution of sexual exploitation. Thus, the first step in legislative reform is to provide an inclusive and comprehensive definition of commercial child sexual exploitation. This could be done by inserting an additional provision into the Nari-o-Shishu Nirjatan Daman Ain 2000. A comprehensive definition must encompass prostitution, pornography and trafficking for sexual purposes. Child sex tourism and some instances of child marriage can further be considered as specific forms of child prostitution.

The age limit defining a ‘child’ varies in national legislation, making prosecution of commercial child sexual exploitation problematic. Appropriate measures should be taken to address this problem to ensure the rights of girl children.

A legal framework on media and internet-based offence is urgently needed, as child pornography is one of the largest and most widespread forms of sexual exploitation. Currently, the existing framework only provides protection from exploitation through pornography through case law, with the specific crime of child pornography not being enshrined in national legislation.

There is concern that victims are sometimes harassed by law enforcement officials. A monitoring mechanism of law enforcement officials should thus be established to address such abuses of power.

### **Increase birth registration**

In Bangladesh, many girls are not registered at birth. This makes it difficult to track whether girl’s rights are being adequately protected. Efforts must hence be taken to ensure universal birth registration of girls.

### **Awareness-creating campaigns**

A nation-wide campaign needs to be undertaken to raise awareness regarding the issue of commercial sexual exploitation of girls. Awareness-raising strategies must address a holistic range of prevention, prosecution and rehabilitation needs. Preventive measures should embrace not only state agencies, but also primary Care-givers such as parents and schools. Community mobilization is an important asset in this regard. Here it is interesting to note that mothers from indigenous communities who participated in the survey carried out as part of the present research reported that they are not only look out for their own children but also those of their neighbors, and would discard household chores and other preoccupations if they saw a child of the community talking to or being lured by strangers.

Community-level awareness programs should aim to create a supportive environment, within the community and the family, in accepting victims of sexual exploitation back into the community. In support of this initiative, a Community Care Committee (CCC) could be formed in every village.

### **Ensure victim support system**

Accessibility and availability of crisis centers to provide victims the necessary support during rescue, recovery and prosecution stages are necessary. There is also a need for victim protection, as persons involved in commercial sexual exploitation of children often belong to strong criminal networks that often threaten victims and their families not to press charges.

Increased resource allocation should allow for the establishment of more centers (both Government and NGO-sponsored) for the rehabilitation of girl victims of sexual exploitation. Rehabilitation measures should be needs-based. Initiatives could include counseling, medical assistance, education for young children, technical/vocational training and education for adolescent girls.

Interventions should include a focus on prevention, prosecution and protection. Preventive measures need to embrace not only state agencies but also primary caregivers such as parents and schools. With regard to prosecution of unlawful acts relating to sexual exploitation of girls, there is an urgent need for sensitization of law enforcement officials as well as judicial officials.

## **Conclusion**

Children are probably the most neglected members of society and hardly have any voice, even within the home. Children can experience abuse at homes, in leisure activities at school, - in fact anywhere. The abuse is usually caused by someone the child knows and rarely by a stranger. It is also important to recognize that children can be abused by other children. As a result, they are consistently becoming easy victims of all sorts of child abuse. Abuse against children must stop and the judiciary law enforcing agents and the parents and guardians of children themselves, must be sensitized to the provisions of the Convention on the Rights of the Child and the law protecting children in Bangladesh.

Furthermore, children need to be protected from vested interest groups and acts of impunity towards children by those purporting to protect society must be dealt with seriously and in accordance with the law.

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