

# ENDLINE EVALUATION

## HUMAN TRAFFICKING PROSECUTION PROJECT IN BANGLADESH



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The background of the page features a stylized illustration of a courtroom. In the center, a judge in a black robe sits on a high bench, looking towards the right. To the left, two lawyers in black robes stand near a witness stand. A witness, a woman in a blue shirt, is seated in the stand, looking towards the judge. In the foreground, several women in blue shirts are seated at a long table, looking towards the right. The scene is set in a room with large windows and a wooden floor. The overall color palette is muted, with greys, blues, and browns.

## ACKNOWLEDGEMENT

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**Progress Inc.**



Progress Inc. has prepared this report for Justice and Care as a part of the endline evaluation of their human trafficking prosecution project. The evaluation was conducted by **Pooja Koirala** (Founder/Director of Progress Inc.), **A.B.M. Imdadul Haque Khan** (Legal Expert) and **Mohammad Baki Billah Khan** (Assistant- Research & program, Progress Inc.) with support from **Akram Hussain Khan** (Research and Data Associate, Progress Inc.).

Both qualitative and quantitative data collection methods were utilized to obtain the findings, involving both primary and secondary data sources. The primary data collection for this evaluation was conducted in June 2024 to February 2025.

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## EXECUTIVE SUMMARY

### Background

Human trafficking remains a profound global and national challenge, characterized by the exploitation of individuals through coercion, deception, or abuse of power. In line with the Palermo Protocol, trafficking involves the recruitment, transport, and exploitation of persons for purposes such as forced labor, sexual exploitation, or organ removal. South Asia, particularly Bangladesh, remains vulnerable due to socio-economic disparities, porous borders, and systemic weaknesses. Despite legislative initiatives such as the Prevention and Suppression of Human Trafficking Act (2012) and National Plans of Action, challenges persist, including low conviction rates, prolonged prosecutions, and inadequate support for victims.

Justice and Care Bangladesh (JCBD) has been instrumental in addressing these gaps through its Human Trafficking Prosecution Programme. Working alongside the Ministry of Home Affairs and judicial authorities, JCBD supports victims, strengthens prosecutorial systems, facilitates interagency collaboration, and enhances capacity through strategic interventions. This endline evaluation aims to assess JCBD's contributions to individual case outcomes and broader systemic reforms. It also explores stakeholder perspectives, capacity improvements, tool utilization, and persisting challenges within the human trafficking prosecution landscape in Bangladesh.

### Methodology of the Study

This endline evaluation employed a mixed-methods approach, integrating quantitative and qualitative data to assess the effectiveness of the JCBD Prosecution Programme. Tribunal-level data was collected from five districts Dhaka, Khulna, Jessore (Treatment area) and Chittagong, Cox's Bazar (Control area) and analyzed using the Difference-in-Differences (DID) statistical technique to isolate the program's impact. Key indicators included conviction and acquittal rates, case disposal in a different manner before conviction or acquittal, and witness participation levels. Additional qualitative data was gathered through 27 Key Informant Interviews (KIIs) with judges, prosecutors, law enforcement, and policymakers, and 53 In-Depth Interviews (IDIs) with victims and complainants to contextualize quantitative findings.

The evaluation also encompassed a targeted review of seven acquittal cases to identify the underlying factors contributing to case dismissal. In addition, it incorporated the analysis of pre- and post-training assessment data, a detailed review of 50 case dockets, and four in-depth case studies. These components collectively provided a comprehensive understanding of JCBD's contributions to enhancing prosecutorial practices. This multi-pronged, evidence-based methodology ensured a rigorous and holistic appraisal of the intervention's effectiveness across judicial outcomes, procedural adherence, and institutional capacity.

### Findings

#### Case Characteristics

The analysis of case characteristics reveals notable demographic and procedural trends among human trafficking cases. Female victims comprised the majority (54%) of the overall sample, with a higher proportion observed in treatment areas particularly in Khulna while male victims were more prevalent in control areas. Young adults aged 18–35 represented the most vulnerable group (65%), followed by adolescents (15%). The data also indicate a rise in child victims within treatment areas (21%) and none in control areas. A shift in trafficking dynamics was also evident: trafficking by unknown individuals increased in both areas, while trafficking by acquaintances or family members declined. Additionally, trafficking for international exploitation decreased over time, with a notable rise in domestic trafficking, indicating evolving patterns of exploitation.

In terms of judicial proceedings, the average number of witnesses identified per case was 13, yet witness turnout was low particularly in control areas (7%) compared to treatment areas (34%). Case pendency has also improved in the treatment areas, where the proportion of cases pending for 1–3 years rose to 57%, compared to 45% in control areas. Moreover, long-pending cases (8 years or more) were significantly lower in treatment areas (13%) than in control areas (45%). Case progression also improved in treatment areas, where 33% of cases had reached the judgment stage by endline, whereas in control areas, all cases remained

at the prosecution witness stage. These findings collectively indicate more efficient case management and prosecution in areas supported by Justice and Care.

### **Identified Reasons for Acquittal**

The analysis of seven human trafficking cases disposed of with acquittal highlights a pattern of recurring legal and procedural deficiencies that collectively undermined successful prosecution. The most prevalent factor across all cases was the lack of sufficient evidence, which significantly impaired the ability to establish guilt beyond reasonable doubt. Additionally, investigative deficiencies and lack of witness participation were evident in five cases, indicating systemic weaknesses in coordination and case preparation.

Other notable issues included inconsistent or contradictory testimonies and the absence of independent witnesses, each present in four cases, which weakened the credibility and corroborative strength of the prosecution's narrative. The absence of key documentation was noted in three cases, while delayed or omitted medical examinations were cited in one case and flaws in call record and timeline analyses in one case. Furthermore, complainant withdrawal or resolution outside the legal process contributed to acquittals in three cases.

### **Effectiveness of JCBD's Support in Strengthening the Prosecution Process**

The evaluation findings underscore the substantial and widely appreciated contributions of JCBD in reinforcing the prosecution of human trafficking cases. Stakeholders consistently commended JCBD's multifaceted support, including facilitation of timely victim rescue and repatriation, enhanced coordination during the investigation phase, and strategic legal support through the introduction of Legal Case Facilitators (LCFs). In contrast, the absence of such support in control areas often contributed to investigative deficiencies and weaker case outcomes.

JCBD's initiatives in promoting digital case management and operationalizing the admissibility of digital evidence under the PSHTA 2012 and its Rules were particularly impactful, significantly improving procedural efficiency. The establishment of victim-friendly spaces within tribunals and the development of key national guidelines endorsed by the Ministry of Home Affairs, further exemplified JCBD's systemic influence. While stakeholders praised these interventions, they also noted the need for simplified dissemination of tools and broader capacity-building to ensure inclusive access, particularly for vulnerable victims less familiar with digital platforms.

### **Contribution on Human Trafficking Case Outcomes**

The study's Difference-in-Differences (DID) analysis provides empirical support for the positive influence of JCBD's interventions on the prosecution of human trafficking cases. The intervention was associated with an 8% point increase in conviction rates in treatment areas compared to control areas, indicating a notable improvement in prosecutorial outcomes. Additionally, the analysis revealed an 8% point reduction in cases disposed of through alternative legal outcomes, reflecting JCBD's role in reinforcing structured legal processes and discouraging informal settlements.

While acquittal rates remained unchanged at 0% across both treatment and control areas, this consistency suggests that JCBD contributed to maintaining the procedural integrity of cases. Furthermore, witness participation improved modestly in the intervention areas, with an increase of 7.25 witnesses per case, although this change was not statistically significant. These findings collectively underscore JCBD's meaningful contributions to enhancing the accountability and efficiency of the justice system in human trafficking prosecutions.

### **Effectiveness of JCBD's Victim-Centered Interventions on the Prosecution Process**

JCBD has played a pivotal role in strengthening the victim-centered dimensions of the prosecution process for human trafficking cases. In the intervention areas (Jessore, Dhaka, Khulna), approximately 85% of victims expressed strong confidence in the legal system, a direct outcome of JCBD's structured legal support, including strategic case management, legal counseling, and court accompaniment. By contrast, only 62% of victims in control areas (Chattogram, Cox's Bazar) expressed similar confidence, citing barriers such as corruption, procedural delays, and lack of legal guidance.

The impact of JCBD's interventions is further reflected in victims' understanding of and participation in judicial proceedings. Over 80% of victims in intervention areas demonstrated at least a moderate understanding of their role in court and the importance of their testimony, whereas 54% of victims in control areas admitted they lacked awareness beyond the initial complaint. This disparity highlights the value of targeted legal orientation and continuous engagement.

JCBD's efforts also reduced victims' susceptibility to informal settlements. In intervention areas, 78% of respondents firmly rejected extrajudicial resolutions despite external pressures, while over 80% of victims in control areas showed a preference for resolving cases informally due to fear, limited trust in the judiciary, and socio-economic vulnerability. The presence of JCBD's legal advocacy served as a crucial deterrent against coercion and withdrawal.

Furthermore, positive interaction with Special Public Prosecutors (SPPs) was reported by 78% of victims in intervention areas facilitated largely through JCBD's coordination and logistical support. Conversely, 77% of victims in control areas reported significant challenges, including lack of engagement, procedural confusion, and financial exploitation. The contrast in experience between the two areas underscores the substantial contribution of JCBD in promoting victim empowerment, legal access, and prosecutorial effectiveness.

### **The Impact of Capacity-Building Initiatives**

The study findings underscore the significant positive impact of JCBD's capacity-building initiatives on the prosecutorial and investigative capabilities of public prosecutors and investigation officers. Post-training assessments revealed a substantial increase in participants' comprehension of the legal elements of human trafficking "Acts, Means, and Purpose" with 71% of prosecutors demonstrating full understanding. The training also enhanced their ability to distinguish between trafficking and smuggling, with 97% correctly identifying trafficking as exploitation-based and only 3% conflating it with smuggling. Similarly, knowledge of applicable laws, particularly the Prevention and Suppression of Human Trafficking Act, 2012 and the Overseas Employment and Migrants Act, 2013 improved among both groups.

There was also a marked improvement in the understanding of victim identification, trauma response, and victim-centric prosecution. Prior to training, most investigation officers struggled to articulate how to support trauma-affected individuals. Post-training, all respondents provided informed answers, with a majority emphasizing compassionate engagement and correctly identifying psychological symptoms such as guilt, depression, and helplessness. Moreover, 97% of investigation officers and 89% of public prosecutors recognized the critical importance of accurate victim identification in ensuring justice and appropriate legal classification of cases.

Prosecutors also demonstrated increased clarity in identifying key witnesses, with 93% ranking the victim or complainant as the most critical source of evidence. Investigation officers showed improved understanding of trafficking methods, including coercion, deception, and abuse of power, and were better able to apply this knowledge in identifying and prosecuting offenders. The training also equipped participants with greater confidence in applying penalties appropriately, with recognition of the death penalty and life imprisonment as key sanctions increasing significantly.

Feedback indicated high satisfaction with the training program. Nearly all participants rated the content as relevant and the facilitators as effective. More than 90% reported that the training either fully or significantly met their expectations. The clarity of legal provisions, new learning on trafficking versus smuggling distinctions, and practical application of legal instruments were especially appreciated, reinforcing the value of these capacity-building interventions in supporting a more informed and effective justice system.

### **Challenges**

The endline evaluation revealed a series of persistent and emerging challenges that continue to hinder the effective prosecution of human trafficking cases, particularly in non-intervention (control) areas. A primary concern is the reluctance of victims, complainants, and witnesses to participate in court proceedings. This reluctance stems from fear of retaliation, lack of protection, and prolonged trial delays. In several cases, victims even faced life-threatening intimidation attempts. The absence of structured legal support in control

areas further exacerbates this issue, as victims are often left without the necessary guidance or institutional backing to navigate the justice system.

Infrastructural inadequacies, particularly the lack of victim-friendly spaces in most AHTO Tribunals, create an unsupportive environment for survivors especially women, children, and breastfeeding mothers undermining their comfort, security, and dignity during court appearances. Compounding this is the limited orientation and legal training among Investigation Officers (IOs), many of whom remain unfamiliar with the PSHTA, 2012, and its 2017 Rules. Despite the mandatory requirement under Rule 10 for IOs to consult with Public Prosecutors (PPs) prior to finalizing investigation reports, this collaboration is rarely practiced, resulting in weaker case submissions and poor trial preparedness.

The problem is further aggravated by the inadequate documentation practices of IOs. Investigative reports often lack critical cross-border communication records, financial transaction evidence, and complete contact details of victims and witnesses, thereby undermining the evidentiary value of cases. Moreover, the frequent transfer of prosecutors and law enforcement officials many of whom have received specialized training on human trafficking significantly disrupts prosecutorial continuity and institutional knowledge, diluting the impact of capacity-building initiatives.

Finally, several victims in both treatment and control areas highlighted a recurring pattern of law enforcement apathy, particularly during the early complaint stages. In some instances, this was influenced by external interference, including financial inducements from traffickers. The lack of structured intervention in control areas led to a higher incidence of out-of-court settlements, indicating systemic gaps that compromise the pursuit of justice. Even in intervention zones, despite JCBD's contributions, delays in judicial proceedings remain a notable concern, underscoring the need for sustained procedural reforms and victim protection mechanisms.

## Recommendation

Stakeholders across the AHTO Tribunals have identified several key areas requiring policy and programmatic strengthening to enhance the prosecution of human trafficking cases. A foremost recommendation is the adoption of a more structured, victim-centric approach to address two critical barriers economic hardship and fear of retaliation which significantly contribute to witness non-cooperation and victim withdrawal. To mitigate these barriers, the establishment of victim-friendly spaces in all AHTO Tribunals has been strongly endorsed, particularly to support victims from remote areas and vulnerable populations, such as breastfeeding mothers.

Capacity-building emerged as a central theme, with stakeholders calling for more inclusive and joint training initiatives involving judges, public prosecutors, and investigation officers. In particular, the under-implementation of Rule 10 of the PSHTA Rules, 2017 requiring collaboration between IOs and PPs during the investigation phase was noted as a systemic weakness. To rectify this, greater institutional coordination and joint trainings were recommended. The need for a comprehensive training manual tailored for legal practitioners involved in trafficking cases was also emphasized.

In terms of institutional tools, while the Human Trafficking Crime and Victim Identification Guideline and the Guideline on Mutual Legal Assistance in Criminal Matters both developed by JCBD and endorsed by the MoHA mark critical milestones, their dissemination and practical utility remain inconsistent. Stakeholders recommended simplifying these guidelines, translating them into multiple languages for broader accessibility, and strengthening cyber-related capacities to address emerging forms of trafficking. Further, JCBD's logistical and technical contributions to tribunal operations were lauded, and there is strong support for formalizing this partnership through an institutional framework to ensure consistent and sustainable support across all tribunals, including those newly established.

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## ABBREVIATION

ACC	Anti Corruption Commission
ADR	Alternative Dispute Resolution
AHTO	Anti-Human Trafficking Offence
APP	Assistant Public Prosecutors
ASP	Assistant Superintendent of Police
BDT	Bangladeshi Taka
BGB	Border Guards Bangladesh
CDR	Call Detail Records
CID	Criminal Investigation Department
CPU	Central Processing Unit
CR	Complaint Registrar
CSE	Commercial Sexual Exploitation
DB	Detective Branch
DID	Difference-in-Differences
DLR	Dhaka Law Reports
DMP	Dhaka Metropolitan Police
DNA	Deoxyribonucleic Acid
FIR	First Information Report
FRT	Final Report True
GD	General Diary
GOB	Government of Bangladesh
GR	General Registrar
HT	Human Trafficking
HTC	Human Trafficking Case
HTCVI	Human Trafficking Crime and Victim Identification
ICAT	The Inter-Agency Coordination Group against Trafficking in Persons
IDI	In-Depth Interviews
INGO	International Non-Governmental Organization
IO	Investigation Officer
IOM	International Organization for Migration
JC	Justice and Care
JCBD	Justice and Care Bangladesh
KAB	Knowledge, Attitude, and Behavior
KII	Key Informant Interview
LCF	Legal Case Facilitators
ME	Medical Examination
MLA	Mutual Legal Assistance
MLAT	Mutual Legal Assistance Treaties
MLR	Mutual Legal Assistance Request
MLR	Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations

MoHA	Ministry of Home Affairs
NGO	Non-Governmental Organization
NID	National Identity
NOC	No Objection Certificate
OC	Officer-in-Charge
PBI	Police Bureau of Investigation
PI	Progress Inc.
PP,	Public Prosecutors
PRB	Police Regulations, Bengal
PSHTA	The Prevention and Suppression of Human Trafficking Act
PTSD	Post-Traumatic Stress Disorder
RAB	Rapid Action Battalion
RUET,	Rajshahi University of Engineering & Technology
SAARC	South Asian Association for Regional Cooperation
SI	Sub-Inspector
SP	Superintendent of police
SPP	Special Public Prosecutors
THB	Trafficking in Human Beings
TIP	Trafficking in Persons
UK	United Kingdom
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention Against Transnational Organized Crime
WP&A	Warrant for Proclamation and Attachment
YPSA	Young Power in Social Action

# 1 Introduction

## 1.1 Background

Human trafficking constitutes one of the gravest crimes and a profound violation of fundamental human rights. It involves the exploitation of individuals through coercion, deception, or abuse of power, stripping them of their dignity, autonomy, and basic freedoms. Human trafficking is legally defined as the recruitment, transportation, transfer, harboring, or receipt of persons through force, fraud, coercion, or other illicit means for the purpose of exploitation. Exploitation may include sexual exploitation, forced labor, servitude, organ removal, or any other form of abuse.<sup>1</sup> This definition, as established in the Palermo Protocol under the United Nations Convention against Transnational Organized Crime (UNTOC), underscores three primary elements: **the act** (what is done), **the means** (how it is done), and **the purpose** (why it is done). Recognizing the systematic and exploitative nature of trafficking is crucial to understanding its impact as a severe human rights violation and a crime against humanity. Despite the global acknowledgment of its severity and the existence of robust international legal frameworks, human trafficking remains alarmingly prevalent. Every day, countless individuals—many of them vulnerable women, children, and marginalized groups—are subjected to various forms of exploitation, including forced labor, sexual servitude, and modern slavery.

Human trafficking is a pervasive global issue affecting millions of people who end up a victim of exploitation such as forced labor, forced commercial sex workers, or victim of sexual exploitation. There are approximately 27.6 million people in situations of forced labor. Among them, approximately 6.3 million people are in situations of forced commercial sexual exploitation at any point in time, and untold millions who more have escaped or been rescued from modern slavery, forced labour, and human trafficking, but continue to suffer from its cruel consequences – financial ruin, legal jeopardy, and physical and psychosocial trauma, among other things.<sup>2</sup> Women and girls represent a significant proportion of detected victims, accounting for 71%, while children make up 25%.<sup>3</sup> Globally, an estimated 6.4 out of every 1,000 individuals are trapped in modern slavery, with over half of the detected cases involving cross-border trafficking.<sup>4</sup> Economic disparities, conflicts, weak governance, and corruption are among the leading factors contributing to human trafficking. Moreover, organized crime networks exploit vulnerabilities in legal and social systems to perpetuate these crimes. The international community has responded through legal instruments like the Palermo Protocol, yet significant challenges remain, necessitating multi-faceted and collaborative approaches to combat trafficking effectively.

The Indian subcontinent is one of the most vulnerable regions to human trafficking due to its socio-economic disparities, porous borders, and dense population. An estimated 150,000 individuals are trafficked annually across South Asia, primarily for forced labor, domestic servitude, and sexual exploitation.<sup>5</sup> India serves as both a source and destination country. Approximately 50,000 Bangladeshi girls and women are trafficked to or through India every year, along the 4,156 km international border between the neighbouring countries.<sup>6</sup> Nepalese women are similarly trafficked through India to the Gulf states. Weak border controls and corruption among law enforcement exacerbate the issue. Pakistan, too, faces significant challenges, with children being trafficked for bonded labor, forced begging, and organ harvesting. Efforts to combat trafficking in the region are often hindered by inadequate legal frameworks, limited inter-agency

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<sup>1</sup> Protocol to prevent, Suppress and Punish Trafficking in Persons Especially Women and children, supplementing the United Nations Convention against Transnational Organized Crime | OHCHR. (2000, November 15). <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

<sup>2</sup> Global estimates of Modern Slavery: Forced Labour and forced marriage. International Labour Organization. (2022, September 12). <https://www.ilo.org/publications/major-publications/global-estimates-modern-slavery-forced-labour-and-forced-marriage>

<sup>3</sup> Global Report on Trafficking in Persons 2020. United Nations Office on Drugs and Crime. (2020). [https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP\\_2020\\_15jan\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf)

<sup>4</sup> Global estimates of Modern Slavery: Forced Labour and forced marriage. International Labour Organization. (2022a, September 12). <https://www.ilo.org/publications/major-publications/global-estimates-modern-slavery-forced-labour-and-forced-marriage>

<sup>5</sup> Human trafficking: An overview. (2008). <https://www.unodc.org/documents/human-trafficking/2008/HumanTrafficking-AnOverview.pdf>

<sup>6</sup> Trafficked to india: Unspoken tales of bangladeshi girls and women. (2018, July 23). <https://www.dhakatribune.com/bangladesh/crime/151168/trafficked-to-india-unspoken-tales-of-bangladeshi>

coordination, and socio-cultural barriers. However, regional cooperation through SAARC and bilateral agreements among countries offers avenues for addressing cross-border trafficking.

Bangladesh, due to its socio-economic vulnerabilities, is both a source and transit country for human trafficking. The majority of trafficking occurs under the guise of overseas employment, particularly to Gulf countries and Southeast Asia, where victims often face forced labor or sexual exploitation.<sup>7</sup> Since the influx in 2017, over 900,000 Rohingya refugees have sought temporary refuge in Cox's Bazar.<sup>8</sup> Traffickers exploit Rohingya men, women, and children from refugee camps in sex and labor trafficking both within Bangladesh and transnationally.<sup>9</sup> Additionally, internal trafficking is a growing concern, with young girls trafficked from rural areas to urban centers for domestic servitude or sexual exploitation.

The persistence of human trafficking highlights systemic failures in law enforcement, judicial systems, and socio-economic structures that enable traffickers to operate with impunity. It is not merely a criminal act but a deeply entrenched social issue that thrives on poverty, inequality, corruption, and weak governance. The ongoing trafficking of individuals underscores the urgent need for comprehensive and sustained efforts to combat this heinous crime, protect victims, and ensure accountability for perpetrators within a robust legal and institutional framework.

The Government of Bangladesh has implemented several legislative measures and initiatives to combat the grave crime of human trafficking and protect vulnerable groups, particularly women and children. Key efforts include the enactment of the Prevention and Suppression of Human Trafficking Act (PSHTA) of 2012 and the Human Trafficking Deterrence and Suppression Ordinance of 2011, which aim to strengthen both protection mechanisms and prosecutorial processes. Additionally, the government has introduced comprehensive frameworks, such as the National Plan of Action for Children (2004–2009), the National Plan of Action against Trafficking in Women and Children (2008–2009), and the National Plan of Action to Combat Human Trafficking (2018–2020), spanning Tier 1 and Tier 2 priorities. These initiatives underscore the government's commitment to addressing trafficking through prevention, protection, and



Figure 1 Initiatives of Government of Bangladesh in combating human trafficking

effective prosecution.

Bangladesh has demonstrated ongoing progress in combating human trafficking, as evidenced by its consistent Tier 2 ranking in the U.S. Department of State's Trafficking in Persons (TIP) Report. The 2023 TIP Report highlights that Bangladeshi authorities initiated prosecutions against 923 suspects, encompassing cases of sex trafficking, forced labor, and other forms of trafficking.<sup>10</sup> In addition to these prosecutorial efforts, the government has implemented the National Plan of Action for Prevention and

<sup>7</sup> Walk Free 2023, *Global Slavery Index 2023: Modern Slavery in Bangladesh*, Minderoo Foundation. Available from: <https://www.walkfree.org/global-slavery-index/downloads/>

<sup>8</sup> *Rising needs among Rohingya refugees and host communities: IOM Appeals for USD 125 million*. IOM Bangladesh. (2023). <https://bangladesh.iom.int/news/rising-needs-among-rohingya-refugees-and-host-communities-iom-appeals-usd-125-million>

<sup>9</sup> U.S. Department of State. (2023). *2023 Trafficking in Persons Report: Bangladesh*. U.S. Department of State. <https://www.state.gov/reports/2023-trafficking-in-persons-report/bangladesh/>

<sup>10</sup> U.S. Department of State. (2023). *2023 Trafficking in Persons Report: Bangladesh*. U.S. Department of State. <https://www.state.gov/reports/2023-trafficking-in-persons-report/bangladesh/>

Suppression of Human Trafficking 2023–2025, aiming to strengthen its response to human trafficking.<sup>11</sup> Despite these advancements, challenges such as delayed prosecutions and low conviction rates persist, underscoring the need for continued efforts to improve the effectiveness of the prosecution process and to encourage complainants to pursue their cases to conclusion.

Justice and Care Bangladesh (JCBD), a prominent international non-governmental organization, remains instrumental in addressing critical challenges within the human trafficking prosecution system. Working in close collaboration with the Ministry of Home Affairs and the tribunals, JCBD actively facilitates the expedited prosecution of human trafficking cases that are pending trial. Through a comprehensive review of cases at various stages of the judicial process, the organization identifies systemic bottlenecks and procedural inefficiencies, providing strategic insights to enhance the effectiveness of the legal framework and ensure justice for victims.

## 1.2 Key Research Questions For The Evaluation

This section states the research question of the evaluation. Following are the major research questions

- ❖ How has the Justice and Care Prosecution Programme influenced the overall success rate of prosecuted human trafficking cases it directly supported?
- ❖ In what ways has the Justice and Care Prosecution Programme contributed to systemic changes in the prosecution of human trafficking cases across Bangladesh?

The following inquiries are designed to address the key research question:

- ✓ To what extent have key stakeholders (judges, magistrates, prosecutors, investigators, victims/complainants) deemed Justice and Care's activities relevant? What impact, if any, have they witnessed from Justice and Care's activities? Which activities have they identified as most and least relevant and impactful, and why?
- ✓ How has the speed of progression of cases, the number of witnesses testifying, the number of cases disposed, and the number of convictions achieved in human trafficking cases varied since the beginning of the project until now, and between intervention and control tribunals? To what extent can this variation be attributed to Justice and Care's activities?
- ✓ To what extent and in what way has the capacity of judges, prosecutors, and investigators/police supported by Justice and Care been improved through the project?
- ✓ How have the tools (such as guidelines) and processes (such as digitization of records, use of video conference testimony) developed by Justice and Care been received by key stakeholders, and what is their current and potential future impact?
- ✓ What challenges remain, and what recommendations can be identified for the future enhancement of the program?

## 1.3 Objective of the Evaluation

The primary objective of this endline evaluation is to assess the effectiveness and impact of the Justice and Care Prosecution Programme in advancing the successful prosecution of human trafficking cases in Bangladesh. This evaluation seeks to examine both the direct outcomes of specific cases supported by the programme and the broader systemic advancements within the prosecution process for human trafficking cases. Furthermore, it aims to analyze the perceptions of key stakeholders regarding the programme's relevance, efficacy, and impact while identifying critical areas for future improvement to enhance the legal framework and prosecution mechanisms addressing human trafficking.

Therefore, the study assessed, measured, and evaluated the following:

- ❖ To evaluate the extent to which the Justice and Care Prosecution Programme has facilitated the successful prosecution of human trafficking cases directly supported by the programme.

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<sup>11</sup> Public Security Division, MoHA (2023). *National Plan of Action for Prevention and Suppression of Human Trafficking 2018-2022 (Updated to 2023 - 2025)*. <https://mbapsd.gov.bd/site/publications/9d35fc5c-f645-4fef-9b86-9dc6a03efa0a/NATIONAL-PLAN-OF-ACTION-FOR-PREVENTION-AND-SUPPRESSION-OF-HUMAN-TRAFFICKING-2018-2022-UPDATED-TO-2023-2025>

- ❖ To assess the extent to which the Justice and Care Prosecution Programme has contributed to systemic-level improvements in the prosecution of human trafficking cases in Bangladesh.

## 2 Trial Process and Justice and Care Bangladesh's Role in HT Prosecution

### 2.1 Understanding the Process of Trial Proceedings

In Bangladesh, the Code of Criminal Procedure (CrPC) of 1898 stands as the cornerstone of the criminal justice system, establishing the legal framework for the investigation, prosecution, and adjudication of criminal cases. It outlines the procedural steps and rules that law enforcement, legal practitioners, and the judiciary must follow in handling criminal matters. The CrPC sets forth detailed guidelines for the initiation of criminal proceedings, the rights of the accused, the conduct of trials, the execution of judgments, and the appeal process. As the principal statute governing criminal procedure, it ensures that criminal justice is administered fairly, consistently, and in accordance with due process, safeguarding both public interest and individual rights.

**Case Filing:** The legal framework for filing cases related to human trafficking (HT) is governed by the Prevention and Suppression of Human Trafficking Act, 2012 (PSHTA) and the Code of Criminal Procedure, 1898 (CrPC). Under these laws, complaints of human trafficking can be lodged in two distinct ways: (i) at the police station, which results in the registration of a General Registrar (GR) case, and (ii) at the Anti-Human Trafficking Offence (AHTO) Tribunal, where the case is filed as a Complaint Registrar (CR) case or petition.

- ✓ **General Registrar (GR) Case:** A GR case is typically initiated through the filing of a First Information Report (FIR) under Section 154 of the Code of Criminal Procedure.<sup>12</sup> When a case is lodged at the police station as a cognizable offence, the Investigating Officer (IO) is authorized to commence the investigation immediately under Section 156, without needing prior approval from the Magistrate. However, the IO is required to notify the Magistrate within 24 hours of initiating the investigation.
- ✓ **Complaint Registrar (CR) Case:** A CR case is initiated by filing the case directly in court. When a case is filed at the AHTO Tribunal, the Tribunal Judge orders an investigation to gather further information. The investigation follows the same procedure as that of a case filed at the police station. Once the police have conducted their investigation, they are required to submit a report to the court in accordance with Section 173 of the Code of Criminal Procedure.

**Investigation by IO:** The investigation process involves a series of critical steps aimed at uncovering the facts of the case and gathering evidence. These tasks typically include, but are not limited to, the following:

- ✓ **Task 1:** In accordance with Sections 101 and 102 of the Code of Criminal Procedure (CrPC), the Investigating Officers (IOs) visit the scene of the crime to gather firsthand information. During this visit, the IOs engage with witnesses who may have observed the occurrence of the offense. Section 101 empowers the IO to question individuals who can provide relevant testimony, while Section 102 allows the seizure of any materials that might be pertinent to the investigation. This process is vital for obtaining crucial witness statements and ensuring that all available evidence is properly documented to support the ongoing investigation and subsequent legal proceedings.
- ✓ **Task 2:** The investigation involves the collection of all relevant evidence, both local and foreign, which is then systematically documented in a comprehensive list. This includes physical, digital, and documentary evidence that may support the case.
- ✓ **Task 3:** The Investigating Officer (IO) submits the charge sheet or final report to the court, detailing the findings of the investigation and recommending further legal action.

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<sup>12</sup> Barua, S. (2023, February 14). Understanding G.R. and C.R. cases: Definition, examples, and implications. Legal Home. <https://legalhome.org/g-r-and-c-r-case/#:~:text=Due%20to%20a%20lack%20of%20knowledge%20about%20the%20law>.

- **Investigation Report:** If, during the investigation, the Investigating Officer (IO) uncovers sufficient evidence of the offense, they file a charge sheet with the Magistrate. Under Section 173 of the Code of Criminal Procedure (CrPC), this charge sheet, also referred to as a challan or completion report, formally outlines the evidence and charges. The trial process then begins in court based on the investigation report.
- **Final Report True (FRT):** If the investigation reveals that the filed complaint is baseless, the Investigating Officer (IO) submits a Final Report to the Magistrate. At this point, the complainant has the option to file a Naraji petition if they wish to challenge the findings of the investigation.

Investigating Officers (IOs) are required to submit the investigation or final report within 90 days. If the accused is arrested during this period, the IO must notify the Magistrate within 24 hours. If the charge sheet or final report is not submitted within the initial 90 days, the IO may request an extension of up to 30 days, with the possibility of further extensions.

Once the charge sheet is prepared, the IO submits it to the Magistrate with jurisdiction over the case through the public prosecutor for the commencement of the trial.

- ✓ **Cognizance by Magistrate:** Under Section 204, if the court, upon taking cognizance of an offense, finds sufficient grounds in the investigation report to proceed with the case, the Magistrate may issue a warrant to bring the accused before the court. If the accused is a fugitive, a Warrant for Proclamation and Attachment (WP&A) is issued, and a public notice is published in the newspaper to notify the accused and the public.
- ✓ **Commencement of the Trial:** Section 241-A of Chapter 20 of the *Code of Criminal Procedure* (CrPC) mandates that the court must supply the accused with all relevant statements and documents, free of charge, at least seven days prior to the commencement of the trial. This step marks the beginning of the trial process.

The court may take cognizance of the case, and if deemed necessary, the matter is brought before the Sessions Court. Subsequently, a charge hearing is conducted where the charges against the accused are formally presented, and the accused is given an opportunity to plead.

**Charge Framing:** Upon the accused's appearance before the Magistrate, a formal charge is framed regarding the offense they are accused of, as per Sections 242 and 243 of the Code of Criminal Procedure (CrPC). The accused is then asked whether they plead guilty or not. If the accused pleads guilty, their admission is recorded in their own words. However, if the accused denies the charge and demands a trial, the court is required to proceed in accordance with the law, questioning both the prosecution and defense witnesses during the trial process.

**Examination and Cross-examination of witnesses:** Upon the request of the complainant or the accused, the Magistrate may issue a summons to any witness, compelling them to appear in court or produce relevant documents or materials. If the witness fails to comply with the summons, the Magistrate may issue a non-bailable warrant for their arrest.

Firstly, it is the complainant's responsibility to present their witnesses for the purpose of recording their statements under Section 164 of the Code of Criminal Procedure (CrPC), in order to substantiate the charges against the accused.

Secondly, the Magistrate is obligated to examine all witnesses presented by the accused during their defense argument. The following outlines the rights of each party when recording the statements of witnesses:

- To examine- in- chief the witness in chief, "the party who calls it"
- "Every witness of the opposing party" is to be cross-examined.
- "The party who called it if necessary" to re-examine the witness

- **Examination of the accused:** At this stage of the trial, the court provides the accused an opportunity to record their statement in defense of the charges. Under Section 340(2) of the Code of Criminal Procedure, any person accused of an offense may, if they do not plead guilty, give a statement under oath to challenge the charges or allegations against them. Following this, the prosecution is entitled to cross-examine the accused.
- **Defence witnesses:** The Magistrate is duty-bound to thoroughly examine all witnesses brought forward by the accused during the defense phase of the trial. This examination is a critical aspect of the proceedings, ensuring that the accused has a fair opportunity to present their defense.

**Argument:** The accused has the right to be represented by a legal counsel at all stages of the trial. During this phase, both the defense counsel and the public prosecutor are entitled to present their arguments on the legal and factual aspects of the case, ensuring that both sides have the opportunity to address the issues before the court. This allows for a fair and balanced presentation of the case, upholding the principles of justice.

**Judgement:** Under Section 245 of the Code of Criminal Procedure (CrPC), if, after considering the evidence presented under Section 244 and any additional evidence, as well as examining the accused, the Magistrate determines that the accused is not guilty, the Magistrate shall order the release of the accused. Conversely, if the Magistrate finds the accused guilty of the offense after evaluating the evidence and examining the accused, the Magistrate shall proceed to impose a sentence.

**Appeal:** Any appeal against an order issued by the tribunals, including those related to sentences or acquittals, must be filed with the High Court Division of the Supreme Court.

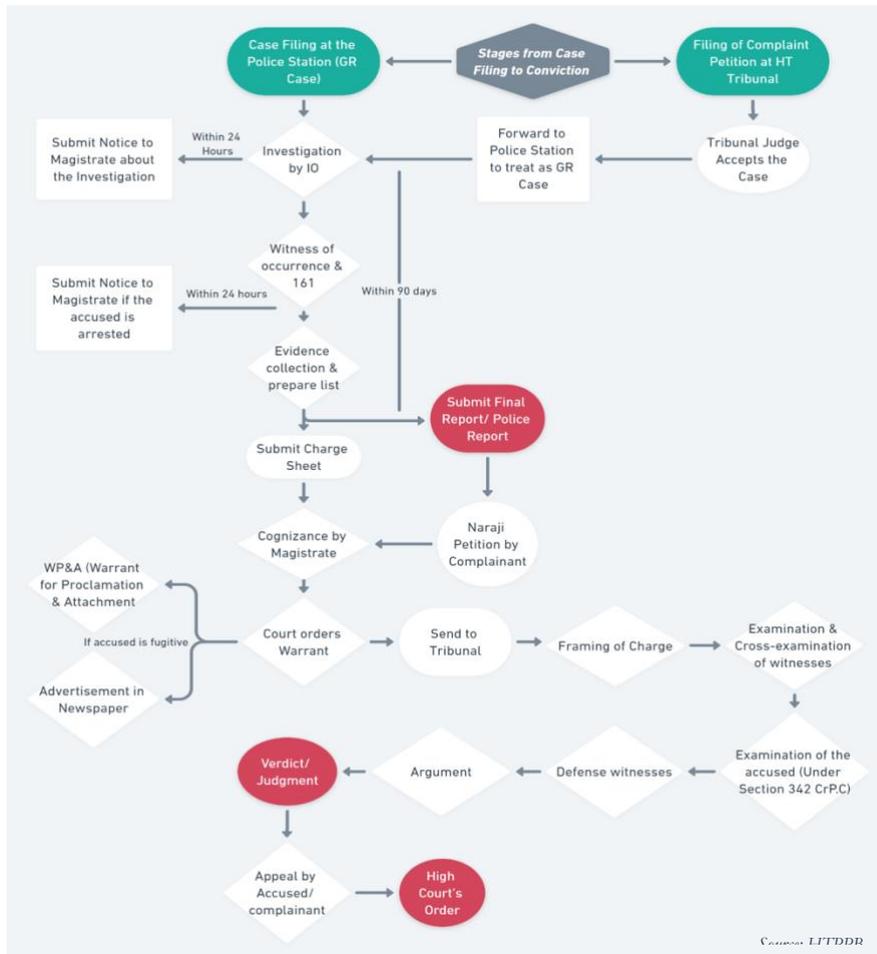


Figure 2 Different Stages of HT Cases

## 2.2 Justice and Care Bangladesh: Contributions to Human Trafficking Prosecution

Justice and Care, a UK-based specialist international NGO dedicated to eradicating human trafficking, collaborates with law enforcement agencies to rescue victims of modern slavery, dismantle criminal networks, and drive systemic reforms. Established in 2017, Justice and Care Bangladesh initially focused on providing comprehensive care and support to Bangladeshi victims of cross-border trafficking for Commercial Sexual Exploitation (CSE/CSEC) during and after their repatriation. Over time, the organization has broadened its scope to address interconnected issues contributing to trafficking prevalence.

The vision of Justice and Care is to see “every captive free; every perpetrator brought to justice.”

Its work now encompasses targeted prevention initiatives for the most vulnerable individuals and families, repatriation efforts coupled with intensive aftercare for survivors, a national-level prosecution analysis and acceleration project, and capacity building for frontline professionals such as police and border forces to identify victims and ensure their safety. Additionally, Justice and Care actively engages in fostering systemic change by influencing government policies and practices to strengthen Bangladesh's anti-trafficking framework.

### 2.2.1 Initiatives of Justice and Care Bangladesh

Justice and Care Bangladesh (JCBD) initiated its prosecution program by conducting in-depth research into the systemic challenges hindering the successful prosecution of human trafficking cases. The findings revealed that low prosecution and conviction rates created a low-risk, high-reward environment for traffickers, enabling them to operate with impunity. In response, JCBD engaged with the Ministry of Home Affairs in 2019, leading to a comprehensive study on case backlogs, involving an analysis of over 354 case dockets and interviews with 159 complainants and witnesses.

Based on this research, JCBD published key recommendations in March 2021 to enhance prosecution effectiveness. These included training tribunal judges and investigators to treat trafficking cases as thorough investigations, improving adherence to the Prevention and Suppression of Human Trafficking Act, 2012 (PSHTA), and strengthening the role of special prosecutors. The organization also emphasized the need for better implementation of Mutual Legal Assistance Treaties (MLAT) for cross-border cases, expanding the jurisdiction of specialized tribunals, and ensuring proper witness protection under Sections 37 & 38 of the PSHTA. Additional recommendations called for financial support for witnesses, stronger coordination between prosecutors and investigators, and stricter bail considerations to prevent intimidation of victims. These reforms aim to expedite case resolution, enhance access to justice, and improve the overall efficacy of Bangladesh's human trafficking prosecution framework.

To address the systemic challenges identified in its research, Justice and Care Bangladesh (JCBD) developed a targeted intervention program to support the government in implementing the recommended reforms. Initially, the program focused on enhancing the prosecution process in one tribunal in Dhaka, one in Khulna, and two in Jessore. Recognizing the need for a broader impact, JCBD subsequently expanded its efforts to Rajshahi and Jhenaidah. The program was strategically designed to strengthen the efficiency and effectiveness of human trafficking prosecutions through a series of structured activities aimed at expediting case resolution, improving legal coordination, and ensuring justice for victims.

- ❖ **Support for Human Trafficking Cases Awaiting Prosecution:** Justice and Care Bangladesh (JCBD) plays a critical role in strengthening the prosecution of human trafficking cases by providing comprehensive legal and administrative support. The organization's legal team conducts thorough case reviews and works directly with Special Public Prosecutors (SPPs) to ensure effective case presentation. This includes briefing prosecutors on case details, facilitating their interaction with victims and witnesses, and providing administrative assistance to streamline court proceedings. Simultaneously, JCBD ensures that victims and witnesses are adequately prepared for trial by explaining legal procedures, safeguarding their rights, and offering necessary support

through its aftercare program. While the initial strategy involved utilizing panel lawyers, JCBD refined its approach to directly engage with SPPs, thereby enhancing the prosecution process. Additionally, JCBD is involved in rescuing the victim and assists investigating officers in gathering critical evidence, particularly in cross-border trafficking cases, to strengthen the legal framework and ensure a more robust pursuit of justice.

- ❖ **Witness Attendance Program:** Justice and Care’s prosecution program significantly contributed to strengthening the legal process in human trafficking cases by ensuring effective witness participation and enhancing victim protection. The organization recruits and trains Legal Case Facilitators (LCFs) and Field Facilitators to engage with complainants and witnesses listed in tribunal case dockets on behalf of the prosecution. These facilitators provide legal guidance on court proceedings, ensure witness compliance with court obligations, and offer logistical and financial support, including travel assistance, to facilitate their attendance. LCFs play a crucial role in supporting JCBD’s Legal Officers by managing cases, preparing witnesses, and reinforcing prosecutions. Their involvement in the Witness Attendance Program has led to increased witness participation, improved testimony quality, and enhanced victim protection through timely legal interventions. Additionally, they assist in drafting protection applications under the Prevention and Suppression of Human Trafficking Rule, 2017, ensuring a safer environment for victims and complainants.
- ❖ **Establishment of a Victim Friendly Center and In-Camera Trial Conduct:** Justice and Care Bangladesh (JCBD) established the Victim Friendly Center at the Dhaka Judge Court to address the critical need for dedicated spaces for vulnerable victims within the judicial system. This initiative was driven by the systemic absence of safe and private facilities for women and children in Bangladesh’s courts. The center serves as a crucial resource for conducting interviews with trafficking survivors and facilitating in-camera trials, ensuring a trauma-sensitive environment that upholds victim confidentiality and dignity. This initiative strengthens victim protection measures and enhances the judicial process by creating a secure space for testimony.
- ❖ **IT Equipment Support for Dhaka Tribunal:** Justice and Care Bangladesh (JCBD) has significantly enhanced judicial efficiency and transparency at the Anti-Human Trafficking Tribunal in Dhaka through targeted IT interventions. JCBD donated IT equipment, including monitors, to display real-time hearing schedules and case statuses, reducing administrative discrepancies and improving access to critical legal information for remedy seekers and legal observers. Additionally, JCBD supported the tribunal in digitizing its caseload, ensuring daily case updates, and provided desktop computers and facilities for digitally recording testimonies. To further streamline judicial proceedings, JCBD installed video conferencing equipment, facilitating remote witness examinations. This innovation has proven particularly beneficial for witnesses facing mobility challenges, as demonstrated by a recent conviction secured through virtual testimony. These efforts have collectively strengthened case management, expedited legal processes, and improved access to justice for trafficking survivors.
- ❖ **Development of Key National Tools for HT Case Prosecution for the Government:** Justice and Care Bangladesh (JCBD) has contributed to strengthening human trafficking investigations and prosecutions through the development of two key legal guidelines:
  - **HT Crime and Victim Identification Guideline:** This user-friendly guideline provides a structured framework for identifying human trafficking cases by outlining the sequential phases of trafficking: recruitment, transportation, destination, and exploitation/abuse. It comprises a data collection tool to systematically record incidents and an analysis tool to assess whether the essential elements of trafficking are present. This guideline is instrumental in improving the accuracy of initial investigations and case registrations, ensuring trafficking cases are not misclassified.
  - **Guideline on Mutual Legal Assistance (MLA) on Criminal Matters:** This comprehensive document facilitates law enforcement officers, particularly Investigating Officers (IOs), in requesting foreign evidence for transnational human trafficking cases. It provides clear instructions on drafting MLA requests, required documentation, applicable

international treaties (such as the Bangladesh-India MLA agreement), and the process for executing both outgoing and incoming requests. Given the challenges in accessing foreign evidence, this guideline aims to enhance cross-border cooperation, thereby improving investigation quality and increasing conviction rates.

Both guidelines serve as essential tools for strengthening the legal framework and operational efficiency in combatting human trafficking in Bangladesh.

- ❖ **Capacity Building Support for Prosecutors, Judges, and Legal Aid Committees:** Justice and Care Bangladesh (JCBD) has provided targeted capacity-building support to prosecutors, judges, and district legal aid committees through specialized workshops and individual consultations. Unlike generic training, these sessions focus on rectifying critical procedural errors, including the unlawful ordering of inquiries and investigations in violation of Section 19 of the Prevention and Suppression of Human Trafficking Act, 2012. Additionally, the program reinforces the statutory obligation under Section 10 of the Prevention and Suppression of Human Trafficking Rules, 2017, requiring prosecutors to engage with investigating officers to strengthen case preparation. This initiative enhances legal practitioners' adherence to statutory requirements, ultimately improving the effectiveness of trafficking prosecutions.
- ❖ **Capacity Building for Investigating Officers, Investigation Support, and Law Enforcement Collaboration:** Justice and Care Bangladesh (JCBD) has played a pivotal role in strengthening law enforcement capacities through targeted training, investigative support, and enhanced coordination mechanisms. This includes training police officers, Border Guards Bangladesh (BGB), and specialized law enforcement units—such as CID, PBI, and RAB—on victim identification and human trafficking investigations. JCBD has also facilitated cross-border collaboration by coordinating between Bangladeshi and Indian law enforcement agencies to enhance investigative efficiency. Additionally, JCBD successfully worked with policing leads to institutionalize the practice of investigating officers consulting Special Public Prosecutors (SPPs) before charge sheet submissions, ensuring stronger prosecutions. To improve witness attendance in Anti-Human Trafficking Tribunals, JCBD facilitated direct communication channels between tribunal judges and all 56 police stations under Dhaka Metropolitan and District Police. This initiative involved establishing 56 WhatsApp groups, each comprising a JCBD representative, the Officer-in-Charge (OC) of the respective police station, and the tribunal judge, using a smartphone provided by JCBD. This real-time communication system allows for the immediate dispatch of officers to serve summons, contact witnesses, and provide necessary legal or logistical support, thereby streamlining judicial processes and ensuring better compliance with court directives.

### 3 Methodology

The endline study has employed a mixed-methods approach, integrating multiple data sources to ensure a comprehensive assessment of the program's impact. A primary component of this study involves the systematic analysis of tribunal-level data, extracted from case registers and measured against predetermined indicators. These indicators have provided quantifiable insights into the key judicial outcomes and institutional changes observed within the tribunals throughout the intervention, offering an evidence-based evaluation of the program's effectiveness.

The study will compare baseline and endline data across treatment and control groups to assess the program's impact. Progress Inc. will utilize the Difference-in-Differences (DID) method, a rigorous statistical technique that measures changes over time by comparing outcomes in tribunals receiving project support against those without intervention. By analyzing these variations before and after the intervention, the study aims to establish the causal effect of the program on prosecution outcomes, providing an evidence-based evaluation of its effectiveness.

The table below illustrates the predefined indicators to be extracted from the tribunal level data:

Table 1 The Predefined Indicators to be Extracted from the Tribunal Level Data

Indicators	Means of data extraction
<b>HT cases disposed</b> (Baseline information from September 2021 -August 2022 from Jessore, Dhaka, Khulna, Chittagong, Cox's Bazar)	These indicators have been derived from judgements Register books
<b>HT cases disposed in conviction</b> (Baseline information from September 2021 -August 2022 from Jessore, Dhaka, Khulna, Chittagong, Cox's Bazar)	
<b>HT cases disposed in acquittal</b> (Baseline information from September 2021 -August 2022 from Jessore, Dhaka, Khulna, Chittagong, Cox's Bazar)	
<b>Average no. witnesses attending to record evidence per month</b> (Baseline information from September 2021 -August 2022 from Jessore, Dhaka, Khulna, Chittagong, Cox's Bazar)	These indicators have been derived from court records
<b>% victims / complainants who have had contact with SPP</b> (Baseline information from September 2021 -August 2022 from Jessore, Dhaka, Khulna, Chittagong, Cox's Bazar)	Interview with victims in SCP cases (both in treatment and control)
<b>% of SPP engaging with IOs</b> (Baseline information from September 2021 -August 2022 from Jessore, Dhaka, Khulna, Chittagong, Cox's Bazar)	Interview with prosecutors

In addition to tribunal-level data analysis, this study incorporates primary data collection through Key Informant Interviews (KIIs) with a diverse range of stakeholders involved in the prosecution of human trafficking cases and In-Depth Interviews (IDIs) with victims and complainants. These interviews provide critical insights into their experiences and perspectives on the prosecution of human trafficking cases. The selection of participants was conducted in coordination with the Justice and Care (JC) team, ensuring a comprehensive representation of key stakeholders across various sectors involved in the prosecution process.

Table 2 Sample Size for Qualitative Data Collection

Item	Participants	Population size	Sampling Technique
<b>Key Informant Interview (KII)</b>	Tribunal judges/Metropolitan Magistrate	7	Purposive sampling
	Public Prosecutor	7	
	Senior law enforcement officials	3	
	Investigating officers	2	
	Director from anti-corruption commission	1	
	Joint Secretary from MoHA	1	
	Deputy Secretary from MoHA	1	
	Solicitor	1	
<b>In-depth Interview (IDIs)</b>	JCBD employees	4	Non-probability sampling
	Victim/Complainant	53	

As part of the endline study, **case studies** have been conducted to examine Justice and Care's (JC) role in securing four exemplary convictions, including landmark cases and those where the Victim Identification (ID) guideline was pivotal. Progress Inc. undertook in-depth analyses, incorporating 360-degree interviews with complainants, victims, prosecutors, and judges to provide a comprehensive understanding of the legal dynamics and case outcomes.

The endline study incorporates **pre- and post-training data** from prosecutors and investigating officers (IOs) who received capacity-building support from JCBD. Utilizing data provided by JCBD, Progress Inc. has digitized, analyzed, and interpreted the findings to assess the effectiveness of these interventions. This analysis evaluates the impact of JCBD's training on the skills, performance, and prosecutorial efficiency of

both prosecutors and investigators, offering a comprehensive assessment of the program’s contribution to strengthening the prosecution process.

As a secondary priority, an **analysis of case dockets** has been conducted for both intervention and control cases (30 from the intervention group and 20 from the control group). While not intended to directly measure project effectiveness or attribute specific outcomes, this analysis provides valuable contextual insights into case dynamics. The data includes case duration, trafficker details, pre-trial investigations, filing procedures, involvement of relevant parties, use of foreign evidence, witness attendance, and trial progression. Though not a primary measure of project impact, these findings offer critical intelligence to inform future legal interventions and policy strategies.

### 3.1 Endline Matrix for Data Collection

The table below outlines the comprehensive matrix detailing the data collection methods, objectives, and corresponding areas of focus:

*Table 3 Data Collection Matrix*

Data	Quantity	How	What for
No. HT convictions and total No. cases disposed (acquittal or conviction) Baseline (Sep 2021 – August 2022) Endline (Sep 23- Aug 2024)	Data from all intervention and control tribunals for baseline and endline	Register book in all tribunals - JCBD to introduce PI to prosecutors in each tribunal who can help with access to the register	Comparison in number of HT convictions now versus baseline and intervention versus control (difference in difference). Also conviction rate in SCP cases versus non-intervention. NB Disaggregate which are HT convictions specifically?
Reasons for acquittal	7 SCP cases disposed Sep 2023-Feb 2024	Review of judgement documents	Understand most common reasons for acquittal
No. witnesses attending to record evidence Baseline (Sep 2021 – August 2022) Endline (Sep 23- Aug 2024)	Data from all intervention and control tribunals for baseline and endline	Analyze court records.	Comparison of witness attendance numbers now versus baseline and intervention versus control (difference in difference)
% cases where case progressed in any way (eg changed stage)	30 cases from the intervention area and 20 cases from the control area	Analyze order sheets from sample of cases in intervention and control tribunals	For cases not disposed yet, compare proportion of cases with any progress now versus baseline and intervention versus control (difference in difference)
Proportion victims / complainants in contact with PP  Victim confidence in the justice system Victim attitude to settling out of court  Victim understanding of court process and the status of their case	Victims / complainants from 40 SCP cases from treatment area and 13 from control areas.	In-person or phone interview covering: Instance and frequency of contact with PP To reach control cases, PI to look at investigation sheet list of witnesses and go to visit and outreach them in person? If victims from control tribunals cannot be reached then compare with baseline from intervention only.	Compare experience of victims in SCP cases with those at baseline and in control tribunals in relation to key issues
Experiences of case study victims as part of case study	4 victims/complainants	In-person or phone interviews	To understand about their case experience and how JCBD supported them in the process

Data	Quantity	How	What for
<p>PP knowledge and perception of JC activities (inc. LCF, training, consortium, video conferencing, witness attendance etc)</p> <p>Changes witnessed in tribunals since 2020</p> <p>Observation of trends in witness attendance</p> <p>PP implementation of trauma-informed and victim-centric approaches</p> <p>PP interaction with Investigation Officer and with complainant</p> <p>Discuss case study cases as part of case study 360</p>	7 PPs, All post-training survey data	<p>Interview with PPs</p> <p>Analysis of all PP post-training survey results</p>	<p>Analyze PP perspective on JC contribution, change in KAB re trauma-informed practices, level of interaction with IO, perceptions of change within their tribunals, corroborate (or not) changes in witness attendance and case disposal, give perspective on case studies, challenges remaining</p>
<p>Overall description and perceived value of JC activities</p> <p>Case study cases for case study 360</p> <p>Challenges remaining and next steps</p>	TI, HI, AS, JM	JC staff interviews	
<p>IO / law enforcement perspective on JC contribution to investigations</p> <p>Law enforcement perspective on HTCVI guideline</p>	<p>6 interviews</p> <p>All police post-training data</p>	<p>Interviews with investigating officers from 2 JC supported investigations</p> <p>Analysis of all police post-training surveys</p> <p>Interviews with 3 senior law enforcement officials re HTCVI and MLA guidelines inc CID</p> <p>Interview with 1 lead from anti-corruption commission re MLA guideline</p>	<p>Change in KAB of police trained</p> <p>Perspective on JC contribution to investigations</p> <p>Perspective on relevance, usefulness and future implementation of HTCVI guideline and MLA guideline</p>
<p>Government perspective on JC prosecution activities</p>	3 interviews	<p>Interview with Joint Secretary from MoHA</p> <p>Interview with Solicitor</p>	<p>Joint Secretary to give perspective on JC role HTCVI and MLA guidelines and wider prosecution work</p> <p>Solicitor to give perspective on JC contribution</p>
<p>Tribunal judges/ Metropolitan Magistrate</p>	4 from treatment - Dhaka, Rajshahi, Khulna, Jessore, Jhenaidah and 3 from control	<p>Interview with tribunal judges from treatment and control areas</p>	<p>Analyse PP perspective on JC contribution, collaboration with JC, witness attendance, digitizing case records,</p>

Data	Quantity	How	What for
			perceptions of change within their tribunals, give perspective on case studies, challenges remaining

## 3.2 Challenges and Limitations of the Study

During the process of qualitative data collection, the research team encountered certain challenges that impacted the research process:

**Political Instability:** The recent political instability in Bangladesh posed considerable challenges to the study, particularly in data collection, stakeholder engagement, and access to judicial processes. Widespread political unrest, including strikes, protests, and security concerns, led to court delays, restricted mobility, and limited availability of key informants, impacting the study’s timeline and the ability to conduct interviews.

**Difficulty in Locating Victims:** One of the key challenges and limitations of this study was the difficulty in locating victims, particularly in control areas such as Chittagong and Cox’s Bazar. Due to the absence of structured support systems many victims had either relocated, lost contact, or disengaged from the legal process, making it challenging to track them for interviews.

## 4 UNDERSTANDING OF THE PROSECUTION PROCESS

### 4.1 Case Characteristics

Human trafficking cases often highlight patterns of exploitation influenced by socioeconomic conditions, gender disparities, and systemic weaknesses within legal frameworks.<sup>13</sup> Victims are frequently targeted from marginalized communities or economically disadvantaged backgrounds, a vulnerability that traffickers exploit. By analyzing case dynamics such as victim demographics, trafficker profiles, and the nature of offenses, stakeholders gain a clearer understanding of systemic vulnerabilities that enable trafficking to persist.<sup>14</sup> Additionally, understanding case dynamics is critical for evaluating prosecution efficacy. Elements like the role of complainants, witness participation, evidence collection, and procedural timelines offer a comprehensive view of the judicial process.<sup>15</sup> These factors reflect the success of individual cases and broader systemic issues, such as investigative agency capacity, legal protections for victims and witnesses, and the functioning of the judicial system.<sup>16</sup> Furthermore, examining prosecution trends provides insights into the effectiveness of anti-trafficking initiatives.<sup>17</sup>

#### Gender Representation of Victims

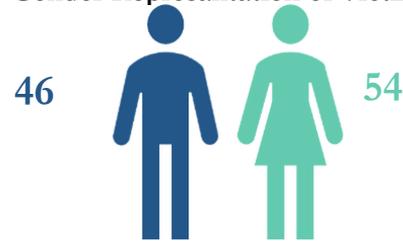


Figure 3 Gender Representation of Victims

***A comprehensive review was conducted on a randomly selected sample of 30 case dockets from the treatment areas (Dhaka, Khulna, and Jessore) and 20 case dockets from the control areas (Chittagong and Cox's Bazar). Given the total caseload across these five districts, this sample represents approximately 2-3% of the overall cases.*** This review aimed to analyze prevailing trends and provide a detailed understanding of the overall prosecution landscape. While the sample size is relatively limited in proportion to the overall caseload, it yields valuable insights into prosecutorial dynamics. Though not statistically representative, the findings serve as a substantive basis for assessing systemic strengths and gaps and inform potential areas for prosecutorial and institutional improvement.

#### 4.1.1 Demographic Profile of Victims

Gender plays a critical role in the dynamics of human trafficking, with women and girls disproportionately represented among victims globally. According to the United Nations Office on Drugs and Crime (UNODC), women account for 46% and girls 19% of all detected trafficking victims worldwide, highlighting their heightened vulnerability to exploitation, particularly for forced labor and sexual exploitation.<sup>18</sup> Socioeconomic disparities, gender-based discrimination, and cultural norms often exacerbate the risks faced by women and girls, making them prime targets for traffickers. In Bangladesh, similar patterns are observed, with women and children constituting a significant portion of trafficking victims due to economic hardships, lack of education, and coercive societal pressures.<sup>19</sup>

<sup>13</sup> UNODC. (n.d.). Tool 9.2 addressing the root causes of trafficking. [https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296\\_tool\\_9-2.pdf](https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_9-2.pdf)

<sup>14</sup> UNODC. (2020, January 15). Global report on trafficking in persons 2020. [https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP\\_2020\\_15jan\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf)

<sup>15</sup> Justice and Care. (2021, February). A Review and Analysis of the Human Trafficking Cases Pending Trial in Bangladesh. <https://justiceandcare.org/app/uploads/2024/07/A-Review-and-Analysis-of-Human-Trafficking-Cases-Pending-Trial-in-Bangladesh-JCBD-Feb-2021.pdf>

<sup>16</sup> ILO. (2017). Global estimates of modern slavery: forced labour and forced marriage. [https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dereports/@dcomm/documents/publication/wcms\\_575479.pdf](https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dereports/@dcomm/documents/publication/wcms_575479.pdf)

<sup>17</sup> UNODC. (2000b, November 15). Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. [https://www.unodc.org/documents/treaties/Special/2000\\_Protocol\\_to\\_Prevent\\_2C\\_Suppress\\_and\\_Punish\\_Trafficking\\_in\\_Persons.pdf](https://www.unodc.org/documents/treaties/Special/2000_Protocol_to_Prevent_2C_Suppress_and_Punish_Trafficking_in_Persons.pdf)

<sup>18</sup> UNODC. (2020, January 15). Global report on trafficking in persons 2020. [https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP\\_2020\\_15jan\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTIP_2020_15jan_web.pdf)

<sup>19</sup> MoHA. (2022). First National Study on trafficking in persons in Bangladesh, study conducted under technical assistance of UNODC, GLOWACT Project <https://respect.international/wp-content/uploads/2022/11/First-National-Study-on-Trafficking-in-Persons-in-Bangladesh.pdf>

The study findings reveal that among the cases reviewed, a majority of the identified trafficking victims were female, comprising approximately 54% of the sample, while 46% were male. While these figures are not intended to be fully representative of national trends, they offer indicative insights into the gender distribution observed within the reviewed case dockets and may reflect broader patterns in trafficking victim profiles within the study areas. The data, gathered from five districts - Chittagong and Cox's Bazar (control areas) and Dhaka, Jessore, and Khulna (treatment areas), demonstrates distinct gender patterns across regions. In the control areas, a higher proportion of male victims was observed compared to female victims among the observed cases. In contrast, the treatment areas showed a predominance of female victims, with Khulna notably reporting a 100% female representation among identified trafficking victims. These statistics underscore the heightened vulnerability of women to trafficking in the treatment areas. Women in these areas are often targeted for commercial sexual exploitation due to poverty, lack of education, and limited job opportunities. Traffickers exploit these vulnerabilities by promising better lives or employment opportunities. Poor households in debt or struggling with insecure livelihoods may be compelled to hand over a person or may agree to migrate legally or illegally or take a job willingly.<sup>20</sup>

The heightened vulnerability of men to trafficking in the control areas of Chittagong and Cox's Bazar is primarily due to their proximity to international borders and ports, which facilitate migration for work. This geographical positioning increases the risk of men being lured into forced labor or other forms of exploitation under the guise of employment opportunities abroad. A Public Prosecutor highlighted that trafficking disguised as employment opportunities is a prevalent issue, often resulting in victims being subjected to captivity for ransom, forced labor, sexual exploitation, and, in some cases, even death. This deceptive practice significantly heightens their vulnerability, making them easy targets for exploitation.

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*Human trafficking from areas like Ukhiya and Pekua has seen many individuals trafficked under the guise of employment opportunities in India, Thailand, and Malaysia. Some victims have tragically lost their lives in countries like Thailand. Similarly, some are lured to Saudi Arabia under the pretense of domestic work, only to fall victim to sexual harassment or sex trafficking – SPP, Cox's Bazar (Control area)*

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The vulnerability of men to trafficking in the control areas of Chittagong and Cox's Bazar is exacerbated by the large-scale trafficking of approximately 2.5 lakh Bangladeshis over the past eight years, as reported by victims and rights activists while this figure remains a conservative estimate, law enforcement in Teknaf and Ukhiya indicates that 10 to 15 percent of the estimated victims are Rohingyas.<sup>21</sup>

*Table 4 Gender Representation of Victims*

Victim's Sex	Control Area (%)	Treatment Area (%)
Female	15%	80%
Male	85%	20%

The demographic analysis of trafficking victims further underscores the heightened vulnerability of young adults, aged 18 to 35, who make up approximately 65% of the total victims in the sample. Adolescents, aged 13 to 17, emerge as the second most vulnerable group, accounting for nearly 15% of identified victims. Interestingly, while no child victims were reported in the control areas, children constituted 21% of the total sample in the treatment areas, revealing concerning trends specific to those regions. These findings emphasize that young adults, driven by the pursuit of employment opportunities, are particularly susceptible to exploitation by traffickers. This vulnerability is often compounded by socioeconomic inequalities, lack of awareness, and inadequate safeguards in high-risk areas.

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<sup>20</sup> Amin, Md. R., & Sheikh, Md. R. I. (2011). *Trafficking women and children in Bangladesh: A Silent Tsunami of Bangladesh*. *Journal of Economics and Sustainable Development* ISSN 2222-1700 (Paper) ISSN 2222-2855 (Online) Vol.2, No.4, 2011. <https://core.ac.uk/download/pdf/234645455.pdf>

<sup>21</sup> Zinnat, M. A., Hossain, E., & Pandey, M. S. (2023, July 11). *Slave trade booms in Dark Triangle*. *The Daily Star*. <https://www.thedailystar.net/frontpage/slave-trade-booms-dark-triangle-80354>

Table 5 Victim's Age Group

Age Group	Control area (%)	Treatment area (%)	Grand Total (%)
Childhood (0-12)	0%	21%	8%
Adolescence (13-17)	14%	17%	15%
Young Adults (18-35)	75%	48%	65%
Middle-Aged Adults (36-50)	12%	14%	12%

An analysis of HT cases reveals that complainants play a pivotal role in initiating the legal process, with significant implications for the prosecution's success.<sup>22</sup> In many instances, the victims themselves file complaints; however, a substantial proportion of cases are reported by family members, law enforcement officials, or other concerned parties. This variation reflects the complex socio-cultural and systemic factors influencing case registration.<sup>23</sup> Victims may hesitate to file complaints directly due to fear of retaliation, societal stigma, or distrust in the judicial system, necessitating the involvement of third parties to report the crime. The findings of this study indicate that only 22% of human trafficking cases were initiated directly by the victims themselves, while the remaining 78% were filed by other complainants acting on behalf of the victims. Notably, in the treatment areas, the proportion of cases filed by third-party complainants on behalf of victims increased from 80% during the baseline to 87% in the endline period. Among cases filed by individuals other than the victims themselves, 51% (20 cases) were initiated by the victims' relatives, while 49% (19 cases) were filed by law enforcement authorities.

Complainant in Treatment Area

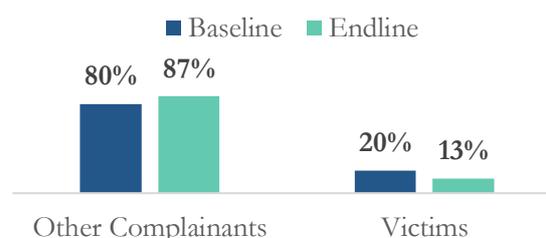


Figure 4 Demographic Representation of the Complainant

#### 4.1.2 Trafficker's Relation with Victims and their Destination

People who engage in trafficking range from organized criminal groups to opportunistic individuals operating alone or in small groups, however, traffickers can also be the victim's family members, parents, intimate partners or acquaintances.<sup>24</sup> Earlier in baseline, analysis of human trafficking cases revealed that victims are often trafficked by individuals within their close social or familial networks, such as acquaintances, relatives, or community members. This is particularly troubling as it highlights the betrayal of trust that exacerbates the vulnerability of victims. According to the findings, a significant percentage of trafficking cases involved perpetrators who were known to the victims, which aligns with broader research indicating that traffickers frequently exploit personal relationships to manipulate or coerce victims into trafficking situations.<sup>25</sup>

Table 6 Traffickers' Relation with the Victim

Region	Trafficker	Baseline (%)	End line (%)
Treatment Areas	Known Person (Non-Family)	58%	42%
	Unknown Person	27%	48%
	Family Members/Relatives	15%	10%
Control Areas	Known Person (Non-Family)	67%	45%
	Unknown Person	19%	55%

<sup>22</sup> UNODC. (2020, January 15). Global report on trafficking in persons 2020. [https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP\\_2020\\_15jan\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf)

<sup>23</sup> Justice and Care. (2021, February). A Review and Analysis of the Human Trafficking Cases Pending Trial in Bangladesh. <https://justiceandcare.org/app/uploads/2024/07/A-Review-and-Analysis-of-Human-Trafficking-Cases-Pending-Trial-in-Bangladesh-JCBD-Feb-2021.pdf>

<sup>24</sup> 8 facts you need to know about human trafficking in the 21st Century. United Nations: Office on Drugs and Crime. (n.d.-b). <https://www.unodc.org/unodc/en/frontpage/2024/May/8-facts-you-need-to-know-about-human-trafficking-in-the-21st-century.html>

<sup>25</sup> UNODC. (2020, January 15). Global report on trafficking in persons 2020. [https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP\\_2020\\_15jan\\_web.pdf](https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf)

Region	Trafficker	Baseline (%)	End line (%)
	Family Members/Relatives	14%	0%

In Bangladesh, traffickers employ different deceptive strategies to lure young children and women into trafficking, targeting rural migrants and abandoned youth at river ports, bus stations, and railway stations with false promises of employment and a better life.<sup>26</sup> The role of technology in human trafficking is also expanding rapidly, serving both as a tool for prevention and as a means for traffickers to facilitate and enhance their illicit activities. Traffickers use technology to recruit, control, market and exploit vulnerable individuals while also evading detection.<sup>27</sup> The survey also revealed changes in trafficking patterns in the intervention areas over time across the samples observed. At the baseline, 58% of victims were trafficked by someone they knew outside their family, which decreased to 42% by the end line. Trafficking by unknown individuals increased from 27% to 48%. Cases involving family members or relatives declined from 15% at the baseline to 10% by the end line. These differences highlight shifts in who was involved in trafficking over the two time points. In the control areas, 67% of victims at baseline were trafficked by someone they knew outside their family, which dropped to 45% by the end line. Trafficking by unknown individuals rose from 19% to 55%, and cases involving family members or relatives, though at 14% at baseline, disappeared entirely by the end line. While these trends appear to emerge from the current sample, they remain indicative and should be considered in light of the study's scope and sample size. Further empirical research is warranted to validate and better understand these evolving dynamics across the broader prosecution landscape.

Research indicates that Bangladesh serves as both a source and transit country.<sup>28</sup> The destination of trafficking varies significantly depending on the type and purpose of exploitation, with victims often being trafficked both domestically and internationally. In domestic trafficking cases, victims are frequently relocated to urban or industrial areas where they are exploited for labor or sexual services. Internationally, victims from vulnerable regions, including South Asia, are trafficked to the Middle East, Southeast Asia, and Europe, with promises of employment or marriage being common deceptive tactics. The analysis of trafficking patterns reveals significant changes in victim destinations over time, as indicated by the baseline and endline studies conducted in intervention areas.

Initially, the data showed that 88% of trafficking victims were trafficked abroad, while only 12% were trafficked within the country. However, by the endline assessment, this trend shifted markedly: the proportion of victims trafficked domestically rose to 47%, while those trafficked internationally decreased to 53%. In the control areas, a similar trend was observed. At baseline, 17% of victims were trafficked within the country, which increased to 40% by the endline study. Conversely, trafficking outside of the country declined from 83% to 60%. These findings underscore a noteworthy shift in trafficking dynamics over the study period, highlighting an increasing prevalence of domestic trafficking in both intervention and control areas. This trend may suggest both a genuine increase in domestic trafficking cases and advancements in identification and reporting mechanisms, leading to more accurate detection and documentation.

Table 7 Destination of Trafficking

Region	Trafficking Destination	Baseline (%)	Endline (%)
Treatment Areas	Trafficking within the country	12%	47%
	Trafficking outside the country	88%	53%
Control Areas	Trafficking within the country	17%	40%
	Trafficking outside the country	83%	60%

<sup>26</sup> Amin, Md. R., & Sheikh, Md. R. I. (2011). *Trafficking women and children in Bangladesh: A Silent Tsunami of Bangladesh*. *Journal of Economics and Sustainable Development* ISSN 2222-1700 (Paper) ISSN 2222-2855 (Online) Vol.2, No.4, 2011. <https://core.ac.uk/download/pdf/234645455.pdf>

<sup>27</sup> U.S. Department of State. (n.d.). U.S. Department of State. <https://www.state.gov/reports/2024-trafficking-in-persons-report/>

<sup>28</sup> *Combating human trafficking in Bangladesh requires coordinated action in digital and offline contexts*. IOM Bangladesh. (2022). <https://bangladesh.iom.int/news/combating-human-trafficking-bangladesh-requires-coordinated-action-digital-and-offline-contexts>

### 4.1.3 Case Dynamics and Prosecution Landscape

At the baseline, the majority of human trafficking cases were registered at local police stations, accounting for 70% in the treatment areas and 64% in the control areas. By the endline, this percentage increased to 73% in the treatment areas and a notable 95% in the control areas. Conversely, at the baseline, 30% of cases in the treatment areas and 36% in the control areas were filed elsewhere, such as directly with the tribunals. However, by the endline, this proportion decreased to 27% in the treatment areas and just 5% in the control areas. Regardless of the initial point of filing, the responsibility for conducting investigations predominantly rests with the local police stations, underscoring their critical role in the prosecution process and case management.

Table 8 Location of Case Filing

Region	Where filed cases	Baseline (%)	Endline (%)
Treatment Areas	Police Station	70%	73%
	Tribunal	30%	27%
Control Areas	Police Station	64%	95%
	Tribunal	36%	5%

The observed increase in the number of cases being lodged at police stations may be indicative of an improving prosecutorial process. In many instances, individuals experiencing adverse situations tend to approach the police as their first point of contact, often due to limited awareness of formal judicial procedures. Preliminary findings also suggest that victims of human trafficking frequently resort to court proceedings only after encountering barriers or delays in initiating complaints at the police station level. One victim from Dhaka stated, “When I went to the police station to file my cases they were refusing me because they knew it was a bigger issue but I was unaware of that. Listening to my incidents they were saying this is a very big issue, we can’t file this in the police station, do this, do that. They make me go back and forth to many places. Then I filed the case in the court.”

The study revealed that in the majority of cases among the observed sample, 96% (48 cases) of Investigating Officers (IOs) concluded their investigations by submitting a charge sheet, indicating sufficient evidence to proceed with prosecution. Conversely, a small proportion, 4% (2 cases) of cases, resulted in the submission of a Final Report True (FRT), necessitating further investigation by specialized officers.

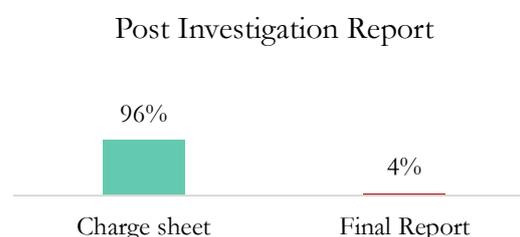


Figure 5 Post Investigation Reports

According to the Code of Criminal Procedure, 1898, Under section 156, any officer in charge of a police station may, without the order of a Magistrate, investigate any cognizable case where he must follow the procedures outlined in the CrPC, including registering a First Information Report (FIR) and conducting investigations as per Sections 157 and 159 of the CrPC.<sup>29</sup> In certain instances, law enforcement authorities may conclude that a case necessitates specialized expertise, technical capacity, or resources beyond those available at the local police level. Under such circumstances, the case may be formally transferred to specialized investigative agencies such as the Criminal Investigation Department (CID), Police Bureau of Investigation (PBI), or Detective Branch (DB) to ensure a more effective and thorough investigation. Additionally, in accordance with Section 202 of the Code of Criminal Procedure, 1898, a Magistrate is legally empowered to direct an inquiry or investigation to be conducted by a police officer or any other person deemed appropriate to ascertain the veracity of the allegations before proceeding further.<sup>30</sup> In circumstances where the aggrieved party, typically the complainant or informant, is dissatisfied with the outcome or adequacy of a police investigation, they may

<sup>29</sup> Ministry of Law, Justice and Parliamentary Affairs, Bangladesh. (n.d.). The Code of Criminal Procedure, 1898. <http://bdlaws.minlaw.gov.bd/act-75/part-details-61.html>

<sup>30</sup> Ministry of Law, Justice and Parliamentary Affairs, Bangladesh. (n.d.-a). The Code of Criminal Procedure, 1898. <http://bdlaws.minlaw.gov.bd/act-75/section-21043.html>

submit a *Naraji Petition* to the court. This legal remedy, recognized under the criminal justice system of Bangladesh, enables the complainant to formally challenge the police report (such as a final report or an unsatisfactory charge sheet) and request judicial intervention. Upon review of the petition, the court may direct further investigation or take appropriate legal action to ensure a comprehensive and impartial inquiry into the alleged offence. Among the observed cases, those initially filed at police stations, 32% (13 cases) were subsequently forwarded to investigative bodies other than the police. However, the analysis did not conclusively determine whether these referrals were mandatory or discretionary. Of these, 69% (9 cases) were assigned to the Criminal Investigation Department (CID), 23% (3 cases) to the Police Bureau of Investigation (PBI), and 8% (1 case) to the Detective Branch (DB). Similarly, of the cases filed directly with the tribunals, 44% (4 cases) were forwarded to other investigative agencies. Among these, 75% (3 cases) were referred to the CID, and 25% (1 case) was referred to the PBI. These figures highlight the reliance on specialized investigative bodies in certain cases, reflecting the complexity of human trafficking investigations and the need for expertise beyond routine police procedures.

The data indicates that the majority of trafficking victims did not undergo medical examination, with only 10% (2 cases) of victims in the control area and 27% (8 cases) in the treatment area receiving such assessments. Among those cases where victims underwent medical examinations, only a small fraction involved medical professionals as witnesses: specifically, 50% (1 case) in the control area and 50% (4 cases) in the treatment area. Though the data highlights a gap in the involvement of medical experts in the legal process, which could impact the quality of evidence and support available to victims during legal proceedings, however, based on the information available in the reviewed case dockets, it could not be conclusively determined whether medical examinations were necessary in the specific instances observed.

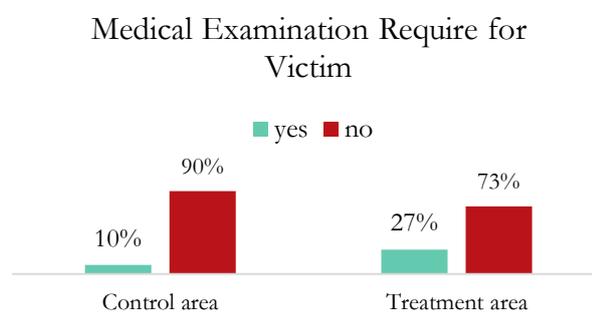


Figure 6 Medical Examination Require for Victim

Furthermore, there was a potential for the incorporation of foreign evidence. The data reflects that in 56% (28 cases), traffickers intended to transport victims beyond Bangladesh. Among these, 46% (13 cases) involved destinations in a bordering country, while 54% (15 cases) spanned multiple countries. Notably, in only 25% (7 cases) was there an opportunity to utilize foreign evidence. However, it is noteworthy that no foreign evidence was ultimately employed during the investigation process. The absence of foreign evidence may reflect limitations in the investigative strategies or challenges in accessing and integrating such evidence into the legal framework.

The analysis of the case dockets further indicates that, on average, 13 witnesses were identified per case. However, the actual appearance of witnesses in the court was notably low in the control area; only 7% of the identified witnesses provided testimony on average across the observed cases. In contrast, the treatment area demonstrated a comparatively higher testimony rate, with an average of 34% of the identified witnesses appearing before the court. The disparity between the control and treatment areas underscores the effectiveness of the JCBD's intervention in facilitating witness participation in legal proceedings.

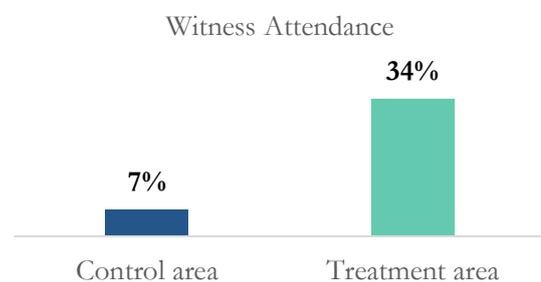


Figure 7 The Rate of Witness Attendance

In the baseline survey, the situation was markedly different: 27% of cases in intervention areas were pending for 1 to 3 years, with 50% pending for 4 to 7 years and 23% for 8 years or more. In control areas, the figures were slightly higher, with 30% of cases pending for 1 to 3 years, 43% for 4 to 7 years, and 27% for 8 years or more.

Required Timeline of Prosecution Process  
(Endline)

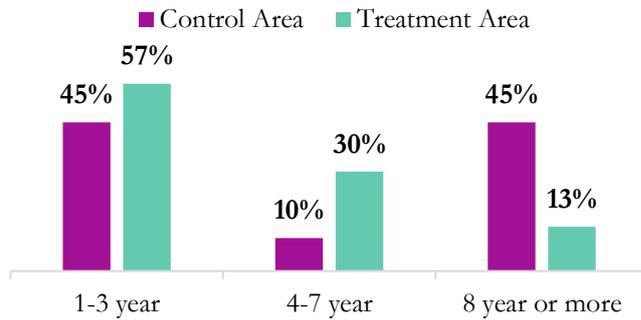


Figure 8 Required Timeline of Prosecution Process (Endline)

control areas. This shift underscores a marked improvement in case resolution times within intervention areas, while control areas experienced an increase in long-standing cases.

Table 9 Required Timeline of Prosecution Process

Region	Pending Duration	Baseline (%)	Endline (%)
Intervention Areas	1-3 Years	27%	57%
	4-7 Years	50%	30%
	8 Years or More	23%	13%
Control Areas	1-3 Years	30%	45%
	4-7 Years	43%	10%
	8 Years or More	27%	45%

At the baseline, the majority of human trafficking cases were observed to be in the investigation phase, with charge sheets either in the process of being prepared or already submitted. Notably, over one-third of these cases had not yet progressed to the judgment phase. Additionally, 15% of cases in the intervention areas were delayed at the stage of examining prosecution witnesses. By the endline, a significant shift in case progression was evident. In the treatment areas, only a single case remained under investigation, reflecting improved efficiency in moving cases forward. The majority of cases, however, were in the prosecution witness examination stage, with 64% in the treatment areas and 100% in the control areas at this stage. Importantly, 33% of cases in the treatment areas had advanced to the judgment phase, indicating tangible progress in case resolution within intervention areas. These findings highlight the positive impact of targeted interventions on case progression, although bottlenecks persist in the witness examination stage, particularly in control areas.

Table 10 Number of Cases in Different Stages

Timeline	Number of cases in different stages under investigation and trial	Treatment Area		Control Area	
		Count	%	Count	%
Baseline	Under investigation	7	9%	3	30%
	Charge sheet has been submitted	23	31%	0	0%
	W/A Issue & Newspaper Announcements	0	0%	0	0%
	Charge Framing	6	8%	2	20%
	Examination of Prosecution Witness	11	15%	2	20%
	342-examination	7	9%	0	0%
	Argument	3	4%	1	10%
	Judgment	3	4%	0	0%
Endline	Under investigation	0	0%	0	0%
	Charge sheet has been submitted	0	0%	0	0%
	W/A Issue & Newspaper Announcements	1	3%	0	0%
	Charge Framing	6	20%	0	0%
	Examination of Prosecution Witness	23	77%	20	100%
	342-examination	0	0%	0	0%
	Argument	0	0%	0	0%

Timeline	Number of cases in different stages under investigation and trial	Treatment Area		Control Area	
		Count	%	Count	%
	Judgment	0	0%	0	0%

The findings highlight the complexities and systemic challenges within the prosecution process of human trafficking cases, while also shedding light on the potential impact of targeted interventions in improving outcomes for victims. The analysis points to critical trends observed in the samples, including the heightened vulnerability of young adults and adolescents to trafficking, the predominant role of relatives and law enforcement representatives as complainants, and the notable disparities in investigative and judicial practices across treatment and control areas. Intervention areas demonstrated tangible improvements, such as higher rates of witness participation, swifter case resolution times, and increased progression of cases to the judgment stage. However, challenges persist, including delays in witness examination, limited engagement of medical professionals in legal proceedings, and the underutilization of foreign evidence in cross-border cases. These gaps point to the need for enhanced investigative practices, better integration of medical and foreign evidence, and systemic reforms to address procedural bottlenecks and also underscore the importance of a multifaceted approach that combines capacity building, community awareness, and institutional reform to address the complexities of human trafficking cases effectively.

## 4.2 Legal Review of Acquittals in Human Trafficking Cases

Analyzing acquittal cases is essential for evaluating the effectiveness of the criminal justice system, identifying prosecutorial challenges, and ensuring fair trial standards. Acquittals may arise due to insufficient evidence, procedural deficiencies, witness non-cooperation, or investigative shortcomings.<sup>31</sup> A systematic review of these cases helps legal practitioners and policymakers address systemic weaknesses, refine evidentiary requirements, and strengthen legal frameworks to enhance conviction rates while safeguarding defendants' rights.<sup>32</sup> Additionally, such analysis contributes to judicial reforms, improving case management and legal strategies to ensure both accountability and fairness in legal proceedings.

***A comprehensive examination of randomly selected seven cases disposed of with acquittal between September 2023 and February 2024 from Justice and Care Bangladesh's intervention areas (Dhaka and Khulna), including a thorough review of case dockets, judicial rulings, and substantive legal merits, has identified the specific factors leading to acquittals.*** This analysis underscores the procedural and evidentiary deficiencies that contributed to these outcomes, providing critical insights into areas requiring legal and prosecutorial improvements.

**Cases Analyzed:** This study examines the following cases to determine the underlying reasons for acquittal. Among the cases analyzed, five were adjudicated before the Dhaka Anti-Human Trafficking Offense (AHTO) Tribunal, while the remaining two were heard by the Khulna AHTO Tribunal.

Table 11 List of Analyzed Cases

Dhaka AHTO Tribunal	Khulna AHTO Tribunal
<i>HTC - 478/2020</i>	<i>HTC - 05/2023</i>
<i>HTC - 1177/2020</i>	<i>HTC - 10/2023</i>
<i>HTC - 1306/2020</i>	
<i>HTC - 201/2021</i>	
<i>HTC - 47/2023</i>	

<sup>31</sup> Crime prevention and criminal justice reform. UNODC. (n.d.-a). <https://www.unodc.org/unodc/en/justice-and-prison-reform/cpcj-home.html>

<sup>32</sup> Salehijam, M. (2018, September 14). The value of systematic content analysis in Legal Research. *Tilburg Law Review*. <https://tilburglawreview.com/articles/10.5334/tilr.5>

## 4.2.1 Identified Reasons for Acquittal

Table 12 Reasons for Acquittal at a Glance

AHTO Tribunal		Dhaka AHTO Tribunal					Khulna AHTO Tribunal	
Case Number		HTC478/20 20	HTC 1177/20 20	HTC 1306/20 20	HTC201/20 21	HTC 47/202 3	HTC 05/202 3	HTC 10/202 3
Reason for Acquittal	Deficiencies in the Investigation Process	√		√	√	√		√
	Lack of Sufficient Evidence	√	√	√	√	√	√	√
	Absence of Key Documentation	√		√				√
	Delayed or Missing Medical Examination				√			
	Flaws in Call Record and Timeline Analysis							√
	Lack of Witness Participation	√	√	√	√	√		
	Inconsistent or Contradictory Testimonies		√		√	√		√
	Lack of Independent Witnesses	√	√			√	√	
	Complainant's Withdrawal or Resolution		√				√	√

**Deficiencies in the Investigation Process:** Deficiencies in the investigation process of HT cases often stem from systemic constraints, such as insufficient specialized training for investigators, limited operational resources, and weak coordination among relevant law enforcement and support agencies. These structural shortcomings significantly impede the efficacy of criminal investigations and contribute to procedural vulnerabilities. Negligence in criminal investigations also critically undermines the justice system's integrity, often leading to case dismissals or wrongful acquittals.<sup>33</sup> Such negligence may manifest through mishandling evidence, failing to adhere to established investigative protocols, or neglecting to secure key witnesses. For instance, mishandled evidence can lead to the dismissal of serious charges, as seen in cases where improper evidence management compromises the prosecution's ability to establish guilt. Additionally, discrepancies or inaccuracies in police reports can lead to case dismissals due to insufficient or flawed evidence, as courts

<sup>33</sup> Okpaluba, C. (2018). Prosecutorial negligence and negligent police investigation. <https://www.saflii.org/za/journals/SPECJU/2018/12.pdf>

require reliable documentation to establish probable cause. These investigative lapses not only impede the pursuit of justice but also erode public trust in law enforcement agencies.<sup>34</sup>

The analysis indicates that in 5 out of the 7 reviewed cases, investigating officers did not conduct comprehensive investigations, resulting in the omission of crucial evidence and significant delays in essential procedures such as medical examinations. Furthermore, inadequate coordination between investigators and prosecutors left the prosecution insufficiently prepared, ultimately undermining the strength of the cases. In Case No. 478/2020 (Dhaka AHTO), the investigation was not comprehensive. Key documentary evidence and materials essential to establishing the nexus between the accused and the trafficking offense were not submitted to the Tribunal. In Case No. 1306/2020 (Dhaka AHTO), the charge sheet lacked substantive detail and evidentiary rigor. The IO failed to engage in effective coordination with the Public Prosecutor (PP), limiting the prosecution's ability to align witness testimony with the contents of the charge sheet. Furthermore, the IO was needed to conduct a more detailed investigation concerning the charge under Section 11 of the Prevention and Suppression of Human Trafficking Act, 2012. In Case No. 201/2021 (Dhaka AHTO), the investigating officer failed to promptly refer the victim for a medical examination and did not engage the prosecutor during the investigative process, thereby compromising the integrity of the prosecution's case. In Case No. 47/2023 (Dhaka AHTO), although the alleged trafficking incident involved transnational elements, no mutual legal assistance or foreign investigation was initiated. The absence of international cooperation resulted in a failure to secure cross-border evidence crucial to establishing the transnational nature of the offense. Similarly, in Case No. 10/2023 (Khulna AHTO), while India was cited as a location where elements of the trafficking offense took place, no foreign inquiry was conducted, and no cross-border evidence was procured. The investigation failed to gather sufficient proof to sustain the allegations under the applicable legal framework. A former judge from the AHTO Tribunal emphasized that inadequate logistical support during the investigation of transnational crimes poses a significant challenge for investigating officers, often leading to lapses in evidence collection and case preparation.

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*Unfortunately, the lack of logistical support in addressing transborder and transnational crimes poses significant challenges to conducting proper investigations. As a result, investigation officers often delay submitting investigation reports or submit incomplete ones – Former Judge, Cox's Bazar AHTO Tribunal (Control area)*

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Another judge from the AHTO Tribunal underscored that the investigating officers' lack of sufficient knowledge presents a critical challenge, often resulting in negligence in evidence collection and weakening the prosecution's case.

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*We still face challenges such as the lack of awareness among law enforcement about human trafficking laws and the complexities involved in transnational investigations – Judge, Khulna AHTO Tribunal (Treatment area)*

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**Lack of Sufficient Evidence:** In legal proceedings, the burden of proof rests with the prosecution, requiring them to establish the defendant's guilt beyond a reasonable doubt. When the evidence presented fails to meet this standard, it is deemed insufficient, often leading to case dismissal or acquittal. Insufficient evidence encompasses inadequate proof to substantiate a fact or claim, thereby failing to fulfill the requisite burden of proof. For instance, in criminal trials, if the prosecution concludes its presentation and the judge determines that the evidence does not convincingly demonstrate the defendant's guilt, the judge may dismiss the case on grounds of insufficient evidence. This principle upholds the presumption of innocence,

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<sup>34</sup> Non-examination of Investigating Officer: How much Fatal for Prosecution. Free Law. (2023). <https://www.freelaw.in/legalarticles/Non-examination-of-Investigating-Officer-How-much-Fatal-for-Prosecution>

ensuring that convictions are not based on conjecture or inadequate substantiation. As noted by the Legal Information Institute, "Insufficient evidence is the evidence which fails to meet the burden of proof and is inadequate to prove a fact."<sup>35</sup> Many cases are dismissed, and accused individuals are discharged due to insufficient access to critical evidence. To establish a human trafficking offense, all three elements—acts, means, and purpose—must be substantiated with admissible evidence. However, in numerous instances, cases brought before the court are rejected due to a lack of substantial evidence presented by investigating officers. Without sufficient proof to support the allegations, the prosecution fails to meet the requisite burden, resulting in the summary dismissal of cases.

**An analysis of all reviewed cases reveals a consistent failure by the prosecution to present sufficient evidence to substantiate the allegations. Critical deficiencies include the lack of corroborative evidence, the absence of foreign investigative efforts, incomplete case documentation, and the omission of essential forensic evidence. These evidentiary shortcomings have significantly undermined the prosecution's ability to establish guilt beyond a reasonable doubt, ultimately impacting the adjudication of justice. In Case No. 478/2020 (Dhaka AHTO), although the prosecution alleged financial transactions and arrangements for overseas employment, it failed to present any supporting documentation to substantiate the claims. In Case No. 1177/2020 (Dhaka AHTO), the Tribunal was not presented with any independent or corroborative evidence. Similarly, in Cases No. 1306/2020 and 201/2021 (Dhaka AHTO), the prosecution did not produce conclusive evidence linking the accused to the offence of human trafficking. In Case No. 47/2023, despite allegations of cross-border trafficking, no foreign evidence was obtained to substantiate the claims, thereby weakening the prosecution's case and hindering the establishment of crucial jurisdictional and evidentiary links. In Case No. 5/2023 (Khulna AHTO), the investigative report filed concluded that the allegations were not supported by substantive evidence. The findings did not meet the evidentiary threshold required under Sections 6/7/8 of the Prevention and Suppression of Human Trafficking Act, 2012. Lastly, in Case No. 10/2023 (Khulna AHTO), the prosecution failed to submit essential material evidence, including travel records, financial documentation, communication logs, or credible photographic proof to support the allegations.**

A judge from the AHTO Tribunal emphasized that the absence of clearly defined and appropriately documented evidence frequently poses significant challenges in securing convictions.

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*Cases may lack clarity regarding the evidence needed to prove trafficking offenses, leading to difficulties in securing convictions - Judge, Khulna AHTO Tribunal (Treatment area)*

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**Absence of Key Documentation:** The absence of key documentation in legal proceedings significantly weakens the prosecution's ability to establish guilt beyond a reasonable doubt, often leading to case dismissals or acquittals. Essential documents such as medical reports, forensic evidence, victim statements, and official investigative records serve as critical pieces of corroborative evidence in criminal trials.<sup>36</sup> When such documentation is missing, courts may deem the evidence insufficient to support charges, as legal standards require a strong evidentiary foundation to convict an accused party.<sup>37</sup> Furthermore, procedural lapses in maintaining, authenticating, and presenting official records can create loopholes that benefit the defense, ultimately undermining the justice process.

**The analysis revealed that in 3 out of the 7 cases reviewed, the absence of crucial documentary evidence—such as employment contracts, rescue records, or proof of border crossings—rendered the allegations unsubstantiated. This evidentiary deficiency underscored significant investigative shortcomings, ultimately weakening the prosecution's case. In Case No. 478/2020 (Dhaka AHTO), the prosecution alleged the existence of an overseas employment arrangement between**

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<sup>35</sup> Legal Information Institute. (n.d.). Insufficient evidence. Legal Information Institute. [https://www.law.cornell.edu/wex/insufficient\\_evidence](https://www.law.cornell.edu/wex/insufficient_evidence)

<sup>36</sup> Preparing your evidence - criminal trials. Legal Aid W.A. (n.d.). <https://www.legalaid.wa.gov.au/resources/self-help-kits-and-guides/criminal-trials/preparing-for-trial/preparing-your-evidence>

<sup>37</sup> Use of evidence. Rule of Law Education Centre. (n.d.). <https://www.ruleoflaw.org.au/crime/criminal-trial-processes/use-of-evidence/>

the victim's family and the accused. However, no employment contract or formal agreement was submitted to the Tribunal. Moreover, the prosecution failed to provide documentation relating to the victim's rescue and repatriation, such as records from the International Organization for Migration (IOM) or any other competent authority. Additionally, no documentary proof was furnished to establish that the accused had facilitated the victim's international travel or that the victim had been wrongfully confined abroad. These omissions left significant gaps in the evidentiary chain. In Case No. 1306/2020 (Dhaka AHTO), the prosecution did not present any documentary evidence to substantiate the claims made against the accused, thereby failing to establish a material element of the offense. In Case No. 10/23, no documentary evidence was presented to corroborate claims of cross-border trafficking, thereby failing to establish a critical element of the offense.

**Delayed or Missing Medical Examination:** Delayed or missing medical examinations in criminal cases, particularly those involving violence, trafficking, or sexual offenses, severely undermine the prosecution's ability to establish key elements of the crime. Medical reports serve as crucial forensic evidence, corroborating victim statements and linking physical injuries to alleged incidents.<sup>38</sup> When medical examinations are delayed, critical evidence such as DNA, bruising, or other forensic markers may degrade, making it difficult to establish causation and intent.<sup>39</sup> In cases where examinations are entirely omitted, the defense can argue a lack of corroborative proof, leading to wrongful acquittals or case dismissals.

The analysis revealed that in 1 out of the 7 cases reviewed, delays in conducting medical examinations or the complete omission of such tests significantly undermined allegations of sexual abuse or coercion. The absence of timely forensic evidence weakened the prosecution's ability to substantiate the claims and establish the occurrence of the alleged offenses. For instance, in Case No. 201/2021, the medical examination was conducted 13 days after the reported incident, diminishing its evidentiary value and impacting the overall strength of the prosecution's case.

**Flaws in Call Record and Timeline Analysis:** Flaws in call record and timeline analysis can significantly weaken criminal prosecutions, especially in cases where digital evidence is crucial to establishing the accused's presence, intent, or involvement. Call Detail Records (CDRs) and forensic timeline reconstruction are often used to corroborate testimonies and demonstrate communication patterns between victims, suspects, and accomplices.<sup>40</sup> However, inaccuracies may arise due to improper data retrieval, incomplete records, or failure to establish a clear link between the accused and the alleged offense. Furthermore, discrepancies in timestamps, network limitations, and lack of forensic validation can lead to challenges in court, allowing defense attorneys to contest the authenticity and reliability of digital evidence.<sup>41</sup> To ensure evidentiary integrity, law enforcement agencies must adhere to strict digital forensic protocols, employ expert analysts, and maintain chain-of-custody procedures for call records and timeline assessments. Strengthening these processes can enhance the credibility of digital evidence and support the pursuit of justice.

The analysis revealed that in 1 out of the 7 cases reviewed, inconsistencies in call records and timeline analyses further undermined the credibility of the trafficking allegations. Discrepancies in communication patterns and chronological inconsistencies cast doubt on the prosecution's narrative, weakening the evidentiary foundation of the case. For instance, in Case No. 10/23, call records contradicted the victim's claim of cohabitation, raising concerns regarding the accuracy and reliability of the allegations.

**Lack of Witness Participation:** The absence of witness participation poses a significant challenge to the criminal justice system, often resulting in weakened prosecutions and potential miscarriages of justice.

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<sup>38</sup> The role of forensic evidence in Medico-Legal Investigations. *Legal Eye*. (n.d.). [https://legaleye.co.in/blog\\_news/the-role-of-forensic-evidence-in-medico-legal-investigations/](https://legaleye.co.in/blog_news/the-role-of-forensic-evidence-in-medico-legal-investigations/)

<sup>39</sup> Delivering forensic medical examinations (follow-up audit). (2024). [https://www.gao.qld.gov.au/sites/default/files/2024-09/Delivering\\_forensic\\_medical\\_examinations\\_\(follow-up\\_audit\)\\_Report\\_2\\_-\\_2024-25.pdf](https://www.gao.qld.gov.au/sites/default/files/2024-09/Delivering_forensic_medical_examinations_(follow-up_audit)_Report_2_-_2024-25.pdf)

<sup>40</sup> Uplenchwar, G. R., Bbarati, R. K., & Baniskar, S. K. (2024). Forensic investigation of call data record (CDR) using statistical and mapping tools. *SbodbKosh: Journal of Visual and Performing Arts*, 5(5). <https://doi.org/10.29121/sbodbkosh.v5.i5.2024.1665>

<sup>41</sup> Exposing weaknesses in digital evidence for effective defense. *Cyber Centaurs*. (2024b, October 8). <https://cybercentaurs.com/blog/exposing-weaknesses-in-digital-evidence-for-effective-defense/>

Witnesses may be deterred from testifying due to intimidation, fear of retaliation, or a lack of trust in protective measures.<sup>42</sup> Such intimidation can manifest in various forms, from direct threats to subtle coercion, leading witnesses to recant their statements or refuse cooperation altogether. This reluctance not only hampers individual cases but also undermines public confidence in the legal system's ability to protect its citizens.<sup>43</sup>

The analysis revealed that in 5 out of the 7 reviewed cases, a significant number of listed witnesses failed to appear in court, thereby undermining the prosecution's case. In several instances, only a limited number of witnesses provided testimony, and those who did often presented statements that were inconsistent with their initial accounts or failed to substantiate the allegations. In Case No. 478/2020 (Dhaka AHTO), only 7 out of 15 listed witnesses were examined. The absence of key witnesses materially impaired the prosecution's ability to establish a prima facie case against the accused. In Case No. 1177/2020 (Dhaka AHTO), merely 2 out of 18 listed witnesses testified. Their accounts were inconsistent and failed to corroborate the prosecution's claims, thereby eroding the case's probative value. In Case No. 1306/2020 (Dhaka AHTO), only 3 out of 9 witnesses appeared. None of them provided testimony that supported the allegations outlined in the First Information Report (FIR) or the charge sheet. In Case No. 1177/2020, only 2 out of the 18 listed witnesses provided testimony. Moreover, their statements were inconsistent, further diminishing the credibility of the prosecution's case and weakening its evidentiary support. In Case No. 47/2023 (Dhaka AHTO), only 2 of the 12 witnesses appeared, both of whom—one being the victim—denied the prosecution's allegations. The absence of independent witnesses and the failure of testifying witnesses to affirm the charges left the case devoid of persuasive evidentiary support. A public prosecutor underscored that the reluctance of witnesses to appear before the court is a critical factor contributing to case dismissals and acquittals.

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*The primary challenge to ensure justice is to regularly bring the witnesses and complainants to court during the proceedings. Financial barriers, such as travel costs and lost wages, prevent attendance. Long, drawn-out proceedings lead to witness fatigue, while the fear of retaliation from powerful defendants discourages participation. Geographic distance and unpredictable court schedules further complicate their involvement, and many witnesses lack the legal awareness of the importance of their testimony, leading to disinterest or non-attendance – SPP, Dhaka AHTO Tribunal (Treatment area)*

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Another public prosecutor pointed out that many witnesses are reluctant to appear in court due to the absence of any personal benefit. They often perceive testifying as an unnecessary burden, viewing the process as a waste of time if it does not serve their individual interests.

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*In some cases, witnesses are unwilling to testify due to a lack of personal benefit or incentives. Despite multiple court summons and fixed dates for testimony, witnesses often abstain, perceiving it as a waste of their time and resources - SPP, Cox's Bazar AHTO Tribunal (Control area)*

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**Inconsistent or Contradictory Testimonies:** Inconsistent or contradictory testimonies present a significant challenge in criminal prosecutions, often leading to reasonable doubt and subsequent acquittals. Discrepancies in witness statements can arise due to lapses in memory, coercion, or external influences, ultimately weakening the prosecution's case.<sup>44</sup> Many of the symptoms of Post-Traumatic Stress Disorder (PTSD) such as flashbacks, intrusive thoughts, hypervigilance, shame and low self-esteem, as well as the fear of (and resultant inability to deal appropriately) with authority figures can also have direct effects on

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<sup>42</sup> Chen, E. Y. (2009). *Victim and witness intimidation*. [https://scholarcommons.scu.edu/cgi/viewcontent.cgi?article=1007&context=poli\\_sci](https://scholarcommons.scu.edu/cgi/viewcontent.cgi?article=1007&context=poli_sci)

<sup>43</sup> *Federal protections against witness intimidation in courtrooms*. *Leopard Law*. (2025, February 5). <https://leopardlaw.com/federal/white-collar/federal-protections-against-witness-intimidation-in-courtrooms/>

<sup>44</sup> Kassin, S. M., Dror, I. E., & Kukucka, J. (2013). *The Forensic Confirmation Bias: Problems, Perspectives, and proposed solutions*. [https://www.researchgate.net/publication/257741822\\_The\\_forensic\\_confirmation\\_bias\\_Problems\\_perspectives\\_and\\_proposed\\_solutions](https://www.researchgate.net/publication/257741822_The_forensic_confirmation_bias_Problems_perspectives_and_proposed_solutions)

the ability to give clear and consistent testimony.<sup>45</sup> Courts rely on credible and coherent testimonies to establish the facts beyond a reasonable doubt; therefore, inconsistencies may provide the defense with grounds to challenge the reliability of key witnesses.<sup>46</sup> Furthermore, variations between initial statements given to law enforcement and courtroom testimony can create concerns regarding witness credibility and potential manipulation.

The analysis revealed that in 4 out of the 7 reviewed cases, witnesses, including victims, provided inconsistent statements, casting doubt on the credibility of the allegations. These discrepancies were often attributable to inadequate witness preparation or potential external influences, ultimately weakening the prosecution's case. In Case No. 1177/2020 (Dhaka AHTO), the complainant recanted her original statement during re-examination, stating that the matter had been amicably resolved and that she had received compensation from the accused, thereby weakening the prosecutorial position. In Case No. 201/2021, the victim asserted that she was married, whereas her father provided a conflicting statement, denying any such marriage. This inconsistency in testimony undermined the credibility of the allegations and weakened the prosecution's case. In Case No. 47/2023 (Dhaka AHTO), of the two witnesses who appeared—one being the victim—neither affirmed the prosecution's allegations. Both denied the claims made against the accused, leaving the case devoid of supportive testimony. In Case No. 10/2023 (Khulna AHTO), contradictions between the complainant's testimony and the supporting documentary evidence further eroded the prosecution's evidentiary foundation. A public prosecutor emphasized that witnesses often fail to provide accurate and consistent testimony, which significantly hampers the judicial process and creates obstacles in securing justice.

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*A major challenge arises when witnesses fail to provide accurate testimony or assist the Honorable Court. Without their cooperation, the court cannot effectively deliver justice or punish the accused - SPP, Cox's Bazar AHTO Tribunal (Control area)*

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**Lack of Independent Witnesses:** The absence of independent witnesses in criminal proceedings significantly weakens the prosecution's case, as courts heavily rely on impartial testimonies to establish the veracity of allegations. Independent witnesses, who have no direct involvement or vested interest in the case, are essential for corroborating key facts and strengthening evidentiary reliability.<sup>47</sup> In human trafficking and organized crime cases, for instance, the lack of neutral witnesses often leads to reliance on statements from law enforcement officials or interested parties, which may be scrutinized for bias or inconsistencies. Furthermore, in many cases, witnesses may be unwilling to testify due to fear of retaliation or social stigma, further diminishing the availability of independent corroboration.

The analysis revealed that in 4 out of the 7 cases reviewed, the prosecution's evidence relied predominantly on testimonies from the victims' close relatives, raising concerns regarding potential bias. The absence of independent witnesses undermined the credibility and objectivity of the evidence presented. In Case No. 478/2020, the only witnesses who testified were the victim's family members, with no independent corroborative testimony to substantiate the allegations. In Case No. 1177/2020 (Dhaka AHTO), only two witnesses appeared before the Tribunal, neither of whom were independent, thereby limiting the credibility of the prosecution's narrative. In Case No. 47/2023 (Dhaka AHTO), the only individuals who testified were the complainant and the victim, with no neutral parties providing corroboration. Similarly, in Case No. 5/2023 (Khulna AHTO), the sole testimony was given by the complainant, with no independent witnesses called

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<sup>45</sup> Katona, C., & Howard, L. (2017, January 2). *The mental health difficulties experienced by victims of human trafficking (modern slavery) and the impact this has on their ability to provide testimony*. *The mental health difficulties experienced by victims of human trafficking (modern slavery) and the impact this has on their ability to provide testimony* | Helen Bamber. <https://www.belenbamber.org/resources/reportsbriefings/mental-health-difficulties-experienced-victims-human-trafficking-modern>

<sup>46</sup> *The critical importance of witness testimony*. *Courtroom Sciences*. (n.d.). <https://www.courtroomsciences.com/blog/litigation-consulting-1/the-critical-importance-of-witness-testimony-66>

<sup>47</sup> Cooper, J. M. (2018, March 9). *The importance of independent witnesses in winning a personal injury case*. *LinkedIn*. <https://www.linkedin.com/pulse/importance-independent-witnesses-winning-personal-injury-cooper>

**to substantiate the allegations.** According to the solicitor, individuals often refrain from being listed as witnesses to avoid potential disruptions or adverse consequences that may interfere with their daily lives.

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*From my experience working with law enforcement, it is apparent that many individuals avoid being listed as witnesses due to the considerable challenges they face. Police officers have shared that potential witnesses often request to be listed as accused rather than witnesses [as an expression of their reluctance to be listed as witnesses], as being a witness involves numerous difficulties, including frequent visits from police and other entities, loss of income (especially for daily wage laborers), and the inherent risks of testifying against multiple accused parties – Deputy Solicitor*

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**Complainant's Withdrawal or Resolution:** The withdrawal or resolution of complaints by the complainant is a significant challenge in criminal prosecutions, particularly in cases involving human trafficking, domestic violence, and financial fraud. When a complainant withdraws their case, it often results in case dismissal or acquittal due to a lack of primary evidence or witness testimony. In some instances, withdrawals occur due to coercion, intimidation, or out-of-court settlements, which can undermine the legal process and deny justice to victims. Moreover, complainants may lose faith in the justice system due to prolonged trial delays, inadequate legal support, or financial hardships, prompting them to seek alternative resolutions outside the court.<sup>48</sup>

**The analysis indicated that in 3 out of the 7 cases reviewed, the complainants either retracted their allegations or explicitly stated that they had reached an amicable resolution with the accused. Such developments significantly undermined the prosecution's case, as they weakened the evidentiary foundation required for securing a conviction. In Case No. 1177/2020 (Dhaka AHTO), the complainant testified that she no longer had any grievances against the accused, having received full compensation amounting to BDT 4,50,000, and expressed no objection to the accused's acquittal. In Case No. 05/23, the complainant asserted that the case had been filed due to a misunderstanding and confirmed that she no longer had any grievances against the accused. In Case No. 10/2023 (Khulna AHTO), the complainant claimed that the matter had been reconciled but failed to provide any documentation or corroborative evidence to substantiate the claim. A public prosecutor emphasized that perpetrators frequently attempt to pressure victims or complainants into withdrawing their cases through intimidation, threats, or financial inducements, thereby obstructing the course of justice.**

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*Perpetrators of human trafficking in the area are often locally and politically influential. Following adverse incidents, they frequently attempt to persuade victims who have returned home or the families of deceased victims, along with local Union members, Chairpersons, and influential figures, to settle cases out of court or withdraw them entirely in exchange for compensation or other benefits. Victims are often convinced that dropping the case would be in their best interest – SPP, Cox's Bazar AHTO Tribunal (Control area)*

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#### 4.2.2 Systemic Issues Highlighted

- ❖ Investigative Deficiencies
  - ✓ Inadequate training and resources for investigating officers:
  - ✓ Lack of victim-centered investigative approaches.
- ❖ Prosecutorial Negligence
  - ✓ Failure to adequately prepare victims and witnesses for trial.
  - ✓ Inability to produce critical evidence.
- ❖ Judicial Challenges
  - ✓ Prolonged trials delaying justice.
  - ✓ Limited judicial intervention to address inconsistencies.

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<sup>48</sup> Blog: *Victims Are Losing Faith in our justice system - my survey must be a wake-up call.* Victims Commissioner. (2024, August 30). <https://victimscommissioner.org.uk/news/blog-victims-are-losing-faith-in-our-justice-system-my-survey-must-be-a-wake-up-call/>

- ❖ Victim Vulnerability
  - ✓ Fear of retaliation and societal stigma led to withdrawal of allegations.
  - ✓ Inadequate victim protection services.

In conclusion, the analysis of the seven cases highlights critical shortcomings in the investigative and prosecutorial process, ultimately contributing to acquittals. Deficiencies such as the absence of independent witnesses, inconsistencies in testimonies, lack of key documentation, investigative negligence, and evidentiary gaps significantly weakened the prosecution’s ability to establish guilt beyond a reasonable doubt. Moreover, procedural delays, including late medical examinations and failure to corroborate cross-border elements, further impeded case outcomes.

To address these challenges, JCBD has undertaken proactive measures to strengthen the prosecution process. JCBD has conducted multiple training sessions and workshops on the Victim Identification Guideline and the Mutual Legal Assistance Guideline to enhance investigative and prosecutorial efficiency. Additionally, JCBD actively analyzes case merits to support prosecutors during legal proceedings and engages with witnesses to guide them through court procedures. These efforts have contributed to securing more convictions, as acknowledged by KII respondents. By reinforcing investigative protocols, enhancing inter-agency coordination, and ensuring comprehensive witness management, JCBD plays a crucial role in fortifying the justice system’s response to trafficking cases and ensuring better legal outcomes.

## 5 The Effectiveness of JCBD's Contribution to The Prosecution Process

### 5.1 Effectiveness of JCBD's Support in Strengthening the Prosecution Process

JCBD has contributed significantly to enhancing the efficiency and integrity of the human trafficking prosecution process through a multifaceted support framework. These interventions have included facilitating the rescue and repatriation of victims, introducing digital case record-keeping systems, and enabling digital evidence documentation to ensure procedural transparency and evidentiary integrity.

JCBD has also played a critical role in improving witness participation through consistent follow-up, legal counseling, and logistical facilitation. Addressing economic hardship a key barrier to victim participation, JCBD provided travel allowances, financial assistance, and access to victim-friendly spaces within court premises to ensure a supportive and secure environment during proceedings.

Further, JCBD’s deployment of dedicated legal case facilitators has strengthened case management by bridging communication between victims, prosecutors, and law enforcement. Their ongoing engagement has contributed to the timely production of evidence and coordinated litigation strategies. The organization also facilitated dialogue sessions and capacity-building workshops for key justice sector actors, including judges, prosecutors, and law enforcement officers, thereby enhancing institutional awareness and legal preparedness in human trafficking cases.

#### 5.1.1 Rescue and Repatriation of the Victim

The rescue and repatriation of victims constitute a foundational step in securing justice in human trafficking cases, whether the trafficking occurs domestically or transnationally. JCBD has played an instrumental role in facilitating timely victim recovery and repatriation, thereby strengthening the prosecutorial framework from the outset of legal proceedings. Judicial stakeholders have acknowledged this contribution. A Judge from the AHTO Tribunal in Khulna noted,

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*Justice & Care has played a crucial role in helping us manage the complexities of human trafficking cases. From the very start, they are involved in every step of the process, beginning with the rescue of victims. They don't stop there; they continue to offer support throughout the entire legal journey, ensuring that each case is given the attention and care it needs - Tribunal Judge, Khulna (Treatment area)*

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Similarly, law enforcement officials have highlighted JCBD's operational collaboration.

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*The victim, rescued by the Talash Team, shared that Justice and Care facilitated the communication bridge, provided critical information about the accused, and assisted in the arrest of accused No. 1, Mr. Jahangir, in Narsingdi - Investigating Officer, Bangladesh Police*

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Moreover, JCBD's coordination with the MOHA has been pivotal in expediting cross-border repatriation.

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*Justice and Care collaborates with us extensively on repatriation matters and provides significant support in other critical areas - Deputy Secretary, MoHA*

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Through these coordinated efforts spanning government agencies, law enforcement, and judicial actors, JCBD's role in victim rescue and repatriation has proven essential to initiating and sustaining effective prosecution of trafficking cases.

### **5.1.2 Support During the Investigation**

JCBD has made significant contributions to strengthening the investigative phase of human trafficking cases through strategic collaboration with law enforcement agencies. Their assistance has included the provision of standardized legal document templates and on-site, real-time investigative support, ensuring that victim communication is maintained throughout the process. This engagement has facilitated improved coordination among investigating officers, prosecutors, and victims, thereby enhancing the overall prosecutorial outcome.

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*JCBD's role in supporting human trafficking prosecutions has been significant, especially in its collaboration with the police during investigations and the filing of cases. They have contributed by providing formats for legal documents and offering real-time support at the scene, ensuring continuous communication with victims. The involvement of Justice and Care has been central to these investigations, with about 70% of cases linked to this organization - Investigating Officer, Bangladesh Police*

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In cases involving transnational elements, JCBD has also played a vital role in facilitating cross-border cooperation.

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*Justice and Care supported the case's legal framework, leading to its filing at Kamrangirchar Thana and coordinated with Indian police to gather information, which I documented in the case docket - Investigating Officer, Bangladesh Police*

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These efforts underscore JCBD's role in bridging investigative and prosecutorial processes, particularly in complex and transboundary trafficking cases, and ensuring that investigations are thorough, victim-centered, and legally sound.

In the control area, lack of this support in the investigation sometimes lead to end up with insufficient ground or gaps in the investigation report lead to discharge of the accused.

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*In many instances, accused individuals are discharged at the initial stages due to insufficient grounds or gaps in the investigation - Tribunal Judge, Cox's Bazar (Control area)*

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### **5.1.3 Support to the Digital Case Recording**

JCBD has also played a strategic role in modernizing judicial processes through the facilitation of digital case management systems within the AHTO Tribunals. As part of its support, JCBD provided essential IT equipment such as CPUs, multiple monitors, and scanners to aid in the digitization of case files and ensure timely and organized access to legal documents by all relevant stakeholders. These efforts were complemented by JCBD's advocacy for the use of the *Judiciary Bangladesh Center of Judicial Services* platform

developed by the Ministry of Law, Justice and Parliamentary Affairs, which aims to streamline judicial administration and enhance transparency.

Judicial and prosecutorial stakeholders across several districts expressed strong support for this digitalization initiative.

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*The digitalization initiative is an excellent approach to enhancing the efficiency and transparency of case adjudication. Introducing systems like e-judiciary platforms, where case data, hearing dates, and current statuses are accessible online, can significantly benefit justice seekers. Digitalization not only improves case tracking and reduces manual errors but also minimizes opportunities for dishonesty by making all information publicly accessible - Tribunal Judge, Rajshahi (Treatment area)*

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Similarly, SPPs echoed this sentiment.

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*Digitalizing the court system and implementing E-Judiciary is highly effective for managing cases. It streamlines processes, reduces paperwork, and enhances accessibility to justice – SPP, Rajshahi (Treatment area)*

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A Judge highlighted the operational impact of the digital tools provided by JCBD.

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*JCBD's support in digitizing case records has streamlined our workflow considerably - Tribunal Judge Khulna (Treatment area)*

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A stakeholder also remarked the consistent support of JCBD.

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*Justice and Care representatives are consistently present to assist with digital tools and equipment – SPP, Jessore (Treatment area)*

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Another stakeholder appreciated the effort of JCBD and expressed hope for such cooperation in the future as well.

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*JCBD's logistical support in digitalization is commendable. If this continues, it will greatly benefit the judiciary in the future – SPP, Dhaka (Treatment area)*

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However, despite the overwhelmingly positive reception, some stakeholders also identified limitations.

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*I think that it won't help much. Because practically people, especially the victims of human trafficking, are not advancing in digitalization - Tribunal Judge, Jhenaidah (Treatment area)*

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#### **5.1.4 Support to Digital Evidence Recording**

*The Prevention and Suppression of Human Trafficking Act, 2012 (PSHTA) and its Rules, 2017 explicitly recognize the admissibility of digital evidence in human trafficking trials. According to Section 30 of the PSHTA, any evidence recorded through audio-visual instruments or electronic communication shall be admissible in court, subject to the satisfaction of the Tribunal overseeing the case.<sup>49</sup> This provision allows the use of digital evidence such as videos, audio recordings, and electronic communications as valid proof in human trafficking prosecutions. Furthermore, Section 22(2) of the Act permits witnesses to be examined through electronic means for the interest of a speedy trial of the offences under this Act or for the security of any victim or witness.<sup>50</sup> The Act emphasizes that the admission of such evidence must ensure that the defense*

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<sup>49</sup> Ministry of Law, Justice and Parliamentary Affairs, Bangladesh. (n.d.-c). *The Prevention and Suppression of Human Trafficking Act, 2012*. <http://bdlaws.minlaw.gov.bd/act-1086/section-41736.html>

<sup>50</sup> Ministry of Law, Justice and Parliamentary Affairs, Bangladesh. (n.d.-c). *The Prevention and Suppression of Human Trafficking Act, 2012*. <http://bdlaws.minlaw.gov.bd/act-1086/section-41728.html>

has the opportunity to properly cross-examine witnesses, safeguarding the fairness of the trial.<sup>51</sup> The admissibility of digital evidence under the PSHTA aligns with broader legal frameworks in Bangladesh, including the *Evidence Act, 1872* (as amended), which provides detailed criteria for the authentication and certification of digital records (Section 65B).<sup>52</sup>

In this context, JCBD has played a significant role in operationalizing these legal provisions by equipping tribunals with the necessary infrastructure and logistical support to facilitate the digital presentation and recording of evidence. Their contribution has enhanced the capacity of the AHTO Tribunals to admit and record evidence through digital platforms, thereby promoting procedural efficiency and reducing logistical barriers to justice.

Judges and prosecutors alike have acknowledged the value of JCBD's interventions in this domain.

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*One notable case involved obtaining a witness statement from an individual residing in the Robingya Camp in Ramu, Cox's Bazar, through a digital platform. This case marked a historic moment in Bangladesh as it was the first instance where a tribunal accepted evidence gathered using a digital device. Justice and Care played a crucial role in supporting this innovative approach. Their dedication to facilitating the use of technology in legal proceedings ensured the successful implementation of this initiative, which ultimately proved to be a highly fruitful step towards enhancing the judicial process in complex human trafficking cases - Tribunal Judge, Rajshahi (Treatment area)*

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A SPP from the same tribunal shared similar experience.

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*In a landmark case, a prosecution witness, the victim's father was located in Ukbiya, Cox's Bazar. Through Justice and Care's facilitation, his statement was recorded digitally via Zoom, making it the first instance of remote testimony in Bangladesh's judicial history. This reflects JCBD's innovative and solution-oriented approach in human trafficking cases – SPP, Rajshahi (Treatment area)*

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Judges and prosecutors from Dhaka and Khulna echoed these sentiments.

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*The equipment provided by JCBD to facilitate the digital evidence recording was very effective, and we use it when we need it - Tribunal Judge, Dhaka (Treatment area)*

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Another stakeholder emphasized the efficiency gained through the digital examination of key witnesses through the equipment JCBD has provided to the Tribunal.

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*The integration of digital equipment in human trafficking tribunals has significantly improved case proceedings. Digital tools enable witnesses, such as investigation officers, doctors, and magistrates, to testify remotely without being physically present in court. This is especially important in criminal cases where these three categories of witnesses play critical roles. These digital platforms ensure efficient testimony recording, reduce delays, and improve the transparency of proceedings. Additionally, witness records are securely stored and easily accessible, minimizing logistical challenges – SPP, Khulna (Treatment area)*

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Finally, a SPP from AHTO Tribunal Dhaka remarked on the legal and logistical support provided by JCBD.

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*Digital evidence has been accepted in previous judgments, such as the one given by preceding Judge Mr. Hannan. Section 30 also contains a provision related to digital evidence admissibility. JCBD has been instrumental in providing both logistical and academic support in this area – SPP, Dhaka (Treatment area)*

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<sup>51</sup> Manir, M. S. (2020). *The prevention and Suppression of Human Trafficking Act, 2012: An overview*. Mohammad Shishir Manir. <https://shishirmanir.com/review/law/the-prevention-and-suppression-of-human-trafficking-act-2012-an-overview>

<sup>52</sup> Ministry of Law, Justice and Parliamentary Affairs, Bangladesh. (n.d.-c). *The Evidence Act, 1872*. Bdlaws.minlaw.gov.bd. <http://bdlaws.minlaw.gov.bd/act-24/section-51389.html>

### 5.1.5 Legal Case Facilitator Ensuring Effective Case Management

JCBD introduced Legal Case Facilitators (LCFs) to support the AHTO Tribunals by streamlining prosecution-related processes and improving coordination between the judiciary and other stakeholders. These facilitators play a pivotal role in case management by ensuring logistical support, assisting with documentation, and securing the attendance of witnesses, thereby enhancing the overall efficiency and integrity of trial proceedings.

Judges and SPPs across various tribunals have acknowledged the significant contributions of the LCFs.

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*Mr. Alameen was appointed as the case facilitator for facilitating tribunal cases. Known for his responsibility and dedication, he performed his duties diligently, assisting the court with unwavering commitment and professionalism - Tribunal Judge, Rajshahi (Treatment area)*

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Another Judge from highlighted the LCF's direct role in ensuring witness participation.

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*In some cases, the witness comes with the help of advocate of JCBD and he helped to bring witness into the court and ensured that the witness didn't return without testifying - Tribunal Judge, Jhenaidah (Treatment area)*

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Another stakeholder shared similar experience.

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*Some NGOs are working here to help the prosecution but what makes JCBD remarkable is the dedicated LCF. Their LCF stays in the court premises to support the prosecution dedicatedly and whenever we need any assistance from them, I found Mr. Shibab (JCBD's LCF) standby here - Tribunal Judge, Dhaka (Treatment area)*

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Prosecutors echoed these views, particularly emphasizing the LCFs' role in procedural coordination.

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*In addition to witness coordination, Mr. Alameen regularly consults with the tribunal judge to provide effective assistance to the court. He actively supports witness presentation, aids in documentation, and contributes to the overall efficiency of the prosecution services – SPP, Rajshahi (Treatment area)*

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Another SPP further endorsed the initiative.

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*The Penal Lawyer/Legal Case Facilitator's activities are effective. The process is being carried out correctly and has been very helpful – SPP, Khulna (Treatment area)*

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Overall, the deployment of LCFs by JCBD has significantly strengthened courtroom management and contributed to expediting human trafficking trials, ensuring both procedural integrity and access to justice for victims.

### 5.1.6 Establishment of Victim-Friendly Space

JCBD has made a substantial contribution to enhancing the victim- and witness-centered approach in human trafficking prosecutions through the establishment of victim-friendly spaces within the AHTO Tribunals in Dhaka and Khulna. These dedicated spaces are designed to provide a secure, dignified, and psychologically supportive environment for victims, complainants, and witnesses, thereby improving their engagement and participation in judicial proceedings. A stakeholder highlighted the direct impact of these facilities.

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*The establishment of victim-friendly spaces has significantly improved the prosecution process. These spaces provide a safe and supportive environment for victims to share their experiences, which encourages them to testify. Victims report feeling more comfortable and secure, which directly influences the quality and reliability of their*

*testimonies, thereby enhancing the overall effectiveness of the judicial process – Tribunal Judge, Kbulna (Treatment area)*

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A Judge from the Dhaka AHTO Tribunal acknowledge this effort and highlighted that GOB has also taken initiative regarding victim friendly space and built a victim friendly space in the court premises. Moreover, judges and special public prosecutors from other jurisdictions emphasized the broader potential of such spaces in promoting consistent witness participation, particularly for those traveling from remote or underserved areas.

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*Initiatives like establishment of a victim friendly space is necessary and humanistic. Victims and witnesses come from long distance and there are lot of children and breast-feeding babies out there and it is needed for breast-feeding for mother especially. If JCBD can do it, then it will be a positive initiative and great service to people - Tribunal Judge, Jbenaidab (Treatment area)*

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By facilitating comfort, safety, and emotional support, these spaces have proven instrumental in encouraging testimony and improving the overall quality of evidence presented, thereby contributing meaningfully to the success of human trafficking prosecutions.

### **5.1.7 Strengthened Legal and Investigative Framework for Human Trafficking prosecutions through the Development and Dissemination of National Guidelines**

JCBD has made substantial contributions to the legal architecture underpinning the prosecution of human trafficking offences, particularly through the development of two critical national instruments: the Victim and Crime Identification Guideline and the Guideline on Mutual Legal Assistance in Criminal Matters. Both documents have been formally endorsed by the MoHA, thereby establishing their relevance and utility within the prosecutorial and investigative framework. An official from the MoHA acknowledged JCBD's pivotal role.

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*Justice and Care has developed key instruments, including the Victim Identification Guideline and the Mutual Legal Assistance Treaty Guideline. These guidelines have been formally endorsed and adopted, representing a collaborative effort between our organization and Justice and Care – Deputy Secretary, MoHA, Bangladesh*

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JCBD has actively disseminated these tools through targeted capacity-building initiatives, including workshops and training sessions for judges, PPs, and IOs. Judges and prosecutors have reported tangible improvements in prosecutorial precision and investigative clarity since the introduction of these tools.

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*In the Rajshahi Tribunal, many cases failed to meet the legal threshold required under the human trafficking laws due to poor case identification. These guidelines are instrumental in helping IOs correctly classify offences and collect the requisite evidence, thereby improving the quality of cases brought before the Tribunal – Tribunal Judge, Rajshahi (Treatment area)*

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Similarly, a Special Public Prosecutor from the same tribunal noted the practical impact.

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*Before these guidelines, we relied solely on the Evidence Act, which lacked the necessary scope to address the complexities of human trafficking. The new tools enable a more structured approach to presenting victims and witnesses, especially those located abroad. The guideline on Mutual Legal Assistance has also become an essential reference for prosecutorial coordination in cross-border investigations – SPP, Rajshahi (Treatment area)*

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From an investigative perspective, a senior law enforcement official confirmed the operational value of the Mutual Legal Assistance guideline.

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*For the first time, the Criminal Investigation Department has issued a Mutual Legal Assistance Request (MLR) using this guideline, which marks a significant milestone in international legal cooperation – ASP, Bangladesh Police*

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However, several stakeholders also emphasized the need for simplification and structured dissemination of these tools. One senior law enforcement official, despite his advanced academic qualifications, remarked on the complexity of the MLA guideline.

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*Having three master's degrees, including one in Police Science, I found the guideline complex and challenging to grasp. It is therefore reasonable to assume that IOs might face similar difficulties – ASP, Bangladesh Police*

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This view was echoed by another high-ranking law enforcement official, who stressed the importance of extended and tailored training.

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*The Victim Identification Guideline is comprehensive and contains numerous analytical tables. Its effective use requires significant manpower and sustained training efforts, particularly in trafficking-related investigations ASP, Bangladesh Police*

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Conversely, gaps in dissemination were noted in non-intervention areas.

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*These guidelines, while useful for investigative processes, have not been formally circulated to the judiciary. If they were officially adopted and made binding, they would be available for review and reference during trial proceedings – Tribunal Judge, Cox's Bazar (Control area)*

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## 5.2 JCBD's Contribution on Human Trafficking Case Outcomes

The disposal of HT cases is a complex process influenced by various factors beyond judicial proceedings.<sup>53</sup> Effective case disposal involves not only the timely resolution of cases but also ensuring fairness, transparency, and justice for victims<sup>54</sup>. However, external factors such as the availability and willingness of witnesses, the adequacy of evidence, the capacity and collaboration of law enforcement and prosecutors, and community-level support significantly impact the outcomes. External interventions, such as those provided by the JCBD, can play a pivotal role in addressing these challenges.

JCBD's initiatives aim to strengthen the judicial process by enhancing the capacity of investigation officers (IOs), fostering cooperation between prosecutors and law enforcement, and supporting witness attendance. Factors like inadequate training of IOs, reluctance to collaborate among key stakeholders, and the socio-political environment of trafficking-prone areas often hinder case resolution. Moreover, logistical and financial barriers faced by witnesses discourage their participation, further delaying justice. Interventions that focus on capacity-building, resource allocation, and community sensitization have been shown to positively influence judicial outcomes<sup>55</sup>.

***To assess the impact of JCBD's interventions comprehensively, a detailed analysis was conducted using key metrics such as the number of cases disposed of, conviction rates, acquittals, cases resolved through alternative mechanisms, and witness participation levels. The evaluation encompassed both control (Chittagong and Cox's Bazar) and intervention areas (Dhaka, Jessore and Khulna), comparing baseline and endline data to provide a nuanced understanding of the interventions' effects. For this analysis, aggregated data spanning from September 2021 to August***

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<sup>53</sup> Farrell, A., McDevitt, J., Pfeffer, R., Faby, S., Owens, C., Dank, M., & Adams, W. (2012, April). Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases. <https://www.ojp.gov/pdffiles1/nij/grants/238795.pdf>

<sup>54</sup> Hussemann, J., Owens, C., Love, H., Yu, L., McCoy, E., Flynn, A., & Woods, K. (2018, April). Perceptions of justice among human trafficking survivors. <https://www.ojp.gov/pdffiles1/nij/grants/251631.pdf>

<sup>55</sup> United Nations Office on Drugs and Crime (UNODC). (2020). Combating Human Trafficking: Judicial and Prosecution Strategies. Retrieved from <https://www.unodc.org/>

2022 has been designated as the baseline period, while data collected from September 2023 to August 2024 has been utilized as the endline period. The analysis employed the Difference-in-Differences (DID) statistical method, a robust approach to isolating the specific impacts of interventions while accounting for external variables. This method ensured a precise measurement of change and highlighted critical areas requiring further attention. The findings provide valuable insights into how JCBD's efforts influence judicial outcomes and offer guidance for optimizing future interventions.

### 5.2.1 Comparison of No. of HT Cases Disposed

The analysis of disposed HT cases across control and treatment areas presents mixed outcomes, making it challenging to draw definitive conclusions about the intervention's impact. In control areas (Chittagong and Cox's Bazar) the disposed of cases exhibit an increase, on the other hand in treatment areas, it shows varied trends. Khulna demonstrates growth in the number of disposed cases, but Dhaka and Jessore indicate a declining trend.

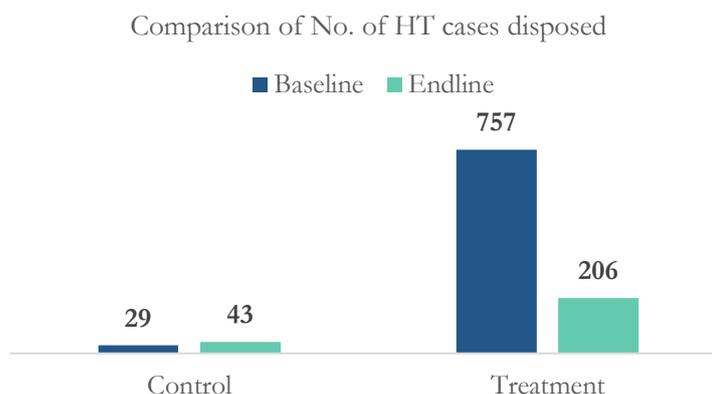


Figure 9 Comparison of No. of HT Cases Disposed

Several factors may have contributed to the decline in the

number of cases disposed of by the tribunal from the baseline to the endline period. Insights provided by JCBD officials during the intervention period offer important context for understanding this trend:

- ❖ **Initial Case Backlog and Misclassification:** When the tribunal commenced operations in 2020, a significant number of cases were filed by victims and transferred from other courts. During the proceedings, the tribunal identified a substantial portion of these cases as misclassified or miscategorized. To ensure judicial accuracy, the tribunal took appropriate legal steps to dispose of such cases, resulting in a higher case disposal rate during the baseline period. In contrast, by the endline period, both the overall number of cases and the instances of misclassification had decreased significantly, naturally leading to a lower disposal rate.
- ❖ **Caseload Burden in Jessore:** In Jessore, there is no dedicated Anti-Human Trafficking Tribunal; instead, these cases are adjudicated within the Women and Children Repression Prevention Tribunals. As a result, the caseload in Jessore is significantly higher, leading to prolonged scheduling gaps between hearings. Due to this burden, the court has been setting hearing dates with intervals of at least three to four months, further slowing the disposal of cases.

These factors collectively explain the observed decline in case disposal rates from the baseline to the endline period. Beyond the changes in case disposal rates, the findings highlight the critical importance of adopting a nuanced approach to understanding the factors influencing case outcomes and the role of targeted interventions in addressing systemic challenges. KII respondents expressed strong optimism regarding the interventions implemented in the treatment areas, acknowledging the substantial support provided.

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*I can say that with the help of JCBD, we get enough help to implement the anti-human trafficking law successfully. We also get help from them to understand the law deeply. Another thing is that we get help from JCBD to bring witnesses in the court, for which it helps to quick disposal of cases – Tribunal Judge, Jhenaidab (Treatment area)*

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They emphasized that this assistance has been instrumental in facilitating the effective disposal of cases and upholding the principles of justice.

JCBD's support includes logistical assistance for bringing witnesses to court and providing resources for case management. Such assistance has streamlined the prosecutorial workflow, allowing for more focused efforts on case preparation and strategy and enhancing prosecutions' overall effectiveness. – Tribunal Judge, Khulna (Treatment area)

Table 13 Comparison of No. of HT Cases Disposed

Region	District	Baseline (Sep 21-Aug 22)	Endline (Sep 23 – Aug 24)
Control	Chittagong	28	39
	Cox's Bazar	1	4
Treatment	Dhaka	669	139
	Jessore	45	2
	Khulna	43	65

It is critical to recognize that “disposed” cases encompass cases resolved both in court and through alternative means outside the judicial process. This raises the need for a deeper analysis to determine the nature of these resolutions—whether they involved convictions, acquittals, or settlements outside of court—and their broader implications for justice and deterrence.

The data reveals conviction rates in the control area remained negligible, rising marginally from 0% to 2%, whereas the treatment area demonstrated a substantial improvement, with convictions increasing from 2% to 12%, suggesting enhanced prosecutorial effectiveness. Acquittal rates in the control area remained disproportionately high, decreasing slightly from 100% to 98%, underscoring ongoing difficulties in securing convictions. In the treatment area, acquittals declined from 78% to 76%, aligning with the observed rise in convictions. Notably, cases classified as "disposed differently" were absent in the control area in both periods, whereas in the treatment area, such cases decreased from 20% to 12%, reflecting potential advancements in case processing. A detailed category-based analysis of disposed of cases will provide a clearer and more comprehensive understanding of disposal patterns across the baseline and endline periods in both the control and treatment areas.

Table 14 Breakdown of No. of HT Case Disposed

Region	Disposed		Conviction		Acquittal		Differently Disposed	
	Control	Treatment	Control	Treatment	Control	Treatment	Control	Treatment
Baseline	29	757	0%	2%	100%	78%	0%	20%
Endline	43	206	2%	12%	98%	76%	0%	12%

### 5.2.2 Comparison of No. of HT Cases Disposed with Conviction

In terms of convictions, there has been limited progress overall. In the control areas, only one case resulted in a conviction during the observed periods, which occurred at the endline stage. This conviction represents merely 2% of the total number of disposed cases within the control area during the endline period, highlighting a significant gap in successful prosecutions. In the treatment areas, a modest improvement is noted—convictions in

Comparison of No. of HT cases convicted

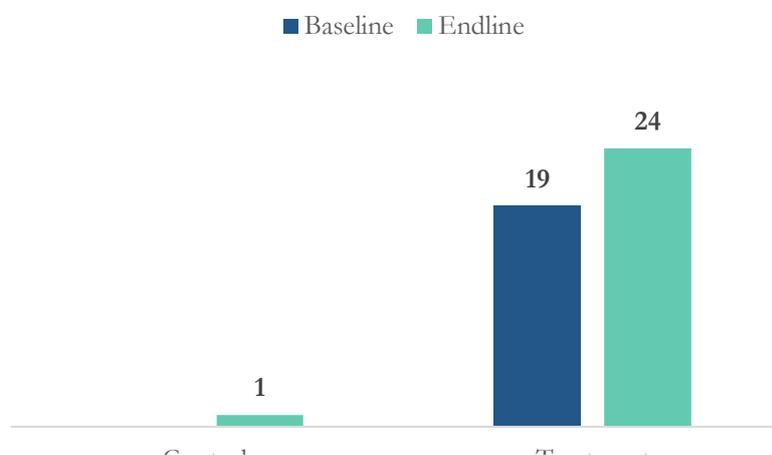


Figure 10 Comparison of the No. of HT Cases Convicted

Dhaka increased from 19 to 22, while Khulna saw a slight rise from 0 to 2 convictions. Overall, the conviction rate demonstrated a substantial improvement, rising from 2% at the baseline to 12% at the endline, indicating some level of enhancement in the effectiveness of legal proceedings and case outcomes. Although these figures indicate some progress, they also highlight the persistent challenges in securing convictions. The incremental improvements in the treatment areas suggest that JCBD's interventions may have contributed to these outcomes. This assessment aligns with the perceptions expressed by KII respondents, further substantiating the potential impact of these initiatives.

*In the past, the conviction rate in our courts was almost negligible, close to 0.0%. However, with the intervention of various NGOs, including Justice and Care, significant progress has been made – SPP, Khulna (Treatment area)*

A significant number of victims frequently opt to settle cases outside of the formal judicial process, which has been identified as a contributing factor to the low conviction rate in human trafficking cases. Such settlements, often facilitated through informal negotiations or community-based arrangements, can arise due to various factors.

*In Jhenaidah, the conviction rate for human trafficking cases remains low, primarily due to financial hardships faced by victims. For instance, victims often take loans to go abroad, and upon their return, they are pressured by creditors to repay the borrowed money. Consequently, many victims opt to settle the cases outside of court by accepting compensation from the accused to pay off their debts. Despite human trafficking (HT) cases being non-compoundable, victims often settle these cases amicably, leading to a low conviction rate – PP, Jhenaidah (Treatment area)*

To evaluate JCBD's contributions more comprehensively, a difference-in-differences analysis was conducted. This analytical approach provides valuable insights into the impact of JCBD's interventions on improving conviction rates, offering a clearer understanding of their effectiveness in addressing human trafficking cases. The DID analysis revealed that intervention increased conviction rates by an additional 8% points in the treatment group compared to the control group, offering an initial perspective on the impact of JCBD's intervention on conviction rates. This finding provides preliminary empirical evidence of the positive impact of JCBD's prosecutorial support efforts, suggesting that the intervention contributed to improved case outcomes in human trafficking prosecutions. While the findings indicate a modest positive shift, it is essential to acknowledge that addressing complex issues such as conviction rates requires sustained effort and time. The observed improvements, particularly in Khulna and Dhaka, suggest that JCBD's interventions may be laying a foundation for more significant impacts in the future. These preliminary results underscore the potential of JCBD's efforts and emphasize the importance of continuing targeted interventions to build momentum toward meaningful and lasting progress.

Table 15 Comparison of the No. of HT Cases Convicted

Region	District	Baseline (Sep 21-Aug 22)	Endline (Sep 23 – Aug 24)
Control	Chittagong	0	1
	Cox's Bazar	0	0
Treatment	Dhaka	19	22
	Jessore	0	0
	Khulna	0	2

To assess the practical significance of JCBD contributions to the successful prosecution of human trafficking cases, four conviction cases were reviewed and analyzed in detail. Each case illustrates JCBD's multifaceted support in strengthening prosecutorial outcomes.

**Case Study** – *HTC-1/2022, AHTO Tribunal, Rajshahi*: JCBD played a pivotal role by ensuring the victim was mentally and emotionally prepared to testify, facilitating enhanced coordination between the IO and

the PP, and providing critical logistical and financial support for effective cross-border legal coordination. Their intervention contributed directly to structured case management and successful prosecution.

**Case Study 2** – *HTC-1/2020, AHTO Tribunal, Dhaka*: JCBD’s involvement included psychological preparation of the victim, fostering collaboration between the IO and PP, and supporting the prosecution in managing the case efficiently. These coordinated efforts helped establish a coherent prosecutorial strategy, leading to a conviction.

**CASE STUDY 3** – *HTC-86/2020, AHTO Tribunal, Dhaka*: Beyond supporting legal proceedings through effective IO-PP collaboration and witness preparation, JCBD addressed the broader vulnerabilities of the victim. This included providing medical assistance, financial support, rehabilitation services, and vocational training in handicrafts—ultimately supporting the victim's reintegration and recovery alongside the pursuit of justice.

**Case Study 4** – *HTC-13/2020, AHTO Tribunal, Rajshahi*: JCBD contributed significantly to the emotional and psychological readiness of the victim to pursue justice. The organization also ensured robust coordination between the IO and PP and assisted the prosecution team in case management, facilitating a successful conviction.

### 5.2.3 Comparison of No. of HT Cases Disposed with Acquittal

The analysis of disposed HT cases resulting in acquittal reveals a notable disparity between the control and treatment areas. In the control areas, acquittal cases showed an increase, whereas in the treatment areas, there was a significant decrease in Dhaka and Jessore, with a slight increase observed in Khulna. To gain a deeper understanding of the factors contributing to the high rate of acquittals in human trafficking cases, KII respondents highlighted several critical

Comparison of No. of HT cases disposed with Acquittal

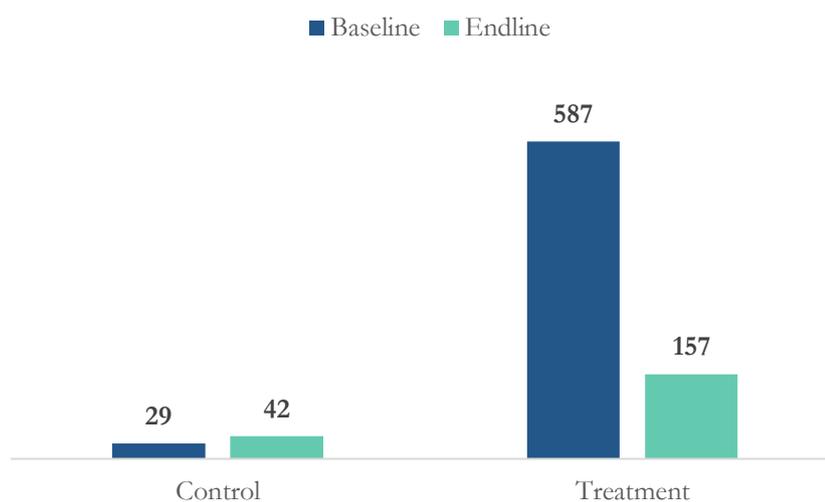


Figure 11 Comparison of HT Cases Disposed of with Acquittal

shortcomings. These include the frequent misclassification or miscategorization of cases, the lack of sufficient evidence to substantiate charges, and the absence of witnesses in court to provide testimony. Such deficiencies not only weaken the prosecution's case but also hinder the effective application of anti-human trafficking laws.

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*After charges are framed, challenges persist. Witnesses, including investigation officers who are formal witnesses, often fail to appear in court. This lack of testimony, compounded by incomplete evidence, frequently results in the accused being acquitted under Section 265C of the Code of Criminal Procedure. In cases of human trafficking, it is imperative to examine critical elements such as the act, means, and purpose, as well as the presence or absence of consent by the accused. However, when investigations lack depth or procedural integrity, these essential aspects are overlooked, leading to discharges or acquittals – Tribunal Judge Cox’s Bazar (Control area)*

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To assess JCBD’s contribution, a DID analysis was conducted. This method provided valuable insights into the impact of JCBD’s interventions in reducing acquittal rates and offered a more comprehensive understanding of the effectiveness of these efforts.

Table 16 Comparison of HT Cases Disposed of with Acquittal

Region	District	Baseline (Sep 21-Aug 22)	Endline (Sep 23 – Aug 24)
Control	Chittagong	28	38
	Cox's Bazar	1	4
Treatment	Dhaka	520	117
	Jessore	35	0
	Khulna	32	40

The DID analysis indicates that the intervention maintained the acquittal rate at 0% in the treatment group, mirroring the control group. This consistency indicates that although JCBD’s intervention may have played a role in upholding the integrity and procedural soundness of case proceedings, it did not yield a statistically significant difference in acquittal rates between the treatment and control areas, or across the baseline and endline periods.

*These identification guidelines are highly valuable and represent a significant and welcome initiative. In the Rajshahi Tribunal, which was established in 2020, we have often observed cases lacking essential elements of human trafficking. Many cases failed to meet the merit required under human trafficking laws, leading to unsatisfactory prosecution outcomes. These guidelines play a crucial role in addressing such challenges by helping investigation officers accurately identify specific offenses and gather the necessary evidence – Tribunal Judge, Rajshahi (Treatment area)*

The absence of detectable impact in this specific metric does not necessarily imply a lack of overall effectiveness but rather highlights the need for further examination of other key judicial outcomes, such as conviction rates, case processing efficiency, and victim participation, to fully assess the intervention’s influence on the legal proceedings.

### 5.2.4 Comparison of No. of HT Cases Differently Disposed

The comparison of disposed HT cases handled through alternative outcomes provides valuable insights into the control and treatment areas. For the purposes of this study, cases disposed of through Final Report True (FRT), discharge of the accused (The court dismissing charges against an accused before trial due to insufficient evidence or lack of legal merit), case withdrawals, and dismissals have been categorized as cases handled differently. In the control areas, no cases were disposed of through these methods. The practice of out-of-court settlements often discourages victims from pursuing formal legal action. Victims may face significant societal or familial pressure to avoid the complexities and prolonged nature of legal proceedings. This reluctance is further compounded by fears of retaliation from perpetrators and a lack of trust in the judicial system’s ability to deliver timely and effective justice. Moreover, the involvement of influential local or politically connected

Comparison of No. of HT cases disposed Differently

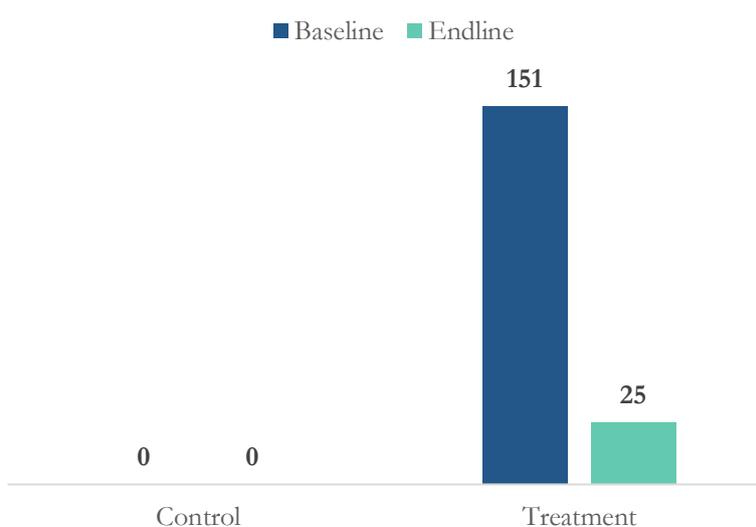


Figure 12 Comparison of No. of HT Cases Disposed of Differently

individuals in such cases can create additional barriers, further deterring victims and their families from seeking redress through formal legal channels.

*Perpetrators of human trafficking in the area are often locally and politically influential. Following adverse incidents, they frequently attempt to persuade victims who have returned home or the families of deceased victims, along with local Union members, Chairpersons, and influential figures, to settle cases out of court or withdraw them entirely in exchange for compensation or other benefits. Victims are often convinced that dropping the case would be in their best interest – PP, Cox’s Bazar (Control area)*

Moreover, the lack of adequate understanding regarding transnational investigation protocols and evidence collection procedures, coupled with the absence of structured guidelines for investigation officers, has been identified by the KII respondents as a significant challenge in prosecution efforts in the control areas. This gap often undermines the strength of cases, potentially leading to the discharge of the accused during the charge hearing stage.

*Unfortunately, the lack of logistical support in addressing transborder and transnational crimes poses significant challenges to conducting proper investigations. As a result, investigation officers often delay submitting investigation reports or submit incomplete ones. Due to the absence of official mechanisms to address these issues, such reports must be accepted as they are, leaving a significant gap in the inquiry process from the outset. This initial deficiency creates a lacuna that benefits defendants during the legal process. In criminal jurisprudence, any ambiguity or shortcoming in the investigation typically favors the accused. During charge hearings, if any lacuna is identified, the accused may benefit from it, potentially leading to their discharge. In many instances, accused individuals are discharged at the initial stages due to insufficient grounds or gaps in the investigation. – Tribunal Judge Cox’s Bazar (Control area)*

Conversely, in the treatment areas, a significant decline in the number of such cases is observed between the baseline and endline periods. This notable reduction reflects a positive shift, potentially indicating improved case handling and judicial processes in the treatment areas.

In the treatment areas, the number of cases disposed of through alternative methods significantly decreased in Dhaka and Jessore, with a slight increase observed in Khulna. To assess the impact of JCBD’s interventions on this trend, a DID analysis was conducted. This provides an understanding of the effectiveness of JCBD's efforts in reducing the reliance on alternative case dispositions and highlights the extent of their contribution to strengthening the judicial process.

*Table 17 Comparison of No. of HT Cases Disposed of Differently*

Region	District	Baseline (Sep 21-Aug 22)	Endline (Sep 23 – Aug 24)
Control	Chittagong	0	0
	Cox's Bazar	0	0
Treatment	Dhaka	130	0
	Jessore	10	2
	Khulna	11	23

The DID analysis demonstrated that the intervention resulted in an 8% point reduction in the rate of cases disposed of through alternative legal outcomes in the treatment group relative to the control group, underscores the significant impact of JCBD's intervention. This reduction in the number of cases disposed of through alternative means reflects a stronger emphasis on adhering to structured legal processes and enhancing case management. By promoting structured case management and discouraging premature or informal resolution pathways, the intervention reinforced the importance of pursuing justice through established legal channels. The finding indicates that JCBD’s support played a critical role in strengthening prosecutorial consistency and advancing the integrity of the human trafficking adjudication process.

*Table 18 Breakdown of No of HT Cases Disposed of Differently*

	Region	Baseline	Endline
Disposed differently	Control	0	0
	Treatment	151	25
Documented (FRT)	Control	0	0

	<b>Treatment</b>	89	2
<b>Discharged</b>	<b>Control</b>	0	0
	<b>Treatment</b>	61	23
<b>Withdrawal</b>	<b>Control</b>	0	0
	<b>Treatment</b>	1	0
<b>Dismissed</b>	<b>Control</b>	0	0
	<b>Treatment</b>	0	0

The data reflects a significant decline in cases disposed of differently in the treatment area, dropping from 151 at baseline to 25 at endline, while there were no cases disposed differently in the control area at either time point. A closer examination of the subcategories reveals that documented (FRT) cases dropped from 89 to 2, and discharged cases declined from 61 to 23, indicating potential improvements in case screening and prosecutorial effectiveness. Additionally, withdrawals decreased from one to zero, and no cases were dismissed in either area throughout the study period. The observed shift reflects a notable improvement in prosecutorial efficiency and case management in the treatment area, likely driven by enhanced legal procedures, strengthened investigative practices, and increased prosecutorial capacity. Additionally, it underscores JCBD’s contribution to bolstering the effectiveness and credibility of the judicial system, promoting greater consistency in case adjudication.

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*Economic hardship often drives parties to compound cases outside of court. This typically happens for two reasons: firstly, the victim seeks to recover at least a portion of the financial losses incurred, and secondly, the lengthy trial process discourages continued participation. However, with Justice and Care’s intervention, witnesses are brought effectively to court, and the compensation mechanism is streamlined. This has led to smoother case proceedings and ensured a speedier trial process – Tribunal Judge, Rajshahi (Treatment area)*

This progress demonstrates the intervention's potential to drive lasting improvements in judicial practices, reinforcing a commitment to justice and fairness. Continued efforts will be essential to building on these advancements and ensuring sustainable, meaningful change in the legal landscape.

### 5.2.5 Comparison of No. of Witness Attending to Record Evidence

The increase in the number of witnesses attending court to provide evidence reflects a positive trend, which can be attributed to the interventions implemented under JCBD’s project. These efforts have effectively facilitated and supported witness attendance, contributing to the judicial process.

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*The support provided by JCBD in bringing witnesses to court significantly bolsters the prosecution, as witnesses play a pivotal role in the resolution of criminal cases – Deputy Solicitor (Treatment area)*

Throughout the intervention period, witness attendance in court was significantly low in Cox’s Bazar. In contrast, Chittagong, within the control area, demonstrates an interesting pattern in witness participation. According to KII respondents, the majority of witnesses who testified in Chittagong were law enforcement officials rather than civilian witnesses. This is primarily attributed to the disinclination of civilian witnesses to appear in court, frequent relocation for economic reasons, and challenges in their identification and summons. These factors not only contribute to low conviction rates but also pose a significant impediment to the administration of justice.

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*Approximately 65–70% of the witnesses who testified in tribunals belong to law enforcement personnel, due to the unavailability of civilian witnesses. The challenge in locating civilian witnesses arises from their frequent relocation for economic opportunities, as many victims and witnesses come from financially disadvantaged backgrounds. Additionally, civilian witnesses often lack awareness of their role in the prosecution process and frequently exhibit reluctance to participate, further hindering effective case prosecution – PP, Chittagong (Control area)*

The reluctance of witnesses to participate in court proceedings is influenced by a range of factors, including a lack of awareness about their role in the judicial process, fear of retaliation from the accused, and the absence of adequate resources or support to facilitate their participation.

*A major challenge arises when witnesses fail to provide accurate testimony or assist the Honorable Court. Without their cooperation, the court cannot effectively deliver justice or punish the accused. In some cases, witnesses are unwilling to testify due to a lack of personal benefit or incentives. Despite multiple court summons and fixed dates for testimony, witnesses often abstain, perceiving it as a waste of their time and resources – PP, Cox’s Bazar (Control area)*

In the treatment areas, all three districts exhibit encouraging improvements, further underscoring the success of the intervention in strengthening witness engagement in the legal proceedings.

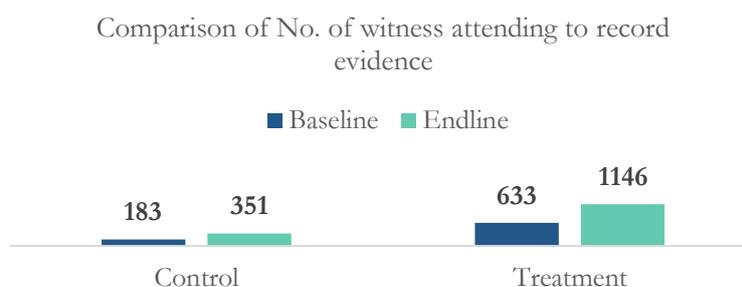


Figure 13 Comparison of No. of Witnesses Attending to Record Evidence

To evaluate the impact of JCBD’s interventions on witness participation, a DID analysis was conducted. The analysis revealed a positive increase of 7.250 in the number of witnesses attending court. Although this result is not statistically significant (p-value = 0.261), it still points in a good direction, suggesting that JCBD’s efforts, like providing support and follow-ups, may be helping more people feel comfortable and willing to come to court and testify.

Table 19 Comparison of No. of Witnesses Attending to Record Evidence

Region	District	Baseline (Sep 21-Aug 22)	Endline (Sep 23 – Aug 24)
Control	Chittagong	183	351
	Cox's Bazar	0	0
Treatment	Dhaka	322	642
	Jessore	134	279
	Khulna	177	225

*In the past, victims and witnesses were reluctant to appear in court after filing a case. However, following the involvement and supportive role of JCBD, the attendance of victims and witnesses in court has increased – PP, Jhenaidah (Treatment area)*

This marks a critical step toward enhancing the effectiveness of the justice system by fostering a supportive environment for witnesses to come forward and provide evidence. KII respondents have also commended and underscored the importance of such interventions, recognizing their value in enhancing witness participation and ensuring the integrity of the judicial process.

*If organizations like Justice and Care or other NGOs could provide minimal financial assistance, such as covering travel expenses or offering a small allowance, witnesses might be encouraged to attend court proceedings and provide testimony. This support could significantly enhance the prosecution's ability to secure a fair trial, ensuring that perpetrators are held accountable. Such punishments would serve as a deterrent and set an example for future cases – PP, Cox’s Bazar (Control area)*

In conclusion, the analysis of JCBD’s interventions reveals promising trends in improving various aspects of the judicial process related to human trafficking cases. The initiatives have shown potential in reducing

the number of cases disposed of with acquittals and those handled differently, while also fostering an increase in witness participation. Although some outcomes, such as the DID analysis for witness attendance, were not statistically significant, the overall positive direction of these changes highlights the meaningful impact of JCBD's efforts. The interventions have likely contributed to more structured legal processes, enhanced case preparation, and greater emphasis on ensuring justice. These developments underscore the importance of sustained and targeted efforts to build upon these achievements.

### 5.3 Effectiveness of JCBD's Victim-Centered Interventions on the Prosecution Process

#### 5.3.1 Confidence in the legal system to secure justice

Victims' confidence in the legal system plays a crucial role in their pursuit of justice and their willingness to engage with the prosecution process. A well-functioning legal system must ensure that victims feel supported, protected, and heard throughout their legal journey. Effective victim-centered approaches, such as clear communication, legal aid, and witness protection programs, significantly enhance trust in the judiciary and encourage victims to testify without fear or intimidation.<sup>56</sup> Moreover, ensuring a trauma-informed legal framework is essential in fostering victim confidence. Legal professionals, particularly prosecutors and law enforcement officers, must recognize the long-term effects of trauma and adapt their engagement strategies accordingly to empower victims in legal proceedings. Strengthening institutional responses through specialized training, victim-friendly courtrooms, and dedicated legal assistance can substantially improve victims' trust in the system and contribute to more effective case resolutions. By addressing these factors, the legal system can reinforce public confidence, enhance victim cooperation, and uphold the principles of justice more effectively.

In the intervention districts where Justice and Care operates, there is a noticeable variation in victims' confidence in the legal system. While nearly all victims who received JCBD's support from the outset of the legal process expressed optimism about securing justice, others highlighted persistent barriers such as corruption, financial constraints, and bureaucratic delays.

Several victims credited Justice and Care for their legal support, which played a crucial role in helping them navigate the judicial process. One victim from Dhaka stated, *"Justice and Care assisted me greatly. It is for them that I was able to get justice in a short time. I am now free from a huge burden."* Another victim in Khulna affirmed that Justice and Care's involvement provided legal leverage, preventing traffickers from coercing settlements: *"The opposition stopped threatening me and offering money to settle because they knew Justice & Care was supporting me."*

However, even in these districts, systemic corruption remains a major concern. Victims reported instances of traffickers bribing lawyers to manipulate court proceedings, making it difficult to sustain cases. One victim from Jessore shared, *"The human traffickers are still carrying out their operations. They are still trafficking people from different places. They buy off all the lawyers whom I choose to represent me in my case. So, I'm continuing this case with the help of the PP appointed by the government and a representative from Justice and Care taking care of the court activities on my behalf."*

Moreover, delays in legal proceedings continue to frustrate victims, with cases dragging on for years. A victim in Khulna remarked, *"The case is now at its witness-calling stage in the Khulna tribunal. Initially, I filed the case in the police station. Justice & Care got involved after the case was filed. They told me to inform them if I needed any assistance. The accused woman made various false accusations against us, prolonging the process."* Another victim from Dhaka emphasized the slow bureaucratic system, stating, *"I don't want anyone else to face this hassle like I did."*

Despite these challenges, victims in the intervention areas showed relatively higher confidence in the legal process compared to those in the control areas. Approximately 85% of respondents expressed confidence in the legal system, affirming their belief that justice will be served and perpetrators will be held accountable under the law. This confidence stemmed not from an absence of obstacles but rather from the structured

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<sup>56</sup> Equal access to justice for all. UNODC. (n.d.). <https://www.unodc.org/unodc/en/justice-and-prison-reform/access-to-justice-for-all.html>

legal support provided by Justice and Care. Through Justice and Care's legal assistance, strategic case management, and advocacy efforts, victims were better informed about their rights, court procedures, and case progress, which empowered them to actively participate in the prosecution process. However, while Justice and Care's intervention has mitigated several barriers, further legal protections and measures against corruption, particularly within the judiciary, are crucial to ensuring consistent and impartial justice.

In contrast, 62% of the respondents victims from the control areas (Chittagong and Cox's Bazar) displayed significantly lower confidence in the legal system. Many expressed strong skepticism, citing judicial inefficiencies, corruption, and financial constraints.

A victim from Chittagong bluntly stated, *"I have no confidence in the legal system's ability to deliver justice. I believe justice is only served if money is paid; otherwise, one will not receive fair treatment."* Another victim from Cox's Bazar reinforced this concern, highlighting financial barriers: *"The accused have a lot of money, which influences the judicial process. Due to money, proper justice cannot be obtained."*

Victims also struggled to access structured legal support, leading to prolonged case delays. One victim in Chittagong remarked, *"I've no confidence (not even 1%) in the legal system's ability to deliver justice. However, I believe the legal system in the country is very weak and does not function properly."*

Unlike the intervention areas, where Justice and Care facilitated legal proceedings, provided protection, and deterred coercive settlements, victims in the control areas lacked access to such structured support, making them more vulnerable to intimidation, corruption, and prolonged legal battles. This gap underscores the necessity of expanding structured legal aid programs, improving judicial oversight, and implementing victim-centered reforms to ensure equitable access to justice.

### 5.3.2 Understanding the Legal Process and the Importance of Court Attendance

Victims' understanding of the legal process and the critical importance of court attendance are fundamental to ensuring justice and upholding the rule of law. Active participation by victims not only empowers them but also enhances the effectiveness of the criminal justice system. For instance, victim attendance at trial can further the truth-seeking process by allowing victims to assist prosecutors in uncovering false testimony by defense witnesses.<sup>57</sup> Moreover, victims' rights to attend and be heard at proceedings are essential components of their involvement in the justice process.<sup>58</sup>

Victims and complainants in Justice and Care's intervention districts demonstrated a higher level of awareness regarding the legal process and the importance of attending court proceedings. More than 80% of the victims and complainants exhibited a basic (knows they have a role in the case but lacks detailed knowledge of legal procedures) to moderate (has some knowledge of court proceedings and the importance of their testimony) understanding of their role in judicial proceedings, recognizing that their presence in court is essential for reinforcing their claims and strengthening the case against perpetrators. As one participant from Khulna stated, *"I'm aware of the importance of attending court proceedings."*

In contrast, respondents from the control districts exhibited an awareness of the importance of attending court but had a limited understanding of the legal process. Almost 54% of the victims and complainants admitted to being unaware of their role beyond filing a complaint. A prevailing theme was a sense of helplessness due to the lack of legal guidance and institutional support.

Justice and Care played a pivotal role in enhancing victims' legal awareness and participation. The respondents from treatment area who exhibited understanding of the legal process, among them almost 74% acknowledged receiving structured legal guidance, including briefings on procedural steps, case timelines, and their rights as complainants. They also benefited from legal aid, counseling, and preparatory sessions before court appearances, which alleviated their anxieties and bolstered their confidence in testifying. A respondent from Dhaka noted, *"We were notified before the court hearing dates. We appeared before the court twice. Justice & Care helped us with information regarding the court activities."* Another respondent from Jessore shared,

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<sup>57</sup> Beloof, D. E., & Cassell, P. G. (2005). THE CRIME VICTIM'S RIGHT TO ATTEND THE TRIAL: THE REASCENDANT NATIONAL CONSENSUS. <https://law.lclark.edu/live/files/9688-lcb93cassellpdf>

<sup>58</sup> Kilpatrick, D. G., Beatty, D., & Howley, S. S. (1998, December). The Rights of Crime Victims—Does Legal Protection Make a Difference? <https://www.ojp.gov/pdffiles/173839.pdf>

*“My mother-in-law is the plaintiff in the case. After the victim was rescued, she gave her statement to the magistrate under Section 164 with the assistance of Justice and Care Bangladesh. Sabuli Apa and Monir Bhai helped us a lot. They even bore significant expenses for the rescue efforts.”*

Furthermore, logistical support, such as travel allowances, was provided to ensure victims’ court attendance. One participant from Dhaka stated, *“My daughter went to court regularly when called, with the travel allowances provided by Justice & Care.”*

Despite these advancements, challenges remain. Near about 15% of the victims from treatment area reported delays in proceedings, intimidation from the accused, and financial difficulties that hindered their ability to travel to court. While Justice and Care has addressed many of these barriers, ensuring consistent legal representation and providing additional emotional support remain critical for optimizing victim participation in trials.

Unlike the treatment areas, where structured legal support is available, individuals in the control areas often face considerable difficulty navigating the legal process due to the absence of adequate legal guidance. This lack of support contributes to procedural confusion and may hinder their ability to effectively pursue justice. A respondent from Cox’s Bazar highlighted this gap, stating, *“I believe as a complainant, attending court proceedings is important. However, I don’t know how the case will conclude, and I don’t receive timely updates about the case.”* The absence of structured legal assistance has contributed to victims’ disengagement from the judicial process, with some withdrawing from their pursuit of justice entirely.

Additionally, respondents frequently cited external challenges such as threats from traffickers, logistical difficulties, and financial hardships as significant deterrents to court attendance. Without targeted interventions, survivors in these areas remain at a severe disadvantage, often unable to navigate the legal system effectively.

### **5.3.3 Potential for Out-of-Court Case Settlement**

Victims of crimes, particularly those involving exploitation or trafficking, often face complex socio-economic and legal challenges that influence their potential for out-of-court settlements. While legal frameworks emphasize prosecution as a means of justice, many victims may opt for settlements due to financial hardship, fear of retaliation, or lack of trust in the legal system. Alternative Dispute Resolution (ADR) mechanisms, including mediation and negotiation, can provide a viable path for victims to obtain compensation and closure while avoiding prolonged legal battles.<sup>59</sup> However, it is crucial that such settlements are conducted under judicial oversight to prevent coercion or unfair agreements that undermine justice.

Additionally, international legal instruments, such as the UN Convention Against Transnational Organized Crime (UNTOC), emphasize the need to safeguard victims’ rights within any settlement process, ensuring that their participation is voluntary and informed. Legal practitioners, including prosecutors and defense attorneys, must ensure that settlements do not compromise victims’ legal entitlements or enable perpetrators to evade accountability. Strengthening victim assistance programs and legal aid can further empower victims to make informed decisions regarding their legal options.<sup>60</sup> By upholding these safeguards, the legal system can balance the efficiency of out-of-court settlements with the fundamental principles of justice and victim protection.

While responses from the control areas reflect a heightened tendency toward informal settlements, with over 80% of respondents indicating a preference for resolving matters outside the formal judicial process, victims in the intervention districts exhibited a more varied stance. In the intervention areas of Jessore, Khulna, and Dhaka, victims demonstrated a mixed approach toward the potential of settling their cases out of court. While there was a clear presence of coercion and attempts at financial settlement, Justice and Care’s interventions appear to have empowered victims to resist such offers and instead prioritize justice through legal means.

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<sup>59</sup> *Alternative dispute resolution in personal injury cases*. JBP. (2024). <https://www.jbplegal.com/blog/alternative-dispute-resolution-in-personal-injury-cases/>

<sup>60</sup> *Victim assistance and witness protection*. UNODC. (n.d.). <https://www.unodc.org/unodc/en/organized-crime/witness-protection.html>

Victims in these areas were generally more resistant to out-of-court settlements, with 78% of respondents expressing firm opposition to resolving their cases outside the judicial process. This can be attributed to the supportive role played by Justice and Care, as evidenced by the experience of a respondent from Khulna, who noted *“There is no chance to settle this case out of court.”* Additionally, in Dhaka, a plaintiff strongly rejected any out-of-court settlement, expressing, *“Since I have sought justice in court, the court will make sure that I get justice,”* showing that support from organizations like Justice and Care helped victims prioritize the judicial process over informal resolutions. However, exceptions were noted among individuals facing severe financial distress, particularly those burdened by significant debt. Additionally, in certain cases, the death of the victim influenced the decision to pursue an out-of-court settlement. A respondent from Jessore stated, *“My mother-in-law said since her daughter is not alive anymore, she doesn't want to keep any cases related to her in court. But she will agree to settle the case outside court only with the affiliation of Justice and Care.”*

Despite the significant impact of Justice and Care's intervention, some victims still faced attempts to settle cases outside court, particularly involving financial compensation. A respondent from Dhaka shared that the accused had offered compensation to settle the case, stating, *“They contacted me regarding these two or three times.”* Despite the monetary offers, the victim maintained a strong position in favor of justice, a sentiment echoed by others who were determined not to let traffickers escape accountability through financial deals. For example, Victim from Jessore refused to settle, saying, *“I want justice to be served,”* even when offered money by the perpetrators.

In the intervention areas, the overarching theme is that victims, when supported by Justice and Care, are more informed, more resolute in their pursuit of legal justice, and generally less inclined to settle cases outside of court, despite the presence of financial offers.

In contrast, victims from the control areas of Chittagong and Cox's Bazar displayed a significantly different perspective on out-of-court settlements. The responses from these districts suggest a higher level of vulnerability to informal settlements, where respondents demonstrate a likelihood of opting for such resolutions. This is likely due to the lack of structured support systems such as those provided by Justice and Care.

Victims in Chittagong, for instance, were more inclined to accept out-of-court settlements, especially if compensation was offered. A plaintiff from Chittagong stated, *“If they returned my rightful amount of 450,000 BDT and my child returned outside of court, I'm willing to settle the case out of court.”* Similarly, another respondent from Chittagong expressed a willingness to settle provided the perpetrators offered proper compensation. In his word *“If someone can settle the case outside of court by providing compensation, I will settle the case outside of the court.”* This suggests that the absence of a strong support structure or external intervention increases the likelihood of victims being swayed by financial incentives to resolve matters privately rather than through the formal justice system.

Victims from Cox's Bazar, while somewhat more firm, also demonstrated a tendency to consider settlements based on compensation. A respondent noted, *“I'm willing to settle the case outside of court socially,”* while another respondent indicated, *“I'm willing to settle this case outside of court if I can recover the money I lost.”* These responses highlight a lack of confidence in the formal justice system, potentially due to the absence of dedicated legal support structures such as those provided by Justice and Care. The need for compensation appears to outweigh the desire for justice in these areas, as victims feel they have limited resources to engage in prolonged legal battles.

Moreover, victims in the control areas also expressed concerns about the inefficiency of local institutions in addressing their cases. A respondent from Cox's Bazar mentioned, *“The local members and chairman sided with the accused and conducted a biased trial,”* which led to a lack of resolution and the eventual filing of a case in court. This highlights the vulnerability of victims in the control areas, where local power dynamics, corruption, and biased trials can drive victims toward seeking unofficial resolutions rather than waiting for justice in the formal legal system.

### 5.3.4 Experiences and Interactions with SPPs

Victims' experiences within the prosecution process, particularly their interactions with SPPs, are pivotal in shaping their perception of justice and the legal system's efficacy. Effective communication and support from SPPs can significantly influence a victim's willingness to participate in legal proceedings. Prosecutors are encouraged to explain the justice process thoroughly, ensuring victims are informed and know whom to contact for specific issues, thereby fostering a sense of inclusion and understanding.<sup>61</sup> Moreover, adopting a trauma-informed approach is essential; prosecutors must recognize that the impact of trauma extends beyond the initial event, affecting victims' responses and participation throughout the legal process.<sup>62</sup> By acknowledging these factors, SPPs can enhance victim cooperation, contribute to more effective prosecutions, and uphold the integrity of the justice system.

The experiences of victims and complainants with SPPs varied significantly between intervention and control districts. In areas where Justice and Care operates, structured legal assistance improved access to legal information and case updates. Approximately 78% of respondents reported positive interactions with public prosecutors, attributing their experience, in part, to the cooperation of JCBD. However, disparities in engagement with SPPs, reports of financial exploitation, and inconsistent courtroom support indicate areas requiring further oversight. In contrast, 77% of victims in control areas faced systemic barriers, including a complete lack of legal assistance, financial exploitation, and procedural uncertainty.

In Jessore, 60% of the respondents reported meaningful engagement with the SPPs, which facilitated their understanding of the legal process. One respondent recounted, *"We got the chance to meet with the PP for three days. On the first day, she gave her 164 statements in court. On the other two days, the PP made her appear before the judge and explain everything."* However, complainants lack direct engagement with the SPP, relying instead on Justice and Care for legal updates - another respondent stated, *"I don't have any contact with the lawyers. I talked with Sraboni apu from Justice & Care, she keeps me informed."* Notably, concerns regarding the commitment of SPPs were also raised: *"The PP is not serious about my case and not being helpful."*

In Khulna, interactions with SPPs were mixed. 48% of the plaintiffs benefited from legal guidance, with one stating, *"The PP helped us during the witnesses' appearances, told us what to say, and provided proper counseling."* However, financial exploitation was a recurring issue, as reported by a victim: *"The PP calls me and asks for money. I have to pay him at least 1 or 2 thousand taka every time."* Others faced procedural hardships, including frequent court appearances and associated financial burdens: *"Every time I had to go to court, I had to pay for various errands. I felt like I was the victim of different harassment in the court."*

In Dhaka, victims benefited from structured legal support, particularly in case management and advocacy. One respondent highlighted how their lawyer's intervention led to expedited case proceedings: *"Our lawyer told us to tell the judge exactly what happened. The lawyer requested the judge to transfer the case to PPI so that my daughter could be rescued quickly."* However, concerns over unethical legal practices persisted, as a victim alleged, *"My lawyer took money from the opposition and did not guide me properly."*

In stark contrast, more than 79% of the victims/complainants in Chittagong and Cox's Bazar reported a complete absence of structured legal assistance. They were forced to navigate the legal system independently or hire private lawyers at their own expense. One respondent from Chittagong stated, *"I didn't receive any assistance from the SCPs. I get all the necessary information through my lawyer."* Another highlighted procedural difficulty: *"I checked by myself when I needed to appear in court and present witnesses. Even I did not receive court notices on time often."*

In Cox's Bazar, the situation was equally dire, with respondents consistently reporting a lack of engagement from SPPs. One victim expressed frustration, *"I hired a lawyer personally, who let me know all the necessary information."* Cases of financial exploitation further compounded these challenges, with one victim revealing, *"The SCPs did not provide any assistance. Instead, they asked me to pay for some expenses."* Meanwhile, external

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<sup>61</sup> Talpins, S., & Ellinger, N. (2010, June). Prosecutors working with victim advocate groups. <https://ndaa.org/wp-content/uploads/Prosecutors-Working-With-Victim-Advocate-Groups.pdf>

<sup>62</sup> Werner, E. M. (2021). AVOIDING THE SECOND ASSAULT: A GUIDEBOOK FOR TRAUMA-INFORMED PROSECUTORS. <https://lam.lclark.edu/live/files/32102-lcb252wernerpdf>

organizations such as the International Organization for Migration (IOM) provided limited financial aid, *"The IOM provided me financial support of 1,000 takas for each court date."*

### 5.3.5 Support and Guidance in Navigating the Court System: Sources of Assistance and Their Impact

In the intervention areas, victims and complainants received substantial legal and procedural support, primarily from Justice & Care, which played a pivotal role in ensuring their continued engagement with the judicial process. This assistance encompassed legal counseling, court accompaniment, financial aid for travel and lodging, and emotional support, all of which contributed to improving victims' confidence in navigating legal proceedings.

A respondent from Jessore described the tangible support provided, stating: *"Justice & Care gave me some money when I had to go to India to rescue Akashi (pseudonym). They helped in preparing my passport and provided 8,000 taka for my travel. They later covered our expenses for court visits. During the pandemic, they also provided essential food supplies. Representatives frequently checked on us."* Another victim from Jessore further emphasized Justice & Care's continued engagement, noting: *"Justice & Care notify me before court hearings and provide travel and food allowances."*

Similarly, in Khulna, beneficiaries highlighted procedural and financial support. One respondent stated: *"Representatives from Justice & Care regularly call and inform us about court hearings."* Another added: *"I received 2,500 taka from Justice & Care. Their representatives frequently visit and check on my well-being."* Beyond financial and procedural assistance, emotional support was also a critical component, as expressed by another respondent: *"Justice & Care guided me on legal matters and assisted me financially. They even sent personnel with me to court, ensuring I felt supported and confident."*

In Dhaka, while direct financial support to victims was limited, all necessary expenses related to court proceedings were covered. One respondent shared: *"Jibon bhai from Justice & Care helped a lot. They didn't provide direct financial aid, but they covered accommodation and food expenses during court visits."* Another respondent highlighted additional benefits received: *"When my daughter returned, Justice & Care covered her medical expenses, provided a month's worth of food, and paid for our travel to court while keeping us informed about hearings."*

These accounts underscore the structured and proactive legal aid provided in the intervention areas. Beyond financial and logistical support, Justice & Care's engagement with law enforcement and judicial authorities also facilitated smoother case progressions, ensuring that victims remained actively involved in the legal process.

Conversely, in the control areas where Justice & Care is not operational, victims encountered significant challenges in navigating the court system due to the absence of dedicated legal aid. Many expressed feelings of neglect, confusion, and intimidation, with no structured guidance on how to proceed with their cases. Additionally, the lack of support in victim rescue efforts, delays in legal proceedings, and the absence of financial assistance, such as travel allowances for economically disadvantaged victims, further discouraged them from fully engaging in the judicial process, ultimately hindering their pursuit of justice.

In Chittagong, victims reported that legal support was largely absent, and assistance was often limited to informal advice. One respondent stated: *"My local acquaintances and relatives advised me to file a case in court."* Another noted: *"The police, local leaders, and the NGO YPSA were helpful, but their role was limited to advising me to file a case."* The lack of preparatory and procedural support left victims vulnerable to legal uncertainties, increasing the likelihood of case abandonment.

The situation in Cox's Bazar was similar. Victims had to rely on personal resources to initiate and sustain legal action. A complainant stated: *"I didn't receive any help; I filed the case with the assistance of a lawyer."* Another respondent noted: *"My relatives and the police advised me to file a case in court."* This highlights financial constraints and the absence of structured legal aid, making it difficult for victims to persist with legal proceedings.

## 6 The Impact of Capacity-Building Initiatives

### 6.1 Comprehending Human Trafficking: A Legal Perspective

According to the Palermo protocol's UN TIP protocol "According to the Palermo protocol's UN TIP protocol "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>63</sup> Human trafficking in Bangladesh is a serious and intricate problem, characterized by various forms of exploitation, including forced labor, sexual exploitation, and domestic servitude. The country serves as a source and a transit location for women, children, and men who are victims of human trafficking.<sup>64</sup> Human trafficking occurs when an individual engages in an act that places or maintains another person in an exploitative situation. This involves using means to exploit the victim's vulnerabilities. Additionally, it must be carried out for a purpose that yields financial, material, or other advantages for the traffickers.

A thorough understanding of these elements is essential for law enforcement and legal professionals to effectively recognize and address trafficking cases with a compassionate and human-centered approach, ensuring justice for survivors while respecting their dignity and rights. of human trafficking dynamics. Due to existing knowledge gaps, efforts to prevent human trafficking have faced significant challenges. To bridge these gaps, JCBD organized skill development workshops for public prosecutors and investigation officers. These workshops focused on key aspects of combating human trafficking, including techniques for identifying victims, the critical role of witness testimony, adopting a trauma-informed approach, and providing victim-centered services. By covering these and other essential topics, the training aimed to equip participants with the tools and understanding needed to respond effectively and compassionately to trafficking cases. As stated by a KII respondent regarding their experience attending the workshop

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*During my seven-month tenure in the Trafficking in Human Beings (THB) Unit of the CID, I attended a two-day training session organized by Justice and Care. This training was exceptional, featuring prominent speakers, including an international consultant, a representative from the U.S. Embassy, the globally renowned Chairman of ICAT (The Inter-Agency Coordination Group against Trafficking in Persons), as well as experts from Bangladesh Police and the Ministry of Foreign Affairs. The training underscored the unique nature of human trafficking cases, which require specialized care, tools, and evidence, distinct from conventional criminal cases such as assault or homicide. One of the critical areas of focus was victim identification—a fundamental aspect that often determines the success of human trafficking prosecutions – ASP, Bangladesh Police*

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JCBD implemented a series of structured training programs designed to enhance the capacity of 76 public prosecutors from 37 districts and 149 investigation officers in effectively handling human trafficking cases. ***To evaluate the impact of these trainings, a post-training assessment was conducted for both public prosecutors and investigation officers, incorporating multiple-response questions. Additionally, a selected group of 15 investigation officers participated in both pre- and post-training evaluations through open-ended questionnaires. The pre-training assessment served to establish a baseline understanding of human trafficking laws, investigative methodologies, and victim protection protocols. The post-training assessment, in turn, measured improvements in legal proficiency, procedural application, and confidence in case management. This comparative analysis provided insights into the effectiveness of the training, highlighting areas for further***

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<sup>63</sup> Protocol to prevent, Suppress and Punish Trafficking in Persons Especially Women and children, supplementing the United Nations Convention against Transnational Organized Crime | OHCHR. United Nations. (2000, November). <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>

<sup>64</sup> Biswas, M. A. (2015). Human trafficking scenario in Bangladesh: Some concerns. *International Journal of Humanities & Social Science Studies*, 1(4), 85-90.

***professional development and reinforcing a more victim-centered and legally robust approach to trafficking investigations and prosecutions.***

Following these workshops, in the post-test assessment, the respondents which included public prosecutors, were asked their level of understanding of the elements of HT with a multiple response opportunity, to which the post-test results showed that, 71% of public prosecutors demonstrated a clear and comprehensive understanding of human trafficking by correctly identifying all three critical elements: acts, means, and purpose. This indicates a solid grasp of the concept that human trafficking encompasses not only the actions involved but also the methods employed and the ultimate intent behind the crime.

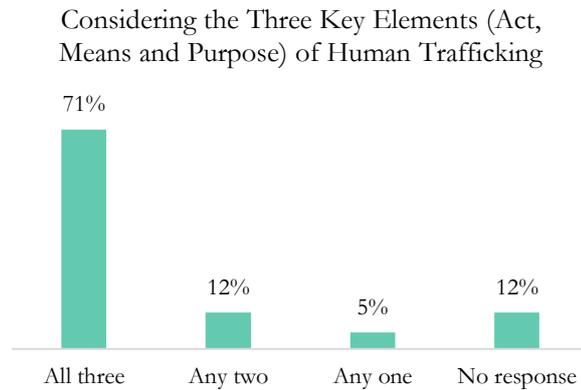


Figure 14 Considering the Three Key Elements (Act, Means and Purpose) of HT

Among the three key elements of human trafficking, public prosecutors showed the highest understanding for identifying "Purpose" (86%), followed by "Act" (84%), and "Means" (72%) during the post-test assessment, where they were asked their level of understanding of the elements of HT.

Trafficking offenses encompass various forms, including sexual exploitation, forced labor, slavery-like practices, and organ trafficking, where individuals are coerced or exploited for illegal purposes.<sup>65</sup> During the post-test, Public prosecutors were asked to identify the trafficking offence with a multiple-response question, where they widely recognized the act of luring individuals with job offers, transporting them to a foreign country, and coercing them into entertainment work (83%) as a clear example of human trafficking. Additionally, 41% of the participants identified fraudulent activity such as taking money under false promises of foreign relocation, and 35% cited fraudulent activity such as transporting individuals abroad under the guise of employment opportunities as further examples of the potential methods that can be used in human trafficking if it involves deception and exploitation. These responses underscore the prosecutors' growing understanding of the tactics employed by traffickers to exploit victims.

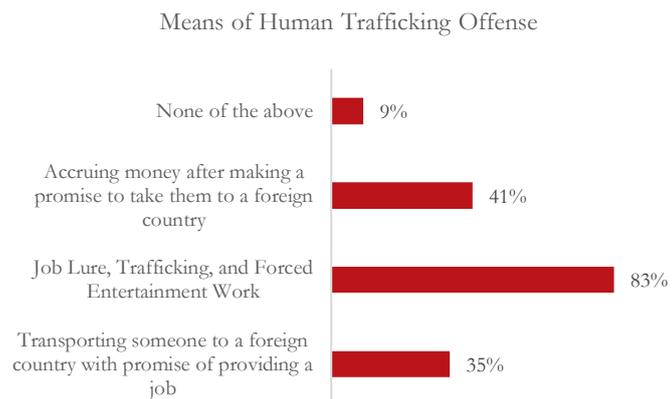


Figure 15 Means of Human Trafficking Offense

<sup>65</sup> [United Nations Office on Drugs and Crime. \(n.d.\). The crime of trafficking in persons. United Nations.](#)

The training significantly enhanced investigation officers' understanding of human trafficking. The responses to the open-ended question about the understanding of human trafficking and elements need to be present in an incident to be identified as human trafficking offence administered both before and after the training session revealed a significant increase in the recognition of trafficking as involving buying and selling increased notably from 21% in the pre-test to 73% in the post-test, while comprehension of its purpose in facilitating antisocial activities rose from 57% to 73% in the post-test. Conversely, the perception that trafficking is driven by the temptation of high income and deception declined sharply from 36% to 13% in the post-test, suggesting a more comprehensive understanding among investigation officers following the training. This shift indicates that officers now recognize trafficking as a crime rooted in the exploitation of vulnerabilities rather than merely being motivated by economic incentives. Additionally, the identification of transportation as a defining element of trafficking dropped from 57% to 33%, reflecting an enhanced awareness of the diverse and often subtle methods employed by traffickers to exploit victims. These changes highlight a more informed and refined understanding of the complexities of human trafficking among the officers after the training.

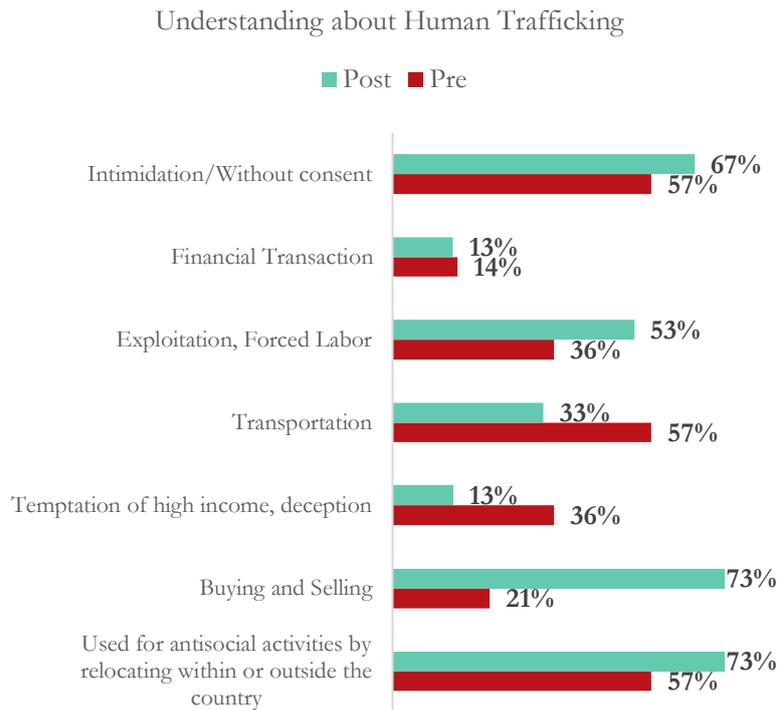


Figure 16 Understanding about Human Trafficking

The training significantly enhanced investigation officers' understanding of the methods associated with human trafficking, marking a notable achievement. During the post-test assessment, investigation officers demonstrated an expanded understanding of the various methods employed in human trafficking when responding to a multiple-response question. Their recognition encompassed keyfactors such as threats

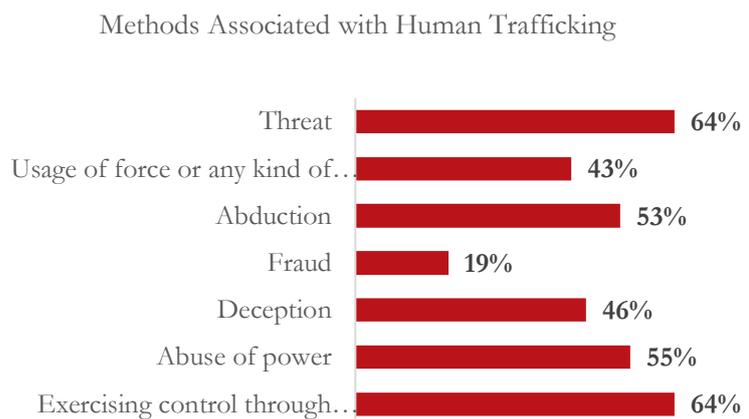


Figure 17 Methods Associated with Human Trafficking

exercising control through payments or benefits (64%), abuse of power (55%), abduction (53%), deception (46%), the use of force or coercion (43%), and fraud (19%) applied in human trafficking.

## 6.2 Human Trafficking vs. Human Smuggling

Human trafficking involves the recruitment, transportation, transfer, harboring, or receipt of individuals through coercion, deception, fraud, abuse of power, or force for the purpose of exploitation. Exploitation

includes forced labor, sexual exploitation, slavery, or other forms of abuse.<sup>66</sup> It is a crime against the individual, where the focus is on the control and exploitation of the victim, often depriving them of their basic rights and freedoms. Human smuggling, in contrast, involves the illegal facilitation of cross-border movement, often with the individual's consent, in exchange for financial or material gain.<sup>67</sup> Smuggling typically ends once the individual reaches their destination, and there is no intent to exploit the person beyond the transportation service.

The primary difference lies in consent and exploitation. Trafficking victims do not consent, or their consent is obtained through deception or coercion, and they are subjected to continuous exploitation. Smuggling, however, involves voluntary participation by individuals seeking illegal transportation, often driven by a desire to escape adverse conditions such as poverty or conflict.

For law enforcement officials and public prosecutors, understanding this distinction is crucial for applying the appropriate legal measures. Misidentifying trafficking as smuggling can lead to victims being treated as criminals rather than individuals requiring protection. The Prevention and Suppression of Human Trafficking Act, 2012, for instance, mandates protective measures and justice for trafficking victims while targeting traffickers. Accurate identification enables prosecutors to build stronger cases against traffickers and ensures victims access the legal protections and rehabilitation services they are entitled to.

The table below illustrates the understanding of 15 IOs who participated in the training session and underwent both pre- and post-training assessments. These assessments, structured with open-ended questions, evaluated their comprehension of the distinctions between human trafficking and smuggling before and after the training. Post-training, there was a marked improvement in their knowledge of the distinctions between the two concepts. Recognition of trafficking as involving exploitation and oppression, as well as its occurrence both within and outside the country, rose significantly from 21% to 67%. Awareness that trafficking often involves a lack of consent from the victim, whereas smuggling always involves consent, showed a modest increase from 7% to 13%. Furthermore, participants demonstrated an improved understanding of trafficking as a crime against the person and smuggling as a crime against the state, indicating greater conceptual clarity following the training. While the training has led to notable advancements in knowledge, gaps in comprehension remain. Although the proportion of correct responses post-training showed a significant increase compared to pre-training, the overall accuracy rate remains suboptimal.

*Table 20 Difference Between Human Trafficking and Human Smuggling*

<b>Difference Between Human Trafficking and Human Smuggling</b>	<b>Pre-Training</b>	<b>Post- Training</b>
In human trafficking, there will be exploitation and oppression against one's will and trafficking within and/or outside of the country. In smuggling, it is from one country to another.	21%	67%
In human trafficking, the victim's consent may or may not be present. In smuggling consent is always present.	7%	13%
In human trafficking, it usually takes place through deception by showing greed. In smuggling, due to legal complexities, a person is trafficked abroad on their own.	7%	13%
Trafficking is against the individual; smuggling is against the state	0%	13%
In human trafficking victims are often driven to illegal purposes by fear and deception. In smuggling, the relocation of victims takes place in exchange for money to another country illegally.	7%	20%
In human trafficking, there will be buying, selling and relocating. In smuggling, there will be illegal relocating outside the country.	0%	20%
No response	64%	13%

<sup>66</sup> Prevention and Suppression of Human Trafficking Act, 2012, Section 3

<sup>67</sup> UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, 2000

Victim exploitation encompasses various forms of abuse where individuals are coerced, manipulated, or forced into situations that undermine their autonomy and well-being. This phenomenon can manifest in multiple contexts, including human trafficking, sexual exploitation, and labor exploitation.<sup>68</sup> During the post-test, where public prosecutor demonstrated their understanding of the presence of exploitation or oppression of the victim in a crime in response to a single-response question. An overwhelming majority (97%) of public prosecutors recognized human trafficking as a crime characterized by the exploitation of victims. In contrast, only a small proportion (3%) identified human smuggling as involving victim exploitation, reflecting a clear understanding of the fundamental difference between the two crimes.

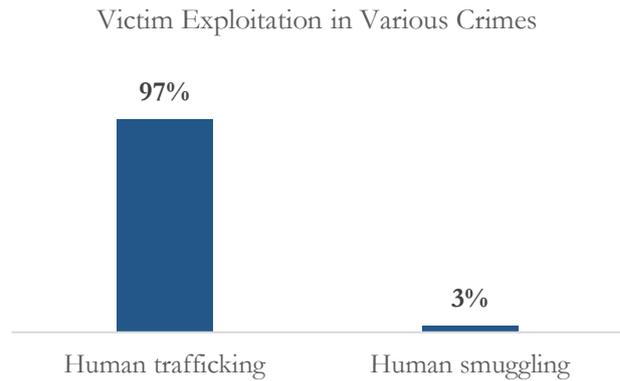


Figure 18 Victims' Exploitation in Various Crimes

The link between human trafficking and human smuggling victimization is a critical area of concern in combating transnational crimes. While human smuggling initially involves the voluntary participation of individuals seeking illegal transportation across borders, their vulnerability during and after the smuggling process often places them at significant risk of exploitation. Traffickers frequently target smuggled individuals, leveraging their lack of legal status, financial resources, and access to support systems to coerce or manipulate them into forced labor, sexual exploitation, or other forms of trafficking. The overlap highlights the blurred boundaries between smuggling and trafficking, emphasizing the need for law enforcement officials and legal practitioners to adopt a nuanced approach to identifying and protecting at-risk individuals.

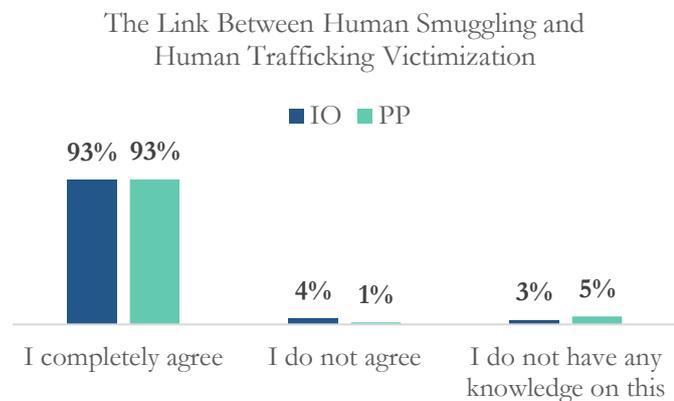


Figure 19 Link Between Human Smuggling and Human Trafficking Victimization

Recognizing this link is essential for implementing comprehensive strategies that address both crimes while safeguarding human rights. During the post-test, both PPs and IOs were asked if they agreed with the statement “Though human smuggling and human trafficking are separate crime, however victims of human smuggling are vulnerable to human trafficking.” A substantial majority of public prosecutors and investigation officers (93%) concurred after the training that victims of human smuggling are highly vulnerable to becoming victims of human trafficking, underscoring the inherent risks faced by smuggled individuals, who often lack legal protections and are susceptible to exploitation. Only a small minority of respondents disagreed or demonstrated a limited understanding of this critical connection, highlighting the importance of continued education and training to address these issues effectively.

The Government of Bangladesh has implemented a comprehensive legal framework to address human trafficking and smuggling, encompassing both domestic and international dimensions. Key legislation includes the Prevention and Suppression of Human Trafficking Act, 2012, which specifically targets trafficking offenses, and the Overseas Employment and Migrants Act, 2013, addressing the vulnerabilities of migrant workers. Other relevant laws include the Children Act, 2013, aimed at protecting children from exploitation, the Penal Code, 1860, and the Prevention and Suppression of Human Trafficking Rules, 2017, which provide procedural guidelines for trafficking cases. Additionally, the Special Powers Act, 1974, the

<sup>68</sup> Preventing Exploitation Toolkit. (n.d.). Victims and perpetrators.

Extradition Act, 1974, and the Bangladesh Labor Act, 2006 strengthen the country’s capacity to prevent and prosecute trafficking and smuggling crimes.

While replying to a multiple-response question focused on the understanding of the appropriate laws that should be invoked to defend the victim of human smuggling, the **Overseas Employment and Migrants Act, 2013** was identified as the most relevant legal instrument for protecting victims of human smuggling, with 68% of public prosecutors and 54% of investigation officers recognizing its significance during the post-training assessment. The

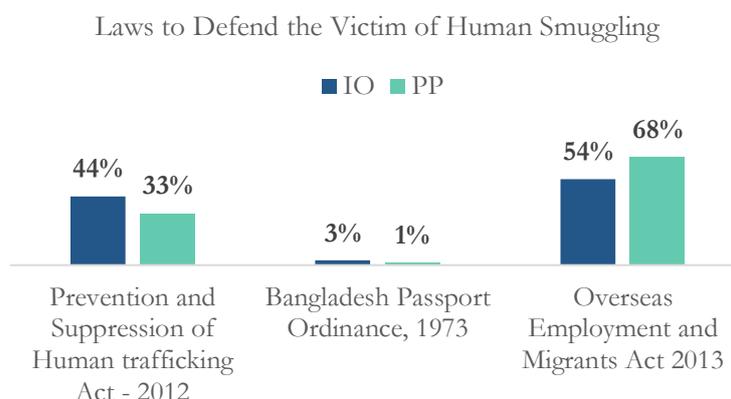


Figure 20 Laws to Defend the Victims of Human Smuggling

The **Prevention and Suppression of Human Trafficking Act, 2012** was considered the second most relevant law, cited by 33% of public prosecutors and 44% of investigation officers who participated in the training. Furthermore, all public prosecutors emphasized the critical importance of collaboration between investigating officers and public prosecutors to ensure the effective prosecution of these cases. One of the KII respondents commended the training session organized by JCBD, recognizing it as a highly effective capacity-building initiative for IOs.

*Training sessions have been one of the most effective forms of capacity-building initiatives provided by JCBD. Investigating officers have learned a great deal about human trafficking laws during these sessions, significantly improving their understanding of the law's nuances and enabling them to apply it more effectively in their cases – IO, Bangladesh Police*

The training brought about a significant improvement in the understanding of the maximum penalties for human trafficking among participants. In response to an open-ended question regarding the maximum penalty for human trafficking offenses in Bangladesh, investigating officers demonstrated a heightened awareness of the applicable legal consequences in post-test in comparison to the response from pre-test. Recognition of the death penalty as the maximum punishment increased notably, rising from 50% in the pre-training assessment to 79% post-training. Similarly, recognition of life imprisonment as a penalty grew from 20% to 29% in the post-test. Conversely, knowledge of other penalties, such as imprisonment with hard labor for up to 7 years, fines of up to 5 lakh BDT, and imprisonment ranging from 5 to 10 years, either decreased or remained minimal. This shift reflects an enhanced focus on the most severe consequences of human trafficking, aligning with the legal provisions under the Prevention and Suppression of Human Trafficking Act, 2012.

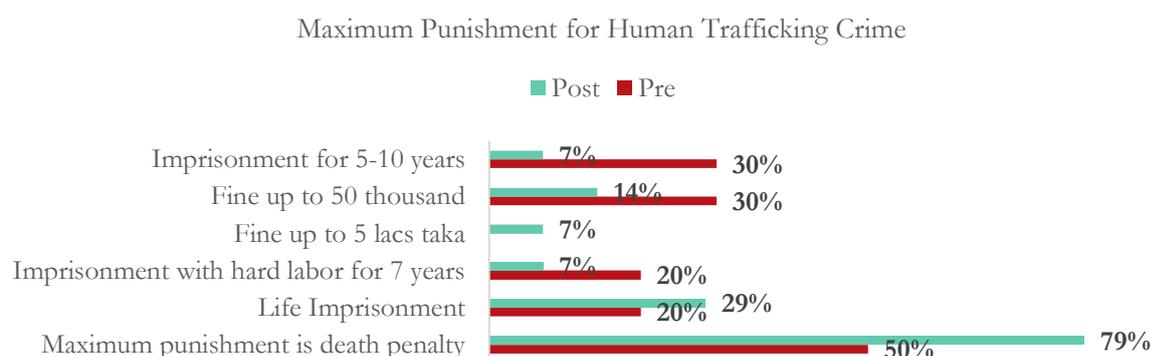


Figure 21 Maximum Punishment for Human Trafficking Crime

To use the specific law effectively for specific case victim identification is very important.

Victim identification is the process, generally a series of interactions, through which an individual is identified as a trafficking victim by relevant practitioners.<sup>69</sup> JCBD has developed a comprehensive victim identification guideline, which has been officially endorsed by the Ministry of Home Affairs of the Government of Bangladesh. A

representative from the Ministry of Home Affairs, Government of Bangladesh, formally acknowledged and commended JCBD’s initiative, recognizing its significant contribution to strengthening institutional capacity in combating human trafficking.

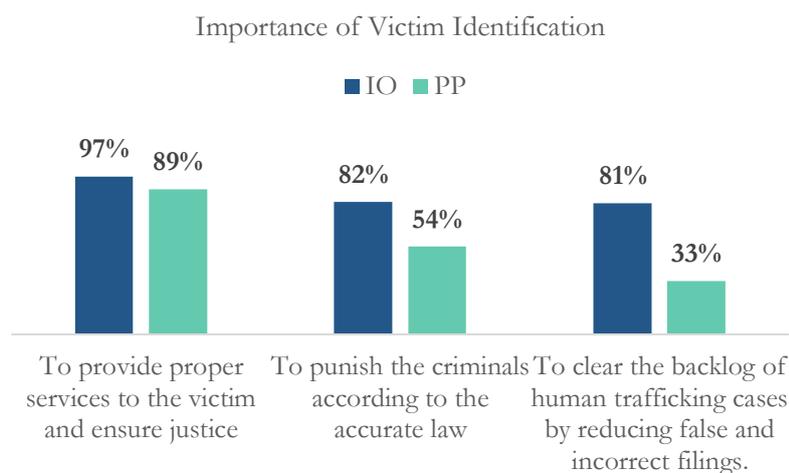


Figure 22 Importance of Victim Identification

*Justice and Care has developed key instruments, including the Victim Identification Guideline and the Mutual Legal Assistance Treaty Guideline. These guidelines have been formally endorsed and adopted, representing a collaborative effort between our organization and Justice and Care. These joint initiatives aim to strengthen the legal and procedural framework for addressing human trafficking cases effectively - Deputy Secretary, Ministry of Home Affairs of the Government of Bangladesh*

A KII respondent expressed a positive perspective on the Victim Identification Guidelines, emphasizing the necessity of training sessions to ensure their effective implementation in victim identification and protection efforts.

*The Victim Identification Guideline is comprehensive and includes numerous tables, which require substantial manpower and extended training sessions for effective implementation, especially in human trafficking cases. The guideline itself is exceptionally well-developed, and I have not encountered a more thorough document elsewhere. To properly implement the processes outlined in the Victim Identification Guideline, I strongly believe that an in-depth training session is essential – SP, Bangladesh Police*

To promote its effective implementation, JCBD conducts specialized training sessions for legal professionals, equipping them to utilize these guidelines effectively in identifying victims and ensuring justice is served. The training effectively underscored the critical importance of proper victim identification, a point that was well-reflected in the improved understanding of public prosecutors and investigation officers. Following the training sessions, responses to a multiple-response question designed to assess the perspectives of public prosecutors and investigation officers on the importance of victim identification revealed strong consensus. An overwhelming majority (97% of investigation officers and 89% of public prosecutors) recognized that accurate victim identification is essential for delivering appropriate services to victims and ensuring justice. Additionally, 82% of investigation officers and 54% of public prosecutors emphasized that proper identification is vital for prosecuting offenders under the correct legal provisions. Furthermore, 81% of investigation officers and 33% of public prosecutors highlighted its role in clearing the backlog of human trafficking cases and reducing the number of false or incorrect filings, reinforcing the value of accurate and efficient case handling.

<sup>69</sup> International Organization for Migration (IOM). (n.d.). *Trafficking Victim Identification*. [\(source\)](#)

Witnesses play a crucial role in the justice system, serving as key contributors to establishing facts and ensuring fair trials. Witnesses can be categorized into various types, including eyewitnesses, who directly observe an event; expert witnesses, who provide specialized knowledge or opinions; and character witnesses, who testify about a person's reputation or behavior. In cases involving complex crimes such as human trafficking, witnesses often include victims or individuals with insider knowledge of the crime. Their testimonies are vital for corroborating evidence, reconstructing events, and holding offenders accountable. Following the training sessions, responses to a multiple-response question designed to assess public prosecutors' perspectives on identifying the most critical witness reflected a notable improvement in their understanding, indicating enhanced awareness of evidentiary priorities within human trafficking prosecutions.

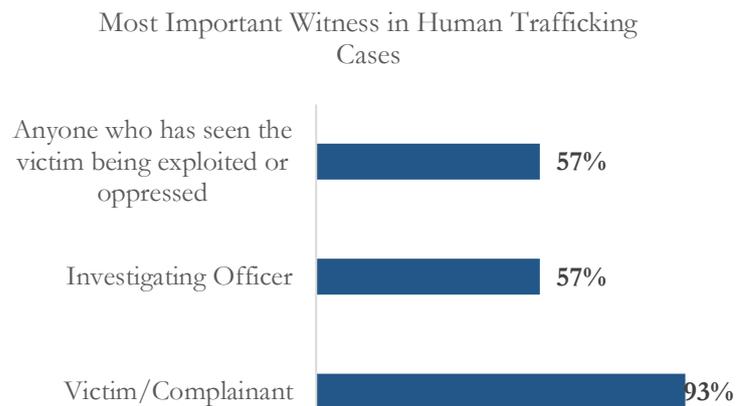


Figure 23 Important Witness in Human Trafficking Cases

In the context of human trafficking cases, 93% of public prosecutors (attendees of the workshop) identified the victim or complainant as the most crucial witness, underscoring their key role in establishing the facts of the case. Additionally, investigation officers and individuals who witnessed the victim's exploitation or oppression were each considered important by 57% of public prosecutors, highlighting the significance of their testimonies in corroborating evidence and strengthening the prosecution's case.

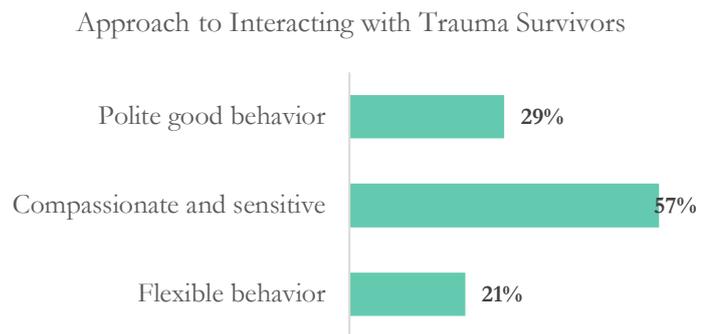
Survivors of human trafficking often experience a range of mental health challenges. Research from various countries shows that depression, anxiety, PTSD, and self-harm and attempted suicide are common among survivors<sup>70</sup>. Among the public prosecutors who participated in the workshops, 86% identified symptoms such as recurring memories, nightmares, and flashbacks as indicative of mental trauma during the post-training assessment, which utilized multiple-response questions to evaluate their understanding.

Additionally, 74% recognized the victim's sensation of reliving the traumatic event and their heightened state of fear or startle responses as key indicators. Furthermore, 64% acknowledged that stress triggered by the presence of reminders related to the traumatic event is a significant symptom.

On the other hand, prior to the training, most IOs, when presented with open-ended questions regarding the symptoms of mental trauma in victims, were unable to provide substantive responses, reflecting a gap in knowledge. However, post-training, their understanding improved significantly, with all participants providing responses. A majority (73%) identified guilt, anger, and depression as primary indicators of mental trauma. Furthermore, 67% recognized restlessness as a prominent sign, and 53% highlighted feelings of helplessness or chaos as critical indicators.

<sup>70</sup> Altun, S., Abas, M., Zimmerman, C., Howard, L. M., & Oram, S. (2017). Mental health and human trafficking: responding to survivors' needs. *BJPpsych. International*, 14(1), 21–23. doi:10.1192/S205647400000163X

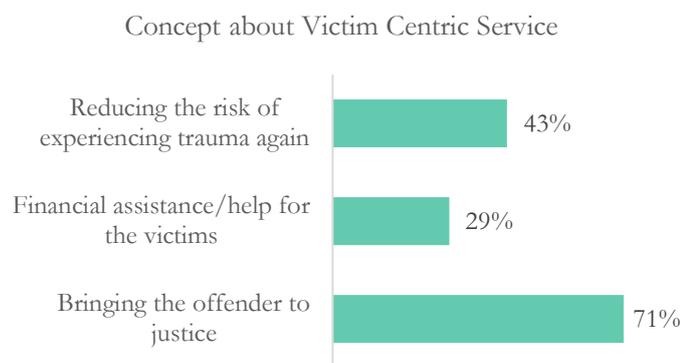
A trauma-informed approach recognizes the effects of trauma and aims to create healing environments while preventing re-traumatization through principles like safety, trustworthiness, and empowerment. It requires organizational commitment to understanding trauma and integrating diversity, equity, inclusion, accessibility, and justice considerations into all practices.<sup>71</sup> Before the training when participants were presented with an open-ended question, 92% of participants were unable to articulate how they would interact with a trauma-affected individual, reflecting a significant knowledge gap. Following the training, all participants demonstrated confidence in addressing such situations, with 57% emphasizing the importance of compassionate and sensitive behavior. They also highlighted the necessity of maintaining politeness, respect, and flexibility when engaging with individuals experiencing trauma, reflecting a clear shift toward trauma-informed practices.



*Figure 24 Trauma Informed Approach*

Prior to the training, responses to an open-ended question assessing investigation officers' understanding of the critical factors and procedural steps necessary to effectively support trauma survivors revealed significant knowledge gaps. 86% of participants were unable to identify the critical factors and steps required to effectively assist trauma survivors, with only 14% mentioning the need to provide services tailored to the survivors' mental and physical conditions. Post-training, this understanding improved significantly, with 50% of participants highlighting this approach. Additionally, participants emphasized the importance of avoiding any form of misbehavior, refraining from provoking the victim, fostering trust, ensuring their safety, being sensitive to their mental state, and preventing the re-emergence of past traumas or negative memories.

According to the UNHCR, a victim-centered approach is a way of engaging with victims that prioritize listening, avoids re-traumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices. The purpose is to give back as much control to victims as feasible and ensure the empathetic delivery of services in a non-judgmental manner.<sup>72</sup> Before the training, IOs demonstrated limited knowledge regarding victim-centric services, with only 8% mentioning financial assistance or support for victims in response to an open-ended question. However, following the training, there was a notable improvement in their understanding of victim-centric practices. Key priorities identified included ensuring that offenders are brought to justice (71%), reducing the risk of re-traumatization (43%), and increasing recognition of the importance of providing financial assistance and support to victims (29%). Additionally, participants emphasized the importance of preventing emotional trauma caused by the public dissemination of the victim's experiences and prioritizing rehabilitation efforts, reflecting a more comprehensive approach to victim care and protection.



*Figure 25 Victim-Centric Services*

<sup>71</sup> University at Buffalo. (n.d.). *What is trauma-informed care? Institute on Trauma and Trauma-Informed Care*

<sup>72</sup> UNHCR. (n.d.). *Victim-centred approach*. <https://www.unhcr.org/what-we-do/how-we-work/tackling-sexual-exploitation-abuse-and-harassment/victim-centred-approach>

### 6.3 Satisfaction In Connection with Training

The training on capacity building proved to be highly effective for public prosecutors and investigation officers in enhancing their understanding of justice for victims of human trafficking. Nearly all participants, 97% of public prosecutors and 95% of investigation officers found the topics covered highly relevant. A significant improvement in knowledge was reported, with 76% of public prosecutors and 89% of investigation officers indicating a deeper understanding of the distinctions between human trafficking and smuggling post-training. Satisfaction with the resource persons was nearly unanimous, with 99% of public prosecutors and all investigation officers commending their performance.

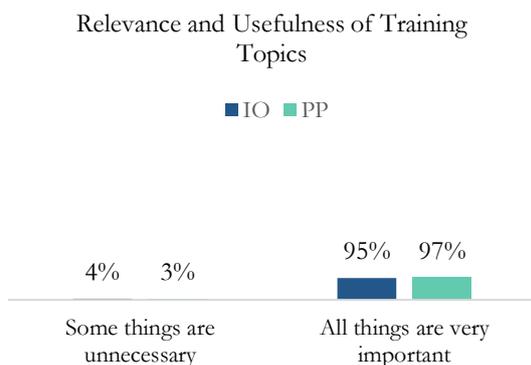


Figure 27: Relevance and Usefulness of Training Topics

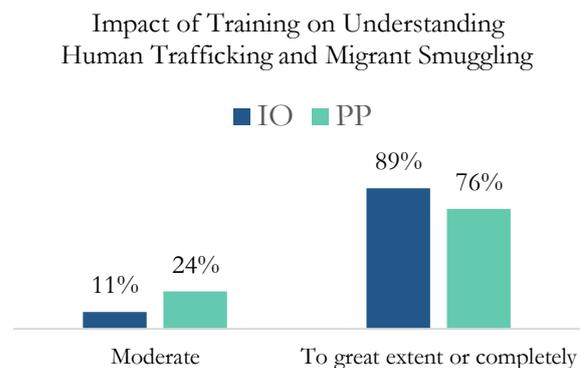


Figure 26: Impact of Training on Understanding of Human Trafficking and Smuggling

Moreover, the training fostered a strong commitment to implementing a trauma-informed approach, as reflected in positive responses from all participants. All participants also pledged to encourage their colleagues to adopt these best practices, further reinforcing the impact of the training.

The training was well-received by participants, with the unanimous acknowledgment that it largely met their expectations. Notably, 93% of public prosecutors and 91% of investigation officers stated that the training met their expectations to a significant extent, while the majority of the remaining participants indicated that it fully satisfied their expectations. Post-workshop feedback revealed that 80% of attendees felt the training provided sufficient knowledge on human trafficking and related issues. Furthermore, 27% reported gaining new insights and learning information previously unknown to them, while 33% highlighted that the workshop effectively addressed their specific information needs, thereby fulfilling their learning objectives.

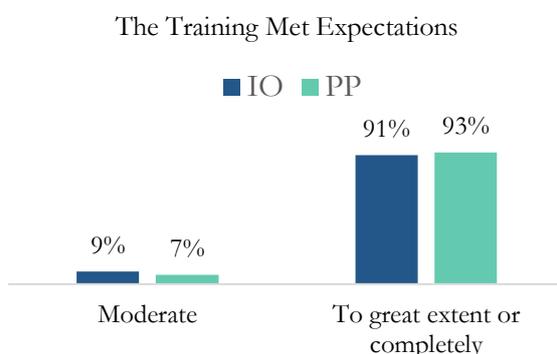


Figure 28 The Training Met Expectations

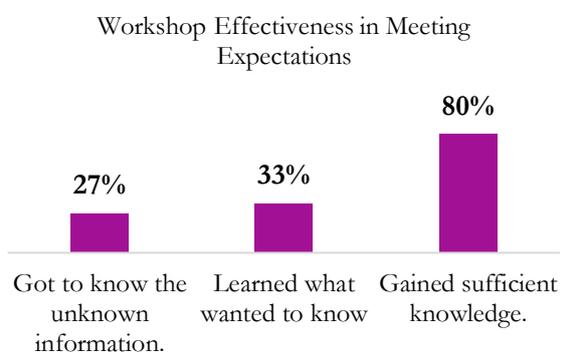


Figure 29 Workshop Effectiveness

## 6.4 Evaluation of the Manual

The manual developed by Justice and Care, Bangladesh, provides a comprehensive guide on the various laws relevant to the prosecution of human trafficking cases. It outlines key legal frameworks and their practical applications, offering clear guidance on how to effectively identify victims of trafficking. The manual also details the legal provisions associated with the prosecution process, ensuring that legal professionals can navigate the complexities of human trafficking cases with greater ease. By integrating both theoretical and practical elements, the manual serves as an essential resource for understanding the intricate relationship between trafficking laws and victim identification, thereby enhancing the efficiency of legal procedures in trafficking cases. Participants widely appreciated the manual, with unanimous intent to utilize its content and share it within their respective professional domains. The format was deemed practical and user-friendly; however, some participants suggested enhancements such as incorporating video footage, providing the manual in book or PDF formats for easier accessibility, and improving overall usability. While a minority (7%) noted minor gaps in the information, the majority (67%) affirmed that the manual was comprehensive and effectively designed to deliver sufficient knowledge. These recommendations underscore the manual's value as a resource while highlighting areas for potential refinement to better support legal practitioners and stakeholders in addressing human trafficking cases.

Regarding the participants' assessment of new content in the manual, 66% described the information as moderately new, 24% considered it significantly new, and 10% found it entirely new. Key insights gained included a clearer understanding of the distinction between human trafficking and human smuggling (60%), differentiation between the Prevention and Suppression of Human Trafficking Act, 2012 and the Overseas Employment and Migrants Act, 2013 (24%), and the elements of human trafficking - acts, means, and purpose (12%). These takeaways highlight the manual's effectiveness in addressing critical knowledge gaps and enhancing the participants' legal proficiency in dealing with trafficking cases.

Clarity in legal provisions emerged as a key highlight of the manual, with 71% of participants emphasizing its importance in understanding and applying the law effectively. Participants identified several critical sections as the most valuable. The distinction between human trafficking and human smuggling was deemed the most significant, with 30% highlighting its relevance in addressing these crimes with precision. The differentiation between the Prevention and Suppression of Human Trafficking Act, 2012, and the Overseas Employment and Migrants Act, 2013 ranked second, with 20% recognizing its importance. Additionally, 17% emphasized that clarity in legal interpretations is essential for ensuring proper enforcement, safeguarding victims' rights, and achieving justice. These insights underscore the manual's pivotal role in enhancing legal understanding and practice. Participants provided constructive feedback on the manual's content and format, offering several recommendations for improvement. Suggestions included incorporating video documentation to enhance interactivity and understanding, as well as adding more detailed explanations to promote clarity. Some participants noted potential challenges, such as the manual's time-intensive nature and its reliance on technology, which could limit accessibility for certain users. Despite these observations, the overall response was positive, reflecting general satisfaction with the manual's quality and utility. Furthermore, participants emphasized the need for broader awareness initiatives to ensure the manual's effective dissemination across all regions, underscoring the importance of its widespread accessibility to maximize its impact in combating human trafficking.

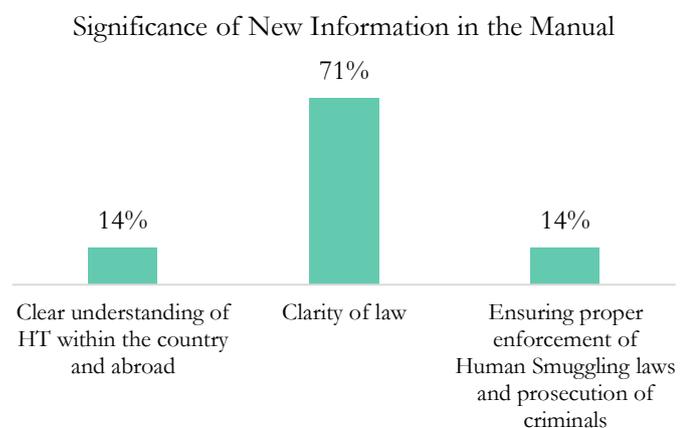


Figure 30 Significance of New Information

The training program for PPs and IOs demonstrated substantial progress in enhancing their knowledge and capacity to address human trafficking and smuggling cases. By focusing on victim-centric and trauma-informed approaches, the training effectively bridged critical gaps in understanding, legal application, and the importance of collaborative efforts. Participants showed improved recognition of the distinctions between human trafficking and human smuggling, a clearer understanding of the applicable legal frameworks—such as the Prevention and Suppression of Human Trafficking Act, 2012 and the Overseas Employment and Migrants Act, 2013 and greater awareness of the psychological dimensions of victim assistance. Feedback on the manual highlighted the importance of clear, detailed content and interactive learning formats, with participants overwhelmingly committing to its application in their professional roles. The training also underscored the necessity of prioritizing victim safety, addressing re-traumatization, and fostering accountability through evidence-based prosecution.

## 7 Persistent and Emerging Challenges

### 7.1 Stakeholder Perspectives on Prosecutorial Challenges

In the control areas, stakeholders involved in the prosecution process reported encountering several challenges stemming from the absence of structured support mechanisms. While JCBD's intervention has notably strengthened prosecutorial efforts in the treatment areas, certain systemic and procedural obstacles continue to persist. The challenges outlined below, identified by stakeholders across both intervention and control areas, underscore the structural limitations and procedural complexities that hinder the effective adjudication of human trafficking cases.

**Reluctance of the Victim and Witnesses:** One of the critical challenges impeding the effective prosecution of human trafficking cases in the control areas is the persistent reluctance of victims, complainants, and witnesses to participate in court proceedings. This reluctance, as observed by stakeholders, stems primarily from financial hardship, fear of retaliation, and a limited understanding of their role in the judicial process. An official from the Solicitor Wing of the Ministry of Law, Justice and Parliamentary Affairs remarked, *"From my work with law enforcement, it is apparent that many individuals avoid being listed as witnesses due to the considerable challenges they face."* He further indicated the reasons lying behind the reluctance of the witnesses, *"Police officers have shared that potential witnesses are often request to be listed as accused rather than witnesses (as an expression of their reluctance to be listed as witnesses), as being a witness involves numerous difficulties, including frequent visits from police and other entities, loss of income (especially for daily wage laborers), and the inherent risks of testifying against multiple accused parties"*. One Judge from AHTO Tribunal Rajshahi also highlighted the economic hardship as a reason behind the reluctance of the witnesses to be appear on, *"One of the major challenges faced in the Rajshahi area is significant economic hardship."* Similarly, a Judge from the Cox's Bazar AHTO Tribunal noted, *"Witnesses often refrain from attending court due to economic constraints and the associated loss of income. Additionally, fear of reprisal contributes significantly to their hesitation in providing testimony."* The judge further emphasized a fundamental misconception among complainants and witnesses: *"Many believe that their responsibility ends once the case is filed, without realizing that their testimony is central to the prosecution's ability to secure a conviction."* The issue is further compounded by the socio-economic vulnerability of many trafficking survivors. Economic hardship frequently incentivizes victims or their families to pursue informal settlements rather than pursue justice through prolonged litigation. A Judge from the Rajshahi AHTO Tribunal commented, *"Victims are often compelled to settle outside court for two primary reasons: to recoup some of the financial losses they suffered and to avoid the prolonged and resource-intensive nature of trial proceedings."* From the prosecutorial perspective, a Special Public Prosecutor (SPP) in the Cox's Bazar AHTO Tribunal remarked, *"Despite repeated summons, witnesses frequently abstain from attending court, citing the absence of any tangible benefit or support. For many, the time and cost associated with appearing in court outweigh any perceived obligation to testify."* A SPP from Jessore AHTO tribunal also highlighted the fear of retaliation among the witnesses, *"Another major issue is the fear that prevents witnesses from attending court. Many witnesses face threats from perpetrators, making them hesitant to testify."*

**Lack of Victim Friendly Space:** A recurring infrastructural limitation identified across most AHTO Tribunals is the absence of adequate victim-friendly spaces. This deficiency poses a particular hardship for

victims, complainants, and witnesses, many of whom travel long distances to attend court proceedings and require a secure and private space for rest and support. This gap disproportionately affects female victims, particularly mothers with infants. As observed by a Judge from the Rajshahi AHTO Tribunal, *“The absence of designated spaces creates practical challenges for victims, especially breastfeeding mothers, who require privacy and a secure area within the court premises during long hours of waiting.”* In addition to physical comfort, the lack of such facilities adversely affects witness preparedness. Victim-friendly spaces can serve as vital environments for legal professionals to engage with and brief witnesses before their testimony. A SPP from Chittagong remarked, *“The lack of appropriate facilities often contributes to witnesses being unprepared or providing incomplete or inconsistent testimony, which can hinder the prosecution.”* This concern was similarly echoed by an SPP from Cox’s Bazar.

**Lack of Awareness Among Law Enforcement Officials:** One of the persistent barriers to the effective prosecution of human trafficking cases lies in the insufficient orientation of law enforcement personnel, particularly Investigation Officers (IOs) with the legal framework governing such offences, including the PSHTA and its accompanying Rules of 2017. This gap has led to frequent misclassification and misidentification of cases, thereby complicating judicial proceedings and impeding the administration of justice. An official from the Solicitor Wing of the Government of Bangladesh noted, *“The challenges in prosecuting human trafficking cases often originate at the very outset, when cases are not accurately framed under the correct legal provisions.”* The issue is compounded in instances involving cross-border or transnational trafficking, where IOs are often inadequately prepared to conduct specialized investigations or secure the requisite evidentiary documentation across jurisdictions. A Judge from the Khulna AHTO Tribunal similarly remarked, *“We continue to face challenges, including a lack of awareness among law enforcement officers about the relevant anti-trafficking legislation and the complexities of transnational investigations. Enhanced and targeted training remains essential for police officers and investigators to effectively handle such cases.”* While some progress has been observed in the intervention areas due to the support provided by JCBD, law enforcement in control areas remains significantly underserved. The absence of institutional and logistical support in these areas adversely affects investigative capacity. A Judge from the Cox’s Bazar AHTO Tribunal emphasized, *“The lack of logistical support for addressing transnational crimes hinders proper investigation. Consequently, investigating officers often delay the submission of reports or submit incomplete documentation.”* This observation was echoed by a senior law enforcement official who, after conducting a training session in Cox’s Bazar, stated, *“Many officers still lack adequate knowledge of human trafficking laws.”*

**Lack of Collaboration between the PP and IO:** Despite the explicit mandate under Rule 10 of the Prevention and Suppression of Human Trafficking Rules, 2017, which requires Investigating Officers (IOs) to obtain the opinion of the PP before finalizing and submitting the investigation report, this provision is rarely adhered to in practice. An official from the Solicitor Wing observed, *“Rule 10 of the Human Trafficking Act clearly prescribes that consultation with the Public Prosecutor is essential prior to the submission of any report or initiation of legal action. However, this procedural step is frequently overlooked by IOs, possibly due to a perception that prosecutorial input will not materially influence the outcome. This practice undermines the integrity of the legal process, as proactive consultation could significantly enhance the strength of the prosecution’s case. Similar obligations are also reflected in Rule 498A of the Police Regulations, Bengal (PRB), 1943 and provisions of the Legal Remembrancer’s Manual (1960), which reinforce the requirement of prosecutorial oversight in complex criminal matters.”* Additionally, a senior law enforcement officer highlighted that the lack of collaboration is not solely attributable to IOs. In some instances, Public Prosecutors themselves fail to extend the necessary cooperation. The officer stated, *“It has come to my attention that in Jessore, certain Public Prosecutors reportedly demanded BDT 5,000 from Investigating Officers for signing medical examination (ME) reports. This practice imposes an unjust financial burden on IOs, many of whom lack the resources to comply, thereby obstructing procedural efficiency and contributing to investigative delays.”* These findings underscore a systemic breakdown in prosecutorial-investigative coordination, which adversely affects the quality and efficacy of human trafficking prosecutions. Addressing this challenge through reinforced accountability mechanisms and joint training initiatives is essential to improving prosecutorial outcomes and ensuring procedural compliance with statutory requirements.

**Lack of Awareness Regarding Documentation:** One of the recurring challenges observed in the prosecution of human trafficking cases is the inadequate documentation by IOs, particularly concerning cross-border communications, financial records, and contact information of victims and witnesses. These

deficiencies significantly impair the prosecution’s ability to present a coherent and substantiated case. In several instances, IOs failed to properly record their engagement with foreign authorities, including interactions conducted via informal means such as phone calls or messaging applications (e.g., WhatsApp). Such communications, if not formally documented, lack evidentiary value and compromise the integrity of transnational elements of the investigation. A SPP from the Rajshahi AHTO Tribunal emphasized the importance of formal documentation, stating, *“If the IO communicates with foreign authorities or the victim via phone or WhatsApp, ensuring proper documentation is vital. Additionally, in cases where financial transactions are a central component of the crime, such as payments made by victims to traffickers for employment abroad, bank records or written agreements can be crucial in strengthening the prosecution’s case.”* Moreover, the failure to document and preserve financial evidence—such as transaction records, payment receipts, or remittance slips—has been repeatedly identified as a critical gap in investigations. In human trafficking cases involving deceptive recruitment or forced labor abroad, financial documentation is often essential in establishing the exploitative intent and material benefit elements of the offence under the Prevention and Suppression of Human Trafficking Act, 2012. In addition to evidentiary gaps, IOs have also been found to inadequately collect or retain the personal identification and contact information of victims and witnesses. This hinders ongoing communication and severely limits the prosecution’s ability to secure reliable testimony. An SPP from the Jessore AHTO Tribunal highlighted, *“One of the biggest challenges we face in human trafficking cases is communication. From the moment a case is filed, it is essential to collect victims’ contact information, including their phone numbers, addresses, and identification documents (NID, birth certificates, etc.). This enables timely follow-up and effective coordination throughout the legal process.”*

**Transfer of Trained Officials:** The frequent transfer of prosecutors and law enforcement officers who have received specialized training in human trafficking prosecution poses a significant challenge to the continuity and effectiveness of the judicial process. When trained officials are reassigned, the institutional knowledge and prosecutorial consistency necessary for handling complex human trafficking cases are often disrupted. A SPP from the Khulna AHTO Tribunal underscored the impact of such transfers, stating, *“A recurring issue arises when trained prosecutors are transferred from their assigned tribunals. Such changes disrupt the continuity and effectiveness of case management.”* This lack of continuity can hinder the progress of ongoing cases, particularly when newly appointed officials are not adequately oriented or lack the same level of expertise in trafficking-specific legal frameworks and victim-sensitive procedures. As a result, the momentum built through capacity-building initiatives may be diminished, undermining the overall efficacy of prosecution efforts.

## 7.2 Victim Perspectives on Prosecutorial Challenges

Both victims in the intervention (treatment) and control areas encountered several systemic obstacles throughout the prosecution process of human trafficking cases. The following challenges were consistently reported by victims and complainants across both areas, highlighting the structural and procedural difficulties inherent in seeking justice for human trafficking cases.

**Reluctance of Law Enforcement:** One of the recurring issues faced by victims in both the intervention (treatment) and control areas was the initial reluctance of law enforcement to take complaints seriously. Complainants from the intervention areas of Jessore, Khulna, and Dhaka highlighted this issue frequently, encountered especially before the involvement of JCBD. A respondent from Dhaka shared, *“Even after filing the complaint, the police officers didn’t take the case seriously at first.”* A respondent from Dhaka highlighted a delay in dispatching the case file, which compounded law enforcement officials’ reluctance to take action in the prosecution process. In his word, *“Initially, they refused to take our case in the jatrabari police station. We caught the perpetrator and requested the police to arrest her, but they refused because there was no case against her in the police station. When we gave them the paper from the court, they informed us that they hadn’t received any arrest order from the court regarding the kidnapping case. So they refused to arrest the perpetrator. People suggested us to bribe the police to make the arrest. We went to so many places but nobody was able to help us. As a result, we only faced so much harassment that my husband fell sick.”* The victims from the control area also face similar difficulties. In Chittagong, for instance, one victim mentioned, *“I faced significant harassment during the prosecution process and I had to pay money to the police”,* indicating that, without any support system, victims were forced to navigate the legal process under difficult

circumstances, often resorting to bribery or other forms of exploitation to ensure their cases were processed. This significant barriers for victims to pursue justice, leading to further victimization.

**External Pressures and Bribery:** The reluctance of law enforcement officials was often compounded by external pressures, including bribes from perpetrators also. One respondent from Jessore illustrated the obstructive behavior of police in handling human trafficking complaints, *“Initially, the police station refused to take our case. The perpetrators were very wealthy and influential. They bribed the OC with a lot of money probably around 50000 taka (BDT). The OC threw us out of the police station. He said we were trying to frame a false case.”*

**Economic Hardships and Legal Expenses:** The victims from the intervention areas mentioned the financial challenges they faced. A victim from Jessore shared that the cost of pursuing the case was overwhelming: *“Approximately 2.5 lac taka was spent just to go abroad. But I had to spend 3 times that amount while carrying on with the case.”* Justice and Care’s intervention helped mitigate these challenges by providing financial support, such as assisting with travel expenses and legal fees. Similarly, near about 3/4<sup>th</sup> of respondents in the control area reported having hired a private attorney due to insufficient support from the SPPs. A respondent from Cox’s Bazar stated, *“I hired a lawyer personally, who let me know all the necessary information.”* Victims in the control areas faced additional barriers that were less prevalent in the intervention areas, primarily due to the absence of structured support from organizations like Justice and Care.

**Lack of Legal and Institutional Support:** Victims in control areas lacked guidance and institutional backing to navigate the legal system. In Cox’s Bazar, a respondent shared. In Cox’s Bazar, a respondent shared, *“I don’t know how the case will conclude, and I don’t receive timely updates about the case.”* In contrast, Justice and Care provided victims in intervention areas with legal briefings and court preparation, making the prosecution process more navigable. Another victim from Chittagong stated, *“I didn’t face any significant difficulties while navigating through the prosecution process as a complainant in a human trafficking case.”* While this might suggest a smoother process for some, it does not account for the systemic issues or the lack of support that might have been afforded to others, especially those unable to navigate the bureaucratic hurdles on their own.

**Higher Vulnerability to Informal Settlements:** Due to the lack of structured intervention, victims in control areas showed a higher tendency toward out-of-court settlements. Over 80% of respondents from these areas were more likely to consider informal settlements due to financial desperation or the absence of legal assistance.

**Lack of Continued Support Beyond Rescue:** In Cox’s Bazar, one victim noted, *“There were no significant difficulties because the police rescued them from the traffickers.”* However, unlike in the intervention areas, victims here lacked ongoing assistance post-rescue, making it harder to sustain their cases against perpetrators. Although Justice and Care provided structured support to victims in the intervention areas, they continued to encounter certain distinct challenges that were not fully mitigated by the organization’s assistance.

**Delays in the Judicial Process Despite Structured Support:** Despite the organization’s efforts, some gaps remain. Victims still face substantial delays in the court process, with one complainant from Jessore noting, *“The court didn’t summon us after that due to the unstable condition of the country. We couldn’t keep track as well.”*

**Threats and Intimidation Despite Legal Aid:** There were instances where victims faced life-threatening situations due to the opposition’s attempts to intimidate them. Although Justice and Care offered protection by liaising with the police, a victim from Jessore expressed, *“The opposition tried to threaten me in many ways using the police and other people. But they couldn’t do any harm to me because I was vigilant. Justice and Care couldn’t make sure of my safety but they helped a lot. They talked to the police station about me.”* This indicates that while Justice and Care provided some level of security, the overall safety of victims remained a concern.

However, Justice and Care played a pivotal role in helping victims in the intervention area navigate these challenges. Several victims from the intervention areas shared that the organization’s involvement significantly eased their ordeal. One victim in Jessore remarked, *“When the victim called us from India we contacted JCBD for assistance. That was before we went to the police station. Shanli Apa was in charge at that time. They helped us*

*a lot. Initially, there were no difficulties.”* The support provided by Justice and Care included helping victims approach the police, securing legal assistance, and coordinating with courts to ensure the legal process continued. Victims also appreciated the organization’s consistent presence, which helped alleviate some of the pressure from the perpetrators. Another respondent from Jessore stated, *“Since the representatives from Justice and Care were there, I didn't face any problems. Everything went smoothly.”*

## 8 Conclusion and Recommendations

The endline evaluation of JCBD intervention presents compelling evidence of its significant contribution to strengthening the prosecution of human trafficking cases in Bangladesh. Through targeted support ranging from victim and witness facilitation, digitalization of case management, legal case facilitation, training of justice sector actors, and the development of nationally endorsed prosecutorial guidelines, JCBD has helped bridge critical gaps in the criminal justice process.

The comparative analysis between intervention and control areas, substantiated through quantitative and qualitative data, indicates measurable improvements in key prosecutorial outcomes such as increased conviction rates, enhanced witness participation, and reduced reliance on alternative case disposal mechanisms. Moreover, JCBD’s integration with institutional frameworks, including collaboration with the Ministry of Home Affairs and tribunal-level stakeholders, reflects a model of sustained legal engagement that has improved both procedural efficiency and access to justice for trafficking survivors. However, the evaluation also reveals enduring structural and procedural challenges including limited inter-agency coordination, lack of legal awareness among investigators, and the need for broader dissemination and institutionalization of tools and guidelines. Addressing these systemic issues remains essential to achieving durable, nationwide progress.

### 8.1 Recommendations

#### 8.1.1 Strategic Recommendations for JCBD’s Programmatic Enhancement

##### ✓ Establishment of Victim Centric Approach

Stakeholders across the AHTO Tribunals have underscored the need for a more structured victim-centric approach to address two of the most prevalent barriers to successful prosecution: economic hardship and fear of retaliation, both of which contribute significantly to victim withdrawals and witness non-cooperation. A SPP from the Jhenaidah AHTO Tribunal emphasized the importance of consistent psychosocial support, stating, *“A key area for improvement is the consistent and thorough counseling and support for victims and complainants. NGOs and INGOs like JCBD play a crucial role in ensuring that victims are encouraged to pursue their cases and seek justice.”* To address economic barriers, the same SPP recommended the establishment of a dedicated financial assistance fund, in accordance with provisions under the Prevention and Suppression of Human Trafficking Act, 2012. He elaborated, *“There is room for improvement in the Human Trafficking Tribunal system. One suggestion is the establishment of a financial fund to support victims. The existing HT law allows for the creation of such a fund, and given the financial hardships faced by victims, this could be a valuable resource. The fund could be used to provide loans to victims in cases with strong conviction merits, allowing them to pay off debts and reduce their financial burdens. This financial support would encourage victims to continue pursuing their cases.”* Echoing this, an SPP from the Rajshahi AHTO Tribunal stated, *“Moreover, establishing and properly utilizing a fund specifically for human trafficking cases, as mentioned in the relevant legislation, could provide much-needed financial assistance to victims.”* Addressing the issue of witness intimidation and fear of retaliation, a prosecutor from the Jessore AHTO Tribunal recommended greater emphasis on protective measures, stating, *“If Justice and Care could focus on victim and witness protection, including providing them with adequate security, it would encourage them to participate without fear.”*

Similarly, an SPP from the Cox’s Bazar AHTO Tribunal affirmed the importance of NGO support in ensuring witness protection and sustaining prosecutorial momentum, stating, *“In certain cases, security arrangements are made for victims, and they are handed over to the prosecution under protection. However, if NGOs implemented specific measures to support and motivate prosecutors, it could enhance their commitment to pursuing justice.”*

### ✓ Establishment of Victim Friendly Center

To mitigate the logistical and emotional challenges faced by victims and witnesses, particularly those traveling from remote areas and vulnerable groups such as breastfeeding mothers, stakeholders have strongly recommended the establishment of dedicated victim-friendly spaces across all AHTO Tribunals. JCBD has already taken commendable steps in this regard by establishing victim-friendly centers in the Dhaka and Khulna AHTO Tribunals. These centers have been recognized for enhancing the accessibility and dignity of the judicial process by providing a safe and supportive environment for victims and witnesses. Judges in other districts have highlighted the urgent need to replicate this model. A Judge from the Jhenaidah AHTO Tribunal emphasized the humanitarian significance of such facilities, *“This kind of initiative is necessary and humanistic. Clients come from long distances, and many are accompanied by children and breastfeeding infants. The availability of a designated space for breastfeeding is essential. If JCBD can extend this support, it would be a positive initiative and a commendable public service.”* Similarly, a Judge from the Rajshahi AHTO Tribunal affirmed the impact of such infrastructure on the legal process, *“The establishment of victim-friendly spaces is indeed a very welcome and necessary initiative that significantly enhances the prosecution process. These spaces provide a safe and supportive environment for victims, ensuring their comfort and dignity throughout legal proceedings.”* A SPP from Cox’s Bazar AHTO Tribunal also echoed the same, stating, *“Establishing a Victim Support Center at the district level would significantly enhance victim assistance and case handling.”*

### ✓ Enhanced Capacity Building Initiatives

Stakeholders have collectively emphasized the need for expanded and more inclusive capacity-building programs to ensure consistent and effective implementation of anti-trafficking laws across all jurisdictions. A Judge from the Khulna AHTO Tribunal underscored the importance of further institutional collaboration, stating, *“I envision further collaboration with JCBD focusing on enhancing training programs for law enforcement and judicial officers.”* This sentiment was echoed by a senior law enforcement official who stressed the importance of continuous professional development, stating, *“Frequent training for law enforcement officers is essential to keep them updated on emerging practices.”* Stakeholders also highlighted the importance of joint training sessions that foster collaboration across key actors in the prosecution chain. A Judge from the Rajshahi AHTO Tribunal noted, *“Training programs, especially joint sessions involving judges, prosecutors, and investigation officers, are crucial for improving the prosecution process. In past sessions, investigation officers were absent, which limited the overall impact. Such programs would be far more effective if all stakeholders participated actively.”* Building on this recommendation, another senior law enforcement official proposed a more structured approach, *“I propose conducting division-wise training sessions on human trafficking crimes, focusing on the Victim Identification Guideline and the Guideline on Mutual Legal Assistance in Criminal Matters. Public Prosecutors (PPs), Assistant Public Prosecutors (APPs), and IOs must all be involved, ideally alongside members of the judiciary, to ensure clarity on the distinction between trafficking and smuggling and to foster inter-agency coordination.”* An Investigation Officer emphasized the need for geographic inclusivity and suggested, *“While JCBD’s support has been effective, training opportunities should be extended across all districts to ensure equal access. Comprehensive training—covering everything from investigation techniques to courtroom prosecution—is essential for improving the quality and consistency of case handling.”*

### ✓ Enhancement of the Collaboration Between PP and IO

Rule 10 of the Prevention and Suppression of Human Trafficking Rules, 2017, expressly mandates that IOs must obtain the opinion of the PP prior to finalizing and submitting the investigation report. Despite its legal imperative, this provision is frequently overlooked in practice, which undermines the quality and prosecutorial readiness of many human trafficking cases. To address this gap, several stakeholders have strongly advocated for enhanced collaboration between IOs and PPs. A SPP from the Jessore AHTO Tribunal recommended targeted interventions, *“A structured training program focusing on Rule 10 compliance would be highly effective in bridging this gap.”* Emphasizing the critical role of collaboration in securing convictions, an SPP from the Khulna AHTO Tribunal stated, *“For successful prosecution and a high conviction rate, investigators must consult public prosecutors at every stage. Public prosecutors bring specialized expertise, ensuring cases are built on solid legal grounds. Following this collaborative approach can lead to an approximately 80% conviction rate. Justice and Care must continue advocacy efforts to emphasize the importance of integrating prosecutors into the investigative process.”* He further advocated for joint capacity-building initiatives to institutionalize this practice, stating, *“Joint training programs*

are highly effective in ensuring coordination and collaboration between investigation officers and public prosecutors. These programs provide shared knowledge, align objectives, and clarify procedural responsibilities for both parties.” An SPP from the Rajshahi AHTO Tribunal echoed similar sentiments, noting the effectiveness of JCBD’s training initiatives, “Joint training sessions organized by JCBD have been effective in facilitating coordination between investigating officers, judges, and other stakeholders. These sessions provide a platform for discussion, helping to resolve differences in opinion that may arise during the prosecution process.” He added, “Prosecutors must guide IOs through the investigative process, offering a clear roadmap to success.” A senior law enforcement official reinforced the necessity of institutional collaboration, “I would also emphasize the importance of fostering closer collaboration between Investigation Officers (IOs) and prosecutors, as mandated under Rule 10 of the Human Trafficking Rules. This collaboration is critical for ensuring thorough case preparation and adherence to procedural requirements.”

### ✓ Revisiting the Guidelines

The Human Trafficking Crime and Victim Identification Guideline and the Guideline on Mutual Legal Assistance in Criminal Matters, developed by JCBD, have been formally endorsed by the MoHA and disseminated to relevant stakeholders. While these instruments represent a significant advancement in institutionalizing anti-trafficking responses, their practical implementation has presented certain challenges, as noted by key informants. A senior law enforcement official recommended revisiting specific technical component of the Victim Identification Guideline, particularly the "Act, Means, and Purpose" section, to improve clarity and applicability. Regarding the Guideline on Mutual Legal Assistance in Criminal Matters, the same official suggested, “A simplified and concise Bengali version should be developed to enhance accessibility for Investigation Officers. A shortened format—ideally no more than two pages—would improve comprehension and support effective implementation in field-level investigations.” Further emphasizing the evolving nature of trafficking crimes, particularly in digital spaces, another senior law enforcement officer identified a critical need for cyber capacity development, stating, “While Justice and Care has shown exceptional commitment, enhanced expertise in cybercrime is essential. Increasing resources, manpower, and targeted training in digital forensics, cybersecurity, and online platform monitoring would significantly strengthen JCBD’s capacity to tackle cyber-enabled trafficking operations.” An official from the Anti-Corruption Commission (ACC) also raised an important issue concerning the multilingual applicability of the Mutual Legal Assistance guideline, noting, “Although the guideline is written in English, many countries do not use English as an official language. In practice, this presents difficulties when seeking cooperation from non-English-speaking jurisdictions, as language experts for these countries are not always readily available. Translating the guideline into Bangla and the official languages of the United Nations would make it more accessible and operationally effective.”

### ✓ Dissemination of the Guidelines

Although the Human Trafficking Crime and Victim Identification Guideline and the Guideline on Mutual Legal Assistance in Criminal Matters have been formally endorsed by the Ministry of Home Affairs, stakeholders have observed that these instruments have not been uniformly disseminated across all relevant actors involved in the prosecution of human trafficking cases. A Judge from the Jhenaidah AHTO Tribunal expressed that he had not received a copy of the guideline, but upon being informed of its contents and purpose, recognized its potential value, stating, “I haven’t received the document yet. But I believe it would be very useful, particularly for investigation officers, to correctly identify the elements and nature of trafficking offences. It appears to be a well-structured tool that can guide practitioners through the legal process in a systematic manner.”

### ✓ Preparation of a Comprehensive Training Manual

Stakeholders have strongly recommended the development of a comprehensive training manual tailored for Judges and Public Prosecutors (PPs) involved in the prosecution of human trafficking cases. An official from the Solicitor Wing emphasized the need for such a resource, stating, “A structured and detailed training manual for Judges and Public Prosecutors should be developed and disseminated as an essential initial step. This would contribute to establishing consistency and uniformity in the application of the Prevention and Suppression of Human Trafficking Act across different jurisdictions.” The official further suggested incorporating guidance on effective case categorization and classification within the manual, to promote systematic and streamlined case management.

### ✓ **Logistical Support for the Tribunal**

JCBD has extended commendable logistical support to several AHTO Tribunals, contributing meaningfully to the operational efficiency of these courts. However, stakeholders have emphasized the importance of expanding such support to all existing and newly established tribunals to ensure consistency in service delivery across jurisdictions. An official from the Ministry of Home Affairs noted, *“At present, seven Special Tribunals are operational, with an additional three expected to be established in the near future. While logistical support to these tribunals formally falls within the jurisdiction of the Ministry of Law, Justice, and Parliamentary Affairs, JCBD may consider extending its assistance to the new tribunals, where appropriate, to enhance their functional capacity.”*

### ✓ **Establishment of a Formal Framework**

JCBD has made significant contributions to the prosecution of human trafficking offences, including its collaboration with the MoHA in developing two national tools and its involvement in the formulation of the National Referral Mechanism project. Recognizing the value and consistency of JCBD’s technical and logistical support, stakeholders have recommended formalizing this partnership through an institutional arrangement. An official from the Ministry of Home Affairs stated, *“It is my recommendation that Justice and Care consider entering into a formal framework—such as a project agreement, structured program, or MoU—similar to those established with other partner organizations. Operating under an official agreement would ensure greater transparency, enhance mutual accountability, and align our shared objectives. Such a formal arrangement would strengthen the collaborative relationship and improve the efficacy of our joint efforts in combating human trafficking.”*

## **8.1.2 Policy-Level Recommendations for Systemic Strengthening of the Prosecution Framework**

### ✓ **Appoint Prosecutors Based on Merit**

The current system for appointing Public Prosecutors (PPs) in Bangladesh is often influenced by political considerations, which may hinder the selection of the most competent and experienced candidates. Addressing this systemic issue is essential to strengthening the quality and consistency of prosecutions, particularly in complex cases such as those involving human trafficking. A Special Public Prosecutor from the Jhenaidah AHTO Tribunal emphasized the need for reform, stating, *“One of the critical areas requiring improvement is the method of appointing Public Prosecutors, which is presently susceptible to political influence. For enhanced prosecutorial effectiveness, appointments should be grounded in merit and legal expertise. The views of Tribunal Judges, District Judges, and Chief Judicial Magistrates should be integrated into the selection process to ensure that qualified and capable candidates are entrusted with these responsibilities.”*

### ✓ **Improvement of Legal Proceeding by Reducing Political Interference**

In Bangladesh, political influence within the criminal justice system is frequently cited as a barrier to effective and impartial prosecution, particularly in complex and sensitive cases such as human trafficking. To address this issue, a Special Public Prosecutor (SPP) from the Jhenaidah AHTO Tribunal recommended the establishment of a permanent and structured prosecution framework. He stated, *“There is an urgent need to institutionalize a permanent and well-structured prosecution system within the courts. Such a framework would promote consistency, insulate prosecutorial decisions from political interference, and enhance the overall quality and professionalism of legal proceedings by ensuring that qualified and experienced prosecutors are retained and engaged on a stable basis.”*

# ANNEXES

## ANNEX: CASE STUDIES

### CASE STUDY 1: ANTI HUMAN TRAFFICKING OFFENCE TRIBUNAL, RAJSHAHI (HTC – 1/22)

#### CASE BACKGROUND

In December 2018, a young ninth-grade student at Mohipur High School found herself ensnared in a deeply unsettling ordeal. What began as an ordinary day in her village turned into a sinister ploy orchestrated by those she considered family. Her neighbors, Mofez Mondol and Hawa Bibi—who were also her aunt and uncle—had invited masons to work at their house. Among these workers was a man named Shidam Karmakar, who deceptively introduced himself as “Suman” in an attempt to mask his true identity and intentions.

The girl was initially reluctant to engage with Shidam, but Mofez and Hawa repeatedly pressured her, persuading her that he had a romantic interest in her. Over time, their coercion intensified, and she reluctantly began speaking with him. This manipulation took a dark turn when Shidam proposed elopement. She refused, but his reaction was alarming—he threatened to take his own life and warned her of possible police action if she did not comply. These threats, compounded by the revelation that Shidam was of a different religious background, made her increasingly resistant. Yet, her aunt and uncle continued to press her, arguing that her impoverished parents could not afford a wedding and urging her to leave.

On March 6, 2019, the situation reached a critical point. Shidam shared his plan for elopement, revealing that her aunt and uncle would help facilitate the rendezvous. Pretending to head to school, she instead went to Dhokrakul market, where Mofez and Hawa handed her over to Shidam. From there, they traveled by bus to Rajshahi, with Mofez and Hawa maintaining contact through phone calls. The journey led to a secluded tin house, after a series of transfers involving boats and motorcycles.

Her initial resistance turned to desperation as the plan to take her across the border into India became clear. Late at night, she was forcibly placed in a microbus and taken away. What followed was a grueling three-month captivity in a tin shed, where she suffered physical abuse and malnutrition at the hands of an intoxicated Shidam. During this time, her family had no idea of her whereabouts, and the young girl’s ordeal seemed to have no end in sight.

However, on May 3, 2019, she seized a chance to escape. She discovered a damaged part of the tin enclosure, crawled through it, and fled towards the locality. Her cries for help caught the attention of a local man, who contacted a journalist. The journalist, in turn, brought her to the Gazole police station, where she was finally able to recount her harrowing experiences. Her father was contacted, and arrangements were made for her protective custody until her safe return to Bangladesh.

The rescue was only the beginning of a complex legal journey. Cross-border jurisdictional challenges, lengthy legal procedures, and difficulties in gathering evidence loomed large. Approximately a year before her repatriation, her father had received a call from the Officer-in-Charge at Gazole Police Station in Malda, India. This call informed him that his daughter was in police custody, and when he traveled to the Malda district jail, he learned the full extent of what had happened. It became clear that Shidam and others had conspired to traffic his daughter under the guise of marriage, resulting in her arrest near Gazole police station. This discovery solidified the case against the accused, who by then had absconded.

Justice and Care Bangladesh (JCBD) played a pivotal role throughout the investigation. Initially, many witnesses were hesitant to come forward but JCBD’s persistent efforts and regular updates eventually secured their cooperation to ensure justice. The investigation revealed another layer of complexity—at one point, the victim’s father had accepted money from the accused, although the victim herself was unaware of this arrangement. Once this issue came to light, the JCBD guided the victim’s family, helping them navigate their challenges and stay committed to the legal process.

In 2020, the victim was finally repatriated. She recorded her testimony before a magistrate, identifying Mofez, Ashik, and Shidam as the perpetrators. Her brave and consistent account of the events proved invaluable in the courtroom. Despite the defense’s attempts to frame the case as a consensual relationship,

the prosecution successfully demonstrated that she was a minor who could not legally consent, rendering the defense's argument invalid.

The case ultimately resulted in a landmark conviction at the Anti Human Trafficking Offence Tribunal in Rajshahi. The tribunal's verdict underscored the gravity of trafficking offenses and reaffirmed the commitment to justice, despite the challenges posed by cross-border complexities and procedural hurdles. The successful prosecution was made possible through the coordinated efforts of the victim's family, law enforcement authorities, the prosecution team, and JCBD. This conviction not only ensured justice for the victim but also set a significant legal precedent for the adjudication of similar cases in the future.

## CASE FLOW

**1. Case Filing and Initial Cognizance:** The case originated with a formal complaint lodged by Abu Kalam, the father of the accused Lovely Akter Laboni. The complaint detailed the circumstances of the alleged trafficking, leading to the case being formally registered.

Following the filing of the complaint, the Magistrate Court took cognizance of the matter and, considering the gravity of the allegations, transferred the case to the Anti Human Trafficking Offence Tribunal for trial specializes in handling human trafficking cases under the applicable legal framework.

**2. Trial Proceedings Before the Tribunal:** Once the case was transferred to the Anti Human Trafficking Offence Tribunal, Rajshahi, the tribunal took cognizance and conducted the trial in accordance with relevant anti-human trafficking laws. The prosecution presented its case, relying on a combination of documentary evidence, witness testimonies, and the investigation report. The trial followed due legal process, allowing both the prosecution and the defense to present their arguments, cross-examine witnesses, and submit evidence in support of their claims.

**3. Investigation and Report Submission:** The investigation was initially led by Sub-Inspector (SI) Abdul Khaleq before being transferred to SI Mahmudul Hasan, who took over the case to ensure a thorough and impartial inquiry. During this phase, key evidence was meticulously collected, and critical testimonies were recorded, strengthening the foundation of the case.

The second investigation report was comprehensive, presenting a detailed account of the findings with precise documentation of facts and evidence. It provided an in-depth analysis of the case, ensuring that every aspect was thoroughly examined and articulated. The report meticulously outlined all relevant discoveries, leaving no room for ambiguity and reinforcing the credibility of the prosecution's arguments. By carefully corroborating witness statements with physical and forensic evidence, the report played a crucial role in establishing a clear link between the accused and the alleged offenses. Its detailed presentation of facts not only strengthened the case but also served as a vital tool for the prosecution in proving the charges beyond a reasonable doubt. The meticulous approach adopted in the report underscored its significance in ensuring that justice was pursued with accuracy and diligence.

**4. Witness Testimonies:** The case initially involved four primary witnesses as mentioned in the complaint. However, during the trial, the prosecution called a total of eight witnesses. These included the victim's parents, the victim herself, two investigating officers, one police official, and one independent witness. The defense, on the other hand, presented three witnesses. All the testimonies provided by the prosecution were consistent and corroborated with each other, effectively painting a clear and comprehensive picture of the events.

**5. Judgment and Conviction:** The Tribunal has rendered its verdict in a harrowing human trafficking case, convicting the accused under the "Prevention and Suppression of Human Trafficking Act, 2012. Sidam Karmakar, also known as Suman, was found guilty under Section 6 and sentenced to life imprisonment, along with a fine of BDT 1,00,000 for his central role in the crime. His accomplices Mofez Mondol, Hawa Bibi, and Ashikul Islam were convicted under Section 8 and sentenced to five years of rigorous imprisonment, each facing a fine of BDT 20,000. Recognizing the severe impact of their actions, the court ordered BDT 1,60,000 in compensation for the victim, Lovely Akter Laboni, whose courageous testimony was instrumental in exposing the trafficking network and ensuring justice. Her bravery not only

led to the convictions but also highlighted the devastating consequences of human trafficking on vulnerable individuals.

## ROLE OF THE STAKEHOLDERS

**Role of Public Prosecutor:** Special Public Prosecutor (SPP) Md. Shafiqul Islam played a pivotal role in the successful prosecution of the case. His expertise in presenting legal arguments, examining witnesses, and aligning the case with legal provisions ensured a strong and effective prosecution, ultimately leading to the conviction of the accused.

A total of eight prosecution witnesses testified before the court, providing a consistent and credible account of the accused's involvement in the crime. Although the case had transboundary elements, no transnational investigation was conducted. The Investigating Officer (IO) retrieved the victim from Bangladesh immigration after she had crossed the Indian border, eliminating the need for cross-border investigative procedures.

One of the key challenges faced by the prosecution was the issue of documentary evidence. The defense attempted to mislead the court by framing the case as an affair. However, this argument was deemed unrealistic and unsubstantiated, as the victim was only 14 years old—legally a minor and incapable of consent. Strengthening the prosecution's position, the testimonies of witnesses and legal provisions effectively countered this misleading defense strategy.

Initially, cooperation from the IO was lacking, posing another obstacle to the prosecution. However, with the intervention of the JCBD, communication improved. The IO subsequently provided valuable insights that strengthened the prosecution's case. SPP Md. Shafiqul Islam highlighted, *“JCBD played a crucial role in facilitating the legal process at multiple levels. Mr. Alamin, a designated facilitator, was instrumental in ensuring the victim's participation in the trial. He made repeated visits to the victims' homes, motivated them, and provided them with essential case-related information. His efforts not only helped the victims appear in court but also ensured their continued cooperation. Beyond logistical support, JCBD actively assisted in case fact-finding, assessing the case's merits, and navigating legal complexities. Their dedicated involvement, along with the coordinated efforts of the prosecution, ultimately contributed to securing a just outcome.”*

**Role of Investigation Officer:** The investigation was initially conducted by Sub-Inspector (SI) Abdul Khaleq before being transferred to SI Mahmudul Hasan to ensure a comprehensive and impartial inquiry. During this phase, critical evidence was systematically collected, and key witness testimonies were meticulously documented, thereby reinforcing the evidentiary foundation of the case.

The subsequent investigation report was detailed and well-documented, providing a thorough account of the findings, along with substantiated evidence and factual analysis. This report played a pivotal role in corroborating the material facts of the case and establishing a direct nexus between the accused and the alleged offenses. Furthermore, the investigation received support from JCBD, which contributed to the effective advancement of the case.

**Role of Complaint and Victim:** The complainant was victim Lovely Akter Laboni's father Mr. Abu Kalam. The Victim's father in detail describes the court about the total journey. The key witness Lovely Akter Laboni also testified the actual incident what was happened with her. At the age of 15, she accused the defendants of trafficking her by leading her astray.

**Role of the Tribunal:** In a distressing case of human trafficking, the honorable tribunal observed that Lovely Akter Laboni, a young ninth-grader from Mohipur High School, became the victim of a criminal conspiracy orchestrated by a group posing as local masons in her village. Defendants Ashikul and Sidam initially arrived under the guise of construction work at the home of another defendant, Mofez. During this period, Sidam, who was actually Hindu, deceitfully presented himself as a Muslim named Suman to blend into the community and gain Lovely Akter Laboni's trust.

Suman, along with Mofez and Hawa Bibi, manipulated Lovely Akter Laboni into forming a romantic attachment. Despite later discovering his true religious identity and expressing objections, Lovely Akter Laboni was coerced by Mofez and Hawa Bibi. On March 6, 2019, she was last seen being led away by Mofez and Hawa Bibi to Dhokrakul market, where she was handed over to Sidam. Her mother, Zarina, witnessed

her daughter speaking with the defendants near their home that morning and later saw them together at the market, further confirming their involvement. Although Mofez and Hawa Bibi claimed they were hospitalized during this period, they failed to produce any credible evidence.

Once in Sidam's control, Lovely Akter Laboni was taken to India, where he maintained frequent phone contact with Mofez and Ashikul, indicating their awareness and involvement. In India, Sidam attempted to sell Lovely Akter Laboni to a human trafficking ring, imprisoning her in a room for this purpose. The prosecution successfully proved charges against all defendants, particularly those related to trafficking facilitated by Sidam and the assistance provided by Mofez, Hawa Bibi, and Ashikul.

The Honorable Tribunal rendered its judgment in a grave human trafficking case, convicting the accused under the Prevention and Suppression of Human Trafficking Act, 2012. The principal offender, Sidam Karmakar, also known as Suman, was found guilty under Section 6 and sentenced to life imprisonment, along with a fine of BDT 1,00,000 for his central role in the offense.

Additionally, Mofez Mondol, Hawa Bibi, and Ashikul Islam were each convicted under Section 8 and sentenced to five years of rigorous imprisonment, with an additional fine of BDT 20,000 imposed on each. Recognizing the severe impact of the crime, the court awarded BDT 1,60,000 in compensation to the victim, Lovely Akter Laboni, whose courageous testimony was instrumental in exposing the trafficking network and ensuring justice. Her testimony not only secured the convictions but also highlighted the devastating consequences of human trafficking on vulnerable individuals.

**Role of JCBD:** The investigation into this case faced a critical challenge when key witnesses hesitated to come forward, jeopardizing the pursuit of justice. JCBD intervened after the initial inquiry and identify the reluctance of witnesses as a significant barrier to the case's progression. Through persistent engagement, strategic reassurance, and consistent case updates, JCBD worked to rebuild trust and encourage witness cooperation. By addressing concerns, ensuring their protection, and reinforcing the importance of their testimony, the organization successfully secured the participation of key witnesses. This concerted effort ultimately strengthened the prosecution's case, reinforcing the legal framework necessary to hold the perpetrators accountable and deliver justice to the victim. According to a JCBD staff associated with the prosecution in this case, *"In this case, our involvement began after an initial investigation, where JCBD discovered that witnesses were not coming forward. However, with consistent efforts and regular updates, we managed to secure the participation of key witnesses."*

During the course of the prosecution, a significant challenge arose that threatened to undermine the integrity of the case. It was discovered that the accused had sought to compromise the proceedings by offering financial inducements to the victim's father—an act that, unbeknownst to the victim, jeopardized the pursuit of justice. Initially, the JCBD team was unaware of this out of court settlement. However, upon learning of the situation, JCBD took immediate steps to address the matter with sensitivity and legal precision. Considering the economic hardships faced by the victim's family, the victim was provided with guidance on the legal and ethical implications of such agreements, emphasizing the importance of ensuring that justice was served. A JCBD staff stated, *"As legal professionals, we initially remained unaware that the victim's father had resolved the case by accepting monetary compensation. However, upon discovering this development, we promptly extended appropriate guidance to the victim's family, taking into account their unique circumstances and hardships."*

In human trafficking cases, it is crucial to emphasize that any form of compromise is strictly impermissible. The court, in its judgment, unequivocally reaffirmed that such settlements are inadmissible. The case relied heavily on the victim's testimony, which was pivotal to the prosecution's argument. The defendant attempted to counter the allegations by claiming an affair, but this defense was rendered invalid and inadmissible, as the victim was a minor at the time. This underscores the legal and ethical imperatives in addressing human trafficking cases with utmost seriousness and integrity.

The JCBD team played a critical role in ensuring the successful prosecution of a human trafficking case under the Prevention and Suppression of Human Trafficking Act, 2012. Beyond assisting the victim, the team provided essential support to the prosecution by coordinating efforts between law enforcement and witnesses. They worked diligently to ensure that all key witnesses appeared in court, thereby strengthening the case with comprehensive and reliable testimony. Through their steadfast legal assistance, collaboration

with police, and commitment to securing witness participation, the JCBD team significantly contributed to achieving justice for the victim and securing the conviction of the accused.

## **FACTORS CONTRIBUTING TO THE SUCCESS OF THE CASE**

Several critical factors were instrumental in securing a successful prosecution and conviction in this human trafficking case. These included a well-organized case docket, meticulous legal strategy, and the targeted legal support provided by JCBD. Collectively, these elements facilitated a streamlined trial process, reinforced the strength of the prosecution's case, and ultimately contributed to a favorable judicial outcome.

**Rescue and Repatriation of the Victim:** The victim was located in Indian custody at Malda District Jail, and her repatriation to Bangladesh was facilitated by the JCBD. The division provided crucial assistance by coordinating with the police, the victim's family, and foreign affairs personnel. This cooperative effort was instrumental in executing an effective rescue operation and underscored the importance of international collaboration in tackling transboundary crimes and protecting the rights of affected individuals.

**Victim's Testimony:** A pivotal aspect that bolstered the prosecution's case was the compelling testimony of the minor victim. Unlike other testimonies that could be perceived as biased, the victim's account added credibility by offering an impartial perspective. Her testimony helped establish a robust chain of evidence, substantiating the prosecution's claims and affirming the occurrence of trafficking as described.

**Robust Witness Support:** The prosecution presented testimonies from eight witnesses, ensuring a clear and consistent progression of the case without contradictions. The limited number of witnesses allowed for a concise and cohesive presentation of the facts before the tribunal, strengthening the prosecution's argument and reinforcing the credibility of the case.

**Thorough and Flawless Investigation:** The case's success was largely due to the meticulous second investigation led by the Investigating Officer. This investigation avoided the common pitfalls of procedural errors, overlooked evidence, or inconsistencies, ensuring a loophole-free process. Key to this success were proper evidence documentation, consistent witness statements, a lack of contradictions in the findings, and timely report submission. Although brief, the investigation report effectively emphasized the essential facts necessary for conviction.

**Well-Organized Case Docket:** The trial benefited from a well-structured case docket, which compiled all legal documents, witness statements, investigation reports, and other critical materials in an orderly manner. This strong foundation prevented unnecessary delays and ensured that all essential documentation was readily available to both the prosecution and the tribunal.

**International Police Cooperation:** The collaboration between Bangladesh Police and Indian authorities was crucial. This cooperation, facilitated by the JCBD, allowed the victim's father to liaise with Indian police about her condition. The complexities of cross-border crime require such coordinated efforts, which in this case, led to the successful rescue of the victim.

**JCBD's Impact on the Trial Process:** Before the JCBD's involvement, the victim's family experienced increasing frustration due to the stagnant progress of the case and difficulties in communication with Indian authorities. However, the JCBD's intervention marked a turning point, facilitating the victim's return from India and injecting much-needed structure and momentum into the trial proceedings. This involvement was critical in maintaining the trial's focus and advancing towards a resolution.

## **SPECIFIC CONTRIBUTIONS OF JCBD**

**Emotional and Mental Preparation for the Victim:** JCBD played a pivotal role in ensuring that the victim was mentally and emotionally prepared to provide testimony before the court. This comprehensive preparation was essential in mitigating inconsistencies and hesitation in her statements, thereby enhancing the credibility of her testimony and reinforcing the overall integrity of the case.

**Enhancing Collaboration Between Investigators and Prosecutors:** JCBD was instrumental in bridging communication gaps between law enforcement officers and the prosecution team. They ensured that findings from the investigation were effectively communicated and utilized during the trial, enhancing the coherence and impact of the legal arguments presented.

**Supporting the Prosecution Team:** JCBD provided comprehensive support to the prosecutorial process. This support included furnishing critical information about the victim, organizing relevant case documentation, compiling essential details of the incident, and assisting in the drafting of case narratives and other vital legal documents. Their efforts ensured that the prosecution team was equipped with well-structured and dependable materials to present in court.

**Financial and Logistical Assistance for Cross-Border Legal Coordination:** JCBD played a critical role in supporting the victim and her family by providing not only essential social and legal assistance but also financial aid. This comprehensive support was instrumental in sustaining their engagement and commitment throughout the trial process. Additionally, a JCBD official maintained regular communication with the victim's family, keeping them informed of case developments and addressing their needs. This consistent and multifaceted assistance underscored JCBD's dedication to ensuring justice was pursued effectively.

## **LESSON LEARNED**

In this case, a critical legal issue emerged concerning a compromise deed executed between the victim's family and the accused. In similar cases, once such a compromise is reached, courts often refrain from proceeding with evidence collection or further adjudication. However, in this instance, the court determined that the compromise was legally invalid and, therefore, did not accept it.

Through the Public Prosecutor (P.P.), JCBD underscored the sensitivity of the case and the necessity of prioritizing formal legal proceedings. Recognizing the gravity of the matter, the court proceeded with the trial, duly recording witness testimonies and conducting a comprehensive assessment of the case before rendering its decision.

Following the evaluation of witness statements, the court expressly informed the victim's family that their agreement with the accused had no legal standing. This decision is particularly noteworthy, as such judicial determinations are infrequent in similar cases, setting a significant precedent, particularly for the judiciary. It underscores the imperative of ensuring that legally inadmissible compromises do not impede the course of justice. By summoning witnesses and adhering to due process, the court reaffirmed its commitment to upholding the principles of fairness and justice.

## CASE STUDY 2: ANTI HUMAN TRAFFICKING OFFENCE TRIBUNAL, DHAKA (HTC - 1/20)

### CASE BACKGROUND

This case highlights the critical issue of human trafficking in Bangladesh, centering on the victim, Arafat Rahman Jibon, a 12-year-old boy, and the accused, Shahena Akhter, 36. The incident occurred on July 17, 2019, near the Munshibari railway tracks in Jurain, under Shyampur Thana, Dhaka. Jibon was walking slightly ahead of his mother and siblings when the accused allegedly approached him, engaging in a suspicious conversation and making physical contact. The complainant, Rokhsana Ripa, noticed the interaction and, upon intervening, found her son visibly distressed, unable to speak, and in tears. Her cries for help alerted nearby residents, who quickly detained the accused woman, and the complainant's son was taken to a nearby pharmacy for treatment. Later, the Shyampur Police arrived at the scene and took the accused into custody.

Following the arrest, the case was officially registered through an FIR on July 18, 2019, at Shyampur Thana, DMP. It was later formalized as Manob Pachar Mamla No. 01/2020 under Section 8 of the Prevention and Suppression of Human Trafficking Act, 2012. Despite the swift police intervention, the case faced significant legal and procedural hurdles. Key challenges included incomplete witness testimonies and difficulties in obtaining a detailed statement from the young victim, whose ability to recall and articulate the incident was limited due to his age. These challenges impacted the overall progress of the case, making the prosecution's task more complex.

Before JCBD's involvement, the victim's family faced numerous challenges during the trial process. They lacked proper guidance and were unsure where to seek help or how to understand the current status of their case. Initially, they engaged a private lawyer who failed to manage their case effectively, resulting in unnecessary court appearances on days when their case was not even scheduled. This mismanagement caused significant stress and financial burden for the family. Once JCBD became actively involved, the situation markedly improved. The organization played a crucial role throughout the trial, providing continuous and comprehensive support to both the complainant and the victim. JCBD not only offered essential legal assistance but also covered travel and other case-related expenses. Additionally, the organization consistently motivated and encouraged the victim's family to remain resilient and committed to the legal process.

JCBD maintained close coordination with the prosecutor, ensuring all necessary resources were mobilized for the effective adjudication of the case. Reflecting on this support, the victim stated, *"JCBD has helped immensely throughout the entire process. They maintained constant communication with my mother, who was the complainant, regularly provided updates about the case, and managed all aspects of our legal proceedings. JCBD supported us comprehensively, from providing travel allowances to ensuring we knew court dates and the progress of our case. They facilitated our connection with the Public Prosecutor and guided us on delivering effective testimony, making an otherwise challenging process manageable and clear."*

This case serves as a stark reminder of the persistent threats posed by organized human trafficking networks in Bangladesh. It underscores the importance of community vigilance and the swift response of law enforcement in preventing such crimes and protecting vulnerable individuals. Despite the challenges faced in court, the case remains a significant example of attempted child trafficking and highlights the ongoing battle against human trafficking in the country.

### CASE FLOW

**1. Case Filing and Initial Cognizance:** The case originated with a formal complaint lodged by Rokhsana Ripa, who accused Shahena Akhter of human trafficking involving Arafat Rahman Jibon. The complaint detailed the circumstances of the alleged trafficking, leading to the case being formally registered.

Following the filing of the complaint, the Magistrate Court took cognizance of the matter and, considering the gravity of the allegations, transferred the case to the Anti Human Trafficking Offence Tribunal for trial. The tribunal specializes in handling human trafficking cases under the applicable legal framework.

**2. Trial Proceedings Before the Tribunal:** Once the case was transferred to the Anti Human Trafficking Offence Tribunal take cognizance and the trial was conducted in accordance with the relevant anti-trafficking laws. The prosecution presented its case, relying on documentary evidence, witness testimonies, and the investigation report. Given the absence of the accused, Shahena Akter, the trial proceeded in absentia, as permitted under the legal provisions for cases where the accused is evading justice.

**3. Investigation and Report Submission:** The investigation was led by Investigating Officer (IO) Md. Rashedul Islam, who was responsible for gathering evidence, interviewing witnesses, and compiling a formal report on the allegations. Although the report was brief, it included essential findings that supported the prosecution's case. The provided charge sheet also incorporated the actual witnesses, the sequence of events, and details of the committed offense. It outlined the nature of the trafficking allegations, statements from key individuals involved, and any corroborative evidence obtained during the inquiry. Despite its brevity, the report played a crucial role in establishing the foundation for the prosecution's arguments.

**4. Witness Testimonies:** During the trial, the prosecution called a total of nine witnesses, five of whom testified before the tribunal. The key witnesses included the complainant, Roksana Ripa, who provided crucial details about the trafficking incident and explained how the accused was involved. The victim, Arafat Rahman Jibon, played a central role in supporting these allegations, sharing his personal experience and describing the actions of the accused. Additionally, an independent witness, a village doctor, gave an unbiased account that supported the prosecution's case. Two other witnesses, including the investigating officer (IO), provided statements that reinforced the overall narrative of the incident. Since the accused was absent, the defense was unable to present any counterarguments or cross-examine the witnesses to challenge their testimonies. The majority of the witnesses appeared before the court and gave their statements, all of which, along with the presented documents, were corroborated.

**5. Judgment and Conviction:** After considering the evidence and testimonies presented, the tribunal delivered its verdict in absentia, convicting Shahena Akter of human trafficking. The court placed significant weight on the uncontested testimonies of the prosecution witnesses. Citing legal precedence from *Ratan vs. the State (40 DLR (HC) 186*), the court emphasized that when prosecution evidence remains unchallenged, corroboration is not required for establishing guilt. This ruling reinforced the credibility of the witnesses and the prosecution's case. As a result, Shahena Akter was found guilty and sentenced following the legal provisions governing human trafficking offenses.

## **ROLE OF THE STAKEHOLDERS**

**Role of Public Prosecutor:** During the trial, the prosecution presented five witnesses to establish the charges against the accused, while the defense conducted cross-examinations. As the accused, Shahena Akter, was absconding, she could not be examined under Section 342 of the Code of Criminal Procedure.

Regarding the key issues for determination, the case concerns whether the accused attempted to abduct the informant's son with the intent of trafficking him and whether the prosecution has successfully established the charges beyond a reasonable doubt.

The prosecution, led by the learned public prosecutor with the assistance of the JCBD legal team, effectively presented evidence before the court, demonstrating both the occurrence of the offense and the accused's involvement. The testimonies of all prosecution witnesses were consistent and corroborated with each other, with no apparent discrepancies observed. As a result, the allegations made in the petition remain legally sound and credible. The prosecution's case has been successfully proven, leaving no reasonable doubt regarding the accused's culpability.

**Role of Investigation Officer:** Investigation Officer Mohammad Rashedul Islam played a pivotal role in the successful progress of the case. On 17/07/2019, while serving as a Sub-Inspector at Shyampur Police Station, he promptly assumed responsibility for the investigation upon the officer-in-charge's instructions. He conducted a meticulous on-site inspection, preparing a detailed draft map of the crime scene and an accompanying index on separate sheets of paper. His investigative work included attempts to seize key evidence, thorough questioning of the complainant, and careful interrogation of the victim, Apurb Arafat Jibon, regarding the kidnapping incident. He further reinforced the case by producing the victim in court

and recording his statement under Section 164, as well as interrogating additional witnesses whose statements were recorded under Section 161 of the Code of Criminal Procedure. Moreover, his interrogation of the accused, Shahena Akter, aged 36, whose identity and address were verified in court, provided crucial leads. Based on his comprehensive investigation and the corroborative witness testimonies, he substantiated the charges and filed charge sheet No. 249, dated 02/08/2019, under Section 8 of the Human Trafficking Prevention and Suppression Act, 2012. Although the report could benefit from further detail, it successfully ensured that the presence of the accused and key witnesses in the chargesheet significantly assisted both the prosecution and the tribunal in navigating the actual scenario of the case.

**Role of Complaint and Victim:** The victim's family, especially her mother (Complainant), trusted the justice system despite the case being stuck without notable progress. They reached out to JCBD, and after their involvement, the case was able to continue. The complainant acted quickly at the scene of the incident and refused to compromise with the accused. The victim gave testimony in court, and the complaint provided accurate information. Together, they fought hard against the human trafficking offense. Throughout the process, JCBD supported them in every way possible, including providing travel allowances, keeping them informed about court dates and case progress, connecting them with the Public Prosecutor, and offering guidance on how to give proper testimony. Additionally, JCBD provided mental support to help them stay strong and ensure they received the justice they deserved.

**Role of the Tribunal:** The tribunal, adhering to due process, conducted the case and thoroughly reviewed all evidence and witness testimonies. It found no inconsistencies or discrepancies in the statements presented by the state, leaving no legal basis to disbelieve the allegations. In its judgment, the tribunal referenced three case precedents to support its decision.

The accused, Shahena Akhtar, was granted bail but remained absconding and did not appear in court to challenge the charges. In such cases, where the accused fails to contest the state's claims, the allegations are legally accepted as unchallenged or proven. Based on the evidence, the tribunal concluded that Shahena Akhtar attempted to abduct the victim, Apurbo Arafat Jibon, by rendering her unconscious with the intent of trafficking.

Given the severity of the charges, the prescribed punishment ranges from three to seven years of rigorous imprisonment. However, considering the circumstances and the accused's gender, the tribunal deemed it reasonable to impose the minimum sentence of three years.

**External JCBD:** After the investigation report was submitted, JCBD took over the case, appointing their private lawyer to handle the legal proceedings and covering all necessary fees, even on non-hearing days. They maintained regular communication with all parties involved, providing updates on their ongoing efforts in human trafficking prosecution. The victim, after reviewing JCBD's services, willingly accepted their legal aid and submitted a No Objection Certificate (NOC) from their previous lawyer. From that moment, JCBD guided the victim through every stage of the case, ensuring comprehensive legal support until a successful resolution was achieved.

JCBD played a crucial role in coordinating efforts among the victim, witnesses, investigators, and legal representatives, helping to establish a structured and legally sound prosecution strategy. Their involvement ensured the safety and preparedness of the victim and witnesses, offering necessary assistance throughout the trial. They actively advocated for the application of relevant legal precedents, strengthening the case with well-supported legal arguments. Prior to JCBD's intervention, delays in the legal process caused distress for both the victim's and the accused's families. However, under JCBD's management, the case progressed smoothly, with structured hearings and an organized prosecution approach. Through their dedicated efforts, JCBD not only helped expedite the legal proceedings but also ensured justice was served, providing critical legal support at every step.

## **FACTORS CONTRIBUTING TO THE SUCCESS OF THE CASE**

Several critical factors contributed to the successful prosecution and subsequent conviction in this human trafficking case. Notably, the accused's absence, coupled with the strategic legal assistance provided by

JCBD, facilitated an efficient trial process and significantly strengthened the prosecution's position, ultimately leading to a favorable judgment.

**Unchallenged Testimonies Strengthened the Case:** One of the most significant contributors to the prosecution's success was the absence of the accused, Shahena Akter, throughout the trial. Her failure to appear in court meant that the witness testimonies remained unchallenged, as there was no defense representation to conduct cross-examinations or introduce counterarguments.

This ensured that the victim's account and supporting witness statements stood unopposed, making it easier for the tribunal to accept them as factual. The legal precedent set in *Ratan vs. the State* (40 DLR (HC) 186) further reinforced the idea that uncorroborated but uncontested prosecution evidence can be sufficient to establish guilt.

**Independent Witness Testimony Strengthened Evidence:** A key factor that reinforced the prosecution's case was the testimony of an independent witness who corroborated the victim's account. Unlike testimonies from the complainant or victim, which might be perceived as biased, an independent witness lends credibility to the case by providing an unbiased perspective. This testimony established a strong chain of evidence, supporting the prosecution's claims and reinforcing the argument that trafficking had indeed occurred as described by the victim.

**Robust Witness Support:** Unlike many other cases where an excessive number of witnesses can lead to inconsistencies, delays, and logistical challenges, this case benefited from a concise and focused witness list. Out of nine potential witnesses, only five testified, ensuring that the case remained streamlined and free from contradictions or discrepancies. The limited number of witnesses also made it easier for the prosecution to present a cohesive and undisputed narrative to the tribunal.

**Thorough and Flawless Investigation:** The success of the case was largely attributed to the thorough and well-executed investigation led by Investigating Officer Md. Rashedul Islam. Unlike many trafficking cases that suffer from procedural errors, overlooked evidence, or inconsistencies, this investigation was meticulous and free from loopholes. Key factors that contributed to its success included the proper documentation of evidence, consistent witness statements, an absence of contradictions in the findings, and the timely submission of the report. Although the investigation report was brief, it effectively highlighted the critical facts necessary to secure a conviction.

**Well-Organized Case Docket:** The case benefited from a well-structured case docket, which ensured that all legal documents, witness statements, investigation reports, and other crucial materials were properly compiled and presented before the court. A strong case docket serves as the backbone of any trial, preventing unnecessary delays and ensuring that all necessary documentation is readily accessible to the prosecution and the tribunal.

**JCBD's Impact on the Trial Process:** Before JCBD's intervention, the Victim's family were increasingly frustrated due to a lack of significant progress in the case. However, once JCBD stepped in, their involvement brought much-needed structure and momentum to the trial proceedings.

## **JCBD'S SPECIFIC CONTRIBUTIONS**

**Emotional and Mental Preparation for the Victim:** In a deliberate effort to safeguard the integrity of the victim's testimony, JCBD implemented a comprehensive preparatory process. This meticulous approach ensured that the victim was adequately emotionally and mentally equipped to provide evidence in court. As a result, the risk of inconsistencies or vacillations in their statements was substantially mitigated, which in turn bolstered the credibility and persuasive power of their testimony.

**Enhancing Collaboration Between Investigators and Prosecutors:** JCBD played a pivotal role in facilitating seamless communication between law enforcement officers and the prosecution team, effectively bridging the gaps that often hinder the translation of investigative findings into actionable evidence. By fostering a collaborative environment, JCBD ensured that the critical information gathered during the investigation was thoroughly understood and strategically leveraged by the prosecution. This harmonious exchange enabled the prosecution to present a robust and cohesive case, where every piece of

evidence was meticulously integrated into the trial strategy, ultimately enhancing the overall effectiveness of the legal proceedings.

**Supporting the Prosecution Team:** JCBD actively oversaw the legal proceedings to ensure the case progressed efficiently while adhering to established legal and ethical standards. The organization provided comprehensive support to the victim's family, including legal assistance, financial aid, and emotional guidance, ensuring they had access to essential resources throughout the trial. Additionally, JCBD implemented proactive measures to identify and rectify any procedural irregularities that could compromise the case, thereby safeguarding the integrity of the judicial process and reinforcing the fair administration of justice.

## **LESSONS LEARNED**

In this case, several important lessons were learned. First and foremost, taking immediate action is crucial, even if it means initially filing a General Diary (GD). This ensures that the matter is officially documented from the outset. Additionally, it is essential to inform the relevant authorities as soon as possible to initiate a proper investigation. Raising awareness about the importance of timely action is also critical, as it helps prevent delays in the process. One significant takeaway from this case is that failure to act promptly resulted in the gradual destruction of key evidence. This highlights the importance of acting quickly to preserve evidence, as it directly supports the case. By learning from this experience, we now understand how crucial it is to file cases without delay, which helps in safeguarding vital evidence. In this instance, evidence was successfully preserved, and every witness testimony was corroborated, strengthening the overall case.

## CASE STUDY 3: ANTI HUMAN TRAFFICKING OFFENCE TRIBUNAL, DHAKA (HTC - 86/20)

### CASE BACKGROUND

This case vividly highlights the serious and persistent threat of human trafficking in Bangladesh, centering on the experiences of the victim, Rabina Akhter, and her family. The complainant, Rina Akhter (60), daughter of the late Sheikh Abdul Ali and late Rafia Begum and wife of Mosharraf Mia, originally from Char Lankerpur village, Sreenagar Thana, Munshiganj district, currently resides at House No. 1199, Sattar Saheb's Gonot area.

The accused in this case, Kalpana Akhter (22), daughter of Mohammad Hossain Mir, has her permanent residence in Aiyer Dil village, Mukutpur, Tongibari Thana, Munshiganj district. At the time of the incident, Kalpana was residing as a tenant at Mollabari Mosque Lane, Chairman Bari, East Jurain, Kadamtali Thana, Dhaka. Previously, she lived as a tenant at Kawser Saheb's house, Mridha Bari, Jatrabari Thana, Dhaka.

Kalpana initially established contact with the victim's family approximately two years before the incident. She gained their trust by frequently visiting their residence and formed a close bond, even addressing Rina's husband with respect as her religious father (Dhormo Baba) as an expression of emotion. Kalpana had recently returned from abroad approximately 20-25 days before the incident occurred.

On 10 September 2019, around 12:30 PM, Kalpana visited Rina's residence. Exploiting the trust and familiarity developed over the years, Kalpana deceptively abducted Rina's 16-year-old daughter, Rabina, intending to traffic her. Upon discovering Rabina's disappearance, Rina immediately contacted Kalpana, who initially denied any involvement. After a frantic search and coordination with Kalpana's relatives, Rabina was ultimately located and rescued at approximately 5:00 PM that same day from the Maniknagar area under Mugda Thana, Dhaka.

Following the traumatic event, the family attempted to resolve the matter amicably through local mediation. However, the threat persisted. On 26 September 2019, at around 4:00 PM, Kalpana was once again spotted suspiciously loitering near Rina's residence, evidently with the intent of abducting Rabina again. Alarmed by the imminent threat, local residents assisted Rina in apprehending Kalpana, who was then promptly handed over to the police. After careful consideration and consultation with relatives, Rina formally filed a case against Kalpana Akhter, seeking justice for her daughter and protection from further harm.

Throughout the trial process, JCBD played an essential and proactive role, supporting both the complainant and the victim comprehensively. The organization provided continuous legal, financial, and medical assistance, covering expenses related to travel, medical treatments, and employment, while simultaneously encouraging and motivating the victim's family to remain steadfast during the demanding legal proceedings. JCBD also worked closely and effectively with the prosecution team, ensuring the case proceeded smoothly and efficiently, thereby facilitating the delivery of justice. Victim Rubina emphasized that, *"As a woman, I wish that no one else ever experiences such trauma and the societal stigma that comes with it. During this vulnerable period, we felt completely helpless, but JCBD stood by me. They significantly supported my case, guided us throughout the process, and ensured we received justice."*

This case serves as a stark reminder of the constant threat posed by organized human trafficking networks operating in Bangladesh. It underscores the critical importance of community vigilance, proactive interventions, and the swift action of law enforcement authorities in preventing such heinous crimes and protecting vulnerable populations. Despite inherent challenges within the legal system, this case remains a significant example of attempted child trafficking, highlighting Bangladesh's ongoing fight against human trafficking and the continuous need for robust, collaborative efforts in combatting this crime.

### CASE FLOW

**1. Case Filing and Initial Cognizance:** The case was filed by the complainant, Rina Akter, based on the trafficking of her daughter, Rabina Akter. Following the filing of the complaint, the Magistrate Court took cognizance of the matter and, considering the gravity of the allegations, transferred the case to the Anti

Human Trafficking Offence Tribunal for trial. The tribunal specializes in handling human trafficking cases under the applicable legal framework.

**2. Trial Proceedings Before the Tribunal:** Upon transfer to the Anti-Human Trafficking Offence Tribunal, the Tribunal duly took cognizance of the matter, and the trial proceeded in accordance with the applicable provisions of the Prevention and Suppression of Human Trafficking Act and relevant procedural laws. The prosecution advanced its case by presenting documentary evidence, examining witness testimonies, and submitting the investigation report as part of the evidentiary framework.

**3. Investigation and Report Submission:** The investigation was effectively spearheaded by Investigating Officer (IO) Md. Jahidul Islam, whose responsibilities included gathering evidence, interviewing crucial witnesses, and compiling a formal investigative report on the trafficking allegations. Although concise, his report succinctly captured essential findings, clearly outlining the nature and specifics of the trafficking allegations, detailed statements from key individuals involved, and crucial corroborative evidence uncovered during the inquiry. Despite its brevity, the clarity and precision of IO Jahidul Islam's report significantly strengthened the prosecution's position, providing a solid foundation upon which compelling legal arguments were constructed and ultimately leading to a successful prosecution.

**4. Witness Testimonies:** During the trial, the prosecution presented testimony from five witnesses. Among them, four were relatives of the victim, and one was the Investigating Officer (IO). Although all prosecution witnesses provided corroborating testimonies, no neutral or independent witnesses were available. Given that the incident occurred in a village setting, the IO could have potentially strengthened the case by including additional neutral witnesses from the local community. Nonetheless, due to the absence of the accused during the trial, the defense neither offered counterarguments nor conducted cross-examinations, leaving the prosecution's testimonies entirely unchallenged. This absence significantly reinforced the prosecution's position, as the tribunal accepted the consistent, unopposed testimonies as credible evidence supporting the allegations.

**5. Judgment and Conviction:** After meticulous consideration of all evidence and testimonies presented, the tribunal delivered its judgment in absentia, convicting the accused, Kalpana Akter, of human trafficking. The court placed significant reliance on the consistent and uncontested testimonies provided by the prosecution witnesses (P.W-1 to P.W-4), as well as the testimony of the victim and the Investigating Officer (P.W-5). Due to the accused's continued absence and failure to appear in court, no cross-examinations or examinations under Section 342 of the Code of Criminal Procedure were conducted, thus leaving the prosecution's evidence intact and unchallenged.

The tribunal noted explicitly that Kalpana Akter had absconded subsequent to obtaining bail and remained absconding throughout the trial period until the delivery of judgment, thereby demonstrating deliberate evasion of judicial proceedings. Such conduct is indicative of a guilty mind and directly corroborates the prosecution's evidence against her. In this regard, the Honorable High Court Division of the Supreme Court of Bangladesh, in the landmark case of **Abdul Hai Molla vs. The State** (17 MLR, page 151), interpreted Section 8 of the Evidence Act, 1872, observing: *"Willful abscondence of an accused lends support to the direct evidence of eyewitnesses connecting the accused with the crime."*

Given the established jurisprudence, coupled with the compelling and consistent testimonies from witnesses, the tribunal conclusively determined beyond reasonable doubt that the victim was abducted through inducement by Kalpana Akter with the intention of trafficking.

Consequently, the tribunal adjudged Kalpana Akter guilty and sentenced her under the prevailing legal provisions governing human trafficking offenses.

## **ROLE OF THE STAKEHOLDERS**

**Role of Public Prosecutor:** During the trial, the prosecution presented five witnesses to establish the charges against the accused. Although the defense conducted cross-examinations, the accused remained absconding and, as a result, could not be examined under Section 342 of the Code of Criminal Procedure.

During the hearing, the learned Special Public Prosecutor (P.P.) for the state argued that the accused, fearing conviction, absconded after securing bail, demonstrating a guilty conscience. In support of this assertion,

the Honorable High Court Division of the Supreme Court of Bangladesh, in *Al-Amin vs. The State* made the following observation: "*Long abscondence and non-submission to the process of the court speaks volumes against the accused person and clearly suggests their involvement in the crime. Abscondence of the accused persons furnishes corroboration of the prosecution case and evidence.*" (51 DLR, High Court Division, page 154)

The prosecution, led by the learned Public Prosecutor with the assistance of the JCBD legal team, meticulously presented evidence that clearly established both the occurrence of the offense and the direct involvement of the accused. The testimonies of all five prosecution witnesses were consistent, credible, and mutually corroborative, with no material contradictions or discrepancies observed throughout the proceedings.

Taken together, the unshaken witness testimonies, the absence of a defense examination under Section 342, and the willful abscondence of the accused serve to reinforce the strength of the prosecution's case. Accordingly, the allegations brought forward in the petition stand legally sound and credible, having been proven beyond reasonable doubt. The prosecution has successfully established the culpability of the accused in the commission of the offense.

**Role of Investigation Officer:** Md. Jahidul Islam, the investigating officer, conducted a thorough investigation into the case while serving as a Sub-Inspector (SI) at Kadamtali Police Station. He was assigned to handle this case upon direct instruction from the Officer-in-Charge (OC). After taking charge, he promptly interrogated the arrested accused, Kalpana Akhter, and presented her before the court. He also facilitated the victim Rabina's appearance before the Magistrate Court, where her detailed statement was officially recorded under Section 164 of the Criminal Procedure Code (CrPC).

As part of his investigative duties, SI Jahidul Islam visited and carefully examined the crime scene, preparing a detailed sketch map and an accompanying index to clarify the circumstances of the incident. He further verified the identity and residential details of the accused, conducted comprehensive interviews with relevant witnesses, and documented their statements under Section 161 of the CrPC. His meticulous investigation, supported by consistent witness testimonies, firmly substantiated the allegations against Kalpana Akhter.

Based on these findings and solid evidence, he submitted a formal charge sheet (No. 04, dated 06/01/2020) to Kadamtali Police Station, charging the accused under Section 10 of the Prevention and Suppression of Human Trafficking Act, 2012. His diligent efforts significantly strengthened the prosecution's case and laid a robust foundation for securing justice for the victim.

**Role of Complaint and Victim:** The victim's family, particularly her mother, Rina Akhter, placed great trust in the justice system, even as the case initially stalled without noticeable progress. Determined to seek justice, they reached out to JCBD, whose involvement was pivotal in moving the case forward effectively. From the outset, the complainant acted decisively at the scene of the incident, firmly refusing any compromise with the accused. With steadfast courage, the victim, Rubina, provided clear and truthful testimony in court, supported throughout by precise and accurate information from the complainant. Together, mother and daughter fought diligently against the crime of human trafficking.

JCBD played an instrumental role during this challenging journey, offering comprehensive assistance every step of the way. This support included financial aid for travel expenses, regular updates regarding court schedules and progress, facilitating connections with the Public Prosecutor, and preparing the victim and her family for effective courtroom testimony. Furthermore, recognizing the need for physical and emotional healing, JCBD extended vital medical assistance to Rubina. Reflecting on her experience, Rubina shared, "*JCBD has helped me tremendously, providing essential financial support, assisting with my medical needs, and empowering me by arranging training opportunities. Their support has significantly aided my journey to recovery.*" Her mother, Rina Akhter, further emphasized the crucial assistance provided by JCBD, "*We are very poor, and my daughter was fraudulently trafficked by the accused. JCBD stood by us throughout the entire legal process, providing unwavering support. They guided us through complexities of the court system, delivered crucial financial aid, and consistently informed us about our case. It is because of the dedication and support from JCBD officials that we have achieved justice.*"

**Role of the Tribunal:** Upon thorough scrutiny of witness testimonies, the First Information Report (FIR), the submitted charge sheet, and related case documentation, the Tribunal observes that the accused, Kalpana Akhter, deliberately cultivated a close relationship with the complainant's family, frequently visiting their home and referring to the complainant's husband as her "religious father" ("Dhormo Baba") as her expression of emotion. This established bond significantly enabled the accused to gain trust within the family, thereby facilitating her subsequent actions.

Taking advantage of this trust, the accused deceitfully abducted the complainant's daughter, Rabina, clearly with the intention of trafficking. Although the accused initially denied her involvement when confronted, evidence revealed that the victim was swiftly rescued by her family with assistance from the accused's relatives, confirming the accuracy of the allegations.

The Tribunal also notes that the complainant initially sought a resolution through local mediation, demonstrating genuine efforts to settle the matter amicably. However, given the accused's persistent threat, formal legal action became necessary.

The prosecution effectively presented five credible witnesses, namely, the complainant (P.W.01), victim Rabina (P.W.02), Rabina's father (P.W.03), her sister (P.W.04), and Investigating Officer Md. Jahidul Islam (P.W.05) whose testimonies consistently corroborated each other, creating a coherent narrative establishing the accused's guilt beyond reasonable doubt.

Having meticulously evaluated the presented evidence, witness statements, and investigation findings, the Tribunal concludes that the prosecution successfully established the culpability of the accused. Accordingly, the Tribunal affirms its commitment to ensuring justice, accountability, and the integrity of the judicial process in addressing the grave crime of human trafficking.

**External JCBD:** After the initial filing of the case, JCBD assumed a pivotal role in managing and streamlining the prosecution process. They diligently maintained regular communication with all relevant parties involved, ensuring transparency through timely updates regarding ongoing efforts in the human trafficking prosecution.

A key challenge encountered during prosecution involved locating crucial witnesses, particularly SI Md. Faruk Ahmad, who had been transferred to another police station during the trial. Recognizing this challenge, JCBD field-level teams actively engaged in extensive outreach, locating witnesses and effectively convincing them to participate in the trial. This proactive engagement significantly facilitated the collection of testimonies and strengthened the overall prosecution.

The accused in this case, Kalpana Akhter, was identified as a habitual and organized offender. Although locating witnesses was manageable during the initial rescue stage, significant difficulties emerged later during the court proceedings. Nonetheless, JCBD's relentless commitment ensured all witnesses remained engaged and cooperative, fortifying the prosecution's foundation.

The victim, Rabina Akter, faced immense hardships as a survivor who endured serious health challenges. Coming from a family struggling with profound economic difficulties, Rabina and her family required holistic and sustained support. Recognizing these vulnerabilities, JCBD intervened decisively, providing critical medical care and comprehensive financial assistance throughout Rabina's recovery process. After successfully supporting her immediate medical and financial needs, JCBD further ensured Rabina's long-term empowerment by referring her to a specialized Handicraft Training Program under the Aftercare program initiated by the themselves, facilitating her path toward economic independence and self-sufficiency.

JCBD's holistic coordination efforts substantially streamlined the prosecution. They meticulously managed case proceedings, enhanced witness participation, safeguarded the victim's interests, and systematically advocated for the application of robust legal precedents. Before JCBD's involvement, procedural delays had generated significant distress for both the victim's and accused's families. However, JCBD's professional guidance resulted in organized hearings, structured prosecution strategies, and timely legal progress, ultimately ensuring that justice was not only achieved but also delivered efficiently and compassionately.

## FACTORS CONTRIBUTING TO THE SUCCESS OF THE CASE

Several critical factors contributed to the successful prosecution and subsequent conviction of Kalpana Akter. These included the absence of the accused during the trial proceedings, as well as the strategic legal assistance extended by JCBD. Collectively, these elements facilitated an efficient trial process and significantly strengthened the prosecution's position, ultimately leading to a favorable judicial outcome.

**Unchallenged Testimonies Strengthened the Case:** One of the most significant contributors to the prosecution's success was the absence of the accused, Kalpana Akter, throughout the trial. Her failure to appear in court meant that the witness testimonies remained unchallenged, as there was no defense representation to conduct cross-examinations or introduce counterarguments. This ensured that the victim's account and supporting witness statements stood unopposed, making it easier for the tribunal to accept them as factual.

**A Manageable Number of Witnesses:** Unlike many other cases where an excessive number of witnesses can lead to inconsistencies, delays, and logistical challenges, this case benefited from a concise and focused witness list. Out of nine potential witnesses, only five testified, ensuring that the case remained streamlined and free from contradictions or discrepancies. The limited number of witnesses also made it easier for the prosecution to present a cohesive and undisputed narrative to the tribunal.

**Thorough and Flawless Investigation:** The success of the case may be primarily attributed to the diligent and methodical investigation conducted by Investigating Officer Md. Jahidul Islam. In contrast to many human trafficking cases that are often compromised by procedural lapses, evidentiary deficiencies, or inconsistencies, this investigation was conducted with notable precision and adherence to legal standards. Contributing factors included the proper preservation and documentation of material evidence, the consistency of witness statements, the absence of contradictions in investigative findings, and the timely submission of the investigation report. Although concise, the report effectively articulated the essential elements of the case, thereby strengthening the evidentiary foundation necessary for securing a conviction.

**A Well-Organized Case Docket:** The case was notably strengthened by the presence of a well-organized and comprehensive case docket, which facilitated the systematic compilation and presentation of all pertinent legal documents, witness statements, investigation reports, and other evidentiary materials before the Tribunal. A meticulously prepared case docket is fundamental to the effective administration of justice, as it minimizes procedural delays and ensures that all relevant documentation is readily available to both the prosecution and the court, thereby supporting the efficient progression of the trial.

**JCBD's Impact on the Trial Process:** Prior to the intervention of JCBD, both the victim's and the accused's families expressed growing frustration stemming from the absence of substantive progress in the legal proceedings. However, following JCBD's engagement, their structured legal support and coordinated efforts introduced much-needed procedural clarity and momentum to the trial, thereby facilitating the advancement of the case toward resolution.

## KEY CONTRIBUTIONS OF JCBD

JCBD played a pivotal and multifaceted role in securing justice for the victim, Rabina Akter, and ensuring the successful prosecution of the accused. Their comprehensive involvement addressed legal, emotional, medical, economic, and rehabilitative needs, ultimately contributing significantly to the positive outcome of the case.

**Emotional and Mental Preparation for the Victim:** Recognizing the importance of clear and consistent testimony, JCBD provided Rabina with essential emotional and psychological support. Their careful preparation reduced anxiety, prevented contradictions, and ensured that Rabina could confidently and effectively present her testimony during the trial.

**Enhancing Collaboration Between Investigators and Prosecutors:** JCBD served as a vital link between law enforcement officers, investigators, and the prosecution team, bridging communication gaps and aligning their efforts. This collaboration ensured that investigative findings were clearly understood, seamlessly integrated into court proceedings, and effectively leveraged to strengthen the prosecution's arguments.

**Supporting the Prosecution Team:** Throughout the trial, JCBD carefully monitored proceedings to ensure adherence to established legal and ethical standards. Their vigilant oversight proactively prevented procedural irregularities that could have weakened or compromised the prosecution's position. Additionally, JCBD provided continuous legal, financial, and moral support to Rabina's family, ensuring they were well-informed, equipped, and empowered to navigate the complexities of the judicial system. Moreover, JCBD strategically coordinated the interactions among victims, witnesses, investigators, and legal representatives. They developed and executed a robust, legally sound prosecution strategy. Through careful witness coordination, including locating and convincing key witnesses, they enhanced witness reliability, ensured their safety, and significantly reinforced the prosecution's case.

**Provision of Medical Support and Rehabilitation Services:** Understanding Rabina's physical trauma and psychological distress, JCBD provided sustained medical care throughout her recovery journey. Their medical support was instrumental not only in Rabina's physical rehabilitation but also in restoring her emotional well-being and confidence, which proved crucial during her court appearances.

**Access to Financial Aid and Promotion of Economic Resilience:** JCBD recognized and addressed Rabina's family's economic hardship, providing critical financial assistance. This immediate support alleviated significant stress, stabilized the family economically during the challenging period of litigation, and laid a solid foundation for their long-term financial resilience.

**Sustainable Reintegration through Vocational Handicraft Training:** To ensure Rabina's lasting empowerment and successful reintegration into society, JCBD connected her with a specialized aftercare program, providing vocational handicraft training. This initiative enabled Rabina to develop practical, income-generating skills, supporting her transition toward independence, economic self-reliance, and social dignity.

In summary, JCBD's holistic and dedicated efforts ensured a comprehensive response to Rabina's needs throughout the trial process and beyond. Their impactful interventions strengthened the prosecution's effectiveness, promoted justice, and significantly enhanced Rabina's long-term recovery and empowerment.

## **LESSONS LEARNED**

This case highlighted several critical lessons, emphasizing the importance of timely action and thorough investigation. First and foremost, taking immediate steps such as promptly filing a complaint ensures that the matter is officially documented from the outset. Delays in initiating legal proceedings can lead to the gradual destruction of key evidence, ultimately weakening the case. Therefore, informing the relevant authorities as soon as possible is essential to facilitate a proper investigation and safeguard crucial evidence. Another key takeaway is the necessity of a more detailed investigation. While the evidence in this case was preserved, and witness testimonies were corroborated, the absence of an independent witness remains a significant gap. Given that the entire village refused to come forward, the Investigating Officer (IO) must be more cautious in identifying at least one independent witness. This is particularly important as the case proceeds to appeal, where additional witness testimony could further strengthen the prosecution's arguments. Additionally, financial hardship poses a significant challenge in such cases. Victim families, often struggling with economic difficulties, are susceptible to external pressures and may be forced into out-of-court settlements. This underscores the need for systemic support to ensure that financial constraints do not hinder justice. By learning from these experiences, it is clear that swift legal action, meticulous investigation, and financial protection for victims are crucial in building a strong and sustainable case.

## CASE STUDY 4: ANTI HUMAN TRAFFICKING OFFENCE TRIBUNAL, RAJSHAHI (HTC - 13/20)

### CASE BACKGROUND

It was a quiet evening on May 8, 2018, when Mr. Touhid Noor, an engineering graduate, received a phone call from an unknown number. On the other end of the line was a woman, her voice filled with urgency and distress. She introduced herself as a student of Rajshahi University and pleaded for his help. Driven by his sense of duty and compassion, he rushed to the location she provided, unaware that he was walking straight into a trap.

The moment he arrived, he was surrounded by a group of individuals who held him hostage. They attempted to force him into immoral activities and demanded a sum of 30,000 BDT. When he refused, they assaulted him, breaking his glasses in the process. He was terrified, caught in a nightmare he never anticipated. Unbeknownst to him, the house he had entered was a brothel operated by two women, Mosammat Mahmuda Khatun Laki and Mosammat Sultana, who had rented the place from one Harun. Their modus operandi involved luring unsuspecting men through deceptive phone calls and coercing them into illicit activities.

Months passed, and on August 5, 2018, at approximately 7:20 PM, the police stationed at Meherchandi Koruitola were conducting a special operation for narcotics recovery and warrant execution when they received confidential information about a distress call near the residence of Md. Harun in Chhotobangram Purbo Para Chowdhury Bari, under Chandrima Police Station. The officers wasted no time, informing their superiors before proceeding to the location. Upon their arrival at 7:40 PM, they heard desperate cries emanating from within the house.

Breaking in, they found another victim—a man who had been invited under the pretense of purchasing a sari. He, too, had fallen into the same web of deception and, realizing the true nature of the place, had begun shouting for help. The police immediately intervened, and during their investigation, they discovered that Mosammat Mahmuda Khatun Laki and Mosammat Sultana were enticing men into immoral acts using suggestive language and gestures. A key witness, Md. Rubel Hossain, confirmed that the arrested women had openly admitted to running a brothel from the rented house, tricking men into their trap through seductive phone calls and deceitful invitations.

Recognizing the severity of the crime, the police arrested the two women under Sections 12(1)/13 of the Prevention and Suppression of Human Trafficking Act, 2012. After consulting their higher authorities, they filed the case and took the necessary legal action against the accused. The case was soon referred to the Human Trafficking Prevention Tribunal, Rajshahi, where justice would be sought.

The prosecution of this case, however, was far from straightforward. The plaintiff in this case was the police, and the victim, Touhid Noor, was hesitant to cooperate. Being a young man, he felt embarrassed and uneasy about the ordeal he had endured. His reluctance to be involved in the legal proceedings posed a significant challenge. It took nearly six months to convince him to testify.

JCBD was appointed as the victim's lawyer with his consent through the submission of a wakalatnama. Understanding the victim's hesitations, JCBD took a patient and compassionate approach. They meticulously explained every aspect of the legal process to him, ensuring that he understood the importance of his testimony and the role he played in seeking justice. Slowly but surely, the victim began to trust the process. Despite his demanding job, he finally agreed to cooperate, standing up against the injustice he had suffered.

With JCBD's intervention, the case gained momentum. The victim's presence was secured, the trial was conducted, and justice was pursued relentlessly. The court listened to the harrowing accounts, the witness testimonies, and the evidence presented. Finally, after months of dedication and persistence, the case reached a successful conclusion. The accused were convicted, ensuring that their deceitful and heinous actions would not go unpunished.

This case stood as a testament to the resilience of justice, the power of persistence, and the courage of a victim who, despite his fears, chose to fight back with the unwavering support of those who believed in his right to justice.

## CASE FLOW

**1. Case Filing and Initial Cognizance:** The case originated with a First Information Report (FIR) filed by Police Officer Mr. Md. Abdullah Al Mamun. Following the filing of the FIR, the Magistrate Court took cognizance of the matter. Given the gravity of the allegations, the court transferred the case to the Anti Human Trafficking Offence Tribunal, which specializes in handling human trafficking cases under the applicable legal framework. This transfer was deemed necessary to ensure a fair and thorough trial under the appropriate jurisdiction.

**2. Trial Proceedings Before the Tribunal:** Once the case was transferred to the Anti Human Trafficking Offence Tribunal, Rajshahi, the tribunal took cognizance and conducted the trial under relevant anti-trafficking laws. The prosecution presented its case, relying on a combination of documentary evidence, witness testimonies, and the investigation report. The trial followed due legal process, allowing both the prosecution and the defense to present their arguments, cross-examine witnesses, and submit evidence in support of their claims.

**3. Investigation and Report Submission:** The investigation was led by Investigating Officer SI Masud Rana, who submitted the charge sheet (No. 73, dated August 30, 2018) after gathering testimonies and collecting circumstantial evidence. The investigation report meticulously reflected all the relevant findings, ensuring that the prosecution had a strong basis to prove the charges. The report played a crucial role in corroborating the facts of the case and linking the accused to the alleged offenses.

**4. Witness Testimonies:** The charge sheet included statements from 11 witnesses, among whom six were police officials and four were local residents. During the trial, the prosecution called a total of ten witnesses, all of whom testified before the tribunal.

A key witness in the case was the victim, Mr. Touhid Noor, whose testimony provided direct evidence of the crime. The majority of the witnesses were police officials, as they were responsible for conducting the rescue operation that saved the victim. Their testimonies were critical in establishing the circumstances of the crime and the role of the accused.

Among the local witnesses, one was found hostile, and the prosecution declined to rely on his statement. However, the remaining independent witnesses, the victim, and the police officials provided consistent testimonies, corroborating each other's accounts. This consistency in witness statements strengthened the prosecution's case, leaving little room for doubt.

**5. Judgment and Conviction:** After considering all the evidence and testimonies presented, the tribunal concluded that the accused had deceived the victim and lured him to a specific location under pretenses. This act falls under Section 3 of the Prevention and Suppression of Human Trafficking Act, 2012.

The evidence clearly established that the accused rented a house from one Harun and misused the premises as a brothel for illegal activities. They fraudulently brought the victim to the house, demanded money from him, and physically assaulted him. The prosecution successfully demonstrated these facts beyond a reasonable doubt, leading to the conviction of the accused.

## ROLE OF THE STAKEHOLDERS

**Police Intervention and Case Initiation:** During a special operation for narcotics recovery and warrant execution, police at Meherchandi Koruitola received a distress call about a possible trafficking incident near Md. Harun's residence in Chhotobangram Purbo Para. Acting swiftly, officers arrived at the location and heard cries for help from inside the house. Upon entry, they found a man who had been lured under pretenses and realized he had fallen into a trap.

Further investigation revealed that Mosammat Mahmuda Khatun Laki (35) and Mosammat Sultana (28) were running a brothel from a rented house, using deceptive tactics to entice and extort victims. Witnesses confirmed their involvement in human trafficking. Recognizing the severity of the crime, police arrested

the accused under Section 12(1)/13 of the Human Trafficking Suppression and Prevention Act, 2012, filed a formal case, and took necessary legal action.

**Role of Public Prosecutor:** Special Public Prosecutor (PP) Md. Shafiqul Islam, who played a pivotal role in presenting the prosecution's case, examining witnesses, and aligning arguments with legal provisions. His expertise ensured that the case was argued effectively, leading to a successful conviction of the accused.

A total of ten prosecution witnesses appeared before the court, and their testimonies provided a consistent and credible account of the accused's involvement in the crime. The victim, Mr. Touhid Noor, an engineering graduate from RUET, had initially hesitated to testify due to personal and professional concerns. However, through the intervention of JCBD, who was appointed as his legal representative, he was convinced of the necessity of his cooperation in the legal proceedings. After six months of persistent efforts, the victim agreed to testify, which played a crucial role in strengthening the prosecution's case.

During the closing arguments, the defense counsel attempted to challenge the prosecution's case by highlighting procedural gaps, specifically that the police had neither recorded the unknown mobile number in the case documents nor seized the victim's broken glasses as evidence. While these technicalities were acknowledged, they did not undermine the core strength of the prosecution's case, as the victim's direct testimony, corroborated by multiple witnesses, was sufficient to establish the accused's guilt beyond a reasonable doubt.

The prosecution successfully demonstrated that the accused had orchestrated the crime with the intent of extortion and illegal confinement, falling under Section 3 of the Human Trafficking Suppression and Prevention Act, 2012. Additionally, it was proven that the accused, Mosammat Mahmuda Khatun Laki and Mosammat Sultana, had rented a house from one Md. Harun and were operating it as a brothel. Their modus operandi involved luring men through deceptive phone calls and coercing them into immoral activities, a pattern of criminal behavior further evidenced by existing cases against two of the accused, Manik and Sultana.

Considering the overwhelming testimonies, circumstantial evidence, and consistency of witness statements, the court ruled that the prosecution had successfully proven the charges beyond a reasonable doubt. As a result, the accused were found guilty and deemed legally deserving of punishment.

The successful conviction was made possible through the collective efforts of the prosecution, law enforcement, and JCBD's legal guidance. Special PP Md. Shafiqul Islam's strategic legal arguments and precise witness examination ensured that justice was served, reinforcing the legal system's commitment to combating human trafficking and illegal confinement cases in Bangladesh.

**Role of Investigation Officer:** Investigation Officer SI Masud Rana submitted the charge sheet (No. 73, dated August 30, 2018) after gathering testimonies and circumstantial evidence. The investigation report meticulously reflected all the relevant findings, ensuring that the prosecution had a strong basis to prove the charges. The report played a crucial role in corroborating the facts of the case and linking the accused to the alleged offenses. The investigation got assistance from JCBD.

**Role of Complaint and Victim:** The case was filed by police officer Md. Abdullah Al Mamun, who acted as the complainant, and the victim, Mr. Touhid Noor, an engineering graduate, was identified during the investigation. The case originated from a police raid targeting narcotics and illegal activities, during which the victim was discovered in distress after being lured to the location under false pretenses. Responding to the situation, the police team promptly intervened and rescued him. Following the incident, the police filed an FIR (First Information Report) to initiate legal proceedings.

Despite being the primary victim, Mr. Touhid Noor was initially hesitant to cooperate due to the sensitive nature of the case and concerns regarding his personal and professional life. As a young man with a stable career, he felt uneasy participating in legal procedures and actively avoided involvement in the case. One of the biggest challenges faced by the prosecution was locating the victim and convincing him to testify, as he was reluctant to engage in the legal process.

**Role of the Tribunal:** The Human Trafficking Prevention Tribunal, Rajshahi, meticulously adhering to due legal process, conducted a thorough examination of all evidence, testimonies, and legal arguments

presented during the trial. Throughout the proceedings, the Tribunal found no inconsistencies or discrepancies in the prosecution's case or in the statements of the witnesses. The prosecution, JCBD, effectively presented a credible and compelling case, ensuring that the charges against the accused were substantiated beyond a reasonable doubt. The testimonies of the victim and other witnesses remained consistent and unchallenged, leaving no legal basis to disbelieve the allegations.

In delivering its final judgment, the Tribunal referenced three established case precedents, reinforcing the legality and soundness of its decision-making process. It unequivocally determined that the accused, Md. Manik and Mosammat Sultana Rozina had deliberately deceived and victimized individuals by operating a brothel and engaging in human trafficking activities. These actions clearly violated Sections 12(1) and 13 of the Prevention and Suppression of Human Trafficking Act, 2012. The Tribunal also noted that among the three initially accused, one individual had passed away before the trial commenced, leading to the case proceeding against the remaining two.

Considering the severity of the offenses, the pattern of similar criminal activities previously recorded against the accused, and the comprehensive evidence presented, the Tribunal found the defendants legally deserving of punishment. Accordingly, it convicted Md. Manik and Mosammat Sultana Rozina, sentencing them as follows:

- Under Section 12(1): Rigorous imprisonment for 5 years and a fine of BDT 20,000 each.
- Under Section 13: Rigorous imprisonment for 3 years and an additional fine of BDT 20,000 each.

The Tribunal further ruled that failure to pay the imposed fines would result in an additional imprisonment of six months.

This rigorous and fair judgment, backed by strong prosecutorial efforts, strategic advocacy, credible victim testimonies, and legal precedents, underscores the Bangladesh judiciary's firm commitment to combating human trafficking. The case serves as a significant step towards enforcing the Prevention and Suppression of Human Trafficking Act, 2012, ensuring justice for victims and reinforcing the legal consequences for such grave offenses.

**External JCBD:** In this case, the Honorable Judge referred the matter to JCBD, recognizing the need for dedicated legal representation for the victim. Since the plaintiff was the police, JCBD was appointed as the victim's legal counsel with his consent, formalized through a Wakalatnama (legal authorization).

One of the biggest challenges in this case was securing the victim's cooperation. As a young engineering graduate with a professional career, the victim, Mr. Touhid Noor, felt uneasy about being involved in the legal process due to the sensitive nature of the case. Initially, he was reluctant to participate, avoided legal proceedings, and hesitated to testify. Finding the victim and convincing him to cooperate became a critical hurdle for the prosecution.

Understanding the importance of his testimony, the JCBD legal team worked tirelessly over six months to explain every aspect of the case, reassure him of his legal rights, and ensure he understood the judicial procedures. Through persistent efforts, JCBD successfully gained his trust, leading to his full cooperation in the case.

Beyond assisting the victim, JCBD played a crucial role in supporting the prosecution, coordinating efforts between law enforcement and witnesses. The team ensured that all key witnesses appeared before the court, contributing to a strong and well-substantiated case. A total of ten witnesses presented their testimonies, each reinforcing the prosecution's arguments and strengthening the case against the accused.

Through JCBD's intervention, the case was successfully prosecuted, leading to the conviction of the accused under the Prevention and Suppression of Human Trafficking Act, 2012. The team's dedicated legal support, collaboration with the police, and commitment to ensuring witness participation played a decisive role in achieving justice.

## **FACTORS CONTRIBUTING TO THE SUCCESS OF THE CASE**

Several critical elements contributed to the effective prosecution and subsequent conviction of the accused. These included, among others, the consistent presence of key parties during trial proceedings and the

strategic legal assistance facilitated by JCBD. Collectively, these factors ensured procedural efficiency and significantly strengthened the prosecution's position, ultimately leading to a favorable judicial outcome.

**Independent Witness Testimony Strengthened Evidence:** A key factor that reinforced the prosecution's case was the testimony of an independent witness who corroborated the victim's account. Unlike testimonies from the complainant or victim, which might be perceived as biased, an independent witness lends credibility to the case by providing an unbiased perspective. This testimony established a strong chain of evidence, supporting the prosecution's claims and reinforcing the argument that trafficking had indeed occurred as described by the victim.

**Robust Witness Support:** Out of ten potential witnesses, all of them testified, ensuring that the case remained streamlined and free from contradictions or discrepancies. The limited number of witnesses also made it easier for the prosecution to present a cohesive and undisputed narrative to the tribunal.

**Thorough and Flawless Investigation:** The success of the case was largely attributed to the thorough and well-executed investigation led by the Investigating Officer. Unlike many trafficking cases that suffer from procedural errors, overlooked evidence, or inconsistencies, this investigation was meticulous and free from loopholes. Key factors that contributed to its success included the proper documentation of evidence, consistent witness statements, an absence of contradictions in the findings, and the timely submission of the report. Although the investigation report was brief, it effectively highlighted the critical facts necessary to secure a conviction.

**Well-Organized Case Docket:** The case benefited from a well-structured case docket, which ensured that all legal documents, witness statements, investigation reports, and other crucial materials were properly compiled and presented before the court. A strong case docket serves as the backbone of any trial, preventing unnecessary delays and ensuring that all necessary documentation is readily accessible to the prosecution and the tribunal.

**JCBD's Impact on the Trial Process:** Prior to JCBD's intervention, the victim was reluctant to testify due to concerns over social stigma and potential disruptions to his daily life. However, following JCBD's involvement, the victim gained increased confidence in the legal process. Their support provided essential structure and reassurance, ultimately contributing to the victim's willingness to participate and to the overall progress of the trial proceedings.

## JCBD'S SPECIFIC CONTRIBUTIONS

**Emotional and Mental Preparation for the Victim:** JCBD facilitated the victim's mental and emotional preparedness to provide testimony before the court, thereby minimizing the risk of inconsistencies or hesitation during examination and contributing to the overall coherence and reliability of the prosecution's case.

**Motivated the Victim:** The victim, being a young person currently employed, was initially reluctant to appear before the court due to concerns and inconvenience. However, JCBD explained all aspects of the legal proceedings and emphasized how non-appearance could negatively affect him. After JCBD's intervention and detailed guidance, the victim was convinced and eventually appeared before the court.

**Enhancing Collaboration Between Investigators and Prosecutors:** JCBD helped bridge communication gaps between law enforcement officers and the prosecution team, ensuring that the investigation findings were effectively utilized during the trial.

**Supporting the Prosecution Team:** JCBD provided extensive support to the prosecutorial process by furnishing critical information related to the victim, organizing relevant case documentation, compiling key incident details, and assisting in the drafting of case narratives and other essential legal documents. This ensured that the prosecution team had well-structured and reliable material to present in court.

## LESSON LEARNED

This case highlighted several key takeaways for improving future legal proceedings in similar human trafficking cases. The importance of immediate evidence collection became evident, as delays in securing critical evidence—such as phone records and physical exhibits—resulted in certain procedural weaknesses

that the defense attempted to exploit. Witness protection also emerged as a crucial factor, as ensuring the safety and confidence of witnesses could significantly enhance the consistency and reliability of their testimonies. Additionally, effective coordination among key stakeholders, including law enforcement, prosecutors, and the judiciary, proved essential in strengthening case outcomes. Enhanced collaboration between these entities can lead to more efficient investigations, stronger legal arguments, and improved success rates.

## ANNEX: KEY INFORMANT INTERVIEW (KII) SUMMARY OF STAKEHOLDER PERSPECTIVES ON JCBD'S ROLE IN HUMAN TRAFFICKING PROSECUTIONS

Justice and Care Bangladesh (JCBD) has played a pivotal role in enhancing the prosecution of human trafficking cases through its Human Trafficking Prosecution Project. Operating as an external facilitator within the judicial process, JCBD has provided structured legal and administrative assistance to Anti-Human Trafficking Offence (AHTO) Tribunals and relevant justice sector stakeholders. This includes direct engagement with Special Public Prosecutors (SPPs) to strengthen case presentation, facilitate effective victim and witness coordination, and improve overall case management.

JCBD's intervention extends beyond litigation support to include systemic capacity-building. The organization has delivered tailored training and workshops for public prosecutors, investigation officers, law enforcement officials, and legal aid committees. In collaboration with the Ministry of Home Affairs, JCBD also contributed to the development of two national tools central to human trafficking prosecutions: the Human Trafficking Crime and Victim Identification Guideline and the Guideline on Mutual Legal Assistance in Criminal Matters. Furthermore, JCBD has supported AHTO Tribunals with logistical and infrastructural enhancements—such as IT equipment, victim-friendly courtroom facilities, in-camera trial provisions, and an online coordination platform for law enforcement and judicial officials.

The project currently operates in 11 districts, including Dhaka, Jessore, Khulna, Rajshahi, and Jhenaidah. To evaluate the nature and impact of JCBD's support, this study engaged with 4 judges, 5 public prosecutors, 2 officials from the Ministry of Home Affairs, 1 government solicitor, 1 Anti-Corruption Commission representative, 3 senior law enforcement officials, and 2 investigation officers through key informant interviews (KIIs). These discussions focused on the effectiveness of JCBD's interventions, post-intervention improvements, ongoing challenges, and recommendations for strengthening prosecutorial outcomes.

To ensure a comparative perspective, KIIs were also conducted with 3 judges and 2 public prosecutors from Chittagong and Cox's Bazar—areas not covered by JCBD's intervention and designated as control districts. Additionally, 4 JCBD officials were interviewed to trace the project's progression from baseline to endline, reflect on the operational challenges and mitigation strategies, and share lessons learned and success stories emerging from the intervention.

This study offers a comprehensive assessment of JCBD's prosecutorial support model, drawing on both treatment and control area perspectives, to understand its contributions toward advancing justice for survivors of human trafficking.

### EFFECTIVENESS OF JCBD'S SUPPORT IN STRENGTHENING THE PROSECUTION PROCESS

JCBD has contributed significantly to enhancing the efficiency and integrity of the human trafficking prosecution process through a multifaceted support framework. These interventions have included facilitating the rescue and repatriation of victims, introducing digital case record-keeping systems, and enabling digital evidence documentation to ensure procedural transparency and evidentiary integrity.

JCBD has also played a critical role in improving witness participation through consistent follow-up, legal counseling, and logistical facilitation. Addressing economic hardship a key barrier to victim participation, JCBD provided travel allowances, financial assistance, and access to victim-friendly spaces within court premises to ensure a supportive and secure environment during proceedings.

Further, JCBD's deployment of dedicated legal case facilitators has strengthened case management by bridging communication between victims, prosecutors, and law enforcement. Their ongoing engagement has contributed to the timely production of evidence and coordinated litigation strategies. The organization also facilitated dialogue sessions and capacity-building workshops for key justice sector actors, including judges, prosecutors, and law enforcement officers, thereby enhancing institutional awareness and legal preparedness in human trafficking cases.

**Rescue and Repatriation of the Victim:** The rescue and repatriation of victims constitute a foundational step in securing justice in human trafficking cases, whether the trafficking occurs domestically or transnationally. JCBD has played an instrumental role in facilitating timely victim recovery and repatriation, thereby

strengthening the prosecutorial framework from the outset of legal proceedings. Judicial stakeholders have acknowledged this contribution. A Judge from the AHTO Tribunal in Khulna noted, *“Justice & Care has played a crucial role in helping us manage the complexities of human trafficking cases. From the very start, they are involved in every step of the process, beginning with the rescue of victims. They don't stop there; they continue to offer support throughout the entire legal journey, ensuring that each case is given the attention and care it needs.”* Similarly, law enforcement officials have highlighted JCBD’s operational collaboration. One Investigating Officer recounted, *“The victim, rescued by the Talash Team, shared that Justice and Care facilitated the communication bridge, provided critical information about the accused, and assisted in the arrest of accused No. 1, Mr. Jabangir, in Narsingdi.”* Moreover, JCBD’s coordination with the MOHA has been pivotal in expediting cross-border repatriation. An MOHA official remarked, *“Justice and Care collaborates with us extensively on repatriation matters and provides significant support in other critical areas.”* Through these coordinated efforts spanning government agencies, law enforcement, and judicial actors, JCBD’s role in victim rescue and repatriation has proven essential to initiating and sustaining effective prosecution of trafficking cases.

**Support During the Investigation:** JCBD has made significant contributions to strengthening the investigative phase of human trafficking cases through strategic collaboration with law enforcement agencies. Their assistance has included the provision of standardized legal document templates and on-site, real-time investigative support, ensuring that victim communication is maintained throughout the process. This comprehensive engagement has facilitated improved coordination among investigating officers, prosecutors, and victims, thereby enhancing the overall prosecutorial outcome. One Investigating Officer noted, *“JCBD’s role in supporting human trafficking prosecutions has been significant, especially in its collaboration with the police during investigations and the filing of cases. They have contributed by providing formats for legal documents and offering real-time support at the scene, ensuring continuous communication with victims.”* The officer further added, *“The involvement of Justice and Care has been central to these investigations, with about 70% of cases linked to this organization.”*

In cases involving transnational elements, JCBD has also played a vital role in facilitating cross-border cooperation. As highlighted by another officer, *“Justice and Care supported the case's legal framework, leading to its filing at Kamrangirchar Thana and coordinated with Indian police to gather information, which I documented in the case docket.”* These efforts underscore JCBD’s instrumental role in bridging investigative and prosecutorial processes, particularly in complex and transboundary trafficking cases, and ensuring that investigations are thorough, victim-centered, and legally sound.

In the control area, lack of this support in the investigation sometimes lead to end up with insufficient ground or gaps in the investigation report lead to discharge of the accused. A Tribunal Judge from Cox’s Bazar AHTO shared, *“In many instances, accused individuals are discharged at the initial stages due to insufficient grounds or gaps in the investigation.”*

**Support to the Digital Case Recording:** JCBD has also played a strategic role in modernizing judicial processes through the facilitation of digital case management systems within the AHTO Tribunals. As part of its support, JCBD provided essential IT equipment such as CPUs, multiple monitors, and scanners to aid in the digitization of case files and ensure timely and organized access to legal documents by all relevant stakeholders. These efforts were complemented by JCBD’s advocacy for the use of the *Judiciary Bangladesh Center of Judicial Services* platform developed by the Ministry of Law, Justice and Parliamentary Affairs, which aims to streamline judicial administration and enhance transparency.

Judicial and prosecutorial stakeholders across several districts expressed strong support for this digitalization initiative. A Judge from the Rajshahi AHTO Tribunal noted, *“The digitalization initiative is an excellent approach to enhancing the efficiency and transparency of case adjudication. Introducing systems like e-judiciary platforms, where case data, hearing dates, and current statuses are accessible online, can significantly benefit justice seekers.”*

The judge further emphasized, *“Digitalization not only improves case tracking and reduces manual errors but also minimizes opportunities for dishonesty by making all information publicly accessible.”* Similarly, Special Public Prosecutors (SPPs) echoed this sentiment. An SPP from Rajshahi observed, *“Digitalizing the court system and implementing E-Judiciary is highly effective for managing cases. It streamlines processes, reduces paperwork, and enhances accessibility to justice.”* A Judge from the Khulna AHTO Tribunal highlighted the operational impact of the digital tools provided by JCBD, stating, *“JCBD’s support in digitizing case records has streamlined our workflow considerably.”* An SPP from Jessore also remarked, *“Justice and Care representatives are consistently present to assist with digital tools and equipment.”* The SPP from Dhaka added, *“JCBD’s logistical support in digitalization is commendable. If this continues, it will greatly benefit the judiciary in the future.”*

However, despite the overwhelmingly positive reception, some stakeholders also identified limitations. For instance, the AHTO Tribunal Judge from Jhenaidah noted, *“I think that it won't help much. Because practically people, especially the victims of human trafficking, are not advancing in digitalization.”* This observation underscores the need for complementary digital literacy initiatives, particularly for vulnerable populations, to ensure the full realization of the benefits of judicial digitalization.

**Support to Digital Evidence Recording:** *The Prevention and Suppression of Human Trafficking Act, 2012* (PSHTA) and its Rules, 2017 explicitly recognize the admissibility of digital evidence in human trafficking trials. According to Section 30 of the PSHTA, any evidence recorded through audio-visual instruments or electronic communication shall be admissible in court, subject to the satisfaction of the Tribunal overseeing the case.<sup>73</sup> This provision allows the use of digital evidence such as videos, audio recordings, and electronic communications as valid proof in human trafficking prosecutions. Furthermore, Section 22(2) of the Act permits witnesses to be examined through electronic means for the interest of a speedy trial of the offences under this Act or for the security of any victim or witness.<sup>74</sup> The Act emphasizes that the admission of such evidence must ensure that the defense has the opportunity to properly cross-examine witnesses, safeguarding the fairness of the trial.<sup>75</sup> The admissibility of digital evidence under the PSHTA aligns with broader legal frameworks in Bangladesh, including the *Evidence Act, 1872* (as amended), which provides detailed criteria for the authentication and certification of digital records (Section 65B).<sup>76</sup>

In this context, JCBD has played a significant role in operationalizing these legal provisions by equipping tribunals with the necessary infrastructure and logistical support to facilitate the digital presentation and recording of evidence. Their contribution has enhanced the capacity of the AHTO Tribunals to admit and record evidence through digital platforms, thereby promoting procedural efficiency and reducing logistical barriers to justice.

Judges and prosecutors alike have acknowledged the value of JCBD's interventions in this domain. One Tribunal Judge in Rajshahi shared an illustrative example: *“One notable case involved obtaining a witness statement from an individual residing in the Robingya Camp in Ramu, Cox's Bazar, through a digital platform. This case marked a historic moment in Bangladesh as it was the first instance where a tribunal accepted evidence gathered using a digital device. Justice and Care played a crucial role in supporting this innovative approach. Their dedication to facilitating the use of technology in legal proceedings ensured the successful implementation of this initiative, which ultimately proved to be a highly fruitful step towards enhancing the judicial process in complex human trafficking cases.”*

Similarly, an SPP from the same tribunal stated, *“In a landmark case, a prosecution witness, the victim's father was located in Ukhiya, Cox's Bazar. Through Justice and Care's facilitation, his statement was recorded digitally via Zoom, making it the first instance of remote testimony in Bangladesh's judicial history. This reflects JCBD's innovative and solution-oriented approach in human trafficking cases.”*

Judges and prosecutors from Dhaka and Khulna echoed these sentiments. A Judge from AHTO Tribunal Dhaka shared, *“The equipment provided by JCBD to facilitate the digital evidence recording was very effective, and we use it when we need it.”* Another SPP from AHTO Tribunal Khulna emphasized the efficiency gained through the digital examination of key witnesses through the equipment JCBD has provided to the Tribunal. He shared, *“The integration of digital equipment in human trafficking tribunals has significantly improved case proceedings. Digital tools enable witnesses, such as investigation officers, doctors, and magistrates, to testify remotely without being physically present in court. This is especially important in criminal cases where these three categories of witnesses play critical roles. These digital platforms ensure efficient testimony recording, reduce delays, and improve the transparency of proceedings. Additionally, witness records are securely stored and easily accessible, minimizing logistical challenges.”* Finally, an SPP from AHTO Tribunal Dhaka remarked on the legal and logistical support provided by JCBD, *“Digital evidence has been accepted in previous judgments, such as the one given by preceding Judge Mr. Hannan. Section 30 also contains a provision related to digital evidence admissibility. JCBD has been instrumental in providing both logistical and academic support in this area.”*

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<sup>73</sup> Ministry of Law, Justice and Parliamentary Affairs, Bangladesh. (n.d.-c). *The Prevention and Suppression of Human Trafficking Act, 2012*. <http://bdlaws.minlaw.gov.bd/act-1086/section-41736.html>

<sup>74</sup> Ministry of Law, Justice and Parliamentary Affairs, Bangladesh. (n.d.-c). *The Prevention and Suppression of Human Trafficking Act, 2012*. <http://bdlaws.minlaw.gov.bd/act-1086/section-41728.html>

<sup>75</sup> Manir, M. S. (2020). *The prevention and suppression of human trafficking act, 2012: An overview*. Mohammad Shishir Manir. <https://shishirmanir.com/review/law/the-prevention-and-suppression-of-human-trafficking-act-2012-an-overview>

<sup>76</sup> Ministry of Law, Justice and Parliamentary Affairs, Bangladesh. (n.d.-c). *The Evidence Act, 1872*. <http://bdlaws.minlaw.gov.bd/act-24/section-51389.html>

**Establishment of Victim-Friendly Space:** JCBD has made a substantial contribution to enhancing the victim- and witness-centered approach in human trafficking prosecutions through the establishment of victim-friendly spaces within the AHTO Tribunals in Dhaka and Khulna. These dedicated spaces are designed to provide a secure, dignified, and psychologically supportive environment for victims, complainants, and witnesses, thereby improving their engagement and participation in judicial proceedings. A Judge from the Khulna AHTO Tribunal highlighted the direct impact of these facilities, stating, *“The establishment of victim-friendly spaces has significantly improved the prosecution process. These spaces provide a safe and supportive environment for victims to share their experiences, which encourages them to testify. Victims report feeling more comfortable and secure, which directly influences the quality and reliability of their testimonies, thereby enhancing the overall effectiveness of the judicial process.”* A Judge from the Dhaka AHTO Tribunal acknowledged this effort and highlighted that GOB has also taken initiative regarding victim friendly space and built a victim friendly space in the court premises. Moreover, judges and special public prosecutors from other jurisdictions emphasized the broader potential of such spaces in promoting consistent witness participation, particularly for those traveling from remote or underserved areas. A judge from Jhenaidah AHTO Tribunal shared, *“Initiatives like establishment of a victim friendly space is necessary and humanistic. Victims and witnesses come from long distance and there are lot of children and breast-feeding babies out there and it is needed for breast-feeding for mother especially. If JCBD can do it, then it will be a positive initiative and great service to people.”* By facilitating comfort, safety, and emotional support, these spaces have proven instrumental in encouraging testimony and improving the overall quality of evidence presented, thereby contributing meaningfully to the success of human trafficking prosecutions.

**Legal Case Facilitator Ensuring Effective Case Management:** JCBD introduced Legal Case Facilitators (LCFs) to support the AHTO Tribunals by streamlining prosecution-related processes and improving coordination between the judiciary and other stakeholders. These facilitators play a pivotal role in case management by ensuring logistical support, assisting with documentation, and securing the attendance of witnesses, thereby enhancing the overall efficiency and integrity of trial proceedings.

Judges and SPPs across various tribunals have acknowledged the significant contributions of the LCFs. A Judge from the Rajshahi AHTO Tribunal stated, *“Mr. Alameen was appointed as the case facilitator for facilitating tribunal cases. Known for his responsibility and dedication, he performed his duties diligently, assisting the court with unwavering commitment and professionalism.”* Another Judge from Jhenaidah highlighted the LCF’s direct role in ensuring witness participation: *“In some cases, the witness comes with the help of advocate of JCBD and he helped to bring witness into the court and ensured that the witness didn’t return without testifying.”* Similarly, a Judge from the Dhaka AHTO Tribunal noted, *“Some NGOs are working here to help the prosecution but what makes JCBD remarkable is the dedicated LCF. Their LCF stays in the court premises to support the prosecution dedicatedly and whenever we need any assistance from them, I found Mr. Shibab (JCBD’s LCF) standby here.”* Prosecutors echoed these views, particularly emphasizing the LCFs’ role in procedural coordination. An SPP from the Rajshahi AHTO Tribunal commented, *“In addition to witness coordination, Mr. Alameen regularly consults with the tribunal judge to provide effective assistance to the court. He actively supports witness presentation, aids in documentation, and contributes to the overall efficiency of the prosecution services.”* Another SPP further endorsed the initiative, stating, *“The Penal Lawyer/Legal Case Facilitator’s activities are effective. The process is being carried out correctly and has been very helpful.”* Overall, the deployment of LCFs by JCBD has significantly strengthened courtroom management and contributed to expediting human trafficking trials, ensuring both procedural integrity and access to justice for victims.

**Dialogue and Training Sessions:** JCBD has significantly contributed to strengthening the prosecution of human trafficking cases by organizing structured training sessions and workshops aimed at enhancing the capacities of judges, public prosecutors, and investigation officers. These capacity-building initiatives have been widely acknowledged by judicial and law enforcement stakeholders as instrumental in improving the understanding and application of the legal framework governing human trafficking.

A Judge from the Dhaka AHTO Tribunal remarked, *“The training session arranged by JCBD seems effective. They should carry it out further,”* reflecting the judiciary’s positive reception of such initiatives. SPPs echoed similar sentiments, emphasizing the practical benefits of these trainings. An SPP from the Rajshahi AHTO Tribunal stated, *“There have been significant developments in the prosecution of human trafficking cases, largely due to the training sessions provided by JCBD. These sessions have introduced various books and guidelines that have been instrumental in enhancing the prosecution process.”* He further elaborated that the training improved the precision and efficiency of charge framing and case management by deepening participants’ understanding of the Human Trafficking Act and related legal instruments, stating, *“These sessions have offered valuable insights into the accurate application of relevant provisions under the Human Trafficking Act, enabling cases to be filed with greater precision and efficiency. Consequently, the case management process*

*has become more organized, fostering the development of effective strategies for handling such cases.*” An SPP from Jhenaidah also affirmed the value of these initiatives, while another from the Khulna AHTO Tribunal noted, *“These programs clarified several previously unclear areas through interactive discussions. Overall, the sessions were extremely helpful in improving our ability to adjudicate human trafficking cases effectively.”* Similarly, an SPP from the Dhaka AHTO Tribunal stated, *“Their training programs have been incredibly helpful, equipping legal professionals with the skills needed to handle these complex cases more efficiently.”*

Investigation officers and senior law enforcement officials also reported substantive benefits from the training. One investigation officer shared, *“The sessions significantly improved our understanding of the law’s nuances and enabled them to apply it more effectively in their cases.”* A senior officer from the Criminal Investigation Department (CID) recalled attending a two-day session during his tenure at the Trafficking in Human Beings (THB) Unit, stating that the training featured experts from international and national agencies, including the U.S. Embassy and the Inter-Agency Coordination Group against Trafficking in Persons (ICAT). He shared, *“The training underscored the unique nature of human trafficking cases, which require specialized care, tools, and evidence, distinct from conventional criminal cases such as assault or homicide. The training provided invaluable knowledge and tools to better handle the complexities of human trafficking cases and improve the overall prosecution process.”* Additionally, an official from the MOHA acknowledged that JCBD’s training initiatives were conducted in collaboration with the Ministry and had formal government endorsement. He confirmed, *“In terms of prosecution, they deliver specialized training to various branches of the Bangladesh Police, including the CID, across multiple districts.”* These capacity-building efforts by JCBD have not only increased the technical proficiency of justice sector actors but have also fostered a more coordinated, informed, and victim-sensitive approach to prosecuting human trafficking offences.

## OUTCOMES FROM JCBD INTERVENTION

**Increased witness participation:** Witness participation remains a cornerstone of successful prosecutions in human trafficking cases in Bangladesh. However, systemic and socio-economic barriers frequently hinder witness attendance, which, in turn, impedes the effective delivery of justice. Reluctance to appear in court is a recurring challenge observed across jurisdictions, primarily driven by fear, financial constraints, and procedural burdens. Against this backdrop, the intervention of JCBD has been pivotal in facilitating witness participation. Through logistical, financial, and administrative support, JCBD has alleviated many of the barriers that hinder witness attendance. The same official from the Solicitor Wing acknowledged JCBD’s contribution, *“The support provided by JCBD in bringing witnesses to court significantly bolsters the prosecution, as witnesses play a pivotal role in the resolution of criminal cases.”* Judges and prosecutors from various tribunals similarly attested to the effectiveness of JCBD’s assistance. One Judge from the Jhenaidah AHTO Tribunal shared, *“We get help from JCBD to bring witnesses in the court, for which helps to quicken the disposal of cases. It is seen that, especially for old cases, the witness didn’t come. I have observed that the assigned advocate helps a lot in this matter and witnesses. Again, it helps with quick disposal of cases. I am very happy and grateful at the same time for the initiative of JCBD, which is really appreciable in the sense of humanity.”* Another Judge from Khulna AHTO Tribunal shared, *“The administrative support from JCBD has greatly assisted prosecutors in managing human trafficking cases. This support includes logistical assistance for bringing witnesses to court and providing resources for case management.”* An SPP from AHTO Tribunal Dhaka shared, *“JCBD offers support by providing financial assistance for travel, improving legal awareness, and facilitating witness protection to ensure their safety. With additional resources and support, JCBD helps overcome the barriers, so that witnesses and complainants can participate more consistently and improving the chances of successful prosecutions.”* These testimonies affirm that JCBD’s multifaceted support particularly in securing witness attendance has had a tangible impact on strengthening the prosecution process and advancing access to justice for victims of human trafficking.

In contrast, tribunals in the control areas face significant challenges in securing convictions in human trafficking cases, primarily due to limited witness participation. A Judge from the Cox’s Bazar AHTO Tribunal noted, *“Witnesses, including investigating officers who serve as formal witnesses, often fail to appear before the court. This absence of critical testimony, coupled with incomplete evidentiary submissions, frequently leads to acquittals under Section 265C of the Code of Criminal Procedure.”* Similar issues were observed in the Chittagong AHTO Tribunal. A Special Public Prosecutor (SPP) reported, *“Approximately 65–70% of witnesses who appear in tribunal proceedings are law enforcement personnel, as civilian witnesses are often unavailable. Many civilian witnesses—typically from economically disadvantaged backgrounds—relocate for employment, making them difficult to trace. Moreover, their limited understanding of the prosecutorial process and a general reluctance to testify further impedes the effective adjudication of cases.”*

**Increased conviction rate:** The intervention of JCBD has demonstrably contributed to a notable rise in conviction rates in human trafficking prosecutions. Through sustained efforts to improve victim and witness participation, enhance coordination between stakeholders, and provide logistical and legal support, JCBD has strengthened the evidentiary foundation necessary for successful prosecutions. A Judge from the Dhaka AHTO Tribunal recognized this impact, stating, *“JCBD brings witnesses to the court, which helps the court to ensure more convictions during the disposal of cases.”* Similarly, a Judge from the Rajshahi AHTO Tribunal underscored the transformation observed in case outcomes following JCBD's involvement, *“Before the intervention of Justice and Care, the conviction rate in human trafficking cases was alarmingly low, primarily due to the absence of witnesses and a lack of cooperation from involved parties. However, since their active involvement and support, there has been a significant improvement in both witness attendance and case outcomes. The conviction rate in the Rajshahi Tribunal has seen a marked increase, and justice seekers are now more confident and motivated to contest their cases in court rather than opting for out-of-court settlements.”* This sentiment was echoed by a SPP from the Khulna AHTO Tribunal, who stated, *“In the past, the conviction rate in our courts was almost negligible, close to 0.0%. However, with the intervention of various NGOs, including Justice and Care, significant progress has been made.”* These testimonies reflect a broader consensus among key judicial stakeholders that JCBD's strategic legal support and logistical assistance have played a pivotal role in elevating the standard of human trafficking prosecutions, resulting in increased conviction rates and fostering greater public confidence in the justice system.

## **STRENGTHENED LEGAL AND INVESTIGATIVE FRAMEWORK FOR HUMAN TRAFFICKING PROSECUTIONS THROUGH THE DEVELOPMENT AND DISSEMINATION OF NATIONAL GUIDELINES**

JCBD has made substantial contributions to the legal architecture underpinning the prosecution of human trafficking offences, particularly through the development of two critical national instruments: the Victim and Crime Identification Guideline and the Guideline on Mutual Legal Assistance in Criminal Matters. Both documents have been formally endorsed by the MoHA, thereby establishing their relevance and utility within the prosecutorial and investigative framework. An official from the MoHA acknowledged JCBD's pivotal role, stating, *“Justice and Care has developed key instruments, including the Victim Identification Guideline and the Mutual Legal Assistance Treaty Guideline. These guidelines have been formally endorsed and adopted, representing a collaborative effort between our organization and Justice and Care.”* JCBD has actively disseminated these tools through targeted capacity-building initiatives, including workshops and training sessions for judges, PPs, and IOs. Judges and prosecutors have reported tangible improvements in prosecutorial precision and investigative clarity since the introduction of these tools. A judge from the AHTO Tribunal in Rajshahi shared, *“In the Rajshahi Tribunal, many cases failed to meet the legal threshold required under the human trafficking laws due to poor case identification. These guidelines are instrumental in helping IOs correctly classify offences and collect the requisite evidence, thereby improving the quality of cases brought before the Tribunal.”* Similarly, a Special Public Prosecutor from the same tribunal noted the practical impact, stating, *“Before these guidelines, we relied solely on the Evidence Act, which lacked the necessary scope to address the complexities of human trafficking. The new tools enable a more structured approach to presenting victims and witnesses, especially those located abroad. The guideline on Mutual Legal Assistance has also become an essential reference for prosecutorial coordination in cross-border investigations.”* From an investigative perspective, a senior law enforcement official confirmed the operational value of the Mutual Legal Assistance guideline, stating, *“For the first time, the Criminal Investigation Department (CID) has issued a Mutual Legal Assistance Request (MLR) using this guideline, which marks a significant milestone in international legal cooperation.”* However, several stakeholders also emphasized the need for simplification and structured dissemination of these tools. One senior officer, despite his advanced academic qualifications, remarked on the complexity of the MLA guideline, *“Having three master's degrees, including one in Police Science, I found the guideline complex and challenging to grasp. It is therefore reasonable to assume that IOs might face similar difficulties.”* This view was echoed by another high-ranking law enforcement official, who stressed the importance of extended and tailored training, stating, *“The Victim Identification Guideline is comprehensive and contains numerous analytical tables. Its effective use requires significant manpower and sustained training efforts, particularly in trafficking-related investigations.”*

Conversely, gaps in dissemination were noted in non-intervention areas. A judge from the AHTO Tribunal in Cox's Bazar stated, *“These guidelines, while useful for investigative processes, have not been formally circulated to the judiciary. If they were officially adopted and made binding, they would be available for review and reference during trial proceedings.”* In conclusion, while the tools developed and promoted by JCBD have been lauded for their practical application and contribution to investigative and prosecutorial advancements, further institutionalization and targeted training are necessary to maximize their utility across all relevant stakeholder groups.

## PERSISTENT AND EMERGING CHALLENGES

**Reluctance of the Victim and Witnesses:** One of the critical challenges impeding the effective prosecution of human trafficking cases in the control areas is the persistent reluctance of victims, complainants, and witnesses to participate in court proceedings. This reluctance, as observed by stakeholders, stems primarily from financial hardship, fear of retaliation, and a limited understanding of their role in the judicial process. An official from the Solicitor Wing of the Ministry of Law, Justice and Parliamentary Affairs remarked, *“From my work with law enforcement, it is apparent that many individuals avoid being listed as witnesses due to the considerable challenges they face.”* He further indicate the reasons lying behind the reluctance of the witnesses, *“Police officers have shared that potential witnesses often request to be listed as accused rather than witnesses (as an expression of their reluctance to be listed as witnesses), as being a witness involves numerous difficulties, including frequent visits from police and other entities, loss of income (especially for daily wage laborers), and the inherent risks of testifying against multiple accused parties”.* One Judge from AHTO Tribunal Rajshahi also highlighted the economic hardship as a reason behind the reluctance of the witnesses to be appear on, *“One of the major challenges faced in the Rajshahi area is significant economic hardship.”* Similarly, a Judge from the Cox’s Bazar AHTO Tribunal noted, *“Witnesses often refrain from attending court due to economic constraints and the associated loss of income. Additionally, fear of reprisal contributes significantly to their hesitation in providing testimony.”* The judge further emphasized a fundamental misconception among complainants and witnesses: *“Many believe that their responsibility ends once the case is filed, without realizing that their testimony is central to the prosecution’s ability to secure a conviction.”* The issue is further compounded by the socio-economic vulnerability of many trafficking survivors. Economic hardship frequently incentivizes victims or their families to pursue informal settlements rather than pursue justice through prolonged litigation. A Judge from the Rajshahi AHTO Tribunal commented, *“Victims are often compelled to settle outside court for two primary reasons: to recoup some of the financial losses they suffered and to avoid the prolonged and resource-intensive nature of trial proceedings.”* From the prosecutorial perspective, a Special Public Prosecutor (SPP) in the Cox’s Bazar AHTO Tribunal remarked, *“Despite repeated summons, witnesses frequently abstain from attending court, citing the absence of any tangible benefit or support. For many, the time and cost associated with appearing in court outweigh any perceived obligation to testify.”* A SPP from Jessore AHTO tribunal also highlighted the fear of retaliation among the witnesses, *“Another major issue is the fear that prevents witnesses from attending court. Many witnesses face threats from perpetrators, making them hesitant to testify.”*

**Lack of Victim Friendly Space:** A recurring infrastructural limitation identified across most AHTO Tribunals is the absence of adequate victim-friendly spaces. This deficiency poses a particular hardship for victims, complainants, and witnesses, many of whom travel long distances to attend court proceedings and require a secure and private space for rest and support. This gap disproportionately affects female victims, particularly mothers with infants. As observed by a Judge from the Rajshahi AHTO Tribunal, *“The absence of designated spaces creates practical challenges for victims, especially breastfeeding mothers, who require privacy and a secure area within the court premises during long hours of waiting.”* In addition to physical comfort, the lack of such facilities adversely affects witness preparedness. Victim-friendly spaces can serve as vital environments for legal professionals to engage with and brief witnesses before their testimony. A SPP from Chittagong remarked, *“The lack of appropriate facilities often contributes to witnesses being unprepared or providing incomplete or inconsistent testimony, which can hinder the prosecution.”* This concern was similarly echoed by an SPP from Cox’s Bazar.

**Lack of Awareness Among Law Enforcement Officials:** One of the persistent barriers to the effective prosecution of human trafficking cases lies in the insufficient orientation of law enforcement personnel, particularly Investigation Officers (IOs) with the legal framework governing such offences, including the PSHTA and its accompanying Rules of 2017. This gap has led to frequent misclassification and misidentification of cases, thereby complicating judicial proceedings and impeding the administration of justice. An official from the Solicitor Wing of the Government of Bangladesh noted, *“The challenges in prosecuting human trafficking cases often originate at the very outset, when cases are not accurately framed under the correct legal provisions.”* The issue is compounded in instances involving cross-border or transnational trafficking, where IOs are often inadequately prepared to conduct specialized investigations or secure the requisite evidentiary documentation across jurisdictions. A Judge from the Khulna AHTO Tribunal similarly remarked, *“We continue to face challenges, including a lack of awareness among law enforcement officers about the relevant anti-trafficking legislation and the complexities of transnational investigations. Enhanced and targeted training remains essential for police officers and investigators to effectively handle such cases.”* While some progress has been observed in the intervention areas due to the support provided by JCBD, law enforcement in control areas remains significantly underserved. The absence of institutional and logistical support in these areas adversely affects investigative capacity. A Judge from the Cox’s Bazar AHTO Tribunal emphasized, *“The lack of*

*logistical support for addressing transnational crimes hinders proper investigation. Consequently, investigating officers often delay the submission of reports or submit incomplete documentation.”* This observation was echoed by a senior law enforcement official who, after conducting a training session in Cox’s Bazar, stated, *“Many officers still lack adequate knowledge of human trafficking laws.”*

**Lack of Collaboration between the PP and IO:** Despite the explicit mandate under Rule 10 of the Prevention and Suppression of Human Trafficking Rules, 2017, which requires Investigating Officers (IOs) to obtain the opinion of the Public Prosecutor (PP) before finalizing and submitting the investigation report, this provision is rarely adhered to in practice. An official from the Solicitor Wing observed, *“Rule 10 of the Human Trafficking Act clearly prescribes that consultation with the Public Prosecutor is essential prior to the submission of any report or initiation of legal action. However, this procedural step is frequently overlooked by IOs, possibly due to a perception that prosecutorial input will not materially influence the outcome. This practice undermines the integrity of the legal process, as proactive consultation could significantly enhance the strength of the prosecution’s case. Similar obligations are also reflected in Rule 498A of the Police Regulations, Bengal (PRB), 1943 and provisions of the Legal Remembrancer’s Manual (1960), which reinforce the requirement of prosecutorial oversight in complex criminal matters.”* Additionally, a senior law enforcement officer highlighted that the lack of collaboration is not solely attributable to IOs. In some instances, Public Prosecutors themselves fail to extend the necessary cooperation. The officer stated, *“It has come to my attention that in Jessore, certain Public Prosecutors reportedly demanded BDT 5,000 from Investigating Officers for signing medical examination (ME) reports. This practice imposes an unjust financial burden on IOs, many of whom lack the resources to comply, thereby obstructing procedural efficiency and contributing to investigative delays.”* These findings underscore a systemic breakdown in prosecutorial-investigative coordination, which adversely affects the quality and efficacy of human trafficking prosecutions. Addressing this challenge through reinforced accountability mechanisms and joint training initiatives is essential to improving prosecutorial outcomes and ensuring procedural compliance with statutory requirements.

**Lack of Awareness Regarding Documentation:** One of the recurring challenges observed in the prosecution of human trafficking cases is the inadequate documentation by IOs, particularly concerning cross-border communications, financial records, and contact information of victims and witnesses. These deficiencies significantly impair the prosecution’s ability to present a coherent and substantiated case. In several instances, IOs failed to properly record their engagement with foreign authorities, including interactions conducted via informal means such as phone calls or messaging applications (e.g., WhatsApp). Such communications, if not formally documented, lack evidentiary value and compromise the integrity of transnational elements of the investigation. A Special Public Prosecutor (SPP) from the Rajshahi Anti-Human Trafficking Offence (AHTO) Tribunal emphasized the importance of formal documentation, stating, *“If the IO communicates with foreign authorities or the victim via phone or WhatsApp, ensuring proper documentation is vital. Additionally, in cases where financial transactions are a central component of the crime, such as payments made by victims to traffickers for employment abroad, bank records or written agreements can be crucial in strengthening the prosecution’s case.”* Moreover, the failure to document and preserve financial evidence—such as transaction records, payment receipts, or remittance slips—has been repeatedly identified as a critical gap in investigations. In human trafficking cases involving deceptive recruitment or forced labor abroad, financial documentation is often essential in establishing the exploitative intent and material benefit elements of the offence under the Prevention and Suppression of Human Trafficking Act, 2012. In addition to evidentiary gaps, IOs have also been found to inadequately collect or retain the personal identification and contact information of victims and witnesses. This hinders ongoing communication and severely limits the prosecution’s ability to secure reliable testimony. An SPP from the Jessore AHTO Tribunal highlighted, *“One of the biggest challenges we face in human trafficking cases is communication. From the moment a case is filed, it is essential to collect victims’ contact information, including their phone numbers, addresses, and identification documents (NID, birth certificates, etc.). This enables timely follow-up and effective coordination throughout the legal process.”*

**Transfer of Trained Officials:** The frequent transfer of prosecutors and law enforcement officers who have received specialized training in human trafficking prosecution poses a significant challenge to the continuity and effectiveness of the judicial process. When trained officials are reassigned, the institutional knowledge and prosecutorial consistency necessary for handling complex human trafficking cases are often disrupted. A SPP from the Khulna AHTO Tribunal underscored the impact of such transfers, stating, *“A recurring issue arises when trained prosecutors are transferred from their assigned tribunals. Such changes disrupt the continuity and effectiveness of case management.”* This lack of continuity can hinder the progress of ongoing cases, particularly when newly appointed officials are not adequately oriented or lack the same level of expertise in trafficking-specific legal frameworks

and victim-sensitive procedures. As a result, the momentum built through capacity-building initiatives may be diminished, undermining the overall efficacy of prosecution efforts.

## STAKEHOLDER RECOMMENDATIONS

**Establishment of Victim Centric Approach:** Stakeholders across the AHTO Tribunals have underscored the need for a more structured victim-centric approach to address two of the most prevalent barriers to successful prosecution: economic hardship and fear of retaliation, both of which contribute significantly to victim withdrawals and witness non-cooperation. A SPP from the Jhenaidah AHTO Tribunal emphasized the importance of consistent psychosocial support, stating, *“A key area for improvement is the consistent and thorough counseling and support for victims and complainants. NGOs and INGOs like JCBD play a crucial role in ensuring that victims are encouraged to pursue their cases and seek justice.”* To address economic barriers, the same SPP recommended the establishment of a dedicated financial assistance fund, in accordance with provisions under the Prevention and Suppression of Human Trafficking Act, 2012. He elaborated, *“There is room for improvement in the Human Trafficking Tribunal system. One suggestion is the establishment of a financial fund to support victims. The existing HT law allows for the creation of such a fund, and given the financial hardships faced by victims, this could be a valuable resource. The fund could be used to provide loans to victims in cases with strong conviction merits, allowing them to pay off debts and reduce their financial burdens. This financial support would encourage victims to continue pursuing their cases.”* Echoing this, an SPP from the Rajshahi AHTO Tribunal stated, *“Moreover, establishing and properly utilizing a fund specifically for human trafficking cases, as mentioned in the relevant legislation, could provide much-needed financial assistance to victims.”* Addressing the issue of witness intimidation and fear of retaliation, a prosecutor from the Jessore AHTO Tribunal recommended greater emphasis on protective measures, stating, *“If Justice and Care could focus on victim and witness protection, including providing them with adequate security, it would encourage them to participate without fear.”*

Similarly, an SPP from the Cox’s Bazar AHTO Tribunal affirmed the importance of NGO support in ensuring witness protection and sustaining prosecutorial momentum, stating, *“In certain cases, security arrangements are made for victims, and they are handed over to the prosecution under protection. However, if NGOs implemented specific measures to support and motivate prosecutors, it could enhance their commitment to pursuing justice.”*

**Establishment of Victim Friendly Center:** To mitigate the logistical and emotional challenges faced by victims and witnesses, particularly those traveling from remote areas and vulnerable groups such as breastfeeding mothers, stakeholders have strongly recommended the establishment of dedicated victim-friendly spaces across all AHTO Tribunals. JCBD has already taken commendable steps in this regard by establishing victim-friendly centers in the Dhaka and Khulna AHTO Tribunals. These centers have been recognized for enhancing the accessibility and dignity of the judicial process by providing a safe and supportive environment for victims and witnesses. Judges in other districts have highlighted the urgent need to replicate this model. A Judge from the Jhenaidah AHTO Tribunal emphasized the humanitarian significance of such facilities, *“This kind of initiative is necessary and humanistic. Clients come from long distances, and many are accompanied by children and breastfeeding infants. The availability of a designated space for breastfeeding is essential. If JCBD can extend this support, it would be a positive initiative and a commendable public service.”* Similarly, a Judge from the Rajshahi AHTO Tribunal affirmed the impact of such infrastructure on the legal process, *“The establishment of victim-friendly spaces is indeed a very welcome and necessary initiative that significantly enhances the prosecution process. These spaces provide a safe and supportive environment for victims, ensuring their comfort and dignity throughout legal proceedings.”* A SPP from Cox’s Bazar AHTO Tribunal also echoed the same, stating, *“Establishing a Victim Support Center at the district level would significantly enhance victim assistance and case handling.”*

**Enhanced Capacity Building Initiatives:** Stakeholders have collectively emphasized the need for expanded and more inclusive capacity-building programs to ensure consistent and effective implementation of anti-trafficking laws across all jurisdictions. A Judge from the Khulna AHTO Tribunal underscored the importance of further institutional collaboration, stating, *“I envision further collaboration with JCBD focusing on enhancing training programs for law enforcement and judicial officers.”* This sentiment was echoed by a senior law enforcement official who stressed the importance of continuous professional development, stating, *“Frequent training for law enforcement officers is essential to keep them updated on emerging practices.”* Stakeholders also highlighted the importance of joint training sessions that foster collaboration across key actors in the prosecution chain. A Judge from the Rajshahi AHTO Tribunal noted, *“Training programs, especially joint sessions involving judges, prosecutors, and investigation officers, are crucial for improving the prosecution process. In past sessions, investigation officers were absent, which limited the overall impact. Such programs would be far more effective if all stakeholders participated actively.”* Building on this recommendation, another senior law enforcement official proposed a more structured approach, *“I propose conducting division-wise training*

sessions on human trafficking crimes, focusing on the Victim Identification Guideline and the Guideline on Mutual Legal Assistance in Criminal Matters. Public Prosecutors (PPs), Assistant Public Prosecutors (APPs), and IOs must all be involved, ideally alongside members of the judiciary, to ensure clarity on the distinction between trafficking and smuggling and to foster inter-agency coordination.” An Investigation Officer emphasized the need for geographic inclusivity and suggested, “While JCBD’s support has been effective, training opportunities should be extended across all districts to ensure equal access. Comprehensive training—covering everything from investigation techniques to courtroom prosecution—is essential for improving the quality and consistency of case handling.”

**Enhancement of the Collaboration Between PP and IO:** Rule 10 of the Prevention and Suppression of Human Trafficking Rules, 2017, expressly mandates that IOs must obtain the opinion of the PP prior to finalizing and submitting the investigation report. Despite its legal imperative, this provision is frequently overlooked in practice, which undermines the quality and prosecutorial readiness of many human trafficking cases. To address this gap, several stakeholders have strongly advocated for enhanced collaboration between IOs and PPs. A SPP from the Jessore AHTO Tribunal recommended targeted interventions, “A structured training program focusing on Rule 10 compliance would be highly effective in bridging this gap.” Emphasizing the critical role of collaboration in securing convictions, an SPP from the Khulna AHTO Tribunal stated, “For successful prosecution and a high conviction rate, investigators must consult public prosecutors at every stage. Public prosecutors bring specialized expertise, ensuring cases are built on solid legal grounds. Following this collaborative approach can lead to an approximately 80% conviction rate. Justice and Care must continue advocacy efforts to emphasize the importance of integrating prosecutors into the investigative process.” He further advocated for joint capacity-building initiatives to institutionalize this practice, stating, “Joint training programs are highly effective in ensuring coordination and collaboration between investigation officers and public prosecutors. These programs provide shared knowledge, align objectives, and clarify procedural responsibilities for both parties.” An SPP from the Rajshahi AHTO Tribunal echoed similar sentiments, noting the effectiveness of JCBD’s training initiatives, “Joint training sessions organized by JCBD have been effective in facilitating coordination between investigating officers, judges, and other stakeholders. These sessions provide a platform for discussion, helping to resolve differences in opinion that may arise during the prosecution process.” He added, “Prosecutors must guide IOs through the investigative process, offering a clear roadmap to success.” A senior law enforcement official reinforced the necessity of institutional collaboration, “I would also emphasize the importance of fostering closer collaboration between Investigation Officers (IOs) and prosecutors, as mandated under Rule 10 of the Human Trafficking Rules. This collaboration is critical for ensuring thorough case preparation and adherence to procedural requirements.”

**Revisiting the Guidelines:** The Human Trafficking Crime and Victim Identification Guideline and the Guideline on Mutual Legal Assistance in Criminal Matters, developed by JCBD, have been formally endorsed by the MoHA and disseminated to relevant stakeholders. While these instruments represent a significant advancement in institutionalizing anti-trafficking responses, their practical implementation has presented certain challenges, as noted by key informants. A senior law enforcement official recommended revisiting specific technical components of the Victim Identification Guideline, particularly the “Act, Means, and Purpose” section, to improve clarity and applicability. Regarding the Guideline on Mutual Legal Assistance in Criminal Matters, the same official suggested, “A simplified and concise Bengali version should be developed to enhance accessibility for Investigation Officers. A shortened format—ideally no more than two pages—would improve comprehension and support effective implementation in field-level investigations.” Further emphasizing the evolving nature of trafficking crimes, particularly in digital spaces, another senior law enforcement officer identified a critical need for cyber capacity development, stating, “While Justice and Care has shown exceptional commitment, enhanced expertise in cybercrime is essential. Increasing resources, manpower, and targeted training in digital forensics, cybersecurity, and online platform monitoring would significantly strengthen JCBD’s capacity to tackle cyber-enabled trafficking operations.” An official from the Anti-Corruption Commission (ACC) also raised an important issue concerning the multilingual applicability of the Mutual Legal Assistance guideline, noting, “Although the guideline is written in English, many countries do not use English as an official language. In practice, this presents difficulties when seeking cooperation from non-English-speaking jurisdictions, as language experts for these countries are not always readily available. Translating the guideline into Bangla and the official languages of the United Nations would make it more accessible and operationally effective.”

**Dissemination of the Guidelines:** Although the Human Trafficking Crime and Victim Identification Guideline and the Guideline on Mutual Legal Assistance in Criminal Matters have been formally endorsed by the Ministry of Home Affairs, stakeholders have observed that these instruments have not been uniformly disseminated across all relevant actors involved in the prosecution of human trafficking cases. A Judge from the Jhenaidah AHTO Tribunal expressed that he had not received a copy of the guideline, but upon being informed of its

contents and purpose, recognized its potential value, stating, *“I haven’t received the document yet. But I believe it would be very useful, particularly for investigation officers, to correctly identify the elements and nature of trafficking offences. It appears to be a well-structured tool that can guide practitioners through the legal process in a systematic manner.”*

**Preparation of a Comprehensive Training Manual:** Stakeholders have strongly recommended the development of a comprehensive training manual tailored for Judges and Public Prosecutors (PPs) involved in the prosecution of human trafficking cases. An official from the Solicitor Wing emphasized the need for such a resource, stating, *“A structured and detailed training manual for Judges and Public Prosecutors should be developed and disseminated as an essential initial step. This would contribute to establishing consistency and uniformity in the application of the Prevention and Suppression of Human Trafficking Act across different jurisdictions.”* The official further suggested incorporating guidance on effective case categorization and classification within the manual, to promote systematic and streamlined case management.

**Appoint Prosecutors Based on Merit:** The current system for appointing Public Prosecutors (PPs) in Bangladesh is often influenced by political considerations, which may hinder the selection of the most competent and experienced candidates. Addressing this systemic issue is essential to strengthening the quality and consistency of prosecutions, particularly in complex cases such as those involving human trafficking. A Special Public Prosecutor from the Jhenaidah AHTO Tribunal emphasized the need for reform, stating, *“One of the critical areas requiring improvement is the method of appointing Public Prosecutors, which is presently susceptible to political influence. For enhanced prosecutorial effectiveness, appointments should be grounded in merit and legal expertise. The views of Tribunal Judges, District Judges, and Chief Judicial Magistrates should be integrated into the selection process to ensure that qualified and capable candidates are entrusted with these responsibilities.”*

**Improvement of Legal Proceeding by Reducing Political Interference:** In Bangladesh, political influence within the criminal justice system is frequently cited as a barrier to effective and impartial prosecution, particularly in complex and sensitive cases such as human trafficking. To address this issue, a Special Public Prosecutor (SPP) from the Jhenaidah AHTO Tribunal recommended the establishment of a permanent and structured prosecution framework. He stated, *“There is an urgent need to institutionalize a permanent and well-structured prosecution system within the courts. Such a framework would promote consistency, insulate prosecutorial decisions from political interference, and enhance the overall quality and professionalism of legal proceedings by ensuring that qualified and experienced prosecutors are retained and engaged on a stable basis.”*

**Logistical Support for the Tribunal:** JCBD has extended commendable logistical support to several AHTO Tribunals, contributing meaningfully to the operational efficiency of these courts. However, stakeholders have emphasized the importance of expanding such support to all existing and newly established tribunals to ensure consistency in service delivery across jurisdictions. An official from the Ministry of Home Affairs noted, *“At present, seven Special Tribunals are operational, with an additional three expected to be established in the near future. While logistical support to these tribunals formally falls within the jurisdiction of the Ministry of Law, Justice, and Parliamentary Affairs, JCBD may consider extending its assistance to the new tribunals, where appropriate, to enhance their functional capacity.”*

**Establishment of a Formal Framework:** JCBD has made significant contributions to the prosecution of human trafficking offences, including its collaboration with the MoHA in developing two national tools and its involvement in the formulation of the National Referral Mechanism project. Recognizing the value and consistency of JCBD’s technical and logistical support, stakeholders have recommended formalizing this partnership through an institutional arrangement. An official from the Ministry of Home Affairs stated, *“It is my recommendation that Justice and Care consider entering into a formal framework—such as a project agreement, structured program, or Memorandum of Understanding (MoU)—similar to those established with other partner organizations. Operating under an official agreement would ensure greater transparency, enhance mutual accountability, and align our shared objectives. Such a formal arrangement would strengthen the collaborative relationship and improve the efficacy of our joint efforts in combating human trafficking.”*

## CONCLUSION

The KIIs highlight Justice and Care Bangladesh’s (JCBD) pivotal role in strengthening human trafficking prosecutions through legal support, victim assistance, capacity building, and policy development. Stakeholders reported improved witness participation, better coordination, and higher conviction rates in intervention areas. However, challenges remain, including weak inter-agency collaboration, limited dissemination of legal tools, and a lack of victim-friendly infrastructure. Stakeholders called for institutionalizing training, expanding partnerships, and addressing systemic gaps.

## ANNEX: SUMMARY OF IN-DEPTH INTERVIEWS WITH VICTIMS AND COMPLAINANTS

Under its Human Trafficking Prosecution Project, Justice and Care Bangladesh (JCBD) has provided critical support to human trafficking victims navigating the prosecution process to ensure justice. In districts such as Dhaka, Jessore, and Khulna, JCBD has played a key role as an external facilitator, strengthening victims' engagement with the legal system.

To assess victims' understanding, confidence, and approach to legal proceedings as well as the challenges they face, 40 victims and complainants were interviewed in-depth. The study also examined mitigation strategies implemented by JCBD and identified further measures needed to enhance the effectiveness of the prosecution process.

To evaluate the impact of JCBD's intervention, 13 victims and complainants from Chittagong and Cox's Bazar - designated as control areas were interviewed using the same structured, in-depth questionnaire. This comparative analysis provides insight into the extent to which JCBD has contributed to strengthening the prosecution process and securing justice for human trafficking victims.

### CONFIDENCE IN THE LEGAL SYSTEM TO SECURE JUSTICE

Victims' confidence in the legal system plays a crucial role in their pursuit of justice and their willingness to engage with the prosecution process. A well-functioning legal system must ensure that victims feel supported, protected, and heard throughout their legal journey. Effective victim-centered approaches, such as clear communication, legal aid, and witness protection programs, significantly enhance trust in the judiciary and encourage victims to testify without fear or intimidation.<sup>77</sup> Moreover, ensuring a trauma-informed legal framework is essential in fostering victim confidence. Legal professionals, particularly prosecutors and law enforcement officers, must recognize the long-term effects of trauma and adapt their engagement strategies accordingly to empower victims in legal proceedings. Strengthening institutional responses through specialized training, victim-friendly courtrooms, and dedicated legal assistance can substantially improve victims' trust in the system and contribute to more effective case resolutions. By addressing these factors, the legal system can reinforce public confidence, enhance victim cooperation, and uphold the principles of justice more effectively.

In the intervention districts where Justice and Care operates, there is a noticeable variation in victims' confidence in the legal system. While nearly all victims who received JCBD's support from the outset of the legal process expressed optimism about securing justice, others highlighted persistent barriers such as corruption, financial constraints, and bureaucratic delays.

Several victims credited Justice and Care for their legal support, which played a crucial role in helping them navigate the judicial process. One victim from Dhaka stated, *"Justice and Care assisted me greatly. It is for them that I was able to get justice in a short time. I am now free from a huge burden."* Another victim in Khulna affirmed that Justice and Care's involvement provided legal leverage, preventing traffickers from coercing settlements: *"The opposition stopped threatening me and offering money to settle because they knew Justice & Care was supporting me."*

However, even in these districts, systemic corruption remains a major concern. Victims reported instances of traffickers bribing lawyers to manipulate court proceedings, making it difficult to sustain cases. One victim from Jessore shared, *"The human traffickers are still carrying out their operations. They are still trafficking people from different places. They buy off all the lawyers whom I choose to represent me in my case. So, I'm continuing this case with the help of the PP appointed by the government and a representative from Justice and Care taking care of the court activities on my behalf."*

Moreover, delays in legal proceedings continue to frustrate victims, with cases dragging on for years. A victim in Khulna remarked, *"The case is now at its witness-calling stage in the Khulna tribunal. Initially, I filed the case in the police station. Justice & Care got involved after the case was filed. They told me to inform them if I needed any assistance. The accused woman made various false accusations against us, prolonging the process."* Another victim from Dhaka emphasized the slow bureaucratic system, stating, *"I don't want anyone else to face this hassle like I did."*

Despite these challenges, victims in the intervention areas showed relatively higher confidence in the legal process compared to those in the control areas. Approximately 85% of respondents expressed confidence in the legal system, affirming their belief that justice will be served and perpetrators will be held accountable under the

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<sup>77</sup> Equal access to justice for all. UNODC. (n.d.). <https://www.unodc.org/unodc/en/justice-and-prison-reform/access-to-justice-for-all.html>

law. This confidence stemmed not from an absence of obstacles but rather from the structured legal support provided by Justice and Care. Through Justice and Care's legal assistance, strategic case management, and advocacy efforts, victims were better informed about their rights, court procedures, and case progress, which empowered them to actively participate in the prosecution process. However, while Justice and Care's intervention has mitigated several barriers, further legal protections and measures against corruption, particularly within the judiciary, are crucial to ensuring consistent and impartial justice.

In contrast, 62% of respondents victims from the control areas (Chittagong and Cox's Bazar) displayed significantly lower confidence in the legal system. Many expressed strong skepticism, citing judicial inefficiencies, corruption, and financial constraints.

A victim from Chittagong bluntly stated, *"I have no confidence in the legal system's ability to deliver justice. I believe justice is only served if money is paid; otherwise, one will not receive fair treatment."* Another victim from Cox's Bazar reinforced this concern, highlighting financial barriers: *"The accused have a lot of money, which influences the judicial process. Due to money, proper justice cannot be obtained."*

Victims also struggled to access structured legal support, leading to prolonged case delays. One victim in Chittagong remarked, *"I've no confidence (not even 1%) in the legal system's ability to deliver justice. However, I believe the legal system in the country is very weak and does not function properly."*

Unlike the intervention areas, where Justice and Care facilitated legal proceedings, provided protection, and deterred coercive settlements, victims in the control areas lacked access to such structured support, making them more vulnerable to intimidation, corruption, and prolonged legal battles. This gap underscores the necessity of expanding structured legal aid programs, improving judicial oversight, and implementing victim-centered reforms to ensure equitable access to justice.

## UNDERSTANDING THE LEGAL PROCESS AND THE IMPORTANCE OF COURT ATTENDANCE

Victims' understanding of the legal process and the critical importance of court attendance are fundamental to ensuring justice and upholding the rule of law. Active participation by victims not only empowers them but also enhances the effectiveness of the criminal justice system. For instance, victim attendance at trial can further the truth-seeking process by allowing victims to assist prosecutors in uncovering false testimony by defense witnesses.<sup>78</sup> Moreover, victims' rights to attend and be heard at proceedings are essential components of their involvement in the justice process.<sup>79</sup>

Victims and complainants in Justice and Care's intervention districts demonstrated a higher level of awareness regarding the legal process and the importance of attending court proceedings. More than 80% of the victims and complainants exhibited a basic (knows they have a role in the case but lacks detailed knowledge of legal procedures) to moderate (has some knowledge of court proceedings and the importance of their testimony) understanding of their role in judicial proceedings, recognizing that their presence in court is essential for reinforcing their claims and strengthening the case against perpetrators. As one participant from Khulna stated, *"I'm aware of the importance of attending court proceedings."*

In contrast, respondents from the control districts exhibited an awareness of the importance of attending court but had a limited understanding of the legal process. Almost 54% of the victims and complainants admitted to being unaware of their role beyond filing a complaint. A prevailing theme was a sense of helplessness due to the lack of legal guidance and institutional support.

Justice and Care played a pivotal role in enhancing victims' legal awareness and participation. The respondents from treatment area who exhibited understanding of the legal process, among them almost 74% acknowledged receiving structured legal guidance, including briefings on procedural steps, case timelines, and their rights as complainants. They also benefited from legal aid, counseling, and preparatory sessions before court appearances, which alleviated their anxieties and bolstered their confidence in testifying. A respondent from Dhaka noted, *"We were notified before the court hearing dates. We appeared before the court twice. Justice & Care helped us with information*

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<sup>78</sup> Beloof, D. E., & Cassell, P. G. (2005). *THE CRIME VICTIM'S RIGHT TO ATTEND THE TRIAL: THE REASCENDANT NATIONAL CONSENSUS*. <https://law.lclark.edu/live/files/9688-lcb93cassellpdf>

<sup>79</sup> Kilpatrick, D. G., Beatty, D., & Howley, S. S. (1998, December). *The Rights of Crime Victims—Does Legal Protection Make a Difference?* <https://www.ojp.gov/pdffiles/173839.pdf>

regarding the court activities.” Another respondent from Jessore shared, “My mother-in-law is the plaintiff in the case. After the victim was rescued, she gave her statement to the magistrate under Section 164 with the assistance of Justice and Care Bangladesh. Sabuli Apa and Monir Bhai helped us a lot. They even bore significant expenses for the rescue efforts.”

Furthermore, logistical support, such as travel allowances, was provided to ensure victims’ court attendance. One participant from Dhaka stated, “My daughter went to court regularly when called, with the travel allowances provided by Justice & Care.”

Despite these advancements, challenges remain. Near about 15% of the victims from treatment area reported delays in proceedings, intimidation from the accused, and financial difficulties that hindered their ability to travel to court. While Justice and Care has addressed many of these barriers, ensuring consistent legal representation and providing additional emotional support remain critical for optimizing victim participation in trials.

Unlike the treatment areas, where structured legal support is available, individuals in the control areas often face considerable difficulty navigating the legal process due to the absence of adequate legal guidance. This lack of support contributes to procedural confusion and may hinder their ability to effectively pursue justice. A respondent from Cox’s Bazar highlighted this gap, stating, “I believe as a complainant, attending court proceedings is important. However, I don’t know how the case will conclude, and I don’t receive timely updates about the case.” The absence of structured legal assistance has contributed to victims’ disengagement from the judicial process, with some withdrawing from their pursuit of justice entirely.

Additionally, respondents frequently cited external challenges such as threats from traffickers, logistical difficulties, and financial hardships as significant deterrents to court attendance. Without targeted interventions, survivors in these areas remain at a severe disadvantage, often unable to navigate the legal system effectively.

## POTENTIAL FOR OUT-OF-COURT CASE SETTLEMENT

Victims of crimes, particularly those involving exploitation or trafficking, often face complex socio-economic and legal challenges that influence their potential for out-of-court settlements. While legal frameworks emphasize prosecution as a means of justice, many victims may opt for settlements due to financial hardship, fear of retaliation, or lack of trust in the legal system. Alternative Dispute Resolution (ADR) mechanisms, including mediation and negotiation, can provide a viable path for victims to obtain compensation and closure while avoiding prolonged legal battles.<sup>80</sup> However, it is crucial that such settlements are conducted under judicial oversight to prevent coercion or unfair agreements that undermine justice.

Additionally, international legal instruments, such as the UN Convention Against Transnational Organized Crime (UNTOC), emphasize the need to safeguard victims’ rights within any settlement process, ensuring that their participation is voluntary and informed. Legal practitioners, including prosecutors and defense attorneys, must ensure that settlements do not compromise victims’ legal entitlements or enable perpetrators to evade accountability. Strengthening victim assistance programs and legal aid can further empower victims to make informed decisions regarding their legal options.<sup>81</sup> By upholding these safeguards, the legal system can balance the efficiency of out-of-court settlements with the fundamental principles of justice and victim protection.

While responses from the control areas reflect a heightened tendency toward informal settlements, with over 80% of respondents indicating a preference for resolving matters outside the formal judicial process, victims in the intervention districts exhibited a more varied stance. In the intervention areas of Jessore, Khulna, and Dhaka, victims demonstrated a mixed approach toward the potential of settling their cases out of court. While there was a clear presence of coercion and attempts at financial settlement, Justice and Care’s interventions appear to have empowered victims to resist such offers and instead prioritize justice through legal means.

Victims in these areas were generally more resistant to out-of-court settlements, with 78% of respondents expressing firm opposition to resolving their cases outside the judicial process. This can be attributed to the supportive role played by Justice and Care, as evidenced by the experience of a respondent from Khulna, who noted “There is no chance to settle this case out of court.” Additionally, in Dhaka, a plaintiff strongly rejected any out-of-court settlement, expressing, “Since I have sought justice in court, the court will make sure that I get justice,” showing that support from organizations like Justice and Care helped victims prioritize the judicial process over informal resolutions. However, exceptions were noted among individuals facing severe financial distress, particularly those

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<sup>80</sup> Alternative dispute resolution in personal injury cases. JBP. (2024). <https://www.jbplegal.com/blog/alternative-dispute-resolution-in-personal-injury-cases/>

<sup>81</sup> Victim assistance and witness protection. UNODC. (n.d.). <https://www.unodc.org/unodc/en/organized-crime/witness-protection.html>

burdened by significant debt. Additionally, in certain cases, the death of the victim influenced the decision to pursue an out-of-court settlement. A respondent from Jessore stated, *"My mother-in-law said since her daughter is not alive anymore, she doesn't want to keep any cases related to her in court. But she will agree to settle the case outside court only with the affiliation of Justice and Care."*

Despite the significant impact of Justice and Care's intervention, some victims still faced attempts to settle cases outside court, particularly involving financial compensation. A respondent from Dhaka shared that the accused had offered compensation to settle the case, stating, *"They contacted me regarding this two or three times."* Despite the monetary offers, the victim maintained a strong position in favor of justice, a sentiment echoed by others who were determined not to let traffickers escape accountability through financial deals. For example, Victim from Jessore refused to settle, saying, *"I want justice to be served,"* even when offered money by the perpetrators.

In the intervention areas, the overarching theme is that victims, when supported by Justice and Care, are more informed, more resolute in their pursuit of legal justice, and generally less inclined to settle cases outside of court, despite the presence of financial offers.

In contrast, victims from the control areas of Chittagong and Cox's Bazar displayed a significantly different perspective on out-of-court settlements. The responses from these districts suggest a higher level of vulnerability to informal settlements, where respondents demonstrate a likelihood of opting for such resolutions. This is likely due to the lack of structured support systems such as those provided by Justice and Care.

Victims in Chittagong, for instance, were more inclined to accept out-of-court settlements, especially if compensation was offered. A plaintiff from Chittagong stated, *"If they returned my rightful amount of 450,000 BDT and my child returned outside of court, I'm willing to settle the case out of court."* Similarly, another respondent from Chittagong expressed a willingness to settle provided the perpetrators offered proper compensation. In his word *"If someone can settle the case outside of court by providing compensation, I will settle the case outside of the court."* This suggests that the absence of a strong support structure or external intervention increases the likelihood of victims being swayed by financial incentives to resolve matters privately rather than through the formal justice system.

Victims from Cox's Bazar, while somewhat more firm, also demonstrated a tendency to consider settlements based on compensation. A respondent noted, *"I'm willing to settle the case outside of court socially,"* while another respondent indicated, *"I'm willing to settle this case outside of court if I can recover the money I lost."* These responses highlight a lack of confidence in the formal justice system, potentially due to the absence of dedicated legal support structures such as those provided by Justice and Care. The need for compensation appears to outweigh the desire for justice in these areas, as victims feel they have limited resources to engage in prolonged legal battles.

Moreover, victims in the control areas also expressed concerns about the inefficiency of local institutions in addressing their cases. A respondent from Cox's Bazar mentioned, *"The local members and chairman sided with the accused and conducted a biased trial,"* which led to a lack of resolution and the eventual filing of a case in court. This highlights the vulnerability of victims in the control areas, where local power dynamics, corruption, and biased trials can drive victims toward seeking unofficial resolutions rather than waiting for justice in the formal legal system.

## EXPERIENCES AND INTERACTIONS WITH SPECIAL PUBLIC PROSECUTORS (SPPS)

Victims' experiences within the prosecution process, particularly their interactions with Special Public Prosecutors (SPPs), are pivotal in shaping their perception of justice and the legal system's efficacy. Effective communication and support from SPPs can significantly influence a victim's willingness to participate in legal proceedings. Prosecutors are encouraged to explain the justice process thoroughly, ensuring victims are informed and know whom to contact for specific issues, thereby fostering a sense of inclusion and understanding.<sup>82</sup> Moreover, adopting a trauma-informed approach is essential; prosecutors must recognize that the impact of trauma extends beyond the initial event, affecting victims' responses and participation throughout the legal

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<sup>82</sup> Talpins, S., & Ellinger, N. (2010, June). Prosecutors working with victim advocate groups. <https://ndaa.org/wp-content/uploads/Prosecutors-Working-With-Victim-Advocate-Groups.pdf>

process.<sup>83</sup> By acknowledging these factors, SPPs can enhance victim cooperation, contribute to more effective prosecutions, and uphold the integrity of the justice system.

The experiences of victims and complainants with SPPs varied significantly between intervention and control districts. In areas where Justice and Care operates, structured legal assistance improved access to legal information and case updates. Approximately 78% of respondents reported positive interactions with public prosecutors, attributing their experience, in part, to the cooperation of JCBD. However, disparities in engagement with SPPs, reports of financial exploitation, and inconsistent courtroom support indicate areas requiring further oversight. In contrast, 77% of victims in control areas faced systemic barriers, including a complete lack of legal assistance, financial exploitation, and procedural uncertainty.

In Jessore, 60% of the respondents reported meaningful engagement with the SPPs, which facilitated their understanding of the legal process. One respondent recounted, *"We got the chance to meet with the PP for three days. On the first day, she gave her 164 statement in court. On the other two days, the PP made her appear before the judge and explain everything."* However, complainants lack direct engagement with the SPP, relying instead on Justice and Care for legal updates - another respondent stated, *"I don't have any contact with the lawyers. I talked with Sraboni apu from Justice & Care, she keeps me informed."* Notably, concerns regarding the commitment of SPPs were also raised: *"The PP is not serious about my case and not being helpful."*

In Khulna, interactions with SPPs were mixed. 48% of the plaintiffs benefited from legal guidance, with one stating, *"The PP helped us during the witnesses' appearances, told us what to say, and provided proper counseling."* However, financial exploitation was a recurring issue, as reported by a victim: *"The PP calls me and asks for money. I have to pay him at least 1 or 2 thousand taka every time."* Others faced procedural hardships, including frequent court appearances and associated financial burdens: *"Every time I had to go to court, I had to pay for various errands. I felt like I was the victim of different harassment in the court."*

In Dhaka, victims benefited from structured legal support, particularly in case management and advocacy. One respondent highlighted how their lawyer's intervention led to expedited case proceedings: *"Our lawyer told us to tell the judge exactly what happened. The lawyer requested the judge to transfer the case to PPI so that my daughter could be rescued quickly."* However, concerns over unethical legal practices persisted, as a victim alleged, *"My lawyer took money from the opposition and did not guide me properly."*

In stark contrast, more than 79% of the victims/complainants in Chittagong and Cox's Bazar reported a complete absence of structured legal assistance. They were forced to navigate the legal system independently or hire private lawyers at their own expense. One respondent from Chittagong stated, *"I didn't receive any assistance from the SCPs. I get all the necessary information through my lawyer."* Another highlighted procedural difficulties: *"I checked by myself when I needed to appear in court and present witnesses. Even I did not receive court notices on time often."*

In Cox's Bazar, the situation was equally dire, with respondents consistently reporting a lack of engagement from SPPs. One victim expressed frustration, *"I hired a lawyer personally, who let me know all the necessary information."* Cases of financial exploitation further compounded these challenges, with one victim revealing, *"The SCPs did not provide any assistance. Instead, they asked me to pay for some expenses."* Meanwhile, external organizations such as the International Organization for Migration (IOM) provided limited financial aid, *"The IOM provided me financial support of 1,000 takas for each court date."*

## SUPPORT AND GUIDANCE IN NAVIGATING THE COURT SYSTEM: SOURCES OF ASSISTANCE AND THEIR IMPACT

In the intervention areas, victims and complainants received substantial legal and procedural support, primarily from Justice & Care, which played a pivotal role in ensuring their continued engagement with the judicial process. This assistance encompassed legal counseling, court accompaniment, financial aid for travel and lodging, and emotional support, all of which contributed to improving victims' confidence in navigating legal proceedings.

A respondent from Jessore described the tangible support provided, stating: *"Justice & Care gave me some money when I had to go to India to rescue Akashi (pseudonym). They helped in preparing my passport and provided 8,000 taka for my travel. They later covered our expenses for court visits. During the pandemic, they also provided essential food supplies. Representatives*

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<sup>83</sup>Werner, E. M. (2021). AVOIDING THE SECOND ASSAULT: A GUIDEBOOK FOR TRAUMA-INFORMED PROSECUTORS. <https://lam.lclark.edu/live/files/32102-lcb252wernerpdf>

*frequently checked on us."* Another victim from Jessore further emphasized Justice & Care's continued engagement, noting: *"Justice & Care notify me before court hearings and provide travel and food allowances."*

Similarly, in Khulna, beneficiaries highlighted procedural and financial support. One respondent stated: *"Representatives from Justice & Care regularly call and inform us about court hearings."* Another added: *"I received 2,500 taka from Justice & Care. Their representatives frequently visit and check on my well-being."* Beyond financial and procedural assistance, emotional support was also a critical component, as expressed by another respondent: *"Justice & Care guided me on legal matters and assisted me financially. They even sent personnel with me to court, ensuring I felt supported and confident."*

In Dhaka, while direct financial support to victims was limited, all necessary expenses related to court proceedings were covered. One respondent shared: *"Jibon bhai from Justice & Care helped a lot. They didn't provide direct financial aid, but they covered accommodation and food expenses during court visits."* Another respondent highlighted additional benefits received: *"When my daughter returned, Justice & Care covered her medical expenses, provided a month's worth of food, and paid for our travel to court while keeping us informed about hearings."*

These accounts underscore the structured and proactive legal aid provided in the intervention areas. Beyond financial and logistical support, Justice & Care's engagement with law enforcement and judicial authorities also facilitated smoother case progressions, ensuring that victims remained actively involved in the legal process.

Conversely, in the control areas where Justice & Care is not operational, victims encountered significant challenges in navigating the court system due to the absence of dedicated legal aid. Many expressed feelings of neglect, confusion, and intimidation, with no structured guidance on how to proceed with their cases. Additionally, the lack of support in victim rescue efforts, delays in legal proceedings, and the absence of financial assistance, such as travel allowances for economically disadvantaged victims, further discouraged them from fully engaging in the judicial process, ultimately hindering their pursuit of justice.

In Chittagong, victims reported that legal support was largely absent, and assistance was often limited to informal advice. One respondent stated: *"My local acquaintances and relatives advised me to file a case in court."* Another noted: *"The police, local leaders, and the NGO YPSA were helpful, but their role was limited to advising me to file a case."* The lack of preparatory and procedural support left victims vulnerable to legal uncertainties, increasing the likelihood of case abandonment.

The situation in Cox's Bazar was similar. Victims had to rely on personal resources to initiate and sustain legal action. A complainant stated: *"I didn't receive any help; I filed the case with the assistance of a lawyer."* Another respondent noted: *"My relatives and the police advised me to file a case in court."* This highlights financial constraints and the absence of structured legal aid, making it difficult for victims to persist with legal proceedings.

## CHALLENGES FACED BY COMPLAINANTS

Both victims in the intervention (treatment) and control areas encountered several systemic obstacles throughout the prosecution process of human trafficking cases. The following challenges were consistently reported by victims and complainants across both areas, highlighting the structural and procedural difficulties inherent in seeking justice for human trafficking cases.

**Reluctance of Law Enforcement:** One of the recurring issues faced by victims in both the intervention (treatment) and control areas was the initial reluctance of law enforcement to take complaints seriously. Complainants from the intervention areas of Jessore, Khulna, and Dhaka highlighted this issue frequently, encountered especially before the involvement of JCBD. A respondent from Dhaka shared, *"Even after filing the complaint, the police officers didn't take the case seriously at first."* A respondent from Dhaka highlighted a delay in dispatching the case file, which compounded law enforcement officials' reluctance to take action in the prosecution process. In his word, *"Initially, they refused to take our case in the jatrabari police station. We caught the perpetrator and requested the police to arrest her, but they refused because there was no case against her in the police station. When we gave them the paper from the court, they informed us that they hadn't received any arrest order from the court regarding the kidnapping case. So they refused to arrest the perpetrator. People suggested us to bribe the police to make the arrest. We went to so many places but nobody was able to help us. As a result, we only faced so much harassment that my husband fell sick."* The victims from the control area also face similar difficulties. In Chittagong, for instance, one victim mentioned, *"I faced significant harassment during the prosecution process and I had to pay money to the police"*, indicating that, without any support system, victims were forced to navigate the legal process under difficult circumstances, often resorting

to bribery or other forms of exploitation to ensure their cases were processed. This significant barriers for victims to pursue justice, leading to further victimization.

**External Pressures and Bribery:** The reluctance of law enforcement officials was often compounded by external pressures, including bribes from perpetrators also. One respondent from Jessore illustrated the obstructive behavior of police in handling human trafficking complaints, *“Initially, the police station refused to take our case. The perpetrators were very wealthy and influential. They bribed the OC with a lot of money probably around 50000 taka (BDT). The OC threw us out of the police station. He said we were trying to frame a false case.”*

**Economic Hardships and Legal Expenses:** The victims from the intervention areas mentioned the financial challenges they faced. A victim from Jessore shared that the cost of pursuing the case was overwhelming: *“Approximately 2.5 lac taka was spent just to go abroad. But I had to spend 3 times that amount while carrying on with the case.”* Justice and Care’s intervention helped mitigate these challenges by providing financial support, such as assisting with travel expenses and legal fees. Similarly near about 3/4<sup>th</sup> of respondents in the control area reported having hired a private attorney due to insufficient support from the SPPs. A respondent from Cox’s Bazar stated, *“I hired a lawyer personally, who let me know all the necessary information.”*

Victims in the control areas faced additional barriers that were less prevalent in the intervention areas, primarily due to the absence of structured support from organizations like Justice and Care.

**Lack of Legal and Institutional Support:** Victims in control areas lacked guidance and institutional backing to navigate the legal system. In Cox’s Bazar, a respondent shared, *“I don’t know how the case will conclude, and I don’t receive timely updates about the case.”* In contrast, Justice and Care provided victims in intervention areas with legal briefings and court preparation, making the prosecution process more navigable. Another victim from Chittagong stated, *“I didn’t face any significant difficulties while navigating through the prosecution process as a complainant in a human trafficking case.”* While this might suggest a smoother process for some, it does not account for the systemic issues or the lack of support that might have been afforded to others, especially those unable to navigate the bureaucratic hurdles on their own.

**Higher Vulnerability to Informal Settlements:** Due to the lack of structured intervention, victims in control areas showed a higher tendency toward out-of-court settlements. Over 80% of respondents from these areas were more likely to consider informal settlements due to financial desperation or the absence of legal assistance.

**Lack of Continued Support Beyond Rescue:** In Cox’s Bazar, one victim noted, *“There were no significant difficulties because the police rescued them from the traffickers.”* However, unlike in the intervention areas, victims here lacked ongoing assistance post-rescue, making it harder to sustain their cases against perpetrators.

Although Justice and Care provided structured support to victims in the intervention areas, they continued to encounter certain distinct challenges that were not fully mitigated by the organization's assistance.

**Delays in the Judicial Process Despite Structured Support:** Despite the organization’s efforts, some gaps remain. Victims still face substantial delays in the court process, with one complainant from Jessore noting, *“The court didn't summon us after that due to the unstable condition of the country. We couldn't keep track as well.”*

**Threats and Intimidation Despite Legal Aid:** There were instances where victims faced life-threatening situations due to the opposition's attempts to intimidate them. Although Justice and Care offered protection by liaising with the police, a victim from Jessore expressed, *“The opposition tried to threaten me in many ways using the police and other people. But they couldn't do any harm to me because I was vigilant. Justice and Care couldn't make sure of my safety but they helped a lot. They talked to the police station about me.”* This indicates that while Justice and Care provided some level of security, the overall safety of victims remained a concern.

However, Justice and Care played a pivotal role in helping victims in the intervention area navigate these challenges. Several victims from the intervention areas shared that the organization’s involvement significantly eased their ordeal. One victim in Jessore remarked, *“When the victim called us from India we contacted JCB for assistance. That was before we went to the police station. Shauli Apa was in charge at that time. They helped us a lot. Initially, there were no difficulties.”* The support provided by Justice and Care included helping victims approach the police, securing legal assistance, and coordinating with courts to ensure the legal process continued. Victims also appreciated the organization’s consistent presence, which helped alleviate some of the pressure from the perpetrators. Another respondent from Jessore stated, *“Since the representatives from Justice and Care were there, I didn't face any problems. Everything went smoothly.”*

## COMPLAINANT AND VICTIM PERSPECTIVES ON IMPROVING THE PROSECUTION PROCESS

The victims and complainants from the intervention districts Jessore, Khulna, and Dhaka showcase a relatively more positive outlook on the role of Justice and Care in supporting human trafficking cases. Many victims acknowledged the assistance received from the organization, particularly in understanding legal procedures, improving communication, and providing general support throughout the prosecution process. Victims highlighted that Justice and Care's efforts in keeping them informed about court dates and other proceedings were a significant step toward addressing one of the major challenges they faced - the lack of communication regarding legal activities. For instance, one victim from Jessore noted, *"It would have been very helpful for us if the lawyers contacted us regularly and notified us about the court activities regarding our case."* Another victim from Khulna expressed similar sentiments: *"The representatives from Justice and Care told me to go to court, but have to take care of my household. That's why I urged them to notify me 1 day ahead so that I can cook food for my family before going to the court."* Another major concern was the security of the victim/complainant. A respondent from Jessore stated, *"Victims like us need protection from the perpetrators."*

This proactive approach by Justice and Care, including notifications about court dates, allowed complainants to better plan for legal procedures. Furthermore, respondents from these districts emphasized the importance of promptness in legal proceedings. A victim from Khulna emphasized, *"Our hardships would have been less if it was a speedy trial."* The repeated calls for quicker legal processes indicate that while victims appreciate the support, they desire faster resolution of cases, particularly given the immense personal and financial toll prolonged trials inflict.

Despite the positive impact, some gaps still remain. Several victims from the intervention areas expressed frustration with police inaction and corruption, which is common across both intervention and control districts. For example, a victim from Jessore lamented *"The police don't listen to the victim's story, they only listen to wealthy people. Justice can be served if the practice of bribery in police stations can be restricted. The police don't act upon the complaint of the victim, they try to make money out of it."* Furthermore, while Justice and Care provided assistance, victims still felt the police were not performing their duties adequately. A respondent from Dhaka mentioned *"I have brought the culprit to the police 5 times, but they refused to make any arrests."* This reflects a systemic issue of law enforcement's reluctance to act on human trafficking cases, which remains a challenge despite the support provided by Justice and Care.

In contrast, the respondents from the control areas, Chittagong and Cox's Bazar, highlighted significant shortcomings in both the legal system and the support they received. The victims from these regions overwhelmingly expressed their dissatisfaction with the legal process, citing a lack of information and delays in court proceedings. Victims repeatedly pointed out that they were often unaware of court dates, which led to difficulties in attending hearings. One victim from Cox's Bazar stated, *"Most of the time I remain unaware of court dates, which makes it difficult to attend on time. It would be helpful if someone informed me."* Another echoed, *"No one informed me about court dates, which makes it difficult for me to attend court on time. It would be helpful if someone informed me."* This lack of communication underscores a significant gap in the support provided to these victims, a gap that could potentially be bridged through an initiative like Justice and Care, which has been active in the intervention districts.

Additionally, there was a recurrent theme in the control areas regarding delays in case resolution. Victims in Chittagong expressed the need for quicker resolutions, with one stating, *"Human trafficking cases should be resolved quickly, and the complainants should be given their rightful dues."* This sentiment was similarly echoed by victims in Cox's Bazar, who also demanded expedited trials. However, unlike the intervention areas, there was little mention of any support organizations similar to Justice and Care that could help alleviate these issues by actively assisting victims through the legal process.

## CONCLUSION

The findings from the in-depth interviews highlight the critical role of Justice and Care Bangladesh (JCBD) in facilitating the prosecution process for human trafficking victims. In intervention areas such as Dhaka, Jessore, and Khulna, JCBD's support has significantly enhanced victims' legal awareness, confidence, and participation in judicial proceedings. Victims in these districts have benefitted from structured legal guidance, logistical assistance, and emotional support, enabling them to navigate the complexities of the legal system more effectively.

In contrast, victims in control areas such as Chittagong and Cox’s Bazar face significant challenges, including limited legal awareness, lack of institutional support, and financial and logistical barriers that hinder their engagement with the justice system. The absence of a structured support mechanism in these areas often results in disengagement from the prosecution process, diminishing the likelihood of securing justice.

These findings underscore the necessity of expanding legal assistance, financial aid, and protection measures for victims in non-intervention areas. Strengthening institutional support and ensuring the consistent presence of legal representation are essential to fostering a victim-centered prosecution process. Moving forward, scaling up interventions like those provided by JCBD could bridge existing gaps and contribute to a more effective and equitable justice system for trafficking survivors.

## ANNEX: REFERENCE FROM THE NARRATIVE HIGHLIGHTING INVESTIGATIVE DEFICIENCIES

Reference in the Narrative (Direct or Implied)	
<b>Investigative Deficiencies</b>	
<b>Inadequate training and resources for investigating officers</b>	<b>Direct:</b> The reviewed cases reveal investigative deficiencies, including delays or omissions in medical examinations and deficiencies in call record and timeline analysis. These shortcomings underscore a lack of specialized training in human trafficking case investigations and highlight existing resource constraints within law enforcement agencies.
<b>Lack of victim-centered investigative approaches</b>	<b>Direct:</b> The review of cases revealed instances where delays in the medical examination of victims significantly diminished the evidentiary value of forensic findings. This lapse not only weakens the prosecution’s case but also underscores a deviation from a victim-centered investigative approach. Moreover, in certain cases, law enforcement exhibited a lack of adequate cooperation with the complainant and/or victim, thereby impeding the effective progression of the investigative and prosecutorial process.. According to the complainant of 478/2020 case, <i>"On the first day, I went to the Shobujbag Police Station to record my GD, but they declined to take my GD. The OC called me to his room to talk to me and refused to accept the GD because the accused was from the Khilgaon Thana. I didn't understand how that was a problem, the culprits can be from anywhere. I'm supposed to complain at the police station near which I live. The OC told me to go to the Khilgaon police station. So I went to the Khilgaon police station. They made some phone calls and then sent me back to Shobujbag police station. They made me go back and forth like this five times for this case. When they refused to take the case, I contacted my uncle-in-law, Nayeem Ahmed, who was a former police commissioner."</i>
<b>Prosecutorial Negligence</b>	
<b>Failure to adequately prepare victims and witnesses for trial</b>	<b>Direct:</b> The reviewed cases reveal inconsistencies in witness testimonies, including statements from victims, which have raised concerns about the credibility of allegations. This underscores the lack of adequate witness preparation before recording their statements, potentially weakening the prosecution’s case. For Instance, in Case No. 201/2021, during testimony, the victim stated that she was married and residing with her husband at the time of the incident, whereas her father claimed that she was unmarried and living with him during the same period. This material inconsistency in witness statements reflects a lack of adequate witness preparation and prosecutorial guidance prior to examination, which ultimately contributed to the acquittal of the accused.
<b>Inability to produce critical evidence</b>	<b>Direct:</b> The reviewed cases reveal a significant lack of sufficient evidence to substantiate allegations, including the absence of corroborative proof, inadequate foreign investigative efforts, incomplete case documentation, and the omission of essential forensic evidence. These deficiencies underscore the inability to produce and present the necessary evidence to establish guilt beyond a reasonable doubt.
<b>Judicial Challenges</b>	
<b>Prolonged trials delaying justice</b>	<b>Direct:</b> In several reviewed cases, it was observed that the disposal of proceedings took an extended period of 3 to 4 years. A significant factor contributing to this delay appears to be the lack of witness participation, which adversely impacts the progression of the trial. Prolonged delays not only undermine the effectiveness of the judicial process but also increase the likelihood of victims opting for out-of-court settlements, potentially due to frustration, coercion, or financial constraints. In Case No. 1306/2020 (Dhaka AHTO), the Tribunal disposed of the matter through an acquittal pursuant to <b>Rule 638(3) of the Criminal Rules and Orders, Volume I</b> , which authorizes Sessions Judges to acquit an accused under <b>Section 265H of the Code of Criminal Procedure</b> when prosecution witnesses fail to appear despite all lawful measures being exhausted. The court further anchored its decision on established jurisprudence, citing precedents such as <b>Mobarak Ali vs. Abdul Mannaf and Another (78 LD 13)</b> , <b>Kamar Ali vs. Abdul Mannaf (39 DLR 320)</b> , and <b>Md. Taheruddin vs. Abul Kashem and Others (37 DLR 107)</b> , all of which affirm that undue delay in criminal proceedings, in the absence of effective prosecution, constitutes a denial of justice.
<b>Limited judicial intervention to address inconsistencies</b>	<b>Direct:</b> Rule 10 of <i>The Prevention and Suppression of Human Trafficking Rules, 2017</i> mandates that, <i>before submitting the investigation report, the Investigating Officer shall obtain opinion of the special prosecutor, appointed under sub-section (2) of section 17 of the Act, on the investigation report.</i> However, in several

	reviewed cases, inadequate coordination between investigators and prosecutors was observed, potentially undermining the prosecutorial strategy. Additionally, the absence of independent witnesses providing testimony in certain cases further weakened evidentiary substantiation. These deficiencies underscore the need for judicial oversight to rectify procedural inconsistencies and ensure a more robust prosecutorial framework.
<b>Victim Vulnerability</b>	
<b>Fear of retaliation and societal stigma led to withdrawal of allegations</b>	<b>Direct:</b> The review revealed that in certain cases, complainants either retracted their allegations or declared that they had reached an amicable resolution with the accused. Such withdrawals often stem from fear of retaliation or societal stigma, thereby undermining the pursuit of justice and the integrity of the legal process.
<b>Inadequate victim protection services</b>	<b>Direct:</b> In certain reviewed cases, where complainants retracted their allegations or stated that they had reached an amicable resolution with the accused. Such occurrences not only raise concerns about potential coercion or undue influence but also underscore the inadequacy of victim protection mechanisms. The lack of comprehensive victim support services, including legal, psychological, and social assistance, may contribute to complainants withdrawing their claims.

## Annex: Data collection tool

### INTERVIEW WITH JUDGES

- 1 How has your cooperation with JCBD been in navigating the complexities of human trafficking cases?
- 2 What notable changes have you observed in the prosecution process since JCBD's involvement? Are there any specific improvements that stand out to you? Are any of these changes in your opinion, attributable to the work of JCBD, and if so, how?
- 3 Can you share some insights into the effectiveness of the support provided by JCBD in **digitizing case records**? How has this support streamlined your workflow?
- 4 In what ways has the establishment of **victim-friendly spaces** enhanced the prosecution process? Can you share how this support has positively influenced the experiences of victims?
- 5 Could you elaborate on the impact of the **administrative support provided by JCBD to prosecutors** in handling human trafficking cases? How has this assistance contributed to streamlining their work and ultimately enhancing the effectiveness of prosecutions?
- 6 Reflecting on the challenges you faced prior to JCBD's intervention, could you elaborate on how these challenges have been mitigated or resolved with their support?
- 7 From your perspective, how relevant has JCBD's assistance been in ensuring a more effective prosecution process for human trafficking cases?
- 8 Despite the progress made, what ongoing challenges do you and your fellow judges and prosecutors still encounter in handling these cases?
- 9 What, in your experience, are the most common reasons for acquittal in human trafficking cases?
- 10 Lastly, how do you envision further collaboration with JCBD or similar organizations to continue advancing efforts in combating human trafficking and ensuring justice for survivors?

### INTERVIEW GUIDELINE WITH THE PROSECUTORS

- 1 How do you perceive the prosecution of human trafficking cases, particularly in the context of your jurisdiction?
- 2 What notable changes or developments have you observed in the prosecution of human trafficking cases over the past 2-3 years?
- 3 From your perspective as a prosecutor, what are the key challenges or obstacles encountered in prosecuting human trafficking cases?
- 4 Have you witnessed any changes in the number of victims / witnesses testifying in court? If so, to what do you attribute these changes? What has been the impact of the changes?
- 5 Can you describe the support you have received from JCBD in terms of capacity development initiatives? How has this support impacted your role as a prosecutor?
- 6 What have been the key learnings or insights gained from your involvement with JCBD and their initiatives? How have these learnings influenced your approach to prosecuting human trafficking cases?
- 7 To what extent have behavioral aspects, such as the use of trauma-informed approaches in dealing with victims of human trafficking, been integrated into your practices as a prosecutor through JCBD's support?

- 8 How has the Human Trafficking Crime and Victim Identification Guideline provided by JCBD been useful in your work?
- 9 How do you perceive the support provided by the Legal Case Facilitator in assisting with your daily activities and facilitating connections with witnesses and victims in human trafficking cases? Can you describe specific ways in which this support has been beneficial to your prosecution efforts?
- 10 Can you describe the coordination mechanisms in place between investigating officers, judges, and other stakeholders in the prosecution process? How does JCBD support facilitate this coordination?
- 11 How could Justice and Care's support to you and/or to the Human Trafficking Tribunals be improved?
- 12 Lastly, what improvements or enhancements would you like to see in the prosecution sphere for human trafficking cases, and how do you envision JCBD's role in achieving these improvements?

## INTERVIEW WITH INVESTIGATING OFFICERS

- 1 Can you provide an overview of the current landscape of human trafficking investigations and prosecutions, highlighting any significant changes or developments observed in the past 2-3 years?
- 2 What are the main challenges or obstacles that investigating officers encounter in the human trafficking prosecution process, particularly in utilizing foreign evidence as evidence, and in the identification of cases?
- 3 Have there been challenges in ensuring witness attendance during prosecution proceedings?
- 4 How have these challenges been addressed or mitigated in recent years, and what strategies have been effective in overcoming them? Specifically, has JCBD provided support in addressing these challenges?
- 5 Can you describe your involvement and engagement with JCBD in supporting human trafficking prosecutions?
- 6 How has JCBD supported investigating officers in their relationship with public prosecutors, panel lawyers, and other stakeholders involved in human trafficking prosecutions?
- 7 Can you share examples of capacity-building support provided by JCBD to investigating officers and other relevant stakeholders involved in human trafficking prosecutions?
- 8 In your opinion, what approaches or strategies implemented by JCBD have been particularly successful in supporting investigating officers and enhancing prosecution efforts in human trafficking cases?
- 9 What lessons have been learned from JCBD's involvement in human trafficking prosecutions, and how will these insights inform future approaches to combating human trafficking?
- 10 How can JCBD's support to investigators be improved?

## INTERVIEW WITH METROPOLITAN MAGISTRATE

- 1 Can you describe the process of establishing cooperation with JCBD?
- 2 In your experience, what are the main obstacles encountered during the initial stages of prosecuting human trafficking cases, before they are transferred to the tribunal by the magistrate?
- 3 How does your cooperation with JCBD typically function? Could you provide examples of the specific activities or initiatives they have undertaken to assist you in your role?
- 4 From your viewpoint, what positive impacts or differences have resulted from JCBD's activities? Have these activities led to any changes in your capacity, practices, or the progress of your cases?
- 5 Have there been any negative repercussions or challenges arising from JCBD's activities that you have observed?
- 6 In your opinion, how relevant are JCBD's activities to the effective prosecution of human trafficking cases in your jurisdiction?
- 7 In your view, what additional support or initiatives could JCBD provide to further aid in the prosecution of human trafficking cases?
- 8 Is there any other feedback or insights you would like to share regarding the cooperation between the judicial system and organizations like JCBD in combating human trafficking?

## INTERVIEW GUIDELINE FOR REPRESENTATIVE OF SOLICITORS' WING

- 1 Can you describe the collaboration between the Solicitors wing and JCBD in supporting effective prosecution efforts for human trafficking cases?
- 2 From your perspective, what are the overall challenges encountered in prosecuting human trafficking cases?

- 3 How do you perceive the support provided by JCBD, especially in terms of capacity building for different stakeholders?
- 4 How do you assess the engagement of JCBD with different legal entities involved in the prosecution process, such as investigating officers, prosecutors, judges, and victim support personnel?
- 5 From your viewpoint, what aspects of JCBD's support have been particularly effective in enhancing prosecution efforts for human trafficking cases?
- 6 Are there any areas where you believe JCBD's support could be further improved or expanded to better assist the Solicitors wing in prosecuting human trafficking cases?

### INTERVIEW GUIDELINE FOR MINISTRY (MOHA) AND CID

- 1 How does the Ministry/CID perceive the overall prosecution process for human trafficking cases, and what are the key challenges encountered in this process?
- 2 What are your thoughts on the recently endorsed Human Trafficking Crime and Victim Identification Guideline and Guideline on Mutual Legal Assistance in Criminal Matters in the context of combating human trafficking? How do you perceive the relevance of these guidelines to the prosecution process?
- 3 Can you provide insights into the development process of the victim identification guideline and Mutual Legal Assistance guideline? Who were the key stakeholders engaged in their development, and how was the process inclusive?
- 4 How has the Human Trafficking Crime and Victim Identification Guideline and Guideline on Mutual Legal Assistance in Criminal Matters been utilized since their endorsement? What are the implications of their use in improving the prosecution process for human trafficking cases?
- 5 From the perspective of the Ministry/CID, what additional measures or initiatives could be implemented to further enhance the effectiveness of human trafficking prosecution efforts, and how do you envision the role of the Ministry in facilitating these enhancements?
- 6 Are you familiar with the JCBD's initiative in the HT prosecution process? If so, what is your perception of their role and contributions in combating human trafficking, and how has the Ministry been collaborating with JCBD?

### INTERVIEW GUIDES FOR STAKEHOLDERS REGARDING MLA (ANTI-CORRUPTION REPRESENTATIVE AND CID REPRESENTATIVE)

- 1 Could you provide insights into the process of developing the Mutual Legal Assistance (MLA) guideline recommended by JCBD and subsequently developed by the Ministry of Home Affairs? What were the key considerations and objectives during the development phase?
- 2 From your perspective, how relevant is the MLA guideline in addressing the deficiency in the utilization of foreign evidence for international human trafficking cases? How do you foresee its impact on improving the effectiveness of trial proceedings and increasing conviction rates?
- 3 What measures have been taken to ensure the dissemination and adoption of the MLA guideline among relevant stakeholders, including police officers and investigating officers?
- 4 How has the level of awareness and utilization of this guideline progressed since its introduction?
- 5 Can you describe the extent of stakeholder involvement and collaboration with JCBD in the development and implementation of the MLA guideline? How has JCBD supported stakeholders in understanding and effectively utilizing mutual legal assistance provisions for transnational investigations?

### INTERVIEW WITH VICTIMS/COMPLAINANTS

- 1 How confident do you feel in the legal system's ability to address your situation and provide you with justice?
- 2 Are you aware of the importance of attending court proceedings in your case? Can you share your understanding of the legal process and what it entails for you as a victim or complainant?
- 3 What are your thoughts on the possibility of settling the case out of court? Do you have any concerns or preferences regarding this option?
- 4 Could you share your experiences or interactions with SCPs during your involvement in the legal process? How have they supported you?

- 5 Have you received any support or guidance regarding your engagement with the court system? If so, who has supported you and how has this assistance helped you navigate through the legal procedures?
- 6 What are some of the challenges that you and others like you have encountered while navigating through the prosecution process as a victim or complainant in a human trafficking case?
- 7 In your opinion, what improvements or changes would you like to see in the legal system's approach to prosecution of human trafficking cases and supporting of human trafficking?

## GUIDELINE FOR JCBD

- 1 Could you provide an overview of the specific human trafficking case that JCBD supported, including its background and key details?
- 2 What were the main challenges or obstacles encountered in this particular case before JCBD's intervention?
- 3 What, in your experience, are the most common reasons for acquittal in human trafficking cases?
- 4 In your assessment, what specific support measures or interventions provided by JCBD were particularly effective in addressing the challenges faced in this case?
- 5 Can you elaborate on any innovative strategies or approaches implemented by JCBD in this specific case that contributed to its success?
- 6 In addition to JCBD's support, what other contributing factors, if any, do you believe played a role in the successful outcome of this case?
- 7 Can you describe the favourable conditions that were present during the prosecution of this case, which may have contributed to its positive outcome?
- 8 From JCBD's perspective, what were the key factors or milestones that led to the successful resolution of this case?
- 9 Looking back, what lessons have been learned from JCBD's involvement in this case, and how will these insights inform future support efforts?