

HUMAN TRAFFICKING PROSECUTION PROJECT IN BANGLADESH: MIDTERM EVALUATION

DATE OF SUBMISSION: DECEMBER 11, 2023

**Submitted to:
Justice and Care Bangladesh**



**Submitted by:
Progress Inc.**

ABBREVIATION

CID	-	Criminal Investigation Department
CMM	-	Chief Metropolitan Magistrate
FF	-	Field Facilitator
HT	-	Human Trafficking
ICT	-	Information and Communications Technology
IO	-	Investigation Officer
JCBD	-	Justice and Care Bangladesh
LCF	-	Legal Case Facilitators
NGO	-	Non-governmental Organizations
OMCTP	-	Office to Monitor and Combat Trafficking in Persons
PIBD	-	Progress Inc. Bangladesh Limited
TIP	-	Trafficking in Person
TVPA	-	Trafficking Victims Protection Act
USDS	-	U.S. Department of State

ACKNOWLEDGEMENT

We express our sincere gratitude to Justice & Care for entrusting Progress Inc. as their evaluation partner. Our journey with your organization has been truly enriching since its inception, and this midterm evaluation provided us with a valuable opportunity to witness the project's progress and make meaningful contributions to the prosecution landscape. It is a privilege to be associated with JCBD, and we have gained profound insights into the impactful work you have been carrying out.

We extend our heartfelt thanks to Ms. Naomi James-Davis for her constant guidance and invaluable suggestions, significantly enhancing the quality of our midterm evaluation. Throughout our analysis, Mr. Hasibul Islam's unwavering support and guidance played a pivotal role, and we deeply appreciate his contributions. Special recognition goes to Mr. Khan for his assistance in deciphering legal terminologies and helping us grasp the intricacies of legal terms. We also extend our gratitude to Siobhan Margolis.

We cannot forget to acknowledge Mr. Mohammed Tariqul Islam, who has been an overarching guiding force throughout this journey.

Our heartfelt gratitude goes to the honorable Former Judge of Dhaka Tribunal and the Chief Metropolitan Magistrate. Their insights and contributions during the interviews were invaluable and enriched our evaluation process.

Special thanks go out to the legal assistants whose support in making observations was crucial to the success of this evaluation. Your collective efforts are greatly appreciated.

We also express our appreciation to all the interview participants and training participants who graciously spared their time for us, despite their demanding schedules. Your willingness to share your experiences and perspectives was instrumental in shaping the success of this midterm evaluation. Thank you for your invaluable contributions.

Progress Inc.



Progress Inc. has prepared this report for Justice and Care as a part of the mid-term evaluation of their human trafficking prosecution project. The evaluation was conducted by **Pooja Koirala** (Founder/Director of Progress Inc.) and **A.B.M. Imdadul Haque Khan** (Legal Expert), with support from **Shuva Das** (Senior Research and Data Associate, Progress Inc.).

Qualitative 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 to September 2023.

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TABLE OF CONTENTS

ABBREVIATION.....	2
ACKNOWLEDGEMENT.....	3
CHAPTER 1: INTRODUCTION.....	6
CHAPTER 2: OBJECTIVE.....	6
CHAPTER 3: METHODOLOGY.....	7
CHAPTER 4: KEY FINDINGS.....	8
ACTIONS UNDERTAKEN BY JCBD SINCE THE BASELINE.....	8
PILLAR 1: DEVELOPMENT OF HT CRIME AND VICTIM IDENTIFICATION GUIDELINE.....	8
PILLAR 2: DEVELOPMENT OF IMPLEMENTATION GUIDELINE ON MUTUAL LEGAL ASSISTANCE ON CRIMINAL MATTERS.....	11
PILLAR 3: LAUNCHING COLLABORATIVE APPROACH FOR EFFECTIVE PROSECUTION.....	11
PILLAR 4: STRATEGIC CAPACITY BUILDING INITIATIVES.....	17
CHAPTER 5: CONCLUSION.....	21
CHAPTER 6: RECOMMENDATIONS.....	22
RECOMMENDATION SUGGESTED BY THE CMM:.....	22
RECOMMENDATIONS SUGGESTED BY THE TRAINING PARTICIPANTS (PUBLIC PROSECUTORS, PANEL LAWYERS AND POLICE PERSONNEL):.....	23
ANNEX.....	24
ANNEX I: PROJECT DOCUMENTS REVIEWED.....	24
ANNEX II: STUDY QUESTIONNAIRE AND OBSERVATION CHECKLIST.....	24

CHAPTER 1: INTRODUCTION

Human trafficking is a heinous national and transnational crime¹, as human being is sometimes transported into exploitive condition within or beyond a national border for many purposes². This crime is very common in Bangladesh for many years due to the location of this country on a rout famous for human trafficking in South Asea-Gulf region³. For eliminating this crime, the government of Bangladesh has been fighting comprehensively against these crimes in collaboration with national and international agencies in many ways.

By bringing all kinds of persons involved in the commission of human trafficking in Bangladesh to book may help prevention and suppression of this crime. Emphasizing on the speedy trial of those accused persons, Bangladesh enacted a special legislation named The Prevention and Suppression of Human Trafficking Act in 2012. Before passing this special law, the Penal Code 1860 works as a general law. Even Nari o Sishu Nirjaton Daman Ain 2000 also dealt with human trafficking as a special law before 2012. However, the trial by special tribunals in different regions of Bangladesh established under the special act of 2012 consumes a long time to come to the end and the rate of prosecution and conviction of human trafficking case under this special tribunal is significantly low⁴, though the purpose of establishing special tribunal is to dispose human trafficking case expeditiously. It seemed that the purpose of Special Act of 2012 has failed.

To overcome this situation, Justice and Care Bangladesh (JCBD) established in 2017 started a project to find out the causes behind the low rate of prosecution and conviction on the request made by the Ministry of Home Affairs of Bangladesh in 2020. Since then, JCBD's ongoing programme to prevent human trafficking and improve the prosecution process has been engaging victims, witnesses, investigation officers (police), public prosecutors, panel lawyers of the District Legal Aid Committees, Judges, and Magistrates in different regions of Bangladesh and it has been managing to ensure a positive difference in the rate of prosecution and conviction⁵.

CHAPTER 2: OBJECTIVE

This mid-term review serves to analyse the new additions to the project design and activities since the baseline - examining the rationale, effectiveness and stakeholder perceptions of these activities, and to generate qualitative data on the effectiveness of the capacity building work conducted with key stakeholders, which is a key project activity not explored in detail in the baseline.

¹ Pallabi Gupta, 'Transnational Human Trafficking: Unresolved Issue' (International Journal of Political Activism and Engagement Volume 6 • Issue 2 • April-June 2019) <https://www.researchgate.net/publication/335094179_Transnational_Human_Trafficking_An_Unsolved_Issue> accessed 13 February 2023

² The UN (Palermo) Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (UNODC, 2016, passed in 2000)

³ UNODC, 'Bangladesh: Interview with Prof Zakir Hossain on Human Trafficking' (UNODC, c2022) <https://www.unodc.org/southasia/frontpage/2009/September/bangladesh_-interview-with-prof.-zakir-hossain-on-human-trafficking-.html> accessed 13 February 2023

⁴ Reaz Ahmed, 'Traffickers get off the hook as Bangladesh suffers from poor conviction rate' (*Dhaka Tribune*, 29 July 2021) <<https://www.dhakatribune.com/bangladesh/2021/07/29/traffickers-get-off-the-hook-as-bangladesh-suffers-from-poor-conviction-rate>> accessed 13 February 2023; Final Baseline Report 2022, Progress Inc.

⁵ Final Baseline Report 2022, Progress Inc. Bangladesh

Specifically, the objectives of the review are:

- To understand why the new activities have been added to the programme and what has been achieved in the last period- based on interviews with JCBD representatives and secondary data review
- To understand if the key stakeholders deem the new activities to be relevant and effective; - based on stakeholder interviews
- To garner understanding on the training content to judicial stakeholders and law enforcement, and assess the extent to which the training fulfilled the existing gap and was considered relevant and effective by the participants, based on training observation and post-training interviews

CHAPTER 3: METHODOLOGY

The mid-term review was qualitative in nature. The review relied on both primary and secondary data. The main source of secondary data is the Progress Report prepared by JCBD, while the sources of primary information are mostly interviews and observation. The table below illustrates the data collection methods for the review:

Data collection method	Participants	Sample size
Interview	Chief Metropolitan Magistrate of Dhaka (Dhaka-based)	1
	Metropolitan Magistrate (Dhaka-based)	1
	JCBD representative	1
Observation	Discussion Meeting with the District level Judiciary, Khulna	1 training
	Training of Police, Begarghat and Jashore	2 trainings
	Training of Panel Lawyers of the District Legal Aid Committee, Shatkira	1 training
	Training of Public Prosecutors, Dhaka	1 training
Secondary data review	<p>List of documents to be reviewed</p> <ul style="list-style-type: none"> • Existing public literature on recent updates on human trafficking situation in Bangladesh • Project progress report 	

CHAPTER 4: KEY FINDINGS

ACTIONS UNDERTAKEN BY JCBD SINCE THE BASELINE

Under the project, JCBD has been working in Bangladesh to revamp the prosecution process of human trafficking cases.



Following the baseline, the focus has been primarily directed towards four pivotal domains spanning local, national, and transnational spheres. These areas include: a) developing Human Trafficking Crime and Victim Identification guideline on behalf of the Government⁶; b) formulating Implementation Guideline for Mutual Legal Assistance on Criminal Matters; c) undertaking strategic capacity-building initiatives; and d) launching a collaborative approach with the magistracy for effective prosecution.

PILLAR 1: DEVELOPMENT OF HT CRIME AND VICTIM IDENTIFICATION GUIDELINE

Rationale: The rationale for initiating the development of guideline came about from the fact that JCBD realized there were a lot of cases that were misidentified. It was realized when JCBD initially started conducting the "Study into the Prosecution of Human Trafficking Cases in Bangladesh in 2020", to identify the bottleneck and barriers present in the system. They began by collecting the case documents of 500 cases that were filed as human trafficking cases, but soon after their initial review they realized that a lot of cases are not actually human trafficking cases because the three elements of human trafficking, i.e., act, means, and purposes, were not present there. In the end they were only able to verify that the incidents reported in only 354 of those cases resembled human trafficking.

Figure 1: An overview of JCBD's actions since the baseline

JCBD in its interview explained that the police who are responsible for case registration and the lawyers who submit the complaint petitions in the tribunals, struggle to identify the three key elements of human trafficking. In most cases, the confusion pertains when the police is registering human smuggling, cases as human trafficking cases. Moreover, a lot of times, cases of rape, violence against women, abduction of women and children that fall under the jurisdiction of Nari O Sishu Nirjotan Ain, is also erroneously registered as trafficking case.

The initiation of drafting started soon after the submission of Justice and Care's report "Study on the Prosecution of Human Trafficking Cases in Bangladesh" to the Ministry, where one of the key recommendations was to develop a victim identification guideline. The Human trafficking Act defines human trafficking in a comprehensive manner that includes three elements: act, means and purpose. Nevertheless, a lot of the cases do not have all the elements. This is a clear indication that the police officers and advocates who are registering the case are having difficulty in understanding these elements. To ease and simplify the case identification, a guideline has been prepared.

Description and outcome: The guideline is user friendly and it ensures that all elements are well-covered in the guideline for HT case identification.

The guideline underscores that human trafficking takes place in phases.
Recruitment phase (begins with promise) transportation destination exploited/abuse

The guideline consists of two parts, one is a data collection tool designed to assist the user to properly record and understand the incident, and the second is an analysis tool designed to assist the user properly determine whether or not the three elements of human trafficking are actually present there.

⁶ The guideline is subsequently endorsed for nationwide usage.

The guideline has been given an official endorsement by the National Anti-trafficking Authority.

While the guideline had received official endorsement, this achievement was the result of a series of consultative and review meetings that took place in the past. These meetings involved the participation of various relevant stakeholders and were conducted under the supervision of the Ministry. The main objective was to ensure that the guideline aligned with the provisions of the Act and genuinely served the needs of the relevant stakeholders.

The guideline was sent to the Ministry of Law, Justice and Parliamentary Affairs for vetting to ensure that the guideline aligns with the legal enactments currently in force in Bangladesh. After receiving positive feedback from the Ministry of Law, the guideline was sent for piloting. During this pilot testing, a total of five police stations from the Dhaka Metropolitan Police, and an additional five from the Jashore district, where human trafficking was most prevalent, were selected. The Criminal Investigation Department (CID) and the 49th battalion of the Border Guard Bangladesh (BGB) were also actively involved in the past pilot testing process. These selected entities were tasked with providing valuable feedback based on their experiences during the past pilot phase. After receiving positive feedback from the pilot testing, the Ministry decided to proceed with the endorsement.

The development of victim identification guidelines holds significant promise, particularly in enhancing the primary investigation process and initial case registration process. These guidelines will prove invaluable to the police department in the identification of human trafficking cases, often subject to misclassification. However, it is important to acknowledge the potential for resistance and opposition to these guidelines, as their implementation may lead to a reduction in reported human trafficking cases and an increase in cases falling under the Overseas Employment and Migrants Act 2013. This shift aligns with evolving needs and priorities in the field.

According to a former judge, *"I have seen Hasibul (JCBD staff) give a presentation on the said victim identification guideline, and have also seen it myself. I think it is a complete package that can actually help you filter out the actual human trafficking cases from the other types of criminal cases. Also, if the guideline is used during the investigation, the number of cases that actually ends up in the tribunal will be very few. In Dhaka, which is the capital with the highest number of cases filed, there will be highest 60 or 70 cases and in other tribunal in the outer districts, the number will be 4 to 5. Currently, the cases under the Overseas Employment and Migrants Act 2013 are being categorized as HT cases. This misidentification can be greatly reduced with this guideline."*

He however noted that it is important to acknowledge the potential for resistance and opposition to these guidelines, as their implementation may lead to a reduction in reported human trafficking cases and an increase in cases falling under the Overseas Employment and Migrants Act 2013. In this regard, he expressed, *"the adaptation of the HT crime and victim identification guideline will reduce the number of caseloads on HT tribunals drastically because it is 'specific and accurate' in terms of identification of the crime. Though there is a possibility of resistance and opposition in accepting the victim identification guideline as it will drastically reduce the cases of HT and [increasing the number of cases being filed under the overseas employment]."*

The judge further noted that a lower number of cases filed/tried in the tribunal would adversely affect many people's interests. Making police officers and lawyers responsible for properly

registering cases and verifying whether a case should be classified as an HT case or not would necessitate a change in their routines and behaviors, which will likely encounter some resistance.

During the interview, JCBD explained how they have been effectively utilizing the guideline in their police training sessions since late 2022. According to JCBD, this guideline serves a dual purpose, instructing effectively on the identification of human trafficking offenses and victims. Remarkably, JCBD reported a 100% improvement rate among participants in distinguishing human trafficking crimes from other offenses, as evident from pre-test and post-test scores.

JCBD went on to discuss the broader application of this guideline, extending beyond police training. They mentioned that it has been integral to their capacity-building sessions and meetings with various entities, including the Armed Police Battalion, public prosecutors, panel lawyers from District Legal Aid Committees, the Criminal Investigation Department (CID), and the National Security Intelligence (NSI).

Furthermore, JCBD emphasized the guideline's pivotal role in different stages of prosecution, including case filing, investigative phases, and trial proceedings. In addition, JCBD highlighted how legal professionals, such as lawyers and public prosecutors, have benefited during trials, particularly during charge framing and argument stages. They noted that the guideline empowers these professionals to accurately identify and present the elements of human trafficking in the case, strengthening the prosecution's stance.

The training sessions delivered the Victim Identification guideline content to public prosecutors, panel lawyers, judges and police officers. During follow-up interviews with the evaluation team, some training participants expressed appreciation for the value they saw in the victim identification guideline's content. In this context, one of the public prosecutors shared, *“As a result of this session, I am motivated to take specific actions to enhance my approach in addressing human trafficking cases. Firstly, I will closely follow the comprehensive document compiled by JCBD and the government of Bangladesh on victim identification to ensure accurate identification.”* A District Legal Aid Officer from Khulna also commented, *“The discussion on the victim identification guideline is really helpful to identify a true victim of human trafficking. This will help me in dealing with the victim of human trafficking.”*

PILLAR 2: DEVELOPMENT OF IMPLEMENTATION GUIDELINE ON MUTUAL LEGAL ASSISTANCE ON CRIMINAL MATTERS

Rationale: The prosecution study underscored a notable deficiency in the utilization of foreign evidence for international human trafficking cases. This circumstance arises when victim recruitment and partial transportation transpire within Bangladesh, followed by exploitation abroad. The insufficiency of substantial evidence concerning victim transportation and foreign exploitation significantly undermines the viability of trial proceedings. JCBD's inquiry brought to light existing avenues for mutual legal assistance among nations in criminal matters. Nevertheless, awareness about these channels remains conspicuously limited. Preliminary research underscored the unfamiliarity of police officers with pertinent laws and mechanisms for procuring foreign evidence. Additionally, the complex and time-intensive nature of cross-border collaboration, coupled with the absence of a concise guide, has resulted in the underutilization of this process, despite its vital role in ensuring successful prosecution. Recognizing these issues, JCBD recommended the development of a guideline on mutual legal assistance to the government in their 2020 report. At the subsequent request of the Ministry of Home Affairs, JCBD has developed such an instructional manual designed to facilitate mutual legal assistance, with the explicit aim of effectively bridging this gap.

Description and outcome: It is a comprehensive document that explains and facilitates the police officers/ Investigating Officers (IO) to send requests to the foreign country for collection of evidence. Positively, Bangladesh has some international legal instruments that have been signed that can help IO collect evidence from foreign country.

To provide context, Bangladesh is fully equipped to receive and offer mutual legal assistance on criminal matters, a critical aspect of transnational investigations. The legal foundation for these requests includes international conventions or bilateral treaties for MLA on criminal matters, such as the one signed with India. In the absence of these agreements, requests can be made based on the "principle of reciprocity," as outlined in the MLA on Criminal Matters Act. Unfortunately, not many people are familiar with how to utilize these channels, and as a result, investigations often fail to reach witnesses, evidence, or criminals in destination countries.

The guidelines provides an overview of the legal foundation, what sort of applications and what sorts of request they can help you with, countries you have agreement with, international legal instruments under which you can make application. Additionally, the guideline also guides on how to draft the request, where to send it, what sort of documents and particulars need to be included in the requests, what to do after a request is sent to a foreign country, how to execute an incoming request from foreign country, some factors and conditions to keep in mind while trying to use the MLA mechanisms, etc. With the instruction and guideline, it is expected that more mutual legal assistance provision will be used to collect foreign evidence, which in turn is expected to increase the conviction rate.

The Former Judge of Dhaka tribunal offered a supportive statement. He expressed, *"the provision of such manual is deemed helpful to interact with foreign states in case of transnational issues."*

PILLAR 3: LAUNCHING COLLABORATIVE APPROACH FOR EFFECTIVE PROSECUTION

Both the prominent stakeholder reached for the midterm interview, i.e., A Senior District and Session Judge who previously worked as the Judge of the Anti-Human Trafficking Offence Tribunal udege of Dhaka and Chief Metropolitan Magistrate of Dhaka (CMM) have commended the efforts for JCBD in the HT prosecution. The CMM recognizes the extensive support

provided by JCBD throughout every stage of HT cases, demonstrating their commitment to assisting both the victims and the legal process. From initiating the trial proceedings to offering logistical assistance to witnesses and victims, JCBD ensures comprehensive support, encompassing all aspects of the cases.

Activity: Strengthening legal support

Rationale: The introduction of Legal Case Facilitators (LCFs) by JCBD was prompted by several critical needs and challenges that existed in their legal support system. At that time, there was a pressing need to optimize the efficiency of legal support provided by JCBD's in-house, known as Legal Officers. Additionally, the modern context necessitated the ability to work remotely, accommodating the demands of diverse cases across multiple tribunals.

The Legal Case Facilitators (LCFs) at JCBD are legal professionals with backgrounds in legal studies. They serve as an extension of Justice and Care's Legal Officers, who are seasoned advocates with extensive experience in criminal proceedings. Given the geographical spread of supported cases across various districts, the Legal Officers cannot be physically present at all times. Consequently, they entrust LCFs to remotely carry out essential interventions required for legal proceedings. For example, if it appears that a witness is to be examined before the tribunal, the task of outreaching the witness, accompanying and producing them before the tribunal, helping the public prosecutor in briefing the witness before the examination by the tribunal, etc., would generally be delegated to the LCF. The decision-making process regarding which action points to execute in favor of a supported victim solely rests with the Legal Officers. However, depending on the urgency and feasibility of the situation, the actual execution of these actions is delegated to the LCFs. The Legal officers still personally intervene when the cases reach an imperative stage of the prosecution, e.g., the charge framing stage, the examination of the victims, the argument stage of trial, etc. This collaborative approach ensures effective and timely support for victims across diverse locations.

Furthermore, one of the most pressing issues was the overburdened state of public prosecutors who were tasked with handling these cases. Often, these prosecutors were unable to manage the extensive tasks required to strengthen cases, leaving many crucial aspects unattended. Witness preparation, case registrations, and legal arguments were just some of the vital elements that were not being given the attention they required. Thus, the introduction of LCFs who can shoulder these responsibilities for the Public Prosecutor, was seen as a means to address these pressing needs. This collaborative effort was initiated at the behest of the Prosecutors and has significantly bolstered their ability to address the backlog of cases awaiting prosecution.

Description and outcome: LCFs, individuals with legal backgrounds and knowledge of criminal proceedings, played a pivotal role as an extension of JCBD's Legal Officers. Each tribunal was assigned an LCF who regularly visited to gather case updates and execute tasks as directed by Legal Officers. This arrangement allowed for seamless witness preparation, particularly when public prosecutors fell short in this regard. LCFs were instructed to prepare witnesses adequately and assist in framing legal arguments during trial stages. Moreover, they were instrumental in drafting protection applications and providing support in case registrations. LCFs actively participated in the Witness Attendance Program, collaborating with Legal Officers to ensure witness attendance, offering legal consultations, and emphasizing the importance of testifying.

The introduction of LCFs yielded significant and tangible outcomes for JCBD's legal support initiatives. Notably, the Witness Attendance Program, which involved the active participation of LCFs, led to a substantial increase in witness attendance across all tribunals receiving this support as shared by JCBD in its interview. Witnesses were not only better prepared for their

testimonies, but the program also improved the overall willingness of witnesses to participate in legal proceedings. This development, in turn, had a positive impact on the quality of evidence presented during trials.

Moreover, the collaboration between LCFs and Legal Officers in preparing cases and arguments translated into stronger prosecution strategies. Legal Officers, often in conjunction with LCFs, ensured that crucial legal and factual points were adequately raised against the accused during trial proceedings. Additionally, the ability of LCFs to provide immediate legal support and assistance to victims or complainants who felt threatened was instrumental in ensuring the safety and protection of these individuals. By promptly drafting protection applications in accordance with the Prevention and Suppression of Human Trafficking Rule, 2017, LCFs helped mitigate risks and created a safer environment for victims and complainants.

In this regard, the CMM has shared, *“JCBD has actively collaborated with judges and relevant authorities, facilitating the provision of witnesses who can testify regarding specific aspects of human trafficking and victim vulnerabilities. Moreover, the organization plays a crucial role in gathering and presenting evidence, including survivor testimonies, to bolster the prosecution's case.”*

Moreover, the CMM in his interview expressed their appreciation for JCBD's contributions to Anti-Human Trafficking tribunals by noting that JCBD effectively addresses the issue of low attendance of witnesses in human trafficking cases by ensuring their presence during court proceedings. The collaboration between JCBD and the magistracies has yielded positive results, as highlighted by the CMM. JCBD has actively participated in the rescue of numerous victims whose cases were referred to them by the magistrates. The CMM further underscored that victim of human trafficking face significant challenges and risks during the initial phases of the legal proceedings. Their well-being, both physical and emotional, is fragile, and their participation is crucial for a successful resolution

Activity: Support for IT Equipment in Dhaka Tribunal

Rationale: The rationale behind introducing IT equipment at the Anti-Human Trafficking Tribunal in Dhaka was multifaceted and rooted in the need to address several pressing issues, specifically related to the dissemination of the information about the upcoming court dates. The initiative aimed to eradicate these discrepancies and enhance transparency within the judicial system. The lack of clear and readily available information regarding case status and scheduling posed administrative burdens and obstacles for remedy seekers and case observers. By introducing monitor services, the initiative sought to empower remedy seekers, such as complainants, by granting them independent access to essential case information. This independence reduced reliance on court staff or legal advocates, enabling individuals to more effectively follow up on their cases. Furthermore, the initiative aimed to streamline judicial processes, reduce unnecessary delays, and bring unprecedented transparency and visibility to case proceedings in the specific context of anti-human trafficking offenses tribunals.

Description and outcome: JCBD donated IT equipment, including monitors to the Anti-Human Trafficking Tribunal, Dhaka to show the next hearing dates and other necessary information and to eradicate the discrepancies created by the court officers, and increasing transparency.

The provision of monitor services in the Dhaka tribunal has proven highly beneficial for both remedy seekers and case observers. It offers essential information regarding the scheduling of hearings, including dates and times, as well as the current status of cases. This service has significantly alleviated administrative burdens for complainants and has streamlined processes within the judicial system. In essence, by ensuring transparency and visibility regarding case

status and procedural developments, the monitor service has made a substantial positive impact on the overall legal system.

The Former Judge of Dhaka Tribunal explained, “*the monitor has enabled complainants to be aware of the court date independently, without having to rely on court staff or advocates. People can follow up on their case status and case proceeding dates with ease.*”

While cause lists (lists of cases to be heard) are traditionally displayed within court precincts for High Court and Appellate court matters, it is worth highlighting that this represents the first instance of case status being showcased in an anti-human trafficking offenses tribunal.

The Former Judge pointed out a drawback associated with these monitors. Despite the favorable results achieved, a challenge remains in gaining the confidence of court staff regarding the effective and efficient utilization of these monitors. In some instances, court staff provide various reasons for not using the monitors, which can be attributed to certain vested interests that hinder their effective use. To ensure their effectiveness, the initial step should involve obtaining the support and buy-in from relevant stakeholders, including the court staff. Nevertheless, he emphasized, “*there is a scope of scaling the support/intervention in other tribunals to make the court proceedings and court dates transparent to all.*”

Reflection from evaluators: *Though the cause list (list of cases to be heard) are displayed in the precincts of the court for High Court and Appellate court, this is the first time that case status has been showcased in an anti-human trafficking offenses tribunal. There was some level of resistance in the use of monitoring for cause list because of the vested interested of the people who did not want the prosecution of ant-human trafficking to move forward. The proactivity of judges to embrace technological advancements or systems is indeed crucial. The former tribunal judge effectively utilized this system, and the new judge has already expressed his commitment to utilizing it within a few weeks. JCBD noted that he commented that this slight delay is happening only because he needs some time to fully assume his role as the tribunal judge and make the tribunal fully operational again. Afterwards, he will begin using the newly installed facilities as planned.*

Activity: Digitization of human trafficking tribunal proceedings

Rationale: The rationale for initiating digitization of the caseload at the tribunal in Dhaka was grounded in the need to address critical challenges associated with manual case documentation. One of the primary drivers for this initiative was to enhance accessibility to vital case-related information. The traditional method of manual documentation, characterized by the laborious task of sifting through extensive physical documents, proved both time-consuming and error-prone. To overcome these limitations, the initiative introduced digitization, providing daily real-time updates on case information.

Description and outcome: A staff from JCBD has helped the tribunal in digitizing the caseload (a comprehensive list⁷ on the cases that are currently pending trial in the tribunal). The information about the case is updated on a regular basis- every day. JCBD also provided IT equipment including desktop computers and facilities to digitally record testimonies.

The digitization of human trafficking cases and tribunal proceedings in Dhaka has been highly acclaimed by both Formal Judge of Dhaka Tribunal and the Chief Metropolitan Magistrate. According to the Former Judge of Dhaka Tribunal, “*the digitization has been helpful in accessing,*

⁷ The Tribunal of Dhaka was provided with a comprehensive list of all the pending cases which contains crucial case related information designed to help the tribunal easily navigate through the case load.

searching, screening and extracting information about cases. Because of digitization, the status of the cases is easily known.”

Both the Former Judge and CMM believed that there is considerable potential for scaling up this intervention. According to the CMM, *“if the former Judge of the HT Tribunal, Mr. Hannan, was able to effectively utilize the IT equipment provided by JCBD, then it is imperative for others to do the same.”* The CMM strongly believes that this matter should be taken into serious consideration, highlighting the importance of embracing and leveraging the available IT equipment for improved efficiency and effectiveness within the judicial system.

Activity: Video Calls for Remote Witness Examination

Rationale: The rationale for implementing IT equipment for remote witness examination through video conferencing at the Anti-Human Trafficking Tribunal in Dhaka was rooted in several compelling reasons. Firstly, the initiative aimed to address the critical need for enhanced accessibility to the judicial process, particularly for witnesses residing at a distance or facing physical limitations. This move was driven by the overarching goal of ensuring that justice could be delivered to a wider spectrum of individuals, including the elderly and those with disabilities. Furthermore, the successful conviction resulting from a public witness's video testimony highlighted the potential for efficiency and time savings. This not only benefited the witnesses themselves but also streamlined the prosecution process, especially during instances of temporary absences of court personnel. Of particular importance was the fact that human trafficking cases frequently involved transnational elements and evidence. In this context, the use of video conferencing for remote witness examination assumed special significance, enabling efficient testimony from witnesses located in different regions or even countries.

Description and outcome: JCBD has installed IT equipment's in the Anti-Human Trafficking Tribunal, Dhaka, to allow remote examination of witnesses through video conferencing. A public witness was examined through video conferencing last year, and that case has resulted in the conviction of the accused.

The utilization of video calls for remote witness examination has yielded positive results, particularly for witnesses who reside far away or face physical limitations that prevent them from visiting the court in person (e.g., elderly individuals or those with disabilities). The Former Judge of Dhaka emphasized that the significant benefit of remote witness testimony through video calls is its capacity to enable witnesses, particularly those residing at a distance or facing physical limitations, to testify remotely. The Former Judge of Dhaka shared, *“Like my junior colleague additional district judge goes on leave for three days, at that time if he takes remote witness examination through video call. It will reduce the time. It will take only 15 minutes. This supports the prosecution process.”*

Additionally, on the positive, there is a minimum IT equipment required for the remote witness examination. *“Even my mobile is enough to take the video conference.”*

The Former Judge of Dhaka tribunal further noted that there is a scope of scaling up video call for remote examination in cases other than HT cases as this process is saving valuable time of the judiciary and every other party related to the cases. Other courts can also adopt the practice of remote examination of the witness. Moreover, the witness examination through video conferencing should be given special priority in cases of HT as such cases are generally interconnected with transnational issues and evidence.

Reflection from the evaluator: *There is a scope of remote witness examination in case of transnational cases. However, there is a lot of bureaucratic and complex procedures in dealing with transnational cases. The implementation guideline for mutual legal assistance will be beneficial in this regard. Moreover, there are instructions for taking remote witness examination in the implementation guideline for Mutual Legal Assistance (undergoing a piloting), which can also be handy for judges who are not taking up the initiative of remote witness examination.*

Activity: Establishment of a Victim Friendly Center and In-Camera Trial Conduct

Rationale: The initiation of the Victim Friendly Center at the Dhaka Judge Court was a direct response to the pressing need for dedicated spaces for vulnerable victims within the judicial system. The primary motivation for this initiative was the pervasive lack of dedicated spaces for women and children within the courts of Bangladesh, a challenge not limited to the Dhaka Judge Court alone. The Friendly Center was envisioned as a vital solution to rectify this widespread issue, with the core objective of effectively catering to the specific needs of vulnerable victims of human trafficking.

Description and outcome: JCBD's Victim Friendly Center serves as a critical resource for the interviewing of vulnerable human trafficking victims and the facilitation of in-camera trials. The CMM noted, *“this victim friendly center service serves as a crucial resource for the interviewing of vulnerable victims of human trafficking and the facilitation of in-camera trials. With this initiative, victims are ensured a safe, supported, and empowered experience throughout the legal process.”* He further added that in the center, a secure and comfortable environment is provided where victims can share their testimonies without fear of intimidation or traumatization. By conducting in-camera trials, which are closed to the public, the privacy and confidentiality of victims are protected, reducing their vulnerability and creating a more conducive atmosphere for truth-telling.

Giving an example, the CMM shared that if an accused is held in the Kashimpur prison (Central Jail), the police may find it inconvenient to physically bring them to court. In such cases, digital support can be considered an effective initiative. The CMM also remarked that this initiative is deemed highly necessary, particularly because a significant number of victims are females and children, whose vulnerability needs to be addressed.

According to the CMM, even though the Children Act of 2013 includes provisions for shelter facilities for juveniles and offenders, in practice, it remains largely unimplemented. Hence, this logistic support has proven to be a valuable aid for the judiciary.

Activity: Creating WhatsApp group connecting fifty-six police station

Description: JCBD reached out to every single police station within the Dhaka Metropolitan Police and the Dhaka District Police, about 56 police stations in total, on behalf of the tribunal judge with the request that from now on the judge will be directly sending them a scanned copy of the summons / warrants for brining in witnesses to the tribunals. One group was created for each police station, which means that there were 56 WhatsApp groups. In the said group, a staff from JCBD was present, the Officer-in-Charge (OC) of the said police station is present, and the tribunal judge was present using a smartphone that JCBD donated to the tribunal from JCBD. The idea is that the OC can dispatch someone from the police station as soon as he receives the summons from the tribunal, and after contacting the witness, they can give a call to JCBD, provided the witness with some conveyance allowance or other legal support if they need it.

Outcome: The Former Judge of Dhaka shared that, *“through this WhatsApp group the Witness tracing and notifying becomes handy. Moreover, collecting evidence and presenting evidence become easier and effective and this group evidently functioned as a place to push witnesses to appear at the hearing.”*

The group is more so relevant as the most disruptive issues in HT cases are tracing the accused, notifying the witnesses and collecting evidence.

Reflection from the evaluators: *This WhatsApp group puts a pressure to the police stations to be more accountable in their responsibilities. Despite the dissemination of the information, if someone ignores the message, there is a possibility of holding the person accountable. There is also a scope for JCBD to take initiative to assist and support the Police in any steps. The groups represent a perfect synergy between the law enforcement agencies, the judiciary, and the NGO stakeholders.*

PILLAR 4: STRATEGIC CAPACITY BUILDING INITIATIVES⁸

The rationale behind initiating these training programs was deeply rooted in addressing the distinctive needs and challenges faced by various stakeholders in the context of combating human trafficking. The prosecution landscape faced significant challenges before the training, including issues related to victim misidentification, knowledge gaps, legal ambiguities, inadequate victim support, and general prosecution difficulties. These challenges necessitated strategic training programs to rectify these deficiencies. The training was crucial to provide stakeholders with the expertise and strategies needed to address these problems effectively, ultimately strengthening the fight against human trafficking within the legal framework.

Specifically, the legal framework currently in force against human trafficking in Bangladesh is relatively new, as the special law used for adjudicating human trafficking offenses was only enacted in 2012. JCBD has identified that there are several ambiguities in the law, and different AHTO tribunals are practicing different ways of implementing the law. Additionally, there are several anomalous practices that are essentially sabotaging the proper adjudication of some cases. Based on these findings, and the conclusions garnered after thoroughly analyzing legal provision and precedence, JCBD is currently advocating a number of best practices through these discussion meetings to bring about practical changes among the judiciary.

⁸ The findings reflected in this section is based on the observations. The objectives of the observations was to analyze four training sessions. The observations aimed to gauge the relevance of the training to the specific context and conditions of the prosecution landscape. Of utmost importance, this observation sought to determine the novel and valuable insights gained by the participants, which were subsequently captured through follow-up interviews with the primary attendees.

Challenges

- The issue of victim identification revolved around the inability to correctly identify human trafficking victims, a concern shared primarily by police officers and panel lawyers of the District Legal Aid Committee, as well as the prosecutors and judges. Misclassification of other offenses as human trafficking cases led to unwarranted acquittals.
- Knowledge gaps, especially among police officers, regarding human trafficking laws and best practices in handling such cases, resulted in errors in case procedures, evidence collection, and victim interactions.
- Ambiguities in legal procedures surrounding human trafficking cases, such as taking cognizance, extra-territorial jurisdiction, and trans-border evidence collection, left participants, including prosecutors and police personnel, seeking greater clarity.
- The broad definition of human trafficking and related concerns led to difficulties in registering trafficking cases. Police officers raised concerns about weaknesses in various investigation aspects, including evidence recording and accusations.
- Prosecutors, panel lawyers, and police personnel encountered common challenges, including out-of-court settlements, witness reluctance, difficulties in victim identification, unclear electronic evidence guidelines, and ambiguities in specific offenses.

Description and outcomes: The training format encouraged interactive question-and-answer sessions, providing participants with opportunities to seek clarification on the content. Regarding logistical arrangements for the training, it was noted that scheduling challenging sessions immediately after lunch was discouraged, as participants tend to be less engaged and experience drowsiness during this period. Additionally, JCBD made adjustments to the training sessions depending on the stakeholders involved. For instance, in the case of esteemed judges and magistrates, the session was initiated as a collaborative learning and sharing experience rather than following the traditional training format.

Midline's observations indicated that the training was highly tailored to the specific requirements of the participants. Throughout the observation of four training sessions, it became evident that the training content was meticulously aligned with the needs of stakeholders. Nonetheless, the overarching goal of all these trainings was to confront the challenges within prosecution and equip participants with effective strategies to combat human trafficking.

The topics selected for these trainings harmonized well with the particular issues faced by each group of stakeholders. For instance, the issue of victim identification received comprehensive attention in the training sessions for police officials, and a similar emphasis was placed on this topic for panel lawyers of the DLAC. This emphasis stemmed from the recognition that the training needed to be contextually relevant. Many instances have arisen where police officers or lawyers inadvertently misclassify other criminal offenses as human trafficking cases. In such scenarios, since the crime does not align with the definition of human trafficking, it invariably leads to acquittals. The training for police officers was delivered with a clear understanding that there is a lack of knowledge about the crime, relevant laws, and best practices for handling trafficking cases. In this context, the training aimed to acquaint police personnel with the proper procedures, emphasizing what to do and what to avoid when it comes to case registration, investigation, evidence collection, and interactions with victims.

The unique aspects of the training tailored for different stakeholder groups can be elucidated as follows:

- For public prosecutors, the training sessions encompassed topics that revolved around comprehending the legal framework, notably the Prevention and Suppression of Human Trafficking Act, 2012. Additionally, the training for public prosecutors placed significant emphasis on adopting a victim-centric and trauma-informed approach, which was considered highly pertinent for the participants.
- In contrast, the training for judges did not aim to acquaint them with the general prosecution landscape. Instead, it concentrated on addressing specific challenges and barriers encountered at both the pre-trial and post-trial stages of legal proceedings.

Context adherent discussions: The discussions within these sessions closely adhered to the context of prosecution. They aimed to acquaint the participants with the concerning state of human trafficking and delved into the loopholes and uncertainties present in the Prevention and Suppression of Human Trafficking Act, 2022. One notable observation from these sessions was a consistent trend of participants seeking greater clarity on specific topics. Among the recurring themes of inquiry by the prosecutors was the ambiguity surrounding the process of taking cognizance of human trafficking cases. Another pressing issue that required clarification pertained to the access to extra-territorial jurisdiction and the collection of trans-border evidence when dealing with human trafficking cases.

There was also a notable focus on victim identification and concerns regarding the broad definition of human trafficking, which often led to ambiguity in registering cases related to human trafficking for both the police and other stakeholders. For the police, the discussion points brought up by the participants included weaknesses in various aspects of the investigation process, such as the recording of police testimonies, erroneous inclusion of individuals as accused, and the omission of trans-border evidence.

Furthermore, these sessions addressed various general issues commonly encountered by prosecutors, panel lawyers, and police personnel, including challenges such as out-of-court settlements, witnesses' reluctance to testify, difficulties in victim identification, unclear guidelines regarding the admissibility of electronic evidence, and ambiguities surrounding specific offenses, among others.

The discussions tailored for judges and magistrates primarily revolved around intricate legal procedures, particularly those related to the process of taking cognizance by a Magistrate under Section 190 of the Code of Criminal Procedure (CrPC) or the applicability of Section 202 of CrPC to the 2012 Act.

The training sessions for public prosecutors have received formal approval from the Solicitor Wing. Representatives, including the Solicitor and others from the Solicitors Wing, expressed their strong appreciation for the specialized content during the sessions.

What was the most beneficial for participants?

Mental trauma and trauma-informed approaches: The session content related to mental trauma and trauma-informed approaches proved to be particularly beneficial for prosecutors and police personnel. One participant (public prosecutor) noted, "*Understanding the profound impact of this trauma on their lives and the challenges it poses during the legal process was an important revelation.*"

Even panel lawyers found the discussion on the mental trauma experienced by human trafficking victims to be entirely new and valuable, including esteemed guests, district and session judges, and judges of the Nari O Sishu tribunal. Noted by a panel lawyer in the follow up interview, “*It appeared that the discussion on the mental trauma of human trafficking victim was totally new to all of us, including the guests, and district and session Judge, and Judge of the Nari O Sishu tribunal.*” A panel lawyer added, “*I have learnt that conviction of victims is not everything for victims because the mental trauma the victims experienced in the trafficking would not easily fade away without psychological and mental support. If we can provide psychological counselling to the victims, then the mental trauma can be addressed.*” Another panel lawyer added, “*Previously, I thought that mental trauma is a secondary issue but it is the addressing of mental trauma that shows the real achievement of the legal settlement of human trafficking cases.*”

Specifically, the exploration of the symptoms of mental trauma and avenues for addressing it stood out as novel and useful in this session.

Legal clarity: For panel lawyers, the clarification regarding filing a human trafficking case in situations where the police refuse to register a complaint was highly beneficial. They gained insights from the in-depth discussion of sections 17 and 19 of the Suppression and Prevention of Human Trafficking Act, 2012, which dispelled their previous misunderstandings. They also learned that in cases of police bias, the tribunal has the authority to order the investigation to be conducted by other agencies such as the Criminal Investigation Department and the Police Bureau of Investigation.

From the session, I gained valuable insights into human trafficking cases in Bangladesh. The learned judge highlighted the interrelations among the Prevention and Suppression of Human Trafficking Act, 2012, Nari o Shishu Nirjaton Doman Ain, 2000, and the Overseas Employment and Migration Act, 2013. The judge also pointed out some exemplary initiatives of the Prevention and Suppression of Human Trafficking Act, such as extra-territorial jurisdiction, powers of the tribunal, admissibility of foreign and electronic evidence, and protection of victims and witnesses. – Public prosecutor

Echoing the same sentiment, a panel lawyer who attended the training session added, “*Previously, I had a misunderstanding about filing a human trafficking case if the police deny registering any complaint. I came to know the elaborate discussion on section 17 and 19 of the Suppression and Prevention of Human Trafficking Act, 2012, which has cleared my misunderstanding. If the police department becomes biased, the tribunal may make an order to conduct the investigation of the case by other investigation such agencies as Criminal Investigation Department and Police Bureau of Investigation.*”

The District Aid Officer from Khulna shared, “*The role of Public Prosecutor in Human Trafficking case is stated differently from other case. What I have learned today about section 17 and rule 10 of Human Trafficking Suppression and Prevention Rules 2017 that the tribunal can monitor the role of Special Public Prosecutor and lawyers appointed from the district legal aid committee.*”

Victim identification²: Participants, especially police and panel lawyers, also commended the victim identification document jointly prepared by JCBD and the government of Bangladesh. This document greatly facilitated accurate victim identification.

Enhanced general awareness on prosecution: Surprisingly, some participants, including public prosecutors, admitted that they were only now grasping the gravity of the human trafficking situation and coming to understand the complexities associated with expeditious prosecution. This newfound understanding represented a valuable learning experience for them.

⁹ Detailed explanation on section above.

I became aware of a significant loophole within the Prevention and Suppression of Human Trafficking Act, 2012, concerning the entity responsible for taking cognizance of human trafficking cases. The ambiguity surrounding this issue creates confusion and delays in the legal process, hindering the expeditious prosecution of such cases. – Public prosecutor

Other developments

The segment concerning other developments provided a concise overview of supplementary activities presented by JCBD.

- These meetings and collaborations have paved way for new partnerships as well. Over the years, JCBD has earned a recognition and credibility among the prosecution scene where they receive a call from police and other law enforcement agencies to support a victim or directly from the complainants. JCBD gets request to help the victims, provide assistance or rescue them from the judiciary stakeholders in the district level. CID also requests JCBD for any help when they find any case of missing victim in the foreign country or they need any material from foreign country. JCBD is in regular coordination with CID for rescuing victims.
- One research is being planned in the final stages to understand the gaps in the chargesheets (i.e., investigation reports), where about 150 cases are being assessed.
- The Chief Metropolitan Magistrate of Dhaka recommended that a referral mechanism be created so that whenever the magistracy receives a new case, they can contact JCBD to assist the victims.
- JCBD is also supporting in bail rejection. One of the legal officers or panel lawyers from JCBD will be present in the court who will assist the public prosecutor to make the argument as to why the accused should be in the prison. It is because it is seen that the public prosecutors who get incentivized by the defense lawyers for being silent or not presenting strong argument when the bail is being asked by the accusers instead of opposing strongly to it.
- JCBD is also supporting the video conferencing for repatriation victim. Victims rescued in foreign countries are not allowed to return to BD until they are examined by the foreign courts. JCBD arrange for their repatriation with the promise that they will be made available for examination via video conferencing after they come back to Bangladesh.
- In addition to the directly supported cases, JCBD is also monitoring the entire caseload of the supported tribunals which gives an indication of the cases that need to be supported, based on which JCBD is providing support to the unsupported cases in the tribunal.

CHAPTER 5: CONCLUSION

JCBD has been proactive in addressing crucial areas that required attention and intervention. The selection of activities, including new initiatives, reflects a strategic approach aimed at **addressing pertinent issues** within the prosecution process.

- One such noteworthy initiative was the digitization of HT tribunal proceedings. This endeavor was undertaken to alleviate the workload and stress faced by judges and court staff, who would otherwise need to sift through extensive, cumbersome documents manually.
- Similarly, the support for monitors was implemented with the goal of reducing the burden on complainants by providing them with an efficient means of tracking their case status. This intervention effectively addressed the issue of extended waiting periods that individuals previously endured.

- JCBD has also demonstrated a strong commitment to facilitating the work of tribunal judges. Their collaborative efforts have extended to reaching out to every police station, establishing a mechanism for dispatching personnel when summoned by the tribunal. This coordination, facilitated through platforms like WhatsApp groups, not only streamlines the process but also holds police stations accountable for their responsibilities. In cases where information dissemination is ignored, there is potential for accountability measures to be enforced. JCBD remains open to further initiatives aimed at supporting the police in their roles.
- Another notable endeavor supported by JCBD involves the installation of IT equipment for remote witness examinations. Recognizing that physical limitations, such as distance, time constraints, or disability status, may prevent individuals from testifying in person, the provision of remote witness testimony serves as a valuable alternative.
- One of the most significant initiatives supported by JCBD, as evidenced in the midline assessment, is the development of victim identification guidelines. This initiative addresses the issue of mis-categorization of human trafficking cases, which has led to an overrepresentation of such cases. The guidelines are expected to contribute to the accurate identification of cases and reflect a more realistic portrayal of the situation.
- JCBD's establishment of a victim-friendly center is particularly commendable. This center fills a critical gap in addressing the lack of dedicated spaces for women and children, a prevalent issue not limited to the Dhaka Judge Court but seen throughout Bangladesh. It effectively addresses the need for suitable facilities within the Dhaka Judge Court.

JCBD's commitment to incorporating **trauma as a priority content** in all of its trainings is noteworthy, recognizing the unique challenges posed by human trafficking cases, including issues related to rescue, investigation, and psychological trauma.

Furthermore, JCBD's **expanded collaboration with relevant stakeholders**, such as magistrates, reflects a proactive approach to addressing the complexities of human trafficking cases. Their support in various aspects, including rescue operations, repatriation, financial aid, consultation, and medical assistance, demonstrates a commitment to fostering trust and cooperation with these stakeholders.

Overall, JCBD's evolving approach demonstrates a **shift toward more specific and need-centric strategies**. This includes the establishment of victim-centric, trauma-informed victim-friendly centers, extending the focus beyond training and into practical action. This approach underscores JCBD's dedication to holistic solutions within the prosecution process.

CHAPTER 6: RECOMMENDATIONS

RECOMMENDATION SUGGESTED BY THE CMM:

During the discussion, the CMM emphasized the importance of the collaboration between the CMM's office and JCBD in addressing human trafficking cases. The CMM highlighted the vulnerability of the victims, particularly in the early stages of the prosecution process. The CMM underscored that victims of human trafficking face significant challenges and risks during the initial phases of the legal proceedings. Their well-being, both physical and emotional, is fragile, and their participation is crucial for a successful resolution. In light of this, the CMM stressed the need for prompt engagement from organizations like JCBD to provide necessary support

- *Expansion of the overall digitization setup:* The CMM expects the expansion of the improvements and initiatives to other tribunals as well. This indicates the need to replicate successful practices and implement similar measures in other jurisdictions to ensure consistency and effectiveness across the judicial system.
- *Active involvement of NGOs:* Recognizing that the government cannot solely handle all aspects of the judicial system, the CMM emphasizes the importance of NGOs stepping forward with dynamic ideas and assistance. The involvement of NGOs can provide valuable support in various sectors, contributing to a more robust and comprehensive approach to ensuring justice.
- *Granting JCBD early access to cases:* Emphasizing the potential benefits, the CMM stressed that granting the JCBD team early access to human trafficking cases could have played a crucial role in mitigating undue compounding, including the burdensome requirement of providing affidavits. Although the CMM did not personally encounter this situation, they have provided advice to the JCBD team, urging them to seek early access as it holds promise in effectively addressing such challenges. By allowing the JCBD team to intervene at an earlier stage, early access could help avert unnecessary complications and contribute to a streamlined legal process, thereby promoting a more favorable experience for victims of human trafficking.
- *Continue and extend support to women and vulnerable victims:* The vulnerability of many women in Bangladesh, stemming from their disadvantaged socio-economic conditions, exposes them to the risk of compromising with perpetrators in exchange for financial rewards. The CMM emphasizes this concern and provides an example where victims of gang rape withdrew their complaints after receiving a monetary compensation of 50 thousand BDT from the accused. This case exemplifies a recurring barrier to achieving justice, particularly in human trafficking cases. To prevent the occurrence of out-of-court settlements, it is crucial to extend comprehensive support through JCBD, including financial assistance, to ensure the preservation of justice. Additionally, victims of human trafficking require additional forms of support, such as shelter and prompt rescue, to address their immediate needs.

RECOMMENDATIONS SUGGESTED BY THE TRAINING PARTICIPANTS (PUBLIC PROSECUTORS, PANEL LAWYERS AND POLICE PERSONNEL):

The follow-up interviews with the training participants illuminated the necessity for additional training in several key areas. Specifically, there is a demand for further training in trans-border evidence handling, the admissibility of electronic evidence, and the establishment of clear protocols for managing such evidence.

As suggested by public prosecutors and police personnel, JCBD could consider prioritizing the development of comprehensive guidelines regarding the admissibility of electronic evidence and offering clarity on legally ambiguous offenses. Moreover, JCBD could provide specialized training sessions on trans-border evidence collection and establish collaborative initiatives with relevant stakeholders to ensure accurate victim identification.

I think that the JCBD should conduct training on trafficking issues that are more subtle. These can be cross-border legal procedures to obtain foreign evidence and rescue victims from foreign countries.- Panel Lawyer

In the future, I would benefit from additional training on the collection of trans-border evidence, the admissibility of electronic evidence, and the proper guidelines for handling such evidence. – Sub-Inspector, Jashore

JCBD can offer specialized training programs and resources to enhance the skills and knowledge of prosecutors and law enforcement officials involved in combating human trafficking.- Public Prosecutor

Additionally, police personnel emphasized the importance of JCBD offering specialized training programs and resources to enhance the skills and knowledge of enforcement officials engaged in investigating human trafficking cases.

ANNEX

ANNEX I: PROJECT DOCUMENTS REVIEWED

- A Review and Analysis of the Human Trafficking Cases Pending Trial in Bangladesh
- External evaluation of human trafficking prosecution project in Bangladesh baseline study
- UBS Optimus Foundation Progress Update Form

ANNEX II: STUDY QUESTIONNAIRE AND OBSERVATION CHECKLIST

Annex 1: Key questions

Interview with the Chief Metropolitan Magistrate

Hello. My name is _____.

Thank you for your time. I wanted to know how your cooperation with JCBD came about, if you deem their efforts are effective and relevant. The discussion will take about 45 minutes and, with your permission, I may take notes during the discussion. You can skip any question or choose to end the discussion at any time. While participation in this discussion is voluntary, it is extremely important for us to hear about your perception about the prosecution in human trafficking cases and if JCBD has played any role in making a difference? Your perception will contribute to improving how JCBD is dealing with the prosecution of human trafficking cases and how improvements can be made in their work.

Key questions

- How did your cooperation with JCBD come about?
- From your understanding, what is JCBD trying to achieve?
- What are the primary obstacles you see in prosecuting human trafficking cases during the initial stages, i.e., when the investigation is still in-progress and the case has not yet been transferred to the tribunal by the magistrate?
- How does your cooperation with JCBD work? What activities have they carried out to assist you?
- What positive differences have JCBD's activities made, from your perspective? (Probe - Have they resulted in any changes to your capacity, your practices or the progress of your cases?)
- Have there been any negative differences resulting from JCBD's activities?
- How relevant do you think JCBD's activities are to the prosecution of human trafficking cases?
- When you refer a case to JCBD, what do you hope will be achieved?
- What are the possible benefits of JCBD legal team having early access to cases? Have you seen any changes to how prosecutions are being handled as a result of JCBD's early access to cases?
- What else could JCBD do which would aid the prosecution of human trafficking cases?
- Is there anything else you would like to share with us?

Interview with JCBD

Detailed questions

- The scope of service of JCBD has expanded to more districts (and more tribunals), what is the rationale for the expansion?
- What is the update on national guidelines on the implementation of the Mutual Legal Assistance Treaty, and national victim identification guidelines for law enforcement? Can you help us understand how does it contribute in the prosecution of human trafficking cases?
- There has been significant increase in the witness attendance, what do you owe it to? Are there other actors that are supporting the witness attendance?
- What kind of legal support are you providing to the HT cases?

- What are the different capacity building trainings you have been providing to the a) judges b) prosecutors c) legal case assistants? What changes have you noted in the behavior and perception of the judges and prosecutors after the capacity building? How has JCBD worked in strengthening the relationship with these stakeholders? What are the challenges in engaging them in capacity building programs?
- There has been training to judges and police on Prevention and Suppression of Human Trafficking Act 2017. (Delve: what kind of misapplications of the rules of the anti-trafficking law were seen) What is the rationale of proving the training and how has the knowledge and attitude of these stakeholders changed after the training? Are there any challenges you have faced in engaging them in these capacity building activities?
- One of the current updates is regarding instigate a new piece of research into the shortcomings of charge sheets submitted by investigators, to identify key recommendations for improvement and inform the training content. Can you explain what this is?
- What efforts are put in place to deal with HT cases
- What support has been provided to cases that take place outside of Bangladesh? How successful has JCBD been in rescuing cases from cross-border? What are the challenges, still?
- How is JCBD supporting in registering new cases and arresting the accused traffickers?
- To what extent are judges of ordering formal police investigations instead of inquiries? How has JCBD kept track of it?
- How has the coordination and relationship with the judges improved over time? What do you think has contributed to this? (For example, Dhaka Anti-Human Tribunal Judge has asked for assistance of JCBD in managing his case and also requested for video-conferencing for remote witness testimony, what is the update on that?) Are there similar positive updates from other tribunal judges?
- How are you engaging with Criminal Investigations Department, Police Bureau of Investigations and Border Guards Bangladesh? How has the overall cooperation changed since the start?
- How are you supporting in bail rejection?
- Despite some positive results in conviction, there is still problem in conviction rates, what are the factors that are still hinder the conviction?
- How have you contributed to the first ever instance of a witness being examined remotely via video conference?
- What else would you like to tell us?

Training observation Checklist

Date:
Title of the program:
Location:
Venue:
Participants of the program:
Male:
Female:
Rank / role of participants:

What is the objective of the session?

How engaged did the participants appear? Who appeared most engaged? Were they asking questions, actively participating in discussions and activities?

At which points did they appear most engaged? At which points did they appear least engaged?

What were the key discussion points / questions raised by the participants? Were these points thoroughly discussed?

What are the existing gaps in prosecution of human trafficking cases discussed during the program?

What were the most positive aspects around the timing, clarity, format etc. of the training delivery?

What were the weaknesses (if any) of the timing, clarity, format etc. of the training delivery?

Note: JCBD conducts pre- and post-test. Please review the pre-test and post-test results.

Follow up question with the participants:

Hello. My name is _____.

Thank you for your time to talk to us. We have thoroughly observed the event today. We wanted to gain your viewpoint about today's event and how relevant or effective you deem it to be. I want to talk to you for 20 minutes. I may take notes during the conversation, if you consent. You can skip any question or choose to end the conversation at any time. While participation in this discussion is voluntary, it is extremely important for us to hear about your perception about the prosecution in human trafficking cases and if JCBD has played any role in making a difference? Your perception will contribute to improving how JCBD is dealing with the prosecution of human trafficking cases and how improvements can be made in their work. Should I begin?

- What did you hope or expect to gain from the session today?
- Did you find out anything new or useful in this session?
- What did you learn or gain from the session?
- What if anything will you do differently as a result of this session?
- (Follow up - If you won't do anything differently, why not? What are the barriers to implementing the recommendations from this session?)
- Were there any issues raised today that you don't understand or need more training in?
- Based on what you learned in this training, can you identify any ways that prosecution of HT can be improved?
- What more could JCBD do to assist you in your role?