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THE INTERSECTION OF MODERN SLAVERY, MIGRATION AND CLIMATE CHANGE

INTRODUCTION

1. This is a joint submission by Anti-Slavery International and Ovibashi Karmi Unnayan Program (OKUP).¹
2. Anti-Slavery International is the world's oldest international human rights organisation. It works with partners across the world to address the root causes of modern slavery.
3. OKUP is a community based migrant workers' organisation in Bangladesh. It advocates for the protection of migrant workers' rights, including in relation to climate change.
4. The evidence in this submission has been gathered primarily from OKUP's beneficiary database with evidence from various projects on labour migration and climate-induced migration, as well as research that OKUP has conducted (published and unpublished). OKUP uses a mixed method of qualitative and quantitative data collection and analysis for its research. The submission also draws on research conducted by Anti-Slavery International and the International Institute for Environment and Development (IIED) outlining the critical link between climate-induced migration and modern slavery, including in Bangladesh.²
5. In this submission, we examine the Government of Bangladesh's compliance with its international human rights obligations to protect migrants in the context of intersecting vulnerabilities between climate change impacts, migration, and modern slavery. This is structured under the following themes: Theme: B73 Human Rights and Climate Change,

¹ Anti-Slavery International and OKUP have been working together for several years, including on a project aimed at reducing vulnerabilities to modern slavery for migrant workers (2019-2022). We are currently working together on a Global Partnership Network (Business and Human Rights) and a new project exploring the impact of climate change on vulnerabilities to modern slavery for those who migrate or are immobile in those contexts (2023-2025).

² Ritu Bharadwaj, Danielle Bishop, Somnath Hazra, Enock Pufaa, James Kofi Annan, 'Climate-induced migration and modern slavery: a toolkit for policymakers', *IIED and Anti-Slavery International* (September 2021), <https://www.iied.org/20441g>.

Theme: G4 Migrants and Theme: D27 Prohibition of slavery, trafficking in *Third Cycle Matrice of Recommendations – Bangladesh*.³

6. To this end, we assess Bangladesh’s implementation of recommendations received during the third UPR cycle relating to vulnerabilities to modern slavery for migrant workers and provide follow-up recommendations.

EXECUTIVE SUMMARY

7. Bangladesh is a country with a workforce surplus: 48% of the total population are of working age,⁴ and nearly two million young people add to the labour market annually.⁵ Despite economic growth over the years, unemployment remains a major challenge. The Government of Bangladesh has responded by deploying the surplus workforce into overseas employment. In the last five years, the Government has deployed 3.4 million Bangladeshis abroad with employment visas, who have in turn⁶ sent US\$ 99 billion in remittances, contributing to the country’s overall socio-economic development.⁷ Recruitment in Bangladesh is a billion dollar industry involving influential figures, such as parliamentarians, which often leads to conflicts of interest and hinders the development of migrant-friendly policies and practices, leaving hundreds of thousands of migrant workers in exploitative situations.
8. Compounding this situation is Bangladesh’s high exposure to climate change impacts due to, *inter alia*, its low elevation, high population density and lack of infrastructure.⁸ Many migrate as a coping strategy. It has been estimated that between one and two thousand people migrate to the country’s capital, Dhaka, every day, with large numbers motivated by climate considerations.⁹ Yet whether or not they migrate, people across Bangladesh face increasing vulnerabilities due to both sudden and slow onset disasters, which destroy homes and reduce traditional livelihood options. Those living in rural areas, coastal regions and on Bangladesh’s river islands, known as chars, are particularly affected.¹⁰ Men, women and children are left with fewer viable coping options, and at greater risk of falling into exploitative labour conditions, either within the country or across borders - for example to India. Without an adequate system and resources for protection, those at risk often fall into abusive and exploitative conditions during the migration cycle.
9. During the third UPR cycle, the Government of Bangladesh received five recommendations relating to the prohibition of slavery and trafficking, seven recommendations related to the

³ OHCHR, ‘Third Cycle Matrice of Recommendations – Bangladesh’, 30th session (2018) <https://www.ohchr.org/en/hr-bodies/upr/bd-index>.

⁴ World Bank, ‘Age dependency ratio (% of working-age population) - Bangladesh’ (2022), <https://data.worldbank.org/indicator/SP.POP.DPND?locations=BD>.

⁵ ‘Youth employment: A pre-condition for sustaining Bangladesh’s prosperity’, *The Business Standard* (February 2022), <https://www.tbsnews.net/supplement/youth-employment-pre-condition-sustaining-bangladeshs-prosperity-365935>.

⁶ Government of the People’s Republic of Bangladesh, ‘Bureau of Manpower, Employment and Training (BMET)’ <http://www.old.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=16>.

⁷ Ibid.

⁸ Environmental Justice Foundation (EJF), *On the Frontlines. Climate Change in Bangladesh* (2018), <https://ejfoundation.org/resources/downloads/Climate-Displacement-Bangladesh-briefing-2018-v20.pdf>.

⁹ Ibid.

¹⁰ Ibid.

protection of migrants, and two recommendations related to mitigating the negative impacts of climate change. All fourteen were accepted. Since then, the Government has instigated a variety of policy initiatives, yet the impact of these has been negligible, while also failing to connect the issues, so that climate migrants are protected from severe exploitation. There is no policy at all to address the issues interconnecting climate change, migration and severe exploitation. There is an urgent need to promote policy coherence, coordination among relevant Government agencies, and allocate the necessary resources to implement meaningful changes in the lives of those affected.

THEME: B73 HUMAN RIGHTS AND CLIMATE CHANGE

10. In the third cycle, the Government of Bangladesh accepted two recommendations related to mitigating the negative impacts of climate change, thereby committing to “Continue its efforts in addressing the negative impacts of climate change” and “Develop strategies to mitigate the impact of climate change”.¹¹
11. Bangladesh is highly vulnerable to climate change impacts, ranking seventh on the 2021 World Climate Risk Index.¹² The extreme climate hazards in the coastal areas in Bangladesh put roughly 40 million people at risk.¹³ There are increased risks of exploitation for people who migrate and are displaced due to climate change. The increasing frequency and intensity of extreme weather disasters due to climate change creates circumstances where vulnerable communities are more vulnerable to coercion into slavery and slavery-like practices.¹⁴
12. The Sundarbans region, located in the delta of the Bay of Bengal where extreme weather events are prevalent, is a hotspot for forced labour, child exploitation and trafficking.¹⁵ OKUP research in the Sundarbans area shows that 75% households have at least one member who migrated outside of their village to find employment.¹⁶ Of those, 90% migrate internally within the country, mainly as seasonal migrant workers, while 6% migrate abroad, mainly to Middle Eastern countries and Malaysia, whilst 4% migrate to India. These people often become victims of deception and fraud.
13. The unfair and unethical recruitment practices operated by agents at home and the ‘*kafala*’ (*sponsorship*) systems in place at destination, make many migrant workers irregular, putting them in precarious working conditions and slavery-like situations in destination countries. There are not sufficient mechanisms in place to ensure the protection of migrant workers

¹¹ 147.37 (Viet Nam); 147.38 (Gabon).

¹² Ministry of Environment, Forest and Climate Change, Government of the People’s Republic of Bangladesh, ‘National Adaptation Plan of Bangladesh (2023-2050)’, [https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202211020942---National%20Adaptation%20Plan%20of%20Bangladesh%20\(2023-2050\).pdf](https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202211020942---National%20Adaptation%20Plan%20of%20Bangladesh%20(2023-2050).pdf), p.i.

¹³ World Bank, ‘World Bank: Continued Investment in Coastal Resilience is Critical for Sustainable Growth in Bangladesh’ (September 2022), <https://www.worldbank.org/en/news/press-release/2022/09/11/world-bank-continued-investment-in-coastal-resilience-is-critical-for-sustainable-growth-in-bangladesh>.

¹⁴ Ritu Bharadwaj et al, ‘Climate-induced migration and modern slavery: a toolkit for policymakers’, p. 14.

¹⁵ Ibid., p. 25.

¹⁶ This data and analysis comes from an OKUP research project (currently unpublished) which took place between January-March 2023, with a total of 35 meetings with 1225 participants in the Sundarbans region of Bangladesh.

and upholding their rights and dignity.

14. Research conducted by Anti-Slavery International and IIED found that increasing numbers of people from the Sundarbans are relying on trafficking networks to cross borders in response to escalating immigration controls, placing them in potentially dangerous situations.¹⁷ In this disaster-prone region, the transfer of women and children in large numbers to neighbouring countries is widespread, with traffickers targeting widows, female-headed households and men trying to cross the border to India to work.¹⁸ Trafficking victims are then commonly forced into exploitative labour conditions, and become stuck due to debt bondage.¹⁹ In some cases, disaster-affected families collude with traffickers, helping them to identify vulnerable women and girls to earn money.²⁰
15. Since its last review, the Government of Bangladesh has demonstrated some commitment to addressing the effects of climate change, for example adopting in 2022 a new National Adaptation Plan (NAP) (2023-2050)²¹ to put in place measures to respond to climate change impacts.
16. Bangladesh clearly acknowledges the social impacts of climate change, dedicating the NAP section “Disaster, social safety and security” entirely to reducing losses and damages and managing climate migration. The document gives attention to climate induced migration; for example, under the subsection “Risks and vulnerabilities among women, the elderly, children and youth”,²² it states that “[m]any youth are forced to engage in labour due to disaster-impelled migration from coastal areas, a pattern evident in other forms of fallout due to climate change”.²³
17. However, throughout the NAP there is almost no specific mention of the exploitation risks associated with climate-induced migration, including bonded labour, trafficking and other forms of contemporary slavery. There is one reference to smuggling and trafficking, indicating the need for the “a separate environmental policing system to stop smuggling or trafficking to overseas markets”.²⁴ However, this appears to refer to the trafficking and smuggling of wildlife, as opposed to people.
18. The Government also adopted the Bangladesh Delta Plan 2100 (October 2018) during the reporting period. The Delta Plan seeks to mitigate the effects of climate change and natural disasters and to tackle related issues of socio-economic development. However, while it recognises the interconnections between climate change and migration,²⁵ it fails to identify concrete solutions or to recognise the intersecting link with contemporary forms of slavery and the associated risks.

¹⁷ Ritu Bharadwaj et al, ‘Climate-induced migration and modern slavery: a toolkit for policymakers’, p.26.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ministry of Environment, Forest and Climate Change, ‘National Adaptation Plan of Bangladesh (2023-2050)’ [https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202211020942---National%20Adaptation%20Plan%20of%20Bangladesh%20\(2023-2050\).pdf](https://www4.unfccc.int/sites/SubmissionsStaging/Documents/202211020942---National%20Adaptation%20Plan%20of%20Bangladesh%20(2023-2050).pdf), p.i.

²² Ibid., “Risks and vulnerabilities among women, the elderly, children and youth”, p. 48.

²³ Ibid.

²⁴ Ibid., EWB4 “Extension and expansion of the coastal greenbelt for protecting coastal habitats, including the Sundarbans, mangroves, salt marshes, etc”, p. 167.

²⁵ General Economics Division (GED), Bangladesh Planning Commission, ‘Bangladesh Delta Plan 2100: Bangladesh in the 21st Century (Abridged Version)’ (October 2018) <https://oldweb.lged.gov.bd/UploadedDocument/UnitPublication/1/756/BDP%20100%20Abridged%20Version%20English.pdf>, p.22, 27.

Case Study: Trapped into forced labour in Saudi Arabia: the case of a climate induced migrant worker

Rashedul, 32 years old, was born and raised in a village of Gabura Union on the Shyamnagar coast of Satkhira, Bangladesh. Like many others in the village, his livelihood comprised seasonal fishing in the rivers around the Sundarbans and working as an agricultural labourer. However, agricultural activities have been dying out in Rashedul's village due to severe salinization in the area, and he lost his livelihood as a result - falling into severe economic hardship.

At this time, a local 'middleman' (sub-agent) offered him a job in a 'Dates Packaging Company' in Saudi Arabia. The sub-agent promised him a monthly salary of BDT 50,000 (£400). Rashedul had no knowledge about visas, work permits, or recruitment fees. Foreseeing no future in his village, he agreed to the proposal. As demanded by the sub-agent, he took a loan of BDT 350,000 (£ 2800) from relatives and money lenders to pay recruitment fees. Then, the sub-agent (part of a licensed recruitment agency), sent Rashedul to Saudi Arabia in June 2022 through the Government process.

In Saudi Arabia, Rashedul was kept in a house along with two other Bangladeshi migrant workers. They were confined for nearly two months with little food, being fed only once a day. Rashedul's two companions fled from the house, but Rashedul did not. He reports that he was continuously begging to work. During the third month, the recruiting agency gave him work to pack medicine in the same house he was living in. Rashedul has been working there for seven months now, while confined. He has been given a salary for two months of work only.

Rashedul managed to call home and told his mother about the misery of his conditions. His mother said "my son is confined there. He has little food to eat. What will happen to him?" She added, "the middleman is threatening me not to speak up. How can I save him? How will I pay the loan?". OKUP has helped her to apply to the District Employment and Manpower Office to rescue Rashedul.

Recommendations for the Government of Bangladesh:

- Integrate meaningful actions to prevent contemporary forms of slavery, including trafficking in persons and forced labour, into existing climate adaptation and mitigation plans, such as the NAP (2023-2050) and the Bangladesh Delta Plan 2100.
- Integrate meaningful actions to prevent contemporary forms of slavery, including trafficking in persons and forced labour, into Bangladesh's next Nationally Determined Contribution to the UNFCCC.
- Ensure that future climate adaptation and mitigation plans incorporate modern slavery prevention from the drafting phase. This should include incorporating planned relocation and resettlement, in order to reduce vulnerabilities to exploitation.
- Improve coordination across different Government agencies and sectors, and ensure the effective use of resources, in order to address intersecting climate, migration and modern slavery issues.

- Strongly advocate for the creation of safer and more numerous legal migration pathways, including for those who migrate in the context of climate change, in line with obligations under international human rights treaties and as a ‘Champion’ country of the Global Compact for Migration.²⁶

THEME: G4 MIGRANTS

19. In the third cycle, the Government of Bangladesh accepted seven recommendations related to the protection of migrants, including to “Strengthen measures to protect migrant workers” and “Adopt legislation and comprehensive public policies to guarantee the human rights of persons in a situation of human mobility, with a gender, intergenerational and intercultural focus”.²⁷
20. Since then, the Government has adopted a series of national legislation on migration, including the Recruitment Agents’ License and Code of Conduct Rules (2019) and the Overseas Employment and Migrant Rules (2020).
In 2021, the Government initiated a revision of the Overseas Employment and Migrants’ Act 2013, which at the time of writing is yet to be approved. The ‘National Reintegration Policy for Migrants’ is also under the process of approval.
21. The Government adopted a ‘Wage Earners’ Welfare Act’ in 2018 with the provision of support and assistance to returnee migrant workers and with special provisions for women returnees. There is a Five-Year Plan in place (2020-2025) which aims to secure the dignity, fairness, freedom, security and human rights of Bangladeshi expatriates. The Ministry of Expatriate Welfare and Overseas Employment has created an Action Plan to implement the directions of the Five-Year Plan. The Government also adopted the Global Compact on Migration in 2018.
22. Whilst we welcome the introduction of these legal and policy measures, there remains a lack of implementation as well as inadequacies within existing policies, which means the rights of Bangladeshi migrant workers continue to be violated. For example, the main challenge facing Bangladeshi migrant workers relates to unfair and unethical recruitment practices, including contract substitution. The Ministry of Expatriate Welfare and Overseas Employment has capped recruitment fees paid by migrant workers for several countries. However, recruitment agencies charge six to ten times higher than the officially set amount.²⁸ For example, the Government of Bangladesh has set a rate of EUR 790 for recruitment to Malaysia following the Memorandum of Understanding signed between the

²⁶ United Nations Network on Migration, ‘Champion countries’ <https://migrationnetwork.un.org/champion-countries>.

²⁷ 147.158 (Indonesia); 147.159 (Nepal); 147.160 (Peru); 147.161 (Philippines); 147.163 (Iraq); 147.151 (Ecuador); 147.162 (Philippines).

²⁸ UN Special Rapporteur on the human rights of migrants, ‘Bangladesh must boost regulation of migrant recruitment: UN expert’ (January 2023), <https://www.ohchr.org/en/press-releases/2023/01/bangladesh-must-boost-regulation-migrant-recruitment-un-expert>.

countries in December 2021.²⁹ In reality, recruitment agents are charging each migrant around EUR 3,500.³⁰ Despite repeated media reports, the ministry has taken no legal action yet against recruitment agents.

23. Saudi Arabia, the largest country of destination for Bangladeshi workers, recruited nearly 700,00 workers from Bangladesh in 2022 alone.³¹ The Government of Bangladesh has no mechanism in place to ensure that the recruited workers are employed under the conditions that they were promised. In 2022, OKUP received complaints from Bangladeshi workers in Saudi Arabia who provided estimates of nearly 3500 migrants who were stranded there without a work permit or job.
24. Some workers have had to pay their own money to find a new employer and get a work permit, but those who cannot afford it remain undocumented. The Government of Bangladesh does not seem open to investigating these concerns nor taking actions against recruitment agents or engaging with Governments at destination for the effective prosecution of employers.
25. The Bangladesh Bureau of Statistics Report 2020 states that Bangladeshi migrant workers have to work 17.6 months to recover their recruitment fees.³² However OKUP has found that most migrant workers take high-interest loans to pay their recruitment fees, fall into debt bondage and are thereby forced to continue working in exploitative situations. The visa trading practice³³ and payment of lower than promised salaries often make migrant workers vulnerable to forced labour. Migrant workers who run away from their employers (to whom they are tied via sponsorship) in order to avoid such exploitation become undocumented. Undocumented workers are not always paid, and rarely have access to basic services including healthcare in the destination country, nor access to compensation mechanisms in the countries of destination or origin.
26. Women migrant workers, particularly domestic workers, face specific vulnerabilities. OKUP's 2021 research with 262 women domestic workers shows that 58% were deported within 12 months before finishing their two-year job contracts.³⁴ All 262 returnee women migrant workers testified that they had been abused physically, mentally or sexually by their employers.³⁵ 19% of returnee women reported they had been locked up, physically tortured, sexually abused or forced to work unpaid by the recruiting agents in the destination countries.³⁶ These women face severe stigma and discrimination in the family and society upon return with hardly any support and assistance from the Government which pushes

²⁹ The Daily Star, 'Govt sets Tk 78,990 max migration cost in Bangladesh for workers going to Malaysia' (7 July 2022), <https://www.thedailystar.net/nrb/migration/news/govt-sets-tk-78990-max-migration-cost-bangladesh-workers-going-malaysia-3066141>.

³⁰ Kamran Siddiqui, 'Malaysian labour market rebounds despite high migration cost', *The Business Standard* (25 February 2023), <https://www.tbsnews.net/bangladesh/migration/malaysian-labour-market-rebounds-despite-high-migration-cost-590446>.

³¹ Government of the People's Republic of Bangladesh, 'Bureau of Manpower, Employment and Training (BMET)', <http://www.old.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=16>.

³² Bangladesh Bureau of Statistics (BBS), Cost of Migration Survey 2020 https://www.ilo.org/dhaka/Whatwedo/Publications/WCMS_766198/lang--en/index.htm

³³ See definition of visa trading here: <https://www.mrc-bangladesh.org/en/faq/requirements-for-migrants/what-is-visa-trading-why-would-sponsors-trade-visas>.

³⁴ OKUP, 'Access to Justice for Bangladeshi Migrant Workers: Opportunities and Challenges', https://okup.org.bd/newsletter/access-to-justice-for-bangladeshi-migrant-workers-opportunities-and-challenges_2021/ p. 19.

³⁵ *Ibid.*, p. 17.

³⁶ *Ibid.*, p. 9.

them to more critical conditions.

Case Study: Intimidation of an abused migrant worker in Bangladesh's complaints system³⁷

Naima (not her real name) worked for three months in Saudi Arabia, but her employer did not pay her a single month's salary. Naima's employer was abusive, and when she urged her husband to intervene, in fear for her life, the sub-agent in Bangladesh charged her husband BDT 30,000 (US\$ 357) to arrange for her return.

Upon her return to Bangladesh, she complained through the Bureau of Manpower and Employment (BMET) for compensation in 2019. However, at the final hearing Naima was forced to settle her complaint with hardly any compensation and was intimidated and humiliated multiple times throughout the hearing process. At the final hearing, Naima said, "Had I been aware of this unjust reality, I would never have filed a complaint."

27. Migrant workers from Bangladesh rarely have access to justice and remedy. In destination countries, they find many barriers to filing complaints against their employer, including low knowledge of legal options, language barriers, lack of legal aid and most importantly, fear of deportation or cancellation of sponsorship. For example, according to the Overseas Employment and Migrants' Act 2013 (hereafter Act 2013), the Government of Bangladesh should provide necessary legal aid for migrant workers to access justice and remedy in destination countries. In reality, the facilities in place are insufficient and therefore most migrant workers are returned without having accessed any justice or remedy.³⁸
28. Meanwhile, upon return, migrant workers, under the provision of the Act 2013, can file complaints against the recruiting agents either through filing a case in court, or through the 'arbitration cell' set up in the Bureau of Manpower, Employment and Training (BMET) - a wing of the Ministry.³⁹ Yet, in practice, OKUP's 2021 research evidences that the lack of structural and standard operational procedures to conduct 'arbitration' puts both the returnee migrant workers and civil society organisations supporting them with legal services, in humiliating and confrontational situations.⁴⁰ Among 123 complaints filed to the 'arbitration cell' in 2019, only 31% complaints were resolved with unfair compensation compared to the amount owed or the impact of abuse and exploitation faced by the migrants.⁴¹ Neither of the cases filed in the court had been resolved in the court which must be concluded within four months according to the Act 2013.
29. The Ministry of Expatriate Welfare and Overseas Employment has not taken any legal action against recruiting agents for violations of the Act 2013, including the involvement of unauthorised sub-agents in the recruitment process, the collection of very high recruitment fees, and the deceiving of workers regarding employment conditions at destinations and the breaching of job contracts.⁴²
30. OKUP's research meanwhile indicates that the labour departments in Bangladesh's embassies abroad are understaffed and under-resourced, with a lack of transparency and

³⁷ Ibid., p. 24.

³⁸ ILO, Bangladesh Overseas Employment and Migrants' Act 2013, English Version / <https://www.ilo.org/dyn/migpractice/docs/169/Act.pdf>.

³⁹ Ibid.

⁴⁰ OKUP, 'Access to Justice for Bangladeshi Migrant Workers: Opportunities and Challenges' (2021).

⁴¹ Ibid., p. 28.

⁴² Ibid.

accountability. The departments also lack remediation support systems in the countries of destination. The absence of a dedicated arbitral tribunal causes a huge challenge in ensuring transparency and accountability in accessing justice through arbitration,⁴³ while the court case procedure is lengthy. In addition, there is no framework for remediation, be it monetary or non-monetary. The ‘mandatory health insurance for wounds and death’ for all outbound migrant workers that the Ministry of Expatriate Welfare and Overseas Employment introduced in 2019 hardly covers the health issues of migrant workers.

31. The health of migrant workers is rarely addressed in migration discourse. OKUP’s 2021 research shows that 90% of the women domestic workers (out of 172 who received services from OKUP in 2021) returned with mental stress, anxiety, depression or with critical mental trauma.⁴⁴ OKUP’s data gathered from 228 returnee migrant workers who received healthcare support during 2019-2021 shows that 37%, the highest proportion, were suffering from back pain or joint pain, 32% (mainly women) from abdominal pain, 27% leg pain and 21% workplace injuries.⁴⁵ There are no treatment facilities or support for returnee migrant workers.
32. The deaths of migrant workers abroad are also a major concern. According to the Wage Earner’s Welfare Board data, on average 3000 deceased migrants are returned to Bangladesh annually since 2019.⁴⁶ In 2021, Bangladesh received bodies of a total of 3,652 migrant workers, 25% more than that of the previous year.⁴⁷
33. In such cases, ‘heart attacks’ are the most commonly declared cause of death, despite migrant workers being often young and considered healthy in mandatory health checks prior to departure.⁴⁸ There are also questions around the designations of suicide as a cause of death, especially for women migrant workers. The Government has not taken any step to investigate the concern raised by the civil society organisations and the media.

Recommendations for the Government of Bangladesh:

- Revise the current Overseas Employment and Migrants’ Act 2013 to ensure fair and ethical recruitment, including by:
 - Bringing recruitment agents and their nominated sub-agents under an accountable and regulated system
 - Promoting the ‘Employer Pays’ model⁴⁹ in recruitment, and removing recruitment fees for migrant workers
 - Ensuring a rights-based and gender-sensitive protection system for migrant workers, who have experienced rights violations whilst employed abroad, and their families,

⁴³ Ibid., p .2.

⁴⁴ OKUP, ‘Living with Violence: Mental Health Consequences of Women Migrant Workers’ (2021), <https://okup.org.bd/newsletter/living-with-violence-mental-health-consequences-of-women-migrant-workers/> p.1.

⁴⁵ OKUP, ‘Study on Universal Health Coverage for Migrants in Four South Asian Countries – Bangladesh Chapter’ (15 December 2022), <https://okup.org.bd/newsletter/okup-study-on-universal-health-coverage-for-the-migrants-bangladesh-chapter>.

⁴⁶ <https://www.dhakatribune.com/bangladesh/overseas/2022/12/30/okup-reports-3652-deaths-of-bangladeshi-migrants-abroad>, Rajeev Ahmed, Questions on untimely deaths of remittance warriors’, *Samakal* (30 Dec 22).

⁴⁷ OKUP, ‘Study on Universal Health Coverage for Migrants in Four South Asian Countries – Bangladesh Chapter’, p. 13.

⁴⁸ <https://www.dhakatribune.com/bangladesh/overseas/2022/12/30/okup-reports-3652-deaths-of-bangladeshi-migrants-abroad>, Rajeev Ahmed, Questions on untimely deaths of remittance warriors’ *Samakal* (30 Dec 22).

⁴⁹ Institute for Human Rights and Business, ‘The Employer Pays Principle’, <https://www.ihrb.org/employerpays/the-employer-pays-principle>.

irrespective of gender and legal status.

- Ensure that the Ministry of Expatriate Welfare and Overseas Employment adopts separate comprehensive rules for ‘arbitration’ for rights violations of migrant workers and establishes a ‘Separate Arbitral Tribunal’, with the necessary resources and mechanisms to investigate reports of unethical recruitment practices and abuse of migrant workers, with considerations for gender-specific needs, including gender-based violence.
- Set up monitoring systems to ensure migrant workers have adequate health insurance throughout their migration, paid by the employer.
- Provide remedy to migrant workers for their rights violations, including financial, psychological and social support.
- Allocate sufficient budget for the implementation of migration-related legislation (including the Expatriate Welfare and Overseas Employment Policy (2016), the Overseas Employment and Migrant Act 2013, the Wage Earners' Welfare Act (2018) and the Migration Management Rules (2017)), ensuring transparency and accountability by providing decentralised mechanisms at source and destination countries.
- Provide adequate support, including additional resources and training, to Bangladesh’s embassies, to improve their ability to support migrant workers abroad and give protection to victims of exploitation.

THEME: D27 PROHIBITION OF SLAVERY, TRAFFICKING

34. In the third cycle, the Government of Bangladesh supported five recommendations relating to the prohibition of slavery and trafficking, including to “Enhance cooperation at all levels to address trafficking in persons, in particular women and girls” and “Continue efforts to combat trafficking in humans, particularly the exploitation of children, by stepping up measures against traffickers”.⁵⁰
35. The Government of Bangladesh has taken some action towards implementing these. In March 2020, it established seven Anti-Trafficking Tribunals to improve its low conviction rate.⁵¹ Investigations, increasing prosecutions, and convictions against human traffickers have increased since then; courts and the Anti-Trafficking Tribunals convicted 18 sex traffickers in 2021 - an increase from seven convictions the previous year.⁵²
36. However, conviction rates remain low and protection measures are inadequate for victims. The United States’ 2022 Trafficking in Persons report found that the Government of Bangladesh’s actions to combat trafficking was inadequate in several areas, including on

⁵⁰ 147.57 (Turkmenistan); 147.58 (Islamic Republic of Iran); 147.59 (Belarus); 147.61 (Djibouti); 147.62 (Guyana).

⁵¹ Naimul Karim, ‘Bangladesh vows to speed up efforts to convict human traffickers’, *Reuters* (November 2020), <https://www.reuters.com/article/bangladesh-humantrafficking-court-idUSKBN2842H1>.

⁵² US Department of State, Office to Monitor and Combat Trafficking in Persons, ‘2022 Trafficking in Persons Report: Bangladesh’, <https://www.state.gov/reports/2022-trafficking-in-persons-report/bangladesh/>.

victim identification and victim care.⁵³ The Government also “continued to allow recruitment agencies to charge high recruitment fees to migrant workers and did not consistently address sub-agents conducting illegal recruitment operations, leaving workers vulnerable to trafficking.”⁵⁴

37. It is estimated that there are 592,000 people living in contemporary forms of slavery in Bangladesh.⁵⁵ One such form is the exploitation of migrant workers who, as referred to above, are exploited by recruitment agencies and intermediaries through high recruitment fees and deceptive job offers.⁵⁶
38. Currently unpublished OKUP data drawn from the cases of 511 returnee migrant workers across different districts in Bangladesh (who received support and assistance during 2020-2022) identified 31% as trafficking victims who were recruited by authorised recruiting agents through official channels (80% trafficked for forced labour and 20% trafficked for sexual exploitation).

Case Study: Story of a Bangladeshi domestic worker in Saudi Arabia who survived a sex trade ring

I lost my job in a local factory during the COVID-19 lockdown and so did my husband who was a rickshaw puller. We were not able to buy food for the children. Then a local woman offered me the chance to go to Saudi Arabia for domestic work free of charge. I decided to go, and the woman sent me there in January 2022 through a licensed recruitment agency. The agency man in Saudi Arabia received me at the airport and sent me to a house for work. It was a three-storey house with nearly 15 members and I had to do everything from cleaning to washing clothes to ironing to cooking from dawn to dusk.

Despite huge work pressure, I could not complain because I needed the salary each month to send home to my family. During the third month, I fell down a staircase while cleaning and was seriously wounded. I had continuous bleeding because I hurt my abdomen. In the name of going to the doctor, the employer brought me to the agency office, but the agency men did not provide me with any treatment. Rather, they started harassing me. In the following day, they came in a group and raped me forcefully. This repeated for almost a month before I was moved to a new place where I was confined. In that place, 7-8 people came every day to rape me. They would beat me whenever I refused them. They stopped my food and water. I was about to die. It was terrible to live with such torture for months and months.

One day I was able to call my family and tell them about my miseries. I asked them to rescue me soon before I would commit suicide. My family, with the help of OKUP and CDI police, rescued me and brought me back home in November 2022.

Recommendations for the Government of Bangladesh:

⁵³ Ibid.

⁵⁴ Ibid.

⁵⁵ Walk Free, Global Slavery Index, ‘Regional findings’ (2018), <https://www.globallslaveryindex.org/resources/downloads/#gsi-2018>, p. 88.

⁵⁶ Dr Fraser Murray, Samantha Themimulle, Faiz Ahmed, Shahariar Sadat, ‘Study on Modern Slavery in Bangladesh’, UK Department for International Development (August 2019), https://assets.publishing.service.gov.uk/media/5e56a40d86650c539fff3f20/DFID_Study_on_Modern_Slavery_in_Bangladesh.pdf, p. 7-8.

- Increase prosecutions and seek convictions for trafficking crimes.
- Adopt and implement rights-based and gender-sensitive procedures and processes to improve victim identification and victim care referral, with adequate training provisions to relevant authorities, and expand support services for trafficking victims.
- Enact legislation prohibiting the crime of debt bondage and provide penal sanctions against employers who hold workers in bondage. Ensure that such legislation declares null and void any debt contracted during the period a person was held in debt bondage.
- Create accessible and fair employment opportunities targeted at all groups, including youth and women, and support skills and vocational training to meet domestic and international market needs.
- In line with recommendations under the previous theme, revise the Act 2013 to ensure the fair and ethical recruitment of migrant workers.

RECOMMENDATIONS TO THE GOVERNMENT OF BANGLADESH

- Integrate meaningful actions to prevent contemporary forms of slavery, including trafficking in persons and forced labour, into existing climate adaptation and mitigation plans, such as the NAP (2023-2050) and the Bangladesh Delta Plan 2100.
- Integrate meaningful actions to prevent contemporary forms of slavery, including trafficking in persons and forced labour, into Bangladesh's next Nationally Determined Contribution to the UNFCCC.
- Ensure that future climate adaptation and mitigation plans incorporate modern slavery prevention from the drafting phase. This should include incorporating planned relocation and resettlement, in order to reduce vulnerabilities to exploitation.
- Improve coordination across different Government agencies and sectors, and ensure the effective use of resources, in order to address intersecting climate, migration and modern slavery issues.
- Strongly advocate for the creation of safer and more numerous legal migration pathways, including for those who migrate in the context of climate change, in line with obligations under international human rights treaties and as a 'Champion' country of the Global Compact for Migration.⁵⁷
- Revise the current Overseas Employment and Migrants' Act 2013 to ensure fair and ethical recruitment, including by:
 - Bringing recruitment agents and their nominated sub-agents under an accountable and regulated system

⁵⁷ United Nations Network on Migration, 'Champion countries' <https://migrationnetwork.un.org/champion-countries>.

- Promoting the ‘Employer Pays’ model⁵⁸ in recruitment, and removing recruitment fees for migrant workers
 - Ensuring a rights-based and gender-sensitive protection system for migrant workers, who have experienced rights violations whilst employed abroad, and their families, irrespective of gender and legal status.
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- Ensure that the Ministry of Expatriate Welfare and Overseas Employment adopts separate comprehensive rules for ‘arbitration’ for rights violations of migrant workers and establishes a ‘Separate Arbitral Tribunal’, with the necessary resources and mechanisms to investigate reports of unethical recruitment practices and abuse of migrant workers, with considerations for gender-specific needs, including gender-based violence.
 - Set up monitoring systems to ensure migrant workers have adequate health insurance throughout their migration, paid by the employer.
 - Provide remedy to migrant workers for their rights violations, including financial, psychological and social support.
 - Allocate sufficient budget for the implementation of migration-related legislation (including the Expatriate Welfare and Overseas Employment Policy (2016), the Overseas Employment and Migrant Act 2013, the Wage Earners’ Welfare Act (2018) and the Migration Management Rules (2017)), ensuring transparency and accountability by providing decentralised mechanisms at source and destination countries.
 - Provide adequate support, including additional resources and training, to Bangladesh’s embassies, to improve their ability to support migrant workers abroad and give protection to victims of exploitation.
 - Increase prosecutions and seek convictions for trafficking crimes.
 - Adopt and implement rights-based and gender-sensitive procedures and processes to improve victim identification and victim care referral, with adequate training provisions to relevant authorities, and expand support services for trafficking victims.
 - Enact legislation prohibiting the crime of debt bondage and provide penal sanctions against employers who hold workers in bondage. Ensure that such legislation declares null and void any debt contracted during the period a person was held in debt bondage.
 - Create accessible and fair employment opportunities targeted at all groups, including youth and women, and support skills and vocational training to meet domestic and international market needs.

⁵⁸ Institute for Human Rights and Business, ‘The Employer Pays Principle’, <https://www.ihrb.org/employerpays/the-employer-pays-principle>.