**Official visit to Bangladesh of the Special Rapporteur on the human rights of migrants - Mr. Felipe González Morales**

**20 to 31 January 2023**

**Preliminary observations**

At the invitation of the Government of Bangladesh, I undertook an official visit from 20 to 31 January 2023. I would like to thank the Government for the invitation to be here and the excellent cooperation throughout the preparation and the conduct of my visit. I am particularly grateful to the Ministry of Foreign Affairs for leading the coordination in preparing my visit as well as the United Nations Country Team (UNCT) for its valuable support and assistance.

I held meetings in Dhaka and Cox’s Bazar with representatives of the Government including from Ministry of Foreign Affairs, Ministry for Expatriates, Welfare and Overseas Employment including with its staff from the Bangladesh Overseas Employment and Services Limited(BOESL), Wage Earners Welfare Board (WEWB), Bureau of Manpower, Employment and Training (BMET);  Ministry of Social Welfare; Director-General of the Coast Guard; the Technical and Madrasah Education Division; National Human Rights Commission; National Legal Aid Office;, civil society organizations, trade unions, recruitment agencies and migrants, including returning migrant workers. In Cox’s Bazar, I met with a representative of the Relief Refugee Repatriation Commission and members of the United Nations Country Team based there. I also met with Rohingyas in the refugee camps located in Ukhiya.

I wish to sincerely thank everyone who took the time to meet with me to share to share their experiences and information which will help in the preparation of my report to the Human Rights Council in June this year.

**General Context**

International migration is a pivotal aspect of Bangladeshi society. In 2019, Bangladesh was shown to be the sixth largest country of origin for migrants. The number of its workers going abroad has increased over the years. Despite the COVID-19 pandemic, over 1 million Bangladeshis went abroad for employment in 2022– 10% of whom were women. Bangladeshi migrant workers can be found in over 160 countries, with a significant number in Middle East countries.

Remittances from migrant workers bring in around US$18 billion, which is about 40% of the total foreign exchange earnings and 7% of the GDP. In my discussions with interlocutors, I was informed that many Bangladeshis view going abroad to work as a “dream” and will go to great length to do this. Many are also pressured by families to migrate and work to improve livelihoods and provide better financial support.

**Legal framework**

Bangladesh is a signatory to a number of international conventions that impact on the human rights of migrants. These include core human rights treaties and a number of ILO conventions. Bangladesh also played a key role in many regional and global initiatives on migration, including the Global Compact for Sale, Orderly and Regular Migration, the Migration Governance Framework, the Abu Dhabi Dialogue and the Colombo Process.

Bangladesh has also adopted series of national legislation relating to migration, which include the Overseas Employment and Migrants Act (2013), the Expatriates’ Welfare and Overseas Employment Policy (2016), the Recruitment Agents’ License and Code of Conduct Rules (2019) and the Overseas Employment and Migrant Rules (2020). There is also an Action Plan to Implement Expatriates Welfare and Overseas Employment Policy (2020).

These legal frameworks highlight the commitment made by the Government of Bangladesh to enhance protection of the rights of migrants. However, I note that effective implementation of these laws and monitoring are seriously needed to tackle some of the following concerns.

**Challenges with the recruitment system**

Despite the positive economic contributions migrant workers bring to the local economy and the existence of necessary legislation and policy, many flaws still exist in the recruitment system which adversely impact the rights of migrant workers. These challenges exist at all stages of migration.

The desire to work abroad has created a complex market for private recruitment agencies (PRAs). These agencies are required to be registered with the Bangladeshi Association of International Recruitment Agency (BAIRA). I was told around 1,700 PRAs are currently registered with BAIRA. These agencies then rely heavily on middlemen/intermediary -otherwise known as dalal*-* to recruit workers from communities all over the country. I am encouraged to see that BAIRA is a means to encourage registration and oversight of PRAs. However, I am concerned that there is no proper regulatory framework yet to oversee the use and recruitment of dalals, as many of them impose exorbitant costs on aspirant migrants, profiting from them in the process. I welcome the discussion by the Government to have these intermediary registered for better oversight and monitoring.

* *Pre-departure*

At the pre-departure phase, I was informed of the *de facto* high migration costs that are often borne by aspirant migrant workers who are desperate to go abroad and work. Intermediaries/middlemen exploit these situations by imposing fees as high as 3,000 USD for a migrant to get access to work abroad. Many of these aspirant workers have to sell their properties or take on loans that become excessive, leading to debt bondage. Once they arrive at their country of destination, most of the money they try and earn often has to be used to service these loans resulting in migrant workers being left with little to support themselves and their families. In this context, the exploitation of aspirant migrant workers begins even before they set foot at their place of employment overseas. I observed that there are many cases such as these and urge the Government to strengthen the protection of migrant workers, particularly those who are in situations of vulnerabilities, including the poor and illiterate.

I note the positive practice of providing pre-departure orientation training to aspirant migrants, but urge a more comprehensive training and provision of information, to better inform them about the decisions they make and the available recourses in case they are exploited or abused. I also observe that many of those who have been victims of human rights abuses and exploitation are lower-skilled migrants who did not have the information or knowledge about the situation they were in prior to their departure. The lack of knowledge, desperation for work abroad and lack of access to justice create an environment for further human rights abuses to flourish, including trafficking and gender based violence, which disproportionately affect women.

I applaud the database that has been established by the Ministry of Overseas Employment and Migrants Act to keep a record of aspirant workers in order to lessen the reliance on middlemen. I call on the Government to encourage the extensive use of the database.

* *Employment in countries of destination*

Many Bangladeshi migrants have suffered widespread abuses in countries of destination. Those countries receiving migrant workers should collaborate with Bangladesh and effectively address these abuses in a coordinated manner.

I understand that bilateral agreements exist, often through Memorandum of Understanding arrangements between concerned governments, but these have not stemmed the number of reported cases of abuses abroad, particularly in Middle East countries. I have received reports of Bangladeshi workers being beaten, tortured, made to work excessive hours without pay or food amounting to contemporary forms of slavery. Some reported that their national identification documents were confiscated leaving them captive to their employers. The fraudulent practice of visa-trading where migrants arrive to work and find they are given a totally different employment, often with very little or no pay, are also widely reported. The *kafala* system where the visas of migrant workers are connected to their employers at the country of destination significantly reduces the migrants’ ability to negotiate and bargain. Their dependence on their employers puts serious obstacles for migrants to seek justice, which leads to employers acting with impunity. Women in the domestic service sector find themselves in particularly vulnerable situations under this system and have been subjected to many forms of abuse, including sexual and gender based violence, while other workers have been forced to live under conditions that can be considered as inhumane, with little or no access to justice.

The lack of investigation and prosecution of the vast majority of human rights abuses in countries of destination is very concerning. Countries of destination, should conduct a permanent, thorough monitoring of the conditions of migrants, particularly women in the domestic service sector. Although Bangladesh has consular services which provide support to migrant workers through Labour Units with attaché/personnel, there is still a need to strengthen these services to provide more effective support to Bangladeshi workers who may need help and assistance.

I note the stark difference in skilled migration schemes channeled through Government to Government (G2G) initiatives, which yield more beneficial results for migrants due to more robust regulation and oversight. It is the lower-skilled migrants who are often subject to exploitation and abuses, at all stages of migration as they are often poor, lacking education and without access to information that can help them in their experiences.

* *Return*

Returnees face various challenges, particularly women returnees who often experience stigma and discrimination within their communities. Women victims of physical abuse or trafficking are regularly stigmatized and mistreated. Other returnees face discrimination as families often expect them to return with large amounts of money, which in many cases do not happen due to exploitation overseas. Reintegration for returnees can therefore be extremely difficult. Many returnees are not able to find a job at which they can use the skills gained abroad.

In spite of positive initiatives to provide support to returnees including through the Wage Earners Welfare Board and under the National Reintegration Policy for Migrants, I note that many returnees are not aware of these services or do not meet the conditions to be eligible for these services. I am also concerned to hear that a significant number of migrant workers return home injured or deceased. Some of these deaths are from apparent medical reasons while others are unclear, which highlights the need for stronger coordination between Bangladesh and concerned countries of destination to provide stronger protection for migrant workers.

**Need to enhance collection of data on migration**

Throughout my visit, I was informed of the need for more concrete data on migration. Statistics are crucial not only for policy purposes but also to provide a clear overview of the human rights situation of migrants, among other essential information. Collecting, managing and digitizing data is critical given Bangladesh’s expansive labour force.

**Irregular migration from Bangladesh**

The search for better job opportunities and livelihoods also resulted in many Bangladeshi becoming irregular migrants. I received information that many often travel with a regular status and later end up in an irregular situation -for example, by overstaying their permit or visa to be in the country of destination. Others take more perilous routes through land and sea. This has made irregular migrants more susceptible to criminal networks of trafficking or to being stranded or deported. There is a need to enhance State monitoring and coordination concerning irregular migration to adequately address the situation of irregular migrants. Raising awareness especially at the national and community level on the dangers of irregular migration can also help inform people about unscrupulous recruitment practices.

**Migrants from other countries in Bangladesh**

I am aware that there are a number of migrant workers coming into Bangladesh from other countries, particularly neighbouring countries. I was informed that a number of these individuals are mid to high-skilled workers. Some enter the country on a tourist visa and perform their employment tasks within the duration of their visa/permit and then leave the country. I am also aware of those who are in the country seeking work or better opportunities only to become victims of exploitation. However, information about migrants from other countries in Bangladesh is scarce and the monitoring of this situation should be enhanced.

**Role of destination countries and cooperation with them**

As I pointed out in this statement, Middle East countries have received a large majority of migrant workers from Bangladesh. This makes it critical to enhance cooperation between Bangladesh and those countries to strengthen the protection of the human rights of migrants.

As a key step to prevent such violations, as I have repeatedly stated in several reports and in communications to Governments of Middle East countries, is to move towards the abrogation of the Kafala System, by which States delegate to the employer a great deal of power and authority, significantly increasing the risk of human rights violations and impunity against the migrant worker/employee.

**Situation of the Rohingya**

During my visit, I travelled to the Rohingya refugee camps in Cox’s Bazar. I want to commend the Bangladeshi Government for its openness to receive around one million Rohingyas, essentially saving many lives in the process.

I visited the camps in Ukhiya, where Rohingyas who arrived after 2017 lived. I also visited a camp of around 17,000 Rohingyas who arrived in the early 1990s and who have been registered by the Government as refugees. Many of those whom I spoke to in the latter situation were born and raised in the refugee camp.

I was pleased to visit learning centers which have recently been built to provide Rohingya children with basic literacy and numeracy skills. I also visited a training center where Rohingyas were given livelihood skills. In the grave situation they are in, where there seems to be a lot of despair for many Rohingyas, these initiatives give a sense of hope to those who are volunteers and participants. I applaud the UN agencies, international donor communities and partners for working with the Bangladeshi Government to provide these opportunities. I also encourage the continuation of the volunteer scheme that allow Rohingya to access both training and incentives which have given much needed support and a sense of purpose for those in these schemes.

However, I am also concerned at the protracted nature of the situation of Rohingyas in Cox’s Bazar and the fact that, in the absence of a sustainable long-term plan, most of them will continue to fully rely on humanitarian assistance. Their lack of legal status impacts their ability to earn a sustainable livelihood forcing many to resort to other means of earnings. Children born to Rohingyas are also not issued with with official birth certificates. This creates many challenges for them, including in establishing legal proof of identity. which can impact the exercise of their right to access adequate education, employment, and other fundamental human rights.

I am also concerned that the sense of despair many feel have resulted in attempts to leave the camp, resulting in becoming victims of trafficking, exploitation, sexual violence and attacks. Criminal activities also exist, perpetrated by certain groups in the camps, highlight the need to have more robust monitoring and regulation to ensure the security for all who live in the camps. I also observed that housing structures in the camps I visited require attention given the susceptibility of these camps to the destructive impact of climate change which has resulted in fire and flooding incidents.

The desperate situation of Rohingyas have also seen many leaving Bangladesh for other countries, hoping to reach Malaysia and neighbouring countries. The dangerous boat journeys they undertake have resulted in a number of deaths at sea. On the other hand, Rohingyas leaving Myanmar to journey to Bangladesh are also being pushed back. Rohingyas, including women and children, have been found in need of food, water or medicine or deceased from being stranded in distress at sea for prolonged periods of time. Stronger measures, including a co-ordinated regional approach, are critical to protect the many Rohingyas who risk their lives at sea in search of refuge. Bangladesh can take a lead role in this as it has done in the international arena on many initiatives related to migration.

These are my preliminary observations and I reiterate my gratitude to the Government for the opportunity to conduct this visit. I look forward to continuing our fruitful co-operation during the drafting and finalisation of my report on this visit.

---