

Distr.: General  
22 May 2023  
Arabic  
Original: English

## الجمعية العامة



## مجلس حقوق الإنسان

الدورة الثالثة والخمسون

19 حزيران/يونيه - 14 تموز/يوليه 2023

البند 3 من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان المدنية، والسياسية، والاقتصادية،

والاجتماعية، والثقافية، بما في ذلك الحق في التنمية

## زيارة إلى بنغلاديش

## تقرير المقرر الخاص المعني بحقوق الإنسان للمهاجرين، فيليب غونزاليز موراليس \*\*

موجز

يتضمن هذا التقرير الذي أعده المقرر الخاص المعني بحقوق الإنسان للمهاجرين، فيليب غونزاليز موراليس، لمحة عامة عن الزيارة القطرية التي أجراها إلى بنغلاديش في الفترة من 20 إلى 31 كانون الثاني/يناير 2023. وانصب تركيز الزيارة بصفة رئيسية على هجرة اليد العاملة من بنغلاديش، وهي بلد منشأ للعديد من العمال المهاجرين، في أكثر من 160 بلداً.

وأحاط المقرر الخاص علماً بالعمل الهام الذي اضطلعت به سلطات بنغلاديش لاعتماد تدابير تشريعية وسياساتية ترمي إلى تنظيم هجرة اليد العاملة. غير أنه أبرز شواغله بشأن الثغرات المتصلة بممارسات التوظيف والدعم والمساعدة للمهاجرين في بلدان المقصد، ولا سيما حيث أبلغ عن انتهاكات خطيرة لحقوق الإنسان وحيث يلزم تعزيز التعاون من أجل حماية العمال المهاجرين.

ويسلط المقرر الخاص الضوء على مجالات القلق ومختلف انتهاكات حقوق الإنسان التي يتعرض لها العمال المهاجرون، مع الإشارة بوجه خاص إلى النساء اللاتي يشكلن نحو 10 في المائة من العمال المهاجرين البنغلاديشيين في الخارج. ويسلط الضوء أيضاً على ضرورة تعزيز جمع البيانات عن العمال المهاجرين وتوطيد الدعم المقدم للمهاجرين العائدين. وقدم المقرر الخاص ملاحظات بشأن وضع الروهنغيا في المخيمات في مقاطعة كوكس بازار وأجزاء أخرى من بنغلاديش، مشيراً إلى شواغله المتعلقة بافتقارهم إلى الوضع القانوني وبالأزمة الإنسانية الحالية التي يمرون بها منذ فترة طويلة.

\* يعمم موجز هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه، الوارد في مرفق هذا الموجز، فيُعمم باللغة التي قُدم بها فقط.

\*\* أُنقِ على نشر هذا التقرير بعد تاريخ النشر المعتاد لظروف خارجة عن إرادة الجهة التي قدمته.



الرجاء إعادة الاستعمال

## Annex

### Report of the Special Rapporteur on the human rights of migrants, Felipe González Morales, on his visit to Bangladesh

#### I. Introduction

1. At the invitation of the Government of Bangladesh, the Special Rapporteur on the human rights of migrants, Felipe González Morales, conducted an official visit to the country from 20 to 31 January 2023. The Special Rapporteur would like to thank the Government for its valuable cooperation throughout the preparation and the conduct of his visit. He is particularly grateful to the Ministry of Foreign Affairs for leading the coordination in preparing the visit as well as to the United Nations country team for its support and assistance.
2. The Special Rapporteur held meetings in Dhaka with government representatives and staff, including from the Ministry of Foreign Affairs, the Ministry of Expatriates' Welfare and Overseas Employment, the Bangladesh Overseas Employment and Services Limited, the Wage Earners' Welfare Board, the Bureau of Manpower, Employment and Training, the Ministry of Social Welfare, the Ministry of Education's Technical and Madrasah Education Division, the National Human Rights Commission, the National Legal Aid Office, civil society organizations, trade unions and recruitment agencies, the Director-General of the Coast Guard and migrants, including returning migrant workers. The Special Rapporteur also met with representatives from various United Nations agencies, including those in the United Nations Network on Migration, and representatives of the diplomatic corps and development partners.
3. In Cox's Bazar, he met with a representative of the Refugee Relief and Repatriation Commission and representatives of the United Nations country team and the Anti-Trafficking Working Group. He also met with Rohingyas in the refugee camps located in Ukhiya.
4. The Special Rapporteur wishes to sincerely thank all stakeholders who took the time to meet and share information with him. He is particularly grateful for the excellent support provided by the United Nations country team throughout the visit and by the government representatives in Dhaka and Cox's Bazar.
5. The Special Rapporteur conducted his visit after official missions were carried out by his peers, including the Special Rapporteur on trafficking in persons especially women and children, and the Special Rapporteur on the promotion and protection of human rights in the context of climate change. In-depth analyses on issues related to trafficking and climate change in Bangladesh were made by those mandate holders,<sup>1</sup> and reference will be made to those issues in the present report.

#### II. General background

6. International migration is a pivotal aspect of Bangladeshi society, having a multidimensional impact on its social and economic development. Labour migration from Bangladesh began in the mid-1970s, when Bangladeshis began leaving the country as temporary migrants to work abroad.
7. Today, Bangladesh is a major labour-sending country, with over 11 million Bangladeshis present in over 160 countries, particularly in countries in the Middle East region and States members of the Cooperation Council for the Arab States of the Gulf.<sup>2</sup>

<sup>1</sup> [A/HRC/53/28/Add.1](#) and [A/HRC/53/34/Add.1](#).

<sup>2</sup> See [https://bangladesh.iom.int/sites/g/files/tmzbd11006/files/documents/Bangladesh\\_MiGOF.pdf](https://bangladesh.iom.int/sites/g/files/tmzbd11006/files/documents/Bangladesh_MiGOF.pdf).

8. There were around 281 million international migrants in 2020.<sup>3</sup> Bangladesh is currently the sixth largest migrant sending country and is the eighth largest remittance receiving country worldwide.<sup>4</sup> Annually, about 500,000 people migrate from Bangladesh to work abroad. Remittances sent from Bangladeshis abroad bring in around \$18 billion annually, which is about 40 per cent of the total foreign exchange earnings and 7 per cent of the gross domestic product.<sup>5</sup>

9. Bangladesh has one of the highest population densities and is the seventh most populous country in the world, with an estimated population of close to 173 million people. There is an average of more than 1,000 people per square kilometre throughout the country,<sup>6</sup> with Dhaka being one of the most densely inhabited cities worldwide, signalling the high rate of rural to urban movements of people in search of better living conditions and employment opportunities.

10. An estimated 20 per cent of the population in Bangladesh are young people between the ages of 15 to 24, around 2 million of whom will enter the labour force annually.<sup>7</sup> Many of these young people will be unemployed, as the domestic labour market will not be able to provide employment for all of them. With many Bangladeshis viewing going abroad to work as a “dream” worth pursuing at whatever cost, along with family pressure to migrate, many young people will attempt to migrate to send remittances home to support their families.

11. Bangladesh was one of the poorest nations in 1971, when it became independent. Over the years, it has developed rapidly as a lower-middle-income country and is on track to graduate from the United Nations list of least developed countries in 2026. The impressive rate of growth and development will need to be sustained as the country transitions from least developed country status to upper-middle-income status. Labour migration will thus continue to be a key driver for development, with Bangladeshis mainly motivated to go abroad in search of better economic conditions for themselves and their families back home.

12. With labour migration as an area of priority focus for economic development and growth, the Government continues to expand opportunities to send workers abroad, including by engaging with new markets. Currently, the main countries of destination for Bangladeshi migrant workers include Saudi Arabia, Oman, Qatar and the United Arab Emirates, while labour migration to Italy, Japan, the Republic of Korea, Malaysia, Romania, and Hong Kong, China, has also opened up. An increase in women migrant domestic workers going to Saudi Arabia and a bilateral agreement with Jordan on workers in the ready-made garment industry has also contributed to increased migration among women.

13. According to the information received by the Special Rapporteur, despite the impact of the coronavirus disease (COVID-19) pandemic, over 1 million Bangladeshis went abroad for employment in 2022, 10 per cent of whom were estimated to be women. The Government took a number of initiatives to address the influx of migrant workers returning due to the pandemic and had to provide financial support to outgoing migrant workers throughout its 32 diplomatic missions abroad.

14. The Special Rapporteur notes that Bangladesh also has a number of migrant workers coming into the country, mainly from neighbouring countries, however, this phenomenon is at a much smaller scale compared with those engaged in international labour migration from Bangladesh. The Special Rapporteur did not receive specific data on the number of foreign workers in the country. Much of the information that he received during the visit was in the context of Bangladesh as a country of origin for migrant workers and the concomitant human rights challenges within this context.

<sup>3</sup> International Organization for Migration (IOM), *World Migration Report 2022* (IOM, 2021). Available at <https://publications.iom.int/books/world-migration-report-2022>.

<sup>4</sup> See <https://bangladesh.iom.int/news/world-grows-281-million-migrants-bangladesh-6th-largest-migrant-sending-country>.

<sup>5</sup> See <https://migrantmoney.uncdf.org/resources/insights/bangladesh-faces-a-crisis-in-remittances-amid-covid-19/>.

<sup>6</sup> Population trends are available from <https://www.unfpa.org/data/BD>.

<sup>7</sup> See <https://blogs.worldbank.org/endpovertyinsouthasia/skilling-bangladeshs-youth-changing-job-market>.

### **III. Normative and institutional framework relating to the protection of the human rights of migrants**

15. Due to the pivotal impact that migration has on Bangladesh, the Government has prioritized the establishment of normative and institutional frameworks to govern this area.

#### **A. International legal framework**

16. Bangladesh is a signatory to a number of international instruments that have an impact on the human rights of migrants. It has signed the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities. It has also signed a series of fundamental conventions of the International Labour Organization (ILO), including the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Abolition of Forced Labour Convention, 1957 (No. 105), the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

17. The ILO general principles and operational guidelines for fair recruitment and its definition of recruitment fees and related costs also provide much-needed guidance to governments and other stakeholders. Bangladesh, however, has yet to ratify a number of relevant ILO conventions, including the Private Employment Agencies Convention, 1997 (No. 181), the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190).

18. Bangladesh has also played a key role in many regional and global initiatives on migration, including the Budapest Process, in 1991, the Colombo Process, in 2003, the Abu Dhabi Dialogue, in 2008, and the Global Forum on Migration and Development, in 2017.

19. In the 2030 Agenda for Sustainable Development, States recognized the contribution of migration to sustainable development, and, in 2018, the Global Compact for Safe, Orderly and Regular Migration was adopted and covered all dimensions of international migration in a holistic manner. The Global Compact is consistent with target 10.7 of the Sustainable Development Goals, to facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.

20. Both Sustainable Development Goals 8 and 10 include targets on the protection of labour rights and the promotion of safe and secure working environments for all workers, including migrant workers, in particular women and those in precarious employment. Bangladesh was prominent in advocating for the formulation of the Global Compact for Safe, Orderly and Regular Migration and also chaired the Global Forum on Migration and Development in 2016.

#### **B. National regulatory framework**

21. In addition to the international commitments that Bangladesh has made on migration, it has adopted various legislation and policies to protect migrants. The Overseas Employment and Migrants Act, 2013, is the principal legislation covering all aspects of labour migration, and it is aimed at promoting a safe and fair system of migration and ensuring protection for the rights and welfare of migrant workers and members of their families.

22. The Overseas Employment and Migrants Act was adopted in line with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ILO conventions and human rights treaties. A revised version of the Act was adopted in 2022 to align with the objectives of the Global Compact for Safe,

Orderly and Regular Migration and to bring greater accountability and transparency to, inter alia, recruitment processes, the situation of women migrant workers and the reintegration process for returning migrant workers.

23. In addition, Bangladesh enacted the following regulatory frameworks: the expatriates' welfare and overseas employment policy of 2016, the migration management rules of 2017, the Wage Earners Welfare Board Act, 2018, the policy guidelines for mandatory life and disability insurance for migrant workers of 2019, the license and code of conduct rules for recruitment agents of 2019, the classification rules for recruitment agents of 2020 and the action plan to implement the expatriates' welfare and overseas employment policy of 2020. The draft national reintegration policy for migrants and the draft wage earners welfare board rules for recruitment are before the relevant bodies for adoption.

24. In its eighth five-year plan, 2020–2025, Bangladesh has set out a 10-point agenda, entitled “Paradigm shift agenda for overseas employment and well-being of migrant workers”.

25. Bangladesh has also enacted the Prevention and Suppression of Human Trafficking Act, 2012, to combat trafficking in persons, in particular given that many migrant workers and Rohingya refugees are victims thereof.

26. Bangladesh has initiated or participated, in collaboration with various stakeholders, including United Nations agencies, other Governments and development partners, many other regulatory frameworks.

### C. National institutions

27. The Ministry of Expatriates' Welfare and Overseas Employment is the principal ministry that oversees matters related to overseas migration and employment. Within the ministry are four key departments:

(a) Bureau of Manpower, Employment and Training, which provides Bangladeshi workers with smart cards, biometric registration and immigration clearance and explores opportunities for labour forces outside the country;

(b) Wage Earners' Welfare Board, which ensures that welfare services are provided to migrant workers and their families, at home and abroad, and provides services, including pre-departure briefings for outgoing workers, and support to migrants during departure and arrival through help desks at the three main international airports;

(c) Bangladesh Overseas Employment and Services Limited, which was established as a public recruiting company to ensure fair and professional competition in migration, the selection of the right person for the right employment among foreign employers and safe and low-cost migration;

(d) Probashi Kallyan Bank, a State-owned specialized financial institution that provides financial services to Bangladeshi migrants and maintains the Wage Earners' Welfare Fund to enhance the welfare of migrant workers by financing various activities.

28. The Government has established 42 district employment offices under the Bureau of Manpower, Employment and Training and 64 technical training centres to support Bangladeshi migrants by providing them with relevant information to assist in preventing the exploitation of migrants by *dalals* (subagents or intermediaries). The offices also assist in conducting pre-departure training so that migrants are well-equipped for employment abroad.

29. Other key ministries involved in addressing the challenges of migrant workers include the Ministry of Foreign Affairs, the Ministry of Home Affairs, the Ministry of Children and Women Affairs and the Ministry of Social Welfare. Agencies, including the border coast guard and the customs and port authorities, work with law enforcement, including within a task force to address irregular migration under the Overseas Employment and Migrants Act.

30. Under the Ministry of Foreign Affairs, Bangladesh has 29 labour wings in its embassies and missions, with attachés and other personnel whose areas of focus include the

welfare of migrant workers. These mission personnel are tasked with working with host Governments to provide the necessary support to Bangladeshi migrant workers.

31. To combat human trafficking, the Government developed a national action plan for the suppression and prevention of human trafficking, 2018–2022, with a national committee against human trafficking established under the Ministry of Home Affairs. Committees also exist at the subdistrict levels, with the participation of the local authorities, civil society and community members.

32. The Bangladesh-United Nations Network on Migration was established in 2019 to ensure the provision of coordinated, effective and timely support to the Government on the implementation of the Global Compact for Safe, Orderly and Regular Migration. The network is led by the International Organization for Migration, in partnership with the office of the United Nations resident coordinator, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), ILO, the Office of the United Nations High Commissioner for Refugees, the United Nations Office on Drugs and Crime, the United Nations Children's Fund, the United Nations Population Fund and the United Nations Development Programme. Two technical working groups on labour migration and countering trafficking in persons involve United Nations agencies, civil society organizations and academic institutions whose work supplement the work of the Network. The national action plan for the implementation of the Global Compact for Safe, Orderly and Regular Migration is being drafted with the support of these stakeholders and contains identified prioritized actions to undertake with relevant actors in order to address migration issues.

33. The Special Rapporteur notes that, despite the existence of significant institutional structures, stronger coordination and cooperation among stakeholders is still needed, including among ministries and stakeholders in order to better address the various challenges which affect the human rights of migrants.

## IV. Issues of focus

34. The Special Rapporteur outlines several challenges that he observed which highlight gaps in the protection of the human rights of migrant workers.

### A. Recruitment practices

35. The Special Rapporteur notes that, despite the positive economic contributions that migrant workers bring to the local economy and the existence of the necessary regulations, many flaws still exist in the recruitment system that adversely affect the rights of migrant workers. These challenges exist at all stages of migration and also adversely affect the costs of migration for many aspiring migrant workers. Bangladesh has one of the highest costs of migration worldwide.

35. The desire to work abroad has created a complex market for private recruitment agencies. The agencies are required to be registered with the Bangladeshi Association of International Recruitment Agency. The Special Rapporteur was informed of the existence of around 1,700 private recruitment agencies currently registered with the Association.

37. The private recruitment agencies often rely heavily on *dalals* to recruit workers from communities all over the country. They engage with potential migrant workers by facilitating migration and arranging flights and employment contracts. Many *dalals* are unregistered and thus are not recognized or regulated by law.

38. Around 90 per cent of the costs of migration is transacted through *dalals*, and many aspiring migrants were dependent on *dalals*, as they were often individuals within their communities to whom they had easy access. Aspiring migrants often had no sufficient or proper education or knowledge about their rights and the important services provided by the authorities and thus became victims of abuse and fraud at the hands of unscrupulous *dalals*.

## B. Pre-departure

39. The Special Rapporteur is concerned about the challenges for migrant workers in the pre-departure phase. He was informed of the de facto high migration costs that are often borne by aspiring migrant workers who are desperate to go abroad and work. Aspiring migrants often must provide as much as \$3,000 to \$5,000 to gain access to work abroad.

40. Many of these aspiring migrant workers must sell their properties or take on loans that become excessive, leading to debt bondage. Once migrants arrive at their country of destination, most of the money they earn often must be used to pay off these debts, resulting in migrant workers being left with little to support themselves and their families. The exploitation of aspiring migrant workers thus begins even before they set foot in their place of employment overseas, and the high costs for migration often prohibit the poorest aspiring workers from gaining access to employment abroad.

41. The Special Rapporteur was informed of serious cases of visa trading, which contributes to debt bondage, involving the illegal practice of obtaining visas from employers by *dalals* and other intermediaries. Competition among various recruitment agencies fuels the sale of visas at high costs and the exploitation of aspiring migrant workers. Visa trading and contract replacement at the destination country also heightened the risk of trafficking and forced labour faced by migrant workers, and the Special Rapporteur notes that many cases involving such violations persist.

42. Many aspiring migrants do not fully understand the correct process for migration or the documentation they receive for their recruitment, due to lack of knowledge and skills. They are not aware of their rights under the relevant legal framework, let alone their means to gain access justice when abuses occur.

43. The Special Rapporteur observed with concern that, despite many efforts made by the authorities and international partners to encourage safe and fair migration practices, there are still far too many cases involving the exploitation of aspiring migrant workers at the pre-departure stage. He stresses the need for the Government to implement existing regulations and policies to strengthen the protection of migrant workers, particularly those who are in situations of vulnerability, including the poor and illiterate.

44. The Special Rapporteur was also concerned at information that referred to close relationships and collaboration between government officials and personnel of private recruitment agencies, where both actors benefitted financially from the recruitment costs borne by aspiring migrants. Labour migration is a lucrative industry that opens up opportunities for collusion and questionable practices among personnel of recruitment agencies and individuals of influence, reportedly including some among the authorities in Bangladesh.

45. The Special Rapporteur notes the positive practice of providing pre-departure orientation training to aspiring migrants, but urges the Government to take a more comprehensive approach to training and the provision of timely and accessible information, to better inform them about the decisions that they must make and the available recourses and referral paths for victims of exploitation and abuse. He observed that many of those who had been victims of human rights abuses and exploitation were lower-skilled migrants who did not have the information or knowledge about the situation that they were in prior to their departure. The lack of knowledge, the desperation for work abroad and the lack of access to a protection framework and justice mechanisms among migrants create an environment conducive to further human rights abuses, including trafficking and gender-based violence.

46. The Special Rapporteur is encouraged to note the initiative being taken to promote registration and strengthen oversight of private recruitment agencies, but, without proper regulation of the use and recruitment of *dalals*, many of whom impose exorbitant costs on aspiring migrants for profit, the hope of lessening the costs of migration is diminished.

47. He welcomes the efforts to officially register *dalals* for better oversight and monitoring and commends the establishment of a database under the Ministry of Overseas Employment and Migrants Act to keep a record of aspiring workers, in order to lessen the

reliance on such intermediaries. He encourages the extensive use of the database and stronger efforts to raise awareness of it.

### C. Employment in countries of destination and the *kafalah* system

48. The Special Rapporteur received reports that many Bangladeshi migrants have suffered widespread abuses in countries of destination. He was informed that more than 54 per cent of workers leave for Saudi Arabia, 16 per cent for Oman and 9 per cent for the United Arab Emirates. As many of the common countries of destination include countries of the Gulf Cooperation Council, the Special Rapporteur was informed of human rights abuses instigated within the *kafalah* system that is often practised in these countries and against domestic workers, reportedly mainly women.

49. Under the *kafalah* system, migrant workers' immigration status is often legally bound to an individual employer or sponsor for the term of their contracts. The migrant worker thus cannot enter the country, transfer employment or leave without obtaining permission from the sponsor, effectively reducing the ability of the worker to negotiate and bargain the terms of employment. The Special Rapporteur received information on cases where the passports and travel documents of migrant workers were confiscated by employers or sponsors, thus leaving them in a state of captivity. The lack of access to assistance and justice often leave a migrant worker in a continuous situation of despair, which is especially acute among migrant domestic workers.

50. Beyond the *kafalah* system, it is widely reported that migrant workers in general who are victims of fraudulent visa trading often find themselves in a completely different form of employment than what they were promised, often with very little or no pay. Their dependence on their employers is a serious obstacle for migrants in seeking justice, which leads to employers acting with impunity. Such migrant workers are often in vulnerable situations and are often subjected to intersecting forms of discrimination and abuse, such as sexual and gender-based violence, forced labour and trafficking, including for the purpose of exploitation. Migrant workers have reportedly been victims of ill-treatment, torture, excessive labour for long hours and inhumane living conditions, with little or no recourse to assistance or justice mechanisms.

### D. Return and reintegration

51. Returning migrant workers face significant challenges in Bangladesh, including stigma and discrimination, disorientation that prevents proper reintegration and a lack of employment opportunities.

52. Women returnees are mostly stigmatized, shunned and discriminated against, due to the belief that they have been victims of physical or sexual abuse or trafficking. Other returnees face discrimination, as families often expect them to return with large amounts of money, which in many cases does not happen, due to exploitation by *dalals* and agents or employers 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 that they have gained abroad.

53. Migrants return home owing to the end of the contract, visa and passport related factors, disputes with employers or being forced to return from countries of destination, and some return voluntarily. Many who have had disappointing or abusive experiences opt to return home. Around 400,000 Bangladeshis returned home between April and December 2020, mainly due to the COVID-19 pandemic, and majority of them were women.

54. However, in spite of many difficult experiences abroad, many Bangladeshis continue to pursue opportunities to migrate and work overseas, given that the economic situation for them at home, including low minimum wage rates and the lack of secured employment, continue to be push factors for migration.

55. The Special Rapporteur notes the existence of the draft national reintegration policy for migrants and other important and relevant initiatives, which assist in providing loans,



cash incentives and skills development for returnee migrants. However, many migrants continue to lack knowledge of those initiatives and do not have access to support services, including those provided by the Wage Earners' Welfare Board. Many migrants who return home due to the completion of their contracts continue to face difficulty in reintegrating economically and psychologically into society. Successful reintegration of returning migrants continues to need prioritization, and reliable and updated data on returnees need to be collected.

## **E. Migrant worker injuries and deaths**

56. The Special Rapporteur was concerned to receive information on the deaths of migrant workers. Bangladesh reportedly received the remains of over 45,000 migrant workers who had lost their lives abroad between 2008 and 2022, mainly in countries of the Gulf Cooperation Council. Reportedly, the main countries where deaths have been reported include Saudi Arabia, the United Arab Emirates, Oman, Kuwait, Bahrain and Qatar, with Saudi Arabia reportedly having the highest number of deaths and Qatar being highlighted due to injuries and deaths in the context of the recent World Cup of the Fédération Internationale de Football Association.

57. Many migrant deaths are attributed to medical reasons, while others are unexplained. A significant number are women. The causes of these deaths are often not properly investigated, and the consequences are devastating for families left behind without their main income earner. The Government has implemented initiatives to provide support to grieving families, including financial support, but many host countries do not provide any means of compensation for deceased migrant workers and thus do not fulfil their duties under law as employers.

58. The Special Rapporteur also received information regarding missing migrant workers and the challenges faced by families in Bangladesh in attempting to locate their relatives abroad.

## **F. Role of countries of destination and cooperation**

59. The Special Rapporteur notes with concern that ongoing human rights abuses continue in countries of destination for Bangladeshis and urges the use of existing regional and global processes comprising both migrant origin countries and host countries to collectively work towards strengthening protection for migrants. Although memorandums of understanding and bilateral agreements exist between countries of origin and countries of destination, uneven bargaining power between these countries result in weak regulation, oversight and compensation regimes for migrants who are victims of human rights abuses. Bargaining power strongly favours countries of destination, whereas Bangladesh, with its heavy reliance on remittances, is often in a disadvantaged position to push for better regulation and stronger ethical recruitment processes.

60. Many initiatives have been undertaken by Bangladesh to improve protection for migrants abroad, while a number of countries of destination have significant issues with protection and access to justice for migrants. Even when trade unions in Bangladesh were prepared to assist migrant workers abroad, an absence of trade unions or other relevant counterparts in countries of destination hinders the ability to find solutions for migrant workers who are suffering. Lack of legislative and institutional governance over subagents and employers in countries of destination, along with the problem of impunity, means that migrant workers' rights to protection are not guaranteed once they leave to work in those countries.

## **G. Consular assistance**

61. Although Bangladesh has consular services, which provide support to migrant workers through their labour units, and include allocated attachés and other personnel in various missions, there is still a need to strengthen such services, increase the number of staff

in such units and strengthen their capacity and skills to provide adequate and effective support to Bangladeshi workers who may need help and assistance.

62. The Special Rapporteur was informed that, through consular services abroad, migrants have access to a helpline and contact points when they need assistance. This information is meant to be available to all migrants, even at the pre-departure phase, but there appears to be a need to raise awareness of such services.

63. The lack of investigation and prosecution of the vast majority of human rights abuses in countries of destination is very concerning. The Special Rapporteur urges countries of destination to conduct a continual, thorough monitoring of the conditions of migrants, particularly women in the domestic service sector. In so doing, it is critical to enhance cooperation between Bangladesh and countries of destination to strengthen the protection of the human rights of migrants.

64. A key step to preventing such violations, as the Special Rapporteur has repeatedly stated in several reports and in communications to Governments of countries in the Middle East region, is to move towards the abrogation of the *kafalah* system. He notes the positive move by Qatar to end the *kafalah* system, which is a hopeful example for others in the region. Replicating this could enhance relations between countries of origin and countries of destination to better protect the rights of migrant workers.

## **H. Government to Government initiatives**

65. There is a stark difference in skilled migration schemes channelled through Government to Government initiatives administered by the offices of the Bangladesh Overseas Employment and Services Limited and the Bureau of Manpower, Employment and Training, when compared with schemes channelled through private recruitment agents. The former initiatives have yielded more beneficial results for migrants, due to more robust regulation and oversight and the lower or no cost for migration. Migrants' rights are better protected within these schemes.

66. Some Government to Government recruitment initiatives through memorandums of understanding have provided better migration management solutions when the process has proper oversight by the Governments concerned. However, private recruitment agencies are not completely eliminated as a means of finding and obtaining aspiring migrant workers. On the other hand, existing memorandums of understanding can also task government institutions with finding and selecting job seekers; the Government to Government scheme with the Republic of Korea was referred to as one such positive example. A Government to Government scheme with Malaysia is also an example of an attempt to remove private recruiters from the process.

67. The Special Rapporteur notes that it is mostly migrants without skills, who are often not engaged in Government to Government processes, that often become victims of exploitation and abuse. At all stages of migration, the most vulnerable migrant workers are often the very poor and those lacking education and access to important information that could help them in the migration process.

## **I. Lack of adequate data**

68. In spite of many existing research and initiatives providing much-needed information on migration, the Special Rapporteur noted the need for more specific data on various aspects of the migration process.

69. The Global Compact for Safe, Orderly and Regular Migration refers to the need to collect and utilize accurate and disaggregated data as a foundation for evidence-based policies, and target 17.18 of the Sustainable Development Goals requires high-quality, timely and reliable data to be disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographical location and other relevant characteristics.

70. The Government of Bangladesh, along with United Nations agencies and relevant partners, is reportedly working towards better compilation of data to align with the objectives set out in the Global Compact for Safe, Orderly and Regular Migration. Effective coordination of information collection and flow is thus needed to consolidate more accurate and updated information on migrants. Better digitization of information to obtain data, including at every stage of the migration process, has taken place in some respects, but still needs to be improved, in order to provide the most accurate overview of the situation of migrants, both those leaving and coming into the country.

71. Among the issues that need better disaggregated data collection are those related to irregular migration and victims of trafficking, the number of registered and informal private recruitment agencies in the country and the number of returnees, as well as information on countries of destination, including cases of abuses perpetrated in these territories. There is also a lack of data on women, young migrant workers and how many are returnees and what sectors they may be working in abroad. Digitization of data is also lacking within the justice system and for birth registration, although the latter has improved in recent years.

72. The Special Rapporteur notes the importance of establishing a comprehensive migration information database that will help to facilitate the better delivery of services and the governance of the various phases of migration. He was informed that the Ministry of Expatriates', Welfare and Overseas Employment is working on developing a digital database to capture the necessary data on migration.

## **J. Irregular migration**

73. The search for better job opportunities and livelihoods has also resulted in many Bangladeshi becoming migrants in an irregular situation. The Special Rapporteur received information that many people often travel with a regular status and later end up in an irregular situation, for example, by overstaying their permit or visa in the country of destination. Others take more perilous routes through land and sea. This has made migrants in an irregular situation more susceptible to criminal networks of trafficking or to being stranded or deported.

74. There is a need to enhance State monitoring and coordination concerning irregular migration to adequately address the situation of migrants in an irregular situation. Raising awareness, especially at the national and community levels, on the dangers of irregular migration can also help to inform people about unscrupulous recruitment practices.

75. The Special Rapporteur is aware of a number of Bangladeshis who have attempted to reach Europe through countries, including Libya, and who have been particularly vulnerable not only to trafficking but also to perilous voyages, yet the desire to migrate continues to fuel these movements in spite of the dangers.

## **K. Migrants from other countries**

76. The Special Rapporteur is aware that there are a number of migrant workers coming into Bangladesh from other countries, particularly from neighbouring countries, such as India. He was informed that a number of these individuals who come into the country are middle- to highly skilled workers. Some enter the country on a tourist visa and perform their employment tasks within the duration of their visa or permit and then leave the country.

77. However, information about migrants from other countries in Bangladesh is scarce, and the monitoring of this situation should be enhanced.

## **L. Women migrant workers**

78. The Special Rapporteur notes with concern the disproportionately adverse impact of migration on women and the different and intersecting vulnerabilities that they experience compared to men. Decisions to migrate and how they are made throughout the migration cycle show that it is often gender inequalities and traditional roles that affect women's decisions to go abroad and work.

79. Women are often more disadvantaged economically and socially. Women in situations of poverty often face discrimination and violence at home or have been victims of forced marriages, dowry demands, divorce and abandonment, thus creating the urge to travel abroad to work and be financially independent.

80. The Special Rapporteur notes with concern that women are more likely than men to be exploited at every stage of the migration process. In their countries of origin, they suffer violence and abuse that trigger them to migrate. They often make the decision to migrate without access to the proper information that could inform their decisions. They are also exposed to harassment and abuses at the pre-departure orientation stage.

81. In transit, women are vulnerable to gender-based violence from recruiters and other actors. They often rely on irregular channels of migration, through *dalals*, and are thus vulnerable to trafficking and fraudulent practices. In the countries of destination, the migration law predominantly covers migrant workers, but does not have the strength of proper labour laws and protections, creating gaps for women workers who are not covered by the legislation and therefore may be considered invisible. Owing to their low status in society, women have less bargaining power and are more vulnerable to exploitation.

82. The Special Rapporteur met with women returnees who reported the abuses that they experienced abroad and the disproportionate level of stigma and discrimination that they faced upon their return home. In many cases, they were rejected by their own families, owing to the belief that they had been promiscuous or had been victims of sexual abuse and trafficking abroad, which led to many women keeping their departure abroad a secret.

83. Despite the vulnerabilities that migrant women face at every stage of migration, they continue to go abroad to work. Some women expressed to the Special Rapporteur their desire to see a change in the age limit for migrant women, which was said to be between 25 and 45 years of age as the maximum for certain countries, including Saudi Arabia, in order to permit women who were older than 45 years of age to continue to migrate for work. The Special Rapporteur notes that, while the minimum age for women migrant workers was established to reportedly protect them against violations, such as sexual abuse, the same did not seem to be imposed on men. Furthermore, the prohibition of migration for adults is a paternalistic measure, contrary to international human rights standards. The dependence on *dalals* for job opportunities abroad is estimated at 90 per cent for women migrant workers, highlighting the need to address the gender dimensions of migration.

## M. Role of civil society organizations

84. The Special Rapporteur met with a number of civil society organizations and was pleased to note the establishment of the Bangladesh Civil Society Coordination Committee for Migration in 2016, which has played a key role in advocacy and raising awareness of concerns related to migration, including within the task forces of the United Nations Network on Migration.

85. Civil society and non-governmental organizations have played a crucial role in advocating for the rights of Bangladeshi migrants in the past two decades. Fundamental services, including awareness-raising, providing information to help with pre-decision orientation, pre-departure training, complaints and redress procedures, including filing cases in court against fraudulent recruitment agencies, and support for returnees to return home were undertaken by civil society organizations and non-governmental organizations.

86. The Special Rapporteur was informed that civil society organizations are usually invited to engage with the Government on migration issues, but that, according to some, there is still an imbalance of power, thereby weakening the ability of civil society organizations to have an impact on decisions. Reference was made to the Foreign Donations Act and other laws which give the Government the power to issue registrations and renew registrations of civil society organizations, thereby putting them in a vulnerable situation should their work or views appear to be critical of government action or policies.

87. Civil society organizations have been vocal on various issues, including during the COVID-19 pandemic, when over 200 migrants returned home and were imprisoned upon the

completion of their quarantine. Some of the migrants had been convicted of petty crimes in the countries of destination and were returned due to the pandemic but were still detained. Some of the returnees had returned from Viet Nam and others from countries of the Gulf Cooperation Council.

88. Civil society organizations continue to stay connected to migrants in countries of destination, forming an important connection through which the Government can obtain data and information to supplement the work of labour attachés abroad. However, civil society organizations have raised the need to better coordinate their work among themselves and with the authorities. They also highlighted the challenges of the lack of support, including financial, and resources and the need for continued empowerment to do their work.

89. The Special Rapporteur met with women returnees who stated that their return and reintegration experiences had been supported and assisted mainly by civil society organizations, thereby emphasizing the important role that civil society organizations play in migration processes.

## **N. Climate change**

90. The Special Rapporteur notes that Bangladesh is among the world's most vulnerable country to climate change, which affects the increase in human mobility. Although many people on the move are doing so internally, and have been on the move from rural to urban locations in the country, it is envisaged that cross-border movements will likely increase among Bangladeshis. It is thus imperative to promote decent conditions of work and regular migration pathways to respond to climate-induced mobility.

## **V. Situation of Rohingya**

91. The Special Rapporteur visited Rohingya refugee camps in Ukhiya in Cox's Bazar. He wishes to commend the Government on its openness to receiving around 1 million Rohingyas in the aftermath of violence in Rakhine State in Myanmar, essentially saving many lives in the process.

92. The Special Rapporteur was able to meet with Rohingyas who had arrived in 2017 as a result of the violence in Myanmar, who were referred to by the Government of Bangladesh as "forcibly displaced Myanmar nationals", and with members of the group of around 40,000 Rohingyas who had arrived in the early 1990s, had been registered by the Government as refugees and were also living in the Cox's Bazar camps, called "refugee camps".

93. Bangladesh is not a signatory to the Convention relating to the Status of Refugees, the Protocol thereto, the Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness. There is no national legislation on asylum or refugee matters. The Government of Bangladesh maintains that Rohingya refugees are admitted to Bangladesh on humanitarian grounds and that their stay is temporary. The Special Rapporteur notes with concern that, given the designation as "forcibly displaced Myanmar nationals", this group is effectively without legal status in both Myanmar and Bangladesh, and thus does not have access to human rights or legal protections. As for the other group, registration as refugees does not entitle them to legal status or to refugee rights in Bangladesh.

94. The Special Rapporteur notes that the Government's priority focus is repatriation, but, given the coup in Myanmar in February 2021, the prospect of safe and dignified repatriation for Rohingyas is unlikely. Creating conditions conducive for sustainable return thus requires addressing fundamental issues related to safety and security, freedom of movement, access to civil documentation and pathways to citizenship.

95. Many Rohingyas want to be repatriated, but only if repatriation is guaranteed to be safe and sustainable. Others who came in the 1990s have lived in Bangladesh for decades and thus no longer identify or have strong ties with Myanmar.

96. Between December 2021 and the end of 2022, the Government has relocated some 30,000 Rohingya refugees to the island of Bhasan Char.

97. Rohingyas are vulnerable to many human rights violations, given that they have no means to regularize their status or ability to work in the formal sector. In practice, there are no pathways to citizenship. Resettlement options or complementary pathways to admission to third countries are also limited.

98. The Special Rapporteur is concerned that livelihood opportunities within the camps are very limited, increasingly so, given reports of incidents where camp officials dismantled shops in the camps that provided goods and services for the refugees. Around 3,000 such shops were demolished by officials in 2021.

99. In addition, the authorities banned informal community-led schools and have only permitted the teaching of the curriculum of Myanmar to Rohingya children, although without the proper and necessary accreditation in Myanmar. Young learners are thus severely limited in their ability to gain an adequate education, and there are no real prospects for secondary and tertiary education. In December 2021, the banning of informal community-led schools affected around 40,000 students.

100. Freedom of movement has also been hindered, and threats, curfews and harassment at checkpoints are commonly reported. The Special Rapporteur was also informed that children born to Rohingyas are also not issued with official birth certificates, thus creating additional generations of statelessness with no real prospects of living a dignified life. Although there are identification cards issued to Rohingyas, they do not provide legal rights to access to adequate education, employment, freedom of movement or other fundamental human rights.

101. The Special Rapporteur understands that, strictly in the context of repatriation, through the local court in Cox's Bazar, the Government of Bangladesh began issuing formal birth certificates in December 2022 only to the children of those Rohingya families who had reportedly been verified and cleared by Myanmar for possible return, under the ongoing bilateral negotiations between Bangladesh and Myanmar. However, this benefits a tiny fraction of Rohingya refugee children, and the vast majority of Rohingya children remain without formal birth registration, following the August 2017 influx.

102. The Special Rapporteur notes with concern the reports of abuses and insecurity within the camps. Criminal activities exist in the Rohingya camps, perpetrated by certain groups also responsible for serious human rights violations, thus highlighting the need for a more robust and effective law enforcement system to ensure protection and security for all who live in the camps. Drug trafficking is also commonly reported, with some interlocutors making reference to collusion between criminal groups and the officials overseeing the camps. Some Rohingyas have reportedly been victims of arbitrary arrest, extortion and harassment by members of the armed police battalion who are stationed in the camps.

103. The Special Rapporteur also observed that housing structures in the camps that he visited required attention, given the susceptibility of the camps to the destructive impact of climate change, which has resulted in fire and flooding incidents. He notes with concern that the extremely poor conditions of housing have added to the lingering sense of hopelessness that Rohingyas experience. Given that many of the camps are ring-fenced and extremely congested, space is very limited. The Special Rapporteur understands that there is a willingness from donors to provide funding to support the improvement of housing structures, and he encourages the Government to facilitate the provision of assistance towards improving housing conditions, as this can help to safeguard Rohingyas, not only from climate disasters, but also from other threats, including to their health and security.

104. The Special Rapporteur noted the sense of despair that many Rohingyas he met with were experiencing. Some have tried to leave the camps, only to become victims of trafficking, exploitation, sexual violence and attacks. The desperate situation of Rohingyas has also led to many leaving Bangladesh by sea or by land hoping to reach Malaysia and neighbouring countries. The dangerous boat journeys that they undertake have resulted in a number of deaths at sea. A number have been found in need of food, water or medicine – or deceased – having been stranded in distress at sea for prolonged periods of time. More than 3,500 Rohingyas attempted dangerous sea crossings in the Andaman Sea and the Bay of Bengal in 2022, a fivefold increase over the previous year.

105. An estimated 350 Rohingyas died or went missing at sea in 2022, the deadliest year since 2014. Since the start of the current dry season, in November, an estimated 12 boats carrying Rohingya refugees have been reported in the Andaman Sea and Bay of Bengal. At least one boat went missing, with all 180 Rohingyas on board presumed dead. Stronger measures, including a coordinated regional approach, are critical to protecting the many Rohingyas who risk their lives at sea in search of refuge. Bangladesh can take a leading role in this as it has done in the international arena on many initiatives related to migration.

106. Rohingyas are being driven to the high-risk sea voyages, due to growing restrictions and hopelessness in the refugee camps in Bangladesh and the unending oppression and violence in Rakhine State. They continue to embark on the journey out of desperation and vulnerability, knowing that they may face weeks or months on unseaworthy boats while being subjected to abuse by unscrupulous smugglers and traffickers, at risk of drowning at sea.

107. Rohingyas leaving Myanmar, including women and children, to journey to Bangladesh are also being pushed back. In this regard, Bangladesh has reiterated that its borders would remain closed and that no one from Myanmar would be allowed to enter the territory, due to the deteriorated situation in Rakhine State. The Special Rapporteur notes that, given the continuing volatile security situation in Myanmar, including in Rakhine State, individuals fleeing Myanmar to seek safety from serious harm remain in need of international protection.

### **Positive initiatives**

108. The Special Rapporteur was pleased to note several services provided to Rohingya through partnerships between the Government of Bangladesh, United Nations agencies and development partners, including the establishment of learning centres, adolescent centres, women's livelihood sites and a system of volunteers comprising Rohingyas from the camps who are trained in, inter alia, response to natural disasters, including cyclones, floods and fires.

109. The Special Rapporteur met with learners in the adolescent centres who were being taught basic literacy and numeracy skills. He also visited a training and production centre where Rohingyas were provided with livelihood skills training. In the grave situation that they are in, where there seems to be a lot of despair, for many Rohingyas, as well as those who are volunteers and participants, the initiatives give a sense of hope.

110. The volunteer schemes that allow for Rohingyas to gain access to both training and incentives have given much-needed support and a sense of purpose to those served by these schemes. Although the opportunities are very limited in number, relative to the population of Rohingyas in need of support, the Special Rapporteur commends the efforts to provide these opportunities, given that these skills will support future safe and dignified repatriation efforts. These opportunities will also support the application and practice of acquired skills and capacity to mitigate security and safety challenges and enable Rohingya refugees to pursue decent and meaningful lives.

111. However, the Special Rapporteur is concerned at the protracted nature of the situation of Rohingyas in Bangladesh and the fact that, in the absence of a sustainable long-term plan, the majority of them will continue to fully rely on humanitarian assistance which is dwindling as donor funds are reducing. Food and medical shortages are threatening the future of Rohingyas. Their lack of legal status and inability to enjoy fundamental rights in Bangladesh affects their ability to earn a sustainable livelihood, forcing many to resort to other means of earning an income, often informally, in the host communities that have placed Rohingyas in further vulnerable and unsafe situations, including facing the risk of being victims of trafficking and violence, particularly against women.

112. The Special Rapporteur noted that Rohingya women and children are in particularly vulnerable situations, as many are heavily dependent on additional support and protection, whether in the camps or in their attempt to leave Bangladesh to find refuge in other countries.

113. The Special Rapporteur reiterates his appreciation to the Government of Bangladesh for receiving the influx of Rohingya refugees who are now residing in its territory. He does

not downplay the immense resources, effort and support required by the Government of Bangladesh in hosting Rohingyas, he thus underscores that this is a multilateral effort that continues to require the essential support of other Governments and development partners.

## VI. Conclusions and recommendations

114. The Special Rapporteur welcomes the many efforts undertaken by the Government of Bangladesh and its partners to better regulate and protect the rights of migrant workers. Bangladesh is an impressive example of a country that has undergone rapid growth and development, as evident in its forthcoming graduation from least developed country status. Labour migration, with its high economic returns, has been pivotal in this progress.

115. Labour migration, if governed effectively, with the appropriate mechanisms in place to ensure safe and fair migration practices, can continue to positively affect the lives of millions of Bangladeshis.

116. However, the protection gaps in unfair and unethical recruitment processes and the lack of human rights guarantees, protection or recourse for violations, particularly in countries of destination, continue to be significant hurdles for safe and fair migration practices, which are key characteristics of the various global initiatives that Bangladesh has championed. This has undermined many of the positive gains that have been made by the authorities and their partners.

117. The high cost of migration continues to be problematic, and the vulnerability of many migrants, including women, to exploitation, trafficking and other human rights abuses need to be effectively addressed. There is thus a need for stronger cooperation and coordination between Bangladesh and countries of destination to ensure strong rights-based, enforceable agreements for migrant workers, including access to justice and legal remedies where abuses have occurred.

118. The Special Rapporteur thus recommends that the Government:

### A. Legal frameworks

(a) Ratify ILO conventions, including the Domestic Workers Convention, 2011 (No. 189), the Violence and Harassment Convention, 2019 (No. 190), the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187);

(b) Engage with countries of destination in ratifying the above-mentioned conventions to ensure protection for migrant workers, and to ensure the application of ratified conventions, both in law and in practice, in particular the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Forced Labour Convention, 1930 (No. 29) and the Protocol thereto;

### B. Recruitment

(c) Enhance the regulation and monitoring of the recruitment sector by fully and effectively implementing all safeguards provided in the Overseas Employment and Migrants Act;

(d) Ensure that private recruitment agencies are properly registered and that the database on aspiring migrants is operational and used by recruitment agencies;

(e) Strengthen oversight over its own recruitment agents, offering protections for its workers in host countries and aiding workers in distress;



- (f) Enforce the registration of *dalals* and hold them accountable for their actions, under the responsibility of recruitment agencies;
- (g) Investigate illegal and fraudulent practices by recruitment agents and sanction those involved in exploitative practices;
- (h) Promote the use of the ILO general principles and operational guidelines for fair recruitment and its definition of recruitment fees and related costs;
- (i) Strengthen pre-departure training to ensure that migrant domestic workers are well-informed of their rights and the available resources, as well as provided with language skills that could aid them, and ensure that post-arrival sessions are provided for women returning to Bangladesh after their work abroad, so that they receive in-country information and assistance;
- (j) Work closely with other countries of origin and call upon countries of destination to put into place proper occupational health and safety safeguards for migrant workers to minimize deaths and ensure that, if deaths do inevitably occur, despite those best efforts, they are properly investigated, with compensation provided to the families of the deceased;
- (k) Strengthen cooperation with host country Governments to reduce migration fees and implement due diligence practices to ensure that recruitment agencies are not perpetuating visa trading or “double dipping” by charging a recruitment fee to both the employer and the migrant worker;
- (l) Advocate for life insurance for migrant workers in countries of destination to ensure that the location or cause of the death or injury of a migrant worker does not determine compensation eligibility;

### C. Protection

- (m) Provide adequate assistance, protection and reintegration, including psychosocial rehabilitation, to all migrant workers who are victims of sexual and labour exploitation, especially women and children, as stated in the draft national reintegration policy;
- (n) Increase labour inspections and prosecute, punish and sanction persons or groups exploiting any migrant worker, both documented and undocumented;
- (o) Take the steps necessary to ensure that, in administrative and judicial proceedings, migrant workers and members of their families are guaranteed due process in courts and tribunals;
- (p) Further develop the payments made to migrant workers or their families from the Wage Earners’ Welfare Fund by making the Fund more transparent, non-discriminatory and fair;
- (q) Strengthen work and engagement with civil society organizations to enhance protection of the human rights of migrants;

### D. Skills

- (r) Develop mutual recognition arrangements with countries of destination that consider, among other things, equal protection and equal pay for equal skills and qualifications;
- (s) Establish systems and structures at home and in countries of destination that support the continuous enhancement of skills and employability of migrant workers;
- (t) Establish an online verification system for verification for employability qualification of migrant workers to support the employment of qualified migrant workers;

## **E. Returnees**

- (u) Provide adequate assistance, protection and reintegration, including psychosocial rehabilitation, to all migrant workers who are victims of sexual and labour exploitation, especially women and children, as stated in the draft national reintegration policy;
- (v) Increase labour inspections and prosecute, punish and sanction persons or groups exploiting all migrant workers, both documented and undocumented;
- (w) Ensure that, in administrative and judicial proceedings, migrant workers and members of their families are guaranteed due process in courts and tribunals;
- (x) Ensure that the deaths of migrant workers are properly investigated and that their families are compensated;
- (y) Ensure that all overseas workers are registered with the Wage Earners' Welfare Board so that they are eligible for membership welfare benefits.

## **F. International cooperation: Bangladesh and countries of destination**

- (z) Leverage existing platforms, such as regional and global consultative processes, to push for practical, results-oriented interventions for migrant workers, including advocacy for better protections for domestic workers, workers' rights to unionize, life insurance, wage theft responses and proper investigations of their deaths;
- (aa) Address the situation of migrant workers who are victims of the *kafalah* system, in particular in the States members of the Gulf Cooperation Council, and consider raising the issue individually and collectively, with a view to encouraging the Governments concerned to abolish that system, which has serious negative impacts on the human rights of migrants;
- (bb) Ensure, through bilateral and multilateral social security agreements, that all migrant workers and members of their families have adequate social protection;
- (cc) Monitor the enforcement of bilateral agreements and ensure that all such agreements and memorandums of understanding signed between countries of origin and destination are made public, that they are transparent and that their implementation is monitored effectively;
- (dd) Work closely with bilateral and regional partners in lowering the cost of migration for migrant workers from Bangladesh;
- (ee) Strengthen the capacity of missions and embassies to keep workers abreast of reforms and how to benefit from them and to rapidly respond to workers in distress by providing facilities, such as shelter services, for those who flee abusive employers;
- (ff) Strengthen the welfare services and consular assistance provided to Bangladeshi migrant workers in countries of destination, including psychological counselling, legal counselling and shelters for migrants in distress, and ensure that such services and assistance are delivered in a gender-responsive manner;
- (gg) Implement relevant recommendations on migration made by United Nations agencies and emanating from human rights mechanisms, including the special procedures, the universal periodic review mechanism and the human rights treaty bodies;

## **G. Data**

- (hh) Promote the collection and provision by Governments on both sides of the migration corridor of accurate data on migration, including on remittances, the welfare and treatment of migrant workers and the whereabouts of workers;

- (ii) Promote the extensive use of the migration database and ensure that it is kept up-to-date with accurate and disaggregated information;

## **H. Women migrant workers**

- (jj) Promote gender-responsive, bilateral, regional and international cooperation in the field of migration with countries of destination;
- (kk) Increase the inclusion of women migrant workers in social protection policies and make the benefits better known and more easily accessible to them;
- (ll) Improve access to justice for women migrant workers, both in Bangladesh and abroad, to enable effective remedies for human rights violations and compensation for wage theft;
- (mm) Undertake specific efforts to provide health care to returnees, especially to women migrants;
- (nn) Support public awareness-raising campaigns to combat gender-based discrimination against women migrant workers in the country at every level;
- (oo) Strengthen protection, particularly of women migrant workers, against trafficking and ensure predeparture orientation address the particular risks experienced by migrant women;

## **I. Situation of Rohingya refugees**

- (pp) Adjust its policies on livelihoods, movement and education, to help to ensure that Rohingya refugees have access to the necessary tools for rebuilding their lives;
- (qq) Facilitate the support and assistance required for the improvement of housing conditions in the camps, to strengthen structures against climate disasters and other threats;
- (rr) Create opportunities for Rohingya to gain access to formal, accredited education;
- (ss) Strengthen the protection of the camp population, including from criminal elements and harassment and mistreatment by camp officials;
- (tt) Continue to ensure that relocation movements of Rohingya refugees to Bhasan Char is undertaken on a voluntary basis and improve the system to facilitate regular movements to and from the mainland for family, medical, livelihood and other reasons;
- (uu) Establish the necessary safeguards to ensure respect for the principle of non-refoulement and access to territory and protect all refugees against rejection at the border and forcible returns;
- (vv) Strengthen response efforts, including through dialogue and cooperation with other countries, to ensure that responsibility is taken to respond to boats in distress;
- (ww) Encourage greater regional and international cooperation to respond to refugee boats in distress, including coordinated search-and-rescue operations and timely disembarkation at the nearest safe port.

## **J. Donors**

119. Donors should increase funding to meet the massive needs of the Rohingya refugee population and offer Bangladesh additional funding and support for host communities, if restrictions are lifted and conditions improved.

120. Donor Governments should work with the authorities of Bangladesh to investigate alleged abuses against Rohingyas living in refugee camps in Cox's Bazar, ensure that victims have effective remedies and develop measures to better protect refugees.

121. The Special Rapporteur calls upon stakeholders to enhance dialogue and cooperation with partners, including United Nations agencies, States, development partners and civil society and non-governmental organizations, in all efforts to protect and promote the rights of migrant workers.

---