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Building the Evidence Base for Effective Antislavery Governance

Bangladesh Country Profile

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About this report

This report was prepared by Dr Ana Valverde-Cano (Rights Lab Research Fellow in Antislavery Law and Policy), Dr Katarina Schwarz (Rights Lab Associate Director), and Dr Daniel Ogunniyi (Rights Lab Research Fellow).

The report is based primarily on research conducted from 2020-2021 and may not therefore consider more recent emerging evidence.

About the project

The report was produced to support the research project 'Building the Evidence Base for Effective Antislavery Governance in the UK and the Top 20 UK Source Countries', funded by the Modern Slavery and Human Rights Policy and Evidence Centre. The research team consisted of Dr Katarina Schwarz (Rights Lab, University of Nottingham), Dr Ana Valverde-Cano (Rights Lab), Dr Daniel Ogunniyi (Rights Lab), Alexandra Williams-Woods (CSIS, University of Liverpool), and Prof Jean Allain (Wilberforce Institute, University of Hull).

The **Rights Lab** is a University of Nottingham "Beacon of Excellence" and home to the world's largest and leading group of modern slavery researchers. Through its five research programmes, impact team, and INSPIRE project, the Rights Lab is underpinning antislavery with an advanced research agenda, collaborating with civil society, business, and government, and elevating survivor-informed research as a key part of knowledge production to help end slavery.

The **Wilberforce Institute** at the University of Hull aims to advance fundamental knowledge of slavery and emancipation, informing policy, business practice and public debate at local, national and international levels. The Wilberforce Institute brings together experts in humanities, law and social sciences to help tackle this global problem head on

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1. Overview of antislavery in Bangladesh

1.1. The Walk Free Foundation's Global Slavery Index[1]

	Vulnerability		Prevalence			Government response	
	Ranking[2]	Score[3]	Ranking[4]	Absolute[5]	/ 1000[6]	Ranking[7]	Rating[8]
2013	**52** / 162	59.52	71	343,192	2.22	-	-
2014	**61** / 167	57.3	59	680,900	4.35	**60** / 167	CCC
2016	**53** / 167	44.12	21	1,531,300	9.51	**43** / 161	B
2018	**75** / 167	50	85	592,000	3.7	**69** / 162	B

Although the nature of modern slavery makes measuring the phenomenon an inherently difficult task, the Walk Free Foundation's Global Slavery Index (GSI) aims to provide the 'best available data and information about the scale and regional distribution of modern slavery'.[9] This includes **national prevalence estimates** of the number of people experiencing modern slavery in each country, calculated on the basis of a predictive model that accounts for individual and country-level risk factors.

National prevalence estimates are analysed in the context of results of Walk Free's **Vulnerability Model**. This model uses 'statistical testing and processes to identify the factors that explain or predict the prevalence of modern slavery'.[10] The 2018 Vulnerability Model features five factors, made up of 23 distinct variables: governance issues, lack of basic needs, inequality, disenfranchised groups, and effects of conflict.

Walk Free also tracks **government responses** to modern slavery, tracking government efforts across five milestones: (1) survivors of slavery are identified and supported to exit and remain out of slavery; (2) criminal justice mechanisms function effectively to prevent modern slavery; (3) coordination occurs at the national and regional level, and governments are held to account for their response; (4) risk factors such as attitudes, social systems, and institutions that enable modern slavery are addressed; and (5) government and business stop sourcing goods and services produced by forced labour.[11]

It should be noted that the scope, methodology, and sources underpinning GSI findings has changed over the years. This means that data between different reporting years is not directly comparable.

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[1] Walk Free Foundation, 'The Global Slavery Index 2013' (2013), available here; 'The Global Slavery Index 2014' (2014), available here; 'The Global Slavery Index 2016' (2016), available here; 'The Global Slavery Index 2018' (2018), available here.
[2] Note: a higher ranking (closer to 1) indicates high vulnerability relative to other countries.
[3] Note: a higher score indicates increased vulnerability to modern slavery, with a median country score of 47.28 in 2018.
[4] Note: a higher ranking (closer to 1) indicates a high number of people experiencing modern slavery per 1000 in the overall population relative to other countries.
[5] Note: absolute prevalence measures the estimated number of people experiencing modern slavery in the country.
[6] Note: prevalence /1000 measures the number of people estimated to experience modern slavery per 1000 people in the overall population.
[7] Note: a higher ranking (closer to 1) indicates better government responses to modern slavery relative to other countries.
[8] Note: government response ratings are broken into scoring bands, with an A rating representing the strongest government response to modern slavery (with a score of 70-79.9), followed by BBB (60-69.9), BB (50-59.9), B (40-49.9), CCC (30-39.9), CC (20-29.9), C (10-19.9), and D (<0-9.9).
[9] Walk Free Foundation, 'Global Findings' (2018), available here.
[10] Walk Free Foundation, 'Methodology: Vulnerability' (2018), available here.
[11] Walk Free Foundation, 'Methodology: Government Response' (2018), available here.

1.2. TIP Rankings 2001-2020[12]
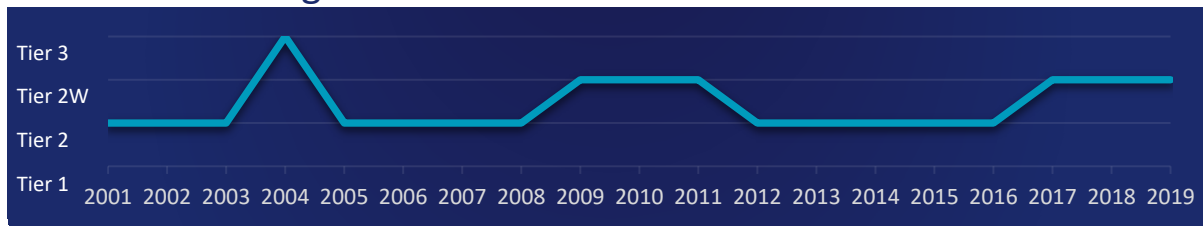
The Trafficking in Persons report ranks countries into one of four tiers, as mandated by the Victims of Trafficking and Violence Protection Act 2000 (TVPA). A country's ranking is based on an assessment of the government's efforts to address trafficking in persons, rather than on the extent of trafficking within the country, and considers government action against the TVPA's minimum standards.[13]

Tier 1: Countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking. To maintain a Tier 1 ranking, the country must continue to make progress in its anti-trafficking efforts each year.

Tier 2: countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

Tier 2 Watch List: Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which:

 (a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
 (b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
 (c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.

Tier 3: Countries whose governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so. Countries ranked as Tier 3 may be subjected to restrictions on non-humanitarian, non-trade foreign assistance from the US. Impositions of such restrictions are determined by the President.[14]

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[12] US Department of State, '2020 Trafficking in Persons Report' (2020), available here; (2019) available here; (2018), available here; (2017), available here; (2016), available here; (2015), available here; (2014), available here; (2013), available here; (2012), available here; (2011), available here; (2010), available here; (2009), available here; (2008), available here; (2007), available here; (2006), available here; (2005), available here; (2004), available here; (2003), available here; (2002), available here; (2001), available here.
[13] Minimum standards for the elimination of trafficking are found in section 108, Victims of Trafficking and Violence Protection Act 2000 (United States), available here.
[14] See further US Department of State (2019), above n 12, 37.

1.3. Quantitative measures on anti-trafficking governance[15]

Measure	Year	Qty	Source
Trafficking cases recorded	2018	592	[1]
Trafficking cases recorded	2017	778	[1]
Police officers trained	2018	23,890	[1]
Police officers trained	2016	29,889	[2]
Soldiers trained on anti-trafficking measures	2016	515	[3]
Trafficking arrests	2016	5	[3]
Victims rescued (women)	2016	198	[3]
Victims rescued (children)	2016	81	[3]
Licences cancelled for facilitating illegal migration	2007-2016	183	[3]
Trafficking arrests	9/2016-2/2018	2,100	[4]
Applications for trafficking victims repatriation	2014	1,821	[4]
Repatriation orders issued	2014	970	[4]

1.4. Statistics on children's work and education[16]

	Age	Percent
Working (% and population)	5 to 14	4.3 (1,326,411)
Working children by sector	5 to 14	
Agriculture		39.7
Industry		29.4
Services		30.9
Attending School (%)	5 to 14	89.4
Combining Work and School (%)	7 to 14	1.9
Primary Completion Rate (%)		118.6

A significant number of children in Bangladesh enter emplo6yment before they reach the age of 14, and many are employed in the worst forms of child labour. This includes forced labour in the production of dried fish and bricks. Children are also engaged in hazardous work, including in the production of garments and leather goods. Children aged 5 to 14 in employment are distributed between the agriculture, industry and service sectors.[17] In 2018, the Government launched a 3-year project seeking to identify 100,000 child labourers, reintegrate them into vocational schools, and provide livelihood support or their parents.

[15] Sources:
[1] US Department of State (2019), above n 12, 86.
[2] Walk Free Foundation, 'Global Slavery Index Bangladesh Country Data' (2018), available here.
[3] Government of Bangladesh, Ministry of Home Affairs, 'Bangladesh Country Report: 2016 Combating Human Trafficking' (2016), available here.
[4] UNODC, 'Country Profiles: West and South Asia' (United Nations, 2018), available here.
[16] US Department of Labor, 'Child Labour and Forced Labour Reports: Bangladesh' (2018), available here.
[17] Ibid.

2. Treaty commitments[18]

International instruments	Ratification date
1926 Slavery Convention	7 Jan 1985
1953 Protocol to the Slavery Convention	7 Jan 1985
1930 Forced Labour Convention	22 Jun 1972
2014 Protocol to the Forced Labour Convention	N/A
1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	5 Feb 1985
1957 Abolition of Forced Labour Convention	22 Jun 1972
1966 International Covenant on Civil and Political Rights (ICCPR)	6 Sep 2000
1966 Optional Protocol to the ICCPR	N/A
2005 Council of Europe Convention on Action against Trafficking in Human Beings	N/A
1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	24 Aug 2011
1998 Rome Statute of the International Criminal Court	23 Mar 2010
1999 Worst Forms of Child Labour Convention	12 Mar 2001
2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children	12 Sep 2019
2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	6 Sep 2000
2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	6 Sep 2000
Regional and bilateral instruments	
SAARC Convention on Preventing and Combatting Trafficking in Women and Children for Prostitution	05 Jan 2002
Key International Commitments	
2017 Call to Action to End Forced Labour, Modern Slavery and Human Trafficking	Signatory

Bangladesh is also a participant in a number of international declaratory instruments relevant to the consideration of antislavery governance, including the 1948 Universal Declaration of Human Rights, 1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 2005 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, and 2015 United Nations Sustainable Development Goals. Bangladesh is also a member of the Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime.

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[18] UN Treaty ratification info sourced from UN Treaty Collection available here; ILO Convention ratifications available here; Rome Statute ratification status available here. Membership data on the 2017 Call to Action is found at Delta8.7, 'Call to Action' available here.

3.   General country context

3.1.   Constitutional structure

Bangladesh is a mixed legal system mostly based on the English common law and Islamic law.[19] It has a unicameral House of the Nation or Jatiya Sangsad where all members serve 5-year terms. The Supreme Court of Bangladesh is the court of last resort in the country.[20] The Court has express powers not only to interpret laws made by the Parliament, but to also declare them null and void when found to negate constitutional provisions.[21] Regarding the executive arm, the President of Bangladesh is indirectly elected by the National Parliament for a 5-year term and is eligible for a second term. The majority party leader in the National Parliament is appointed by the President as to serve as Prime Minister.[22]

3.2.   Political context

Executive powers mostly reside with the Prime Minister.[23] Sheikh Hasina of the Awami League (AL) party won a third consecutive five-year term during the 2018 elections. The election was generally marred by irregularities and was not considered to be free and fair. There were also reports of ballot-box stuffing and voter intimidation.[24] Bangladesh ranked 80th (among 167 countries) in the 2019 Democracy Index of the Economist Intelligence Unit (EIU). The EIU measures democracy based on five criteria: Electoral process and pluralism, functioning of government, Political participation, Political culture, Civil liberties.[25]

3.3.   Migration profile

As of mid-2019, some 2.2 million international migrants were resident in Bangladesh, while 7.8 million Bangladeshi emigrants lived abroad.[26] According to a 2017 data, the emerging destination countries for Bangladeshis include Saudi Arabia (392,602), Oman (64,186), Qatar (63,048), Malaysia (36,915), Kuwait (35,452), Singapore (27,817), Bahrain (17,453), Jordan (14,211), other countries (38,352).[27] More recently, the United Arab Emirates (UAE) has emerged as the largest recruiter of Bangladeshi female workers. Apart from Middle-Eastern migration, Bangladeshi female workers are also taking up employment in destinations such as Hong Kong. The number of Bangladeshi economic migrants increased from 659 in 2001 to 76,007 in 2014.[28]

Bangladeshis also migrate to neighbouring country, India, reflecting migratory flows between low or middle-income countries. The Indian government estimated that some 20 million Bangladeshis lived illegally in the country as of 2016, making this migration channel the largest in the world. While some of the migrants are Hindu refugees, others are sex trafficking or forced labour victims.[29] Apart from India, Italy is another country that has long been a destination country for Bangladeshis. An estimated 84,000 Bangladeshi

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[19] Central Intelligence Agency, 'The World Factbook' (2020), available here.
[20] Ibid.
[21] Ershadul Karim, 'The Legal System of the Peoples' Republic of Bangladesh' (2018), available here.
[22]Central Intelligence Agency, 'The World Factbook', above n 12.
[23] US Department of State, '2019 Country Reports on Human Rights Practices: Bangladesh' (2019), available here.
[24] Ibid.
[25] A higher ranking indicates a more democratic society. The Economist Intelligence Unit, 'Democracy Index 2019: A year of democratic setbacks and popular protest' (The Economist Intelligence Unit Limited, 2020)
[26] Migration Data Portal (2020), available here
[27] Nayma Qayum, 'Chasing the Dubai Dream in Italy: Bangladeshi Migration to Europe' (Migration Policy Institute, 2017), available here.
[28] Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. Bangladesh, 'Consideration of reports submitted by States parties under article 73 of the Convention' (CMW/C/BGD/1, 2016) 19, available here.
[29] Nayma Qayum, above n 27.

immigrants lived in Italy as of 2009; and the number is projected to reach 232,000 by 2030.[30] Most Bangladeshis working in Italy are single men who remit money back to their home country. They are generally well assimilated into Italian society, and earn money by running restaurants or selling goods in the streets.[31]

Bangladesh is home to more than one million undocumented Rohingya refugees, of which approximately 700,000 arrived after August 2017.[32]

3.4. Development profile

1. Human Development Index[33]
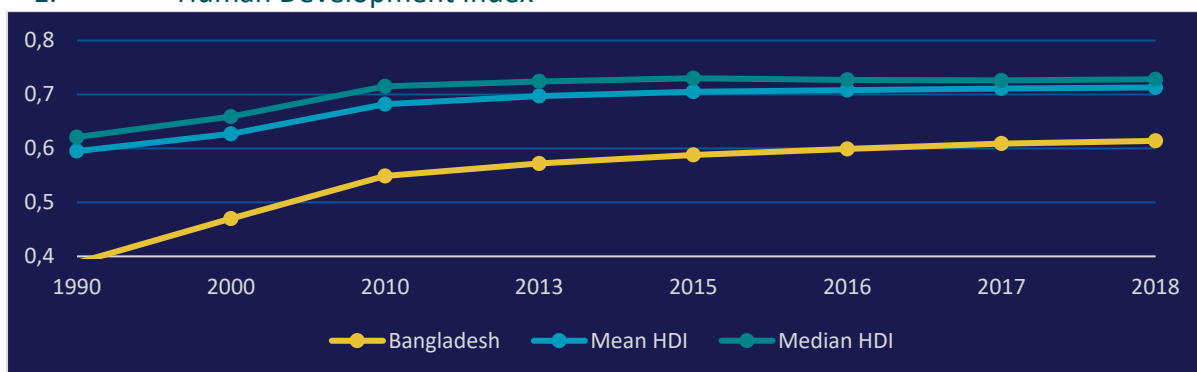
The Human Development Index (HDI) measures average life expectancy, level of education and income for each country in the world. Each country is given a score between 0 and 1 - the closer a country gets to 1, the more developed it is.[34] Bangladesh's scores place it in the 'Medium Human Development' grouping.

2. GINI Co-efficient[35]
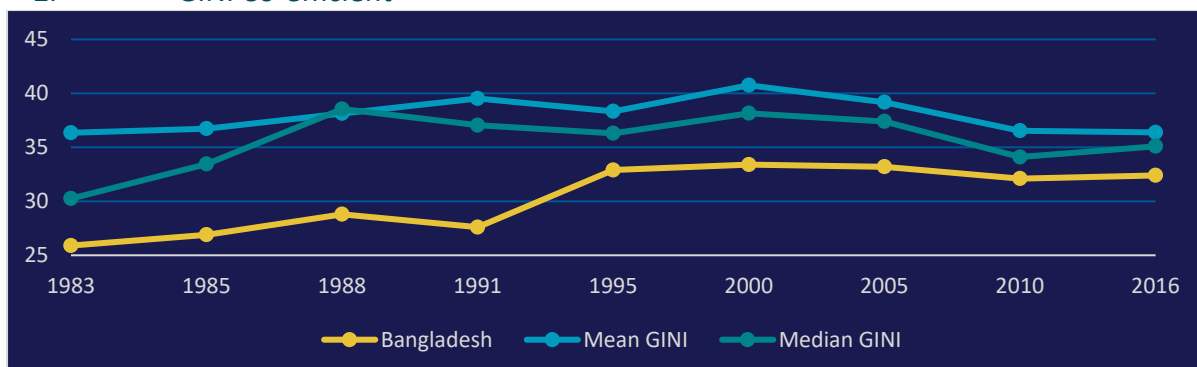
Gini index measures the extent to which income distribution or consumption expenditure among individuals or households within an economy deviates from a perfectly equal distribution. A Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality.[36]

3. UN Sustainable Development Goals[37]

Year	Rank	Score
2020	109	63.51
2019	116	60.9
2018	111	59.3
2017	120	56.2
2016	118	44.4

The Sustainable Development Reports assess implementation of, and progress towards, the 2015 UN Sustainable Development Goals. The SDG Index and Dashboards summarise countries' current performance and trends across the 17 SDGs. All SDGs are weighted equally in the index. Changing indicators, data, and methodology used to determine rankings and scores mean that SDG index results are not comparable over time.[38]

As of 2019, the unemployment rate of the total population in Bangladesh was 4.4%, while the youth unemployment rate was estimated to be 11.6%.

3.5. Bangladesh's human rights record

Bangladesh has been grappling with a range of human rights issues including unlawful killings, torture, arbitrary arrests and detentions, forced disappearance, human trafficking, violence against LGBTI persons, and use of the worst forms of child labour.[39] Security forces also reportedly undertake extrajudicial killings, which are barely investigated or prosecuted by authorities.[40] Ahead of the December 2018 national elections, Bangladeshi authorities either detained or jailed senior opposition party members. Politically motivated cases were also filed against opposition party members and their supporters, undermining international standards on free speech.[41] Furthermore, Bangladesh continued to stifle dissent and suppressed those that are critical of the ruling Awami League, including opposition members and supporters, prominent CSO members, journalists, students, and school children.[42]

The Bangladeshi government has been providing humanitarian and medical services to Rohingya refugees fleeing crimes against humanity in Myanmar. The largest migration started in August 2017 following a brutal crackdown by the Myanmar army. This has now triggered an exodus of around 1 million Rohingya refugees to Bangladesh and is creating a severe strain on government agencies and services.[43] Vulnerable groups including older people and individuals with disabilities are particularly at risk and struggle to access basic services and humanitarian assistance.[44] Nearly all migrants who arrived during the influx have now settled in camps in and around Kutupalong and Nayapara in the Cox's Bazar district of Bangladesh.[45] After failing to negotiate the safe return of the refugees to Myanmar, the Bangladeshi government announced plans to relocate 100,000 Rohingya to an island in the Bay of Bengal called Bhasan Char, in the first phase of its relocation programme. There are however serious concerns about the risk of tidal surges and flooding. There are also risks of lack of livelihoods and freedom of movement for refugees who would be transferred.

Bangladesh remains one of the countries with the highest rates of child marriage in the world. A law remains in force, which allows girls to get married before their 18th birthday under special circumstances.[46]

3.6. Social support systems

Article 15 of the Bangladeshi Constitution mandates the state to provide:

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[30] Ibid.
[31] Ibid.
[32] US Department of State (2019), above n 12, 90
[33] United Nations Development Programme, 'Human Development Reports', available here.
[34] 'Contrasts in Development between Different Countries' (BBC), available here.
[35] The World Bank, 'GINI Index – Bangladesh', available here. Mean and median calculations sourced from The World Bank Development Research Group, 'GINI Index (World Bank Estimate)' (The World Bank), available here. Note: timescale reflects years for which country-specific data for Bangladesh is available.
[36] Knoema, 'World Data Atlas', available here.
[37] Sustainable Development Report (2020), available here.
[38] Bertelsmann Stiftung and Sustainable Development Solutions Network, 'Sustainable Development Report 2019' (June 2019) 19.
[39] US Department of State, '2018 Country Reports on Human Rights Practices: Bangladesh' (2018), available here.
[40] Ibid.
[41] Human Rights Watch, 'Bangladesh: Events of 2018' (2019), available here.
[42] Ibid.
[43] Ibid.
[44] Ibid.
[45] UNHCR UK, 'Rohingya Emergency' (2019), available here.
[46] Human Rights Watch, above n 41.

> …the right to social security, that is to say, to public assistance in cases of undeserved want arising from unemployment, illness or disablement, or suffered by widows or orphans or in old age, or in other such cases.

The 2013 Rights and Protection of Persons with Disabilities Act, governs the provision of social assistance to persons living with disability.

The Ministry of Social Welfare is one of the key entities addressing issues concerning poverty eradication, social welfare, and development in Bangladesh. The Ministry has been implementing programmes including Widows Allowances, Old Age Allowances, and Allowances for Persons with Disabilities.[47] The Ministry also has programmes for other disadvantage groups including children, unemployed, landless etc.[48] The World Bank has noted that social welfare programmes in Bangladesh have been contributing to poverty reduction.[49] The Bank has been supporting the Bangladeshi government since 2010 to maximise the impact of these programmes to address the needs of the most vulnerable.[50] The Government also allocates significant resources to its social programmes. For instance, about 2.5% of the country's GDP was allocated to various social welfare programmes in 2019.[51]

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[47] Development Aid, available here.
[48] Ibid.
[49] The World Bank, 'Social Safety Nets in Bangladesh Help Reduce Poverty and Improve Human Capital' (2019), available here.
[50] Ibid.
[51] Ibid.

4. National modern slavery context

4.1. Modern slavery profile

Modern slavery manifests in many different forms in Bangladesh. Forced labour and human trafficking for labour exploitation are particularly widespread both within the country and across borders. Many Bangladeshis, especially young men, are recruited for overseas work through fraudulent employment promises, which later results in forced labour or debt bondage.[52]

Bangladeshi workers are also increasingly exploited in tea gardens. Rather than experiencing explicit coercion and involuntariness, many workers find themselves in exploitative conditions due to lack of alternatives. Abuse and exploitation are reportedly common in smaller-scale tea gardens compared to tea gardens owned by larger companies. Workers often earn low wages, work overtime and lack formal employment contracts. Apart from exploitation in tea gardens, the garment industry is another sector where many Bangladeshis are exploited. Further, domestic work is considered to be the largest yet most invisible form of labour in Bangladesh.[53]

The 2019 US TIP Report indicates that Bangladeshis who migrate willingly to work abroad often fall victims of trafficking. Bangladeshi migrant workers may be found in the Middle East, South and Southeast Asia, Southern and East Africa, Europe, and the United States undertaking forced labour. Over 700,000 Bangladeshis reportedly migrate for work each year through illegal routes and are often vulnerable to trafficking. Before migrating, many workers obtain loans to pay high recruitment fees, which may be imposed legally by recruitment agencies or illegally by unlicensed sub-agents. This places migrant workers at greater risks of debt-based coercion or even exploitative work to offset the debts.[54]

4.2. Causes and drivers of modern slavery and transnational trafficking

Bangladeshi workers are exploited in different sectors including in the garment industry and tea gardens. Others are subjected to commercial sexual exploitation. Generally speaking, modern slavery is induced by a variety of reasons. Exploitation in the garment sector is linked to the increasingly competitive nature of the industry; competition for limited jobs forces people to accept employment possessing exploitative elements.[55]

Labour exploitation in tea gardens is associated with socioeconomic factors, including discriminatory norms towards ethnic minority groups. Socioeconomic factors such as poverty, low wages, and lack of employment opportunities, push women into sex work and other exploitative practices.[56]

4.3. Particularly vulnerable groups

Bangladesh's modern slavery problem affects different groups at varying proportions. Exploitation at tea gardens disproportionately affects women, while men often engage in factory work.[57] Further, although women have historically worked as domestic staff, there has been a steady increase in the number of children undertaking such works, which might further increase vulnerabilities.

The high number of women in the domestic workforce is tied to gendered perceptions of women in Bangladeshi society, where women are believed to be innately skilled at carrying

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[52] Labour Exploitation Accountability Hub, 'Bangladesh National Context', available here.
[53] DAI, 'Study on modern slavery in Bangladesh' (2019) 14, available here.
[54] US Department of State (2020), above n 12, 89.
[55] DAI, above n 46, 9.
[56] Ibid, 20.
[57] Ibid, 11.

out such tasks. Bangladeshi women still need the approval or consent of the head of their family or guardian before they may migrate.[58] Children are cheaper to employ in terms of salary than adult workers, as well as being cheaper to maintain, which explains the growing use of children as domestic workers.[59] Forced prostitution is another dominant challenge in Bangladesh, where women and children are increasingly deceived or coerced into commercial sexual exploitation. Women and children may be sold into prostitution by their relatives or deceived into false employment promises or marriage proposals.[60]

Rohingya refugees in Bangladesh are highly susceptible to modern slavery. The 2019 TIP Report noted that the Bangladeshi government:[61]

> …continued to deny Rohingya access to formal schooling, prevent them from working legally, restrict their movement, and suspend birth registration for nearly one year, all of which increased vulnerability to trafficking.

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[58] IOM, 'Bangladesh 2017 annual migration report' (2017), available here.
[59] Ibid, 15.
[60] DAI, above n 46, 22.
[61] US Department of State (2020), above n 12, 89.

5.   Antislavery governance

Bangladesh has enacted criminal prohibitions against several of the practices that make up modern slavery, including human trafficking, forced labour, bonded labour, abducting women into forced marriage, and slavery itself.[62] This places Bangladesh in the 51% of UN Member States that have criminalised slavery, the 42% that have criminalised forced labour, and the 96% of States that have criminalised trafficking.[63] It also places Bangladesh in the group of 93% of States that have failed to criminalise servitude as a distinct offence, and 88% that have not criminalised each of the four institutions and practices similar to slavery, although some of these practices may form elements of the offence of trafficking.[64]
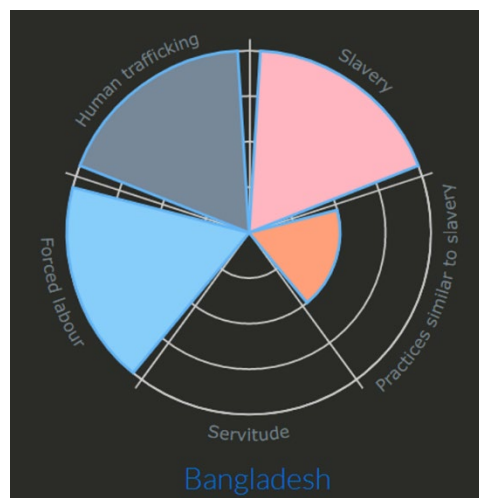
5.1.   Legislative frameworks

4.   Bangladesh's Constitution[65]

The Bangladeshi Constitution deals specifically with trafficking for the purpose of forced labour. Article 34 of the Constitution states that:

> All forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

The corresponding provision under the Penal Code (section 374) prescribes a punishment of up to one year of imprisonment, or fine, or both. This punishment could be considered to be insufficient to address the severity of offending, as offenders may only have to pay a fine for the offence of forced labour. Article 18(2) of the Constitution also contains a general prohibition of prostitution.

5.   Penal Code

The Penal Code prohibits slavery including buying and selling of slaves, with prison term of up to 7 years and a fine (section 370). Habitual dealing in slaves is also prohibited with penalty of 10 years to life imprisonment and a fine (section 371). Sections 373 and 374 further prohibit the buying and selling of a child for the purpose of prostitution with a prescribed penalty of up to 10 years imprisonment and a fine.

6.   Prevention and Suppression of Human Trafficking Act (PSHTA) 2012[66]

The primary anti-trafficking legislation in Bangladesh is the 2012 Prevention and Suppression of Human Trafficking Act (PSHTA), which criminalises sex trafficking and labour trafficking. In accordance with international standards, article 3 defines human trafficking as the:

> …selling or buying, recruiting or receiving, deporting or transferring, sending or confining or harbouring either inside or outside of the territory of Bangladesh of any person for the purpose of sexual exploitation or oppression, labour exploitation or any other form of exploitation or oppression.

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[62] Katarina Schwarz and Jean Allain, 'Bangladesh' (Antislavery in Domestic Legislation, 2020), available here.
[63] Katarina Schwarz and Jean Allain, 'Antislavery in Domestic Legislation: An Empirical Analysis of National Prohibition Globally' (The Rights Lab and Castan Centre for Human Rights Law, February 2020) 11, available here.
[64] Ibid. The institutions and practices similar to slavery are set out in the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.
[65] The Constitution of Bangladesh is available here.
[66] The Prevention and Suppression of Human Trafficking Act 2012 is available here.

The article further defines the relevant means to include threat or use of force, deception or abuse of socioeconomic or environmental vulnerability, and giving or receiving of money or benefit to procure the consent of a person having control over another. Proof of the specified means is not required if the victim is a child (article 3(2)). Article 6(2) prescribes penalties of five years to life imprisonment and a fine of not less than 50,000 Taka for the offence of human trafficking.

Other specific practices criminalised in the PSHTA include the organised offence of human trafficking, punishable with death or 7 years to life imprisonment and a fine of at least 5 Taka (article 7). The act of instigating, conspiring or attempting to commit an offence of human trafficking is punishable with imprisonment of 3 to 7 years and a fine of at least 20 Taka (article 8). Forced or bonded labour or service is also prohibited with penalty of five to 12 years imprisonment and a fine of not less than 50,000 Taka (article 9). Kidnapping, stealing and confining with intent to commit the offence of human trafficking is punishable with 5 to 10 years imprisonment and a fine of not less than 20,000 Taka (article 10).

The Act also makes provision for the identification, rescue, and rehabilitation of human trafficking victims, and specifically notes that the welfare and special needs of women and children must be taken into consideration at all times (article 32).

7. The Prevention of Oppression against Women and Children Act 2000[67]

The Prevention of Oppression against Women and Children Act 2000 (amended in 2003) is another piece of legislation widely utilised to protect women and children from trafficking in Bangladesh.[68] Section 5 prohibits the trafficking of women and prescribes a punishment of up to 20 years' imprisonment and payment of fine. Child trafficking is prohibited under section 6, attracting a punishment as severe as a death sentence. The legislation defines a child as anyone below the age of 14 years (Section 2(k)). However, the Children's Act 2013 defines a child as anyone below the age of 18 years, which addresses this defect.

8. Labour Act 2006[69]

The Bangladeshi Labour Act of 2006 (amended 2013) prohibits a wide range of exploitative activities. Section 42 specifically prohibits the employment of adolescents in underground and under-water work, which may be characterised as one of the worst forms of child labour. Section 284 of the Labour Act states that, whoever employs any child or adolescent or permits any child or adolescent to work in contravention of the act shall be punished with a fine which may extend to five thousand Taka.

9. The 2013 Overseas Employment and Migrants Act (OEMA)[70]

OEMA is the principal legislation governing the recruitment of migrant workers. It creates a framework for regulating labour migration and identifies the roles and responsibilities of various government agencies, recruitment agencies as well as individual recruitment agents.[71] This legislation criminalises fraudulent recruitment and unlawful request for recruitment fees. Article 3 of the OEMA states that control of all activities relating to overseas recruitment and emigration is vested in the Government or its delegated authorities. Article 8 further empowers the government to restrict any recruitment that may negate wider public interests or harm the health of potential migrants. Also, the OEMA prohibits recruitment activities by entities not licensed by the government and outlines specific steps for obtaining a license. The legislation however permits the government to set legal recruitment fees at rates between 85,000 and 262,000 Taka, an amount that could render migrant workers indebted and vulnerable to trafficking.[72]

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[67] The Prevention of Oppression against Women and Children Act 2000 (amended in 2003) is available here.
[68] Emran Parvez Khan and Abdul Karim, 'The Prevention of Women & Children Repression Act 2000: A Study of Implementation Process from 2003 to 2013', (2017) 22(7) *IOSR Journal Of Humanities And Social Science* 34, 35.
[69] The Labour Act 2006 is available here; 2013 Labour Act amendment available here.
[70] The Overseas Employment and Migrants Act 2013 is available here.
[71] IOM, 'The Implementation of Bangladesh's Overseas Employment and Migrants Act of 2013 and the Prevention and Suppression of Human Trafficking Act of 2012', available here.
[72] US Department of State (2019), above n 12, 89.

10.   Children Act 2013[73]

The Children Act 2013 prohibits the exploitation of children in different sectors including for purposes of begging (section 71), and using a child to illegally carry or transport firearms (section 79(1)). It also prohibits the use of children in terrorist activities (section 79(2)). The Act further contains a provision on child exploitation, and makes it an offence for any person entrusted with the custody of a child, or any person who employs a child as a servant or in a factory, to exploit the child for his own interests. Keeping or detaining a child's earnings, or leading the child to seduction, and exposure to risk of engaging in prostitution or immoral activities, are punishable by up to two years imprisonment (section 80).

11.   The Pornography Control Act 2012

Prohibits the use of children below the age of 16 years to produce, distribute, print, and publish pornography. The offence is punishable with up to 10 years imprisonment (section 8(6)).

5.2. Prosecution

According to the 2019 US TIP Report, the Bangladeshi government recorded 592 cases involving 1,324 suspects under the Human Trafficking Act during 2018. The majority of cases involved the smuggling of Rohingya people and Bangladeshis.[74] Eight traffickers were convicted in five separate cases during 2018. The cases involved the transportation of women abroad either for forced labour or sex trafficking. Six of the eight traffickers received life imprisonment and a 50,000 Taka fine, one received 15 years' imprisonment while the eighth received life imprisonment.[75] During 2016, the government reportedly investigated 168 labour trafficking cases and 122 sex trafficking cases. Authorities prosecuted 302 alleged traffickers in 2016, of which three were convicted. The convicted traffickers were sentenced to 14 years imprisonment and a fine of 25,000 Taka was imposed.[76]

A review of trafficking cases reported in the US State Department TIP Reports between 2004 and 2016 shows a steep decline in conviction rates.[77] For instance, while 42 trafficking convictions were secured in 2004, this number dropped to 3 in 2016. This number went up slightly in 2018 with 8 convictions. Observers have noted that the drop in conviction rates was partly because the government did not dedicate enough resources to pre-trial investigations. Complicity of public officials also remains a serious problem in Bangladesh.[78] The UNODC, however, notes that the Bangladesh Police recorded more than 1,000 cases of human trafficking between September 2016 and February 2018, with 2,100 people arrested, and one conviction.[79] Diverging reports on criminal justice processes associated with trafficking indicate that more consistent official reporting is needed to ensure transparency and accuracy.

5.3. National policies and plans

Generally, Bangladesh has yet to take concrete steps to establish a budget and allocate resources to fulfil its national actions plans, including the National Action Plan to Prevent Violence against Women and Children (2018-2025). However, the government has taken initial steps to allocate a total budget towards the welfare of children (14% of its total budget was allocated for this during 2018/2019). This amount is expected to increase annually, given the government's commitment to introduce a child-friendly budget every

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[73] The Children's Act 2013 is available here; National Children Policy 2011 is available here.
[74] US Department of State (2019), above n 12, 86.
[75] Ibid.
[76] US Department of State, (2017), above n 12, 80.
[77] US Department of State, (2013)-(2018), above n 12.
[78] Ibid.
[78] US Department of State (2018), above n 12, 89.
[79] UNODC, above n 15.

year, with the ultimate goal of achieving 20%. Further, Bangladesh has been working on gender-specific budgeting to address relevant gaps in women's development. In this regard, it is important that monitoring and evaluation plans are set up to ensure more accountability and transparency in funding and allocation processes.[80]

12. National Plan of Action for Prevention and Suppression of Human Trafficking (2018–2022)[81]

Bangladesh has adopted the National Plan of Action for Prevention and Suppression of Human Trafficking (2018–2022), which establishes a plan to strengthen government capacity to tackle human trafficking problems and provide socioeconomic safety nets for victims and vulnerable populations, especially children.[82] Apart from the Action Plan, Bangladesh has taken steps to formulate policies and strengthen relevant taskforces. These include the Committee to Monitor the National Plan of Action for Combatting Human Trafficking 2018-2022; the GO-NGO National Coordination Committee to Combat Human Trafficking; the Vigilance Task Force; Counter Trafficking Committees at district, sub-district and union level; and the Rescue, Recovery, Repatriation and Integration (RRRI) Task Force.[83]

Prior to the 2018-2022 Plan, the Government of Bangladesh adopted a National Plan of Action (2015-2017) with five objectives, including human trafficking prevention, protection of survivors, strengthening the legal justice system, developing partnerships, and achieving effective monitoring.[84]

To complement the Prevention and Suppression of Human Trafficking Act 2012, the government of Bangladesh adopted the Human Trafficking Suppression Authority Rule 2017, the Human Trafficking Fund Rule 2017, and the Prevention and Suppression of Human Trafficking Rule 2017.[85] In 2016, Bangladesh adopted the Expatriates' Welfare Overseas Employment Policy, a set of guidelines and directives for safe labour migration, consistent with the Overseas Employment and Migrants' Act of 2013. The policy emphasises the promotion of safe, orderly, and regular migration, including the adoption of gender sensitive strategies for labour migration.[86] The policy is an important step in the broader agenda to regulate the migrant labour recruitment process. It covers a range of issues in relation to the recruitment process, including safe migration for male and female workers, migrant welfare protection and labour migration governance.[87] Bangladesh also has a National Labour Policy established in 2012.[88]

13. Child Labour National Plan of Action (2012–2021)[89]

In addition, Bangladesh has adopted the Child Labour National Plan of Action (2012–2021), which identifies pathways for developing institutional capacity, awareness raising, increasing access to health services, improving access to education, strengthening law enforcement, and creating prevention and reintegration programmes. During 2017, the government provided stipends to working children to facilitate their return to school in line with the fourth phase of the Elimination of Hazardous Child Labour programme.[90]

The Bangladeshi Government has established a range of institutional mechanisms for the enforcement of laws and regulations on child labour, including its worst forms. These mechanisms include: establishment of the Department of Inspection for Factories and

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[80] World Vision, 'Bangladesh Policy Progress to end Violence against Children' (2019), available here.
[81] The National Plan of Action for Prevention and Suppression of Human Trafficking (2018–2022) is available here.
[82] US Department of Labour, above n 16.
[83] IOM, 'Taking a stand against abuse and exploitation' (2019), above n here.
[84] Human Rights Council, '2018 National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21' (A/HRC/WG.6/30/BGD/1, 2018) 18.
[85] Ibid.
[86] IOM, 'Bangladesh 2017 annual migration report' (2017), available here.
[87] IOM, 'Mapping of Labour Migration Recruitment Practices in Bangladesh' (2020), available here.
[88] The National Labour Policy 2012 is available here.
[89] The Child Labour National Plan of Action (2012–2021) is available here.
[90] US Department of Labour, above n 16.

Establishments, which enforces labour laws, including those relating to child labour and the hazardous forms; the Bangladesh Labour Court, which prosecutes labour law cases, and impose fines or sanctions against employers that violate labour laws in the country; and the Bangladesh Police who enforce Penal Code provisions protecting adults and children from forced labour and commercial sexual exploitation.[91]

5.4. National institutions and inter-departmental coordination

The Ministry of Home Affairs (MHA) lead the government's efforts to combat trafficking, and lead the inter-ministerial anti-trafficking committee, which met bi-monthly. However, the 2020 TIP Report indicated that interagency collaboration remained weak between ministries and suggested the creation of a standing national authority to coordinate anti-trafficking efforts.[92]

5.5. Victim support and assistance

The 2012 Prevention and Suppression of Human Trafficking Act (PSHTA) provides in article 32 that the government shall make provisions for identification, rescue, repatriation and rehabilitation of victims. The Act requires that the process of identification, rescue, repatriation and rehabilitation of victims shall be conducted paying particular attention to the special needs of women and children. Article 33 further provides that where a Bangladeshi national is identified as a victim of human trafficking in a foreign country, the government shall initiate the process of a safe return to Bangladesh.

Article 35 of the PSHTA requires the government establish protective homes and rehabilitation centres in order to facilitate the physical and psychological treatment of victims, rehabilitation, and family reconciliation. Article 36 stipulates that upon being rescued the victims of human trafficking shall be returned to their families or sent to government or non-government protective homes or rehabilitation centres. The government finalised and launched its 2015-2017 national action plan and continued to fund nine multipurpose shelters, safe homes as well as drop-in centres, which were accessible to victims of trafficking.[93]

The government of Bangladesh reported to the Human Rights Council that it has taken steps to rehabilitate victims of trafficking in collaboration with UNICEF. It noted that a total of 3,443 female victims received counselling to achieve mental stability at One Stop Crisis Centres/Cells. However, the specific period/year was not indicated in the report.[94] The US TIP Report notes that, the Bangladeshi government did not provide services specifically designed for trafficking victims during 2018. Nevertheless, the Bangladeshi police continue to operate centres for women and child victims of violence, including trafficking, across the country's eight divisions. These centres provide support and assistance to some trafficking victims. Temporary shelters as well as psychological and medical counselling are also provided at the centres for up to five days. However, adult male victims are not provided shelter or rehabilitation services. Government and NGO run facilities could only provide basic services for males, including job placement and repatriation.[95]

Bangladeshi embassies at times provided short-term shelter or funded repatriation of trafficking victims. The government also compensated some migrant workers upon their return to Bangladesh,[96] and continued to operate safe houses at its foreign embassies for female Bangladeshi workers fleeing abusive employers. The government operated 29 labour offices in its overseas embassies and consulates to provide welfare and legal services to Bangladeshi migrant workers.[97] Nevertheless, services offered appeared

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[91] Ibid.
[92] US Department of State (2020), above n 12.
[93] US Department of State (2017), above n 12, 81-82.
[94] Human Rights Council, above n 84, 18.
[95] US Department of State (2019), above n 12, 88.
[96] Ibid.
[97] Ibid.

insufficient and officials lacked resources to adequately assist victims of labour trafficking in destination countries.[98]

Rohingya refugees and foreign trafficking victims on Bangladeshi soil were not provided adequate protective services. Despite credible reports of sex trafficking and forced labour of Rohingya refugees, there is no evidence of any investigation or prosecution by Bangladeshi authorities. For its part, the Bangladesh High Court also did not entertain anti-trafficking cases filed by Rohingya refugees.[99]

In order to address widespread issues of violence against women, the police operates Victim Support Centres, which provide a range of services to complainants including helpline support, psychosocial counselling, legal aid, and emergency medical support on a needs basis. The police endeavour to quickly arrive at the place of occurrence to provide needed assistance.[100] Victims requiring longer-term assistance are referred to NGOs after a maximum of 5 days at relevant shelters.[101]

In 2010, Aparajeyo-Bangladesh acquired a toll free telephone number '1098' from the government of Bangladesh and began offering Child Helpline support to children. The Helpline educates children about its work through outreach and awareness-raising events. It works closely with existing private and public social support service providers in the country.[102] The 2015 TIP Report notes that, the Bangladeshi government did not provide services specifically designed for trafficking victims, although victims could access support services through nine multipurpose shelters, safe homes and drop-in centres administered by the Ministry of Social Welfare.[103]

5.6. Training and capacity-building for responders

The government has taken a number of steps to improve the capacity of various responders. In this regard, the Bangladeshi authorities continue to train police officers at the police academy through specific anti-trafficking modules. During 2017, the government reported training 50,780 police officers on human trafficking after organising 148 programmes. In 2016, the government organised 186 training programmes for 29,889 police officers on relevant anti-trafficking measures.[104] Yet, despite these efforts, various observers have noted that Bangladeshi police officers did not understand human trafficking and sometimes confused it with migrant smuggling.

The government also provided anti-trafficking training to its troops prior to any peacekeeping deployment. Diplomatic personnel received also anti-trafficking training to enhance their work in foreign missions.[105] Some 515 border guard agents received training on Child Friendly Interview Skills with support of Ministry of Home Affairs. The objective was to sensitise the guards about child-friendly behaviours when dealing with child victims of trafficking, including the process of handing them over to the local police for further legal actions.[106]

5.7. Public awareness raising

The Bangladeshi Directorate of Mass Communication regularly conducts programmes and campaigns to raise awareness about human trafficking.[107] Under the 2015-2017 National Action Plan, the government organised several anti-trafficking awareness raising programmes. The government also organised national and divisional conferences to

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[98] US Department of State (2015), above n 12, 85.
[99] US Department of State (2019), above n 12, 88
[100] Walk Free Foundation, above n 15.
[101] Victim support centre, available here.
[102] Aparajeyo-Bangladesh, available here.
[103] US Department of State (2015), above n 12, 84.
[104] Walk Free Foundation, above n 15.
[105] US Department of State (2019), above n 12, 89.
[106] Government of Bangladesh, above n 15.
[107] Human Rights Council, above n 65, 20.

encourage the activities of Counter Trafficking Committees, set up in every district. The Counter Trafficking Committees have, so far, arranged a number of bazaar meetings, court-yard meetings, documentary screenings, and movie shows, as well as leaflet and booklet distribution.[108] Over 2,200 books have been distributed among relevant stakeholders on anti-trafficking messaging. Adolescents and youth clubs have also been created to raise awareness on human trafficking.[109] Further, talk shows on human trafficking are telecast every month,[110] while a mobile app called 'Bidesh Jai' has been developed to alert prospective young migrants on the risks of irregular migration.[111]

The government has developed various public awareness initiatives on legal migration and the adverse consequences of human trafficking. For instance, the Bureau of Manpower, Employment and Training (BMET) has developed media programmes including dramas/documentaries to raise awareness on illegal migration. Anti-trafficking focused billboards are also displayed across the country while public notice are regularly published in the newspapers and electronic media to raise mass awareness on the risks of irregular migration and human trafficking. Further, workshops, seminars and rallies are usually organised at local and national levels to observe International Migrants Day.[112]

5.8.   Efforts to address vulnerabilities and drivers

The Bangladeshi government has undertaken a number of measures to mitigate the risks of exploitative and fraudulent overseas employment, especially for women. For instance, work visas for all Middle-Eastern countries have to be pre-endorsed by the concerned Bangladesh Mission abroad.[113]

The Ministry of Women and Children Affairs (MoWCA) is implementing a number of programmes and projects through the Department of Women Affairs and Jatiyo Mahila Sangstha. 18,550 women's voluntary organisations are registered under the Department of Women Affairs. District and Upazila Officers of the Department of Women Affairs undertake awareness raising campaigns for members of these registered organisations, focusing on trafficking in women and children. Training programmes are normally organised including community and courtyard meetings. Between January and December 2016, some 803,516 individuals were reached and informed about the risks of trafficking in women and children.[114]

5.9.   Frameworks for international coordination

The government has entered a number of bilateral or regional arrangements with the goal of mitigating the risks of modern slavery. For instance, the government has signed a memorandum of understanding with the Government of India on human trafficking, which includes coordination on the identification and repatriation of Bangladeshi victims.[115] In 2018, the government signed an MOU with the United Arab Emirates that established standards for the recruitment of Bangladeshi workers, including fixed recruitment fees. Similarly, an MOU exists between Bangladesh and Jordan in the field of manpower. In a 2012 MOU, both parties agreed to preserve the rights of workers and employers in accordance with international standards and treaties.[116]

Bangladesh is party to the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime. Since its inception in 2002, the Bali Process has contributed

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[108] Ibid.
[109] Ibid.
[110] Human Rights Council, above n 65, 18.
[111]Ibid 19.
[112] Government of Bangladesh, Ministry of Home Affair, above n 15.
[113] Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. Bangladesh, above n 21.
[114] Government of Bangladesh, Ministry of Home Affair, above n 15.
[115] US Department of State, 'Trafficking in Persons Report', above n 60, 81.
[116] ILO, 'Bilateral Agreements and Memoranda of Understanding on Migration of Low Skilled Workers: A Review' (2015) 25, available here.

to awareness raising efforts at the regional level (in Asia-Pacific), especially on the consequences of people smuggling, human trafficking, and other transnational crimes. The Bali Process is equally a forum for policy dialogue, information sharing, and cooperation to effectively address challenges at the regional level. The Declaration adopted in 2018 by the 7th Bali Process Ministerial Conference currently guides the work of the forum in implementing its mandate.[117]

The South Asian Association for Regional Cooperation (SAARC) adopted a Regional Convention on Combating the Crime of Trafficking in Women and Children for Prostitution in January 2002, during its 11th Summit in Kathmandu. The Convention calls for cooperation amongst Member States (including Bangladesh) to address the issue of trafficking in women and children for prostitution, and repatriation and rehabilitation of trafficking victims. The Convention further calls for prevention of use of women and children in international prostitution networks, especially where the countries of origin, transit and destination are situated in the region. A Regional Task Force has been formed in all Member States to monitor and assess the implementation of the Convention provisions.[118] SAARC Member States have also agreed to 'collaborate and cooperate on safe, orderly and responsible management of labour migration from South Asia to ensure safety, security and wellbeing of their migrant workers in the destination countries outside the Region'. The SAARC Plan of Action for Cooperation on Matters Related to Migration has been finalised while the SAARC Technical Committee on Labour Migration has been set up for dealing with labour migration issues in the region.[119]

Bangladesh is a member of the Group of Friends against Human Trafficking (GFHT). Set up in 2010, the GFHT is an informal, voluntary and open-ended association of UN Member States, focusing on anti-trafficking coordination between members, civil society organisations, private businesses and mass media.[120]

In February 2016, the Bangladeshi government signed a new agreement to facilitate the safe migration of up to 1.5 million Bangladeshi migrant workers to Malaysia. The bilateral agreement aimed to mitigate the impact of high recruitment fees charged to migrant workers by private agencies and the sometimes fraudulent practices in the process. However, the agreement increased the fees charged to Malaysian companies that employ foreign workers, which could indirectly be passed onto migrant workers by their employers, increasing the risks of debt bondage. It is worth mentioning that Malaysia banned the recruitment of new foreign workers shortly after the agreement was signed, which effectively nullifies the agreement.[121]

The 2019 US TIP Report notes that during 2018, Vanuatu authorities reported on 101 Bangladeshi male forced labour victims in the country. Despite repeated requests for information by Bangladesh, Vanuatu authorities reportedly failed to share information or coordinate on possible repatriation.[122] The 2017 TIP Report also notes that the governments of Bangladesh and India continued to implement a Memorandum of Understanding signed in 2015 on human trafficking and broader coordination on the rescue and return of Bangladeshi victims.[123]

UNHCR is also supporting the Bangladeshi government to ensure that refugees in its care are safe. For instance, UNHCR has helped to set up an Anti-trafficking Working Group, which it co-leads with IOM, to map and analyse incidents of trafficking and to enhance co-ordination efforts. UNHCR also works with various partners to provide legal counselling

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[117] The Bali Process, available here.
[118] South Asian Association for Regional Cooperation, 'Social Affairs', available here.
[119] South Asian Association for Regional Cooperation, 'Information and Poverty Alleviation', available here.
[120] Belarus Diplomatic Service, available here.
[121] US Department of State (2016), above n 12, 90.
[122] US Department of State (2019), above n 12, 88.
[123] US Department of State (2017), above n 12, 81.

and representation as well as coordination of rescue operations. Awareness raising campaigns are also undertaken to enhance protection of vulnerable individuals.[124]

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[124] Louise Donovan, 'Taking on traffickers at the world's largest refugee site' (UNHCR UK, 2 December 2019), available here.

6.   Experiences of modern slavery of Bangladeshi nationals in the UK

6.1.   Demographics of Bangladeshi nationals in the NRM (including intersectionality)

Bangladeshi nationals have consistently been in the top twenty nationalities represented in National Referral Mechanism referrals, although they have typically represented less than 2% of all referrals. The number of Bangladeshi nationals referred into the NRM has varied from 18 potential victims referred in 2013, up to 155 referrals in 2019. Adults have always made up the majority of Bangladeshi nationals referred into the NRM, with between 10 (2013) and 25 (2019) Bangladeshi nationals referred who were minors at the time of their exploitation from 2013-2019.[125] The proportion of Bangladeshi nationals referred, as a proportion of all referrals, has remained contant.

Number of Bangladeshi nationals referred into the NRM by age at time of exploitation
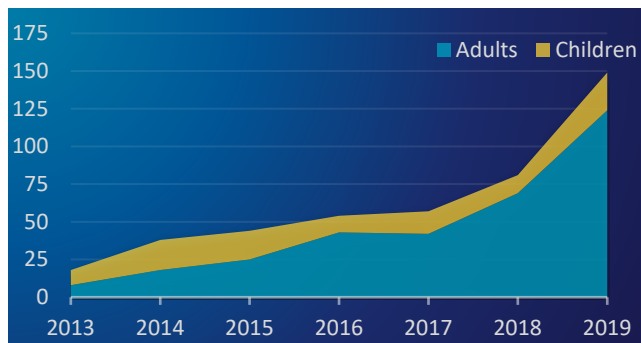
Proportion of potential victims referred into the NRM that are Bangladeshi nationals
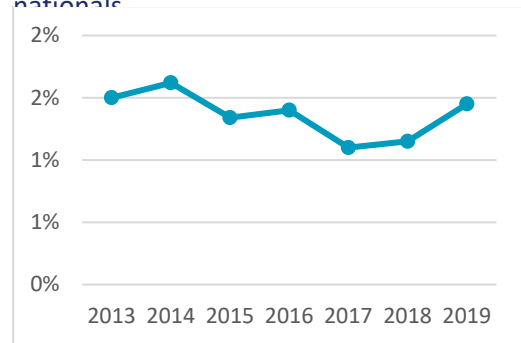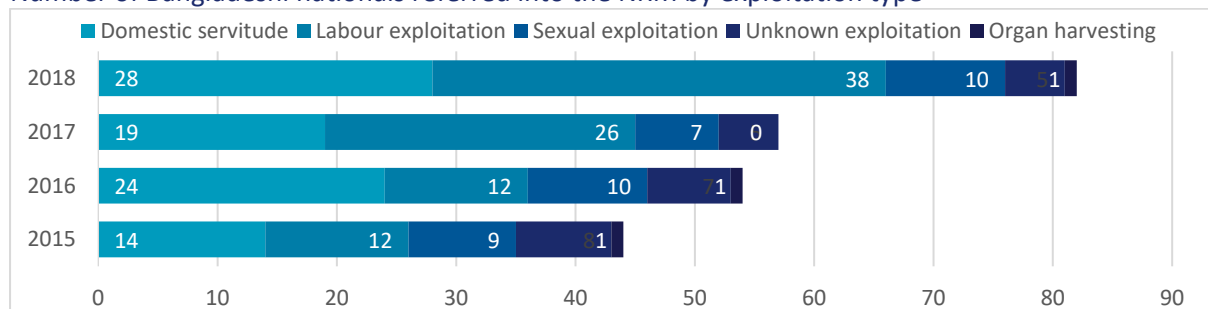

Bangladeshi nationals referred into the NRM typically experience labour exploitation or, to lesser extent, domestic servitude, with a small proportion of Polish potential victims recorded as having experienced sexual exploitation. While gender data was not disaggregated by nationality from 2015-2019, NRM reports included such data in the 2013 and 2014 reports. In these years, the majority of Polish nationals referred into the UK NRM

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[125] Home Office, 'National Referral Mechanism Statistics UK: End of Year Summary 2019: Data tables' 2nd edn available here; National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2018' (2019) available here; National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2017' (2018) available here; National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2016' (2017) available here; National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2015' (2016) available here; National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2014' (2015) available here; National Crime Agency, 'United Kingdom Human Trafficking Centre: National Referral Mechanism Statistics 2013' (2014) available here.

were male (61% in 2013 and 63% in 2014)—consistent with the trend of victims of labour exploitation being majority male.

Number of Bangladeshi nationals referred into the NRM by exploitation type[126]

	Domestic servitude	Labour exploitation	Sexual exploitation	Unknown exploitation	Organ harvesting
2018	28	38	10	5	1
2017	19	26	7	0	
2016	24	12	10	7	1
2015	14	12	9	8	1

6.2. Typical journeys from Bangladesh to the UK for trafficking victims

Despite the lack of reliable empirical data on typical journeys from Bangladesh to the UK for trafficking victims, reports by international agencies provide some background information and statistics. According to a UNODC's Report on current trends of migrant smuggling and human trafficking in Asia and the Pacific, the smuggling of Bangladeshi nationals are smuggled into Europe by land, sea and/or air: 'Western European countries are popular destinations for the smuggling of migrants from South Asia, especially for Sri Lankan and Indian migrants and, in fewer numbers, Bangladeshi migrants. Smuggling from South Asia to Europe usually occurs via three routes: via Central Asia and Russia; via Turkey and Greece through the Western Balkans; and, occasionally via West Africa. In addition, some smuggled migrants, especially Sri Lankans and Indians, travel directly to Europe by air.'[127] Research suggests that the route by air has become the most common way to smuggle migrants from South Asia to Western Europe, despite the high fees and the need for fraudulent travel and identity documents.[128] The proximity of some geographic destinations, such as Pakistan and India, has made these countries an important transit points for smuggled or trafficked Bangladeshi nationals The smuggling of Bangladeshi migrants through Southwest and West Asia frequently involves the Islamic Republic of Iran or Pakistan as transit points before crossing Turkey and entering an eastern EU Member State.[129] In facilitating the smuggling or trafficking process, labour recruitment agencies play an important role, and corruption and bribery are usually present, for instance, for obtaining falsified birth certificates from local authorities in Bangladesh.

6.3. Experiences of exploitation and working conditions

Despite the lack of empirical data in this regard, there are reports of Bangladeshi nationals living and working in poor conditions, being physically abused and facing different types of intimidation, after being deceived with false promises of work.[130] The Home Office also found that many females trafficked from Bangladesh end up in domestic servitude where they are exploited behind closed doors as most are forced to live with their employers. They face exploitation such as rape, forced prostitution and benefit fraud.[131]

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[126] Ibid. Note that exploitation type data is not disaggregated by nationality in the 2013, 2014, or 2019 data and these years are therefore excluded.
[127] UNODC, 'Migrant Smuggling in Asia and the Pacific: Current Trends and Challenges Volume II' (July 2018) 59, available here.
[128] Ibid, 61
[129] Ibid, 56.
[130] Annie Kelly and Mei-Ling McNamara, 'A Slave in Scotland: "I fell into a trap – and I couldn't get out' *The Guardian* (2016), available here.
[131] Christine Cooper, Olivia Hesketh, Nicola Ellis, Adam Fair 'A Typology of Modern Slavery Offences in the UK' (2017) 93.

6.4. Consequent effects of trafficking on survivors

There was limited information on the specific effects of trafficking on Bangladeshi national survivors. Generally, human trafficking exerts psychological effects on survivors that persist after intervention, and even after community reintegration. Effects include anxiety, depression, alienation, disorientation, aggression, suicidal ideation, attention deficit, and posttraumatic stress disorder (PTSD). In this context, community support and coping mechanisms may mitigate these effects.[132] Sometimes, they have also ended up in more debt to pay their visa and travel costs.[133]

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[132] See generally David Okech et al, 'Social Support, Dysfunctional Coping, and Community Reintegration as Predictors of PTSD Among Human Trafficking Survivors', (2018) 44 *Behavioral Medicine*, 209-218, and Asefach Haileselassie Reda, 'An investigation into the experiences of female victims of trafficking in Ethiopia', (2018) 11 *African and Black Diaspora: An International Journal* 87.
[133] Ashraful Azad 'Recruitment of Migrant Workers in Bangladesh: Elements of Human Trafficking for Labour Exploitation' (2018) 5(2) *Journal of Human Trafficking* 143.

7.   The impact of COVID-19

7.1.   The Government's response to COVID-19

Like many countries, Bangladesh has adopted a variety of measures to protect its population from the coronavirus and its socioeconomic effects. As a first step, the authorities imposed lock down measures initially from 26 March to 14 April 2020,[134] with subsequent extensions. Following this, the government declared an 8 billion USD stimulus package, representing about 2.5% of the country's GDP, to mitigate the largescale impact of the virus. The stimulus package is primarily directed at export-oriented industries. Garment factory owners will receive 590 million USD in low-interest loans.[135]

In many ways, the COVID-19 pandemic has threatened the existence of some 2.5 million SME's across Bangladesh, which are estimated to employ 40% of the country's labour force and contribute 25% of GDP. To support enterprises, and protect jobs and incomes, the stimulus package has earmarked 2.3 billion USD as working capital for SME's at a 9% interest rate. Only 4% of the agreed interest will be borne by the borrower, while the government will make up for the rest.[136] However, the government's stimulus package makes no allocation for the informal sector, which employs the majority of the working population. As such, informal sector workers may be at risk of economic hardship.[137]

On 7 May, the Asian Development Bank (ADB) approved a loan of 500 Million USD to support the government's efforts to manage the economic and health impact of COVID-19.[138] The assistance is part of the ADB's COVID-19 Active Response and Expenditure Support (CARES) Program, and is expected to benefit over 15 million poor and vulnerable Bangladeshis.[139]

A recent survey shows that 63% of low-income households in Bangladesh reported complete loss of income once lockdown measures were enforced. In response, the government has committed to support millions of vulnerable families through emergency cash transfer programmes.[140] The government's social protection programmes for the aged and women in distress will be 'expanded to cover all eligible senior citizens and women in the 100 poorest local government units in the country. At least 2 million poor families across the country will be given about $23 each, while about 1 million poor and vulnerable families will receive food support of 20 kilograms per month during the pandemic emergency period. Affected industries and sectors, as well as micro, small, and medium-sized enterprises are also eligible for loans with subsidized interest.'[141]

The COVID-19 pandemic has prompted the return of around 500 labour migrants from abroad, while 2500 are stranded in India and 10,000 are at risk of forced return from three Gulf countries. In response to these trends, the Bangladeshi government is providing financial support to its foreign missions to assist Bangladeshi labour migrants in those countries.[142]

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[134] ILO, 'COVID-19 and the world of work: Country policy responses' (2020), available here.
[135] Dorothy Grace Guerrero, 'The impact of Covid-19 on Bangladesh' (2020), available here.
[136] ILO, above n 134.
[137] Ali Riaz, 'Bangladesh's COVID-19 stimulus: Leaving the most vulnerable behind' (2020), available here.
[138] Asian Development Bank, 'ADB Approves $500 Million for Bangladesh's COVID-19 Response' (2020), available here.
[139] Ibid.
[140] Overseas Development Institute, 'Targeting Covid-19 relief payments in Bangladesh', available here.
[141] Asian Development Bank, above n 138.
[142] ILO, above n 134.

7.2. The impact of COVID-19 on workers and modern slavery victims

The coronavirus disease is having a multi-sectorial effect on Bangladesh, where 85% of the working population are employed in the informal sector. Of this number, an overwhelming majority (92%) are women.[143] The global nature of the pandemic is seriously affecting the garment industry, which is among the mainstays of the economy. The garment industry in Bangladesh employs around 4 million people who are now either at risk of losing their jobs or have already lost it.[144] The readymade garments (RMG) industry has so far received work order cancellations of nearly $3 billion, which will have direct impacts on the workers.[145] As most vulnerable groups in Bangladesh are daily wage earners, the loss of these income sources has prompted resort to coping mechanisms, including acquisition of debt, which may have long-term impacts.[146]

The impact of the coronavirus is also noticeable in refugee camps where some one million Rohingya refugees live in crowded and temporary shelters with limited access to health facilities.[147] The government's COVID-19 restrictions on access to aid put Rohingya refugees at greater risk. Human Rights Watch has noted that lockdown measures have reduced humanitarian workers in refugee camps by 80%, and put refugees at severe risk of food and water shortages.[148] These interruptions could preclude a rapid medical response to the virus and have long-term health consequences.[149]

Violence against women and girls has been widespread in refugee camps. The recent lockdown measures cease all protection activities including access to 'child and woman-friendly spaces'; factors that could further exacerbate the conditions of the most vulnerable.[150] In September 2019, the government imposed a mobile data ban on Cox's Bazar District which hosts Rohingya refugees, citing security reasons. The ban is now preventing Rohingya from accessing information about the COVID-19 pandemic on how to stay safe. It is also hindering humanitarian workers from undertaking accurate reporting on the situation and prevents the coordination of protection response for victims of sexual exploitation, trafficking, and gender based violence.[151]

Increased child protection issues including child abuse and online exploitation have also been noted. Reliance on online platforms for education purposes has increased children's risk of exposure to inappropriate content and online predators.[152] Violence against women and children, which is ordinarily prevalent in Bangladesh, is equally on the rise. The estimated 45 million children currently locked down in homes may be vulnerable to abuse and exploitation.[153] As of late April, Child Helpline 1098 had seen a four-fold increase in calls as a result of COVID-19.[154] Also, as death toll from the coronavirus increases, some children will most likely become orphaned and therefore vulnerable to exploitation.

The coronavirus pandemic has threatened the livelihoods of trafficking survivors to varying degrees.[155] For instance, news media recently reported the story of a survivor who, having been enslaved and tortured as a maid in Saudi Arabia, returned to Bangladesh last September and joined a food catering service that she ran with other survivors. The

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[143] Dorothy Grace Guerrero, above n 135.
[144] Angharad Smith and James Cockayne, 'The Impact of COVID-19 on Modern Slavery' (2020), available here.
[145] The Business Standard, 'Covid-19 and its impact on Bangladesh economy' (2020), available here.
[146] UK AID 'COVID-19: Bangladesh Multi-Sectoral Anticipatory Impact and Needs Analysis' (2020), available here.
[147] Sudha Ramachandran, 'The COVID-19 Catastrophe in Bangladesh' (2020), available here.
[148] Human Rights Watch, 'Bangladesh: Covid-19 Aid Limits Imperil Rohingya' (2020), available here.
[149] Ibid.
[150] Ibid.
[151] Parliament, 'Humanitarian crises monitoring: the Rohingya' (2020), available here.
[152] UN Women, 'COVID-19 Bangladesh Rapid Gender Analysis' (2020), available here.
[153] UK AID, above n 146.
[154] Ibid.
[155] Naimul Karim, 'Bangladesh's slavery survivors struggle as coronavirus halts businesses' (2020), available here.

business was forced to close during late March when Bangladeshi authorities announced a nationwide lockdown, leaving her with no means of subsistence.[156]

The global pandemic tends to have a disproportionate effect on women. In this regard, UN Women has identified six particular areas of concern, including:[157]

> …increased risks and evidence of GBV in the context of the pandemic and its responses; unemployment, economic and livelihood impacts for the poor women and girls; unequal access to health, education and WASH services; unequal distribution of care and domestic work; women and girls' voices are not being included to inform a gender-targeted response; this is particularly the case for those most left behind; policy response mechanisms do not incorporate gender analytical data or gender-responsive plans.

[156] Ibid.
[157] UN Women, above n 152.