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Trafficking in Persons Report 2016 - Country Narratives - Bangladesh

BANGLADESH: Tier 2

Bangladesh is primarily a source and, to a lesser extent, a transit and destination country for men, women, and children subjected to forced labor and sex trafficking. Some Bangladeshi men and women who migrate willingly to work in the Middle East, Southern and East Africa, South and Southeast Asia, Europe, and the United States face conditions indicative of forced labor. Before their departure, many migrant workers assume debt to pay high recruitment fees, imposed legally by recruitment agencies belonging to the Bangladesh Association of International Recruiting Agencies (BAIRA) and illegally by unlicensed sub-agents; this places migrant workers at risk of debt bondage. Some recruitment agencies and agents also commit recruitment fraud, including contract switching, in which they promise one type of job and conditions but then change the job, employer, conditions, or salary after arrival. Bangladesh is host to an estimated 32,000 registered Rohingya refugees and up to 500,000 undocumented Rohingya, whose stateless status increases their vulnerability to human trafficking. Rohingya and Bangladeshi migrants who travel by boat to Southeast Asian countries are subject to starvation, assault, abduction, and ransom demands—some migrants who are not able to pay ransom are sold into forced labor, primarily on fishing boats. Women and girls who migrate for domestic work are particularly vulnerable to abuse. Some women who migrate through Bangladeshi recruitment agencies to Lebanon or Jordan for domestic work are subsequently sold and transported to Syria and subjected to forced labor and sex trafficking. Some women and children are subjected to sex trafficking and forced labor in India and Pakistan.

Within the country, children and adults are subjected to sex trafficking, domestic servitude, and forced and bonded labor, in which traffickers exploit an initial debt assumed by a worker as part of the employment terms. Street children are sometimes coerced into criminality or forced to beg; begging ringmasters sometimes maim children to increase their earnings. In some instances, children are sold into a form of bondage by their parents, while others are induced into labor through fraud and physical coercion, including in the domestic fish processing industry, or exploited in sex trafficking. According to an international expert on debt bondage, Bangladeshi families and Indian migrant workers are subjected to bonded labor in some of Bangladesh's brick kilns; some kiln owners sell bonded females into prostitution purportedly to recoup the families' debts, and some Bangladeshi families are subjected to debt bondage in shrimp farming. Some ethnic Indian families are forced to work in the tea industry in the northeastern part of the country. NGOs allege some officials allow human traffickers to operate at brothels, at India-Bangladesh border crossings, and at maritime embarkation points.

The Government of Bangladesh does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government significantly increased trafficking investigations—with a notable increase in labor trafficking investigations from 12 cases in 2014 to 265 cases in

2015. Prosecutions also increased, and the government finalized and launched its 2015-2017 national action plan and continued to fund nine multipurpose shelters, drop-in centers, and safe homes, which were accessible to victims of trafficking. However, for the third consecutive year, the government continued to prepare but did not finalize the implementing rules for the 2012 Prevention and Suppression of Human Trafficking Act (PSHTA), thereby impeding the identification, rescue, and rehabilitation of trafficking victims. Convictions decreased, and although complicity of some officials in trafficking offenses remained a serious problem, the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses in 2015. The government reported identifying significantly fewer victims in 2015, and the government's efforts to refer victims to care during the reporting period were unknown. The government remained without a formal mechanism to refer trafficking victims to protective services and did not provide adequate victim services. While the government renewed a labor export agreement with Malaysia aimed to mitigate the impact of private recruitment agencies' high fees and sometimes unscrupulous practices, the agreement had not yet been implemented at the end of the reporting period, and the government did little to protect Bangladeshi migrant workers outside of this agreement from extremely high legal recruitment fees and the deceitful practices of some employment recruiters.

RECOMMENDATIONS FOR BANGLADESH:

Finalize, adopt, and disseminate the implementing rules for the PSHTA, and train government officials on its use; take steps to eliminate all recruitment fees charged to workers by licensed labor recruiters; increase prosecutions and convictions, particularly of labor trafficking, while strictly respecting due process; establish minimal guidelines for provision of adequate victim care and standard operating procedures for the referral of victims to such services; thoroughly investigate credible allegations of government complicity in trafficking and prosecute officials who are complicit; enhance the training provided to officials, including law enforcement, labor inspectors, and immigration officers, on methods to identify trafficking cases and refer victims to protection services; expand the support services available to victims within Bangladesh and at Bangladesh's embassies abroad; use the PSHTA to prosecute fraudulent labor recruiters; improve quality of pre-departure trainings for migrant workers, including sessions on labor rights, labor laws, and methods to access justice and assistance in destination countries and in Bangladesh; and accede to the 2000 UN TIP Protocol.

PROSECUTION

The government demonstrated mixed efforts in law enforcement—investigations and prosecutions increased; however, convictions decreased, and for the third consecutive year the government continued to prepare the implementing rules for the PSHTA but did not finalize them. The 2012 PSHTA generally prohibits and punishes all forms of human trafficking, although it prohibits the fraudulent recruitment of labor migrants only if the recruiter knows the recruited worker will be subjected to forced labor. Prescribed penalties for labor trafficking offenses are five to 12 years' imprisonment and a fine of not less than 50,000 Bangladeshi Taka (BDT) (\$633), and prescribed penalties for sex trafficking offenses range from five years' imprisonment to the death sentence. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The government investigated 181 sex and 265 labor trafficking cases in 2015, an increase from 146 sex and 12 labor trafficking cases in 2014. Of the forced labor cases, 98 cases were specifically investigated for bonded labor. Authorities prosecuted 481 alleged traffickers in 2015, compared with 449 in 2014, under the 2012 PSHTA. The government convicted four traffickers in 2015, compared with 15 in 2014. The courts sentenced three of the convicted traffickers to life imprisonment and one to 10 years' imprisonment. During the reporting period, the government provided anti-trafficking training at training centers to 10,890 police officers in 94 training programs. An international organization provided training to 81 investigators on human trafficking and other crimes; the trafficking in human beings police unit provided in-kind support for the trainings. Some NGOs reported information about the PSHTA had not been circulated widely among district and local officials.

Complicity of some officials in trafficking offenses remained a serious problem. Media reported on the alleged involvement of a Chittagong Division member of Parliament in smuggling, extortion, and possibly human trafficking related to the Andaman Sea migration crisis. According to one report, politicians, police, and border security forces on both sides of the India-Bangladesh border allegedly used a token system to allow traffickers to evade arrest. Observers reported police and border guards sometimes ignore potential trafficking crimes at brothels and maritime embarkation points. In 2014, a Bangladeshi citizen filed a suit in New York against his former employers, a Bangladeshi consular official and his wife, alleging violations of the Trafficking Victims Protection Act, among other forms of exploitation; the case remained ongoing, and the official has since assumed two other diplomatic posts. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses in 2015.

PROTECTION

The government demonstrated decreased efforts to protect trafficking victims. The Ministry of Home Affairs had standard operating procedures for the proactive identification of trafficking victims; however it is unclear how widely they were disseminated or used. The government reported the identification of 1,815 victims in 2015; of

those identified, 1,310 were men, 315 women, and 190 children. This was a significant decrease from 2,899 victims identified in 2014; experts commented the decrease may be due in part to the application of a more accurate definition of trafficking. Of the 1,815 victims identified in 2015, police rescued 1,306. Separately, the government reported it repatriated approximately 2,700 of its citizens as part of the Bay of Bengal and Andaman Sea crisis—a small number of whom may have been trafficking victims. The government did not provide services specifically designed for trafficking victims, but children and adult female victims could access support services for vulnerable people through nine multipurpose shelters, drop-in centers, and safe homes administered by the Ministry of Social Welfare. Adult male victims could not access government services; NGOs provided male victims with some services. The government continued to lack a formal mechanism for authorities to refer victims to care. The government placed an unknown number of victims in government-operated shelters in 2015, compared with nine of the 2,899 victims identified in 2014 who were placed in government-operated shelters. NGOs provided shelter and services specifically for trafficking victims; police referred victims to these services on an ad hoc basis. The government continued to operate shelters in its embassy in Riyadh and consulate in Jeddah for female Bangladeshi workers fleeing abusive employers; however, overall, officials lacked resources in destination countries to assist labor trafficking victims adequately. Bangladeshi migrant workers, originally hired through the Bureau for Manpower, Education, and Training (BMET), could lodge complaints with BMET upon their return to Bangladesh, and seek government arbitration on labor and recruitment violations, including allegations of forced labor. NGOs reported not all victims were aware of this opportunity for redress. The arbitration process provided victims with remediation, but rewards were often minimal and did not adequately address illegal activities, including alleged fraud by licensed recruitment agencies.

The PSHTA provides for victim protection during judicial proceedings, including police security and the ability to testify via video, but it is unclear how frequently officials employed such protections. NGOs noted insufficient protection resulted in fewer investigations and prosecutions overall. The Governments of Bangladesh and India coordinated the rescue and repatriation of child trafficking victims through established standard operating procedures; however, the PSHTA did not provide legal alternatives to the removal of foreign victims of trafficking to countries where they might face hardship or retribution. Unregistered Rohingya refugees, including potential trafficking victims, may have been at risk of indefinite detention because of their lack of documentation.

PREVENTION

The government demonstrated limited efforts to prevent trafficking. The government continued to allow BAIRA to legally set extremely high recruitment fees, which may have facilitated debt bondage of Bangladeshi workers abroad. BMET did not cancel any recruitment agencies' licenses in 2015, compared with four canceled in 2014. In 2015, 29 victims filed cases against Dhaka-based recruitment agencies through support provided by a foreign government. The government continued to use a labor export agreement with Saudi Arabia from the previous reporting period mandating that employers cover travel costs, including plane fare and medical tests, and that female domestic workers should be employed by a third party rather than the private households in which they work; however, the government did not stipulate the maximum cost or eliminate the processing fee charged to the migrant by recruitment agencies. The Ministry of Expatriate Welfare and Overseas Employment's (MEWOE) Vigilance Taskforce continued to operate with a mandate to improve the oversight of Bangladesh's labor recruiting process. In February 2016, the government signed a new agreement to facilitate the migration of up to 1.5 million Bangladeshi workers to Malaysia under a government-to-government agreement that aimed to mitigate the impact of private recruitment agencies' high fees and sometimes unscrupulous practices; however, the agreement increased the fees charged to Malaysian companies that employ foreign workers, and observers expressed concern these fees would be deceitfully passed onto migrant workers by their employers, increasing their vulnerability to debt bondage. Also, shortly after the agreement was signed, Malaysia banned the recruitment of new foreign workers; this ban remained in place at the end of the reporting period, effectively nullifying the agreement. The government continued to require a 21-day pre-departure training course for Bangladeshi women going abroad to work as domestic servants; the training focused on learning practical skills, such as using household appliances, but included modules on trafficking awareness and self-protection.

The government finalized and launched the 2015-2017 national action plan in June 2015, providing for better coordination between the government and NGOs. The Ministry of Home Affairs published its annual report on human trafficking. MEWOE conducted some trafficking awareness campaigns, including through posters and newspaper ads, at the national level and in some high risk localities. In Cox's Bazar, the district employment and manpower office utilized television advertisements, and in response to the Andaman Sea migration crisis hosted multiple workshops to educate the public and local officials about trafficking. The government trained military personnel to recognize and prevent trafficking in persons prior to their deployment abroad on international peacekeeping missions and provided anti-trafficking training for its diplomatic personnel. The government did not demonstrate efforts to reduce the demand for commercial sex or forced labor. Bangladesh is not a party to the 2000 UN TIP Protocol.

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