

2013 TIP Report – Bangladesh – Tier 2

Bangladesh is a source country for men, women, and children subjected to forced labor and sex trafficking. Some of the Bangladeshi men and women who migrate willingly to the Gulf, Maldives, Iraq, Iran, Lebanon, Malaysia, Singapore, Brunei, Europe, and elsewhere for work subsequently face conditions indicative of forced labor, such as restrictions on movement, withholding of passports, threats of force, physical or sexual abuse, and threats of detention or deportation for immigration violations. 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 some migrant workers in 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. There are reports of an increased number of Bangladeshis transiting through Nepal to obtain Nepalese visas and work permits for employment in the Gulf; some are trafficking victims. A civil society group reported that some Bangladeshi men in the Gulf, particularly in the United Arab Emirates, are vulnerable to being subjected to forced labor in other countries, including Greece and Spain. Some women and children from Bangladesh are transported to India and Pakistan, where they are subjected to commercial sexual exploitation or forced labor. Some in the Rohingya community in Bangladesh have been subjected to human trafficking.

Within the country, some Bangladeshi children and adults are subjected to sex trafficking, domestic servitude, and forced and bonded labor, in which traffickers or recruiters exploit an initial debt assumed by a worker as part of the terms of employment. Some street children are coerced into criminality or forced to beg; begging ringmasters sometimes maim children as a means to earn more money. In some instances, children are sold into bondage by their parents, while others are induced into labor or commercial sexual exploitation through fraud and physical coercion. According to an international expert on debt bondage, some Bangladeshi families and some Indian migrant workers are subjected to bonded labor in Bangladesh's brick kilns; some kiln owners sell bonded females into prostitution purportedly to further recoup the families' debts. That same expert also reported that some Bangladeshi families are subjected to debt bondage in the shrimp farming industry in southeastern Bangladesh and that some ethnic Indian families are forced to work in the tea industry in the northeastern part of the country. In some instances, girls and boys as young as eight years old are subjected to forced prostitution within the country, living in slave-like conditions in secluded environments. Trafficking within the country often occurs from poorer, more rural regions, to cities. Many brothel owners and pimps coerce Bangladeshi girls to take steroids to make them more attractive to clients, with devastating side effects.

Bangladesh does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government drafted rules to implement the 2012 Human Trafficking Deterrence and Suppression Act (HTDSA) and began prosecuting cases under the law. However, the lack of adequate law enforcement efforts and institutional weaknesses continued to contribute to the trafficking of Bangladeshi migrant workers abroad. The government took limited steps

to regulate fraudulent recruitment agents and their unlicensed subagents. Inadequate trafficking victim protection remained a serious problem.

Recommendations for Bangladesh: Finalize, adopt, and disseminate the implementing rules for the HTDSA, and train government officials on its implementation; take steps to sharply reduce all recruitment fees charged by licensed labor recruiters, and enforce violations with criminal sanctions; increase efforts to prosecute trafficking cases and convict trafficking offenders, respecting due process; use the HTDSA to prosecute fraudulent labor recruiters; continue to train government officials, including law enforcement, labor inspectors, and immigration officers, on methods to proactively identify trafficking cases, including of adults and children subjected to bonded labor; take steps to address any allegations of trafficking-related complicity of public officials, particularly through criminal prosecution; improve oversight of Bangladesh's international recruiting agencies to ensure they are not promoting practices that contribute to labor trafficking; provide support services for adult male trafficking victims and victims of forced labor; conduct awareness campaigns about the existence of laws against bonded labor targeted to government officials, employers, and vulnerable populations; improve services for shelters, legal aid, counseling, and trained staff at Bangladeshi embassies in destination countries; shorten the time required for Bangladeshi victims to receive documentation at Bangladeshi embassies required for repatriation; increase the accessibility of information about the migration process to potential migrants before they decide to migrate; improve quality of pre-departure trainings, including sessions on labor rights, labor laws, and methods to access justice and assistance in destination countries and in Bangladesh; improve data collection on the number of trafficking victims identified and assisted in Bangladesh and by Bangladeshi embassies; establish a toll-free labor exploitation hotline accessible by cell phone to facilitate victim identification; and accede to the 2000 UN TIP Protocol.

Prosecution

The Government of Bangladesh maintained anti-trafficking law enforcement efforts during the reporting period. The 2012 HTDSA generally prohibits and punishes all forms of human trafficking, though it does not prohibit the fraudulent recruitment of labor migrants in the absence of proof of the recruiter's knowledge of forced labor. Prescribed penalties for labor trafficking offenses are five to 12 years' imprisonment and a fine of not less than approximately the equivalent of \$600, 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. In the reporting period, the government drafted but did not yet adopt implementing rules for the HTDSA. The new law repeals the sections of the Repression of Women and Children Act (WCA) that prohibited the trafficking of women and children for the purpose of commercial sexual exploitation or involuntary servitude; however, cases filed under these sections before the passage of the HTDSA would still be valid and would come under the jurisdiction of the HTDSA.

In 2012, the government reported investigating 67 and prosecuting 129 alleged trafficking cases, compared with 143 cases investigated and 80 cases prosecuted in 2011. During the reporting period, the government convicted eight trafficking offenders, and sentenced at least five of them to life imprisonment under Sections 5 (prohibiting "women trafficking") and Section 6(1) (prohibiting "girl

trafficking”) of the WCA. This is a decrease from the 14 convictions obtained in 2011, with eight offenders sentenced to life imprisonment.

The alleged human trafficking complicity of some Bangladeshi government officials remained a problem. Several NGOs reported links between members of parliament, corrupt recruiting agencies, and village level brokers. Corrupt politicians, police, and border security forces on both sides of the India-Bangladesh border reportedly recognized a token used by human traffickers to evade arrest if caught at the border. NGOs and the media reported that some registered recruitment agencies in Dhaka had links with employers who subjected migrant workers to trafficking and with brokers in destination countries who facilitated fraudulent recruitment. The Government of Bangladesh reported that it continued prosecuting cases of three government officials suspected of trafficking-related complicity under Section 5 of the WCA, although there were no further developments in those cases. The government provided some anti-trafficking training at the police training academy and more thorough training modules at detective training schools. Government agencies provided facilities in support of some NGO-led law enforcement trainings, and the public prosecutor and superintendent of police led some training sessions on the HTDSA in other trainings organized by civil society groups.

Protection

The Government of Bangladesh made limited efforts to protect victims of trafficking over the last year. While the government trained police on standard operating procedures for trafficking investigations, including provisions for identifying trafficking victims, government officials did not systematically identify trafficking victims among vulnerable populations or refer victims of trafficking to protective services; victim referrals occurred on an ad-hoc basis. More than 600 trafficking victims were either self-identified or identified by civil society groups in 2012. The government did not provide or fund shelters or other services specifically dedicated to trafficking victims, but trafficking victims were technically able to access support services for vulnerable people through shelter homes, drop-in centers, and safe homes administered by the Ministry of Social Welfare. The government continued to run one shelter in the Bangladeshi Embassy in Riyadh for female Bangladeshi domestic workers fleeing abusive employers. The government did not provide protective services specifically to male victims of trafficking. A senior government official acknowledged the Bangladeshi diplomatic corps lacked the manpower in destination countries to adequately address labor trafficking. When Bangladeshi migrant workers lodged complaints of labor and recruitment violations, they most often resorted to arbitration by the BAIRA, which did not provide sufficient financial compensation and rarely addressed the illegal activities of some BAIRA-affiliated recruitment agents. There was no information on whether law enforcement officials encouraged victims of trafficking to participate in investigations and prosecutions of their traffickers. An NGO reported that some trafficking victims were detained when they returned to Bangladesh after migrating irregularly to another country. Unregistered Rohingya refugees who were trafficking victims may have been detained indefinitely for their lack of documentation. The government did not provide temporary or permanent residency status for foreign trafficking victims.

Prevention

The Bangladeshi government made few efforts to prevent trafficking during the reporting period. The government also sustained policies that permitted the forced labor of Bangladeshi migrant workers abroad to continue. For example, the government adopted the Abu Dhabi Dialogue Framework of Regional Collaboration, which includes provisions to familiarize workers with their rights and reduce recruitment fees. However, it continued to allow BAIRA to set extremely high and legal recruitment fees, license individual agencies, certify workers for overseas labor, and handle most complaints of expatriate laborers, while the government exercised inadequate oversight to ensure practices did not facilitate debt bondage of Bangladeshi workers abroad. Many government ministries, in partnership with civil society organizations, continued to raise awareness of human trafficking to government officials and vulnerable populations. The Ministry of Expatriate Welfare's Vigilance Task Force continued to operate; its mandate was to improve the oversight of Bangladesh's labor recruiting process. In the reporting period, the Task Force deregistered 65 recruitment agencies for engaging in illegal practices, but there was no information on whether these practices included fraudulent recruitment or charging illegal recruitment fees. In December 2012, following a 2011 meeting in Dhaka between the Bangladeshi government and BAIRA, the Dhaka Principles for Migration with Dignity were launched, including the principle that migrant workers should not be charged any recruitment fees. The only effort to adhere to these principles was the government entering into a written agreement with Malaysia to establish government-to-government labor recruitment with recruitment fees capped at the equivalent to approximately \$500; nonetheless, questions remain about the ability of the Bangladeshi government to protect these workers in Malaysia. The Home Secretary continued to chair the inter-ministerial anti-trafficking committee meetings, which met regularly, and the Ministry of Home Affairs (MHA) continued to work with civil society groups through a bimonthly counter-trafficking coordination committee. Inter-ministerial coordination continued to be a challenge. The MHA published its annual report on human trafficking. Training, including awareness about human trafficking, was provided to Bangladeshi soldiers prior to their deployment abroad on international peacekeeping missions. During the year, the government did not take measures to reduce the demand for commercial sex acts. Bangladesh is not a party to the 2000 UN TIP Protocol.