



**International Convention on the  
Protection of the Rights of  
All Migrant Workers and  
Members of Their Families**

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**

**Twenty-sixth session**

3-13 April 2017

Item 5 of the provisional agenda

**Consideration of reports submitted by States parties  
under article 73 of the Convention**

**List of issues in relation to the initial report of Bangladesh**

**Addendum**

**Replies of Bangladesh to the list of issues\* \*\***

[Date received: 15 March 2017]

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\* The present document is being issued without formal editing.

\*\* The annexes may be consulted in the files of the secretariat.

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Please recycle



- 1. Please inform the Committee about the progress made towards the adoption of the following draft instruments: the Immigration Bill (see CMW/C/BGD/1, para. 107), 1 the Export Processing Zone Labour Bill (para. 100), the rules on migration management, recruitment regulation, the migrant workers' welfare fund and the registration of jobseekers and workers (para. 28), the new Overseas Employment Policy (para. 47) and the Domestic Workers' Protection and Welfare Policy (para. 135). Please indicate how these instruments further implement the provisions of the Convention, including by providing information on specific, time-bound and measurable goals and targets in the draft policies relating to migrant workers and on provisions for their monitoring.**

  1. 'Bangladesh Export Processing Zones Authority Labour Bill' has been approved by the Cabinet on 15 February 2016. The bill has been approved with a view to establishing trade union rights for the workers in eight EPZs across the country, with about 0.45 million workers. The Ministry of Labour will now present the bill before the Bangladesh Parliament.
  2. The Government is drafting four sets of implementing rules under the Overseas Employment and Migrants Act, 2013; which are (i) Migrant Workers' Welfare Rules, (ii) Recruitment Agents License, Conduct and Classification Rules', (iii) Labour Migration Management Rules, and (iv) Migrant Workers Registration Rules. Drafting of the first one has already been completed and sent to the Ministry of Law, Justice and Parliamentary Affairs for vetting, while the other three are in the process of drafting at the Ministry of Expatriate Welfare and Overseas Employment. In addition to regulation of labour migration, the new rules would cover protection of rights of migrant workers abroad.
  3. The Government has also adopted the Expatriates Welfare and Overseas Employment Policy 2016 in January 2016 with a view to ensuring and encouraging safe migration and protection of migrants and their families. The 2016 Policy replaced the earlier one adopted in 2006 which was known as Overseas Employment Policy. The current policy adds welfare of expatriates as an important component of overseas employment. The 2016 Policy specifically stresses the protection and welfare of migrant workers and their families, encourages migration of women, and seeks to integrate labour migration with national development. To help achieve the goals of the Policy, the 2016 Policy requires the government to work, on a participatory basis, in partnership with relevant stakeholders including prospective men and women migrants, public and private organizations, trade unions, recruitment agents, employers and international organizations. The Policy lays down six policy-directives to be pursued which are: (i) to promote and guarantee safe migration, (ii) to protect rights of the migrant workers and the members of their families, (iii) to ensure privileges and welfare of the migrant workers, (iv) to promote migration of women workers, (v) to integrate migration into national development, and (vi) to govern/manage international labour migration.
  4. The Domestic Workers' Protection and Welfare Policy was approved by the Cabinet on 21 December 2015. The policy was published through a Gazette Notification on 04 January 2016.
  5. The Ministry of Home Affairs is in the process of finalizing the draft Immigration Bill which would provide with specific legal provisions concerning arrest and detention of foreigners including foreign migrant workers.
- 2. Please provide information on the scope of and the resources available for implementing the 2013 National Skills Development Policy (para. 150) in relation to migrant workers and the results achieved so far. Please also provide information on the 2013 National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals.**

  6. The National Skills Development Policy (hereafter NSDP 2013) has been adopted to create a trained group of professional workers to be employed both at home and abroad. The NSDP 2013 pays special attention to the needs of the people aspiring to take employment overseas, calling them 'aspirant migrant workers' and proposing to develop their skills through public and private programmes /training (Section 18, NSDP). The

Policy, for example, requires the Bureau of Manpower, Employment and Training (hereafter BMET) to take responsibility for ensuring a more coordinated approach for skills development for migrant workers. It also involves the assessment of how existing training infrastructure can best be utilized to fulfill the overseas demand for skilled workers from Bangladesh. It further envisages a ‘strategy’ to increase the participation of women in skills development for overseas employment.

7. To improve the skills of the aspiring out-bound workers, the NSDP seeks, among others, to respond to the demand for different categories of skilled workers in major overseas markets; develop a national qualification system that would provide certification of an international standard for overseas employment; improve the capacity of training providers to deliver skills of a standard required by overseas employers; to ensure quality training for prospective migrant workers by regulating the training providers; and to engage with returning migrants to assess and certify their higher skills gained overseas.

8. For development of skills of the people living in rural areas with low levels of literacy and numeracy, particularly women, the NSDP provides for establishment of Centres of Excellence in four sectors — leather, agro-food processing, tourism and hospitality, and the readymade garments. The first centre (Leather) established in 2012, is operating as a successful private skills development institution under the supervision of the BMET which focuses on skill development of aspiring migrant workers. Funded by the EU, ILO, the Swiss Development Corporation (SDC), and USAID, it has helped increase the number of registered leather apprentice from 152 to 15000 in 04 years.<sup>1</sup> BMET, through its 62 TTCs, has trained a total of 335,836 people in different trades and vocations. Of those, 105,519 were women.

9. Further, under the directives of the National Skills Development Council, the BMET has introduced NTVQF (National Technical and Vocational Qualification Framework) in two Technical Training Centres (TTCs), and trainings are being provided in all TTCs in twelve different trades in accordance with the curriculum provided for by the BTEB (Bangladesh Technical Education Board). Notably, in 2015 the government issued certificates called Recognition of Prior Learning RPL to 2994 workers, who had been working in various industries without any institutional qualifications despite having practical and technical skills. Under the same scheme, the government with the technical assistance from City and Guilds, UK and in partnership with ILO (Decent Work Project) provided Training of Trainers (ToT) to fifty trainers in the Bangladesh-Korea Technical Centre. Under the agreement signed on 17 August 2015 between the MEWOE and International Manpower Development Organization (IM Japan), Bangladesh will send fifteen technical interns to Japan for two years’ apprenticeship and one year of post-apprenticeship job.

10. In order to oversee implementation of the Policy, a high profile body named National Skills Development Council (NSDC) headed by the Hon’ble Prime Minister is at place. The NSDC is a multi stakeholder forum with representatives from government, industry, workers’ bodies and civil society which works through an Executive Committee. The Executive Committee actively engages with the relevant stakeholders like training providers, government agencies, and workers in order to improve the skills and productivity in Bangladesh. A fully functional Secretariat has been established for the NSDC. The 1st Phase of NSDC Action Plan is currently under implementation. The National Skills Data System has also been operationalized. In addition, establishment of Skills Development Divisional Level Consultative Committees, and the framing of Operational Guidelines are under active consideration of the government. To put all these initiatives into action, an amount of 1159.5 billion BDT (USD 14.5 approximately) has been allocated to the Ministry of Expatriates’ Welfare and Overseas Employment for the 2015-2016 fiscal year (Annual Development Programmes).

<sup>1</sup> ILO, National Skills Development System in Bangladesh, 2015.[http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms\\_445255.pdf](http://www.ilo.org/wcmsp5/groups/public/---asia/---ro-bangkok/---ilo-dhaka/documents/publication/wcms_445255.pdf).

11. The National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals 2013 has been adopted by the Government of Bangladesh to address the issues related to the Myanmar refugees and the undocumented Myanmar nationals living in Bangladesh for nearly three decades.

12. From 1978 to 1991, Bangladesh accepted some 250,877 Myanmar Nationals (Rohingyas) as refugees out of 'humanitarian considerations'. By virtue of an agreement signed with the Myanmar government in 1991, total 2,36,599 of them were repatriated to Myanmar through a mutually agreed verification process. The repatriation process was halted unilaterally by Myanmar in 2005. The left out refugee population, currently over 33,000, is living in two refugee camps in Kutupalong and Noapara in Cox's Bazar district. Meanwhile, Muslims from the Rakhine State continued to illegally enter Bangladesh through the very porous land and sea borders. Recently following an area clearance operation run by Myanmar Military in the Northern Rakhine State, tortured, persecuted and helpless Rohingyas started taking shelter in Bangladesh and since 09 October 2016, a total of 70,000 Rakhine Muslims entered Bangladesh which has added to the already existing 300,000 who entered Bangladesh illegally since 2005. This issue has been posing formidable challenge for Bangladesh in terms of its economy, security and socio-cultural fabric.

13. The main reason behind irregular migration of Rakhine Muslims to Bangladesh is the discriminatory policy of the Myanmar Government that excludes the Rohingyas from the right to citizenship resulting into various human rights violations and recurrent communal tensions. To coordinate efforts for repatriation of this population to Myanmar as well as to manage the humanitarian needs of these people during their stay in Bangladesh, the Government of Bangladesh adopted the 'National Strategy on Myanmar Refugees and Undocumented Myanmar Nationals 2013'. The Strategy aims to provide for a long term solution to the challenges posed by the presence of a large number of undocumented Myanmar population in Bangladesh.

14. A National Task Force (NTF) chaired by the Foreign Secretary to the Government of Bangladesh and represented by 29 Ministries and agencies is mandated to monitor the implementation of the Strategy at the national level, while at the local level, a District Task Force (DTF), led by the office of the Deputy Commissioner of Cox's Bazar, monitors and coordinates the implementation.

15. The UMN's are provided with humanitarian assistance and other basic services, such as, healthcare, water, sanitation, etc. from various UN agencies, international organizations and development partners. Under the strategy, International Organisation for Migration (IOM) coordinates humanitarian services funded by international NGOs, such as, Handicap International, MSF-Holland, ACF, USAID etc.

3. **Please indicate whether the State party plans to make the declaration provided for in articles 76 and 77 of the Convention and thereby recognize the competence of the Committee to receive communications from States parties and individuals. Please also indicate whether the State party intends to ratify the following International Labour Organization (ILO) conventions, all of which affect migrant workers and members of their families: the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Private Employment Agencies Convention, 1997 (No. 181), and the Domestic Workers Convention, 2011 (No. 189).**

16. With regard to the application of articles 76 & 77 of the Convention, Bangladesh would like to strongly urge destination countries; especially those receiving migrant workers from Bangladesh, to ratify the Convention and make declarations under articles 76 and 77 thereof. Bangladesh believes that, for such a declaration an atmosphere of reciprocity on the part of major destination countries for Bangladesh's migrant workers is required.

17. The government of Bangladesh remains cognizant of the significance and value of the international instruments, particularly ILO conventions dealing with migrant workers and their families: (i) the Migration for Employment Convention (Revised), 1949 (No. 97),

(ii) the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), (iii) the Private Employment Agencies Convention, 1997 (No. 181), and (iv) the Domestic Workers Convention, 2011 (No. 189). The country, however, needs to further enhance its capacity to be fully able to implement the above conventions of the ILO. It is of special note that the government has, on 21 December 2015, adopted Domestic Workers' Protection and Welfare Policy 2015 (Para. 135 of the Initial Report). Although it is not a statute, the Domestic Workers Policy has provided for a legal framework for the protection of domestic workers in Bangladesh, the overwhelming majority of whom are women and girl children. This Policy provides for registration of domestic workers, prescribes a minimum wage (excluding what the employer would spend for worker's wellbeing, food, shelter, and clothing), necessitates the provision of a healthy and clean sleeping place, and tries to ensure the compliance with maximum work-hour limit.

**4. Please provide additional information on the available staffing and resources allocated to the Ministry of Expatriates' Welfare and Overseas Employment for promoting, protecting and fulfilling the rights of migrant workers and members of their families under the Convention, as well as information on its monitoring activities and follow-up United Nations CMW/C/BGD/Q/1 International Convention on the procedures (paras. 31-33). Please also provide information on the human, technical and financial resources made available to the Bangladesh Human Rights Commission and on awareness-raising activities by the State party among migrant workers, in both urban and rural areas, on the right to file a complaint directly with the Commission (para. 49).**

18. Currently a workforce of 139 people including the Minister are working in 07 (seven) sub divisions in the Ministry of Expatriates' Welfare and Overseas Employment (MEWOE). Out of the 07, 05 such sub divisions are directly involved with the implementation of the Convention, (a) mission and welfare, (c) overseas employment, (e) planning and development, (f) monitoring and enforcement, and (g) training. Besides a Task Force operates directly under the administration wing of the Ministry which is entrusted with the responsibility of enforcing migration rules and regulations. Under the Ministry, a separate unit called Bureau of Manpower and Employment (BMET) is responsible for the matters of international migration from Bangladesh. BMET's major functions are: to provide training to migrants, to issue migration clearance to the outgoing migrant workers for ensuring safe migration, to maintain database for them, to oversee the welfare of the migrant workers through a dedicated Welfare Board, and to regulate and monitor licenses of the recruitment agents. Under the BMET, there are 42 District Employment and Manpower Offices (DEMO), 47 Technical Training Centres (TTCs), and 6 Institutes of Marine Technology (IMTs). Furthermore, a public company within the system of the Ministry namely, the BOESL (Bangladesh Overseas Employment and Services Ltd), has the business of recruiting migrant workers, while the Probashi Kallyan Bank, a statutory banking institute, provides loans and other financial facilities and services to the migrant workers and members of their families. The budgetary allocation made to MEWOE under the Annual Development Programme for the 2016-2017 is BDT 1677.2 billion (USD 21 billion approximately). Moreover, the Wage Earners' Welfare Board (WEWB) administers a fund on a regular basis with regard to a number of issues concerning the welfare of the migrant workers such as the costs of repatriating any migrant workers in distress. In the 2015-2016 fiscal year, the fund received by the WEWB was in the tune of 47.346 million USD, of which 24.608 million USD was collected internally and 22.738 million USD externally (through different labour wings of Bangladesh missions). Of this fund, about 92.40% was spent on several welfare programmes implemented by the board for the welfare of migrant workers and members of their families.

19. As a national independent statutory body tasked to protect and promote human rights, the National Human Rights Commission (NHRC) of Bangladesh has a mandate to work on the rights of migrant workers and members of their families. It has established a thematic committee dedicated to the rights of migrant workers. The Commission has been implementing a series of awareness-building programmes on the rights of migrant workers by organizing seminars, symposiums, workshops, and national and international consultations with the stakeholders. NHRC has been publishing and telecasting awareness-

raising information regarding how to access the Commission with complaints of human rights violations. In the past years, it held a series of hearings with repatriated migrant workers who were victims in the destination countries, and suggested measures of redress accordingly. It also sent out letters to the Human Rights Commissions of different countries in which Bangladeshi migrant workers were either deprived of their rights or were in crisis (please see further para. 80 below).

20. Besides, the government itself has taken a series of measures to raise awareness among people regarding safe migration and consequences of irregular/unsafe mobility for overseas work. These awareness activities have been conducted in both urban and rural areas. The BMET, for example, has made two dramas/documentaries to create awareness about unsafe or irregular migration and has arranged for their wide dissemination through several media to which rural people have easy access to and to local government units and their digital information centers. It also published 25 advertisements covering every aspect of migration for the migrant workers including safe remittances and financial literacy. Further, 38000 booklets related to migration and 50000 leaflets, posters, brochure and festoons have also been distributed at the division and district levels (there are 7 administrative divisions and 64 districts in Bangladesh). Booklets, posters, comic books, video clips, and musical drama-show have also been distributed or shown through the DEMOs and TTCs across the country.

21. To increase public awareness about adverse effects of trafficking in persons and people's smuggling, the government installed billboards across the country, published public notices in newspapers, and also disseminated information through text-messages to users of all mobile phones. Moreover, local administration has been directed to activate the district and the other rural-level committees on the prevention of human trafficking. The International Migrants Day is observed every year country-wide with a plurality of events instrumental in raising awareness amongst migrant workers and members of their families regarding their entitlements and rights in both in Bangladesh and in the countries of employment. Through different media and notifications, the government also seeks to educate the migrant workers and members of their families about the right to file a complaint with the government, especially with the BMET.

**5. Please provide information on the measures taken to improve the collection of quantitative and qualitative data, disaggregated by sex, age, nationality and migration status, for use in evaluating the implementation of the Convention. Please also provide, if available, updated disaggregated statistical data and qualitative information on:**

**(a) Undocumented Bangladeshis who are migrant workers abroad, Bangladeshis who are migrant workers who have returned home and migrant workers in both a regular and an irregular situation in the State party, including undocumented nationals of Myanmar and foreign professionals holding employment visas who are covered by article 3 (a), (b) and (c) of the Convention;**

**(b) Programmes to address HIV/AIDS among migrant workers in the State party, including among returning migrant workers who are nationals of Bangladesh;**

**(c) Undocumented migrant workers, including nationals of Myanmar in detention in the State party, and Bangladeshis who are migrant workers detained abroad in States of employment, indicating whether such detention is immigration-related, and the number of detained migrant workers who were repatriated following an intervention by the Bangladesh Human Rights Commission (paras. 48-50);**

**(d) Rohingya asylum seekers detained for having entered the State party irregularly;**

**(e) Migrant workers and members of their families and undocumented nationals of Myanmar that have been expelled from the State party;**

**(f) The number of unaccompanied foreign migrant children and of children who are nationals of Bangladesh left behind by parents working abroad;**

**(g) The legal framework regulating private employment agencies, the number of private employment agencies in the State party recruiting migrant workers to work abroad, the number and nature of complaints against government and private agencies and the penalties and sanctions for non-compliance;**

**(h) Remittances received from nationals of the State party working abroad;**

**(i) The reported cases of trafficking in persons and smuggling of migrants and the number of investigations carried out, prosecutions initiated and sentences imposed on perpetrators (disaggregated by sex, age, nationality and type of crime). In this regard, please specifically provide additional information on the cases of prosecuted travel and recruitment agents, as well as of individual offenders mentioned in the State party's report (para. 164);**

**(j) The type of assistance provided to victims of trafficking and smuggling;**

**(k) Legal assistance services provided to nationals working abroad or in transit through third States;**

**(l) Compensation and financial assistance provided to families of deceased migrant workers who are nationals of Bangladesh (para. 171).**

• (a)

22. Bangladesh does not have any statistics on the undocumented migrants working aboard or staying abroad in irregular manner. Bangladesh is cognizant of its migrant workers becoming irregular in some destination countries due to their rigid rules regarding employment and mobility. In such cases, generally the government of Bangladesh often works, under article 67 of the Convention, in close collaboration with the concerned destination countries for regularization/ documentation of those migrant workers. In addition to the information provided in (Para. 166-167) the initial report, it may be re-asserted that Bangladesh successfully negotiated with the Kingdom of Saudi Arabia, Malaysia, and Iraq to regularize 800, 000; 267, 803; and 10,000 Bangladeshi migrant workers respectively.

23. For practical reasons, it has not been possible to record the number of returnee Bangladesh migrants. A sample survey of returnee migrants shows that about 77% of the returnees are male and the rest 23% are female migrants (ILO, The homecoming: profiling the returning migrant workers of Bangladesh, Dhaka, 2015).

24. Bangladesh is primarily a source country for migrant workers. However, it hosts a sizable number of foreign professionals mostly in the private businesses and industry. The foreign professionals, who are covered by article 3(a), (b) and (c) of the Convention, are employed in Bangladesh on employment visas that are issued and administered by several agencies of the government namely, the Bangladesh Export Processing Zones Authority (BEPZA), Bangladesh Investment Development Authority (BIDA), the Ministry of Home Affairs, and the Bangladesh Police (Special Branch). During 2009 - 2016 (up to June), a total of 22,368 foreign nationals were given work permits (issued by the BIDA) to work in private enterprises and industries (respectively 7,014 and 10,201), while a total of 22,368 existing work permits were renewed in the same period.

25. As regards the 'undocumented nationals of Myanmar', Bangladesh Bureau of Statistics is currently implementing a census project to count the number of UMN's staying in Bangladesh. The results of the census will be published after inclusion of the information of the newly arrived undocumented Myanmar nationals post 09 October 2016.

26. However, this population, having fled persecution in their homeland, has landed in Bangladesh primarily for protection. Therefore they may not be termed as migrant workers under this convention; rather forced and externally displaced people.

- (b)

27. The prevalence of HIV in Bangladesh remains at a relatively low level. According to a government report, there are currently 4,721<sup>2</sup> HIV infected people in total, a part of which is constituted of migrant workers. The policy of the government is to keep the AIDS epidemic under control by initiating comprehensive and strategically viable preventative measures and by avoiding a gradual spread of HIV infection from high-risk groups to the general population<sup>3</sup>. Migrant workers are a particularly vulnerable group for the risk of HIV, the risk being associated with migrants' unsafe mobility and work environment. The government, in association with a number of development organizations and the IOM, has undertaken a number of activities to educate (including peer-education) and to provide counseling and other services to outgoing as well as returning migrants. By establishing partnership with local NGOs (such as OKUP) and TTCs, the IOM has been providing the women migrant workers with services (such as referral services), information, and other awareness-raising tools at the pre-mobility and post-return stages of migration. Specially, the trafficking victims' health conditions are assessed and if needed they are referred to HIV-specific service providers. According to NGO reports, as of 2014, a project called EMPHASIS provided 'HIV and safe mobility information and support services' to 357, 746 migrant workers and members of their families in Bangladesh, India, and Nepal.

- (c)

28. Bangladesh being a source-country of international labour migration, there is indeed no instance of migrant workers being detained in Bangladesh. By contrasts, many Bangladeshi migrant workers are found to be detained in countries of employment. In 2014, a total 23367 migrant workers from Bangladesh were detained in 7 countries of destination (KSA, Qatar, Malaysia, South Korea, Kuwait, UAE, and Jordan), of which the UAE had the highest number of Bangladeshi migrants detained (20,038), followed by Malaysia (2131). Beyond these traditional countries of employment, a survey on Australia reveals that in 2015 (up to November), 64 Bangladeshis were reported to be detained in several detention centres in Australia (62 men and 2 women with 2 children). While a clear record of those detainees and the causes of their detention are not available, it is presumed that most detainees are held for the breach of immigration rules in the destination countries. Many of them, however, are detained on the charge of criminal activities. In the case of Australia, the detention of all 64 detainees is immigration-related.

29. The National Human Rights Commission intervenes to help some detained/stranded migrant workers in Thailand and Malaysia to find ways to return to the country (Para. 48-50, initial report). Concerned labor wings of Bangladesh Missions in the countries of employment, however, have helped many migrant workers to be repatriated to Bangladesh. In many cases, the government of Bangladesh (Wage Earners' Welfare Board as well as Bangladeshi Missions abroad) provided financial help for the repatriation of migrant workers. In 2014, a total of 33,488 Bangladeshi migrant workers were repatriated from 6 countries of employment (KSA, Qatar, Malaysia, Singapore, South Korea, and UAE). The largest number was repatriated from UAE (25,622) and was followed by Malaysia (5,689). Besides, on several occasions, victims of trafficking or people's smuggling (allured by traffickers for jobs), had been returned with the help of international organizations. Recently (2015-2016), for example, the International Organization for Migration (IOM) assisted the government of Bangladesh to rescue some 2,822 Bangladeshis from Andaman sea and Malacca Straits and to bring them back home. In addition, in August 2015, with the assistance of IOM, 627 male Bangladeshis including 75 unaccompanied minors were brought to Bangladesh (from Indonesia and Malaysia). It can be recalled that during the 2012 Libya crisis, a total of 18,389 Bangladeshi workers were repatriated by the government of Bangladesh with the technical and financial assistance of the IOM (555 people were given passports, while the rest of 17,834 people were repatriated with special travel documents/out-pass issued by the government).

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<sup>2</sup> The Daily Ittefaq, Dhaka, 7 December 2016.

<sup>3</sup> [https://www.unicef.org/bangladesh/HIV\\_AIDS\(1\).pdf](https://www.unicef.org/bangladesh/HIV_AIDS(1).pdf).

- (d)

30. No Rohingya asylum seeker has been detained for having entered Bangladesh in irregular manner.

- (e)

31. No undocumented nationals of Myanmar or a family member of an undocumented Myanmar national has been expelled from Bangladesh. As a responsible country Bangladesh is bilaterally engaged with Myanmar for return of these people in a peaceful manner.

- (f)

32. There is no record of unaccompanied foreign migrant children in Bangladesh or children left behind by Bangladeshi parents working abroad.

- (g)

33. There are 1037 (900) licensed recruitment agents operating in Bangladesh for recruiting migrant workers, while the total number of licenses issued are 1300. Of the licensed recruitment agents, 89 agents remain currently suspended for breach of recruitment rules and unethical recruitment practices. Under section 9 of the Overseas Employment and Migrants Act 2013, every recruiting agent must get a license from the government to run its operation. A supplementary bylaw (Rules) to regulate the conduct of the agencies is under development by the government. To be qualified for attaining a license, the applicant must be, among others, free of any criminal conviction relating to human trafficking, money laundering or international terrorism. The license would remain valid for three years from the date of its issuance and can be renewed at a three years' interval by the permission of the government. The government holds absolute discretion for cancelling or suspending any license, if any violation of migration law or recruitment rules is found such as obtaining license through fraudulent means, breach of legal conditions of license, fraudulent activities, involvement in activities relating to 'illegal migration', or conviction of any recruiter for any offence after getting license (ss2 &18 of the Overseas Employment and Migrants Act 2013). A table showing the number of recruitment licenses that have been cancelled or suspended is annexed at Annexure A.

34. In order to strengthen recruitment monitoring capacities of the government and to reduce fraudulent and abusive practices of the recruitment industry, a Standard Operating Procedure (SOPs) on recruitment monitoring has been developed in 2015 with the technical assistance from the IOM. The UN Women helped to mainstream gender into the SOP, which was translated into Bangla for wider dissemination and comprehension. UN Women undertook a comprehensive review of the standard practices of the Private Recruitment Agencies (PRAs) that are licensed to recruit women migrants, and suggested a code of conduct for them on the issue of ethical recruitment vis-à-vis women migrant workers. The study also documented best practices for recruitment agencies in the process of recruitment of women migrant workers. On the SOP, a Training of Trainers was held on 20-21 October 2014 with 22 Officials from the MOEWOE and the BMET. Later in December 2014 and February 2015, another 43 BMET officials from district and central levels also participated.

35. Under the MOEWOE, the Vigilant Task Force (VTF) is entrusted to prevent the breaches of recruitment rules. In 2015-2016, VTF conducted 12 drives against unlawful recruitment practices, during which two recruitment agents were fined for their involvement in unfair and unlawful recruitment activities. They are also criminalized under sections 32 and 35 of the Overseas Employment and Migrants Act 2013, and the offenders can be brought to justice promptly at the 'mobile courts' run by magistrates (under the Mobile Courts Act 2009). A table showing performance of VTF over a period of five years (2012-2016) is annexed at Annexure B.

36. Upon cancellation or suspension of a licence, the concerned recruitment agent would no longer have the legal capacity to carry out any activity related to recruitment. In addition, in such situations the government would take appropriate measures to protect the rights and interests of those aspirant migrants who may have engaged in financial and other transactions with that recruitment agent. The Government may even withdraw a license if

needed in the public interest. Moreover, a system of gradation of the recruitment agents on the basis of their performances is in the offing. A specific bylaw, now in the draft stage, will introduce this system. The classification of the recruitment agencies into various grades would be done based on an evaluation of the conditions (relating to performance) that must be met by the recruitment agents. This is another tool for regulating the recruitment agents by way of encouraging them to engage in ethical business practices.

37. Duties of the recruiting agencies include (a) to protect the interest of migrant workers; (b) to produce, when applicable, the migrant worker for registration and to collect migration clearance; (c) to employ the migrant workers in the job offered and provide wages and other benefits and to ensure a good workplace conditions in accordance with the terms and conditions of the employment contract; and (e) to maintain communication with the employer for those purposes.

- (h)

38. Bangladesh is the seventh largest recipient of remittances in the world. In 2014-2015 fiscal year remittances sent by Bangladesh's migrant workers and expatriates were 7.8 percent of GDP and 49.8 percent of total export earnings. In 2015, Bangladeshi migrants remitted more than USD 15 billion. In the 2015-2016 fiscal year, the remittances rose to USD 14.932 billion. A Table showing year-wise remittance is annexed in Annex D.

- (i)

39. Under the Overseas Employment and Migrations Act 2013, complaints of criminal nature against the private recruiting agencies can directly be lodged. The complaints (of civil nature) are made to the Monitoring and Enforcement Wing of the MOEWOE which looks into the case and seeks to resolve them on a participatory basis. From 2012 to 2015, a total of 34 complaints have been received by the MoEWOE, among which 30 have been settled. A Table is annexed at Annexure C.

40. In addition, complaints by victim migrant workers may also be lodged with the BMET, both in person and online. The International Organization for Migration (IOM) worked with the BMET to develop a case management tool for strengthening the complaints mechanism to efficiently handle the disputes between migrant workers and private recruitment agents. The first training of the Complaints Cell was conducted in January 2015 with 23 BMET Officials. To further facilitate the access to justice, the Welfare Board has established the Complaints Management Cell for Expatriate Female Workers while there is also a drop-in box for the lodgment of boxes. In the 2015-2016 fiscal years, 65% of the complaints received by the Ministry (MOEWOE) and its departments have been resolved.

41. The private recruitment agents are by law required to comply with the resolution-decisions arrived at by the Ministry. Often, the remedies provided are orders to make payments or compensation to the complainants, or to bear the cost of repatriating any worker who is in distress or has become unemployed due to the fault of the concerned recruitment agent in Bangladesh. In case of non-compliance, the government may cancel the license, or confiscate the security-money deposited with the government by the concerned recruiter, or may even be prosecuted or sued for the recovery of money if needed.

- (j)

42. In the period of past five years, 2012-2016 (November), a total of 2,966 cases of human trafficking have been registered, and 6,046 victims have been rescued. Of the registered cases, trials in 192 cases have been completed and convictions were secured in 26 cases. A number of complex issues, some tied with prevalent social reality such as the fact that women victims sometimes do not want to go to court and get the perpetrators punished despite the government's measures for their security, are responsible for the acquittals. All of the people prosecuted in connection with the human trafficking offences are individual persons (para. 164 of the initial report). The victims of trafficking do receive prompt assistance. First, immediately upon their rescue, they are taken to shelter homes and are provided with medical treatment and psychosocial counseling. The government runs a victims support centre, and a number of CSOs are working in providing legal assistance to the trafficking victims.

- 6. Please provide details about training on the Convention provided by the State party and civil society (para. 82), indicating whether the State party has conducted any specific awareness-raising and training programmes on the Convention for relevant public officials, such as law enforcement officials, embassy and consular staff, social workers, judges prosecutors and government officials, and specify the content of such training, if applicable. In particular, please provide details of the training provided to consular officials and labour attachés appointed to missions of Bangladesh on how to protect the rights and interests of migrant workers who are nationals of Bangladesh and who are overseas (para. 153).**

43. The government provides training (awareness-raising) to relevant officials on the scope and regime of the Convention as well as on its implementation. Under a project supported by IOM 979 judges and 322 prosecutors have been trained on nexus between human trafficking and international migration. Bangladesh celebrates the International Migrant Workers Day (18 December) across the country every year, when the norms and principles of the Convention and the importance of protecting rights of the migrant workers are duly disseminated through media coverage, cultural events, seminars, and awareness-raising campaigns.

44. The Labour attachés and other officers posted to 28 labour wings in 27 Bangladesh Missions are provided with foundation and other continuing trainings on international labour migration. Every year the Labour attachés attend an annual conference in Dhaka in which a five-day intense training is provided to them. In August-September 2016, 41 labour attaches were provided such training. The training curriculum includes special module on 'international legal framework for the protection of migrant workers' and other courses on 'international labour standards' relating to labour migration, 'migration and development', trafficking and smuggling of migrant workers, special protection of female domestic migrant workers, and the over-all protection and welfare of the migrant workers. The participants deliberate on pressing issues of labour migration pertaining to Bangladesh and learn through a peer-learning process. In addition to formal training, labour attachés are also provided with orientation briefings upon their appointments (5 such orientation sessions have been held in 2014-2015 for the newly appointed labour attachés) and with training manuals (see, e.g., IOM, 2013, Training Manual for Labour Attachés, Dhaka: IOM) which also contain specific chapters on the Convention regime. Apart from the labour attachés, other officials of Bangladesh missions and embassies are inducted duly at the time of their attachments to any particular destination and provided with training manuals or standard operating procedures that help them discharge functions in accordance with Convention standards (see, e.g., IOM, 2014, Standard Operating Procedures for Diplomatic and Other Officials Dealing with Bangladeshi Migrant Workers Overseas, Dhaka: IOM).

45. The recently held 9th Conference of the Global Forum on Migration and Development held in Dhaka (GFMD) from 10 to 12 December 2016 provided all relevant actors and stakeholders an opportunity to learn about the responsibility regime for Bangladesh under the Convention. During this Conference, Bangladesh demonstrated its willingness to play the lead role vis-à-vis the pressing problems of migration globally and hence to promote the objectives of the Convention.

- 7. Please provide specific information on cooperation and interaction between the State party, civil society organizations and other social partners working on migrant workers' rights in relation to the implementation of the Convention. Given that both civil society groups providing humanitarian aid and the Office of the United Nations High Commissioner for Refugees reportedly have difficulty in accessing undocumented Myanmar nationals in border regions owing to restrictions imposed by the State party, please inform the Committee about steps taken to ensure such access. Please also describe how civil society groups and other stakeholders were involved in the preparation of the initial report (para. 15 and annex I).**

46. The Initial Report of Bangladesh was prepared through an intense consultative process involving all relevant stakeholders (please see para. 15 and annex I of the initial report). In preparing the report, the government of Bangladesh was assisted technically by the International Labour Organization (ILO, Dhaka). A committee was formed within the

MOEWOE and a legal consultant was appointed to draft the report. Fifteen CSOs participated in two multi-stakeholders' consultation sessions (21 July & 20 August 2014). The consultant also had direct engagements with a number of these organizations, exchanging views on their activities towards the implementation of the Convention. Further, two inter-ministerial meetings (14 August 2014 and 14 July 2015) were held to discuss and adopt the initial report. The key international organizations also participated in those meetings.

47. Under the national strategy adopted with regard to Myanmar refugees and undocumented Myanmar nationals, the refugee camps are run by UNHCR. The humanitarian supports to the undocumented Myanmar nationals (food, WASH, health, education etc.) are provided by various UN agencies such as, UNFPA, WFP UNICEF etc. directly and by other development organizations (Soliderite International, MSF-Holland, Handicap International etc.) under the overall coordination of IOM. In addition to that 'Bangladesh Red Crescent Society and local NGOs with demonstrable experience are engaged in providing such humanitarian assistance' to them.

- 8. Please provide information on measures taken by the State party to strengthen migration regulation and control mechanisms to ensure that private recruitment agencies do not charge excessive fees for their services and do not act as intermediaries for abusive foreign recruiters. Please inform the Committee whether recruitment agencies that facilitate the overseas employment of migrant workers who are nationals of Bangladesh are required to be licensed in both the State party and the country of employment and whether they assume joint and solidary liability with the overseas employer for claims and liabilities that may arise in connection with the implementation of the employment contract, including in respect of wages, disability compensation, repatriation and death, including repatriation of the bodies of deceased migrant workers. Please provide information on the contractual clauses that exempt professionals such as doctors, information technology specialists and corporate employees who are working in the State party with employment visas from the definition of migrant workers under the Convention (para. 20).**

48. Section 21 of the OEM Act of 2013 authorizes the government to fix the ceiling of fees and charges relating to the recruitment of workers for overseas employment, under which the government from time to time determines the legal fees that can be charged by the recruitment agents with respect to the specified country of employment. The women migrant workers are required to pay less than men aspirants which plays important role in encouraging women migration. Section 31 of the OEM Act of 2013 criminalizes the receipt of unapproved amount of fees or charges by recruitment agents from the migrant workers, while section 19 prohibits the recruitment agents to receive advances before finally selecting a worker for the recruitment purpose. The government takes the issue of exorbitant fee-charging by certain recruitment agents seriously, and often runs operations against such unscrupulous recruiters and intermediaries. These legal actions no doubt operate as a check on the recruitment agents who might potentially act as intermediaries for abusive foreign recruiters.

49. The Overseas Employment & Migration Act 2013 does not require the recruitment agencies that facilitate the overseas employment of Bangladeshi workers to be licensed in the relevant country of employment. Some recruitment agents are, however, given 'permits' under the laws of certain countries of employment to recruit workers on behalf of overseas employers or recruitment agents. Often, the concerned Bangladeshi recruitment agent is paired with an overseas recruitment agent. The OEM Act 2013 requires the recruitment agencies of Bangladesh to conclude an employment contract between the overseas employer and the recruited worker. Moreover, for the purpose of enforcing such an employment contract, the concerned recruitment agent is deemed to be a representative of the overseas employer on whose behalf it recruited the worker, and is severally and jointly liable with the overseas employer for any breach of contractual conditions (respectively, s. 22 (1) and s. 22 (2)). In practice also, the government takes enforcement measures against the local recruitment agent for the breach of employment contract or variation with agreed conditions even if the faults and wrongs are attributable to the employers. The principle of joint liability basically operates with regard to wages and repatriation. For compensation for

death or injuries of the workers as well as for the costs of repatriation of the bodies of deceased migrant workers, it is usually the employer who is asked to bear the liability.

50. In no case the employment contracts exempt professionals such as doctors, information technology specialists and corporate employees who are working in Bangladesh with employment visas from the definition of migrant workers under the Convention (para. 20 of the initial report).

- 9. Please inform the Committee about concrete steps taken to amend the Labour Act of 2006 so as to include a prohibition of direct and indirect discrimination on all the grounds enumerated in the Convention (arts. 1 (1) and 7), with respect to all aspects of employment and all categories of workers, including those employed in the informal sector and domestic workers. Please provide information on the measures taken by the State party to ensure non-discrimination, both in law and in practice, against undocumented nationals of Myanmar and to address the prevalence of sexual and gender-based violence, including domestic violence, and of political harassment, social exclusion and sexual and labour exploitation, including sexual slavery, against them.**

51. The Constitution prohibits discrimination against workers on any ground whatsoever. Under the Overseas Employment and Migrants Act 2013 discrimination is prohibited while providing services or dealing with overseas employment and the return of migrant workers. Given the constitutional prohibition of discrimination and the guarantee of equal legal protection of all including the foreigners, the government does not contemplate a need to amend the Bangladesh Labour Act 2006 to include a prohibition of direct and indirect discrimination on all the grounds enumerated in the Convention (arts. 1 (1) and 7). As regards the prohibition of discrimination against those employed in the informal sector and domestic workers, the constitutional mandate for the equal treatment of all covers the informal sectors as well as the domestic workers. Moreover, the recently adopted Domestic Workers' Protection Policy also lays down non-discriminatory policy for the domestic workers.

- 10. Please provide information on:**

**(a) The number and type of complaints examined by the Bangladesh Human Rights Commission, the Bureau of Manpower, Employment and Training, the Supreme Court and the State party's missions abroad (paras. 88-89 and 154) in the past five years and their outcome, disaggregated by sex;**

**(b) Whether legal assistance was provided;**

**(c) Any redress, including compensation, provided to the victims of such violations;**

**(d) Any measures taken to inform migrant workers and members of their families about the remedies available to them for violations of their rights.**

52. Complaints related to fraudulent practices of recruitment or of other irregularities may be lodged to BMET, to the Ministry of Expatriates' Welfare and Overseas Employment (Monitoring and Complaints Wing), and to the Wage Earners Welfare Board. Information regarding number and type of complaints examined by the BMET has been provided in response to the Issue 5 and the role of National Human Rights Commission with respect to complaints lodged by migrant workers is provided in response to Issue 4 & 5. Any victim of crime, fraud, or breach of contract, may receive legal assistance under the national legal aid scheme established by the Legal Aid Act 2000. As regards the judicial resolution or adjudication of migrant workers' complaints, there is no reported decision from the Supreme Court of Bangladesh, presumably because the Overseas Employment and Migrants Act 2013 is relatively new and the primary court under this law is a magistrate's court. Labour attachés are also involved with complaints brought by migrant workers in countries of employment. When a complaint is lodged against the employer, the labour attaché seeks to reach an amicable solution in consultation with the employer or/and the local authorities, and when the complaint is against a recruiting agent in Bangladesh she or

he make a referral to the government of Bangladesh. A labour attaché is also mandated to provide legal assistance, for which some Bangladesh Missions do retain or hire lawyers. It should be mentioned that, in addition to different awareness raising events in Bangladesh relating to the migrant workers' and members of their families' right to remedies, labour wings abroad take measures generally to inform migrant workers about the remedies available to them for violations of their rights, often through post-arrival briefings or means of publicity/communication.

**11. Please inform the Committee about the result of complaint No. 119/22/08/1194 of the Bangladesh Human Rights Commission (para. 49). Please also inform the Committee about measures taken to ensure that undocumented nationals of Myanmar trying to access justice for violations of their rights are not punished for illegal entry under the Foreigners Act of 1946.**

53. The complaint No. 119/22/08/1194, lodged with the National Bangladesh Human Rights Commission was not further prosecuted by the complainants. There is no record that the government has prosecuted undocumented nationals of Myanmar under the Foreigners Act 1946 for their attempts to access justice for violations of their rights.

**12. Please provide information on the steps taken to reduce child labour and eliminate the worst forms of child labour, with a particular focus on migrant children.**

54. There is no reported employment of migrant children in Bangladesh as of now. The legal prohibitions concerning child labour apply to all children irrespective of their immigration status.<sup>4</sup> Compulsory birth registration under the Births and Deaths Registration Act 2004 prevent the employers from employing children. Moreover the Children Act 2013 (s. 80) criminalizes abuses of working children by employers under the guise of employment and thus promotes the policy of checking unauthorized engagement of children in labour.

55. For eradication of hazardous child labour, the government adopted the National Child Labour Elimination Policy 2010 and the National Children Policy 2011. The main objective of this policy is to make meaningful changes in the lives of the children by withdrawing them from all forms of child labour including the hazardous work and worst forms of child labour, and also to involve parents of working children in income generating activities with a view of getting children out of the vicious circle of poverty, and to offer stipends and grants in order to bring the working children back to school. In the same way, the National Children Policy 2011 generally emphasizes the reduction of child labour by ensuring congenial work place environment for the sake of sound physical and mental health of the working children, the arrangement for education and recreation of the children and necessary medical care by the employers. Moreover, actions towards adopting a National Action Plan for the elimination of child labour are in progress.

56. The Ministry of Labour and Employment has identified 38 types of most hazardous works that hinder physical, mental and moral development of children in line with the ILO Convention 182 and the Bangladesh Labour Act 2006. Employment of children in these hazardous works is now, thus, unlawful. Moreover, the government issued the National Corporate Social Responsibility Policy for Children in 2015<sup>5</sup>, and introduced micro-credit facilities for the parents of child workers with a view to creating employability and income

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<sup>4</sup> The Bangladesh Labour Act 2006 (Act XLII of 2006), sections 34-44, prohibit appointment of children in the formal sector of economy (factories and industries, commercial organizations, communication and transportation, ship breaking, industry, and so on). The Act also provides that government would from time to time publish a list of hazardous occupations which would then come within the ambit of the prohibitory clause. Employment of children below the age of 12 is prohibited without any exception. In consideration of the socio-economic realities and practices of the Bangladeshi society, the Act of 2006, however, allows employment of children or adolescent youths of a certain age (a child is 12 to below 14; and an adolescent is 14 to below 18 years of age) in light work under special circumstances and for specific working hours, and also subject to the certification of fitness for the child's work by a physician.

<sup>5</sup> Save the Children, Mapping of Good Child Rights Corporate Social Responsibility (CSR) Practices in Bangladesh.

of the parents so that they would feel encouraged to pull their children out of labour. The Urban Informal Economy project (due to commence in 2017) and the Elimination of Hazardous Child Labour Project are examples of various initiatives intended for the elimination of the worst form of child labour in Bangladesh. Since 2012, the government has been conducting the Decent Work Country Programme which also addresses the concerns of child labour.

- 13. Please describe how due process safeguards are applied in relation to undocumented nationals of Myanmar being investigated, arrested, detained and expelled for criminal offences and administrative infractions, including immigration-related matters. Please indicate whether the State party has taken any measures to provide for non-custodial alternatives to detention. Please inform the Committee about measures to guarantee non-refoulement and protect undocumented nationals of Myanmar.**

57. Unless arrested for involvement in any criminal and unlawful activity, undocumented Myanmar nationals are not detained for violation of immigration laws. Despite not being a party to Refugee Convention 1951, as a responsible country Bangladesh has been in effect practicing principle of non-refoulement vis-à-vis undocumented Myanmar nationals. No Myanmar national is returned except through voluntary return procedure.

- 14. In addition to the information in paras. 108 and 153-154 of the State party's report, please provide specific examples of the activities of and services provided by embassies and consulates to migrant workers and members of their families in the countries of employment, including in relation to detention and expulsion cases. Given the growing percentage of women of Bangladesh nationality among migrant workers, please provide information on efforts made to increase the gender-sensitivity of staff dealing with labour issues in embassies and consulates of the State party. Please provide data disaggregated by sex on staff working in those embassies and consulates.**

58. A detailed description of functions and activities of labour attachés and Bangladesh Missions was provided in paras 108, and 153-154 of the initial report. In 2015, the government published an analysis of reports from 10 labour wings of 9 destination countries (Jordan, KSA, Kuwait, South Korea, Malaysia, Abu Dhabi, Dubai, Qatar, Singapore and Japan) with regard to such services and activities. In addition to regular consular services, the following migration-specific services are provided: (a) legal assistance to the migrant workers relating to salary and benefits, and realization of due; (b) financial assistance to the workers in need (covering for example costs of medical treatment or the return to home); (c) assistance to secure the release of detained/imprisoned Bangladeshi workers, and repatriating them back home; (d) repatriation of dead bodies of workers; (e) realization of compensation from the employers in case of deaths of workers; (f) inspection of the place of work of migrant workers (to hear grievances and complaints), and meeting the employers to sort out any problems; and (g) follow-up actions in regard to any disputes/complaints from the workers as appropriate. The labour wings and the Bangladesh missions in those 9 countries, rendered assistance to repatriate 23, 488 migrant workers to Bangladesh (while a total of 23,267 Bangladeshis were reportedly detained in detention centres or jails), and repatriated 1,388 dead bodies while attending to cases of 2,076 deaths of migrant workers.

- 15. Please provide information on measures taken to ensure that children born prior to January 2009 from a mother of Bangladesh nationality and a father not of Bangladesh nationality, and whose father cannot transmit citizenship, have the right to Bangladesh nationality. Please also provide information on the measures taken to ensure the registration at birth of children of undocumented nationals of Myanmar in the State party.**

59. According to section 5 of the Citizenship Act 1951, amended in 2009, a child born outside Bangladesh to either a Bangladeshi father or a Bangladeshi mother acquires Bangladeshi citizenship by descent (*ius sanguinis*). Earlier to this amendment [please see the Citizenship (Amendment) Act 2009 (Act XVII of 2009), sect. 2.], it was only the citizen-father through whom a child could acquire citizenship by descent. The 2009

amendment, passed on 5 March 2009, is given retrospective effect from 31 December 2008. It is, therefore, not clear whether the law accords citizenship to children born prior to 31 December 2008 to a Bangladeshi mother and a non-citizen father. There have been no applications for such citizenship by descent with respect to children born before 2009 to a Bangladeshi mother and a non-citizen father. On the other hand, a child born in Bangladesh, and at least one of whose parents are a citizen, acquires citizenship by birth (*ius soli* citizenship) (s. 4 of the Citizenship Act 1951). According to the Births and Deaths Registration Act 2004, there is no bar on the registration of births of children of undocumented nationals of Myanmar in Bangladesh. In accordance with this 2004 Act, children born to registered refugee parents (both parents) are registered officially at the government database.

- 16. Please provide more details, including statistical data, about the pre-departure programmes for the State party's outbound migrant workers organized by the Bureau of Manpower, Employment and Training and about the provision of information on their rights and obligations in the State of employment (para 119-122). In addition to the information in para. 124-125, please explain how the State party ensures that private recruitment agencies provide adequate pre-departure information to migrant workers. Specifically, please provide information on pre-departure briefings on HIV/AIDS prevention, testing and medical treatment available for migrant workers and their spouses through the Bureau of Manpower, Employment and Training and private recruitment agencies.**

60. In addition to the pre-departure orientation programmes provided by the BMET, BOESL, Wage Earners' Welfare Board, and local NGOs and international development partners, a 3-day pre-departure training for all outgoing migrant workers has been made a condition precedent to getting 'migration clearance'. In addition, female domestic workers set to migrate are required to attend a month-long residential training that contains sessions on their rights and obligations in the States of employment. The pre-departure training/orientations cover information on HIV/AIDS prevention, testing and medical treatment available for migrant workers and their family members. Following information and training materials for the migrant workers on HIV and STDs, written in Bangla in a clear, accessible language:

- (i) Let Us Protect Ourselves and the Country by Preventing HIV and AIDS (an annotated leaflet containing information on service centres, published by IOM, USAID and fhi360);
- (ii) Information Booklet on the Protection of Health and the Prevention of HIV for Migrant Workers (Especially Women) (a 48-page pocket book containing detailed information, published by IOM (with UNAIDS));
- (iii) Training Manual for the Trainers on the Protection of Health and the Prevention of HIV for Migrant Workers (a 142-page Manual containing detailed guidelines on the prevention and management of HIV, published by IOM (with USAID & fhi360)).

61. The government ensures that private recruitment agencies provide adequate pre-departure briefings to the outbound migrant workers, informing them of their working conditions, wages, leave, and the rights related to work. At present, rule 21 of the Emigration Rules 2002 specifically requires the recruitment agents to brief the outbound migrant workers. Moreover, a Code of Conduct that would further consolidate this duty of the recruitment agents is in the making as part of a set of implementing rules.

- 17. Please provide more details on the measures taken to facilitate the right of migrant workers who are nationals of Bangladesh to transfer their earnings and savings from the State of employment to Bangladesh (para. 177), as well as information on the applicable legal framework in place to ensure this right. Please inform the Committee about fees charged for the transfer of earnings and savings. Please also provide information on how the bilateral and multilateral agreements concluded in the area of migration, including temporary labour programmes, guarantee protection and social security and exemption from double taxation.**

62. Over the past years, the Government has been making efforts to simplify the procedures, and reduce the costs of transfer of earnings and savings of migrant workers. The Prevention of Money-laundering Act 2012 prohibits transfer of earnings through unlawful channels. Due to several facilitative measures by the government and growing consciousness among the migrants, informal flow of remittance is gradually decreasing<sup>6</sup>. List of measures taken to ease the transfer of earnings and savings of migrant workers is annexed at Annex E.

63. The National Social Security Strategy (NSSS) and the Overseas Employment Policy 2016,<sup>7</sup> provides commitment to ensuring better social security of migrant workers and returnee migrants, and to develop entrepreneurship capacity of migrant workers. NSSS plans out the guarantee of citizens of all ages generally, and hence migrant workers are considered to be within the ambit of this Strategy. ‘Social security’, the guarantee of which is duly emphasized in the Convention, means “the protection which society provides for its members, through a series of measures, against the economic and social distress that otherwise would be caused by the stoppage or substantial reduction of earnings” of them (ILO, 1989: 3). Section 30 of the Overseas Employment and Migrants Act 2013 provide for the undertaking of ‘financial and other welfare programmes’ for the protection and welfare of migrant workers and members of their families. This provision authorizes the government to establish or take ‘measures to launch, and make more accessible, bank loans, tax-exemptions, saving schemes, investment opportunities and other facilities’. The government provides not only migration loan to facilitate the migration of workers, but also rehabilitation loan to help returnee migrant workers to utilise their skills, earnings, and savings. In 2015-2016 fiscal year, the Probashi Kallyan Bank disbursed loans of 2.9 million BDT to twelve returnee migrant workers. The government also gives a one-time grant of BDT 0.3 million to each migrant worker who has died in the country of destination. In 2015-2016, a total of BDT 1650.38 million was distributed amongst families of 5868 deceased workers. Also, the government realized from the overseas employers BDT 685.36 million as compensations and other benefits for 1139 deceased workers who died abroad. Also notably, since 2012 there is an annual scheme of awarding scholarships to the children of migrant workers for education. In 2015-2016 fiscal year, the Wage Earners’ Welfare Board disbursed BDT 13.65 million as scholarships to 905 children of migrant workers.

64. Bangladesh has concluded double-taxation avoidance agreements (DTA) with many countries including the major destination countries of its citizens. Bangladesh has DTA Agreements with the KSA, Qatar, Kuwait, Oman, UAE, Mauritius, Singapore, Republic of Korea, Malaysia, Japan, Italy, Sweden, and the UK. Bangladeshi migrant workers and professionals employed in these countries are therefore eligible to be exempted from double-taxation in Bangladesh.

<sup>6</sup> Please visit: <http://www.thedailystar.net/supplements/25th-anniversary-special-part-5/international-labour-migration-212671>.

<sup>7</sup> Other two relevant instruments are the Seventh Five Year Plan; National Sustainable Development Strategy 2010-21 (NSDS).

- 18. Please specify how the bilateral agreements signed with Iraq, Jordan, Kuwait, Libya, Malaysia, Maldives, Oman, Qatar, the Republic of Korea and the United Arab Emirates, and the agreement with the Hong Kong-based recruiting agents' association, ensure the protection of the rights of migrant workers and members of their families under the Convention, including by guaranteeing safe working conditions and access to justice (paras. 52-53). Please provide more information on the two bilateral arrangements that seek to protect the rights and well-being of the State party's female migrant workers (para. 52). Specifically, please inform the Committee about steps taken in terms of cooperation with States employing migrant domestic workers who are nationals of Bangladesh so as to ensure the protection of their rights through frameworks and agreements guaranteeing, inter alia, standard employment contracts, labour inspections and access to remedies and other services.**

65. In 2003, Bangladesh lifted the ban on migration of women for overseas work in a wide variety of trades or occupations. While the government has sought measures including bilateral agreements or memoranda to protect the rights of Bangladeshi migrant workers generally, it has directed its attention specifically to the protection of female migrant workers, as noted in para 52-53 of the initial report.

66. The Memorandum of Understanding (MoU) with Hong Kong (16 July 2013) aimed at ensuring safe migration for domestic female workers by ascertaining that only a pre-selected pool of recruiters could recruit trained women. This MoU categorically refers to workers' protection and rights, international rights/standards, and the principle of non-discrimination. Specific provisions also provide for equality of treatment of Bangladeshi migrant workers with national workers, the guarantee of gender equality, a duty to offer pre-departure and on-arrival orientations/briefings, the assistance in understanding the employment contracts, supervision of living and working conditions, medical care, family reunification, health and occupational safety, and costs of travel from and to Bangladesh.

67. The MoU with Jordan (2012) is basically a framework agreement concerning the rights of the migrant workers originating from Bangladesh. It stipulates that the workers would be provided with a round-trip air ticket and with food or food allowances. Under this MOU Bangladeshi domestic workers now enjoy rights and protection under the labour law of Jordan. Bangladesh's MoU with Qatar (1988) ensured that the employers would bear the international travels costs of migrant workers, and that a minimum wage would be maintained. It further made provisions for the rest of workers at work, compensation for overtime work, supply of safe water, good housing conditions, medical care, leave, and health and occupational safety. The MoU with UAE is also a framework arrangement that secures the two-way tickets for the workers and provides for their medical care, leave, transfer of earnings/savings, endorsement of contracts by authorities, and mechanism for settlement of disputes. The MoU with Iraq (31 August 2013) provided for the renewal of employment contracts, access to justice (resolution of disputes), details of the job description, provisions of health care, and the entitlements to leave. Further, the agreement with Kuwait (31 October 2000) is for 'technical cooperation' in the field of labour migration of workers from Bangladesh. The MoU with the government of the Kingdom of Saudi Arabia (KSA) 2015 is a framework agreement under which 60,855 women migrant workers have been employed in the KSA. It was also agreed that the KSA employers would take men workers in the domestic and other sectors. As a result of bilateral negotiations, the government of the KSA has established several 'guest houses' that would host Bangladeshi women domestic workers in time of their distress or unemployment. It can be mentioned that the Hon'ble Prime Minister of Bangladesh in June 2016 led a high-level delegation to the KSA to discuss bi-lateral issues concerning migration and protection of migrant workers. On 10 August 2016, the KSA withdrew its long-standing ban on the acceptance of workers from Bangladesh.

68. The MoU with Malaysia (2003/2006/2012) provides that the migrant workers would be given pre-departure and on-arrival trainings/briefings and a one-way ticket to Malaysia. It also enacted clauses to guarantee good living conditions, medical care, and leave and rest in work. It also provided that a record of information about the workers' employment and the particulars of the employers and employees would be maintained. Importantly, the agreement ascertains that the employers shall not deduct the administration or immigrations

costs including taxes incurred or paid to the government of destination countries from the salaries of the workers. This MoU forged the government to government transaction regarding recruitment and employment of Bangladeshi migrant workers, and hence only the specified and pre-selected recruitment agencies may, on behalf of the government, run the business of recruitment. The latest MOU with Malaysia signed on 18 February 2016 has further solidified the ongoing process of migration of the workers from Bangladesh, with a specific focus on the significant reduction of migration-costs as well as on minimum wages commensurate with the standards of living. On the other hand, the agreement with Republic of Korea (South Korea, 2012) is too a government-to-government arrangement and categorically refers to workers' protection and rights and the equality of treatment of Bangladeshi migrant workers with national workers. It also contains provisions requiring the imparting of on-arrival orientation/briefings, access to justice (right to complain), assistance in understanding the employment contracts, and the provisions of medical care, health, occupational safety, and reintegration and rehabilitation (upon return).

69. Some of the bilateral agreements/MoUs specifically guarantee tenure of contracts by providing due means of termination, requires the conclusion of contract (MoUs with Iraq and Jordan, Libya), and prescribe standard employment contracts (such as the ones, for example in the MoUs with Hong Kong and Malaysia). Under the arrangement of monitoring clause, cooperation with countries of employment are possible with regard to labour inspections and the workers' further access to remedies and other services. In addition to these efforts the government has vitalized a number of joint committees and working groups to oversee the implementation of those agreements vis-à-vis the protection of migrant workers. Joint committee meetings with Jordan, Malaysia, and Qatar have been held. The government, with technical assistance from the ILO, has revised the mechanisms of bilateral cooperation on migration, and an increased level of actions and performances in this field is expected in the coming years.

- 19. Please provide information about the results of the projects and initiatives undertaken in cooperation with international organizations such as ILO, the International Organization for Migration and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) regarding the rehabilitation and reintegration of migrant workers of Bangladesh nationality who are returning from destination countries (para. 158), including the number of persons (disaggregated by sex, age, migration status and country from which they returned) who have benefited from those projects and initiatives. Please inform the Committee specifically about measures taken to combat the social stigmatization of migrant women workers of Bangladesh nationality who are considered to be in need of moral rehabilitation for having been exposed to outside influences while abroad.**

70. The government has been working in partnership with the ILO, IOM, and the UN-Women and the local CSOs regarding the rehabilitation of migrant workers in Bangladesh. In 2015, ILO conducted a profiling survey of 1200 returning migrant workers (see para. 23) to determine the levels and types of skills of the returnees as well the needs for their rehabilitation and integration, and has published other information materials on 'active' participation of returnee migrant workers in the economy. Working with the ILO, the UN-Women undertook an assessment of needs of 480 returnee migrant workers, prepared a district-wise list of service providers who would be able to train and assist the returnees, and develop a Standard Operating Procedure for the reintegration and referral services.

71. The UN Women Bangladesh implemented a pilot project relating to the rehabilitation and integration of returning migrant workers under the ILO's Promoting Decent Work through Improved Migration Policy and its Application in Bangladesh programme. Under this pilot project, 3 resource and support centres were established to serve returnee female and vulnerable men migrant workers in Faridpur, Manikganj and Dhaka districts. Several training modules on 'return and reintegration' were developed and a three-day training to 25 communication and community workers on reintegration of returnee migrants was provided. Further, seventy-five returnees (26 male; 49 female) received direct referral services on loan support, business techniques training, medical treatment, and legal services, while 48 of them (female 40; male 8) received financial grants for initiating income generating activities. These beneficiaries are now operating

their own businesses in the poultry, plantation, and handicrafts businesses. Moreover, under this project the Youth Development Department of the government provided customized training to the returnee migrant workers on vegetable cultivation, tailoring and poultry rearing. In this regard, the UN Women also operated activities towards combatting the social stigmatization of migrant women workers who are considered to be in need of moral rehabilitation. A total of 918 meetings were held covering more than 24,554 members/leaders of the community and returnee migrant workers and members of their families (male 13,451; female 11,103) who were trained /sensitized on the issues of migration, especially social stigma, discrimination, family values, and negative social costs involved in the process of labour migration.

72. The International Organization for Migration (IOM) also has introduced measures aimed at promoting the level of social protection to returning migrant workers. In the past few years, IOM, working in partnership with a civil society organisation (OKUP), has trained/provided counseling to 10,000 women on social and economic integration in Districts. A recent example is its involvement with the rehabilitation and reintegration supports provided to 2471 (of 2822) rescued Bangladeshi men who were being smuggled/trafficked into other countries through irregular marine routes. Each person so rescued received a USD 200 as a reintegration grant, while a batch of 200 men received direct financial and technical assistance for setting up their own businesses. Moreover, the rescued migrants were provided with psycho-social counseling in groups which helped them enormously to reintegrate into society. Through their partnership with other government and non-government organizations, IOM also helps unsuccessful returnees, especially trafficking victims, rehabilitate and reintegrate into society. For example, under a rehabilitation project run from October 2015 to December 2016, it provided 60 (42 women and 18 men) workers with entrepreneurship training and apprenticeships as well as seed-money to help them establish their own businesses. A business development specialist organisation successfully trained them, and a total of 40 trainees were rehabilitated in the end. In the past few years, the IOM also provided support to establish two cafeterias (Café Joyeeta and Café Mukti) that are run and staffed with such migrant workers or trafficking victims, all of who are women. These businesses were established with the assistance of the Department of Social Welfare and the Department of Women's Affairs.

73. The government recruiting company, BOESL introduced a return and reintegration programme styled as the Happy Return Programme in 2011. This programme has been a joint-collaboration initiative with the government of South Korea. Migrant workers who decide to participate in the programme receive training and consultation services in South Korea even before leaving the country of employment. In Bangladesh, five job fairs and consultations have been held since 2011, and approximately 100 returning workers found employment overseas (in South Korea and other countries), while 20 were placed in local jobs.

74. Specially, the government, working in partnership with international development organisations and local NGOs, has initiated measures to combat the social stigmatization of migrant women workers of Bangladesh who were exposed to outside influences while abroad, helping them overcome moral and psychosocial breakdown or trauma. Through TTCs, for example, the IOM has provided a number of women workers with psychosocial group or individual counseling.

20. **Please provide information on the results of the work done by the Vigilance Task Force to prevent and stop the abusive and exploitative recruitment of migrant workers or their unlawful transfer to foreign employers (para. 162). Please inform the Committee about the various schemes in place to facilitate the detection of victims of human trafficking abroad, to bring them back to the country and to help them reintegrate into society and families, and about the number of repatriated victims (para. 165). Please also provide information on rehabilitation programmes available for victims of trafficking and on the measures taken, including awareness-raising and capacity-building for law enforcement CMW/C/BGD/Q/1 6 officials, to ensure that victims of trafficking are not penalized under the Foreigners Act of 1946.**

75. A National Action Plan (NAP) 2015-17 for Combating Human Trafficking is under implementation by Ministry of Home Affairs. Other counter-trafficking initiatives undertaken by the Government include: (a) establishment of National and District Committees on Counter-Trafficking to detect and prevent human trafficking; (b) establishment of monitoring cells within the Bangladesh Police to monitor counter-trafficking interventions, rescue and rehabilitate victims of trafficking, and prosecute human traffickers; (c) awareness-building programmes for public officials, police, lawyers, public prosecutors, judges and social service officials; (d) establishment of a Taskforce for RRRRI (Rescue, Recovery, Repatriation and Reintegration) of trafficked victims (specially women and children); (e) establishment of Vigilant Task Force at the Ministry of Expatriates' Welfare and Overseas Employment to suppress human trafficking for labour in the name of migration for overseas employment; and (f) establishment of a Standard Operating Procedure (SOP) to assist investigating officers in the investigation of trafficking cases.

76. The Ministry of Home Affairs, with technical support from USAID's Bangladesh Counter Trafficking-in-Persons (BC/TIP) programme and IOM, has reached out to 23,40,729 people through media coverage on TIP awareness. In total, 1,673 at-risk people received information, skill training and livelihood support through referral, while 2,787 migrants were trained on safe migration, human-trafficking, migrants' rights and redress mechanisms. USAID's BC/TIP is a five-year activity (2014-2019) in Bangladesh which has already trained up 379 youth volunteers and survivor leaders. A total of 80 Counter Trafficking Committees (CTCs) were established and they are now fully functioning through BC/TIP technical support. Out of targeted 2000 CTC members, 482 CTC members are already trained up on their roles and responsibilities, while 453 trafficking victims (survivors) have received assistance (with a target of reaching out to 2000 trafficking victims over the five-year period). Under this programme, a total of 337 criminal justice personnel (police 60, prosecutors 111, judges 26, and lawyer 140) have been provided anti-trafficking training, while 79 victims were assisted in filing cases and provided with legal assistance. Further, the government has trained 20 counsellors, social workers, and other health-care workers on the use of human-trafficking-specific trauma and care tools.

77. Public and private sector partners have engaged in public mobilization campaigns and employment programmes for vulnerable groups of people including aspirant migrants as well as for TIP- survivors. The private sector has contributed USD 393,867 for the prevention of human trafficking and protection activities run by a number of local and international NGOs. For example, Relief International (RI) is currently implementing the US Department of State Office to Monitor and Combat Trafficking in Persons funded 'Combating Human Trafficking in Bangladesh through the Promotion of Safe Migration and Protection' project. Under this project, RI, in partnership with local NGOs, works for the prevention of human trafficking and the protection of the victims, with a special focus on the safe migration from Bangladesh. The Relief International provided protection services to 1054 victims of human trafficking in 20 districts. Services that were provided include shelter, health services, legal assistance, mental health services, repatriation or resettlement assistance, vocational training, life-skills training and livelihood support for the victims of trafficking. From October 2015 to December 2016, RI provided support to 102 victims of human trafficking. This protection services include the rescue, recovery, rehabilitation, repatriation and integration of the victims of human trafficking through the current project. On the other hand, the RI, in the same period, conducted 350 information sessions for the officials and 2640 potential migrants, developed 6 Public Service

Announcements (PSAs) and broadcasted six PSA 5411 times via four community radio stations on safe migration and anti-trafficking. It also organized 22 awareness raising events with the assistance and participation of anti-trafficking youth forums in their respective communities, engaged 6724 community people directly in these awareness raising events, engaged 633 CTC members in 48 periodic meetings on anti-trafficking and safe migration, facilitated nine awareness raising events organized by CTC members, engaged 3470 community people in 7 CTC organized awareness raising events, and developed and disseminated four unique anti-trafficking and safe migration SMS and 5000 such SMS for the project's beneficiaries. It has also established a Migrant Resource Center (MRC) at the Bangladesh-Korea Technical Training Center to provide for necessary information and education-tools.

78. A Rescue, Repatriation and Integration (RRI) Task Force has been established between Bangladesh and India in order to make the process of detection, identification, and repatriation of victims speedy and victim-friendly. So far five meetings of Task force have been held. The latest meeting was held on 17-18 August 2015 at Dhaka, Bangladesh. Moreover, in order to effectively prosecute this objective, the government on 6 June 2015 has entered into a Memorandum of Understanding (MoU) with India on Bi-lateral Cooperation for Prevention of Human Trafficking in Women and Children, and Rescue, Recovery, Repatriation and Re-integration of Victims of Trafficking<sup>8</sup>. The Border Guard Bangladesh has set up a target to train up 5000 members of BGB on Border Control Management (BCM) to effectively check the smuggling and trafficking of migrants. It also aims at training the officials on the detection, identification, and repatriation of trafficking victims. In 2014-15 and 2015-16, the number of women and children victims who were rescued by the BGB was 954 and 1281 respectively; while the number of human traffickers detained was 19 in 2014-15 and 16 in 2015-16.

**21. Please provide information on training programmes provided to the judiciary, law enforcement officials, border guards and social workers in all parts of the State party on how to identify victims of trafficking and on efforts to systematically compile disaggregated data on trafficking in persons and to bring perpetrators to justice.**

79. With specific reference to the smuggling and trafficking of aspirant migrant workers through maritime border of Bangladesh, the National Human Rights Commission on 16 May 2015 held a day-long seminar where senior government officials, CSOs, and local and international organisations were in attendance. Following this, the NHRC adopted a list of recommendations to implement immediately and on a long-and-mid-term basis which includes creating employment opportunities to prevent trafficking and smuggling of migrants, setting up a regional coordination body, etc. The Cabinet Division took cognizance of this outcome and issued instructions to relevant ministries and agencies of the government urging their prompt actions in preventing human trafficking through the sea-route.

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<sup>8</sup> <http://mha1.nic.in/par2013/par2016-pdfs/rs-270416/389.pdf>

**22. In relation to migrants falling victim to organized criminal groups involved in smuggling, please provide information on:**

**(a) Efforts made to prevent such situations;**

**(b) Measures taken to assist and protect migrants who fall victim to organized criminal groups involved in smuggling;**

**(c) Training programmes provided to the judiciary, law enforcement officials, border guards and social workers in all parts of the State party on protecting the rights of migrants who fall victim to organized criminal groups involved in smuggling;**

**(d) Measures to combat the root socioeconomic causes of smuggling of migrants, such as poverty and underdevelopment.**

80. In order to prevent organized crimes, the government is implementing a series of trainings and other capacity building with a specific view to preventing organized crimes and protecting victims of organized crimes of trafficking and smuggling of migrants. Trainings were provided to BGB and other law-enforcement officials on the migration and anti-trafficking laws of 2013 and 2012 as well as to judges and prosecutors (please see para. 43-45 above).

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