

Contribution of Government of Bangladesh to UN Secretary General's report under General Assembly Resolution A/RES/74/148 on the Protection of migrants

Migration, has been an integral component of human history which has taken its own course. Much of the development and diversity of the world can be termed as the direct contribution of migration. It is a major pillar for Bangladesh economy has been included in her national policies due to its multidimensional socio-economic aspects and strong relation to her foreign policy. Bangladesh is committed to promoting and protecting the fundamental human rights of all migrants, regardless of their migration status. Likewise, Bangladesh plays leadership roles in addressing the challenges of migration as well as for the protection of the migrants in the regional and global forums.

Bangladesh has a strong legal regime that incorporates provisions for the protection of fundamental rights of the migrants. The Preamble of the Supreme law of Bangladesh i.e. the Constitution, indirectly recognized the human rights of migrants which stipulates that *“fundamental aim of the State to realize through the democratic process a socialist society, **free from exploitation, a society in which the rule of law, fundamental human rights and freedom, equality and justice, political, economic and social, will be secured for all citizens**”*.

Similarly, Bangladesh ratified the key international instrument on Migrants' rights, the Convention on the Protection of the rights of All Migrant Workers and Members of Their Families (CMW), 1990 and enacted the Overseas Employment and Migrants Act, 2013 to regulate migration and ensure migrants' rights. In line with the Palermo Convention, Bangladesh has also enacted the Human Trafficking Deterrence and Suppression Act 2012. Moreover, Bangladesh has been included in the governing body of International Organization for Migration (IOM) as well as the member of the Committee of the CMW. Bangladesh has also taken steps toward achieving SDG 10.7 whose goal is to facilitate orderly, safe and responsible migration through updates on policies and laws and partnering with development partners and UN agencies to implement country level Migration Governance Framework (MiGOF).

The Government of Bangladesh has been working continuously in line with the recommendations of major international processes such as United Nations High-Level Dialogue on International Migration and Development (2013), the Eight Point Agenda for Action and the development of the Post-2015 Development Agenda and the Sustainable Development Goals (2016-30). Bangladesh is also an active participant in various Regional Consultative Processes (RCPs) including the Colombo Process and Abu Dhabi Dialogue.

Most importantly, Bangladesh spearheaded the idea of a global compact that would provide a comprehensive framework for safe, orderly and regular migration. Bangladesh was the first to make such proposal to the United Nations. Bangladesh chaired the Global Forum on Migration and Development (GFMD) in 2016 and under the leadership of the Hon'ble Prime Minister played a key role in the Global Compact for Migration (GCM) and the New York Declaration (NYD).

Actions taken to advance the protection of migrants in vulnerable situations:

At national level, various policies and legislations are in place for the protection of migrants in vulnerable situations including women and those in precarious and stranded condition. For a comprehensive approach to protect migrants' human rights, it is mentioned in The 7th Five Year Plan (2016-2020) that *"the protection of migrant workers' human and labour rights should target not only potential and actual migrant workers and recruitment agencies but also employers and relevant public institutions"*. The Expatriates' Welfare and Overseas Employment Policy, 2016 and Overseas Employment and Migrants Rules 2017 enshrine provisions for the protection of the rights and safety of the migrants, in particular female migrants. It focuses on increased number of female staff at the labour wings of our missions abroad, provide provisions for training and capacity building for staff on protection and safety of female migrant workers, monitoring of workplaces and required legal, counselling, health and financial advice to the female migrant workers etc. The Government has taken up a rolling three-yearly National Plan of Action to implement the Human Trafficking Deterrence and Suppression Act 2012 aiming at curbing all forms of trafficking in persons, inclusive of trafficking in labour migrants.

Furthermore, currently, consolidation of national database for returnee migrant workers is in high priority of the Government to ensure protection and provide assistance.

During bilateral discussions regarding new and the existing labour markets, special attentions are given to safeguard the rights (working hours, rest and recreation, wages, overtime, leave, healthcare services, freedom of movement) and dignity of expatriates both at home and abroad and on security issues of women workers. Bangladesh Missions abroad provide necessary administrative, legal and welfare services to the vulnerable migrant workers. Currently, there are 29 Labour Wings in different Bangladesh Missions that are assigned to look after the welfare of the migrant workers. These Wings of the Missions are assisted by the welfare attachés, solicitors, welfare assistants and legal assistants. To ensure shelter, necessary welfare assistance from the Embassy, female safe homes have been established in Saudi Arabia and other countries. To provide food, shelter and medical treatment, legal assistance and air ticket for their repatriation necessary budget has been provided. Wage Earners Welfare Board has been strengthened to

support the needs of migrant workers, in particular to those in vulnerable situation. Travel passes are issued to those migrant workers who are unable to return to the country due to passport related complications. Financial supports are given by the Wage Earners' Welfare Board (WEWB) fund to the legal heir of a deceased migrant who receives a grant of BDT 300000. Wage Earners' Welfare Board (WEWB) also provides the carrying and burial cost amounting BDT 35,000 (Thirty five thousand) to the family members of deceased migrants.

The Bureau of Manpower, Employment and Training (BMET) are providing training to improve the soft skills of migrant workers, e.g. orienting them with attitude, behaviour, culture, access to justice of the destination countries, human rights issues of migrants etc, especially protective measures on violence against women and sexual harassment to make them aware and conscious.

Support for COVID-19 affected migrant workers:

Bangladesh Missions abroad have been working with the host governments to render necessary supports to the vulnerable workers. The Government has allocated immediate emergency fund for the protection of migrants who are in vulnerable situation during Covid-19 pandemics and has also taken necessary actions to bring back where demanded, without considering the status of the migrants. Wage Earners' Welfare Board (WEWB) has allocated a special budget of about BDT 120 million and sent that amount to various Bangladesh Missions abroad to meet the emergency need of providing food and other facilities for the migrants in the host countries due to global COVID-19 crisis. Bangladesh Missions in countries with substantial presence of overseas workers, are busy in catering to the various needs of the migrants including food and basic amenities.

The government has taken a 3-step reintegration program for returnee migrants- a. immediate support- for instance; helping the stranded migrants to get back home safe and each returnee migrant receiving BDT 5000 at the airport as allowance; b. midterm support: for instance, BDT 2 Billion allocated for migrants as they can take loan 1-5 lakhs each at 4% interest rate; and c. long term support: Government will take initiatives to create new avenue for the migrants in the global marketplace and tackling their socio-economic crisis.

Key Ministries, e.g. Ministry of Expatriates Welfare and Overseas Employment, Ministry of Foreign Affairs, Ministry of Children and Women Affairs, Ministry of Social Welfare, Financial Institutional Division, Finance Division, Ministry of Civil Aviation and Tourism are working together to overcome the challenges of ensuring the return of migrant workers and their rehabilitation. An action plan is underway to consider returnee workers affected by Covid-19 under the 2020-2021 fiscal budgets. A compulsory insurance programme is initiated in December 2019 for all migrant workers, where the Government of Bangladesh bears more than 50% of the cost of insurance.

Challenges and best practices in identifying missing migrants and ensuring access to information and justice to their families:

The issue of identifying missing migrants is linked to smuggling and human trafficking and thus challenging and a complex process. Cooperation among countries of origin, transit and destination and equipping the migrants with proper and adequate information is pivotal in ensuring safe migration and identification of missing migrants. Besides, it needs strict regulation of private recruitment agencies in addition to continued efforts to provide potential and actual migrant workers within information, building the capacity of border officials and sensitizing and building the capacity of employers to identify formal intermediaries committed to ethical recruitment.

The Ministry of Home Affairs, Ministry of Foreign Affairs, Ministry of Expatriates Welfare and Overseas Employment and Bangladesh Missions abroad coordinate to identify missing migrants in country of origin, transit and destination. In Bangladesh, different agencies including Border Guard of Bangladesh, Bangladesh Coast Guard, Customs and Port authorities work in combination with law enforcing and intelligence agencies in a systemic and organized manner in this regard. The Government has a “*Vigilant Task Force*” to combat irregular migration in accordance with the Overseas Employment and Migrants Act 2013.

The Government of Bangladesh enacted the Prevention and Suppression of Human Trafficking Act, 2012 complying with the International standards stressed on the protection and implementation of the rights of the victims of human trafficking ensuring safe migration.

Although falling short of the optimum standards for the elimination of human trafficking, the government has made significant progress in adopting the implementation of the rules of ‘Prevention and Suppression of Human Trafficking Act 2012’ in January 2017 and drafting an implementation roadmap for the national action plan. To prevent, suppress and punish trafficking in persons, especially women and children, the vital anti human trafficking laws are, the Prevention and Suppression of Human Trafficking Act, 2012, the Prevention and Suppression of Human Trafficking Rules, 2017 and the National Human Trafficking Suppression Organizations Rules, 2017.

Awareness programme at school, college, market, and all public places, increasing night patrol in important places and arresting miscreants have put a positive impact in this regard. According to the Ministry of Home Affairs, as of December 2019, the number of victims of human trafficking has decreased to 0.61 from the baseline 0.85 in 2015 for every 100,000 population.

Dedicated helpline, website information and a dedicated call centre named “ProbashBondhu” Call Centre are in place. Moreover, when the missing migrant/migrants communicates with respective Bangladesh Missions through social media by using Facebook, messenger or mobile massaging system then immediate support is provided. On the other hand, if any family member of the missing migrant informs the Ministry of Foreign Affairs/Ministry of Expatriates Welfare and Overseas Employment the Ministry of Expatriates Welfare and Overseas Employment takes all necessary actions to identify those recruiting agencies who are responsible for that and bring them to justice. The Ministry Expatriates Welfare and Overseas Employment has established an inter-ministerial taskforce to look after or take legal action against any illegal and fraudulent activities by Recruiting Agents or middle-men or any other person or institutions.

However, for incidences in the countries of destinations, Bangladesh Missions mainly depend on the authoritative of the destination countries to identify and find missing migrants which is often a major challenge.

Advances in the protection of the human rights of migrants through the implementation of the Global Compact for Safe, Orderly and Regular Migration

The Expatriates’ Welfare and Overseas Employment Policy 2016 is aimed at providing a comprehensive labour migration framework with a particular focus on the protection of migrant workers. The Policy emphasized on safe and fair migration in its preamble, stating that “expedient and necessary to promote opportunities for overseas employment and establish a safe and fair system of labour migration, to ensure rights and welfare of migrant workers and members of their families”

To ensure safe, orderly and regular migration, the Government of Bangladesh has formed a high-level ‘National Steering Committee on Expatriates’ Welfare and Overseas Employment’ chaired by the Honorable Prime Minister in which members are Ministers representing relevant Ministries. This high-level committee of executive leadership has been working to coordinate several actions plans at national level to facilitate orderly, safe, regular and responsible migration and mobility of people with the vision of achieving the SDG 10.7. Nevertheless, ensuring orderly, safe, regular and responsible migration is a complicated and complex issue as it requires, inter alia, the involvement of international organizations and cooperation among the countries of origin and the countries of destination.

With the objective of strengthening the mechanisms for assisting its nationals when countries in which they experience disasters, the Government of Bangladesh initiated the preparation of the Bangladesh Migration Crisis Operational Framework and 5 country migration emergency response plans for countries in regions with the highest numbers of migrants from Bangladesh.

This initiative led by the GoB, is being implemented by the International Organization for Migration (IOM) with funding from the European Union (EU) under an initiative titled “Sustainable Reintegration and Improved Migration Governance” (Prattasha) project. Prattasha seeks to contribute to the sustainable reintegration of returnees and the progressive achievement of Sustainable Development Goal 10.7 to facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed policies. The Framework will also help Bangladesh in its efforts to achieve the targets set in the Sendai Framework for Disaster Risk Reduction 2015-2030 (Sendai Framework).

The Overseas Employment and Migrants Act 2013 enshrines provisions for classifying the recruiting agencies as a part of good migration governance. Monitoring and enforcement has been strengthening in this regards and mobile courts are taking the quasi-judicial action against the illegal activities of recruiting agencies. Regular monitoring is an ongoing process in the airport and in the other identified checkpoints.

The Government of Bangladesh has taken several actions to reduce migration costs. Currently, Bangladesh Overseas Employment Services Limited (BOESEL) sends migrant workers ensuring person to person job and monitors the job contracts. At present, it sends migrants with minimum migration costs. Again, the Ministry of Expatriates’ Welfare and Overseas Employment’ develops support system like ensuring zero migration cost for female migration especially in the countries like Saudi Arabia, Hong-Kong and Jordan and also taking necessary actions to ensure extra care through developing bilateral dialogues and agreements regarding female migrants.

Bangladesh, in collaboration with international development partners, has been organizing national, regional and global discourses to promote safe, orderly and regular migration before, during and after the adoption of GCM. Necessary legal assessment for the implementation of the provisions of GCM is under process.

Bangladesh is not a country of destination for migrant workers per se. Nonetheless, the fundamental rights of the foreigners’ working in Bangladesh are generally protected by the provisions of the Constitution of Bangladesh. In fact, the preamble to the Constitution firmly declares that the aim of the State is to establish a society “free from exploitation”, based on the rule of law and underpinned by the respect for “fundamental human rights and freedoms”. So, the fundamental rights as envisaged in the Constitution are enforceable and they reflect most of the rights of the migrant workers and their families. Any foreign migrant in Bangladesh also benefits and is protected by existing civil laws of the country and has recourse to judicial remedy without any discrimination. Any foreign citizen working in Bangladesh can return home without any hassle. The Department of Immigration and Passport regularly providing visa related services to keep their staying status legal. In case of overstay, exit permit is also given toward their return

back home. According to Visa Policy 2006, even at the airport during departure a foreign national can obtain exit permit if his/her visa has expired within 30 days.