

Anti-Trafficking Working Group (ATWG)

Terms of Reference (ToR)

Cox's Bazar, Bangladesh

1. Background

Bangladesh is a source, transit, and destination country for human trafficking. In particular for men, women, and children subjected to forced labour and sex trafficking. Some Bangladeshi men and women who migrate willingly to work in the Middle East, Southern and East Africa, South and Southeast Asia, Europe, and the United States face conditions indicative of forced labour. Before their departure, many migrant workers assume debt to pay high recruitment fees, imposed legally by recruitment agencies belonging to BAIRA and illegally by unlicensed sub-agents; this places migrant workers at risk of debt bondage. Some recruitment agencies and agents also commit recruitment fraud, including contract switching, in which they promise one type of job and conditions but then change the job, employer, conditions, or salary after arrival. Women and girls who migrate for domestic work are particularly vulnerable to abuse. Some women who migrate through Bangladeshi recruitment agencies to Lebanon or Jordan for domestic work are sold and transported to Syria and subjected to forced labour and sex trafficking. Some women and children are subjected to sex trafficking and forced labour in India and Pakistan.¹

In 2018 the Government of Bangladesh launched a National Plan of Action for Combating Human Trafficking, expanding on a 2012 Plan to encompass all types of internal and cross border human trafficking. The Plan also seeking to address limitations of previous efforts including Bangladeshi and non-Bangladeshi (migrants and refugees). The Constitution of Bangladesh further commits to prevent violations of human rights in general including all forms of human trafficking. Moreover, Bangladesh is committed to attaining the Sustainable Development Goals (SDGs). Since trafficking of women and girls is a form of violence, and as such, responses to trafficking must be connected to the broader targets of the Sustainable Development Goals relating to the elimination of all forms of violence against women and girls; in particular goals 5, 11 and 16. However, implementation of this Plan and applicable laws as well as the SDG goals have been impeded by inadequate resources, capacity and institutional follow up.

Given the fluid transnational nature of human trafficking in Bangladesh, it is also important to connect the response in and around the refugee camps in Cox's Bazar, to the wider country context and existing

¹ Source: 2018 US State Department Trafficking in Persons Report.

coordination and response capacity. Since 25 August 2017, an estimated 730,000 Rohingya have crossed into Bangladesh fleeing violence in Myanmar's Rakhine State, increasing the total Rohingya population in Cox's Bazar to more than 908,000. New arrivals are living in spontaneous settlements in high need of humanitarian assistance. The challenging situation faced by both the Rohingya refugees and the host communities and a lack of general awareness of the risks associated with human trafficking in the camps, and effective remedial or prevention measures have created favourable conditions for criminal networks to strengthen their presence and expand recruitment. Combined with on-going issues such as limits to freedom of movement, insecurity, limited livelihoods and educational opportunities as well as the breakdown of protective social networks, and discrimination of certain communities – human trafficking poses a critical threat to safety, dignity and the well-being of refugees and Bangladeshi nationals.

The Rohingya refugee community's lack of status and inability to formally engage in work significantly increases their vulnerability to human trafficking. Rohingya women and girls are reportedly recruited from refugee camps for domestic work in private homes, guest houses, or hotels and are instead subjected to sex trafficking. Rohingya girls are also reportedly transported within Bangladesh to Chittagong and Dhaka and transnationally to Kathmandu and Kolkata and subjected to sex trafficking—some of these girls are “traded” between traffickers over the internet. Some Rohingya women and girls report being subjected to sex trafficking by other Rohingya through fraudulent job or marriage proposals. Rohingya girls and boys are recruited from refugee camps to work as shop hands, fishermen, rickshaw pullers, and domestic workers in Bangladesh. Although it is reported that they are promised monthly wages ranging from 1,500 to 2,000 BDT (\$18-\$24), these children, women and girls are paid significantly less or not at all and in most cases are not allowed to communicate with their families while being subjected to excessive working hours. Some Rohingya men are subjected to debt bondage if they place their shelter on Bangladeshi fishermen's land. Some Rohingya men who fled to Bangladesh from Myanmar decades ago have been trapped in debt bondage to Bangladeshi fishermen for 20 years. In the recent past, some Rohingya and Bangladeshi migrants who travelled by boat to Southeast Asian countries were subjected to exploitation when they were unable to pay ransom and were instead sold into forced labour.² Moreover, reports of young girls making onward journeys to Malaysia for marriage purposes and subsequently subjected to abuse have also been reported. Reports of young boys travelling to Malaysia to pursue work or education have also been reported; placing them at heightened risk of trafficking and exploitation.

2. Tackling Human Trafficking in Humanitarian Emergencies

Prior to the large-scale displacement of Rohingya seeking refuge in Cox's Bazar, the presence of human trafficking in the District had been known for some time and facilitated by the district's geographical location bordering India and Myanmar and in close proximity to Nepal and Thailand. All four countries are known to be source, transit and destination countries for victims of trafficking. In addition, the large coastal strip in Cox's Bazar enables maritime movements to and from the Indian Ocean. Yet, despite awareness about human trafficking trends in the district, a comprehensive assessment and analysis of the scale, modalities and risk profiles of the problem have been difficult to ascertain. These patterns have continued since the Rohingya influx and have exacerbated the already vulnerable situation of refugees in camps; with the most vulnerable in the community being recruited by traffickers for exploitative purposes.

² Source: 2018 US State Department Trafficking in Persons Report.

For example, fraudulent job offers used to recruit and exploit Rohingya refugees from the camps, to sexually exploit and abuse Rohingya women and children; to use Rohingya children to carry drugs; to use debt bondage to compel refugees to work; and transnational smuggling have been reported.

Individuals living in camps are largely dependent on assistance and are extremely vulnerable due to restrictions on access to income, and formal education; thereby hindering opportunities for recovery. Social networks and other forms of security have also weakened due to displacement. Women and girls are frequently targeted for domestic servitude, sexual exploitation, forced into marriage and coerced into activities such as transporting drugs. Men and boys are frequently reported to be exploited in labour situations. Reports of kidnapping and abductions of women and children have also been received.

Trafficking prevention and response mechanisms within the humanitarian response remain inadequate. There is therefore a need to address the risks to human trafficking in a more comprehensive manner, including prevention and response initiatives that can reduce vulnerability to trafficking/re-trafficking and that provide immediate assistance to victims and help identify those at risk of trafficking and/or those who have been trafficked.

Human trafficking is a crime with serious human rights and protection implications in both ordinary times and in times of crisis. This is reflected in several reports published³ in 2015-2016 by UN agencies, international organizations and the UN Special Rapporteur on Trafficking in Persons. These reports establish a clear link between trafficking and emergency contexts and identify a critical gap in the humanitarian response system. To address this gap, anti-trafficking efforts must be embedded in the humanitarian response architecture and systematically operationalized. In addition, it is important to recognize that the Government has a primary role and responsibility to address human trafficking. While the government has made strides to address the situation, more needs to be done.

2.1 Next Steps - Establishing an Anti-Trafficking Working Group

A coherent strategy is needed to address the trafficking risks to affected populations that arise in emergency contexts, especially since humanitarian emergencies exacerbate existing vulnerabilities. Recent analyses indicate that victims of trafficking are often identified months into a crisis, at which time the victimization has already occurred. This finding underscores the need to build prevention and risk analysis in the beginning of a humanitarian response, even though evidence is yet not available. For this to happen, anti-trafficking activities need a clear place in the existing humanitarian response system and should be part of the protection strategy implemented before, during, and after crises.

Recognizing the need to systematize the inclusion of a response to human trafficking in humanitarian emergencies, IOM and UNHCR will establish and co-lead an Anti-Trafficking Working Group to discuss how to integrate trafficking concerns in existing efforts towards improved response and outreach. In order to ensure that special needs of children, women and girls are recognized and to place trafficking prevention efforts within the existing response architecture, the Coordinators of the Child Protection and the Gender-

³ See recently published research: IOM, "Addressing human trafficking and exploitation in times of crisis," December 2015; IOM, "MICIC Brief: Responding to Human Trafficking and Exploitation in Times of Crisis," January 2016; ODI HPN, article from IOM: "Human trafficking in crises: a neglected protection concern," October 2015; The Freedom Fund, "Modern Slavery and Trafficking in Conflict, the UN response", November 2016; "Trafficking in persons, especially women and children: Report to the 71st Session of the UN General Assembly" (UN Doc A/71/303), August 2016.

Based Violence Sub-sectors, led by UNICEF and UNFPA respectively, will take part in the TF, which will be comprised of local, national and international NGOs as well as UN Agencies. The Working Group will convene under the leadership and auspices of the Protection Sector in Cox's Bazar, which is led by UNHCR. Protection and broader humanitarian actors who are already working with persons at risk of being trafficked will be engaged. The TT will work in partnership with established community-based protection committees/groups to integrate trafficking concerns and ensure accountability. Existing referral pathways to identify those best placed to respond to trafficking in persons will be streamlined within the wider humanitarian framework, to provide comprehensive and systematic responses to prevent trafficking, raise awareness, conduct prevention activities, and assist victims or potential victims who are identified. The Working Group will also seek to coordinate with anti-trafficking stakeholders outside of Cox's Bazar, to ensure adequate response capacity and services in cases of trafficking that have been identified elsewhere in the country but are linked to the refugee camps. The Working Group's activities will be informed by the National Trafficking Action Plan (2018) and efforts will be made to enhance its application in the refugee context.

2.2 Coordination and Leadership

The Anti-Trafficking Working Group will exist under the coordination architecture of the Protection Sector and will be chaired by IOM and UNHCR, as the two mandated key actors that lead the concerted response to mitigate, prevent and respond to trafficking risks. The Working Group will exist to serve its members and to ensure effective linkages with other relevant humanitarian actors and Sectors as needed and as appropriate, and in close coordination with the Protection Sector Coordinator, including with relevant stakeholders at Dhaka level with the National Plan of Action (NPA) Committee chaired by The Ministry of Home Affairs and the UN Migration Network. The coordination at the ISCG, SEG and inter-Sector strategic level will continue to be undertaken by the Protection Sector Coordinator (or Deputy and the CP/GBV SS Coordinators) as one of its major functions, in order to streamline external action and avoid conflation at inter-Sectorial venues, where generally three or four members of the coordination team are already participating for protection, as opposed to one or two from other Sectors. At the District and Union level, the engagement will be with the government's "Counter Trafficking Committees" (CTCs), District Commissioners Officer, Union Upazilla Nirhabi Officers (UNO), police, army, border guards and other key stakeholders.

3. Objectives

Overall Objective: Establish an Anti-Trafficking Taskforce in the framework of the Protection Sector strategy as per the 2019 Joint Response Plan, to develop a collective strategy on anti-trafficking interventions in the Rohingya Refugee response, provide technical guidance, capacity building and recommendations to other humanitarian actors and key stakeholders on how best to systematically integrate them in existing Sectors at the CXB level as well as early recovery mechanisms.

Membership: The ATTF will be open to active participation from protection actors, including child protection and GBV, operating on site in the Rohingya Refugee response in Cox's Bazar District, with programmes that must have anti-trafficking interventions, address other forms of abuse and exploitation, or provide legal aid. Members of the ATTF are expected to regularly and actively participate in its meetings and initiatives. In order to ensure that special needs of children, women and girls are recognized and to

place trafficking prevention efforts within the existing response architecture, the Child Protection and GBV Sub-sector coordinators and representatives of the Child Protection and the Gender-Based Violence Sub-sectors will take part in the TF. Guest participants and presenters, including from Dhaka and the region can be invited on an ad hoc basis. Any other participants can attend the ATTF by invitation only, respecting both the need for confidentiality, as well as the operational and action-oriented nature of the Taskforce.

Scope of work:

a. Establish a functioning Anti-Trafficking Working Group within the Protection Sector in Cox's Bazar to facilitate dialogue, planning, and activities that address human trafficking and the related risks. *The Working Group should meet regularly to guide and harmonize anti-trafficking activities, assess trends, gaps, and needs, and set priorities, which are raised within the Protection Sector and subsequently to the ISCG, SEG and other relevant coordination mechanisms by the Protection Sector Coordinator, as appropriate.*

b. Conduct risk analysis, identify knowledge gaps and take stock of the current situation and capacity. Currently, there is a dearth of coherent analysis and data on the trafficking context in Cox's Bazar. *The Working Group will take stock of work done through the Sectors (with focus on the Protection Sector including the Child Protection (CP) and Gender-Based Violence (GBV) subsectors) and by operational agencies working on the topic to compile effective practices, identify gaps and recurring challenges, and consider strategies to systematically address human trafficking in the humanitarian response.*

c. Compile good practices, knowledge management, and mainstream anti-trafficking efforts into humanitarian coordination mechanisms. *The Working Group will facilitate discussions amongst protection actors to draw out current practices to mitigate the vulnerabilities to, risks of or prevent trafficking. The Working Group will also invite stakeholders to gather and share good practices, good coordination mechanisms and proposed effective responses. This includes harmonizing existing referral pathways such as GBV, Child Protection (among others) to integrate trafficking referrals and also ensure a comprehensive standalone referral process and mechanism is in place.*

d. Develop a collective strategy to respond to trafficking and facilitate a systemic response and guidance on recommended good practices and joint collaboration mechanisms. *The Working Group will develop a collective position statement and strategy to address human trafficking. The Working Group will also develop operational guidance in coordination with the Global Protection Cluster's Global Anti-Trafficking Task Team being currently co-led by IOM and UNHCR aimed at suggesting appropriate mechanisms, positive responses and needed synergies to provide a coordinated protection response to trafficking.*

e. Enhance the capacity of humanitarian, protection and government bodies to integrate antitrafficking activities into Government, UN, I/NNGO and civil society preparedness and response mechanisms, policies and plans at the national, sub-national and cross-border levels. *Provide for trainings on identification, referral and other standards to support humanitarian actors*

to mitigate exploitation and trafficking. Furthermore, ensure that awareness, tools, strategies and referral cascaded to the upazilla and camp levels.

- a. Coordinate and plan joint engagement with local and national government authorities and other key protection actors to sensitise them on anti-trafficking techniques, identification and case management and referral. The Working Group should lead efforts ensuring no duplication or overlap and clear lines of communication and engagement. This will include specific coordination and communication with the Site Management and Site Development Sector and the Communication with Communities working group, given the high need to ensure consistency in messaging at the camp level and technical protection guidance on the subject matter.
- b. Coordinate and liaise with existing and future Dhaka level coordination mechanisms established to address human trafficking, including those convened by IOM and UNHCR as an ad hoc working group at the national level. Such interaction should strive to strengthen engagement on policy development, capacity building and engagement with, for example, the National Plan of Action (NPA) committee and key civil society partners. This is also to ensure that service providers outside of Cox's Bazar are also able to support efforts to prevent, mitigate and where necessary respond to human trafficking.

4. Procedural Aspects and Exit Strategy

The Working Group will convene monthly at a day and time to be confirmed and determined according to the availability of the majority of its members. Should there be need to meet more frequently, the two co-Chairs can call for ad hoc meetings. Minutes of the ATTF will be taken, but will be made available only to members, considering confidentiality and protection of the issues at point. At the same time, the enlarged PWG group will be kept regularly updated on most important issues at the ATTF through updates shared via the official PWG mailing list and oral updates at the bi-weekly PWG meetings, as per the current long-standing practice.

This Working Group is established until such time that its members deem it unnecessary to continue the work of the group. These TOR will be reviewed three months after the first meeting of the Working Group.