

AVOIDING A CRISIS WITHIN A CRISIS

ASSESSMENT REPORT

The risk of human trafficking, migrant smuggling and related exploitation arising from the displacement in Cox's Bazar

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MARCH 2019



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and Peace Studies

Acknowledgements

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The researchers are grateful to everyone who participated in this assessment and shared their knowledge and experience. We are grateful in particular for the support of UNHCR, IOM and the Regional Support Office of the Bali Process, and for the cooperation of the Government of Bangladesh, particularly through their Ministries of Foreign Affairs and Home Affairs. We are also very grateful to the ADFM co-convening institutions: the Centre for Policy Development, Indonesian Institute of Sciences, Institute of Human Rights and Peace Studies, and Institute of Strategic and International Studies, Malaysia. Finally, we would like to thank all ADFM participants for initially proposing this assessment, and for the feedback they provided on the preliminary draft at the seventh ADFM meeting in Bangkok in November 2018.

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Front cover image: ‘Rohingya Camps in Cox’s Bazar’ by Mohammad Tauheed. To view the original, [here](#).



AVOIDING A CRISIS WITHIN A CRISIS

Addressing the risks of human trafficking, migrant smuggling and related exploitation arising from the situation in Cox's Bazar

March 2019

Summary

- Bangladesh and its international partners have delivered a generous and effective response to the humanitarian crisis in Cox's Bazar so far. More needs to be done now to support them to address protection concerns.
- The durable solution to this crisis lies in the safe, dignified, voluntary and sustainable repatriation of the Rohingya to Rakhine State in Myanmar. The Government of Myanmar must continue to work towards this goal.
- This ADFM summary and policy brief summarises the findings of the ADFM's assessment of the risks of human trafficking, migrant smuggling and related exploitation arising from the Rohingya displacement in Cox's Bazar, carried out between March and November 2018.
- This assessment found that the conditions for high levels of trafficking, smuggling and related exploitation are present and they will only intensify with time, impacting both the local and refugee populations.
- This summary and policy brief presents the assessment's four recommended directions for action:
 - Secure a durable solution in Myanmar;
 - Support development in Cox's Bazar and Rakhine;
 - Strengthen counter-trafficking efforts on both sides of the border;
 - Improve living conditions for the Rohingya, and the ability of actors on the ground to respond effectively.
- As movements of people increase, the whole region will be affected, reinforcing the need for a regional response. Active involvement and coordination of regional actors - such as ASEAN and the Bali Process - in tackling this challenge will make a significant difference to the response on the ground.

BACKGROUND

The influx of Rohingya refugees to Cox's Bazar in Bangladesh is the largest forced migration issue facing the region. The Rohingya have long faced discrimination and exclusion from mainstream Myanmar society. Years of escalating tensions culminated in the crisis of 25 August 2017, where violence caused over 700,000 Rohingya to cross the border from Rakhine State, around 500,000 arriving within the first month. This group joined Rohingya already living in official and unofficial camps in Cox's Bazar, bringing the total number to around one million at the time of writing.

Even prior to the influx, Bangladesh was a source, transit and destination country for human trafficking, with the population in Cox's Bazar particularly at risk due to high levels of poverty and its coastal location. As with any large population of displaced people faced with few alternatives, the Rohingya are attractive targets for criminal networks facilitating human trafficking and migrant smuggling. What makes this situation distinct from other conflict and refugee situations is the statelessness of the Rohingya. Underlying this is ongoing conflict and security concerns in Rakhine State.

THE RISK ASSESSMENT

This policy brief is a summary of the findings of a risk assessment conducted by the ADFM Secretariat between March and November 2018. The research team spoke with around 180 individuals, including members of the Bangladesh national government and local administration, police, coast guard and those involved in refugee management; international and national non-government organisations; and Bangladeshi and Rohingya individuals living in and around the camps in Teknaf and Ukhia sub-districts. Researchers identified key risk factors present and risk scenarios over the coming 6 to 24 months in order to inform a more effective regional response.

While this assessment fills some of the gaps in our understanding of the situation on the Bangladesh side of the border, one significant remaining gap is a corresponding assessment of the risks on the Myanmar side. Further research into and assessment of the current and future risks of human trafficking, migrant smuggling and related exploitation for Rohingya and other populations in Rakhine State, including internally displaced persons (IDPs), is much needed.

CONTEXT

The Bay of Bengal has a history of human trafficking, with hundreds of thousands of people attempting to make the journey by boat in the last decade. In 2015 as many as 8,000 Rohingya and Bangladeshi people were stranded in the Andaman Sea by smugglers, prompting international outcry. In response, a law enforcement crackdown successfully disbanded many existing criminal networks, however they did not disappear entirely.

Since the August 2017 influx, the Government of Bangladesh and its international partners have done a laudable job of responding to the humanitarian needs of the Rohingya in Cox's Bazar. Home to nearly 160 million people, Bangladesh is already one of the most densely populated nations on the planet and now is also supporting the largest refugee camp in the world at Kutupalong-Balukhali.

The governments of Bangladesh and Myanmar have agreed to work towards repatriation of refugees to Rakhine, however a first attempt in November 2018 failed as refugees felt it was not yet safe to return. At the time of writing, the United Nations still does not consider circumstances in Rakhine conducive for safe return, and more concrete plans to begin repatriation are yet to be publicly announced. There is no indication this crisis will be resolved soon.

HOW AND WHERE

Concern about trafficking and exploitation is high among the population living in the camps, and awareness-raising work appears to be prevalent. Despite this concern, connections to brokers also appear common. Many spoke of knowing people who had left the camps to find work or get married, usually through a broker or agent. Even for those fully cognisant of the risks, brokers are seen as a viable option for seeking a better life. Criminal networks can exploit this. Men and boys are particularly vulnerable to forced labour on construction sites, on fishing boats and in factories, while women and girls are more vulnerable to sex work and forced domestic labour.

Cox's Bazar, Chittagong and Dhaka were all named as transit stops for work-related movement, however in some cases those who believed they were destined to leave the country did not end up getting any further than these internal hubs. Travel outside Bangladesh usually takes place using forged or illegally obtained Bangladeshi documents. Due to their shared border, India is often a transit country for movement, although many refugees aimed to travel further to countries with large diaspora populations.

Since the 2015 crackdown, land movements appear to be easier to facilitate, however there are indications small boat movements have started again. These are some of the recent boat movements reported in the media since the dry season began in October 2018:

1 March 2019: 35 Rohingya (incl 9 children) landed on a beach in Malaysia after being abandoned by smugglers.

10 February 2019: A boat carrying 22 Rohingya was intercepted by the Border Guard Bangladesh. Each passenger had reportedly paid \$1,200 to smugglers to take them to Malaysia.

3 December 2018: A boat carrying 10 Rohingya was intercepted by the Bangladesh Rapid Action Battalion before departing from Cox's Bazar to Malaysia.

25 November 2018: A boat carrying 93 Rohingya leaving an IDP camp in Sittwe bound for Malaysia was intercepted by the Myanmar navy.

Both men and women reportedly work as brokers (although women and girls are usually recruited by a woman), and both Bangladeshi and Rohingya brokers are known to be active in the camps; usually working in small networks. The absence of humanitarian workers in the camps overnight and poor lighting makes it easier for brokers to recruit at night. The Government of Bangladesh and international agencies have responded by pledging to build more lighting and increasing the number of night-time patrols, which will mitigate these risks to an extent.

Increased border enforcement is unlikely to be an effective response to this issue. Research in similar contexts has shown that harsh border policies often result in greater desperation, pushing refugees into the arms of brokers who promise that they can facilitate dangerous or risky movements.

“A CRISIS WITHIN A CRISIS”

Protection concerns were regularly raised by humanitarian responders as receiving insufficient attention in the crisis response so far. At present there is no hard data on the prevalence and scale of exploitation affecting Rohingya. However, this assessment and others have found clear indications that practices such as trafficking and smuggling are taking place and that risk factors for future exploitation are high. History tells us that Bangladeshi nationals can be caught up in these movements and the exploitation within them. More than eighteen months on from the initial crisis, now is a good time for key actors to review the response to date and start planning for the medium-term.

Risk Factors

Environmental Factors

- Increasing idleness
- Tradition acceptance of relocating for employment
- Traditional acceptance of child, early and forced marriage
- Fear of forced repatriation and lack of hope for the future

Security Factors

- Rifts between and within communities
- Presence of established criminal networks
- Location of camps and level of border security
- Capacity and resources of the Government of Bangladesh

Individual Factors

- Connections to diaspora communities
- High proportion of women and children
- Disruption of existing social protection mechanisms
- Disincentives to reporting cases of trafficking

The ADFM risk assessment identified three types of factors - environmental, security and individual - affecting the likelihood of human trafficking, migrant smuggling and related exploitation. Below are some examples.

ENVIRONMENTAL RISK FACTORS

As one humanitarian actor put it: **“Idleness is the enemy of any refugee situation.”** In the absence of viable plans for safe, dignified and voluntary repatriation of the majority of the camp population to Myanmar, the likelihood of the current situation stagnating is medium to high. Now that the population has withstood the busy monsoon and cyclone season, activity in the camps is slowing down and **idleness** is setting in.

Refugees’ limited access to employment and livelihood opportunities mean many working age adults have nothing to do all day and are almost entirely dependent on aid. Further, limited formal education opportunities means that children - who make up more than half of the refugee population - are not gaining skills and qualifications for the future. If alternatives are not found for **access to livelihoods and education**, refugees will become increasingly desperate to make changes for themselves and their children, regardless of the risks. This desperation can easily be exploited by criminal networks keen to grow their business. Any increase in criminal activity within and around the camps will have knock-on effects in the local community, who are already competing for the limited livelihood options available.

SECURITY RISK FACTORS

Another important risk factor identified by the assessment is growing **tension between and within communities**. Internal tensions within the camps are reportedly rising between the newly arrived and more long-term refugees. There are also indications that the previously positive relations between the local community, long-term refugee residents and newer arrivals are beginning to fray. Primary concerns among the local population about the refugee influx included

decreased wages and access to resources and increased cost of living.

Further, the Government of Bangladesh is limited in its ability to respond effectively to the protection concerns due to a **lack of resources and technical capacity**. The Bangladeshi criminal justice system as a whole is over-stretched. In discussions with us, refugees identified the Bangladesh government and Bangladesh army as among their most trusted actors on the ground in the camps. Bolstering the capacity of these actors to counteract the causes of trafficking could thus have a far-reaching positive impact. There appears to be a strong desire on the part of the government to do more on this issue, but it is not currently matched by available resources or support.

INDIVIDUAL RISK FACTORS

Approaching a broker is often the only way for refugees to search for livelihood opportunities, even when fully aware of the potential risks. This stark reality works as a strong **disincentive to report** bad experiences with brokers, making it difficult for authorities to track down and dismantle criminal networks. There is also a perceived fear that those who report exploitation of some kind could be blamed for their part in the process. Those who have been involved in the sex industry also face stigma that makes them less likely to report exploitation.

Forced displacement **disrupts existing social protection mechanisms**, making individuals more likely to engage in high-risk behaviours. Indeed, protection officers working in the field reported higher rates of insecurity in the more newly established camps where social connections were weaker. Further, **population growth** coupled with **no birth registration** are significant protection concerns in the camps. UNICEF estimates 60 babies are born every day, but without a formal system of birth registration these children are left vulnerable to exploitation. The stalled birth registration is also affecting local Bangladeshi children, adding to their own vulnerability to exploitation.

MORE CAN BE DONE

The risk factors and vulnerabilities outlined above will only intensify over the next 24 months unless steps are taken. Fortunately, researchers identified an appetite on the ground to do more to address protection concerns in Cox's Bazar, while continuing to work towards a durable solution in Myanmar. Addressing the risks should respond to the needs of both the host and refugee communities, while also preparing Rohingya for repatriation when conditions are conducive.

The assessment identified four key policy directions to pursue in order to address the current high risk of human trafficking, migrant smuggling and related exploitation for both the local and refugee populations in Cox's Bazar. Taking up these ideas would both mitigate against risk and improve conditions for both communities for the medium to long term.

1. Secure a durable solution in Myanmar

The most effective way to reduce trafficking risk among refugee communities is to secure a long-term solution to their situation. Myanmar should therefore continue to work towards safe, dignified, voluntary and sustainable repatriation of the Rohingya, and the full realisation of their human rights, respecting and implementing the landmark agreements reached with the Government of Bangladesh. It is important that process not be rushed, and that it addresses the root causes of the crisis, in consultation with the Rohingya displaced in Cox's Bazar. The international community, including bilateral donors and regional agencies, should continue to support Myanmar in its realisation of this goal.

2. Support development in Cox's Bazar and Rakhine State

Bangladesh has made laudable efforts to accommodate the Rohingya within its territory while also facing its own development challenges. Cox's Bazar was already one of the poorest districts in Bangladesh and existing infrastructure is struggling to cope with the increased numbers of international and local humanitarian workers now based in the area. Due to its coastal location, the district is particularly vulnerable to climate-induced displacement. It also has the lowest net education enrolment rate in Bangladesh, indicating that the area

could benefit from a dedicated investment in education. Medium-to-long term investment in infrastructure would improve outcomes for both locals and refugees living there, and mitigate the risks associated with humanitarian donor fatigue. Development needs are also prevalent in Rakhine State and should be addressed as part of any regional response. Any development in Rakhine State should be handled sensitively and inclusively, and in such a way that does not prohibit repatriation or further incentivise persecution of the Rohingya.

3. Strengthen counter-trafficking efforts on both sides of the border

Capacity building and technical support for the counter-trafficking response in both Bangladesh and Myanmar would benefit host and displaced communities alike. As with many developing countries, there is the will to improve, but technical support and resources are inadequate to address the scale of the problem. Regional actors have a strong incentive to provide such support to both Bangladesh and Myanmar; if movements of people do increase as we predict, the entire region will be affected. ASEAN and Bali Process resources and expertise can be brought to bear, as well as those of other bilateral and multilateral actors.

4. Improve living conditions for the Rohingya, and the ability of actors on the ground to respond effectively

Finally, international partners and donors, in partnership with the Government of Bangladesh, should take steps to improve conditions, alleviate idleness in the camps, and assist people to prepare for repatriation by creating opportunities for the Rohingya to access legitimate livelihood, income generation and education opportunities, remove formal restrictions on access to SIM cards and ensure formal birth registration recommences in Cox's Bazar.

Further, to our knowledge, there is no coordinated data collection between government and key international agencies in Cox's Bazar, particularly UNHCR and IOM. Sharing indicators of exploitation and making them public should be resolved as a matter of urgency in order to identify trends and respond effectively.

Established in 2015, the Asia Dialogue on Forced Migration (ADFM) is a leading Track II forum for policy development on forced migration issues in the Asia Pacific. Since the Andaman Sea crisis in 2015, the ADFM has taken an interest in movements of people in the Bay of Bengal, particularly those of Rohingya refugees from Rakhine State in Myanmar. The ADFM seeks to promote effective and coordinated regional responses to the displacement crisis and its associated impacts. For more detailed information, see the ADFM's full report, available online.

Introduction

Established in 2015, the Asia Dialogue on Forced Migration (ADFM) has become a leading regional forum for policy development on forced migration issues. Following the Andaman Sea crisis in 2015, the ADFM has taken a keen interest in the displacement of the Rohingya¹ from Rakhine State in Myanmar. This focus intensified after the events of 25 August 2017 and the resulting exodus of more than 700,000 Rohingya refugees to Cox's Bazar in Bangladesh; around 500,000 of whom arrived within the first month.² The ADFM seeks to promote effective and coordinated regional responses to the displacement crisis and its associated impacts.

This assessment report is the result of desk and field research conducted by the ADFM Secretariat between March and November 2018 into the risk of both the Rohingya and Bangladeshi population living in Cox's Bazar becoming victims of human trafficking, migrant smuggling and related exploitation. While this report fills some of the gaps in our understanding of the situation on the Bangladesh side of the border, one significant remaining gap is an assessment of the risks on the Myanmar side. The Secretariat did not visit Rakhine State to assess the situation on the ground there, however it recognises from media reporting and anecdotal evidence that many of the historic and recent boat movements originate from Sittwe and are inter-related with onward movement from Bangladesh. Boat movements from Myanmar also appear to be increasing in the months since the assessment.³ Further research into and assessment of the current and future risks of human trafficking, migrant smuggling and related exploitation for Rohingya and other populations in the Rakhine State, including internally displaced persons, is much needed.

Bangladesh and the humanitarian agencies supporting the government should be commended for the way they have responded to the situation to date. Home to nearly 160 million people, Bangladesh was already one of the most densely populated nations on the planet prior to the refugee influx. The country has achieved significant economic development and is on track to graduate from 'least developed' country status by 2024. Almost 50 million people have been moved out of extreme poverty in Bangladesh since 1990.⁴ The choice Bangladesh made to keep its borders open to the Rohingya and to provide life-saving support to around one million refugees should be lauded.

The humanitarian response has positively impacted improvements to the health and wellbeing of the Rohingya living in Cox's Bazar, as evidenced by several key indicators. For example, acute malnutrition has decreased from 19% in October/November 2017 to 12% in April/May 2018,⁵ and childhood immunisation has reached 89% of the population in the camps.⁶ Despite these achievements, significant challenges are emerging as the crisis becomes protracted. This sentiment was captured during a visit by United Nations (UN) Secretary General António Guterres in July 2018, who described the camps as "a miracle — on the edge."⁷

Underlying these challenges is ongoing uncertainty around a durable solution to the root causes of the refugee crisis in Rakhine State. At the time of writing, UNHCR finds conditions in Myanmar are not yet conducive to safe, dignified and sustainable repatriation of the Rohingya.⁸ Further, the fundamental issue at the heart of this crisis – the statelessness of

¹ This assessment uses the word Rohingya throughout this report to refer to those who self-identify as part of this ethnic group, the majority of whom are from the northern part of Rakhine State, formerly known as Arakan (prior to 1989). We recognise the Government of Myanmar contests the use of the word Rohingya and do not recognise the group as one of the 135 official ethnic minorities of Myanmar.

² Sumbul Rizvi (2018) 'The Rohingya influx: One year on' *Inter Sector Coordination Group*, 26 August.

³ Since the start of the dry season in early October, boat movements appear to have begun to rise, primarily leaving from Sittwe, according to media reports: Channel News Asia (2018) '93 Rohingya fleeing by boat sent back to Myanmar camps: Police' 28 November, viewed 4 December 2018, <https://www.channelnewsasia.com/news/asia/93-rohingya-fleeing-by-boat-sent-back-to-myanmar-camps-police-10976882>.

⁴ United Nations News (2018) 'Leaving the LDCs category: Booming Bangladesh prepares to graduate', 13 March, viewed 29 October 2018, <https://www.un.org/development/desa/en/news/policy/leaving-the-lDCs-category-booming-bangladesh-prepares-to-graduate.html>.

⁵ Inter-Sector Coordination Group (ISCG) (2018) *Mid term review: Joint response plan for Rohingya humanitarian crisis*, March-August 2018, p. 20.

⁶ *Ibid.*

⁷ Rizvi.

⁸ United Nations High Commissioner for Refugees (UNHCR) (2018) 'Statement by United Nations High Commissioner for Refugees on the repatriation of Rohingya to Myanmar' 11 November, viewed 12 November 2018, <http://www.unhcr.org/news/press/2018/11/5be7c4b64/statement-un-high-commissioner-refugees-repatriation-rohingya-refugees.html>.

the Rohingya – is not yet resolved. Concerted effort needs to be made by Myanmar to address the concerns of the Rohingya, including providing documentation, freedom of movement, and ending discriminatory policies that deny access to services including education and healthcare.

With the majority of the humanitarian needs of the refugee population largely met and the busy pace of set up and monsoon and cyclone preparation over, idleness in the camps is a concern during the dry season. Restrictions on the refugees' ability to pursue employment and livelihood opportunities mean most working age adults have nothing to do all day and are almost entirely dependent on aid. Further, limited formal education opportunities mean that children – who make up 55% of the refugee population – are not gaining skills and qualifications for the future.⁹ Creative solutions for providing livelihood and education opportunities for this population would not only reduce idleness and the related risks that brings, but would also better prepare the refugees for their eventual repatriation to Rakhine State.

Like any large population of displaced people faced with few alternatives, the Rohingya are particularly vulnerable to networks facilitating human trafficking, migrant smuggling and related forms of exploitation. Protection concerns are regularly raised by humanitarian responders as receiving insufficient attention in the crisis response so far.¹⁰ At present there is no hard data on the prevalence and scale of exploitation affecting the Rohingya. However, this assessment has found clear indications that practices such as trafficking and smuggling are taking place and that risk factors for future exploitation are high. History tells us that Bangladeshi nationals can be caught up these movements and the exploitation within them. This situation requires a comprehensive response plan and coordinated and purposeful information sharing between government, and the United Nations' migration and refugee agencies – IOM and UNHCR – in Cox's Bazar.

This assessment focuses on the risk of both the Rohingya and Bangladeshi population living in Cox's Bazar becoming victims of human trafficking, migrant smuggling and related exploitation. It identifies risk factors and risk scenarios over the next 24 months in order to inform a more effective regional response. We find conditions for high levels of trafficking, smuggling and related exploitation are present and show no signs of decreasing. Environmental risk factors identified include increasing idleness, lack of hope for the future and traditional acceptance of child, early and forced marriage, among others. Security related risk factors include known people moving networks, rifts between and within communities, and the capacity and resources of the Government of Bangladesh to respond effectively. Individual risk factors include connections to diaspora communities, high proportion of women and children, and disincentives to reporting cases of trafficking. Addressing these factors would mitigate the risk of a *crisis within a crisis* emerging.

This report contains recommendations for four policy directions that would not only address the risks of human trafficking, migrant smuggling and related exploitation, but would contribute to the broader improvement of conditions for both the Rohingya and Bangladeshi populations in Cox's Bazar. The recommendations are targeted at key stakeholders: from those working on the ground in Cox's Bazar, to the national level, as well as at regional stakeholders such as the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime (Bali Process), and the Association of Southeast Asian Nations (ASEAN).

The sudden influx of refugees to Cox's Bazar is the largest and most significant forced migration issue facing our region today. It is paramount that Myanmar continues to work towards providing conditions in Rakhine State that are conducive to safe, dignified and sustainable repatriation of the displaced Rohingya population. However, it should be noted that any such process will take time, and there is a real need for a medium-term strategy. Eighteen months since the crisis began, critical issues like human trafficking have come into sharper focus. Now is a good time to evaluate the response so far, and plan for the next phase. Regional actors can do more to support Bangladesh in its response, and our research and interviews have detected a growing appetite from stakeholders to do just that.

⁹ ISCG (2019) *Joint Response Plan for Rohingya Humanitarian Crisis 2019: January – December 2019*, p. 9.

¹⁰ *Ibid*, p. 58.

Methodology & Scope

The ADFM Secretariat believes any discussion of ‘forced migration’ must cover related issues such as protection, durable solutions, irregular migration, economic migration, migrant smuggling, human trafficking, statelessness and displacement. The Secretariat also understands that acts of human trafficking, migrant smuggling and other onward movements of displaced people are interrelated and that deception, coercion and exploitation can occur at different stages of one person’s journey. Both Bangladeshi nationals and Rohingya refugees now living in Cox’s Bazar can be susceptible to these forms of exploitation. The ADFM Secretariat was therefore interested in all onward movements from the Cox’s Bazar area to places within Bangladesh and beyond its borders, as well as the associated risks of deception, coercion and exploitation.

This assessment took place over a short period of time and so is by its nature limited in the conclusions it can draw. Its authors hope the picture this assessment provides will open a discussion on this important issue and motivate further research in the area. A further limitation of the research and analysis is that the research team was not able to build a similar understanding of the trafficking, smuggling and exploitation risks arising from the situation in Rakhine State in Myanmar, which would greatly add to the depth of our understanding of broader trends and movements.

The ADFM has focused on the situation of the Rohingya for several years, with a view to encouraging more effective regional responses to the issue in order to support Bangladesh and other affected countries. Following the ADFM’s second meeting in January 2016, the Secretariat advised the Bali Process on the development of the Consultation Mechanism and the Review of the Situation in the Andaman Sea in May 2015. After violence broke out in Rakhine State in August 2017, the ADFM recommended that the Bali Process activate this mechanism. The ADFM has since encouraged ‘Good Offices’ visits by the Bali Process Co-Chairs to Bangladesh and Myanmar, which took place in May 2018.

This risk assessment was first proposed at the sixth ADFM meeting in March 2018. There, members suggested such an assessment would be useful to fill known information gaps and inform regional counter trafficking efforts. The proposed assessment was subsequently endorsed and encouraged by several UN agencies including the United Nations High Commissioner for Refugees (UNHCR), International Organisation for Migration (IOM), the International Labour Organisation (ILO), UN Office on Drugs and Crime (UNODC), UN Action for Cooperation Against Trafficking in Persons (UNACT; a UN Development Programme project), as well as the Regional Support Office of the Bali Process. The primary research questions for the assessment were:

1. What can we understand about the risk of those displaced in Cox’s Bazar becoming victims of human trafficking, migrant smuggling and related exploitation?
 - a. What are the movements and routes and how are they being facilitated?
 - b. What are the risk factors or conditions for exploitation within those movements?
2. What are the likely risk scenarios over the next 24 months?
3. What is the role for regional cooperation, including the Bali Process and ASEAN, in responding to these risks?

After receiving the endorsement and encouragement of regional agencies, the ADFM Secretariat scoped the research exercise in consultation with key stakeholders and advisers; made presentations and gained feedback from Bali Process Senior Officials at the Ad Hoc Group and Ministerial meetings in June and August 2018; compiled existing data and literature about the situation in Cox’s Bazar and similar situations globally; and, on the basis of this preliminary research, developed a risk assessment framework.

Seven researchers travelled to Dhaka and Cox’s Bazar between 30 September and 8 October 2018 to meet with key stakeholders in the Bangladesh national government and local administration, including police, coast guard and those involved in refugee management; international and national non-government organisations; and Bangladeshi and Rohingya individuals living in and around the camps in Teknaf and Ukhia subdistricts. The team included members from the Refugee and Migratory Movements Research Unit at the University of Bangladesh; the Institute of Human Rights and

Peace Studies at Mahidol University, Thailand; the Mixed Movement Monitoring Unit in the UNHCR Regional Office in Bangkok and the Centre for Policy Development in Australia.

In total the team met with approximately 180 individuals over nine days to gather as complete a picture as possible in this short time frame of the situation on the ground and the current state of play in terms of protection responses to prevalent risks. Within the camps, efforts were made to speak with a range of men, women and youth, as well as both newly arrived refugees and those who had already been displaced for years. In order to maintain the safety of all those with whom the research team spoke, no names or attributed quotes are used in this report. Provisional versions of this report have been circulated among key ADFM and external stakeholders to gather feedback, which has been invaluable in shaping the analysis and findings.

The risk factors and recommendations outlined in this assessment are heavily informed by discussions with actors with a combined wealth of experience and understanding of the situation, in addition to background desk research and follow up conversations with experts and practitioners. They are also informed by the expertise of the ADFM Secretariat in forced migration issues in Asia-Pacific. The research team is grateful for the cooperation and support it received from the Bangladesh Government and from IOM and UNHCR offices in Cox's Bazar and Dhaka throughout this assessment.

The report begins with Section 1 which provides background on the current situation in Cox's Bazar; an overview of discrimination experienced by the Rohingya in Myanmar, what is known about the history of trafficking in Cox's Bazar, known links between conflict and trafficking globally, an outline of the relevant national and international legal frameworks and finally an update on the current situation in Cox's Bazar and the work being done to address protection concerns. Section 2 summarises the risk assessment framework and context of the assessment, including known irregular migration routes and destinations and types of trafficking and exploitation taking place. Section 3 outlines the environmental, security and individual risk factors present in the camps and surrounds, and Section 4 outlines risk scenarios over the 24 months following the research team's time in Bangladesh. The final section of this report provides recommendations for policy directions that address these risk factors at the local, national and regional level.

Section 1: Background

This section provides background information on issues relevant to the findings of the risk assessment. First, it presents an overview of discrimination against the Rohingya in Myanmar, including a timeline of events that led to the current crisis. Next, it turns to what is known of the prevalence of trafficking, smuggling and related exploitation in Cox's Bazar, before drawing out the links between trafficking, conflict and refugees globally. The section then presents the relevant legal frameworks applicable to this case, before finally introducing the state of play on the ground in Cox's Bazar at the moment, including some of the work already being done to counter trafficking and smuggling risks.

a) History of discrimination against Rohingya in Myanmar

The Rohingya have long faced discrimination and exclusion from mainstream Myanmar society. After independence from the British in 1948, tensions between the Burmese Government and the Rohingya grew. These were exacerbated after General Ne Win seized power in a coup in 1962. In 1978 and the early 1990s military action caused large numbers of Rohingya to flee from their homes in Rakhine State to neighbouring Bangladesh. Smaller movements also took place between these periods, for example, in 2012 around 100,000 people fled to Bangladesh, and tens of thousands did the same in 2015-2016.¹¹ While many returned to Rakhine after these mass displacements, some remained in Bangladesh and have been living in refugee camps for two decades or more.¹² Between 200,000-300,000 Rohingya were already living in Cox's Bazar prior to the 25 August 2017 influx.¹³

The Rohingya are considered the largest stateless group in the world and they do not currently have a legitimate path to full citizenship in Myanmar.¹⁴ In 1982 Myanmar enacted a citizenship law which tied citizenship to ethnic identity. As a result of the implementation of this law, Rohingya with existing identity documents were required to submit them for verification, after which many were given back either temporary documents or none at all.¹⁵ Without citizenship, the Rohingya in Myanmar live with numerous and interrelated restrictions: they need to apply for permission to travel even within Rakhine State, and they also have restricted access to education, employment and medical care, leaving them vulnerable to exploitation.¹⁶ Many living in Rakhine who were forced from their homes by violence have been confined to internally displaced person (IDP) camps. With the need for permits to leave the camps, these have become de facto detention centres. In 2016 the UN estimated around 120,000 Rohingya were living in such camps in central Rakhine State.¹⁷

¹¹ Sultana Yesmin (2016) 'Policy towards Rohingya refugees: A comparative analysis of Bangladesh, Malaysia and Thailand' *Journal of the Asiatic Society of Bangladesh*, vol. 61, no. 1, pp. 71-100.

¹² Syed Mahmood et al (2017) 'The Rohingya people of Myanmar: health, human rights and identity' *The Lancet Review*, vol. 389, pp. 1841-1850; Jeff Crisp (2018) 'Primitive people': The untold story of UNHCR's historical engagement with Rohingya refugees' *Humanitarian Exchange Special Feature*, October, Overseas Development Institute, pp. 13-16.

¹³ The Government of Bangladesh estimates 303,070 Rohingya were in Bangladesh prior to 25 August 2017 whereas IOM Needs and Population Monitoring estimated this number to be 213,000. ISCG (2018) *Mid term review*, p. 7.

¹⁴ Nasir Uddin, 'State of stateless people: The plight of Rohingya refugees in Bangladesh' in Rhoda Howard-Hassmann and Margaret Walton-Roberts (eds.) (2015) *The human right to citizenship: A slippery concept* (University of Pennsylvania Press: Philadelphia), p. 63.

¹⁵ United Nations Human Rights Council (2018) 'Oral update of the High Commissioner for Human Rights on Situation of human rights of Rohingya people', 3 July, A/HRC/38/CRP.2, p. 8, para 34. The fraught verification process has made many Rohingya wary of any form of registration practice, including registering as refugees. Amal de Chickera (2018) 'Statelessness and identity in the Rohingya refugee crisis' *Humanitarian Exchange Special Feature*, October, Overseas Development Institute, pp. 7-10. Some scholars have noted the law itself was not retroactively applicable however was enforced in that way, rendering the Rohingya stateless as a *de facto* rather than a *de jure* measure, see Nick Cheesman (2015) 'Problems with facts about Rohingya statelessness' 8 December, *E-International Relations*, viewed 2 November 2018, <https://www.e-ir.info/2015/12/08/problems-with-facts-about-rohingya-statelessness/>.

¹⁶ Amnesty International (2017) *Caged without a roof: Apartheid in Myanmar's Rakhine State*, London.

¹⁷ United Nations Human Rights Council, 2016, 'Situation of human rights of Rohingya Muslims and other minorities in Myanmar,' Report of the United Nations High Commissioner for Human Rights, 29 June, A/HRC/32/18, para 10, p. 3.

Anti-Rohingya rhetoric in Myanmar has escalated over time and violence has intermittently flared up:

Timeline of key events¹⁸

1948: Myanmar achieves independence from Britain.

1962: General Ne Win seizes power in a coup, increasing discrimination towards ethnic minorities.

1977-78: ‘Operation Naga Min’ (Dragon King) causes approximately 200,000 Rohingya to flee to Bangladesh; most returned the next year.

1982: Citizenship Law passed, redefining the criteria for full citizenship.

1991-92: Approximately 250,000 Rohingya flee to Bangladesh.

1995: Authorities in Myanmar begin issuing ‘Temporary Registration Cards’ to Rohingya.

June 2012: Violence breaks out in Rakhine after alleged rape and murder of a Buddhist woman by three Rohingya men. Military sent in to respond, curfews imposed.

March/Apr 2014: First nationwide census since 1983. No option to identify as Rohingya.

July 2014: ‘Citizenship verification’ begins in Rakhine but is abandoned after protests.

Feb 2015: President Thein Sein revokes ‘Temporary Registration Cards’, leaving the majority of Rohingya without identification documents.

Nov 2015: National League for Democracy wins general elections in a landslide. Rohingya were not allowed to vote or stand as candidates.

March/April 2016: Official transfer of power to civilian led administration.

April 2016: Citizenship ‘verification’ process begins again in Rakhine State.

Oct 2016: Arakan Rohingya Salvation Army (ARSA) attacks three police posts killing nine police officers. The state military response led over 87,000 Rohingya to flee to Bangladesh over the next 10 months.

10 August 2017: UN Special Rapporteur Yanghee Lee warns of increased army presence in Rakhine State and likelihood of massive rights violations occurring.¹⁹

24 Aug 2017: Advisory Commission on Rakhine State report released.

25 Aug 2017: ARSA attacks military posts in northern Rakhine, military responds with crackdown.

Aug-Dec 2017: Refugees flee in large numbers across the border to Cox’s Bazar.

Jan 2018 – present (March 2019): Rohingya refugees continue to arrive in Cox’s Bazar.

Jan 2019: The Arakan Army (AA) launch attacks against the Myanmar military, complicating the security situation in Rakhine State.²⁰

Faced with these challenges, many Rohingya have fled across the border to Bangladesh or other countries in the region over the years, often by sea through the Bay of Bengal.²¹ Boat movements escalated significantly in 2015: UNHCR estimated that 25,000 people had taken to boats from January to March of that year; twice the number that had taken

¹⁸ Adapted from Amnesty International (2017) *Caged without a roof*; International Crisis Group (2017) *Myanmar’s Rohingya crisis enters a dangerous new phase*, 7 December, Brussels: Asia Report no. 292; and Francis Wade (2017) *Myanmar’s Enemy Within* (Zed Books: London).

¹⁹ United Nations Office of the High Commissioner for Human Rights (UNOHCHR) (2017) ‘Myanmar: UN rights expert urges restraint in security operation in Rakhine State’ *News Release*, 11 Augcvust, Geneva.

²⁰ The AA is comprised of ethnic Rakhine Buddhists who seek self-determination for Rakhine State, and have been declared a terrorist group by the Myanmar military. They are a not connected to ARSA. Mratt Kyaw Thu (2019) ‘Govt stirs Rakhine anger with warning about Arakan Army’ *Frontier Myanmar*, 14 January, viewed 26 February 2019, <https://frontiermyanmar.net/en/govt-stirs-rakhine-anger-with-warning-about-arakan-army;> ‘Myanmar army ordered to take offensive against Arakan Army’ *Sydney Morning Herald*, 19 January, viewed 26 February 2019, <https://www.smh.com.au/world/asia/myanmar-army-ordered-to-take-offensive-against-arakan-army-20190119-p50sbn.html>.

²¹ Jack Goodman (2014) ‘No respite for Rohingya in Bangladesh’ *Al Jazeera*, 16 January, viewed 17 October 2018, <https://www.aljazeera.com/indepth/features/2014/01/no-respite-rohingya-bangladesh-201411675944519957.html>.

these routes the previous year.²² In the same year, mass graves of trafficking victims were discovered along the Thai-Malaysia border. In response, the Thai Prime Minister declared a crackdown on trafficking networks.²³ The effect was immediate, leading smugglers to abandon boats full of people in the Andaman Sea.²⁴ IOM estimated that as many as 8,000 Rohingya and Bangladeshis were left stranded in unseaworthy vessels without food, water or medical care.²⁵ The international outcry at this crisis caused the governments of Indonesia and Malaysia to offer ‘temporary shelter’ to 7,000 people on the condition that within a year they would be resettled or repatriated by the international community.²⁶ The crisis also drew attention to the mixed nature of these migration flows: according to UNHCR, by 2015 “almost an equal number” of Bangladeshis and Rohingya were making the journey across the Bay of Bengal and Andaman Sea by boat.²⁷ By 2017, most of the Bangladeshi citizens abandoned at sea had reportedly been repatriated. A small number of Rohingya had been resettled to third countries but the majority remained either in detention centres in Thailand, Indonesia or Malaysia, or had dispersed within existing Rohingya communities, at risk of arrest, detention and exploitation.²⁸

Escalating tensions in Rakhine State culminated in the crisis of 25 August 2017, which the Independent International Fact Finding Mission has called “the realisation of a disaster long in the making.”²⁹ On this day, the Arakan Rohingya Salvation Army (ARSA, formerly known as *Harakah al-Yaqin* or ‘the Faith Movement’) attacked 30 police posts and one army base, killing 11 members of the security forces.³⁰ The response from the Myanmar government was swift and widespread, targeting the Rohingya population for attacks, with support from the Myanmar Border Police and armed ethnic Rakhine people killing 77 insurgents and conducting “clearance operations” across several areas.³¹ These operations have been well documented³² and led to more than 700,000 people, the vast majority of whom are Rohingya, fleeing across the border.³³ This group joined the 200,000-300,000 Rohingya already living in the area. As of July 2018 UNHCR estimated 550,000-600,000 Rohingya were still living in Myanmar, more than 100,000 of whom were living in IDP camps.³⁴

b) History of trafficking, smuggling and related exploitation in Cox’s Bazar

Bangladesh is chiefly a source, but also a transit and destination country for the trafficking of men, women and children. In 2018 the United States Department of State classified Bangladesh as on the ‘Tier 2 watch list’ in its annual Trafficking in Persons Report, only one step above the lowest rank; Tier 3.³⁵ The Bangladeshi population is particularly vulnerable to

²² Anealla Safdar (2015) ‘Myanmar’s 2015 election: Who are the Rohingya?’ *Al Jazeera*, 28 October, viewed 1 November 2018, <https://www.aljazeera.com/indepth/features/2015/10/rohingya-151024202611276.html>. In January 2019, the Government of Malaysia announced a Royal Commission of Inquiry into the existence of these trafficking camps: ‘Trafficking camps, mass graves: Malaysia to open royal inquiry’ (2019) *The Daily Star*, 31 January, <https://www.thedailystar.net/country/news/royal-commission-probe-trafficking-malaysia-1694923>.

²³ Pratiksha Sharma (2015) ‘Thai PM Prayut Chan-o-Cha sets 10-day deadline to find migrant Rohingya camps’ *The Free Press Journal*, 7 May, viewed 2 November 2018, www.freepressjournal.in/world/thai-pm-prayut-chan-o-cha-sets-10-day-deadline-to-find-migrant-rohingya-camps/580949.

²⁴ Travers McLeod, Peter Hughes, Sriprapha Petcharamesree, Steven Wong, Tri Nuke Pudjiastuti (2016) ‘The Andaman Sea refugee crisis a year on: What happened and how did the region respond’ *The Wire*, 26 May, viewed 23 October 2018, <https://thewire.in/rights/the-andaman-sea-refugee-crisis-a-year-on-what-happened-and-how-did-the-region-respond>.

²⁵ IOM (2015), ‘IOM appeals for USD 26 million for migrants in Southeast Asian boat crisis’ 26 May, viewed 2 November 2018, <https://www.iom.int/news/iom-appeals-usd-26-million-migrants-se-asian-boat-crisis>.

²⁶ Ministers of Foreign Affairs of Malaysia, Indonesia and Thailand (2015) ‘Joint statement: Ministerial meeting on irregular movement of people in Southeast Asia’ 20 May, viewed 2 November 2018, <http://reliefweb.int/report/myanmar/joint-statement-ministerial-meeting-irregular-movement-people-southeast-asia>.

²⁷ Keane Shum, Vivian Tan (2017) *Mixed Movements in South-East Asia 2016*, UNHCR, April, p. 11.

²⁸ Daniel Sullivan (2016) *Still adrift: Failure to protect Rohingya in Malaysia and Thailand*, Refugees International.

²⁹ United Nations General Assembly (2018) ‘Report of the independent international fact-finding mission on Myanmar’ 12 September, A/HRC/39/64, p. 8, para. 31.

³⁰ XChange (2017) ‘The Rohingya survey 2017’ viewed 24 September 2018, <http://xchange.org/reports/TheRohingyaSurvey2017.html>. International Crisis Group (ICG) reported that it was ten police officers, one soldier and one immigration official who were killed: ICG (2018) *Myanmar/Bangladesh: A humanitarian calamity and a two-country crisis*, 31 January, <https://www.crisisgroup.org/asia/south-east-asia/myanmar/myanmarbangladesh-humanitarian-calamity-and-two-country-crisis>.

³¹ ICG (2018) ‘Myanmar tips into new crisis after Rakhine state attacks’ *International Crisis Group statement*, 27 August.

³² For example, see ICG (2017) ‘Myanmar’s Rohingya crisis enters a dangerous new phase’ *Asia Report*, no. 292, 7 December; and United States Department of State (2018) *Documentation of atrocities in northern Rakhine State*, August.

³³ ISCG (2018) *Mid term review*, p. 9

³⁴ United Nations, (2018) ‘Oral update on the High Commissioner for Human Rights on Situation of Human Rights of Rohingya People’, July, A/HRC/38/CRP.2, p. 6.

³⁵ The US State Department classifies countries into three tiers: one being those who “fully meet the Trafficking Victims Protection Act (TVPA)’s minimum standards for the elimination of trafficking” and three the lowest, or those who “do not fully meet the TVPA’s minimum standards and are not making significant efforts to do so”. ‘Tier 2 watch list’ countries are recognised as making significant efforts to bring themselves into compliance

trafficking for the purposes of sexual exploitation and forced marriage, forced labour and forced begging.³⁶ The Bangladesh government has a bilateral Memorandum of Understanding (MOU) with neighbouring India on working together to address trafficking and related issues.³⁷ The MOU has been commended for improving coordinated responses, although the degree of support provided to trafficking victims on their return home has been criticised by some non-government organisations (NGOs).³⁸ The Rohingya population also has a tradition of relocating for work. In addition to Bangladesh; India, Pakistan, Saudi Arabia, Malaysia, Thailand and Indonesia have historically been popular transit and destination countries for Rohingya migrants and all are now home to significant diaspora communities.

Research in the Southeast border region of Bangladesh has found that poverty and socio-economic vulnerability are often linked to illegal activities.³⁹ Even prior to the August 2017 influx, Cox's Bazar District faced considerable development challenges and currently ISCG estimates that 33% of the local population live below the poverty line; 17% below the extreme poverty line.⁴⁰ Cox's Bazar is host to diverse criminal networks, particularly those trading in drug and human trafficking, partly due to its location on both the coast and the border.⁴¹ A 2013 survey of perceptions of crime in Cox's Bazar found sixty percent of respondents saw drug trafficking as a "significant" cross-border activity, while human trafficking was also identified as a "major problem."⁴²

During the 2012-13 influx of Rohingya to Bangladesh, smugglers developed a well organised industry in Cox's Bazar that also drew in refugees and other migrants from across South and Southeast Asia.⁴³ Traffickers viewed the Rohingya as "big business."⁴⁴ In 2013, around 40,000 Rohingya were smuggled through human trafficking camps in Thailand via routes reportedly in existence since 2006.⁴⁵ Some reports state that one-way journeys could cost around USD\$205, described as "a small fortune by local standards."⁴⁶ Brokers would sometimes charge low costs for the initial boat journeys, suggesting that crews had alternative plans for recovering the costs of transportation and to make profits, such as selling people into forced labour or charging ransom from families.⁴⁷ IOM data shows that by 2014 the operations on the Bangladesh-Myanmar border had grown to comprise at least 600 smugglers and 1,600 recruiters and boat operators.⁴⁸

In cases of irregular migration, one of the challenges is that local authorities in both source and destination countries, as well as along the smuggling routes, are often complicit in trafficking and migrant smuggling to varying extents.⁴⁹ The 2018 US State Department TIP Report noted that, in Bangladesh, "Complicity of officials in trafficking offenses remained a serious problem" including through taking bribes and sexual favours.⁵⁰

Traffickers do not only target the Rohingya in Cox's Bazar. Bangladeshis have reported being abducted by force or kidnapped from Teknaf sub-district and put on boats against their will.⁵¹ After the 2015 Andaman Sea crisis, Bangladeshi authorities launched a crackdown on smuggling rings operating in the area, which was largely successful at dismantling

with the TVPA minimum standards but which face significant challenges. Myanmar is classified as 'Tier 3' in the same report. United States of America Department of State (2018) *Trafficking in persons report* (Washington DC, June), p. 40, 41, 91 & 116.

³⁶ IOM (2018) *Human trafficking snapshot Bangladesh*, September.

³⁷ Government of India, Government of Bangladesh (2015) *Bilateral cooperation for prevention of human trafficking especially trafficking in women and children: Rescue, recovery, repatriation and reintegration of victims of trafficking*, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=122154>.

³⁸ *Ibid*, p. 90.

³⁹ Bangladesh Enterprise Institute (2013) *Safety and Security in the South-East Border Area of Bangladesh*, February.

⁴⁰ ISCG (2018) *Support to Bangladesh Host Communities in the Rohingya Response*, 5 November, p. 2.

⁴¹ Bangladesh Enterprise Institute (2013).

⁴² Respondents identified "traffickers tricking their victims with promises of employment or better living conditions" as a major issue. *Ibid*, pp. iii-iv.

⁴³ UNODC (2018) *Migrant smuggling in Asia and the Pacific: Current trends and challenges*, Regional Office for Southeast Asia and the Pacific, Bangkok.

⁴⁴ Jason Szep and Stuart Grudgings (2013) 'Authorities implicated in Rohingya smuggling networks' *Reuters*, special report, 17 June, p. 8.

⁴⁵ Catherine Morris (2017) 'Rohingya refugees from Myanmar at the "gates of hell": International law duties of neighbouring states to refugees and asylum seekers' *Lawyers' Rights Watch Canada*, 9 November.

⁴⁶ Szep and Grudgings (2013) p. 4.

⁴⁷ Amnesty International (2015) *Deadly journeys: The refugee and trafficking crisis in Southeast Asia*, International Secretariat, United Kingdom.

⁴⁸ IOM X (2018) *Human trafficking snapshot: Bangladesh*, September, p. 9.

⁴⁹ Fortify Rights (2014) *Policies of persecution: Ending abusive state policies against Rohingya Muslims in Myanmar*, February.

⁵⁰ US TIP Report (2018) p. 89.

⁵¹ Amnesty, *Deadly Journeys*.

sea movement networks operating at the time.⁵² Large-scale irregular sea movements continue to be more restricted today than they were pre-2015, which has led to an increase in movements over land. There have been reports of women and girls being taken to Narayanganj and Sirajganj (major red light areas in Bangladesh) whilst others have been kept in brothels in Cox's Bazar and the large port town of Chittagong.⁵³

Between September 2017 and September 2018, IOM identified and assisted with 99 cases of trafficking of Rohingya refugees from the Cox's Bazar camps; comprising 35 girls, 31 women, 8 boys and 25 men.⁵⁴ IOM notes that this number is not representative of the full scale of the problem, partly due to limited access to reliable data and also due to likely under-reporting of the problem.⁵⁵ This information gap is a key issue in motivating action on the ground to address what is anecdotally known to be a serious problem. The Inter-Sector Coordination Group (ISCG) 2018 Joint Response Plan identified six key information gaps around what is currently known about the situation in Cox's Bazar, one of which was "the extent of smuggling, trafficking and exploitation among the refugee and host communities and other protection concerns, especially at night."⁵⁶

Media reports continue to emerge about cases of trafficking and exploitation; however, these are difficult to verify. One news report from Dhaka Tribune stated Bangladeshi security agencies have identified 39 individuals based in Cox's Bazar trafficking Rohingya people, "especially women and children," in both Ukhia and Teknaf.⁵⁷ The article cites a police spokesperson in Cox's Bazar who denies the presence of traffickers there, claiming authorities have "full control" over the camps. Police also claim to have returned 4,748 Rohingya to the camps between September and December 2017, after finding them at check-points, although the circumstances of their movements were unclear.⁵⁸

While large scale people movements do not appear to be happening by sea at this stage, smaller sea movements have increased since the dry season ended began October 2018. For example, on 7 November 2018 the Bangladesh Coast Guard detained six human traffickers and 33 Rohingya refugees on a fishing trawler en route to Malaysia.⁵⁹ The news report on the incident quotes Teknaf Mayor Abdullah Monir as saying: "The sea is getting calm and there are high demand among the refugees to travel to Malaysia... The traffickers are therefore taking the opportunity to float their boats again." One day earlier, 14 Rohingya refugees from the camps were detained by the Bangladesh Border Guard on the Teknaf coast; each said they paid USD \$120 to traffickers who then abandoned them.⁶⁰ A boat carrying 20 Rohingya men was rescued off the coast of north Sumatra, Indonesia, on 4 December 2018, although at the time of writing it is unclear whether the boat had departed from Rakhine or Cox's Bazar.⁶¹

As the research team did not visit Rakhine State as part of this assessment, it was not able to assess the situation there both in terms of risks and responses. Humanitarian actors working in Sittwe, the Rakhine capital, have told media that "at least four boats" of people have left from Rakhine since the start of October 2018.⁶² One boat was reportedly carrying

⁵² McLeod et al.

⁵³ Mariana Nunes (2018) 'The Rohingya crisis: How to prevent women and girls trafficking from the refugee camps', The London School of Economics and Political Science.

⁵⁴ IOM Bangladesh (2018) 'Situation overview of human trafficking: October 2018' *Rohingya refugee crisis response*, p. 1.

⁵⁵ IOM Bangladesh (2018) 'Rohingya humanitarian crisis response external update: 24-30 August 2018'.

⁵⁶ ISCG (2018), *Joint response plan: March-December 2018*, p. 21.

⁵⁷ Tarek Mahmud, (2017) 'Human traffickers lurk in Rohingya camps' *Dhaka Tribune*, 27 December, viewed 24 September 2018, <https://www.dhakatribune.com/bangladesh/2017/12/27/human-traffickers-lurk-rohingya-camps/>.

⁵⁸ *Ibid.*

⁵⁹ Straits Times (2018) 'Bangladesh rescues 33 'Malaysia-bound Rohingya from sea' 8 November, viewed 9 November 2018, <https://www.straitstimes.com/asia/south-asia/bangladesh-rescues-33-malaysia-bound-rohingya-from-sea>.

⁶⁰ *Ibid.*

⁶¹ Kanupriya Kapoor (2018) 'Officials say boat carrying Rohingya Muslims lands in Indonesia' *Reuters*, 4 December, viewed 7 December 2018, <https://www.reuters.com/article/us-indonesia-rohingya/officials-say-boat-carrying-rohingya-muslims-lands-in-indonesia-idUSKBN1030EE>.

⁶² Ruma Paul, Poppy McPherson (2018) 'Dozens of Rohingya flee camps by boat, reviving memories of 2015 tragedy' *Reuters*, 8 November, viewed 12 November 2018, <https://www.reuters.com/article/us-myanmar-rohingya/dozens-of-rohingya-flee-camps-by-boat-reviving-memories-of-2015-tragedy-idUSKCN1ND1MS>.

around 80 people.⁶³ The UNHCR Regional Mixed Movement Monitoring Unit have confirmed 560 people left in ten maritime departures leaving from Myanmar between April and December 2018.⁶⁴

c) Links between conflict, displacement and trafficking

Refugees are known to be particularly vulnerable to human trafficking, even among mixed migrant flows. Research indicates that those who have suffered traumatic events are “less self-protective for risk, or even actively engage in highly risky behaviour.”⁶⁵ Further, refugees are often faced with a lack of alternatives, disrupted social support networks and are legally more vulnerable than other types of migrants: stateless persons even more so.⁶⁶

The situation for the Rohingya in Cox’s Bazar echoes similar situations globally. Trafficking is linked to large refugee flows in other contexts, and “the distinction between official and clandestine networks is not always that clear.”⁶⁷ Exploitation of Syrian refugees, including for purposes of human trafficking, is well documented.⁶⁸ For many refugees, trafficking or other criminal networks can present their only viable option to attempt to improve their circumstances, while in other cases, refugees may not immediately realise the exploitative nature of their situations.⁶⁹ Trafficking is a business, and the larger and more contained the “pool of readily available supply” is, the greater the potential market.⁷⁰

The international community is paying increasing attention to the risks of trafficking within refugee flows and other large movements of people. For example, trafficking was raised extensively at the UN General Assembly’s Summit on Addressing Large Movements of Refugees and Migrants in September 2016.⁷¹ What makes the displacement of the Rohingya distinct from other conflict and refugee situations is the statelessness of the refugee population. Statelessness compounds the risks of vulnerability to trafficking due to the increased number of barriers stateless persons face in accessing services and rights, making them more likely to feel compelled to take risks.⁷²

d) Domestic and international legal frameworks

The focus of this study is on exploitation within irregular migration, which can occur in the context of both migrant smuggling and trafficking in persons. For that reason, it is relevant to consider the relevant legal frameworks. The two concepts are, as shown below, legally distinct. However, these distinctions are often blurred in reality. Smuggled migrants are vulnerable to exploitation that reaches the level of human trafficking. And people are often smuggled for the specific purpose of being exploited through trafficking.

⁶³ *Ibid.*

⁶⁴ Numbers provided via email correspondence with UNHCR staff on 20 February 2019.

⁶⁵ Annie Wilson (2012) ‘Notes from the field: Trafficking risks for refugees’ *Societies Without Borders*, vol. 7, no. 1, p. 111.

⁶⁶ Seltzer, A (2018) p. 280.

⁶⁷ Médecins Sans Frontières (MSF) (2018) ‘The dangers refugees face fleeing: Interview with Christoph Biteau’, 14 May, viewed 5 November 2018, <https://www.msf.org/libya-trafficking-clandestine-prisons-and-intercepted-boat-journeys-dangers-refugees-face-fleeing>.

⁶⁸ Katharine Jones, Leena Ksaifi (2016) ‘Struggling to survive: Slavery and exploitation of Syrian refugees in Lebanon’ *The Freedom Fund*; Micah Zenko (2017) ‘Sex trafficking and the refugee crisis: exploiting the vulnerable’ *Council on Foreign Relations*, 8 May, viewed 7 November 2018, <https://www.cfr.org/blog/sex-trafficking-and-refugee-crisis-exploiting-vulnerable>; Claire Healey (2016) ‘Has the conflict in Syria increased human trafficking?’ *Vienna Institute for International Dialogue and Cooperation*, 10 March, <http://www.vidc.org/en/spotlight-online-magazine/news-362016/has-the-conflict-in-syria-increased-human-trafficking/>.

⁶⁹ Zenko.

⁷⁰ Alexandra Seltzer (2013) ‘Human trafficking: the case of Burmese refugees in Thailand’ *International Journal of Comparative and Applied Criminal Justice*, vol. 37, no. 4, p. 279.

⁷¹ Anne Gallagher (2017) ‘Combating trafficking in persons: Regional opportunities’ *Asia Dialogue on Forced Migration Fourth Meeting briefing papers*, pp. 19-46.

⁷² Laura van Waas, Conny Rijken, Martin Gramatikov (2014) ‘Exploring the interaction between statelessness, legal empowerment and human trafficking’ *Tilburg Law Review*, vol. 19, pp. 303-312.

Human Trafficking: The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability, giving or receiving of payments or benefits to achieve the consent of a person, having control over another person, for the purpose of exploitation.⁷³

Migrant Smuggling: The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state of which the person is not a national or a permanent resident.⁷⁴ Smuggling, contrary to trafficking, does not require an element of exploitation, coercion, or violation of human rights and can involve voluntary movement.

The 2000 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (UN TIP Protocol) has been described as a “game changer” in efforts to combat trafficking as it established the first agreed upon definition of the practice as separate from other practices like migrant smuggling.⁷⁵ Prior to the UN TIP Protocol, very few countries criminalised trafficking.⁷⁶ The Association of South Asian Nations (SAARC) adopted a treaty on trafficking in 2002, which primarily addresses cross-border trafficking for the purposes of sexual exploitation. The ASEAN Convention against Trafficking in Persons, Especially Women and Children (ACTIP), adopted in 2015, is more comprehensive and closely modelled on the UN TIP Protocol.⁷⁷ The ACTIP has a related Action Plan that is non-binding.

Although Bangladesh is not party to the UN TIP Protocol, it does criminalise human trafficking through the Prevention and Suppression of Human Trafficking Act, which came into force in 2012, with penalties of five years to life imprisonment and a fine of not less than the equivalent of USD \$610.⁷⁸ The Government of Bangladesh has issued ‘implementing rules’ for this Act and trains police in counter-trafficking practices. The Bangladesh Ministry of Home Affairs has issued Standard Operating Procedures for proactive identification of victims of trafficking, however it is unclear how widely these are disseminated or followed.⁷⁹ Police have been provided with a checklist of how to identify victims in commercial sex establishments, however it is unclear how consistently this tool is used. Police data shows that 545 of 770 potential victims were “recovered from exploitative situations” by police in 2017.⁸⁰

Bangladesh has taken several positive steps to combat trafficking in recent years, despite limited resources, however challenges remain. The 2018 US TIP Report found that police officers often conflate migrant smuggling and human trafficking, which has implications for reporting, data collection and trend analysis.⁸¹ Access to justice continues to be a significant challenge: in 2017 there was only one person convicted of human trafficking offences, described in the US TIP Report as “a low number compared with the scale of the trafficking problem.”⁸² This is partly due to insufficient resources and capacity at the judicial level, but is also a reflection on the challenges in reporting cases of trafficking and gathering sufficient evidence to reach conviction stage. Further steps that are yet to be taken include establishing a dedicated anti-trafficking tribunal, as required by the Prevention and Suppression of Human Trafficking Act. Indications show that technical assistance and capacity building of law enforcement officers on the ground would make a big difference. Anecdotal evidence indicates there is ample appetite for capacity-building work in preventing and countering trafficking, if provided with sufficient resources and expertise.

⁷³ United Nations General Assembly (2000) ‘Protocol to prevent, suppress and punish trafficking in persons especially women and children’ 15 November, Article 3(a), Resolution 55/25.

⁷⁴ Adapted from the United Nations General Assembly (2000) Protocol against the smuggling of migrants by land, sea and air, 15 November, Article 3(a), Resolution 55/25.

⁷⁵ Gallagher.

⁷⁶ *Ibid.*

⁷⁷ ASEAN (2015) *ASEAN convention Against trafficking in persons, especially women and children*; Gallagher, p. 41.

⁷⁸ United States of America Department of State (2018) *Trafficking in persons report* (Washington DC, June), p. 89.

⁷⁹ *Ibid.*, p. 90.

⁸⁰ *Ibid.*, p. 90.

⁸¹ *Ibid.*, p. 89.

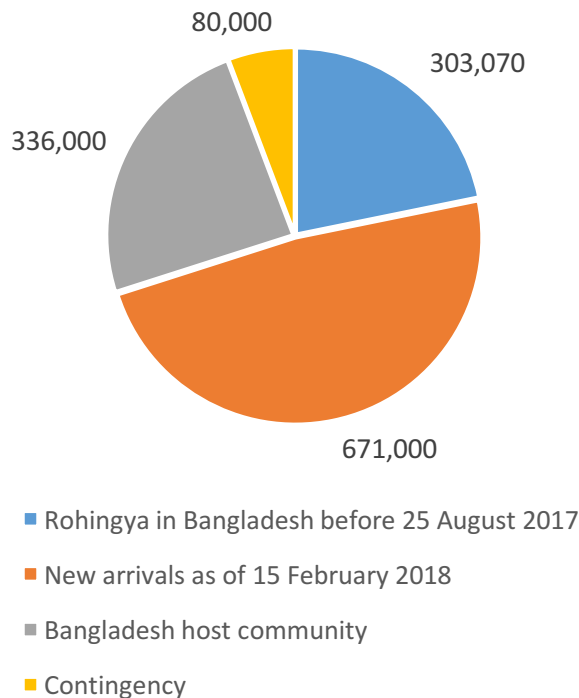
⁸² *Ibid.*, p. 88.

In late 2018, Bangladesh launched its National Plan of Action for Prevention and Suppression of Human Trafficking 2018-2022 (NPA).⁸³ This is an important step. It is not clear whether the NPA in its current form covers the Rohingya community, however it is understood that provisions of the plan do extend to non-citizens on Bangladesh territory. Such a key document will be critical over the next four years to address Bangladesh’s trafficking risks, and ignoring the growing population in Cox’s Bazar ignores a large part of the potential trafficking market.

e) The current response in Cox’s Bazar

As of writing, the Rohingya refugees are living in 34 official and makeshift camps in the Teknaf and Ukhia sub-districts of Cox’s Bazar district, near the Myanmar border. The largest single site, Kutupalong-Balukhali Expansion Site, houses approximately 626,500 of the refugees and is the largest refugee camp in the world.⁸⁴ Taking into account the Bangladeshi population living in the area, the ISCG estimates 1.3 million people are living ‘in need’ in Cox’s Bazar.⁸⁵

Population in Cox’s Bazar identified by the ISCG as ‘in need’ in February 2018 (1.3 million in total).⁸⁶



UNHCR data shows refugees continue to cross the Bangladesh border at three entry points. 16,252 Rohingya were recorded to have arrived between January and mid-February 2019.⁸⁷ This is likely at least partly in response to renewed violence breaking out between the Arakan Army and the Myanmar military, and appears to indicate that conditions in Rakhine State have not improved for the Rohingya population still based there.

⁸³ Kamrul Hasan (2018) ‘Five year NPA for fighting human trafficking launched’ *Dhaka Tribune*, 3 December, viewed 6 December 2018, <https://www.dhakatribune.com/bangladesh/event/2018/12/03/five-year-npa-for-fighting-human-traffickinglaunched>

⁸⁴ ICSG, Joint Response Plan p. 9.

⁸⁵ *Ibid.*

⁸⁶ The authors of this report note there are multiple estimates of total numbers of Rohingya currently living in Bangladesh. The Ministry of Home Affairs of the Government of Bangladesh undertook biometric registration with the support of the Immigration and Passports Department, registering 1,040,000 people as of 27 January 2018. UNHCR population estimate as of 15 January 2019 was 907,199 people. In a large-scale refugee crisis such as this, discrepancies are to be expected. ISCR, *Joint Response Plan 2018*, p. 22; UNHCR (2019) *Bangladesh Refugee Emergency: Refugee Population Density (as of 15 January 2019)*.

⁸⁷ Email correspondence with UNHCR staff, 21 February 2019.

Registration of refugees in Cox’s Bazar remains a challenge. The former registration process ceased in 1992, when 34,172 individuals had been registered – only about 4% of the current displaced population.⁸⁸ In June 2018 the Government of Bangladesh and UNHCR began a new process of comprehensive verification of refugees in Cox’s Bazar.⁸⁹ As of writing, approximately 80,000 refugees have now registered and the process is ongoing: UNHCR is optimistic of completing the process by June 2019.⁹⁰

The new registration process has been met with distrust by some refugees. The process began at a similar time as negotiations between UNHCR, UNDP and the Government of Myanmar were taking place to sign an MOU concerning the creation of conditions favourable for return in Rakhine State. Some refugees and other actors spoken to as part of this research conflated the two exercises and consequently had concerns that engaging in the registration process would somehow be linked to forced repatriation. Though this is not the case, and the Government of Bangladesh has repeatedly reconfirmed it will only support voluntary repatriation, many refugees remain apprehensive.

The district level response to the crisis is led by the Office of the Refugee Relief and Repatriation Commissioner (RRRC) within the Ministry of Disaster Management and Relief (MDMR). Coordination and policy guidelines are managed by the National Task Force, which is chaired by the Ministry of Foreign Affairs and comprises representatives of more than 22 ministries and authorities, including MDMR and the Ministry of Home Affairs.⁹¹ The Task Force was established in 2013 by the Government’s National Strategy on Undocumented Myanmar Nationals and Refugees. In Cox’s Bazar the Deputy Commissioner is the field level focal point for the National Task Force.⁹² Each camp site is managed by a ‘Camp-in-Charge’ who coordinates with IOM, UNHCR and other implementing partners. Bangladesh has ‘Counter Trafficking Committees (CTCs) in every district, however the Cox’s Bazar CTC has not met regularly.

The number of responders on the ground increased rapidly in response to the August 2017 influx. One international agency told our research team that they had increased their staff from 250 to 1000. The ISCG estimates that only 10 agencies were present in Cox’s Bazar prior to August 2017, 35 were working there by early October 2017, and by December of that year it was 150 agencies.⁹³ Actors have also scaled up their protection response significantly since the beginning of the crisis. IOM Cox’s Bazar began implementing counter-trafficking activities in September 2017 in addition to the counter-trafficking work IOM was carrying out across the country for several years.⁹⁴ IOM works in six areas of intervention in Cox’s Bazar: case management and referrals; capacity building; mental health and psycho-social support; awareness raising; establishing and strengthening counter-trafficking committees; and family tracking and reunification of victims.⁹⁵ IOM has provided some of the 99 victims of trafficking they identified between September 2017 and September 2018 with emergency cash assistance, others received legal assistance or counselling, ‘dignity kits’ or became involved in cash-for-work activities.⁹⁶ The Bangladesh Army and the Rapid Action Battalion have also reportedly been active in identifying potential Rohingya victims of trafficking within Bangladesh and returning them to camps.⁹⁷

In addition to the government organisational structures, there is also a *majhi* (literally: boat driver) camp governance system, which began in the early 1990s. The system was officially disbanded in 2007 due to reports of widespread

⁸⁸ UNHCR has since conducted profiling exercises in order to obtain approximate estimates of the numbers living in the camps. UNHCR (2007) *Bangladesh: Analysis of Gaps in the Protection of Rohingya Refugees*, May, p. 16. ISCG (2018) ‘Situation Report Rohingya Refugee Crisis’ 11 October 2018, p. 2.

⁸⁹ UNHCR (2018) ‘Joint Bangladesh/UNHCR verification of Rohingya refugees gets underway’ 6 July, accessed 9 March 2019, <https://www.unhcr.org/news/briefing/2018/7/5b3f2794ae/joint-bangladeshunhcr-verification-rohingya-refugees-gets-underway.html>.

⁹⁰ Email correspondence with UNHCR staff, 21 February 2019.

⁹¹ ISCG (2018) *Joint response plan*, p. 69.

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ IOM (2018) ‘IOM Bangladesh: Rohingya refugee crisis response: Situation overview of human trafficking’ October.

⁹⁵ *Ibid.*, p. 2.

⁹⁶ *Ibid.*

⁹⁷ US TIP Report, p. 90.

corruption and exploitation.⁹⁸ Some have now been replaced by ‘Camp Management Committees’ with democratically elected representatives, however the August 2017 influx put pressure on that system and has led to the resurgence of the *majhi* system, and, “stories of abuse and exploitation [within the system] have already emerged.”⁹⁹ Those we spoke to in the camps expressed distrust toward the *majhis* and a more favourable attitude toward the Bangladesh Army, who they were more likely to go to in an emergency.

The World Bank and Asian Development Bank (ADB) have also pledged their support for the crisis. In mid-2018 the World Bank announced a first phase of programming related to the refugee crisis which includes \$50 million worth of grant assistance in health and \$25 million in education sectors.¹⁰⁰ A further \$165 million in grants is in the final stages of development and will go toward water and sanitation, electricity in the camps and community resilience programs. The World Bank has also expressed an interest in supporting the host community in Cox’s Bazar through their existing and future Bangladesh projects, potentially through a Cox’s Bazar Development Plan for the area. The ADB also offered grant assistance of up to \$200 million targeted toward to meet the medium term needs. The first phase of \$100 million includes water and sanitation, disaster risk reduction, energy, and access roads, which they have designed in close coordination with development actors on the ground. While most of the projects are specifically targeted towards the refugee population, some of the infrastructure works such as roads and water treatment facilities would also benefit the host community. The project is currently under implementation with 40% of contracts already underway. Both banks coordinate closely with Government of Bangladesh, international and national agencies on the ground.

⁹⁸ The Assessment Capabilities Project (ACAPS) (2017) ‘Rohingya crisis: Situation analysis briefing note’, 22 November; ACAPS, (2018) ‘Rohingya crisis: Governance and community participation’ June, Analysis Hub.

⁹⁹ *Ibid.*

¹⁰⁰ One sixth of the grant funding for these grants is provided by the Government of Canada. World Bank (2018) ‘Additional Financing for The Reaching Out-Of-School Children Project II’ 5 September, PAD3005; World Bank (2018) ‘Health Sector Support Project’ 15 June, PAD2849.

Section 2: Risk Assessment Framework and Context

What follows is an explanation of the risk assessment framework used in the research conducted between March and November 2018, followed by an overview of the context, levels of awareness, knowledge of routes and types of exploitation. As noted earlier, a parallel assessment has not been conducted in Rakhine State, so the related risks stemming from the protracted situation there are not synthesised in this report. It is important to note that movements from Rakhine State, including by boat, are taking place and the risk factors there are closely related to those present in Cox's Bazar.¹⁰¹

First, this section outlines the risk assessment framework, then provides an outline of what is known of the awareness in the camps of human trafficking, migrant smuggling and related exploitation, followed by types of exploitation taking place, and an overview of common routes and destinations. Section 3 then outlines the key risk factors present in the camps, and finally Section 4 outlines risk scenarios over the next 24 months.

In order to arrive at an understanding of risk factors, scenarios and recommendations for regional responses, the research team:

- aggregated qualitative and quantitative information available;
- surveyed key research agencies to verify available information during the desk review phase;
- conducted interviews with stakeholders by phone prior to the field research;
- conducted interviews and focus group discussions with 180 individuals on the ground in Cox's Bazar and Dhaka;
- conducted follow-up phone interviews to test findings.

The following risk assessment framework was developed prior to the field assessment and categorises risks into three key areas of focus: environmental situation, security and individual factors.

ADFM Risk Assessment Framework

Environmental situation	Security factors	Individual factors
<ul style="list-style-type: none"> - Sufficiency of food & treated water - Employment and income opportunities - Service availability - Sanitation, health, education - Prevalence of awareness raising activities - Community support organisations - Cultural norms and practices (both migrant and host communities) 	<ul style="list-style-type: none"> - Reception by and dynamics with local population - Law and order (police, army, legal frameworks, procedures) - Incidence of corruption - Monitoring by intelligence services - Known people moving networks (boat owners) 	<ul style="list-style-type: none"> - Age, marital status, dependents, gender - Price & conditions of transport - Family or friendship ties to potentially exploitative industries, business operators, work locations (e.g. fishing villages) - Family or friendship ties within Bangladesh and to third countries - Willingness to, and previous exposure/connection to, engaging in debt and working without income - Exposure to/awareness of risks of exploitation

The risk assessment framework contains several assumptions. Some of these are well supported by available international evidence: for example, that corruption facilitates trafficking in persons and that inability to generate an income pushes individuals into taking risky decisions with regard to migration.¹⁰² However, it is important to note that some assumptions, such as that awareness of the risks of exploitation correlates with a lessening of risk, were not able to be thoroughly

¹⁰¹ 'Myanmar detains 106 Rohingya aboard boat to Malaysia' (2018) *ABC News*, 17 November, accessed 26 November 2018, <https://www.abc.net.au/news/2018-11-17/rohingya-refugees-detained-by-myanmar-during-malaysia-voyage/10506920>.

¹⁰² US TIP Report.

tested.¹⁰³ Further, as the political situation evolves, the mood in the camps could rapidly change from what it was when the research team visited in early October 2018. It was not possible for the research team to verify or cross-check the anecdotal evidence presented to them in the field; a common challenge in measuring forced migration movements worldwide.

a) Awareness of risks

Concern about trafficking is high among the population living in the refugee camps and awareness-raising work appears to be increasingly prevalent. Survey data from an international organisation working in one of the newer border camps indicated that no one felt safe from trafficking; 77% of respondents said they would have no way of knowing if someone was missing, and 44% did not know how to report exploitation or abuse if it took place.¹⁰⁴ UNHCR profiling of 29 camps in early 2018 collected data on the key protection concerns identified by inhabitants. The results clearly demonstrate the diversity of each camp environment, as some camps identified human trafficking as their greatest fear, while others listed it as negligible.¹⁰⁵ In general, camps which are more well-established note higher concern about trafficking, potentially due to the idleness of the population in the more long-term areas, as well as the length of their connection to local broker networks working there.

“Someone is always making money”

b) Types of trafficking, smuggling and exploitation taking place

There are a variety of practices subsumed under the umbrella of ‘human trafficking, migrant smuggling and related exploitation’. Below is a non-exhaustive list of practices that are reportedly taking place in Cox’s Bazar, based on available data and anecdotal evidence. Each poses its own unique challenges, and individuals can often face multiple and mutually reinforcing forms of exploitation.

Child labour	Slavery
Forced or exploitative labour	Infant abductions and/or adoptions
Commercial sexual exploitation	Debt bondage (sometimes intergenerational)
Child, early and/or forced marriage	Trafficking for organ removal
Abduction	Ransom demands

Some cases of abduction were reported to our team, however more commonly reported instances of forced migration were those in which a deal was made through a broker or *dalal*. Many of the forms of exploitation are tied to labour, as Rohingya are not permitted to work legally in Bangladesh and thus are more likely to take risks in an effort to earn money to support themselves and their families.

c) Facilitation, routes and destinations

Connections to brokers appeared to be prevalent within the camps. Both men and women work as brokers (women and girls appear to be usually recruited by a woman) and both Bangladeshi and Rohingya brokers were known to be active in the camps; usually working in small networks. The absence of humanitarian workers in the camps over night and poor lighting in some areas makes the refugees particularly vulnerable to recruitment after dark. The Government of Bangladesh and international agencies have responded to this by pledging to build more lighting in the camps and increase the number of security patrols, which should mitigate the risks to some extent. While some parents spoke of

¹⁰³ As in any assessment of this kind there are necessarily limitations to our study. The in-country part of the assessment was undertaken over the course of eight days. The team was therefore unable to visit many camps or meet with a wide range of refugees. The team was also not able to visit Rakhine State during the assessment to ascertain the prevalence of trafficking, smuggling and related exploitation there, or to assess the area’s preparedness for any potential repatriation.

¹⁰⁴ ‘Summary of Baseline Survey and Results’ (2018) Camp 4 Extension Survey [provided by email by an international partner].

¹⁰⁵ Results ranged from 5% - 38% of those surveyed who identified trafficking as a concern.¹⁰⁵ UNHCR (2018) ‘Rohingya Refugee Crisis: Camp Settlement and Protection Profiling’ *Cox’s Bazar, Bangladesh*, Round 3, April.

helping their children find work in nearby towns through brokers, it was not uncommon to hear that, as soon as the child or relative had left the camp, they lost contact with them. Stories such as this demonstrate the complexity of establishing instances of trafficking, where the exploitative purpose is not always initially apparent.

Cox's Bazar, Chittagong and Dhaka were all cited as transit stops for work-related movement, however in some cases those who believed they were destined to leave the country did not end up getting any further than these internal hubs. Sex work and day labour are prevalent in Cox's Bazar and the port town of Chittagong in particular. In addition to sex work, women and girls are also vulnerable to forced labour as domestic workers, while men and boys are vulnerable to forced labour on construction sites, on fishing boats and in factories.¹⁰⁶

Due to their shared border, India is often the first destination for land movements from Bangladesh. However, those we spoke to appeared to view India as a less desirable destination country due to harsh restrictions on Rohingya people there. Indeed, in January 2019 India forcibly repatriated a Rohingya family to Myanmar, despite international opposition.¹⁰⁷ This led those Rohingya living in India, many of whom are there without official documentation, to flee to Bangladesh, with UNHCR reporting 620 people (141 households) arrived at the UNHCR transit centre in the first two weeks of January.¹⁰⁸ It is likely Rohingya people living or working in India initially went there with the understanding that it was a transit country, only to become stuck there due to deception, exploitation or other reasons. In late 2018 India and Nepal announced an initiative to monitor their border for irregular movement of Rohingya refugees in particular, who they recognise as vulnerable to trafficking.¹⁰⁹

Travel outside Bangladesh often takes place using forged or illegally obtained Bangladeshi documents. It was reported that illegally obtaining or copying such documents has become significantly more difficult over the past few years after biometric registration was introduced by the Bangladesh Government. However, based on anecdotal evidence, it is clear that the practice is still taking place and these documents remain accessible for the right price. Rohingya carrying Bangladeshi passports have been found to have reached Saudi Arabia on pilgrimage or other visas which they then overstay.¹¹⁰ Saudi Arabia has traditionally been a popular destination for Rohingya due to the large diaspora community there, however the Saudi government stopped issuing residency permits to Rohingya who arrived there after 2011, and in January 2019 announced the deportation of 250 Rohingya to Bangladesh after they were found not to possess legitimate residency documentation.¹¹¹

Some examples of transport costs cited in the camps

Land route to India:
20,000-40,000 (\$238-476 USD)

Land route to Malaysia:
200,000 taka (\$2,382 USD)

Air route to Malaysia:
300,000 taka (\$3,573 USD)

Air route to Saudi Arabia:
400,000 taka (\$4,766 USD)

While sea routes have become less prevalent since the 2015 Andaman Sea crisis and subsequent crackdown, maritime movements have not completely stopped. Smaller boats have replaced larger ones, and anecdotal evidence indicates that smugglers and traffickers are transporting people on the lower decks of fishing trawlers.

¹⁰⁶ *Ibid.*

¹⁰⁷ Ashley Starr Kinseth (2019) 'India's Rohingya shame' *Al Jazeera*, 29 January, www.aljazeera.com/indepth/opinion/india-rohingya-shame-190125104433377.html. This followed the forced repatriation from India of seven Rohingya in October 2018. Elise Thomas (2018) 'The other Rohingya crisis' *Lowy Institute*, 20 September, viewed 20 September 2018, available: <https://www.lowyinstitute.org/the-interpreter/other-rohingya-crisis>; Zahir Hussain (2018) 'India, in a first, sends seven Rohingya for deportation to Myanmar' *Reuters*, 3 October, viewed 5 October, <https://in.reuters.com/article/myanmar-rohingya-india/india-in-a-first-sends-seven-rohingya-for-deportation-to-myanmar-idINKCN1MD0YZ>.

¹⁰⁸ UNHCR (2019) *Bangladesh operational update (1-15 January)*, p. 5.

¹⁰⁹ Rewati Sapkota (2018) 'Nepal, India to jointly monitor movement of Rohingya refugees in border areas' *The Himalayan Times*, 31 October, viewed 2 November 2018, <https://thehimalayantimes.com/kathmandu/nepal-india-to-jointly-monitor-movement-of-rohingya-refugees-in-border-areas/>.

¹¹⁰ Faisal Mahmud (2018) 'Saudi Arabia tells Bangladesh to take back 128 Rohingya with expired visas' *The Wire*, 2 November, viewed 7 November 2018, <https://thewire.in/south-asia/rohingya-refugees-saudi-arabia-rohingya>.

¹¹¹ 'Saudi Arabia to deport 250 Rohingya to Bangladesh: Activist group' (2019) *Al Jazeera*, 21 January, <https://www.aljazeera.com/news/2019/01/saudi-arabia-deport-250-rohingya-bangladesh-activist-group-190120155247369.html>.

Section 3: Risk factors

Prior to conducting this assessment, the ADFM research team identified a series of risk factors in a risk assessment matrix that was used to analyse the situation in Cox’s Bazar. The factors stood up to being tested in the field and were all found to be present on the ground to varying degrees. While the risk factors also apply to the Bangladeshi population, the statelessness of the Rohingya exacerbates their situation and makes them more vulnerable to exploitation than their local counterparts. Further, the seeming intractability of the issue of repatriation is overshadowing the need for medium-term planning on the part of regional actors and the Bangladesh government. Safe, dignified, voluntary and sustainable repatriation remains the only long-term solution to this crisis, however in the meantime there is a need to avoid the development of a “crisis within a crisis”. The below risk factors should be understood within this context of statelessness and the difficulty of medium-term planning.

Due to the nature of this assessment, the research team does not have evidence tying each individual risk factor to a specific case of exploitation, and it is not the intention of this report to imply that the presence of one or more of the below factors *always* leads to an instance of trafficking, smuggling and exploitation. Rather, the presence of one or more of the below factors is indicative of likely trends towards such practices taking place. The factors are grouped into environmental, security and individual factors, however all of these factors are dynamic and interrelated.

a) Environmental factors

“I wish I could work and earn my own money”

i) Increasing idleness

A humanitarian worker in Cox’s Bazar described idleness as “the enemy” in any refugee situation, and it certainly is a significant risk factor in this crisis. It is not in anyone’s interest to have a population of one million people confined with no meaningful activity to occupy their days. The research team found no signs of radicalisation among the camp residents,¹¹² however it is a not uncommon narrative in media reporting.¹¹³ A far greater concern resulting from idleness is its impact on increasing risky behaviour such as migrant smuggling and human trafficking. Without any other options, these become viable and even appealing alternatives. More than half of the camp population is under 18 and have no access to accredited education, while the adult population of the camps can access neither formal education nor legitimate livelihoods. While the long term solution to this crisis lies in the safe, dignified, voluntary and sustainable repatriation of the Rohingya to Myanmar, these immediate circumstances threaten to lead to restlessness and instability, and will not adequately assist refugees to prepare for their future repatriation. Creative solutions should be sought by international development actors, donors and other agencies that relieve the burden on Bangladesh while also mitigating the considerable risks idleness brings.

a. Lack of access to livelihood opportunities

Lack of access to livelihood opportunities is a substantial risk factor for trafficking, smuggling and exploitation in Bangladesh and worldwide. In Cox’s Bazar, refugees are prohibited from leaving the camps and accessing legitimate livelihood opportunities, making the refugees almost entirely dependent on aid. This impacts their ability to rebuild their lives and prepare for their futures, and also affects their sense of dignity and self-esteem.¹¹⁴ Some agencies, including IOM, run ‘cash-for-work’ programs, mainly for labour within the camps, sometimes involving as section of the host

¹¹² Tribune Desk (2017) ‘Bangladesh foreign secretary: No sign of radicalisation among the Rohingya’ 8 October, viewed 7 December 2018, <https://www.dhakatribune.com/bangladesh/foreign-affairs/2017/10/08/no-sign-radicalisation-rohingya>.

¹¹³ Andrew Selth (2018) ‘The Rohingyas: a new terrorist threat?’ *Lowy Interpreter*, 6 September 2018, viewed 7 December 2018, <https://www.lowyinstitute.org/the-interpreter/rohingyas-new-terrorist-threat>.

¹¹⁴ UNHCR (2018) *Refugee Livelihoods and Economic Inclusion: 2019-2023 Global Strategy Concept Note*, <https://www.unhcr.org/publications/operations/5bc07ca94/refugee-livelihoods-economic-inclusion-2019-2023-global-strategy-concept.html>

community as well.¹¹⁵ While these programs can benefit some individuals, the numbers who can access these programs are very limited, and the work is only short-term. IOM estimates that between February and September 2018 they employed 47,145 labourers in cash-for-work programs, citing budget restrictions for their inability to hire more workers.¹¹⁶

Prior to the influx of August 2017, some informal livelihood opportunities such as fishing and day labour existed around the camps and were accessed by Bangladeshis and Rohingya alike. Now, the increase in the population has created an oversupply of potential labourers, which has driven down wages, negatively affecting both locals and longer-term refugees. Further, the Bangladesh government has scaled up security around the camps, more strictly enforcing restrictions on movement and making it much more difficult for refugees to leave. Anecdotal evidence indicates some refugees are still able to leave the camps to access work, however many noted that it was more challenging than it had been previously. By not legitimately incorporating the Rohingya working-age population into the local economy, the government is unable to regulate this market and employers are paying substantially reduced wages, further undermining the already low wages offered to locals. This could also lead to tensions between the newly arrived community and those refugees who have been there longer, who may resent their change of circumstances.

Our team was also told that the lack of legitimate livelihood opportunities had pushed some Rohingya, particularly women, to work as drug mules for *yaba* smuggling.¹¹⁷ This type of high-risk behaviour could easily lead to further exploitation and an increase in crime that would not only affect Bangladesh but the wider region.

Many of those living in the camps have skills they could be using to benefit both the camp and the wider community. Denying them meaningful work not only leads to idleness and related social risks, but is also a missed economic opportunity. Providing legitimate livelihood opportunities would also help refugees to better prepare for eventual repatriation and reintegration to Myanmar. These opportunities could be within Bangladesh, but they could also be arranged through creative agreements with third countries, including ASEAN member states.

Example scenario based on anecdotal evidence:

A girl in the camps was approached by a Rohingya man who said he was making a list of girls looking for work. He told her the work was guaranteed, but that he could only recruit people at night time. The girl added her name to his list, but later became concerned and told her mother what had happened. Her mother then told a trusted friend, who promised to look into the situation for her.

This friend spoke to the man, pretending she also had daughters looking for work. He asked what her daughters looked like, saying they had to be tall, pretty and young. He claimed to be working for an NGO that was distributing products to young women in the camps at night time. He claimed to have found other girls a job in this way.

While they were talking, another man walked past the two and recognised the recruiter, saying “Oh hi, I didn’t realise you were already back from India.” The friend informed protection volunteers of the suspicious activity, but by the time they returned the man had disappeared. He was never caught.

¹¹⁵ Alistair Cook, Foo Yen Ne (2018) ‘Complex humanitarian emergencies and disaster management in Bangladesh: The 2017 Rohingya exodus’ *Nanyang Technological University RSIS Policy Report*, no. 11, p. 12.

¹¹⁶ IOM Bangladesh (2018) ‘External Update: Rohingya Humanitarian Crisis Response’ (7-13 September 2018).

¹¹⁷ *Yaba* are small pills made from a combination of methamphetamine and caffeine. Libby Hogan (2018) ‘Myanmar’s meth crisis reaches as far as Australia’ *ABC News*, 29 July, viewed 9 November 2018, <https://www.abc.net.au/news/2018-07-29/myanmars-meth-crisis-reaches-australia/10044502>. For more on links between the refugee crisis and the illicit drug industry see Aidan Jones, Sam Jahan, Hla Hla Htay (2018) ‘Meth trade forges unlikely link between Rohingya and Myanmar soldiers’ *Yahoo News*, 10 May, viewed 9 November 2018, <https://www.yahoo.com/news/meth-trade-forges-unlikely-between-rohingya-myanmar-soldiers-032657815.html>.

b. Lack of access to formal education

Restricted access to formal schooling for the Rohingya while they are in Bangladesh is also increasing their vulnerability to exploitation. In most cases, this limited access to education builds on the restrictions Rohingya children experienced in Rakhine. Like many other refugee populations worldwide, the Rohingya largely lacked access to education prior to their displacement.¹¹⁸ Amnesty International and UNHCR reports indicate that Rohingya children in Rakhine experienced difficulty accessing official government education since 2012.¹¹⁹ Further, Rohingya students were forbidden from attending Rakhine State's only university, located in Sittwe.¹²⁰ Due to movement restrictions preventing Rohingya from leaving the state, this effectively bars them from any higher education opportunities in Myanmar. Rohingya parents the research team spoke to in the camp repeatedly expressed frustration at the long-term denial of education for their children and subsequent concern they had for their futures.

The humanitarian response from the Government of Bangladesh was in fact noteworthy for its inclusion of education through informal 'learning centres' right from the initial phases of the crisis response. These 'learning centres' are open to children aged 4-14 and run three two-hour shifts per day, teaching basic English, Burmese and mathematics.¹²¹ The Rohingya do not learn Bangla language in the learning centres, as the priority of the Government of Bangladesh is to prepare the Rohingya for repatriation and reintegration into Myanmar's society, education system and job market. The learning centres do not follow an accredited curriculum and the classes are of mixed-age, making it difficult for teachers to target lessons appropriately.¹²² Outside of the 'learning centres' some organisations conduct 'awareness-raising' or 'decision-making' classes, in an attempt to increase the resilience of the young population in the camps. Some religious education is also available through imams and at mosques, however this is only accessible to boys. Several organisations have established 'safe spaces' for girls or children to provide support in a non-learning environment.¹²³ Traditional attitudes towards gender roles further restrict the opportunity for girls in the camps to access education, with some reporting girls would stay home if their teacher was male, or that girls are expected to perform household duties before attending the learning centres.¹²⁴ This is a significant risk factor for girls and young women, particularly as IOM has reported that girls trafficked for purposes of forced labour were the largest group of victims of trafficking they assisted in the refugee response to date.¹²⁵

When there are no education opportunities present, the lure of opportunities abroad can be very persuasive. The UN Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, recognised the connection between access to education and trafficking in her latest report.¹²⁶ Indeed, intelligence services working in Cox's Bazar reportedly believe brokers and agents are particularly targeting illiterate refugees for trafficking and smuggling.¹²⁷

Lack of education opportunities are a risk for non-Rohingya children also. In 2018 an IOM assessment of the human trafficking situation in Bangladesh found: "The majority of trafficking victims migrate abroad in search or employment due to high (youth) unemployment, poverty, *lack of vocational training and education*, under developed industrialisation

¹¹⁸ Amnesty International (2017) *Caged without a roof: Apartheid in Myanmar's Rakhine State*, London, pp. 66-72; UNESCO (2018), 'Migration, Displacement and Education: Building Bridges not Walls' *Global Education Monitoring Report 2019*, UNESCO Publishing, Paris, p. 58.

¹¹⁹ *Caged without a roof*, pp. 67-70; UNHCR Myanmar, *Study on Community Perceptions of Citizenship, Documentation and Rights in Rakhine State*, August 2016, p. 20.

¹²⁰ *Caged without a roof*, p. 70.

¹²¹ Urvashi Sarkar (2018) 'With no formal schools or jobs, young Rohingya left in lurch' *Al Jazeera*, 13 April, viewed 5 November 2018, <https://www.aljazeera.com/indepth/features/formal-schools-jobs-young-rohingya-left-lurch-180413124136851.html>.

¹²² UNESCO, p. 255.

¹²³ For example, Fiona MacGregor (2018) "'Safe Spaces' offer psychosocial support to Rohingya women' *IOM Press Release*, 26 January, viewed 18 October 2018, accessible: <https://www.iom.int/news/safe-spaces-offer-psychosocial-support-rohingya-women>; and Veronica Pedrosa (2017) 'Where men can't go' *UNFPA News*, 12 October, viewed 18 October 2018, <https://asiapacific.unfpa.org/en/news/where-men-cant-go>.

¹²⁴ Plan International (2018) *Adolescent Girls in Crisis*.

¹²⁵ IOM Bangladesh (2018) 'Situation Overview of Human Trafficking: October 2018' *Rohingya Refugee Crisis Response*, p. 1.

¹²⁶ "With no indications that the refugees will be returning to Myanmar in the immediate future, [I] urge[s] the Bangladesh Government to start longer term planning, and to ensure access to formal education and livelihoods. Failure to do so further increases their vulnerability to human trafficking and the drug trade." 'Report of the Special Rapporteur on the situation of human rights in Myanmar' (2019) A/HRC/40/68, 5 March, p. 9.

¹²⁷ Mahmud (2017).

and natural disasters.”¹²⁸ This pattern is found around the world, where lack of access to education is regularly identified as one significant contributor to vulnerability to trafficking and exploitation.¹²⁹ UNODC identifies ‘limited access to education’ as a condition of vulnerability to trafficking in 2008 background paper on the topic.¹³⁰ In a study on migrant vulnerability to human trafficking and exploitation, IOM similarly identified “those individuals with no education or primary or higher education (compared to those with secondary education) are more likely to be vulnerable” in migration routes in the central and eastern Mediterranean.¹³¹ A 2010 analysis of the “business model” of trafficking in Europe found that “victims are generally recruited through deception and promises of a better life, an education, job skills training, a viable or good job or marriage.”¹³² Indeed, the research team heard several examples of promises just like this being made within the camps.

Greater international investment in education, particularly in facilities, resources and teacher training in Cox’s Bazar, would benefit both Rohingya and Bangladeshis. UNESCO estimates that 900 schools in Bangladesh are damaged by storms and floods every year.¹³³ Cox’s Bazar district has the lowest net education enrolment rate in Bangladesh, indicating that the area could benefit from a dedicated investment in education targeted at both refugees and locals.¹³⁴ As with access to livelihoods, education opportunities would also better prepare the refugees for repatriation and give them the skills they need to recognise and avoid risky situations, and prevent them seeking a better life elsewhere by taking up fraudulent offers of education overseas or elsewhere within Bangladesh. As with livelihood options, creative solutions should also be sought so that the burden is not carried by Bangladesh alone. Countries in the region could provide targeted education assistance or an accreditation system. Children make up more than half of the camp population and in February 2018 the ISCG estimated that at least 60,000 children would be born in the next nine months.¹³⁵ It is not in any country’s interests to have such a large population of children without access to a proper education.

*“Our days pass by wasted.
The only task we have in hand is praying five times a day”*

ii) Tradition of relocating for employment

Trafficking and exploitation occur “within well-worn migratory pathways,” and South and Southeast Asia have very mobile working age populations.¹³⁶ Indeed, the practice of relocating abroad for employment opportunities is not new for either the Bangladeshi or Rohingya community. IOM estimates that approximately 600,000 Bangladeshis migrate for work every year, and that in 2017 approximately 7.2 million Bangladeshis were living abroad for work.¹³⁷ Remittances from Bangladeshi people working abroad are an important source of income for many Bangladeshi families, and reached USD15 billion in 2015, comprising about eight percent of the country’s gross domestic product.¹³⁸ Key destinations for

¹²⁸ IOM X (2018) *Human Trafficking Snapshot: Bangladesh*, September, p. 5 [emphasis added]

¹²⁹ Jacqueline Joudo Larsen (2011) ‘The trafficking of children in the Asia-Pacific’ *Trends and Issues in Crime and Criminal Justice*, no. 415, April, Australian Institute of Criminology, p. 2; UNICEF (2009) *Risks and Realities of Child Trafficking and Exploitation in Central Asia*, Geneva, pp. 52-54; European Commission (2015) *Study on High-Risk Groups for trafficking in human beings*, Publications Office of the European Union, Luxembourg, pp. 29-48.

¹³⁰ UNODC (2008) *An Introduction to Human Trafficking: Vulnerabilities, Impact and Action*, UN Global Initiative to Fight Human Trafficking, Vienna.

¹³¹ IOM (2017) *Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the central and eastern Mediterranean migration routes*, p. 3 and 25.

¹³² UN Global Initiative to Fight Human Trafficking (2010) *Analysing the business model of trafficking in human beings to better prevent the crime*, OSCE, Vienna, p. 19.

¹³³ *Ibid*, p. 54.

¹³⁴ Newsroom (2018) ‘World Bank helps host communities, Rohingya in Bangladesh’ *Modern Diplomacy*, 6 November, viewed 7 November 2018, <https://moderndiplomacy.eu/2018/11/06/world-bank-helps-host-communities-rohingya-in-bangladesh/>

¹³⁵ ISCG (2018), p. 42.

¹³⁶ Jacqueline Joudo Larsen (2010) ‘Migration and people trafficking in Southeast Asia’ *Australian Institute of Criminology*, November, no. 40, p. 1; Rapeepong Suhanchaimat, Nareerut Pudpong, Virojh Tangcharoensathien (2017) ‘Extreme exploitation in Southeast Asian waters: Challenges in progressing towards universal health coverage for migrant workers’ *Public Library of Science, Medicine*, no. 22, Md. Razidur Rahaman (2015) ‘Human Trafficking in South Asia (Special preferences for Bangladesh, India and Nepal): A Human Rights perspective’ *Journal of Humanities and Social Science*, vol. 20, issue 3, pp. 1-8

¹³⁷ IOM X (2018) *Human Trafficking Snapshot: Bangladesh*, September 2018, p. 3.

¹³⁸ Asian Development Bank (2016) ‘Overseas Employment of Bangladeshi Workers: Trends, Prospects and Challenges’ *ADB Briefs no. 63*, August, p. 1.

Bangladeshis include the Middle East, Singapore, India, Pakistan, Thailand, Indonesia and Malaysia, which also have large Rohingya diaspora populations. The largest proportion of Bangladeshi workers moving overseas for employment are those classified as “unskilled”.¹³⁹ Migrating abroad for work is not intrinsically dangerous, and there are a number of regular migration pathways open to Bangladeshis. However, there are several risks associated with irregular migration pathways. Due to the stateless status of the Rohingya, these pathways are the only ones available to them.

Much of this international migration out of Bangladesh is arranged with the help of recruitment agencies or brokers.¹⁴⁰ Often these agencies play an indispensable role in the effective flow of migration; arranging visas, job placement and travel arrangements. However, if these agencies are dishonest, exploitation can easily occur. In 2014 the International Labour Organisation and Government of Bangladesh published a report outlining links between high recruitment and migration cost with trafficking, forced labour and debt bondage.¹⁴¹ Similarly, UNODC warns of these “abusive” recruitment practices, where aspiring migrant workers globally – particularly those in “low-skilled” industries – can be deceived by agencies or brokers who charge illegal fees that lead the migrant worker to incur a debt which they are then obliged to pay off through exploitative labour.¹⁴² Particularly once the worker is outside their home country, their access to information and support networks can be limited, allowing exploitation to more easily occur.

The Government of Bangladesh has taken several positive steps to crack down on these types of fraudulent recruitment practices. Bangladesh criminalised fraudulent recruitment and unlawful recruitment fees in the 2013 Overseas Employment and Migrants Act, and in 2017 the Ministry of Expatriate Workers and Overseas Welfare suspended or cancelled the licences of 29 recruitment agencies and fined 12 other agencies.¹⁴³ Bangladesh also has bilateral agreements with a number of countries who accept Bangladeshi migrant workers, and takes steps to provide pre-departure training on safe migration.¹⁴⁴

The Rohingya community also have a tradition of relocating for employment, however their statelessness makes them particularly vulnerable, as they usually lack official documentation to travel which can make them almost entirely reliant on intermediaries to facilitate their movement who, as above, are not always honest. Where irregular migration pathways exist, it is likely both Bangladeshi and Rohingya individuals searching for improved opportunities will try to access them.

iii) Traditional acceptance of child, early and forced marriage

Harmful practices such as child, early and forced marriage are known to increase during crisis settings.¹⁴⁵ In 2015, the UN Human Rights Council presented global evidence that humanitarian crises often intensify the practice of child marriage as a form of trafficking.¹⁴⁶ Child, early and forced marriage is widely culturally accepted in both Bangladeshi and Rohingya communities, and Bangladesh has one of the highest child marriage rates in the world.¹⁴⁷ Many believe that early marriage is a way to protect a young girl from exploitation or sexual assault, or as a means of securing her a better economic future or alleviating economic pressure on the family.¹⁴⁸ Although the Bangladesh Government has banned marriages between

¹³⁹ ADB (2016).

¹⁴⁰ UNODC, UN Women, UN.GIFT (2011) *Responses to human trafficking in Bangladesh, India, Nepal and Sri Lanka*, UNODC Regional Office for South Asia, New Delhi.

¹⁴¹ Government of the People’s Republic of Bangladesh, ILO Country Office for Bangladesh (2014) *The Cost: Causes of and potential redress for high recruitment and migration costs in Bangladesh*, Dhaka.

¹⁴² UNODC (2015) *The role of recruitment fees and abusive and fraudulent recruitment practices of recruitment agencies in trafficking in persons*, Vienna, pp. 5-7

¹⁴³ US TIP Report, p. 91.

¹⁴⁴ *Ibid.*

¹⁴⁵ IOM (2015) *Addressing Human Trafficking and Exploitation in Times of Crisis*, Geneva, December, p. 3.

¹⁴⁶ United Nations General Assembly (2013) 'Strengthening efforts to prevent and eliminate child, early and forced marriage: Challenges, achievements, best practices and implementation gaps, *Human Rights Council resolution*, 23 September, A/HRC/24/L.34.

¹⁴⁷ According to the United Nations Children’s Fund, 52% of girls are married by the age of 18, and 18% by the age of 15. UNICEF (2016) *State of the World’s Children: A fair chance for every child*, June, New York.

¹⁴⁸ USAID (2015) *Child, early, and forced marriage resource guide*, September, Washington DC.

Rohingya and Bangladeshi couples, the practice continues, with some saying that Rohingya families view this as a means of securing their daughters' citizenship and future safety.¹⁴⁹

It is also not uncommon for Rohingya women to relocate abroad for marriage. Many who do so go to Malaysia due to the higher proportion of unmarried Rohingya men there. In 2015, UNHCR said it had identified 120 Rohingya child brides in Malaysia.¹⁵⁰ Anecdotal evidence indicates that traffickers capitalise on this by offering to arrange marriages outside the camp in order to get access to young girls, who they can then exploit for financial gain.¹⁵¹ A former Rohingya trafficking agent confirmed to Reuters in 2015 that there is a demand for Rohingya brides in Malaysia, explaining that smuggling syndicates could receive up to 7,000 ringgit (about USD1,700) for each girl.¹⁵²

“This is a jail. Look at our life. I just lie here and stare at the wall.”

iv) Fear of forced repatriation and lack of hope for the future

Refugees we spoke with voiced common concerns: wanting to go home safely; securing citizenship and accessing justice for the crimes and human rights violations committed against themselves and their loved ones. The Bangladesh Government has repeatedly assured refugees and the international community that any repatriation will only occur under safe, voluntary and dignified conditions. On 15 November 2018 efforts to begin the repatriation process stalled after no refugee indicated a willingness to go, due to fear the situation in Rakhine was not yet safe.¹⁵³ While Bangladesh maintains its position that it will not force any returns to Rakhine State, many refugees we spoke to expressed fear of forced repatriation before conditions were conducive for safe return and before citizenship and justice had been secured for them in Myanmar. Myanmar is yet to improve conditions in Rakhine state to an adequate degree and must do more to address this.

An overview of the current state of play, as of March 2019, in relation to repatriation plans, relocation, citizenship and justice are provided below:

Repatriation

The majority of Rohingya continue to express a desire to return, safely and with dignity, to their land in Rakhine State. Large numbers of refugees expressed fear of being forcibly repatriated before conditions were safe. Some we spoke to had heard rumours on the radio or through community members that forced repatriation was imminent, claiming that “everyone knows” this. Some had also heard that UNHCR and UNDP had signed an MOU with the Government of Myanmar to begin the repatriation process, leading to more fear as well as decreased trust placed in UNHCR on the ground.¹⁵⁴ If such rumours continue to spread they could cause people to seek increasingly desperate alternatives. Media reporting that a refugee was shot and injured at the border by guards stationed at the Myanmar military posts in late 2018 raise questions about the viability of any repatriation in the near future.¹⁵⁵ In mid-November 2018, Myanmar and Bangladesh announced that optional repatriation of the 8,000 registered Rohingya would begin, as Myanmar claimed the situation in Rakhine was conducive for their return.¹⁵⁶ UNHCR indicated it would not support the process on the grounds that the

¹⁴⁹ XChange (2018).

¹⁵⁰ UNHCR Staff (2015) *Abandoned at sea*, 26 August, viewed 17 October 2018, accessible at: [tracks.unhcr.org/2015/08/abandoned-at-sea/](https://www.unhcr.org/2015/08/abandoned-at-sea/).

¹⁵¹ See also IOM Bangladesh (2018) p. 2.

¹⁵² Either for the girl's release to their family or 'sale' to a man. Rozanna Latiff, Ebrahim Harris (2015) 'Sold into marriage – how Rohingya girls become child brides in Malaysia' *Reuters*, 15 February, viewed 17 October 2018, available: <https://www.reuters.com/article/uk-myanmar-rohingya-childbrides-insight-idUSKBN15U009>.

¹⁵³ Hannah Ellis-Peterson, Shaikh Azizur Rahman, Michael Safi (2018) 'Bangladesh admits no Rohingya willing to take repatriation offer' *Guardian*, 16 November, viewed 30 November 2018, <https://www.theguardian.com/world/2018/nov/15/rohingya-refugee-repatriations-bangladesh-myanmar>; Julhas Alam, Emily Schmall (2018) 'Bangladesh scraps Rohingya repatriation plan after no one wants to go back to Myanmar' *Time*, 16 November, viewed 26 November 2018, <http://time.com/5456667/bangladesh-rohingya-repatriation-canceled/>.

¹⁵⁴ The text of the MOU has not been made public, however falsified versions appear to be circulating in the camps. Further exacerbating mistrust, UNHCR began its new refugee verification process one week after the MOU was signed, leading many refugees to link the two events.

¹⁵⁵ AFP (2018) 'Rohingya teen injured in firing at Bangladesh-Myanmar border' *Frontier Myanmar*, 5 November, viewed 5 November 2018, <https://frontiermyanmar.net/en/rohingya-teen-injured-in-firing-at-bangladesh-myanmar-border>.

¹⁵⁶ Tribune Desk (2018) 'Bangladesh, Myanmar to start Rohingya repatriation by mid-Nov' *Dhaka Tribune*, 30 October, viewed 5 November 2018, <https://www.dhakatribune.com/world/south-asia/2018/10/30/rohingya-repatriation-to-start-from-mid-nov>; Human Rights Watch (2018)

situation was not conducive for safe, voluntary and dignified repatriation.¹⁵⁷ Ultimately no refugee indicated their willingness to return and the Bangladesh Government did not force anyone to move against their will. No further announcements on repatriation plans have been announced publicly at the time of writing.

Citizenship

The stateless status of the Rohingya refugees came up time and again during discussions with all stakeholders. It is an important issue which has been covered in detail in many academic and advocacy fora.¹⁵⁸ The Rohingya refugees we spoke to consistently raised the provision of Myanmar citizenship as a key prerequisite for their willingness to return to Myanmar. Many also raised concerns about the 'National Verification Card' (NVC) system in Myanmar. Several feared they would be pressured to obtain one of these NVC cards should they return, which many view as treating the Rohingya as new immigrants and fear will lock them out of citizenship in the future.¹⁵⁹

Justice

Refugees also repeatedly spoke of their desire for justice for atrocities that allegedly took place in August 2017. Several explicitly referred to the International Criminal Court (ICC) as a source of this justice. The UN Fact Finding Mission report released in September 2018 recommended that Tatmadaw Commander-in-Chief, Senior-General Min Aung Hlaing, as well as five other senior military figures, be investigated for genocide, crimes against humanity and war crimes.¹⁶⁰ The Myanmar government has rejected the findings of the report and questioned the mission's objectivity.¹⁶¹ In September 2018 the pre-trial chamber of the ICC ruled that the ICC can exercise jurisdiction over the forced deportation of Rohingya people from Myanmar (which is not a party to the ICC Rome Statute) to Bangladesh (which is party to the Statute).¹⁶² A team from the office of the ICC prosecution visited Bangladesh in the second week of March 2019 to conduct a preliminary examination of the situation.¹⁶³ The ruling also recommended investigating persecution that took place within Bangladeshi territory. The other option is for the UN Security Council to refer Myanmar to the ICC, however it is likely this would be vetoed by China or Russia should this be proposed.¹⁶⁴ There have also been arguments made for a regional ad hoc or hybrid tribunal to be established rather than proceed through ICC channels.¹⁶⁵ Regardless of which avenue is pursued, taking steps toward some form of accountability for what took place last year would be seen by many refugees as a sign of good faith, and was regularly listed as a condition for their return to Rakhine State.

Relocation to Bhasan Char

One alternative plan proposed by the Government of Bangladesh is to relocate some of the refugees voluntarily to the island of Bhasan Char, where they have built accommodation and facilities. Some agencies have criticised the plan, due to the flood-prone nature of the island, scepticism that it is fit for purpose and concern it could turn into a semi-permanent solution.¹⁶⁶ Bhasan Char (literally

'Myanmar/Bangladesh: Plan puts Rohingya at risk' 2 November, viewed 5 November 2018, <https://www.hrw.org/news/2018/11/02/myanmar/bangladesh-plan-puts-rohingya-risk>.

¹⁵⁷ UNHCR (2018) 'Statement by UN High Commissioner for Refugees on the repatriation of Rohingya to Myanmar' 11 November, viewed 12 November 2018, <http://www.unhcr.org/news/press/2018/11/5be7c4b64/statement-un-high-commissioner-refugees-repatriation-rohingya-refugees.html>.

¹⁵⁸ For further reading on this issue see Nick Cheesman (2017) 'How in Myanmar "national races" came to surpass citizenship and exclude Rohingya' *Journal of Contemporary Asia*, pp. 1-23; Uddin, pp. 63-77.

¹⁵⁹ Tarek Mahmud (2017) 'Take National Verification Card or leave Myanmar' *Dhaka Tribune*, 30 October, viewed 8 February 2019, <https://www.dhakatribune.com/world/south-asia/2017/10/30/take-national-verification-card-leave-myanmar/>.

¹⁶⁰ A summary report of main findings was first issued on 27 August 2018. The full report is available here: United Nations Human Rights Council (2018) 'Report on the detailed findings of the Independent International Fact-Finding Mission on Myanmar' 17 September, A/HRC/39/CRP.2, p. 393.

¹⁶¹ Nyan Lynn Aung (2018) 'Govt rejects UN fact-finding mission report on Rakhine' *Myanmar Times*, 30 August, viewed 22 October 2018, <https://www.mmtimes.com/news/govt-rejects-un-fact-finding-mission-report-rakhine.html>

¹⁶² International Criminal Court Pre-Trial Chamber I (2018) 'Decision on the "Prosecution's Request for a Ruling on Jurisdiction under Article 19(3) of the Statute' 6 September, ICC-RoC46(3)-01/18.

¹⁶³ 'Bangladesh: ICC officials will visit Rohingya camps' (2019) *Radio Free Asia*, 6 March, viewed 8 March 2019, <https://www.rfa.org/english/news/myanmar/icc-rohingya-03062019151424.html>

¹⁶⁴ Mark Kersten (2018) 'Buyers beware – Is a UN Security Council referral of Myanmar to the International Criminal Court a good idea?' *Justice in Conflict*, 31 August, accessed 22 October 2018, <https://justiceinconflict.org/2018/08/31/buyers-beware-is-a-un-security-council-referral-of-myanmar-to-the-international-criminal-court-a-good-idea/>.

¹⁶⁵ *Ibid.*

¹⁶⁶ Bill Frelick, (2018) 'Relocating Rohingya refugees to a flood prone island is a dangerous idea' *Human Rights Watch*, 6 August viewed 13 March 2019 <https://www.hrw.org/news/2018/08/06/relocating-rohingya-refugees-flood-prone-island-dangerous-idea>; Amnesty International (2017) 'Bangladesh: Rohingya refugees must not be relocated to uninhabitable island' 28 November, viewed 13 March 2019, <https://www.amnesty.org/en/latest/news/2017/11/bangladesh-rohingya-refugees-must-not-be-relocated-to-uninhabitable-island/>.

An internal UNHCR report stated that "The concentration of a vulnerable population in a restricted environment may lure trafficking networks and extremists to prey on refugees" Jared Ferrie (2018) 'Aid agencies fear for Rohingya refugees in Bangladesh's island relocation plan' *Reuters*, 17 April, viewed 13 March 2019, <https://www.reuters.com/article/us-bangladesh-rohingya-refugees/aid-agencies-fear-for-rohingya-refugees-in-bangladeshs-island-relocation-plan-idUSKBN1HO1VP>.

‘floating island’) only emerged from the ocean two decades ago and has never housed a population before.¹⁶⁷ The Bangladesh government has repeatedly confirmed in public and to the research team that only those who volunteer will be moved to Bhasan Char; no one will be forcibly relocated. After flying over the island during her latest visit to Bangladesh, UN Special Rapporteur on the situation of human rights in Myanmar stressed the need to engage the Rohingya community in any plan for relocation, and that “no relocation should even be contemplated until the protection framework for any refugees who do relocate is agreed upon.”¹⁶⁸

Most Rohingya refugees we spoke to expressed gratitude for the support of Bangladesh and recognised they had been very generous in welcoming the 2017 influx. However, the stagnation of the current situation was raised by numerous refugees and other stakeholders as a major risk factor for future movements. Refugees are currently unable to plan for their futures in any meaningful way. Dissatisfaction with living conditions and feelings of hopelessness were often raised by camp residents and should not be underestimated as a factor contributing to a growing belief that life would be better elsewhere. Awareness-raising activities around trafficking risks appear to have been relatively successful, but considering their lack of alternatives, people may still decide to move, even understanding the risks they face. In the absence of alternatives, these risks become acceptable.

The scale of the displacement in the last quarter of 2017 and the urgent arrival needs of building new shelters within the camps, searching for missing family members and finding sources of food, water and sanitation services, took a lot of the energy and time of newly arrived refugees. Then preparations for monsoon and cyclone season took priority. Once monsoon season had passed (remarkably with no major disease outbreaks) urgent priorities disappeared and people were less busy. This stagnation naturally leads to increased frustration. This phenomenon has been documented in other similar refugee and crisis situations: “Constraining refugees in camps causes them to become dependent on international assistance for basic survival needs, prevents them from achieving economic self-reliance, and exposes them to human rights abuses.”¹⁶⁹ The ongoing absence of a durable solution in Rakhine is creating a sense of hopelessness in the camps in Cox’s Bazar, which is exacerbated by the lack of opportunities to keep busy or plan for the future. Myanmar must demonstrate concrete progress is being made in Rakhine State to address the root causes of the crisis, including by providing documentation, ensuring freedom of movement, and ending discriminatory policies that deny access to services including education and healthcare.

b) Security factors

“Every single thing is a problem here. This is not a human life”

i. Rifts between and within communities

Internal tensions within the camps are also reportedly rising. Some refugees reported increasing incidences of petty crime and theft, particularly taking place after dark when humanitarian workers have left the camps. Polygamy and domestic violence cases also appear to be rising. There are indications that the previously positive relations between the local community, long-term refugee residents and newer arrivals are beginning to fray. A survey conducted in mid-2018 found high levels of interaction between Rohingya and the local population, particularly in the Teknaf area which is more mixed than Ukhia.¹⁷⁰ Although 85% of the Bangladeshi respondents said they were not friends with any Rohingya people, 81% said they believed Rohingya people integrate well with the local community.¹⁷¹ Primary concerns among the local population about the refugee influx included decreased wages and access to resources, and increased cost of living, and

¹⁶⁷ *Ibid.*

¹⁶⁸ Yanghee Lee (2019) ‘End of mission statement by the Special Rapporteur on the situation of human rights in Myanmar’ *UNOHCHR*, 25 January, <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24114&LangID=E>.

¹⁶⁹ Seltzer (2018) p. 279.

¹⁷⁰ XChange (2018).

¹⁷¹ *Ibid.*

crime rates. Since the August 2017 influx, the salary of day agricultural labourers has decreased from 500 Taka a day to 300 Taka (\$6 - \$3.50 USD) to per day.¹⁷²

The scarcity of resources was a frequent justification cited for limiting the integration of Rohingya refugees into the formal economy. This demonstrates the importance of not leaving the local Cox's Bazar community behind in any development program designed to improve the lives of Rohingya refugees. Cox's Bazar is a historically low socio-economic district of Bangladesh. Although the research team was told that there is an informal policy in place among humanitarian agencies to earmark 35 percent of assistance for local communities, this does not appear to be adhered to consistently, and locals increasingly feel they are missing out on opportunities and resources being directed toward the Rohingya. Resentment over resources such as health care centres and deep tube wells that have been built for the refugees is also rising.¹⁷³ To date the local community has largely been welcoming, however tensions are bound to increase as the situation continues, and will only be exacerbated if there is any perception of bias or advantage.

ii. Known people moving networks

Many refugees currently living in the camps paid to be assisted on at least some part of their journey out of Myanmar, and thus there are existing relationships with *dalals* who could potentially facilitate further onward movement or connect them with others who could. As noted above, those camps which have been established for longer have greater risk of trafficking and related exploitation due to the more well-established contacts and routes there. What is clear is that many within the camp population know how to reach out to brokers and that this process is relatively straight forward. Anecdotal evidence indicates a high level of awareness of how to go about arranging to leave the camps to find work. Many Rohingya refugees were able to list the price charged by *dalals* to transport them to different countries. The brokers working within and around the camps are low-level workers in these criminal networks, earning a fraction of the total amount international brokers earn from such transactions. Targeting these local brokers would set a positive example, however this would not necessarily stop the foreign agents from operating in the area through other means.

iii. Location of camp and level of border security

Throughout this assessment it is important to remember that Cox's Bazar is currently host to 34 'camp' areas (both official and makeshift camps), each with distinct characteristics. Some camps in the Teknaf area are home to mixed local, long-term and more newly arrived refugee communities, whereas others in the Kutupalong-Balukhali camp site are densely populated and significantly less mixed. Camps on the edge of the sites or near water have greater ease of movement than those which are landlocked or surrounded by other camps. The diversity of the camp environments is significant for a number of reasons. It was clear that in the Teknaf area, refugees – particularly those who had lived there for longer periods – had developed strong connections with local communities and engage in economic activities together, particularly fishing and day labour. Many government officials stressed the increased security presence in and around the camps monitoring movement since the latest influx of people, however it is impossible to restrict all movement in and out of such large camp and settlement areas and anecdotal evidence indicates such movements are frequent and in both directions. Stronger and more patrolled borders have been shown in other similar situations to lead to increased incidences of trafficking, smuggling and exploitation, due to the greater need for refugees to approach brokers to facilitate their transportation.¹⁷⁴ It should also be noted that media reporting of refugees using brokers to flee the IDP camps in Myanmar indicate more tightly controlled borders do not prevent trafficking, and may even increase it.

¹⁷² Kamrul Hasan (2018) 'Host communities suffer as Rohingya crisis drags on' *Dhaka Tribune*, 30 November, viewed 30 November 2018, <https://www.dhakatribune.com/bangladesh/rohingya-crisis/2018/11/30/host-communities-suffer-as-rohingya-crisis-drags-on>.

¹⁷³ *Ibid.*

¹⁷⁴ Wilson, p. 113.

iv. Capacity and resources of the Government of Bangladesh

The Government of Bangladesh is limited in its ability to respond effectively to the protection concerns in Cox's Bazar due to a lack of resources and technical capacity. The Bangladeshi criminal justice system as a whole is over-stretched. The difficulty and time it takes for trafficking cases to progress through the justice system is a strong disincentive for reporting through formal channels when such cases take place. There are also indications that officials who find Rohingya refugees in other parts of Bangladesh simply send them back to the camps rather than investigate whether they were there by choice or are trapped in situations of exploitation. In discussions with us, refugees identified the Bangladesh government and army as among their most trusted actors on the ground in the camps. Bolstering the capacity of the Bangladesh government to counteract the causes of trafficking could thus have a far-reaching, positive impact. There appears to be a strong desire on the part of government to do more on this issue, but it is not currently matched by available resources or support.

c) Individual factors

i. Connections to diaspora communities

There are inherent challenges in estimating populations of stateless people,¹⁷⁵ however available estimates indicate there are around 40,000 Rohingya living in India,¹⁷⁶ between 200,000 and 500,000 in Saudi Arabia, and other large populations living in Bangladesh, Pakistan, Malaysia, Thailand and Indonesia, many of whom have lived there for decades, often without legal status.¹⁷⁷ The resulting social and family networks in different countries in the region have been shown to be significant factors when individuals make decisions on current and future onward movement for reasons of family reunification, marriage or employment opportunities.¹⁷⁸ These networks are also often a source of financial support and political advocacy for the Rohingya cause both inside and outside the camps.

ii. High proportion of women and children and lack of birth registration

The ISCG Joint Response Plan estimates that more than half of the 1.1 million Rohingya in Cox's Bazar are under the age of 18, and UNICEF estimated that about 60 babies were being born each day within the camps.¹⁷⁹ It is reported that many Rohingya women arrived in the refugee camps pregnant as a result of sexual violence they experienced either in Rakhine or during the flight to Bangladesh.¹⁸⁰ Religious and cultural norms against contraceptive use, as well as low levels of awareness and availability of contraceptive options in the camps also play a part in high rates of pregnancy.¹⁸¹ This high proportion of pregnant women is both a critical health and protection concern.

The challenges posed by population growth within the camps are exacerbated by disruptions to formal birth registration processes in Cox's Bazar. We were told on a number of occasions that birth registration has been unofficially on hold for all new-borns in the district since the August 2017 crisis, allegedly in order to prevent refugees from falsely registering as Bangladeshi nationals and obtaining citizenship. Recognising that national birth registration only registers Bangladeshi

¹⁷⁵ Kirsty Belton (2015) 'Statelessness: A matter of human rights' in Hassmann and Walton-Roberts (eds) p. 33.

¹⁷⁶ Bidhayak Das (2018) 'Rohingya Arrests in India raise fear among diaspora' *Irrawaddy*, 19 April, 29 October 2018, <https://www.irrawaddy.com/opinion/guest-column/rohingya-arrests-india-raise-fears-among-diaspora.html>.

¹⁷⁷ In a 2016 study in Malaysia, the Rohingya refugee interviewed who had lived there the longest had been there for 31 years. Caitlin Wake and Tania Cheung (2016) *Livelihood strategies of Rohingya refugees in Malaysia*, Humanitarian Policy Group Working Paper, Overseas Development Institute, London.

²⁰⁵ Claudia Tazreiter, Sharon Pickering, Rebecca Powell (2017) 'Rohingya women in Malaysia: decision-making and information sharing in the course of irregular migration' EUI Working Papers, Robert Schuman Centre for Advanced Studies.

¹⁷⁹ ISCG (2018), *Mid-Term Review*, p. 42; Joe English (2018) 'More than 60 Rohingya babies born in Bangladesh refugee camps every day' *UNICEF*, New York, <https://www.unicef.org/press-releases/more-60-rohingya-babies-born-bangladesh-refugee-camps-every-day-unicef>.

¹⁸⁰ Feliz Solomon (2018) 'About 60 Rohingya Babies are Born Every Day in Refugee Camps, the UN Says' *Time*, 16 May, viewed 23 October 2018, <http://time.com/5280232/myanmar-bangladesh-rohingya-babies-births/>

¹⁸¹ Muktadir Rashid (2018) 'Dhaka, UN to Coordinate Contraception Campaign in Rohingya Camps' *The Irrawaddy*, 25 May, viewed 5 November 2018, <https://www.irrawaddy.com/news/dhaka-un-coordinate-contraception-campaign-rohingya-camps.html>.

citizens, this blanket halt on birth registrations is a significant protection concern for both the host and refugee community and could have long term impacts. Unregistered children are exposed to higher risks of trafficking and other forms of exploitation: UNICEF promotes child registration as a means of promoting safe migration and protecting children from forced labour, trafficking and sexual exploitation.¹⁸² Further, the pause on birth registration of local children is adding to resentment within the host community, where many are concerned their children will be left without the protections guaranteed by citizenship.¹⁸³ As of writing, birth registration is still ostensibly on hold, meaning the risks of high and growing numbers of unregistered children of both Bangladeshi and Rohingya background is immediate and serious.

iii. Disruption of existing social protection mechanisms

The UN recognises that forced displacement increases the risk of human trafficking by “weakening or destroying family support structures, community bonds and self-protection mechanisms that might otherwise serve as a buffer.”¹⁸⁴ Indeed anecdotal evidence from those working in the field indicates that camps with large populations of newly arrived refugees are vulnerable due to their lack of community infrastructure such as child- and women-friendly spaces which exist in more established camps. Government restrictions on access to mobile phone SIM cards are also concerning as this limits the ability of agencies and the community to communicate with each other. Refugees are denied access to SIM cards due to Bangladeshi laws requiring customers to show identification documents when they purchase a card.¹⁸⁵ After the influx, Bangladeshi authorities announced large fines for any telecommunications company which sold a mobile phone connection to the refugees, citing security concerns.¹⁸⁶ Access to telecommunications was also heavily restricted for the Rohingya in Rakhine State.¹⁸⁷ Despite these official restrictions, mobile phones are available in the camps (and can receive signals from both Myanmar and Bangladesh). Refugees use them to monitor the situation on the ground in Myanmar, including the situation of the approximately 100,000 Rohingya still living in IDP camps.¹⁸⁸

iv. Disincentives to reporting cases of trafficking

For all the reasons listed above, approaching a broker is the only way for many refugees to leave the camps. Even knowing the risks of trafficking and related exploitation, many see this as their most viable option for improving their lives. This stark reality works as a strong disincentive to report bad experiences with brokers: many fear that their already limited life choices will be further compromised if the business of people moving is shut down. There is also a perceived fear that those who report exploitation of some kind could be blamed for their part in the process. Similarly, the provision of humanitarian aid based on the number of family members in a home acts as another incentive not to report family members who have left or gone missing.

¹⁸² ‘Birth registration’ (2016) *UNICEF*, 25 October, viewed 23 October 2018 https://www.unicef.org/protection/57929_58010.html.

¹⁸³ Hasan.

¹⁸⁴ United Nations General Assembly (2016) ‘Report of the Special Rapporteur on trafficking in persons, especially women and children’ *Human Rights Council 32nd session, A/HRC/32/41*, 3 May, p. 5.

¹⁸⁵ Faheem Hussain (2018) ‘Bangladesh should legalise SIM cards for Rohingya refugees’ *Freedom House*, 20 February, viewed 1 November 2018, <https://freedomhouse.org/blog/bangladesh-should-legalize-sim-cards-rohingya-refugees>.

¹⁸⁶ ‘Bangladesh imposes mobile phone ban on Rohingya refugees’ (2017) *SBS News*, 24 September, viewed 1 November 2018, <https://www.sbs.com.au/news/bangladesh-imposes-mobile-phone-ban-on-rohingya-refugees>.

¹⁸⁷ Taimoor Sobhan (2018) ‘Broken cell phones could be the key to justice for the Rohingya’ 30 August, viewed 1 November 2018, <https://edition.cnn.com/2018/08/29/asia/rohingya-myanmar-cell-phones-evidence-intl/index.html>.

¹⁸⁸ This number was as of 31 March 2018, according to UN Office for the Coordination of Humanitarian Affairs (2018) ‘Myanmar: IDP sites in Rakhine State’ *UNOCHA*, May. Although the Myanmar Government has been officially closing down some of the IDP camps in Rakhine State over the past year, media reports indicate that the Government is moving the camp residents to purpose-built shelters located next to the former camps, and continuing to restrict the Rohingyas’ movement, meaning their situation remains largely unchanged. Thu Thu Aung, Simon Lewis (2018) ‘We can’t go anywhere’: Myanmar closes Rohingya camps but ‘entrenches segregation’ *Reuters*, 6 December, viewed 8 February 2019, <https://www.reuters.com/article/us-myanmar-rohingya-segregation-insight/we-cant-go-anywhere-myanmar-closes-rohingya-camps-but-entrenches-segregation-idUSKBN10502U>; Emanuel Stoakes, Ben Dunant (2018) ‘As camps close in Rakhine, humanitarians fear complicity in permanent segregation’ *Frontier Myanmar*, 13 October, viewed 8 February 2019, <https://frontiermyanmar.net/en/as-camps-close-in-rakhine-humanitarians-fear-complicity-in-permanent-segregation>.

Particularly for women who have survived trafficking or attempted trafficking for purposes of sexual exploitation, cultural stigma around sex also acts as a strong disincentive to report such cases. An international agency’s survey of attitudes in one camp revealed significant stigma toward those who engage in sex work: all respondents agreed with the statement that such a person is “a bad influence for our community”, 59% would not want further contact with that person, 0% believed it was a matter of personal choice and only 0.91% would offer their support.¹⁸⁹ Statistics such as these make a strong case that current estimates of sex work taking place either within or surrounding the camps are significantly under-reported.

The lack of meaningful access to justice for the Rohingya also leads to a perception that reporting instances of exploitation is not worthwhile. Further, the absence of reliable research and data on the ground in Cox’s Bazar is hindering the effectiveness of the protection response. Without a comprehensive case management system across the camps, and with several government and non-government agencies using different definitions of trafficking, smuggling and even who can constitute a victim, there is no holistic understanding of the current situation. These gaps were raised by almost all actors we spoke to on the ground, all of whom expressed a strong desire to improve this situation.

¹⁸⁹ ‘Summary of baseline survey and results’ (2018) Camp 4 Extension Survey. [provided by email by an international partner]

Section 4: Risk scenarios over next 24 months

The Government of Bangladesh and humanitarian actors on the ground have managed this crisis remarkably well. The humanitarian response has been strong and sustained. Bangladesh should be commended for its commitment to supporting the displaced population while also facing its own development challenges. The question remains as to how long the response can be sustained at current levels. UNHCR does not believe conditions in Rakhine State are currently conducive to safe, dignified, voluntary and sustainable return, and continues to call on Myanmar to improve these conditions and allow refugees to go back and visit their homes to assess for themselves if they want to move back.¹⁹⁰ Most indications are that this situation will not be resolved soon. World Bank data indicates that the average amount of time a forcibly displaced person waits to find a solution to their displacement is 10 years.¹⁹¹ Indeed, many of those living in Cox's Bazar have already been there for years, some for decades.

The risk factors and vulnerabilities outlined in this assessment will only intensify over the next 24 months unless steps are taken. As the crisis stagnates and other conflicts and displacements flare up across the globe, donor fatigue may set in and international actors may begin stepping back, placing an unsustainable and disproportionate burden on Bangladesh. Further, population growth within the camps is also expected to rise, putting further strain on limited resources and facilities available. While the Rohingya wait for conditions in Rakhine to improve, their displacement in Bangladesh becomes protracted and the likelihood that they turn to high risk options will only increase.

a) Stagnation of the situation

In the absence of a viable plan for safe, dignified and voluntary repatriation of the majority of the camp population to Myanmar, the likelihood of the current situation stagnating is medium to high. In the days and months immediately following the crackdown of 25 August 2017, the camps in Cox's Bazar had to expand rapidly to incorporate the influx of new residents, and the population was busy establishing shelters and looking for missing relatives and friends. Now that the camps are more established, the pace of daily activity has slowed and boredom and idleness are setting in. During the dry season, the calmer weather not only brings idleness but also brings seas that are more easily traversed. If alternatives are not found for access to livelihoods and education, refugees will begin to feel increasingly desperate to make change for themselves and their children, regardless of the risks. This desperation can easily be exploited by criminal networks.

b) Increasing insecurity and instability within the camps

As noted above, tensions are starting to build within the camps and there are indications of divisions between the host and refugee community, as well as among different groups of refugees. Whether the situation stagnates or flares up, insecurity and instability within the camps are expected to rise over the coming 24 months. Rising rates of domestic violence and polygamy and insufficient mental health facilities to deal with a large traumatised population are also strong indicators that instability will increase. If the situation within the camps deteriorates further, the prevalence of negative coping strategies and high-risk behaviour including approaching traffickers and engaging in other forms of exploitation will no doubt rise. The twin challenges of lack of hope for the future and fear of a forced return to Rakhine State could both serve to increase movement.

¹⁹⁰ UNHCR (2018) 'Statement by UN High Commissioner for Refugees on the repatriation of Rohingya to Myanmar' 11 November, viewed 12 November 2018, <http://www.unhcr.org/news/press/2018/11/5be7c4b64/statement-un-high-commissioner-refugees-repatriation-rohingya-refugees.html>.

¹⁹¹ World Bank (2017) *Forcibly displaced: Toward a development approach supporting refugees, the internally displaced, and their hosts*, Washington DC, p. 25.

c) Increased movements of people, including through human trafficking, migrant smuggling and related exploitation

With all of the above risk factors present, the region may face a scenario in which the flows of trafficking and smuggling movements originating from both Cox’s Bazar and Rakhine State will increase significantly again. While it is hard to predict the scale of such movements, the evidence suggests these movements will likely continue to be land-based, with some maritime movements involving smaller boats, rather than large-scale sea movements as was the case in 2015. Considering Bangladesh’s geographic position, movement through India should be expected, although moves by the Indian government to deport Rohingya in late 2018 and early 2019 suggest these routes will become increasingly fraught. To date most boat movements reported in the media during the dry season have been intercepted by authorities en route, however one boat is known to have arrived in Aceh, Indonesia and another group has since arrived in Malaysia.¹⁹²

The Rohingya diaspora could also emerge as a significant driver of movement both into and out of Cox’s Bazar. Many people living in the camps have family members living in the Middle East, India, Pakistan, Malaysia, Thailand and Indonesia, other parts of Bangladesh or elsewhere and would like to be reunited with them. Several refugees knew of people who had moved to the camps after August 2017 in order to reunite with their family there. This issue will need to be addressed, as these types of movement will likely increase going forward as families attempt to reconnect. For many, the situation in Cox’s Bazar represents a safer and more secure environment than they have had access to in a long time.

The number of people engaging in exploitative labour practices is also expected to increase. As the situation stands now there are already many Rohingya engaged in unofficial or irregular work within Bangladesh. This work is precarious and leaves people vulnerable to diverse forms of exploitation. While there are no legitimate alternatives, it is to be expected that rates of people engaging in this type of risky work will increase. This not only leads to more people at risk of exploitation but could also cause significant identification and registration challenges in the future, particularly if the birth registration system does not recommence soon.

¹⁹² Rozanna Latiff, Poppy McPherson (2019) ‘Dozens of Rohingya Muslims found on Malaysian beach, officials say’ *Reuters*, 2 March, viewed 13 March 2019, <https://www.reuters.com/article/us-myanmar-rohingya-malaysia/dozens-of-rohingya-muslims-found-on-malaysian-beach-officials-say-idUSKCN1QI4S3>.

Recommendations

This report identifies four policy directions to pursue in order to address the high risk of human trafficking, migrant smuggling and related exploitation for both Rohingya and Bangladeshi people in Cox's Bazar and avoid a crisis within a crisis. Taking up these ideas would both mitigate against risk and improve conditions for Rohingya and Bangladeshis in the medium and long term. These policy directions were discussed at the seventh meeting of the Asia Dialogue on Forced Migration (ADFM) in November 2018, which assisted to shape proposals for action.

Secure a durable solution in Myanmar

The most effective way to reduce the risk of trafficking among refugee communities is to provide a sustainable long-term solution to their situation.¹⁹³ Myanmar needs to work towards the safe, dignified, voluntary and sustainable repatriation of the Rohingya to their former homes in Rakhine State and the full realisation of their human rights. The vast majority of Rohingya want to go home. Myanmar should make this a priority and continue to work together with the Government of Bangladesh towards the goal of repatriation. It is important that process not be rushed. The international community, including bilateral donors and multilateral agencies, should continue to support Myanmar in its realisation of this important goal.

1. The Government of Myanmar should continue to work towards the safe, dignified, voluntary and sustainable repatriation of the Rohingya in the camps and settlements, respecting and implementing the landmark agreements reached with the Government of Bangladesh. Demonstrated tangible progress in addressing the root causes of the crisis would include providing documentation, ensuring freedom of movement, and ending discriminatory policies that deny access to services including education and healthcare.

Support development in Cox's Bazar and Rakhine

The root causes of the displacement must be addressed and a durable solution found in Myanmar, and measures can also be taken to improve conditions for both Rohingya and the local communities to mitigate against increased exploitation. Bangladesh has made laudable efforts to accommodate the Rohingya refugees within its territory while also facing its own development challenges. Cox's Bazar was already one of the least developed districts in Bangladesh and existing infrastructure is struggling to cope with the higher numbers of international and local humanitarian workers now based in the area. Cox's Bazar district has the lowest net education enrolment rate in Bangladesh, indicating that the area could benefit from a dedicated investment in education targeted at both refugees and locals.¹⁹⁴ Due to its coastal location, Cox's Bazar is also particularly vulnerable to climate-induced displacement.

Medium to long-term investment in the development of Cox's Bazar would reduce tensions among the community and improve outcomes for both locals and refugees. Both the World Bank and ADB have announced new grants to support the refugees in health, education and infrastructure, on top of their existing funding of development projects in Bangladesh. Better coordination of development in Cox's Bazar would make a substantial difference, and could be achieved through an assigned coordinator within the Ministry of Foreign Affairs. Development needs are also prevalent in Rakhine State and should be addressed as part of the regional response to this crisis. Donors and development actors should focus their efforts on infrastructure, health and education programs that benefit the Rohingya and non-Rohingya residents of Rakhine, and that do not prohibit repatriation or further incentivise any persecution of the Rohingya. This cross-border development could be coordinated through a form of 'Naf River Development Plan' to tackle challenges on both sides of the river.

¹⁹³ Wilson, p. 115.

¹⁹⁴ Newsroom (2018) 'World Bank helps host communities, Rohingya in Bangladesh' *Modern Diplomacy*, 6 November, viewed 7 November 2018, <https://moderndiplomacy.eu/2018/11/06/world-bank-helps-host-communities-rohingya-in-bangladesh/>.

2. Donors should maintain funding for the emergency response as well as wider development work in Cox's Bazar, and increase funding for income and livelihood generation opportunities within the camps, including by expanding cash-for-work programs and schemes which promote self-reliance.
3. Reinvigorate the international response to the crisis in Rakhine and Cox's Bazar and broader development needs, including infrastructure, health and education needs, through an international conference.
4. Invest in a Naf River Development Plan benefiting local, displaced and refugee populations on both sides of the Bangladesh/Myanmar border in such a way that promotes repatriation of the Rohingya and does not further entrench the exclusion of that population from Rakhine.

Strengthen counter-trafficking efforts on both sides of the border

While the refugee population waits for Myanmar to improve conditions in Rakhine so that they are conducive to return to their homes, life in the camps is stagnating and the well-recognised conditions for trafficking in persons and migrant smuggling are intensifying. There are already indications that boat movements have recommenced, departing from both Cox's Bazar and Sittwe, according to media reporting.¹⁹⁵ As movements of people by land and sea increase, the whole region will be affected, reinforcing the imperative of a regional response. Better coordination between regional actors as they tackle this challenge will make a significant difference to the response on the ground. ASEAN and Bali Process resources and expertise can be brought to bear, as well as those of other bilateral and multilateral actors, ensuring a protection focus is included in these responses.

Bangladesh is a country facing significant human trafficking, migrant smuggling and exploitation challenges at the national level. The development of the 2018-2022 National Plan of Action, officially launched by the Ministry of Home Affairs on 2 December 2018, is a positive step.¹⁹⁶ More resources and expertise are required to fully implement this plan. External support through technical capacity building of law enforcement responses would be very useful. This support could be bilateral or regional, and should also target capacity building on the Myanmar side of the border. One example of such bilateral support would be Australia expanding the AAPTIP program to include Bangladesh.¹⁹⁷ Supporting Bangladesh and Myanmar to improve their trafficking responses through technical assistance and capacity building could substantially contribute to the dismantling of criminal networks in the area, benefiting both Bangladeshis, Rohingya and others. The Bali Process and ASEAN are well positioned to be the key regional platform for information exchange, policy dialogue, capacity building and coordinated action against human trafficking and exploitation, ideally in close collaboration. Effective use of the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) Trafficking in Persons (TIP) Working Group and Bali Process mechanisms such as the Consultation Mechanism, Task Force on Planning and Preparedness, Regional Support Office, Working Groups on Trafficking and Disruptions of Criminal Networks, will continue be instrumental in this respect.

5. Technical assistance and capacity building support to Myanmar and Bangladesh's respective trafficking prevention and counter-trafficking efforts, via the Bali Process, ASEAN and donor coordination mechanisms. On the Bangladesh side this could take the form of assistance in implementing the National Plan of Action and building capacity of the Counter Trafficking Committees, particularly in Cox's Bazar.

6. Bali Process to maintain constructive engagement on displaced populations in the region, particularly the Rohingya recognising the ongoing importance of the Consultation Mechanism and 'Good Offices' visits. The Bali Process Taskforce

¹⁹⁵ Al Jazeera (2018) 'Myanmar seizes boat with 93 Rohingya fleeing to Malaysia' 27 November, viewed 30 November 2018, <https://www.aljazeera.com/news/2018/11/myanmar-seizes-boat-93-fleeing-rohingya-camps-malaysia-18112705559149.html?xif=;>

¹⁹⁶ Hasan, 2018.

¹⁹⁷ Australia has a long history of capacity development work related to trafficking response in Southeast Asia including through the Australia-Asia Program to Combat Trafficking in Persons (AAPTIP). Jiyoung Song (2016) *Australia and the anti-trafficking regime in Southeast Asia*, Lowy Institute, November.

on Planning & Preparedness should consider responses to the risk scenarios presented in the ADFM Trafficking Risk Assessment as part of their ongoing deliberations.

Take immediate steps to improve living conditions for the Rohingya, and the ability of actors on the ground to respond effectively

Finally, this assessment identified immediate steps that can be taken that would make a significant difference to managing risks of increased trafficking, smuggling and exploitation. First, improving capability and coordination among key responding agencies in Cox’s Bazar, particularly around data sharing, compilation and analysis, is an immediate priority. Trafficking, smuggling and exploitation are notoriously difficult to measure accurately, due to the secrecy around the practice, differing reporting standards, data collection and management systems of the diverse actors involved, and even different definitions of trafficking.¹⁹⁸ Thus, well-informed analysis is absolutely critical in order to shape an effective protection response. Actors on the ground are not currently able to understand the full picture, and there are a number of different referral pathways through which exploitation may be reported, which can cause confusion, duplication, or cases to slip through the cracks. Both government and non-government entities expressed a desire for access to more accurate, reliable and representative data. This could be achieved through greater investment in capacities, and through a dedicated Exploitation Taskforce within the Protection Working Group in Cox’s Bazar to ensure these issues remain a priority.

Second, it is clear that the idleness of the camp population is exacerbating risks. Providing access to livelihood opportunities and education either in Bangladesh or elsewhere would not only benefit the local economy and decrease tensions with locals, but would also increase the preparedness of the displaced community for repatriation, as they would be able to build their resilience and skills. Countries in the region could step up to provide work or employment opportunities for this displaced population and ease the burden on Bangladesh. Recommencing birth registration in the district and allowing access to SIM cards are also two simple adjustments that would also relieve tensions on the ground and improve local government capacity to manage the crisis. The best response on the ground will not be isolated to a law enforcement response. Research shows that “systems designed to block migratory movements actually drive refugees into the arms of human traffickers.”¹⁹⁹ Tightly controlled borders, especially in situations of political, economic and humanitarian crisis, increase the demand for traffickers to facilitate movements, which in turn increases the money to be made in these enterprises, leading to a larger trafficking industry overall. This outcome is not in the interests of any state in the region.

7. Increase focus on the coordination and consolidation of trafficking measurement data, trends and indicators, and create a dedicated ‘Exploitation Taskforce’ within the Protection Working Group to elevate issues of human trafficking, migrant smuggling and related exploitation within the protection community.

8. International partners and donors, in partnership with the Government of Bangladesh, should take steps to improve conditions for the Rohingya, alleviate idleness in the camps, and assist people to prepare for repatriation, by:

- a. Creating opportunities for the Rohingya to access legitimate work, income generation and self-reliance opportunities within Bangladesh or abroad. Support could also be given for the provision of appropriate travel documentation for refugees to access legitimate work schemes in other countries;
- b. Improving the quality and scope of the education provided in the camps, including through accredited certifications. Creative solutions should be sought, such as scholarships for children to study in Bangladeshi schools or abroad;
- c. Removing formal restrictions on access to SIM cards; and
- d. Ensuring formal registration of all births (both Rohingya and Bangladeshi) recommences in Cox’s Bazar.

¹⁹⁸ Patrick Kerr, Rachel Dash (2017) ‘Ethical considerations in the mandatory disclosure of data acquired while caring for human trafficking survivors’ *AMA Journal of Ethics*, vol. 19, no. 1, p. 46.

¹⁹⁹ Wilson, p. 113.

Conclusion

The situation in Cox's Bazar is the largest forced migration issue in the region. Eighteen months since the initial crisis, now is a good time for all actors to review the response to date and start planning for the medium-term. Myanmar needs to work harder towards providing conditions conducive for the safe, dignified and sustainable repatriation of the Rohingya community to their homes, demonstrating tangible progress addressing the root causes of the crisis. In the meantime, providing refugees with legitimate livelihood and education opportunities in Bangladesh and elsewhere would help refugees to better prepare for eventual repatriation while also contributing to the economic development of Cox's Bazar and alleviate their vulnerability to trafficking, smuggling and other exploitation. It is crucial that the protection response addresses potential victims among the host community as well as the refugee community. Medium to long-term development projects particularly in education, health and infrastructure, could make a big difference to development in the district, provided it is done in an inclusive way which ultimately supports repatriation.

Trafficking has long been a major challenge facing Bangladeshi citizens, particularly those living in the coastal Cox's Bazar area. Decades of cross-border movements created a strong network of facilitators offering services to those seeking a better life. The August 2017 refugee influx to the area greatly increased the size of the population that criminal networks can target. The most effective means of reducing the risk of trafficking among refugee communities is to provide a long-term solution to their situation, which in this case lies in the safe, dignified, sustainable and voluntary repatriation of the Rohingya to Myanmar. Without this, people will be increasingly drawn to risky alternatives such as trafficking and smuggling. While the Bangladesh government has made laudable efforts to address these risks in the immediate term, they would benefit enormously from technical assistance and capacity building of their protection actors. It is imperative that steps be taken to avoid this becoming a crisis within a crisis.

Acronyms

AA	Arakan Army
AAPTIP	Australia-Asia Program to Combat Trafficking in Persons
ACTIP	ASEAN Convention against Trafficking in Persons, Especially Women and Children
ADB	Asian Development Bank
ADFM	Asia Dialogue on Forced Migration
ARSA	Arakan Rohingya Salvation Army
ASEAN	Association of South East Asian Nations
CTC	Counter Trafficking Committee
ICC	International Criminal Court
IDP	Internally Displaced Person
ILO	International Labour Organisation
IOM	International Organisation for Migration
ISCG	Inter-Sector Coordination Group
JRP	Joint Response Plan
MOU	Memorandum of Understanding
NGO	Non-Government Organisation
NPA	National Plan of Action
RRRC	Refugee Relief and Repatriation Commissioner
RSO	Regional Support Office to the Bali Process
SAARC	Association of South Asian Nations
SOMTC	Senior Officials Meeting on Transnational Crime
TIP	Trafficking in Persons
TVPA	Trafficking Victims Protection Act
UN	United Nations
UNDP	United Nations Development Program
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
US	United States
USAID	United States Agency for International Development
USD	United States Dollars