ASIA DIALOGUE ON FORCED MIGRATION

SUMMARY & POLICY BRIEF

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.
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> **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 • Traditional 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.

CENTRE FOR POLICY DEVELOPMENT

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