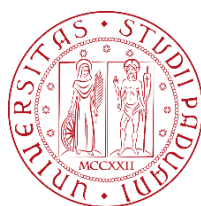


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Experiences of Migration

Impact of Climate Change on Female Refugees Migrating to Europe

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Abstract

The disastrous impacts of climate change are reality for the people of Bangladesh, forcing them to abandon their homes and land in search of better opportunities. Migration is considered by these displaced groups of people as a solution to earn a stable income and have the chance at a proper life. While the male population has ease in migration, the situation for potential female migrants is quite different as they face many difficulties and barriers in the process of migration starting from the decision to transit and finally arriving at the destination of migration. This thesis discusses the challenges and difficulties faced by female refugees from Bangladesh that are displaced due to negative impacts of climate change. The research dives into the rights of the female refugees and the application of the principle of non-refoulment. It provides an overview of climate change in Bangladesh, its impact on the decision to migrate, challenges for female migrants, the human rights instruments and their application in the case of climate refugees, and finally a conclusion with recommendations for improvement.

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Table of Abbreviations

BMET: Bureau of Manpower, Employment and Training

BHRS: Bangladesh Household Remittance Survey

CEAS: Common European Asylum System

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

COI: Country of Origin Information

COP: United Nations Climate Change Conference

CRC: Committee on the Rights of the Child

DFID: Department for International Development

EASO: European Asylum Support Office

ECHR: European Convention on Human Rights

ECtHR: European Court of Human Rights

ESC: European Securities Committee

EUMS: The European Union Military Staff

FRA: European Union Agency for Fundamental Rights

GAMM: Global Approach to Migration and Mobility

GCR: Global Compact on Refugees

ICESCR: International Covenant on Economic, Social and Cultural Rights

ICJ: International Court of Justice

IDPs: Internally Displaced People

IHL: International Humanitarian Law

INSTRAW: International Research and Training Institute for the Advancement of Women

IOM: International Organization on Migration

IPCC: Intergovernmental Panel on Climate Change

OAU Convention: Organisation of African Unity Convention

SDGs: Sustainable Development Goals

UNFCCC: United Nations Framework Convention on Climate Change

UNHCR: United Nations High Commissioner for Refugees

VCLT: Vienna Convention on the Law of Treaties

Introduction

Asia Pacific is considered as a region which has the highest probability for disasters as an estimated 1.2 billion people have suffered from some form of hazard related to climate change. Since the year 2000, over 1200 disastrous events have taken place, while an alarming 2 million casualties have occurred accounting for 75% of the global fatalities between 1970 and 2011. The impact of climate change leading to extreme weather outcomes is a widely accepted consequence as climate change is observed to cause more hydrometeorological events. Conversely, the high level of casualties from such disasters might be related to other factors such as the high rate of population growth in Asia Pacific countries thereby exposing more people to these climate change disasters (Hashim & Hashim, 2016).

With the passage of time, the damaging impact of climate change on human security and the rights of human beings is expected to deteriorate further as evident by the projection in the Asia Pacific. Climate change has been identified as possibly the biggest threat to the welfare, secure life, and livelihood of the populations in Asia Pacific. Climate change poses a significant threat to the earning ability of the people as well as to the access of fresh water and food, therefore increasing the inequalities and poverty faced by the different social classes. In 1990, it was noted by the Intergovernmental Panel on Climate Change (IPCC) that human migration will be severely impacted by climate change, the risk climate change poses to Asia Pacific communities has become more prominent, and cited widely when climate change and migration are studied (IOM, 2022).

This study analyses “the impact of climate change on female refugees migrating from different countries of the Asia to Europe, specifically Bangladesh” in search for a dignified life with human rights and equal chances at prosperity and growth. Chapter one provides a brief background on climate change and chapter two discusses why migration is used as a strategy for survival, and the how the decision-making is impacted by climate change. Chapter three of the thesis focuses on the factors that impact the migration of female refugees to countries in the European Union. Chapter four provides an in-depth analysis of the UNHCR refugee convention, examining the role that is played by duty bearer states, NGOs, and the legislation by EU on asylum. At the end of chapter four, a case study regarding the Italy-Albania agreement is explored. The main research question around which this study based is “Do female refugees from Bangladesh escaping from the impacts of climate change and migrating to Europe have the same right of non-refoulement as other refugees?”, whereas the hypotheses for discussion is that “The human rights instruments should include climate change as a part of natural disasters that cause female refugees from Bangladesh to seek refuge in European countries,

providing them with specific aid focused on the impact of climate change”. An in-depth literature review is conducted of credible chapters from different books, articles, and reports. The methodology used to data collection is qualitative, and this data is studied to provide the research findings of the study. At the end, a conclusion of the study is provided, followed by a discussion that proposes some suggestions and limitations which can be further explored by other researchers.

Chapter 1: Climate Change and its Impacts on the Population

From the year 1985, the phenomenon of 'climate refugees' has been discussed by the public as Essam El-Hinnawi (UN Environment Program expert) clearly described environmental refugees as individuals that have involuntarily been pushed out of their traditional homes/countries, whether this is temporary or permanent, due to an acknowledged disruption in the environment, therefore jeopardising their livelihood and even survival. The same description has been adopted for the term 'climate refugees' despite there being or not being any differences between the words 'environmental' and 'climate'. The displaced people suffer many challenges at a secure and suitable protection because of an improper definition of the 'climate refugee' term. These complexities are further increased as the Refugee Convention has continuously tried to address this situation while also considering the term 'environmental refugees' (Apap & Harju, 2023).

There are various factors which cause humans to relocate from one place and move to another such as financial resources, societal pressures, ecological destruction, and even demographics. Migrating due to ecological destruction is a phenomenon that can be traced back in history (M. Hunter, et al., 2015). Many studies have been carried out to examine the link which causes migration of human beings as an effect of climate change dating back to prehistoric times (Tyson, et al., 2002). It has been posited by various researchers such as Conisbee and Simms (2003), Renaud et al. (2007), Adamo (2010) and Narnier (2010) that the lack of possibility to adapt to an environment causes people to migrate from one place to another. Additionally, it was noted in the early 1990s by the Intergovernmental Panel on Climate Change (IPCC) that the biggest impact of climate change will be seen in the migration patterns of human beings as people are forced to move due to floods, erosion of the shoreline and even disruption of agriculture (Lonergan, 1998).

South Asia is under threat from climate change and the variability of climate (Bank, 2010). More than one billion people reside in areas which are hotspots for climate change including semi-arid land, river deltas, basins dependent on glaciers. Concern over the impact of climate change is prevalent among most smallholder farmers as they own a small piece of land which often experiences extreme climates such as floods, heat waves, droughts and even storms (Lal, 2003). The most significant impacts of climate change are observed in the extreme worsening of weather, sea levels rising, availability of water changing and the degradation of the environment. As a result of these changes, people are forced to migrate either temporarily or permanently, since their occupations are affected by climate and most South Asian countries are not able to adapt to the climate change (Deshingkar & Akter, 2009) (Bhatta, et al., 2016).

Furthermore, these environmental factors also have an indirect impact on migratory decisions as the economic activities are affected negatively, with the agricultural output decreasing and expenditure of food production increasing (Porter, et al., 2014). According to projections, internal migrations induced by climate change in South Asia can range between 16.9 to 40.5 million people till the year 2050 based on how the situation develops (Rigaud, et al., 2018).

Migration is an important strategy used in Asia for the improvement of livelihood, which can be driven by different factors like changes in socioeconomic status, increased variation in climate, incidents of disaster, and even changing personal aspirations. Whereas displacement is an involuntary movement in most cases, based on factors relating to the climate or not. There is medium level of agreement with strong evidence on the increase in climate variance and extreme weather events leading to migration (Gemenne, et al., 2021) (IDMC, 2019). Furthermore, the level of agreement is also medium with lesser evidence on the long-term projections of climate change that indicate higher flow of migration across Asia (Bergmann, 2024).

1.1 Understanding the Impact of Climate Change on Migration

Determining the role played by climate change in migration is often questioned as it a complex matter. Studies based on observations have formed a link between the increased numbers of migration to the extreme weather events, changes in the environment and even, weather anomalies (Cundill, et al., 2021). Specific risks are also being examined with projections studies like the sea-level rise (SLR), or droughts, also connecting the increased warming of the planet and growth of population. There has been methodological disagreement that migration is caused by climate change however, the connection between increased warming of the planet and recurrence of the slow-onset events like sea-level rise and drought, as well as rapid-onset events like floods and cyclones will have an involuntary effect in increased displacement for the future (Daoust & Selby, 2024). Nonetheless, it is argued that the impact of climate change in furthering migration is less significant in comparison to other drivers that are based on socio-economic conditions of the people (Bougnoux, et al., 2014).

1.2 Current Migration Patterns in Bangladesh

One out of three migrants around the globe come from Asia, where the highest percentage of migrants are observed to be from Pacific countries that were exposed to hazards. During the year 2019, around 24.9 million people were forcibly displaced to 140 countries because of 1900 disasters. As per record, four million people were displaced in each of these countries: Bangladesh, China, India and the Philippines (IDMC, 2019). Furthermore in 2019, due to

natural disasters like floods, cyclones and typhoons in South-east and East Asia, 9.6 million people were internally displaced which accounts for around 30% of the global displacements for that year (IDMC, 2019). The economic losses have been aggravated further by COVID-19, severely damaging the job opportunities and wages earned by temporary migrant workers (ESCWA, 2021). The economic decline caused by COVID-19 ensued the large-scale return of migrant workers, also significantly reducing the remittance brought by them. For example, there is an expected drop of remittances to Central Asia and Eastern Europe from \$57 billion to \$48 billion which is 16.1% between year 2019 to 2020. In the Pacific and East Asia, the percentage decrease is expected to be 10.5% where the remittances will go from \$147 billion to \$131 billion in the same time frame (Shaw, et al., 2022).

1.3 Projected Migration Patterns

The projected migration in different parts of Asia varies significantly. Internal migration in South Asia due to severe climate changes, such as scarcity of water, lower levels of produce, rise in the sea-level and violent storms, is predicted to affect 40 million people by the year 2050, which makes up 1.8% of the population in the region being impacted by severe climate related circumstances (Rigaud, et al., 2018). Despite the criticism on the methodology used to carry out the projections, the impact on some areas is higher than others. An example of this is the estimated displacement of 0.9 to 2.1 million people in the South of Bangladesh due to rise in sea-levels directly impacting some areas by 2050 (Jevrejeva, et al., 2019).

Some of the major hotspots for migration in South Asia include the corridor between Delhi and Lahore, the Plain of Ganges, and coastal cities like Mumbai, Chittagong, Chennai and Dhaka. These places are expected to face high exposure to impacts of climate change, therefore becoming important migrations destinations as the migration from rural to urban areas intensifies (Ober, 2019). Nonetheless, the agreement on the expected numbers of migration is low as there are many variables to be taken into consideration such as local policies and the behaviour of individuals which impacts their decision to migrate. Even in areas considered as high-risk, individuals can choose to stay or not have the possibility to move which would lead to trapped populations (Ayeb-Karlsson, et al., 2020). As of now and for the future, the evidence to determine an estimated number and reasoning for trapped population is not sufficiently available.

Bangladesh has a unique geographic location which makes it one of the most vulnerable countries to severe climate changes on earth. The frequency of natural risks such as storm surges, flooding of rivers and coasts, tropical cyclones, landslides and even droughts is high. Combined with the poor socio-economic condition of the country, these natural risks in

Bangladesh have led to major loss of life, land and homes, causing widespread damage to the economic and infrastructural assets, therefore having adverse effect on the livelihood of the population. Since Bangladesh is quite vulnerable to natural risks, people are forced to leave their land and homes, becoming displaced by climate. Such displacement can be the result of either sudden onsetting events such as erosion of riverbanks, floods and cyclones, or slow onsetting events like the erosion of the coast, rise in sea-level, intrusion of saltwater, drought and changes in patterns of rainfall (Seddiky, et al., 2024).

Leading cause of climate-based displacement in Bangladesh includes increase of tidal height in the coastal regions resulting in tidal floods, and erosion of the riverbank in mainland regions. These causes are closely followed by storm surges in coastal areas, and tropical cyclones with river floods in the mainland. Displacement primarily takes places from coastal areas and river deltas of the mainland. There are a total of 64 coastal and mainland districts in Bangladesh, out of which 24 are resulting in climate-displaced populations (Kabir & Baten, 2016).

In Bangladesh, an estimated six million people have been forcibly displaced due to the adverse effects of climate risks. In the future, prediction of Bangladesh's climate change vulnerability is likely to increase. The natural risks like tropical cyclones, floods, storm surges, intrusion of saltwater, and erosion of riverbanks are expected to worsen with climate change. The 28% of population of Bangladesh living in coastal areas is more susceptible to natural risks as the country has a unique geographical location. At present, these natural risks have already led to considerable loss of land and homes, forcing people to displace from their communities (World Bank Group, 2019).

Rise in sea levels has some major effects in coastal areas. Sizable sections of the coastal areas are facing semi-permanent flooding, leading to the destruction of properties and homes with the strong tidal waves and coastal erosion leading to loss of land. The crops produced are also destroyed with the erosion or breach of the embankments, taking two years or more to return to their previous levels of fertility. The availability of freshwater is also decreasing as the salt water intrudes into groundwater aquifers and coastal rivers thus contaminating the sources of surface water. Additionally, agriculture is being adversely affected by the congestion in drainage inside of interior coastal polders, making the livelihood and lives in general of the people more complicated (UNFCCC, 2012).

1.4 Current Displacement Patterns in Mainland Regions

The geographic location of Bangladesh places most of its area between three of the largest rivers in the world i.e. the Meghna, the Brahmaputra and the Ganges. The combined highest discharge

from these rivers during the season of floods is estimated at 180,000 m³/sec, which is the second highest, closely following the Amazon, and the rivers also carry around 2 billion tonnes of sediment annually (Wang, et al., 2023). Only one-third of the country is more than 5 meters higher than sea-level, which makes the remaining majority of the country very vulnerable to flooding by rivers. According to the yearly average, at least a quarter of the country is struck by floods, but in every 4 to five years, a massive flood can inundate around 60% of Bangladesh (UNOCHA, 2020).

Erosion of Riverbank

People living in the mainland areas of Bangladesh are primarily displaced because of the eroded riverbanks. The reason for its occurrence is the shift in course of rivers which is further worsened by poor management of water resources. Almost all rivers in Bangladesh are joint with India, which often leads to accusations of bad water management practices conducted by India as the downstream effects on Bangladesh are not considered. It is estimated by the government that the loss of a couple thousand hectares of floodplain takes place annually because of erosions in riverbanks, which leads to hundreds and thousands of people losing land and their homes. The erosion also has a severe impact on the infrastructure of cities, ruining roads and railway lines, and the flood embankments are destroyed which threatens some cities like Rajshahi, Chandpur and Faridpur. As per a study, around a million people are impacted every year by riverbank erosions, and landlessness grows to 70% in the region (Paszkowski, et al., 2024).

Chapter 2: Migration as a Survival Strategy

2.1 Theories for Explaining Migration Decisions

According to a well-recognised theoretical argument regarding migration, the neoclassical migration theory, the decision of an individual to migrate is influenced by the advantages and comparative costs to the present location and possible new locations of migration. As per this perspective, the assumption is that migrants are fully aware of the opportunities for employment and the level of income they will receive from the intended place of migration. Hence the decision for migration is influenced by financial considerations and individual preferences, which help them improve their economic situation which is a primary cause for the move (Ahsan, et al., 2014). Nonetheless, there is oversimplification in the paradigm which is criticized and the imperfections in markets are not accounted for, which make the cause for migration seem solely based on economic gains and undermines the importance of policies creating a complicated interrelations between growth and development that comes from migration (de Haas, 2010)

In comparison to the influential neoclassical theory, the new economics of labour migration (NELM) is significantly different. The focus of NELM is not on the personal motivations and instead focuses on the impact on families. Migration to another place is seen as a method to manage the economic uncertainty and enter different market sectors that allow opportunities of growth (Massey, et al., 1993). Remittances play a direct role in this model as they form the relationship that is between reasons for migration and its impact (Taylor, 1999). As with the NELM theory, it is suggested by multiple studies that migrating when environmental stress appears is used for diversifying household risk (M. Hunter, et al., 2015). It is argued by Massey et al. (1993) that when insurance systems are absent, households in rural areas can divert their supply of labour to local urban or even international labour markets. In many studies, migratory reactions to environmental strain can diversify house-hold risk, supporting the NELM position (M. Hunter, et al., 2015).

2.2 Family Relocation

Relocation of family is a general response (McLeman & Smit, 2006) where the environmental changes develop slowly, such as changes in rainfall, and drought. The occurrence of natural disasters is more sudden and can lead to far and wide displacement (Sastry & Gregory, 2014). The term 'environmental refugees' is defined by El-Hinnawi (1985) as the forced fleeing of people from their homes due to degradation of the environment or occurrence of natural disasters. It is estimated by the Internal Displacement Monitoring Centre (IDMC, 2022) that

especially during the years 2012 till 2021, the major cause of displacement has been floods, droughts, storms, extreme temperatures and even wildfires. It was noted by Findlay (2011), that impact of environment change will increase, and the current channels of migration will also transform in the following 50 years.

The field of migration has been studied by numerous researchers, and the agreement which most researchers reach is that the process of migration is complex. The decision of an individual or a group leading to migration is based on a situation which is shaped by micro as well as macro level of social, economic and catalysing factors. Therefore, the factors can be dependent on the geopolitical location of the country, the social structure, choice of destination country, political state, and the cultural traits (Siddiqui, 2003). In the case of Bangladesh, there are five factors which can be used for deciding the process of migration i.e. politics, economy, society, demography and the environment (Martin, et al., 2014). There are some climate changes which can cause a push for migration such as floods, erosion by rivers, cyclones etc.

The neoclassical theory is useful for explaining migrations in South Asia that are motivated by finance and economics, and cases of rational choices made by individuals, however, it does not account for the intricate migration patterns induced by climate change. The NELM theory can prove to be helpful in cases where an explanation of migration by families wanting diverse sources of income and lower risks is needed.

2.3 Climate Change Impact on Agriculture

The impact of climate change and various environmental considerations on the pattern of migration has been investigated by several scholars recently. It has been observed that different changes in the environment such as degradation of soil, decrease in production of agriculture and firewood, variation in pattern of rainfall and the temperature, increase in floods, droughts and hazardous cyclones, as well as sea levels rising, all have a direct impact on local communities, and it can force them to relocate (Perch-Nielsen, et al., 2008).

Additionally, the change in environment might even cause barriers in relocation for some groups, while simultaneously forcing others to migrate (Black, et al., 2013). These barriers can be in terms of constraints from society and finances as migrating is dependent on having several resources (Gray & Mueller, 2012). There can be a negative impact of floods on permanent migrations (Bernzen, et al., 2019). As an example, the floods in Bangladesh do not allow people to relocate as they do not have the financial means for it (Gray & Mueller, 2012). Furthermore, the need for labour at the place of disaster is increased hence reducing chances of movement.

Migration is fairly common in Bangladesh with an extensive history (Siddiqui, 2003); (Bhuiyan & Siddiqui, 2015) as it plays an important role in survival approaches, more so for people living in rural areas where migration is widespread in search of work prospects (Vincent, et al., 2021). There is heavy reliance on migrating temporarily or seasonally for work during the Monga season as the agricultural productivity is low (Srivastava & Pandey, 2017). It was observed by (Ahmed, et al., 2019) that in regions more prone to droughts, people moved to different areas to sustain their livelihood. Seasonal or temporary migration is mostly chosen by the people as the number of jobs during off season are lesser and they can move for around two or three months, after which they return home in January to harvest the crops.

The results found by the study of (Martin, et al., 2014) were also similar to this. Respondents of surveys carried out by these researchers reported that the rise in temperature and unpredictable levels of rainfall cause difficulties in farming. To expand the means of income, people living in rural areas with significantly worsening levels of environmental destruction and hazards resort to migration (Martin, et al., 2014). A research study carried out by (Call, et al., 2017) in Matlab, Bangladesh, focused on the migrations occurring seasonally based on factors related weather such as floods, rainfall and the temperature levels. As per the results of their study, the correlation between optimum rainfall levels and high temperatures is positive for about two years (Call, et al., 2017).

Around 60% of the population in Bangladesh is dependent on agriculture as their source of income, and with the decrease in arable lands as well as the production of food, the poor population from the rural areas will have no choice to leave their homes and move to urban areas or even slums. This increase in urbanisation will place more stress on the already overpopulated cities in Bangladesh such as Dhaka. The governance mechanisms and infrastructure that are already insufficient will be strained even more, which can lead to the lifestyle declining even more and creating greater disorder in society. People living in slums already face exclusion from all basic necessities such as proper housing, clean drinkable water, hygiene and sanitation, healthcare support, electricity and also education. An 80% majority of slums are on privately owned land, which means not only do they lack basic necessities, but they are also susceptible to exploitation and violence by the owners of the private land, corrupt police officers and even criminal gangs. These issues will inevitably become more prominent as the climate changed induced urbanisation increases.

2.4 Climate Change, Infrastructure and Health

The effects of greater level of rain are observed more significantly in urban areas that face major problems with drainage, often leading to sewers being clogged during monsoon. Water borne

diseases are brought by floods as well as contamination of the available fresh water. The vulnerability of Dhaka to floods is higher as it is only a few meters above the sea level (between two to thirteen metres), as even a moderate amount of rise in sea level can cause several parts of the city to be flooded. The vulnerability of migrants living in slums to move multiple times is increased from the impact of climate changes on the slum regions as well as being forcibly evicted from the areas. There have been many attempts to forcefully evict thousands of migrants living in slums, leading to conflict and even violence between the government officials, police and the inhabitants.

Since the infrastructure for public health in Bangladesh is in a poor state, the impact of climate change on the health of humans is expected to degrade. The poor are the most vulnerable group, facing many difficulties in accessing proper healthcare, additionally climate change has the most adverse impact on this group of people. As the weather becomes even more warm and humid, diseases will become prevalent as well as allowing disease vectors to survive longer, thus making the poor more susceptible to these diseases. Furthermore, the people displaced by climate change have to move any piece of land which is available, often this land can belong to the Government in an isolated place, which makes these people illegal squatters with no access to healthcare and other services. This makes people displaced by climate even more vulnerable to health risks.

Chapter 3: Factors Impacting Female Migration

The ratios and patterns of gendered migration from Bangladesh are observed to have a notable change in them. Similar to the pattern of migrants from other developing countries around the world, the number of male migrants from Bangladesh are statistically higher than women, as almost 3 million male Bangladeshi migrants are working in various countries. However, the last five years have brought about a change in the number of female migrants with a constant increase in them whether they migrate with a spouse or by themselves. As per the statistics of 2015 carried out by Bureau of Manpower, Employment and Training (BMET, 2024), the overall number of migrant female workers from Bangladesh in the year 2012 was estimated at 37,304, but in the year 2014 the number had increased to 76,007. A country which has experienced a considerably high level of female worker migration from Bangladesh is United Arab Emirates (UAE). The statistical analysis of BMET indicates that 27 percent of the overall female migrant workers from Bangladesh move to UAE. There are two major reasons for this trend. Firstly, UAE has a higher demand for female workers than any other country, and secondly, female migrant workers are attracted to the high level of salaries that are offered in the UAE unlike other countries. The second highest percentage of female migrant workers move to Lebanon, as it has 24.3% overall female migrant percentage, but the number of female Bangladeshi migrants in Lebanon is only 1.3% of the overall female migrants from Bangladesh. There are an estimated 97,000 female migrant workers residing in Lebanon.

The change in patterns of gendered migration can also be attributed to the increase in trafficking of females for being sexually exploited or bonded slavery, whereas boys are trafficked to different parts of Middle East for work in poorly paid sectors or for jockeying camel races. While the data on this is not concrete but there has been reports of girls from Bangladesh being forced to be sex workers in Gulf states, India and parts of East Asia.

According to the survey results of the Bangladesh Household Remittance Survey (BHRS) (Bangladesh IOM, 2009), only five migrants were female whereas 172 migrants were males. Nonetheless, these female migrants were dependent on their spouses residing in Italy to receive a dependent visa for joining them. The average age of these migrants was about 33 years. Despite the migration to Italy being mostly singular males, it was not definitive that these migrants were unmarried, as almost 61% of these males were married but they were migrating without their partners. As far as the residence of the spouses of the married male migrants is concerned, almost 73% of the spouses resided in Bangladesh. This shows that only one-fourth of the spouses of the migrant workers used the family reunification program. The reason for the

low rate of family reunification is due to the lengthy and complex procedure for reunification visa.

Almost 30 percent of the migrants had a graduate or post graduate degree before moving to Italy. This level of educational completion is remarkably higher than the Bangladeshi migrants that have moved to Asian countries for work, such as Saudi Arabia. It was estimated that only 3 percent of the Bangladeshi migrants in Saudi Arabia had a graduate degree (Rahman, 2011). Another study stated that the percentage of graduate migrants from Bangladesh to Singapore was a meagre 7% (Rahman & Yeoh, 2008). Therefore, it can be concluded that Bangladeshi that decide to migrate to countries in Europe are likely to have higher educational degrees than the Bangladeshi choosing to migrate to Southeast Asia or the Middle East.

As for the professional history of the migrants from Bangladesh, almost 60% were previously employed while living in Bangladesh, but the remaining 40% did not have any employment history in Bangladesh before moving to Italy. Only 10 percent of them remained unemployed after having migrated to Italy. These migrants from Bangladesh found occupations in different categories such as 19% were employed in factories, 14% worked in hotels or restaurants, 24% were employed as general labour, only 4% did agricultural work, and 4% worked as salesman with the remaining 15% being in business. Overall, only 45% of the migrants lived in Italy for one to six years, whereas the other 55% remained in Italy for six to twenty years or even more. From the duration of stay it can be observed that the survey acquired information from migrants that moved to Italy recently as well as those that migrated towards the end of 1980s and 1990s. Furthermore, the survey considered more than 70% of migrants that had lived in Italy for less than a decade. The mean duration of stay for most migrants as per the survey was only eight years which indicates the time needed to allow them to provide a sufficient sum of economic benefits to their households in Bangladesh.

It was observed in 2013, that the female to male composition of the workforce in Bangladesh was an estimated 18.2 million to 42.5 million respectively. This pattern was seen both in urban and rural areas of the country (Islam, 2018). This gives rise to an important question about why the comparative number of female workers in urban and rural areas of Bangladesh is so low. Furthermore, the political, economic and environmental challenges faced by the female population is the same as the male population, yet the level of migration is higher for men. The different factors are identified by multiple studies which can have either a negative or a positive impact on the migration of males, but the current literature suggests that there are several social factors impacting the decision of migration of females. A study carried out by Ullah (2007)

found some structural factor that have the largest impact on the migration of female, and of these the most important are elaborated below (Ullah & Panday, 2007).

3.1 Socio-Cultural Practices

The social and cultural values in Bangladesh fundamentally determine the gender characteristics, therefore the decision of migration for females is also dependent on these values. Females have a higher level of migration annually from countries like Sri Lanka, the Philippines and Thailand as gender roles are more flexible (Debnath & Selim, 2009). On the other hand, the decision of migration comes from the male members in a Bangladeshi family following the patriarchal family patterns of the country. This creates difficulties for women, especially those that are unmarried to migrate to another country, despite having great potential and skills to make her own way. Conversely, there is a certain level of decision-making ability which is enjoyed by married women. A study found that the majority of female migrants were over the age of forty years and had a married civil status (Rahman & Islam, 2013).

3.2 Religion

As per the study conducted by Ullah (2007), religion plays the most important role in hindering women from travelling overseas. It is preferred by majority of the Muslim families to keep the female family members in “purdah”, therefore increasing the reluctance in allowing them to travel outside the borders confined by the family (Ullah & Panday, 2007). However, religion does not create hurdles for female migration in other Muslim majority countries like Indonesia where the percentage of female migrants is much higher than Bangladesh (Choudhury, et al., 2023). According to research, for the year 2015 the percentage of female migration from Indonesia was 42% whereas, the percentage of female migrants from Bangladesh was only 13% of the total number of migrants (Department of Economic and Social Affairs, 2016). The reason for this significant difference in female migration percentage could be the conservative religious practices in Bangladesh. It was found (UNFPA-IOM, 2006) that higher level of cultural and religious restrictions imposed on the female populations leads to less migration for them. Taking the Kerala state of India as an example, it was observed that the percentage of Muslim female migrants was lower than migrants from other parts of the society (Zachariah, et al., 2001).

3.3 Education

Education is the most essential asset for the empowerment of women. For the integration of the female population into the development plans of the country, they must be equipped with good and consistent education as it is a necessity (UNFPA, 2024). The literacy rate for female population of Bangladesh is significantly lower than their male counterparts and also lower than

those of females from other countries. The rate of literacy for rural female population of Bangladesh is even lower. The combined literacy rate in 2015 was observed to be 63.6% in Bangladesh, the share between females and males was 61.6% and 65.6% respectively. Furthermore, the literacy rate for female population in rural areas of Bangladesh was only 55.1%, and the literacy rate for female population in urban areas was 71.2% (Bangladesh Bureau of Statistics, 2016). Therefore, it is seen that female population in rural areas have a much lower level of literacy rate. The poor educational level for female population in rural areas reduces employment opportunities for them as well as their knowledge of changes around the world. This also limits their access to knowledge and information regarding the contemporary world (Ullah & Panday, 2007). Lower levels of education can decrease the migration opportunities for the people wanting to move overseas.

3.4 Challenges faced by Female Migrants

The process of migration brings with it a multitude of problems for female migrants. As per the study carried out by Sijapati (2015), the problems can be divided into different categories per phase:

3.4.1 Pre-migration Stage

Limiting Gender and Social Norms

In similarity with other Asian countries, Bangladesh has quite strict gender norms which reduce the decision-making power of women to little or none. This causes many difficulties in the ability to migrate for females that would prefer to do so, therefore leading to a lower rate of female migration (UN Women, 2013). According to Oishi (2002), countries that allow women to have higher levels of female autonomy in the household matters report higher female migration rates. Therefore, it is the male family members that cause hurdles in migration decisions of females, having a negative impact on female migration rates. Male family members are often reluctant on allowing female family members to travel abroad therefore reducing the level of migration for them.

Human Trafficking

Women that do not have access to sufficient information and knowledge can be very vulnerable to trafficking. According to studies, it was found that females migrating internally and externally are at risk of being trafficked and sold to brothels. In rural areas, it is observed that middlemen or brokers having ties with family members, offer lucrative jobs to females with the chance to earn high salaries. After accepting the job proposals, these females are sent to bordering countries where they end up in the sex industries. Trafficking in South Asia usually

begins from Bangladesh and Nepal, as girls and women from these countries are very vulnerable to being trafficked to bordering countries. Each year, between ten thousand to twenty thousand girls and women are trafficked to different parts of India, Bahrain, Pakistan, UAE and Kuwait from other countries in South Asia (Rahaman, 2015).

High Expenses for Migration

Even though there are multiple formal channels aiding the migration process, almost 55% to 60% of the enlisting happens through connects within these formal channels or by taking individual initiatives (Siddiqui, 2003). It is very common to use sub-agents or brokers help to carry out the procedures for migration, thus leading to a very cost for migration during which time the people wanting to migrate also face a lot of distress and even harassment (Azad & Vallentine, 2024). As female migrants have little information and lack proper options, they become easy targets for these brokers and end up paying huge sums of money in order to migrate.

Hardships in Collecting Cost of Migration

Women in Bangladesh do not have access to sufficient opportunities and resources, which makes management of the high cost of migration more difficult for them (Caritas Internationalis, 2012). In order to afford these costs, the female migrants borrow money at high interest rates from local non-governmental organisations or as they are referred to ‘the mahajans’, leading to long-term debts. After loaning the money, the earnings of the women are primarily used to pay off these large amounts of debt (Sijapati & Nair, 2015).

3.4.2 In the Transit

As a consequence of poor communication skills and little education, the female migrants have to face many difficulties during the travelling part of migration. Female migrants that do not travel more frequently face hostile behaviours and even harassment during exit from the country and also while entering the country of migration (Hear, et al., 2009). Furthermore, the use of illegal channels for migration can lead to the female migrants being physically exploited by the transportation crew, other male travellers and even security guards at the borders (Jolly & Reeves, 2005).

3.4.3 At the Destination

Compensation, Working Hours and Benefits

Most female migrants commonly complain about the level of salary which is paid to them in most countries around the globe. Despite signing a legal contract, there is no guarantee that the

payment of salary will be made to them at the stipulated time and in the correct manner by the employers (Siddiqui, 2008). Workers in the domestic sectors suffer more than the workers in formal sectors. Female migrants working in the Middle East have reported having worse experiences while working in that region in comparison to other regions around the world. As per a study, the female migrants from Bangladesh working in the Middle East have received at least twenty percent lesser salary than what was stipulated in the contract. Furthermore, they also do not receive additional job benefits such as overtime pay, bonus increments and even holidays are not given. One common complaint by the garment workers from Bangladesh working in the garment sectors of UAE is that the overtime work that they perform is not paid regularly. Female migrant workers also complain about the long hours of work which they are made to carry out. It is observed that the migrant workers often carry out fifteen to twenty hours of heavy work in both domestic and formal sectors (Barkat & Ahsan, 2014).

Physical, Mental and Emotional Manipulation

Countries in the Middle East, particularly UAE and Saudi Arabia are popular destinations for female migrant workers. More than 30% of the female workers employed as domestic helpers are at the risk of both mental and physical abuse which can include rape, restriction in movement, low wages and sometimes no wage at all. They are negatively impacted the most as their contact with outside the domestic environment is very little therefore not allowing them to seek proper support (Barkat & Ahsan, 2014). Essentially the working conditions for these female migrants are similar to slavery, as there have been reports of physical and sexual abuse at the time of asking for their salaries. Countries such as Malaysia and Thailand, where a significant number of female migrant worker move to, also face mental and physical abuse as several cases have been reported. Asian countries where female migrants enter illegally or are trafficked into the country, they often end up in detainment by the police after being exploited as they enter the country without proper documentation and legal entry methods (UNODC, 2024)

Environment in Workplace

While the working conditions enjoyed by skilled labour working abroad are quite well, however the living and working conditions for unskilled or partially skilled workers are significantly worse. Only a certain number of workers are housed and provided accommodation within the premises of the factory, while the other have to find accommodation for themselves and often chose to live with other migrants from their home country i.e. Bangladesh. Typically, a big number of people are forced to live in one small room together due to lack of resources for

better accommodation, therefore leaving little to no privacy and creating unhygienic conditions for living. It was reported by the female migrant workers in garment factories that the accommodation environment was unbearably hot for their survival. More often than not, they lack proper sanitation facilities and clean drinking water. Furthermore, the conditions in the workplace are often unsafe and there are not enough security measures for protection of the workers (Siddiqui, 2003).

3.5 Migration Policies and Agreements

An agreement was signed in 2012 between the governments of Bangladesh and Malaysia which allowed only workers from the government of Bangladesh to be sent to Malaysia. As a part of this agreement, around ten thousand workers from Bangladesh are employed in Malaysia. Malaysia decided to open its labour market once again to private agencies in September of 2015 (Bossavie, 2023). On the other hand, Bangladeshi workers based in Italy faced targeted aggression as it became the home to the second highest Bangladeshi immigrant population in the European region after Britain, with most of them residing in Veneto, Lombardy and Lazio. As the violence and aggression in Libya continues to increase, many expatriates from Bangladesh are considering moving back to their country or moving to a different country for their livelihood. As per the records from foreign ministry of Bangladesh, almost 37,000 migrants have returned to Bangladesh from Libya since the year 2011, however almost 40,000 migrants from Bangladesh continue to work there (Siddiqui, 2017).

3.5.1 Migration to Europe

Since the late 1970s and throughout the 1980s many Southern European countries mainly Italy, Spain, Portugal and Greece have developed and became a major relocation destination region for both European and non-European migrants (Bonifazi, et al., 2008). From the above mentioned Southern European countries, Italy is a working example. During the period 1990–2000, the number of immigrants increased twofold in Italy; it increased from somewhere close to 650,000 to an astounding 1,300,000 (Zontini, 2010). As per another estimation carried out for the years 1986 to 2004, the foreign legal population residing in Italy escalated from a mere 300,000 to almost 2.6 million which made up 4.5% of the entire population (Chaloff, 2010). By the year 2009, the population of migrants in Italy had reached the point of almost 4.8 million. As the number of employment related visas are declining and instead family reunification visas are increasing, Italy is transforming into a country where people migrate for labour and for settling their families too (SOPEMI, 2010).

3.5.2 Policies impacting Migration Negatively

An important ordinance was passed in Bangladesh during 1982. The process of labour migrating around the globe changed from the start of 1980s. A rise in the demand for female labour was observed and the employers changed their outlook on migrant labour from being friendly towards them, they were now beginning to exploit them instead. Furthermore, there are new countries in the market that can export labour. Simultaneously, the UN International Convention on Rights of all Migrant Workers and Members of their Families established in 1990, has been recognized as a new instrument with the purpose of protecting the rights of the migrant workers (OHCHR, 1990). The current reality of the market for labour is not properly reflected in the 1982 Immigration Ordinance, nor is there a proper reflection of the approach based on rights (Government of People's Republic of Bangladesh, 1982). The Bangladeshi governments which succeeded either placed complete bans or imposed many restrictions on the migration of female workers for particular work types through new policies. These policies by the government have not had a negative impact on the migration of female workers to other countries. In contrast, these policies have led to irregular patterns of migration and to considerable extent, made the migrating women potentially more vulnerable to being trafficked or getting poor conditions for work. Through an administrative order the constitutional right of women to work has been removed but this must be restored by establishing a new practical policy.

Bangladesh earns the highest level of foreign exchange through the international labour migration. Yet, the ministry that is responsible for the management of this sector is severely lacking resources (Siddiqui, 2005). Management of short-term migrants for labour involves a variety of activities ranging from regulating to implementing programmes. The bleak number of resources leads to government institutions struggling to take action on different issues, but they are not able to reach the level of quality this work requires. The need for building capacity of these institutions is realised by the member of executive agencies and the line ministries. The institutions for training are also weak. These shortcomings of agencies operated by the state holding responsibility for the regulation of immigration are quite evident in the irregular migration patterns which continue to increase in Bangladesh. Potential migrants are opting for the unethical method of crossing borders by concurring with recruitment agencies from the airport instead of making use of the official process for immigration via BMET. No mechanisms have been observed which combine the ministries and agencies to enhance the effectiveness of official migration from Bangladesh. Formulating policies that incorporate associations of migrant workers and other related organisations from the civil society have yet to be

institutionally arranged. Furthermore, the level of unskilled or partially skilled workers migrating is increasing more than skilled and professional workers which is major cause for concern. There has been an increase in the cost of immigration by a significant percentage. The reason for this increase is the emerging system of visa sale and purchases, made by agents both within and outside Bangladesh (ILO, 2002). Since the costs are too high for the poor, it almost impossible for them to migrate. The lack of credit schemes for financing migrations have further created constraints for them.

3.5.3 Migration Policies of Italy

In Southern Europe the Bangladeshi migrants consider Italy as one of the major destinations. In 2009, for example, the number of Bangladeshi immigrants residing in Italy was about 84,000 (Blangiardo, 2009). Projections suggested that the number of migrants from Bangladesh in 2015 would be around 118,000, in 2020 they were suggested to be 158,000 and finally in 2030, the number is expected to rise up to 232,000 (Blangiardo, 2009). Other than the regular migrants, Italy also receives a significant number of sporadic migrants, from non-European as well as European countries (King, 2001). A total of 11,000 sporadic migrants from Bangladesh was registered in the year 2009 (Blangiardo, 2009). Nonetheless, it is suggested by other sources that the sum of sporadic migrants from Bangladesh was around 74,000 in 2009. This increase in number of Bangladeshi migrants to Italy indicates that the periodic changes from the 1980s in the immigration laws of Italy were well-utilised.

Italy had become an important country for migration till the beginning of the 1970s at which point, millions of Italians chose to migrate to Northern America and even more affluent countries in Northern Europe. The patterns of migration noticeably changed towards the end of 1970s and early 1980s when a lot of foreigners especially from Eastern parts of Europe, North Africa and also Asia choose to migrate to Italy. Italy became the first country in Mediterranean Europe to attain a positive migration balance in 1972 (Knights, 1996) and by 1997, there was a reversal in the net flow of remittances (Chaloff, 2006). The accessibility of Italy to potential immigrants from countries outside of Europe is frequently argued to be a mix of central mediterranean position, an extended coastline, significant level of tourism and the pilgrimage industry (Triandafyllidou, 2007). Nonetheless, the rapid escalation of migrant population can also be ascribed to the fast-paced social and economic reforms in Italy (King & Andall, 1999)

In order to mitigate the flow of immigrants, and regulate and integrate them into Italy, a series of immigration legislations have been passed from the mid-1980s (Pastore, et al., 2006). Following the first attempt made in 1986, Italy devised a policy to control the entry of immigrants pursuing work opportunities and regulated immigrants already residing in Italy

providing proof of such employment. As a result of this immigration reform the regularization of almost 105,000 migrants was possible (Cesareo, 2007). The second legislation, that was ratified in law in 1990 was identified as the “Martelli law”. It was comprehensive in nature and explained the annual planning of migratory flows (limited acceptances of foreigners for work), and various rules related to the rights and requirements of immigrants in Italy. It further provided information about the stay and conditions of work and also matters related to family reunion and integrating into society. Irrespective of the employment status, the Martelli Law presented immigrants with the opportunity to legalize their presence in Italy, leading to a sum of 217,000 immigrants legalizing their status (Knights, 1996).

As immigration became a major issue in the 1990s, it resulted in the passing of some new laws in years 1995 and 1998. The law passed in 1995 led to the legalization of 246,000 immigrants (Cesareo, 2007) as well as giving rise to the possibility of legalization for family reunification, this indicated a change in migrations to Italy from singular to family settlements. In 1998, a reform law was passed with the name Turco-Napolitano law or Testo Unico, that curated a migration policy with three-pillars entailing fighting against illegal migration, supervising authorised migration as well as incorporating resident foreigners (Chaloff, 2006). Penalties for criminals and bilateral agreements were discussed in the first pillar, the second pillar focused on a quota system while the third pillar promoted the assimilation of new immigrants. The new immigration for work was established within the national quotas and with either job offers or “sponsorship”. The quota system offered work opportunity for non-European migrants from a period of 1 to 3 years.

3.5.4 Quota System

The year 2002 brought a new immigration law by Italy under the name Bossi-Fini Law which mapped out the path for legalization of 700,000 or more immigrants in Italy (Cesareo, 2007) and (Chaloff, 2006). Nonetheless, there were some restrictions imposed on two areas by the Bossi-Fini law i.e. the entry and terms for staying in Italy. This where the quota system helped by becoming a central tool for meeting the requirements of labour in Italy. The purpose of the quota system was to assist both the countries to which the migrants belong and that hosting the migrants, aiding the source country with remittances and providing Italy with external labour. However, shortly after the quota system was introduced, it become very clear that this new system was not providing the positive results that were expected from it. The failure of the quota system is commonly blamed on the restriction on number of visas provided as a part of this category (creating disproportionality in the demand and supply of labour) and also the

complex bureaucratic processes that must be followed for possession of this visa (Zanfrini, 2003).

The weakness of the quota system gave rise to situations where the prospective migrants figured out different ways of evading the restrictions and barriers created by bureaucracy: they found illegal passage into Italy, and managed to join the labour market thus forming relationships with employers that were willing to go through the complex bureaucratic processes required for legalization of their entry or they could support the request for legalization of these immigrants. In cases where illegal entry into a country is a significant barrier but there are considerable work opportunities which can allow the illegal immigrants to legalize their stay in the country, this provides sufficient incentive to the immigrants for pursuing illegal methods of entry to the country. Additionally, another channel for legalized entry to Italy which is attractive to immigrants is through family reunification visa. This visa is in particular for the individuals depending upon the immigrant already settled in Italy, such as spouse or children. As of now, the trend in migration to Italy is tilted towards family reunification visa while work visas are decreasing. According to data, the family reunification visas have increased 39% between the years 2007 and 2008, as the number of family visas went from 89,000 to 123,000, on the other hand work visas have decreased quickly (SOPEMI, 2010). Therefore, it can be seen as a new trend for decrease in work opportunity visas and more family immigration to Italy.

Chapter 4: UNHCR refugee convention

The fundamental protection principles provided by the 1951 Refugee Convention and its 1967 Protocol state that: if refugees face threats regarding their life or sovereignty in a specific country, they should not be sent back. This is known as the principle of non-refoulement. Refugees may be, bound to selected undertakings, and only if their presence is a serious threat to national security or public order be expelled from a country of retreat. Men, women, boy or girls should not face any discrimination based on their religion, race, gender or nationality in the protection that is provided to them. If the refugees notify the authorities about their arrival immediately after entering a new country, they should not be punished for illegal entry or exit in the country. The immigrants are expected to abide by the rules and principles in the country of refuge. As the protection of refugees is a humanitarian interest, it should not in turn become a source of conflict between countries. The refugees should be protected by the governments in collaboration with UNHCR. To find solutions to the problems of refugees the international co-operation is deemed crucial. The matter of refugees' right to documentation, admission to work, public education, freedom for religious practices, accessibility to the courts, liberty of association and other important issues, are also taken into consideration in the 1951 Refugee Convention (UNHCR, 2011).

The two regional mechanisms that aim at refugee protection include the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1984 Cartagena Declaration. All the problems regarding the protection of refugees are not tackled by the international refugee law. Nonetheless, a detailed agenda associated to protecting persons of concern to UNHCR as well as the internally replaced is provided by applying the international refugee law, international humanitarian law along with human rights law (UNHCR, 1992).

There are several ways in which human rights and the protection of relocated people are interconnected. To thoroughly interpret the UNHCR's protection mandate an in-depth knowledge of human rights is thus necessary. The international human rights law serves as the base for refugee law. According to the article 14 of the Universal Declaration of Human Rights passed on 10 December 1948 all persons should have the right to pursue and obtain refuge from oppression in other countries. The Universal Declaration of Human Rights is a not an irrefutable lawful text (OHCHR, 2018). Yet over the years, some of its stipulations have secured the status of customary international law which is binding on all countries. As a result, many of its terms and conditions have been integrated into binding international and regional human rights tools as well as national laws and bills.

The severe human rights violations, for instance arbitrary detention, physical or sexual abuse, and torture seldom serve as the cause for people to escape from their homes. For the prevention and resolution in situations of forced displacement respecting human rights is plays an important part. International human rights are applicable on all people whether the people are displaced in their home country or in another country. In compliance with international human rights criteria, refugees are eligible to be treated fairly by ensuring that they are not in danger of physical violence and can easily access medical treatment and proper education, while seeking asylum. In circumstances regarding domestic displacement, using human rights tools and mechanisms is especially significant as there are none of the international legal tools pertaining to the security of the internally displaced individuals. International human rights law also highlights international protection, specifically regarding the kind of behaviour towards displaced people that is deserved. Concise protocols are provided which highlight the treatment that should be provided to men, women, boys and girls as per these instruments. Several protection guidelines of UNHCR represent the criteria determined by the international human rights law (UNHCR, 2018). These principles provide realistic outlook on the application of human rights standards to assist persons of concern to UNHCR.

A framework for the safety of all persons despite their gender, whether they are men, women, boys or girls, safety of each person is ensured by the international human rights law. Though, discrimination has been carried out in national laws and procedures, mostly against women and girls. For example, girls and women are more likely to encounter several obstacles in getting educated, finding a job, receiving adequate medical help, using their right to vote, actively participating in the political activities in a country or holding or converting their nationality. In 1979 the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (OHCHR, 1979) was approved. It advises governments to guarantee that laws, socio-economic and cultural norms in their countries do not oppress women.

IHL works towards controlling the effects of armed struggle. It explains the measures and processes of combat and defends persons who may or may no longer be partaking in aggressions. The four Geneva Conventions of 12 August 1949 and the two Additional Protocols of 8 June 1977 (International Committee of the Red Cross, 1977) are considered the most significant sources of international humanitarian law. IHL plays a pivotal role in protecting all civilians, including asylum-seekers and the internally displaced people implicated in armed conflict. It ensures that refugees are not abused nor forcefully deported to their native countries (refouled). This law also inhibits the opposing groups to displace civilians by use of force.

The human rights and refugee-related laws by a country should be employed in an efficacious manner to ensure that the rights of refugees are safeguarded. The principles of international protection and human rights are inculcated in national laws in various countries, including the right to life and liberty, freedom from torture, and the right to not be arbitrarily imprisoned. The national courts function as the foundation for the implementation of such laws. In countries that have not approved the 1951 Refugee Convention or associated international human rights implements, the national laws that safeguard the human rights of displaced people hold utmost significance. Besides, in such countries they might be the only efficient means of security accessible to refugees and other persons of concern to UNHCR. It should be considered that national human rights and refugee laws may not always be in accordance with international human rights principles (UN Women, 2013). As a result, women and children as well as other groups of people face security issues and are not provided any protection.

At times, under harsh circumstances of unexpected disasters where either it is their only route of escape, or in case of depletion of the welfare and safety facilities, the refugees choose to cross borders for entering other countries. However, few people choose to go abroad rather than staying in their home country solely because they look forward to better support and safety there. Since states comply with the human rights law in relation to all people within their region or authority therefore people do not lose the shelter provided by human rights law (Goodwin-Gill & McAdam, 2021). Although, international law, in specific situations forbids dismissal at the border, a person cannot present any claims to gain access to or prolonged habitation in a foreign country unless the person is a refugee or is provided protection under the principle of non-refoulement.

The word 'refugee' refers to official characterizations in concerned international instruments: the 1951 Convention highlighting the Status of Refugees, the 1969 OAU Convention, along with the 1984 Cartagena Declaration on Refugees. A 'refugee' described according to the Article 1A (2) of the 1951 Refugee Convention is a person who: due to understandable fear of being oppressed for reasons of religion, race, ethnicity, affiliation with a certain societal group or administrative outlook, is away from the country of his nationality or is not able to return. Owing to such fear, he is reluctant to gain benefit for himself of the safety of the respective country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. The drafters of this treaty did not consider displacement that is induced by climate change, and the wording as well as its purpose does not include these climate refugees either. However, if the victims of unexpected disasters escape abroad because the government of the country has

deliberately suppressed or suspended aid to punish or sideline them on one of the five Convention basis, such uprooted people are considered refugees. The concept of 'refugee' is widened in the OAU Convention to incorporate, among other things, 'every person who, owing to . . . events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality' (KÄLIN, 2010).

It can be debated that sudden occurrences of disasters could significantly agitate the law-and-order situation, but it is unlikely that the states involved would be willing to recognise such development of an idea beyond its typical value of public turmoil leading to aggression. However, this instrument would be applicable if a person strived for refuge because of aggression such as riots caused due to a calamity, stimulated by the government's reluctance or incompetence to tackle with certain aftereffects of the disaster or to offer the adequate aid to the people that suffered from it. This also applied to the Cartagena Declaration, which even includes the condition "massive violation of human rights" (Organization of American States, 1984). The refugee law does not cover cross-border relocation in most climate-related cases, not even in the territorial perspectives of Central America and Africa. It shows that a normative space is present in relation to most people uprooted across borders due to the aftermath of unexpected catastrophes, especially linked to the entry, prolonged habitation as well as shelter against forceful displacement to their home country. There are several occurrences where for humanist reasons the host governments have, permitted such people to seek asylum in the country till they can return to their home countries in a protected and respectful manner, however this practice is not consistent. Despite the validity of human rights law, the risk remains that they may end up in a legal and functional uncertainty, hence the status of these people is not clear (Shacknove, 1985).

People might seek better opportunities and lifestyle conditions in various parts of the country or abroad, rather than waiting for the areas in which they currently live to become uninhabitable owing to the decline of work opportunities and conditions of life because of climate change. In certain cases, people use their rights to choose a new location for habitation if they stay in their country, and if they go abroad, they are deemed as migrants. To survive and adjust to environmental and accelerating economic changes stimulated by the impacts of climate change, their efforts can be viewed as a possible plan of action. The term 'migrant' does not have any specific definition in international law. According to the only definition found in a universal treaty a 'migrant worker', is 'a person who is involved in, to be occupied with, or has taken part in a paid venture in a country to which he or she does not belong'. A working definition of

‘environmental migrants’ is used by the International Organization for Migration; however, it is not commonly recognised. General human rights law, as well as the specified assurances offered to them by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families protect the people shifting abroad willingly as part of their plan to adapt to the aftereffects of climate change, irrespective of its meaning. However, this kind of law does not permit their entry in a country (OHCHR, 1990).

Only a global consensus that is led by countries causing pollution can result in the recognizing the climate refugees. The time is running out as climactic catastrophes and severe weather incidents are becoming common and perilous occurrences forcing people to evacuate from their residences and communities that are home to them (Salem & Rosencranz, 2020). Therefore, it is of utmost significance that the current international community recognizes the climate refugees and makes adequate arrangements for aiding them. Otherwise, there is not another method for deal with this imminent human-centred danger. It should be brought into notice and consideration of the UN Member-States by emphasizing that they are participants to the UN’s Sustainable Development Goals (SDGs) that cover both climate change as well as climate-induced spontaneous migrations. Therefore, they are responsible to assist systematic, safe and reliable migration of people, through enforcement of strategic and well-administered policies.

The 1951 Convention was a foundation for the world order and a significant procedure for refugee security as the basis for international law. It was implemented on 22 April 1954 and many member countries under United Nations adopted it. This 1951 Convention highlighted geographical and sequential restrictions as core features to the framework for ensuring broader execution by states to effectively process it. This approach helped countries comprehend the number of future refugees they might handle and the rights and responsibilities that had to be distributed according to the convention. However, over time the migrant crisis spread further than Europe and entering other places around the globe, a modification in the convention was necessary to make it suitable for other regions of the world. The restraints related to temporal and topographical limitations were withdrawn and the previous convention was amended through a Protocol in 1966 by the United Nations General Assembly. The Protocol later became known as the ‘1967 Protocol’ bringing forward the application of the treaty to parts other than Europe and made it a unanimous universal tool for protection of refugees internationally (UNHCR, 2011).

The convention plays a pivotal role in ensuring safety of refugees in many regions of the world. It also points out some of the fundamental rights such as freedom of movement, social security, education, and the principles for non-discrimination granted to people who were given the

refugee status. In accordance with the convention, refugees are people who due to a well-grounded fear of being maltreated because of race, nationality, religion, alliance with a particular social group or political view, is away from his native country and is unable or, unwilling to gain advantage for himself of the protection of the country; or who, not being a national and being outside the country of his previous residence due to such events, is unwilling to return to it. The convention comprehensively explains the conditions that are applicable for a person to be considered as a refugee.

Though environmental adversities have been recurrent issues, but climate change was not a subject of international dialogue till the documentation of the 1951 convention. In the beginning of the 1970s the global apprehensions related to climate change and the depletion of ecology rose among society and the international community. The “Earth Summit” 1992 promulgated the original meaning of climate change as discussed in “United Nations Framework Convention on Climate Change”. This occurrence was defined as a change in the climate directly or indirectly linked to activities of humans that transform the constitution of the global atmosphere and which has been observed along with another natural climate irregularity over similar time frames. According to many studies, climate change has intensified levels of migration due to recurrent floods, cyclones, heatwave incidents and droughts (Hoegh-Guldberg, et al., 2018). The influence is more evident in high-risk-prone countries such as small island states, South Asia, Africa, and mega-delta states.

As it is challenging to directly establish a link between climate change and migration, there are several situations when migration could be caused owing to climate change (Kälin & Schrepfer, 2012). In the first type of cases, a sudden incidence of natural disasters such as cloud bursts, flooding, etc., can result in large number of migrations by the residents of an area to seek protection in an unaffected place. In these kinds of cases, migration is confined within a country but in certain cases the impact of such disasters is enormous for the country, and if it is recurrent in nature, the migration can also lead the people to cross borders. As for the second type of cases, gradually degrading environmental degradation because of desertification, groundwater becoming salinized, and droughts can also serve as reason for relocation of people to different parts of the country or even outside it. The third instance is when a state dislocates a population as the area is declared not habitable for the human population and announces it as an area forbidden from human residence. Migration might also be essential step due to circumstances of climate change leading to internal crisis which are a consequence of lacking vital resources such as water and food, this can be a long-term impact of environmental deprivation. It can be noticed that either internal or external migration can take place when the environment is

concerned, depending on the region which is affected and the type of natural threat jeopardising the dislocation (Mishra & Singh, 2023).

The internal migrants are distinguished from internally displaced persons (IDPs) by the International Organization on Migration (IOM). Internal migrants are defined as the people who willingly decide to move from their homes to settle down for a better livelihood in a new place (International Organization for Migration, 2003). On the other hand, based on numerous issues such as violation of their human rights, fights, and other traumatizing experiences, etc the IDPs are forced to vacate their homes. Even though in the past this was considered as a domestic issue, the international community became more aware and showed concern over the domestic dislocation as the occurrence of several similar events were observed throughout the world. The Guiding Principle on Internal Displacement was created by the member states of United Nations which does not have such legal effect in nature as it only provides advice to member states. The document defines IDPs to be, individuals or groups of people who have been coerced or obligated to abandon or to flee from their homes or places of refuge, specifically to avoid the consequences of armed aggressions, general situations of violence, breach of human rights or natural or man-made calamities, and who have not intersected an internally established state border (KÄLIN, 2010).

The significance of this particular instrument has been recognized by the global community and thus taken in the recommendation as part of the domestic laws. For instance, the Kampala Convention was adopted by the African Union in 2009 which is a mechanism that regionally binds the insurance of security and aid to internally dislocated people in Africa (African Union, 2009). The Internal displacement documents have some Guiding Principles where articles discuss disasters (either natural or manmade) to be one of the provoking causes and thus provides capacity for the addition of climate migrants within its structure. Whereas external dislocation of people due to incidents related to the climate is not encompassed under any international laws. According to the Glossary of IOM, people that are externally displaced are such people who have escaped their country due to indiscriminate violence, suffering, armed dispute scenario or other man-made disasters (International Organization for Migration, 2003), but the definition is not acknowledged by any refugee organisation or the international law.

Due to the obscurity in terms “environmental refugee” or “climate refugee” and by observing several other reasons for applying the current regime of refugees, the word ‘environmental refugee’ is not labelled as ‘refugee’ in correspondence with the 1951 convention definition. As an example, the 1951 convention the refugee to is required to already have crossed the international borders as mentioned in its definition but in case of evacuation due to climate

change related occurrences, the migration takes place inside the country. The justified fear of persecution is described comprehensively however the practitioners of justice are not disclosed in the 1951 convention. It is challenging to ascertain the aggravating agent in the case of climate-related disasters since the cause of injury could be caused nature or the atmosphere, but climate change is not perceived as a living being (UNHCR, 2011).

The definition of a climate refugee and the issues connected with the use of similar expressions is believed to be the main cause of opposition encountered while protecting the climate refugees through the use of international law. The states choose to maintain a limiting definition or else they might be obliged to fulfil refugee agreements and promises if such a situation arises as authorised by the 1951 convention (Boano, et al., 2012). To control the refugee crisis in certain regions new conventions were applied as the restriction and conditions proposed by the 1951 convention were considered as quite harsh. As African and Central American countries became a victim of massive political instability, the enforcement of improved conventions based on their needs was essential.

As observed in earlier sections, the climate refugees have not been distinctly characterised within any framework of the international law that was recognised in the 20th Century. This query is based upon the principal foundations which were involved in the establishment of the former methods primarily ensuring the social and political instability both at regional and global levels. Consequently, the existing international administration forsakes climate refugees at the threats of a vacuum in the legality that fully acknowledges their weakness and requirements. The 21st century brought recognition of the climate refugees through the international treaties on systemic, secure, and uniform migration which has been the greatest achievement, though it lacks the necessary level of growth. In 2016 UN General Assembly had an agreement on adopting the global pacts for refugees and “other migrants” which got additional approval in Marrakech and New York in the year 2018. The Norwegian Refugee Council and UN Internal Displacement Monitoring Council is responsible for the supervision of the climate refugee incidents that are closely linked to severe occurrences induced by the weather and management of rising sea level (Norwegian Refugee Council, 2024).

The climate migrants are recognized by UN’s Global Compact 2018 (UNHCR, 2018) on protected, organized, and reliable migration under Objective 2 due to climate disasters and changes in weather, but the plan does not clarify any clear shelter that could be provided to climate refugees by this recognition. The SDG plan promotes a method to evaluate displacement and allow a better segregation of migration and the reasons also includes natural disasters and climate change. The conditions for livelihood of the poor and sidelined sections,

including refugees and migrants, have improved by bringing together the Member States who have agreed upon a goal through the motto and guiding principle of “Leave no one behind,” which was provided by the UN (Koch & Kuhnt, 2020). Keeping in mind, the joint goals of the international pact for refugees and the SDGs to safeguard international unity and actions beneficial for refugees, the GCR 2018 is onboard with the 2030 Agenda to facilitate the work towards SDGs urging rapid and timely efforts made for refugees. The Goal 13 of SDGs (The Global Goals, 2024) corresponds with Para 8 and 12 of the GCR that mentions taking quick and appropriate action to prevent climate change and its aftereffects. However, GCR document does not legally bind actors, but it withholds the ability to push the international community and political inclination towards work for climate refugees and provides regulatory principles for taking action.

The subject of providing security to climate refugees directly links with assuring availability of basic necessities and an honourable way of life for every individual on the earth. The SDGs approved by the UN and its representative countries endorse the slogan of “Leaving no one behind” in the same manner. It can be empirically verified that with climate change and an increase in temperatures around the globe, the rate of recurrence and extremity of natural disasters are on the rise. To comprehend the magnitude of its effects, the recent occurrences of heavy monsoon rains in Pakistan are worth mentioning which led to 1.3 million people becoming homeless and affected 33 million people (CNN, 2022) altogether including about 16 million children. Climactic disasters are the cause of great distress for other countries in the South Asia including the countries having borders with India.

For dealing with the political and social influx of people created by Second World War in Europe, the crisis on refugees in the world became the interest of the international community due to the implementation of 1951 UN convention. Consequently, to eliminate the environmental and progressive restrictions the 1951 UN convention was altered through the 1966 protocol. To fulfil the regional conditions, the OAU convention in Africa and Cartagena Convention in Latin America were also implemented. Since a confined definition of refugee was given by the 1951 convention, the two regional resolutions paved the way for progress in the concept of refugee and catered to the prospects of adding people displaced due to natural disasters caused by climate change into the legal frameworks. However, there is inadequate proof of implementation of these regional conventions in actual cases of migration related to climate. Afterwards, the universal treaty on refugees also openly accepted climate migrants due to climate change and the natural disasters caused by it, however it does not have any real legal foothold and can only act as a guiding framework for the global community.

Ultimately, there is a lack of international legal mechanisms which provide required safety to people displaced owing to climate-induced events and the climate refugee crisis has not obtained enough awareness from the world community. Due to the vagueness linked with the term, the struggle to provide security for the climate refugees is disputed upon. The basic outlook classifies it as a domestic issue and it's the countries' choice to approve strict definitions of refugees to distinctly recognise the function and liabilities that they will have to shoulder. The dialogue to shelter climate refugees characteristically represents the analysis about efforts that can be mitigating and adapting towards climate change. Countries that are developed or are still developing are at odds on the collective obligation towards climate change action and a joint pact ensuring climate impartiality and justice.

The member countries agreed for the first time to review the topic of Loss and Damage in COP27 (UN, 2022) which could be a great opportunity to bring the climate refugee talk in the agenda. During the last two decades after continued emphasis on relief efforts the countries are now finally interested in discussing adaptation plans, as well as the damage and loss due to events induced by climate change. The third ten-year time period of the twenty-first century can act as an important junction to analyse climate refugees through a conventional dialog. Since the climate crisis widening and deepening around the globe, therefore the international community should sit together and find a jointly acceptable definition of climate refugees. Processes available through the UNFCCC charter, COP plan, and other programs within the UN charters can be employed for the same purpose.

First thing worth mentioning is the response system of migrants stating the need for international protection (Degani & De Stefani, 2020). For the migrants that seek international protection, their reception is not controlled by an informal instrument (even though there seems to be a requirement in Article 10.3 of the Italian Constitution), but through the Consolidated Act on migration (a jurisdictional law enforced in 1998 and subsequently revised often) (Italian Immigration Act 1998). The Italian laws related to the status acknowledgement and reception of the refugees mainly integrates the EU stipulations assumed in a series since the 1990s, in the form of instructions (and otherwise, namely in consequent programs, through policies), and by the establishment of the Common European Asylum System – CEAS.

The latter, however, should be recorded in the bigger outline of the European GAMM and of the EU Agenda on Migration, (European Commission 2019 2015) and also in the framework for the migration policies by Italy. Therefore, refugee policies are a subcategory of the migration (more accurately: immigration) policies and are not an independent, solely humanistic issue. Other than humanitarian issues and concerns regarding human rights, political, economic,

security, geopolitical and many other interests related to this can affect state policies. In 2018, the 1st Conte government (preceded by the Gentiloni cabinet in 2017) applied a reform which negatively affected the already existing regulatory framework on the acceptance of migrants requesting international security— which itself functioned, as a detailed modification passed in 2015 (DL 142/2015, Reception Law 2015) but was still not fully implemented (Degani & De Stefani, 2020).

Until the modification of 2018, the Italian refugee system, was formulated around an officially monitored status verification system and a network of dispersed structures of reception, from ‘hot-spots’ (centres of medical aid and hosting- CPSA) to first-line and second-line hosting bodies, the latter functioned to support social integration and was open for both refugees (in the wake of the completion of the status determination procedure) and holders of the protection status. The candidates whose international protection and safety claims had been rejected, they were ordered to exit the country, and in a few cases detained in centres for expulsion awaiting the deportation procedures to take place. The whole system has performed poorly. The main causes of malfunctioning are interruptions in the status verification procedure and the surfeit of Commissions and Courts, along with the negligence of several reception centres and frequent ‘migratory difficulties’, urging the operating government to authorize special measures, sometimes disrupting the overall design. The ‘Dublin system’, designed to prevent ‘asylum shopping’ habits and the movement of foreigners in Europe as was originally conveyed in the Dublin regulation III (2013), but it had a specifically troublesome effect on country like Italy. that had first access. This practise has promoted a high number of migrants to abstain from being identified by the Italian authorities and to travel without legal documentation across the peninsula proceeding towards the north European countries (Degani & De Stefani, 2020).

In comparison with EU comprehensive percentage, the number of female applicants that applied for international protection were a relatively small share of the total number. As an example, the number of female applicants in 2018 was 14,270 (first time applicants: 13,340), which adds up to a rough estimate of 24% of the total which comprised of 60,000 applicants (women were only 16% of the peak 128,850 applications which had been received in 2017 (Eurostat, 2019)

After the circulation of regulations concerning persecution based on gender provided by UNHCR the Territorial Commissions that determine the status of refugees, the state agencies in charge of the recognition of irregular migrants, and the complete range of hot-spot, first-line and secondary response and assimilation bodies for refugees and asylum-seeking persons have progressively developed a gender-specific recognition (UNHCR, 2018). It is a deep-rooted

conjecture that certain circumstances might provide validation for the presentation of the refugee status that can include cases of rape or other violence related to gender that may include human trafficking, abuse related to dowry, mutilation of female genitals, etc. The women that are trafficked as victims of sexual manipulation and those who encounter re-victimisation, if they are returned to country of origin (in many cases, Nigeria), based on their association to a specific social group, mainly that of Nigerian women vulnerable to gender-based abuse, including being re-trafficked are awarded the refugee status according to a practice employed over time by the Territorial Commissions and courts (Degani & De Stefani, 2020). However, the influence on such good practices that are gender-sensitive and also legal philosophy of the recent legislative innovations is yet to be verified.

As expected, due to a variation in the national law authorities which show minimal support towards such endeavours, an interconnected strategic analysis has become complex in Italy. The protection of displaced women who suffered from trafficking, mistreatment, gender-based abuse, torture due to different reasons, or various kinds of abuse and violence at various junctures of their journey to and after entering the Italian territory are caused by various private and public actors. For the endorsement of practice where cross-referrals is carried out between the social actors, the strong legislature should establish some comprehensive and amenable considerations for the verification of secured statuses. A legislation concerning the dispute of intersectionality should permit the structures of migrant reception and border control to receive and provide a properly processed response to any appeals for refuge. The supervisory body should provide a set of choices, rather than one single option, and the chance of opting from one organization to another, to adjust with the particular and distinct incidents of helplessness faced by each woman.

As per the constitution of Italy, other than the obligatory categories to be provided protection to by international law (refugees, persons entitled to EU subsidiary protection, victims of trafficking and domestic violence, persons fearing torture in case of expulsion or refoulement...), any international person who is not provided the democratic rights that are also recognised by the Constitution of Italy can be protected by the country (Italian Constitution, art. 10.3) (Senato della Repubblica, 1947). As per the Article 5.6 of the Immigration Action, which has been enforced until the year of 2018, stated that if there were severe causes based on humanitarian, international or constitutional requirements, the immigrant has an entitlement to remain in Italy with a legal stay permit even if the individual lacks any other rights which might aid their stay in the country. Termed as the humanitarian permit to stay, this aligns with the principle of non-refoulement which prohibits the deportation of any individual to a country

where they might face the risk of being maltreated or tortured, therefore making it a direct implementation of Constitutional Article 10.3 (Degani & De Stefani, 2020).

4.1 Duty Bearer States

In the process of resettlement, there are mainly three kinds of states involved, where the first one is the native country of the immigrating individuals, second is the country of (first) shelter, and finally, the receiving country. Since numerous home countries intrude with the right of an individual to leave their own country by abstaining the citizens from escaping abroad therefore, native countries define the very beginning of an immigrating individual's journey. Furthermore, IDPs are the people who have not fled from the country which they are native to, but they may also have a similar need for immigration. The immigration of the IDPs indicates that the country which is the final receiver of refugees also carries out missions for selecting immigrants from their native countries (UNHCR, 2024). Furthermore, it is crucial to consider the conditions in home countries for determining the need of voluntary deportation from a country of initial refuge as a substitute to permanent immigration; also, after being resettled in the receiving country, the recipient of the resettlement can request voluntary return to his or her native country.

For the process of resettlement, other than home countries, countries of initial refuge are central actors. Individuals seeking protection escape from their native countries to a country where they are provided the initial refuge. The country providing the first refuge is obligated to comply with protective measures as stated in the international law as a result of having these new refugees present in its territory. As countries of initial asylum are overcome by high levels of refugee entry, resettlement proves to be a method for alleviating the burden. The critical role of countries of providing the first refuge must not be taken lightly as the receiving countries need to carry out selection missions inside their zones and, similar to the home countries, the countries of initial shelter may inhibit the immigration process by rejecting any grants pertaining to their right to leave for these resettlement recipients (UNHCR, 2011). Ultimately, resettlement is dependent upon the inclination of the receiving countries to take in refugee for lawful stay within its borders, in agreement with the regulations and laws of the country.

Every country that provides resettlement has its own rules and legislation systems for handling the resettlement of immigrants. The acceptance of resettlement cases suggested by UNHCR to the resettlement country is based on the country's decision. The decision on suggestions given by the UNHCR are further analysed on two generalized basis which are either dossier only or the selection missions (Van Selm, 2004). If the country of resettlement decides to select refugees based only on the dossier, it does not require the carrying out an interview directly with the

refugee. For this purpose, the resettlement country can choose to identify the population of refugees' form where it wants to receive the submission of dossiers, or it can rely solely on the UNCHR for their discretion. Regular one-on-one interviews are conducted by the resettlement countries with the prospective beneficiaries of resettlement. These interviews usually take place during selection missions for resettlement in the countries of first asylum or native countries of the refugees (UNHCR, 2011). Apart from the recommendation made by the UNHCR recommendations, several receiving countries also permit resettlement of individuals based on other factors.

4.2 Role of NGOs in Supporting Migration

There are several non-state actors, other than the UNHCR, specifically various NGOs (Wagner, 2013), that have been very active and enthusiastic in assisting the process of resettlement multiple levels including the international, regional and sub-local levels. On the whole, NGOs can show interest for its personal stake in five phases of the resettlement process: (Van Selm, 2004) (1) the recommendation stage, (2) the choice of allocation, (3) the reception upon entrance, (4) the provision of services for unification and social assimilation and (5) the contribution in policymaking. Resettlement process has profited in different areas from the participation of NGOs. In contrast to the UNHCR, these non-state actors are not burdened with the responsibility to cope with the entire magnitude of a refugee emergency. Generally, NGOs have a higher number of available sources for verifying merits of cases on site in the countries of initial shelter or native countries to identify the cases which are most at risk and require refuge through migration.

The provision of loaned staff members to the UNHCR for supporting resettlement processes has become a time-honoured practice for NGOs (Douglas, et al., 2017). Furthermore, the private funding which is assigned to resettlement process can be provided to NGOs. This indicates that in comparison to the UNHCR, NGOs are not reliant on donor state. On the other hand, there is a major shortcoming where the question of responsibility comes up as "who should be held accountable in case of misconduct" which becomes more complicated with the association of NGOs in the procedure. The most important part to be understood is whether the actions of the NGO staff are connected with the UNHCR or to the state.

The Refugee Convention is followed by the EU regulations for the proper definition and fundamental rights of refugees. The definition of refugee comes from the Article 2 lit d Qualification Directive 397 of the Refugee Convention which states that: 'Refugee' means a third-country national who, due to a justified fear of persecution for reasons of religion, ethnicity, race, opinion on politics or affiliation with a specific social group, is away from the

country of their nationality and is unable or, due to this fear, is reluctant to benefit themselves with the security and protection of that country, or a stateless person, who, being outside of the country of prior usual habitation for the same reasons as discussed above, is powerless or, due to feelings of fear does not have the willingness to return to it. In order to supplement the restrictive definition of refugees that is stated in the Refugee Convention, the precise development of the EU law for secondary protection status provided in the Qualification Directive is noteworthy. It offers special security to individuals who do not fulfil the eligibility criteria of refugees which is stated in the Refugee Convention (Battjes, 2006). Recital 33 Qualification Directive specifies that "the secondary protection should be supplementary and matching to the refugee security maintained in the Geneva Convention [Refugee Convention]".

The need to provide additional security than that offered by the refugee status mainly comes from EUMS' obligations of human rights, primarily from the principle of non-refoulement. The status of secondary protection comes from knowledge of potentially serious risk that can injure or harm that person hence they should not be deported to such a country (Kugelmann, 2010). Given these circumstances, Article 2 lit of Qualification Directive explains the phrase 'person eligible for subsidiary protection' as a national of a third-country or a person that is stateless but they are not eligible to be a refugee, however in case of whom solid evidence have been provided for realising that the person involved, if deported to their home country, or in the case of a stateless person to the country of their previous customary living, would be at risk of real dangers such as experiencing severe damage and is not able, or, due to such risk, reluctant to benefit himself or herself of the security of that country. In general, the rights and privileges of individuals entitled for secondary protection are more restricted than the rights of the refugees (Battjes, 2006). Additionally, the status of requiring secondary protection is more temporary in nature in comparison to that of a refugee, therefore the eligibility for receiving secondary protection is renewed based on re-examinations that are carried out.

Up until recent times only a small number of international organisations had any programmes related to migration. Amongst UN bodies and its other associations, the International Organization for Migration (IOM) and International Labour Organization (ILO) are the chief most important organisations with directives regarding migration. Over the course of time the ILO has authorised two significant studies in Bangladesh linked to migration: 'International Labour Migration from Bangladesh and the Trade Unions' and 'Migrant Workers Remittances and Micro Finance in Bangladesh'. After the regional office of IOM was instituted in Dhaka in 1999, it took various steps about migration. INSTRAW and IOM's head office in Geneva

cooperatively commissioned research on short-term labour migration of women from Bangladesh.

IOM is also collaborated with UNDP to carry out five studies reporting various aspects of migration. It also helps different migrant workers' unions, for example to carry out rallies at events like the International Migrant Workers' Day. At present, it has also taken on the responsibility for a capacity building project in the Ministry of Expatriate Welfare and Overseas Employment. UNDP also plays a partial role in migration issues. It has aided IOM for five studies. It has also sponsored the conversion of reports into Bangla after which they had been published in both languages i.e. Bangla and English. Funding was also provided by UNDP to some NGOs as a part of the HIV/AIDS programme to promote awareness among migrants regarding HIV/AIDS. As of recent, the Asian Development Bank has carried out some investigative work on the issue of trafficking. To prevent trafficking USAID has made a significant contribution, but like other organizations, it still has to take on any programme related to the labour migration or long-term migration. However, the Policy Division of the Department for International Development (DFID), UK has taken a recent interest in issued of migration.

4.3 Current Legal Framework for Refugee Law

It is crucial to recognise the corresponding normative framework as the first step to evaluate the correlation between resettlement of refugees and the international law. The decision to partake in resettlement process is at the discretion of the states (Foblets & Leboeuf, 2020), when conducting the process of resettlement is initiated, states must function within the framework of their international duties (Zieck, et al., 2014). Human rights provide privileges for individuals with regard to states. Those privileges are globally ensured and recognized by states as absolutely essential. They are considered as mandatory for securing the dignity and the personal growth of the person. The acceptance of these fundamental rights has become prominent in an elaborate frame of regional and universal human rights mechanisms. The concerns that follow are narrowed down to legal problems pertaining to the procedure of resettlement. The evaluation covers some of the most significant instruments for universal human rights, including, the International Covenant on Economic, Social and Cultural Rights (ICESCR) (OHCHR, 1966), the Universal Declaration of Human Rights (UDHR) (United Nations, 2024), the International Convention Against Torture (CAT) (OHCHR, 1984) and the International Covenant on Civil and Political Rights (ICCPR) (OHCHR, 1966). Other treaties which are also relevant consist of the United Nations Convention on the Rights of the Child (CRC) (OHCHR, 1989), the Convention on the Elimination of All Forms of Discrimination against Women

(CEDAW) (OHCHR, 1979), as well as the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) (OHCHR, 2006). Prejudice based on race is particularly highlighted and discussed under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) (OHCHR, 1965). The evaluation also discusses the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, ECHR) (Council of Europe, 1950). Refugees as human beings avail protection through the use of the instruments of human rights that were mentioned. However, the advancement of general human rights accords has not led to refugee-specific rights becoming redundant. The international law source which holds ultimate significance for refugee-specific rights is the Refugee Convention and its Protocols.

While construct and conditions of the different human rights agreements may vary, but in general, they connect states with individuals that they are aimed at or within their territory. For instance, Article 2 para 1 of ICCPR states that "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." This article is comprehensively explained by the Human Rights Committee in its General Comment No 31. Thus, Article 2 para 1 of ICCPR necessitates State Parties to acknowledge and guarantee the Covenant rights " to all individuals within its territory and subject to its jurisdiction " (OHCHR, 2004) .Furthermore, the Human Rights Committee found in *Delia Saldias de Lopez v Uruguay* indicated that "it would be unconscionable to so interpret the responsibility under Article 2 of the Covenant as to permit a state party to perpetrate violations of the Covenant on the territory of another State, which violations it could not perpetrate on its own territory" (OHCHR, 1984).

Undeniably, the General Comments and outlooks implemented by the Human Rights Committee are not legally binding, but there is still the requirement for state "to at least consider and weigh the reasons " (Kälin & Künzli, 2019) for not complying. The ICJ encouraged and promoted the influence of the decisions made by the Committee. In the context of the European region, Article 1 of the ECHR states as follows: "High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention". The travaux préparatoires of the ECHR propose a wider comprehension of the authority that goes beyond control in the sense of territories. In Article 1 of ECHR, the original reference was changed from " all persons residing within their territories" and was substituted by persons " within their jurisdiction" (European Court of Human Rights, 2020). Consequently,

the European Commission on Human Rights and the European Court of Human Rights (ECtHR) specified regulations for exceptions on its jurisdiction based on the territorial notion. The human rights law, refugee law, humanitarian law, as well as criminal law promotes the ban of refoulement also considered as the most fundamental principle for leading the entry of non-citizens. As per this principle it " includes at a minimum the absolute prohibition of refoulement toward a state where there is a real risk of torture, inhuman, or degrading treatment or punishment" (Kälin & Künzli, 2019). In accordance with refugee law, non-refoulement is clearly stated in Article 33 of the Refugee Convention (Chetail, 2019). Universal human rights agreements consist of specific non-refoulement conditions, such as Article 3 para 1 CAT, and indirectly implied non-refoulement terms, mainly Article 7 ICCPR, and Article 37 CRC (Pijenburg, 2020); instances of the provisions of non-refoulement in local human rights agreements are Article 22 para 8 American Convention on Human Rights (ACHR) and also Article 3 ECHR and Article 5 Banjul Charter.

According to the context of EU law, Article 19 para 2 Charter of Fundamental Rights of the European Union (the Charter) explains a clear exclusion of refoulement, and Article 4 of the Charter specifies a more implicit ban on refoulement. Implicit and explicit provisions of refoulement must be differentiated in a significant manner as the definition used for explicit refoulement conditions might restrict the function of the principle. For example, a prohibition of refoulement that is directly addressed to those that have in actuality crossed a receiving country's borders is tough to employ in the context of resettlement—other than its function in the (not any lesser significant) circumstances where refugees already find themselves on the territorial grounds of the resettlement country. Therefore, it is essential to evaluate the subject behind the terminology by utilizing the rules of analysis and understanding under Article 31 para 3 lit c Vienna Convention on the Law of Treaties (VCLT) (United Nation - Office of Legal Affairs, 1969).

Apart from the law of the treaty, critics supported the conventional law characteristics of the principle of non-refoulement. (Chetail, 2019) (Pijenburg, 2020). In practicality, a country might defy the non-refoulement principle if it does not (fully) examine a person's possibility of being subjected to risky situations where his or her right to life, or the prevention of maltreatment or torment, are a cause for concern. A breach of non-refoulement can already be provoked if a state should have identified that it would put a person in harm's way, exposing the person to such conditions, including consequent refoulement (Hathaway, 2021). The necessary criteria of the principle of non-refoulement according to customary international law is, for instance, indicated in Guideline 3 of the regulation on how to minimise the risk of

refoulement in outer border administration when working in collaboration with third countries, announced by the EU Agency for Fundamental Rights (FRA). It explains that third countries "should not be requested to intercept people on the move before they reach the EU external border, when it is known or ought to be known that the intercepted people would as a result face persecution or a real risk of other serious harm". Subsequently, as a result of the principle of non-refoulement that irrespective of whether the identification process of the refugee status happens at the border or within the territorial jurisdiction of the State, some basic technical necessities (like the access to a petition with automatic adjourning effect, where appropriate) must be guaranteed. The initial study about extraterritorial jurisdiction assumes that the purpose of non-refoulement obligations according to treaties on human rights remains special for receiving countries participating in selection missions for resettlement.

4.4 Legislation by EU on Asylum

Besides international law, the determination of the refugee status is defined by supranational legal instruments. On the European Union level, the EU Charter of Fundamental Rights acknowledges the right to gain refuge in the article 18 as well as article 19, the principle of non-refoulement, both of them can be tracked back to article 14(1) of the UDHR in 1948. Although announced in 2000, however, the EU Charter has become legally binding from the time the Treaty of Lisbon was enforced in December 2009. Even though there is dispute amongst legal researchers on the application of the provision based on its substantial scope, depending on the detailed study of this right's development in the EU Charter, such as involving viewpoints of global and relative regional law, the Charter's objective and background, and its travaux préparatoires, it can be debated that the right to seek refuge in the Charter "is to be construed as a subjective and enforceable right of individuals to be granted asylum under the Union's law" instead of just being a technical right to seek asylum (Gil-Bazo, 2015). Therefore, the right to asylum is applicable as an essential Union law, making it completely enforceable within legal national orders without carrying out any substitutions; the Charter can also be openly appealed before the national courts in member states.

Moving from written law to operational law, it is observed that practice by state indicates that an individual still does not have the right to be provided refuge as the right itself takes the shape of power at the discretion of state (Goodwin-Gill & McAdam, 2021). It is at the discretion of the state if it chooses to employ its right and as to whom it will provide refuge or other securities, and under what circumstances these protections can be used. The idea of making it obligatory for states to provide refuge as insurance of long-term solutions, with or without a complementing right of the individual, still continues to face opposition. Although an outline

for the development of the Common European Asylum System (CEAS) was already introduced as a part of the basic principles and goals of the Treaty of Amsterdam in October 1999 by the Tampere European Council, the implementation of the Lisbon Treaty in 2009 finally paved way for the development of a “uniform status of asylum”, “a uniform status of subsidiary protection,” and a “common procedure” in all of the European Union. Due to this treaty, EU Charter of Fundamental Rights had legal binding.

In June of the year 2013, the European Parliament approved numerous actions for the reformation of the CEAS, such as a basic set of rights designed for refugees entering in the EU, common procedures, and proposed a halt in transferring the refugees to member states that were already facing difficulties in managing the number of refugees and other responsibilities related to refugees. The European Asylum Support Office (EASO) was inaugurated in 2010, and it is considered as the most significant step taken by the European Union to support collaboration amongst organizations (Peers, 2011) and this organization by the EU has a significant role to play in the expansion of the CEAS. The main aims of the EASO are to assist, direct and boost reliable collaboration between the member states, it also works for provision of functional assistance to member states that are subjected to certain pressures on their refugee and reception systems, furthermore it provides supports relating to the policy and regulation of the Union in all areas having a direct or indirect influence on refugees (Regulation 439/2010) (European Commission, 2018).

The EASO does not hold any authority in the decision-making of member states’ refugee protection agencies on independent applications for international security (European Commission, 2024). The Office works in collaboration with the affiliated countries, other EU organizations comprising of Europol, Frontex and the Fundamental Rights Agency, also with the UNHCR and the members of tribunals and courts. The EASO makes a certain level of contribution to the CEAS primarily by planning the formation of a common culture related to refuge in the member states, which has been accomplished to some extent through common training. The EASO Training Curriculum entails fundamental characteristics of the refugee protection process mainly for case officers but also for supervisors of refugee units, country of origin information (COI) associates and other employees. There are six EU guidelines and instructions specifically related to the refugee process, out of which the first five were amended in 2013, as well as various other legal instruments in the subject of refugee protection.

The Asylum Procedures Directive (2005/85/EC, Directive 2013/32/EU) created common criteria for protecting and ensuring the admittance to an impartial and effective refugee process. In accordance with the Directive, it is necessary for EU countries to confirm that applications

are evaluated independently, accurately and fairly and that the refuge seekers shall be permitted to stay in the country while their application is being processed. The Reception Conditions Directive (2003/9/EC, 2013/33/ EU) expects member states to arrange for the basic support requirements, that is, a “dignified standard of living and comparable living conditions in all member states”, to be provided to refuge seekers while they are awaiting the review of their applications.

The Qualification Directive (2004/83/EC, 2011/95/EU) discussed the absence of uniformity in management of the determination of refugee status by the numerous member states. Despite the implementation of this directive, the rate of recognition is significantly divergent amongst the member states. The directive combines and clarifies the definition of refugees provided in the 1951 Convention and 1967 Protocol and also offers for secondary protection. The Dublin Regulation (343/2003, 604/2013), which substituted the previous Dublin Convention, set forth the standards and procedures for deciding which member state would be accountable for assessing an application for refuge that is submitted in one of the member states. This directive created some supplements and modifications to the hierarchy of standards for accountability in the Convention accompanied by an increase in the speed of the resettlement procedure to transfer the refuge seekers among the member states (Peers, 2011). The Eurodac Regulation (2725/2000, 603/2013) served the purpose of creating a system where fingerprints of refuge seekers could be compared. For assisting the utilisation of the Dublin II Regulation, it is required that the fingerprints of all refugees over the age of 14 years must be taken accordingly.

The Return Directive (2008/115/EC) initiated conventional guidelines and processes for deporting third country nationals seeking refuge “illegally” inside the borders of a member state (Art 2(1)). The focus needs to be shifted to a different legal European document to discuss this better. Even though there is no explicit provision in the ECHR 1950 that is related to refuge, an important organisation of jurisprudence has developed from the organs of Convention, which determines the criteria for the rights of refugees all over Europe (Mole & Meredith, 2010). There are three most significant articles in this document which include article 13, demanding a solution for every victim facing abuse of their protected rights; article 8, including the right to receive respect for their family and personal life; and article 3, forbidding persecution and brutal or humiliating treatment. Other relevant articles related to the determination of refugee status consist of article 6 (right to a fair trial), article 2 (right to life), article 10 (linked with freedom of expression) and article 1 of Protocol No. 7 (regarding procedural safeguards related to expulsion of aliens).

There is significant preceding value in the jurisprudence of the European Court of Human Rights (and its antecedent, the European Commission on Human Rights), with a string of verdicts in refugee and deportation cases that enforce significant restrictions on sovereign powers. There has been actual influence of case law on the expansion of the scope of non-refoulement past what is stated in article 33 of the 1951 Convention by constant reinforcement of the exclusive and inflexible nature of article 3 of the ECHR, that can be observed in article 15 of the EU Qualification Directive and this establishes secondary protection. Due to such legal background, the admissibility of refoulment must be examined by the officials when the prerequisites for offering refuge are not provided. Within the range of this analysis, they should examine if an exclusion would signify a “real risk” of violating either article 2 or article 3 of the ECHR. Therefore, the decision makers should be persuaded that (1) the treatment which is feared can either be torture or can be deemed as brutal or demeaning and (2) there are significant reasons or evidence for trusting that the individual will face such treatment when deported (Goodwin-Gill & McAdam, 2021; Lal, 2018)

4.5 Female Refugees from Bangladesh in Europe

Social and Economic Rights

Protecting the economic and social rights of refugees is not only crucial for the survival and livelihood of these refugees in the country of resettlement, but it also fundamental for the pursuit of a proper, long-term solution to address their safety requirements. It means that any long-lasting solution which appropriately discusses the security issues of refugees in terms of their financial and social requirements will in itself be most helpful in resolving their problems as refugees.

Under the effect of international human rights and refugee law, following are the basic economic and social rights that have received recognition for refugees:

- The right to work and the right to impartial and good working conditions
- The right to receive an education
- The right to seek healthcare
- The right to an acceptable standard of living, comprising of clean water, housing and sanitation, and food
- The right to social safety

Every right that is mentioned above withholds special importance in the livelihoods of the refugees and also their families. The right to work ensures the availability of an opportunity for every individual to attain a life of self-worth and honour. This has been identified as an indivisible and integral part of the human self-esteem (Lal, 2018). In order to recognise other significant human rights as well, the assurance of the right to work is quite necessary as it plays a pivotal role in the survival, growth and appreciation of an individual in the society.

Taking into consideration the susceptibilities of refugees due to the reasons of dispute, suffering or abuse of their human rights which they faced in the country of their origin, the right to work undertakes a major impact in restoring a sense of dignity, and self-respect in the lives of all refugees. It offers them a steady income, financial independence, safety and social status. Furthermore, this also provides them with the chance to fit within the local community, improve their skills on the local language and support the economy of the resettlement country. Therefore, it is one of the more productive ways to ensure that refugees incorporate well into the locality and society of the country of resettlement and also become self-reliant. The protection of right to work of refugees can be ensured by State parties, for these states parties should enforce national laws permitting refugees to work and also make certain that the working conditions are not any less favourable for refugees than they are natives (Edwards, 2005).

There are three different inferences related to the right to work that have surfaced in the international legal framework that include 'rights at work', 'right to employment', and 'freedom to work'. An obligation is imposed upon a State to ensure employment opportunities for every individual under the right to employment. Freedom to work enforces a negative commitment on the State inhibiting it from intervening with the freedom of a person to work (Bhattacharjee, 2013). The rights at work provide the assurance of impartial and favourable conditions at work. From these three, the right to work as assuring employment to each and every person is not socially and politically accepted in the international law jurisprudence most likely because of limited resources and intensifying resentment focused on refugees in different parts of the world. As a result, the interpretation of right to work as a negative right that provides support for non-interference by the State in the freedom of a person to earn their income is the most authorised view (The Michigan Guidelines on the Right to Work, 2010). This right to work is accessible to both nationals and non-nationals, including asylum seekers as per the international human rights framework.

Right to gain education is another notable social right which is globally recognized as a significant element of human rights protection and is directly connected to financial independence. It is an empowering right by means of which the financially and socially

underprivileged parts of the society can become economically enabled and safeguarded, thus refining their living standards and also enabling them to make a helpful contribution to the society (OHCHR, 1999). Accepting the significance of education, the Economic and Social Council, in 1999 highlighted that:

Education is in itself a human right and also an essential way of understanding other human rights. As a right that provides empowerment, education is the basic means by which financially and socially side-lined adults and children can uplift themselves from the shackles of poverty and acquire the means to fully partake in their communities. Education plays a key role in the empowerment of women, protection of children from manipulative and dangerous labour and sexual abuse, endorsing democracy and human right, regulating the population growth and protecting the environment. Furthermore, education is considered as one of the best investments that can be made financially. However, the significance of education is not only for practical use: a well-educated, active and enlightened mind, able to ponder widely without being limited, is one of joys and gifts of human existence (UNESCO, 1999). For immigrants it is an essential tool for strengthening them both economically and socially. Education allows them to enjoy the other basic human rights which would be impossible with the lack of it. A big number of the refugees in the country of resettlement are socially and financially deprived, having to survive in disgraceful conditions with unsatisfactory living standard. More often than not, these refugees have to face aggression of the local people, and many times are categorized as unwelcomed migrants on the basis that they put a strain on the public resources and are an economic liability on the country of resettlement. Education plays a fundamental role here in encouraging refugees and enabling them to change their circumstances of living in poverty, and they also start contributing to the resettlement country's economy (UNESCO, 1999).

In the case of refugee children who have often experienced mental, emotional and physical abuse, education is a key factor in prevailing over their trauma and also for cultivating their aptitude, personality and other physical, or mental attributes. Therefore, when the resettlement country gives importance to education of the refugees, it will empower these individuals to progress financially and socially, additionally they will not be faced with resentment from the local people, but instead be regarded as an active contributor to the country's economy. While observing the refugee crisis throughout the world, the UN treaty organisations have again and again expressed their distress over the limited fulfilment of educational rights by refugees and shelter seekers (UNESCO, 2017). Out of the various problems put forth by the treaty bodies concerning the right to education, one major concern is the refugees' right to avail education.

Ensuring the right to highest achievable level of physical and mental health for the refugees is another significant feature of guaranteeing their financial and social security. An outcome of the high exposure to disputes, tortures and human rights abuse faced by refugees in the duration of their stay and flight from native country, they are most of the times at high risk of health issues. Thus, in the case of a refugee, right to health is especially significant as it increases or sustains their well-being and self-esteem and that of their family as well (Sterne, 2013).

Furthermore, it has been a deep-rooted fact that all human rights are inter-reliant, inseparable and correlated. It is suggested by these rights that fulfilment of the right to health is necessary for attainment of other human rights like the rights to food, to work, to clean water, to education, to a suitable living standard, to proper housing and to freedom from prejudice among many others. Hence, to guarantee the welfare of refugees it is important that states must prioritise the fulfilment of the right to health without any kind of differentiation or discrimination. The Committee on ESC has explicitly held the opinion that governments have the “obligation to respect the right to health by refraining from denying or limiting equal access to healthcare for all persons, including asylum seekers, refugees and illegal immigrants” (CESCR, 2000).

For refugees, another essential societal privilege is the right to a satisfactory living standard which suggests that everyone should possess the necessary survival rights like sufficient food, clean water and proper housing. When refugees resettle in an unknown region, it is often challenging for them to achieve a suitable standard of living for themselves and for their families. More often than not, they are forced to live in congested housing or camps with no or nominal access to their primary needs. The susceptible conditions where most of them are forced to sustain themselves shows that their right to have the accessibility to primary needs like suitable accommodation, food, sanitation and clean water is rarely recognised. Furthermore, the lack of accessibility to any of these rights decreases the possibility of the realisation of other human rights too.

Therefore, to thoroughly meet the safety and protection requirements of refugees it is vital for the states along with the global community to take efficacious steps towards the advancing accomplishment of right of the refugees to have a suitable living standard. The right to social protection guarantees that aid is provided to those with special needs for example, fostering children that are unaccompanied minors, nursing the disabled or older individuals who are unable of managing themselves alone, supporting those who are jobless or cannot work. This right holds specific importance in the lives of refugees who encountered different protection obstacles because of being at a disadvantage such as in the case of unmarried women, widows, disabled or older people (OHCHR, 2024).

Realising the significance of offering social protection to refugees, the Committee on ESC has declared that “whereas everyone has the right to social security, States parties should give special attention to those individuals and groups who traditionally face difficulties in exercising this right, in particular refugees and asylum seekers” (UN Committee on Economic, Social and Cultural Rights (CESCR), 2008).

The reality for the female Bangladeshi refugees that are trying to escape from abuse and oppression is that they suffer from unsuitable living conditions, not enough support from the country of resettlement, and most importantly face systematic barriers in assimilation. It is indicated by studies that female Bangladeshi refugees not only suffer abuse based on gender in their home country, but also face similar consequences on the journey for asylum and even after resettlement. Camps and informal mode of housing increase their risk and vulnerability to sexual abuse, exploitation and provides insufficient levels of healthcare services. The experience is further worsened as their legal status intersects with the ethnic and gender specific issues in the host country (Obaidullah, et al., 2024). Furthermore, as the female Bangladeshi refugees are allowed entry into Europe, the barriers created by language and cultural differences creates more obstacles while accessing healthcare facilities such as the services for mental health, which is degraded further with the lack of local support systems. Integration into the workforce is also a significant struggle for these refugee women and therefore it is harder to find accommodation, also they have a harder time in understanding the bureaucratic system (Nyikavaranda, et al., 2023). There is social perception which surrounds the refugee women creating a dichotomy of vulnerability to risk or being considered as a possible burden on the society, thus making it more complicated for them to advocate for their rights and to showcase their skills to get proper access to jobs (Böhme & Schmitz, 2022)

Female Refugee Situation in Germany

Numerous open-source reports and studies review the obstacles encountered by female refugees, including those from Bangladesh, who move to Germany. Though precise information about Bangladeshi female refugees is inadequate, many of the detailed results about female refugees can be implemented in this group due to mutual conditions. Female refugees, generally experience certain hurdles upon their arrival in Germany. Many women strive to gain education, training for new language, and vocational training. These issues most likely arise from customary gender roles, family obligations, and constricted entry to incorporation agendas. Women refugees are also observed to be jobless or underemployed in comparison to their male counterparts. Such circumstances might occur due to a series of factors, comprising of lower education levels, not sufficient work experience, and late or less involvement in German

language programs (BAMF, 2017). Furthermore, female refugees, specifically the ones arriving with families, are more socially secluded. They are mostly accountable for childcare and household chores, which reduces their chances of participating in social and cultural assimilation. Although, children can act as a channel for enhanced communication with the native people, as many women come across Germans through school or local events that the children participate in (Worbs & Baraulina, 2017).

A key resource is the 2021 BAMF report on female refugees in Germany, which highlights gender-based hurdles in particular including the ones mentioned before and others (BAMF, 2021). Germany's regulations concerning female refugees are designed by the clear background of its shelter and integration procedures, with specified guidelines especially modified to tackle the exceptional problems faced by women. The German government acknowledges that female refugees, especially those with family obligations, experience different obstacles in obtaining education, finding jobs in the labour market, and navigating through the social facilities. An outline of the policy adopted by Germany is mentioned below:

1. Gender-Specific Protections

Germany accepts gender-related sufferings, such as forced marriage, honour killing, or sexual abuse, as legitimate reasons for shelter. These guidelines are in accordance with both the Geneva Convention and the European Union's instructions on protection, assuring that women escaping such forms of aggression can demand security because of these particular threats. In accordance with an investigation, many female refugees from disputed areas, as well as Bangladesh, are specifically susceptible to gender-related hostility during their journey and in refugee camps (Böhme & Schmitz, 2022). Consequently, Germany has modified its protection policy to be more comprehensive about such occurrences. Women who have encountered gender-based torture can receive better support during the shelter application process, plus trauma-informed care and expert legal guidance (BAMF, 2021). This policy is particularly relevant provided the high incidence of marital and sexual abuse among female refugees.

2. Programs for Integration

Germany strongly emphasizes on language learning for refugees, as it's regarded vital for incorporation in the society and workplace. Nonetheless, female refugees, especially mothers, frequently struggle to avail such programs due to familial responsibilities. To alleviate these situations, Germany has introduced low-threshold German courses that provide an accommodating timetable and, in certain scenarios, offer cost-free childcare during classes (BAMF, 2021) (Worbs & Baraulina, 2017). Also, local associations and projects have launched

courses aimed at women to encourage them in acquiring linguistic skills and getting work prospects. Nonetheless, there still seems to be significant challenges for women as a BAMF research indicates that two-third of female refugees evaluate their German skills as “good” or “average,” while male refugees are more likely to have enhanced linguistic expertise owing to easier admittance to these programs (BAMF, 2021) (Worbs & Baraulina, 2017).

3. Employment and Education

In comparison to their male counterparts, female refugees in Germany are faced with lower rates of employment. Some of the obstacles faced include cultural differences, inadequate acknowledgement for foreign education, and restricted admittance to vocational training programs. Germany has developed special projects to handle this issue, such as coaching plans, job consultation facilities, and professional guidance designed for female refugees. Certain programs are aimed at facilitating women for creating stability between family and work, providing training for vocational opening up possibilities of employment in many fields like hospitality, nursing, and childcare which are popular. Although, the number of participants are less owing to cultural practices that place domestic roles for women above all else and also inadequacy of professional knowledge amongst several female refugees (BAMF, 2017)

4. Protection Against Gender-Based Violence

The refugee policy of Germany comprises of certain guidelines to secure female refugees from gender-based abuse in refugee camps. Women are mostly provided place in family-friendly or women-only housing facilities to reduce the possibilities of abuse. Furthermore, there are mental health services especially directed at women who have undergone trauma during their resettlement journey (BAMF, 2021). In refugee camps, women time and again come across high threats of sexual abuse and oppression. Therefore, Germany has launched many policies to offer secure accommodation facilities for women, specifically through family-friendly housings and women-only places. In correspondence to the BAMF, these instruments intend to inhibit violence and give women a more protected surrounding while their refugee claims are in the process of being reviewed (BAMF, 2021). Moreover, women in asylum are provided the opportunity to avail therapeutic aid, and many programs are initiated to educate the staff to aptly identify and handle the cases of gender-based abuse. Official protection bodies and NGOs, like Terre des Femmes, are also enthusiastically promoting the rights of female refugees, providing legal aid and psychological and social support (BAMF, 2021) (Worbs & Baraulina, 2017)

5. Childcare and Family Support

A large number of female refugees seek resettlement with children, and they are the main caretakers. To assist these women, the German government offers family grants, childcare stipends, as well as some other social amenities. Women who cannot work due to childcare obligations are given economic support (BAMF, 2021) (BAMF, 2017). Female refugees, mainly those who come with children, encounter certain difficulties. Realising that majority of the women arriving in Germany as asylum seekers come in a family environment, and many adopt the key roles of childcare, Germany has started providing family benefits such as parental support and child grants to ensure that these women can take care of their children with no excessive monetary burden (BAMF, 2021). Childcare amenities are also provided for refugee families, but the accessibility can be restricted due to the lack of availability in specific areas, mainly in countryside regions. Mostly women with young children have limited admittance to courses for integration or professional job training because of their caretaker duties towards children (BAMF, 2021).

6. Health and Mental Health Services

Female refugees can avail Germany's healthcare facilities, but there are a lot of difficulties in receiving psychological services, particularly concerning women who are a victim of trauma. Certain programs are launched to give trauma-based support, but it is a restricted opportunity, especially for women living in the countryside or underdeveloped areas (BAMF, 2021). Germany provides healthcare facilities to all refugees, but female refugees face certain hurdles in receiving therapeutic services, particularly in case of trauma-related care. Several women go through PTSD due to abuse they have faced previously or during migration. There are trauma-related care programs, but the availability is controlled, especially in countryside areas and smaller refugee camps (BAMF, 2021) (Worbs & Baraulina, 2017). Associations like **Medica Mondiale** offers specific care to women who have undergone sexual exploitation and trauma. Nevertheless, linguistic hurdles, long periods of waiting, an insufficient number of female doctors and psychologists still delay the access and efficiency of these amenities (BAMF, 2021) (Worbs & Baraulina, 2017).

Challenges:

Irrespective of these measures, female refugees in Germany face constant obstacles, consisting of social seclusion, linguistic blocks, and reduced percentage of financial participation in comparison to men. Family obligations and customary norms increase the obstruction of their thorough incorporation into German society (BAMF, 2021) (Worbs & Baraulina, 2017). Germany continuously works on upgrading its laws to further assist the incorporation of female

refugees, with an emphasis on highlighting these barriers exclusive for female refugees. Germany's regulations regarding female refugees tries to address women's particular necessities and susceptibilities through detailed protection programs, focused assimilation projects, and security against gender-based abuse. However, various loopholes remain in terms of access to amenities, cultural assimilation, and financial contribution. Recurring programs and modifications continuously progress as the government, civil society, and global associations work collectively to increase the support system for female refugees.

Case Study: Refugee Situation and the Italy-Albania Agreement

In the last few years, Europe has become the hub of refugee emergency, where Italy acts as one of the main passages for immigrants and shelter pursuers travelling across the Mediterranean. It is considered a major destination for those in search of habitation owing to various reasons including Italy's geographical position, along with financial downfall and political uncertainty in many regions of Asia and Africa. Out of hundreds of immigrants which enter through the shores of Italy annually, it mainly comprises of refugees from Bangladesh, especially highly susceptible women, who often face safety issues and must accept the bitter realities related to resettlement. Accompanied by escalating internal stress to control the growing number of asylum pursuers arriving at its borders, Italy has signed several treaties with other non-EU states such as Albania to cope with the inflow of refugees. These pacts include the resettlement of asylum seekers as of Italy to Albania, therefore efficiently utilizing Italy's immigrant obligations (EuroNews, 2024). Though this can offer instant alleviation for Italy's overstrained immigrant system, it also puts forward grim distresses regarding the management and safety of those people, specifically the female refugees belonging to Bangladesh.

This section studies the circumstances of these female refugees, aiming on the outcomes of Italy's actions that might disregard the international refugee law. It mainly investigates the primary global charters intended to safeguard refugees and debates over Italy's verdict to transfer weakened persons to Albania, a country that might be incapable to offer required securities and may perhaps establish a violation of the principle of non-refoulement and other global legal obligations.

1. Background of Italy's Refugee Policy

Due to Italy's topographical location in the Mediterranean, it is a forefront country in Europe's current refugee crisis. During the last ten years, to escape from disputes, destitution, and suffering, hundreds of thousands of asylum seekers and immigrants have arrived on its land, from countries like Bangladesh, Libya, Syria, and Afghanistan. According to the European

Union's Dublin Regulation, the refugees must present an application for asylum in the first EU country they land on, which has put immense strain on countries like Greece, Spain, and Italy to handle most of the region's resettlement applications (European Commission, 2020).

To alleviate the rising stress, Italy has formulated and employed a set of various policies directed at monitoring the influx of immigrants. Over the last few years, Italy has actively cooperated with third-world countries such as Albania to reduce the burden. Italy can transfer specific migrants to Albania for handling, confinement, as well as relocation by authorising sections of its resettlement procedure. However, the use of such a practice is condemned owing to its impending human rights infringements and deficiency of clarity. The pact between Italy and Albania encompasses a comprehensive plan. These countries collaborated on a debateable contract to send refugees, along with the ones belonging from Bangladesh to Albania in 2023 (Millona, 2024). This action, acted as a short-term resolution to ease Italy's strained system, and has raised a considerable deliberation, mainly concerning Albania's ability to sufficiently safeguard the refugees that are transferred there.

2. An Overview of Refugees from Bangladesh

Bangladesh is a major root of global immigration for many years. The main reasons for abandoning the country are poverty, limited financial resources, political downfall, and also climate change. Thousands of Bangladeshis left in search of good job opportunities (Mahmud, 2023). Although, many migrate for monetary grounds, while others escape owing to political suffering, gender-specific exploitation, and various forms of subjugation. Female refugees belonging to Bangladesh experience severe problems. Women and girls are frequently subjected to violence, smuggling, and manipulation during their resettlement journey as well as on their arrival to the host countries. They usually move alone or with children, enhancing their vulnerability to violence and maltreatment (IOM, 2006). As Italy is considered a main destination for numerous Bangladeshi refugees, the Italian government's latest verdict to transfer them to Albania has raised several questions. Albania, a country with controlled provisions and substructure for refugees, might not be prepared to fulfil the special requirements of weakened groups such as female refugees. Such circumstances raise serious questions about the fulfilment of Italy's responsibilities under international law, mainly related to the security of children and women.

Over the past decades, thousands of Bangladeshis have left their native country to find good work prospects and a chance at a better livelihood abroad. Many have shifted to Southeast countries, Middle Eastern countries, and mostly to, Europe nowadays, to flee from the shackles of poverty, administrative failure, and climate change. Although most of this relocation is

financially driven, a large percentage of the community, particularly women, have run away to defend themselves against societal evils like gender-specific abuse, manipulation, and maltreatment (Morad, 2024).

Socioeconomic and Political Drivers of Migration

Bangladesh is one of the extremely overpopulated countries in the world, with a population close to 170 million people (BBC, 2024). Although the country has grown economically in the recent years but still, a significant ratio of the public constantly struggles to survive in deprivation, and several people cannot access daily life amenities such as medical aid and proper schooling. In countryside regions, wherein conventional gender-specific characters are repeatedly more profoundly engrained, women are specifically exposed to exploitation, forced marriages, and marital violence. Furthermore, Bangladesh has undergone governmental uncertainty, with frequent also re-elections ruined by bloodshed and turmoil, promoting the risks of vulnerability for the people of Bangladesh. Also, climate change has worsened the stress of resettlement in Bangladesh, with increasing coastal levels and more and more critical climactic incidents jeopardizing the living of thousands of families. The whole populations in coastal regions are relocated, pushing people to transfer to metropolitan centres or search for foreign job prospects (Bernzen, et al., 2019).

Vulnerability of Female Refugees

Female refugees from Bangladesh go through distinct difficulties during their relocation journeys, as well as upon reaching resettlement countries. Women are extremely affected by impoverishment and abuse of all forms in Bangladesh, forcing them to find refuge in foreign countries. Nonetheless, from the beginning of their journey, they frequently experience gender-specific abuse, as well as sexual manipulation, trafficking and ill-treatment, mainly while travelling via unauthorized or illegal immigration courses. Hundreds of women exit Bangladesh by themselves or with children, endangering themselves to manipulation by smugglers and traffickers. In resettlement housing and receiving centres, women are usually exposed to violence, involving sexual exploitation, insufficient health care, and controlled availability of education for their children. These obstacles are heightened by social humiliations and cultural practices, which can make it problematic for Bangladeshi women to gain therapeutic aid or raise voice against ill-treatment (UNODC, 2022). Resultantly, female refugees from Bangladesh are one of the overly endangered groups in the international migrant crisis.

3. Transferring the Burden to Third Countries

In the past ten years, hundreds of people have gone on perilous journeys from North Africa and Asia, usually in leaky boats, to get to Europe through Italy. This wave of migrants has greatly burdened Italy's asylum and refugee system, specifically as the European Union's Dublin Regulation commands that asylum seekers must submit an application for security in the first EU country they enter. Italy has experienced great trials in handling the large inflow of immigrants and asylum seekers. Response centres are usually teeming with people, and the state's shelter processing system has been pressurised. Moreover, the political and public discourse inside Italy has progressively moved towards anti-migrant opinions, with conservative right-wing parties appealing for harsh restraints and border safety. This caused the strengthening of Italy's asylum laws in last few years, concentrating on restriction and shifting the immigration obligations to different countries (Hoque, 2024).

In response to the tremendous pressure, Italy has gradually collaborated with other countries to supervise immigration flows. A main characteristic of this plan is the institution of pacts with non-EU countries, as well as Albania and Libya. Keeping these contracts in view, migrants and refugees are habitually imprisoned or accommodated in the third world countries during which their shelter claims are processed. This law represents the European Union's extensive attempts to deploy the administration of refugees, as observed in the EU-Turkey deal, where migrants were sent off to Turkey as substitute for political compromises and economic assistance (European Parliament, 2024).

The Italy-Albania Agreement

As of 2023, Italy and Albania collaborated upon an agreement to shift asylum seekers to Albania, offering it as a short-term result to lessen the impact of the burden on Italy's overstrained receiving services. The Albanian government approved to receive a specific number of migrants, who would be accommodated in encampments situated in Albania during the time their shelter requests were managed. Italy offered economic aid to Albania as a replacement for fulfilling this obligation. Even though Italy has outlined this plan as a realistic step to supervise the surge of immigrants, still the contract has received extensive disapproval. Human rights organisations and refugee rights activists have questioned Albania's capability to offer necessary securities and lifestyle standards for the emigrants, especially regarding oppressed individuals like children and women. There is also an alarming fear that this treaty effortlessly circumvents Italy's responsibility according to international refugee law, as the transferrals of refugees to a non-EU country might subject them to impoverished lifestyle conditions and controlled legal safety (Amnesty International, 2024).

Italy and Albania as Key Transit Points

Italy has become one of the key terminals for refugees from Bangladesh, specifically those pursuing resettlement in Europe. The immigration course from Bangladesh to Europe is full of perils, with refugees normally voyaging through numerous countries in the Middle East and North Africa before trying to go across the Mediterranean. Countless refugees, including women and children, reach Italy, through whichever way of illegal or legal passage that is known to them. Yet, with the current agreement between Italy and Albania, lots of emigrants are being transferred to Albania, a country that has constricted provisions and facilities. For female migrants, this shift poses further threats, since Albania might be deficient of adequate groundwork and other facilities necessitated to support their needs. These conditions have highlighted the concerns related to the lasting security and welfare of such women, along with Italy's conformity to the international refugee law (Amnesty International, 2024).

4. Impact of Agreement on Female Refugees

Female refugees experience a lot of gender-based hurdles which makes their circumstances especially dangerous, mainly in transfer countries such as Albania. As soon as they abandon their houses, girls and women are subjected to different threats, like sexual exploitation, maltreatment, and smuggling. For Bangladeshi women, these perils are frequently deepened by societal humiliations and a deficient legal security system, in transfer countries as well as at their end point.

For female refugees one of the most sensitive issues is the vulnerability of sexual abuse and manipulation throughout their relocation journey. Women and girls escaping from disputes or suffering are forced to travel using perilous areas guarded by equipped groups or traffickers, wherein they might be exposed to sexual assault, rape, including various forms of abuse. In certain cases, women are manipulated to provide sexual favours to ensure secure channel necessities like shelter and food (Tan & Kuschminder, 2022). After arriving in countries such as Albania or Italy, female emigrants are not always secure against harm whether it is psychological or physical. Countless people are accommodated in congested receiving centres or encampments wherein they may be exposed to violence by other evacuees or sometimes by regional agencies. The inadequacy of distinct services for women and insufficient safety policies increases the threat of sexual exploitations in such living conditions.

Human Trafficking and Forced Labor

Female refugees from Bangladesh are exposed to the threats of trafficking throughout their migration journey. Human traffickers usually target defenceless female refugees, guaranteeing

them secure travel to Europe or work prospects, solely to coerce them into prostitution or manipulate them for forced labour. Smuggling channels are especially operational across the relocation passages from South Asia to Europe, with women which are sold as sex workers or national enslavement in transfer countries or upon arriving to their destination (UNODC, 2022). For women transferred to Albania in accordance with the Italy-Albania pact, the danger of human trafficking is specifically high. Albania is recognised as a transfer country and significant country for human trafficking, with ineffectual law implementation and limited protection facilities. Female refugees who do not hold legal status or face difficulties in availing shelter processes are mainly threatened to being smuggled or abused by illegal groups (Amnesty International, 2024).

Limited Access to Healthcare and Services

Access to health care, specifically psychological and reproductive facilities, is one of the main challenges for female refugees. Women who have gone through sexual assault or manipulation regularly need expert therapeutic care and counselling, however such amenities are frequently unavailable in refugee camps or reception centres. For Bangladeshi women, cultural barriers and language difficulties may also prevent them from seeking the care they need (Sawadogo, et al., 2023).

In Albania, the healthcare system is under-resourced, and the infrastructure for supporting refugees, especially women, is inadequate. Female refugees who are sent to Albania under the Italy-Albania agreement may struggle to access basic healthcare services, let alone specialized care for survivors of sexual violence or trafficking. This lack of adequate support further compounds the vulnerability of female refugees and raises concerns about whether their rights are being upheld in line with international standards.

5. Italy's Decision to Send Refugees to Albania

Italy's decision to send refugees, including vulnerable groups such as female Bangladeshi refugees, to Albania is part of a broader strategy to manage its migration challenges while responding to domestic political pressures. The move reflects a growing trend among European countries to externalize border controls and outsource asylum responsibilities to non-EU nations, following precedents set by the EU-Turkey deal. However, this raises serious concerns regarding the protection of refugees' rights and the legality of such arrangements under international law. The Italy-Albania agreement, signed in 2023, is framed as a temporary solution to address the overburdened Italian refugee system. Italy has seen a substantial increase in refugee arrivals, particularly via the Mediterranean, and has struggled to accommodate the

growing number of asylum seekers (International Rescue Committee, 2024). In response, Italy sought partnerships with countries like Albania to share the responsibility of hosting refugees. Under the agreement, a specified number of refugees are transferred to Albania, where they are housed in reception centres while their asylum claims are processed.

The transfer of refugees to Albania is justified by Italy as a way to "share the burden" of the migration crisis. However, the selection process for which refugees are sent to Albania is not always transparent. Reports suggest that some of the most vulnerable refugees, including women and children, are sent to Albania without adequate consideration of their specific protection needs (Amnesty International, 2024). Female refugees from Bangladesh, who are already at heightened risk of exploitation and abuse, face even greater risks in this arrangement due to Albania's limited capacity to provide gender-sensitive protections and services.

Political and Domestic Pressures in Italy

Italy's decision to externalize refugee responsibilities is largely driven by domestic political pressures. Over the past few years, public sentiment in Italy has shifted toward anti-immigrant rhetoric, fuelled by economic challenges and the perception that Italy is unfairly shouldering the burden of the refugee crisis. Right-wing political parties have capitalized on these sentiments, calling for stricter immigration controls and advocating for policies that reduce the number of refugees arriving in Italy. In this context, the Italy-Albania agreement is seen as a way for the Italian government to address these concerns by reducing the number of refugees housed on Italian soil. By sending refugees to Albania, Italy can demonstrate to its electorate that it is taking decisive action to manage migration, while also fulfilling its obligations under EU agreements. However, this approach raises ethical and legal questions, particularly in relation to the treatment of vulnerable groups like female refugees from Bangladesh (Amnesty International, 2024).

Vulnerabilities of Female Refugees in the Albania Agreement

The transfer of female refugees from Bangladesh to Albania poses significant challenges for their safety and well-being. Albania, despite being a candidate for EU membership, lacks the infrastructure and resources to provide adequate care and protection for refugees, particularly women and children. Reports from international organizations suggest that Albania's refugee camps are underfunded, overcrowded, and lack gender-sensitive facilities. For female refugees, this environment can be especially dangerous. The lack of separate housing for women, inadequate healthcare services, and insufficient protection from sexual violence and trafficking all contribute to the heightened risk of harm (Sansone, 2016). Furthermore, Albania's legal

system offers limited avenues for refugees to seek justice or redress in cases of abuse, leaving many women without protection or recourse.

6. Non-Compliance with International Refugee Law

Italy's decision to send refugees to Albania raises serious concerns regarding its compliance with international refugee law. The cornerstone of international refugee protection is the principle of *non-refoulement*, which prohibits countries from returning refugees to a place where they may face persecution, harm, or inadequate protection. This principle is enshrined in the 1951 Refugee Convention, to which Italy is a signatory, and is considered a norm of customary international law, meaning it applies even in countries that are not parties to the Convention (UNHCR, 2011).

The Principle of Non-Refoulement

The principle of *non-refoulement* prohibits the expulsion or return of refugees to territories where their life or freedom would be threatened. This protection extends not only to direct returns to the country of origin but also to indirect transfers to third countries, where refugees may still face harm or lack adequate protection. In the case of Italy's agreement with Albania, there are concerns that sending refugees, particularly vulnerable women, to Albania could violate this principle (UNHCR, 2011).

Albania, despite its efforts to improve its asylum system, is not considered a "safe third country" under international law. Refugees sent to Albania may face conditions that do not meet international standards for protection, including overcrowded and unsafe reception centres, lack of access to healthcare, and inadequate legal protections. Female refugees from Bangladesh, who are particularly vulnerable to gender-based violence and trafficking, are at an even greater risk of harm in Albania's under-resourced refugee camps (Amnesty International, 2024).

International Obligations Regarding Women and Children

International refugee law recognizes the heightened vulnerabilities of certain groups, including women and children. The United Nations High Commissioner for Refugees (UNHCR) has issued specific guidelines for the protection of women and girls, emphasizing the need for gender-sensitive asylum procedures and facilities. These guidelines call for separate housing for women, access to reproductive healthcare, protection from sexual violence, and specialized support services for survivors of gender-based violence (UN Women, 2013).

By transferring female refugees to Albania, where such protections may not be adequately provided, Italy risks violating its obligations under these international frameworks. The lack of

gender-sensitive facilities and services in Albania's refugee camps could expose women to further harm, constituting a failure to uphold the principles of international refugee protection.

Legal Precedents and Case Examples

There have been several legal precedents in European courts regarding the transfer of refugees to third countries and the principle of *non-refoulement*. The European Court of Human Rights (ECHR) has ruled in several cases that member states cannot transfer refugees to countries where they would face inhumane or degrading treatment, or where their rights would not be adequately protected. In cases such as *M.S.S. v. Belgium and Greece*, (European Database of Asylum Law, 2011) the court found that returning asylum seekers to Greece, where conditions in refugee camps were found to be inadequate, violated the European Convention on Human Rights. Similar legal arguments could be made regarding Italy's transfer of refugees to Albania. If it can be demonstrated that refugees, particularly women, are facing inhumane or unsafe conditions in Albania, Italy may be found to have violated its obligations under both European and international law. This could lead to legal challenges against Italy's refugee policies and further scrutiny of the Italy-Albania agreement.

7. The Current Situation in Albania

Albania, while a candidate for EU membership, remains a country with limited resources to adequately support large numbers of refugees. The country's asylum system is still developing, and it faces significant challenges in meeting international standards for refugee protection. For female refugees from Bangladesh, who are already vulnerable, the situation in Albania presents additional risks.

Albania's Legal Obligations and Capacity

Albania is a signatory to the 1951 Refugee Convention and its 1967 Protocol, meaning it is legally obligated to provide protection to refugees in line with international standards. However, Albania's asylum system is under-resourced and struggles to meet the needs of the refugees who arrive there. The reception centres in Albania are often overcrowded, and there are reports of inadequate living conditions, including a lack of sanitation, healthcare, and security (Amnesty International, 2024). For female refugees, these challenges are particularly acute. The lack of separate facilities for women and insufficient protection from sexual violence create a dangerous environment for those who are already vulnerable. In many cases, women in Albania's refugee camps are forced to live in the same facilities as men, increasing the risk of sexual harassment and abuse. Furthermore, Albania's legal system provides limited recourse for refugees who experience violence or exploitation, leaving many without access to justice.

Reports on Refugee Conditions in Albania

Various human rights organizations have raised concerns about the treatment of refugees in Albania. Reports from different sources indicate that the conditions in Albanian refugee camps often fall short of international standards (Balkan Insight, 2020) (Amnesty International, 2024). These sources have documented cases of refugees being housed in overcrowded and unsanitary conditions, with limited access to medical care and legal assistance. Female refugees are particularly vulnerable in this environment. The lack of gender-sensitive services, such as reproductive healthcare and counselling for survivors of sexual violence, makes it difficult for women to recover from the trauma they have experienced during their migration journey. Additionally, the risk of trafficking and exploitation is high, as criminal networks often operate in regions where the rule of law is weak.

8. Recommendations for Italy and Albania

The transfer of refugees from Italy to Albania, particularly female refugees from Bangladesh, raises serious concerns about the violation of international refugee law. Italy's decision to outsource its refugee responsibilities to a third country, where conditions may not meet international standards, appears to be in conflict with the principle of *non-refoulement* and other legal obligations. Female refugees, who face unique challenges and vulnerabilities, are particularly at risk in this arrangement, as Albania's under-resourced asylum system is ill-equipped to provide the necessary protections.

To address these issues, both Italy and Albania must take immediate steps to ensure the protection of refugees, particularly women and children. Italy should reconsider its policy of transferring refugees to Albania and instead focus on strengthening its own asylum system to provide adequate protections for vulnerable groups. Additionally, the Italian government should work with international organizations to ensure that female refugees receive the gender-sensitive services and support they need. Albania, for its part, must improve its refugee reception facilities and ensure that conditions meet international standards. This includes providing separate housing for women, access to healthcare, and protection from sexual violence. Albania should also strengthen its legal framework to protect refugees from exploitation and trafficking, and work with international partners to improve its capacity to support vulnerable populations.

Future Developments and Legal Challenges

The Italy-Albania agreement is likely to face continued scrutiny from human rights organizations and potentially from European courts. As legal challenges emerge, the

international community will need to consider whether such agreements are consistent with the principles of refugee protection enshrined in international law. Ultimately, Italy and other European countries must find ways to balance the need for migration control with their obligations to protect the rights and dignity of refugees, particularly the most vulnerable among them.

5. Conclusion

Context and Challenges of Climate-Induced Migration for Bangladeshi Women

Climate change is profoundly altering the living conditions in vulnerable regions worldwide, particularly in South Asia, where countries like Bangladesh face extreme climate-related threats. Flooding, rising sea levels, and increasingly severe storms are making vast areas uninhabitable, forcing millions to leave their home (World Bank Group, 2018). Among those most affected are women, who encounter unique challenges due to traditional gender roles, socio-economic restrictions, and limited access to resources. For Bangladeshi women who sought refuge in Italy to escape these hazards, the prospect of return poses serious risks, threatening their rights, dignity, and survival.

Italy, as a European Union member and a signatory to various international human rights treaties, plays a crucial role in addressing this climate-induced displacement. However, with growing numbers of climate refugees, Italy and the international community must confront the need for evolving refugee policies that acknowledge environmental crises as legitimate grounds for protection (Apap & Harju, 2023). This section will establish why the return of Bangladeshi women refugees to Bangladesh endangers their safety and contravenes the principles of international refugee law, particularly through a human rights lens.

1. Climate-Induced Displacement and the Human Rights Perspective

Climate change is increasingly recognized as a human rights issue due to its disproportionate impact on vulnerable populations. According to the United Nations Human Rights Council, individuals have the right to a safe, clean, and habitable environment, an assurance undermined by climate change's intensifying effects (UNHCR, 2018). Women in developing countries, particularly in regions like Bangladesh, often experience these impacts more severely, as they are less mobile and rely on climate-sensitive livelihoods (e.g., agriculture and fishing). The World Bank estimates that, by 2050, over 140 million people across Sub-Saharan Africa, South Asia, and Latin America may be displaced by climate impacts, a significant portion of whom will be women (World Bank Group, 2018).

The UNHRC has addressed the links between climate change and displacement, urging countries to consider climate threats when assessing asylum cases. This context is critical, as climate change exacerbates not only physical risks but also the socio-economic vulnerabilities that women face. For Bangladeshi women, displacement often leads to challenges like increased exposure to gender-based violence, exploitation, and trafficking, which are further magnified if they are forcibly returned (Human Rights Watch, 2022).

2. The Legal Context of Non-Refoulement and International Refugee Law

The principle of non-refoulement, central to the 1951 Refugee Convention, prohibits returning refugees to places where they face threats to life or freedom. While the Convention does not explicitly cover climate-induced displacement, the **UNHCR** and legal scholars argue that the spirit of non-refoulement should extend to those fleeing environmental disasters when returning would compromise their safety (UNHCR, 2022).

In the case of Bangladeshi women in Italy, returning to Bangladesh is not merely a return to economic hardship but to an environment that threatens their fundamental rights. For instance, sea-level rise in the Sundarbans region has displaced thousands, increasing risks of poverty and food insecurity (Intergovernmental Panel on Climate Change, 2022). As many international bodies have recognized, an expansion of refugee policies to include climate-displaced individuals is essential to uphold human rights standards in the 21st century.

To address these complexities, Italy could adopt policies similar to the **Teitiota v. New Zealand** case (Climate Change Litigation Databases, 2015), where the **UN Human Rights Committee** ruled that states could not deport individuals to their home countries if climate change poses a real risk to their life or dignity (UNHRC, 2020).

3. Women's Vulnerabilities in Climate-Affected Regions of Bangladesh

Women from Bangladesh face distinct vulnerabilities in the context of climate change, compounded by socio-economic and cultural factors. Traditional gender roles limit their mobility, and their responsibilities in agriculture and household duties place them at greater risk from climate impacts. According to **Amnesty International** (2023), displaced women in Bangladesh face a higher likelihood of experiencing violence, exploitation, and health risks, which are amplified when climate events force them into precarious living conditions.

In climate-stressed regions like coastal Bangladesh, women are disproportionately affected by natural disasters. Studies show that women in cyclone-affected areas experience higher rates of poverty and food insecurity, as they are often the last to receive food and resources in crisis situations (IOM, 2022). Returning these women to such an environment poses not only physical risks but also reinforces systemic gender-based inequalities.

In cases where Bangladeshi women have sought refuge in Italy, forced return would lead them back into conditions of socio-economic instability, exacerbating their risk of exposure to violence and denying their right to safety and security, as recognized under international human rights law (OHCHR, 2024).

4. Italy's Role and Responsibility Under International Law

As a developed nation and European Union member, Italy has obligations to safeguard human rights, particularly for vulnerable groups such as refugees and displaced persons. Italy's commitments under **the European Convention on Human Rights (ECHR)** and **the International Covenant on Civil and Political Rights (ICCPR)** place a duty on the country to consider non-refoulement principles seriously when dealing with climate refugees.

Italy has demonstrated a progressive stance on some aspects of migration; however, climate refugees remain underrepresented in its policy frameworks. To align with evolving human rights standards, Italy could implement a humanitarian visa system or create special protections for climate-displaced individuals, particularly vulnerable women from high-risk regions like Bangladesh (European Commission, 2020).

Countries like Sweden and Finland have already integrated climate considerations into their refugee assessment processes, setting a precedent for Italy to follow. By adopting similar measures, Italy could better align with its international obligations and uphold the rights of Bangladeshi women climate refugees within its borders (European Union Agency for Fundamental Rights, 2021).

5. Advocating for Climate Refugee Protections in International Law

The plight of Bangladeshi women refugees in Italy highlights the urgent need to recognize climate-induced displacement in international law. As Italy continues to receive refugees fleeing environmental crises, a more inclusive interpretation of refugee law is essential. The principle of non-refoulement must extend to climate refugees, especially when returning them would violate their right to life, safety, and human dignity. The Italian government, along with the EU and the international community, should recognize that returning these women to Bangladesh would endanger their lives and contravene international human rights standards. Without significant international intervention and policy reform, climate-induced displacement will continue to endanger vulnerable populations, particularly women.

A comprehensive international framework that acknowledges climate change as a driver of forced migration is necessary. Italy has the opportunity to lead by example, setting policies that protect the human rights of climate-displaced individuals and advocating for broader changes within the European Union. Only by adapting refugee policies to contemporary challenges can Italy and the global community provide the protection and dignity that climate refugees, especially marginalized women, deserve.

6. Discussion

The international refugee emergency gradually bisects the climate change, with millions of people relocated from their homes due to ecological factors. This explanation concentrates on the persecution of Bangladeshi female refugees, stressing their rights and duties and the obligations of state organizations and local groups. Since climate change intensifies natural calamities, the already existent human rights structure should be developed to offer required security for endangered populations, mainly women. This article debates for a detailed practice towards refugee security which comprises of law amendments, philanthropic aid, and an exclusive attention on the requirements of female climate refugees.

Rights and Duties of Refugees and Duty Bearers

The rights of refugees and the subsequent responsibilities of duty bearers, chiefly state institutes and local organisations are the foundation of the refugee discussion. The **1951 Refugee Convention** describes a refugee as a person who has a justified fear of suffering based on race, religion, ethnicity, affiliation with a specific social group, or political outlook. But, with the enhancing influence of climate change, it is vital to broaden these meanings to include those relocated owing to climactic factors.

The **Universal Declaration of Human Rights** and several global human rights pacts underline the fundamental rights of all people, involving refugees. Article 14 mentions that every person has the right to gain and to enjoy in other countries asylum from suffering. But, in case of climate change, the legal responsibilities of states are dull. At present, Bangladesh is excessively influenced by climate change, it is deficient of strong instruments to safeguard those who relocate because of ecological factors (Davidson, et al., 2022) (Nyikavaranda, et al., 2023).

The Refugee Dimension: Responsibility and Accountability

The obligation for securing refugees usually rests upon the shoulders of the state in which they seek shelter. However, many welcoming countries, like Italy and Germany, encounter great obstacles in handling the arrival of climate refugees. As emphasized by many human rights associations, refugees frequently face administrative issues that hinder their means to obtain basic rights, such as education, healthcare, and legal aid (Borges, 2024).

When considering Bangladeshi refugees, the ethical and political situation in host countries often states the amount of aid offered. Whereas states such as Italy and Germany have structures for humanistic security, these procedures are often poorly devised to tackle the precise requisites of climate refugees, especially women (Borges, 2024) (Davidson, et al., 2022).

The Case for Protection of Bangladeshi Female Refugees

The necessity to secure Bangladeshi female refugees is highlighted by numerical data showing the rapid increase in the number of people migrated due to climate-based calamities. In accordance to the **Internal Displacement Monitoring Centre (IDMC)**, Bangladesh displays of the highest percentages of internal relocation because of ecological disasters, with thousands incompetent to displace securely (Davidson, et al., 2022) (Obaidullah, et al., 2024) Women experience heightened susceptibilities, for instance gender-based exploitation and restricted access to reserves, further demanding directed safety steps.

Provided the previously introduced legal structure, it is crucial to support the addition of climate refugees under the domain of international refugee law. However, there is no clear legal responsibility to defend climate refugees at present, the **UN High Commissioner for Refugees (UNHCR)** has announced for creative ideas that accept the complicated relationship between climate change and migration (Obaidullah, et al., 2024).

Legal Avenues and Recommendations for Protection

To highlight the spaces in security for Bangladeshi female refugees, various legal opportunities and proposals can be suggested.

1. **Utilizing Existing Frameworks:** States should influence current international human rights mechanisms to create regulations that clearly include climate refugees. The **Paris Agreement** accepts the influence of climate change towards relocation and offers an opportunity for states to devise extensive security policies (Obaidullah, et al., 2024)
2. **Developing New Frameworks:** There is an urging requirement for new legal structures especially formulated to tackle with the obstacles experienced by female climate refugees. These agendas should summarise obligations for both leading and welcoming countries to guarantee sufficient aid, security, and incorporation (Borges, 2024).
3. **Humanitarian Protection:** Countries such as Italy presently provide short-term humanistic security for those escaping from disputes as well as natural disasters, but the standards are often severe and are not able to understand the slow nature of climate change. It is necessary to debate that movement and displacement do not take place abruptly and refugees require more than six months of short-term protection to balance their lives (Borges, 2024) (Davidson, et al., 2022).
4. **Corridors for Female Migration:** Setting up secure relocation corridors for women is vital to lessen susceptibility. These corridors should give precedence to women running

away from climate-related calamities, assuring they acquire essential aid during their movement (Davidson, et al., 2022) (Obaidullah, et al., 2024).

5. **Expanding Support Services:** To safeguard women fleeing climate change, provisions should be assigned specially for their necessities. This consists of availability of legal support, health care, education, and job guidance plans that take into account their distinctive situations (Borges, 2024) (Obaidullah, et al., 2024).

Addressing the Specific Needs of Female Climate Refugees

Female climate refugees go through various different hurdles which need specifically designed reactions. For instance, women are usually left behind as male family members move first, becoming a cause of heightened exposure. Neglect can worsen societal and financial difficulties, posing a risk of abuse and exploitation towards women (Davidson, et al., 2022) (Obaidullah, et al., 2024).

The European countries should enforce a more informational official agenda that approves the precise weaknesses of female climate refugees. Policies should not only put forward the authoritative status of refugees but also handle the realistic truths of their lives (Davidson, et al., 2022). This includes confirming that female refugees own a protected accommodation, psychological counselling amenities, and community assistance networks.

Statistical Data on Displacement in Bangladesh

The anguish of female refugees from Bangladesh is highlighted using statistics showing the domain of migration. In correspondence to the IDMC, Bangladesh has undergone millions of relocations because of both sudden calamities such as cyclones and gradual spectacles such as rising sea levels (Obaidullah, et al., 2024) Additionally, research by the **World Bank** estimated that by 2050, climate change could relocate up to 13 million people in Bangladesh. A big number of these people will be women and children, emphasizing the requirement for specifically formulated safety instruments (Obaidullah, et al., 2024) (Böhme & Schmitz, 2022).

The incident of movement in Bangladesh, specifically owing to climate change, is gradually more distressing. Arithmetic data outlines the dangerous condition experienced by millions of people in the state, with a large percentage of endangered women and children. This part probes with the statistics encompassing dislocation, investigating the reasons, the analytical effect, and the repercussions for female refugees.

Overview of Displacement in Bangladesh

Bangladesh is considered of the most defenceless countries against climate-induced calamities in the world, located in a coastal delta area where the aftereffects of climate change are strongly experienced. The country undergoes a series of natural disasters, comprising of cyclones, floods, and riverbank erosion, which serves as a major reason of relocation of large numbers of people annually. In correspondence to the **Internal Displacement Monitoring Centre (IDMC)**, Bangladesh has roughly displaced **8.7 million people** internally since 2020 owing to disasters. The IDMC testified that solely in 2019, natural catastrophes relocated over **5.6 million people**, mainly because of monsoon floods and cyclones. The **World Bank** approximates that by 2050, climate change can displace nearly **13 million** people in Bangladesh. This estimation considers factors such as rising coastal levels, increasing incidence rates and severity of storms, and changes in rainfall patterns.

Causes of Displacement

The major causes of displacement in Bangladesh are mentioned below as:

1. **Natural Disasters:** Cyclones and floods are the most pressing causes of displacement. The 2007 Cyclone Sidr forcefully evacuated almost **1.5 million people**, and in 2014, heavy monsoon rains relocated about **1 million** people. The monsoon season results in widespread flooding, affecting agricultural land and urging communities to migrate annually.
2. **Rising Sea Levels:** With a calculated **one meter rise in sea level**, estimates reveal that almost **20%** of Bangladesh could be engulfed, influencing about **30 million people** (Davidson, et al., 2022) (Nyikavaranda, et al., 2023). The government has previously observed major relocations from coastal areas since communities strive for higher ground.
3. **Riverbank Erosion:** The Ganges-Brahmaputra Delta is vulnerable to erosion, resulting in the loss of land and houses. Based on recent studies, riverbank erosion has affected and dislodged approximately **3 million people** in the last several decades (Obaidullah, et al., 2024).

Demographic Impact: Women and Children

Amongst the dislodged populations, women and children are overly impacted. The **UN Women** accounts that women constitute of about **60%** of the relocated population, chiefly because of gender-specific insecurities such as high risk of abuse and controlled availability of provisions (Obaidullah, et al., 2024).

Numerical data from several NGOs emphasizes upon the hardships faced by displaced women which include:

- **Gender-Based Violence:** While facing severe calamities, the threat of violence against women rises greatly. Reports show that **up to 70%** of women in crisis shelters go through some form of abuse (Böhme & Schmitz, 2022).
- **Economic Disempowerment:** Women who abandon their homes and livelihoods owing to displacement usually lack sufficient means to assist themselves and their families economically. The **International Organization for Migration (IOM)** has stated that displaced women have less work opportunities, with **only 30%** involved in salaried work in comparison to **70%** of relocated men.
- **Education Disruption:** The immigration caused as result of climate disasters harshly influences children's education. Schools are frequently demolished or reused as shelters, resulting in **over 1 million** children not being provided with adequate education annually.

Migration Patterns

As feedback to migration, many Bangladeshi women relocate to urban areas or seek protection in neighbour countries. A **2018 study** revealed that around **60%** of internally displaced people in Bangladesh were women, mostly moving alone or with families. Such women also experience further insecurities, consisting of deficiency of official status, which enhances their threat of maltreatment.

The hurdles encountered by Bangladeshi female migrants include:

- **Increased Vulnerability:** The women who move alone face increased risks of smuggling and abuse. Investigations reveals that many women are manipulated into low-salaried jobs or exposed to violence.
- **Limited Access to Services:** Women who shift or relocate for better job opportunities commonly face difficulties in accessing facilities like legal assistance, healthcare, and economic amenities, worsening their insecure situation (Worbs & Baraulina, 2017) (Hillmann & Koca, 2021).

The arithmetic data concerning migration in Bangladesh presents an alarming view, especially for children and women. As climate change repeatedly influences the area, the number of dislodged persons is probably going to rise, demanding rapid protective measures and global assistance. The requisite for specially designed protections for Bangladeshi female refugees is

imperative, as they direct a landscape burdened with threats and controlled availability of resources. This research indicates the significance of realising the several difficulties experienced by female refugees from Bangladesh and underlines the requirement of extensive legal instruments and aid systems to guarantee their security and welfare when undergoing climate-induced migration.

The link between climate change and the refugee emergency presents major obstacles, specifically for Bangladeshi female refugees. While the currently present programs provide some safety, they are deficient in satisfying the requirements of this susceptible population. It is necessary for states, mainly those in Europe, to formulate detailed authorized bodies which realise the different problems faced by female climate refugees. By providing assistance facilities, introducing secure relocation corridors, and benefitting from global treaties, the international organizations can take crucial steps for preserving the rights and self-esteem of female refugees for Bangladesh striving to gain shelter after having faced difficulties in survival due impacts of climate change. The obligation to ensure the safety of refugees doesn't only lie with state institutes but also with all duty holders dedicated to maintaining human rights and guaranteeing gender equality when various climate changes issues pose a significant threat to life.

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