

Policy Brief on Women and Migration in Bangladesh

Women and migration: Bangladesh¹

This policy brief looks at the implications of the relevant national and international laws and policies that are available to protect the rights of women migrants, including domestic workers. Recognizing that women migrant workers face gender-specific challenges and barriers, this policy brief provides recommendations for policy-makers and implementers on how to ensure that women migrant workers secure better terms of employment.

Global context

The International Labour Organization (ILO) estimated that in 2013, there were 150 million international labour migrants worldwide and that approximately 44 per cent of these migrants were women (ILO 2015). By 2015, the United Nations Department of Economic and Social Affairs, Population Division (UNDESA) estimated that the number of migrants in the world had risen to 244 million and that 48.2 per cent of them were women and girls (UNDESA 2016).

Worldwide, the majority of domestic workers are women (83 per cent) and increasingly these women are migrants (UN Women 2013). The emergence of and growing demand for domestic work as a service sector is continually fuelled by supply and demand factors. For example, many developed countries are confronted with aging or stagnating populations and declining welfare provisions. Also, more and more women are participating in the labour force. These are all factors that contribute to the greater demand for domestic workers – a phenomenon known as the "global care chain" (Petrozziello 2013).

Furthermore, poverty, gender discrimination and limited livelihood options in rural areas in their countries of origin all help to ensure a continuous supply of women deciding to go into domestic work (ILO 2010).

Migrant domestic workers often find themselves in particularly unequal power relationships with their employers. They tend to face higher levels of isolation and discrimination because they are unable to contact and associate with people outside their work environment. The situation is compounded if they do not speak the local language and are not aware of their rights. They may not have any local support networks and, not being part of any workers' unions, they are unfamiliar with the law and the local customs in the country of destination. Due to their

restricted mobility, women migrants may be unable to access existing resources and assistance for fear of being deported or losing their employment (Min-Harris 2008).

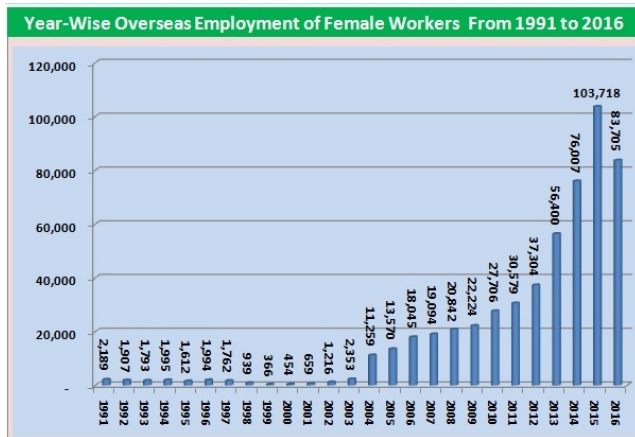
Global evidence shows that migrant domestic workers receive poor wages as they have little or no bargaining power. They usually work excessive hours with little rest and are most often exposed to labour rights violations at different stages in the migration cycle (ILO 2015). Nevertheless, women migrate to overcome poverty and to escape the situation of limited viable employment opportunities in their countries of origin. They tend to perceive their employment as a temporary measure to fulfil certain personal and family needs (Kawar 2003). However, sometimes these needs are difficult to fulfil in the short term or over a single contract period (UNIFEM 2005).

Migration flow of women migrants from Bangladesh

Bangladesh is one of the major labour-sending countries of the region. However, the Bangladesh Bureau of Manpower, Employment and Training (BMET) records show that the independent, regular migration of women workers was negligible from 1991 to 2003, at around 1 per cent of total migration. This was largely due to the severe restrictions placed on female migration which were partly relaxed in 2003 and 2006.

Figure 1: Year-wise female migration, Bangladesh, 1991–2016

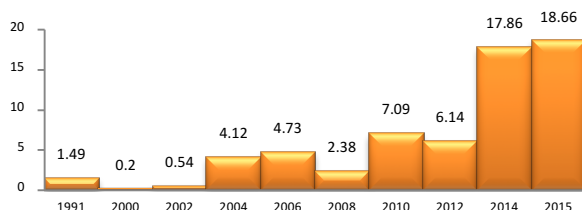
¹This policy brief is produced as part of the regional project on *Empowerment of Women Migrant Workers in South Asia through Implementation of Standard Terms of Employment*.



Source: www.bmet.org.bd

Women migrants made up 4.12 per cent of all migrant workers from Bangladesh in 2004, with the percentage gradually increasing in the years that followed up to 2013. With relatively sharp rises in 2014 and 2015, women made up 18.66 per cent of all Bangladeshi migrant workers by 2015. Nevertheless, this percentage is still low compared to other women migrant sending countries.

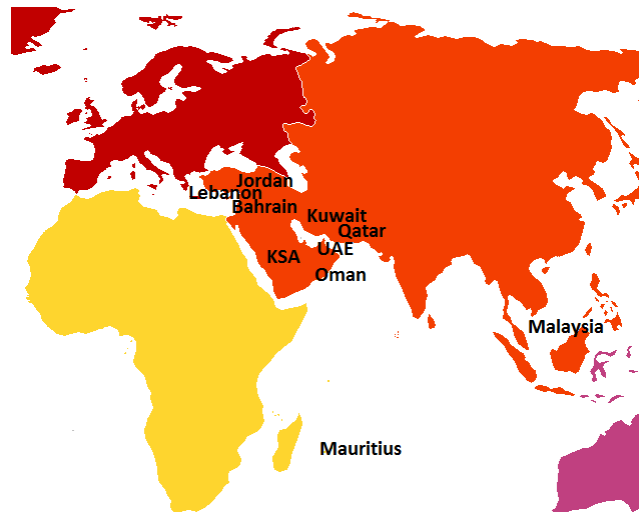
Figure 2: Percentage of women migrants to total migrants, 1991–2015, Bangladesh



Source: www.bmet.org.bd

The world map in figure 3 highlights the major destination countries of the Middle East and Asia where most women migrants go to be absorbed in a variety of short-term overseas employment.

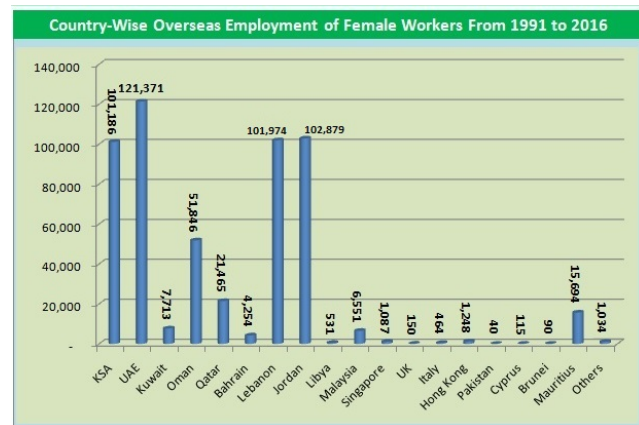
Figure 3: Major destination countries of female migration in Middle East and Asia



Source: www.bmet.org.bd

Figure 4 shows which countries women migrated to over the 1991–2015 period, according to official data from BMET. During this period, more than a 100,000 women migrated to the Gulf countries, namely, the United Arab Emirates (121,371), followed by Jordan (102,879), Lebanon (101,974) and the Kingdom of Saudi Arabia (101,186). Bangladeshi women also migrated to Oman (51,846), Qatar (21,465), Kuwait (7,713) and Bahrain (4,254). More recently, women also started to migrate to Mauritius (15,694) and Malaysia (6,551).

Figure 4: Country-wise female migration, Bangladesh, 1991–2016



Source: www.bmet.org.bd

Contribution of women migrant workers from Bangladesh

Women migrant domestic workers from Bangladesh contribute to the income of their families back home and to the income of their employers' families. Women who

migrate individually from Bangladesh often become the breadwinners of their families.

In many labour-sending countries, women's remittances are among the largest sources of cash revenue. Although women generally earn less than men and so may send home smaller amounts of money at a time, they tend to remit a higher proportion of their earnings and do so more frequently (UN-INSTRAW & IOM 2000; Omelanuik 2005; International Federation for Human Rights, 2007).² Bangladesh received US\$8,449.45 million as remittances through legal channels in the 2015-2016 financial year (BMET 2016). Unfortunately, the data available on remitters is not sex disaggregated. However, study findings reveal that even low-skilled women workers remit between 70 to 80 per cent of their income to their families, compared to much lower percentages for men. Kabeer (2007) cited that a Bangladeshi woman working in the Middle East on average sends 77 per cent of her income home.

A 2013 study conducted by UN Women emphasizes the contribution of women beyond remittances and explains that the social capital of women migrants, in terms of ideas, skills, attitudes, knowledge, contacts and networks, can further contribute to socio-economic development, human rights, gender equality and women's empowerment in their countries of origin (UN Women 2013).

A UN Women policy brief on valuing the contributions of women migrant workers in the Association of Southeast Asian Nations (ASEAN) countries highlighted that a migrant woman's new earning capacity can elevate her status and offer opportunities beyond those that are usually available (Temin *et al.* 2013, 8). What is evident in ASEAN countries can also be true for Bangladesh "where social remittances can also be realized in a family's increased capacity to do more rather than just to buy more" (ILO and UN Women 2015). The policy brief cited the example that the outcomes of improved education and health of children can lead to greater opportunities for the next generation. It concluded that "social remittances may be seen as more sustainable than economic remittances."

Recruitment and sponsorship of women migrant workers

The costs of migration are high and evidence shows that these costs are even higher if migrant workers use private recruiting agencies. In Bangladesh, it is largely private recruitment agencies and brokers, working in both the sending and receiving countries, that control overseas employment and work permits for migrant workers. This

creates a protection gap for workers, especially in the absence of effective and strict state oversight and monitoring. Bangladeshi women migrants tend to pay the cost of migration in advance (Rahman and Mizanur 2011) as they mostly rely on local agents or *dalals* and they can end up paying excessive fees to the agents that process their migration (Shamim 2011).

Furthermore, some recruitment agencies may engage in malpractices like "visa trading" – where migrant workers end up paying inflated sums for their visas – "floating visas" – where migrant workers can be moved from one employer to another – forging documents, trafficking, and so on. They may demand that women migrants pay visa charges that the employer has already paid.

Where recruitment agency mechanisms incur high costs in the migration process, informal networks, which depend on personal contacts and direct referrals to employers, can play a significant role in recruiting women migrant workers.³ For the same reason, some women migrants accept the *kafala* or sponsorship recruitment system. This system does not require migrants to make upfront payments and they can be recruited, processed and placed in employment without much difficulty (UNDP 2008). For example, women migrating as domestic workers to Saudi Arabia through government channels have recently been able to do so at zero cost (Interview with migrant workers during pre-departure training at TTC-Mirpur, Dhaka).

However, in the *kafala* sponsorship system, the employers or sponsors have disproportionate power over their employees. Women migrant domestic workers can end up in precarious situations where the sponsor holds their papers, secures piece work for them with several employers and then charges them for the sponsorship services. In this system, the migrant workers are isolated and their movements are restricted by their sponsors (Timothy and Sasikumar 2012).

The *kafala* system in the Gulf Cooperation Council (GCC) countries restricts workers from changing employers, making them completely dependent on their sponsors. This can result in abuses and exploitation by employers (UN Women 2013).

To try to counter these negative elements in the *kafala* system, in 2011, the United Arab Emirates introduced regulations on the functioning of recruitment agents. These regulations ban private recruiting agencies from "collecting any fees or sums of money under any designation from the recruited domestic worker, directly or indirectly" (UNDP 2008).

² See also UN WOMEN, Australian Aid and ILO, Policy Brief Series: Women's Labour Migration in ASEAN, *Valuing the contributions of women migrant workers in ASEAN*.

³ <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>

Legal framework related to women migrant workers in Bangladesh

Laws, policies and plans relating to women workers in Bangladesh also address the rights of women migrant domestic workers and stipulate safeguards for workers both within the country and abroad. They include codes of conduct to regulate the assistance offered by recruiting agencies and the responsibilities of those employing women domestic workers and the codes also provide for skills development training for workers.

Table 1: Salient features of national laws and policies affecting women migrant workers

<p>The Overseas Employment and Migrants Act 2013</p>	<ul style="list-style-type: none"> • Requires registration of migrant workers, including women domestic workers, and protection of their interests; • Requires recruitment agents to provide an employment contract between the recruited worker and the employer, stipulating the worker's wages, accommodation facilities, duration of employment, the compensation amount in the event of death or injury and the costs of emigrating to and returning from abroad; • Stipulates the right to information, the right to file a civil suit and the right to return home; • Provides penalties for: sending migrant workers overseas in an unlawful manner; charging unlawful amounts of fees; using unfair means of collecting demand notes, visas or work permits or trading in such documents.⁴
<p>The Expatriates' Welfare and Overseas Employment Policy 2016</p>	<p>Formulated in line with international laws on migration, this policy amends the short policy framed in 2006 and links to the National Skills Development Policy 2011 and the government's seventh five-year plan:</p> <ul style="list-style-type: none"> • Provides six policy directions that: ensure safe migration; protect migrant workers and their family members; ensure the welfare of migrant workers and their access to facilities; regulate the migration of women workers; associate migration with national development; and establish proper planning for labour migration; • Provides specific directions for various ministries, including the ministries of finance, foreign affairs, home affairs, commerce and civil aviation and tourism, to ensure proper welfare, facilities and safety, specific to women migrant workers; • Provides a separate chapter on women workers who migrate to undertake specific activities: the policy recommends that the government: establishes a special wing for women migrants; promotes skills development; appoints trained women officials in embassies to provide health, economic and legal advice to women migrants; ensures the safety and empowerment of migrant women workers by establishing a database at the local Bangladesh embassies of women migrants working abroad; establishes a secure banking system for sending remittances; and allocates a budget for gender-responsive training for women migrants.⁵
<p>Domestic Worker Protection and Welfare Policy 2015</p>	<ul style="list-style-type: none"> • Recognizes domestic work as a profession and entitles domestic workers to the benefits available under the existing labour law; • Entitles domestic workers to a healthy and safe space to sleep while they are off duty and stipulates four months of maternity leave for women domestic workers; • Plans to establish a "helpline" for domestic workers and to conduct awareness-raising campaigns;

⁴Probashi Manual (in Bangla) 3rd edition, 2015, Ministry of Expatriates' Welfare and Overseas Employment, GoB

⁵<https://www.shareweb.ch/site/Migration/sdcs-topics-in-migration/migration-and-development/labour-migration-and-decent-work/the-expatriates-welfare-and-overseas-employment-policy-approved-in-bangladesh>

	<ul style="list-style-type: none"> • Requires employers to: ensure full-time domestic workers' salaries and other allowances; distribute working hours, allowing time for proper rest, sleep, entertainment and leave; • Requires employers to pay for necessary medical expenses and compensate for any accidents, including paying for medical treatment expenses.⁶
National Skills Development Policy 2011	<ul style="list-style-type: none"> • Addresses the needs of a large population by creating mechanisms to develop skills, enhance employability and secure safe and decent work and skills development opportunities for those working in the informal economy; • Targets the following groups: youth; women; low-skilled people; people with disabilities; migrants and internally displaced people; older workers; indigenous people; ethnic minority groups and the socially excluded; workers in small and medium-sized enterprises; people in the informal economy and in the rural sector; and self-employed people; • Provides for demand-driven, flexible and responsive training to meet the needs of local and overseas employers, workers and the community at large (Government of Bangladesh 2011).
Recruiting Agents Conduct and Licence Rules 2002	<ul style="list-style-type: none"> • Stipulates that recruiting agents should not receive or claim any fees other than the service fee determined by the government and that they should not claim extra charges; • Requires recruiting agents to render various kinds of assistance to migrants during their stay abroad; • Requires recruiting agents to meet all valid claims of the migrants (Government of Bangladesh 2015).

⁶<http://idwfed.org/en/updates/bangladesh-cabinet-clears-draft-policy-to-protect-domestic-workers-rights>

Seventh five-year plan, 2016-2020, Bangladesh

The Bangladesh seventh five-year plan (2016-2020) (General Economics Division, Bangladesh Planning Commission 2015) recommends the following measures for international migrant workers:

- taking steps to ensure that international migrants have access to legal and social protection;
- strictly monitoring their employment contracts; and
- providing adequate outreach, follow-up and support, such as legal and psychosocial counselling.

The five-year plan envisions that women will make up 30 per cent of the total number of outbound migrant workers by 2020. It recommends periodic reviews of bilateral and multilateral employment agreements to generate greater oversight of working conditions and to detect any breaches of contract. These reviews are intended to protect migrant workers, with an emphasis on women migrant workers, eliminate fraudulent recruitment activities and ensure standard and ethical practices.

Once bilateral and multilateral employment agreements are signed between Bangladesh and the migrant destination countries, they need to be followed up by annual reviews to expose any gaps and establish what measures worked and did not work so the agreements can be revised accordingly.

The government also plans to expand the existing training programmes for domestic workers so that about 50,000 women will be trained annually. However the plan does not prioritise exploring new destination countries that promote standard terms of employment to protect the rights and welfare of migrant domestic workers.

Perspective plan of Bangladesh (2010-2021)

The *Perspective plan of Bangladesh (2010-2021): making Vision 2021 a reality* (General Economics Division, Bangladesh Planning Commission 2012) outlines strategic actions to ensure the continued flow of remittances. These include:

- closely monitoring and supervising the activities and practices of recruitment agencies;
- moving towards an effective, technology-based system for remitting money;
- training workers in the vocations and skills that have a high future demand in global markets; and
- making the Overseas Employment Policy more comprehensive so that it covers multiple aspects of

migration, including: documentation for workers and employers; employment contracts and their implementation; and workers welfare settlements.

The perspective plan acknowledges the significant impact that remittance inflows have had on poverty reduction. In 2011, remittance inflows were US\$11.5 billion which was about 10 per cent of gross domestic product (GDP). Government aims to strengthen institutional arrangements to facilitate remittances although increasing remittances also depends on how quickly the labour-taking countries' economies recover.

According to the plan, the key challenges involved in expanding remittances are: training and recruiting labour for overseas employment; ensuring rightful earnings, job security and wellbeing in workplaces abroad; and setting up efficient remittance mechanisms. A major challenge is how to channel remittances into productive investments. To this end, migrants need access to bank credit through appropriate institutional mechanisms such as banks that cater to the specific needs of non-resident Bangladeshis.

The perspective plan also restates government's commitment to adhering to international conventions and agreements related to women migrants, such as the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action, as enshrined in the constitution (General Economics Division, Bangladesh Planning Commission 2012).

Bilateral agreements on labour migration

In almost all the labour-receiving countries of the Gulf states where Bangladeshi women migrants are working, the labour laws do not cover domestic workers. Due to this non-recognition of domestic work, employers enjoy a significant degree of control over their workers. Some abuses suffered by domestic workers from Bangladesh in the Gulf states relate to wages, for example, non-payment of wages and irregular or reduced payments. Other issues relate to abuse and maltreatment, forced labour, restrictions on mobility, lack of rest hours and insufficient food, as well as a lack of labour standards to protect migrants (Asfar 2011).

One promising mechanism used to regulate migrant labour is bilateral labour mobility agreements drawn up between the sending and receiving countries. These agreements are based on mutual intent, collaboration and shared responsibility, and their aim is to boost employment opportunities and protect migrant workers. Bangladesh has signed bilateral agreements with a number of destination countries, namely: Kuwait (2000/2008), Qatar

(1988/2008), UAE (2007), Malaysia (2003/2006/2012), Oman (2008), Libya (2008), South Korea (EPS-2007), Jordan (2012), Iraq (2013), Hong Kong, China (2013) and Saudi Arabia (2015).

These agreements focus on:

- enhancing employment opportunities in the destination countries;
- ensuring the host country takes measures to protect workers and their welfare in the organized sector;
- regulating the recruitment process in both the countries; and
- establishing a joint working group to ensure the Memorandum of Understanding is implemented and that any labour concerns can be resolved bilaterally.

Drawing up bilateral memoranda of understanding (MoUs) between countries of origin and countries of employment is a way of strengthening the rights of migrant workers. The agreements provide an effective government-to-government channel and set out methods of managing migration that the countries implement jointly and this ensures that women migrant workers are covered under labour law (UN Women Asia Pacific 2013).

However, only a few agreements focus on women migrant workers and particularly on women domestic workers. Two of the notable ones are: the Bangladesh–Jordan memorandum (2012) that provides Bangladeshi domestic workers with protection and rights under the labour law of Jordan; and the Bangladesh-Saudi Arabia memorandum (2015) that focuses on the recruitment of domestic service workers.

Standard terms of employment

About 40 per cent of 73 countries studied worldwide have no form of regulation of any kind for domestic workers (UN Women and ITUC 2013).

Through the bilateral memoranda of understanding between Bangladesh, as the country of origin, and the countries of employment, the receiving countries agree to adopt and implement standard terms of employment for domestic workers. Establishing terms of employment can help improve living and working conditions for migrant workers but they do not address the structural constraints in current labour migration systems that foster conditions for abuse and exploitation.

Migrant domestic workers still encounter serious practical problems in seeking redress for violations of the terms and conditions in their contracts. They may be forcibly confined to the house or their employer may confiscate their mobile phones so they cannot file a complaint, find the money to

start proceedings or contact a lawyer who may be prepared to take up the case (UN Women and ITUC 2013).

An employment contract for domestic workers: the case of Jordan

The Special Working Contract for Non-Jordanian Domestic Workers initiated by UN Women stipulates the following:

- every employer, agent and domestic worker must sign the contract and abide by its regulations;
- the contract lasts for two years and can be extended for two more years;
- employers and the recruiting agency agree to pay for: a round-trip ticket, work and residency permits, and an agreed-upon salary;
- employers agree to provide the worker with meals, clothing, accommodation and medical care;
- employers are not allowed to take the worker's passport;
- employers cannot employ domestic workers to work anywhere except in the employer's home;
- employers must not place any restrictions on the workers' correspondence; and
- workers are allowed one rest day a week (D'Cunha 2005).

Although the Jordanian contract covers a number of issues, any entitlements to accommodation and food are left to the employer to decide and working hours are not specified. This still leaves room for overwork and exploitation. Also, it is not clear whether food and accommodation will be provided over and above the wages agreed. As the contract is based on civil law, contract violations do not carry the same level of consequences as violations of the national labour law.

The exclusion of domestic workers from national labour law and the failure to recognize domestic work as an employment category remain a challenge in Jordan (MFA undated). In 2013, Jordan amended the new labour code but it clearly states that it applies to all workers except domestic servants, cooks and the like.

International instruments governing women migrant workers

A number of international instruments, including conventions, treaties and forums, relate to gender and safe migration and aim to protect migrants and safeguard their freedom and dignity (ILO 2009).⁷

Table 2: Provisions in international instruments affecting women migrant workers

<p>Convention on the Elimination of all forms of Discrimination against Women (CEDAW), 1979 & GR 26</p>	<ul style="list-style-type: none"> • Prohibits discrimination against women and ensures protection of the rights of women, including their right to employment, decent work conditions and social security; • General Recommendation No. 26 addresses the concerns of women migrant workers, and calls on states to formulate gender-sensitive and rights-based policies, remove restrictive and discriminatory policies, and ensure their access to health services and redress mechanisms, and their reintegration with family and society (ILO 2009).
<p>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990⁸</p>	<ul style="list-style-type: none"> • Guarantees the right to people and their families to migrate subject to the legal restrictions imposed by any member states of the United Nations; • Outlines the rights of all migrant workers to have the same working conditions as nationals, without specifying separate rights for women migrants; • Prohibits inhuman living conditions, physical and sexual abuse, degrading treatment and forced labour; and • Safeguards the rights of migrants to freedom of thought, expression, religion and access to courts.
<p>UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, 2000</p>	<ul style="list-style-type: none"> • Includes workers in exploitative situations, such as domestic workers, within its purview; • Provides migrants with the right to humane treatment and full protection of their rights; and • Aims to stop the transnational organized crime of trafficking in women and children.⁹
<p>ILO Convention 87 on Freedom of Association and Protection of the Right to Organize, 1948</p>	<ul style="list-style-type: none"> • Provides workers and employers, without distinction whatsoever, with the right to establish and, subject only to the rules of the organization concerned, to join organizations of their own choosing without previous authorization.¹⁰
<p>ILO Convention 97 on Migration for Employment Convention (Revised), 1949</p>	<ul style="list-style-type: none"> • Requires states to maintain adequate and free assistance to migrants for employment, and facilitate their departure, journey and reception; • Mandates that legal provisions on remuneration, trade union membership and legal proceedings be applied equally to migrants without discrimination on grounds of gender; • Deals with legal provisions in respect of employment, injury, maternity, sickness, invalidity, old age, death, unemployment, family responsibilities and any other contingency covered by the social security scheme of the member country.¹¹

⁷ILO, 2009. Protecting the Rights of Migrant Workers: A Shared Responsibility, Geneva

⁸<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx>

⁹https://en.wikipedia.org/wiki/Protocol_to_Prevent,_Suppress_and_Punish_Trafficking_in_Persons,_especially_Women_and_Children

¹⁰<http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang-en/index.htm>

¹¹ibid

<p>ILO Convention 143 on Migrant Workers (Supplementary Provisions), 1975</p>	<ul style="list-style-type: none"> • Requires states to identify migrant workers illegally employed, verify if such migrants transit, reside or are employed in circumstances that contravene multilateral or bilateral instruments or agreements and national laws, and take appropriate preventative measures; • Asks member states to suppress the illegal employment of migrants and stipulates that member countries should act against those organizing such movements; and • Stipulates that migrants who have lost their employment should not be treated as illegal migrants.¹²
<p>ILO Convention 181 on Private Employment Agencies, 1997</p>	<ul style="list-style-type: none"> • Requires member countries to oversee the functioning of private recruiting agencies in accordance with national laws after consulting the representative organizations of employees and workers; • Stipulates that private recruiting agencies should be regulated with a suitable licensing or certification system and they should not collect fees or costs from the migrants unless an exception is granted by a competent authority for certain categories of workers; • Stipulates that adequate mechanisms should be in place to investigate any alleged abuses and fraudulent practices of private recruiting agencies; and • Provides for the privacy of the migrants to be protected while their information is being processed.¹³
<p>ILO Convention 189 concerning Decent Work for Domestic Workers, 2011</p>	<ul style="list-style-type: none"> • Mandates that migrant domestic workers receive an enforceable written contract prior to departure; • Requires that agencies adopt the guidelines and enforcement mechanisms for recruiting domestic workers; and • Provides for legal mechanisms to safeguard the rights and interests of migrant domestic workers.¹⁴

International commitment: sustainable development goals

On 25 September 2015, the [17 sustainable development goals \(SDGs\)](#) of the [2030 Agenda for Sustainable Development](#) were adopted by world leaders at the United Nations General Assembly.

Over the fifteen years from 2015 to 2030, countries agreed to mobilize efforts to end all forms of poverty, fight inequalities and tackle climate change, while ensuring that no one is left behind. While the goals are not legally binding, governments are expected to take ownership of them and establish national frameworks to achieve these goals and targets.

Migration is a central issue in the 2030 Agenda for Sustainable Development. Migrants will always need work but it is equally certain that in the coming years many destination economies will need new workers.

In general terms, goal 5 is relevant to the issue of migrant women workers in that it aims to achieve gender equality and to empower women and girls. The first target of goal 5 is to end discrimination against women and girls everywhere. However, more specifically, the overall aim of goal 8 is to *promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all*. Under goal 8, the specific target dealing with women migrant workers declares the aim to *protect labour rights and promote safe and secure working environments for all workers including migrant workers, in*

¹²Ibid
¹³Ibid
¹⁴Ibid

particular women migrants, and those in precarious employment.

While the general aim of goal 10 is to *reduce inequality within and between countries*, it also includes a specific target relating to migration which is to *facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies*.

In the context of the 2030 Agenda, the Global Migration Group, chaired by UN Women, organized an event during the sixtieth session of the Commission on the Status of Women in March 2016. The focus was on empowering migrant women and girls and the following is an extract from the agreed conclusions:

The Commission recognizes that women's equal economic rights, economic empowerment and independence are essential to the achievement of the 2030 Agenda. ... The Commission acknowledges the positive contribution of migrant women workers to inclusive growth and sustainable development (UN Women and CSW 2016).

Adding to this call for recognition of the contribution of migrant women workers, in the section on strengthening policy, the Commission on the Status of Women also urges states to:

... acknowledge the need to eliminate violence and discrimination against women migrant workers and to promote their empowerment, including through international, regional or bilateral cooperation among all stakeholders, in particular countries of origin, transit and destination (UN Women and CSW 2016).

Role of regional consultative processes to ensure migrant's rights and protection

Regional consultation processes are critical advocacy platforms for the labour sending countries of Asia. They give these countries the opportunity to engage with representatives from the Gulf Cooperation Council countries, for example, and to focus the rights and dignity of women migrants.

One regional consultative process is the Colombo Process. This was launched at the Ministerial Consultation for Asian Labour-sending Countries held in 2003 in Colombo, Sri Lanka. Subsequently, the process has involved the Gulf Cooperation Council countries and promoted dialogue about women migrant workers, emphasizing for the first time the issue of women domestic workers. This is a significant issue in the context of Bangladesh where

migrants tend to be low-skilled and domestic work is the obvious choice for many women migrants.

The first three Colombo Process conferences concentrated on the welfare and protection of migrant workers, institutional capacity building, inter-state cooperation and optimizing the benefits of labour migration. The main concerns were:

- irregular migration and its consequences of vulnerability and abusive conditions for migrants; and
- exploitation and harassment of women migrants in low-skilled and low-wage sectors of work.¹⁵

The fourth Colombo Process meeting in Dhaka in 2011 was on the theme of Migration with Dignity and resulted in the Dhaka Declaration. The declaration recognizes that labour migration from Asia has been increasingly feminized. Considering the rise in employment opportunities for migrant women workers and the increase in the number of destination countries, the declaration recommended that countries:

*... effectively address the specific needs and concerns of vulnerable groups of migrant workers, especially women, domestic workers, low-skilled and low-wage workers.*¹⁶

The Abu Dhabi Dialogue meeting, held on 21-22 January 2008, for the first time brought together the Colombo Process countries with the Gulf Cooperation Council states plus Yemen, Malaysia and Singapore. South Korea and Japan participated as observers (IOM 2008). In April the same year, the Colombo Process countries also initiated a dialogue on labour migration issues with European Union member states and two subsequent meetings were held in 2011 and 2014. The protection and welfare of migrant workers, including women migrant workers, featured prominently in all of these dialogues.

The Global Forum on Migration and Development (GMFD), set up in 2007, is another initiative that aims to address the issue of migration and development. A regional workshop organized by the forum and held in Accra, Ghana on 21-22 September 2011 focused on: International Migrant Domestic Care Workers at the Interface of Migration and Development: Action to Expand Good Practice. This was the first time that the forum had looked specifically at the global domestic work industry and at the problems and complex policy challenges it faces in the areas of labour legislation, human rights, gender and development (GMFD 2011).

¹⁵See <http://www.colomboprocess.org/>

¹⁶See <http://www.colomboprocess.org/>

The follow-up workshop held on 15-16 October in Manila, Philippines, analysed good practices and identified strategies that governments can use to protect migrant domestic workers, acting in partnership with civil society organizations and in line with the ILO Domestic Workers Convention No 189, CEDAW and the GMFD checklist (GMFD 2011). These workshops formulated the agenda for the forthcoming meetings where governments can seriously address the issue of migrant women domestic workers.

In December 2016, the ninth Global Forum on Migration and Development summit meeting will be held in Dhaka, Bangladesh on the overall theme: Migration that Works for Sustainable Development for All: Towards a Transformative Migration Agenda. The meeting will look at the economics, sociology and governance of migration and development, with gender as a cross-cutting issue. The meeting will define the precise contribution that migration can make to development and to specific sustainable development goals (GMFD 2016). This will enable governments to formulate the human rights based, gender-sensitive policies needed to realize the full potential for sustainable development of migrant work and of women domestic workers in particular.

Good practices to protect the rights of women migrants

1

Standard terms of employment for women migrant domestic workers are currently being used by Hong Kong, Jordan, Lebanon, Malaysia, Sri Lanka, Singapore and the Philippines.

2

The Embassy of the Philippines in UAE and Lebanon offers programmes to educate women domestic workers and help them to move out of the unskilled work category. The embassy provides classes ranging from computer literacy to cooking, sewing, photography and other skills, free of charge (Sabban 2002).

3

Jordan and Hong Kong have set up hotlines to receive calls from migrant domestic workers who allege abusive treatment such as physical abuse and sexual harassment (UNIFEM 2005).

4

Saudi Arabia has introduced MUSANED a website which offers seven tools, namely: rights and obligations of both the employer and the employee; service stages of recruitment, employment and departure; list of all licensed recruitment offices and companies; complaints and

committees, including the process of how to file a complaint; information centre providing news; required documents; and e-recruitment services. The programme is initiated by the Ministry of Labour, Saudi Arabia and aims to protect domestic workers. The website also offers clear, easy to understand information that includes important information for domestic migrant workers who are travelling (Project 189 2014).

5

In Hong Kong, the Home Affairs Bureau has published *Your guide to services in Hong Kong*, in different languages, a document given to arriving migrants which provides information on such issues as obtaining and renewing work permits, rights and obligations, and the addresses of different organizations for support services (Kawar 2003).

6

In Hong Kong, certain public areas are allocated as gathering spots for different nationalities of migrant domestic workers – Filipinas, Indonesians, Thais, Nepalis, and others – and many of the migration associations conduct all their activities on their one rest day, often in these public areas where migrant domestic workers gather (Kawar 2003).

7

In Singapore, the Ministry of Manpower has issued a guide for employers of foreign domestic workers in the four main languages to enable employers to "develop a close and cordial relationship with your foreign domestic worker" and to highlight some important work permit requirements as well as other employer obligations (Kawar 2003).

8

In Italy and South Africa, migrant domestic workers have the same protections as other workers and enjoy the same benefits, such as minimum wages, medical benefits, one day of rest in seven, paid annual leave, 13th month salary and the protection afforded by a written contract, which must be in line with the provisions of the labour law and is therefore enforceable in court (D'Alconzo 2005).

9

In Thailand, periodic registration opportunities for irregular migrant workers, including migrant domestic workers, covered over 1.2 million irregular migrants from Myanmar, Cambodia and Laos PDR when these were offered in 2004. A clear process was designed for irregular migrant workers to report, along with the owner of their house of residence, and register with the Ministry of Labour which provided the migrant worker with one year of legal status in Thailand. Simultaneously, employers who wished to hire migrant workers were required to register their interest with the Ministry of Labour. Both of these initial registration processes were free (UNIFEM 2005).

10

In the UAE, electronic bank payment of wages was made compulsory from 2008. The government has facilitated employment transfers, enhanced the legal rights of workers vis-à-vis employers, and introduced compulsory health insurance for all workers including those in domestic service paid by sponsors (Thimothy and Sasikumar 2012).

Key policy recommendations

Role of government agencies:

1

Standardize databases on women migrant domestic workers in the country of destination which can be matched with a national database created in the country of origin recording details of the migrant domestic workers who have left their country to work elsewhere.

2

Collect and analyse sex-disaggregated information, especially on the flow of remittances. The sustainable development goal 17, target 16 is time-bound (2020) and specifies that developing countries need high-quality, timely, reliable and disaggregated data on migration to enhance capacity-building.

3

Encourage inter-ministerial coordination and collaboration with key agencies, including civil society and migrants' organizations, to protect the rights of migrant workers with special focus on migrant women domestic workers.

4

Grant adequate legal protections for migrant domestic workers which may include: mechanisms to seek redress for contracts and rights violations; extending coverage of labour law to migrant domestic workers; ensuring the availability of free legal services and advice to migrant domestic workers in their own languages; increasing the enforcement of legal protections and accountability for physical and sexual abuse as well as forced labour. These are clearly articulated in sustainable development goal 8 on the eradication of forced labour, recognition of migrants' contributions, respect for human rights and humane treatment for all under the effective rule of law. The Bureau of Manpower Employment and Training of Bangladesh website serves as an example in this regard.

5

Develop a policy for providing low-interest loans from formal sources to aspiring women migrants to finance their migration.

6

Disseminate information in the country of origin and prior to departure regarding the country in which they will be working and what agencies they need to contact in the

country of employment in case of any problems. The pre-departure orientation should be linked to orientation on arrival in the country of employment to familiarise them with the kind of protection offered to overseas workers in that country.

7

Establish support services for migrant workers in destination countries, such as hotlines to obtain information, receive calls, provide support to migrant domestic workers in distress and establish shelters in collaboration with other key local agencies.

8

Provide specialized legal assistance and consular services for enhanced access to justice for migrant workers, particularly migrant women who can access information on how to secure their rights, access social protection services and get recourse to justice if they are being abused. Civil society and non-governmental organizations can make these resource centres more active by providing voluntary services.

Role of government and private agencies:

9

Regulate and supervise recruiting agencies and reduce the cost of migration. Agencies should follow the approved government guidelines and should be transparent and accountable to their clients. They should ensure that all clients are fully informed about the nature of the job, salary and other benefits, and are provided with a written contract in a language they understand.

Role of UN agencies, regional and global forums:

10

Adopt standard terms of employment for women migrant domestic workers which can be voluntarily binding for the employer or sponsor to ensure wage and working hour regulation, health and safety codes, vacation leave regulation, and so on. Employers shall: agree to provide the worker with meals, clothing, a private room with a lock as accommodation and medical care. Employers shall not: take the worker's passport; employ the worker to work anywhere except the employer's home; or place any restrictions on workers joining associations/unions or on their movements and correspondence.

11

Standard terms of employment should include sensitive issues related to verbal, physical and sexual abuse or exploitation by the employer or their immediate family members or other relatives. In such an event, the return cost will be borne by the employer. When the employer has committed abuse or other violations against a domestic worker, the recruitment agency shall assist the domestic worker in seeking redress and in following up on reported

grievances. Moreover, the domestic worker has the right to leave the workplace in case of abuse without this constituting a breach of contract or being considered as running away. In this regard, sustainable development goal 8 on decent work and economic growth and target 8.8 aim to protect labour rights and promote safe and secure working environments for all workers, including migrant workers and in particular for women migrants. This goal should be achieved by 2030.

12

Strengthen the common South Asian regional platform or mechanism that can facilitate collective dialogue and advocate for exploitation-free and safe labour movement between countries of origin and destination to maximize the use of the labour force for economic development.

13

Formulate bilateral/multilateral agreements with all destination countries that receive substantial numbers of women migrants, especially domestic workers. The sustainable development goal 10 on reducing inequality within and among countries is not specific, whereas target 10.7 aims to facilitate orderly, safe, regular and responsible migration of people through the implementation of planned and well-managed migration policies.

Role of government and non-governmental organizations:

14

Create mass awareness and the capacity to increase understanding about safe labour migration practices and raise rights awareness among aspirant women migrants through billboards, radio and television jingles and advertisements in the print media and innovative approaches in the theatre to reach the mass of people.

15

Organize and form migrant rights protection committees at the district, regional and union levels to monitor the registration and activities of brokers/agents and provide counselling to aspirant and returnee migrants in collaboration with local community-based organizations and youth clubs.

16

Organize mandatory pre-departure information and training to inform decision making and help domestic workers adjust to the country of destination. Equip training centres with the machines or equipment commonly used in households overseas. The training should be practical, appropriate for the sector and include job-specific language that workers may encounter in destination countries.

17

Provide financial literacy education and basic banking training to improve the financial skills of women migrants which will enable them to better manage their earnings and potentially smooth reintegration on their return.

18

Establish safe and low-cost remittance channels in accordance with the indicators of the sustainable development goals and, in particular, by considering the potential of technology and mobile banking. Sustainable development goal 10 on reducing inequalities contains key enablers to help people migrate safely and target 10.c aims to reduce the transaction costs of migrant remittances to less than 3 per cent and eliminate remittance corridors with costs higher than 5 per cent by 2030.

19

Promote socio-economic reintegration of returnee migrants through the following approaches:

- Small and medium size enterprise information regarding sector selection, business formation and other operational information;
- Information on micro-credit facilities;
- Information on saving procedures;
- New job opportunities abroad;
- Relevant job information in the country; and
- Various training opportunities for further skills development.

20

Provide assistance to returnee women migrants who faced problems in the country of employment, such as reporting to police, filing complaints to BMET, approaching special courts and liaising with law enforcement agencies.

With Support From:



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