



CSOs for Global
Commitments
on Migration

gendered mobility & rights of women migrants

CSO Notes for Bangladesh-Saudi Arabia Joint Technical Committee Meeting 2019

Since women migrant workers often pursue highly gendered professions, such as domestic and care work in private homes, they can be more vulnerable to exploitation and abuse. Hence ensuring the safety of women migrant workers needs especial attention. However, instead of traditional male-chauvinist focus on banning women's mobility in the name of safety, we believe the solution needs to focus on taking legal actions against perpetrators and ensuring workplace safety for women workers.

Bangladesh-Saudi Arabia Joint Technical Committee (JTC) meets to review the implementation of the 2015 Agreement on Domestic Service Workers Recruitment. Prior to the JTC meeting of 26-27 November 2019, the **CSOs for Global Commitments on Migration (CGCM)** submits this note to the government of Bangladesh through a pre-JTC consultation on 23 November 2019. CGCM submits this note to Mr Salim Reza, honorable Secretary of the Ministry of Expatriates' Welfare and Overseas Employment, who led the Bangladesh delegation to the JTC meeting.

Suggestion Highlights



Implementing Agreement 2015

- Service workers' access to a 24-hour support service
- Facilitating exit visa for repatriation in emergency situations



Implementing Outcome of JTC Meeting 2018

- Making recruiting agencies responsible on both sides and taking action against the unscrupulous visa traders at both ends



Improving MUSANED as agreed

- Updating the system on a regular basis with information such as employers' mobile number and address
- Incorporate the abilities to change occupation, transfer sponsorship, medical insurance profiling



Saudi Commitments

for Domestic Service Workers

According to the [2015 Agreement](#) signed between the Kingdom of Saudi Arabia (KSA) and Bangladesh, KSA, as the First Party of the agreement was assigned with the following responsibilities:



Rule of law:

Ensure that the **recruitment, hiring and placement of DSWs under this Agreement** shall be in accordance with the relevant laws, rules and regulations;



Employment Contract:

Endeavour to **facilitate the implementation of the Standard Employment Contract** and, if required, facilitate the expeditious settlement of employment contract violation cases and other cases filed before appropriate Saudi authorities/courts;



Financial Security

Facilitate the **opening by the employer of a bank account under the name of the DSW** for the deposit of his/her monthly salary as provided in the employment contract;



24-hour assistance

Endeavours to **establish a mechanism which shall provide 24-hour** assistance to the DSWs; and



Repatriation:

Facilitate the **issuance of exit visas for the repatriation of DSWs** upon contract completion in an emergency situation or as the need arises.

According to the outcome of the [JTC meeting in 2018](#), the KSA also has the following responsibilities:

Protection:

Bangladesh side raised **difficulties in securing safety and protection** of certain DSW cases. **Saudi side agreed to address those issues and work on them** to solve all the difficulties as per Saudi Laws.

Agencies:

On refusal of work without valid reasons, both sides agreed, **to investigate making recruiting agencies of both sides responsible** and urged that the agencies will have to provide replacement of employees at their own cost and/or suspend the offices who have high refusal rates.

Treatment:

Regarding the medical treatment of runaway DSWs, Saudi side decided to sort out proper options in consultation with the relevant authorities in Saudi Arabia.

Compensation:

Regarding **expediting the repatriation of dead bodies and disposal of compensation cases**, Saudi side appraised that another special committee is working on this and hoped to come out with a simplified procedure.

Middlemen:

Both sides agreed **to minimize migration cost and take action against the unscrupulous visa traders** at both ends.



Commitments on MUSANED

To make the **MUSANED** system more beneficial for both parties, the KSA also agreed to integrate improvements in the following areas:

- Saudi side agreed **to update the system on a regular basis with information**, such as employers' mobile number and address; exit, transfer of sponsorship and status of renewal of the contract of DSWs upon completion of MUSANED integration with Saudi entities in KSA.
- Both Saudi and Bangladeshi delegation agreed **to work out the exchange of required information from MUSANED database**.
- Saudi side also agreed that **MUSANED will organize awareness program for employers about employees' rights**.



Improving MUSANED

Since its launch in 2015, MUSANED has been developing the system by including more services to reach a wider audience. However, to ensure that the workers can meaningfully benefit from the platform, there are gaps that need to be addressed.

- MUSANED itself has **no complaints mechanisms for workers**. As a result, disputes with agencies or employers remain relegated to the unreliable realm of informal mediation and labour courts.
- Saudi Ministry of Labor and Social Development's (MLSD) has already indicated their willingness to incorporate more services to the system, such as the **abilities to change occupation, transfer sponsorship, medical insurance profiling** among others. Bangladesh delegation needs to follow-up on these much-needed improvements of MUSANED.



Current Scenario

According to Human Rights Watch's World Report 2019, domestic workers, predominantly women, faced a range of abuses including overwork, forced confinement, non-payment of wages, food deprivation, and psychological, physical, and sexual abuse, without the authorities holding their employers to account.

Despite the Government of the KSA's commitment to safeguarding Bangladeshi DSWs, current scenario points out that there are a lot of issues that need to be addressed-

According to the Ministry of Expatriates' Welfare and Overseas Employment, between 2015 and 2019 a total of 5,23,471 Bangladeshi women migrated for work; 2,93,588 of which migrated to the KSA alone. During the same period, **a total of 8,507 female workers returned** to Bangladesh from the KSA through the safe house with complaints of abuse.

A recent assessment of 111 returned female migrants show, 35% have faced abuse in many forms from slave-like working conditions to sexual abuse. **Even when one abuse is one-too many, these needs to be addressed with grave concern.**

Early findings of a study by BNSK, funded by Prokas shows that **majority of the 630 aspirant and returnee women migrants** who were either surveyed or interviewed, focused on both freedom and safety of their mobility in migration.

The agreement proposes the establishment of a mechanism that shall provide **24-hour assistance to domestic workers**. This, however, is **difficult to implement, as in many cases, women DSWs do not have access to phones or cannot go outside** of households.

Despite the commitment to provide legal support to the DSWs, due to various forms of abuse and exploitation, the workers tend to return to Bangladesh instead of pursuing action. This way, most of the **legal fights get discontinued.**

The government of Bangladesh helps with repatriation but is unable to make much headway when it comes to taking the perpetrators to court.



Campaign for Safe Migration

In such a scenario, CGCM member BNSK conducted a signature campaign among thousand aspirant and returnee migrants, who want to be optimistic from the news that a joint technical group will sit on November 26-27 in Saudi Arabia to discuss the issue.





CSO Recommendations for JTC Meeting 2019

Ahead of the meeting of the upcoming meeting of the joint technical committee, we, the members of CSOs for Global Commitments on Migration (CGCM) put forward the following recommendations:

- **Strongly raise the issue of exploitations and abuses** and convince the Saudi Counter Part to **develop a specific legal framework for the safeguard of the women migrant workers.**
- **Ensure that immediate measures are taken to conduct joint investigations against the alleged employers** violating the provisions of the employment contract and the bilateral agreement between the two states and bring them under legal actions.
- **Discuss and explore the scopes of initiating and continuing legal proceedings against the alleged employers** by the authorized personnel of the Bangladesh Embassy in the absence of physical presence of the survivors of violence and exploitation.
- **Ensure organising post-arrival orientation programme for both the employers and employee together** in the premises of the Bangladesh Embassy and in the presence of Saudi recruiting agencies and government authority.
- **Strengthen monitoring and visit of the workplaces of the workers by introducing a monthly or bi-monthly basis system** by a joint monitoring team and make the monitoring findings public both in Bangladesh and Saudi Arabia through common software.
- While it is important to bring the recruiting agencies in Bangladesh under accountability, **we urge the Bangladesh authority to pursue with the Saudi government to bring recruiting agencies of Saudi Arabia under regular monitoring.**
- **Ensure the use of mobile phones by the employees** to maintain regular communication with the family, embassy and other relevant agencies in Bangladesh.
- Under the agenda item 3 of the JTC meeting, **ensure that the regular update of MUSANED database** with all the required information and the **MUSANED is accessible by all.**
- MUSANED already has a mechanism for resolving complaints between agencies in place. However, this **complaint mechanism should be expanded to include workers.**
- We urge the Bangladesh government **to pursue with the Saudi Authority by using the underlying principles of human rights** as protected under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990 and other core international human rights treaties including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).
- Finally, **raise the issue of amendment of the bilateral agreement and the standard employment contract** to explain in details about the applicable laws, rules and regulations by name, instead of using generic term of applicable laws, rules and regulations, and emphasis to annex the text of those applicable legal instruments along with the employment contract in absorbable languages of both the parties.



CSOs for Global Commitments on Migration

CSOs for Global Commitments on Migration (CGCM) is a platform of civil society organizations for the implementation and monitoring of the global, regional and intra-regional cooperation and commitments on migration and development.

Given the diverse and independent nature of CSOs and the complex nature of global consultative processes, CGCM was established to ensure technical, systematic and collaborative engagement of civil societies in the global consultative processes.

Currently 15 civil society and trade union organisations are members of CGCM.

CGCM's areas of work include-

Learning



Capacity building of CSOs in understanding of and contributing to these tracking processes

Monitoring



Tracking, monitoring and reporting on the implementation of the global commitments

Sharing



Engagement with GP-NGO partners and participation in national, regional, and global forums

Brief Note by



www.iid.org.bd



www.bnsk.org.bd

In Partnership with



www.brac.net



www.okup.org.bd

With Support from



www.britishcouncil.org.bd/en/prokas

Find more at theCGCM.org