

Constructive Dialogue between the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and Bangladesh

3 April 2017, Geneva

Opening Statement by Mr. Nurul Islam B.Sc., Hon'ble Minister, Ministry of Expatriates' Welfare and Overseas Employment, Government of the People's Republic of Bangladesh during the consideration, by the CMW, of Bangladesh's Initial Report under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 03 April 2017 at Geneva

Mr. Chair,

Distinguished members of the Committee

Excellencies,

Ladies and Gentlemen,

1. A very good afternoon. Let me begin by thanking the Chair and the other members of the Committee on Migrant Workers for providing us an opportunity to have this constructive dialogue today. It is indeed an honour to be present here amongst all of you and speaking about the sincerest efforts and endeavours of Bangladesh in the implementation of the Convention (ICRMW) by undertaking various legal, judicial and administrative jurisdictions.
2. Before I present my remarks, let me introduce to the Committee the members of the Bangladesh Delegation. We have in the Delegation:
 - Mr. Mohammad Shahidul Haque, Senior Secretary, Legislative & Parliament Affairs Division of the Ministry of Law, Justice and Parliamentary Affairs;
 - Mr. Shamim Ahsan, Permanent Representative, Bangladesh Mission in Geneva;
 - Mr. Javed Ahmed, Additional Secretary, Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE);
 - Mr. Md. Salim Reza, Director General, Bureau of Manpower Employment and Training;
 - Mr. Abdul Hannan, Additional Secretary, Public Security Division of the Ministry of Home Affairs;

- Mr. Khondakar Mostan Hossain, Joint Secretary, Ministry of Labour and Employment;
- Mr. Mohsin Chowdhury, Joint Secretary, Ministry of Expatriates' Welfare and Overseas Employment;
- Mosammet Shahanara Monica, Director, Ministry of Foreign Affairs;
- Mr. Yasir Adnan, APS to the Minister, MoEWOE; and
- Dr. Mohammed Ridwanul Hoque, Labour Migration Expert

Mr. Chair,

3. Migration has emerged as one of the mega-trends that are playing a critical role in shaping global development. Migration is truly considered an enabler for the growth and development by Bangladesh. The international labour migration from Bangladesh has not only generated foreign incomes, but also created job opportunities abroad for millions of Bangladeshi workers. Importantly, it has given Bangladesh a unique chance to play a critical role in shaping global advancements by contributing its human skills and knowledge.
4. As a major source country of migrant workers, Bangladesh has had long standing commitment to promote and protect the human rights of migrant workers and members of their families. The country's commitment for migrant workers was reflected in the ratification of the Convention on 24 August 2011 and submission of its *Initial Report* on 28 December 2015. We also submitted our replies to the List of Issues drawn by the Committee on 15 March 2017.

Mr. Chair,

To put my Statement into a proper perspective, I would like to start by shedding light on the tormented journey of our nation, from a long-standing just struggle of freedom and liberty to the emergence as a free nation and to an increasingly inclusive society.

5. Bangladesh was born on 26 March 1971 when the Father of the Nation Bangabandhu Sheikh Mujibur Rahman declared the independence of the country in the wake of a treacherous and unjust war waged against us by West Pakistan. Bangladesh's heroic and historic armed struggle for independence lasted for nine months and the country won the victory on 16 December 1971. The father of the nation dreamt of a '*Sonar Bangla*' (Golden Bengal) where the common citizens of the country would live in prosperity and have equitable access to resources,

quality education, healthcare, and employment opportunities. The current ruling party of Bangladesh, the Awami League, revived that dream through the realisation of its electoral promise of 'Charter for Change' in 2008 and Vision 2021 to drive the country's sustainable development agenda further forward. For the first time in the country's history, such a comprehensive Vision, steeped in self-reliance, was presented to the people with an aim to establish the nation as a middle-income country by the 50th anniversary of the nation. Following by its Vision 2021, the Perspective Plan of Bangladesh, our Government has adopted the 7th Five Year Plan (2016-20) with an emphasis on the development of strategies, policies and institutions to accelerate the inclusive growth and to empower the citizens.

Mr. Chair, I would now like to turn my deliberation to the salient aspects of our Initial Report.

6. First of all, we would like to draw your attention to certain issues relating to Myanmar nationals raised by the CMW. Although Bangladesh responded to these queries out of the government's good office because we have provided the Myanmar nationals with assistance and basic needs on humanitarian grounds, we like to emphasise that undocumented Myanmar nationals or refugees are not migrant workers and hence not covered by ambit of the ICRMW.
7. The Constitution of Bangladesh is the supreme law of the country. The fundamental rights as envisaged in the Constitution are enforceable and they reflect most of the rights established by the ICRMW. I would now like to impress upon a few important national legal and policy reforms undertaken by the Government of Bangladesh since its ratification of the Convention.
8. **Mr Chair**, we take some pride in the fact that within a very short time after our ratification of the Convention, Bangladesh Parliament enacted an anti-human trafficking law in 2012 and the 'Overseas Employment and the Migrants Act 2013', to incorporate into our domestic law major provisions of the Convention. The Act of 2013 aims to promote opportunities for overseas employment and to establish a safe and fair system of migration, to ensure rights and welfare of

migrant workers and members of their families, and provides for punishment of unscrupulous activities relating to the recruitment of migrant workers.

9. Moreover, the Children Act 2013 and our labour law provide for provisions to protect children from a wide range of potential exploitation and abuses such as child marriage, hazardous work, and violations of children's rights. We have reduced child labour significantly, by 50% over a period of ten years (2003 – 2010).
10. Beginning with such a concrete legal reform in compliance with the ICRMW, Bangladesh launched and is in the implementation of a host of other measures directed towards the better fulfillment of the rights of all migrant workers and members of their families.
11. The Government has taken initiatives to draft a new Immigration Bill, an Export Processing Zone (EPZ) Labour Bill, and Wage Earners' Welfare Board Bill to further strengthen the protection and welfare of all workers including migrant workers. We are committed to strengthen and modernize labour migration governance. To that end, we are in the process of framing a number of delegated legislations (Labour Migration Management Rules, Recruitment Agencies' License, Conduct and Classification Rules, and the Migrant Workers Registration Rules).

Mr. Chair,

1. The Government has also enacted a few policies and establish institutional reforms. We have framed, for example, National Women Development Policy (2011), National Skills Development Policy (NSDP) (2011), and the National Social Security Strategy (NSSS) (2015). **The NSDP** has already had an impact on a noticeable economic growth, while **the NSSS of 2015** aims at reducing the negative impacts of poverty. Within these frameworks, social security of migrant workers is protected.
2. Importantly, we have framed the Expatriates' Welfare and Overseas Employment Policy 2016. This Policy that is in close compliance with the ICRMW provides a regime of activities for the promotion of safe migration, and the protection of rights of the migrant workers and the members of their families,

especially the female migrant workers. We have also adopted the Domestic Workers' Protection Policy in 2015 to protect the rights of domestic.

Mr. Chair,

3. Bangladesh has always been very respectful of international obligations under international conventions. The Government has shown its commitment to ensure the protection of worker by ratifying seven fundamental ILO conventions. Ratification of a convention largely depends on the economic and social settings of a country. Before any ratification, the relevant institutions of implementing the provisions of the conventions need to be strengthened. Bangladesh, however, is in the process of making its institutions effective enough to be supportive of the implementation of all international instruments that would have a bearing on migrant workers.

Mr. Chair,

4. The Government is committed to ensure rights and welfare of the (outgoing) migrant workers and to ensure recruitment of workers on the basis of the principle of equal opportunity for all. The Ministry of Expatriates' Welfare and Overseas Employment has been in the lead to administer international migration governance and implement the provisions of the Convention. The Government has been increasingly building up the Ministry's capacity for the implementation of the Convention. The budgetary allocation for the Ministry under the ADP for the FY 2016-2017 is USD 32 million, of which 94% of the resources are the country's own resources. The 7th Five Year Plan of the Government has planned to allocate around USD 100 million in FY 2019-20, which also puts emphasis on the implementation of the Convention. Our national economic policies seek to build capacity of the human resources, expand support services for migrant workers and improve skills development programmes.
5. The government has been working to strengthen the support services for migrant workers through various Bangladesh Missions abroad, the BMET, and several other department of the government's lead Ministry. In 2016, the BMET has provided skills development training to 567,000 (0.567 million) aspirant migrant workers, of whom 62,000 thousand were female. Around more than

2000 workplaces, offices, accommodations and detention centers of migrant workers have been visited by Labour Attachés (in 27 destination countries). In 2016, around 10,000 children of migrant workers have received scholarships from the WEWB and around 7500 migrant workers received financial assistance.

6. To strengthen the governance of recruitment processes, the Vigilance Task Force on labour migration has conducted 12 operations in 2016. Around 2555 visits have been conducted by Labour Attachés in different destinations to verify the provisions of the employment contracts. We have further increased our monitoring and enforcement mechanisms.
7. International labour migration is indeed a very complex, multi-dimensional issue. It has its own challenges. The Government of Bangladesh is trying its best to overcome all the challenges. However, the high cost of migration remains among one of them. The Government is taking several initiatives including online registration, developing job seekers' database, issuing smart cards (migration card), exploring government-to-government (G2G) recruitment, online visa verifications and so on. We have also introduced Skills recognition and certifications for migrant workers, which remained an important challenge. We also have introduced capacity-building of trainers and standardized training modules.

Mr Chair,

8. Bangladesh is also aware of the low rate of ratification of the ICRMW by different destination countries which creates difficulties in ensuring the protection of migrant workers of Bangladesh. The Government is continuously urging the destination countries to ratify the convention and concluding bi-lateral agreements/Memorandums with such countries with a view to protecting our migrant workers overseas.
9. The 2030 Agenda for Sustainable Development was adopted unanimously by the United Nations in September 2015. Migration is included for the first time in the global development framework, recognizing well-managed migration's integral role in, and its immense contribution to sustainable development. After successful implementation of the MDGs, the Government has put its all efforts to take forward the success in implementing goals of SDGs. We have already drafted an Action Plan for migration-related SDGs.

Mr. Chair,

10. The Government will continue to promote and disseminate the ICRMW and launch educative, training, and awareness-raising programmes to better protect the human rights of all migrant workers and their family-members. Our sincerity and commitment is evident in the fact that during the tenure of this government, we have taken a lead role vis-à-vis the pressing problems of migration globally as well as concerning Bangladesh. Bangladesh, for example, had been instrumental in holding the recently concluded 9th Conference of the Global Forum on Migration and Development held in Dhaka (GFMD) from 10 to 12 December 2016 and in the UN Summit on Refugees and Migrants of 19 September 2016. Further, Bangladesh is actively working in partnership with other members of the United Nations towards the adoption of a 'Global Compact on Safe, Regular and Orderly Migration' that was mooted in the 2016 UN Summit at New York by the Honourable Prime Minister Sheikh Hasina. It is also notable that our government has facilitated a visit of the Special Rapporteur on Violence against Women, which has important implications for the rights of female migrant workers of Bangladesh.

Mr. Chair,

11. I acknowledge that these opening remarks are not exhaustive and may not have covered all issues of your interest. Through our Initial Report and the Replies to the List of Issues, we have made a sincere effort to inform the Committee about all our legal, administrative, judicial, and other measures for the implementation of the ICRMW.
12. As the leader of the Bangladesh Delegation to this august constructive dialogue with the Committee, I stand sincerely willing to responding to the questions and queries that might come up from the Committee and the Special Rapporteur(s) during our subsequent interactions.
13. On behalf of myself and the Bangladesh Delegation I thank you very much once again for inviting us to this Dialogue, and we look forward to working together for the better implementation of the ICRMW.