

CEDAW AND THE FEMALE LABOUR MIGRANTS OF BANGLADESH



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Executive Summary

The experiences men and women have as migrant workers are different, and most differences are due to the roles, behaviours, and relationships that society assigns to, and expects from, a woman or man in a country of origin and a country of destination. When designing policies and programmes, it is important to acknowledge and respect the background and sociocultural context for gender relations in countries of origin. Factoring gender considerations into migration and other policies does not mean redesigning these policies, but rather looking at how to incorporate gender issues into the policy process and the programmes resulting from it. Gender should not be viewed only as a set of issues that must be applied separately to migration policy for men and women. Migration policy should also take into account the relations between women and men in sending and receiving countries. That is why if someone wants to examine the gender sensitivity of policy, the context of the policy formulation process needs to be examined first.

Unlike other labour surplus countries, in Bangladesh female migrants make up a low proportion of labour migrants – until 2004, only 1% of Bangladeshi labour migrants were female. This number has increased to 5% in 2009, however women still represent a small minority in relation to overall Bangladeshi migrant flows. This is due, in large part, to policies that have discouraged female labour migration, and societal attitudes that stigmatize those women who challenge traditional gender roles and migrate for work. Policy changes in 2002 and 2006 have made it easier for low-skilled women to migrate, resulting in steadily increasing numbers of female migrants. However, much work is necessary on the part of the government in order to facilitate safe migration for women through the development and implementation of gender responsive and gender sensitive policies.

Gender Issues Explored

- *Current policies in Bangladesh do not account for underlying societal causes of gender inequity and inequality. The entrenched patriarchy of Bangladeshi society constrains employment choices, stigmatizes female migrants, and serves to place women in precarious and exploitative situations throughout the migration process.*
- *Women suffer from various forms of mistreatment and abuse, not only in the process of migration but also on their arrival in the destination country. Many become victims of sexual harassment, physical abuse and are denied basic rights by their employers and co-workers.*
- *Consular services and access to resources and information through labour attachés have been designed with the needs of male migrants in mind. There are no specific programmes in place that are designed to meet the specific needs of female migrant*

workers, and resources are lacking such that they cannot ensure adequate support even for men.

- *Training facilities and curricula established by the Government of Bangladesh are inadequate in equipping women for creating a niche in the overseas labour market. There is a need for gender-sensitive, rights-focused pre-departure orientations specifically designed for female migrant workers.*
- *Upon their return after a long stay in a different cultural context, the returnee migrant worker often finds it difficult to reintegrate into the society that has gone through changes in his/her absence. Changing gender norms in families is a serious issue for both men and women that is largely unaddressed.*
- *The specific health concerns (psychosocial and physical, particularly reproductive health issues) need to be addressed in terms of access to care, insurance policies, and gender sensitivity.*
- *Bangladeshi family law places women in a disadvantaged position in terms of their control over, and access to resources, hindering their self-determination and capacity to make decisions and act autonomously as equal members of society.*
- *Many female domestic migrant workers gain employment abroad as domestic workers, however this segment of the workforce remains outside the purview of the policy and programmes of the government. This leaves them vulnerable to unique forms of abuse and exploitation throughout the migration process.*

The phenomenon of female labour migration requires careful consideration by the Bangladeshi Government in the formation of its migration policies and the measures it implements to protect migrants throughout the migration process. In Bangladesh, women's mobility is restricted by structural factors – social and economic conditions that are reinforced by discriminatory practices and legal instruments. This document outlines the context of Bangladeshi female migration and highlights the issues that the CEDAW Committee should take up with the state in order to secure gender sensitive, gender responsive protections for female labour migrants.

INTRODUCTION

In spite of the prevalence of migrant labour from Bangladesh, the rights of migrant workers, particularly women migrants, as humans and workers remain unaddressed. In the context of Bangladesh, women's mobility for the purpose of education, health care and jobs is restricted by structural factors, informed by socioeconomic and cultural conditions and reinforced by discriminatory practices and legal instruments. The issue of female labour migration is stigmatised. This has resulted in decreased women's participation in the overseas labour market. As a state party to the CEDAW, the Government of Bangladesh (GoB) is responsible for addressing the issue of equality of women in general and female labour migrants in particular, to comply with observation 34 of the CEDAW Committee. It is anticipated that meeting the obligation of CEDAW will help to empower potential female labour migrants in making migration decisions independently, overcoming existing barriers.

CONTEXTUAL ANALYSIS

Migration is an age-old phenomenon. Labour migration is a component of population movement in all countries with Asian Region contributing a large percentage of world migrant workforces (UNIFEM, 2005). The ILO estimates that there are between 80 and 100 million migrant workers in the world today. Women account for a significant portion of these workers and in some countries they represent more than half of the migrant worker population.

Unlike other labour surplus countries, in Bangladesh female migrants make up a low proportion of labour migrants – until 2004, only 1% of Bangladeshi labour migrants were female. This number has increased to 5% in 2009, however women still represent a small minority in relation to overall Bangladeshi migrant flows.

Table 1: Percentage of women migrants 2001-2009

| Year | Women Migrant | | Total Number of Migrants |
|------|---------------|------|--------------------------|
| | Total | % | |
| 2000 | 454 | 0.20 | 222686 |
| 2001 | 659 | 0.35 | 188965 |
| 2002 | 1216 | 0.54 | 225256 |
| 2003 | 2353 | 0.93 | 254190 |
| 2004 | 11259 | 4.29 | 272958 |

| | | | |
|-------|--------|------|---------|
| 2005 | 13570 | 5.57 | 252702 |
| 2006 | 18045 | 4.73 | 381516 |
| 2007 | 19094 | 2.29 | 832609 |
| 2008 | 20842 | 2.38 | 875055 |
| 2009 | 22224 | 4.68 | 475278 |
| Total | 109716 | 2.76 | 3981215 |

Source: BMET 2009

The low, but steadily increasing participation of women in migration can be attributed to two factors: public policy and social factors.

Public Policy

Since the 1980s, along with male workers women also started taking part in the global contractual labour market, although in a very small proportion. During the early years, women migrants mostly consisted of doctors, nurses and teachers. However migration of semi-skilled and low-skilled women workers is a new phenomenon and the number of women workers from Bangladesh remains rather low.

Since 1980 when semi- and low-skilled women started migrating, successive governments put partial or complete bans on their migration as a measure of protection. In 2003 the GoB withdrew its restriction on the migration of semi- and low skilled women migrants. The GoB's Overseas Employment Policy of 2006 recognised the equal right of men and women to migrate for employment.

These policy changes caused a shift in the numbers of women migrating for work. From 1991 to 2000, female migration represented less than 1% of all migration. Since changes to the policy on female migration in 2003, this number has steadily increased reaching 5% in 2009.

Table 2: Female Migration from Bangladesh by Profession 1991-2004

| Profession | Middle East | Far East | Total | % |
|------------------|-------------|----------|-------|--------|
| Doctor | 175 | 0 | 175 | 0.84 |
| Nurses | 1038 | 157 | 1195 | 5.74 |
| Teacher | 13 | 0 | 13 | 0.06 |
| Factory Workers | 171 | 4845 | 5016 | 24.09 |
| Garments Workers | 3810 | 229 | 4039 | 19.39 |
| Housemaid | 6121 | 185 | 6306 | 30.28 |
| Cleaner/ Labour | 4048 | 33 | 4081 | 19.60 |
| Total | 15376 | 5449 | 20825 | 100.00 |

Source: BMET 2009

Table 3 : Migration of Female workers 2000-2008

| Country | Year | | | | | | | | |
|---------------------|-------|-------|-------|-------|--------|--------|--------|--------|--------|
| | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
| KSA | - | 335 | 827 | 808 | 3,133 | 6,319 | 7,358 | 7,341 | 4054 |
| UAE | 381 | 162 | 217 | 108 | 3,241 | 3,786 | 7,355 | 5,181 | 4716 |
| Kuwait | 4 | 15 | 18 | 333 | 1,773 | 930 | 589 | 49 | - |
| Oman | - | 27 | 14 | - | 60 | 132 | 629 | 1,980 | 274 |
| Qatar | - | - | - | - | - | 6 | 3 | 4 | 2 |
| Bahrain | 22 | 22 | 30 | 37 | 1,058 | 553 | 232 | 244 | 130 |
| Lebanon | - | - | - | 1 | - | 12 | 743 | 3498 | 5430 |
| Jordan | - | 95 | 104 | 1053 | 1,883 | 1,745 | 518 | 12 | 120 |
| Libya | - | - | - | - | - | - | - | 250 | 25 |
| Malaysia | - | 1 | 2 | - | - | - | 1 | 354 | 917 |
| Singapore | - | 2 | 1 | 2 | 6 | 7 | 6 | 8 | 27 |
| UK | - | - | - | 1 | 10 | 14 | 22 | 20 | 20 |
| Italy | - | - | - | - | 32 | 12 | 20 | 105 | 62 |
| Hong Kong | - | - | 1 | 1 | - | - | 3 | 2 | 7 |
| Pakistan | - | - | - | 4 | - | - | - | 4 | 7 |
| Spain | - | - | - | 2 | 2 | - | 1 | - | 1 |
| Brunei | - | - | 1 | 2 | 3 | 3 | 2 | 4 | 4 |
| Mauritius | 47 | - | - | - | 25 | 25 | 468 | 610 | 769 |
| Others | - | - | -1 | 1 | 33 | 26 | 95 | 28 | 86 |
| Total | 454 | 659 | 1,216 | 2,353 | 11,259 | 13,570 | 18,045 | 19,094 | 16651 |
| Yearly increase (%) | 24.04 | 45.15 | 84.52 | 93.50 | 378.50 | 20.53 | 32.98 | 5.81 | -12.79 |

Source: BMET 2009

Social Factors

While it is most certainly the case that public policy on migration has shaped Bangladeshi migration flows, societal factors stipulating particular gender roles have also greatly impacted female labour migration.

Women's engagement has traditionally been confined to household chores, reproduction and some in house community management. In the contemporary times, educated women have claimed more freedoms than less educated or uneducated women, particularly in choosing income-generating activities that include migration for work. These women have also been able to take part in household decision-making processes. However, for less and/or uneducated women migration has generally been viewed as a humiliation, and said to lead to dire consequences for the migrant, i.e. getting deserted by her husband. As such, female labour migration has been discouraged in Bangladesh.

Reasons contributing to female labour migration

Siddiqui (2001) showed that the culmination of structural and individual situational actors combined with the strong role of organizations that ultimately led women to migration. She demonstrated through her study that the desire for economic advancement was the most important push factor. Diversification of family income was also cited as an important reason for migration. She also found that there were some social factors for migration, including

women's empowerment and involvement with NGOs, oppressive social institutions and practices, exploitation of patriarchy, temporary escape from unhappy family and social situations, and escape from harassment and violence.

LABOUR MIGRATION GOVERNANCE IN BANGLADESH

After the independence of Bangladesh, emigration from the country was regulated and controlled under the 1922 Emigration Act that the country inherited from its British colonial past. With the gradual increase in the flow of temporary labour migrants from Bangladesh to the Middle Eastern countries, the inadequacy of the existing 1922 Act was felt and major policy changes were envisaged.

At the initial stages when migration of short-term workers to the Gulf states began in the mid-1970s, it was the government in Bangladesh which was actively engaged in facilitating the process. With the passage of time, as the demand for labour continued, the government handed over the recruitment responsibility to private recruiting agencies. It was in this context the Emigration Ordinance of 1982 was framed.

The Ordinance was designed to set the rules for governing the labour migration sector. The Ordinance elaborates the licensing and monitoring mechanisms of recruiting agencies. It also explicitly describes the punishment of individuals and private recruiting agencies involved in fraudulent practices. Gradually in 2002 rules were framed on the basis of the 1982 ordinance. Besides the Ordinance and rules, a policy has also been framed in 2006 entitled 'Overseas Employment Policy.'

Policy on Female Migration

In the early 1970s the GoB did not have any concrete policy either to encourage or discourage female migration. On individual or recruitment agency initiative Bangladeshi women began to take jobs in the Middle-eastern countries. In early 1981, through a Presidential Order, certain categories of female workers were barred from migrating overseas for employment. The Order stated that professional and skilled women could migrate as principal workers but semi-skilled and unskilled women could not go overseas without a male guardian. It is not known what prompted the government to take such a decision. However, it has been claimed that in 1980 the then Bangladeshi association of migrant workers of Kuwait placed a Memorandum to a visiting Minister of the Bangladesh Government. In the Memorandum, among other things, the Association strongly demanded that the government put a bar on migration of women on employment. It was further claimed that on the basis of their demand the Minister convinced the cabinet to impose this ban on the migration of unskilled and semi-skilled women. The measure was justified on the ground that dignity of woman was protected by it. In 1988 the government slightly modified its position. It withdrew the ban and imposed a restriction on the migration of unskilled and semi-skilled women. This implied that in principle, the government still held the position that these categories of women should not be allowed to migrate on their own. However, it would consider specific cases and let them migrate under special permission. This restriction prevailed till 1997.

In November 1997, following an inter-ministerial meeting of representatives of the ministries of Foreign Affairs, Finance, Labour and Cabinet Division, GoB re-imposed a complete ban on migration of women except those who were highly qualified professionals such as doctors, engineers and teachers. This policy was the most regressive one, since for the first time it put a ban even on professions such as nurses, typists, secretarial assistants and skilled workers such as garments or factory workers along with the un-skilled, semi-skilled domestic aides or cleaners. This policy shift was again rationalized as a protective measure. However, this decision led to a major campaign by different civil society organizations. The Association of International Recruiting Agencies (BAIRA), the trade body of the recruiting agent, was also very active in the movement to rescind the order. BAIRA lamented that while Indonesia and other Muslim countries were developing strategies to take advantage of such a decision, the GoB had taken an opposite stance.

Civil society groups, which opposed the ban, viewed it as unconstitutional and discriminatory against women and believed that it would contribute to illegal trafficking of women. They sent a joint petition to the Prime Minister demanding immediate withdrawals of the government order. In December 1997 through a Circular the ban was lifted from migration of all other categories of women workers, except domestic workers. However, a further revision allowed a few categories of women to work as domestic aids if the employer belonged to any of the following three groups: (a) Bangladesh embassy staff; (b) financially solvent Bangladeshi such as doctors and engineers, and (c) foreign passport holders of Bangladeshi descent. Permission for such positions would only be granted by the Ministry of Labour and Employment following verification by the Bangladesh missions of the countries concerned.

Research conducted by RMMRU on female migrants from Bangladesh (Siddiqui 2001) showed that a substantial number of women could make positive economic and social advancement in their lives through migration. This indicated that a large number of women would be able to move out of poverty if they were able to participate in the global labour market. Therefore, RMMRU initiated advocacy work to convince the government and civil society to withdraw restrictions on female migration - through seminars, workshops, TV programmes, documentary films, newspaper writings, awareness campaign trainings etc. Bangladesh Women Migration Associations (BWMSA), the Welfare Association of Repatriated Bangladeshi Employees (WARBE) and International Organisation for Migration (IOM) also organised campaigns through workshops, rallies and press conferences.

In 2003, the new Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE) brought in changes in female labour migration policy. This allowed unskilled or semi-skilled women to migrate under special permission once they become 35 years of age. In order to ensure the safety of women who migrate, the government included certain conditions around protection. The security deposit required of the recruiting agents who wish to send women has been increased to Taka 5,000,000 (70,850 USD). In addition, the government encouraged the private sector to develop training centres for providing specialised professional skills, communication skills and awareness training to female migrants. Aspirant women are trained in the use of domestic appliances, taught Basic English and Arabic languages, and given awareness about their legal entitlements in respect to wages, accommodation and medical services. In

2006 the Ministry through a notification further relaxed female migration. The age limit in case of domestic and garments workers has been further reduced from 35 to 25 years. The age limit will not be applied to those who would migrate as cleaners. Restrictions on unmarried women have also been withdrawn. It may be concluded that the seventh parliamentary government has brought about significant changes in migration policy regarding unskilled and semi skilled workers. However, men and women do not yet enjoy equal access to participation in the international labour markets even under this updated policy.

Siddiqui's study reveals that both domestic aides and factory workers experienced long working hours. Domestic aides were more vulnerable and they did not have any concept of holidays. There were restrictions on their movement. Communication between female domestic workers and their families at home were not always regular. Some women migrants experienced physical violence and sexual abuse. The Bangladesh missions were yet to develop appropriate institutional mechanism to respond to situations involving violation of rights of female migrants.

Migration of women brought about mixed results for their children. In some cases, better opportunities for education could be created for children, and for others, their education suffered because of an absence of the principal woman member of the household. Early marriage of sons and daughters of female migrants were noted. Sons were married off early so that their brides could look after the households, while daughters were married, as their protection could not be ensured in the absence of their mothers. It was further found that the workload elderly women of the household increased tremendously in the absence of female migrants, while male members shouldered very little additional responsibility. In some instances, male spouses of female migrants developed emotional ties with other women, and broke off their marriages, at times abandoning their children.

Bangladesh Overseas Employment Policy

There has been a persistent demand from civil society groups for the development of a comprehensive national policy on migration. It was first raised in 1997. In response to sustained advocacy from different sections of the civil society, the MoEWOE initiated a process of developing an Overseas Employment Policy in 2002. Initial drafts were prepared by the Ministry, after which a technical assistance committee was formed comprised of members of different ministries of government, BOESL, BAIRA, IOM, RMMRU and WARBE. The technical assistance committee prepared and advanced draft. The draft later went through many consultations. The policy was adopted on 5 November 2006.

Unfortunately, there is hardly any reflection of the gender responsive suggestions put forward by the technical assistance committee in the 2006 policy. According to respondents, there were few initiatives to integrate these well-identified gender issues at the ministerial level.

2004: Recommendations by the Technical Committee

The technical committee presented its recommendations in 2004 for a gender sensitive, gender responsive policy. Consultants raised concerns relating to three areas: promotion, protection, and benefits of female migration, keeping in mind gender realities for the draft policy. The suggestions forwarded are as follows:

- Promote equal access for men and women to overseas employment opportunities by actively promoting female participation;
- Diversify overseas employment opportunities for women and men alike by challenging the gender division of labour;
- Promote human resources and skills specific to the overseas labour market, including country-specific skills such as language;
- Ensure safe departure, travel, and arrival;
- Ensure the rights of migrant workers to associate with human rights and women's rights organizations and trade unions;
- Ensure inter-ministerial co-ordination and collaboration with key agencies, including civil society, to protect the rights of migrant workers;
- Promote schemes relating to parental insurance and allowance for the benefit of migrant workers;
- Raise awareness on migration and pre-departure orientation to cover all aspects of migration for both men and women;
- Performance of duties and responsibilities of embassies should be clearly redefined, particularly in connection with protection and promotion of the rights of male and female migrant workers;
- Salient features of international conventions should be properly reflected in the OEP;
- All restrictions on women workers should be removed, as it violates women's fundamental human rights;
- MoUs, bilateral, and multilateral agreements should cover proper working conditions, health conditions, and wages;
- Policy should facilitate the dissemination of accurate information equally for male and female migrant workers;
- Institute quick and safe operation of the remittance system through diversifying banking channels;
- Options should be in place for migrant workers to utilize the remitted funds and skills by the government;
- Wage Earners' Welfare Fund should be taken into consideration with the direct benefit of the migrant workers;
- Individual bank accounts should be facilitated for men and women alike before leaving for overseas employment;
- Remove all discriminatory rules and regulations for women in the banking system and ownership of property.

(Yasmin, Fhamida (2010), *Gender Responsiveness of Bangladesh Overseas Employment Policy: Implication on*

The preamble of the policy sets the reason behind the formulation of the Overseas Employment Policy. The scope of the policy includes both males and females; short term labour migrants and long-term diaspora populations. The policy ensures the rights of the Bangladeshi workers to freely choose quality employment.

Among other things, the OEP emphasizes protection of the rights of migrant workers. It also acknowledges the importance of pre-departure briefings and the need to create awareness among migrant workers. In order to ensure protection in the destination countries, the OEP stresses signing of Memorandums of Understanding with labour receiving states, providing

legal assistance and ensuring welfare of migrants through Bangladesh missions abroad. The OEP underscores that the need for ensuring transparency and accountability of the recruiting agencies. It recognizes the need to explore new markets for Bangladeshi labour. Increasing the flow and better use of remittances as investment is another major issue covered by the OEP. The social and economic reintegration of migrants upon their return home is also an important concern of the OEP. In addition to the Bangladeshi migrant workers who go on short-term contracts, the OEP underscores the welfare needs of the long-term migrants. The responsibilities of various government agencies such as the Ministry of EWOE, the BMET, the DEMOs and TTCs and also those of Bangladesh Association of International Recruiting Agencies have been elaborated in the annexure of the OEP.

It is important to note that the policy that was finally adopted had a much more limited in scope compared to the draft of the technical assistance committee. The approved policy dropped the component, which indicated the government's commitment to international instruments e.g., 1990 Convention on Rights of All Migrants Workers and Members of their Families, UN instruments on human rights and ILO Conventions pertaining to migrant rights due to objection of the recruiting agencies. The draft also had a section on responsibility of different ministries ensuring better governance of migration. Except the EW&OE Ministry all others ministries were apprehensive of such written commitment and thus that section was also dropped.

On paper the OEP is an impressive document. It touches upon most of the major issues in labour migration sector. However, putting the policy into practice remains a major challenge. Though the policy aims at reducing the migration costs, over the last four years, since the framing of the OEP, very little has been achieved in this regard. Today, the cost of migration in Bangladesh remains the highest among the South Asian labour sending countries. Likewise, the policy's aim to facilitate migration from various districts of the country remains elusive; as in reality, migration continues to take place only from a handful number of districts with social network playing a critical role. A major limitation of the OEP is that it has not provided any time frame to bring about the proposed changes.

Policy Gaps in terms of gender understanding

The BOEP 2006 does not assert to maintain gender sensitivity in its implementation section (Section-5.00). It addresses gender equality but does not address the gender equity aspect that recognizes women's disadvantageous position in relation to men in the society, especially acute in the migration process. It is true that OEP opened up opportunities for women to participate in the overseas labour market but it does not prescribe any action plan to offset the hindrances in the socio economic structure, particularly in rural areas. Although gender operates as a basic organizing principle at its policy level (as BOEP includes both perspective of male and female migrant workers), migration experiences for both males and females are dissimilar and even contradictory. In this respect, BOEP is assumed to fail in identifying those different experiences and consequences of the female migration process.

Because of the low proportion of female migrant workers, institutions that cater to migrants have been established without due consideration for the unique issues faced by women. Pre-

departure orientations, embassy and consular services, etc. are not necessarily equipped to account for the vastly different experiences of women and men throughout the migration process. The notion that information and services can be 'gender-neutral' must be dispelled.

ISSUES FACED BY FEMALE MIGRANTS & IMPLICATIONS FOR RIGHTS

In Bangladesh, female labour migrants face a multitude of problems – many more than their male counterparts – while migrating abroad. The extent of the problems, in many cases, begins with age-old social barriers of stigma and discrimination; women are continually abused and mistreated throughout the process of migration and continue to struggle upon return due to the various challenges of reintegration.

As a signatory to the CEDAW instrument and Beijing Platform for Action (BPFA), Bangladesh has expressed its commitment to attaining the objectives of ensuring gender equality and empowerment of women. In achieving this goal, the Bangladeshi government has undertaken a variety of policies, programmes and legal instruments that have contributed significantly to the empowerment of women. However, these remain insufficient for addressing the needs of female labour migrants, whose numbers are gradually on the rise.

Stigma and Discrimination

The government has no specific policy or programme to address the stigma rooted in Bangladeshi society. There are some NGOs and community based organizations working in the field of migration and development that have undertaken several programmes to encourage female labour migration. That said, these programmes are highly motivated by economic gains, cost effectiveness and their income generating features rather than addressing the obstacles to female labour migration.

A positive image of female migrant workers should be put forward by the GoB to encourage both government and civil society to promote and protect their rights. The GoB should also work with NGOs to promote and protect the rights of female migrant workers.

Women's vulnerability

Women suffer from various forms of mistreatment and abuse, not only in the process of migration but also on their arrival in the destination country. They become victims of sexual harassment, physical abuse and are denied basic rights by their employers and co-workers. Female domestic workers are in the worst position, as they are often forced to accept conditions akin to a state of captivity. Migrant women are often denied access to any forms of redress in case of maltreatment or abuse in an alien country.

In addition, due to traditional expectations in terms of what constitutes 'appropriate women's work', most migrant women are concentrated in jobs that are 'typically female' – working as domestic workers, entertainers, restaurant/hotel staff, assembly-line workers in clothing and electronics industries, etc. These jobs are low in pay, are subject to harsh conditions, and are generally shunned by local women. Many migrant women are subject to patriarchal stereotypes that cast them as docile, obedient, and willing to provide personal service. Their

jobs and their social status lead to isolation and vulnerability, and oftentimes exploitation and abuse. This is exacerbated by the fact that many migrant women are low skilled, uneducated, and illiterate, and as such, it is difficult for them to access the information they might need to remedy their situations.

Case Study of Firoza Khanom

Firoza Khanom, 25 is from the Kutoria village of kokdohra union under Tangail district. Her husband was a rikshaw puller used to poor earnings. She got some micro credit from some micro finance institutions but could not utilize those in productive sectors as they were struggling to manage their subsistence and educational expenses of their four kids. When she was desperately looking for an alternative sustained source of income, she came across the success story of migrant Alim miah who lived next to her house. Alim miah, once extremely poor, now is well off financially and socially. He migrated to Saudi Arabia, could remit as much as money as his family needed to survive. Firoza became aspirant knowing the potential of overseas migration, which costs relatively less for females than for males. Once she got the help of a subagent and decided to migrate to Kuwait. She had to sell her arable lands and valuable belongings to make her dream come true. In Kuwait she got the job of housemaid in a school. Within a short period of time she was able to learn local language and cope with the local social environment. Apart from her job, she also managed some temporary work in some of the houses as maid servant. She used to remit money through the subagent (dalal) that was utilised to pay back loans and day-to-day expenses. But the dalal did not give her husband the amount she remitted. The Dalal expropriated a substantial proportion. Firoza did not know the fact as she could not contact with her household back in Bangladesh. The dalal, in the meantime, proposed her to get married and persuaded her consistently to mislead her. But firoza opposed him and tried to escape from the dalal. But she could not; rather the refusal made the dalal furious. Once the heinous dalal threw acid into Firoza's face, burning her body. Firoza was critically injured, and struggled for her life in a hospital for nearly one year. The hospital fees were borne there by the Bangladeshi migrants in Kuwait who later facilitated the process to send Firoza back home. Firoza's dream did not come true. She had to work hard to manage her health expenses at home. Later Firoza was rehabilitated by Brac and is now a member of the organization. Brac is now bearing her expenses. The dalal has been imprisoned.

The GoB should work towards the implementation of the BOEP and should assess the different vulnerabilities faced by male and female migrant workers. The government should work towards the diversification of overseas employment opportunities for men and women alike by challenging the gender division of labour. In addition, it should ensure that accurate and valid information regarding overseas opportunities and the vulnerabilities to which migrant workers are subject is disseminated effectively; information provided through pre-departure orientations in such a way as to accommodate those with little education and low literacy skills.

Accessing government services

Bangladesh has 15 labour attaches in labour receiving countries for the protection of the rights of migrant workers. Their tasks include: providing aid to stranded workers for repatriation; financial assistance to distressed workers; and mitigating problems related to non-payment of salary and other benefits through labour courts and other related officers by providing legal assistance to the workers and burial of dead bodies of Bangladeshi workers abroad.

But various cases of distressed workers show that the migrant workers in many instances cannot access this assistance, in principle, provided by the labour attaches. On the part of the government, there are no specific programmes designed to meet the needs and special

vulnerabilities of women abroad. The existing services are actually designed with the needs of male migrant workers in mind, which they cannot ensure even for men.

There are currently 58 embassies and consulates of Bangladesh across the world. Setting up embassies mostly necessitates the economic interest of the country with a focus on the interest of the migrant workers. The function that Bangladesh missions abroad currently performs regarding labour migration are:

- *Market / Job Exploration:* Exploring employment opportunities in the labour receiving countries requires commitment and skill. Currently, market exploration is pursued without following any specialised guidelines. Therefore, the process has become dependent on individuals' personal abilities.
- *Recruitment related Functions:* One of the functions of the forging office is to promote and develop employment opportunities for Bangladeshis in their respective host countries. It may also provide assistance to licenses in the negotiation of terms and conditions of employment with agencies abroad. More specifically, scrutinizing and attesting demands from employers in one of the recruiting agencies is one of the principal functions of the labour wing.
- *Protection and Welfare support:* Foreign missions generally have to address the difficulties that are faced by the migrant workers in the destination countries. In many cases these difficulties arise due to lack of appropriate information; in other cases, they emanate from fraudulent practices of recruiting agencies or exploitation of the employers. Apart from labour attaches, for the protection and welfare of Bangladeshi migrant workers overseas, the BOEP suggested to create the position of locally-based welfare officers in countries where the concentration of migrant workers is 10,000 or more. There is a number of labour receiving countries which host more than the required numbers for setting up a welfare desk, which could have particularly addressed the special needs and vulnerability of female labour migrants.

There is a pressing need for gender-sensitive, rights-focused pre-departure orientations for female migrant workers in order to mitigate instances of exploitation due to lack of information. In addition, regulating and overseeing the activities of recruitment agencies is crucial to protecting the rights of male and female migrant workers; recruiting agencies should have proper conceptual clarification regarding gender issues. Welfare desks in destination countries should employ staff specifically trained to assess the needs of, and assist migrant women.

Equal Access to Education and Training

Bangladesh's commitment to the CEDAW Article 10 in ensuring equal access to education and training was partly achieved. Though the gender disparity has been removed from primary education with women's enrollment at 55% compared to 45% of their male counterparts, women's enrollment in the vocational and technical education still remains poor.

Training facilities designed by the GoB are largely designed to address the demands of the internal labour market, which has little value for women planning to work in the in service sectors abroad, e.g nursing. Besides, there are currently 39 training institutes in Bangladesh under the Bureau of Manpower Employment and Training (BMET) of which only 6 are exclusively for women. In addition, the government has concentrated on skilled female labour migration, under the assumption that skilled migration can increase remittances and reduce the harassment of female migrant workers.

In terms of pre-departure orientations, although training would help women to reduce possible harassment and fraud, there are not enough training centres to accommodate the demand. The training centres that have been established are located in cities, requiring prospective migrants to travel, often from remote villages, increasing the costs associated with migration.

The infrastructure of training institutes established by the GoB and training curricula that have been established are inadequate in equipping women for creating a niche in the overseas labour market. In addition, there is a need for gender-sensitive, rights-focused pre-departure orientations specifically designed for female migrant workers.

Challenges of Reintegration

Upon their return after a long stay in a different cultural context, the returnee migrant worker often finds it difficult to reintegrate into the society that has gone through changes in his/her absence.

In the context of male-headed households of Bangladesh, sometimes in the absence of the male member of the family, the female member has to perform tasks that are usually categorized for the male. Her increasing involvement in various situations and decision-making processes for household management make her a more active participant in the decision making process that the male migrant cannot accommodate on his return. In case of the female labour migrant, the challenges of reintegrating socially and economically are greater than for males. Female domestic workers cannot use their skills on their return, as they find little support from family members for doing the same job.

Although the overseas employment policy of the government of Bangladesh has addressed the issue of social and economic reintegration of the returnee migrant workers (BOP, 5.7), the government is yet to take necessary measures so that the returnee migrants can get necessary supports for reintegrating into the society. Recently the government of Bangladesh has taken the initiative to set up a bank for financing the migrant workers, which can be a major instrument for economic reintegration.

The GoB should recruit gender experts to address practical and strategic needs regarding female migration during pre-departure and post migration. Removing restrictions on discriminatory rules and regulations for women in the banking system and in the ownership of property would help to empower women to assert themselves in the decision-making processes in their homes.

Gender sensitive reintegration programming / counseling would assist both women and men in understanding changing gender norms.

Equal right to work

CEDAW has been the pioneer instrument in declaring the right to work as *an inalienable right of all human beings* irrespective of race, sex, culture (Article 11.a). It has further asked states parties to ensure equal legal status of women in all policy measures (Article 2). In Articles 27 and 28, the constitution of Bangladesh has recognized this right and the GoB has framed various policy instruments and taken up various programmes in light with the spirit of this declaration. In this regard, the then government, with active participation of civil society organisations framed the *Bangladesh Overseas Employment Policy in 2006*. In the following years it upgraded Immigration Ordinance 1982 and added an additional three rules for addressing and governing the labour migration sector.

In spite of the policies and programmes mentioned in the CEDAW government report, the overall potential of female labour migration is still in its nascent stages due to the failure of Bangladeshi policy to include gender sensitive responses to the unique issues of female labour migrants. *The GoB should remove all restrictions on women workers as these barriers violate women's human rights. The BOEP should include a separate clause for women for securing female migration.*

The BOEP has not included any provision addressing the existing social status of the female workforce. The generally applicable rules and provisions of BOEP to a large extent fail to address the existing understanding that Bangladeshi females live in an unequal society, remaining subordinate to males.

Right to Healthcare and Safety

Article 11.5 of the CEDAW asks the states party to ensure the women's right to healthcare and safety in working conditions, including safeguarding their reproductive rights. However a lot of migrant domestic workers along with women migrants in other sectors face physical, psychological and/or sexual abuses while working abroad *and upon their return. Because the psycho-social stresses that migrants encounter differ for male and female migrants, gender sensitive support should be provided to those who require assistance.*

Reproductive health is a serious issue for many migrant women. Often, if female migrant workers are found to be pregnant they are at risk of deportation; this can lead some women to conceal their pregnancies or avoid seeking medical advice until well into their pregnancies. The GoB must address this serious issue. Additionally, the GoB should review insurance schemes that do not cover migrants upon their return; this is particularly important for pregnant women or sick/injured migrants who may not be financially able to bear the costs of proper medical care.

The GoB has still not ratified International Migrants Rights Instruments (ILO Conventions and UN Conventions for the protection of Migrants Rights) that would be instrumental in ensuring the rights to healthcare and safety of female labour migrants.

The Right of Free Choice of Profession

The CEDAW report has recognised that *the right of free choice of profession and employment...*(Article 11. c) is a major condition for ensuring equality between males and females in society. Existing Bangladeshi cultural patterns and traditions define the public realm as a man's world and the domestic sphere as the woman's domain, restricting women from choosing their profession and employment freely within Bangladesh; the choice to migrate abroad for work is even more controversial given these already strict cultural restraints.

These forces take shape in stereotypes, customs and norms which give rise to the multitude of legal, economic and political constraints in achieving equality among males and females. The inadequate training opportunities for female outbound migrants further constrain the diversification of sectors they can work in abroad after their migration, relegating them to low-skilled work, most often as domestic workers.

The GoB has yet to address the underlying societal causes of gender inequity and inequality that constrain choices for employment and construct migration as a last resort for females and rendering only certain, precarious industries suitable for women workers. These societal factors push women into precarious employment conditions with few protections. In this situation of vulnerability, women are at risk of abuse and exploitation.

Reservation of Article Two

The reservation of the government of Bangladesh in Article 2 has sustained the existing code of family laws, which ultimately put female labour migrants in a disadvantaged condition in terms of access to and control over resources. This provision has a major bearing on female labour migration in the context of the increasing cost of migration. Most prospective female labour migrants who take up migration as a livelihood option are from poor sections of society. In addition, Rita Afsar (2006) has found that women's active contribution to remittances is more than their male counterparts, because they remit on an average 72% of their income to their families compared to men who remit 45% to 50% of their income.

The lack of control that women have over resources further aggravates their capacity in exercising their right to access bank loans, mortgages, and other forms of financial credit to facilitate their migration, as enumerated in Article 13. Recently, some banks have offered pre-departure loan programmes for potential migrants but women in particular remain less informed due to their lack of mobility outside the home.

The GoB must work to rectify this acute inequity to ensure that women have access to, and control over their resources. The GoB must respect the rights of women to self-determination and empower them to exercise their capacity as equal members of society. Access to bank loans,

mortgages, and other forms of financial credit to enable their migration, and to control the use of their earnings upon return must be ensured.

Rights of Migrant Domestic Workers

In the context of Bangladesh, women largely participate in the internal migration process, mostly in the form of rural to urban areas. The combined effect of both push and pull factors in terms of unemployment and lack of diversification of livelihoods in the rural areas and the growth of various industries particularly the Readymade Garment Industry (RMG) attract a huge number of female labourers from rural areas. Many of the female labour migrants can not find work in these industries and take jobs as domestic workers.

In the absence of any national or international legal instruments recognizing domestic work as work, these women workers remain vulnerable to abusive conduct when they migrate overseas. The nonexistence of social institutions in a different socio-cultural environment makes them less resilient. Over the years, Bangladesh has witnessed a growing number of cases in home and abroad where domestic workers have been faced with abuses by their employers. The rights of this segment of the workforce remain outside the purview of policy and programmes of the GoB. The CEDAW report of the government of Bangladesh consequently remains silent with regard to this section of labour migrants.

RECOMMENDATIONS

While the GoB has taken some steps to alleviating gender inequality in its 2006 Overseas Employment Policy, there are still steps that must be taken to ensure that existing structures are gender sensitive, and that future policies are based on gender responsive approaches.

1. Bangladesh Overseas Employment Policy (2006) and all other programmes related to labour migration remains inadequate in addressing the complex dynamics of female labour migration, particularly the social elements that serve to exacerbate gender inequalities. Therefore, programmes should incorporate a separate section that would better serve the greater interest of female labour migrants.

2. As the GoB is lagging behind in ensuring rights of the female labour migrants in the informal sector, i.e. domestic services, and in diversifying their opportunities to migrate for work in more secure, formal sectors like nursing. The GoB should facilitate initiatives for setting up international instruments for the protection of female labour migrants in the informal sector. Recently, the ILO has initiated the same for the protection of rights of domestic workers. Though the GoB has recently proclaimed a principle (2007) with a view to sending female domestic workers to the Middle East, it remains fruitless because of the weak protection mechanisms of governments abroad and the absence of recognition of domestic workers in receiving countries. Under these circumstances, an ILO instrument on domestic workers can significantly contribute to their protection. Moreover, in diversifying the employment opportunities of female labour migrants in the formal sector, the GoB should open up the opportunities for training and employment abroad in seemingly restricted service sectors.

3. The GoB should reconsider the reservation on article 2 of the CEDAW. Withdrawing this reservation will significantly contribute to the empowerment of women and facilitate migration abroad.

4. *The GoB should include specific provisions for the protection of female migrant workers in their Memorandums of Understanding with destination countries. Because male and female migrants have different experiences throughout the migration process, their issues should be treated independently.*