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Geneva, 5 April 2016

Re: List of questions for Bangladesh and Indonesia

Dear Committee Members;

We write in advance of the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (the “Committee”) upcoming review of Bangladesh and Indonesia. We wish to highlight areas of concern that we hope will inform your consideration of the Bangladeshi and Indonesian government’s compliance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (the “Convention”).

Both Bangladesh and Indonesia have millions of their nationals working abroad, and both countries are reliant on their remittances. As such, this letter focuses on the governments of Bangladesh and Indonesia’s obligations to protect their migrant workers abroad, particularly in in the Gulf states.

Millions of contract workers, including an estimated 2.4 million domestic workers, in the Gulf states are subject to a wide range of abuses, including unpaid wages, confiscation of passports, physical abuse, and forced labor.¹ All of the Gulf Cooperation Council countries either partially or completely exclude domestic workers, all of whom are migrants, from their labor laws.

As reflected in a 2014 Human Rights Watch report entitled “‘I Already Bought You’: Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates,” domestic workers from Indonesia and other countries told Human Rights Watch about not being paid, not having rest periods or time off, being confined in the employer’s homes, and of excessive workloads, with working

¹ Human Rights Watch news release, [“Gulf Countries: Increase Migrant Worker Protection,”](#) November 23, 2014.

days of up to 21 hours.² They described being deprived of food and reported psychological, physical, and sexual abuse. Many said their employers treated them like animals, or as if they were dirty and physical contact with them would be contaminating. In some cases, the abuses amounted to forced labor or trafficking.

Bangladesh

Millions of Bangladeshi workers reside in the Gulf states, most in construction and low-skilled work. Human Rights Watch is concerned about the lack of oversight and monitoring of recruitment agencies and labor brokers; investigation and prosecution of trafficking of forced labor and other forms; provision of adequate training and information of workers' rights before departure; as well as a lack of assistance to Bangladeshi migrant workers who find themselves abused and trapped in Gulf States.

This is particularly concerning in the case of migrant domestic workers. The Bangladeshi government has actively sought to increase their recruitment for work in the Gulf states, but has not instituted adequate oversight and protection mechanisms.

Moreover, Human Rights Watch found many cases in which recruitment agencies and local brokers in Bangladesh deceived workers about work, pay, and conditions in the Gulf states. Migrant workers, mostly in construction, from Bangladesh have told us that recruiters charged extortionate fees that in some cases led to debt bondage.

Bangladeshi embassies in the Gulf states either provided no shelter or informal shelter with very little capacity for domestic workers – predominantly women – who fled to them following abuse. Many are left stranded as undocumented workers are liable to arrest and deportation, or vulnerable to other abuse such as sexual exploitation.

In light of the severity of ongoing rights violations of migrant workers, the continued abuse and exploitation they endure, and the lack of legal and other protection, we urge you to ask the Bangladeshi government for the following information:

- What steps has the Bangladeshi government has taken to monitor recruitment agencies and local brokers? Are local brokers required to register with recruitment agencies? Does Bangladesh conduct unannounced inspections of recruitment agencies?
- What measures are in place for Bangladeshi workers who have returned to file complaints against recruitment agencies and local brokers?

² Human Rights Watch report, "[*I Already Bought You*](#)": Abuse and Exploitation of Female Migrant Domestic Workers in the United Arab Emirates, October 22, 2014.

- How many investigations have been conducted and how many led to successful prosecutions of recruitment agencies and local brokers involved in trafficking or forced labor of Bangladeshi workers abroad?
- Are there any policies in place to ensure that migrant domestic workers who have fled to a Bangladeshi embassy are provided with shelter, legal assistance, medical and psycho-social care or interpreters? Similarly, what capacity has been provided for such embassies and consulates in each Gulf State?
- What funds have been made available by the Bangladeshi government to ensure that migrant workers are able to access help to pay for the flight tickets to return home, or for the bodies of the deceased to be returned to Bangladesh?
- How many Bangladeshi domestic workers have the Bangladeshi missions in Gulf States assisted in recent years?
- How many Bangladeshi workers are currently held in prisons and detention centres in the Gulf states, and what assistance is the embassy/consulate providing for them? Please include number of persons in Bangladeshi embassies and consulates responsible for such assistance.

Indonesia

Like with Bangladesh, millions of Indonesian women also work abroad as domestic workers. For more than 10 years, Human Rights Watch has documented abuse against Indonesian domestic workers, finding patterns of unpaid wages, excessive working hours, denial of food, forced confinement in the workplace, and forced labor in countries such as Malaysia, Saudi Arabia, Kuwait, the United Arab Emirates (UAE), and Oman.

Human Rights Watch is concerned about the current ban, imposed since May 2015, on migrant domestic workers wishing to travel abroad to the Middle East for work. President Widodo's roadmap for ending Indonesian migration of female domestic workers to 21 countries (mainly in the Middle East) is harmful and counter-productive. It discriminates against Indonesian women, restricting their rights instead of protecting them. Many Indonesians, especially women, are desperate for jobs, and migrate anyway under more dangerous conditions. Bans put them at heightened risk of trafficking and other forms of abuse.

While migrant domestic work is a critical source of income sustaining many households back in Indonesia, horrific accounts of mental, physical, and sexual abuse at the hands of employers or recruiters are routine. Human Rights Watch found many cases where

recruiting agents and local brokers in Indonesia deceived workers about work, pay and conditions in the Gulf states. In some cases, brokers charged fees. In Oman, the Indonesian embassy discouraged some domestic workers from pursuing complaints within Oman, and encouraged them to drop complaints and go home.

Human Rights Watch is concerned that the Indonesian government has not invested enough in expanding vocational training and decent work opportunities at home so that Indonesian men and women can migrate out of choice and not desperation. However, there does seem to be some willingness to provide for more opportunities. On March 31, 2016, President Widodo announced that they will set up vocational training schools across Indonesia in order to provide for work opportunities at home.³

Human Rights Watch is also concerned that protection measures are not adequately enforced and strengthened to protect women who choose to migrate so they can do so safely.

In your upcoming Committee review of Indonesia, Human Rights Watch urges you to question the government of Indonesia about the following key issues:

- Since the ban has been in place for domestic workers, what parallel measures has the Indonesian government taken to ensure that there are adequate economic opportunities in Indonesia? In particular, please provide information of the plan to set up vocational training schools including how many, and where they will be placed.
- What steps has the Indonesian government taken to monitor recruitment agents and local brokers? Are local brokers required to register with recruitment agencies? Does Indonesia conduct unannounced inspections of recruitment agencies?
- What measures are in place for Indonesian workers who have returned to file complaints against recruitment agencies and local brokers?
- How many investigations have been conducted, and how many led to successful prosecutions, of recruitment agencies and local brokers involved in trafficking and forced labor of Indonesian workers abroad?
- What policies are in place to ensure that migrant domestic workers who have fled to Indonesian embassies and consulates are provided with shelter, legal assistance, medical and psycho-social care, and interpreters? In addition, what capacity has been provided for such embassies and consulates in each Gulf state?

³ “Minister targets 1 million for certified skilled labor,” *Detik News*, April 1, 2016, <http://news.detik.com/advertorial-news-block/3177149/menteri-hanif-targetkan-1-juta-tenaga-kerja-terampil-tersertifikasi>

- What funds have been made available by the Indonesian government to ensure that migrant workers are able to access help to pay for the flight tickets to return home, or for bodies of the deceased to be returned to Indonesia?
- How many Indonesian domestic workers have the Indonesian missions in Gulf States assisted in recent years?
- How many Indonesian workers are currently held in prisons and detention centres in the Gulf states, and what assistance is the embassy/consulate providing for them? Please include number of persons in such Indonesian embassies and consulates responsible for such assistance.
- What is the current status of the draft domestic workers bill? Will it include measures related to migrant domestic workers abroad?

We hope you will find the comments in this letter useful and would welcome an opportunity to discuss them further with you. Thank you for your attention to our concerns, and with best wishes for a productive session.

Yours sincerely,



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