

Review of Migration Relevant Policy Instruments:

Perspectives of Labour Rights, Human Rights and Women Rights



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Md. Manirul Islam



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Acronyms

ATM	: Automated Teller Machine
BILS	: Bangladesh Institute of Labour Studies-BILS
BLAST	: Bangladesh Legal Aid and Services Trust
BMET	: Bureau of Manpower, Employment and Training
BOESL	: Bangladesh Overseas Employment and Services Limited
CAT	: Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	: Convention on the Elimination of All Forms of Discrimination against Women
CRC	: The Convention on the Rights of the Child
CSO	: Civil Society Organisation
DG	: Director General
DoW	: Domestic Worker
DW	: Decent Work
FoA	: Freedom of Association
GCM	: Global Compact for Safe, Orderly and Regular Migration
GDP	: Gross Domestic Product
HR	: Human Rights
ICERD	: The Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	: International Covenant on Economic, Social and Cultural Rights
IID	: Institute of Informatics and Development
ILO	: International Labour Organisation
INGO	: International Non-Governmental Organisation
IOM	: International Organisation for Migration
ITU	: International Trade Union
LBP	: Lebanese Pound
LL	: Labour Law
MJF	: Manusher Jonno Foundation
Migration Act 2013	: The Overseas Employment and Migration Act 2013
Migration Policy 2016	: The Expatriate Welfare and Overseas Employment Policy 2016

ML & SD	: Ministry of Labour and Social Development
MOHRE	: Ministry of Human Resources & Emiratisation
MoL	: Ministry of Labour
MoU	: Memorandum of Understanding
MW & MF	: Migrant Workers and Members of their Families
ND & HC	: Natural Disaster and Humanitarian Crisis
NGO	: Non- Governmental Organisation
NMF	: National Migration Forum
NSC	: National Steering Committee
NTUC	: National Trade Union Confederation
NTUF	: National Trade Union Federation
OHS	: Occupational Health and Safety
OKUP	: Ovibashi Karmi Unnayan Program
OMR	: Omani Riyal
PPP	: Public Private Partnership
Rtl	: Right to Information
SAARC	: South Asian Association for Regional Cooperation
SAR	: Saudi Arabian Riyal
SARTUC	: South-Asian Regional Trade Union Council
SKOP	: Sramik Karmachari Oikkyo Parishad
SLF	: Socialist Labour Front
SSN	: Social Safety Net
TU	: Trade Union
UAE	: United Arab Emirates
UN	: United Nation
USA	: United States of America
WARBE	: Welfare Association for the Rights of Bangladeshi Emigrants
WEWB	: Wage Earners Welfare Board

Executive Summary

The key focus was on labour rights. Review of labour migration related policy instruments from a labour rights lens is first of its kind in Bangladesh. Human rights and women rights were a second main emphasis.

We have reviewed ten (10) international policy instruments pertaining to labour migration. We have reviewed five main national policy instruments. We have reviewed numerous research documents and articles. We have conducted interviews and consultations to explore expert opinion in this. From beginning to end, we have encouraged trade unions' views to the tops. We have conducted series of discussion, consultation and sharing session with them.

We look at four aspects into labour migration policy instruments such as 1) internationally set standards on labour rights, human rights and women rights, 2) policy practices in the main labour receiving countries, 3) strengths and gaps in the national policy instruments and 4) role for TUs to address labour migrants' rights. Review findings are really convincing.

Our review suggests that International policy instruments are very broad on labour migration as well as have established comprehensive policy guidelines to address labour rights, human rights and women rights. Protection of irregular migrants is also specified. A politically agreed comprehensive global governance framework to effectively address labour migration is though missing. Numerous conventions and recommendations are obtained internationally on aspects of labour migration. Except the ILO ones, none of them is a binding treaty. In general, the status of ratification of the international conventions/treaties is one of the lowest. The status of implementation of internationally agreed labour and human rights is rather poor. It is poorer in the Middle-Eastern labour receiving countries. Instead, these countries have developed their own labour migration management system such as 'kafala system' to govern labour migrants. As such, labour rights have gone a restricted one. The right to TU exists only in paper and is never a practice.

Bangladesh is a top labor sending country. Remittance earning is an essential contributor to the GDP. It is desirable that Bangladesh have a proactive and an ideal migration policy regime to follow. National migration policy regime is however reviewed have followed reactive responses to crises management and is comparatively incomplete and disorganized. It is only in 2006 that the migration policy is formulated first. Until then, there were no defined set goal and target to act on and to achieve. It was basically an act (framed in British India in 1922) and an ordinance (came in force in 1982) driven control and governance of labour migration. A second new policy is formulated in 2016. This policy is reportedly a more comprehensive one. Apart from this, a number of supplementary Acts and Rules also are formulated and enacted onward 2006. The Overseas Employment and Migration Act 2013, the Prevention and Suppression of Human Trafficking Act 2012, the Wage Earners Welfare Board Act 2018 and the Overseas Employment and Migration Management Rules 2017 are of them worth mentioning.

Our review further suggests that there is persistent serious inconsistency and incoherence between and among different policy instruments. Mostly, Acts and Rules are formulated independently and followed the 1982's ordinance. Objectives and directives are set in the policies, not smart enough. Authority and accountability are not defined properly in most of the cases. 'Labour rights' is a poor focus. The 'right to TU' is a lost case. Policy/law implementation is rather poor. There is only a limited participation by the TUs in the protection of labour migrants. Below is a list of main inconsistencies we found in the national policy instruments:

Expatriate Welfare and Overseas Employment Policy, 2016

- Lacks any specific remittance earning or labour sending target breaking overtime
- Huge policy directives but miss a complete development framework of planning
- Policy directives miss-match with given challenges
- Mostly, six sets of policy directives are mere prescription and lack time specific target setting
- Labour rights protection is bilateral agreement/MOU dependent, which is never a transparent process
- Authority and accountability are missing
- Right to FoA/TU is non-existent
- Integration with National Development is not a transparent process
- A over-Bureaucratic labour migration governance is prescribed

The Overseas Employment and Migration Act 2013

- Don't complement the migration policy
- It is simultaneously a Policy, a 'Rules' and a Law
- Intermediaries/dalals and irregular migrants control is a flaw
- Ethical recruitment is a flaw
- There is Court - Magistrate Court - Mobile Court Dilemma
- Non-judicial remedy is weak and uncertain
- A number of fraud offences are non-cognizable, non-compoundable & bailable
- Realising repatriation cost from the recruiting Agent is a complex process
- Complaints are not Protected
- There is elements to discourage good businessmen
- Missions are overburdened with responsibilities
- Authority and accountability are not well defined
- Restricted application
- Limited implementation

Overseas Employment and Migration Management Rules 2017

- Mismatch with the Migration Act 2013
- Rules are not full and complete
- Rules related to Arbitration is not clear and detail

Wage Earners Welfare Board Act 2018

- The act legalises an already established board
- Don't correspondent existing other national policies/laws

The Prevention and Suppression of Human Trafficking Act 2012

- Serious representational imbalance between bureaucrat and non-bureaucrat members in the Board
- Government can discharge any member any time
- Mere Prescription of responsibility without specification and accountability
- There is no policy target or directives
- Don't correspondent with other national policy instruments
- Brothel and soliciting for prostitution are incorrectly considered as an Act of human trafficking
- Mission's authority and accountability are not Known
- Lacks sufficient directions for transnational Investigation
- There is non-clarity for establishing of private protective home/rehabilitation centre
- Penalty for seriously obstructing investigation and trial is in-sufficient
- Law Education and Relevant Efficiency is poor
- Poor implementation of law

Given the review, among others, we have proposed a concise and general set of recommendation as below:

- ➡ Act to introduce a proactive, coherent and comprehensive policy regime
- ➡ Ensure that there is consistency and coherence between and among different policy instruments
- ➡ Ensure that policy objectives and directives are specific enough and there is set a time-bound target for each of them
- ➡ Ensure that appropriate process, authority and accountability is established for every policy/law directive
- ➡ Ensure that migration policies/laws have included appropriate and sufficient protection for irregular labour migrants
- ➡ Ensure that 'Labour rights' is a core focus in all policy instruments
- ➡ Ensure that 'Right to Trade Union' is given a special consideration in all migration policies/laws
- ➡ Act to introduce a right based perspective in the migration policy governance
- ➡ Act to ensure that TUs are included in the Policy/law formulation processes
- ➡ Act to ensure that Policies/laws are implemented in full

Section I

Introductory Section

Introduction

Labour migration is a complex phenomenon. It involves diverse issues and views. Economic¹ view is among them most dominant. From this viewpoint, both sending and receiving countries are benefitted economically from labour migration. Since it helps to grow economy, it involves a development perspective as well. In Bangladesh, remittance earning from labour migration was 5.49% of GDP in the fiscal year 2017-18². Because of this economic and development connection, labour migration further involves a political perspective³, which is by default a global one. Political eagerness and commitment particularly by the labour receiving countries, an established global political process and a political governance framework are important to ensure that labour migration is safe and economically effective. A human rights perspective⁴ of labour migration is also ever growing. Labour migrants are human being, wherever they are, either in sending country or in receiving country. States have commitments to respect and protect human rights. A fifth main perspective attached to it is labour rights, which is our main focus here.

Labour rights are initially human rights⁵. However, date backs to history, it grows as a separate discipline. It is by now fairly established that protection of labour rights is contributory to sound industrial relation building, which is further connected to productivity, economy and development as well. This is equally applicable to labour migrants also. To ensure optimum economic and development benefits, it is important that labour rights of the migrant workers are protected. It is really encouraging that international policy regime connected to labour migration has covered comprehensive policy directives in these.

Bangladesh is the sixth highest labour sending countries in the world⁶. Remittance earning is a main engine of growth of Bangladesh's economy. Mostly, workers prefer to migrate to Middle-East countries. Both skilled and unskilled workers, on a temporary basis, migrate to these countries. Women labour migration has increased significantly. It was around 15%⁷ of total labour migration in 2019. A large bulk of women migrants are domestic workers.

Labour rights violation particularly over work, bonded laboring and physical and sexual abuses at destination countries have become a regular phenomenon. Almost every day, there is newspaper reporting that victim workers are returning to Bangladesh. They are in empty hand, shocked and distressed. A majority of them are women workers. Secondly, irregular labour migration is colossal. Reporting on economic and social vulnerability and risk to life are common related to irregular migration. Thirdly, there is both a legal and moral obligation to ensure proper reintegration to the returnee workers.

These are predominantly issues of labour rights. It is as simple that TUs have a fundamental role in these. There is also a growing desire from the national unions to engage in defending rights of migrant workers. Having this essence, present study is undertaken. This is expected to assist TUs to define and develop scope, issues and strategies to effectively involve in labour migrants' right protection.

¹Ruhs, M. (2013) *The Price of Rights. Regulating International Labor Migration*, Princeton University Press, Princeton

²Bangladesh Economic Review 2019, Chapter 3 on Prices, Wages and Employment, p36

³Pécoud, A. (2017) 'The Politics of the UN Convention on Migrant Workers' Rights', *Groningen Journal of International Law*, vol 5(1), p 57-72

⁴UN (2013), *Report of the Special Rapporteur (François Crépeau) on the human rights of migrants*, 5 August 2013 (68th Session), A/68/283, 3-4

⁵ UN (2016) report of the Special Rapporteur (Maina Kiai) on the Rights to Freedom of Peaceful Assembly and of Association was submitted to general assembly in the 71 session in accordance with Human Rights Council resolution 24/5 has clearly specified that labour right is a human right. See article 100 (ii), p28

⁶IOM (2019), *World Migration Report 2020*, p26, Geneva, Switzerland

⁷Authors calculation based on BMET given migration statistics, access at <http://www.old.bmet.gov.bd/BMET/statisticalDataAction>

Under this research, a good number of policy instruments and literature pertaining to labour migration are reviewed critically. Both international and national policy instruments and literature are covered. Core focus was to scrutiny out the labour rights aspects into migration related policy documents. Given this labour rights focus, this research is first of its kind in Bangladesh. A second and third main focus was respectively on human rights and on women rights. Four general research-questions guided the entire work i.e., 1) What are the standards/principles are set in the international policy instruments on labour rights, human rights and women rights?, 2) What are the policy practices in a number of main women labour receiving countries?, 3) What are the strengths and gaps in the national policy instruments against internationally set standards?, and 4) What role for TUs as a defending champion of labour rights? To know the TUs' opinion and experts' view on this, a series of in-depth interviews and consultations are conducted further.

Apart from this short introductory section, this report is divided into three main sections. Review findings on internationally set standards of labour rights, human rights and women rights for labour migrants and policy practices in a number of main women labour receiving countries from Bangladesh are narrated in the second section. Third section provides with the findings of strengths and gaps are obtained from the review of national policy instruments. Finally, in the fourth section, three comprehensive sets of recommendations are considered, first one is precise and general, second one is individual policy specific and a complete third set on TUs' positioning.

Section II

Review of International Policy Instruments

Introduction

This section provides a review of international policy instruments on labour migration. We have reviewed ten international policy instruments. First of all we did make a policy by policy analysis of all ten policy instruments. Four main stages of migration are particularly covered in this i.e., 1) pre-departure, 2) during-migration, 3) after-migration (destination country) and 4) post-migration. Next to this, we did make a tabular review of all ten policy instruments. Three important rights are considered separately in this such as A) Human Rights, B) Labour Rights and C) Women Specific Rights. Thirdly, we did make a review of the status of ratification of a few main international policy instruments on labour migration. Along with Bangladesh, major labour receiving countries from Bangladesh are particularly covered in this. Finally, we did make a comparative analysis of the sensitive policy aspects covering five main labour receiving countries from Bangladesh.

International Policy Instruments	Status of Coverage			
	Pre-departure	During-Migration	After-Migration	Post-Migration
Global Compact for Safe, Orderly and Regular Migration (GCM)	Moderate	High	High	Low
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families), 1990	Moderate	Low	Very High	Low
Budapest Process's 5 th Istanbul Ministerial Declaration: A Silk Route Partnership for Migration	High	High	High	High
Colombo Process's 6 th Kathmandu Ministerial Declaration, 2018	High	Very Low	High	Very Low
South-Asian Regional TU Council's (SARTUC) Position on Labour Migration	Moderate	Moderate	High	Very Low
The ILO Multilateral Framework on Labour Migration	Moderate	Moderate	Moderate	Very Low
ILO's (No. 143) Migrant Workers (Supplementary Provisions) Convention, 1975	Very Low	Moderate	Moderate	Very Low
ILO's DW for DoWs Convention 189 & Recommendation 201	Moderate	Very Low	High	Very Low
Recommendation No. 151 of ILO concerning Migrant Workers	Very Low	Very Low	High	Very Low
Recommendation No 86 of ILO on Migration for Employment (Revised 1949)	Very Low	Very Low	High	Very Low

Table 1: Status of Coverage of Four Stages of Migration in the International Policy Instruments

Global Compact for Safe, Orderly and Regular Migration (GCM)

It is a milestone in the history of the global dialogue and international cooperation on migration. This is first ever inter-governmentally (first) negotiated agreement, prepared under the auspices of the UNs, and is formally endorsed by the UNs General Assembly. There is no comparable set of rules or binding treaty exists to date to protect HRs of labour migrants. IOM is more a service agency to member states for managing migration, consultancy and repatriation. The Global Compact endeavors to close this gap.

The Compact is really comprehensive. During-migration, after-migration and post-migration reintegration aspects of human and labor rights are largely covered and pre-migration aspects are moderately covered in the Compact. It has put right emphasis to engage TUs in labour market analysis and labour rights

implementation and supervision aspects. It has included provisions to establish information points in the migration routes, to initiate Joint search and rescue operation and to protect trafficking and smuggling of migration in persons. Protection of migrants labour during natural and humanitarian crises is addressed for the first time in any international migration document. It is for the first time that wide-ranging and explicit gender-responsive policies/provisions are framed. Gender-responsive information giving, documentation, services providing, protection against exploitation, protection against trafficking & smuggling, financial inclusion, repatriation and reintegration and remedy are particularly prescribed. Furthermore, post-migration aspects of rights particularly repatriation and reintegration are ameliorated through the compact. The concept of sustainable reintegration got a new emphasis. Safe and dignified return and readmission, social, economic and psychological reintegration, monitoring and supervision, and individual and community preparation are prescribed implicitly to address sustainable reintegration of the returnee migrants.

Pre-migration aspects of rights like to get contact and skill building opportunity are less emphasized or reluctantly covered in the compact. The Compact is more prescriptive and lacks guiding framework. More particularly, what is to be done is mostly there but how is to be done is missing. Last but not the least, the governance of the compact is rather weak. This is not a treaty and non-binding under international law. Courts may take the Compact into account as an aid in interpreting immigration legislation.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990

It is the first universal codification of the rights of migrant workers and members of their families in a single instrument. The Convention reiterates a number of rights that are included in the following six international human rights instruments:

- The Convention on the Elimination of All Forms of Racial Discrimination (ICERD, adopted in 1965);
- The International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966);
- The International Covenant on Civil and Political Rights (ICCPR, 1966);
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979);
- The Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984);
- The Convention on the Rights of the Child (CRC, 1989).
- The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), adopted 1990, entered into force 2003

At times, the Convention's provisions read exactly as those of existing human rights instruments. Furthermore, it has included additional guarantee clauses addressing specific protection needs of the migrant workers and members of their families. After-migration aspects of both human and labour rights such as protection of work & residence, promotion & protection of decent work, non-derogable rights, social & cultural integration, and political and financial inclusion in the destination country are addressed comprehensively in the Convention. Article 40 has provisioned that all migrant workers can participate in and join TU and other associations. Pre-departure aspects of rights at migration are covered partially such as right to information and migration services (passport/formalities). The Convention for the first time has included and specified protection for irregular migration. Article 72.1.(a) has even provisioned for establishing a committee to review the progress of application of the present Convention. Article 73 further has made obligatory to submit progress reports, in every five years and whenever the committee so requests, to the Secretary-General of the United Nations. Clause 4 of the same article requires the concerned State parties to make their reports widely available to the public.

However, during-migration crises and post-migration reintegration are almost unaddressed in the Convention. Pre-departure aspects of rights such as skill development, fair and ethical recruitment, selection and placement are more or less neglected. A major omission is the lack of provisions addressing the specific problems faced by the migrant women. Further to this, the implementation of this Convention is very much disheartening. This is one of the most neglected treaties in international human rights law, has been so far ratified by 55 States only. It lacks any effective governance framework. Guidance on international political framework is also missing. It is not like that labour migration is linked to economic globalization only. The aspects of development, health, education, environment and trade are directly linked to labour migration. Moreover, there is widespread anti-immigration feeling among the general people in the host country that exist almost everywhere. An appropriate political framework addressing questions like the rights of non nationals, their role in the labour market, the recognition of their presence and needs, the responsibility of States and employers and the need for international cooperation are to be invented, which is missing in the present Convention.

Budapest Process's 5th Istanbul Ministerial Declaration: A Silk Route Partnership for Migration

The Budapest Process is an open platform for facilitating dialogue on migration stretching from Europe to the Silk Routes Region. The main goal is to manage migration flows along the silk routes. Started in 1993, more than 50 countries and 10 international organisations are currently at engage with the Budapest processes. The 5th Budapest Process Ministerial Conference held in Istanbul, Turkey on 2013 has adopted a Ministerial Declaration popularly known as 'a Silk Routes Partnership for Migration'.

This declaration has adopted a political framework of cooperation on migration management for the first time. Six (6) priority goals for cooperation are agreed such as 1) Migration & Mobility, 2) Integration, 3) Migration & Development, 4) Irregular Migration, 5) Trafficking in Persons & 6) International Protection. Moreover, it has a clear commitment to respect human rights in migration management. Protection of Human Rights at all four phases of migration is covered. It has a strong call on assessing of labour market and to reach on bilateral/multilateral agreement at the pre departure phase of migration. It has clear commitment to protect migrants' victims and irregular migrants during the course of migration. At after migration stage, it has rightly emphasized on social and cultural integration, skill recognition and CSO engaged third party supervision. For post migration reintegration, it has emphasized on formulation of effective policies and programmes and to use of monetary and social remittances for the benefit of the sustainable economic and social development.

Negative aspect is that it is only a declaration and thus completely non-binding. Only a limited political framework of cooperation is agreed and they are no way full and comprehensive. There is very limited application of this declaration. The aspects of Labour rights and women rights are covered only a little.

Colombo Process's 6th Kathmandu Ministerial Declaration, 2018

The Colombo Process is a regional consultative process among 12 Asian countries. Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, and Vietnam are the current member States of the Colombo Process. Concerned honourable Ministers from the member states discussed and adopted the 6th Ministerial declaration on 16 November 2018 at Kathmandu, Nepal.

Better management of overseas employment and contractual labour for countries of origins in Asia was the core focus. Respect to human rights and promotion and protection of labour rights and decent work particularly in the after-migration onsite stage at destination countries are emphasized to the tops. It has further stressed on pre-departure preparation. Preparatory issues like informing and awareness rising of labour migrants, capacity-building of employers and recruitment agencies, establishing of global definition of recruitment fees & costs, establishing of regional qualification framework and transparency in cross-border recruitment got the highest coverage in the declaration. Protection and promotion of human rights and labour rights particularly during-migration and post-migration phases however almost lost in the declaration.

South-Asian Regional TU Council's (SARTUC) Position on Labour Migration

Established in 1988, South Asian Regional Trade Union Council (SARTUC) is a regional federation of national level TUs of South Asia. The SAARC Heads of States/Governments in the 18th SAARC Summit held in Kathmandu on 26-27 November 2014 agreed among others to ensure safety, security and wellbeing of their migrant workers in the destination countries outside the region. Taking this an opportunity and considering the growing migration trend the SARTUC has developed and adopted its own position paper on labour migration.

This position paper among others has set a number of enabling directions/guidance for TUs to defend human and labour rights of the migrants particularly at after-migration onsite stage. Including migrants into union's leadership positions, establishing separate Migrants units and building their capacity, providing networking support with civil society actors, embassies and international TUs, setting up of support units, and facilitating workers organizations building through bilateral agreements are among others the main directions in this. It has further directed TUs to act on policy level issues as well as to defend a number of issues at practice level including minimum wage, social security protection, and OHS. At pre departure stage, it has particularly emphasized to involve into pre-departure awareness rising activity as well as to initiate monitoring for the existing ones. For during-migration stage, it has prescribed to act on agreeing a rescue and repatriation scheme among SAARC countries to protect migrants during crises.

Including all these it is more of a political framework of managing of labour migrants in the destination countries from South Asia only. Its covering issues and areas and scope are thus limited. It is a TU led partial political framework and its success is totally dependent on the activism of the TUs.

ILO on Labour Migration

We have reviewed five policies/recommendations from ILO. They are the followings:

- 1) The ILO Multilateral Framework on Labour Migration
- 2) ILO's (No. 143) Migrant Workers (Supplementary Provisions) Convention, 1975
- 3) ILO's DW for DoWs Convention 189 & Recommendation 201
- 4) Recommendation No. 151 of ILO concerning Migrant Workers
- 5) Recommendation No 86 of ILO on Migration for Employment (Revised 1949).

The ILO Multilateral Framework more or less includes a political framework of guidance to manage Labour Migration. It has emphasized among others on decent work, social dialogue, involving of social partners and devising appropriate regulatory framework to manage effective labour migration covering three main different stages of migration such as pre-departure, during-migration and after-migration. While at destination country, it has further emphasized on social integration processes. However, this policy document is not all-inclusive and misses completely post-migration aspect of reintegration. The rest of the four above mentioned policy documents are narrowly focused and each cover only 1/2 specific issues. ILO's (No. 143) Migrant Workers (Supplementary Provisions) Convention, 1975 contains guidance to protect migrants who are in abusive condition including irregular migrants. It has included guidance for protecting from during and after-migration aspects of abuses. Aspects of pre-departure preparation and post-migration reintegration are however missing. As the name implied the core focus of the ILO's Decent Work for Domestic Workers Convention 189 & Recommendation 201 is on domestic worker and to the extent migrant domestic workers. In the main text only the pre-departure and after-migration aspects are covered. Recommendation 151 of the ILO deals with the after migration onsite aspects of labour migrants while at destination country and the focus of the ILO recommendation 86 is further squeezed to employment protection only. All-together, the ILO's policies and recommendations don't present a comprehensive framework of guidance on labour migration. They are very much scattered and limited.

Labour Rights in the International Labour Migration Related Policy Instruments

Labour Rights / Policies	Global Compact for Safe, Orderly & Regular Migration 2018	Protection of the Rights of All Migrant Workers & Members of their Families Convention, 1990	ILO's (No. 143) Migrant Workers (Supplementary Provisions) Convention, 1975	ILO's DW for DoWs Convention 189 & Recommendation 201	Recommendation No.151 of ILO concerning Migrant Workers	Recommendation No 86 of ILO on Migration for Employment (Revised 1949) Human Rights	The ILO Multilateral Framework on Labour Migration	Budapest Process's 5 th Istanbul Ministerial Declaration: A Silk Route Partnership for Migration	Colombo Process's 6 th Kathmandu Ministerial Declaration, November 2018	South-Asian Regional TU Council's (SARTUC) Position on Labour Migration
Right to Information/ Knowledge	16.(3) ... assist to take inform decision; 19. (a) ... ensure access to web based and transparent information 19.(e) ..organise campaigns, awareness-raising events and pre-departure trainings	37..shall inform fully of all conditions applicable to remunerated activities & the requirements must satisfy 38.2..shall fully inform of terms on which temporary absences are authorized.	A12. State shall (c) ... encourage educational programs to acquaint migrant workers with rights & obligations & of the means to effectively exercise of rights;		21.(2).. inform laws/ regulations & provisions of collective agreement regarding workers protection 22.(2) .. enable full understanding of safety measures.				19.c... introduce the Comprehensive Information & Orientation Programme (CIOP) including pre-employment, pre-departure and post-arrival orientation	3... monitor the information and pre-departure training; ensure that organizing issue is included; involve in pre-decision awareness; adopt web-based information dissemination
Right to employment contract				8.1. migrant DoWs shall receive a written job offer mentioning terms & conditions of employment ... prior to crossing national borders.		13... there is a written warrant setting forth all particulars concerning the employer, nature & scope of recruitment & placing, employment offer & remuneration.				4... act to establish a model standard contract for SAARC countries
Right to work & residence		20.2. No deprivation of authorization of residence or work permit 39.1...shall have liberty of movement & freedom to choose residence. 49.1...authorization of residence for at least same period as are authorized to engage in employment 51... terminated during the period of authorization of residence/work, shall have right to seek alternative employment.	A8:1..employment loss shall not imply withdrawal of authorisation of residence; A8.2.. equal treatment regarding employment security, options & retraining. A9.4. Nothing shall prevent an illegally residing/working person to stay & take up legal employment. A14.(c) .. State may restrict access to limited no. of employment/works		2...equal opportunity & treat regarding -- (a) vocational guidance/placement services; (b) vocational training/employment 31.. who has lost employment, authorisation of residence is extended for a period sufficient to find alternative employment.	10. (b) ... ensure vocational training to enable employment;		k) Develop and strengthen small and medium migrant entrepreneurship with the help of training and consultation services	19.a... explore non-traditional occupations for female and male migrant workers	
Right to Non-confiscation of work Documents	22.(h) ... confiscation/ non-consensual retention of work contracts, and travel or identity documents is prohibited	21. authorized confiscation (passport/ contact) shall take place with a detailed receipt.		Article 9 (c) ... are entitled to keep in possession travel and identity documents.						
Right to Ethical Recruitment	A 16. (6) & 22.(g) ... recruitment is fair & ethical			2. (d) .. eliminate of all discrimination in respect of employment and occupation. 15.1.(e)..ensure that fees aren't deducted from remuneration; (d)...conclude bi/multi/ regional agreements & prevent fraudulences in recruitment, placement		14.. technical selection favours to qualify to perform required work; 14.4... examined for occupational & medical selection before departure; 19... consult among others, workers organization regarding recruitment, intro & placement for			19.b..acto: establish a global definition of no-cost recruitment; strengthen grievance mechanisms using technology & wider partnership; enhance transparency of cross-border recruitment processes; build capacity of recruitment	3... monitor recruitment & call for registration; ensure that abusive practices are exposed & migrant's rights protected.

				and employment;		employment			agencies & employers	
Right to Decent Work	A 21: ... migration processes facilitate decent work in line with labour market reality 22.. protect against all forms of exploitation that deter a Decent Work 22.e. enact & implement laws that promote conditions for DW			2... respect, promote & realize fundamental rights at work 12.2... a limited part of the remuneration may be paid in kind.			1.1.(a)... decent and productive work in conditions of freedom, equity, security & human dignity; (b)... fundamental rights at work, freely chosen employment & an income to meet social, economic & family needs & adequate social protection. 6... Encourage social dialogue		4. ... the HRs and fundamental principles & rights at work are respected, irrespective of legal status 19.b... strengthen governance to enforce decent work norms and policies, including all rights of migrants and gender sensitiveness	
Right to protection from slavery, forced and child labouring	22.(f) ...enhance ability of labour inspectors .. prevent exploitation, servitude, slavery, forced, compulsory & child labour of all forms	11: 1. ...shall not be held in slavery or servitude 11.2. ... protect from forced or compulsory labour.		2.(b) .. eliminate all forms of forced or compulsory labour; (c) .. abolish child labour;				V.d) Design & implement policies to engage labour inspectors in reducing the risk of slavery & trafficking in persons	19.bprevent all forms of exploitation, slavery, servitude and forced labour of migrants	
FoA	21.(e) ... involve TUs in labour market analysis, identification of skills gaps & in policy evaluation 22.(d) ..establish partnership with TUs & ensure written contracts & made aware of rights & obligations & of the complaint & redress system	26.1 ... permit to (a) take part in meetings/activities of TUs & associations; (b) join freely in them; & (c) seek the aid & assistance. 26.2..no restrictions to exercise these rights 40.1 ...guarantee right to form associations & TUs		2... respect & promote (a) FoA & collective bargaining 3... entitle to involve FoA and collective bargaining ... establish & to join organizations, federations & confederations of own choice.	21. (2).. provide information on laws/regulations & on provisions of collective agreements concerning protection of workers					1...include migrants in leadership & amend constitution/structure accordingly; establish separate Migrants unit & build capacity; support networking with CSOs; set up support units; promote unionization into bilateral agreements; establish network with embassies & ITUs.
Right to Just (Non-discrimination) & favourable Condition of Work	22.(i) ... labour rights are equal such as the rights to just and favourable conditions of work, equal pay, freedom of peaceful assembly & association, and highest physical & mental health	25.1 .. equal treatment in respect of remuneration and (a)...overtime, hours of work, weekly rest, holidays with pay, safety, health, and termination; 25.2.. shall not derogate in private contracts of employment. 55 ...shall have equal treatment with nationals in exercise of work.	A9 ... enjoy equality of treatment for himself and his family in respect of remuneration. A12.(g) guarantee equality of treatment in regard to working conditions for all whatever is the conditions of employment.	10.1...equal treatment regarding work hour, overtime, rest & leave & compensation; 2... least 24 consecutive hours rest a week. A9.(b).. not obliged to remain in household during rest & leave 13.1... safe & healthy working environment. A11 ..equal minimum wage	2...equal _ (e) remuneration; (f) conditions of work, including hours of work, rest, holidays, OHS & security benefits; (g) TU right; 8.(3) .. equal remuneration, social security & TU rights arising out of present & past employment 21.(1)...train on safety & hygiene	16.(1) .. equal conditions of right at work as nationals. 17 ... special labour inspector or other official to supervise the conditions of employment where the number of migrants for employment is sufficiently large.	9.(a) All international labour standards apply to migrant workers; (c) National law/policies guided by ILO standards in areas of employment, social security, inspection, maternity protection, protection of wages, OHS, as well as in sectors as agriculture, construction and hotels & restaurants.			3... act on agreeing a common minimum wage within SAARC countries; lobby/ advocacy against wage-discrimination; ensure that OSH training is included as part of employee probation period; monitor the safety at sites;
Protection of Social Security		25.3... shall not deprive of rights by reason of any irregularity in stay or employment. 43.3 ...shall not prevent an employer from establishing housing or social or cultural facilities		14.1.. shall enjoy equal social security protection, including maternity conditions	34.(1) .. entitle to (a) any outstanding remuneration like severance payment; (b) injury benefits; (i) compensation for holiday acquired; (ii) reimbursement of SS			I.h) Explore options for promoting the portability of certain retirement pension rights		3... act on social security protection through bilateral agreements

					contributions					
Right to recognition of skills & opportunity to grow skill	Article 16.(18) & 34 ... promote skills dev. 34.(h) Cooperate with private sector/employer to ensure accessible and Gender- responsive remote/online skills		A14.(b) State may make regulations concerning recognition of occupational qualifications acquired outside its territory, including certificates and diplomas		6.(b) .. ask for recognition of occupational qualifications like certificates & diplomas acquired outside territory			I.f)... explore best practices on skills matching, facilitate recognition of professional qualifications & diplomas/degrees	19.a... establish a regional qualification framework; arrange recognition of prior learning in both sending and receiving countries	
Right to freely choose or change work	22.(g) .. allow to change employer and modify the conditions/length of stay 34.(i) Enhance the ability to transit from a job to another	52.1 ...shall have right to freely choose job (a) when resided lawfully at best up to 2 years (b)... not exceeding five years.	A14.(a) ..when resided lawfully for at best 2 years, may be granted right to freely choice of employment		6.(a)... free to choose employment when resided lawfully for employment for a prescribed period	16.(2) . . . restriction to employment shall cease to apply when have resided regularly for a period of five years				
Right to Liberty and freedom of movement	21.. facilitate labour mobility in line with demographic reality	16.1 ..pledge to liberty & security of person 16.4...no arbitrary arrest/detention 17.. when deprive of liberty treat 1...with humanity & respect for inherent dignity & cultural identity; 2..separate from convicts	A14.(a) ..when resided lawfully for at best 2 years, may be granted right to geographical mobility		6.(a) . . . free to geographical mobility when resided lawfully for employment for a prescribed period					
Right to Inclusion into labour market	32.(c) ... ensure legal social inclusion & integration into labour market (d) .. ensure inclusive labour markets & full participation in the formal economy	54.1 ...equal treatment with nationals in respect of (b) unemployment benefits; (c) public work scheme (d) alternative employment. 46.. exempted from import & export duties & taxes for work related equipments			7.(1).. consult among others workers & take measures to enable to take full advantage of rights & opportunities in employment & occupation			I.b)... assess needs taking into account labour market situation; c).. promote the use of labour migration agreements to organise workers' access to markets.		
Right to Protection from exploitation and abusive treatment of work	22.(e) ...enact/implement laws that sanction labour rights violations, prevent abuse & exploitation 23.(d) ... protect from workplace related abuses, .. including domestic-workers, & those working in the informal economy	54.1 ...shall enjoy equal treatment with nationals in respect of (a) Protection against dismissal;	A2:1 .. State shall determine illegally employed workers & any abusive conditions to employment. A 7: .. shall consult employers & workers in regard to law & regulation to prevent & eliminate abuses	A5 . . . domestic workers shall enjoy effective protection against all forms of abuse, harassment and violence. A15.1.... effectively protect migrant DoWs against abusive practices			V. d) Design & implement policies to engage labour inspectors to reduce the risk of migrants being exposed to mistreatment and labour exploitation			
Right to Remedy	22.(j) .. Workers in the informal economy have safe access to effective reporting, complaint, and redress mechanisms	8.. shall not bear any costs of detention 20.1 ..no imprisonment to fail a contractual obligation. 54.2. ... shall have the right to claim competent authorities of any violation in work contract.	6.1. Provision shall make under national laws/regulations for effective detection of illegal employment & for definition & application of administrative, civil and penal sanctions A9.2. In case of disputes, shall have the possibility of presenting case to a competent body.	15.1(b) adequate machinery/procedures for investigation of complaints, abuses & fraudulent practices 17.1... establish effective & accessible mechanisms and means for compliant	8.(1)... assess neutrally when employment regulations are not respected properly 8.(4)option to present a case of dispute to a competent body. 32.(2) compensation & reinstatement with indemnification when termination is unjust 33...same legal aid with national workers	18... when legally removing a migrant for employment, entitle to (b) unemployment insurance benefits, (c) reasonable time to dispose property, (d) suitable transport arrangement, (e) humane treatment and (f) transport of belongings free of cost.				

Table 2: Status of Labour Rights in the International Policy Instruments

Human Rights in the International Labour Migration Related Policy Instruments

Human Rights / Conventions / Policies	Global Compact for Safe, Orderly & Regular Migration 2018	Protection of the Rights of All Migrant Workers & Members of their Families Convention, 1990	LO's (No. 143) Migrant Workers (Supplementary Provisions) Convention, 1975	ILO's DW for DoWs Convention 189 & Recommendation 201	Recommendation No. 151 of ILO concerning Migrant Workers	Recommendation No 86 of ILO on Migration for Employment (Revised 1949) Human Rights	The ILO Multilateral Framework on Labour Migration	Budapest Process's 5 th Istanbul Ministerial Declaration: A Silk Route Partnership for Migration	Colombo Process's 6 th Kathmandu Ministerial Declaration, November 2018	South-Asian Regional TU Council's (SARTUC) Position on Labour Migration
Right to Migration	16(5)...ensure available and flexible pathway for migration	8.1...shall be free to leave any State 8.2.. have right at any time to enter & remain in the State of Origin.	Article 1: . . . respect the basic HRs of all migrant workers	1. State shall take measures to ensure the effective promotion & protection of the HRs of all migrant DoWs			8. HRs, regardless of status, should be promoted & protected. 5. Expand avenues for regular labor migration		4... the HRs are respected, irrespective of legal status & the welfare, dignity & well being of women and children are promoted and protected	2..protect & promote HRs at policy level; challenge existing migration- mgnt framework; act on adopting a SAARC declaration & to ratify International & ILO Conventions; uphold migration issues in the trade & growth processes
Right to Information		33.1...shall be informed the State of employment & the State of transit: (b) conditions of admission, rights and obligations 33.3...information shall be provided free of charge	Article 4: Members shall take measures for systematic contact and exchange of information		24. (b) . . . inform administrative & other formalities and services & facilities and of respective authorities	5.(1).. inform free of cost; (2).. inform on immigration, employment, living conditions, health conditions & return 9.. conduct publicity on provisions, is just altered		1.e)... inform potential migrants; g)... inform adequately on right/obligation/ opportunity IV.g)... raise awareness & give clear information on risks/dangers with irregular migration	21.a... promote comprehensive health orientation curriculum and pre-departure orientation; advocate for universal access to healthcare	
Right to Life	16(8) & 24 .. save lives and prevent deaths and injuries through search and rescue operations.	9... right to life shall be protected by law ... 28... shall receive emergency medical care								3.. act on agreeing a rescue & repatriation scheme for SAARC countries& a fallback mechanism; promote insurance on this
Right to protection from torture/ cruelty/ degrading treatment	33.(a) ... protect from hate crimes (b).. right to denounce any act of incitement to violence	10... are not subject to torture/ cruel/inhuman or degrading treatment or punishment. 16.2. protect against violence	Article 2: 1.. State shall determine any abusive conditions related to journey, on arrival or during their period of residence.							
Right to a Identity & Nationality	16(4) ... ensure legal identity& documentation 20...ensure birth, death &marriage certificates at all stages;(c)... ensure consular documents; (e).. to be freed from the state of statelessness.	16.3. ...ensure lawful verification of identity 29...every child have a right to birth registration and a nationality.	A8.1 .. shall not be regarded as in an illegal or irregular situation by the mere fact of the loss of employment.					VI. a) Strengthen procedures for the identification of persons . . . , provide asylum seekers with adequate reception conditions and documentation		
Right to protection against vulnerability & Risks	16.7 & 23.(b) Protect HRs, in cases of risks & vulnerabilities (women at risk, unaccompanied children, ethnic/religious	68...protect when in an irregular situation	Article 2.1 . . . State shall systematically determine illegally employed migrant workers and any abusive					IV.f)...have access to protection of persons in need, with special attention to vulnerable categories such as	21.d... develop a collective preparedness mechanism; ensure consular support	

	minority, DoWs, victims of violence, older persons, persons with disabilities, indigenous peoples,) irrespective of status		conditions related to migrants' journey, on arrival or during their period of residence and employment.					unaccompanied minors, stranded migrants, trafficked persons or migrants in need of health care		
Right to services & Facilities/ Benefits	<p>16.(14) & 30 ...ensure consular assistance</p> <p>16.(15)... ensure access to basic services</p> <p>20.(f) ... basic services & HRs cannot be denied even without proof of nationality/legal identity;</p> <p>(g)...issue registration card to avail services from the municipality.</p> <p>31... safe access to basic services regardless of status; (d)...access to institutional arrangements (HRs Commission);</p> <p>(e)...health needs are protected by national & local policies/plans;</p> <p>(f)...children & youth have access to inclusive, equitable & quality education</p>	<p>30...irregular migrants have equal access to education</p> <p>43.1... access & equal treatment to (a) education; (b) placement services; (c) vocational training; (d)housing; (e) social & health services; (f) co-operatives & self-managed enterprises;</p> <p>45.1...family members have equal access to (a) education; (b) vocational guidance/training (c) social and health services</p> <p>49.3...corresponding to permit of stay may get unemployment benefits.</p> <p>55...entitle to services like:(d)...authorizations & formalities/arrangements for departure, travel, arrival, stay, exit & return;</p> <p>2...consular services to meet social/cultural needs</p>	<p>Article 9</p> <p>1 . . . migrant workers enjoy equality of treatment for himself and his family in respect of social security and other benefits.</p>		<p>2. . . . equal opportunity & treatment in respect of-- (i) conditions of life, including housing and the benefits of social services & education & health facilities.</p> <p>31.. may entitle to unemployment benefit at least for a period sufficient to find alternative employment</p>	<p>10. (a) . . . ensure that migrants are provided with adequate accommodation, food and clothing on arrival;</p> <p>(d) . . . arrange the transfer for the permanent migrants;</p> <p>(e) . . . provide access to schools for migrants and members of their families.</p>				
Non-discrimination	<p>15.. eliminate all forms of discrimination and intolerance</p> <p>16.(17) ... protect from discrimination of all forms</p> <p>31.(a)..service delivery does not amount to discrimination</p>	<p>48.1.(a) not liable to taxes, duties or charges of higher or more onerous than those imposed on nationals;</p>	<p>A10..promote & guarantee equal opportunity and treatment in respect of employment and occupation, of social security, of TU and cultural rights and of individual and collective freedoms.</p>	earnestly	<p>2. . . . equal opportunity & treatment in respect of-- (h) rights of full membership in any form of co-operative;</p>		<p>12.. migration process is equitable in both countries to guide through all stages including planning & preparing, transit, arrival, return and reintegration.</p>	<p>II.d)...promote host governments' cooperation with civil society & diasporas in monitoring and countering incidents of discrimination, racism & xenophobia</p>		
Right to Family	<p>21(i) .. have all rights to reunification with family</p> <p>24.(c) ... right to communicate with families when detained</p>	<p>44.1...shall have right to protect the unity of the families; &</p> <p>2...reunification with spouse or with person having in a relationship</p>	<p>A13.1...may take all necessary measures to facilitate the reunification of the families of all migrant workers</p>	During	<p>13.(1)... facilitate family reunification in both the countries through law/ regulation/arrangement</p> <p>17.. after 1 year allow (a) travel/visit to family on annual holidays</p> <p>18...support financially to travel/visit the family.</p>	<p>15.. . . permanent migrants have granted right to accompany family members (spouse & minor children)</p>				
Political right		<p>41.1...right to participate in public affairs of the State of origin and to vote & elect at elections</p> <p>42.3. if destination country grants, may enjoy PRs</p>								<p>2... act on enabling the right to vote from overseas</p>
Right to culture and religion	<p>32.(a)...respect for the cultures, traditions and customs</p>	<p>12.2 shall not subject to any coercion to have or to adopt a religion; 31:1...respect</p>	<p>A12. State shall (f) take all steps to assist to preserve national &</p>							

		cultural identity& allow to maintain cultural links with the state of origin	ethnic identity & cultural ties with the country of origin							
Right to financial inclusion and transfer of earnings and savings	16(20)..foster financial inclusion of migrants 36.(a).. reduce remittance transaction costs to <3% (e)..innovate & adopt technological solutions for remittance transfer	32... shall have right to transfer earnings and savings, personal effects and belongings.				10. (c) . . . permit the transfer of a part of the earnings and savings as the migrant desire;		III.f)...facilitate the transfer of remittances at a reduced costs and provide training on financial literacy	19.d... transaction costs reduce to <3%; facilitate competition & innovation through technology & policy; promote PPP; foster financial literacy	3...act on reducing remittance transfer costs
Protection from Natural Disaster & Humanitarian crisis	16.2 ... protect from natural disasters. 18(g) ..include in national emergency preparedness & response processes; (I) ... protect from sudden & slow onset natural disasters 21(g)...develop practice for admission & stay of proper duration on humanitarian/ other considerations.									
Right to protection from smuggling/ trafficking	16(9)...protect HRs of smuggled migrants 16(10)...protect from trafficking 25 ... not liable to criminal prosecution having been the object of smuggling 26(h)...victims of trafficking have rights to get physical, psychological & social recovery services... and access to justice		A 3: ..shall adopt all appropriate measures (a)..to suppress clandestine movement for illegal employment, & (b) .. against the organisers of illicit movements for employment departing from, passing through or arriving.				11. Governments should formulate and implement, in consultation with social partners, measures to prevent abusive practices, migrant smuggling & trafficking in persons; they should also work towards preventing irregular labor migration	V.a) ... take measures to increase awareness of the risk of trafficking in persons; e) Establish legislation & develop capacities of law enforcement and judicial authorities to effectively identifying, prosecuting & punishing traffickers in persons.		
Right to freedom of expression		12.1... shall have freedom of thought, conscience and religion 13.1..hold opinion without interference; 2.. have freedom of expression								
Right to Privacy		14. ... shall not subject to unlawful interference of privacy or attacks on honour and reputation								
Right to Property		15. ... shall not deprive of property arbitrarily, ...when expropriated, shall have the right to get adequate compensation								
Right to social integration	13 ... must empower migrants to become full members of the society 16(22)...have required social protection in both origin and destination countries.	27.1... have same social security benefits granted to nationals 42.1.. access to special institutions and procedures for particular needs, aspirations and obligations;	A12. State shall (e) in consultation with employer & worker, formulate and apply a social policy with particular emphasis on the special needs of the		9... share same advantages as nationals & of the special needs as appropriate to adapt to the society. 2 4.(a).. give every	11. M&MF should be assisted in obtaining access to recreation and welfare facilities	14. . . . promote social integration and inclusion, while respecting cultural diversity, preventing discrimination	II.b)... work for successful integration of migrants/refugees and their active participation in receiving	19.c... promote access to social protection throughout the migration process, drawing on relevant international	

	32(i)...children are welcome in the school and have a safe school environment 38 ... address social protection in countries of destination	2...consult migrants in decisions concerning life and administration of local community 64.2...due regard pay to the social, economic, cultural and other needs	migrants;		assistance to adapt to economic, social & culture; 26. ensure sufficient resources and staffs for serving migrants with social services		against migrant workers and taking measures to combat racism and xenophobia	community c)... encourage active participation of migrant workers in the social and cultural life	standards/ conventions & exploring bilateral agreements	
Expulsion and extradition, non-refoulement		50.1... family members can stay/reside, when principal migrant is dead or marriage dissolute; 2...right to get reasonable period of time by the family members before any forced departure 56.1...don't expel; 2...for the purpose of depriving a right arising out of authorization of residence & work permit.	3. In case of expulsion of the worker or his family, the cost shall not be borne by them.			18... not to be subject to removal when is under regular employment on account of lack of means or the state of the employment market, unless due processes are concluded.		VI. b) Apply the principle of non-refoulement . . ensure access for asylum seekers to fair and effective procedures irrespective of their ways of entrances VI.d) Develop asylum legislations in line with international standard		
Right to Repatriation and Compensation		71.1...repatriate bodies of deceased to the state of origin; 2... in case death of a MW&MF, ensure compensation shortly		8.4...migrant DoWs are entitled to repatriation on the expiry or termination of employment contract						
Right to reintegration	37... ensure sustained reintegration (economic, social and safety) upon return to countries of origin. (a) ... ensure safe and dignified return and readmission to the country of origin					20.... admissible to all social benefits on return to country of origin like poor and unemployment relief and employment.		III.g)foster sustainable reintegration through policies IV.j)... promote reintegration program for irregular migrants & explore measures to monitor return process.	19.a... reintegrate into the labour market upon return to home countries	3... explore to incorporate workers in the origin country's social welfare system
Right to Remedy	15...respect for the rule of law, due process & access to justice are fundamental to migration governance. 23(g)... ensure access to legal assistance the delivery of justice is impartial and non-discriminatory 28... individual assessment of migrants is HR based 16(13)...use detention as a measure of last resort 29(c)...not to be detained arbitrarily (d)...detainee has access to justice in both the countries	16.6...trial within a reasonable time or release or allow bail; (b).. allow to communicate with the authority; 16.8... entitle to an interpreter during trial; 16.9...entitle to compensation against unlawful detention 18.1...equal before the courts & tribunals; 2.. presume innocent until proven guilty; 3(a) inform in a language understand; (b).. give adequate time for the preparation of defense; (d)..tried in presence; (g).. not compel to testify against will or to confess guilt; 5.. have right to review conviction/ sentence by a higher tribunal; 6.. when conviction is revised get compensated	A12: State shall (d) repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy to guarantee equality of opportunity and treatment A12. State shall (a) seek the cooperation among others from workers' organisations in promoting a national policy to guarantee equality of opportunity and treatment;	A16. ... ensure that all domestic workers have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favourable than those available to workers generally.				I.a) enhance transparency in rules & regulations on admission and residence IV.b)... improve coordination between all agencies involved in preventing/ combating irregular migration		4... act to ensure - adequate grievance mechanism; common mechanism in relation to vulnerable workers in prison or in conflict with the law; better and strategic use of the UN and ILO supervisory mechanisms; legal aid; linkage/ networking with bar councils & CSOs

Table 3: Status of Human Rights in the International Policy Instruments

Women Rights in the International Labour Migration Related Policy Instruments

Women Rights /Policies /Convention	Global Compact for Safe, Orderly & Regular Migration 2018	Protection of the Rights of All Migrant Workers & Members of their Families Convention, 1990	The ILO Multilateral Framework on Labour Migration	Budapest Process's 5 th Istanbul Ministerial Declaration: A Silk Route Partnership for Migration	Colombo Process's 6 th Kathmandu Ministerial Declaration, November 2018	South-Asian Regional TU Council's (SARTUC) Position on Labour Migration
Gender mainstreaming & the principle of Non-discrimination	15... mainstream a gender perspective, promotes gender equality & the empowerment of all women and girls, recognize their independence, agency and leadership. 32. e) ...eliminate gender-based discriminatory restrictions on formal employment	1. The present Convention is applicable, ... to all MW&MF without distinction of any kind such as sex Article 7 States Parties undertake, ... to respect and to ensure to all MW&MF the rights provided for in the present Convention without distinction of any kind such as to sex..... Articles 1, 7, 18, 25, 27, 30, 43, 45	12. An orderly and equitable process should be promoted in both origin and destination countries to guide men and women migrant workers through all stages of migration [planning, preparing, transit, arrival, reception, return and reintegration.	X	21.c. Mainstream a gender lens to address specific needs and vulnerabilities of women migrant workers and promote equal opportunities for them, especially in relation to the DoWs and those in the care economy.	X
Right to Information/ Knowledge	19.c) ... establish information points along migration routes to enable migrants' gender-responsive support and counseling. d) ... provide newly arrived migrants with gender-responsive information and legal guidance	X	X	X	19.c . . .provide gender-responsive and evidence-based information at all stages	X
Right to Identity	20.d) ... documentation related regulations are gender-responsive	X	X	X	X	X
Right to work & residence	X	2. ... migrant worker's family shall get favour in obtaining a remunerated activity over others	X	X	X	X
FoA	32. e) ... ensure the right to freedom of association	X	X	X	5. Unions must link up with women's groups & CSOs to get inputs and technical assistance on gender issues.	
Right to freely choose work	X	53.1. ... family of a MW shall have right to freely choose remunerated activity	X	X	X	X
Right to Protection from exploitation and abusive treatment of work	22. k) ... national laws/policies address specific needs of women migrant workers, especially in domestic work and lower-skilled occupations, and adopt specific measures to prevent, report, address & provide effective remedy for all forms of exploitation & abuse, & allow to participate in legal proceedings in both the countries	X	X	X	X	X
Right to Services	23. c) ... develop gender- responsive migration policies addressing particular needs & vulnerabilities of women and girls including assistance, health care, psychological and other counseling services, as well as access to justice 32. e) ... facilitate access to basic services	X	X	X	X	5. Provide women with shelters and funds, sensitive embassy staff and dedicated helpline.
Protection from trafficking/ smuggling	25. Protect HRs of smuggled women & children; c) ...develop gender-responsive & child -sensitive cooperation protocols along migration routes outlining step-by-step measures to adequately identify & assist smuggled migrants 26. e) ... prevent/protect vulnerabilities of women & girls, that have become victims or are at risk of trafficking, regardless of status, ... facilitate their access to justice.	X	X	V. b) . . . develop national and regional strategies for preventing/combating trafficking in persons with a particular focus on women & children	X	X
Financial Inclusion	36. h) enable migrant women to access financial literacy training & formal remittance transfer systems, as well as to open a bank account, own and manage financial assets/ investments/business...; 36 i) .. develop banking solutions & financial instruments for female-headed households, such as bank accounts that permit direct deposits by employers, savings accounts, loans & credits in cooperation with the banking sector	X	X	X	X	X
Right to social Integration	X	X	X	X	19.c . . .facilitate inclusion of migrant workers in the work place & host societies	
Right to Reintegration	37. b) ... right to gender-responsive and child-sensitive return and reintegration programmes, that may include legal, social and financial support	X	X	X	X	X
Right to Remedy	33 e) ... migrant women have all rights to access national and regional complaint and redress mechanisms	X	X	X	X	X

Status of Ratification of International Conventions

Reportedly, status of ratification of the international conventions/treaties related to labour migration is one of the lowest. Including Bangladesh, status of ratification of a few main international conventions by the six most labour receiving countries from Bangladesh are given in the following table:

SL	International Conventions	Saudi Arabia (59.6%) ⁸	Jordan (3.10%)	Lebanon (0.76%)	Oman (11.12%)	UAE (0.49%)	Malaysia (0.08%)	Bangladesh
01	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 1990	X	X	X	X	X	X	✓
02	The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UNs Convention against Transnational Organized Crime, 2000	✓	✓	✓	✓	✓	✓	✓
03	Protocol against the Smuggling of Migrants by Land, Sea and Air	✓	X	✓	✓	X	X	X
04	ILO Convention No. 97: Migration for Employment Convention, 1949	X	X	X	X	X	X	X
05	ILO Convention No. 98: Right to Organise and Collective Bargaining Convention, 1949	X	✓	✓	X	X	✓	✓
06	ILO Convention No. 143: Migrant Workers (Supplementary Provisions) Convention, 1975	X	X	X	X	X	X	X
07	ILO Convention No. 189: Domestic Workers Convention, 2011	X	X	X	X	X	X	X
08	Protocol of 2014 to the Forced Labour Convention, 1930	X	X	X	X	X	X	X

Table: 5: Status of Ratification of International Conventions/Treaties

⁸Source: BMET (2019), Retrieved at www.old.bmet.gov.bd/BMET/viewStatReport.action?reportnumber=33

Country Fact Sheet: A Comparative Analysis

Following table presents a comparative analysis of the legal/policy aspects are in practice in top five women labour receiving countries from Bangladesh:

Issues	Saudi Arabia	United Arab Emirates	Oman	Jordan	Lebanon
Legislation	Labour Law	Federal Labour Law 1980	Labour Law, Royal Decree 35/2003	Jordan's Labour Law (8) of 1996 (Amended in 2019)	Labour Code, 1946 The Lebanese penal code
For Domestic Worker	Ministerial Decision No. 310 of 1434 H, 2013	Federal Law No. 10 of 2017	Ministerial Regulation No. 189 of 2004, on Labour Rules & Conditions for Domestic Employees.	Above & Regulations No 90/2009 concerning Domestic Workers & Others.	Not specific. Code of Conduct 2013 to promote & protect rights of DoWs & Order No. 5 of the MoL, 2003
Recruitment	Kafala System Persisted	Kafala System Persisted	Kafala System Persisted	Kafala System Persisted	Kafala System Persisted
Contact	Contract drafted in Arabic	Standard Employment Contracts (Ministerial Decree 764 of 2015)	contract drafted in Arabic	Written in Arabic or verbal contract. 1 copy in a understandable language is a must	Written in Arabic or verbal contact. A copy in another language is allowed.
For Domestic Worker	Same as above	Drafted in Arabic must sign 4 copies. Can make a version in a 2 nd language	contract drafted in Arabic	4 copies in Arabic & in a understandable language. Employer, worker, MoL& recruitment agency each get a copy.	Written in Arabic is signed before a notary public. A copy in another language is allowed.
Minimum Wage	No minimum wage. No pay <3,000 SAR (US\$800) a month to a Saudi national	No minimum wage	No MW. National MW is OMR 325 (US\$ 845)	150 JOD (210 US\$) a month	LBP 675,000 (US\$ 450) a month
For Domestic Worker	Same as above	No minimum wage	Same	No minimum wage	No minimum wage
Paying Process	Bank Payment	Via the Wage Protection System	Bank pay via Wage Protection System	In cash or in kind	as per agreement
For Domestic Worker	Cash/Cheque or deposit in bank. Employer must register for Household Payroll Card which allow salary withdrawal by ATM.	Payment with a written receipt	Payment with a signed receipt	Employer must keep evidence	Cash payment or bank transfer along with a written receipt
Gratuity	½ a month wage a year for first 5 years & onward 1 month wage a year	21 days' wage a year for first 5 years & 30 days wage for each additional year	15 days of basic salary for each year of service	1 month wage a year	1 month salary for a year of service
Domestic Worker	1 month wage for every 4 years of service	14-day wages for each year of service	Not specified	No gratuity	No gratuity
FoA	Not explicitly prohibited. There is no practice.	TUs are not permitted. Workers representatives can join in committees.	As per LL & Ministerial Decision 500 of 2018, workers can join a TU	Workers can join a TU	Workers can join a TU
For Domestic Worker					
Complaint/disputes resolving	Conciliation: Amicable resolution by the Labour Offices within 12 months. If not resolved, referred to the Preliminary Commission to resolve by 4 weeks. Decision can be appealed to the High Commission. Judicial remedy: Plaintiffs can directly or through an attorney file complaints in the labour courts. Conciliation reports can be directly filed to the enforcement judiciary, even via online.	Conciliation: Workers can file a complaint before the MOHRE for an amicable resolution. Settlement is to be reached within 2 weeks. Judicial remedy: Disputes, which MOHRE cannot resolve, can be taken before the Labour Court or Civil Courts. It should be within 6 months of the end of the employment contact. Workers are exempted from all court fees at all stages of litigation.	Conciliation: Disputes must register with the Ministry of Manpower shall be resolved within 15 days. Judicial remedy: Unresolved disputes can be brought before the Primary Court. Verdicts can be challenged at the Appellate Court.	Conciliation: Labour inspectors can receive and mediate disputes. Judicial remedy: Disputes, except wages one, can be raised before the Magistrate Court free of cost, to be considered within 3 months. Disputes can also be filed before the Labour Court. When relates to wages, the Wages Authority has the jurisdiction to look over it.	Conciliation: Can apply via a lawyer or in person with the Ministry of Labour. Labour inspector did the conciliation free of charge. Judicial remedy: . . . can bring a dispute to the Labour Arbitration Council
For Domestic Worker	Same as above	Same as above	Same as above	Conciliation: Employer/worker may complaint before the Domestic Workers Department at the MoL. Labour inspectors are legally allowed to enter the house with consent from employer. Judicial remedy: Workers may file a dispute before Courts	Conciliation: Can ask for conciliation through the MoL, but no practice. Judicial remedy: not covered by the Lebanese Labour Code but can file a complaint before the Labour Arbitration Council which applies the 'general law
Protection services	None	Shelter homes run by both CSOs & the Social Services Department	There is a women's shelter	There is shelter home. Victims of violence are treated free	There are shelters run by CSOs
For Domestic Worker	Shelter under the ML&SD				
Changing employers	With employer permission: After 1 year	With permission: after 6 months. Without: after contract expiry (2 years) or in a certain conditional circumstances.	With permission: Anytime. Without: after 2 years with approval from Directorate General of Labour.	With permission: Anytime. Without: after 1 year of service.	Employer's permission is a must. Upon on a valid abuse allegation, the General Security or the MOL can decide to transfer the sponsorship.
For Domestic Worker	With permission: Anytime. Without: after 2 years in a certain conditional circumstances.	With permission: Anytime Without: only in a certain conditional circumstances. MOHRE decides.		With permission: Anytime Without: after 2 years	

Table 6: Country Fact Sheet: A Comparative Analysis

Section III

Review of National Policy Instruments

Introduction

National level policy and legal regime pertaining to labour migration is too scary. Until recently, policy/legal initiative was mostly reactive without any specific aim and policy target, particularly followed the policing and punishing approach. Labour rights and human rights were one of the least emphases in the migration policy discourses. Emigration Act 1922, which the British ruler promulgated in British India to policing labour recruitment, remains effective in Bangladesh till 1982 to regulate labour migration. BMET, established in 1976 under the Ministry of Manpower Development and Social Welfare, is made the sole authority to oversee international migration. The first migration policy instrument came in the form of an ordinance, titled 'The Emigration Ordinance 1982'. According to this Ordinance, prior submission and approval from the BMET was a must to make a law suit by a migrant worker⁹. BOESL, established in 1984 as a limited company, takes over the labour-migrant recruitment role. In 1990, a separate 'Wage Earners Welfare Fund' was created. The Ministry of Expatriate Welfare and Overseas Employment was established in 2001. Following the Emigration Ordinance 1982, three separate rules were also formulated and enacted in 2002 such as 1) Emigration Rules, 2) Code of conduct & License of Recruiting Agent Rules and 3) The wage Earners Welfare Fund Rules.

It is only in 2006 that the first policy on labour migration came into force titled 'The Overseas Employment Policy 2006'. The policy is claimed to be the first of its kind in South Asia¹⁰. More importantly, a right based perspective of addressing labour migrants is acknowledged legally. It was though a reactive measure again, particularly following international context and NGO activisms. Mr. Syed Saiful Haque, Chairman of WARBE Development Foundation says, *"Following 1990 UN convention, a core convention to protect migrant workers, there were huge NGO activisms as well as demand raised to formulate a policy. The process ultimately ended up with a new policy in 2006."* The policy lacks appropriate vision and specific and time bound policy targets. Its implementation was rather poor. Policy aims like reducing of migration costs and spreading of district coverage achieved only a little. The Overseas Employment and Migrant Act-2013 and The Prevention and Suppression of Human Trafficking Act, 2012 did not base the 2006 migration policy. They are framed independently on different reactive grounds. This is detailed in the subsequent sections.

A revised new policy titled 'The Expatriate Welfare and Overseas Employment Policy' is formulated and enacted in 2016. It is though a reactive move again. It is popularly said that a number of shocking incidences of irregular migration throughout the last decade, in which Bangladesh occupies a large share of victims, have triggered the government towards this move, of formulating a new policy. With the enacting of this policy, it became imperative to amend and adjust the migration act 2013 and the trafficking act 2012 in line with this, which didn't happen. Secondly, a couple of acts are formulated and enacted afterwards, didn't base the Migration policy 2016. Such as, a separate 'Wage Earner Welfare Board Act' is created and enforced in 2018. Migration policy 2016 does not contain any directive for making this Act. A separate 'Overseas Employment and Migrant Management Rules' is formulated and enacted in 2017, which has replaced the migration rules 2002. This is neither consistent with the 'Overseas Employment and Migrant Act-2013' nor with the Migration policy 2016. Advocate Barkat Ali, Assistant Director of BLAST expressed his anonymity in this and says, *"Policy gap is not a major issue. The issue is a lack of positive mindset from the part of the government."* A final point of analysis is that the right to TU by the migrant workers is just non-existent in the entire national policy instruments¹¹. Reluctance from the part of the TU leaderships to act on TU rights of migrant workers and financial incapacity by them is reportedly two main reasons for this¹². Whatever

⁹ Says Mr. Shakirul Islam, Labour Migration Expert and Chairman, OKUP

¹⁰ 'LABOUR RECRUITMENT TO THE UAE Gaps between policy and practice in Sri Lanka, Nepal, Bangladesh, and the Philippines', Report Prepared by Migrant Forum in Asia January, 2011, p33, http://mfasia.org/migrantforumasia/wp-content/uploads/2011/04/mfa_recruitmentpaperfinal_jan_2011.pdf.

¹¹ Razekuzzaman Ratan, General Secretary of SSF says, "Workers dignity is not a focus in the policy instruments. Local law doesn't allow migrant workers to form a TU."

¹² Abul Hossain, NDWWU says, "Lack of commitment among TU leaderships is a challenge. Financial incapacity of the TUs is another challenge."

is the reason, since migrant workers don't have any trade union, and since addressing of rights of migrant workers is not a mandate by the national TU centers, TUs in general are not engaged either to protect vulnerability and rights of migrant workers onsite at destination countries or to protect the returnee victim-migrants at home. Razekuzzaman Ratan (SLF), General Secretary of Somajtantrik Sramik Front in an interview says to us, " *We, TUs cannot take action for any victim workers because there is no TU in this sector, neither at destination country nor at origin country. In Nepal, Philippines and Indonesia returnee workers have formed TUs. In Indonesia, TUs have succeeded to pressurize to ban women labour sending to 19 countries.* " Following section present a policy by policy review of five main country level policy instruments.

Review of National Policies/Laws: Perspective of Labour Rights

Labour Rights	Status	Reasons/Explanation
Right to information	Low	Provision for training on labour law, social protection & governance are persistent at destination countries; Except employment contract there is little space to know about labour rights
Right to contact	Moderate	Recruiting agent's responsibility; provision for sending copies to the BMET & Mission abroad; Developing of a Standard Contract; Lack intermediaries control; Poor implementation
Right to recognition of skills	Low	No policy direction; can be included in the bilateral MOUs, which is never known
Right to Inclusion into labour market	Moderate	Provision for establishing of a labour market research unit; conduct labour market analysis; skill development; capacitating training institutes; Poor implementation; accountability is missing.
Right to work & Residence	Low	No policy commitment; Labour wing and bilateral MOU dependent; no specific responsibility
Non-confiscation of Document	Low	Can be included in the MOU, which is never known
Right to Ethical Recruitment	Low	Poor policy coverage; Act dependent; Act 2013 included moderate coverage; Lacks specification; All liabilities goes to recruiting agent; Sub-recruiting agent is not covered by the law
Right to Decent Work	Low	No specific policy target; Dependent completely on bilateral MOU signing which is never known;
Protection from exploitation and abusive treatment at work	Low	Indirect policy and provisions; Authority and responsibility is not clear; Recruitment agent is solely responsible to protect from exploitation and abusive treatment at work; No specific policy target
Protection from slavery, forced & child labour	Low	No direct policy coverage; Moderate protection for trafficking victims; Execution of trafficking act is poor;
Right to Just & favourable Condition of Work	Low	No specific target & policy coverage; Dependent on bilateral MOU signing; Recruiting agent is solely responsible to ensure in the contact; Responsibility of the labour wing is not known
Right to FoA	Poor	No specific policy target, directives and commitment are expressed.
Protection of Social Security	Low	Provision to review law of the destination country and training (Article 2.2.6); Policy targets are not time-bound; Execution is poor; Accountability is missing
Right to freely choose or change work	Low	Out of 6 main policy objectives in the Expatriate Welfare and Overseas Employment Policy 2016, one is completely on this; However, lacks subsequent policy directives to address this
Right to Liberty and freedom of movement	Poor	Labour wing dependent but with no specific responsibility
Right to Remedy	Low	No policy directives on complaints and collective bargaining aspects; Provision for legal assistance giving in the destination country; Victims can file case with the judiciary after coming to Bangladesh; The arbitration rule is not formulated; informal-intermediaries are not covered; lengthy; Low implementation

Table 7: Status of Labour Rights in the National Policies/Laws

Expatriate Welfare and Overseas Employment Policy, 2016

This is a more comprehensive policy and covers a rights-based framework as well. Six set of challenges are framed separately. Next to this, six set of policy directives are framed to address those challenges. There are policy directives covering all four stages of labour migration. Rights of women migrants are given special emphasis. Challenges of women migrants and respective policy directives are considered separately. To ensure coherence building with the national planning processes, a completely separate objective and respective policy directives are prescribed. This is clearly a bold endeavor. Most importantly, challenges related to governance are identified separately and respective policy directives are set.

“Policy doesn’t give us a total labour migration framework. It involves only un-smart commitments. Coordinated effort is missing. It is neither target oriented”, says Mr. Shakirul Islam, Chairman, OKUP

The missing link is that the policy lacks any specific policy target over time. More particularly, what is the remittance target and by when, how many workers need to migrate for this, what is the target of sending skilled, semi-skilled and non-skilled workers etc are missing completely in the policy. Six broader set of policy directives are considered, altogether don’t make a complete development framework to effectively address labour migration covering all of its four stages. Majority of the policy directives are given in the form of a mere prescription often sounds just saying only. Setting of authority and accountability to implement policy directives is missing most of the time. There is persistent a serious discontent regarding the status of implementation among the contending stakeholders. Mr. Abul Hossain, Adviser of the National Domestic Women Workers Union says, *“Tough policy with loose implementation doesn’t carry any potential.”* Scope of misinterpretation also remains high. Policy-directives very often contain long and complex sentences with indiscriminate using of variable wordings. Below is given a one by one review of all six broader set of policy objectives are covered:

Right to Safe Migration: Policy directives miss-match with given challenges

Article 1.8.1 has framed key challenges for safe migration. Article 2.1 has given the policy directives. Challenges framing are very much desk oriented. Four different stages based challenges are not covered. Last two challenges are mentioned deserve reframing. Policy directives do miss-match against given challenges. Training and research are over-emphasized. No policy directive is set regarding during migration aspects of rescue, operation and remedy. There is reviewed a tendency to emphasis upholding of bureaucrat’s interest in setting up of policy directives like enhancing institutional capacity (Article 2.1.5), strengthening of regional and intra-regional consultative processes (Article 2.1.10) and Mission’s driven research conduction (Article 2.1.11) etc.

Protection of Rights: Right to FoA/TU is non-existent

Article 1.8.2 covers challenges and article 2.2 covers policy directives on this. Article 2.2.8 has provisioned for developing an integrated protection structure addressing four stages of migration. Nonetheless, framing of challenges and protection of rights are too unorganised. Pre-departure issues are comparatively better covered. Low to moderate coverage of onsite protections is more dependent on diplomatic actions and bilateral agreement/MOU signing. Article 2.2.3 has provisioned to incorporate appropriate clauses in the bilateral agreements/MOUs to protect labour rights onsite. The process is non-transparent to developing these documents and is unshared in the public domain. Mr. Shakirul Islam, Chairman of OKUP in an interview with us says, *“From the fear of losing market, the government doesn’t take firm stand to protect through appropriate clauses in the bilateral agreements, the labour rights, at destination country.*

When government initiates for signing agreements with labour receiving countries, there is never a scope created to discuss with the CSOs. MOUs/agreements are not disclosed publicly. We never know what is there. During and post-migration aspects of protection are poorly covered. Social and conventional protections are overlooked. Mostly, protections are reluctantly mentioned. Article 2.2.12 has made recruitment agent accountable for every misdeeds. ‘Labour rights’ is covered the least. Right to FoA/TU is just non-existent. The status of development and implementation of a standard contract agreement (Article 2.2.2) and an integrated protection structure is not known.

Right to Facilities and Welfare Services: Mere Prescriptions with Poor Implementation

Facilities and Welfare Services at pre-departure stage are covered better. There is prescription for developing and execution of a common welfare programme addressing four stages of migration (Article 2.3.1). This programme is supposed to include among others preparing and disseminating of an informative booklet/video, which shall contain information on challenges and opportunities of overseas employment. Article 2.3.3 has provisioned for developing and executing of a ‘Code of Conduct’ particularly to regulate different intermediaries in the migration processes. Article 2.3.6 has provisioned for giving easy and low-cost loan facility to potential migrants.

Facilities and services regarding post-migration aspect of reintegration are moderately covered. Article 2.3.5 has provisioned for widening of wage earners welfare fund to cover extra social protection and maternity and insurance facility. Article 2.3.7 has provisioned for ensuring education and health support to migrant’s children and to initiate to include family members within existing SSN coverage. Article 2.3.8 has provisioned to ensure emergency healthcare facility to returnee migrants. Article 2.3.9 has provisioned to make a special programme to rehabilitate and reintegrate distressed returnee migrants. Article 2.3.12 has provisioned for establishing of a repatriation fund.

Regarding during migration facilities and services, the policy has particularly prescribed to review and strengthening of the functionalities of the running one stop services center (article 2.3.4). Apart from this, it has emphasized on gender-responsive information giving. For onsite facilities and services at destination countries among others, strengthening of labour wings and introducing a coordinated management system in them (Article 2.3.10), strengthening of social network (Article 2.3.11) and to act on ensuring legal assistance and compensation to occupational victims (Article 2.3.13 and Article 2.3.14) are prioritized.

Women Migrants Rights: Reluctantly Addressed

Pre-departure and onsite aspects of women rights are comparatively better covered. Amongst pre-departure policy directives, gender sensitive curriculum development, training and assistance giving (Article 2.4.3), gender-responsive budgeting (Article 2.4.4), initiating coordinated and participatory programme (Article 2.4.1) and registering of women migrants (Article 2.4.7) are important. Establishing of a separate women wing (Article 2.4.2), protection through bilateral agreements/MOUs (Article 2.4.6), increasing women official at labour wings (2.4.8), engaging international organizations and INGOs and giving legal, psychological and financial assistance (Article 2.4.8), and gender responsive financial inclusion (Article 2.4.10) are particularly prescribed to address and protect women rights onsite at destination countries. For post migration aspect of reintegration, apart from general policy directives, there are particular policy prescriptions for counseling (Article 2.4.9), social protection (Article 2.4.9) and rehabilitation (Article 2.5.12).

Level of implementation is though dissatisfactory. Mr. Shakirul Islam, Chairman of OKUP says, “Labour wings have no extra time to protect women rights than to engage only with repatriating of dead bodies.” Reluctance from the part of the government is reportedly the main reason for low implementation of the policy. Razekuzzaman Ratan (SLF), General Secretary of Somajtantrik Sramik Front says, “*Philippines has successfully added a clause to a bilateral agreement with Kuwait that women workers must get a separate living place and a specific work hour. Why cannot we? Bargaining capacity of the government is to be increased. This needs to be addressed at policy level.*” In an interview with us Ms. Sarowat Binte Islam, Coordinator of Manusher Jonno Foundation says, “*Needs to ensure through policy particularly through bilateral agreements that workers can give power of Attorney while returning home after filing a case.*”

Integrating Labour Migration with National Development: Policy Targets are not Transparent

Among others, continuous review and adjusting with the international decisive factors (Article 2.5.2), developing and implementing of a medium term macro-economic framework in line with remittance target (Article 2.5.3), developing of a strategy for effective use of remittances (Article 2.5.5), developing of a coordination framework (Article 2.5.10) and policy coherence building with the Development Agenda 2030 and 7th Five Year Plan¹³ (2.5.15) and with other national planning documents are given emphasis. However, policy targets are not transparent most of the time. What is the remittance earning target and by when or what is the number of skilled workers needed sending given the remittance target are not known.

Labour Migration Governance: Over-Bureaucratic Arrangement

Article 2.6.2 has provisioned for developing an Integrated Labour Migration Governance Framework detailing roles and responsibilities of its every individual stakeholder. The policy has included provisions for establishing of two new departments such as 1) Department of Expatriate Welfare (Article 2.6.4) and 2) Department of Skill Development (Article 2.6.5). To ensure smooth and coordinated decisions on macro aspects, it has been prescribed to form a National Steering Committee (Article 2.6.7). To enhance implementation, it has been further prescribed to form a National Migration Forum including representation from all relevant stakeholders (Article 2.6.8) and a Technical Advisory Committee as well. Article 2.6.12 has provisioned for establishing a Research, Analysis and Supervision Unit on Migration. This unit shall carry 2 main functions i.e., a) creating of a migration information system and b) administering a labour market research unit.

The status of implementation of an Integrated Labour Migration Governance Framework and establishing of Expatriate Welfare and Skill Development Departments are not known. A Research, Analysis and Supervision Unit is created under the Ministry is not known to the relevant stakeholders. The National Steering Committee is reportedly a tea-sitting arrangement once a year with a top heavy Administrative Council and with little functional effectiveness on coordination. A national migration forum has been established recently. This forum includes 60 members from government, CSO's, NGOs, and TU. Mr. Shakirul Islam, Chairman of OKUP expressed his discontent regarding the effectiveness of this forum. He said, “*It is just patience hearing of the status of activities carried out by the different ministries and departments and there is little space for ensuring accountability in this.*” He further noted that it is basically bureaucrats led and there is imbalanced representation from CSOs and migrants in these. Advocate Barkat Ali, Assistant Director of BLAST says, “*It is an inactive committee. The Minister himself is the chief.*”

¹³Mr. Sayed Saiful Haque, Chairman of WARBE Development Foundation says, “In the 7th Five Yearly plan, migration issue gets a good focus”.

Review of National Policies/Laws: Perspective of Human Rights

Human Rights	Status	Reasons/Explanation
Right to Migration	Moderate	Emphasis on 1) research, 2) long-term plan, 3) skill development, 4) combine protection structure, 5) capacitating training institutes, 6) bilateral MOU signing & 7) labour wing strengthening; Policy directives are not time-bound; Poor implementation; Accountability is missing
Right to Information	Low to Moderate	Provision for 1) popular materials creating & dissemination, 2) publicity, 3) Legalise Rtl on process & contract (S 26, Act 13); Scattered information giving; Weak execution; Accountability is missing.
Right to Life	Low	Joint/mutual legal assistance & cooperation (S-41, Trafficking Act); Poor Implementation.
Protection from torture/ cruelty/degrading conduct	Low	Inspection/Reporting/ & TU led; opportunity to law suits; Not specific and time bound; low execution; accountability arrangement is missing
Right to a Nationality	Moderate	Registration in the BMET; No target; Poor accountability
Pro against vulnerability	Low	Reluctantly mentioning; not specific; accountability arrangement is missing; low execution
Right to Services/Facilities	Low	Not specific & Time bound; accountability arrangement is missing
Non-discrimination	Moderate	Successive mentioning; not specific and time bound; accountability arrangement is missing
Right to Family	Low	Low policy coverage
Political right	Poor	No mentioning of voting right either origin or at destination country
Right to culture & religion	Poor	No/low policy coverage; Completely dependent on bilateral MOU signing, which is never known.
Right to financial inclusion & transfer of earnings	Good	Provision for 1) establishing Expatriate Welfare bank, 2) rationalizing bank transfer fee, 3) cash incentives on remittance sending, 4) initiate electronic transfer facility, 5) training to enhance capacity
Protection from ND & HC	Low	No/poor coverage; no real initiative on the ground(Natural Disaster & Humanitarian crisis)
Right to protection from smuggling/ trafficking	Low	No policy target/directives; Act driven protection; Poor implementation; Law unawareness; Ranked Tier 2 country in the USA's Trafficking in Persons Report 2015 meaning not fully comply
Freedom of expression	Poor	No coverage in the migration policies/laws
Right to Privacy	Poor	No coverage in the migration policies/laws
Right to Property	Poor	No coverage in the migration policies/laws
Right to social integration	Low	Commitment to strengthen social network (A 2.3.11) & labour migration diplomacy (A 2.2.14)
Expulsion and extradition	Low	No/poor policy coverage; dependent on MOU signing & willingness from the labour wing
Right to Repatriation	Moderate	WEWB and Labour Wings are made responsible: a fund is created; low execution; Poor accountability
Right to reintegration	Moderate	Provision for financial support to the returnee; scholarship for child education; health care support; Establishing WEBW; rehabilitating distressed; Harmonizing planning documents; Low implementation
Right to Remedy	Low to moderate	Court - Magistrate court - Mobile court dilemma; non-cognizable, non-compoundable & bailable; Weak non-judicial remedy; arbitration rule not formed; intermediaries are not covered; lengthy

Table 8: Status of Human Rights in the National Policies/Laws

The Overseas Employment and Migration Act 2013

Don't complement migration policy

The purpose of formulating this Act as mentioned in its first paragraph reads, “An Act 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, to enact a new law by repealing the Emigration Ordinance, 1982 (Ordinance No XXIX of 1982), and for making provisions in conformity with the International Convention”. Mentioned purpose clearly analyse that this Act is particularly an upgraded and reformulated version of the earlier Emigration Ordinance, 1982. The Expatriate Welfare and Overseas Employment Policy was first formulated and enacted in 2006. It was expected that the Act shall correspondent with the policies/provisions are directed in the 2006 policy as well as shall upheld its implementation through binding provisions. This clearly didn't happen. Now, we have the Expatriate Welfare and Overseas Employment Policy 2016. Migration Act 2013 is clearly inconsistent with this policy document.

Simultaneously a Policy, a Rules and a Law

Deeper analysis suggests that this Act, at the same time, does include three legal aspects i.e., 1) policy directives, 2) rules and 3) laws. Chapter VII has stated a number of rights of the migrant workers which is more of a policy directive than law. Chapter VI has made a list of the roles and responsibilities of a Labour Wing (Section 24) as well as has mentioned the contents to be included in a bilateral agreement (Section 25). These are more of a 'Rules'. Chapter VIII has specified the offences, penalties and trial, which are completely laws.

Equity is given special importance

The Act has made it lawful to follow the principle of 'equity' in the labour recruitment and sending processes. Section 6 has mentioned further to follow the principle of non-discrimination while discharging duties and services. To make this section legally functional two stuffs deserve further attention i.e, 1) functional definition of the term 'equity' is specified either in the Act or through a separate 'Rules' and 2) this is reflected through languages and addressing-measures in the corresponding sections of the Act. Notwithstanding, this is not the case in practice. Addressing 'equity' is neither a responsibility of a recruiting agent (section 15) nor a labour wing (Section 24). It is not legally binding to make 'equity' a part either in the 'employment contract' (Section 22.1) or in the bilateral agreements/MOUs (Section 25). Chapter seven of the Act has listed down several rights of the migrant workers but they did not mention equity. Though it is lawful, no penalty is prescribed for its violation (Chapter eight). Contrary to equity, section 19.3 has made it obligatory to adopt random/lottery-based selection of workers from the skill-specific registered rosters. The Act or the corresponding rules did not include a functional definition on 'equity'.

Intermediaries/Dalals and Irregular migrants control is a flaw

Section 4 has clearly mentioned that only regular migrants are covered. Mr. Sayed Saiful Haque, Chairman of WARBE Development Foundation says, *“We were in the act drafting committee. We had discussed several times about intermediaries' (Dalal) control. The committee was agreed and incorporated section on this. After finalization, we find the section was dropped down completely. With existing law, it is not possible to control Dalal.”* Sarawat Binte Islam, Coordinator of Manusher Jonno Foundation says, *“A victim cannot file a suit against dalals because, they lack proper evidence. Dalals take away their every document even the passport. In the project area of MJF, we oversee some cases filed under this act. At certain stage, these cases are mutually dismissed. Plaintiffs get some money.”*

There are flaws in the Law for ethical Recruitment of Workers

According to section 3, government is the sole authority to decide every aspect of recruitment and selection. To Section 19, BMET is the authorized government body for this. Section 15 (Ga) however, has assigned to recruitment agent, with every responsibility, to ensure just and favourable conditions at work. Section 22 further has made recruiting agent liable to ensure employment contact. Reportedly, this is one of the gray areas for ethical recruitment. Mr. Shakirul Islam, Chairman of OKUP says, *“Every responsibility for ethical recruitment goes to the recruiting agencies. There is no legal coverage of accountability for others involved in the recruiting chain. This also gives recruiting agency an opportunity to evade its real responsibility and accountability.”* A second concern is reported that the Act did not outlaw to open branch offices. This opportunity is reportedly indiscriminately misused to hire sub-agents or middlemen who in most cases involve in false promising and unethical recruitment. The Act does not have any safeguard to control these intermediaries. Apart from these, according to section 17.2, upon on death of a recruitment agent, respective license shall be automatically void, shall not devolve the heirs. Section 1.14 has defined a recruiting agent as a company also. Thus, sudden death of a recruiting agent may jeopardize a half done recruitment/selection effort.

Inconsistency for Realising Repatriation Cost from the Recruiting Agent

As per section 18.3-5, cost of repatriation of a distressed victim shall be borne by the recruiting agent. The process, as prescribed, is to 1) cancellation of license of the convicted agent first, then 2) confiscating surety money and finally 3) ensuring the repatriation cost from the surety money. This is clearly a lengthy process. Secondly, until license is valid, application of this section clearly in vague.

Court - Magistrate Court - Mobile Court Dilemma

Along with first class judicial magistrates and metropolitan magistrates, Section 14 allows the Mobile Courts to dispense justice under the law. This provision confronts with sections 33 and 34, as the punishments stipulated, are beyond the competence of these courts.

Weak and uncertain non-judicial remedy

In accordance with section 41(1), an aggrieved person can file a complaint with the DG of the BMET. This is supposed to follow an investigation, which shall be completed within thirty days. If the investigation finds the complaint true, the concerned officer in the BMET may conduct an arbitration to dispose the complaint [Section 41(3)]. There is no dedicated office or authority for this. The DG forms an ad hoc arbitration committee on case to case basis. A women arbitration cell is established in the BMET, in 2018. Additional to routine works, four (4) regular officers from the Bureau serve this cell on an extra work basis. Section 41(4) has made it lawful to develop and follow arbitration rules. No such a separate arbitration rules developed and executed so far.

Non-cognizability, non-compoundability & bailability

As per section 39, offences relating to fraudulent practices like unlawful sending of migrants or publication of advertisement for this, charging extra fees and such others, are non-cognizable, non-compoundable and bailable. This is indiscriminately reported has weakened the law. Getting ‘bail’ shortly is claimed one of the main reasons for respective victims to differ from law suits. This is in general a threat to victim’s security and the family as well¹⁴. Perpetrators are usually organized and are in a position to exercise illegal power and influences.

¹⁴ Mr. Shakirul Islam, Chairman of OKUP says, “The Act allows law suit against some fraudulent practices. But they are bailable & negotiable. For this reason, victims and lawyers are reluctant to file cases. After getting bail, perpetrators threaten the victim. Sometimes they create pressure to take aback the case.”

Complaints are not Protected

The Act doesn't offer any protection to the victim complaint during the trial period. This puts them in further risk of threats and harm from the offender.

Discourages Good Businessmen

Section 9.3 didn't specify any time limit to issue a license to a recruiting agent/company. Section 13 has authorized government to take a back license anytime on a public interest reason. These may discourage good businessmen to involve in labour migration processes.

Capacity Vs Responsibility Gap

Section 24 has specified the roles and responsibilities for a Mission and a Labour Wing abroad separately. These are very broad and not specified at all. Very often, they don't match with the capacity and resources. Scope of inspection by the labour wing is not specified.

Mr. Shakirul Islam, Chairman of OKUP says, "25 lakhs migrant workers work at Saudi Arabia. We have only 2 Labour Wings. It is not possible to handle these huge workers by only 20 officials. Workers are recruited under a Kafala system. When a worker makes a complaint against an employer, he/she usually ended up with losing job and shelter. Though, the Mission/Labour wing has a responsibility, they hardly do in practice. There is indiscriminate reporting that embassy officials do not treat properly. There is no established complaint receiving mechanisms. Recently, some embassies have opened helpline and face-book page."

Accountability arrangement is largely missing

Section 29 says about legal and repatriation assistance through foreign missions. Section 25 says to incorporate appropriate clauses in the bilateral MOUs to protect human and labour rights. Section 26 has made the 'right to information' compulsory before departure. Section 30 has specified reintegration aspects such as loan giving, tax exemption, savings and investment. Accountability arrangement though is missing. More specifically, in case of inability to discharge responsibilities who shall borne liabilities and what shall be the penalties, are not made clear.

Limited application

Law suit under this Act is one of the lowest. Very few law enforcers and lawyers have necessary knowledge and efficiency on this. Available estimate suggests that only a couple of cases are filed in a span of last five years under this Act¹⁵. Mr. Sayed Saiful Haque, Chairman of WARBE Development Foundation says, "I did follow four cases are filed under this Act. They followed a lengthy process. There were no results obtained in any of those." A second consideration is that as per section 46, at least seven (7) existing laws and relevant others shall prevail over this law.

¹⁵ Mr. Shakirul Islam, Chairman of OKUP says, "for our research purpose, we do sit with lawyers from four Districts separately. Every time they talk one thing common that they don't have sufficient knowledge on the Act. Only 18 cases are filed between 2013 and 2017 under this Act."

Review of National Policies/Laws: Perspective of Women Migrants' Rights

Women Specific Rights	Status	Justification
Gender mainstreaming & the principle of Non-discrimination	Moderate to Good	Migration Policy 2016 includes 1 complete objective on women migrants' protection; Provision for establishing a separate women wing; Gender sensitive curriculum development, training and assistance; Gender-responsive budgeting; Addressing wage equality through bilateral agreements/ MOUs; Increase women official in the labour wings; Not specific & time-bound; Accountability is missing; Implementation is not up to the mark
Right to Information	Low	Gender-responsive information giving is a less priority
Right to Identity	Low	Documentation related policies/regulations are not gender-responsive
Right to work & residence	Poor	No specific policy commitment
FoA	Poor	No policy commitment
Right to freely choose work	Low	Same arrangements for both men and women; Migration Policy 2016 includes 1 complete objective; There is no specific policy directives to address gender sensitivity
Right to Protection from exploitation and abusive treatment of work	Low	Migration policy allows technical assistance seeking from experts & organizations; Commitment express to include terms in the bilateral agreements/MOUs on this; Provision for direct inspection by the women officers at labour wings; Provision for legal, psychological and financial assistance; Authority and accountability is missing; Poor implementation.
Right to Services	Moderate	Provision for special counseling and welfare services; initiatives taking to enhance women labour migration; Gender sensitive training and assistance; Special emphasis to ensure registration of women migrants; Not specific & Time bound; Accountability is missing
Protection from trafficking/smuggling	Moderate	Separate Act to prevent trafficking including women; Provision to file complaints to the police and to the tribunal; Provision for protection, rehabilitation and social integration; Provision for financial assistance; Provision for joint or mutual legal assistance; Lacks provision for gender sensitive investigation and trial; law execution is very poor
Financial Inclusion	Good	Good policies/provisions covering both men and women; Special provision for gender responsive financial inclusion; Accountability arrangement is missing.
Right to social Integration	Poor	Provision for security training; strengthen social network & labour migration diplomacy; Not specific and time bound; Responsibility and accountability is never known
Right to Reintegration	Moderate	Provision for special development programmes for women through WEWB; Commitment for rehabilitating the distressed; Moderate policy coverage for both men and women; Not specific and time bound; Low Implementation; Accountability is missing
Right to Remedy	Low	Low to moderate policy coverage for both men and women; No gender responsive trial and investigation is prescribed; lengthy; Low implementation

Table 9: Status of Women Rights in the National Policy Instruments

The Overseas Employment and Migration Management Rules 2017

Rules Mismatch with Act

In accordance with the directive is given under section 47 particularly to ensure full functionality of the Migration Act (2013), the Ministry of Expatriate Welfare and Overseas Employment has formulated a supplementary 'Rules' in 2017 titled 'The Overseas Employment and Migration Rules'. This 'Rules' is reportedly not detail and specific enough. There is inconsistency between the Act (2013) and the Rules. Supplementary rules and chapters very often don't match with that of the sections and chapters are mentioned in the Act (2013). Rule 6 has listed 18 Roles and responsibilities for the BMET. This is more in line with the 2016's policy on migration, instead of the Act (2013). Nevertheless, they don't match with the roles and responsibilities are mentioned under annex 2 of the migration policy (2016). The policy has prescribed 15 roles and responsibilities for the BMET.

Rule 8.1 has listed four (4) main tasks for Labour Wing. Rule 8.2 has further listed sixteen (16) direct and thirteen (13) indirect roles (Ka &Dha) for labour wings. Rule 9 has assigned complaint settlement related responsibility to the labour wings. These are too heavy. The roles and responsibilities clearly miss-match with the three (3) main roles are specified under section 24 of the respective Act (2013).

Incomplete Rules

This is an incomplete 'Rules'. For effective implementation of the corresponding Act (2013) it was expected that a complete 'Rules' is developed and executed. This didn't happen. Corresponding Act (2013) includes nine (IX) chapters and 49 sections. The present 'Rules' includes only eighteen (18) guidelines under a single chapter. Many of the mentioned rules are mere prescriptions, contain only general statements. Such as, rules 5(3) & (4) didn't specify the process of labour registration by the Missions abroad, instead prescribe only that it is a Mission's responsibility. Rule 8/2/(Sja) has prescribed that Labour Wings shall give special emphasis to enhance the scope and opportunity of labour employment in the destination country. What are those special emphasis are not clear. Effective functioning of the Wage Earners and Welfare Board is largely dependent on the Labour Wings. The 'Rules' neither spell out the coordination mechanism between the WEWB and the Labour Wings nor any accountability arrangement is prescribed for this.

Defective Arbitration Rules

There is no separate arbitration 'Rules'. Rule 15 is on arbitration/mediation. This rule is very much indistinct and incomplete. It didn't detail out operational guidelines for arbitration. As per Section 41(2) of the corresponding Act, every complaint shall follow an investigation. The 'Rules' didn't specify the investigation procedures. No office and supportive arrangements are prescribed. No time limit is specified. There is no 'Code of Conduct' prescribed for concerned parties. Reportedly, recruiting agents do care a little to respect and present the arbitration hearings. And there is no binding rule on this. Overall, the process is reportedly lengthy and ineffective.

Wage Earners Welfare Board Act 2018

Board First then Act

The Board is not established following this Act. Instead, the Act is formulated to legalise the structure and functions of an already established Board. Through an independent government notification dated 15 November 1990 a 'Wage Earners Welfare Fund' was created. A nine members Fund Management Committee was also established. Later on, following section 19(1)(k) of the Emigration Ordinance 1982, a 'Wage Earners Welfare Fund Rules' was formulated and enacted in 2002. To ensure necessary coherence with this 'Rules' of the fund, following Rule 4, the Fund Management Committee was renamed and transformed into a

eleven members Wage Earners Welfare Fund Governing Board. Since, these were not enough, this Fund's Governing Board later transformed into a Wage Earners Welfare Board¹⁶. It is only in 2018 that this Act is formulated and enacted as well as the Board is made an independent Statutory Body.

Don't Complement Existing National Policies/Laws

As per declaration is given in the preamble, it is an Independent Act. The intension is to establish an independent Wage Earners Welfare Board and regulation of its corresponding matters to ensure protection and welfare of migrant workers and members of their families in conformity with the International Conventions. As per explanation is given in the home page of its website, this Act is more in line with the section 19(1) of the Emigration Ordinance 1982, which did obligate the government to create a Wage Earners Welfare Fund. Although article 2.3.5 under the Expatriate Welfare and Overseas Employment Policy 2016 has provisioned to formulate an Act for same reason, the actual Act didn't base this.

Over Bureaucratic Structure

Considering the nature and functions, it was expected that a more migrants friendly and welfare and service oriented Board shall be established. Instead, section 7 has prescribed an over-bureaucratic 'Administrative Council' for the Board. More particularly, out of its sixteen (16) members are prescribed, eleven (11) shall be ranked either joint secretary or above from different Ministries and another one (1) shall be an executive director from the Bangladesh Bank. The secretary, Ministry of Expatriate Welfare and Overseas Employment shall chair the President of the Administrative Council. Apart from legitimate supremacy of authority, section 11 further permits the president to exercise special authority to singly make decision on behalf of the board on emergency ground.

Government has Absolute Authority on the Board

Section 7(2) has given the government with absolute authority to discharge any member of the board, any time, without specifying any reasons.

Mere Prescription of Responsibility without Specification and Accountability

Section 8 has merely prescribed twelve (12) broader functions of the Board. Apart from this, section 9 has assigned the Board with two (2) special functions targeting women workers. Mostly, these functions are not specific target oriented and time bound. Accountability arrangement is missing. More specifically, this is an Act which includes a set of binding sections. Now, in case of inability of the Board to perform any of its binding functions, who shall be responsible, what would be the accountability and how, are not known from this Act. Although, a number of functions are totally dependent on Labour Wings abroad, the Act didn't include any section regarding accountability mechanism of the Labour Wings to the Board. It seems voluntarism of the Labour Wings is the key to successful implementation of this Act.

The Prevention and Suppression of Human Trafficking Act 2012

No policy target or directives

Neither Migration policy 2006 nor 2016 does contain any policy target or directives to prevent human trafficking and smuggling. In the preamble of this Act it is mentioned that the intension is to prevent and suppress human trafficking and to ensure the protection of victims of the offence of human trafficking. This of the intension setting clearly lacks any real diagnosis of the issue and as such no specific target and time line are set.

¹⁶ See Bangladesh country report submitted to the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, report submitted on 28 December 2015, Retrieve at <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPpRiCAqhKb7yhsrdVpN%2BCQ%2FkCRpc1VJg7EJnVuhT8hY8nGOJmZOyt8EbRtdax3T79wcZFEtjtrRd93qylzKTf2bXD%2Fkdtxu0zOX8jMnTGBGYsyG1VDxKt%2Fk6l>

Don't Correspondent with other National Legal Migration Instruments

This is a completely separate Act. There is reviewed no provision, section or policy directive in any national policies/laws regarding formulating such an Act to prevent and suppress human trafficking. Third paragraph of the preamble section says it is to bring about conformity with the international standards to prevent and suppress transnational organized crimes relating to human trafficking that this Act is made.

Keeping a Brothel and Soliciting for Prostitution are incorrectly considered as an Act of human trafficking/smuggling

According to section 12, keeping a brothel or allowing any place to be used as a brothel is a punishable offence as well as penalty is prescribed for this. Section 13 further reads, "if any person in any street or public place or from within any house or building, by words, gestures, or indecent personal exposure attracts the attention of any other person for the purpose of prostitution he shall be deemed to have committed an offence and shall, for the offence, be punished with rigorous imprisonment for a term of exceeding 3 years." These two sections clearly confront with the definition of 'Human Trafficking' is given in section 3. There is clear possibility that these sections are misused to weaken the Act as well.

In-sufficient Penalty for Seriously Obstructing Investigation and Trial

Section 14 has incorporated penalty for threatening of victims or witnesses and seriously obstructing of investigation and trial, which is 3 to 7 years imprisonment and a fine equaling BDT 20000 and above. This is too less when there is a death threat or attempt to murder or seriously obstructing the trial.

No option to file a case by the concerned law enforcing authority of their own

Section 17 permits any person to file a complaint to the police or to the Tribunal. Section 19(2) permits the police to conduct a proactive inquire before the filing of the complaint. However, in case of a known incidence of human trafficking offence, there is no option for the Police to file a case of its own.

Lacks sufficient directions for Transnational Investigation

The incidences of human trafficking those are monster ones are mostly transnational in nature. Section 19(5) permits the tribunal to constitute a special investigation team to conduct transnational investigation as well as to possibly provide with administrative and financial assistance to the team. Section 19(6) further permits the government to establish, by gazette notification, a central Monitoring Cell, at the police headquarters, to coordinate and monitor the transnational investigation. There is persistent serious doubt regarding the capacity, resources, authority and efficiency of these arrangements to deal with transnational human trafficking offences. There is no operational or procedural guideline on this. Section 32 obligates to formulate rules for identification, rescue, repatriation and rehabilitation of the victims of human trafficking but no separate such 'Rules' developed so far. Section 41 requires government to sign MOUs/Agreements with other states to facilitate joint or mutual legal assistance in investigations, trial, and judicial proceedings regarding human trafficking offences. The signing of such an Agreement or MOU is not known.

Law Education and Relevant Efficiency is One of the Lowest

According to section 21(3), only a tribunal, established under this Act, can try a human trafficking offence. Section 21(1) allows government to establish, by gazette notification, an Anti Human Trafficking Offence Tribunal in a District. Section 21(2) further obligates that until a Tribunal is established, the Nari O Shishu Nirjaton Daman Tribunal can be tried with this. These are all temporary arrangements. There is indiscriminate reporting that including tribunal judges, law enforcers and lawyers in general lack required education on the Act and there is serious efficiency gap to deal with trafficking offences.

Mission's Authority and Accountability are not Known

As per section 33, the Embassies abroad are mainly responsible to ensure repatriation and return of the victims of human trafficking. The Act though didn't provide with any directions regarding authority and accountability of the Embassies in these.

Non-clarity regarding establishing of private Protective Home/Rehabilitation Centre

Along with the government, section 35 permits private individuals/organizations to establish Protective Home and/or Rehabilitation Centre to facilitate physical and psychological treatment, rehabilitation and family reconciliation of the victims of trafficking. However, the Act didn't make clear about license giving authority and the respective procedures and accountabilities.

Implementation is dissatisfactory

The filing of cases under this Act is reportedly one of the lowest in the country. Section 42 obligates the government to establish a 'Human Trafficking Prevention Fund' and a supplementary 'Rules' for its operation. The status of implementation of either a fund or a 'Rules' is not known. Section 43 has provisioned to establish a national anti-human trafficking authority. No such authority formed so far. However, there is Counter Trafficking Committee formed at 54 District. It's a joint collaboration among Bangladesh Police, BGB & other relevant local social institutions like CSOs and NGOs. Section 46 permits the government to formulate 'Rules' for the purpose of better implementation of this Act. There is some reporting on this but no such a 'Rules' is publicly available.

Review of the Implementation Status of the Policy Instruments

In the previous sections of analyses, it has been clear that whatever the policy contents are, the status of implementation of the policy instruments is one of the lowest. Apparently, two reasons deserve consideration for this i.e., a) may be there are non-implementable elements in the policy contents and/or b) government is lacking interest to some point of implementation. Both of these again refer to a policy regime which is not well thought out. There can be further research on this. This research however shall stop with this concluding statement that unless policies/laws are implemented properly, even the must-good gains remain unaccomplished. Following table presents a summary of the status of implementation of a number of main policy commitments:

Policies/Provisions	Implementation Status
Expatriate Welfare Department	Article 2.6.4 of the migration policy 2016 has provisioned for establishing a separate Expatriate Welfare Department. The status of implementation of this department is not known.
Skill Development Department	Article 2.6.5 of the migration policy 2016 has provisioned to establish a 'Skill Development Department' under the Ministry of Expatriate Welfare and Overseas Employment. Although National Skill Development Authority has been created headed by the Hon'able Prime Minister following National Skill Development Authority Act, 2018, establishing of such a special department is never followed.
Women Wing	Article 2.4.2 of the Migration Policy 2016 has provisioned for establishing of a permanent Women Wing under the Ministry of Expatriate Welfare and Overseas Employment. Status of implementation is not known.
Standard Contract Agreements	Article 2.2.2 of the Migration Policy 2016 has provisioned for developing a Standard Contract Agreement. Authority is not defined. Implementation status of developing this contract is not known.

Coordinated Protection Structure	Article 2.2.8 of the Migration Policy 2016 has provisioned for developing a Coordinated Protection Structure including all four stages of migration. Authority is not defined. Any initiative on ground is not known.
Comprehensive Welfare Programme	Article 2.3.1 of the Migration Policy 2016 has provisioned for implementing a Comprehensive Welfare Programme. Who shall develop & by when are not defined. Status of implementation is not known.
Repatriation Fund	Article 2.3.12 of the Migration Policy 2016 has provisioned for creating a 'Repatriation Fund'. Although, there is a Welfare Fund under the WEWB created in 1990 as well as supports the repatriation activities, a separate fund in the name of repatriation following this provision is not known.
Research, Analysis and Supervision Unit	Article 2.6.12 of the Migration Policy 2016 has provisioned for establishing a Research, Analysis and Supervision Unit on Migration. Authority and accountability is not defined. The status of implementation of this unit is not known.
Long-term Strategic Plan	There is a desire expressed in article 2.1.1 of the Migration Policy 2016 to develop a long-term strategic plan following a survey on international labour market. No visual initiative is noted on ground. Although, few strategies are included on labour migration aspects in the perspective plan and in the 7 th FYP, they were developed before this policy was in force.
Medium term macro-economic framework	It is provisioned in the Article 2.5.3 of the Migration Policy 2016 that corresponding to remittance target a medium term macro-economic framework shall be developed and executed. The status of implementation of this framework is not known.
Remittance Use Strategy	Article 2.5.5 of the Migration policy has provisioned for developing and implementing of a strategy for effective use of remittances. The status of which is not known.
Integrated Labour Migration Governance Framework	Article 2.6.2 of the Migration policy 2016 has provisioned for developing and implementing a Coordinated Labour Migration Governance Framework. The status of which is not known.
Technical Training Centre	It is provisioned in article 2.1.6 of the Migration Policy 2016 to establish at least one TTC in each Upazila. 70 ¹⁷ TTCs have been established so far at Upazila level. Against 492 Upazilas, the implementation status is 14% only.
Policy formulation & Programme development to protect forced labour, debt bondage & trafficking	Article 2.2.9 of the Migration Policy 2016 has provisioned for formulating an organized policy and supplementary programmes in view to protect forced labour, debt bondage & trafficking. Who shall develop and by when are not defined. Status of implementation is not known.
Labour Migration Diplomacy	Article 2.2.14 of the Migration Policy 2016 has provisioned to introduce 'Labour Migration Diplomacy'. The policy didn't define what is meant for this. Thus, there is scope for serious misinterpretation.
Code of Ethical Conduct	Article 2.3.3 of the Migration Policy 2016 has provisioned for implementing a 'Code of Ethical Conduct' detailing conducts for every potential stakeholder involve in the migration process. Authority and accountability are not specified. Status of implementation of this 'Code of Ethical Conduct' is not known.

¹⁷ Sourced from Bureau of Manpower, Employment and Training. Accessed at BMET, 2020; <http://www.old.bmet.gov.bd/BMET/aboutAction>, last access on 16/01/20

Labour Welfare Resources Centre	Article 2.3.10 of the Migration Policy 2016 has provisioned to establish a 'Labour Welfare Resources Centre' particularly to capacitate Labour Wings. Status of implementation of this centre is not known.
Fund for Legal Assistance	Article 2.3.13 of the Migration Policy 2016 has provisioned for creating a legal-assistance fund to assist the expatriate migrants. Although, WEWB often claim to give legal assistance to migrant victims, a separate fund following this provision is never made
Gender-responsive budgeting	Article 2.4.4 has provisioned for introducing gender responsive budgeting targeting women labour migrants. Policy implementation is not known.
Wage Earners Welfare Board	Section 7 of the relevant law has defined the structure of the board. There is imbalanced representation from the part of both recruiting agency and workers. CSO representation is absent. Bureaucrats dominate the Board
Rules relevant to rescue the victims of human trafficking	Section 32 of the Prevention and Suppression of Human Trafficking Act 2012 has provisioned that the government shall formulate rules stating procedures for identification, rescue, repatriation and rehabilitation of the victims of human trafficking. There is some reporting on this, but no such a rule is implemented to date.
Research, Analysis and Supervision Unit	Article 2.6.12 of the Migration Policy 2016 has provisioned for establishing a Research, Analysis and Supervision Unit on Migration. In the organogram of the Ministry of Expatriate Welfare and Overseas Employment attached to its website, it is noticeable that one such a research unit is created. However, given the existing structure, it is difficult to determine its effectiveness at this stage. Mentionable also that relevant other stakeholders except the core ministry staffs, cannot recognize this research unit.
National Steering Committee	A National Steering Committee is formed. Headed by the Hon'able Prime Minister the Committee includes 13 ministers, state ministers and deputy ministers and 19 secretaries as members. The committee sits once in a year. It is really difficult to ensure intra-ministerial and departmental coordination as is set target through this committee.
National Migration Forum	Established only very recently. Hardly, 1/2 meetings held so far. There is already dissatisfaction persistent among relevant stakeholders regarding its effectiveness.

Table 10: Review of the Status of Implementation of Policies/Laws/Rules

Section IV

Recommendations

Recommendations

Given the review and based on the opinions and recommendations are expressed in successive consultations and interviews, we have prepared three (3) different sets of recommendations. A concise and general set of recommendation is given first. Secondly, for every five national policy instruments are reviewed, separate and specific recommendations are given. Finally, to act by the TUs, a third set of recommendation is suggested. Please note, considering the purpose of the study, we didn't consider any recommendation for international policy instruments.

Recommendations in General

Long Term

- ➡ Act to introduce a proactive, coherent and comprehensive policy regime on Labour Migration Governance

Medium Term

- ➡ Ensure that there is consistency and coherence between and among different policy instruments on migration
- ➡ Ensure that policy objectives and directives are specific enough and there is set a time-bound target for each of them
- ➡ Ensure that appropriate process, authority and accountability is established for every policy/law directive
- ➡ Ensure that migration policies/laws have included appropriate and sufficient protection for irregular labour migrants
- ➡ Ensure that 'Labour rights' is a core focus in all policy instruments
- ➡ Ensure that 'Right to Trade Union' is given a special consideration in all migration policies/laws
- ➡ Act to introduce a right based perspective in the migration policy governance
- ➡ Act to ensure that TUs are included in the Policy/law formulation processes
- ➡ Act to ensure that Policies/laws are implemented in full

Policy/Law Specific Recommendations

Policy/Law	Recommendations
Expatriate Welfare and Overseas Employment Policy, 2016	<p>Long Term</p> <ul style="list-style-type: none"> Revise the policy. Set policy directives separately for every 4 stages of labour migration. Make sharpen, specific and time bound of the three objectives on 1) Women, 2) Governance and 3) integrating with national development. <p>Medium & Short Term</p> <ul style="list-style-type: none"> Revise and match policy directives with given challenges As per Article 2.2.8, develop and implement an integrated protection structure Make the bilateral MoU signing transparent. Involve TU with MOU signing processes Define process, authority and accountability against every policy directive Ensure that every policy objective and directive is specific and time bound Revise the policy and bring non-judicial protection a new focus As per Article 2.3.3, develop and execute a 'Code of Conduct' detailing behavioral conduct for every right bearer stakeholder As per Article 2.3.1, develop and execute a common welfare programme addressing four stages of migration As per Article 2.3.12, establish a repatriation fund Revise and strengthen one stop services center. Establish a pre-departure Labour Camp As per Article 2.3.10, Strengthen labour wings and introduce a coordinated management system Revise Article 2.3.11 & suggest clear strategy to ensure legal assistance and compensation to occupational victims through TU As per Article 2.4.4, introduce gender-responsive budgeting As per Article 2.4.2, establish a separate woman wing in the Ministry Revise Articles 2.4.9, 2.4.9 & 2.5.12 and create policy space to involve TUs in counseling, social protection and rehabilitation of victim migrants As per Article 2.5.3, develop and implement a medium term macro-economic framework in line with remittance target As per Article 2.5.5, develop a strategy for effective use of remittances As per Article 2.6.2 develop and implement an Integrated Labour Migration Governance Framework Restructure the NSC & NMF, include more representation from TU, CSOs and Media. Make it more non-bureaucratic, liberal and accountable.
The Overseas Employment and Migration Act 2013	<p>Long Term</p> <ul style="list-style-type: none"> Revise and formulate a New Act that best fit to present context. Make it coherent with the Migration policy 2016 and with other migration policy instruments. Ensure that it is a complete law. Avoid mere policy prescription in the Law. <p>Medium & Short Term</p> <ul style="list-style-type: none"> Ensure that a functional definition of the term 'equity' is specified in the Act and the subsequent sections have reflected the same through languages and addressing-measures

	<ul style="list-style-type: none"> ▪ Revise and include intermediaries/dalal/irregular labour migration control into its domain ▪ Ensure that every authority is equally accountable for recruitment. Ensure that there is appropriate measure in the law to control recruitment through branch offices and sub-agents. Bring consistency in licensing tenure as per reputation. ▪ Introduce an easy and less time consuming process for ensuring repatriation cost from the recruiting agent ▪ Initiate to remove the Court - Magistrate Court - Mobile Court Dilemma ▪ Develop and make functional of a dedicated arbitration office through law. Ensure that arbitration rules is formulated and executed ▪ Revise section 39 and ensure that the aspects of Non-cognizability, non-compoundability & bailability are considered rationally. ▪ Ensure through law that the complaints are protected from starting to the end ▪ Revise section 9 and ensure through law that good businessmen are encouraged to involve in sending labour migrants ▪ Revise relevant sections and ensure through law that the Missions and labour wings abroad are accountable and have appropriate authority to discharge functions ▪ Ensure through law that every relevant stakeholder have authority and are accountable to discharge assigned responsibilities ▪ Ensure the supremacy of the law and make sure that the law implementation is improved drastically
The Overseas Employment and Migration Management Rules 2017	<p>Long Term</p> <ul style="list-style-type: none"> ▪ Revise the Rules and make it an elaborate and complete one. Ensure that the 'Rules' is fully coherent with the Migration Act. ▪ Ensure that provided rules are more elaborate and specific <p>Medium and Short Term</p> <ul style="list-style-type: none"> ▪ Ensure that the roles and responsibilities are listed for BMET match with the same enlisted in the Migration policy 2016 ▪ Ensure that roles and responsibilities are listed for Labour Wings, are specific enough and match with the same given in the migration act ▪ Revise rule 15 and ensure that the arbitration rule is more elaborate and specific
Wage Earners Welfare Board Act 2018	<p>Long Term</p> <ul style="list-style-type: none"> ▪ Ensure that this Act is consistent with the migration policy and bring coherence with the other relevant migration policy instruments, are effective at present. <p>Medium & Short Term</p> <ul style="list-style-type: none"> ▪ Ensure that there is a balanced bureaucratic and non-bureaucratic representation in the board. ▪ Revisit the 'special authority' aspect of the President and ensure that the president is truly accountable to the Board. ▪ The board should be given rational authority to make decision and to carry out its functions. Absolute authority of the government to discharge any member any time deserves revisiting and rationalising ▪ Roles and responsibilities of the Board are to be made more specific and time bound. Accountability of the officials to carry out assigned responsibilities is to be ensured through including appropriate clauses. ▪ In case of inability to perform any of its assigned functions, who shall be responsible and how needs to be made clear. ▪ Functional coordination between the Board and the Labour Wings and the respective accountability need to be ensured through appropriate sections.
The Prevention	Long Term

**and Suppression
of Human
Trafficking Act
2012**

- Revise the Act. Ensure that either the Act or in any appropriate policy, specific and time bound policy directives are set on this. This must be based on appropriate diagnosis of the issue.
 - Ensure that this act correspond to other migration policy instruments and is coherent with them.
- Medium & Short Term**
- Amend/remove section 12 and 13 of keeping a Brothel and soliciting for prostitution. Establish a human trafficking/smuggling connection in these.
 - Amend section 14 and ensure sufficient protection and penalty for seriously obstructing of trafficking investigation and Trial
 - Ensure that law enforcing agencies/persons, apart from prior case filing inquire only, can file a case of their own informing the court, when they came to known any such case of a trafficking incidence, and when no one has file a complaint on this.
 - Ensure that the Act has incorporated a transparent and accountable mechanism for conducting transnational investigation.
 - Implement section 32 and formulate and enact rules for identification, rescue, repatriation and rehabilitation of the victims of human trafficking. Include TUs in the rules making processes.
 - Ensure that the government has initiated to sign MOUs/Agreements with a number of critical states to facilitate joint/mutual legal assistance in investigations, trial, and judicial proceedings regarding human trafficking offences. Advocacy/lobby to include TUs in the MOU/Agreement making processes.
 - Ensure that tribunal judges, law enforcers and lawyers have required education on trafficking laws and are efficient to deal with trafficking offences
 - Ensure that Missions in abroad have relevant authority and accountability to address repatriation and return of the victims of human trafficking.
 - Ensure through law a transparent and accountable mechanism to establish private Protective Home/Rehabilitation Centre
 - Implement section 42 and establish a 'Human Trafficking Prevention Fund' and a supplementary operational 'Rules'.
 - Implement section 43 and establish a national anti-human trafficking authority.
 - Implement section 46 and formulate and enact appropriate 'Rules' for effective implementation of this Act
 - Ensure that human trafficking cases are filed under this Act

Recommendations for TUs: Deserving Role/Position for the TUs

Having a study findings sharing meeting, TU leaders particularly have recommended these and validated them as well.

Institution/organization Building

- ✓ Start to act on safe migration. Establish a 'National Migration Forum of TUs'. Ensure representation from the NTUCs in this;
- ✓ Ensure that SKOP has a defined role on labour-migration aspects as well as effectively engage in coordinating NTUCs & NTUFs
- ✓ Initiate to amend TUs' constitutions to include migration focal person in the committee;
- ✓ Establish Upazila/Zila based TU committee. Engage in awareness rising, enabling right to information and registering of potential migrants.
- ✓ Establish a TU led national Complaint Centre and act on popularizing the same among labour migrants;
- ✓ Establish a TU led monitoring cell to oversee labour migration as a whole. Form a sub-team and conduct stalk taking of day to day activities of different government migration offices on a regular basis.

Research/Review

- ✓ Conduct research/review and generate TU friendly knowledge and information on labour migration and labour market market aspects
- ✓ Ensure a migration data base to use by the TUs (Number of migrants/Countries/Sectors/Occupation/Skill/)

Policy/Law Related

- ✓ Continued lobby/advocacy to revise/amend existing policy/law and to ensure a comprehensive, coherent and consistent policy regime on labour migration;
- ✓ Initiate and involve in supervising and monitoring of law implementation at national context;
- ✓ Initiate TU led Lobby to ensure implementation of international conventions/recommendations/treaties at major labour destination countries;
- ✓ Lobby/advocacy to ensure year-wise target setting of labour migration and remittance earning in the policy instruments
- ✓ Lobby/advocacy to ensure TU representation in the policy/law formulation processes
- ✓ Collect data on the status of case filing and resolving under Migration Act and Trafficking Prevention Act and disseminate the same among TUs
- ✓ Act on awareness rising on policy instruments

Education/Training

- ✓ Initiate educating TUs on labour migration aspects on a regular basis;
- ✓ Act on localizing of training and financial services and creating of easy access to these
- ✓ Promote pre-departure training. Engage in different pre-departure stages of training.
- ✓ Ensure that TU led good practices to protect labour migrants are documented and disseminated among TUs

Networking/Linkage Building

- ✓ Act on linkage building with the TUs at destination country to protect domestic workers from exploitation and vulnerability
- ✓ Initiate effective networking with the international, TUs including SARTUC, are engaged on labour migration aspects

- ✓ Ensure linkage building with the CSOs, media and experts are involved in labour migration activisms

Fraud/Irregular migration Control

- ✓ Act on TU led identification of frauds (Dalals)
- ✓ Engage in irregular labour migration control
- ✓ Initiate TU led tracking of labour migration recruitment processes
- ✓ Initiate awareness campaign on fraud control
- ✓ Act collectively with the government on awareness rising activities for intermediaries control like Dalal and recruiting sub-agent

Popular Mobilisation

- ✓ Promote TU led popular mobilization on labour migration aspects
- ✓ Initiate TU led emergency issue based memorandum submission to concerned offices
- ✓ Ensure that TUs have their own popular materials published on safe labour migration and disseminated widely

Lobby/Advocacy

- ✓ Lobby/advocacy to introduce an effective social dialogue involving government, BAIRA (Bangladesh Association of International Recruiting Agencies), and the TU
- ✓ Continued lobby/advocacy to minimize labour migration cost
- ✓ Lobby/advocacy to establish a labour migration camp in the airport to ensure pre-departure training for the labour migrants
- ✓ Lobby/advocacy to introduce soft loan targeting skill development by the potential labour migrants
- ✓ Lobby/advocacy with the ILO & UN representatives in Bangladesh to initiate to work with the government at the destination countries to protect women migrants
- ✓ Lobby/advocacy to introduce labour migration bulletin in the national electronic media

Protection of Returnee Migrants

- ✓ Initiate a TU led process to talk and document the sufferings of the victim returnee migrants
- ✓ Ensure TU led support for returnee migrant victims
- ✓ Lobby/advocacy to ensure soft loan for the returnee migrants
- ✓ Lobby/advocacy to introduce a special fund made up with a defined fraction of the remittances are sent, to ensure reintegration of returnee migrants

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Annex-01

Consultation/interviews with CSO's:

SL.	Name	Designation	Organisations
01.	Sayed Saiful Haque	Chairman & Founder Member	Welfare Association for the Rights of Bangladeshi Emigrants (WARBE) Development Foundation
02.	Shakirul Islam	Chairman	Ovibashi Karmi Unnayan Program (OKUP)
03.	Sarowat Binte Islam	Program Manager	Manusher Jonno Foundation (MJF)
04.	Md. Barkat Ali	Assistant Director (Law),	Bangladesh Legal Aid and Services Trust (BLAST)
05.	Mohammad Nazrul Islam	Program Officer	Solidarity Center
06.	Abul Hossain	Advisor	National Domestic Women Workers Union
07.	Razequzzaman Ratan	General Secretary	Socialist Labour Front (SLF)
08.	Sifat-E-Nun Khanam	Junior Lawyer	Bangladesh Legal Aid and Services Trust (BLAST)
09.	Khaleda Sarkar	Activist	Bangladesh Nari Sramik Kendra

Annex-02

Participants in the Consultation with Trade Union

SL.	Name	Designation	Organisations
01.	Wajedul Islam Khan	General Secretary	Bangladesh Trade Union Kendro (BTUK)
02.	Shah Md. Abu Zafar	President	Bangladesh Labour Federation (BLF)
03.	Md. Zafrul Hasan	Executive Director	Bangladesh Institute of Labour Studies- BILS
04.	Umme Habiba Jhalmol	Member, Advisory Committee	Bangladesh Institute of Labour Studies- BILS
05.	Khadija Rahman	Executive Member	Jatiyo Sramik Jote (JSJ)
06.	Hahibullah	President	Bnagladesh Trade Union Sanggho (BTUS)
07.	Md. Abdur Razzak	Vice- president	Jatyio Sramik Jote- Bangladesh (JSJB)
08.	Saleh Ahmed	Executive Member	Jatiyo Sramik Jote (JSJ)
09.	Md. Mojibur Rahman	General Secretary	Bnagldesh Jatiyo Sramik Feradtion (BJSF)
10.	Rubel Mandol	Executive Member	Bnagladseh Jatiybadi Sarmik Dol (BJSD)
11.	Jakir Hossain Mullah	Member	Bnagladseh Jatiybadi Sarmik Dol (BJSD)
12.	Md. MahtabuddinSayed	Member	Bangladesh Jatiya Sramik Jote- (BJSJ)
13.	Arifa Akter	Member	National Garments Workers Federation- (NGWF)
14.	Asma Akter	Member	National Garments Workers Federation- (NGWF)
15.	Rafiqul Islam Pathik	Executive member	Bangladesh Sramik federation (BSF)
16.	Md. Firoz Hossain	Executive member	Jatiyo Sramik League (JSL)
17.	Pulak Ranjan Dhar	Executive member	Bangladesh Free Trade Union Congress (BFTUC)
18.	Md. Jakir Hossain Lito	Member	Bangladesh Labour Federation (BLF)
19.	Md. Shidullah Badol	Acting General Secretary	Bangladesh Mukto Sramik federation- (BMSF)
20.	Mosharaf Hossain	Member	Bangladesh Mukto Sramik federation- (BMSF)
21.	Anowar Hossain	President	Bangladesh Jatiyatabadi Sramik Dal (BJSD)
22.	Abul Kalam Azam	Member, Advisory Body, BILS	Bangladesh Institute of Labour Studies- BILS
23.	AAM Fayez Hossain	General Secretary	Bangladesh Sramik Ferderation (BSF)
24.	Quamrul Ahsan	President	Jatiya Sramik Federation (JSF)
25.	Shamim Ara	President	Bangladesh Jatiyo Sramik Ferderation (BJSF)