

RIGHTS OF MIGRANT WORKERS

This chapter describes the unfair conditions faced by migrant workers in countries of the Middle East. The agencies set up by the Government to facilitate worker migration have done little for their protection.

Bangladesh has yet to ratify the International Convention for the Protection of Migrant Workers and their Families (1990).¹ None of the employing countries have signed the convention. The Emigration Ordinance 1982 in Bangladesh does not provide protection for migrant workers.

The main government agencies which serve as channels of recruitment - the Bureau of Manpower Employment and Training (BMET), the Bangladesh Overseas Employment and Services Limited (BOESL) - as well as licensed private recruitment agents, provide little access to information or to legal remedies before workers travel abroad or on their return. In receiving countries, only ten Bangladeshi embassies have labour attaches.

Conditions of Employment

An estimated five million Bangladeshis are working abroad. According to Central (Bangladesh) Bank data, the amount of foreign remittance, from professionals and workers, rose to \$7.94 billion in the last fiscal year 2007-08 (the second highest foreign currency earner for the country).² The Government in this financial year gave emigration permission to 663,000 workers.³

Most migrant workers are engaged in the notorious '3-D' - dangerous, dirty and demeaning - jobs.⁴ Due to a flawed immigration policy and poor enforcement, migrant workers have been victims of corruption by middlemen before departure; their employers in the host country confiscate their passports, force them to sign revised contracts in a language they do not understand, pay low wages, delay payment and provide no medical care.

Situation of Migrant Workers

Deaths

In the last four and a half years, 6,547 Bangladeshis working abroad died at work.⁵ About 900 died in the first five months this year. Insecurities had increased to the extent, that suicides among construction workers were on the rise and were mostly stress related. For example, the Bahrain Centre for Human Rights (BCHR) expressed extreme concern over reports of high numbers of attempted suicides among migrant workers mostly from the Indian subcontinent since 2007.⁶

Deportation

Throughout 2008, a large number of Bangladeshi migrant workers were deported from Bahrain, Kuwait and Saudi Arabia. The Government was unable to provide protection at their workplace but some action was taken against the recruitment agencies. Deportations were followed by bans on recruitment of Bangladeshis, some of which were withdrawn following government to government negotiations.

1 (Bangladesh has not yet ratified the ILO Migration for Employment Convention of 1949 (revised) C.97 and R.86, the Migrant Workers (Supplementary Provisions) Convention of 1975 (C. 143 & R.151), or the International Convention of the Protection of the Rights of All Migrant Workers and member of their families (though it has signed the last)).

2 Staff correspondent, "Remittance jumps 33pc in last fiscal", *New Age*, 7 July 2008.

3 Local correspondent, "Manpower industry expanding", *Noya Digonto*, 20 September 2008.

4 Human Rights Watch, "Building Towers, Cheating Workers: Exploitation of Migrant Construction Workers in the United Arab Emirate", 2006.

5 Hamim-ul-Kabir, "6547 workers die in the last four and a half years: 82 crore taka in compensation", *Noya Digonto*, 16 August 2008.

6 Deutsche Presse-Agentur, "Suicides among migrant workers in Bahrain are highlighted", Bahrain Center for Human Rights, 23 February 2007.

In many cases, these workers had been cheated even before they left, travelling with false or inadequate documents from recruitment agencies, and not even allowed to enter their destination countries. In others they returned after finally protesting years of abusive working conditions, and failing to obtain any redress in the receiving country, in some cases with injuries received from their encounters with law-enforcing agencies after they protested their working conditions.

Kuwait: On 29 November 2007, 22 Bangladeshi workers arriving in Kuwait found themselves unable to get any work or food. They were unable to return home because their agreement with third-party 'dalals' for a three-year work visa were forged, and they were ineligible for work. The Bangladesh Embassy failed to provide any consular protection. One of the men died.⁷



Bangladeshi Workers' in Kuwait demanding increase of salary

In another incident on 27 and 28 July, 80,000, mostly Bangladeshi workers working for 23 local companies in Kuwait went on a two-day strike protesting their work conditions and non-payment of salaries.⁸ About 2,000 Bangladeshi workers among the 800, employed by Al-Jawhara Company for stevedoring and cleaning in Hassawi, Kuwait, allegedly destroyed six vehicles and injured five camp officials. Kuwaiti police beat them and arrested at least 800 Bangladeshi workers⁹ for staging demonstrations against their employers. The workers complained that they had to work a 16 hour-day, seven days a week without any leave for eight or ten years, to pay a non-refundable Dinar 30 as security when going on leave, and face violence and abuse. All of them were paid Dinar 20 as wages, much less than the Dinar 50 promised in their original contract. More than 1,000 workers from Kuwait were forcibly repatriated to Bangladesh without their arrears.



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Following the unrest, the Kuwaiti Government introduced a minimum monthly wage of 40 Dinars (USD 150.0) for cleaners and 70 Dinars (USD 261.0) for security guards (contrasting with the average monthly pay for Kuwaiti citizens of 1,000 Dinars (USD 3,740.0)).¹⁰ This was to apply only to those working for companies on Government contracts. The Kuwaiti Government also agreed to taking stern measures against any Kuwaiti companies found to have exploited Bangladeshi workers.¹¹

Saudi Arabia: Some 1.5 million Bangladeshi migrant workers, faced a ban on their recruitment in the household and agriculture sector in March 2008.¹² The Government also unofficially stopped renewing residential permits to Bangladeshis. Official sources claimed the decision followed the expiry of a quota for Bangladeshi workers, but workers feared that it was influenced by media reports alleging their involvement in “most criminal acts in the country”¹³ including theft, printing fake currency and running illegal businesses. This fear was reinforced by the statements of a Saudi Government spokesperson,¹⁴ followed by a virtual hate campaign against unskilled Bangladeshi workers (see Saudi-based website www.antirat.com alleging workers involvement in crimes from ‘rape and running prostitution ring’ to ‘unhygienic cooking’ practices). In July 2008 around 200 workers were forced to come back to Bangladesh,¹⁵ with many narrating tales of horror about their treatment in Saudi Arabia.

Bahrain: On 23 May 2008, Mohammad (32 years), a Bangladeshi mechanic, was accused of killing a Bahraini man Mohammad Jassim Dossary (37 years), after a heated argument over payment for car repairs. Following the murder Bahraini government officials demanded the deportation of around 90,000 Bangladeshi labourers from the kingdom.¹⁶ The Interior Ministry later said that only labourers who applied for a work visa after May 27 would be affected by the new policy.¹⁷ The rest with their families would be able to stay on. Ultimately on 26 May, the Bahrain Government stopped issuing work permits to Bangladeshis;¹⁸ the ban was lifted only two months later following inter-government negotiations.¹⁹ The Bangladesh Embassy stated that visas would be given to workers subject to certain conditions such as clean police record, a conduct certificate attested by the Bangladesh Foreign Ministry, and prior checks in Dhaka before issuance of passports.²⁰

India: In India, where there are a large number of undocumented Bangladeshis, there have been instances where workers have faced hate campaigns particularly in the wake of terror attacks. Bangladeshi migrants, are mainly engaged in unskilled labour, including domestic work.²¹ Vulnerable to exploitation of their workplace, they have faced the additional burden of being randomly targeted by the media and certain extremist political groups as being implicated in terrorist attacks, or veiled expressions of communal hatred. For example, after the May bomb blasts which ripped through the city of Jaipur killing more than 66 people

10 AFP report, “Kuwait parliament to hold emergency session on labour unrest”, *New Age*, 4 September 2008.

11 UNB report, “Kuwait to take action against cos for exploiting Bangladeshi workers”, *New Age*, 4 September 2008.

12 Lynne Roberts, “Saudi shuns Bangladeshi labour - ban confirmed”, *Arabianbusiness.com*, 25 March 2008.

13 Mariam Al Hakeem, “Saudis ban Bangladeshi workers in two sectors”, *Gulf News*, 24 March 2008. The spokesperson for the Saudi Ministry for Expatriates’ Welfare and Overseas Employment referred to Saudi media reports and alleged that some Bangladeshis had broken the law by selling banned CDs, running illegal telephone businesses, stealing manhole covers from roads and footpaths, stealing electricity and telephone cables, and printing fake currency.

14 ‘‘Crimes’ by some Bangladeshis may damage country’s labour market’, *The Financial Express*, 24 February 2008.

15 “More than 500 Bangladeshis sent back from Saudi-Kuwait”, *Ittefaq*, 31 July 2008.

16 Amy Glass, “Bangladeshis banned in Bahrain”, *ArabBusiness.com*, 27 May 2008.

17 “Stop racism against Bangladeshi workers”, *The Daily Star*, 21 June 2008.

18 “Manpower export to Bahrain stops”, *The Daily Star*, 28 May 2008.

19 “Bahrain lifts ban on work visas for Bangladeshis”, *The Daily Star*, 23 July 2008.

20 Sandeep Singh Grewal, “Bahrain Lifts Visa Ban on Bangladesh, Dhaka to Implement Strict Rules on Workers”, *Migrant Forum in Asia*, 21 July 2008.

21 Afsan Chowdhury, “Migrant workers: narratives of destinations, denial and class”, *New Age*, 8 September 2008.

and injuring over 200, the Indian media and certain extremist Hindutva-oriented political parties openly talked of involvement of Bangladeshis.²²

Government Response to Deportations

The Foreign Advisor acknowledged, in August 2008, that irregularities and corruption in the manpower industry had put the lives of hundreds of thousands of workers in jeopardy.²³ Reported concerns related to such agencies charging fees in excess of officially sanctioned rates, failing to advise workers on likely conditions in their country destination as well as endemic corruption. In April and May 2008, the Government cancelled licenses of 32 such agencies²⁴ which was in addition to earlier cancellation of some 44 agencies.²⁵

In August 2008 the Foreign Advisor approved fourteen reform suggestions by the National Task Force on Foreign Affairs, which included a proposal for workers repatriated for misconduct to be barred from leaving the country again²⁶ and to hand over their names and passport numbers to the Ministry, BMET, BAIRA and all law-enforcing agencies. In September 2008, the Government announced that it was framing a new law to prevent Bangladeshi workers from fleeing their workplaces,²⁷ following press reports of 67 Bangladeshi workers in Romania having done so. There were some concerns among human rights activists as to whether such provisions would amount to disproportionate punishment upon workers.

High Court Directs Legal Protection of Migrant Workers

On 25 August 2008 the High Court, in a writ petition filed by three workers, following their deportation from Malaysia, together with ASK and the International Migrant Alliance (IMA), directed several ministries to show cause why they should not be considered to have failed to discharge their duties under the law and as to why the respondents should not be directed to ensure safe manpower export.²⁸ The three workers had allegedly been confined in a warehouse in Malaysia for five months and later handed over to a private company, which failed to pay their salaries properly. When they went to a court in Malaysia to claim their pay, they found that their work permits had been forged.

22 See quote ascribed to the BJP “The BJP in particular took a firm stand to “punish the criminals and cleanse the city of the breeding ground of terror, the Bengali migrant” in Kavita Srivastava, “The Jaipur terror scapegoat: The poor Bengali Muslim migrant”, People’s Union for Civil Liberties (PUCL), May 2008. Naem Mohaiemen, “And then there’s always Bangladesh”, *Indian Express*, 6 June 2008.

23 Sohel Rahman, “Manpower industry in peril: workers returning empty-handed one after another”, *Janakantha*, 14 August 2008.

24 Staff correspondent, “Govt cancels licences of 32 agencies”, *The Daily Star*, 25 May 2008.

25 Imran Alam, “Gross irregularities in manpower export”, *Noya Digonto*, 13 August 2008.

26 Shajal Jahid, “New laws to bring order into the manpower export industry”, *Ittefaq*, 24 August 2008.

27 Porimol Palma, “Law soon to stop incidents of fleeing workplaces”, *The Daily Star*, 20 September 2008.

28 ASK and International Migrants Alliance (IMA), *Bangladesh vs. Ministry of Expatriates’ Welfare and Overseas Employment and Others*, Writ petition No. 6409 of 2008. The authorities who were respondents to the petition were the Ministry of Foreign Affairs, the Ministry of Expatriate Welfare and the Bureau of Manpower, Employment and Training (BMET) as well as the Bangladesh Association of International Recruiting Agencies (BAIRA).