

Addressing the plight of women migrant workers

K M Ali Reza

In recent time numerous stories have been reported in the media about the unspeakable sufferings and exploitations of Bangladeshi women migrant workers (WMWs) in some Gulf Cooperation Council (GCC) states. Many of the victims returned home dead which posed serious questions about the protection of women migrant workers in those countries. The gruesome stories of some of these workers also alerted the policy makers, including civil society organisations (CSOs) and NGOs—who have been working for the welfare of migrant workers—to take appropriate measures. Expert opinion on this issue is also divided: some suggesting imposing restriction on sending WMWs to GCC states, others asking for more protective measures to reduce their vulnerabilities.

Placing restrictions on migration of women workers can be relatively easy but it has far-reaching implications. International norms and practices do not favour imposing restrictions on women migrant workers, rather they encourage creation of more employment opportunities for them both at home and abroad. For example, article 9.4 of the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (known as Trafficking in Persons Protocol) says, "States Parties shall take or strengthen measures, including through bilateral or multilateral cooperation, to alleviate the factors that make persons, especially women and children, vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity".

The terms mentioned in the said article require all governments, who are party to this protocol through ratification, to take positive steps to address the underlying root causes of trafficking. Some of the causative factors that need to be addressed include: violence against women in all of its forms; lack of job opportunities; and restrictive migration policies and poorly planned economic development strategies. It means that policy measures should not be planned



Research shows that restriction on migration of women workers directly curtail their employment opportunities.

PHOTO: MUNIR UZ ZAMAN/AFP

in such a way which would prevent anyone, particularly women, from leaving the country for employment. Furthermore, article 12 of the International Covenant on Civil and Political Rights (ICCPR) also indicates that policy measures should not infringe upon the rights of individuals to enter and leave their country lawfully.

But unfortunately, in many cases we have witnessed that some initiatives—often in the name of protecting female migrant workers from exploitation and trafficking—limited their overseas employment opportunities, curtailed mobility rights and made them more vulnerable to exploitations. There is a possibility that restriction on WMWs at the countries of origin may limit legal routes of migration for them and make it more difficult for women to migrate through official channels. If the policy apparatus does not address persistent migration push factors such as lack of employment opportunities, inadequate livelihood options, and gender inequality, it may rather result in unsafe and

irregular migration of women workers with the assistance of exploiters and traffickers.

Almost all the women who are trafficked start out as migrants seeking work to sustain themselves. They are pulled into the migration stream by the demand for labour in destination countries. The demand of labour exists because citizens and residents of destination countries refuse to take low wage jobs. The important point is that the demand for migrant workers in destination countries are met one way or another. The question is whether the demand will be met by regular and documented migrant workers or by trafficked persons recruited and employed illegally.

Research shows that restriction on migration of women workers directly curtail their employment and livelihood opportunities. For example, incidents of exploitation of Nepali women migrant workers have prompted the Nepali government to impose bans on overseas employment of women workers. Similarly,

the Indonesian government banned migrant domestic workers from travelling to work in different Middle Eastern countries. The Philippines has also experimented with placing restrictions on domestic migrant workers to countries that are considered unsafe for their workers. There are arguments against his approach that says bans further worsen the limited migration options for women migrant workers, and they are forced to seek alternative routes to migrate which very often make them more vulnerable to exploitation, abuse and trafficking.

Many consider that effective bilateral agreements (BLAs) or memoranda of understanding (MOUs) between origin and destination countries with a specific focus on WMWs can help to protect them from vulnerabilities. For example, the 2013 BLA between Philippines and Kingdom of Saudi Arabia for domestic workers, signed in the wake of massive human rights scandal which received wider media attention, is believed to have achieved tangible gains towards protecting the rights of WMWs of Philippines. The BLA covered vital rights issues such as employers shall not withhold the migrant workers' passports, provide suitable accommodation, ensure minimum wage, allow paid leaves, etc. Others argue that such BLA and MoU (which have no legal binding on the involved parties) signed between sending and receiving countries very often fail to comply with international human rights frameworks including Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and ILO Domestic Workers Convention No 189.

There are also conspicuous shortcomings within the international legal instruments in protecting the rights of women migrant workers, especially in the destination countries. For example, ILO convention 189 on domestic workers was not designed to explicitly deal with women migrants. Although the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) promotes equal treatment of migrant workers, including women and men as well as undocumented migrants, it does

not deal with specific issues of vulnerabilities of WMWs and thus ICRMW is less effective in ensuring their protection. Similarly, the Palermo Trafficking in Persons Protocol does not adequately protect the human rights of women outside of providing aid to victims of trafficking. Likewise, the CEDAW General Recommendations (GR26) do not provide binding articles on the treatment of WMWs. Therefore, there is an increasing demand for creating a new enforceable protocol under CEDAW and ICRMW which specifically addresses rights of women migrant workers in all stages of migration, across all sectors.

To reduce vulnerabilities of WMWs, close cooperation from the destination countries are also essential. For example, the visa conditions of women migrant workers, particularly domestic workers, should not be conditional upon the sponsorship of a specific employer. Strict sponsorship arrangement may excessively restrict the freedom of movement of WMWs at the destination countries, which increases their vulnerabilities. Furthermore, standardised job contracts consistent with ILO guidelines and other international legal instruments can help in providing better protection to WMWs.

There are numerous evidences that restrictive policies for WMWs do not protect them; rather they limit the employment and mobility rights of the female migrant workers. Without addressing the main causes of their vulnerabilities in destination countries, arbitrary bans may create conditions for further exploitations. Any policies that restrict or ban migration because of concerns over exploitation of WMWs also fail to address the problem of unscrupulous recruiters and recruitment practices, unenforced BLAs and MOUs. Unless enhanced access to regular migration is ensured and decent work for women migrant workers are provided, it will not be possible to overcome the systemic patterns of exploitation and discrimination against female migrant workers at the destination countries.

K M Ali Reza has been serving as Programme Coordinator at the Regional Support Office of the Ban Process in Bangkok, Thailand.

PROJECT SYNDICATE

Three New Year's Wishes for Britain and the EU



MICHEL BARNIER

THE end of the year is a time for closure and new beginnings. As 2019 winds down, that is certainly the case with Brexit. Following the victory of British Prime Minister Boris Johnson and the Tories in the general election this month, it is now clear that the United Kingdom will leave the European Union on January 31, 2020.

For many, including me, the occasion will be tinged with regret. But it also represents an opportunity to forge a new UK-EU partnership. And besides, things could have been much worse. Owing to the withdrawal agreement that was concluded this past October, a destructive "hard" Brexit has been averted.

Since the beginning of the Brexit negotiations, we on the EU side—the 27 member states and the European Parliament—have not strayed from the bloc's core interests nor lost sight of the need for unity and solidarity. Our priority was first and foremost to secure the rights of European citizens, including by finding a solution for the people of Northern Ireland and Ireland, for whom the negotiations were about peace and stability, not just trade and the economy. Throughout the process, we have protected the EU single market and its guarantees for consumers, public and animal health standards, and safeguards against fraud and trafficking. But we also did our utmost to preserve a climate of trust between the EU and the UK, and to lay a solid foundation for a new partnership.

In accordance with its own wishes, the UK will no longer participate in EU institutions as of February 1, 2020. But it will remain in

the single market and the customs union at least until the end of 2020. And the free movement of people between the EU and the UK will continue, which means that it will be business as usual for citizens, consumers, businesses, students, and researchers on both sides of the channel over the next year.

Moreover, with the transition period, there will be time to implement practical measures to guarantee EU and UK citizens' rights, establish the customs and border arrangements agreed in Northern Ireland, and start to negotiate an agreement on the future relationship. But in the absence of a decision by the UK before July 2020 to extend the transition period—which Johnson has ruled out—a deal on the future relationship will have to be concluded in less than 11 months.

That will be immensely challenging, but we will give it our all, even if we won't be able to achieve everything. Never will it be the EU that fails on common ambition.

Since it is the time for New Year's resolutions, we should set three goals to achieve by this time next year. First, the EU and the UK must ensure that we have the means to work together and discuss joint solutions to global challenges. The UK may be leaving the EU, but it is not leaving Europe. As European Commission President Ursula von der Leyen recently put it, "Whatever the future holds, the bond and the friendship between our people are unbreakable." From addressing climate change and promoting effective multilateralism, to defending our homelands and countering those who choose violence over peaceful solutions, we share essential interests and values.

That is why the EU will continue to engage positively with the UK, both bilaterally and in global fora such as the United Nations, the World Trade Organisation, and the G20. Consider climate change. Next year, the UN



British and EU flags flutter outside the Houses of Parliament in London, Britain.

PHOTO: REUTERS/TOBY MELVILLE/FILE PHOTO

Climate Change Conference (COP26) will take place in Glasgow, Scotland. Setting ambitious targets will require a strong common position. If the EU and the UK cannot align on such a critical issue, there is little hope that others around the world will be able to do so.

Second, we need to build a close security relationship. Here, too, the UK's departure from the EU has consequences. The strong security cooperation that EU member states have put in place is linked to the free movement of people. It works because we have common rules, common supervision mechanisms, and a common Court of Justice. Because we trust each other and are assured that our fundamental rights are protected,

we are able to share data extensively and implement integrated solutions.

The same degree of cooperation is simply not possible with a third country that is outside of the Schengen area. But neither the EU nor the UK can guarantee its security without looking beyond its borders and building alliances. Tackling terrorism, cyberattacks, and other attempts to undermine our democracies will require a joint effort. The lives of our citizens depend on our ability to count on each other. That is why there can be no trade-off on our mutual security. This should be an unconditional commitment from both sides. I know that the EU's high representative for foreign affairs and security policy, Josep Borrell, agrees.

Third, by this time next year, we need an economic partnership that reflects our common interests, geographical proximity, and interdependence. In the "political declaration" agreed in October alongside the withdrawal agreement, the UK government made clear that it will pursue a free-trade agreement with the EU, and rejected the idea that it would remain in the EU customs union. That means the UK and the EU will become two separate markets.

The EU—including its trade commissioner, Phil Hogan—will engage in these negotiations in a positive spirit, with the willingness to make the most of the short time available. But, like the UK, we will keep our strategic interests in mind. We know that competing on social and environmental standards—rather than on skills, innovation, and quality—leads only to a race to the bottom that puts workers, consumers, and the planet on the losing side. Thus, any free-trade agreement must provide for a level playing field on standards, state aid, and tax matters.

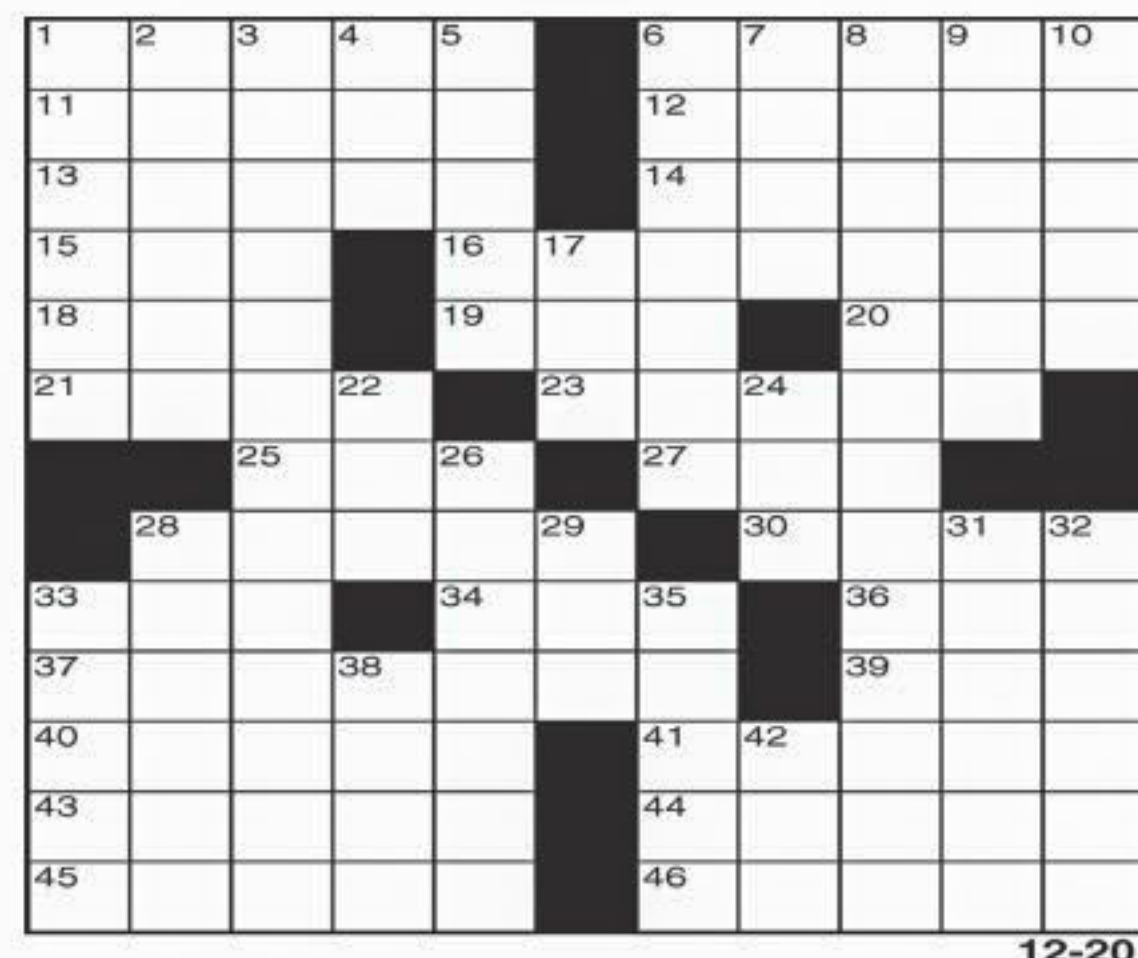
These are our three goals for 2020: to maintain a capacity to cooperate closely at the global level; to forge a strong security partnership; and to negotiate a new economic agreement (which, most likely, will have to be expanded in the years to come). If we achieve these three objectives, we will have made the most of the next year. As soon as we receive our mandate from the 27 EU member states, our team will be ready to negotiate in a constructive spirit with the UK—a country that we will always regard as a friend, ally, and partner.

Michel Barnier is a former vice president of the European Commission and French foreign minister. He is currently EU chief negotiator for Brexit.

Copyright: Project Syndicate, 2019. www.project-syndicate.org (Exclusive to The Daily Star)

CROSSWORD BY THOMAS JOSEPH

- ACROSS**
- 1 Some change
 - 6 Macho sort
 - 11 Blown away
 - 12 Mirror sight
 - 13 Crooked
 - 14 Cheap skate
 - 15 "Lenore" writer
 - 16 Working class section of London
 - 18 High trains
 - 19 Banned pesticide
 - 20 Pig's place
 - 21 Paper pack
 - 23 "The Rehearsal" painter
 - 25 Lot buy
 - 27 Cardi B specialty
 - 28 Gave a hoot
 - 30 Scheme
- DOWN**
- 33 Possesses
 - 34 Force member
 - 36 Piggied out
 - 37 Uncle Sam's home
 - 39 "For sure!"
 - 40 Do some tailoring
 - 41 Jack Sprat's restriction
 - 43 Wear away
 - 44 Gander's mate
 - 45 Stable mothers
 - 46 Tatter
 - 6 Cool cat
 - 7 Give off
 - 8 Tries to get
 - 9 FBI employees
 - 10 Bookish
 - 17 Say further
 - 22 Disfigure
 - 24 Opening
 - 26 Speaks from memory
 - 28 Phone feature
 - 29 Bashful friend?
 - 31 Comfortable
 - 32 Like Russian doll
 - 33 Women's rooms
 - 35 Hunger signals
 - 38 Take the bus
 - 42 Sound of delight



YESTERDAY'S ANSWERS

SCAR FLUSH
 AONE CRANIA
 GREW RETORT
 SAW ABOUT
 SADDLE DEALS
 NURSE FAUNA
 IRE KITTEN
 PAWPRINT
 SAFARI UNORA
 ELATES ETAS
 ELDER SAYS

Our Assurance

on Quality | on Price | on Service

OUR PROJECTS

- ▶ @ **DHANMONDI R/A**
SALVIA
LA MANDARIN
MAHMUDA VILLA
- ▶ @ **BARIDHARA**
ASSURANCE MARZUQ
- ▶ @ **IQBAL ROAD**
ASSURANCE BAROKOT
- ▶ @ **LALMATIA**
MASUKA LODGE
MUTTALIB VILLA
- ▶ @ **MOHAMMADPUR**
SULTAN'S LEGACY
HAYE HERITAGE
- ▶ @ **BANANI**
MEHRUNNESSA VILLA
- ▶ @ **NORTH BADDA**
KHALIL GARDEN
- ▶ @ **UTTARA**
BANANI KUNJA
BADHON
- ▶ @ **ASHKONA**
SHARNALI
- ▶ @ **AGARGAON**
ABEDIN'S DREAM
- ▶ @ **NIKUNJA**
ASIAN TOWER
(COMMERCIAL SPACE)
- ▶ @ **BANGSHAL**
AZHAR MARKET
(COMMERCIAL SHOP)
- ▶ @ **MOHAKHALI**
MS CENTER
(COMMERCIAL SPACE)

LAND WANTED

COMMERCIAL or RESIDENTIAL
AT ANY PRIME LOCATION

ASSURANCE DEVELOPMENTS

WE CARE ...

REIAB

WINTER FAIR 2019

24th-28th, December
(Bangabandhu International Conference Center)

Co-Sponsor

Stall-05

09-606-222-444

WWW.ASSURANCE.COM.BD