

Role of Labour Governance in Protecting the Rights of Migrant Workers: Bangladesh Perspective

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Abstract

Governance of foreign migration of our labour force has become a critical imperative due to the size and growth of this sector, as well as the value of remittances and its contribution to our GDP. Good policies and institutional frameworks are not synonymous with good governance. Neither mere predictability of mechanisms for formulating policies and procedures are not sufficient to produce good governance. While it is essential that appropriate policies and procedures be formulated, it also requires that the government has the political will to implement the policies it adopts. It must also demonstrate that it can deliver what is promised and expected from its institutions. This article begins with an examination of recent trends in Bangladeshi workers migration. It then analyzes the migration cycle and the challenges faced by migrants from the departure phase to reintegration. The manifold and complex gendered effects of migration are discussed on the basis of the secondary data generated from various reports of government and non-government organizations and of various publications of home and abroad. The final section provides some recommendations for public policy of migration.

Keywords : Labour Migration, Remittance, Policy, Governance, Challenges, Governance Gaps

1.0 Introduction

Migration has been an important livelihood strategy for the people of Bangladesh. It has remarkable positive impact on social development and empowerment through skill transfer and by fostering many community development initiatives. Globalization, modern communications and transportation have greatly facilitated the migration. People move continuously seeking better economic opportunities, family reunion and humanitarian relief. International migration gives a person an opportunity for higher income and better lives. The higher income of the migrated person not only changes his destiny, but has also improved the lives of his family in the home country (Chowdhury,n.d.)

When labour migration is used as the background context, and not as the subject of a television commercial, we, the consumers are basically asked to nullify our

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human instincts. The commercial draws a romantic picture of how life can be eased in a foreign land for a labourer after using a particular product (probably a telecommunication network that has spread beyond the borders of the country of origin). The commercial however does not show anything about the physical struggle or the hardship the labourer will go through, the discrimination he will face when it comes to wages, the sense of cluelessness he will have to deal with if he returns to his own country. The advertisement acts like a middleman, who sells dreams to potential migrant labourers in Bangladesh by not disclosing necessary information regarding everything else. It is not a surprise that the commercial lacks sentiments, given our media is driven by big corporates anyway. Since there is such a huge void and miscommunication when it comes to dissemination of information, the labourers are unaware of their own rights -- right to protection, right to health access, right to be acknowledged as human beings. Let us imagine that one morning the migrant labourers stop being used to the unfairness they have to deal with as they migrate, and they revolt by saying that they will not go out of the country to work -- what happens then? The country will bear a loss of 12 billion USD, which was the annual remittance in the year 2011 (Bureau of Manpower, Employment & Training [BMET], n.d.). However, the revolt is not going to happen because thanks to all the middlemen who brain wash the young minds of the migrant labourers into believing that life abroad is a better, beautiful life compared to life in Bangladesh. Also the labourers would rather settle down and struggle abroad, since there is less opportunity to work for them in their own country.

In the present scenario, the labour migration sector has been facing various challenges, such as, lack of initiative to make the potential migrants more skilled and efficient for the prospective jobs, lack of capacity, governance, responsibility and accountability both in public and private sectors with regard to managing the ever growing demand, growing incidents of abuses and exploitations in the migration processes at home and abroad (some of which are tantamount to human trafficking), lack of administrative and legal framework to prevent and prosecute those wrong doings effectively etc (Das, 2010).

This article highlights the challenges that Bangladesh faces in ensuring effective governance of the migration sector as a whole, and of the recruitment industry in particular. It emphasizes the need for pro-active migration policy and action by the public and private sectors and civil society, to ensure greater benefit of the state and communities, and protection to those who migrate.

2.0 Present Trends of Migration from Bangladesh

Bangladesh is considered as a resourceful country of a huge labour-force. About 60 million people constitute this vast reservoir of active manpower; fortunately Bangladesh is steadily turning her manpower into an asset through training and

skill development with a view to meeting the needs of overseas employment. It is not possible for Bangladesh to absorb the full range of available less-skilled, semi-skilled, skilled and professional manpower within the country in an appropriate manner and hence it is needed to find employment opportunities abroad. There are also a number of foreign countries who are in need of importing manpower from other countries (Chowdhury,n.d.).

Currently two types of international migration occur from Bangladesh. One takes place mostly to the industrialized west and the other to Middle Eastern and South East Asian countries. Voluntary migration to the industrialized west includes permanent residents, immigrants, work permit holders and professionals. They are usually perceived as long term or permanent migrants. Migration to Middle East and South East Asia are usually for short term and that migrants return home after finishing their contracts of employment in the host countries (Chowdhury,n.d.).

The following table captures the flow of migration over different periods:

Table-1: Flow of Migration from Bangladesh during 2001-2010 (BMET,n.d.)

Year	Worker's Category				Total
	Professional	Skilled	Semiskilled	Less-skilled	
2001	5,940	42,742	30,702	109,581	188,965
2002	14,450	56,265	36,025	118,516	225,256
2003	15,862	74,530	29,236	134,562	254,190
2004	12,202	110,177	28,327	122,252	272,958
2005	1,945	113,655	24,546	112,556	252,702
2006	925	115,468	33,965	231,158	381,516
2007	676	165,338	183,673	482,922	832,609
2008	1864	292,364	132,825	448,002	875,055
2009	1426	134,265	84,517	255,070	475,278
2010	387	90,621	20,016	279,678	390,702

However, overseas employment from Bangladesh started officially in 1976 with a modest number (6,078) of workers. Presently about 7 million Bangladeshi workers are employed around 130 countries across the world, particularly in countries of the Middle-East and South-Eastern countries. Saudi Arabia, UAE,

Malaysia, Kuwait, Qatar, Oman, Bahrain, Libya, Singapore are major destinations for Bangladeshi worker. Today, Bangladesh is considered as a good source of manpower. Information on the short term labor migrants who officially go overseas for employment is available with the Bureau of Manpower Employment and Training (BMET) (Chowdhury,n.d.).

BMET has classified temporary migrant population into four categories. These are professional, skilled, semi-skilled, and unskilled. Doctors, engineers, nurses and teachers are considered as professionals. Manufacturing or garments workers are considered as skilled; while tailor, mason, etc. as semi-skilled workers; housemaid, cleaner, laborers are classified as less-skilled (Chowdhury,n.d.).

3.0 Remittance flows to Bangladesh

Bangladesh is considered as one of the major labour exporting countries of the world. Since independence over 07 (seven) million Bangladeshis went abroad. The cumulative receives from Bangladeshi migrants during 1976-2010 stood at around US\$ 78.67 billion. Bangladesh maintained a healthy growth in remittances through the formal channel. The trend of remittance has accelerated in recent years from \$2.07 billion in 2001 to \$11.00 billion in 2010, an average growth of 43 percent per annum, even in the global financial meltdown. The oil-rich Middle Eastern countries with more than 80 percent of the total stock of Bangladesh migrants accounts for a lion's share of remittances (Chowdhury,n.d.).

The principal features of the remittance flows are as follows:

The Kingdom of Saudi Arabia is the most important source of remittances. Its share is about 29 percent of the aggregate remittances received in Bangladesh. The US, which saw a large inflow of migrants in recent years, accounts for the second largest source nearly 15 percent of the total.

4.0 Governance of International Labour Migration

4.1 International Legal instruments for Protection of the Rights of Migrant Workers:

For a long time, the ILO was considered to be the principal organization concerned with the welfare of migrant workers. The first session of the International Labour Conference in 1919 highlighted the issue of equality of treatment between nationals and migrant workers, and the coordination of migration policies between states on the one hand and between government, employers' and workers' organizations on the other (ILO 2001) (Siddiqui, 2005). The most important of the ILO instruments relating to migrant workers are:

- i) The Migration to Employment Convention (Revised) 1949 (No. 97);
- ii) The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) concerning migration in abusive conditions and promotion of equality of opportunity and treatment of migrant workers;
- iii) The Migrant Workers Recommendations (No. 151). Convention No. 97 came into force in 1952 and Convention No. 143 in 1978.

Table-3 : Year-wise remittance statistics (Bangladesh Bank,2010).

Year	Remittance in billion US\$	Remittance in Crore BDT
2001	2.07	11590.79
2002	2.85	16484.53
2003	3.18	18485.12
2004	3.56	21286.52
2005	4.25	27304.33
2006	5.48	38366.56
2007	6.57	45724.44
2008	9.01	61587.83
2009	10.72	73981.46
2010	10.99	76505.93

The United Nations is the harbinger of the rights of all human being including the migrant workers since its journey in 1945 taking over the lessons from the mistakes of the League of Nations founded in 1920. Under the auspices of The United Nations International Convention for the Protection of all Migrant Workers and Member of their Families (ICMW)-1990 is the most extended and comprehensive instrument to protect the rights of migrants and member of their families. The UN Convention is treated as the seven core international human rights documents seeks to play a role in preventing and eliminating all forms of exploitation, discrimination, abuse and harassment of migrant workers in countries of origin, transit and destination. According to the Convention all persons, regardless of their nationality, race, legal or other status, are entitled to fundamental human rights and basic labor protections, including migrant workers and their families. The Committee on Migrant Workers (CMW) under the UN Convention of Migrant Workers is the supervisory body for the protection of migrant workers all over the world. They are also entitled to certain human rights and protections specifically linked to their vulnerable status. The Convention as a human rights instrument has drawn rights substantially from the Universal Declaration of Human Rights (UDHR), 1948.

International Covenant on Civil and Political Rights (ICCPR), 1966, and International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 among others (Hoque & Andaleeb,2010,pp.237-256)

Prior to the enactment of the UN Migrant Rights Convention, 1990, the human rights of migrant workers were ensured long before in Article 23(1) of the Universal Declaration of Human Rights (UDHR) and recognized by Article 7 of the ICESCR as "just and favourable conditions of work" The human rights standards embodied are universal in two senses. First they are open to ratification by all states and, secondly, they are universal in personal scope, which is reflected in the use or terminology such as 'everyone', 'all persons', etc. Beside these a greater number of more specific standards for protecting the rights of the workers may be found in the general universal human rights treaties, namely have accepted the in the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC). However, it should be emphasized that many provisions in these specific instruments replicate also build upon the human rights norms in the ICCPR-1966 and the ICESCR-1966 (Hoque et al.,2010,pp.237-256)

The 1990 UN Migrant Rights Convention ensures rights to both regular and irregular, and male female migrants. The human rights of migrant workers and their families are also universal, indivisible, interconnected and interdependent human rights. The Convention provides two types of rights migrant workers:

- a) Human rights of all migrant workers and members of their families (The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990 [Part III])
- b) Other rights of migrant workers and members of their families who are documented or in a regular situation (The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990 [Part IV])

The human rights are applicable to all migrant workers irrespective of their legal status, while rights are applicable only to migrant workers in a regular situation. The rights of the undocumented workers are not totally excluded from the Convention. It has incorporated provisions for the "just treatment" for those who are in an undocumented or irregular situation. Simultaneously, the instrument seeks to draw the attention of the international community to the growing trend of dehumanization of the migrant workers and members of their families as well. The Convention was strongly inspired by ILO principles and standards (Hoque & Andaleeb,2010,pp.237-256).Bangladesh has ratified the

1990 UN Migrant Rights Convention in 2011 (Siddiqui & Billah, 2012).

This UN-convention contains 93 clauses and is the longest human rights convention altogether. In accordance with other human rights conventions, contracting parties are obliged to warrant the human rights of working migrants listed in this convention without discrimination (The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990 [Part II]). In Part III these human rights specific to migrants are listed separately. Part IV concerns itself with further rights of migrant workers that regularly reside in their mother land. Part V entails regulations concerning specific categories of foreigner like cross-border commuters, seasonal labourers and travellers. Part VI lists regulations dealing with working migrants without a residence permit. Having been one of ratifying countries, Bangladesh has got a legal obligation to safeguard all the rights of the migrants and their families as enshrined under the 1990 Convention. (The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990 [Part III])

4.2 Legal and Regulatory Framework to Manage Labour Migration in Bangladesh

After the independence of Bangladesh, emigration from the country was regulated and controlled under the 1922 Emigration Act that the country inherited from its British colonial past. With the gradual increase in the flow of temporary labour migrants from Bangladesh to the Middle Eastern countries, the inadequacy of the existing 1922 Act was felt and major policy changes were envisaged (CEDAW AND THE FEMALE LABOUR MIGRANTS OF BANGLADESH, n.d.).

At the initial stages when migration of short-term workers to the Gulf states began in the mid- 1970s, it was the government in Bangladesh which was actively engaged in facilitating the process. With the passage of time, as the demand for labour continued, the government handed over the recruitment responsibility to private recruiting agencies. It was in this context the Emigration Ordinance of 1982 was framed. The Ordinance was designed to set the rules for governing the labor migration sector. The Ordinance elaborated the licensing and monitoring mechanisms of recruiting agencies. It also explicitly described the punishment of individuals and private recruiting agencies involved in fraudulent practices. Gradually in 2002 rules were framed on the basis of the 1982 ordinance. Besides the Ordinance and rules, a policy had also been framed in 2006 entitled 'Overseas Employment Policy' (CEDAW AND THE FEMALE LABOUR MIGRANTS OF BANGLADESH, n.d.). In 2013, The Overseas Employment and Migrants Act was passed by repealing the Emigration Ordinance, 1982 (Ordinance No. XXIX of 1982). With this Act

becoming effective, a broad legal framework with punitive measures for specific recruitment violations has been put into place. This is the first-ever law on labour migration passed by the Parliament of Bangladesh and one that derives principles from the International Labour Standards and the UN Conventions and Recommendations.

4.2.1 The Overseas Employment and Migrants Act 2013, Bangladesh (Act no VLVIII of 2013)

The Overseas Employment and Migrants Act was passed in 2013 in an effort 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 on the Rights of Migrant Workers and the Members of Their Families 1990 and other international labour and human rights conventions and treaties ratified by the People's Republic of Bangladesh. The Act was designed with the technical assistance of the ILO's SDC-funded project on 'Promoting Decent Work through Improved Migration Policy and its Application in Bangladesh'. The law-making process involved dialogue in the form of focus group discussions with 185 Bangladeshi migrant workers across 14 districts; two national-level multi-stakeholder consultations with over 150 participants, including the Bangladesh Association of International Recruiting Agencies (BAIRA) and workers' and employers' organizations; an interministerial consultation involving around 20 ministries and government divisions; and five exchanges within the Ministry of Expatriates' Welfare and Overseas Employment (MEWOE) on stakeholders' proposals. As part of the Act: (1) all workers migrating from Bangladesh, including domestic workers, are recognized as workers and are guaranteed basic labour rights; (2) they have the right to legal remedy; (3) they can access labour courts, mobile courts, and other courts; and (4) the Bureau of Manpower, Employment and Training (BMET) and labour attachés in destination countries are recognised as key rights custodians. With this Act becoming effective, a broad legal framework with punitive measures for specific recruitment violations has been put into place. This is the first-ever law on labour migration passed by the Parliament of Bangladesh and one that derives principles from the International Labour Standards and the UN Conventions and Recommendations. Section 6 of the Act of 2013 declares that the principle of equality is to be applied at all times for overseas employment and return of migrant workers and while providing services or performing any other action and no one shall be discriminated on on one or more grounds, including, gender, language, birth, colour, age, ethnicity or national origin, political views, religion, ideology, familial, marital or social identity, or regional affiliation, or

any other reasons. Chapter 3 regulates the vital issues of recruitment agents and obtaining procedure of licence for recruitment agencies. It also sets rules regarding duration, renewal, cancellation, suspension and revocation of licence. Chapter 5 of the Act outlines the crucial matter of employment contract of migrant workers whereas chapter 6 emphasizes the establishment of Labour Welfare Wing in the countries of destination, if necessary for the purpose of expanding reach into labour market thereto and for protecting the rights of the migrant workers in the concerned foreign states. Chapter 7 of the 2013 Act enshrines the human rights of the migrant workers in line with the major labour and human rights treaties that Bangladesh has ratified. Migrant workers shall have the right to be informed about the migration process, employment contract or the terms and conditions of the work overseas, and the right to know about their rights as per the law before his departure. Also, they will have the right to reasonable legal aid and the right to file criminal case and civil suit for legal redress regarding migration irregularities. This chapter also guarantees that a migrant worker, especially a worker detained or stranded, or otherwise is in situation of distress overseas, shall have the right to return to Bangladesh and to receive necessary assistance from the Bangladesh Mission in the concerned foreign country. For the purpose of welfare and development of migrant workers and the members of their families, the Government is entrusted with responsibilities to undertake measures to launch, and make more accessible, bank loans, tax-exemptions, saving schemes, investment opportunities and other facilities. Moreover, Chapter 8 has prescribed punitive measures for specific recruitment violations as mentioned under the 2013 Act. (The Overseas Employment and Migrants Act, no-VLVIII, 2013)

4.3 Institutional Framework of Labour Migration from Bangladesh

Labour recruitment from Bangladesh involves various government ministries and agencies; private recruiting agents and their local and international intermediaries; and potential migrants and their families.

4.3.1 Ministries

There are five key government ministries which deal with international labour migration: the Ministry of Expatriates' Welfare and Overseas Employment (MoEWOE); the Ministry of Home Affairs; the Ministry of Foreign Affairs; the Ministry of Finance; and the Ministry of Civil Aviation and Tourism. Until 2001, the Ministry of Labour and Employment was in charge of international labour migration. Then in December 2001, the current Government established a new ministry in response to demands from expatriate Bangladeshis and migrant workers. This new ministry- the Ministry of Expatriates' Welfare and Overseas Employment- is responsible for implementing the rules framed in 2002 under the Emigration Ordinance 1982

and, accordingly, for promoting, monitoring and regulating the migration sector. Its activities are concentrated in two broad areas: firstly, to create overseas employment opportunities and secondly, to address problems experienced by expatriates and to ensure their welfare (Siddiqui,n.d.,pp 63-89). The role of foreign missions [1] is also extremely important in respect to migration.

4.3.2 Bureau of Manpower, Employment and Training (BMET)

The BMET is the executing agency of the Ministry of Expatriates' Welfare and Overseas Employment in respect to processing labour migration. The BMET was created in 1976 by the Government to ensure maximum benefit from labour migration to the national economy. Since the promulgation of the Emigration Ordinance of 1982, it has been working as the implementing agency of the Ordinance (Siddiqui,n.d.,pp 63-89) Currently BMET [2] is responsible for a wide range of functions.

4.3.3 Private recruiting agencies

In the 1970s, the government was responsible for carrying out the functions of recruitment. However, since 1981, this role has been carried out by private recruiting agents, as part of private sector development. The private agencies work under licence from the government. On their own initiative, they collect information on demand and orders for foreign employment. After obtaining permission from the BMET, the agencies recruit workers as per the specifications of the foreign employers and then execute the procedures involved in their deployment (Siddiqui,n.d.,pp 63-89). Over time, the recruiting agencies became organized under the Bangladesh Association of International Recruiting Agencies (BAIRA). This association was formed in December 1984 with representatives of 23 recruiting agencies. BAIRA currently has 860 member companies and it acts to protect their rights and promote their activities (Siddiqui& Billah,2012) Among these, only ten companies are authorized to deal with female workers migration from Bangladesh (Siddiqui & Jahan,2011). BAIRA is also assigned to undertake welfare measures for workers abroad and their families at home. Another of its major tasks is to collect information about host country labour laws and distribute these amongst Bangladeshi migrants for their knowledge and protection (Siddiqui& Billah,2012).

4.3.4. Bangladesh Overseas Employment Services Limited (BOESL)

In 1984, the then Government also established the Bangladesh Overseas Employment Services Limited (BOESL) as a limited company to take on a direct recruitment role. The BOESL cooperates closely with the Bangladesh Association of International Recruiting Agencies (BAIRA) (Siddiqui,n.d.,pp 63-89).

5.0 Challenges and Governance Gaps in Labour Migration

The core problematic feature of the labour migration process as it exists is that the private-government nexus reaps all the profits, whereas workers bear the direct costs, as well as risks and uncertainties. In the current governance context, there are no incentives for any of the parties who reap the benefits in changing this arrangement in favour of the workers.

5.1 Malpractices by Local Migration Service Providers

In recent years, malpractices by private recruitment agencies and local agents, called dalals, have been highlighted, discussed and attempted to be addressed quite frequently by the media, the state as well as the civil society organizations. As per existing legislation, the state should not only regulate the institutional framework of labor migration, but also has the responsibility for monitoring the process and arbitrating grievances. Despite the diverse mechanisms set in place to enable this, the state's inability to hold licensed agencies and unlicensed sub-agents accountable has led to a continuation of abusive and exploitative practices that negatively impact both migrant workers, and thus the industry as a whole. The most common offences are related to collecting far higher service charges than permitted under law. One of the major findings of this article is that Bangladeshi migrants often pay double what their counterparts pay in neighboring countries for the migration process, due to the severe lack of implementation of policies and legislation and an absence of monitoring. In other cases, ruthless agents send workers without proper work permissions who are stranded upon arrival. Prospective labor migrants also face difficulties when interacting with public migration facilitators. While passport issuance should be a standard service available from the state, the process is often made more complex than necessary. Besides overly long queues to submit application forms and collect passports, there are often undue delays in passport delivery, police verification and forgery of attestations. Many migrant workers rely on recruiting agencies to obtain passports and travel documents, who often do not follow due practice. Sometimes workers do not even sign their own passport application forms, and find themselves in problematic situations when their signatures do not match when abroad. The migrant workers, many of whom are illiterate village residents, are often manipulated and swindled into not only paying higher charges, but also into working at lower wages and in worse jobs. Given the information asymmetry that exists in the market and the large amounts of money migrants pay to go abroad, they are forced to accept the situation. However, the current state of the migration process indicated many large governance gaps where regulation fails to implement existing legislation, with workers being those who are most disadvantaged (The Institute of Governance Studies,; BRAC University, 2009)

5.2 The Financial Sector in the Migration Process

Formal credit institutions play a critical role in the migration process, both in terms of mobilizing remittances as well as providing much needed credit support to prospective migrants. But prospective migrants are often forced to take drastic measures that endanger their families' livelihood and entrench their future with that of ruthless agents because they are often denied access to formal credit mechanisms in the financial sector. They are not perceived as either a priority or a good credit risk by the very banking and credit institutions that are more than happy to handle their remittances (The Institute of Governance Studies, 2009)

Government has set up the Probashi Kallyan Bank(PKB) in April 2011 with a view to ensuring smooth transfer of remittance, financing migration cost and providing capital support to migrants to help productive utilization of remittance (Siddiqui & Billah, 2012) .On 28 June 2012, Bangladesh Migrants Foundation, a migrant rights body alleged in a press conference that PKB grants loan of BDT 84000 in the maximum to an aspirant migrant who wishes to work in labour receiving countries situated in Middle East Asia whereas an aspirant migrant who eyes on Europe may receive a loan of BDT 120000 from PKB to finance his migration. As a matter of fact, the actual migration expenses is found to be 3-4 times higher than the loan sanctioned to prospective labor migrants. This approach of PKB is considerably maximizing prospective worker's propensity to take informal loans at high rates of interest and mortgage property to moneylenders. Thus migration expenditure is unreasonably mounting every year endangering the financial stability of prospective migrants workers and their families (Daily Prothom Alo, 2012, June 29,p.3) Therefore, the challenges for Probashi Kallyan Bank are enormous.

Often, migrant families are unable to use money remitted for many months as it is used to repay loans taken at high rates of interest to cover the costs of the migration process. The ever-increasing flow of remittances demands a systematic inquiry into the mechanisms of transfer. Formal systems for remittance transfer include banks, postal services, money transfer operators (MTOs), other wire transfer services, and credit unions. While banks and postal services offer reliable remittance services in almost all host and home countries, difficulties in regard to transferring remittances through formal systems include high costs, transaction delays, unfriendly customer service and complex paperwork. As a result, unofficial channels such as the hundi (informal transfer of money) system are vital for migrants (The Institute of Governance Studies, 2009).

The nation's central bank plays a crucial role in increasing the inflow of remittances through formal channels. However, transfers from banks usually take up to a week in the case of receiving banks situated in Dhaka. If the banks

are located in localities in other districts (e.g. some are in rural areas), the

delivery time may extend to a few weeks. Many migrants report negative experiences during their contact with such agents. Add to this bureaucratic hassles and the absence of banking services in many rural areas, and it is clear why many favor the informal remittance market. From a governance viewpoint, lack of available credit and easy legal remittance facilities for migrant workers present a bottleneck that creates further governance malpractices (The Institute of Governance Studies, 2009).

5.3 Inadequate Resource Allocation

The Ministry of EWOE is the most important apparatus within the government that manages migration. However, the ministry suffers from severe resource shortages. The Ministry and its line agencies have a shortage of skilled and competent human resources as well as inadequate infrastructure. Due to these pressing issues many of the functions for protecting and promoting the rights and welfare of migrant workers cannot be delivered by the ministry (Siddiqui & Farah, 2011)

5.4 Challenges of Reintegration

Upon their return after a long stay in a different cultural context, the returnee migrant worker often finds it difficult to reintegrate into the society that has gone through changes in his/her absence. In the context of male-headed households of Bangladesh, sometimes in the absence of the male member of the family, the female member has to perform tasks that are usually categorized for the male. Her increasing involvement in various situations and decision-making processes for household management make her a more active participant in the decision making process that the male migrant cannot accommodate on his return. In case of the female labor migrant, the challenges of reintegrating socially and economically are greater than for males. Female domestic workers cannot use their skills on their return, as they find little support from family members for doing the same job. Although the overseas employment policy of the government of Bangladesh has addressed the issue of social and economic reintegration of the returnee migrant workers (BOEP, 5.7), the government is yet to take necessary measures so that the returnee migrants can get necessary supports for reintegrating into the society (CEDAW AND THE FEMALE LABOUR MIGRANTS OF BANGLADESH, n.d.)

6. Strengthening Governance of International Migration in Bangladesh: Way Forward

The Global Commission on International Migration (GCIM) has identified four major challenges in establishing governance in migration at the national level (2005): firstly,

the lack of coherence in national policymaking on migration; secondly, the lack of coordination between policymaking and policy implementation; thirdly, the lack of capacity, defined as the lack of information, knowledge, institution and resources to process migration, and fourthly, the lack of communication between countries. The recommendations below take into account these requirements and would be initial steps towards the governance overhaul that the industry needs (The Institute of Governance Studies, 2009).

6.1 Negotiating Terms with Receiving Countries that Ensure Workers Welfare

Given that most countries 'hosting' Bangladeshi female migrant workers have not ratified international instruments of worker protection such as United Nations or International Labor Organization conventions, bilateral agreements or memoranda of understanding (MoU) are important instruments through which the protection of rights of female migrants can be ensured. Successive Bangladeshi governments have sent high-level delegations to various labor receiving states to negotiate such agreements.

However, there is a general reticence on part of labor destination countries to sign any bilateral agreement and MoU that are legally binding. Given that sending countries like Bangladesh are in the weaker positions in negotiations such as these and cannot dictate terms to their liking, the minimum that the government of Bangladesh could do is to develop a minimum set of standards for sending female laborers for conditions under which migrant laborers have to work (The Institute of Governance Studies, 2009). Government has to ensure the rights of migrant female workers in association with human rights and women's rights organizations and trade unions. It needs to advocate for the protection of women migrants in accordance with the CEDAW in countries that have ratified CEDAW (CEDAW AND THE FEMALE LABOUR MIGRANTS OF BANGLADESH, n.d.).

6.2 Operationally Enshrining Migrant Rights as the Core of the Governance Framework

Migrant rights should be made the central premise of the governance framework in order to make policies, institutions and processes more relevant. From an international perspective, good governance needs to safeguard the

interests of the labour force vis-à-vis the host state and employers. If the latter are reluctant to adhere to the regulatory framework, there need to be mechanisms from the side of both sending and receiving countries to penalise these companies. Counseling and legal services need to be provided to migrants both at home and abroad (The Institute of Governance Studies, 2009). Government has to promote equal access for men and women to overseas employment opportunities by actively promoting female participation. A positive image of female migrant workers should be put forward by the GoB to encourage both government and civil society to promote and protect their rights. The GoB should also work with NGOs to promote and protect the rights of female migrant workers. Government must remove all discriminatory rules and regulations for women in the banking system and ownership of property. A National Migration Policy should be developed and adopted immediately. The remaining reservations on CEDAW should be withdrawn without any delay (CEDAW AND THE FEMALE LABOUR MIGRANTS OF BANGLADESH, n.d.).

6.3 Ensuring Proper Functioning of Monitoring Mechanisms to Create a Transparent and Efficient Migration Process

Proper monitoring mechanisms need to be set up to regulate licensed agencies and shut down operations of illegal agencies and middlemen who are unscrupulously swindling

prospective migrants. Inter-ministerial co-ordination and collaboration with key agencies, including civil society should be ensured. For negotiating labor opportunities there should be healthy competition between the public and private sector. Migration fees need to be reasonable, with an imposed ceiling on the fees. Additionally, proper cost disaggregation needs to be provided to migrants, such as visa fee, agents' charge, documentation and processing fees. The provision of passports for migrant workers by the government needs to be simplified, made less costly and less time consuming. Strengthening the staff capacity, training and role of government bodies such as BMET and BOESL is a step towards addressing recruitment problems. BMET should maintain a sex-disaggregated detailed database for gender sensitive analysis. The media and civil society organizations can also disseminate this information. The introduction of smart cards may contribute substantially to improving monitoring. Manpower agencies themselves should also set up internal mechanisms for monitoring. BAIRA, as their umbrella organization, could be a focus point, establishing a code of conduct and best practices among agencies. Regularly maintaining and publicizing lists of 'blacklisted' agencies could decisively contribute to putting rogue agencies out of business. All transactions between recruiters and migrants should be transparent and any financial

transactions should be recorded. The implementation of fiscally strict manpower agency auditing will go some way towards ensuring that these companies are financially responsible (The Institute of Governance Studies,2009).

6.4 Awareness Raising

Government has to focus on information dissemination. The Bangladesh Overseas Employment Services Ltd. can open a special cell/desk for potential women migrants. There should be more help desks and information centers available at the grassroots level to create awareness amongst migrants, especially women migrants about the legal opportunities and procedures. Communication materials should be simple, given the education background of most of the Bangladeshi migrants. Involvement of the private sector in establishing 24-hour hotlines and help desks is essential. The GoB should appoint female welfare officials in the destination countries to ensure safe migration as well as protect the safety and rights of women migrants at workplaces. The pre-departure orientation services of BMET as well as NGOs should be strengthened. It is suggested that returnee migrants themselves can serve as resource persons during such orientations to provide a reliable and accurate account of life abroad for migrant workers ('Policy Dialogue on the Global Economic Crisis: Impact on Women Labour Migration in Bangladesh',2009).

6.5 Emphasis on Skill Development

The ultimate protection to all female migrant workers is the possession of appropriate skills. Pursuant to this and as soon as practicable, the government should encourage deployment of increased number of skilled workers abroad.

Government should take steps to increase the possibilities for migration among women by improving and extending their work skills. Training should be provided on in-depth skills and in further sectors, such as nursing, care giving, electronics, clerical/office management and foreign languages..To develop stronger skills with migrant workers, the period of skills training should be extended. There should be decentralized and localized training for women ('Policy Dialogue on the Global Economic Crisis,2009) .Government should take immediate steps to remove institutional hindrances in promoting migration of nurses.

6.6 Securing Access to Credit and Efficient Means of Remittance Transfer for Migrants

Currently, it is migrants who bear the enormous costs of migration.

Low-interest loans could be provided to prospective migrants and their families for a period of 6 to 12 months, considerably minimizing the propensity to take informal loans at high rates of interest and mortgage property to moneylenders. Migrants tend to use informal channels of remittance such as hundi more because of inadequate knowledge or lack of public access, so special measures need to be taken to provide assistance to women to access formal financial institutions to send money home and to encourage them to participate in saving schemes (Ghosh,2009).

Furthermore, areas where the recently established Probashi Kallyan Bank operates include transfer of remittance, financing migration cost and providing capital support to migrants to help productive utilization of remittance. As a specialized financial institution, this bank must forge partnerships with commercial banks and non-government organizations in processing, disbursement and recovery of loans. It can also use the extensive network of post offices in remittance transfer. Most importantly the operation of the banking should be Government should frame a policy keeping 20 per cent of total posts in Probashi Kallyan Bank reserved for the expatriate Bangladeshi. Micro finance institutions (MFIs) with their wide national network may also be motivated to provide loans to the migrant workers. Sex-disaggregated data on remittances should be generated. Information on how much remittance comes from women would allow women to have more voice on the issue of female migration ('Policy Dialogue on the Global Economic Crisis,2009).

6.7 Increased Budgetary Allocation for strengthening the Ministry

Given the sheer size of contribution of labor migration sector to the national economy particularly in harnessing foreign exchange, the government should substantially increase its budgetary allocation to the sector. Increased budgetary allocation is crucial in meeting new challenges that is currently being faced by Bangladesh as a labor origin country. It will also help set up institutions to better equip and train the migrant labor force. Given the significant contribution of international labor migration to the Bangladesh economy, the Ministry of Expatriate Welfare and Overseas Employment(EWOE) should exert every effort to strive to position themselves more prominently among the hierarchy of government offices in order to receive greater budgetary allocation to support its goals. In light of the impact that the overseas employment programme has on the national economy, the Ministry of EWOE should demonstrate that the overseas employment programme of the country requires more than 0.3% of its share of national revenue budget. The agencies responsible for labor migration should prepare and present their plans and programmes during budget deliberations (Guidelines for Developing an Action Plan for Bangladesh to Manage Labor Migration,n.d.)

The Ministry of EWOE should be redesigned with at least five separate departments; such as Facilitation and Regulation of Recruitment; Rights and Welfare; Labor Attaché Management; Long Term Bangladeshi Affairs and Policy and Research. Resource allocation for institutional reorganization must be ensured from the revenue budget and necessary infrastructure and human resource development to be borne from the development budget (Siddiqui & Farah, 2011).

6.8 Strengthening Bangladesh Mission Abroad

The country-team approach shall be the mode under which Bangladesh Embassies or their personnel may operate in the protection of the migrant workers as well as in the promotion of their welfare. The protection of the dignity and fundamental rights and freedoms of the Bangladeshi citizen abroad, in general, shall be the highest priority concerns of the Ministries of the Foreign Affairs and the Expatriates' Welfare and Overseas Employment. The Head of the Mission should be made accountable for ensuring welfare of migration (Guidelines for Developing an Action Plan for Bangladesh to Manage Labor Migration,n.d.). Bangladesh missions should develop mechanisms to periodically assess the condition of the women labour force. Measures must be taken to facilitate women's easy access to consular support in distress situations. Bangladesh missions, particularly those in the labour receiving countries, should embark on gathering information on local laws and cases affecting labour, particularly migrant labour issues. They should also collect information on rights activists, migrant labour support groups and human rights organizations. Workers who may require their services can be directed to those individuals or organizations. The matters that involve litigation, has to be pursued effectively. If necessary, legal advisors are to be appointed to contest cases in the labor or sharia courts. The missions should also encourage workers to avail interpreter's services in countries that offer such services.

6.9 Labour Attaches Role

Labor attaches in the Bangladesh missions overseas should make themselves more accessible to migrant workers. Ensuring the well being of the workers deployed in the country should be his/her most important preoccupation. This would necessitate periodic visits to work sites, such as garments factories, and follow up on complaints received from the workers. The missions should also facilitate workers with legal support in cases that they deem the employers did the workers wrong (Guidelines for Developing an Action Plan for Bangladesh to Manage Labor Migration,n.d.).

6.10 Market Exploration

Women are predominantly limited to the informal sector, which opens up scope for exploitation. At present, GOB should plan on shifting focus from domestic work to more diverse sectors including, caregivers, nurses, etc. as there is a huge demand for these types of workers in developed countries. Bangladesh should look to send women to countries where there is a large aging population-because of the need for workers there and the more protective labor laws, Bangladesh should begin training its workers to fill the need for workers in these countries. The Ministries of EWOE and Foreign Affairs may undertake proactive programmes for market exploration. Experts' support may be solicited for developing appropriate tools and guidelines in this regard.

Moreover, it is to be noticed that the Philippines has put a temporary ban of female migration. Indonesia has also stopped sending females to Saudi Arabia. Sri Lanka is also trying to expand its male labour market and reduce the flow of female migration. Under such circumstances, Bangladesh needs to be extra conscious regarding the security of its female migrant workers. Multilateral agreements involving all receiving and sending countries may go a long way in this respect (Siddiqui & Billah,2012).

6.11 Focus on Labour Export to Wealthier Economies

With the shift in income to upper level, richer countries are increasingly outsourcing various types of jobs. The benefit of working in a wealthier country is that workers earn more and job security is ensured to a certain extent. Our government needs to maintain closer ties with richer countries and enhance the quality of vocational as well as academic training so that people can be sent abroad in blue-collar as well as higher categories. Discussions should also take place to reduce the cost of outward remittance in the host countries. The worker remittance should be viewed as a relatively stable source of foreign exchange. While Foreign Direct Investment (FDI) is driven by fiscal policy of a particular government, remittances are not so much fiscal incentive driven. It continues to flow even during bad times, when FDI or portfolio investment or official flow plunges in the event of financial crisis/meltdown. Hence, worker remittance is viewed as one of the most stable and more definite sources of foreign exchange (Rashid,2008).

6.12 Ensuing Health of Migrants

In many instances migrants are not covered under health insurance scheme and may often have to endure physical and financial hardships for not accessing health care services in time. Measures should be taken so that health insurance is incorporated in the migrants' contracts with the employers. Widespread

dissemination of messages in Bangla, both printed form, as well as electronically, on preventive health-care, including sexually transmitted diseases and HIV/AIDS should be organized before migration as well as in the destination countries. Government should put in place special programs for dealing with health services of both outgoing migrants and returnees including their families.

6.13 Return and Reintegration

Reintegration of returnee migrants has been one of the least explored areas. To fill the gap the government, private and non-government sectors need to develop their understanding about the needs of returnees and develop appropriate programmes for them. Measures should be taken so that migrant workers become aware of the importance of advance planning on return and reintegration. In this regard advisory services and information channels should be established that would provide an array of information about possible investment opportunities of their savings / remittances and also utilization of their skills (Guidelines for Developing an Action Plan for Bangladesh to Manage Labor Migration,n.d.).

The GoB should recruit gender experts to address practical and strategic needs regarding post migration. Gender sensitive reintegration programming /counseling would assist both women and men in understanding changing gender norms. Formulation of a gender responsive stimulus package for returnee workers is the demand of time. Assistance of private sector can be solicited to facilitate the returnee women workers to get jobs in the country. Under Private Public Partnerships and Corporate Social Responsibility projects, the private sector can play a key role together with the government in facilitating the reintegration of returnee female migrants .

7.0 Concluding Remarks

Evaluating the present labour migration scenario in Bangladesh, I observe that some major tasks in establishing good governance in migration sector have been successfully executed. Enactment of the Overseas Employment and Migrants Act 2013, Bangladesh (Act no-VLVIII of 2013), introducing migration loan programme of the Probashi Kallyan Bank, repatriating the Libya returnees, and ratifying the 1990 UN Convention on the rights of migrant workers are the most notable initiatives. Simultaneously, the challenges are enormous for the government this year. The failure to restore and access labor market in Saudi Arabia, Kuwait, Qatar and other countries, one country centric migration, and return of female migrants from Jordan were some of the formidable challenges (Siddiqui & Billah, 2012).

The government also needs to ratify the Domestic Workers' Convention of the ILO 2011. In order to deal with issues like reducing migration cost, visa trading, and the demerits of kafala system, the government should strengthen the participation of civil society organizations in the multilateral forums and to effectively engage with the migrant receiving countries. To prevent the incidents like beheading of migrant workers in future, initiatives should be taken to aware migrants and take up the issue of protection of workers in various multilateral forums (Siddiqui & Billah, 2012). Free movement of service institutions along with other inputs of production is expected under WTO. Benefits will go to the countries which are preparing themselves for WTO. The up-side is that countries can export talents without many obstacles under WTO; the down-side is that countries which have not yet addressed the issue may suffer the consequence of their people losing jobs. However, Bangladeshi talents with white-collar jobs in global services institutions will eventually contribute to remittance. This has been the case for non-resident Indians (NRI) in India. Manpower export should be considered as an industry in Bangladesh, and the government should focus on building an end-to-end network to facilitate smooth and safe migration, not just for blue-collar wage earners but also for white-collar jobs in the international markets. Capacity enhancement of the relevant government agencies should be addressed. This requires participation of overseas recruiting agencies, prospective employers, the Bangladesh consulates, host country regulatory bodies and Overseas Bangladeshi Community Group (Rashid, 2008).

On October 19, 2014, 171 Bangladeshi citizens were rescued by Thai authorities from deep within a jungle in Thailand. This raised concern nationally and internationally about irregular migration of poor Bangladeshis and people from Myanmar to Malaysia through Thailand along the maritime route of Bay of Bengal. A large number of Bangladeshis are living in inhuman condition in the jungles of Thailand, waiting to go to Malaysia. Many of them are in jail, many have lost their lives and whereabouts of some others are unknown. The extent of this particular migration flow is unknown. Some reports from media have estimated that 15,000 to 20,000 people may have migrated during last year through this route. The UNHCR's Irregular Maritime Movements report (January to June 2014) claimed that since 2012 till June 2014, 87,000 people had migrated to Malaysia by maritime routes through Bay of Bengal, via Thailand. 53,000 migrants reached Malaysia in the last year alone, which is 61% higher than the previous year. (Siddiqui, 2014)

The government of Bangladesh should immediately create an inter-ministerial and inter-agency committee (including the Bangladesh Border Guard, Navy and Coast Guard) to prepare and implement an action plan to reduce irregular maritime migration flow; Under this inter-ministerial committee, a taskforce should be formed with representation from security forces, local administration

and representatives of Chittagong and Cox's Bazaar district; Exemplary punishment should be ensured to those who are involved with processing of irregular migration. This should be done either under Overseas Employment and Migration Law 2013, or Women and Child Trafficking Law 2012; An interstate joint commission should be formed immediately to stop this irregular and risky migration. This body should facilitate sharing of information and promote coordination to address flows of irregular migration; Irregular migration through the Bay of Bengal should be considered as an urgent issue at the next meeting of the Global Forum on Migration and Development (GFMD); Bangladesh and Malaysian governments should reevaluate the Government to Government (G2G) agreement and reestablish formal migration process within these two countries; Under labour law, the government of Thailand does not regulate fishing boats which have less than 15 workers. Bangladesh should take the help of international forums to exert pressure upon the Thai government to bring such fishing entrepreneurs under the labour law of that country so that they cannot get away by employing Bangladeshi workers to work in slave-like conditions. The government and society at large should come forward to provide assistance to those families who have lost their beloved ones, who were the income earners of their families (Siddiqui, 2014).

While there is a pressing need for a plethora of institutional and governance reform processes to take place, the most urgent governance issue is lack of implementation of already existing legislation that seeks to make the process transparent and pro-migrant workers. If the migrants' essential contributions to the economy via remittances are to keep growing, the state needs to re-emphasize its role as a watchdog, strongly putting migrant rights and welfare in the forefront.

Notes

[1] The Bangladesh missions abroad have the following tasks regarding labour migration: (a) exploring the potential labour market; (b) attestation of documents pertaining to recruitment; (c) providing consular services for Bangladeshi workers; and (d) ensuring the welfare of migrant workers.

[2] BMET functions include: control and regulation of recruiting agents; collection and analysis of labour market information; registration of job seekers for local and foreign employment; development and implementation of training programmes in response to specific labour needs both in the national and international labour market; development of apprentice and in-plant programmes within existing industries; organizing pre-departure briefing sessions; and resolving legal disputes. BMET has 42 District Employment and Manpower Offices (DEMOs) to provide services at the grassroots. According to a circular of BMET (2010), major responsibilities of DEMOs include, a) registration of potential and returnee migrants; b) information dissemination

on overseas employment; c) help migrants' with banking services; d) burial of dead and compensation distribution; e) complaint investigation; f) publicity and coordination and g) filing of cases in special court.

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