

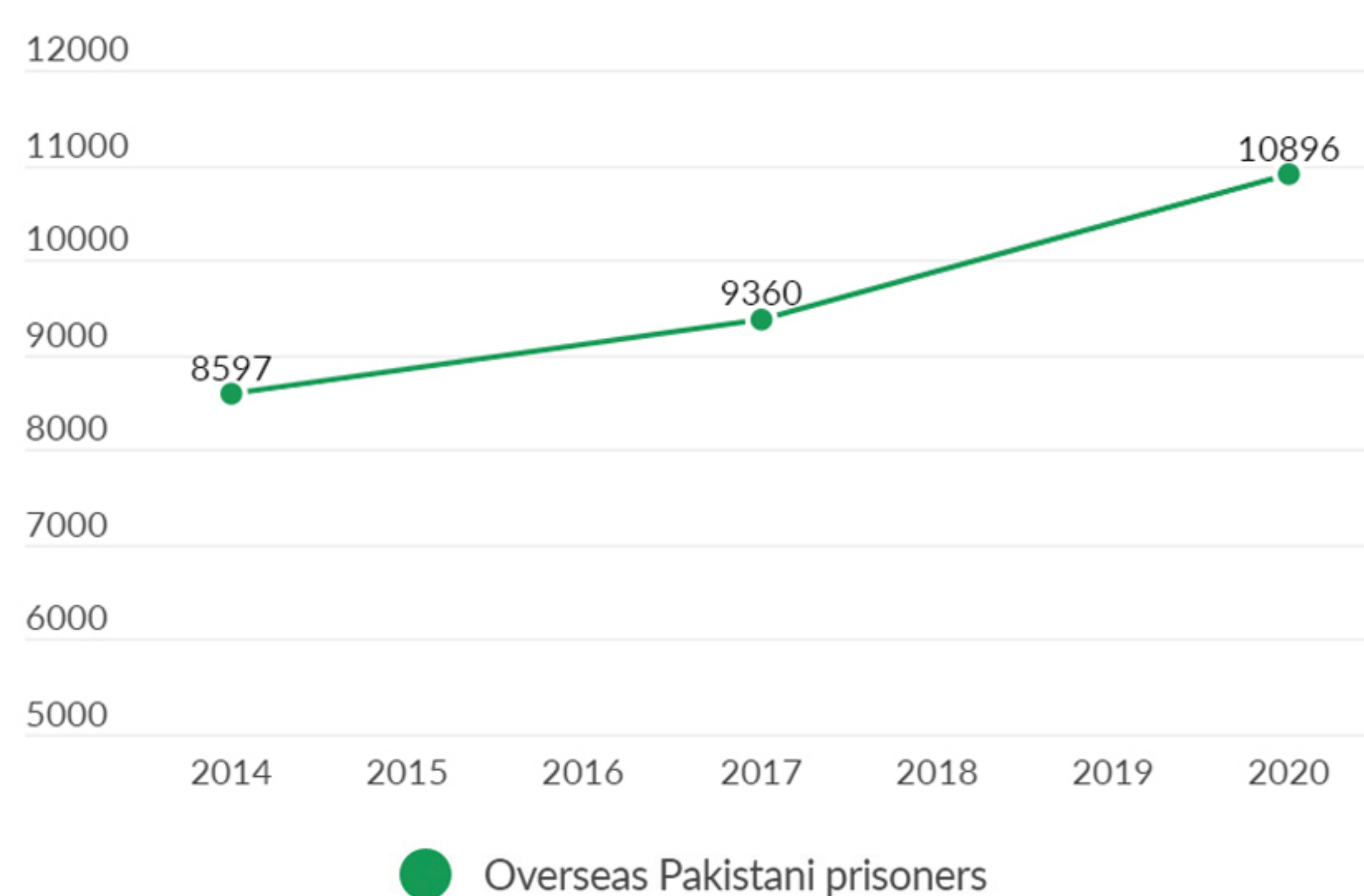
# MIGRATION, REMITTANCES AND IMPRISONMENT

## MIGRANT WORKERS AND THE PLIGHT OF PAKISTANIS IN SAUDI ARABIA'S PRISONS

Pakistan is counted among the countries that rely heavily on foreign remittances for economic stability and foreign reserves. Encouraged by the state, millions of Pakistanis emigrate to foreign lands to seek better opportunities, particularly in the Gulf countries – the choice of 96.15 per cent of Pakistan’s expat workforce.<sup>1</sup> Most of these migrants are downtrodden blue-collar workers who have never travelled internationally before and have no knowledge of local laws or even their own rights.

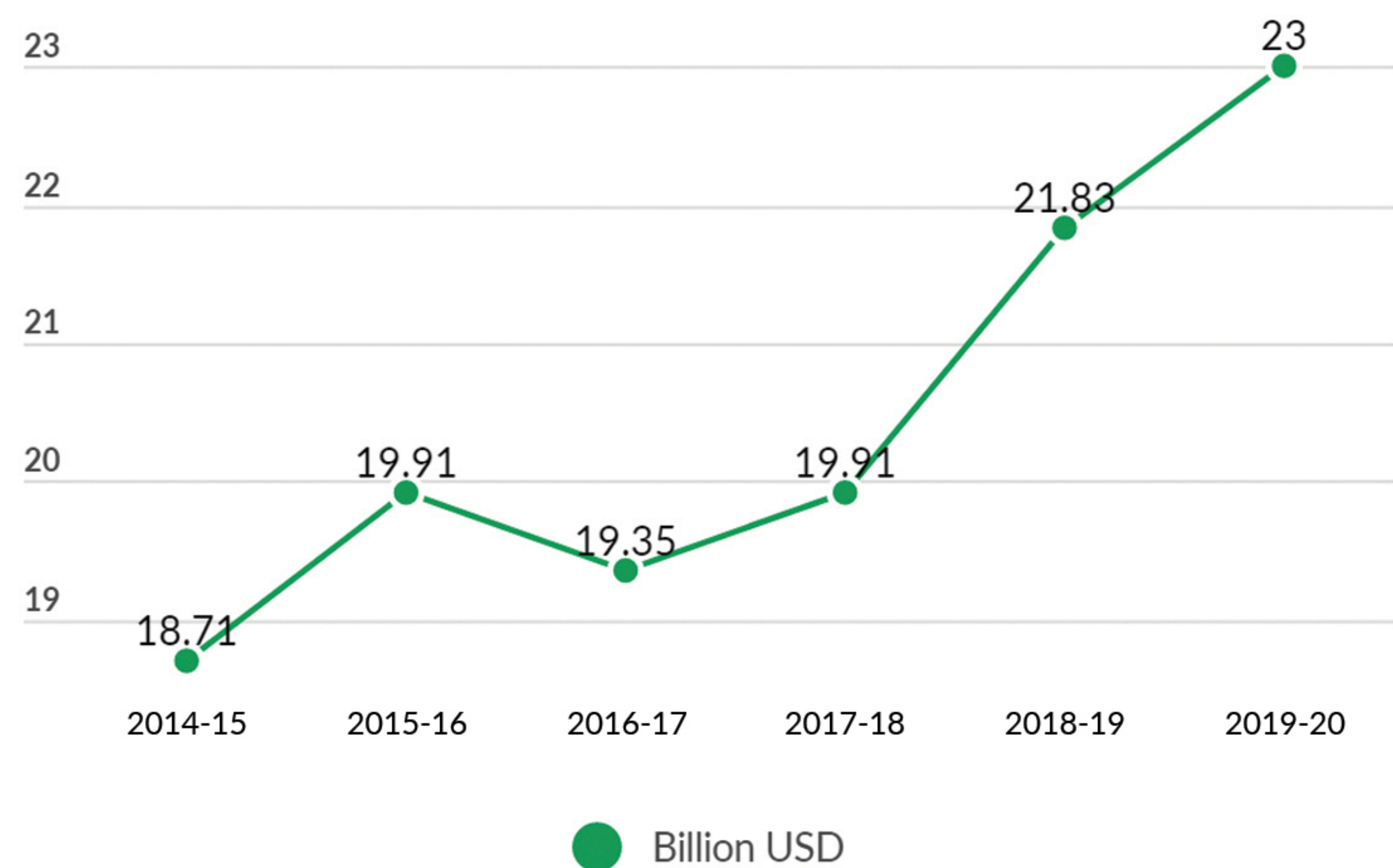
The 2015 status report on labour migration from Pakistan states that 80 per cent of the workers who migrated from Pakistan between 1971 and 2005 went abroad for blue-collar jobs<sup>2</sup>. A majority of these emigrants comprised semi-skilled or unskilled labourers. Saudi Arabia is the most popular destination, with 4.32 million Pakistanis<sup>3</sup> opting to go to the Kingdom for a better future during the same period.

Figure 2: Number of Overseas Pakistani Prisoners Over the Years



80% OF PAKISTANI MIGRANT WORKERS BETWEEN 1971 AND 2005 WENT ABROAD FOR BLUE-COLLAR JOBS

Figure 1: Personal Remittances by Overseas Pakistanis



US\$23 BILLION

PAKISTAN IS EXPECTED TO HIT A RECORD HIGH OF FOREIGN REMITTANCES IN 2019-2020

Pakistan has seen a steady increase in remittances from migrant workers since 2015. And apart from a minor dip in 2016, its reliance on this stream of revenue is ever increasing. Pakistan received a whopping 19.62 billion USD<sup>4</sup> in foreign remittances during fiscal year 2017-18, that is expected to hit a record high of 23 billion USD in fiscal year 2019-2020<sup>5</sup>. In 2017, Pakistan ranked third among the South Asian countries where personal remittances accounted for 7.1 per cent of the Gross Domestic Product (GDP)<sup>6</sup>.

However, despite its dependence on foreign remittances from migrant workers, Pakistan has done little to protect these vulnerable citizens from landing in foreign jails. As a result, Pakistan has seen a significant increase in the number of prisoners and executions abroad.

## A REGIONAL PERSPECTIVE

Gulf countries have witnessed an influx of migrant workers since the 60s, commonly known as the third wave of migration to GCC countries. The region has been a popular destination for all Asian countries including Pakistan. Four of the six Gulf countries – Saudi Arabia, United Arab Emirates, Kuwait and Oman – were featured in the top ten destinations for South Asian nationals in 2017 (UNDESA 2017)<sup>7</sup>. Economic opportunities in oil-rich Gulf countries account for 40 per cent of the increase in migrant population in the region from 2005 to 2015<sup>8</sup>.

Unfortunately, Pakistan lags far behind India and Bangladesh – which have similar patterns of migration and remittances – when it comes to protecting the rights of these migrants. Pakistan is yet to enact a uniform policy to provide adequate consular protection facilities and legal aid to those entangled in a foreign criminal justice system. Hence, Pakistan has the highest population of overseas prisoners and the second highest incarceration rate in the region.

According to official statistics submitted by the Ministry of foreign Affairs in the Lahore High Court (LHC), there were 8,597 Pakistanis imprisoned in 63 countries in 2015<sup>9</sup>. By 2020, the number soared to 10,896 prisoners in 28 countries<sup>10</sup>, with the highest number of prisoners in the United Arab Emirates and Saudi Arabia, respectively. The number of Pakistani prisoners in Saudi Arabia has increased from 1,509 in 2015 to 3,248 in 2020. On the other hand, other countries have successfully managed to reduce the number of prisoners abroad. There were 15,149<sup>11</sup> Bangladeshi nationals imprisoned abroad in 2017, but by 2019 the number dropped to 8,848<sup>12</sup> – showing a decrease of 41.60 per cent.

In the absence of permanent mechanisms, it is impossible for missions abroad to protect the rights of such a large number of migrant workers. Consequently, there has been an increase in the number of Pakistanis on death row abroad and the number of executions carried out globally since 2014. Pakistan accounts for a whopping 57 per cent of the reported Saudi death row population and 35 per cent of the foreign nationals executed by the Kingdom last year.

Figure 3: Overseas Prisoners - A Regional Perspective

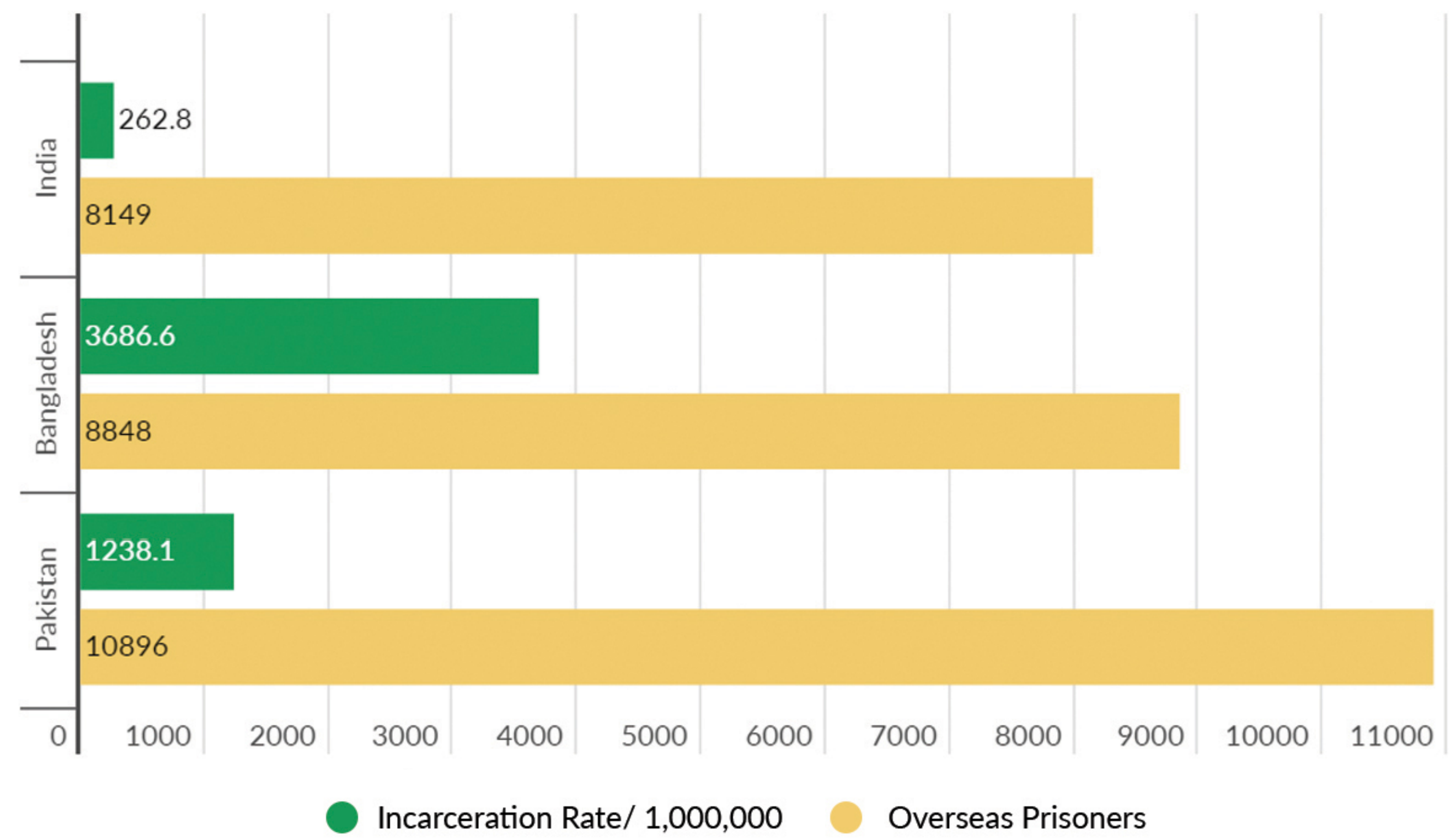


Figure 4: Pakistanis Imprisoned in GCC Countries Over the Years

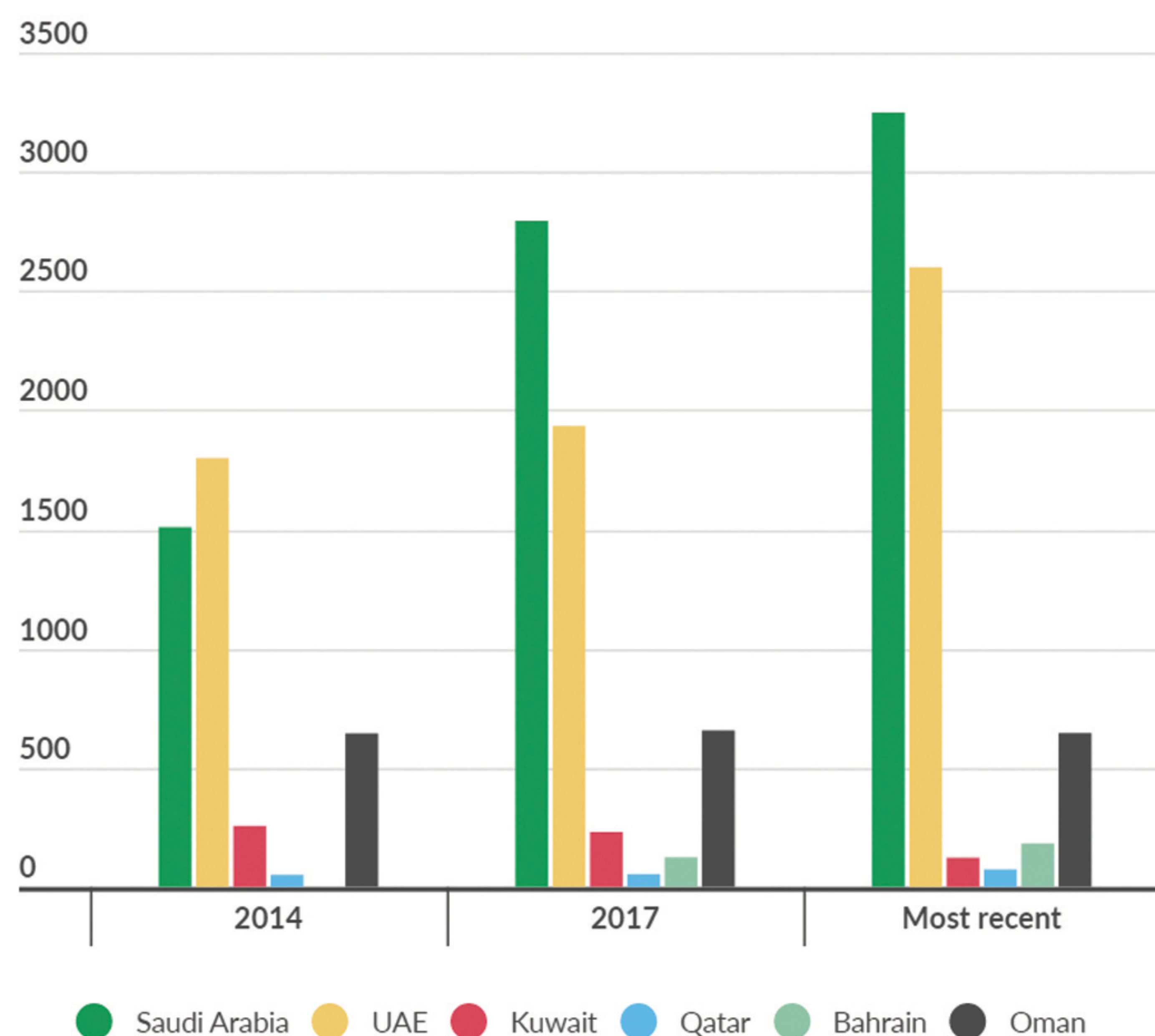


Figure 5: Increase in Number of Pakistanis on Saudi Death Row

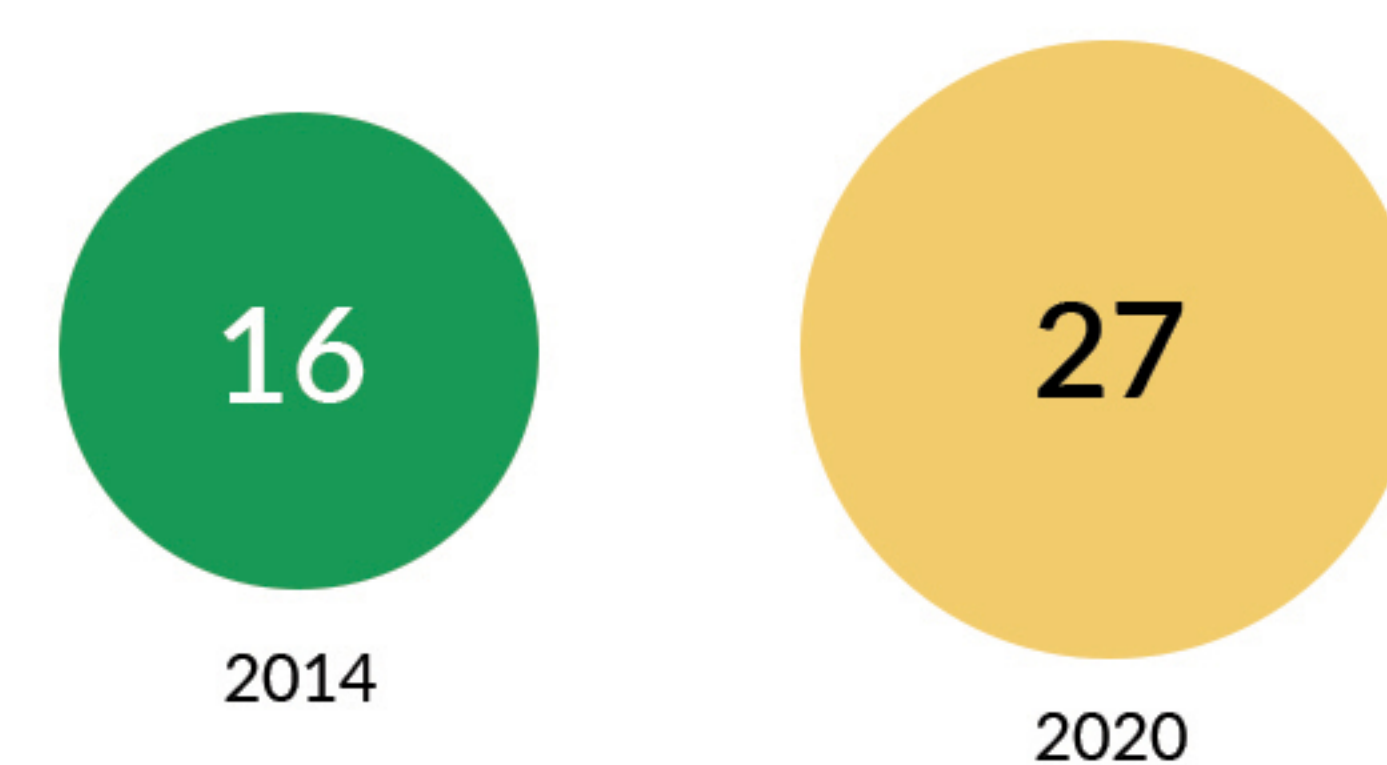
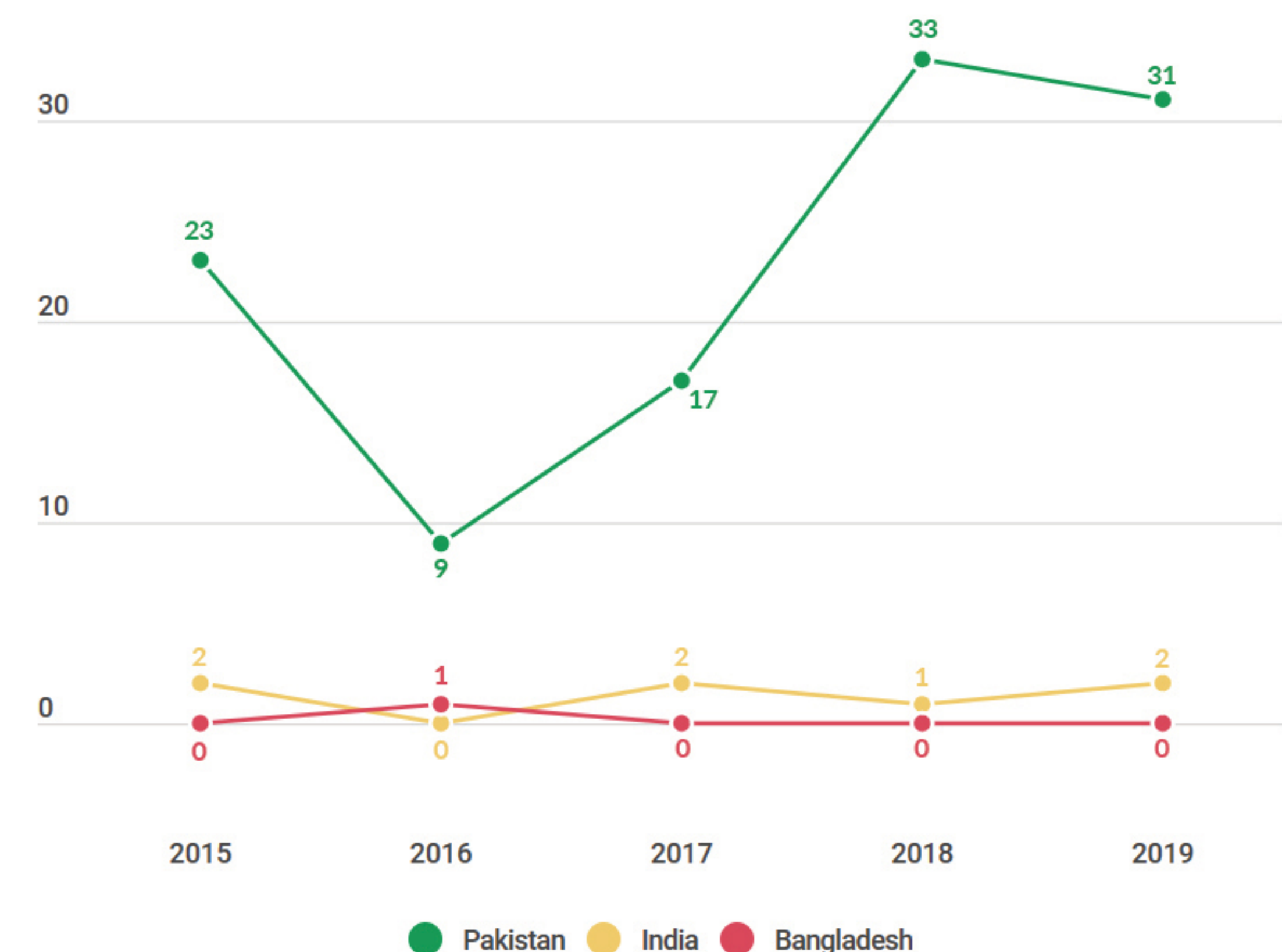


Figure 6: Executions of Foreign Nationals in Saudi Arabia - A Regional Perspective



Detained Pakistanis suffer rampant due process violations<sup>13</sup>, such as:

- Long periods of detention without charge or trial
- No access to legal assistance and inability to navigate the Saudi criminal justice system
- Pressure from authorities to sign confessions and accept predetermined prison sentences
- Ineffective translation services for defendants

These Pakistanis are doubly vulnerable, considering their country of origin does not have a uniform consular protection policy, leaving them at the mercy of local courts which are notorious for failing to meet international standards for a fair trial.

Majority of these Pakistanis imprisoned abroad have been arrested for non-lethal crimes such as drug-trafficking, theft and violations of immigration laws<sup>14</sup>.

Table 1: Majority of Pakistanis imprisoned abroad have been arrested for non-lethal crimes

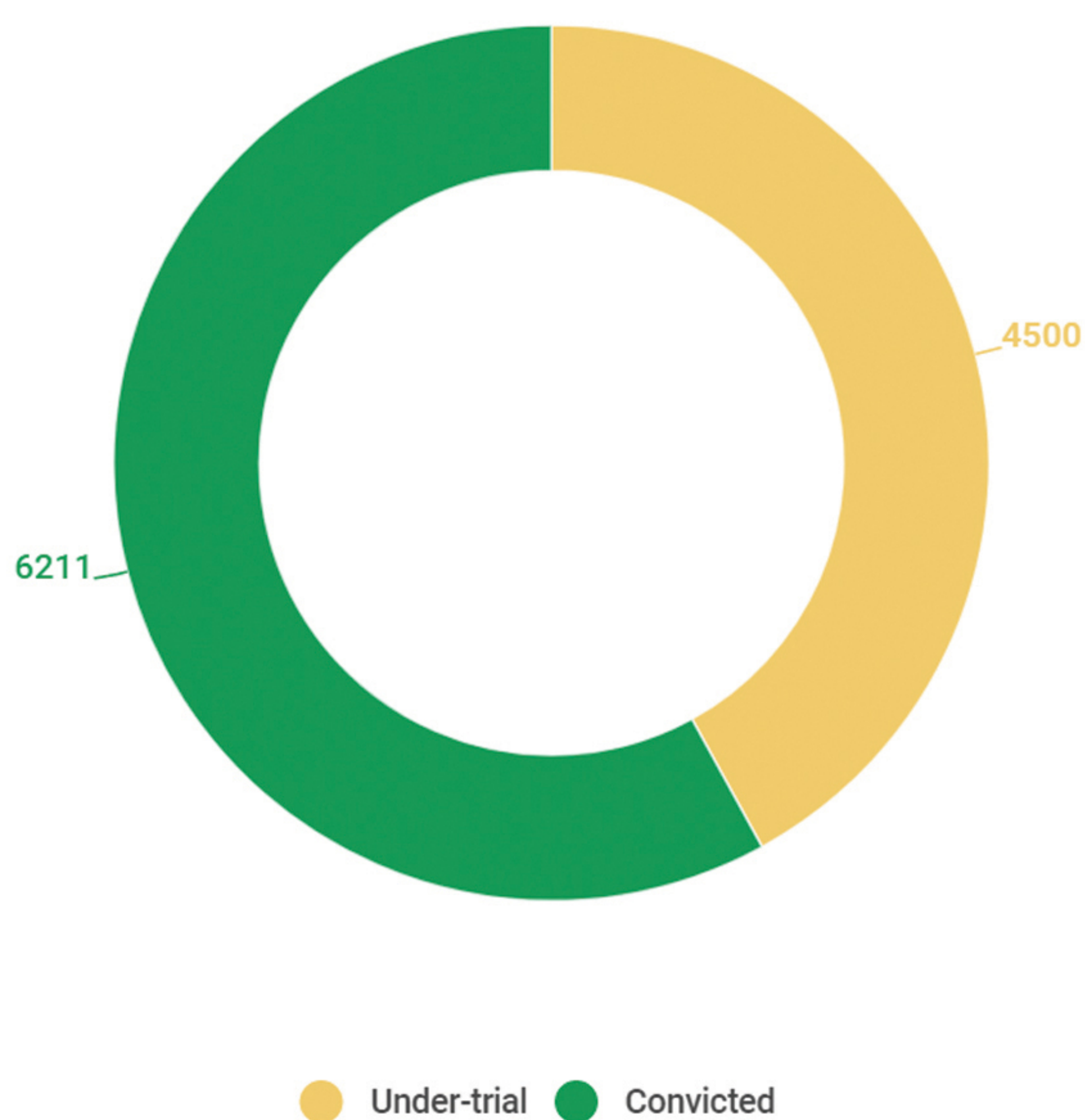
Offence	No. of Prisoners
Drug offence	4,120
Illegal emigration	1,195
Petty Crimes	2,061
Overstay	467
Human trafficking	190
Fraud	374

The lack of adequate consular assistance results in harsher sentences for these prisoners. They have to spend indefinite periods in detention due to the absence of prisoner transfer agreements.

56.53 per cent of overseas Pakistani prisoners that have been convicted, can be brought back if the Government of Pakistan negotiates prisoner transfer agreements (PTA) with the host countries. However, the absence of such accords with host countries along with the ineffectiveness of present agreements have made the repatriation of these prisoners harder if not impossible.

Pakistanis convicted for drug offences are particularly vulnerable of being executed in countries that carry out the death penalty. An analysis of 97 executions of Pakistanis carried out in Saudi Arabia and Iran shows that since January 2016 every 9 out of 10 executions have been in relation to drug offences. Research conducted by Justice Project Pakistan also shows that most of these prisoners are victims of weakly regulated recruitment regimes, often deceived and coerced into trafficking drugs<sup>15</sup>.

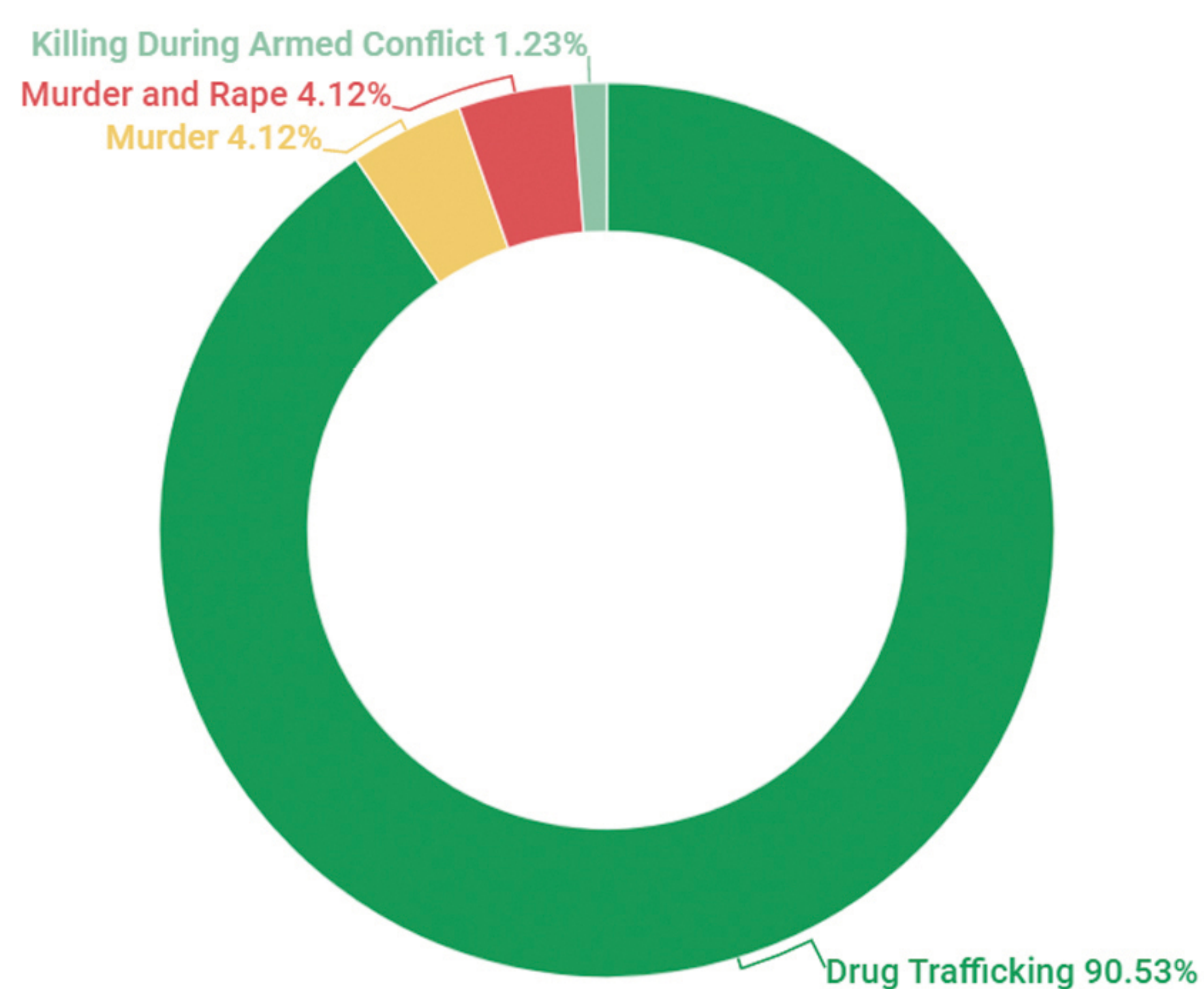
Figure 7: Under-trial and Convicted Overseas Pakistani Prisoners



**MORE THAN 57% PAKISTANI PRISONERS CAN BE BROUGHT BACK THROUGH PRISONER TRANSFER AGREEMENTS AND OTHER DIPLOMATIC MEANS**

**SAUDI ARABIA EXECUTES MORE PAKISTANIS THAN ANY OTHER FOREIGN NATIONALITY**

Figure 8: Crime-wise Breakdown of No. of Pakistanis Executed in Iran and Saudi Arabia Since 2016



## A PROMISE WAITING TO BE FULFILLED

### 17 FEBRUARY 2019

KSA Crown Prince Muhammad bin Salman visits Pakistan during which Prime Minister Imran Khan pleads for kindness for Pakistani prisoners in Saudi Arabia. The prince promises to do 'all that he can' and dubs himself 'Pakistan's ambassador in Saudi Arabia'

### 18 FEBRUARY 2019

Public announcement of 'immediate release of 2,107 Pakistani prisoners' from Saudi jails

### 4 JULY 2019

'There has been no update regarding the release of Pakistani prisoners from Saudi jails', Ministry of Foreign Affairs informs Senate Committee on Human Rights

### NOVEMBER 2019

Ministry of Foreign Affairs submits a list in the Lahore High Court naming 579 prisoners reportedly repatriated since the announcement

### DECEMBER 2019

An analysis of the list submitted by MoFA shows that only 89 Pakistani prisoners have been deported since February 18, 2019, when the promise was made.

## RECOMMENDATIONS

- Identify the names and details of Pakistanis on death row and investigate the circumstances of their arrest and imprisonment
- Enact a uniform consular protection policy for Pakistanis facing imprisonment and/or execution abroad
- Ensure each Pakistani prisoner on death row is guaranteed consular support and provided adequate legal representation, especially in countries with a significant number of Pakistani prisoners
- Coordinate information between the Ministry of Foreign Affairs and the Ministry of Overseas Pakistanis to ensure missions are carrying out their responsibilities as stated in the Supreme Court guidelines
- Negotiate a prisoner transfer agreement with countries that have a high number of Pakistani prisoners so that these Pakistanis can serve the remainder of their sentences in their home country
- Expedite the process of repatriating 2,107 prisoners from Saudi jails under the general clemency announced by the Crown Prince in February 2019.

**Disclaimer:** This analysis is based on the reported figures of condemned prisoners and executions. The actual figures may be higher.

## REFERENCES

<sup>1</sup>Bureau of Emigration and Overseas Employment, Analysis of Manpower Export 2018

<sup>2</sup>Ministry of Overseas Pakistanis and Human Resource Development, Labour Migration from Pakistan: 2015 Status Report

<sup>3</sup>*ibid*

<sup>4</sup><https://tribune.com.pk/story/1754700/2-remittances-amount-19-62b-fy18-target-missed/>

<sup>5</sup><https://www.khaleejtimes.com/business/global/pakistan-remittances-poised-to-hit-record-23b-1>

<sup>6</sup>International Labour Migration Statistics (ILMS) Database for South Asia (Version 1, 2018), ILO

<sup>7</sup>*ibid*

<sup>8</sup>Middle East's Migrant Population More Than Doubles Since 2005, October 2016

<sup>9</sup>Ministry of Foreign Affairs, Government of Pakistan

<sup>10</sup><https://dailypakistan.com.pk/13-Jan-2020/1077769>

<sup>11</sup><https://bdnews24.com/bangladesh/2017/11/20/over-15000-bangladeshis-in-foreign-jails-now-parliament-told>

<sup>12</sup><https://www.dhakatribune.com/bangladesh/foreign-affairs/2019/07/11/foreign-minister-8-848-bangladeshis-jailed-abroad>

<sup>13</sup>Justice Project Pakistan, Caught in a Web

<sup>14</sup><https://dailypakistan.com.pk/13-Jan-2020/1077769>

<sup>15</sup>Justice Project Pakistan, Through the Cracks

Figures of condemned prisoners and executions have been taken from:

- a) Amnesty International, Death Sentences and Executions (2015-2018)
- b) Cornell Centre on Death Penalty Worldwide, Database (February 2020)
- c) Ministry of Foreign Affairs, Court Submissions (2015, 2017)
- d) Ministry of Foreign Affairs, Submissions in the Parliament (2019-2020)
- e) Reprieve, Saudi Arabia executed more people than ever in 2019 (January 2020)
- f) Justice Project Pakistan, Executions Data (February 2020)
- g) Saudi Press Agency

To contact Justice Project Pakistan, email [info@jpp.org.pk](mailto:info@jpp.org.pk) or [communications@jpp.org.pk](mailto:communications@jpp.org.pk)