

## Regional Labour Migration Consultation

September 23-24, 2013

Center for Development Studies; Thiruvananthapuram, Kerala, India

### CONSULTATION REPORT

#### Introduction and Background

The Asia Foundation (the Foundation) has been working on issues related to labour for the last decade. While much of the Foundation's past work focused on addressing labour migration from the economic governance lens; in the past few years, TAF focused on addressing issues related to the rights of migrant workers and the challenges related to labour exploitation in the context of both regular and irregular labor migration. Much of the Foundation's work on human trafficking is also addressing the links between labor migration and human trafficking. Recently, the Foundation partnered with three reputed local research institutions in Bangladesh, India, and Nepal to undertake a regional research entitled "Labour Migration: Trends and Practices" which examined the patterns and process of labor migration by Nepali and Bangladeshi migrant workers using informal and irregular channels for migration and its links. The research explored the dimensions of both regular and irregular labour migration and reviewed the links, if any, with labour exploitation and human trafficking. The research also examined the factors promoting undocumented migration, formal/ informal linkages, if any, between agents and recruitment agencies, vulnerability of the migrants, and strengthened accountability systems and mechanisms to ensure informed and empowered labor migration.

The research brought out a number of critical findings and validated certain assumptions regarding labor migration that have been alluded to in different media reports and other articles or case studies.

Some of these key findings were:

- Most of the Nepali and Bangladeshi migrants were below the age of 30 years.
- Factors contributing to migration decision were both economic and non-economic factors. Economic factors included attainment of financial solvency, low income and savings, poverty alleviation, unemployment at home, clearing debt and low business profits. For women in addition to the above the economic factors, gender discriminatory social and cultural practices which perpetuate gender based violence and inhibit access to resources and rights act as drivers for migration. The perceived favorable conditions abroad, inducement by agents, family and friends make them take greater risk to escape both economic and social inequity.
- Both Nepali and Bangladeshi migrants reported of various forms of abuse and exploitation in the destination countries. The challenges and problems ranged from contractual issues such as discrepancies in the labour contract, non- payment and/or delayed payment of salaries, long working hours and poor working condition with little or no concern for workers safety, along with psychological and mental abuse by intermediary contractors and/or direct employees. Women domestic workers faced additional aspects of physical and sexual exploitation.
- The migrants face problems at the source country due to lack of proper monitoring of labor migration process in the sending country, which promotes irregular and extra-legal practices in the process of selection and hiring of labor migrants. The heavy dependence on intermediaries (dalals) in every stage of the migration process as well as their illegal status and lack of skills and information make migrants highly vulnerable to exploitation, abuse, and human trafficking.

- In the destination country, the migrants are at risk of exploitation and trafficking due to firstly, the irregularity of his/her migration journey and secondly the Kafala systems or sponsorship system in the Gulf countries that puts stringent control on the employees. This system takes away the right of the migrant workers to change or opt out of his/her sponsors control and has been known to perpetuate abuse and rights violation.

The next step was to see how the findings for this research can be discussed further with relevant government and non government stakeholders at a regional level and addressed through relevant policy and programmatic intervention. The Foundation in partnership with Center for Development Studies (CDS), a reputed institution working in labour migration issues hosted a one and half day regional consultation in CDS, Thiruvananthapuram, Kerala, India on September 23-24, 2013. The regional consultation meeting provided a forum for central and state government officials; researchers and NGO representatives from India, Bangladesh, and Nepal to initiate regional dialogues on pertinent issues of transnational labour migration within South Asia Region; and discussion on the contemporary discourse on the complex relationship of labour migration within the larger framework on governance and human security. The consultation also identified specific areas for regional collaboration that outlined multi-disciplinary approaches to move forward systematic advocacy processes and mechanisms both at the regional and national level; labour sending and destination countries.

### **Discussions and Follow up Action Plan for Way Forward**

The discussions at the regional consultation led to the development of the following action points that will guide the way forward:

#### **Regional structural mechanism for advocacy**

The deliberations highlighted the need to shift the regional discourse to advocate for free movement of labour within the South Asian region, and increase labour mobility to maximize the use of labour force for economic development. There was a strong demand for developing a common South Asia regional platform that can facilitate collective dialogue and advocacy for an exploitation free labor movement between countries of origin and destination, and to create safer and vigilant corridor for labor movement through South Asia and in the destination countries.

#### **Action Points:**

- Need to establish a South Asia regional structural mechanism for advocacy and lobby for non-exploitative labour migration between source and destination countries; primarily with the gulf countries.
- The regional platform or network should be initially positioned within a reputed institution that enjoys a global and regional buy-in from both government and non government stakeholders.
- The regional platform or network will have links in different countries to create advocacy materials and knowledge products through regional and national empirical based research studies as a tool to link labour migration to larger governance and human security framework.

- Explore possibilities through the above mentioned regional structural mechanism to leverage existing framework for regional co-operation such as South Asian Association for Regional Cooperation (SAARC) and forums such as the Abu Dhabi Dialogue and the Colombo Process to promote stronger collaboration and push for better protection and promotion of migrant workers rights.

### **Empirical based research studies**

Dr. Abrar who was the lead research coordinator for the regional research on “Labour Migration: Trends and Practices” of Nepali and Bangladeshi migrants' presented the key findings of the regional research study. The key panelists then discussed the complexity of both regular and irregular migration processes and the recent measures taken by the government of both labour sending and receiving countries to address these challenges. A general need was felt for collective labour migration research studies with a larger sample size that tackled area of origin (home country), transit, and destination to explore the challenges faced by the migrants in different environments, in order to facilitate a holistic understanding of the migration cycle. The regional and national research studies can be used as a tool by the government and non-government stakeholders for collaborative advocacy strategies on migrant friendly policy environment.

### **Action Points:**

Need to develop a more expansive evidence based study with a multi-lateral framework at both labour sending and destination countries under the instruction of a prominent structural mechanism to bring the research outcomes to the notice of the labour sending and receiving governments through direct and indirect advocacy. The areas of empirical based research studies identified were:

- Qualitative analysis of returnee migrants profile case studies in Bangladesh, Nepal, and India to document the best practices as well as level of exploitation, dimension of trafficking within labour migration, scope of exploitation and link it to the systematic challenges of governance and security.
- Empirical based study of human, social, and financial cost and gains from labour migration. There is a need to study the socio-economic and political cost of migration on the country's overall development.
- Define the institutional and technical support needed to strengthen the Office of Labour Attaches and diplomatic missions in the destination countries to support the rights of migrant labour workers.

### **Regional collaboration between labour sending and destination countries**

In this session the panelists discussed the impact of labour migration from an economic development perspective within a free market economy system with shrinking global markets, and expanding market for migrant labour workers. The need for collective measures to foster regional cooperation between the labour sending countries; and between the labour sending and receiving countries were expressed. The regional collaboration is critical to define the legal and social rights of migrant workers that will address the irregular/undocumented migration between South Asian countries and as well as develop a strong collective bargaining position and collective measures on migrants' rights with the destination

countries through binding instruments such as multilateral agreements on specific non-negotiable labour rights issues.

**Action points:**

- Need to develop a model bilateral agreement based on the experiences of the migrants that focus on the responsibilities of the individual countries at the origin, transit and destination stages to advocate for a non-exploitative protective framework for migrant labour workers. Bilateral agreements supported by the evidence based information from migrant labour workers experiences can put pressure on countries and governments to strengthen and apply the multilateral and bi-lateral understanding and commitment that they have shined on.
- Advocate for multilateral agreements between the labour sending and labor receiving countries.

**Link labour migration and its nexus to human trafficking within the larger governance and human security framework**

The discussion centered on the need to ensure rights of migrant workers as an individual irrespective of the migrant's status in the destination or transit country. Expanded discourse is essential to look at migration that does not focus solely on protecting the economic remittance but also focuses on movement of the migrants within the broader framework of security, rights, and governance. While it is every person's economic right to migrate for better livelihood and social needs; the line between migration and trafficking becomes very thin when the government cannot safe guard the people's security as they are moving due to weak governance systems. Therefore, larger understanding of labour migration within the political economy environment of any country is critical. The discussion also explored the close and complex linkages between irregular migration and human trafficking where a person whose journey started a labour migrant ends up in an exploitative and trafficked situation. Thus the need for governments to respond to human trafficking and labour migration as both separate and converging issues is critical. This requires a more rights based legal framework, and better application of jurisprudence within the legal system taking into account international protocols and conventions which have been signed on to by different countries.

**Action points:**

- The regional platform or network will serve as an expert resource pool to expand the discourse for regional collaboration to address labour migration under the larger framework of governance and human security; and the importance to facilitate cross border legal collaboration to address irregular/undocumented migration between South Asian countries which provide a corridor for migrant workers.
- Advocate for signing and ratifying international instruments in both sending and destination countries such as the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and ILO Convention 189 on domestic work that are designed to protect migrant's rights.

### List of Participants

S.No	Name	Designation	Government Agencies/Organization
<b>BANGLADESH</b>			
1.	Kazi Abul Kalam	Deputy Secretary	Ministry of Expatriates Welfare and Overseas Employment, Government of Bangladesh
2.	Md Salim Reza	Joint Secretary	Economic Relations Division, Ministry of Finance, Government of Bangladesh
3.	Dr. Abrar Chowdhury	Chairman of the Department of International Relations	Researcher Refugee and Migratory Movements Research Unit (RMMRU) , Bangladesh
4.	Sarawat Binte Islam	Program Manager	Manusher Jonno Foundation , Bangladesh
<b>NEPAL</b>			
5.	Purna Bhakta Tandukar	Joint Secretary	Ministry of Women, Children, and Social Welfare; Government of Nepal
6.	Dhana Bahadur Shrestha	Joint Secretary	Ministry of Labour and Employment, Government of Nepal
7.	Sunita Nepal	Under Secretary	Focal person for National Committee to Control Human Trafficking Ministry of Women, Children, and Social Welfare , Government of Nepal
8.	Bijaya Rai Shrestha	Acting Director	POURAKHI ,Nepal
9.	Anand Tamang	Executive Director and Researcher	Center for Research on Environment Health and Population Activities (CREHPA)
10	Dr. George Varughese	Country Director	The Asia Foundation, Nepal
11	Nandita Baruah	Chief of Party- Combating Trafficking in Persons	The Asia Foundation, Nepal
12	Shareen Tuladhar	Program Officer	The Asia Foundation, Nepal
<b>INDIA</b>			
13	Manoj Kumar IAS	Joint Secretary	Ministry of Overseas Indian Affairs, Government of India
14	Bhamathi IAS	Retired Secretary	Ministry of Rural Development, Government of India
15	Dr. P.M. Nair	Retired IPS, Director of General Police National Disaster Response Force & Civil Defense, Delhi	Government of India

16	Shri. Rajat Pal	Deputy Labour Commissioner, Kolkata	Government of West Bengal
17	Mr. C.P. John	Member	Kerala State Planning Board, Government of Kerala
18	Sabyasachi Basu Ray Chaudhury	Vice Chancellor	Ravindra Viswabharati University, India
19	Dr. Anasua Basu Ray Chaudhury		Mahanirban Culcutta Research Group, Kolkata, India
20	R.B. Bhagat	Professor and Head	Department of Migration & Urban Studies, International Institute for Population Sciences, Bombay, India
21	K. S. James	Professor,	Population Research Centre Institute of Social and Economic Change, Bangalore, India
22	Reecha Upadhaya	Program Officer	The Asia The Asia Foundation, India
23	Bernard Sami	Professor	Loyola College, Chennai
24	Mr. C.P. John	Member	Kerala State Planning Board
25	Mr. Feroz Shah	Assistant Manager	NORKA-ROOTS, NORKA Centre, Thiruvananthapuram
26	Fr. Eugene Pereira		Migrant Forum India, Trivandrum
27	Jacquie Day	Intern	Migrant Forum India
28	Fr. R V Kutty		Migrant Forum India
29	Fr. Norby Paul		
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31	Dr. K.K. George	Director,	CSES, Ernakulam
32	M. S. Jayakumar		Department of Sociology, University of Kerala
33	Anila Francis	Research scholar	University of Kerala
34	Sajikumar S		Secretariat TVM
35	Ms. Anjana A	Guest Lecturer	University of Kerala
36	Chitra Ranganathan	Post-Doctoral Fellow	Kerala University
37	Dr. Leela Gulati	Associate Fellow	Centre for Development Studies
38	Dr. Udaya Sankar Mishra	Professor	Centre for Development Studies
39	Rikil	PhD Scholar	Centre for Development Studies
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