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Support Nepal's Zero Recruitment Fees Campaign

In July 2015, the Government of Nepal made a historic decision in favour of the rights of Nepali migrant workers. They passed a directive obligating foreign employers to bear the visa and flight ticket costs for Nepali migrant workers that they hire. The “Free Visa Free Ticket” policy applies to migrant workers bound for seven destination countries: Oman, Bahrain, Saudi Arabia, United Arab Emirates, Kuwait, Qatar, and Malaysia.

This new directive serves to prevent the fraudulent activities of recruitment agencies, which charge excessive fees to workers putting them at risk of debt bondage, forced labour, human trafficking, and other labour and human rights violations. This policy decision comes after years of advocacy led by migrant workers, their families, civil society organizations, and trade unions.

Recruitment agencies in Nepal have responded with force, challenging the government's policy. They claim that the “employer pays” model will reduce the demand for Nepali workers abroad—a claim that has yet to be confirmed. In March 2016, the Nepal Association of Foreign Employment Agencies halted their migrant recruitment operations for an indefinite period, demanding that the policy be revised.



Nepal Continued from Page 1

In the face of recruitment agency resistance, migrant civil society, led by the National Network for Safe Migration, has redoubled its efforts, calling on the government to STAND FIRM with migrant workers. Civil society actions in support of the government's policy have been held in Kathmandu and at the district level throughout the country. A signature campaign in support of the Free Visa Free Ticket policy has amassed more than 50,000 signatures and has been submitted to the relevant authorities in Nepal.

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Because this is a directive, not a law, the decision is vulnerable to the influence of those who oppose it. In the face of recruitment agency resistance, migrant civil society, led by the National Network for Safe Migration, has redoubled its efforts, calling on the government to STAND FIRM with migrant workers. Civil society actions in support of the government's directive have been held in Kathmandu and at the district level throughout the country.

In support of the campaign in Nepal, the Open Working Group on Labour Migration and Recruitment launched an online petition to support the campaign through www.recruitmentform.org. Among the key thematic issues of the working group is calling on governments to implement Zero Fees policies - no worker should have to pay to access decent work.

In collaboration with the partners in Nepal, a policy brief was also developed providing analysis and background on the issue. The policy brief can be accessed in the following link: <http://recruitmentreform.org/wp-content/uploads/2015/03/Call-to-Action-Zero-Fees-in-Nepal.pdf>

Timeline of Actions in Nepal

1 April 2016

Civil society staged a demonstration at Bhadrakali temple, outside the Prime Minister's office and other ministries including the Labour and Employment. A delegation visited relevant ministries, including the office of the PM and the National Human Rights Commission, to hand over a petition for the effective implementation of the Free Visa Free Ticket policy and to ensure Nepali workers do not have to pay recruitment costs.

2 April 2016

Civil society held a multi-stakeholder discussion on the issue, calling on human rights activists, trade unions, and media for solidarity. The meeting came up with a joint statement with demands related to zero fees.

3-5 April 2016

Civil society staged demonstration in front of the entrance to the Ministries, including the Prime Minister's office, the National Planning Commission, and the Secretariat of the Parliament demanding the effective implementation of the policy. A delegation met with senior human rights activists, senior trade union leaders, and political leaders to gather support and momentum. In response to the call by the campaign to express solidarity with the campaign, representatives from 18 districts joined the demonstration and handed over 50,000 signatures collected from the districts to the Minister of Labour and Employment.

6-8 April 2016

Civil society will continue to demonstrate at the same location and meet with the political leaders, government officials, trade unions, and hopefully the President and the Prime minister (appointments requested). Activists will continue collecting signatures and hand the petition to relevant authorities at the Ministry for Labour and Employment.



Recommendations and moving forward

Theme 1: Economics of migration & development

Cost of Migration

- Governments need to enact and implement zero recruitment fees policy requiring employers to pay for the recruitment fees of migrant workers. Migrant workers should not shoulder the fees and cost of migration.

Theme 2: Sociology of migration and development

Protection of migrants in all situations

- Governments need to implement strong rights based bilateral and multilateral policies rooted in international human rights mechanisms and ILO labour standards.
- As a country of origin that has ratified the UN 1990 Migrant Workers Convention, Sri Lanka needs to ensure protection for its migrant workers in all stages of migration.

Theme 3: Governance of migration and development

- Governance of migration needs to be rights based and adhere to international human rights mechanisms as well as ILO labour standards.
- Governments need to establish strong cooperation among different agencies dealing with migration at the national level.
- Governments need to implement strong monitoring mechanism to ensure implementation of policies.

Theme 4: Migrants in crises: conflict, climate change and natural disasters

Migrants in Crisis

- Migrant workers should have their rights protected even when there is no crisis in order for migrants to better respond, organize and mobilize in times of crisis.
- Migrants should have access to communications to embassies and family members even in times of crisis.
- Governments of countries of origin should have a database of its migrant workers in order to be able to contact and reach them in times of crisis. Information education on what to do in times of crisis should be included in the pre-departure and post arrival orientations of migrant workers

Moving Forward

The last session focused on discussing possible follow-up action of the partner from Sri Lanka in line with engaging the GFMD. As a result of the discussions, the partners agreed on the following follow up activities endorse and submit to the Sri Lankan Government the Joint Letter calling

Indonesia National Consultation on the 2030 Agenda for Sustainable Development

In the lead up to the process of adopting the 2030 Agenda for Sustainable Development, Migrant Forum in Asia organized a series of country consultations with the Global Coalition on Migration, the MADE Network and Solidarity Center. The series of national consultations is largely to socialize the knowledge in order to address the gap between the discussions at the international level and at the grassroots; and also to come up with migration specific targets and indicators.

The national consultation in Indonesia, which was the first held in the country, jointly organized by Migrant Forum in Asia (MFA), Migrant Care, and Serikat Buruh Migran Indonesia (SBMI) and supported by the MADE Network took place on 11 April 2016 at Hotel Sofyan Betawi, Jakarta. Around twenty participants attended the consultation including representatives from migrants' advocacy groups, civil society organizations, and trade unions.

The consultation consisted of two main elements – (1) an overview of the 2030 Sustainable Development Agenda in the context of Indonesia, as presented by both civil society and a government representative; and (2) understanding and developing migration-specific indicators. The main goal of the consultation was the latter, for participants to collectively develop migration-specific indicators at the national level to bring forward to the Indonesian government. The participants were given an initial draft set of indicators based on one-on-one interviews with key informants from several development and migrant rights organizations in Indonesia. The consultation served as a validation exercise, wherein participants accepted, rejected, and built on the initial draft document according to group discussions on key issues and priority areas for the migration and the sustainable development agenda.

The morning sessions provided participants with a brief historical background of the 2030 Sustainable Development Agenda, where migration fits in the previous and current agenda, and how the global discussion relates to the national context. A background of the SDGs from the perspectives of International NGO Forum on

Indonesian Development (INFID), Migrant Care, and Serikat Buruh Migran Indonesia (SBMI). It was followed by a presentation from Mrs. Binny Buchori as a government representation to discuss the role of the Presidential Office in the development of the SDGs in Indonesia.

The following session was facilitated by Agnes Matienzo-Peralta and Leanne Perera to brief participants on the list of indicators developed by Migrant Forum in Asia based on interviews with key informants from CSOs in Indonesia on their migrant rights advocacy issues as they fit into the Sustainable Development Goals. These were presented as a draft to be validated in the afternoon session.

The afternoon session was designed as a validation exercise to confirm and elaborate on the pre-identified draft goals and targets that CSOs can use in lobbying with the Indonesian government to ensure the rights of all migrant workers – those in transit, on-site and abroad. Participants split into four groups (two/three goals each) to discuss and deliberate over the document. One participant from each group then presented their goals to the group. The aim of this session was to develop an outcome matrix to serve as a blueprint in engaging and monitoring the government's implementation of the SDGs particularly in the area of migration.

MENA Regional CSO Consultation on the Migrants in Countries in Crisis Initiative

The civil society regional consultation on Migrant in Crisis for the Middle East and North Africa region was held on 11-12 March 2016 in Beirut, Lebanon. The consultation brought together different groups from the MENA region working on the issues of migrants and refugees. In attendance were representatives from migrant associations, migrant advocacy groups, trade unions, faith-based organizations, legal aid networks, refugee rights organizations, media, human rights and humanitarian organizations from Jordan, Kuwait, Lebanon, Morocco, Oman, the Philippines, Qatar, Tunisia, and the United Arab Emirates.

The two-day consultation provided space for civil society in the region to deliberate on the issue of crisis as experienced by migrants and refugees and how the on-going political crisis has exacerbated the situation of these people. Discussions also surfaced how state responses create inequality between migrants and refugees and increase racism and xenophobia in host countries.

The consultation enabled participants to understand the framework of the state-led Migrants in Countries in Crisis (MICIC) Initiative and other relevant global initiatives.

The consultation also affirmed the global civil society's position that crisis should be viewed from the perspective of migrants- that is looking at crisis beyond natural disasters and conflict but also the perpetual crises that many migrants experience in their daily lives . Further, it affirmed that migrants should be recognised as actors rather than only passive recipients of assistance.

Day 1 focused on problematising the issue of migrants in crisis from the context of the MENA region and examined the current infrastructures or mechanisms that are available in responding to this issue. Small group discussions were organized. Participants said that in terms of government response, humanitarian assistance is focused more on refugees, the welfare of migrants during emergency situations is left in the care of countries of origin. Racism, xenophobia and restrictive policies such as the Kafala system were also highlighted as a major issues to achieving migrants rights in the region.

Following the presentation of the output from the small group breakout session, the global civil society framework on migrants in crisis was presented. The global civil society framework calls for a coordinated, cooperative, migrant-centered and rights-based approach to migrants in crisis. This means protecting the rights of migrants in ordinary time and responding to the full cycle of migrants' migration experience.

During the consultation participants also shared their governments' initiatives in line with dealing with issues of migrants in crisis situations. Participants also shared civil society and migrant community initiatives during crisis situations.

The las session of the consultation focused on the discussing priority areas for action and developing the CSO statement for the Government MICIC process. Linda Alkalash of the Arab Network for Migrants Rights was nominated to deliver the CSO statement in the government program. Please see next page for the statement.



***Civil Society Recommendations to the MICIC Initiative
Middle East and North Africa (MENA) Regional
Civil Society Consultation
11-12 March 2016, Beirut, Lebanon***



Introduction

We, the representatives from migrant associations, migrant advocacy groups, trade unions, faith-based organizations, legal aid networks, refugee rights organizations, media, human rights and humanitarian organizations from Jordan, Kuwait, Lebanon, Morocco, Oman, the Philippines, Qatar, Tunisia, and the United Arab Emirates, gathered in Beirut on the 11th and 12th of March, to discuss and deliberate on the issue of migrants in crisis in the MENA Region, and to provide inputs to the MICIC Initiative.

Our discussions affirmed that first and foremost, crisis should be viewed from the perspective of migrants. From our point of view, crisis does not only constitute large-scale acute-onset events but also the perpetual crises that many of us experience in our daily lives that increase our vulnerabilities during emergency situations.

Migrants should be recognised as actors rather than only passive recipients of assistance. When our human and labour rights are protected, migrants are better situated to act and assist during times of crisis. However, this strength goes untapped because of existing laws, practices and attitudes during ordinary times that hinder migrants from organising ourselves and extending support to other fellow migrants in times of emergency. As such, the human rights of migrants should be guaranteed at all times, not just in times of crisis.

In the MENA region, which is characterised by on-going political turmoil that lead to the unprecedented increase of refugees and stranded migrants, we should go beyond humanitarian assistance and ground the guiding principles for emergency responses within existing human rights frameworks and mechanisms. We must work together to ensure that there is no preferential treatment between refugees and migrants, and, because of our status, we are not subject to increasing racism and xenophobia in host countries.

We need to look at the conditions of all refugees that have been displaced by civil war and ongoing political crisis, as well as migrants who have been significantly affected by the current economic crisis in the region. Migrants who have been languishing in detention due to administrative grounds, victims of cross-border trafficking, and the vulnerable situation of irregular migrants must be given serious attention.

While some of these issues might not fall within the scope of the MICIC Initiative, we believe that addressing these issues could contribute to saving lives, increase protection and decrease the vulnerability of refugees and migrants, and help develop effective response mechanisms.

Our specific recommendations for the MICIC initiative are as follows:

Pre-Crisis

- We should create more regular and legal channels for safe and orderly migration. Some examples of this include the Philippines' joint and solidarity liability, and India's e-migrate system.
- We could include a clause in contracts and bilateral agreements to cover compensation and insurance policies for repatriation in the event of emergency situations. This should be at no cost to the migrant workers. Another option could be a security deposit paid by the employer, which the migrant worker could utilize if repatriation is necessary.
- All migrants including irregular migrants, should have access to timely, preventative, curative and rehabilitative health to ensure that we are physically and mentally prepared to cope with crises.
- We should address concerns surrounding the sponsorship system which fuels further abuse and exploitation, especially migrant domestic workers and other extremely vulnerable migrants. These concerns include the provision for the No Objection Certificate, exit permits, and the linking of visas to an individual employer, and the limits on migrants' freedom of movement during a crisis. We note and commend efforts by Bahrain, Kuwait and Saudi Arabia who have initiated reforms for these.
- A comprehensive data collection of migrants both at home and host countries can be very helpful, provided that the information collected will not be used against migrants. As an example, we note Morocco's practice of registering regular and irregular migrants at the embassy. This data should be shared between relevant government ministries and Missions.
- Governments could also prepare by setting up contingency plans, emergency funds, and reintegration or re-entry programs specifically to assist migrants in situations of crisis.
- We should also work together to support mobile technology initiatives such as MigCall, which is a phone app to connect Indian migrants with authorities and NGOs during times of distress.

Emergency Phase:

- We should increase coordination and communication among all relevant response groups, including governments, international organizations and civil society groups responding to the crisis.
- We should identify focal points from the migrant communities affected by the crisis.
- It is vital that we ensure the equal distribution of humanitarian assistance, so that affected migrants are not discriminated for any reason.
- We must facilitate the voluntary repatriation of all migrants (including undocumented and those in detention) without any conditions and we must ensure that family units are kept together during the repatriation process.

Post-Crisis:

- We should provide compensation for migrants for unpaid salaries, lost assets and indemnities.
- We should implement an independent, multi-stakeholder evaluation and ensure that the recommendations be fed into contingency planning for future emergencies.
- We must work together to create new job opportunities for repatriated migrants and employment programs for those who stay back in the crisis-affected areas.
- Psycho-social support system/mechanism could be made available.
- We could also provide micro-credit financial investment for migrants to recoup their losses.

**Civil Society Statement to Colombo
Process Governments
5th Colombo Process Ministerial Meeting | 24-25 August
2016, Colombo, Sri Lanka**

We, the migrant civil society, welcome the invitation of the Sri Lankan government in this year's Colombo Process Ministerial meeting. Looking back in 2011 and 2014, civil society also had the opportunity to be part of this process albeit with limited spaces.

Thus, we reiterate our call for a meaningful participation of migrants and civil society in formulating and implementing rights-based and gender-sensitive policies and programmes and services for migrants.

In view of the five thematic areas that you will discuss in this 5th CP Ministerial Meeting, may we bring to your attention and for your kind consideration the following concerns and recommendations

1. Qualification and skills recognition process

To address the lack of commonly agreed framework or standard for recognising skills acquisition across countries, we recommend the adoption of the ILO Regional Competency Standards to prevent mismatch or deskilling of migrants. We also propose the skills acquired by migrants in receiving countries are duly recognized and accredited which is necessary for the advancement of their careers. With respect to returnee migrants, CP should harness their expertise to ensure productive and sustainable reintegration. To realize these, we propose the following:

- Employers to provide skill certification at the end of the contract e.g. type of skills and duration of experience
- Awareness programmes on existing skills and qualifications programmes
- Develop a database of migrants including returnees and their corresponding skills and qualifications.
- Coherence in wage payments for all migrant workers including skills enhancement, promotions and other incentives

2. Ethical labour recruitment practices:

We recognize governments' efforts in addressing the systemic malpractices that happen within the recruitment process. Despite efforts to reform this industry, migrant workers continue to be exploited and many stories of abuses have been recorded in the past 5 years. We reiterate our call to effectively implement existing recruitment regulations and enforcement of stiffer penalties as well as administration of online recruitment system to ensure that recruitment agencies and employers do not bypass the system. Specifically, we recommend CP governments to:

- Ratify and implement the ILO Convention 181- Private Employment Agencies Convention-1997 and progressively implement zero recruitment fee and employer- pay recruitment model.
- Regulate sub-agents and establish accountability.
- Anti-illegal recruitment and anti-trafficking measures need to be properly monitored and ensure that perpetrators are brought to justice and victims/ survivors are legally assisted and adequately compensated.
- Establish independent tri-partite commissions to investigate illegal recruitment practices.
- Ensure civil society representation in the Thematic Working Group that the CP will set up.
- 3. Effective pre-departure orientation and empowerment

We welcome the development of a Comprehensive Information and Orientation Programme (CIOP). We recommend that its implementation must be gender-sensitive and supported by enabling and supportive institutional and legal infrastructure that recognizes the human rights of migrants.

In addition, pre-departure orientation must include discussion on migrants' rights and obligations, understanding enforceable and binding contracts, country-specific information, redress mechanisms and available services onsite, responding to crisis situations and financial literacy and opportunities for reintegration. Further, methods of teaching and learning must also be improved. We recommend further the following:

- Decentralisation of migration process and information resource centers/desks across the country
- Enhance capacities of trainers in order to ensure quality training.
- Recognize the expertise of returning migrants, and mobilize them as resource persons in CIOP
- Develop comprehensive information and recruitment guidelines for each labour receiving countries, and,
- Civil society to be part of the TWG and in the implementation of the CIOP

4. Promote cheaper, faster and safer transfer of remittances

We share strongly this advocacy and that it should apply to all migrants regardless of their status in the receiving countries.

Moreover, may we put forward the following recommendations:

- Governments shall take measures to reduce transaction cost for remittances to less than 3% as per SDG recommendation.
- Regulation and monitoring of remittance charges at the country level.
- Set up a sex-disaggregated data base on remittance transactions.
- Establishment of online banking processes and global partnership between local banks in receiving countries that would make it easier for migrant workers to transfer remittances.
- Governments should encourage local banks to develop incentives and benefit packages for migrants and their families.

5. Enhance the capacity of CP Member States to track labour market trends

- Establish a Permanent Secretariat for the CP for better coordination and implementation of the CP recommendations.
- Monitor regional economic trends in relation to labour market demands
- In addition, we recommend that governments take cognizant of the following pressing issues which warrant immediate attention:

Stranded migrant workers in Saudi Arabia and other parts of the Gulf region: The oil price fluctuation affected very badly the migrant workers in the GCC. Thousands of workers lost their jobs, and were denied of their wages and service benefits. Some companies deny workers of their benefits in exchange for the No Objection Certificate. While concerned governments have responded and provided immediate aid, responses are all but temporary. CP countries should take to task the GCC governments as well as the employers to ensure that the affected migrant workers are provided with proper compensation and redress. Any assistance and/or repatriation program should be grounded on human rights and with informed consent of migrants. CP countries should learn from the lessons of the past financial crisis that left many migrant workers displaced and stranded and without prospect for local employment for those who eventually opted to go back home.

All the more that it becomes very urgent for countries of origin to provide decent job opportunities at home so our workers will not be held hostage in situations like these.

Blatant attack on the dignity of migrant domestic workers: It is a common knowledge that advertisement of migrant domestic workers is widely practiced by recruitment agencies. Recently, a Bahraini recruitment agency sparked criticism for displaying three of its domestic workers like commodities for sale. This is not the first time that this happened.

We call on the CP countries to take measures to encourage receiving ntries to create a migrant-friendly social and legal environment where all migrants particularly domestic workers, are treated with dignity and respect. Adoption of a standardized employment contract for migrant domestic workers that reflect the needs and interests of migrant women domestic workers: We recognise governments who have stepped up and forged bilateral labor agreements accompanied by a standard contract. These contracts should adequately address the needs of women migrant domestic workers, in terms of working hours, protection against abuse, harassment and violence, freedom of movement, the right to freedom of association and collective bargaining, monitoring the workplace conditions, and inclusion to social protection including maternity protection. We also reiterate that we should recognize domestic workers as workers per ILO C189 and consistently use the term “domestic worker” to refer to them and reflect this in all documents including the employment contracts, and include them in the coverage of national labor and social laws.

Improve programs and services onsite; enhance cooperation of CP foreign missions. We commend some CP governments that have taken progressive steps towards providing assistance to migrant workers onsite. We also note however, that some still have ad hoc arrangements.

Governments need to allocate timely and adequate human and material resources for their programs for migrants at the foreign missions. Moreover, we urge stronger cooperation and coordination amongst CP foreign missions in labor receiving countries.

Careful examination of the recent reforms in policies and practices in labour receiving countries: In recent years, we have noted efforts by Gulf countries to reform the Kafala system. However, we note that these reforms contain conditions which still restrict migrants’ right to mobility. We therefore, call on CP governments to revisit these changes in the laws/policies to ensure that these are to the interests of the migrants.

Restrictive policies on women migrants: We note that CP governments always resort to restrictive policies such as age-ban, sector-specific ban and the like. While we understand governments intention to protect women migrants, existing reports say that these bans are not effective in reducing the vulnerability of women migrants. Oftentimes, these bans lead to clandestine migration which puts women migrants to further risks. We also note that these policies fail to recognize the agency of women. We therefore recommend that labor sending and labor receiving countries mutually agree on measures to ensure safe, legal, and informed migration for our women migrants including programs and policies that are rights-based and gender-sensitive.

Effectiveness of online complaints system: We recognize the efforts of some labor sending and labor receiving countries in establishing online portal systems to report labour rights violations. While we consider this an encouraging development, we note that these systems need to be further enhanced to make them more accessible to all migrants by simplifying the form, and should be written in the language understood by migrants. Migrants’ access to communications must be ensured as well.

Rampant cross-border labour trafficking of migrants: We note the widespread cross-border trafficking of migrant workers in the Gulf who enter through visit visas. This system is abused by unscrupulous recruitment agencies and employers where migrants are either provided with fake job orders and/or documents or they are trafficked to another country. We recommend that CP governments look into this issue and take appropriate measures to stop it.

Genuine participation of civil society in CP meetings and related processes: We reiterate our strong recommendation that participation of civil society, trade unions and media in the CP processes be institutionalized and include in its Operating Modality.

As Sri Lanka hosts the next Abu Dhabi Dialogue (ADD), we hope that our recommendations merit immediate actions from CP Member States. The time is ripe that we come together on a common ground for the best interest of migrants and their families and ensure a meaningful and constructive dialogue.

For more information, please contact:

William Gois
Migrant Forum in Asia
Regional Coordinator



Activities in Asia are coordinated by Migrant Forum in Asia (MFA) whose secretariat is based in the Philippines.

Building on years of collective organizing for migrant workers' rights in the region and internationally, for example through Migrants Rights International, activities in Asia aim to advance the migrants rights and development agenda in the region, following the priorities of the 5-year 8-point Plan of Action.

A specific focus for the region is on safe and decent labour migration and regulating the migrant labour recruitment industry closely linked to the activities of the Working Group on Labour Migration and Recruitment, also coordinated by MFA.

All civil society organizations working in the field of migration, migrants' rights and human development in Asia or with an interest in the region are welcome to join and participate upcoming regional events, advocacy actions



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