

MADE Asia Regional Report





MADE Asia Regional Civil Society Report

Migrant Forum in Asia (MFA) is a regional social justice organization of migrants, migrants rights advocates, trade unions, faith based organizations, grassroots organization and individuals. The MFA network established in 1994 works with partners in more than 25 countries in Asia and West Asia region with its secretariat based in Manila, Philippines. In 2014 MFA joined the MADE network as the lead organization for MADE Asia and MADE Thematic Working Group on Labour Migration and Recruitment.

MFA's participation was built on years of engagement with the Global Forum on Migration and Development (GFMD) and years of collective organization on migrants rights in the Asia region. MFA has been engaged in the GFMD process since it started in the 2017 and every year since 2017, has mobilized migrants rights organizations in Asia to collectively engage in the process.

MADE Asia's activities focused on three key issues: labour migration and recruitment reform, migration and the Post 2015 Development Agenda / 2030 Sustainable Development Goals (SDGs) and Migrants in Countries in Crisis. MFA as the lead organization for MADE Asia organized regional and national consultations on the three key issues. Aside from these, MFA also took the lead in mobilizing Asian civil society organizations to engage in global and regional inter-governmental processes such as the GFMD, Abu Dhabi Dialogue and Colombo Process. The Asia Regional Report covers the activities of MADE Asia from 2014-2016 .





2014 Regional Consultation on Labour Migration and Recruitment Reform



2014 Regional Consultation on Labour Migration and Recruitment Reform

Reforming migrant labour recruitment policies has been at the top of the agenda for migrant workers, migrant civil society organizations, and trade unions for many years. The recruitment process in labour migration poses particular challenges for effective regulation, and gaps in current regulatory practices, both in countries of origin and destination, result in increased risk for migrant workers.

Recognizing the global scope of this issue and understanding that civil society groups have been advocating for recruitment reform in various regions of the world for many years, Migrant Forum in Asia (MFA) and the Global Coalition on Migration (GCM) in partnership with the Migration and Development Civil Society Network (MADE) formed the Open Working Group on Labour Migration & Recruitment following a series of meetings during the Global Forum on Migration & Development in Stockholm in May 2014. The Open Working Group was established to bring together the multiple advocacies on recruitment reform taking place globally.

Since its establishment, the Open Working Group on Labour Migration and Recruitment has initiated a number of activities, including the creation of the working group listserve, the launch of an online portal— www.recruitmentreform.org, a series of online discussions on recruitment reform, and a global study on gaps and challenges in recruitment policies.

On 16-17 December 2014, MFA, in partnership with Tamkeen Fields for Aid, GCM, and MADE convened the second international meeting of the Open Working Group on Labour Migration & Recruitment in Amman, Jordan. The conference brought together 53 participants, including civil society and trade union partners, representatives of foreign missions, and lawyers who take up migrant worker cases, from Asia, Europe, and North America to define a common program of action and to develop the campaign for Recruitment Reform.

Throughout the two-day conference, a number of key themes were explored, including the International Labour Organization's Fair Recruitment initiative, ethical recruitment initiatives headed up by private recruitment agencies, and the merits and drawbacks of bilateral agreements and memoranda of understanding in regulating migrant labour recruitment regimes. Substantive discussions took place on potential campaigns, including zero tolerance for recruitment fees and engaging the private sector on ethical recruitment standards, and on the need to enhance knowledge within the working group on the various recruitment regimes in place internationally.

The conference resulted in the formulation of a common action plan, setting out our next steps for action as a working group.



Regional Conference on Labour Migration and Recruitment Reform Action Plan

Goals	Initiatives
Influence international pronouncements on migrant labour recruitment	<p>Series of policy papers (developed through online consultations)</p> <ul style="list-style-type: none"> • Recruitment Fees (in process) • Government-to-government recruitment • Contract substitution • Employer-tied visa regimes (e.g., kafala) • Recruitment bans • Pre-departure & post-arrival orientations • Role of sub-agents • ...other topics as emerge from OWG discussions <p>Intergovernmental Processes</p> <ul style="list-style-type: none"> • ILC side events • HRC side events • GFMD – priorities and preparation to be developed • UPR reporting • Regional Consultative Processes (determine best ways to engage in each region)
Establish Recruitment Reform campaign visibility in key spaces national, regional, international	<ul style="list-style-type: none"> • Develop print materials on each campaign priority and policy area (MFA) and disseminate among OWG members for use in various advocacy spaces • Website developments (RecruitmentReform.org) • Highlight “existing initiatives” of OWG membership • Highlight initiatives specific to the OWG as a group • Invite OWG members to write commentaries on policies • Highlight ethical recruitment and fair recruitment initiatives
Increase access to information for migrant workers and develop organizing tools to enhance migrant worker knowledge of their rights	<ul style="list-style-type: none"> • Translate materials (website and print) into French, Spanish, Arabic • Support existing initiatives of OWG members and encourage recruitment reform messaging to be part of their service delivery
Achieve ‘0’ recruitment fees for all migrant workers	<ul style="list-style-type: none"> • Finalize policy brief on recruitment fees (see above) • Add extra chapters to policy brief analyzing no fee policies in place currently and examining alternatives to fees-for-workers modalities to develop strong recommendations for no fees
Zero tolerance for contract substitution	<ul style="list-style-type: none"> • Host online discussion and create policy brief on contract substitution modalities (see above) • Advocate for standard contract to be included in BLAs/MOUs
Enhance support among the business community (recruiters and employers) for ethical/fair recruitment	<ul style="list-style-type: none"> • Work with ethical recruiters to develop a whitelist of ethical recruiters by country • Organize dialogues/national forums with recruitment agencies to raise awareness of ethical recruitment practices
Ensure that as a working group we identify common definitions and interpretations to advance our advocacy	<ul style="list-style-type: none"> • Create a glossary of terms used in the campaign
Increase research and data collection efforts to strengthen calls for ethical recruitment	<ul style="list-style-type: none"> • Complete MFA-led recruitment study (see details above) • Prepare country-level and regional-level analysis • Popularize findings



2015 Regional Consultation on Labour Migration and Recruitment Reform



2015 Regional Consultation on Labour Migration and Recruitment Reform

The MADE Asia meeting on Labour Migration and Recruitment Reform also served as a follow up meeting of Open Working Group (OWG) on Labour Migration and Recruitment Reform to assess the progress of the recruitment reform campaign. Migrant Forum in Asia (MFA) in cooperation with the Global Coalition in Migration and with the support from Migration and Development Civil Society Network (MADE) had its third meeting in Bogor, Indonesia from August 13-14, 2015. The two day meeting discussed updates on the OWG campaign priorities:

- Zero Fees for recruitment: No worker should have to pay recruitment fees to secure decent work.
- Zero tolerance for contract substitution
- Human rights in Government to Government Agreements on recruitment
- Ethical Recruitment

During the two day program, the OWG research on gaps in policy & practice in regulating the recruitment of migrant workers in Asia was also presented. The OWG members also discussed strategies how to implement the working group priority campaigns. The OWG members also discussed other initiatives on recruitment reform such as the ILO's Fair Recruitment Agenda, IOM's IRIS, CDM's contratados and the new accreditation system MFA is proposing for recruiters.

Before the meeting, a global conference on worker rights and shared prosperity organized by Solidarity Center on 10-12 August, 2015 in Bogor, Indonesia in which MFA was an active organizer and participant in the program. The conference was a good avenue to talk about the global issues of migration. The global conference gathered 200 participants from trade unions, migrants CSOs, regional and international organizations all around the world which are involved in the migration issues. The participants of the conference talked about the global migration issues including recruitment and rights violation towards migrant workers.

Following after the global conference, the MFA secretariat also convened 35 members of the open working group (OWG) on recruitment from around the globe to talk about the updates of the recommendations collated from the previous meeting and again plan for the next step that the working group will set forth as they go forward. The program ran for two days from 13-14 August 2015 with participants that vary from CSOs, Trade Unions, Academe, Global Activists, Lawyers and recruitment Agency. An internal meeting among the members of the OWG who have been engaged in the research on gaps and challenges of the migrant workers took place after the day one of the OWG meeting on August 13, 2015.

After the two day conference, recommendations on recruitment fees, ethical recruitment, contract substitution and government to government negotiations on recruitment were collated from the OWG members. The partners as well discussed the progress of the program of action of the OWG. This section of the report will present the progress of recruitment campaign as well as action plan from the 2015 Asia meeting of the OWG.



Program of Action 2015 Regional Consultation on Labour Migration and Recruitment Reform

Goals	Completed Activities	Next Steps / Proposed Activities of the OWG
Influence international-level pronouncements on migrant labour recruitment	Prepare for GFMD Engagement Familiarize civil society with campaign priorities and recommendations at the national level	Engagement with the GFMD <ul style="list-style-type: none"> • MFA to Finalize the results of the research for publication in time for the GFMD • Finalize Policy Brief no. 5 on Ethical Recruitment • Develop Policy Brief no 6: Monitoring mechanisms for ethical recruitment • Consolidate recommendations from different policy briefs for presentation to governments for the GFMD in Turkey • Lobby for Recruitment Reform to be a key thematic area for GFMD 2017 in Bangladesh and GFMD 2018 in Germany
	Online Discussions and Policy Briefs based on campaign priorities <ul style="list-style-type: none"> • Report to the SR on Migrants • Recruitment Fees • G-to-G Recruitment • EPS Analysis • Contract Substitution • Ethical Recruitment + “whitelist” criteria 	Finalize Policy Briefs Translation of Existing Policy Briefs into local language <ul style="list-style-type: none"> • Bangladesh (WARBE, BOMSA and RMMRU commit to work on translation) • Nepal (Migrants Centre Nepal commit to work on translation) • Thailand (HRDF commits to translate document) Develop Discussion Papers on New Recruitment Policies <ul style="list-style-type: none"> • Taiwan and Philippines New Direct Hiring Policy (discussion online or by e-mail to know more about the new policy) • Nepal’s new policy on reducing recruitment fees Develop Policy Brief no 6: on Monitoring Mechanisms for Ethical Recruitment Policy Brief on role of sub-agents
		Engagement with ILO’s Fair Recruitment Agenda and IOM’s IRIS Initiative <ul style="list-style-type: none"> • Develop a Critique / Analysis of ILO Fair Recruitment Agenda and IOM’s IRIS Initiative. If possible draw up matrix to compare if there similarities in the initiative • Dialogue with ILO and IOM how the OWG can engage in the process of the Fair Recruitment Agenda and IRIS
		Engage UN Human Rights Mechanism <ul style="list-style-type: none"> • Submit when relevant thematic reports on recruitment to Special mandate holders and to treaty bodies

Goals	Completed Activities	Next Steps / Proposed Activities of the OWG
<p>Establish Re-recruitment Reform campaign visibility in key spaces national, regional, international</p>	<p>Recruitment Reform Campaign Visibility</p> <ul style="list-style-type: none"> • Zero fees brochure • RecruitmentReform.org website • Recruitment Reform FB and Twitter • Campaign materials disseminated at: <ul style="list-style-type: none"> • ILC • HRC • ASEAN Civil Society Conference 	<ul style="list-style-type: none"> • Finalize research and develop briefs / short advocacy documents highlighting the results of research for distribution in GFMD, ILC, HRC and other regional processes • Website to include compilation or regulatory mechanisms and policies on recruitment • Website to include compilation of various codes of conduct for Ethical Recruitment <hr/> <ul style="list-style-type: none"> • Engage with Media • For the OWG to engage media to popularize recruitment reform campaign • Identify key resource persons among the OWG members who can be interviewed by media •
<p>Consolidate the OWG</p>	<ul style="list-style-type: none"> • Ensure that as a working group we identify common definitions and interpretations to advance our advocacy Participatory Glossary on Recruitment Reform 	<ul style="list-style-type: none"> • Continue to refine the glossary and publish in time for the GFMD] • OWG to Conduct Mapping of Existing Mechanisms
<p>Increase research and data collection efforts</p>	<p>Survey research completed in:</p> <p>Singapore Philippines Bangladesh Thailand Malaysia India Nepal Bahrain Lebanon Taiwan Indonesia Qatar Israel</p>	<ul style="list-style-type: none"> • Finalize and Publish OWG research <ul style="list-style-type: none"> • Research to be finalized and presented at the GFMD in Turkey in October 2015 • Engage with Lawyers Network in line documentation recruitment related cases • Publish a compilation of cases on recruitment Develop a common process / guideline for documenting legal cases on recruitment for Lawyers Beyond Borders network



Made Asia's Engagement with the Sustainable Development Goals

Made Asia's Engagement with the Sustainable Development Goals

In the lead up to the process of adopting the 2030 Agenda for Sustainable Development, Migrant Forum in Asia organized seven country consultations and three sub-regional consultations in collaboration with the Global Coalition on Migration, the MADE Network and Solidarity Center.

The series of national and sub-regional consultations were organised largely to socialize the knowledge in order to address the gap between the discussions at the international level and at the grassroots; to get the perspectives of migrants on the issue of development and come up with migration specific targets and indicators on migration.

Specifically, these consultations aimed to:

- Ensure that migrants and CSOs are involved in developing indicators.
- Develop clear migration indicators for targets related to migration
- Ensure that migration is integrated as a component of the National Development Plan
- Ensure implementation, accountability, and monitoring mechanisms are in place.

National consultations were held in the following countries- Bangladesh, India, Nepal, Sri Lanka, Cambodia, Thailand, Indonesia and the Philippines. Meanwhile sub-regional consultations were organised in Bangladesh for South Asia, the Philippines for Southeast Asia and South Korea for East Asia.

These consultations unpacked the link between migration and the sustainable development agenda and what each sustainable development goal mean for migrants. Migrants perspective about these goals informed the development of migration specific targets and indicators which governments need to look for Agenda 2030 become meaningful for migrants.

The consultations challenged the predominant discourse on migration and development (which is narrowly focused on economic aspect) as it takes a way the discourse on human rights and labour rights and surrender State responsibility for development. Governments should address root causes of migration for genuine development be realized. People are on the move because there is lack of opportunities for decent employment at home that can sustain them and their families and allow them to realize their dreams and aspirations. The current economic model that has created an army of jobless is causing movement out of necessity, not of choice.

Migration as it benefit migrants, governments and the private sector, duty bearers must put premium on rights and protection. Maximising the benefit of migration should not be at the expense of their rights, protection and well-being, including those of their families. Likewise, discussions also highlighted how migrants can contribute to sustainable development not only in monetary terms but also in promoting ecological consciousness, environmental preservation, sustainable production and consumption which are necessary to sustain development for future generations.

Social and environmental factors that forced people to move must be given proper attention. These include among others climate change, internal conflicts, and proliferation of extractive industries and conversion of agricultural lands to residential communities and commercial spaces.

As women, migrants should be able to benefit from gender-sensitive, gender-fair and gender-responsive laws and policies. Sustainable return policy must be in place to encourage migrants to

return home. Reintegration programmes must go beyond livelihood assistance but to create decent local employment which utilizes skills of

migrants, promote green consciousness and social entrepreneurship among migrants, use savings and green investment to help not only migrants but also their communities in creating jobs while preserving the environment.

The consultations also witnessed skepticism from CSOs whether States would be able to deliver given different priority areas, political will, capacity and other influencing factors. However, civil society sees Agenda 2030 as an opportunity to further push a rights-based approach to migration and development and to work in partnership with governments to effectively implement the Agenda.

In terms of the process, during the initial stages, MFA looked at only the 7 targets that explicitly mentioned migrants and migration and which governments are looking at. As we continued with the consultations, the process also evolved. Programme designs and methodologies were modified in some consultations to adapt to their respective contexts. The consultations affirmed that all the 17 SDGs are relevant to migrants and migration and therefore should not limit the discussion on the 7 targets.. Migrants and civil society stressed that not only targets that explicitly mentioned migrants and migration should be considered when talking about integration of migration in the SDGs as the 7 targets do not capture the complexities and inter-linkages of other targets to migrants and migration. All the goals relate to migrants not only as enabler of development but also subject of development whose human rights and labour rights need to be respected and promoted.

The last consultation which was held in Indonesia adapted an entirely different approach. Pre-consultation interviews were conducted with key stakeholders to be able to understand better the context of the country and to surface key issues that migrant CSOs have been lobbying with their government.

The results of the consultations affirmed that the new development agenda should be a shared responsibility, promote good governance, ensures accountability and puts human rights as its core. To realise this, structural and systemic issues should be addressed that exacerbate poverty, inequalities and imbalance of distribution of power, wealth and resources. This means providing space for structural reform of existing dynamics and power relations between countries of origin and destination, between local workers and migrant workers, between migrant workers and employers and so on. Address xenophobia and discrimination and build on social integration programmes.

The consultations also affirmed civil society's important role in contributing to the well-being, empowerment and rights of migrants, communities and societies.

The program of action and proposed indicators developed from these consultations focused on how governments and other stakeholders could promote the protection and empowerment of migrants and how migrants could contribute to sustainable development not only in monetary terms.





Migrants in Countries in Crisis South , South East and East Asia Civil Society Regional Consultation



Migrants in Countries in Crisis Civil Society Consultation for South , South East and East Asia

Since 2011, governments and intergovernmental organizations have focused their attention on situations in which migrants are adversely affected by emergencies and disasters that strike their countries of destination or transit. This global focus on what was then referred to as “stranded migrants” emerged in response to the large-scale evacuations of migrants during the Arab Spring uprisings and subsequent natural disasters in Japan (earthquake, tsunami, and nuclear disaster), Thailand (unprecedented flooding), Haiti (earthquake), United States (Hurricane Sandy), among others. These disasters and emergencies exposed significant deficiencies in the policies and procedures of both origin and destination countries in responding to the particular needs of migrants—documented and undocumented—to ensure their safety and to facilitate equitable access to assistance.

The “stranded migrant” concept gained political traction through efforts of the UN Special Representative of the Secretary General on International Migration, Peter Sutherland, at the 2012 Global Forum on Migration & Development (GFMD), who cited addressing the challenges of “stranded migrants” as a priority. Likewise, global civil society included stranded migrants in its 8-point, 5-year action agenda , expanding the concept to include migrants in distress. Point 3 of the action agenda calls for:

“...reliable, multi-actor mechanisms to address the assistance and protection needs of migrants stranded in distress, beginning with those trapped in situations of war, conflict or disaster (natural or man-made) but with the same logic and urgency with respect to migrant victims of violence or trauma in transit. This should include specific attention to egregious gaps in protection and assistance for migrant women who are raped, and the thousands of children that are unaccompanied and abused along the major migration corridors in every region of the world.”

The 8-point, 5-year action agenda served as the cornerstone of civil society advocacy at the 2013 UN High Level Dialogue on Migration & Development (UNHLD), and the “stranded migrants” priority was reflected in the UN Secretary General’s report during that process; the situation of stranded migrants was one of eight points of the Secretary General’s action agenda.

An important outcome of the UNHLD was the establishment of a new state-led initiative to address the plight of stranded migrants, following the narrow interpretation of migrants caught in crisis situations. The newly formed “Migrants in Countries in Crisis Initiative” (MICIC) is led by the United States and the Philippines with the participation of Australia, Bangladesh, Costa Rica, Ethiopia, and the European Commission in partnership with the IOM, the UNHCR, Professor Susan Martin, and UN SRSR Peter Sutherland.

While civil society welcomes the initiative of governments to address the issues affecting migrants caught in crisis situations through the creation and implementation of sound procedural frameworks and response mechanisms, states must recognize that their responsibility extends to perpetual crises affecting migrant workers. State-led initiatives must also be in place to address these urgent situations. This section of the regional report highlights the outcome of the MADE Asia Civil Society MICIC Consultation for South, South East and East Asia.

Civil Society Inputs to MICIC Initiative South East, South, & East Asian Regional Consultation Manila, Philippines 23-24 March 2015

Introduction

Over the last two days, civil society organizations from South, Southeast, and West Asia have engaged in a parallel consultation on migrants in crisis. In this process, we have reviewed the analysis of global civil society on stranded migrants, migrants caught in crisis situations, and the perpetual crises that migrants face daily. This analysis has evolved and taken shape over many years of work with migrant communities and engaging in national, regional, and international government processes. Civil society organizations and migrant communities welcome the opportunity to provide inputs to this first MICIC Initiative regional consultation.

The MICIC Initiative seeks to address the protection needs of migrants in acute onset emergencies in destination countries. Governments and agencies involved in the MICIC Initiative have indicated that there is no specific protection framework to address the particular needs of migrants caught in countries experiencing crisis. This analysis falls short, as it fails to account for existing human rights frameworks that, if properly adopted and implemented by states, would reduce migrants' risks, decrease their vulnerability, and empower them as actors in emergency response strategies. As emergencies such as conflict and natural disasters are becoming the norm rather than the exception, it is crucial that governments move beyond humanitarian assistance and ground guiding principles for emergency responses in existing human rights frameworks.

Pre-Crisis: Ratify, Implement, and Promote Human & Labour Rights Instruments

The MICIC Initiative is focused on crises that migrants are caught up in as against crises that are entwined with the reality of being migrants. Thus, the MICIC Initiative fails to account for ongoing crisis situations that migrants experience daily—perpetual crises that create vulnerabilities that are exacerbated at the onset of emergencies.

Ratification and implementation of human and labour rights standards, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), will pre-emptively decrease migrants' vulnerability, both in times of stability and especially in times of emergency. This year, 2015, marks a turning point for many relevant global agendas: a new agreement on climate change, a new agenda on sustainable development, and a new framework for disaster risk reduction. The MICIC Initiative should not be approached in isolation of these developments; governments must commit to adopting and implementing strong rights-based frameworks in all of these processes.

Responding to Crisis: Migrants as Actors in Emergency Response Strategies

In ratifying and implementing relevant human rights and labour rights instruments and respecting the rights of all migrant workers and members of their families, migrants will become actors in emergency response strategies rather than passive recipients of humanitarian assistance. When

migrants' rights are protected, they will be able to more freely assert their needs and determine their own solutions. This will enable both origin and destination countries to better identify migrant-centred humanitarian responses, continuing to anchor response strategies in a human rights framework.

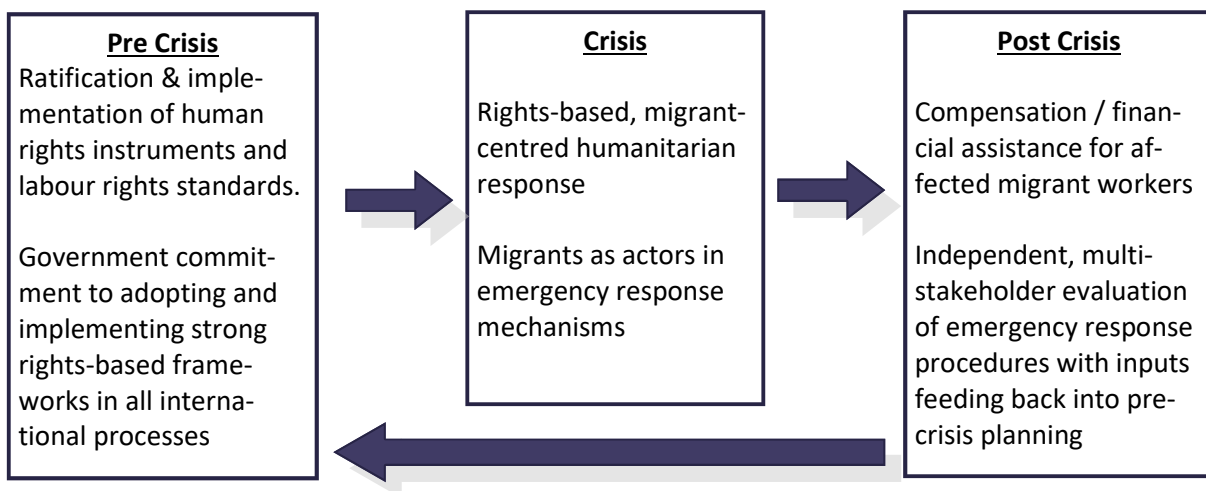
Post-Crisis: Compensation & Multi-stakeholder Reviews

Once an emergency situation has abated and response mechanisms have been exhausted, migrant workers should have access to some kind of financial assistance to compensate them for wages lost during the crisis. Financial assistance could take the form of an emergency fund, an insurance scheme, or a loans program with easy repayment terms. Such financial assistance would provide the worker with the means to re-establish him/herself and make decisions about his/her economic future.

In the post-crisis phase, states should also undertake independent multi-stakeholder reviews of the procedures that were enacted to identify best, promising, and worst practices and to measure the impact of response mechanisms on the human rights of migrants. Recommendations derived from this assessment should be used to feed into contingency planning for future emergencies with a view to reducing migrants' vulnerability in crisis scenarios through rights protection and empowerment.

Institutional Management and Oversight

If an institution is given the mandate of overseeing the implementation of a set of MICIC guiding principles, this institution must prioritize human rights protection and ground its activities in a human rights framework. The international community must not develop a framework in which governments and agencies address the serious rights concerns of migrant workers only during times of acute onset crisis. Not only are states obligated to uphold human and labour rights, but in doing so as a matter of course they strengthen the ability of migrants to determine their own solutions and rely less on states and intergovernmental agencies for assistance and support in emergencies.



Finally, we urge the governments and agencies involved in the MICIC Initiative to open its deliberation processes, prioritizing meaningful participation of migrants and their representatives. We reiterate that any guiding principles, statements, or pronouncements of the MICIC Initiative must be anchored in a human rights framework.

Reflections of Civil Society

*Presenter: William Gois, Regional Coordinator, Migrant Forum in Asia
(Presented at the MICIC Initiative Regional Consultation for South, South East and East Asia)*

Over the last two days, civil society organizations from South, Southeast, and West Asia have engaged in a parallel consultation on migrants in crisis. In this process, we have reviewed the analysis of global civil society on stranded migrants, migrants caught in crisis situations, and the perpetual crises that migrants face daily. Our analysis has evolved and taken shape over many years of work with migrant communities and engaging in national, regional, and international government processes.

So far, the MICIC Initiative has taken the approach of migrants as vulnerable recipients of assistance. This framing does a disservice to migrants, who are strong, resilient, and resourceful. The MICIC Initiative framing needs to be rethought and revised — we must look at migrants as actors who can help to mitigate the impact that crisis situations can have on their lives and those of fellow migrants.

“The human rights of migrants must be guaranteed at all times, not just in times of crisis.”

We need only look at the migrants who risk their lives every day crossing the Mediterranean Sea because of crisis, determined not to return home. The huge risks these migrants take demonstrate considerable resoluteness and high tolerance for risk.

The MICIC Initiative’s delinking of “personal crisis” from “countries in crisis” must be revisited. The crises experienced by migrants every day create and increase vulnerabilities experienced in crisis situations. The strength of individuals will impact the extent to which they can act on their own behalf and on behalf of others when external crises occur.

Migrants can be a force; their potential to act in crisis situations goes untapped because of laws, practices, and attitudes during ordinary times that debilitate them from becoming empowered actors in times of crisis.

The human rights of migrants must be guaranteed at all times, not just in times of crisis.

While the protection of human and labour rights in ordinary times does not necessarily impact crisis levels when conflict or natural disaster occurs, it does, however, impact the degree of vulnerability of affected populations, including migrants. When human rights are protected, people are better able to freely assert their needs and determine their own solutions. In the case of migrants, when their rights are protected they are better equipped to assist themselves and one another.

Migrants must be empowered to act collectively. In countries of destination, we continually witness the closing down of migrant organizations, associations, and trade unions out of fear that organized migrants will engage in discourses that might threaten national security. This is happening on a very big scale in the GCC countries. Hundreds of community organizations have stopped meeting for fear of being held suspect.

Recent restrictive monetary and financial regulations in countries of destination (GCC) stifle the ability of migrant communities to raise money to support their counterparts when they are in need.

Migrants are prevented from pooling their resources to provide assistance to migrants who become injured or for the repatriation of workers who are injured or the remains of those who die while in countries of destination. Being prohibited from such activities in ordinary times means that migrants have no experience of such collaboration to apply in emergencies. For example, Filipinos in one GCC country resolved to continue their fundraising efforts to support those affected by Typhoon Haiyan, despite their host state's prohibition on such activities. In solidarity, the Ambassador of the Philippines attended each fundraising event to provide immediate assistance in case there was any intervention on the part of the host state authorities. Such measures should not be necessary.

These examples show how the inability to form and strengthen migrant community networks in ordinary times breaks down communication and solidarity within migrant communities that could otherwise be activated in times of crisis. Experience informs learning. If the practice of responding in ordinary times is not tolerated, this will be difficult to initiate in crisis mode.

On the other hand, allowing migrants to organize themselves can ultimately create an environment in which migrant communities can regularly come together to support one another, share experiences, and can even result in these communities moving beyond a national approach to a collective experience approach that goes beyond the borders of national identity. For example, during the war in Lebanon in 2006, Ethiopian diaspora communities in the United States raised money to support affected migrant communities. They entrusted these funds to a Lebanese CSO to assist both Ethiopian nationals and migrants from other countries who were affected by the conflict.

For migrant community organizations to effectively organize, they must be able to register with the competent host country authorities and with their embassy. When such organizations are able to formalize and be recognized in ordinary times, they will be better able to locate their fellow migrants, organize responses for their communities, and collaborate with government response teams in times of crisis.

Governments and emergency response teams must consult migrant communities.

The best system to locate migrants in time of crisis is to consult migrants themselves. Migrants know where their fellow migrants are. Migrant community networks can be kicked into high gear at any time much more quickly and efficiently than any state-led apparatus, as these networks continue to function even when state facilities are inadequate or fail, and operate on a basis irrespective of legal status.

Many migrants from South Asia are ambivalent about the role of embassies and state officials in providing support and protection in times of crisis. Undocumented migrants are particularly reluctant to approach their embassies or state authorities. As such, the potential for states to collaborate with migrant communities remains weak.

The measures I have described are pre-emptive, empowering, and enable migrants to become actors rather than passive recipients of state assistance. Persistent human rights violations and ongoing systemic barriers to full integration and participation in the community life of countries of destination create a stifling environment for migrants, as they are unable to realize the strength and potential of act and agency within their communities. If these barriers were removed and migrants were able to claim their power, they would be a significant force that is able to act with far greater effectiveness in collaboration with state-led initiatives, because for governments it is an operation, while for migrants it is survival. ***The practice established in ordinary times induces learning and courage to act in extraordinary times.***

Migrants in Countries in Crisis West Asia Civil Society Consultation

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.

The consultation came up with recommendations for States to consider in drafting the MICIC Framework and Guiding Principles. See Annex 1 for the civil society recommendations. This section of the report will share the output of the MICIC West Asia Consultation.



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



Colombo Process

Colombo Process Fact Sheet

HISTORY

The inaugural meeting of the Colombo Process (CP) took place in 2003 in Colombo, Sri Lanka. It gathered ten countries of origin and the International Organization for Migration (IOM), which acts as the Secretariat of CP since its inception. Since the inaugural meeting, Ministerial Consultations have been held in Manila, Philippines (2004), Bali, Indonesia (2005) and Dhaka, Bangladesh (2011). The third meeting in 2005 was the first where countries of destination, referred to as 'Observer States, took part.

MEMBER STATES

There are 12 Member States: Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Nepal, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam. The eight Observer States include Bahrain, Italy, Kuwait, Malaysia, Qatar, Republic of Korea, Saudi Arabia, United Arab Emirates.

OBJECTIVES

- Share experiences, lessons learned and best practices in labour migration management
- Consult on issues faced by migrants, countries of origin and countries of destination, and propose practical solutions for the well-being of overseas workers
- Optimize development benefits from organized overseas employment and enhance dialogues with countries of destination
- Review and monitor the implementation of the recommendations and identify further steps of action

STRUCTURE AND PROCESS

The regional consultative process offers an informal and non-binding environment for Member States, observers and external organizations to engage in dialogues and cooperate on issues related to labour migration. Importantly, CP creates an opportunity for countries of origin to engage in collective bargaining to push for their interests.

The CP meetings are generally conducted in two parts – the Senior Officials' Meeting and the Ministerial Consultations. The Chairmanship of the Ministerial Consultations rotates. It is the duty of the participating Senior Officials to ensure that the outcome documents are finalized and ready for adoption by the Ministers and Heads of Delegations at the Ministerial Consultations. Recommendations adopted at the Ministerial Consultations are at times implemented at the national level.

CURRENT THEMATIC AREAS

Holding the chairmanship, Sri Lanka is calling for CP to focus on those five themes:

- Qualification and skills recognition process
- Ethical labour recruitment practices
- Effective pre-departure orientation and empowerment
- Promote cheaper, faster and safer transfer of remittances
- Enhance the capacity of CP Member States to track labour market trends

Statement of Civil Society Representatives to the Senior Officials Meeting of the Colombo Process Countries Colombo, 7 May 2014

The civil society (CS) representatives to the Senior Officials' Meeting of the Colombo Process Countries welcome and congratulate Sri Lanka for framing a proactive strategic plan for the next two years for the Colombo Process. The representatives believe that such a visionary plan will provide much needed momentum to the Process.

The CS representatives appreciate Sri Lanka's initiative in acknowledging the role of the CSOs and for facilitating the participation of the CS representatives in this meeting. The CS representatives commit to constructively engage with this intergovernmental initiative in its future activities.

Standard Employment Contract

The CSOs of the CP countries have long advocated for a unified Standard Employment Contract (SEC) for migrant domestic workers and fully support the substantive progress that has been made by the member states in this regard. The CS representatives welcome the draft SEC. They believe that implementation of SEC will go a long way in safeguarding the rights and interests of the migrant domestic workers in the countries of destination (COD). The CS representatives urge the CP to bring it to the Abu Dhabi Dialogue (ADD) meeting on the 22nd of May 2014. CSOs commit to continue to advocate for the unified SEC and for the incorporation of Domestic Work in the labour legislation.

CS representatives also recognized the need for CP countries to share their experiences in their efforts at regulating the deployment of migrant domestic workers in terms of assessing the impact and effectiveness of the same in relation to protection of rights as the ultimate objective. The CP could be instrumental in promoting common protection mechanisms to protect best migrant domestic workers in the entire migration process.

Recruitment Process

The CS representatives appreciate the member states' concern about the recruitment process. In this context they urge CP states to take into cognizance the ground reality and develop policies that do not compromise the human security of migrants. The CS representatives strongly feel that the problems of recruitment are not restricted to the countries of the origin (COO) only. The presence of intermediaries and their activities, particularly that of visa trading, in the COD have led to massive increase in migration cost in recent years. In this context the CS representatives urge the CP member states to take up the issue of visa trading and kafala system in the upcoming meeting of senior officials of the Abu Dhabi Dialogue process.

Role of Mission of COOs

In the deliberations of the parallel session with CSO on the 7th of May it was recommended that the role of country of origin missions needs to be strengthened in terms of capacities of mission staff

and the resources made available to the missions in executing their duties effectively for the protection of the rights of their nationals.

CP Secretariat

The CS representatives welcome the idea of an independent Secretariat for the Colombo Process. The representatives believe that such an initiative will play a vital role in member countries ownership of the process and in maintaining continuity and in implementing CP decisions together with all stakeholders including migrants and their families. The CS representatives look forward to more discussions on this issue.

Interfacing with Other Processes

The CS representatives urge the CP member states to proactively engage with the ADD countries in a more coordinated and strategic way. As about 90 percent of the migrant workers of the Gulf states originated from CP countries thus a collective stand on common issues of migrant workers can substantially facilitate convergence with COD in the ADD.

The CS representatives further feel that there is a good case for CP to interface with the regional inter-governmental ASEAN and the SAARC processes. This is imperative given the fact that increasingly some of these countries have become either destinations or transit states for movement to third countries.

Civil Society Representatives

William Ashley Gois, Regional Coordinator, Migrant Forum in Asia

Ellene A. Sana, Executive Director, Center for Migrant Advocacy Philippines

Dr. C R Abrar, Coordinator, Refugee and Migratory Movement Research Unit, Bangladesh

Dr. Lissy Joseph, Regional Coordinator, National Domestic Workers Movement-Asia Pacific, India

Manju Gurung, Chairperson, Pourakhi, Nepal

Andrew Samuel, Rights Advocate, Community Development Services, Sri Lanka



Civil Society Statement to Colombo Process Governments 5th Colombo Process Ministerial Meeting | 24-25 Au- gust 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 countries 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.





Abu Dhabi Dialogue

Abu Dhabi Dialogue Fact Sheet

HISTORY

In 2008, Member States of the Colombo Process and two countries of destination, Malaysia and Singapore, met with Gulf Cooperation Council (GCC) countries and Yemen to discuss practices and policies about temporary contractual labour in Asia. The Abu Dhabi Dialogue (ADD) was then formed and the ADD Declaration adopted to address issues of temporary contractual labour mobility and to optimize labour mobility's benefits for all participating countries. The second meeting was held in Manila (2012) and the third meeting in Kuwait (2014).

MEMBER STATES

The Abu Dhabi Dialogue is composed of 18 countries. 11 countries of origin: Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, and Vietnam; and seven countries of destination: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, United Arab Emirates (UAE), and Yemen. Republic of Korea, Japan and Singapore act as Observer States.

OBJECTIVES

The ADD serves as a platform for countries of origin and destination to discuss the management of temporary contractual labour mobility in Asia. It is an action-oriented dialogue with four main areas for partnerships between Member States:

- Share information on labour market trends, skills profiles, temporary contractual workers and remittances policies and flows
- Harmonize labour supply and demand
- Prevent illegal recruitment and protect migrant workers
- Develop a framework that manages temporary contractual labour and advance the mutual interests of Member States

STRUCTURE AND PROCESS

From 2008 until 2012, The ADD Secretariat was jointly composed of the Ministry of Labour of the UAE and the International Organization for Migration (IOM). In 2012, these operating procedures were modified for the Secretariat to be then composed of the Outgoing Chair, Current Chair, and Incoming Chair. The IOM now serves as an observer and thematic expert. The chairmanship changes on a rotating basis and is currently held by Kuwait.

The ADD follows a collaborative and non-confrontational approach that emphasizes cooperation, partnership and shared responsibility. It operates on a consensus basis and provides Member States the opportunity to engage in bilateral and multilateral negotiations.