

## **SAARC Plan of Action on Labour Migration**

### **Migration Trends and Patterns from the Region**

1. South Asia is increasingly characterized by high rates of migration although varying in patterns, forms and dimensions. An estimated 36 million South Asians currently live outside the region of their birth, a figure likely to increase given the roughly 2 million who migrate every year, primarily to countries in the Gulf and Southeast Asia. Migration is thus a common agenda of South Asian countries with much of the migration flows from the region consisting of the same destination countries, skills levels and sectors of work. This increase in labour migration activity has brought about positive impacts in countries of origin. Particularly, remittance figures as an important contributor to national economies of the countries of origin - India and Bangladesh are listed among the top 10 remittance-receiving countries while Nepal is among the top ten countries by share of remittances in GDP. Similarly, labour migration has contributed substantially to the overall development and economic progress of the destination countries. Despite the positive contributions accrued through migration and remittances, the issue of the social costs of migration, vulnerability of migrant workers, and the unfavourable working conditions they often experience, are also matters of grave concern for the region.

### **Mandate for Cooperation on Matters Relating to Migration**

2. The Eighteenth SAARC Summit held in Kathmandu on 26-27 November 2014 concluded with the endorsement of the 36-point Kathmandu Declaration. Under item No. 21 of the declaration, the SAARC Heads of States/Governments have agreed to ‘collaborate and cooperate on safe, orderly and responsible management of labour migration from South Asia to ensure safety, security and wellbeing of their migrant workers in the destination countries outside the region.’
3. This is in addition to the respective national legislative, executive and administrative frameworks that have already been adopted by SAARC member states on their own to provide for the progressive realization of migrant workers’ safety, security and well-being.

### **Related Developments within the SAARC Region**

4. SAARC countries are committed to the SAARC Charter to build an inclusive, stable and united South Asia imbued with the ideals of equity, justice and harmony; to promoting human rights, social justice and human-centred approach to socio-economic development by granting all citizens an equitable opportunity to realize their full potential; to providing improved quality of life through enhancement of livelihoods and human security, particularly to the most marginalized and vulnerable; and to taking advantage of the opportunities offered by a globalized world by combining South Asian economic dynamism with social integration.
5. SAARC member states have committed to a number of international instruments to safeguard the human rights and fundamental freedom of individuals, including the Universal Declaration on Human Rights 1948, the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, International Covenant on Civil and Political Rights (ICCPR), 1966 and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), 1979, while a few countries in the region are also signatories to the International Convention on the Protection of Rights of All Migrant Workers and Members of their Families (1990) and/or are considering ratifying the Domestic Workers’ Convention 2011 – C189, the Migrant Workers (Supplementary Provisions) Convention 1975 – C143, and the Private Employment Agencies Convention, 1997 – C181. The planned adoption of these instruments indicates the commitment

of the SAARC countries to uphold the rights and well-being of all individuals, including migrant workers.

6. Additionally, South Asian states are committed to the SAARC Convention on Preventing and Combating Trafficking on Women and Children for Prostitution, 2002, and the SAARC Convention on Mutual Assistance in Criminal Matters, and in the Eighteenth SAARC Summit Declaration, committed to establishing a 'South Asian Economic Union' to facilitate free trade, common market, and a common economic and monetary union in the region. Most of the SAARC countries are also members of regional and multilateral consultative processes such as the Colombo Process, Abu Dhabi Dialogue, Global Forum for Migration and Development, and the High-Level Dialogue on International Migration and Development.

### **Other Regional Initiatives**

7. Globally, there are other regions that have also taken steps to protect migrant workers. Some of these include: (i) Association of Southeast Asian Nations (ASEAN): ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, and ASEAN Plan of Action for Cooperation on Immigration Matters; (ii) African Union (AU): the Migration Policy Framework for Africa, the African Common Position on Migration and Development, the AU Framework on Refugees, Returnees and Internally Displaced Persons, and the Joint Africa-EU Ouagadougou Action Plan to Combat Trafficking in Human Beings especially Women and Children; (iii) Economic Community of West African States (ECOWAS): the Protocol on Free Movement of Persons and the Right of Residence and Establishment, and the ECOWAS Common Approach on Migration; (iv) European Union (EU): the Global Approach to Migration and Mobility (GAMM), the Policy Framework for Managing Irregular Migration, and the EU Protections for Victims of Human Trafficking; and (v) the Puebla Process that came out of the Central American and North American Regional Conference on Migration.

### **I. Objectives**

8. In order to realize the commitment enshrined in the Eighteenth SAARC Declaration to ensure the safety, security and wellbeing of migrant workers in the destination countries outside the region, the SAARC Plan of Action on Labour Migration seeks to achieve the following objectives:
  - i. Set up an institutional mechanism at the regional level that would facilitate collaboration and cooperation on management of key labour migration issues at the SAARC level.
  - ii. Facilitate the development of a 'SAARC Declaration on Labour Migration.'
  - iii. Identify priority thematic areas for regional cooperation on labour migration.
  - iv. Facilitate information exchange and knowledge building on Labour Migration.

### **II. Establishment, Roles and Responsibilities, and Structure of the Technical Committee**

9. For the proper implementation of the Eighteenth Summit Declaration, there is a need for a Technical Committee that would support the preparation and implementation of the 'SAARC Declaration on Labour Migration.'
  1. Establishment of a SAARC Technical Committee named, 'Technical Committee on Labour Migration'.
  2. Structure of the Technical Committee: As mentioned in the SAARC Charter/Guidelines pertaining to formation of a Technical Committee.
    - Focal point, as nominated by the respective Member States.

- Frequency of the Technical Committee Meeting will be as per the SAARC practice. Additionally, flexibility may be endorsed for the Technical Committee to meet as and when required.
10. The Roles and Responsibilities of the Technical Committee shall be as mentioned under the SAARC Charter (Article-VI)/Guidelines, including development of a SAARC Declaration on Labour Migration and implementation of the Declaration.

### **III. Programme of Action and Strategies**

#### ***1. Development of a Framework for Skills Qualification***

- 1.1 Developing a South Asian qualification reference framework and competency standards would facilitate harmonization of skills qualification at the regional level and also facilitate enhanced recognition of skills of migrant workers from South Asia in the destination countries.
- 1.2 Carry out mapping and review of existing qualifications frameworks, occupational standards and competency levels in South Asia and also that of major destination countries to support the development of relevant regional standards in priority trades for migrant workers from the region.
- 1.3 Member States would work towards recognition of their skills/qualifications by the destination countries. At the same time, they should strive towards arriving at a regional skills qualification framework which could be used as a reference for bilateral agreements, wherever possible, with destination countries or at regional and international consultative fora.

#### ***2. Strengthen Pre-departure Preparation of Migrant Workers***

For the protection and welfare of workers from the region in a holistic manner and to maximize the varying levels of engagement and available knowledge/information about the major destination countries, there is a need to develop a common framework for pre-departure preparation of workers from the region.

- 2.1 Take stock of pre-departure programs/initiatives across the region, including their delivery mechanism.
- 2.2 Develop a common curriculum for pre-departure orientation for the region which the individual countries can adopt to suit their context.
- 2.3 Facilitate the setting up of a framework for skills training, including language training, for South Asian workers in order to develop their capacity and prospects for gainful employment.
- 2.4 Set up a regional-level directive/mechanism for supporting migrant domestic workers from the region.
- 2.5 Support the capacity of government agencies and civil society organizations to enhance pre-departure preparation of migrant workers.

#### ***3. Formulation of Standard Employment Contract and Minimum Wages***

The nature of vulnerabilities as well as the exploitation and abuses that low-skilled workers from the region generally experience are similar despite the differences in their nationalities. Given this, it has become imperative for South Asian countries to demand better terms of employment and increased protection for their workers.

- 3.1 Develop standardized employment contracts as a tool to promote and protect migrant workers. Such employment contracts should establish regional minimum standards on labour migration that would include: information regarding working conditions and occupational safety, working hours, remuneration and benefits, food and accommodation, leave and vacation time,

- insurance coverage and compensation, social security including access to health care, and conditions of contract termination, among others.
- 3.2 Develop a common position on minimum wages and non-discrimination in payment of wages and benefits for the same work amongst workers from SAARC countries.
  - 3.3 Initiate a combined effort by South Asian countries to negotiate the adoption of standard employment contracts, wherever possible, with destination countries.
  - 3.4 Develop a mechanism to monitor the adoption of the standards – drafted for the South Asian region – amongst the employers in destination countries.

#### **4. *Establishment of a Mechanism for Information Exchange and Knowledge Building***

In the South Asia region as well as globally, the trends and patterns of migration and human mobility have been changing rapidly. As a result, it has become essential/imperative to improve the information and knowledge base on regional trends in labour migration, conditions of migrant workers, and effective measures to protect their rights and improve their welfare. Such information and knowledge are also required to strengthen the capacity of government authorities to respond to the needs as well as improve policy impact of migration.

- 4.1 Data collection and data sharing on issues relating to migration trends and patterns, including return migration. To the extent possible, the data should be disaggregated according to gender, sector and skill levels, with a view to strengthening evidence-based policies.
- 4.2 Support the creation of a shared database or web portal with information about migration trends and patterns, policies, best practices, challenges, agreements/arrangements where possible.
- 4.3 Encourage action research on issues and challenges related to labour migration from South Asia, including missing and irregular labour migrants, workers' experiences, recruitment costs, recruitment networks, and reintegration of migrant workers, to name a few.
- 4.4 Assist Member States to host Workshops/Consultations in relevant thematic areas for sharing experiences and foster intra-regional learning.

#### **5. *Ensuring Fair and Ethical Recruitment***

Migrant workers from South Asia are highly vulnerable to different types of malpractices and abuses during the recruitment which is largely managed by the private agencies in countries of origin as well as countries of destination. Often this includes high recruitment costs, misrepresentation of the employment, failure to meet placement obligations, and contract substitution. The high cost of migration often combined with low wages leads to minimizing benefits of migration.

- 5.1 Develop a common definition/understanding of 'fair and ethical recruitment' appropriate to the context of South Asia. Consultations with different stakeholders at the regional/national level could support this initiative.
- 5.2 Formulate guidelines/regional framework on 'fair and ethical recruitment' with regard to recruitment options, legislation, enforcement, certification and monitoring of the recruitment process. These guidelines should take into account international standards and best practices/initiatives on 'fair and ethical recruitment' that have been adopted in different countries/regions.
- 5.3 Prioritize and develop guidance for the elimination of recruitment fees charged to migrant workers in coordination with destination countries. Measures to monitor recruitment costs and recruitment practices should be supported.

#### **6. *Maximizing the Developmental Potentials of Migration***

The increase in labour migration activity has generated substantial benefits both in the form of financial and social remittances. In order to harness the potentials of both the financial as well as social remittances, mainstreaming of migration into the national and regional developmental frameworks should be encouraged. The 2030 Agenda for Sustainable Development should be taken

into account, wherever possible, while considering the development strategies and implementation policies in relation to migrants as well as migration.

- 6.1 Encourage research to examine the complex phenomenon of migration from the perspectives of its current and potential influence on the growth and development of South Asian countries.
- 6.2 Mainstream migration into development strategies at all levels, including
  - a) Encouraging Member States to develop mechanisms to integrate migration into national and multi- sectoral development policies.
  - b) Supporting Member States to develop and implement National Action Plan for leveraging the development potential of migration and remittances.
  - c) Developing reintegration programs for migrant returnees that would allow them to use the skills, knowledge and experience for the sustainable development of the country.
- 6.3 Development of mechanisms to minimize the costs of remittance transfer by improving access to financial services, strengthening financial infrastructure that supports remittance transfers through formal channels, improving the technology of money transfers, introduction of voluntary codes of conduct for fair transfers, and dissemination of information on types of transfer channels.

### ***7. Improvement in the Justice Mechanisms, Support Services, Welfare and Protection***

Access to justice has become an important theme in international debates related to protection of the fundamental rights of migrant workers. Accordingly, the governments in the region have pursued various mechanisms, such as bilateral agreements and support services to protect workers.

- 7.1 Review the existing protection measures/mechanisms and rehabilitation schemes for migrant workers/ returnees (e.g., welfare funds set up in some of the South Asian countries) and explore the possibilities for a regional mechanism to support migrant workers/returnees and extend coverage of social protection schemes to rescue, protection, relief and rehabilitation of victims.
- 7.2 Include issues of irregular migrants and victims of trafficking in regional/bilateral agreements with destination countries.
- 7.3 Endeavour to develop common solutions, strategies and facilities, such as common safe houses and transit homes in destination countries, in coordination with embassies/diplomatic missions of SAARC Member States.
- 7.4 Establish helpful mechanisms for migrant workers of SAARC Member States, regardless of migration status, in conflicts or crisis situations.

(Adopted by the Consultative Workshop on SAARC Plan of Action for Cooperation on Matters Related to Migration, Kathmandu, 3-4 May 2016)

Source: *Global and Regional Migration Processes*, South Asia Regional Trade Union Council, <http://www.sartuc.org/wp-content/uploads/2019/11/Global-Regional-Migration-Process-with-cover.pdf>