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Realizing a Fair Migration Agenda: Labour Flows between Asia and Arab States

Summary Report of the Interregional Experts' Meeting, 3-4 December 2014

Annapurna Hotel, Kathmandu, Nepal

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First published 2015

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Realizing a Fair Migration Agenda: Labour Flows between Asia and Arab States – Summary Report / ILO Regional Office for Arab States, Beirut and ILO Regional Office for Asia and the Pacific, Bangkok: ILO, 2015

ISBN 9789221296119 (web pdf)

The report was prepared by the ILO Regional Office for Asia and the Pacific ILO Regional Office for Arab States and reviewed by the Migration Branch (MIGRANT) at ILO Geneva.

This publication was made possible with generous funding by the Swiss Development Cooperation (SDC) and the European Union.

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Meeting background, objectives and follow up

In December 2014, the two-day experts meeting on Realizing a Fair Migration Agenda: Labour Flows between Asia and Arab States was held in Kathmandu, Nepal. The purpose of the meeting was for leading experts to identify and discuss key issues and a way forward to realize a fair migration agenda in the Asia-Gulf Cooperation Council regions.

The Fair Migration Agenda, as outlined by ILO Director General Guy Ryder at the International Labour Conference (ILC) in June 2014, calls for *constructing an agenda for fair migration which not only respects the fundamental rights of migrant workers but also offers them real opportunities for decent work*. This means a fair sharing of the prosperity that migrants help to create. This can be achieved through building migration regimes that respond equitably to the interests of countries of origin and destination, migrant workers, employers, and nationals.

In terms of stock, most recent estimates suggest that the GCC member States host more than 22 million migrant workers¹. These states currently rely on foreign labour, mostly on temporary contracts, to fill up to more than 90 per cent of private sector jobs, often in construction, service, and domestic work. These numbers will likely rise further given continuing wage differentials and labour force growth in home countries, combined with employment opportunities and labour shortages in the GCC due in part to massive infrastructure projects, such as those associated with the Qatar World Cup 2022 and the UAE World Expo 2020.

The current migration regime has created many opportunities for highly skilled workers in well paid jobs in Gulf States. However, the vast majority of migrant workers in Gulf States are low skilled and governed by the sponsorship system, and many migrant workers in the construction and service sector, especially in domestic work, experience decent work deficits and face abuse and exploitation, including in situations akin to forced labour.

The meeting included participants from six GCC states (i.e. destination countries), and seven countries of origin in Asia, including five from South Asia and two from South-East Asia². Government experts participated from United Arab Emirates, Saudi Arabia, and Kuwait, as well as from the Asian countries. Representatives from workers and employers' groups also participated, including ILO Governing Body members, along with leading scholars and ILO experts. There were 58 participants in total.

The expert meeting was structured around five themes: **fair recruitment; decent employment and working conditions for domestic workers and construction workers; recognizing the skills of potential and returning workers; increasing the development impact of migration; and promoting partnerships among government and social partners**. These topics were covered in a background paper³ that served as a basis for discussions during the meeting. Leading experts in the region made a technical assessment of key issues

¹ This report uses the term "migrant worker" in accordance with the international definition in the UN Migrant Workers Convention (1990), as "a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national". It is nonetheless important to note that the Gulf Cooperation Council countries prefer to use the term "temporary contract worker" or "expatriate worker".

² Participants were from Bahrain, Bangladesh, India, Indonesia, Kuwait, Nepal, Oman, Pakistan, Saudi Arabia, Sri Lanka, Qatar, United Arab Emirates.

³ Entitled: '*Realizing a fair migration agenda: Labour flows between Asia and Arab States; Background paper*', ILO, 2014.

and the way forward to realize a fair migration agenda. Participants engaged constructively in technical discussions, based on a good degree of consensus on the need to improve the governance of labour migration and ensure better protection of female and male migrant workers..

Following on from the experts meeting, within Asia and the GCC countries, there will be meetings with ILO constituents to disseminate the highlights of the meeting and agree on common points and ways forward, with the view to adopt an action plan or roadmap towards achieving fair migration outcomes. Under the auspices of its executive bureau, a GCC meeting is planned for April 2015, and a tripartite meeting is planned in Asia for May 2015. In addition, expert working groups will be formed, consisting of panel members (and other interested experts from the Kathmandu Meeting), to provide suggestions for ways forward to improve recruitment, employment and working conditions, and skills recognition. The results of these technical meetings and expert working groups will inform the planning and deliberations of the inter-regional ministerial meeting planned for the last quarter of 2015. The inter-regional ministerial meeting will be held in close consultation with members of the Abu Dhabi Dialogue, and in coordination with planning efforts for the ILO Asia Pacific Regional Meeting.

Opening remarks

Opening remarks were delivered by Yoshiteru Uramoto, ILO Regional Director for Asia and the Pacific and Hon. Tek Bahadur Gurung, State Minister for the Ministry of Labour and Employment, Government of Nepal. Mr. Uramoto congratulated SAARC countries on the SAARC Kathmandu Declaration (November, 2014) that includes for the first time a call for cooperation on the effective management of labour migration from South Asia to ensure the safety, security and well-being of migrant workers from the sub-continent. He noted labour migration can be a win-win for origin and destination countries and there are multiple issues related to migration. He underlined that the meeting we will focus on lower skilled labour and discuss what is the best way to introduce good governance in GCC and Asia labour flows, where needed.

Minister Gurung noted that Nepal is a high-sending country with 1000-1500 workers migrating overseas through formal channels daily. However the real number is higher as this is not inclusive of those going to India or those using irregular channels to migrate. Nepal has placed this as top priority as their workers are still vulnerable to exploitation. Migration is facilitated by private recruitment agencies but the ministry recognizes that some of these overcharge and exploit the migrants. The ministry tries to enforce existing laws and improve monitoring. Migration reduces poverty in Nepal; in 2013-2014, poverty reduced from 31 to 28% in 2013-2014. Remittances contribute 25% of GDP, but it comes with a high social cost. MOLE is finalizing a national plan on foreign employment with various programmes for aspiring and returning migrants.

Presentation of the background paper

The background paper was presented by Hans van de Glind, Senior Migration Specialist, ILO Regional Office for Arab States (ROAS) and Nilim Baruah, Senior Migration Specialist, ILO Regional Office for Asia Pacific (ROAP).

The presentation outlined the content of the background paper, including recent global developments, the ILO rights-based approach and the Fair Migration Agenda, statistics, and the risk of reputational damage. Efforts to govern migration in the Asia-GCC corridor and the challenges and opportunities they present were reviewed; and the proposed interregional process to contribute to achieving a fair migration agenda was put forward. The main issues and challenges around the five themes – recruitment, decent employment and working conditions for migrant domestic and construction workers, recognizing skills of potential and returning workers, increasing the development impact of migration, and partnerships among government and social partners – were presented.

Discussion

Labour migration data and statistics

While the UN Department of Economic and Social Affairs (DESA) data on migration provides a comparable global picture and is the best available source for global and regional migration stock estimates, there are some wide discrepancies with administrative sources (as was noted in the case of Nepal). It was suggested that ILO should work with governments in the region to harmonize and align data sets, and derive better estimates of labour migration flows and stocks disaggregated by gender and occupation. Mention was made of the labour migration statistics database that has been developed in the ASEAN and which is now part of the ILO's global database on labour statistics, [ILOSTAT](#).

The concept of Fair Migration

Participants from both regions mentioned that it would be helpful to further clarify the concept of 'fair migration'. Speakers (ILO) reiterated the definition developed in the [ILO DG's paper](#), in which he called for *"constructing an agenda for fair migration which not only respects the fundamental rights of migrant workers but also offers them real opportunities for decent work"*. This means a fair sharing of the prosperity they help to create, and to build migration regimes which respond equitably to the interests of countries of origin and destination, migrant workers, employers and nationals. This agenda has 8 areas of work to be considered:

1. Promoting decent work in countries of origin, including the contribution of migrants
2. Formulating orderly and fair migration schemes in regional integration processes
3. Promoting bilateral agreements for well-regulated and fair migration between member States
4. Instituting fair recruitment processes
5. Countering unacceptable situations
6. Realizing the rights-based approach
7. Contributing to a strengthened multilateral rights-based agenda on migration
8. Tripartism, knowledge and capacity-building as cross-cutting issues

Within the above framework, the Fair Migration Agenda as it applies in the Asia-GCC regions, will be shaped and operationalized through this meeting and others. A comment was made that the concept should mean fair to all concerned parties.

Further it was stated there are different types of migrants and this should be recognized. Terminology using 'temporary' or 'foreign' or 'migrant worker' should not be made a big issue as their rights as workers remain. All workers, including temporary migrant workers, must have decent work and benefit from labour rights.

Session 1: Fair Recruitment

Presentation by Nilim Baruah, Senior Migration Specialist, ILO ROAP, with panel discussion from Liberty Casco, Deputy Administrator for Employment and Welfare of the Philippine Overseas Employment Administration of the Philippine Department of Labor and Employment; Ray Jureidini, Professor in Migration Ethics and Human Rights at the Center for Islamic Legislation and Ethics at the Hamad Bin Khalifa University in Doha, Qatar; and Ganesh Gurung, researcher, Nepal.

Nilim Baruah's presentation, from the Issues paper, outlined the international legal framework on recruitment; current systems of recruitment in countries of origin and destination; main issues and challenges, including malpractices in the recruitment process; the political economy of recruitment; the potential for reform; and a discussion on the way forward and emerging good practices. Key areas outlined for the way forward include: legislation and enforcement in both countries of origin and destination; expanding recruitment options beyond private recruitment agencies; awareness and empowerment of migrant workers; fair business standards and practices; and international cooperation.

Liberty Casco highlighted that the private recruitment sector dominates labour flows from the Philippines to the Middle East, The government fosters fair recruitment through regulation of recruitment agencies, as well as information programs for departing migrant workers. She suggested model legislation and regulation on ethical recruitment,, increasing recruitment options, promotion of fair business standards and practices by employers and recruitment agencies, and a mechanism by which migrant workers can give feedback on recruitment agencies (for example, a website similar to Trip Advisor).

Ray Jureidini underlined the importance of creating transparency of recruitment costs and earning potential (i.e. net wages) and to capitalize on information technology to inform and empower prospective migrant workers. Ganesh Gurung informed that in Nepal, migration should reach the poorest of the poor, and underlined the importance of not just improving legislation, but also law enforcement.

Discussion

The meeting broadly agreed on the pointers for ways forward and made additional observations.

Procurement; categorization of agents and employers; ethical business model

At the labour receiving country end, it is the tendering process that often leads to collusion of recruiters with employers as there is no transparency in labour costs. To quote one panel member, "fees are not fees, but extortions for which the low skilled workers end up in debt bondage". It was suggested that procurement and tendering procedures (in for instance the construction sector) include ethical terms and conditions to ensure migrant workers are protected and benefit from decent working conditions; and these conditions should apply not only to the contractor but also subcontractors.

Another option is to introduce a categorization of agents and also of employers (i.e. in terms of ethical practices), if not by legislation, then through code of conduct, or reward system – for both countries of origin and destination. It is imperative further that governments ensure ethical recruiters are not driven out of business vis-à-vis abusive competitors.

Ethical business models should be promoted as well amongst employers. If employers in countries of destination demand only legal workers, and stop recruitment of illegal workers, that will contribute immensely to fair recruitment.

Labour Market Information Systems (LMIS)

How do we improve the flow of information on jobs available in destination countries? LMIS systems need to be strengthened, in the best interest of all parties: employers in the Gulf States will benefit from increased efficiency of recruitment and placement systems; policy makers can benefit from evidence based proposals for reform; national and migrant workers will benefit from an LMIS upgraded to better detect violations of their rights. These proposed actions coincide with other proposals on a job bank, and the development of interrelated databases that can help recognize skills and competences beyond national borders.

Costs

Participants discussed that while debate has been around reaching zero costs, there can be no way that it is zero cost when there are services to be given. Governments could put a ceiling on costs however, to avoid excessive charging, and agreement needs to be reached to not allow costs to be paid by the worker, but by the employer. Costs should also be made more transparent by breaking them down in their various components.

Ethical recruitment means no cost to the worker and transparency in costs. Gross recruitment and employment costs are an issue for employers as well. The methodology of measuring migration costs is being developed and pilot tested by KNOMAD, a program of the World Bank. Migrant workers were surveyed in Spain, Korea and Kuwait, and costs were broken down in three categories: documentation (passport, visa, medical clearance, police clearance), recruitment costs (fees paid for information, job applications), transportation (domestic and international). The pilot demonstrated that a recruitment costs survey provides critical information on how to curb recruiters' rents and better distribute the surplus created by inter-regional migration. The main lessons are: (a) migrants take off from their origin country with a debt equivalent to approximately six months of salary; these recruitment fees are often paid under the table to intermediaries at origin; (b) the monetary compensation agreed ex ante is often subject to several deductions; (c) it is not uncommon that migrants experience contract substitutions entailing salaries lower than those negotiated in the origin country; and because of debt bondage migrants have no option other than to accept the new lower salary. Participants expressed interest in upscaling these data collection exercises.

Intermediaries and subagents

Intermediaries, and layers of illegal subagents in countries of origin in South Asia facilitate recruitment and migration of a large part of the low skilled workers. For Bangladesh, an estimated 59% of the costs of migration relate to payments made to intermediaries (in countries of origin and destination). Governments of countries of origin need to strengthen their regulation of these intermediaries.

Synergies between skills recognition and fair recruitment

It was suggested to explore synergies between skills recognition frameworks and fair recruitment, and to leverage these.

Joint liability

Joint liability of recruitment agencies was identified as important, and it was suggested to explore ways of applying joint liability in inter-governmental collaboration, along with building safeguards against contract substitution, and addressing malpractice in recruitment. It is understood further that progress is premised on bilateral and multilateral cooperation and empowerment of workers.

Coherence in laws and enforcement and participation of social partners

Countries of origin and destination would benefit from the development of model legislation on the regulation of recruitment that can be used as a yardstick. Laws in destination and origin countries should be consistent as the recruitment process goes across both and differences (on fee charging for example) are used to circumvent one or another.

Session 2: Decent employment and working conditions for migrant domestic workers and construction workers

Presentation by Andrea Salvini, Chief Technical Advisor, Migration and Governance Network, ILO ROAS, with panel discussion from Randeni Kooralalage, Deputy General Manager, Sri Lanka Bureau of Foreign Employment; Mohammed Dito, policy advisor, Bahrain Labour Market Regulatory Authority; Purna Prasad, South Asia Projects Coordinator, Building and Wood Workers International; and Habibul Khondker, Professor, Zayed University, Abu Dhabi.

Andrea Salvini presented the international legal framework and guiding principles on decent employment and working conditions; and the employment contract for migrants outlined in ILO Recommendation No. 86 (1949). A key concern is wages and wage fixing: with very segmented labour markets, low skilled workers face wage floors by nationality. Evidence on wages is conflicting and sporadic. A second challenge relates to assessing quality of employment. There are methodological challenges associated with reaching workers, and governments tend to be uncomfortable with regular sample surveys. There is a need for a consistent framework of assessment agreed upon by COO, COD, employers, workers and the civil society. However there have been a number of developments and signs of reform in the GCC states in this arena (see ppt for more information).

Along with general issues and challenges, Andrea Salvini outlined specific challenges to domestic workers and construction workers. For domestic workers, coverage under labour legislation, access to justice, access to information, hours of work, minimum wage and payment, and living conditions are crucial areas of concern. For construction workers, industrial relations, wage protection, occupational safety and health (OSH), and living conditions were identified.

Randeni Kooralalage provided the perspective on working conditions of Sri Lanka as a sending country, while Mohammed Dito invited the audience to improve instruments to regulate not only labourers directly brokered through recruitment agencies, but also the migrant workers who are more and more exposed to be subcontracted by labour outsourcing agencies. The latter are prevalent in the construction and service industry and are a source of exploitation. They are not licensed as recruitment agencies, and need to be regulated and monitored. Purna Prasad discussed working conditions using a photo illustration, highlighting concerning levels of exploitation and abuse of migrant workers at destination, while Habibul Khondker touched upon anthropological and sociological aspects

of domestic work, and provided his perspective of the very particular employer-employee relationship and its consequences and implications in terms of regulatory framework and compliance mechanisms.

Discussion

Kafala

The notion of Kafala refers both to the sponsorship system used in Gulf States to administer foreign labour, as well as the set of informal norms and its application in labour relations. While regulating immigration is the sovereign right of all nations, participants agreed that a legitimate criticism of kafala is that it has transitioned from immigration control to also include labour relations where the employer is the kafeel (sponsor).

It was agreed that Kafala should not be a tool for employment and labour relations, and that reform is needed in this respect to de-link the employer-worker relationship from the immigration status of the migrant worker. It was suggested that the employment relationship should be governed by standardised contracts grounded in the labour law, that contract termination conditions are spelled out in standardised contracts, and that basic labour rights are respected in all cases. To address cases of forced labour among migrants, destination countries should work towards a policy of mobility of migrant workers on the labour market at destination. GCC representatives however did not believe it was constructive to call for the abolition of Kafala in general as part of the immigration system, but that the kafala system should not be used as an instrument to govern employment relations.

Labour market access; free mobility within sectors

While it was acknowledged that migrant workers and nationals should be treated equally, the important difference is in access to the labour market. Migrant workers are not free to move among employers - they are limited by their work permit which is tied to the employer. Workers should be able to move within a certain occupational category in which there is a recognized labour shortage. However interests of employers need to be taken into account as well.

Reforms in Saudi Arabia on labour mobility

In Saudi Arabia, labour mobility was stated to be a priority with a number of measures introduced. Firstly, regarding non-payment of wages: if the wage is not received in 90 days, the worker is free to move to another employer without approval from the current employer. Secondly, if there is a dispute between the worker and kafeel/employer, the worker can move to another employer without authorization. While promising, some participants questioned the effective implementation of this reform.

Reforming the contracting process in the UAE

The UAE Ministry of Labour is contemplating a contracting process that requires that the application for work permit be sent alongside a contract that has been understood and signed by the worker before the worker comes to the UAE. The contract is then signed by the employer and the worker at the MOL in UAE. The MOL remains in control of the contracts. Similar reforms are to take place in Qatar, where apparently the government will take over as the kafeel.

Institutional framework and coordination

Responsibility for addressing labour exploitation is dispersed among different agencies such as labour, interior, and foreign affairs, and needs to be better coordinated, integrated and in a holistic manner.

Domestic work

While one of the panel members, from a sociological perspective, saw domestic workers are part of the host family, others pointed out that domestic workers should be entitled to an employer-employee relationship that is governed by the labour law.

Indicators: how to measure improvements?

Comparable indicators are needed across countries with regards to working conditions. It was suggested that ILO could take the lead on developing indicators for working conditions.

Session 3: Recognizing skills of potential and returning workers

Presentation by Hans van de Glind, Senior Migration Specialist, ILO ROAS, with panel discussion from Mohammed Yusef, Ministry of Manpower and Transmigration, Indonesia; Alex Zalami, UAE Ministry of Labour; Khalifa Matter Alkaabi, UAE Federation of Chambers of Commerce; and Sasi Kumar, Senior Fellow, V.V. Giri National Labour Institute.

Hans van de Glind presented the benefits of skills development and recognition, including: creating a shift towards improved wages and working conditions, serving as a tool for poverty reduction, facilitating mobility in the labour market, facilitating recruitment processes, improving overall productivity, and providing useful information to government for policy-making purposes.

ILO Recommendation No. 195 (2004) promotes mechanisms for assessment, certification and recognition of skills, and special provisions for recognition and certification of skills and qualifications of migrant workers (including those acquired informally).

Hans van de Glind outlined the four approaches to recognizing migrant workers' skills: (1) Application of standards of COD for testing potential migrant workers, for example the Kuwait/UAE pilot project; (2) Mutual recognition of skills and qualifications, for example the European Qualifications Framework; (3) Establishment of Joint Minimum Standards, for example ILO's Regional Model Competency Standards. *Forthcoming ILO regional model competency standards on domestic work to be shared*; and (4) Skills recognition of returning migrants, (see ILO guidelines) along with assumptions underpinning them and advantages of each approach. He underlined the importance of language skills and IT skills of migrant workers as an empowerment tool, and of keeping any skills training and recognition systems lean and low cost (see PPT for more information).

Panel

Alex Zalami, MOL UAE, presented the pilot project by UAE and Kuwait on skill development, certification, upgrading and recognition. Mohammed Yusef outlined the challenges of meeting competency standards of destination countries, and the challenge of skill recognition and wage increases for returning migrants. From an employer's point of view, Khalifa Matter Alkaabi discussed the technological developments in the construction and

service industries in UAE, the subsequent need for more skilled workers, and the increase in wages this can bring. Sasi Kumar highlighted the importance of recognizing informally acquired skills and coined the phrase '*skills create jobs, and jobs create skills*'.

Discussion

Skills recognition models most appropriate for Asia-GCC corridor?

In terms of skills recognition approaches, application of standards of the COD and establishment of joint minimum standards appear to be relevant approaches in the Asia-GCC region. In addition, skills recognition of returning migrants should be taken up by countries of origin. In any skills recognition system efforts need to be made to keep them lean and low cost, and flexible enough to adapt to changing needs in the economy. An example of skills acquisition and return was cited of migrant workers from Bali, Indonesia who have worked on cruise ships and use acquired skills and experience on return in the hospitality industry in Bali. It was suggested to work towards one skills recognition system for GCC countries, and to possibly include it in bilateral agreements with countries of origin.

Targeted skill development in countries of origin

Skills standards by occupation in countries of destination should be made public so as to facilitate targeted skills training in countries of origin. This can improve migrant workers' labour market prospects. The link between skills and wages should be pursued.

Skills recognition

When workers do not have formal recognition of their skills, their bargaining capacity is weakened and they are more vulnerable to exploitation. There was broad consensus among scholars and practitioners that expanding the coverage of skills recognition schemes (common in high skilled migration) to other occupations at the bottom of the ladder (especially to domestic work and construction) entails benefits for both employers and workers. Lower skilled workers would benefit from the same protection as workers in higher segments of the migrant labour force, whereas employers would receive workers with the required skills patterns. Finally, reforms in other parts of the world showed that effective wage fixing mechanisms are based on linking remuneration to skills recognition systems. Skills recognition is also important for reintegration in the home country. Appropriate skills testing institutions should be in place. In some countries of origin, the quality of private testing centres is in doubt.

Recognizing informally acquired skills

Many skills are learnt informally in the COOs of Asia. We need to work towards recognition of informally acquired skills (in line with Art. 9 of ILO Recommendation 195), including skills obtained through on-the-job training. In Bangladesh, with ILO support, there are 20 centres for recognition of prior learning.

Recognition of the diversity of skills within domestic and care work

There needs to be distinction between the diversity of skills required in different areas of domestic and care work, such as between child care, elderly care, disabled care, cleaning and cooking etc.

Language skills

It was suggested that migrant workers in the GCC would be better able to protect themselves if they spoke Arabic.

Information management

In terms of information management: skills should represent a core element of national LMIS. The LMIS is also critical to inform decision makers on labour market skills requirements by sector and occupation, for example, through skills forecasting tools.

Who pays?

A question was raised as to who covers the cost of skills development and training? Before departure this depends on the policies in the country of origin. At destination, employers would benefit from training of workers, and they are thus well placed to cover training costs. With regards to language training, ILO standards indicate that this should take place "as far as possible during paid time." (ILO Recommendation 151).

Session 4: Increasing the development impact of migration

Presentation by Sasi Kumar, Senior Fellow at V.V. Giri National Labour Institute (India), with panel discussion from Soonhwa Yi, Senior Economist of Development Economics Prospects Group at the World Bank; Mr Narul Islam, Joint Secretary of the Ministry of Expatriates' Welfare and Overseas Employment of Bangladesh; and Graziano Battistella, Director of the Scalabrini Migration Center in the Philippines.

As explained in the Background paper, ILO's approach to migration and development and to remittances is a rights-based and migrant-centered approach. A good governance of labour migration that ensures the protection of migrant workers' rights is essential to optimizing the development benefits of migration. Differential treatment, segmented labour markets, precarious working conditions, discrimination (e.g. wages, social protection), and the absence of skills recognition will have an impact on the employment rate of migrants, their income level and their ability to transfer money to their families. As these issues were covered earlier, this session focused on development benefits and remittances which are of great importance and form one of the nine areas in the ILO Multilateral Framework on Labour Migration.

Sasi Kumar presented the issues paper on increasing the development impact of migration. He presented an overview of features of remittances flows and remittance costs; research findings concerning remittance utilization; and the development payoffs of reintegration of migrants (see ppt for more information). He noted that the issue of reintegration of returnees receives inadequate attention, and that there is a lack of institutional mechanisms for collecting data on returnee migrants and their characteristics, including the significant gender differentials.

Emerging good practices and the way forward were presented, including: reducing remittance costs and the sending of remittances through formal channels; financial literacy and education; encouraging savings and investments; improvements in facilitating return and reintegration; and strengthening inter-agency coordination.

Panel

Soonhwa Yi presented the work of KNOMAD on remittances, including data on the properties of remittances; the impact of remittances, including building assets and human capital and increasing access to ICT, and at the macro level, supporting domestic consumption, supporting the current account balance, and reducing poverty; and strategies to insulate against adverse external environments for both countries of origin and destination (see ppt for more information).

Graziano Battistella warned against a paternalistic approach where migrants are told how to invest remittances. After all, migration itself is already a form of investment and remittances are income to be spent at their discretion. Graziano addressed the problems in capturing data on return migration (because of lack of administrative requirements), and stressed the difficulty of assessing the needs of returnees due the different circumstances and motivations surrounding their return. It would be most helpful to continue to reduce the cost of remittances and empower migrants and their families with adequate information. He recommended that skills be recognized across countries, welfare benefits are portable, the diaspora is engaged and countries of destination cooperate through sincere forms of co-development.

Referring to the establishment of a specialize bank, namely Probashi Kallayn Bank (Wage Earners Welfare Bank) for migrant workers and returnee migrants, Nurul Islam suggested that appropriate mechanisms need to be introduced to maximize the benefits of remittances, and returnee migrants are to be encouraged to invest their savings in productive sectors.

Discussion

Remittances and investment

Participants recognized that improvements have been achieved around the issue of lowering the costs of remittances transfer, though studies on use of remittances suggest that more remains to be done on creating an enabling environment for the use of remittances for investment purposes.

Access to social services among migrant households

There is a tendency by researchers to focus only on remittances, but increased income is a proxy of increased social security and increased education. Is there data about globally increased access to social services in migrant households, data about gender related outcomes, or community development outcomes? Findings along these lines might lend themselves to government policy interventions, keeping in mind remittances are private funds.

Policies for reintegration

Similarly, participants recognized that specific and coherent policies to enable effective labour market reintegration of returning migrants are often lacking. Leveraging the investment potential of remittances and making sure returnees are successfully reintegrated into the labour market depend on existing policy frameworks of countries of origin and destination (enabling or prohibitive), migration policy context (e.g. temporary or permanent migration) as well as on the individual characteristics of the migrant (gender, education, skill levels).

Recognition of skills upon return

Participants highlighted the need to design and adopt practical measures to ensure skills acquired abroad are recognized and put into effective use upon return.

Human and social impacts of migration

Participants agreed that the discussion on migration and development should be broadened to cover other areas - in addition to remittances and return - such as the human and social impact of migration. It is also important to bring the discussion to the local level and link it with local development planning.

Gender considerations

Gender differences with regards to the migration and development nexus need further study and recognition for policy making. Remittances are often not disaggregated to recognize the contributions of women migrants and there are gender differentials in migration.

Session 5: Partnerships among government and social partners

Presentation by Piyasiri Wickramasekara, Global Migration Policy Associations (GMPA), with panel discussion from Binda Pandey, member of the General Federation of Nepalese Trade Unions (GEFONT) Governing Council; Hon. Bin Deemas, UAE Minister for Labour; and William Gois, Regional Coordinator of the Migrant Forum in Asia.

Piyasiri Wickramasekara highlighted several types of partnerships for cooperation on labour migration between Asia and the GCC States: Bilateral labour agreements & MOUs; Regional integration processes (Association of South East Asian Nations (ASEAN); South Asian Association for Regional Cooperation (SAARC); Regional dialogue processes (The Colombo Process and the Abu Dhabi Dialogue); and, Partnerships among non-state actors, especially trade unions and NGOs.

While there are a number of bilateral agreements and MOUs between countries of origin and destination, most do not address critical issues of recruitment and workplace protection. ASEAN has made more progress as a region in addressing migrant worker issues with the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and its follow-up.

In relation to regional dialogue, the Colombo Process (launched in 2003), is a COO forum for collaboration among origin countries, but has yet to result in tangible progress in terms of protection of the rights of migrant workers. The Abu Dhabi Dialogue, launched in 2008, with both Asian COO and GCC destination countries carries more promise, but has been progressing at a slow pace. The Kuwait Declaration of November 2014 recognizes ILO's Fair Migration Agenda, but has yet to tackle more challenging issues such as sponsorship modalities and workplace protection.

With regards to cooperation among non-state actors he mentioned that trade unions of Sri Lanka and Nepal have entered into bilateral agreements with their counterparts in some GCC countries (Qatar, Bahrain, Kuwait), but there is limited information on their operation

or impact. Regional trade union organizations such as South Asia Regional Trade Union Council (SARTUC), and Arab Trade Union Confederation (ATUC), formed in October 2014, have to monitor, support and follow up trade union initiatives. Cooperation among employers organizations on migration between Asian and GCC states is virtually absent. Migrant Forum in Asia has been active in Qatar in capacity building of NGOs to protect migrant rights in partnership with the National Human Rights Commission. They have also collaborated with regional trade union federations to protect migrant rights.

Wickramasekara stressed that these various partnerships are yet to make a marked impact on governance of labour migration and protection of migrant workers between Asia and the GCC states. The regional forums and dialogue processes need to address major challenges and find common ground with the interests of all parties in mind, including those of migrant workers. They need to implement MOUs more effectively and review progress regularly. Governments also need to provide conducive and enabling environments for social partners and civil society to play more active roles in the protection of migrants. Social partners and NGOs need to scale up efforts and collaborate given the magnitude of the problems facing migrant workers, with the support of regional trade union organizations (SARTUC, ATUC), and NGOs (MFA). NGO partnerships between origin and GCC States could extend to women's groups, diaspora groups, and human rights groups for more impact.

Panel

Hon. Bin Deemas acknowledged that tripartism and dialogue are important parts of what ILO offers, and that we cannot achieve decent work without partnerships, cooperation and dialogue between countries of origin and destination. Bilateral agreements have been established in the UAE, with MOUs focused on the main principles governing migration and setting the agreed legal framework. Regionally, UAE has participated in the Colombo Process, and initiated the Abu Dhabi Dialogue, bringing together countries of origin and destination.

Binda Pandey spoke of the importance of ratification of key ILO Conventions and guaranteeing equal treatment and the rights of freedom of association and collective bargaining for migrant workers in the country of destination. She noted that in Malaysia, Korea and Hong Kong trade unions and CSOs are supporting migrant workers, but that this is a challenge in the GCC countries where they are absent. William Gois stated that there is not a large enough civil society and trade union presence in the GCC, and that there must be political will to develop this process. He suggested that based on the 5 themes of the expert meeting, action points can be agreed upon and progress can be tracked.

Discussion

The differences between SAARC and ASEAN were brought into the discussion, in that ASEAN has a legal labour immigration system while this is not the case in South Asia. Work in SAARC will focus on migration from the region where there are common concerns. Capacity building for negotiations in bilateral arrangements was mentioned as an area for technical assistance.

It was pointed out that migration is governed by national policy in the Asia-GCC regions, and that a regional framework is needed in which national policies can be harmonized.

Efforts should be made to engage with religious organisations for a change in mindset towards a fair and ethical recruitment. Also, Islamic financing rules should be applied in the GCC region with regards to recruitment costs, fee charging and payment of migrant workers.

A plea was made to create opportunities for social partners and civil society to participate in raising the visibility of migration issues and to engage in policy development on migration.

Finally, a point was made that partnerships can only be successful if all parties feel that their interests are considered.

Session 6: Summary and Conclusions of the Meeting

Participants were thanked for the very rich discussions, and interventions of high quality. The open and constructive dialogue, including on rather sensitive matters, was highly appreciated.

A summary of the main points emerging from Experts' Meeting was made by ILO. This includes the following:

Introduction session:

- Discrepancies in data on migration are recognized. ILO should work with member states towards harmonization and alignment of labour migration data among countries, and this data should be disaggregated (by sex, country, sector and occupation). ILO is doing this in ASEAN and intend to replicate this in South Asia and Arab states.
- Terminology concerning 'temporary' or 'contractual' or 'migrant' worker should not be made a point of contention as it is not decreasing their rights as workers. All workers, including temporary migrant workers, must have decent work and benefit from labour rights.

Session 1 - Recruitment:

- In the main labour migration corridors, coordination and enforcement efforts amongst countries of origin and destination need to be stepped up to tackle abuse in recruitment, while legislation needs to be harmonized, and model legislation developed.
- Recruitment options should be expanded beyond private recruitment agencies, and the number of subagents and excessive fee charging needs to be reined in.
- Recruitment costs need to be made transparent (along with the wages). Governments should put a ceiling on costs to avoid excessive charging, and legislation and bilateral agreements need to be reached to prevent fees being charged to the worker.
- Procurement and tendering procedures (in for instance the construction sector) should include ethical terms and conditions to ensure migrant workers are protected, don't suffer from collusion, and benefit from decent working conditions; and these conditions should apply not only to the contractor but also subcontractors.

- Ethical business models should be promoted amongst employers and recruitment agencies, including through codes of conduct.
- Well-functioning LMIS could contribute to matching employers and migrant workers with the right skills. Interrelated databases can help recognize skills and competences beyond national borders.

Session 2 - Working and living conditions of construction and domestic workers:

- Participants agreed that while regulating immigration is the sovereign right of all nations, a legitimate criticism of kafala is that it has transitioned from immigration control to also include labour relations where the employer is the kafeel (sponsor). It was suggested to (a) de-link the employer-worker relationship from the immigration status of the migrant worker; (b) govern the employment relationship through the labour law and standardized contracts; (c) spell out contract termination conditions in standardized contracts; and (d) respect basic labour rights in all cases.
- Migrant workers should be able to move within a certain occupational category in which there is a recognized labour shortage. However interests of employers need to be taken into account as well.
- Labour outsourcing agencies are prevalent in the construction and service industry and are a source of exploitation. They are not licensed as recruitment agencies, and need to be regulated and monitored.
- Labour law coverage of domestic work would enhance their protection from abuse..
- Comparable indicators are needed across countries with regards to working conditions. It was suggested that ILO could take the lead on developing such indicators.

Session 3 - Skills recognition:

- Cooperation on skills recognition is crucial for all parties as it has the potential to improve labour market prospects, productivity and wages.
- In terms of skills recognition approaches, the application of standards of destination and the establishment of joint minimum standards appear to be the most relevant ones in the Asia-GCC region, while recognition of skills of returning migrant workers in countries of origin should be taken up at the same time.
- Skills standards per occupation at destination should be made public for targeted skills training in countries of origin, while GCC countries were suggested to consider one shared skills recognition system.
- In any skills recognition system efforts need to be made to keep them lean and low cost, and flexible enough to adapt to changing needs in the economy.
- Work towards recognition of informally acquired skills (including through on-the-job

training).

- Include generic skills like dealing with information technology in any skills training.
- In terms of information management, skills should represent a core element of national LMIS; The LMIS is also critical to inform decision makers on labour market skills requirements by sector and occupation (through skills anticipation and forecasting tools).

Session 4 - Migration and development:

- While improvements have been made in lowering the costs of the transfer of remittances, much remains to be done to create an enabling environment for the use of remittances for investment purposes. Participants also highlighted that more research needs to be done on whether remittances lead to increased access to social services in migrant households or other community development outcomes.
- Participants recognized that specific and coherent policies to enable effective labour market reintegration of returning migrant are often lacking. When developed, these policies need to factor in the type of migration (temporary/permanent), migrant characteristics (gender, education, skill levels) and local development planning.
- In particular, participants highlighted the need to design and adopt practical measures to ensure skills acquired abroad are recognized and put into effective use upon return.
- Furthermore, some form of cooperation between countries of origin and destination concerning return and reintegration should be encouraged. Forms should be studied for a better involvement of countries of destination with the free return of migrants in a development and reintegration context.
- Participants agreed that the discussion on migration and development should also include attention to the human and social impact of migration.
- Gender differences with regards to migration and the development nexus need further study and recognition for policy making.

Session 5 – Partnerships:

- While there are many BLAs and MOUs to govern labour migration, most do not address critical issues of recruitment and sponsorship, nor workplace protection.
- A coordinated regional framework is needed in which national migration policies can be harmonized.
- Participants expressed that the limits on civil society including social partners in GCC countries are a missed opportunity in terms of protecting the rights of migrant workers.

- NGO partnerships should include those with women's groups, diaspora groups, human rights groups and religious groups for more impact.
- Religious groups could contribute to changing people's mind-set towards a fair and ethical recruitment, while Islamic financing rules should be applied in the GCC region with regards to recruitment costs, fee charging and payment of migrant workers.
- Partnerships can only be successful if all parties feel that their interests are considered.

Follow-up and Next Steps

Following on from the experts meeting, within Asia and the GCC countries, there will be meetings with ILO constituents to disseminate the highlights of the discussions and common points and discussion on ways forward, culminating in an action plan or roadmap towards fair migration. Under the auspices of its executive bureau, a GCC meeting is planned for April 2015, and a tripartite meeting is planned in Asia for May 2015. In addition, expert working groups will be formed, consisting of panel members (and other interested experts from the Kathmandu Meeting), to provide suggestions for ways forward to improve recruitment, employment and working conditions, and skills recognition. The results of these technical meetings and expert working groups will inform the planning and deliberations of the inter-regional ministerial meeting planned for the last quarter of 2015. The inter-regional ministerial meeting will be held in close consultation with members of the Abu Dhabi Dialogue, and in coordination with planning efforts for the ILO Asia Pacific Regional Meeting.

Annex 1: Agenda

2 December 2014: Arrival of participants	
3 December 2014: Day 1	
8.30am	Registration
9.00 – 9.15	<p>Introduction Opening remarks from Yoshiteru Uramoto, ILO Regional Director for Asia and the Pacific; Tek Bahadur Gurung, State Minister, Ministry of Labour and Employment, Government of Nepal</p> <p>Introductions</p>
9.15 – 10.00	<p>Presentation of Background paper <i>Speakers:</i> Hans van de Glind, Senior Migration Specialist, ILO Regional Office for Arab States (ROAS) and Nilim Baruah, Senior Migration Specialist, ILO Regional Office for Asia Pacific (ROAP)</p>
10.00 – 10.30	Coffee and tea break and Group Photo
10.30 – 12.30	<p>Session 1: Fair Recruitment</p> <p>Chair: Amrita Sietaram, Senior Specialist in Workers' Activities</p> <p>Summary: This session will address recruitment: what are the factors behind the current recruitment mechanisms? What is the potential for reform? What needs to be done for a fair recruitment system that efficiently matches jobs to job-seekers and reduces migration costs to the worker and employer? The session will propose ways to reduce migration costs and eliminate forced labour.</p> <p>Speaker: Nilim Baruah, Senior Migration Specialist, ILO ROAP Panel: Government experts from the Philippines and GCC, Researcher (Asia)</p> <p>Discussion and conclusions</p>
12.30 – 14.00	Lunch break
14.00 – 15.00	<p>Session 2: Decent employment and working conditions</p> <p>Chair: Thetis Mangahas, Deputy Regional Director, ILO ROAP Summary: This session will host a discussion to seek ways to increase the protection for migrant domestic and construction workers by giving particular attention to: wage trends for migrant workers and wage protection; national legislation in relation to the provisions of ILO Convention 189; OSH in the construction sector.</p> <p>Speaker: Andrea Salvini, CTA of ILO MAGNET project, ROAS Panel: Government experts from Sri Lanka, expert from GCC, GCC trade union expert, GCC researcher</p>
15.00- 15.15	Coffee and tea break
15.15 – 17.30	<p>Session 2: (continued)</p> <p>Discussion and conclusions</p>
18.30 – 20.30	Cocktail Reception

4 December 2014: Day 2	
9.00 – 10.30	<p>Session 3: Recognizing skills of potential and returning workers</p> <p>Chair: Shigeru Wada, Senior Workers Specialist, ROAP Summary: This session will share regional experience in testing and skills matching, mutual recognition of national certificates, establishment of joint minimum standards, and skills recognition of returning migrants, with a focus on construction and domestic work. Discussion on the mechanisms to ensure improved skills signaling can translate to improved wages and working conditions for migrants will take place.</p> <p>Speaker: Hans van de Glind, Senior Migration Specialist, ILO ROAS Panel: Government experts from Asia and GCC; Employers representative in GCC</p> <p>Discussions and conclusions</p>
10.30– 10.45	Coffee and tea break
10.45 – 12.30	<p>Session 4: Increasing the development impact of migration</p> <p>Chair: Maria Gallotti, Specialist in Migration Policies, MIGRANT</p> <p>Summary: How can savings and investments from remittances be enhanced bearing in mind that remittances are private funds? What role can the private sector, countries of destination and origin play in reintegration of returnees? How can migration become more of an option rather than a necessity?</p> <p>Speaker: Sasi Kumar, National Labour Institute, Noida, India Panel: World Bank, Bangladesh government expert and researcher (Asia)</p> <p>Discussions and conclusions</p>
12.30 – 14.00	Lunch
14.00 – 15.30	<p>Session 5: Partnerships amongst government and social partners</p> <p>Chair: Frank Hagemann, Deputy Regional Director/DWT Director, ROAS</p> <p>Summary: This session will review modes of partnerships and good practices in Asia-GCC, including BLAs and MOUs; cooperation within regional integration areas, such as ASEAN, SAARC, and the GCC; and cooperation among and between trade unions, employers and NGOs.</p> <p>Speaker: Piyasiri Wickremasekara, ILO consultant Panel: GEFONT, Nepal, GCC government expert, Migrant Forum in Asia</p> <p>Discussions and conclusions</p>
15.30 – 15.45	Coffee and Tea break
15.45 – 16.30	Session 6: Summary and conclusions of the meeting
16.30	Close of Meeting

Annex 2: Participant list

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