

National Consultation to Expand Partnership & Share Framework of South Asia JRAF on Anti Trafficking and Safe Migration

Organised by Lawyers for Human Rights and Legal Aid (LHRLA) in Karachi, Pakistan on 13th July 2007

Brief Report

Absence of viable networking among civil society organisations and relevant government departments in South Asia hampers the sincere initiatives to curtail the volume of human trafficking; a crime against humanity. This was observed during a National Consultation to Expand Partnership & Share Framework of South Asia Joint Regional Action Forum (JRAF) on Anti Trafficking and Safe Migration on Friday, 13th July, at a local hotel.

Noted human rights lawyer, Mr. Zia Ahmed Awan, informed participants that the National Consultation was a collaborative initiative of South Asian Regional Initiative (SARI/Equity) and Lawyers for Human Rights and Legal Aid (LHRLA). He added the National Consultation aimed to share the plan of Action of the South Asia Joint Regional Action Forum (JRAF). The JRAF has been working on Anti Trafficking, Safe Migration and Violence against Women since 2004. The network targeted policy legislation, improvement and implementation of laws, strengthening care and support for victims of trafficking and promotion of safe migration.

The founding President of LHRLA said due to the efforts of LHRLA the issue of women/child trafficking came into limelight in Pakistan. He said the organisation has helped numerous women and children victims of illegal human trade and also helped government in policy making on the issue. However, he commented that a single organisation could not make much difference since the issue is enormous. He observed that national legislation and mechanism did not produce results until and unless civil society and government work in tandem. The LHRLA President said more research is required to explore the issue of human trafficking in Pakistan and added that ground realities have changed the past couple of years. While sharing data on issues related to trafficking of women and children, Mr. Zia Awan informed that since 2000 Pakistani print media has reported 7438 cases of missing children. Additionally, media also reported 16404 cases of the kidnapping of women and children. Due to the hidden nature of human trafficking print media only reported 1691 cases of the illegal trade.

The human rights lawyer maintained that introduction of trafficking ordinance and SAARC convention on trafficking was a major step forward; however, procedural lacunas and gaps in both statutes provide ample opportunity to the culprits to carryout illegal trade without any restriction. He suggested a committee of government and civil society representatives should review the SAARC convention. Furthermore, the government of Pakistan should make legislation according to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons 2000 and informed the protocol was most comprehensive document on human trafficking. Mr. Zia Awan termed human trafficking as a challenge to good governance and added that state governments are accountable to protect the rights of all citizens.

Ms. Nimalka Fernando, a well-know human rights activist from Sri Lanka, informed that since the establishment of JRAF, the network has achieved various desired goals together with developing National Action Forums in four South Asian countries. She added that JRAF is now extending its activities and partnership, therefore, the consultation aims developing working links with relevant organisations in Pakistan. She further informed the networking has produced encouraging results that include: progressive landmark judgments from south Asian countries; regional mass awareness toolkit on safe migration; and regional training guidelines for law enforcement agencies on violence, etc. She outlined the vision of JRAF and informed the participants that follow-up on commitments made at national consultations would be carried out through the partners.

Earlier, Ms. Musarrat Parveen of LHRLA welcomed the participants and their presence in the National Consultation. A large number of people from civil society organisations, DIG Prison, National Alien Registration Authority, Protector of Emigrants, Human Rights Department, Pakistan National Federation of Trade Unions, Overseas Pakistanis Foundation (OPF), and Police took part in the National Consultation. Dr. Sabur Ghayur Chairman Policy Planning Cell Islamabad, Mr. Zahoor Awan Deputy General Secretary Pakistan Workers Federation Islamabad, Mr. Qindeel Shujaat Executive Director SPARC from Islamabad, Mr. Max Gregory Schulze Country Program Director Solidarity Center Pakistan, Ms. Nimalka Fernando Interim Coordinator SARIQ/Equity from Sri Lanka and some returnee migrant workers participated on the occasion.

One-Day National Conference on the Protection and Advancement of Migrant Workers' Rights in Receiving Countries

Organised by Lawyers for Human Rights and Legal Aid (LHRLA) on 14th July 2007 in Karachi Pakistan

Brief Report

The globalisation and integration of world economies intensifies the migration process as jobs shift to the different parts of the world. There are over 150 million migrants and refugees worldwide, however, violation of migrant workers rights is common in receiving countries. This was stated during the National Conference on the Protection and Advancement of Migrant Workers' Rights in Receiving Countries here at a local hotel. Lawyers for Human Rights and Legal Aid (LHRLA) and Solidarity Center jointly organised the National Conference.

Noted human rights lawyer, Mr. Zia Ahmed Awan, in his inaugural speech informed the participants that National Conference aimed to develop understanding on various issues related to migration and protection of migrant workers in receiving countries. He said migration between South Asian countries, including Pakistan, and the Middle Eastern countries was not a new phenomenon, however, he observed that lack of migration policy and strict implementation of work agreement opened room of violation of workers' rights.

He said that all South Asian migrant force faced the same problems and stressed on the national NGOs networks, trade unions, and government ministries to address the issues specific related to labour migration. The President of LHRLA believed the National Conference provides platform to discuss programs, problems, and explore ways to utilise available resources to protect migrant workers' rights and to give policy recommendations to Pakistani government.

Mr. Tim Rayn, Director Asia and Europe Regional Office of the Solidarity Center, briefed the participants about ongoing national consultation process in South Asian countries, including Pakistan and India. He recognised the efforts of human rights groups such as LHRLA to bring issues of migrant's rights on public policy agenda. He said due to the nature and policies of Middle Eastern and Gulf countries, it was difficult for the rights based organisation to bring them on the table and discuss issue of labour rights. However, he informed, hopes have emerged as Bahrain, Oman, Qatar and some other countries are open for dialogue on the issue. The Director of Asia and Europe Regional Office of the Solidarity Center believed that civil society advocacy on the issue was essential to make changes in behavior of receiving countries government.

Ms. Nimalka Fernando, Interim Coordinator SARIQ/Equity Sri Lanka, informed the participants of the National Conference that Sri Lanka was not a labour sending country until early 1980s. She observed that it was the cause and consequence of the adoption of free market economic policies and attraction of oil-rich gulf countries that forced the population to migrate in search of better livelihood. The noted women and labour rights activist from Sri Lanka said that the country had a migration policy that aimed to manage, regulate and handle the migrant workers. She claimed despite a clear migration policy the government of Sri Lanka did not have clear labour agreements with the recipient countries therefore, people are on the mercy of recruiters and agents.

She added that a large number of Sri Lankan women working in Gulf countries as domestic workers. However, she observed that violation of their fundamental rights was no exception and these poor women faced all sorts of violence and discrimination.

Dr. Sabur Ghayuar, Chairman, Policy Planning Cell, Ministry of Labour and Manpower Islamabad, informed the participants that Pakistani government has initiated work on the formulation of migrant policy, and added that promotion of migration and protection of migrant's rights was the cornerstone of the policy. He said that government, migrant workers, employment agencies, recruiters, corporations and business groups, national and regional groups were the key players in migration process. Therefore, strong collaboration was required among all the stakeholders, Dr. Sabur Ghayuar added. He observed that migration was a not a brain drain but brain gain, and added ultimately the sending country received the benefits not only in terms of remittance but improved capacity of their work force. He viewed that SAARC could play a vital role in the formulation of a collective strategy to protect the rights of South Asian migrant workers.

Mr. Zahoor Awan, Deputy General Secretary and Chairman Steering Committee Pakistan Workers Federation, termed the violation of labour contract as a major issue in receiving countries. The veteran trade unionist had applauded the role of non-governmental organisations (NGOs) in Pakistan to create a forceful dialogue on labour rights in Pakistan. He believed the issues and violations of migrant workers' rights were more severe in countries those did not allow the formation trade unions. Mr. Zahoor Awan observed that trade unions provide a safety net and bargain for collective rights on behalf of their affiliates.

Mr. Mushtak Ahmed, General Manager Overseas Pakistanis Foundation, shared the working mechanism of Overseas Pakistanis Foundation and informed that the foundation was established in 1979 to facilitate the overseas Pakistanis. He said the foundation has been facilitating the Pakistanis in personal and work related problems. Mr. Mushtak Ahmed informed that is department had helped more than eighty-thousand displaced Pakistanis of first Gulf war and assisted in recovery of their dues.

Ms. Musarrat Parveen of LHRLA shared the findings of the Participatory Action Research to review the official Pre-departure Program (PDP) and informed the aim of the research to review the program and help the government to design for potential migrant workers. She mentioned concerned departments did not deliver their responsibilities and mandatory trainings for the potential migrant workers had not been organised regularly. Two returnee migrant workers, Mr. Noor Mohammad and Ahmad Yunus, also shared their experiences and discriminatory attitude of their employers in Gulf countries.

Participants of the National Conference strongly recommended:

- Receiving countries should sign UN Convention for the Rights of Migrant Workers; additionally they should ratify the concerned ILO Conventions;
- NGOs should help the migrant workers and form migrant forms;
- Pakistani NGOs should approach service providers or social groups in Gulf countries and make a strong collation;
- Migrant workers should receive proper trainings from the concerned government departments;
- Pakistani embassies and consulates should help migrant workers and make proper arrangements to receive complaints at evening or night time as well;
- Directorate of workers training should help in conducting trainings for migrant workers;
- NGOs, or LHRLA, should compile a directory of organisations/groups working on migration at local, national and regional level;
- The office of SAARC Secretary General should take up the issue of migration and plight of South Asian Migrant Workers in receiving countries;
- Awareness trainings should be conducted to sensitize the print and electronic media;
- Labour attaches of Pakistani embassies in Gulf and Middle East should be invited and sensitized through national consultations on migrant workers' issue; and
- Labour exporting countries should join hand together and design minimum standards.

Earlier, Mr. Zia Ahmed Awan of LHRLA welcomed the participants and their presence in the National Conference. A large number of people from civil society organisations, National Alien Registration Authority, Protector of Emigrants, Pakistan National Federation of Trade Unions, Overseas Pakistanis Foundation (OPF), and Police took part in the National Conference. Dr. Sabur Ghayur Chairman Policy Planning Cell Islamabad, Mr. Zahoor Awan Deputy General Secretary Pakistan Workers Federation Islamabad, Mr. Qindeel Shujaat Executive Director SPARC from Islamabad, Mr. Tim Ryan Regional Director Solidarity Center, Mr. Max Gregory Schulze Country Program Director Solidarity Center Pakistan, Ms. Nimalka Fernando Interim Coordinator SARIQ/Equity from Sri Lanka and some returnee migrant workers participated on the occasion.