

LHRLA Spear Headed Formation of National Coalition

Pakistan earns approximately 5.5 billion US Dollars every year through remittances sent by the migrant workers but no effective measures have been taken as yet for the protection of their basic human rights in sending and particularly in receiving countries. Consequently they suffer from multiple exploitations during entire migration process starting from pre-departure to reintegration process especially in the employer's hands while working abroad. Upon returning to homes, they face unemployment and difficulties in reintegrating into the family as well as society.

All the issues mentioned was discussed during a two days "National Coalition Building Workshop for the Protection of Rights of Migrant Workers" which was jointly organised by Lawyers for Human Rights and Legal Aid (LHRLA) and Solidarity Center (ACILS) here in Karachi on 23 and 24 October 2007.

Noted human rights lawyer, Zia Ahmed Awan, in his inaugural speech informed the participants that the workshop aimed to:

1. explore avenues of cooperation between all stakeholders for the protection of migrant workers' rights in sending and receiving countries.
2. develop a national coalition of relevant government agencies and civil society to work together and enhance cooperation at the national level for the protection of migrant workers in their formal work places such as garment factories, hotels, transport companies etc.
3. develop working mechanisms for a national coalition.
4. develop advocacy mechanisms with government for ratification of Migrant Worker's Convention (identify resources, ways and responsibilities of each department and organisation).
5. improve coordination between government, civil society organisations and trade unions.
6. plan for advocacy for the recognition of domestic workers as worker to be covered under labour laws.
7. identify available services and role of government functionaries in helping workers during pre-departure, post arrival and reintegration process and to identify role and objectives of the national coalition and working mechanisms.

Joint Secretary for the Ministry of Labour Manpower and Overseas Pakistanis, Sibty Hassan pointed put in his speech that the government is making efforts for the betterment of our workforce by improving related laws and polices and lots of time has spent to discuss possibilities. He stressed that we have to recognise manpower

export as an industry and develop overseas circle to explore means and ways for the protection of migrant workers.

While narrating on the topic of Developing Mechanisms for the Protection of Rights of Migrant Workers and Bilateral Agreements among Sending and Receiving Countries, Chairman Policy Planning Cell, Ministry of Labour and Manpower, Dr. Sabur Ghayur informed the participants that a national comprehensive policy and signing of MOUs with receiving countries duly protecting the rights of migrant workers are required urgently. He said looking into the gender perspective of migration and developing national level network and cooperation of labour trade unions are very important areas of work for the ultimate welfare of workers, who leave the country and face difficulties in receiving countries.

Assistant Director Federal Investigation Agency (FIA), Khaliq-uz-Zaman informed participants that economic migration is a major issue that affects almost all countries of the world. Unemployment, low wages, increase in population and economic recession are main reasons of going abroad in search of jobs in Pakistan. Khaliq-uz-Zaman stressed that people who try to go abroad without going through the registration process, try to go illegally without having valid visa, passport and proper travel documents and job seekers who travel on the pretext of visiting relatives or sight seeing remains at high risk of trafficking and exploitation at every step.

Central Chairman of Overseas Employment Promoters (OEP) Association, Hanif Rinch said that Pakistan is the leading country between manpower exporting countries. One of the major problems is the language barrier that migrant workers face in the host countries. He also informed that presently we do not have skilled workers which we had five years ago therefore we are facing great difficulty in exporting manpower. He stressed that the government and civil society should jointly develop institutions to provide trainings to intending migrant workers to build their capacity and enhance professional skills.

On second day of the workshop a network namely “National Network for the Protection of Rights of Migrant Workers” comprised of civil society organisations, relevant government departments, trade unions and OEP Association was developed to protect the rights of migrant workers in sending and receiving countries with the following objectives:

- Dialogue with labour and manpower ministry
- Sharing of information and experience to learn from each other
- Develop directories of service providing organisations in receiving countries
- Develop a collective website
- Share available resources with each other
- Organise annual meetings to review the progress of the network
- Update each other about ongoing activities
- Conduct and facilitate research
- Fact finding on the violation of rights of migrant workers

The two-day workshop yielded the following recommendations:

- For the ratification of International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) which relates to migrant workers, the following federal ministries and departments of provincial governments need to be persuaded:
 - Ministry of Labour, Manpower and overseas Pakistanis.
 - Ministry of Interior.
 - Ministry of Foreign Affairs.
 - Ministry of Law, Justice and Human Rights.
 - Labour department
 - Social Welfare Department
 - Home department
 - Law department
- A national campaign should be launched for raising awareness about the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990). The electronic and print media should be sensitised to raise the issue to the masses.
- All stakeholders should be united to sensitise and push the government for signing the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).
- Advocacy efforts should be complemented by documented case studies and a database covering major issues and aspects of violations of International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families(1990).
- Meetings at the national and provincial level should be organised and all stakeholders including government, NGOs, civil society and trade unions should be invited and their views incorporated.
- ILO and IOM should be involved to prepare plans for the ratification of International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).
- The newly established national network should organise meetings on International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).
- LHRLA should act as the focal point to organise activities with the help and support of members of network organisations.
- A directory of organisations working on migrant workers issues should be developed to know the available resources/data/information along with potential donor agencies.
- Learning from the experiences of countries that have already ratified and implemented the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).
- Different strategies should be developed for the recognition of domestic workers.

- Material already developed by LHRLA and other organisations on domestic workers should be taken up and shared with the network partners.
- Future plans should be prepared on domestic workers with the help and support of network partners and would be included in the program.
- The process of getting Computerised National Identity Card (CNIC) be simplified, presently, it takes a long time and create problems;
- Those who have their CNIC have to pay Rs. 900 for verification of its correctness;
- Procedure be simplified for passport preparation at district level;
- The demand letter for job & power of authority from foreign employers should be checked for:
 - (i) Pakistani Mission attests it in the host country;
 - (ii) It is attested by the Ministry of Foreign Affairs of the host country;
 - (iii) The mission of host country in Pakistan;
 - (iv) The number of jobs, categories, salaries and other facilities should be spelled out in the document of undertaking.
- The permission of Protector of Emigrants to process the demand and advertisement, the unskilled workers, semi skilled workers are not advertised rather chosen from the list maintained or from waiting list available with the OEPs;
- In case of company requirement or individuals obtaining direct visa, Government grants permission under rule 7 of the Emigration Rules(ER) - 1997;
- The emigrants have to pay the cost of medical fitness tests especially for HIV and AIDS, TB, Malaria, Leprosy, STDs, Hepatitis B & C etc;
- Visa is stamped by the embassy through Overseas Employment Promoters;
- The migrant workers have to pay for their incurrence to the state life insurance corporation; If the person is over the age limit they can apply for relaxation from the Director General(DG) of Overseas Employment.

Role of Government:

- To ensure that the Protector of Emigrants provide genuine employment and travel documents to migrant workers;
- Occasional check or visits by the labour attachee or an embassy staff should be done to ensure that the Kafael gives the wages on regular basis;
- To ensure that in case of death or disability an emigrant worker is provided with the compensation;
- The family of deceased worker must be compensated by Overseas Pakistanis Foundation (OPF) as well;
- The Government must sign and ratify the Migrant Workers Convention 1990 which is in the interest of migrant worker;
- Written information material should be provided at the time of pre-departure by Ministry of Labour and Manpower;
- The intending workers should be provided proper training about their rights;

- There is great need for mass media awareness for the emigrant workers, including documentary films;
- There is need to highlight this issue at the SAARC level for sharing the experience and developing Memorandum of Understanding between sending and receiving countries and keeping in view the minimum standards;
- Copy of salient features of Emigration Roles 1979, should be provided to workers at the time of Pre-departure;
- Code of conduct should be developed for Overseas Employment Promoters;
- Return passage should be borne by the employers.

Representatives of (Workers Employers Bilateral Council of Pakistan) WEBCOP, United Nation High Commissioner for Refugees (UNHCR), Sindh AIDS Control Program, Pakistan Press International (PPI), Federal Investigation Agency (F.I.A), Home Department, Pakistan Institute of Labor Education and Research (PILER), Citizen Police Liaison Committee (CPLC), Labor Department Sindh, Overseas Pakistanis Foundation (OPF), Pakistan Workers Federation (PWF), Aventis Employees Unions (AEU), Protector of Emigrants, Airport Health Department, Regional Directorate of Human Rights and National Alien Registration Authority participated in this workshop.