Budapest Process
5th Working Group on the Silk Routes Region
Dushanbe, 11-12 November 2014

Draft summary/conclusions

1. On 11-12 November 2014, the 5th meeting of the Budapest Process Working Group on the Silk Routes Region was held in Dushanbe, Tajikistan. The meeting was chaired by Turkey and co-chaired by Hungary as the Co-chair of the Budapest Process and the host, Tajikistan.

2. The Working Group meeting gathered 46 participants from 20 countries - Austria, Azerbaijan, Bangladesh, Belarus, Georgia, Hungary, Iran, Iraq, Kyrgyz Republic, Moldova, Norway, Pakistan, Poland, Sweden, Switzerland, Tajikistan, Turkey, Ukraine, the United Kingdom – as well as the Economic Cooperation Organisation (ECO), the European Commission, the Delegation of the European Union to Tajikistan, the International Centre for Migration Policy Development, (ICMPD), the International Labour Organisation (ILO), the International Organization for Migration (IOM), the Organisation for Security and Cooperation in Europe (OSCE), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office on Drugs and Crime (UNODC).

3. The first day of the meeting started with introductory remarks by Tajikistan, Turkey, Hungary and the European Commission. Tajikistan stressed the importance of migrants’ rights and the need for strong cooperation between all actors involved. Turkey highlighted the potential of the Working Group as a platform for discussing innovative approaches to management of legal and labour migration in the region and encouraged the participants to seize this opportunity to discuss concretely. Hungary underlined the fact that the next regional training of the Silk routes project will also focus on legal migration; hence the meeting is a good opportunity to embed these discussions as well. Adding to this, the European Commission referred to the use of legal channels of migration as a key tool to protect migrants’ rights, to facilitate migrants’ integration in the hosting countries and to ensure a better impact of migration on development.

4. Following the welcome address, the keynote speech made by ILO addressed the future priorities for labour migration governance. Some of the important points highlighted were:

   i. Migration, especially labour migration, needs to be moved up the political ladder. There is increasing interest at a global level, such as the High Level Dialogue on Migration and the Global Forum on Migration and Development (GFMD).

   ii. Migration requires a multi-actor coordination with better statistics and data. It is a shared responsibility, requires capacity building and a holistic approach.

   iii. There is a need for the cost of labour migration to be reduced – this could be done, for example, by lowering remittances fees or having private recruitment agencies waive their fee for workers.
iv. In follow-up to the above, preventing abusive practices of recruitment is utmost priority; workers should not be charged for their employment and requested to pay recruitment fees.

v. Application of the rule of law to the governance of labour migration and a migrant-centred approach should have precedence, while at the same time giving due regard to labour market needs.

vi. Labour mobility needs to be given priority considering the growth in intra-regional movements – an existing example is the free movement of labour in the EU. A framework for skills recognition and portability of social security benefits should also be put in place.

5. In addition to the Silk Routes countries Afghanistan, Iraq and Pakistan, the WG meeting particularly welcomed the participation of Bangladesh and Iran. Presentations on labour migration schemes and their resulting policies were made by - Bangladesh, Iran, Iraq and Pakistan. Even though representatives from Afghanistan could not attend the meeting, IOM Afghanistan presented the draft labour migration policy on behalf of Afghanistan.

i. Bangladesh presented its continuous efforts in promoting labour migration. The main characteristics of these measures focus on skills development with plans to establish vocational training structures across the country, skills recognition through accreditation, ensuring safe migration as well as utilising remittances. The primary challenges are high migration costs, visa trading in destination countries (in particular the Gulf region), protection of rights and awareness-raising among migrants. Bangladeshi authorities also place attention on preventing the departure of migrants who are not in the possession of effective and decent job contracts abroad.

ii. Iran is hosting a large Afghan population, of those only a limited part have long-term residence permit due to their refugee status. Others have only short-term permits or irregular status. Iranian authorities are now trying to reduce the arrival of further irregular migrants and to establish better organised forms of regularisation, notably through the elaboration of a "green card" initiative. The current Iranian policy is to invest in the training of Afghans in Iran so that they can contribute to the economic development of Iran but also of Afghanistan in case of return. As regards overseas Iranian workers, a problematic feature for Iran is that many are not allowed to transfer money from abroad to Iran due to the sanctions' currently imposed to the country by the international community.

iii. The acute refugee and IDP situation in Iraq necessitates a comprehensive policy for the region. Despite the presence of about 2 million Iraqi IDPs and Syrian refugees and the consequent enormous challenges, Iraq wishes the return of its Kurdish and Yezidi citizens from Turkey. Once the security situation improves, Iraq hopes to return in to its usual capacity of absorbing labour migrants.

iv. Pakistan emphasised that skills matching presents a big challenge for them. For example, although there is demand for nurses and paramedics in many European countries and Pakistan has these human resources, skills matching appears as the main obstacle in front of utilising these opportunities. Pakistan is interested to know more about the necessary requirements for jobs in Europe,
v. IOM presented the new draft labour migration policy in Afghanistan: the labour migration fits in the existing national labour policy in terms of promoting labour migration as a mechanism coping with unemployment while providing for protection. Most of the recent migration from Afghanistan is indeed economic migration and needs regulation. Three policy areas are proposed: 1) protection of the rights of migrant workers and provision of relevant support services, 2) enhancing the development benefits of migration through mainstreaming migration into national development plans, facilitating remittance flows, enhancing diaspora engagement, developing a framework for return and reintegration, 3) improved labour migration administration with a proper institutional framework and capacity building as well as regional and international cooperation. The policy awaits endorsement in the cabinet and will be complemented with action plans.

6. On the second day detailed presentations on admission policies and labour migration schemes in Europe were given by the European Commission, the UK and Sweden. Some of the main points were:
   i. Promoting labour migration towards the EU to respond to the needs of the labour market of the EU member States is a priority for the European Commission.
   ii. This goal is pursued notably by adopting legislation making the EU a more attractive place for migrants while, in parallel, promoting measures aimed at facilitating migrants' integration in the hosting countries, at protecting migrants' rights, and at combating against irregular migration.
   iii. There is work being done on addressing the issue of brain waste of migrants in the EU as well as increasing skills recognition with a number of countries in the European neighbourhood.
   iv. The EU is notably looking to attract foreign students and young people with skills. There are plans to give them an extension of their residence permits duration after conclusion of their studies and trainings, so that they can look for a job in the EU.
   v. The EU has established an Immigration portal with not only the aim of informing migrants about legal procedures to be admitted into the EU Member States, but also as a repository for integration and protection of victims of trafficking. Its link with the EURES portal also helps it to search and identify vacant job opportunities - http://ec.europa.eu/immigration
   vi. Admission into the EU is a prerogative of single EU MSs, and based on the fulfilment of the qualification set by them, nevertheless the EU is also developing dialogue and cooperation with sending and origin countries of migration, in line with its policy of the Global Approach on Migration and Mobility (GAMM), based on the assumption that conditions for a facilitated migration and mobility are offered to the countries accepting to cooperate more effectively with the EU in combating against irregular migration and in addressing other security threats.
   vii. Sweden has introduced a new system for recruitment of foreign labour, moving away from a state regulated system to an almost entirely demand-driven system based on employers’ needs. Workers of all skill levels can migrate to Sweden for jobs in many sectors including cleaning, services, hotels, etc. However, due to some abusive practices new control mechanism were introduced recently such
as post-arrival checks of the employer to prevent exploitation of the migrant worker.

viii. Labour migration to the UK is regulated through a points based system introduced in 2008. Applicants are awarded points based on qualifications, sponsor, salary, knowledge of English and funding available to maintain themselves. The main labour migration route currently to the UK is through shortage occupation list for occupations in high demand such as certain engineers, certain medical practitioners and some speciality chefs. Presently low-skilled workers cannot make use of the programme.

7. The next session gave countries in the Economic Cooperation Organization (ECO) the opportunity to present an overview of migration and economic development within the region. The ECO Secretariat explained that the organisation still does not have a clear mandate on migration; however, it is in the process of developing this framework in the future. The ECO region represents widely varying countries with different migration realities and there is an interest to also work on migration. The Budapest Process Secretariat made a presentation on the migration realities within the ECO countries’ region. Tajikistan and Kyrgyzstan also presented the current labour migration situation for their countries and steps taken by the governments. Both countries have large populations of labour migrants, especially in the Russian Federation. The remittances sent by these migrants are important for the economies of the countries. At the same time there are several challenges to be met, such as the safety of migrants as well as to care for the families left behind. There are also measures to prevent misuse of entry systems.

8. The following session on migrant workers’ rights and prevention of labour exploitation was presented by ILO. Some of the main points highlighted were:

   i. Low skilled workers usually work in precarious sectors of employment like agriculture, construction, fisheries, garment industry and domestic work – these are also the sectors where most abuse takes place. A solution for this could be that these categories of work be recognised in domestic law and to increase labour inspections of these sectors. On the overall there is a need for more adequate, improved and targeted labour inspections while also respecting privacy.

   ii. There is a need to balance the migrants’ rights with the sovereignty of each state – if regular migrants lose their employment, they should however not immediately lose their right to stay in the country.

   iii. Bilateral labour agreements/MoUs are useful but should be regulated through a certain standard, eg. ILO standards. It is important that migrants know about them, that the agreements are fit for the purpose and that they are effectively implemented. Furthermore, ideally they should regulate recruitment practices, provide for equal treatment with nationals and foresee a role for parts of government and social partners.

   iv. In the following discussion, representatives of IOM argued that remittance costs should be lowered and explained the organisation is working on coming up with new cost efficient ways of sending remittances, like through the postal system.

   v. The representative of the Commission, requested why the EU countries have not joined the International Convention on the Protection of the Rights of All Migrant
Workers and Members of Their Families, explained that this had not done mostly because the Covenant fails to make adequate distinction between regular and irregular migrants. Nevertheless, he recalled that the EU legislation by itself offers already to the migrants (including to migrants in an irregular position) a level of rights’ protection with no comparison with the one offered outside of the EU (including in countries parties to the Covenant). In that context he presented, for instance, the guarantees which are offered to irregular migrants by the EU directive sanctioning the employers that are found exploiting the work of irregular migrants.

9. Participants broke into two working groups to discuss migrant workers’ rights and prevention of labour exploitation as well as proposals on developing concrete labour migration opportunities. After a round of productive discussions in both groups, the following recommendations were made (summary of discussions and presentations):

i. **Question 1: Migrant workers’ rights and preventing labour exploitation**

   a. Firstly it is important to improve the legal framework for protection and the procedures in place. This includes safety but also access by workers to medical insurance and social rights.

   b. In this regard it is also important to ratify and implement relevant conventions. International cooperation is a key element. Cooperation between all countries along the migration routes should be improved.

   c. Use of the MoUs and bilateral agreements including the use of the joint committees could be a useful tool to improve workers’ rights. However, there is no evidence that these bilateral agreements can provide for 100 percent protection, so it is important to link with institutions like an Ombudsman or other human rights institutions and to put in place referral and/or complaint systems.

   d. A mapping of agreements in terms of migrant workers’ rights as well as of national laws regarding labour migrants is recommended. Equal treatment of migrant workers and national workers should be accepted as a key principle.

   e. It is indispensable to strengthen the enforcement system of rules and procedures and to have sufficient sanctions for violations for the protection of rights. It is also important to ensure monitoring of the compliance with rules through regular inspections. Even the best legislation cannot in itself prevent that rights of migrants are violated in practice.

   f. It is vital to include employers and international trade unions in the dialogue to ensure respect for equal rights. Companies can do more to raise the standards and to monitor fair working conditions (eg. Multinational companies in the Gulf region, some of which are European, are indeed concerned about labour exploitation issues and can make a difference). Emigration countries may also consider join or at least coordinate their efforts so as to negotiate better conditions and treatments for their citizens with the authorities of the immigration countries.

   g. Awareness raising: Making labour migrants more aware of their rights is essential for protection of rights also through improving their skills. The
more skilled, equipped and informed you are, the better you can protect yourself. This might be one reason why workers from the Philippines tend to be very successful. In this respect, both the sending and receiving countries need to invest in trainings and skills improvement.

h. As a concrete measure of protection, it is recommended to institute hot-lines for workers in order to report abusive behaviour on behalf of employers.

ii. Question 2: Developing labour migration opportunities

a. It is important that relevant data and information as regards labour market needs, skills and qualifications required is accessible, relevant and accurate. This information must be widely shared. Web-portals should be used to make information accessible. In this regard, labour market assessment should be carried out as an important tool to identify gaps and needs.

b. Fair access to employment and fair procedures of recruitment should be ensured in the sending countries.

c. The use of labour market agreements is efficient to ensure that labour market opportunities are being filled the right people and that rights are protected.

d. Training the people in the source countries according to the standards sought in the destination countries is essential. In some cases only some additional or adaptation training is need to bring skills up to the required level. Training can include language training and should be paid by public funds, in particular by the destination countries. The South Korean scheme for low and medium skilled workers is a good example.

e. More efforts have to be put into accreditation of skills and recognition of qualifications. The process of improving mutual recognition is however cumbersome and complicated and takes time.

f. The development of international departments of employment agencies in source countries is a good tool to collect information on jobs abroad and to build up contact networks with employment agencies and employers in destination countries.

g. Labour market attachés in the countries are also an efficient tool to establish needs of different labour market. Such attachés can also be used to improve political and diplomatic relations between countries of origin and destination. Diaspora channels can also be used for awareness.

10. In summary of main ideas and interventions during the two days, the following points were made:

i. We need to improve the knowledge regarding labour migration as this is the only way to improve policy making. This includes making labour market assessments to better understand the functioning and needs of the labour markets.

ii. The costs of labour migration need to be reduced. Recruitment practices should become more democratic and less costly for the migrants.

iii. Equal treatment is a key principal that needs to be respected as a basic human right and upheld; not only in legislation and governance but also in practice.
iv. Better communication is needed between countries on addressing labour migration and on opportunities and conditions of employment. Employers and trade unions need to be included in this communication as well as in the issues of protection of migrant workers’ rights and preventing labour exploitation.

v. The sending and receiving countries should invest in skills development and skills recognition. While sending countries can develop vocational training programmes based on a realistic assessment of labour market needs and qualifications sought both at home and abroad, receiving countries can also invest in skills training for potential migrants coming to join their markets or invest in improving and adapting skills of migrants already in the country.

vi. Last but not least, it is crucial to link policies for labour migration with internal employment policies. For sustainability, countries need to invest in also improving employment conditions in countries of origin. In this regard, we should aim at using the knowledge and experience acquired by labour migrants in order to create better livelihood opportunities at home.

11. The Chair thanked all participating countries for their engagement and contributions and entrusted the Secretariat with the task of summarising discussions and conclusions as well as to circulate results.