

## **Prospects and Challenges of Out-Migration from South Asia and its Neighbouring Countries**

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*This paper analyses the trends, nature and extent of out-migration from South Asia and its neighbouring countries like Afghanistan and Iran and examines the economic implications in both sending and receiving countries. It also provides a detailed review on labour rights issues and trade union responses to migration-related issues. It aims to help all concerned parties set up a policy framework as well as legal instruments to harness the benefits of labour migration and build a protection regime for migrant workers.*

### **I. INTRODUCTION**

According to the figures of the United Nations, by 2000, around 175 million people were residing outside their country of origin as a status of refugees, political asylum seekers, documented and undocumented migrants, migrant workers, etc. Of 175 million people, around 77 million who are economically active would be classified as 'migrant workers'.<sup>1</sup> The main destinations for migrants are the more developed countries, accounting for some 60 per cent of the world's migrants, and where migrants account for on average 8.7 per cent of the population.<sup>2</sup>

Globalization has added impetus to the growing mobility of labour force across borders. The mobility of labour force from the country of birth to another country becomes an important phenomenon associated with employment with consequential impact on economic growth and development. Out-migration from South Asia is a part of the global phenomenon and it helps curtail unemployment, reduce poverty, and earn foreign remittances.<sup>3</sup> The

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contribution of labour migration to economic growth and prosperity in the source and the host countries has received increasing attention in recent years. The benefits are reflected in reduced unemployment, return of skills and transfer of technology and investments by migrants abroad. Remittance inflows have dramatically increased in all South Asian countries in recent times. Remittances sent by migrant workers become a significant source of funds for economic development of the nation. Therefore, migration has become a key policy issue for many developing countries, depending on the state of the national economy and the employment situation.

Most governments in South Asia and even in Iran have promoted out-migration through institutional support of recruitment and policy implementation. However, such promotional policies do not sufficiently protect the rights and interests of migrant workers and their families. Given the various types of migration and the complexity of migration flows, policy intervention could, perhaps, be directed towards not only harnessing the economic benefits of migration but also reducing the exploitation of migrants.<sup>4</sup>

Given all social and economic consequences, the United Nations set up the “Global Commission on International Migration” in 2003 to generate integrated policies and strategies for effective management of labour migration at the global level. In order to assist member states to develop more effective labour migration policies and promote coherence at international level, the 92<sup>nd</sup> Session of the International Labour Conference in 2004 proposed the elaboration of a non-binding “ILO Multinational Framework for a rights-based approach to Labour Migration”, which takes account of national labour market needs and the protection of migrants' rights. Further, a tripartite group of experts met at the end of October 2005 to finalise the draft ILO framework, which will be tabled for adoption by the Governing Body at its March 2006 session.<sup>5</sup> Then, in order to address specific opportunities and problems migration poses, the ILO Regional Office in Bangkok develops its Plan of Action on Labour Migration in Asia Pacific, which will provide technical assistance and policy guidance for its tripartite constituents.<sup>6</sup>

It is in this context that this paper aims to analyze the trends, nature and extent of out-migration from South Asia and its neighbouring countries like Afghanistan and Iran, examine the economic implications in both sending and receiving countries, and review labour rights issues and trade union responses to migration-related issues. It aims to help all concerned parties set up a policy framework as well as legal instruments to harness the benefits of labour migration and build a protection regime for migrant workers.

## **II. CHARACTERISTICS OF OUT-MIGRATION FROM SOUTH ASIA AND ITS NEIGHBOURING COUNTRIES**

Contemporary trends of migration in South Asia show that in the 1950s and 1960s, mostly professionally qualified persons migrated to the more developed countries, especially the Western countries. In the early 1970s, the spurt in oil prices led to the oil-producing countries of the Middle East investing in infrastructure development in a major way, which created a huge demand for different categories of labour. Migrant workers from South Asia joined the labour market predominantly in Saudi Arabia, the United Arab Emirates (UAE), Kuwait, Qatar, Oman, Iraq and Libya. Since mid-1980s, such migration expanded to the newly industrialized countries in South East Asia and East Asia, such as the Republic of Korea, Malaysia and Singapore, which faced a shortage of labour force willing to take up the so-called 3D jobs - dangerous, dirty and degraded. The majority of migrant workers from South Asia constitute semi-skilled and unskilled manpower. The modern history of Nepali migration is slightly different from the trend of the other four countries' out-migration. The number of migrant workers shows an increase after 1990, following the liberalization of overseas travel by the government. Before the 1960s, the peculiar trend of migration from Nepal was that a large number of Nepali workers were employed in the British and Indian armies. Both India and Iran are in crucial situation standing as labour sending as well as receiving countries.<sup>7</sup> Table 1 depicts the estimated annual emigrants from South Asia and its neighbouring countries and their main destination regions.

**Table 1**  
**Estimated Annual Emigration and Their Main Destination Regions of**  
**Labour from South Asia and Neighboring Countries**

	Data available	Recorded average annual labour emigration (in 000's)	Adjustment required for excluded or undocumented flows (in 000's)	Main destination countries/regions
<b>South Asia</b>				
India	1997-02	316	+ 200	Gulf States, US, East Asia
Bangladesh	1999-02	224	+ 53	Gulf States, SE Asia, India
Pakistan	1999-03	135	+ 25	Gulf States, US, West Europe
Sri Lanka	1999-03	192	+ 16	Gulf States, Singapore
Nepal	--	--	--	India, Hong Kong, Korea
<b>Neighbouring countries</b>				
Afghanistan				Pakistan, Iran
I. R. of Iran				USA, Europe

Source: ILO, ILO Plan of Action on Labour Migration in Asia Pacific, Bangkok, 2005, p.4.

Out-migration is not a random phenomenon, but shows clear patterns involving certain groups of people and certain regions like the states of Kerala, Tamil Nadu, Andhra Pradesh and Rajasthan in India, the hilly regions in Nepal and the areas of Chittagong, Dhaka, Comilla, Noakhali and Sylhet in Bangladesh. A certain trend of mobility is visible and evident in the case of Indians, as observed with the dominant presence of people from Kerala in the Gulf countries, from Tamil Nadu in Singapore and Malaysia, and from Punjab in Canada.

There are various factors behind out-migration. Either combined or separate elements of the economic, social and political situation often create a condition where an individual or a group decides to emigrate. Poverty is a major driving force behind migration, as can be seen in Bangladesh, Sri Lanka and Nepal. Aspiration for economic empowerment is another causal factor emerging in all cases of migration. Even in explaining the large

presence of Afghans abroad, political factors are insufficient and economic factors have played an increasingly influential role in cross border movement.<sup>8</sup> The migrants desire to take an opportunity to improve living standards, enhance incomes and accumulate one-time wealth. The political conflict like the Maoist insurgency in Nepal also prompts people to migrate for the political as well as security reasons. Eventually, international labour migration is a complex issue, resulting from a combination of push and pull factors, including poverty, unemployment, demand of the labour market, political conflicts, enhanced networks, improved environments pertaining to information, communications, transportation, etc.<sup>9</sup>

### **III. LEGAL FRAMEWORK**

It is found that there are similar and distinctive characteristics in legal frameworks in the sub-region covered in the study. Firstly, since migration is a crucial policy in national economic development, the governments in South Asia are directly and indirectly involved in promoting out-migration. Secondly, developing measures for redressing grievances like public hearings in India, enhancing welfare systems like the Wage Earners' Welfare Fund in Bangladesh, as well as improving migration policies in Nepal, the existing legal and administrative system has been gradually improved to be more effective to protect the rights and interests of migrant workers and manage overseas migration. Thirdly, some governments have already had bilateral agreements with host countries and all governments in the sub-region are willing to have more MOUs with host governments concerned. Fourthly, legal and policy frameworks for effective management of labour migration are being developed and Iran standing in a position as a labour sending as well as receiving country develops a policy of dual facets to handle issues relating to both overseas migrants in Iran and Iranian migrants abroad. Fifthly, foreign missions have been focal points for promoting foreign employment as well as providing first aid and compensation for migrant workers in trouble.

In Afghanistan, after the signing of the Bonn Agreement in late 2001, UNHCR and the governments of the principal asylum

countries are currently working within the legal frameworks provided by Tripartite Agreements, which is scheduled to be concluded until the end of 2005. UNHCR is committed to further enhancing repatriation opportunities, sustaining reintegration of repatriates in Afghanistan, and identifying the overcoming impediments to return from the asylum countries. UNHCR establishes an Afghanistan Policy Unit (APU) operating under the aegis of the High Commissioner's Convention Plus initiative. The APU shapes a blueprint with a focus on (i) assistance and procedures of voluntary returnees; (ii) the future management of population movement; (iii) continued international engagement and support; (iv) adequate protection, resettlement and replacement; and (v) protection dimension for refugees after the post-2005 situation.<sup>10</sup> UNHCR helps the Afghan authorities design a legal framework to assist Afghans' voluntary return and their settlements in the Afghan society and to regulate the future movement of Afghan population to abroad.

In Bangladesh, the British-era Emigration Act of 1922 was replaced with the Emigration Ordinance in 1982. In April 1983, the Bangladesh Government set up four special courts in the four divisions of Dhaka, Chittagong, Khulna and Rajshahi. In December 2002, the Government framed three rules – Emigration Rules, Rules for Conduct and Licensing Recruiting Agencies and Rules for Wage Earners' Welfare Fund. They are more promotional for out-migration than protective for migrant workers. For instance, although the Wage Earners' Welfare Fund operates the fund contributed by migrant workers, it is managed by a Board of Directors, comprising inter-ministrial representatives, but without participation of the representatives of either migrant workers or their families. There are 13 labour attaches in Bangladeshi missions in the major labour receiving countries. However, the national laws, rules and regulations are not adequate in protecting migrant workers from fraudulent practices of recruiting agencies. Also, the policy of prohibiting unskilled and semi-skilled women below the age of 35 years from emigration on their own, is discriminatory against women's right to choose employment and their right to mobility and such a legal restriction becomes a causal factor producing undocumented female migrants and sometimes indulging them into temptation to be trafficked.

In India, the Emigration Act of 1983 replaced the British-era legislation of 1922. The focus of the new legislation has moved to a protective approach, with an emphasis on the welfare of the migrant population as well as the promotion of overseas employment. Despite limited capacity for redressing the grievances of a large number of migrant workers, the Government of India has taken certain steps to redress the grievances of migrant workers through public hearings in eight offices of Protectors of Emigrants in the country.<sup>11</sup> The Emigration (Amendment) Bill, 2002 has proposed the establishment of a National Manpower Export Promotion Council, a tripartite organization comprising representatives of labour, management and the government. Taking into consideration, the importance of Indian migrants [so-called non-resident Indians, NRIs] and their contribution to the GDP, the government of India created a new Ministry of Indian Overseas Affairs in early 2005. The Ministry has worked on strategies to develop welfare measures, introducing insurance scheme, issuing smart cards, and entering bilateral agreements with major labour receiving countries.

Having taken into account the domestic situation with a large number of both foreign workers in Iran and Iranian migrants abroad, the Government of Iran adopted a policy to regulate and manage labour migration in both domestic and overseas labour markets. According to Article 180 of Third Development Plan, the “Coordinating Executive Council for Alien Affairs” was set up to coordinate the policies of different government departments concerning foreigners in Iran. The aim of the Iranian Government is to help Afghan and Iraqi refugees return to their countries on the one hand and to address the needs of the Iranian labour market on the other, by issuing work permits to only those with skills and professional qualifications, which will prevent job competition with low-skilled Iranians. Article 53 of Third Development Plan states the manner of managing the dispatch of Iranian labour force [migrant workers] and the dispatching agencies [recruiting agencies].<sup>12</sup> Labour Attachés have been placed in a number of Iranian Embassies to deal with the issues of migration. The Overseas Employment Development Department (OEDD),

constituting Bureau for Technical Studies and Labour Force Capabilities, Bureau for International Labour Market Studies and Bureau for Labour Attachés, was set up at the Ministry of Labour and Social Affairs to frame labour migration policies as well as to manage Iranian migrants abroad and their remittances. The Government of Iran has no comprehensive labour migration policy and thence the Social Commission of Majles (Iranian Parliament) initiated to draft a labour migration policy in February 2005. An international conference held in Tehran in March 2005, jointly organised by OEDD, International Organisation for Migration (IOM) and ILO, with the participation of some 100 social partners concerned on Iranian migrants aimed at developing comprehensive policies along with a legal framework on labour migration.<sup>13</sup>

In Nepal, the Foreign Employment Act, 1985 intends to regulate various aspects of labour migration ranging from the provision of recruiting agencies' license to the procedure of selecting workers. The Act also makes it mandatory for license holders to inform workers being sent abroad of employment issues including the geographical location, culture, labour laws, economic, political and social conditions of the destination countries. The National Labour Policy, 1999 had some sections relating to foreign employment, but there was no effective policy to manage migration and remittances. Therefore, the Nepal Association of Foreign Employment Agents (NFEA) has a long-standing complaint that the 1999 policy is control-oriented and restrictive towards foreign employment. The Poverty Reduction Strategy Paper (PRSP) adopted by tripartite constituents in late 2003 suggested that the Government improve legal regulations and enhance its institutional capacity for managing migration. "Labour Migration Policy, 2061 [the Nepali year, equivalent to 2005] proposed but not finalised within the Ministry of Labour and Transport Management, looks after the problems related to foreign employment and migrant workers as well as maximise the opportunities of foreign employment through the development of quality human resources."<sup>14</sup> It is characteristic that the policy supports female migration through providing with training and soft loan and making overseas employment more transparent and secure. A labour attachés will be placed where the number of Nepalese migrant workers is 5,000 or above to safeguard labour rights.



In Pakistan, the Emigration Ordinance and Rules promulgated in 1979 deals with matters pertaining to the appointment, functions and general duties of the Director General and Protector of Migrants, Bureau of Emigration & Overseas Employment (BE&OE), regulation of emigration, appointment of overseas employment promoters, offences, penalties and other procedures. The Emigration Ordinance and Rules also regulates social security including occupational health and safety, wages and other terms and conditions of service offered to migrant workers. In order to regulate labour migration, the Ministry of Labour, Manpower and Overseas Pakistanis established an institutional framework, consisting of the BE&OE, Overseas Employment Corporation (OEC), Overseas Pakistani Foundation (OPF), 12 offices of Country Welfare Attachés (CWA) in major receiving countries, and five offices of the Protector of Emigrants. The BE&OE, set up in 1971 to regulate legal emigration, has played an important part in providing overseas employment to over 3 million Pakistanis. It has regional offices, five offices of protectors Emigrants and 12 offices of CWAs in different countries. The BE&OE, acting through these bureaucratic networks, also looks after the safety, security and welfare of migrant workers. The OEC checks the exploitative practices of private overseas employment promoters and provides services to recruiting agencies as well as the migrant workers. The OPF takes care of the welfare of migrants and their families.

In Sri Lanka, the Bureau of Foreign Employment Act, 1985, amended in 1994, deals with various issues relating to the promotion of overseas employment and protection of migrant workers. In addition, the National Employment Policy has a special focus on migrant labour issues, adopting a proactive approach to identifying employment opportunities and promoting migrant employment of both male and female workers. The Ministries of Foreign Affairs and Labour and the Sri Lanka Bureau of Foreign Employment are vested with the responsibility of the welfare of migrant workers and their families. Six labour attaches have been appointed and 13 welfare offices have been established in various countries, including the UAE, Saudi Arabia, Kuwait, Oman, Qatar, Lebanon, Jordan and Singapore.

#### **IV. EMPLOYMENT PERSPECTIVES**

The majority of the migrant workers from South Asia move towards the Middle East and Gulf countries. Most of them are unskilled and semi-skilled workers and a minority are skilled construction workers. Those going to the developed countries are mostly skilled and professional workers in sophisticated sectors like information technology, accountancy, engineering, medicine, etc.

Unlike the general characteristics of out-migration from South Asia, Afghan migrants are characterised as the following four categories; (i) those who wish to return to the country when domestic conditions improve; (ii) those who need international protection and assistance; (iii) those who migrated in search for temporary employment; and (iv) those who seek political asylum. Since the Bonn Agreement signed in late 2001, around 2.5 million Afghan refugees are reported to have been repatriated from various countries including Iran. Around 308,000 Afghans were repatriated from Iran in 2002. Over three million Afghans still remain in the neighbouring countries including Iran and Pakistan.<sup>15</sup> As of the end of 2002, around 1.2 million Afghans reside in Pakistan. According to the data supplied by UNHCR from Amayesh & Repatriation Databases,<sup>16</sup> as of November 2004, the total Afghan population residing in Iran are 1,009,352 persons, consisting of 113,207 singles and 896,145 family members belonging to 190,765 families. Of 1,009,352, females are 439,686 persons and males are 569,666 persons.

Table 2 shows the occupational categories of 333,348 Afghans who are employed in Iran. Over 63 per cent of Afghan workers are unskilled, some 10 per cent skilled, and the remaining 27 per cent engaging other categories of employment.

In Bangladesh, the annual average outflow of labour force between 1991 and 2003 is around 226,000 persons. During this period, a total of 2,754,000 persons migrated overseas for employment. Women constitute less than 1 per cent of the total migrant workers, accounting for 17,512 persons. The low numbers may be due to the fact that even though many women are

migrating for employment, their migration process remains undocumented. In contrast to the labour migration in the pre-1970s period, semi-skilled and unskilled workers recently form the majority of migrant workers. Saudi Arabia is the largest employer of Bangladeshi workers, followed by the UAE and Kuwait. Along with the Gulf, South East Asian countries including Brunei, Korea, Malaysia and Singapore become attractive destination for Bangladeshi migrants. Around 55 to 60 per cent of Bangladeshi migrants are recruited through individual initiatives and social networks.

**Table 2**  
**Afghans in Iran by Occupational Categories (as of November 2004)**

Categories of employment	Nos. of workers	Percentage
Unskilled workers	210,739	63.22
Skilled workers	33,793	10.14
Farm/ animal husbandry workers	21,505	6.45
Semi-skilled workers	19,154	5.75
Other workers	14,120	4.24
Owner of small retail/ production	9,591	2.88
Homemaker	8,894	2.67
Unemployed	5,622	1.69
Students	4,183	1.25
Owner of medium retail/ production	3,086	0.93
Retired	935	0.28
Clergy	626	0.19
Office workers	371	0.11
Teachers	342	0.10
Owner of major retail/ production	256	0.08
Professionals	131	0.04
Total	333,348	100.00

Source: UNHCR from Amayesh and Repatriation Databases; Pooya Alaedini, National Report on Labour Migration in I.R. Iran, IOM, 2005, p.14

As analysed the data of Table 3 on Sri Lankans' overseas employment by sex and occupations, around 203,710 persons migrated to other countries for employment in 2002. Accurate statistics of migrant population in Sri Lanka are not available but it is estimated, on the basis of statistical reports of different government institutions, that over 1 million Sri Lankans are

working abroad. Over 68 per cent of the migrant workers are women. Over 70 per cent of migrant workers are unskilled workers, including around 53 per cent housemaids. The majority of migrant workers fall within the age group of 25 to 39 years, while 78.9 per cent of the female migrant workers and 68.3 per cent of male migrant workers are married.

**Table 3**  
**Sri Lankan Overseas Employment by Sex and Occupation:**  
**1996 – 2002**

Year	Professional Level		Middle Level		Clerical & Related		Skilled		Unskilled		House maids	Total
	M	F	M	F	M	F	M	F	M	F	F	
'96	556	43	1635	309	2894	477	19387	4867	18640	3289	110479	162576
'97	534	39	1386	249	3008	571	15832	8670	16792	3773	99429	150283
'98	655	40	2512	311	4054	842	22093	9656	24553	9751	85349	159816
'99	1175	78	2738	423	5270	940	24425	12852	30112	13659	88063	179735
'00	897	38	3354	427	4828	997	24344	12131	26370	9389	99413	182188
'01	1125	93	3205	571	4631	1384	25262	11501	25584	7801	102850	184007
'02	1293	166	3932	623	5622	1617	30677	14791	29202	7273	108514	203710

Source: [www.slbfelk](http://www.slbfelk), 2004.

No accurate statistics are available for the number of Iranians working abroad. The holistic figures of Iranians living in foreign countries range from 3 million to 7 million in the last two decades. A quite significant number of Iranians with various professional qualifications have emigrated to OECD countries in search for employment and many of them settled in the societies. The numbers of Iranians living in Kuwait, the UAE and Qatar are 70,000, 50,000 and 12,000 respectively. Iranians living in the USA are estimated to be between 319,000 to 371,000.

In Pakistan, the total legal emigration between 1971 and 2003 is estimated at 3.3 million. Pakistani migrants are distributed into over 45 countries in over 40 different categories of occupation.

Among them, 45.5 per cent migrated to the Middle East, 29.2 per cent to Europe, 22.7 per cent to the Americas, 1.6 percent to other part of Asia and 0.6 percent to Africa. Among the migrant workers to the Middle East, 79 per cent have gone to Saudi Arabia, 15 percent to the UAE, 3 per cent to Oman and 1 per cent to Qatar. Migrant workers have used different channels to go abroad. Around 2,251,000 persons emigrated through the private channel, 23,000 persons through the public or government route and 1,032,000 persons went through their personal sources. For social and religious reasons, Pakistani female workers are generally reluctant to proceed abroad for employment.

In India, the extent of emigration has fluctuated a great deal, dropping from 438,000 persons in 1993 to 199,500 persons in 1999 and rising again to 368,000 persons in 2002.<sup>17</sup>

There are an estimated 3.6 million Indian migrant workers in the six Gulf countries, including 1.4 million in Saudi Arabia, 1.2 million in the UAE, and the remaining in Bahrain, Kuwait, Oman and Qatar. The occupational and gender break up of the migrating community have not been fully documented. However, in the case of migrants from the southern state of Kerala, 41 per cent are unskilled workers, 21 per cent skilled, 4 per cent highly skilled while 34 per cent fall under other categories. Out-migration is basically a male-dominated phenomenon, but the number of women migrating to industrialized countries has increased in recent years.

According to a Census Report of 2001, around 762,000 Nepalis are living in foreign countries. Seventy-seven per cent of them are living in India, where they are not considered foreign workers due to the no-visa policy between the two countries. Thus, apart from the estimated 1.5 million Nepali nationals working in India, the official figure of Nepali migrant workers registered with the Ministry of Labour as of May 2002 was 214,839 persons. The number of Nepali people working in foreign countries (including those in India) touched 2.2 million in 2003. According to a report by the ILO and the Department for International Development (DFID) of the UK, 2000, 75 per cent of migrant workers are unskilled and 25 per cent are semi-skilled. Around 5 percent of

total population in Nepal are estimated to be unemployed and 47 percent underemployed. Every year around 300,000 labour force enters into the new labour market. In addition to the situation pertaining to unemployment, underemployment and supply of labour force, political conflicts will further contribute to the increase of Nepali migrants. It is a general phenomenon in the remote and mountainous areas that many people are seeking means to emigrate foreign countries.

Out-migration is a male-dominated phenomenon in Bangladesh, Nepal, India and Pakistan, while in the case of Sri Lanka, women migrant workers are in a majority. Women in Bangladesh accounted for less than 1 per cent of the total migration in the 1991-2003 period. Women migrants from Nepal accounted for 4.95 per cent of total migrants in 2001. In the case of Bangladesh and Nepal, many women are reported to have emigrated for employment, but their migration remains undocumented. This leaves women in vulnerable situations and prone to exploitation, sexual harassment, work-related diseases and even infection of HIV/AIDS.

## **V. ECONOMIC IMPACT ON THE SENDING COUNTRIES**

Out-migration from South Asia has been a significant factor in the economic growth of individual countries, reducing unemployment, helping earn foreign exchange and enhancing migrants' skills. In Pakistan, 79 per cent of skilled return migrants surveyed are reported to have enhanced their skill level during overseas employment. However, 49 per cent of these had not been able to utilize their enhanced skills on their return. In Nepal, former soldiers of the Gorkha Regiment of the British army in India are active in the transport, oil delivery, food, hotel sectors, etc.

Table 4 shows that the remittances from Bangladeshi migrant workers have increased over from US\$ 23.7 million in 1976, to 1,806.6 million in 1999 and to US\$ 2,617.9 million in 2002. The net earnings from migrant workers' remittances are higher than that of earnings from the garment sector being a backbone industry in Bangladesh.

In India, remittances have rapidly increased from US\$ 3,587 million (Rs. 94.18 billion) in 1991-92 to nearly US\$ 12,125 million (Rs. 578.21 billion) in 2001-02. In the state of Kerala, remittances amounted to 22 per cent of the State income in the second half of 1990s. In the northern state of Punjab, the districts of Jalandhar, Karpurthala, Hoshiarpur, Ludhiana from where significant out-migration is taking place, have seen a lot of development in rural areas funded by remittances. In Nepal, remittances, inclusive of remittances from India, were estimated at NRs.2.9 billion in 1990 with 7.7 per cent of foreign exchange earnings, which amounted to NRs. 69 billion in 1997, accounting for nearly 25 per cent of the gross national product (GNP) and 65 per cent of all foreign exchange.<sup>18</sup>

According to the Finance Division of the Government of Pakistan, the country has earned an annual average of US\$ 1,617 million through remittances by migrant workers since the early 1970s and it came to US\$ 4,128.5 million in the 2002-03 period. In Sri Lanka, migrant workers transmitted Rs.123,183 million in 2002, accounting for 27 per cent of total foreign exchange earnings, against 1.2 per cent in 1972 and 21 per cent in 1991.

**Table 4**  
**Percentage Change in Number of Migrants and Remittances,**  
**1976 - 1999**

Year	Number of migrants	Increase/Decrease %	Remittance (US \$ million)	Increase/Decrease %
1976	6,087		23.71	
1977	15,725	158.33	82.79	249.18
1978	22,809	45.04	106.90	29.12
1979	24,495	7.39	172.06	60.95
1980	30,073	22.77	301.33	75.13
1981	55,787	85.51	304.88	1.18
1982	62,762	12.5	490.77	60.97
1983	59,220	5.64	627.51	27.86
1984	56,714	4.23	500.00	20.32
1985	77,694	36.99	500.00	0
1986	68,658	11.63	576.20	15.24
1987	74,017	7.8	747.60	29.74
1988	68,121	7.97	763.90	2.18
1989	101,724	49.33	757.84	0.79

1990	103,814	2.05	781.54	3.12
1991	147,131	41.72	769.30	1.56
1992	188,124	27.86	901.97	17.24
1993	244,508	29.97	1,009.09	11.87
1994	186,326	23.79	1,153.54	14.31
1995	187,543	0.65	1,201.57	4.16
1996	211,714	12.89	1,355.34	12.79
1997	381,077	79.99	1,525.03	12.52
1998	267,667	29.76	1,599.24	4.86
1999	268,182	0.19	1,806.63	12.96
Total	2,909,972		18,058.74	

Source: The Data from Bureau of Manpower, Employment and Training (BMET), Ministry of Expatriates' Welfare and Overseas Employment, Bangladesh; Tasneem Siddiqui, "Bangladesh: the Complexities and Management of Out-Migration", ILO-New Delhi, 2004, p.55, in Pong-Sul Ahn (ed.), Migrant Workers and Human Rights.

Remittance inflows have gradually gone up in all five South Asian countries, as the number of migrants has increased. Table 5 describes the significance of remittances in the national economy in South Asia, as seen the fact that the percentage of remittances sharing GNP ranges from 3.07 in India to around 25 in Nepal. However, the rise in remittance inflows is relatively lower than the increase in migrants because the bulk of migrants comprise unskilled and semi-skilled workers whose wages are relatively low. Therefore, the upgrading of migrant workers' qualification becomes a crucial strategy to increase the value-added prices of out-migration as well as to meet the global demographic changes which OECD countries will face a great shortage of skilled labour force and professionals.

**Table 5**  
**Importance of migrants' remittances to South Asia**

Countries	As % of GDP (by year)	As % of GNP on average
<b>Bangladesh</b>	3.16 (1996)	6.0 (1996)
<b>India</b>	2.7 (1997)	3.07 (1997)
<b>Pakistan</b>	2.19 (1997)	7.0 (1997)
<b>Sri Lanka</b>	6.06 (1995)	6.46 (2001-02)
<b>Nepal</b>		25 (1997)

Source: ILO, ILO Plan of Action on Labour Migration in Asia Pacific, Bangkok, 2005, p.6; The Nepali figure only comes from Ganesh Gurung and Jaganath Adhikari, "Nepal: The Prospects and Problems of Foreign Labour Migration", ILO-New Delhi, 2004, p.113, in Pong-Sul Ahn (ed.), Migrant Workers and Human Rights.



It is estimated that 1 million Afghan workers in Iran annually remit a figure of US\$ 200 million to US\$600 million to Afghanistan and the inflow of remittances from Iranians abroad come to US\$ 1 billion to US\$ 2 billion.<sup>19</sup>

Official figure of remittances presented in this paper may not reflect the true picture, because of the prevalence of informal arrangements of remittance transaction. The amounts of remittances transmitted by official channels such as banks, travellers' cheques, telegraphic transfer, postal order, account transfer and ATMs do not capture the actual level of remittances because of illegal and informal transfer systems circumventing official and formal transfer channels. The most important and extensive form of such informal transfers in South Asia is referred to as Hawala or Hundi system. Hawala refers to an informal transfer channel from one location to another through service providers known as a Hawaladar.<sup>20</sup> The actual amount of remittances would be much higher than the official record and hence the level of migrant workers' economic contribution might have been underestimated.

The results of a survey among migrant workers who belonged to two districts of Chittagong and Tangail of Bangladesh show that 46 per cent of the total remittance has come through official channels, while around 40 per cent came through *hundis*, 4.6 per cent was transferred through friends and relatives, and 9.4 per cent were delivered by migrants themselves.<sup>21</sup> Around 80 per cent of the money to Nepal is remitted through the *hundi* system in which the recipient gets more than the market rate of exchange.<sup>22</sup>

## **VI. ECONOMIC IMPACT ON RECEIVING COUNTRIES**

There can be no debate about the fact that migrant workers contribute to the overall economic growth of labour-receiving countries. According to Mr. Juan Somavia, Director-General, ILO: *"Migrant workers provide valuable services with their labour and furnish an often invisible subsidy to the national economies that receive them. They work in factories, produce food, provide domestic service, staff in hospitals and contribute to a wide range of basic needs, often for low wages and with little recognition of*

*the value of their contribution.*”<sup>23</sup>

However, this view is not uniformly shared in labour-receiving countries. Certain sections believe that migrants take away jobs from native workers and create unemployment in the host society. Others argue that migrant workers depress the labour market, consequently reducing the level of wages of domestic workers. On the whole, though there is an acknowledgement that migration has generally contributed to economic growth in most host countries, since migrant workers undertake the 3D jobs which domestic workers are unwilling to take up. The experience of many receiving countries indicate that the foreign labour force, which is cheaper than the domestic labour force, generally benefits the economy of host countries by strengthening competitiveness. However, the Iranian authorities believe that the employment of Iranians with low skills has been affected by the phenomenon of the undocumented and refugee workers. Therefore, the authorities try to replace foreign workers to low-skilled Iranian workers so that the unemployment rate could significantly decrease.<sup>24</sup>

California's ketchup industry heavily relied on Mexican braceros to pick its tomatoes in the 1960s and survived with the cheap labour.<sup>25</sup> When the bracero scheme was ended in 1964, farmers replaced the migrants with machines. Engineers invested a harvester that distinguishes red tomatoes to green. Crop scientists developed new, ovoid tomatoes that the machines found easier to handle. By contrast, the availability of cheap migrant workers in German factories slowed the adoption of a new labour saving technology.<sup>26</sup>

The consequential phenomenon in international migration is the mobility of labour force from poor countries to rich ones. Rich countries would like to a constant rotation of workers, arriving while they are young and active. However, the receiving countries are faced with the problem of integration of migrant workers due to cultural and social differences, language barriers, etc. The integration of migrant workers in the labour market and society of receiving countries is the biggest challenge facing governments in

the labour-receiving countries as well as the migrant workers themselves.

## **VII. HOUSEHOLD ECONOMIES OF MIGRANT WORKERS**

A survey on 100 Sri Lankan migrant women in 1995 shows that 78 per cent of the families of migrant workers use the remittances to meet consumption needs, while only 10 per cent saved the entire amount and another 12 percent saved part of it.<sup>27</sup> Only a minority invested the money in housing and land, while investment in entrepreneurial ventures is negligible. Interviews with 480 Pakistani return migrants in 1988 resulted in the fact that 59 per cent of the return migrants made some investments with their money, while 41 per cent could not invest their money.<sup>28</sup> A Bangladesh study on 100 male migrants from Chittagong and Tangail in 2001 finds out the fact that 56 per cent of the families experienced positive economic results, 27.5 per cent negative economic results, and 16.5 per cent a mix of both.<sup>29</sup> Kaski district in central Nepal where around 50 per cent of households take part in migration is known as a relatively wealthy district, but survival strategy is the main driving force of migration in Nepal. The remittance is primarily used for daily expenses like food, clothing, electricity and transportation.<sup>30</sup>

While the earnings of migrant workers have had a tangible and positive impact on the household economy, the adverse social costs of migration have also been high. The high rate of income, resulting in higher living standards, is the most obvious consequence of out-migration. However, migrants to the Gulf countries are not able to save much because of a decline of wages and fringe benefits. For instance, security guards working for a company in Dubai initially signed a foreign service agreement with basic salary of Dh.900 (US\$ 225) at the time of employment contract, which was reduced to Dh.750 (US\$ 185) in the employment contract signed upon arrival in Dubai. Their basic salary was lowered up to Dh.600 (US\$ 150) as renewed the contract in 2004.<sup>31</sup> Though out-migration has brought prosperity to

many of migrant workers' families, it does not appear to be a prominent solution for eliminating the poverty of all migrant workers. Out-migration usually throws up a number of social and family problems such as weakening of family relations, marital disruptions, neglect of childcare and children education, psychological stresses and so on. Living standards of the family, children's education, and saving and investment mentioned below can be indicators of social costs emerging from out-migration from South Asia and its neighbouring countries.

***Living standards of the family:*** Migration has undoubtedly had a positive impact on family life. A case study of Kheda Dona village in Punjab in India, from where a majority of the migrants have gone to the developed countries like the United States and Canada, shows that families with emigrants are enjoying better social amenities as compared to families of those who have stayed back. In Pakistan, the exactly opposite story is being played out, with return migrants faced with the problem of maintaining the higher living standards that their families have become accustomed to. Women migrant workers, in particular, have often faced family-related problems like children's education, wrong doings by husband such as alcohol and drug abuse or extra marital affairs, which nearly 20 per cent of Nepali migrant women of 180 respondents confirmed.<sup>32</sup> A study of 2000 households of Gulf returnees in 17 districts of Sri Lanka shows that 45 per cent of women had experienced at least one adverse consequence of migration in differing degrees of intensity, while 33 per cent answered that they had faced family related problems.<sup>33</sup>

***Children's education:*** Education is another area where migration has had a significant impact. Migrant families are able to send their children to better schools and children have taken advantage of this. Migration has also brought about a progressive change in the attitude of parents towards education, especially female education. However, in Sri Lanka, Bangladesh and Pakistan, it has been observed that with the lack of maternal and paternal guidance, children's education has suffered a setback.

***Saving and investment:*** A major part of the foreign savings and earnings of migrant workers have been used for daily consumption needs, investment in property or house construction, repaying debts and marriages of family members. Investment in land is the safest and most profitable avenue for investment and 62 per cent of remittances from Pakistani migrants was ploughed into real estate.

### VIII. HUMAN AND LABOUR RIGHTS

The recruitment of migrant workers from South Asia involves various ministries, government agencies, private recruiting agents and their local and international intermediaries. The unscrupulous recruiting agencies are the target of criticism against the manipulation, exploitation and discrimination of migrant workers. The Bangladesh Association of International Recruiting Agencies (BAIRA) formed in 1984 has a membership of around 700 agencies. In India, 4,200 recruiting agents are registered with the Protector General of Emigrants and around 50% of them are currently active. Some of these recruiting agencies act as smugglers, having notorious names like coyotes in America and snakeheads in China.

Over the past few years, the employers have stopped paying commission to recruiting agencies, as a result of which the agents charge migrant workers for all the expenditure. It is commonly known that recruiting agencies in Nepal keep the first two to six months' salaries of migrant workers. In the case of migration to Dubai, migrant workers from Pakistan and India pay Pakistani Rs.160,000 and Indian Rs.90,000 for their employment visas respectively.<sup>34</sup> A migrant worker from Bangladesh and Nepal is reported to spend Taka 95,000 and NRs.60,000 - NRs.70,000 respectively on the migration process, including the cost of purchasing a visa and the airfare. In India, fly-by-night operators are reported to charge between Rs.100,000 (US\$ 2,000) to Rs.300,000 (US\$ 6,000) from potential migrants, depending upon the country they want to go to and illegal migration is rampant. There is a higher price for illegal migration to the United States (Rs.1.2 million–Rs.1.5 million), followed by Canada (Rs.800,000–Rs.1,200,000), the United Kingdom (Rs.500,000–Rs.700,000), and

Europe (Rs.400, 000-Rs.500, 000). A survey by Pakistan Institute of Development Economics (PIDE) on the financial source of migration tells that a large number, accounting for 41 per cent of migrants, had borrowed money to finance migration, while 59 per cent financed migration from their own savings.<sup>35</sup>

Migrant workers face diverse forms of harassment in the workplace and in the host society, ranging from non-payment of wages to insufficient medical facilities and death while on duty.<sup>36</sup> As part of such efforts, as many as 800,000 illegal immigrants enter the European Union each year. Illegal migrant workers are more vulnerable and they are often jailed without being allowed any legal recourse. About 1,000 Nepalese are reported to have been put in jail in different countries.<sup>37</sup> The BE&OE in Bangladesh received 136 complaints from migrant workers in 2003 against 73 in 2002, 104 in 2001 and 110 in 2000.<sup>38</sup> Table 6 explains cases and numbers of complaints lodged by domestic and non-domestic migrants of Sri Lanka, which were compiled between 1999 and 2002. For 4 years period, some 7,353 cases were registered in SLBFE and the issues relating to harassment, unpaid salary and break of contract are the major reason of lodging complaints.

**Table 6**  
**Nos. of complaints received from Domestic and Non-domestic**  
**Migrants of Sri Lanka by Nature and Sex,**  
**1999 to 2002**

<i>Nature of Complaints</i>	<i>SEX</i>		<i>Total</i>
	<b>Females</b>	<b>Males</b>	
Harassment	1,337	70	1,407
Unpaid salary	1,437	342	1,779
Break of contract	467	772	1,241
Lack of communication (with home country)	4,596	124	1,720
Deaths	49	59	108
Stranded	33	3	36
Other issues	880	182	1,062
Total	5,811	1,552	7,353

Source: Conciliation Division; Information Technology Division,  
Sri Lanka Bureau of Foreign Employment (SLBFE), 2003.

Migrant workers are reported to have faced innumerable problems emerging from social, religious and cultural barriers. The bullet points listed below are typical issues facing migrant workers.

- (i) Bad working and living conditions, which result in accidents or deaths, are common. According to information from the Department of Labour in Nepal, 96 Nepalis are reported to have died in destination countries between 1985 and 2001.<sup>39</sup> Of these, 53 persons died in Saudi Arabia, 39 in Qatar, and four in Malaysia.
- (ii) Retention of travel documents by the employers, with a view to preventing migrant workers from changing jobs.
- (iii) Changes in the fine print of contracts once migrants reach the host countries. Reluctance on the part of migrant workers to follow up their complaints against agents or employers for various reasons.
- (iv) Problems arising from ethnic or religious differences.
- (v) Health problems resulted from poor living and working conditions. Of one hundred Bangladeshi migrants interviewed in 2003, only 14 per cent answered they received health advice in the destination countries.<sup>40</sup>

There is a growing concern regarding the violation of the human rights of migrant workers, especially in the Middle East. It is also argued that discrimination and harassment of migrant workers has been influenced by the worldwide campaign against terrorism. Female migrant workers, especially domestic workers, are particularly vulnerable situations to violence, sexual harassment and HIV/AIDS. The cause of the rapid spread of HIV/AIDS in the far west region of Nepal is return migrants from India.<sup>41</sup> The exclusion and discrimination in the social, cultural and political domains are common. The fraudulent practices by recruiting agencies are the most serious violation of migrant workers' rights and the excessive costs of recruitment procedure and legal restrictions for female migrants in certain countries become a cause of increasing undocumented migrants.

### **Trade Union Responses**

The nature of migrant workers' job, which is individual and contract-based, makes it difficult for them to join trade unions. Trade unions have made little efforts to reach out to migrant

workers or initiate activities to address issues relating to their welfare or that of their families. Migrant workers are themselves ignorant about the functioning of trade unions and are reluctant to get involved in union activities, fearing that they may lose their jobs.

Trade unions in Bangladesh are yet to take any measures in support of migrant workers. None of national union centres list migrant workers' issues in their manifestos and action plans, nor do they provide any exclusive service for migrants and their families. However, some unions have indirectly intervened in government policies, demanding stern punishment for unscrupulous recruiting agencies and effective compensation for victimized migrants.

In India, the apex trade unions [the Indian National Trade Union Congress, Bharatiya Mazdoor Sangh, Hind Mazdoor Sabha, All India Trade Union Congress, and Centre for Indian Trade Unions] do not have a common stand on migration nor have they developed strategies to represent the interest of migrant workers. There have been no studies conducted at the national level nor has any publication been brought out. Trade union intervention used to take place on an ad-hoc basis. Given the lack of their own initiative, national trade unions often go along with the policy of the international union organizations to which they are affiliated.

The main activities that Sri Lankan national union centres – the National Workers Congress (NWC), the National Congress of Women (NCW), the Jathika Sewaka Sangamaya (JSS), the Lanka Jathika Estate Workers' Union (LJEWU), and All Ceylon Federation of Free Trade Unions (ACFFTU) – relate to providing services pertaining to welfare and training for returnees and migrant families. The ACFFTU has taken up issues relating to female labour migration and the Migrant Service Centre established in the area of Dehiwela helps disseminate migration-related information. The NWC and the NCW have taken up issues of obtaining compensation and providing relief for female migrants returning from Kuwait. Migrant Workers Associations were formed in the areas of Matugama and Kegalle at the initiative of



Migrant Services Centres run by the NWC and the NCW. Non-governmental organizations (NGOs), which worked with women migrants in different areas, came together in 2000 and formed the Migrant Workers Action Network (ACTFORM).

The General Confederation of Nepalese Trade Unions (GEFONT), which has a migration section, has taken initiative to organize Nepalese migrants in some countries by forming its support groups. Such groups have been formed in India (in the states of Delhi, Haryana and West Bengal), Japan, Hong Kong SAR and Korea where a large number of Nepalese are employed. The Nepalese Trade Union Congress (NTUC) and the Democratic Confederation of Nepalese Trade Unions (DECONT) have not taken any action.

In Pakistan, there is no trade union policy on migration, no supportive mechanisms, nor any networking or cooperation with trade unions in labour-receiving countries. Trade unions do not provide helplines or legal services for migrants and their families. However, in August 1991, the All Pakistan Federation of Trade Unions (APFTU) organized a seminar on the welfare of migrant workers, which recommended that the Government of Pakistan take steps not only to ratify the ILO Conventions No. 97 and No. 143, but also to negotiate with concerned labour-receiving countries for arranging facilities of migrant workers.

Trade unions in South Asia have recognized migrant workers as potential of future members as well as contributing to the future labour movement, but generally, they have done little for their protection. One major barrier is the fact that migrant workers are not allowed to join trade unions and the majority of migrant workers are not aware about the labour laws of the host countries. Union leaders have raised issues relating to migration at international and regional forums, but their activities in international events do not really link with developing their own platform.<sup>42</sup> The key issue here is how the recommendations of such meetings are to be put into practice. Important is networking between trade unions in sending countries and those in receiving countries to come up with joint action programmes and build a protection regime.

## **IX. INTERNATIONAL LABOUR STANDARDS FOR MIGRANT WORKERS**

International efforts have been made to protect the rights of migrant workers, which resulted in the formulation of several protective instruments, notably ILO Conventions: Migration for Employment Convention No.97 (1949) and Migrant Workers (Supplementary Provisions) Convention No.143 (1975) and the United Nations (UN) International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (1990). None of South Asian countries and beyond have ratified the ILO Conventions.<sup>43</sup> Only Sri Lanka has ratified the 1990 UN Convention in March 1996. Bangladesh signed the UN Convention in October 1998 but has not yet ratified it. Along with these instruments, a number of the ILO Conventions and Recommendations contain provisions relating to migrant workers.<sup>44</sup> In particular, Equality of Treatment (Social Security) Convention No.118 (1962) and Maintenance of Social Security Rights Convention No.157 (1982) are of importance, in guaranteeing the minimum social security scheme to migrant workers. The Committee of Experts has occasionally referred to the specific situation of migrant workers when supervising the application of these various instruments.

Different from the application of international labour standards, the governments in South Asia and Iran could develop bilateral agreements on the terms of conditions of employment services including health and wages with the governments of labour-receiving countries. India, for example, has a bilateral agreement on migration with Qatar and is likely to have similar agreements with some other countries including Jordan, Korea and Malaysia. The Government of Bangladesh has a similar agreement with that of Malaysia. The Government of Iran has signed a number of MOU with the host countries including Kuwait, Korea, Belgium, Germany and Italy. Iran is ready to sign a MOU with JITCO of Japan and is negotiating with Britain, Canada, Malaysia and Portugal on similar MOUs. The Government of Nepal is willing to sign bilateral agreements with host countries. The introduction of a

model contract in Sri Lanka between migrant workers and employers is another effort at curbing exploitation. The signing of MOUs between the SLBFE and recruiting agencies has been practiced in the Middle East, Singapore and Hong Kong. It has become compulsory for employers hiring Sri Lankan housemaids to sign a contract, which has to be endorsed by the Sri Lankan Embassy in the country concerned. Foreign Service Agreement for Bangladeshi migrant workers was introduced but it is not well put in place.

Without regard to the ratification of international labour standards, Governments of several labour-receiving countries have taken some landmark steps for providing legal protection for migrant workers. The Government of Belgium has announced policy measures to eliminate discrimination in foreign employment. The Government of Jordan has endorsed a Special Working Contract for non-Jordanian domestic workers, which guarantees migrant workers life insurance, medical care, etc. The Government of Finland established a Government Action Plan to combat ethnic discrimination and racism. The Government of Korea introduced an Employment Permission Act, which guarantees legal migrant workers a national minimum wage, national healthcare insurance, Occupational Safety and Health Compensation, etc.

## **X. CONCLUSION**

There is no doubt that out-migration from South Asia and its neighbouring countries makes a significant contribution to economic development, employment and improvement of household economy. In spite of massive economic contribution, migrant workers are not adequately protected at the workplace and their interests are not properly addressed by the legal frameworks and their welfare is not sufficiently secured. Rather, migrant workers, in particular undocumented and low-skilled, are exposed to all kinds of violence, harassment and exploitation. None of governments in the sub-region has ratified the ILO Conventions no.97 and No.143 and the UN Convention, but individual states in the sub-region have taken alternative measures, by promoting

bilateral agreements with host countries to preserve migrant workers' rights.

It is expected during the next two decades that the population in the OECD countries will continue to decrease and their demand for skilled foreign workers will continue to increase. Such demographic trends will simultaneously bring both enormous challenges and opportunities for both the source and the host countries. Even though there is an argument on brain drain, promoting out-migration of skilled and professional labour force will be an idealistic strategy to meet the new international demographic trend, to improve value-addition of labour, and to build a protective regime for migrant workers. Bilateral agreements between source countries and host countries become an easier and commonly applicable binding framework. If bilateral agreements can be implemented, promoting them will be another strategy to effectively regulate unscrupulous recruiting agencies and manage labour migration.

All countries in the sub-region under this study stand in a position of comparative advantage of labour. The Governments in South Asia and its neighbouring countries recognize the need for enhancing their institutional capacity and developing strategies to harness the positive impacts of out-migration and to achieve the goal of protecting migrant workers' rights. Mr. Jim Baker, Director, Bureau for Workers' Activities, ILO-Geneva says, "many problems arise in migration, if labour is viewed as a commodity. Rights of workers were important as rights of human beings, also necessitating a focus on gender dimensions. There is the need for inter-union cooperation between labour sending and labour receiving countries by way of networking, information-sharing and monitoring".<sup>45</sup> There are various ways in which these can be done. First, trade unions intervention in some areas like pre-departure training programs and returnees' rehabilitation programs will be useful. A monitoring role by trade unions will be essential in regulating unscrupulous recruiting agencies. Networking between trade unions in labour-sending and labour-receiving countries can be a key to sharing migration information and providing effective services for migrant workers.

### Notes

<sup>1</sup> ILO, Labour Migration in a Globalizing World, 2004, p.2.

<sup>2</sup> United Nations Population Division: International Migration Report 2002, p. 2.

<sup>3</sup> The term 'out-migration' is used as a trend of mobility of labour force involving those who are emigrating from their countries of origin to other countries especially for employment. 'Migrants' in a broader sense mean all categories of people who emigrate in search for either employment or permanent settlement, while 'migrant workers' are used in a narrower sense to refer to those who migrate from their country of birth to other places for employment.

<sup>4</sup> Department for International Development (DFID-UK): "Summaries of Papers of Migration Development Pro-Poor Policy Choices in Asia", Dhaka Bangladesh, 22-24 June 2003.

<sup>5</sup> ILO, Towards a Fair Deal for Migrant Workers in the Global Economy, Report of International Labour Conference, 92nd Session 2004. <http://www.ilo.org/public/english/standards/relm/ilc92/pdf/rep-vi.pdf>, ILO, Draft ILO Multilateral Framework on Labour Migration, 2005.

<sup>6</sup> ILO, ILO Plan of Action on Labour Migration in Asia Pacific (draft), Bangkok, 2005.

<sup>7</sup> Pooya Alaedini, National Report on Labour Migration in I.R. Iran, 2005, IOM, 2005, p.18. According to an estimate of the Coordination Bureau for Employment of Foreign Nationals in Iran, as of 2001, there may be 3 million foreigners residing in Iran. Around 11,500 people are legal foreign workers, 810,000 irregular workers without work permit, and the remaining are other categories of foreign residents.

<sup>8</sup> UNHCR, Discussion Paper: Towards a Comprehensive Solution for Displacement from Afghanistan, Geneva, July 2003, p.3.

<sup>9</sup> Piyasiri Wickramasekara, International Migration Papers 57, "Asian Labour Migration: Issues and Challenges in an Era of Globalisation", ILO-Geneva, 2002.

<sup>10</sup> UNHCR, op. cit., 2003, pp.3-7.

<sup>11</sup> Ministry of Labour, *Government of India: Annual Report 2001-2002*, New Delhi, pp. 121-122. Public hearings are held at the office of the Ministry of Labour in New Delhi, twice a week on Tuesdays and Fridays. In 2001, about 1,711 petitions were handled and disposed off through public hearings.

<sup>12</sup> Pooya Alaedini, op. cit., 2005, p.30 and p.47.

<sup>13</sup> OEDD of Ministry of Labour and Social Affairs, Iran, IOM and ILO, "First International Conference on Management of Overseas Employment and Labour Migration in the Islamic Republic of Iran", Tehran, 8-10 March 2005.

<sup>14</sup> Ministry of Labour and Transport Management, Labour Migration Policy, 2061 [the Nepali year, equivalent to 2005], Kathmandu.

<sup>15</sup> UNHCR, op. cit., 2003, p.2.

<sup>16</sup> Pooya Alaedini, op. cit., 2005, p.8 & p.16.

<sup>17</sup> Saudi Arabia receives the largest number of Indian migrant workers - 99,453 in 2002, followed by UAE with 95,034 persons, Oman (41,209), Singapore (24,399) and Malaysia (10,512). The two states of Kerala and Tamil Nadu accounted for over 43 per cent of emigration clearances in 2002, sending 81,950

and 79,000 workers respectively. In addition, 437,000 persons obtained suspension of emigration clearances during 2002 for various reasons.

<sup>18</sup> G. Gurung and J. Adhikari, "Nepal: The Prospects and Problems of Foreign Labour Migration", p.112-113, in Pong-Sul Ahn (ed.), *Migrant Workers and Human Rights*, ILO, New Delhi, 2004.

<sup>19</sup> Pooya Alaedini, op. cit., 2005, p.33.

<sup>20</sup> V.V. Giri NLI, "Background Papers for Discussion", pp.5-6, presented at "Seminar on International Migration, Remittances and Development", jointly organised on 7-8 April 2005, by V.V. Giri National Labour Institute and Ministry of Overseas India Affairs, Government of India. Under this method of remittances, the migrant worker transfers a sum in foreign currency to an agent overseas under the agreement that the local currency equivalent at an agreed exchange rate, which is usually set above the official exchange rate, is transferred by the agents' counterpart to the migrants' family or its nominees. Hawala works by transferring money without actual money movement. There are essentially five steps involved in the process: a Customer in a destination country gives currency to an Hawala Operator (HO) in the destination country. Then the Hawala operator provides the Customer with a code or identification mechanism. HO notifies his counterpart in a country of origin by phone or fax etc., of the transaction amount to pay the Recipient in the resource country. The Customer contacts the Recipient and provides the relevant remittance code. The Recipient receives the specified amount after providing the code to HO in the source country.

<sup>21</sup> Tasneem Siddiqui, "Bangladesh: The Complexities and Management of Out-migration", p.37, in Pong-Sul Ahn (ed.), *Migrant Workers and Human Rights*, ILO-New Delhi, 2004.

<sup>22</sup> G. Gurung and J. Adhikari, op. cit., 2004, p.112.

<sup>23</sup> ILO Press Release, "ILO Joins Celebration of United Nations' International Migrants Day", (18 December 2000). URL: <http://www.ilo.org/public/english/bureau/inf/pr/2000/50.htm>

<sup>24</sup> Pooya Alaedini, op. cit., 2005, p.24.

<sup>25</sup> The Economist, "Economics Focus: Be My Guest", New Delhi, 8<sup>th</sup> October 2005.

<sup>26</sup> The Economist, op. cit., 8<sup>th</sup> October 2005.

<sup>27</sup> M. Dias and R. Jayasundere, "Sri Lanka: The Anxieties and Opportunities of Out-migration", p.174, in Pong-Sul Ahn (ed.), *Migrant Workers and Human Rights*, ILO-New Delhi, 2004.

<sup>28</sup> Qamar Ali Shah, "Pakistan: Migrant Workers Coping with Discrimination and Poverty", pp.142-143, in Pong-Sul Ahn (ed.), *Migrant Workers and Human Rights*, ILO-New Delhi, 2004.

<sup>29</sup> Tasneem Siddiqui, op. cit., 2004, pp.39-40.

<sup>30</sup> G. Gurung and J. Adhikari, op. cit., 2004, p.114.

<sup>31</sup> Khaleej Times, "Workers Decline to Sign revised Labour Contract with Low Salary", 6 March 2004, p.6. According to this daily newspaper being published from Dubai, the UAE, several workers of a Dubai-based security service and cleaning companies have declined to sign revised labour contract offering law basic salary.

- <sup>32</sup> D. Seddon, J. Adhikari, & G. Gurung, *The New Lahures: Foreign Labour Migration and Remittances Economy of Nepal*, Kathmandu: NIDS, 2001.
- <sup>33</sup> Perera, M, "Research in Labour Migration, Findings of a Recent Study in Sri Lanka" in *Proceedings of the Regional Meeting of Officials of Labour Exporting Countries*, Sri Lanka Bureau of Foreign Employment and Asian American Free Labour Institute, 1997.
- <sup>34</sup> D. Seddon, J. Adhikari, & G. Gurung, *op. cit.*, 2001.
- <sup>35</sup> G.M. Arif, "Remittances and Investments at the Household Level in Pakistan", *Pakistan Institute of Development Economics*, 1999.
- <sup>36</sup> A study in Bangladesh based on interviews of 100 migrants in 2003 reveals that only 44 migrants received regular medical check-ups in the countries of destination. It is also commonly known that recruiting agencies in Nepal keep the first two to six months' salaries of migrant workers.
- <sup>37</sup> G. Gurung and J. Adhikari, *op. cit.*, 2004, p.119.
- <sup>38</sup> Qamar Ali Shah, *op. cit.*, 2004, p.178.
- <sup>39</sup> G. Gurung and J. Adhikari, *op. cit.*, 2004, pp.118-119.
- <sup>40</sup> Tasneem Siddiqui, *op. cit.*, 2004, p.44.
- <sup>41</sup> G. Gurung and J. Adhikari, *op. cit.*, 2004, p.116 & p.120.
- <sup>42</sup> Asia Pacific Regional Trade Union Symposium on Migrant Workers 6-9 December 1999, Kuala Lumpur, Malaysia.; *Employment Conditions of Migrant Workers Employed in the Middle East from South Asian Countries*, WFTU APRO, 10-11 December 2002 New Delhi, India; "ICFTU-APRO Meeting on Migration February 2003, Jakarta, Indonesia.; ILO Regional Tripartite Meeting on Challenges to Labour Migration Policy and Management in Asia, 30 June to 2 July 2003, Bangkok, Thailand.; Trade Union Technical Consultation Meeting on Studies of Out-migration in Bangladesh, India, Nepal, Pakistan, and Sri Lanka, 1-2 December 2003, New Delhi, India.
- <sup>43</sup> ILO, "Ratifications, International Instruments on Migration/ Migrants Rights as of 1 July 2003". [www.ilo.org/ilolex](http://www.ilo.org/ilolex). Sixty-three Member States of the ILO have ratified either one or more of ILO Convention Nos. 97 and 143. Forty-two States have ratified ILO Convention No. 97, while 18 States have ratified ILO Convention No.143.
- <sup>44</sup> They include the Minimum Wage-Fixing Convention, 1928 (No.26); the Labour Inspection Convention, 1947 (No.81); the Employment Service Convention, 1948 (No.88); the Maternity Protection Convention (Revised), 1952 (No.103); the Indigenous and Tribal Populations Convention, 1957 (No.107); the Workers' Housing Recommendations, 1961 (No.115); the Employment Policy Convention, 1964 (No.122); the Human Resources Development Recommendation, 1975 (No.150); the Occupational Safety and Health Recommendation, 1981 (No.164); the Termination of Employment Convention, 1982 (No.158); the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No.169); the Employment Promotion and Protection against Unemployment Convention, 1988 (No.168), the Indigenous and Tribal Peoples Convention, 1989 (No.169); and the Private Employment Agencies Convention (No.181) and Recommendation, 1977 (No.188).

<sup>45</sup> Report on the Proceeding of the ILO national Workshop on Protecting the Rights of Migrant Workers from India Chandigarh, India, 15<sup>th</sup>-16<sup>th</sup> September 2005.

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