

Draft Report

Research Study on  
Pakistani Migrant Workers  
**Access to Justice**

Study conducted under the supervision of



Industrial Relations Institute  
Department of Labor and Human Resource,  
Punjab, Lahore



November 2015

## **DISCLAIMER**

The study was conducted to assess the quality and level of justice and legal support available to the potential, returnee, existing and deported migrant workers in Pakistan and destination countries, in particular the Gulf States. The study has collected evidence from four provinces of Pakistan. The purpose of the study was assess the legislative support available in the legal documents of Pakistan and ... and to compare this support with the implementation at the ground. Another purpose of the study was to develop a proposed support mechanism for the migrant workers through policy reform or “doorstep support” thru a resource center for migrant workers. The sample of the study is not a concrete reference to be presented widely; rather, the findings are intended to be used mainly for understanding the issue. The findings should not be quoted or generalized.

## ACKNOWLEDGEMENTS

The research study on the level of access to justice and support to migrant workers in Pakistan and destination countries is the first ever initiative in Pakistan. The Consultant's team is highly obliged to International Labor Organization and project team for providing this opportunity to conduct the study for them.

We are thankful to all the stakeholders for their valuable support towards the completion of this study. We are also grateful to the management and officers of Ministry of Overseas Pakistanis and Human Development (MoOP&HRD), Federal Ombudsman Office, Bureau of Emigration and Overseas Employment (BE&OE), Offices of the Protector of Immigration, Employers Federation of Pakistan (EFP), Federal Investigation Agency (FIA), Judges (Civil & criminal courts), Overseas Pakistani's Foundation (OPF), Overseas Pakistani's Foundation (OPF), Overseas Employment Corporation (OEC), Pakistan Workers, Federation (PWF), NGOs working on migrant workers rights (IOM & UNODC), Police Department, Overseas Employment Promoters for their support, cooperation and inputs, which have enriched this study.

Our special thanks for to the core beneficiaries of this project i.e. potential, returnee and deported migrant workers across Pakistan for providing insights stories and facts for the development of this report.

The consultant is also thankful to management and staff of Industrial Relations Institute (IRI) especially the Secretary, Labor and Human Resource Department (LHRD), Mr. Ishrat Ali, for his support and coordination at all level to complete this study on time.

At the last but not lest, the support and patience of Ms. Saadia Hameed, Project Coordinator of South Asia Labor Migration Project, ILO is much appreciate, which help the consultation to collect as much evidences as possible for this report.

**Shahzad Bukhari**  
Research Consultant

**Tahir Manzoor**  
Study Coordinator

## BIBLIOGRAPHY

<b>ADWA</b>	Asian Migrant Domestic Workers Alliance	<b>M&amp;E</b>	Monitoring & Evaluation
<b>AMC</b>	Asian Migrant Center	<b>MD</b>	Migration & Development
<b>AMY</b>	Asian Migrant Yearbook	<b>MDW</b>	Migrant Domestic Workers
<b>ATKI</b>	Association of Indonesian Migrant Workers	<b>MEA</b>	Middle East Airlines
<b>BCC</b>	Blind Carbon Copy	<b>MFA</b>	Migrant Forum Asia
<b>BE &amp; OE</b>	Bureau of Emigration & Overseas Employment	<b>MHR</b>	Migrants Human Rights
<b>CARAM</b>	Coordination of Action Research on Aids and Mobility	<b>MIS</b>	Migrant Information System
<b>CASI</b>	Center for the Advanced Study of India	<b>MM</b>	Mekong Migration
<b>CDA</b>	Capital Development Authority	<b>MoC</b>	Ministry of Commerce
<b>CISA</b>	The Centre for Indian Studies in Africa	<b>MoOIA</b>	Ministry of Overseas Indian Affairs
<b>CLMC</b>	The Caritas Lebanon Migrant Center	<b>MoOP&amp;HR D</b>	Ministry of Overseas Pakistani & Human Resource Development
<b>CNIC</b>	Computerized National Identity Card	<b>MoU</b>	Memorandum of Understanding
<b>CoD</b>	Country of Destination	<b>MPI</b>	Migration Policy Institute
<b>CoP's</b>	Communities of Practice	<b>MRCs</b>	Migrant Resource Centers
<b>CWAs</b>	Community Welfare Attache	<b>MRFIC</b>	Market Research, Facilitation and Information Center
<b>D. I. Khan</b>	Dera Ismail Khan	<b>MSAI</b>	
<b>ECL</b>	Exit Control List	<b>MWC</b>	The Migrant Workers' Center
<b>ECOSOC</b>	Economic and Social Council	<b>NADRA</b>	National Database and Registration Authority
<b>EFP</b>	Employers Federation of Pakistan	<b>NASA &amp; OP</b>	Nadeem Ahmed, Director General
<b>EOBI</b>	Employees Old-age Benefits Institution	<b>NGO</b>	Non-governmental Organization
<b>EPS</b>	Employment Permit System	<b>NHRC</b>	National Human Rights Committee
<b>EPS</b>	Employment Promotion Service	<b>NICOP</b>	National Identity Card for Overseas Pakistanis
<b>EU</b>	European Union	<b>NITB</b>	National Information Technology Board
<b>EUI</b>	European University Institute	<b>NOC</b>	No Objection Certificate
<b>FAR</b>	Foundation for AIDS Rights	<b>NR3C</b>	National Response Center for Cyber Crime

<b>FERC</b>	Foreign Exchange Remittance Card	<b>NTUC</b>	National Trades Union Congress
<b>FIA</b>	Federal Investigation Agency	<b>NWC</b>	National Workers Congress
<b>FMRC</b>	Female Migration Resource Center	<b>OEC</b>	Overseas Employment Corporation
<b>FOBMI</b>	Federation of Indonesian Migrant Workers Organizations	<b>OEPs</b>	Overseas Employment Promoters
<b>FOKER</b>	Forum for Justice for Migrant Domestic Workers	<b>OPF</b>	Overseas Pakistani's Foundation
<b>GCC</b>	Gulf Cooperation Council	<b>OWRC</b>	Overseas workers Resource Centre
<b>GPD</b>		<b>OWRC</b>	Overseas Workers Resource Centre
<b>GPPBM</b>	Movement for the Protection of Migrant Workers	<b>PBBY</b>	Pravasi Bhartiya Bima Yojna
<b>HIV</b>	Human Immunodeficiency Virus	<b>PIA</b>	Pakistan International Airline
<b>HRW</b>	Human Rights Watch	<b>POC</b>	
<b>IBMS</b>	Integrated Border Management System	<b>PoE</b>	
<b>ICM</b>	The India Centre for Migration	<b>PRI</b>	Pakistan Remittances Initiative
<b>ICMPD</b>	International Centre for Migration Policy Development	<b>PWF</b>	Pakistan Worker's Federation
<b>ICOE</b>	Indian Council of Overseas Employment	<b>SAARC</b>	South Asian Association for Regional Cooperation
<b>IDWF</b>	International Domestic Workers Federation	<b>SALM</b>	South Asia Labour Migration Governance
<b>ILO</b>	International Labour Organization	<b>SANAD</b>	
<b>IMI</b>	International Migration Institute	<b>SBMI</b>	Indonesian Migrant Workers Union
<b>IMPASS</b>		<b>SBP</b>	State Bank of Pakistan
<b>IMWU</b>	Indonesian Migrant Workers Union	<b>SLBFE</b>	Sri Lanka Bureau of Foreign Employment
<b>IOM</b>	International Organization for Migration	<b>SNEF</b>	Singapore National Employers' Federation
<b>IRI</b>	Industrial Relations Institute	<b>SWOT</b>	Strengths, Weaknesses, Opportunities and Threats
<b>IT</b>	Information Technology	<b>TV</b>	Television
<b>ITUC</b>	International Trade Union Confederation	<b>TVET</b>	Technical & Vocational Education & Training
<b>Jana's BMI</b>	National Network of Migrant Workers	<b>UAE</b>	United Arab Emirates
<b>JNU</b>	Jawaharlal Nehru University	<b>UAN</b>	Universal Access Number
<b>KOPBUMI</b>	Consortium of Indonesian Migrant Workers Advocacy/Konsorsium Pembela Buruh Migran Indonesia	<b>UK</b>	United Kingdom

<b>KPK</b>	Khyber Pakhtun Khawa
<b>KSA</b>	Kingdom Saudi Arabia
<b>LHRD</b>	Labour & Human Resource Department
<b>LMA</b>	Labour Market Assessment

<b>UN</b>	United Nation
<b>USA</b>	United States of America
<b>WHO</b>	World Health Organization
<b>WTO</b>	World Trade Organization

## CONTENTS

<b>ACKNOWLEDGEMENTS</b> .....	<b>02</b>
<b>BIBLIOGRAPHY</b> .....	<b>03</b>
<b>SECTION I: BACKGROUND</b>	
<b>1. Multinational Workforce in Global Megacities</b> .....	<b>08</b>
i. Scope of labour migration .....	09
ii. A Brief History of the Pakistani Labour Force in the Gulf .....	09
iii. Size of Labour Force Migration in Pakistan .....	11
iv. Profile of Pakistani migrant workers .....	12
v. Women Migrant Workers .....	14
vi. Issues and challenges of Migrant Workers.....	15
<b>SECTION II: INTRODUCTION</b> .....	
<b>1. South Asia labour migration governance project</b> .....	<b>21</b>
<b>2. About the Research and Its Methodology</b> .....	<b>22</b>
1. Policy Review .....	24
2. Key Informants Interviews .....	24
3. Visit to Facilities Providing Integrated Services to Migrant Workers .....	25
4. Focus Group Discussion (FGDs) .....	25
5. Survey .....	25
<b>SECTION III – COMPARATIVE REVIEW OF LABOUR LEGISLATION AND ACCESS TO JUSTICE IN POLICIES, ORDINANCES AND RESEARCH, CONCERNING MIGRANT WORKERS, PAKISTAN, SOUTH ASIA AND BCC COUNTRIES.....</b>	
<b>26</b>	
<b>PAPER – LEGISLATION, LAWS AND POLICIES FOR ACCESS TO JUSTICE</b>	
<b>1. Emigration Ordinance for Migrant Workers in Pakistan</b> .....	<b>26</b>
i. Protection and Rights of Migrant Workers in Pakistan .....	28
ii. Women’s Migration: .....	28
iii. Strengthening Coordination with Technical Institutions .....	28
<b>2. Pakistan’s National Emigration Policy (Draft)</b> .....	<b>28</b>
i. Strengthening the Information Management System .....	30
ii. Emigration Management System and Supportive Mechanisms .....	31
<b>3. International Labour Organization Conventions on Migrant Workers</b> .....	<b>36</b>
i. ILO Convention 143 - Migrant Workers (Supplementary Provisions) Convention, 1975 .....	36
ii. ILO Convention 86 – Contracts of Employment (Indigenous Workers), 1947 .....	38
<b>4. Gaps Assessments and Recommendations</b> .....	<b>40</b>
i. Recommendations for Emigration Ordinance 1979.....	40
ii. Recommendations for Migrant Workers Policy (Draft) .....	40
iii. Women and Migrant Workers Policy .....	41
<b>5. GCC Countries and Migrant Workers’ Protection</b> .....	<b>42</b>
i. An Overview of Labor Laws in GCC & Saudi Arabia.....	42
a. Kingdom of Saudi Arabia and its immigrants.....	42
b. Labor Legislation in United Arab Emirates.....	46
c. Labor Legislation in Qatar .....	47
d. Labour Market Regularization, Oman .....	50
ii. Critical Review of Labor Legislation and Workers Policies in GCC & KSA .....	51

<b>6. Key Developments and Best Practices for Increase Protection and Support of Migrant Workers Rights in South Asia</b>	<b>53</b>
i. The ILO Multilateral Framework on Labour Migration, 2004	53
ii. Sri Lanka and UAE Bilateral Agreement	53
iii. The Bali Process	53
iv. International Office of Migration (IOM), Pakistan	54
v. Health Assistance by World Health Organization (WHO)	54
vi. Multilateral Frame Work by South Asian Countries	54
vii. International Bilateral Agreements on Migrant Labour	54
viii. For International Cooperation and Collaboration	55
<b>7. Best Practices of Supporting justice and fair Treatment</b>	<b>57</b>
i. India’s key Initiatives for Migrant Workers Support	57
ii. Indonesia – Indonesian Migrant Workers Union (IMWU)	61
iii. Singapore – Migrant Workers Center (MWC)	63
iv. Thailand – Migrant Worker Resource Centers (MWC)	64
v. Hong Kong - Asian Migrant Center (AMC)	65
vi. The Caritas Lebanon Migrant Center (CLMC)	66
vii. Sri Lanka Bureau of Foreign Employment (SLBFE)	67
<b>8. Emerging Systems and Initiatives for the Protection and Support to Migrant Workers in Pakistan</b>	
i. Migrant Resource Center (MRC)	70
ii. One Window Facilitation Centers at Major Airports	70
iii. Initiatives of Grievance Commissioner Cell	71
iv. Training for trade unions: Decent Work for migrant workers	71
<b>PRACTICE – Support Justice System for Migrant Workers in Pakistan</b>	<b>72</b>
1. ACCESS TO JUSTICE FOR MIGRANT WORKERS	70
i. Bureau of Emigration	70
a. Protector of Emigration	70
b. Overseas Employment Corporation (OEC)	76
c. Overseas Pakistanis Foundation (OPF)	77
ii. Ombudsmen	79
a. Federal Ombudsman	79
b. Punjab Ombudsman	81
c. Grievance Commissioner Cell for Overseas Pakistanis (Special Initiative)	84
iii. Interior Ministry (FIA)	86
2. ACCESS TO JUSTICE IN MIGRANT WORKERS’ DESTINATION COUNTRIES	
<b>PRACTICE – Beneficiaries Perception, Information and Feedback on Complaint system</b>	
1. Occupation Categories of Respondents	95
2. Reasons for Seeking Overseas Employment	96
3. Standard of Promises Made by the Promoters	97
4. Problem Faced by the Migrant Workers	98
5. Information about Complaint Filing System in Pakistan and Abroad	99
6. Suggestions for the Improvement of Overseas Employment System	103
<b>SECTION V – RECOMMENDATIONS</b>	<b>106</b>
<b>Annexures:</b>	<b>108</b>
1. Research Tools	
2. References	



## SECTION I: BACKGROUND

### 1. Multinational Workforce in Global Megacities

There is a striking similarity between the small countries of the Gulf and the global megacities of Europe and North America. The labour force in both of them is multinational in character. When it comes to the ethno-linguistic composition of their labour force, each one of the six GCC countries bears greater resemblance to the global megacities like New York, London, Paris and Berlin than sister Arab countries in their own backyard or even the newly emerging economies in East Asia and Central Europe. Half a century ago this peculiarity would have appeared in the "Weaknesses" or "Threat" column of a typical SWOT (Strengths, Weaknesses, Opportunities and Threats) analysis. This may no longer be so. It might be listed in the "Opportunities" or perhaps even in the "Strengths" column. The multinational ambience of their labour force has positioned the Gulf countries very well to take advantage of the emerging global economy. Barring to some extent Saudi Arabia and to an even lesser extent Oman, the Gulf countries do not have a heavily populated hinterland of their own. Initially their ports and subsequently the oil wealth destined them to become megacities, but without the traditional hinterland of megacities in large and populous countries.

To begin with the hinterland function was provided by the geographically contiguous Arab countries and South Asia. But the new transportation means, which were beefed up by developments in the telecom and IT sectors, changed the concept of hinterland. The Gulf countries were quick to take advantage of these new possibilities. They attracted labour force from every possible corner of the world, if it matched the usual supply and demand conditions. The native population was a thin minority in the labour force of their modern economy (that is, excluding agricultural and rural economy) even in the 1970s, and has continued to remain so. At that time it seemed to be a crippling weakness. Today it may not. Sociological studies tell us that metropolitan life can prosper in a space which lacks any clearly identifiable majority group. In a curious fashion many economies of the Gulf countries fit that bill. There is no ambiguity as to who owns the place but beyond that these "megacities" are multinational in their work force. The emerging economies of the Gulf may depend on the character of their work force as much as, if not more, on the availability of oil money. Given this background, the study of Gulf labour force assumes a new and more strategic dimension in the future of the Gulf region.

It would be interesting to put together case studies on the history of immigration of various nationalities, which constitute the Gulf labour force today. The story of that immigration will inform us about the economies and the economic linkages between both the sending and the receiving nations.

***Source: Multinational Workforce in Global Megacities, A case Study of Pakistani Labor Force in the Gulf, Dr. Ijaz Shafi Gilani Chairman Gallup Pakistan***

#### **i. Scope of labour migration**

The world's foreign migrant population in 2013 reached an estimated 232 million (persons residing outside their country of birth), according to the United Nations Population Division. The International Labour Organization estimated (in 2010) the population of foreign migrant

workers at more than 105 million – with more than 30 million (almost 30 per cent) in Asia.

The estimated annual outflow of migrant workers from five countries in South Asia totals some **2.5 million** (based on various estimates for certain years). India has the largest number of migrants leaving the country, followed by Pakistan, Nepal, Bangladesh and Sri Lanka.

Migrant workers fill more than **90 per cent of all private sector** jobs in Gulf Corporation Council (GCC) countries.

Pakistan ranks **third in Asia** for the largest number of youth aspiring to work abroad (behind Cambodia and Bangladesh).<sup>1</sup>

## ii. A Brief History of the Pakistani Labour Force in the Gulf (Pre-1970)

There are several periods in the history of Labour migration from Pakistan to the Gulf. The present period, which begins roughly in 1970, is antedated by two previous periods. The first dates to historic links between South Asia and Saudi Arabia due to Hajj, and with the coastal states of the Gulf, due to normal trade and navigational interactions with the adjoining coastal Balochistan and Sindh provinces of Pakistan. These historic links were reinforced during the period of British Colonialism. In the first half of the 20th century the British ruled not only South Asia but also Iraq and what were then known as the Trucial states including five of the GCC members, namely Kuwait, Bahrain, Qatar, the UAE of today and Oman. The British used their Indian subjects as a valuable human resource in the running of administration. The same links subsequently began to serve the private sector oil businesses when oil was found in the region in the second quarter of the 20th century. It is estimated that around 1970 the number of Pakistanis in the Gulf and Saudi Arabia were 2,908,1362 where the UAE alone was 679,239 in early 70s. The current estimate of the five countries (UAE, Kuwait, Oman, Qatar and Saudi Arabia) is 7,653,126.

### The Migration Trends in Gulf and Saudi Arabia (2010 -2015)

S.#	Countries	Total (2010-2015) migrant workers	%age
1	U.A.E.	2,676,202	33%
2	Kuwait.	181,333	2%
3	Oman.	620,070	8%
4	Qatar.	117,735	1%
5	Saudi Arabia	4,057,786	50%
<b>Total (5)</b>		<b>7,653,126</b>	<b>94%</b>
<b>Percentage</b>		<b>94%</b>	
<b>Total of 52 Countries</b>		<b>8,129,201</b>	

<sup>1</sup> First ever National Policy for Overseas Pakistanis launched, Views of Country Director ILO-Islamabad, Mr. Francesco d'Ovidio in a Workshop on Migrant Workers Rights (The Nation February 22, 2013)

<sup>2</sup> Source: Bureau of Emigration and Overseas Pakistanis

Jonathan Addelton in his excellent study on "The Gulf Migration and Pakistan"<sup>3</sup> has explained that a combination of cultural and economic motives was responsible for mobility of people from South Asia to Gulf prior to the 20th century. He quotes historian Bayley saying: Eighteenth century Muslim literati and soldiers still thought of themselves as part of a spiritually and culturally unified Islamdom which stretched from North Africa to Southern India<sup>4</sup>. A British traveler reported in 1716 that the occupations held by Indians in the Gulf.

A study on an Omani town provides details on the Baluchi communities in Oman with their roots in the period when the coastal city of Gwadar in Pakistan's Balochistan was still an overseas possession of the Sultan of Oman. Gwadar was reverted to Pakistan only in 1958, and the transfer agreement allowed the Sultan of Oman to continue to recruit Baluchis for military service, something the Omanis continued to do in Makran area up until the 1980s<sup>5</sup>. In the early 1970s, Barth spoke to Baluchis who recalled several generations of their families in Oman. Many families knew their own history of migration, including which area of Balochistan their ancestors had left. Some had come as army recruits in the sultan's army; others fled Balochistan for political or economic reasons, obtaining local permission to settle permanently. These initial migration streams were replenished and reinforced by later movements of Balochis back and forth.

### **iii. Size of Labour Force Migration in Pakistan**

An increasing number of workers leave Pakistan each year. The unfavourable socio-economic conditions and uncertain political circumstances over the years have prompted them to seek out better economic opportunities in Europe, North America, East Asia and the Gulf States. Over the years, the popular destinations have shifted; in the 1950s and 1960s, for instance, Pakistan's workers migrated to the United Kingdom and other Western countries. These migrants were mostly men with relatively little education who took up low-paid industrial jobs. The male migration gave rise to the later migration of families to those countries.

After the oil boom in the 1970s a great avenue opened into the countries of the Gulf region, which has today become the principal destination of Pakistani workers. According to Bureau of Emigration and Overseas Employment estimates, more than 6 million Pakistani migrant workers live around the globe. This corresponds to around 2.5 per cent of the country's entire population and is roughly in line with the global percentage of migrants.

An estimated 96per cent of the population of Pakistani migrant workers is concentrated in six countries of the Gulf region: Saudi Arabia, United Arab Emirates (UAE), Kuwait, Qatar, Bahrain and Oman. Of them, 85 per cent work in just two countries: Saudi Arabia and UAE.

### **The Migration Trends in Gulf and Saudi Arabia (2010 -2015)**

---

<sup>3</sup> Jonathan S. Addelton, *Undermining The Centre; The Gulf Migration and Pakistan*, Oxford University Press, 1992

<sup>4</sup> C.A. Bayley, *India and West Asia, 1700-1830, Asian Affairs XIV:I* (February 1988)

<sup>5</sup> Fredrick Barth, *Sohar: Culture and Society in an Omani Towns*, Johns Hopkins University Press, 1983 (Quoted in Addleton, 1992)

S. #	Countries	2010	2011	2012	2013	2014	2015	Total	%age
1	U.A.E.	113,312	156,353	182,630	273,234	350,522	117,889	2,676,202	33%
2	Kuwait.	153	173	5	229	132	39	181,333	2%
3	Oman.	37,878	53,525	69,407	47,794	39,793	15,115	620,070	8%
4	Qatar.	3,039	5,121	7,320	8,119	10,042	5,090	117,735	1%
5	Saudi Arabia	189,888	222,247	358,560	270,502	312,489	151,026	4,057,786	50%
<b>Total (5)</b>		<b>344,270</b>	<b>437,419</b>	<b>617,922</b>	<b>599,878</b>	<b>712,978</b>	<b>289,159</b>	<b>7,653,126</b>	<b>94%</b>
<b>Percentage</b>		<b>4%</b>	<b>5%</b>	<b>8%</b>	<b>7%</b>	<b>9%</b>	<b>4%</b>	<b>94%</b>	<b>0%</b>
<b>Total of 52 Countries</b>		<b>362,904</b>	<b>456,893</b>	<b>638,587</b>	<b>622,714</b>	<b>752,466</b>	<b>304,205</b>	<b>8,129,201</b>	

#### iv. Profile of Pakistani migrant workers

Unskilled and semi-skilled workers constitute more than 50 per cent of all Pakistani migrants abroad – 43 per cent of all migrant workers are categorized as unskilled workers. Only 1.8 per cent of them are categorized as white-collar workers, such as doctors, engineers, accountants, managers and teachers, 4.8 per cent highly skilled, while 42 per cent workers are classified as skilled. Drivers make up the largest group among the skilled workers, followed by masons, carpenters and tailors.

#### List of Migrant Workers Skill Categories - 2000-2015

Year	Highly Qualified	Highly Skilled	Skilled	Semi Skilled	Un-Skilled	Total	%age
2000	2,999	10,292	54,110	2,125	38,207	107,733	2%
2001	3,155	10,846	64,098	2,768	47,062	127,929	2%
2002	2,618	14,778	74,968	3,236	51,822	147,422	3%
2003	2,719	22,152	101,713	4,601	82,854	214,039	4%
2004	3,291	15,557	77,033	3,840	74,103	173,824	3%
2005	3,737	15,467	57,793	2,675	62,463	142,135	3%
2006	5,708	16,332	71,898	3,375	85,878	183,191	3%
2007	8,178	20,975	110,938	3,243	143,699	287,033	5%
2008	9,713	33,173	177,791	4,209	205,428	430,314	8%
2009	4,954	3,260	182,657	2,465	210,192	403,528	8%
2010	7,081	31,650	165,726	5,181	153,266	362,904	7%
2011	6,974	3,018	171,672	73,247	201,982	456,893	9%

2012	9,298	4,202	261,531	104,240	259,316	638,587	12%
2013	12,057	5,032	263,138	102,963	239,524	622,714	12%
2014	14,647	6,216	287,649	120,204	323,750	752,466	14%
2015	5,180	2,434	121,889	50,582	124,120	304,205	6%
Total	102,309	215,384	2,244,604	488,954	2,303,666	5,354,917	100%
%age	2%	4%	42%	9%	43%	100%	

Source: Bureau of Emigration and Overseas Employment is an attached department of Ministry of Overseas Pakistanis & Human Resource Development (OP & HRD),

### Top 10 Classifications of Migrant Workers of Pakistanis - 2008-2015

Sr.	Categories	1971-2004	2005	2006	2007	2008`	2009	2010	2011	2012	2013	2014	2015	Total	%age
1	Labourer	1,332,121	54,735	75,098	130,890	187,844	168,519	144,111	190,854	242,202	222,422	301,425	114,047	3,164,268	39%
2	Driver	339,541	11,626	14,114	26,501	27,417	33,501	34,905	48,188	86,568	72,610	85,794	42,715	823,480	10%
3	Mason	270,684	9,685	9,700	16,213	36,254	38,085	30,612	35,328	54,493	44,170	50,677	21,299	617,200	8%
4	Carpenter	192,956	8,027	8,861	12,787	26,673	22,555	18,544	24,568	33,822	30,849	31,093	12,235	422,970	5%
5	Technician	134,133	8,651	8,301	11,055	16,928	17,483	19,718	18,100	28,066	32,070	34,806	11,956	341,267	4%
6	Electrician	123,549	4,201	5,688	8,560	15,455	15,731	14,515	17,326	24,166	26,767	25,844	10,460	292,262	4%
7	Steel Fixer	111,173	4,935	6,318	9,860	17,904	16,781	14,403	17,226	24,978	24,000	26,422	9,271	283,271	3%
8	Agricul	122,961	7,728	10,780	12,809	17,584	11,420	9,155	11,128	17,114	17,102	22,325	10,073	270,179	3%
9	Tailor	162,110	2,293	2,748	4,067	4,527	5,264	4,050	4,567	5,919	5,342	5,635	2,595	209,117	3%
10	Mechanic	99,895	3,705	4,304	6,771	9,645	9,978	11,874	13,139	12,099	14,829	15,467	6,523	208,229	3%
TOTAL:-		2,889,123	142,135	183,191	287,033	430,314	403,528	362,904	456,893	638,587	622,714	752,466	304,205	8,129,201	100%
%age		36%	2%	2%	4%	5%	5%	4%	6%	8%	8%	9%	4%	100%	

Source: Bureau of Emigration and Overseas Employment is an attached department of Ministry of Overseas Pakistanis & Human Resource Development (OP & HRD),

An estimated 85 per cent of migrant workers leave their family behind in Pakistan.<sup>6</sup> An estimated 61 per cent of migrant workers is from Punjab Province, while 15.08 per cent come from Sindh, 23 per cent from Khyber Pakhtunkhwa, 4.1 per cent from Balochistan.

YEARS	KARACHI	LAHORE	Multan	R/PINDI	PESHAWAR	Malakand	QUETTA	TOTAL
2000	17,633	22,331	-	41,362	26,182	-	225	107,733
2001	19,461	32,305	-	43,234	32,800	-	129	127,929
2002	24,477	34,591	-	46,452	41,714	-	188,507	147,422
2003	32,562	51,311	-	77,796	47,247	4,616	-	214,039

<sup>6</sup> Overseas Pakistani Workers, Significance and Issuance of Migration, Source: Briefing Paper (# 34) for Pakistani Parliamentarians, PILDAT, July 2008.

2004	26,798	39,013	7,055	63,805	21,100	15,608	445	173,824
2005	24,439	28,071	7,055	52,329	19,610	10,123	508	142,135
2006	25,266	42,015	12,730	60,431	27,054	13,156	2,539	183,191
2007	34,953	71,562	22,083	87,671	43,058	24,711	2,995	287,033
2008	53,317	99,225	36,410	114,907	79,294	43,237	3,924	430,314
2009	56,471	92,241	37,943	102,550	62,914	48,359	3,050	403,528
2010	56,210	84,158	37,440	93,224	48,825	40,243	2,804	362,904
2011	71,566	109,031	45,451	117,176	56,840	54,330	2,499	456,893
2012	99,023	161,955	62,656	163,220	74,117	74,546	3,070	638,587
2013	98,593	155,911	64,394	170,280	83,623	45,611	4,302	622,714
2014	119,945	187,262	80,909	205,819	104,185	49,759	4,587	752,466
2015	46,670	79,153	32,619	79,198	39,890	24,295	2,380	304,205
<b>TOTAL</b>	<b>807,384</b>	<b>1,290,135</b>	<b>446,745</b>	<b>1,519,454</b>	<b>808,453</b>	<b>448,594</b>	<b>221,964</b>	<b>5,354,917</b>
<b>%age</b>	<b>15%</b>	<b>24%</b>	<b>8%</b>	<b>28%</b>	<b>15%</b>	<b>8%</b>	<b>4%</b>	<b>100%</b>

#### v. Women Migrant Workers

A significant change in the patterns of migration is the increasing proportion of women migrants, at about 48 per cent of all migrants in 2013.<sup>7</sup> Initially, women migrated (sometimes with their children) to be with their husband. Today, women are increasingly migrating on their own for employment. They are typically found in low-paid work, such as domestic help, cleaning services, caregiving and in the health care and hospitality sectors.

Considerable differences in the numbers of women migrating are apparent across regions: The proportion of female migrants is greatest from Europe (at 52 per cent), followed by Latin America and the Caribbean (at 52 per cent), Northern America (at 51 per cent), Oceania (at 50 per cent), Africa (at 46 per cent) and Asia (at 42 per cent).

Now from South Asia, more and more women are joining the expanding movement of females going abroad for employment, although it remains at a low level: the share of female migration is large only in Sri Lanka, where women constitute about 50 per cent of all migrants.

The emigration of Pakistani women is negligible, with only some 8,000 female workers having moved abroad for employment, primarily for jobs in health services, the finance sector, cosmetology and fashion designing. Religious and social values tend to keep women from migrating, although the Government says that it is because women are encouraged to participate in the country's own labour force.

<sup>7</sup> World Migration in Figures, A joint contribution by the United Nations Department of Economic and Social Affairs and the Organisation for Economic Co-operation and Development to the United Nations High-Level Dialogue on Migration and Development, 3-4 October 2013.

Female domestic workers are particularly vulnerable to exploitation and abuse. The isolation of domestic workers in private homes, which are not monitored by labour inspectors or social workers, and their limited opportunities to move outside the household, heighten their vulnerability to exploitation. Employers in Gulf countries justify their holding of workers' passports and confinement in the home on the basis of the kafala system, which gives them legal responsibility for the residency and employment of their domestic workers. Their sense of entitlement over workers is heightened by the significant cash outlay they have made to recruit them from another country. The ILO Committee of Experts on Application of Conventions and Recommendations has drawn attention to the vulnerability of female domestic workers to multiple forms of discrimination and abuse due to the individual employment relationship, lack of legislative protection, stereotyped thinking about gender roles and undervaluing domestic work, which frees women in the household to join the country's labour force.<sup>8</sup> In most GCC countries (as with most other countries), domestic workers are not covered by labour legislation.

## vi. Issues and challenges of Migrant Workers

Migrant workers and the communities and countries that send them face a range of possible difficulties, some of which are highlighted here.

- a. **Exploitation of migrant workers:** Migrant workers are at risk of exploitation and abuse at all stages of their migration cycle, including during recruitment and employment. It is important that legal and policy frameworks are set up and enforced and that relevant services are made available to migrants in need.
- b. **Exploitation during recruitment:** Unfair recruitment practices and high migration costs have eroded a large part of the gains from migration. In South Asia, recruitment for overseas employment is largely managed by the private sector, with only a small share of the market handled by public sector employment agencies.<sup>9</sup> This is paving the way for a thriving industry of intermediaries in both origin and destination countries. Although the role of this industry in expanding opportunities for employment abroad has to be recognized, it is well documented that the recruitment industry is also responsible for a number of malpractices and abuses, including the high costs and fees, misrepresentation, failure to meet placement obligations and contract substitution. The high recruitment costs combined with low wages have led to a heavy debt burden for workers. Regulation of recruitment agencies is often ineffective, timely information on job opportunities is not readily available and recruitment options are largely limited to private recruitment agencies. The multiplicity of agents and intermediaries abets the corrupt practices and the high migration costs largely because migrant workers with few or no skills and little education are not able to distinguish between genuine agents and others. International instruments are clear on the role and responsibilities of recruitment agencies and the provisions for protection of migrant workers, but there is typically

---

<sup>8</sup> ILO, 2009a in ILO, 2011.

<sup>9</sup> The public sector employment agencies often operate labour services under government-to-government arrangements, such as the Employment Permit System in the Republic of Korea.

great disparity between principles and actual practice.

- c. **Abuse and exploitation during employment:** Wages to migrant workers in some sectors have reportedly stagnated over the past three decades and fallen in real terms.<sup>10</sup> One of the most common complaints of migrant workers is non-payment or delayed payment of wages. Even where access to legal redress is provided under national law, there are few prosecutions and convictions in the area of labour exploitation, forced labour and trafficking. As noted, female domestic workers are particularly vulnerable to abuse and exploitation. The isolation of domestic workers in private homes, which are not inspected by labour inspectors or social workers, and their limited opportunities to move outside the household, heighten their vulnerability to exploitation.

Community welfare attachés in Pakistan Embassies are supposed to respond to such problems, but many need to be properly trained.

- d. In addition to abuse and exploitation, a number of restrictive policies impact the rights of migrant workers. These include the kafala, or sponsorship, system, which regulates the relationship between employers and migrant workers in many countries in the Middle East in a manner that is firmly weighted towards the employer. In many GCC countries, absence of freedom of association further contributes to making migrant workers vulnerable to abuse and exploitation. Retention of migrant workers' identity documents and personal travel documents by employers is a common practice. Employers also prevent their employees from leaving by requiring them to pay high fees for their release and withholding their wages. Other common problems during employment include signing of new contracts with lower wages, modified work and living conditions and reduced employment benefits, such as overtime, holiday pay and return airfare payment.<sup>11</sup>

In 2012, the ILO<sup>12</sup> estimated that there were some 600,000 forced labour victims in the Middle East.

- e. **Brain drain versus brain gain:** A negative effect of the mass-scale migration of professionals and skilled workers has been what is often referred to as "brain drain". Debate continues on whether the remittance of funds by skilled professionals who leave the country is a good substitute for those same individuals staying in the country to work. Research on the impact of remittances points to major improvements at the household level, such as the increased propensity among remittance-receiving families to send children to school and to better health care facilities as well as the multiplier effect resulting from increased spending. But that idea is valid only to a minimal extent because there is no substitute for the services these professionals could render that would contribute to more rapid economic,

---

<sup>10</sup> Al Jazeera, 2014.

<sup>11</sup> Rajan et al., 2008.

<sup>12</sup> ILO, 2012.



scientific and technological development of the country if they stayed.

The other aspect of brain drain is brain gain. When migrants return to Pakistan after having learned new skills abroad and put them to use, the country gains. Both the country of origin and country of destination can benefit from the knowledge, skill and competencies of expatriates (in case of destination) and returnees (in case of origin) by creating opportunities to use them. Trade unions can help promote use of these talents in education, capacity building and technical institutions.

- f. **Social costs of migration:** Many migrant workers are not able to take their families with them and thus live separately for several years. This creates emotional disparities between them and can have high social costs, including a sense of alienation among family members and divorce.
- g. **Reintegration of returned migrants:** The Government has not yet developed a policy for the reintegration of returned migrants nor are any particular programmes or services available. Accurate details on the number of returned migrants are not available, which impedes the Government from making policies that could take advantage of the returned skills.
- h. **Absence of trade unions catering to the needs of migrant workers:** With the exception of Kuwait and Oman, no GCC country allows the establishment of trade unions. Given that, migrant workers are not able to join or form trade unions to represent their interests in countries of destination.
- i. **Voting rights of migrant workers:** Pakistani workers do not enjoy their voting rights at home when they are in other countries.
- j. **Labor mobility, skills and certification:** The South Asia–GCC migration corridor is characterized by a lack of information on current and future employment opportunities, including qualifications, skills and wages, and how demand will evolve in the short, medium and long terms. As a result, prospective migrant workers and related public and private institutions do not have a reliable basis for forward planning. This results in lost opportunities or training investment mistakes in both source and recipient countries. In addition, there are no systems of mutual recognition of educational attainments and acquired skills that are based on comparable standards for low-skilled and semi-skilled occupations between the GCC countries and South Asia.

Such a system certifies workers' qualifications and skills and thus are recognized in the country to which they move. It also provides opportunity to be periodically tested and certified for upgraded skills and documents they accumulate throughout their employment. The system also facilitates agreements with the participating countries of origin on the mutual recognition of upgraded skills, such as through an internationally recognized "skills passport". This type of system brings tremendous benefits to countries, employers and workers.

There is a need for diversification of women workers' skills and employment opportunities beyond the traditional domestic work and service sectors.

- k. **Health impact, including HIV:** Labour rights violations, such as long working hours with little or no rest, exposure to unsafe working conditions, poor sanitation and nutrition, paired with limited access to health care services and information in appropriate language, have the potential to compromise the health of migrant workers and predispose them to a range of diseases, including HIV. An aggravating factor is the vast majority of all migrant workers from Pakistan are under visa types that do not allow them to bring their spouse with them, which can indirectly increase their exposure to sexually transmitted diseases (if they seek out unprotected sexual relations). The availability of information on health risks for migrant workers at pre-departure, post arrival and reintegration stages are either limited or non-existent. In Pakistan, a quick orientation is provided at the Protector of Emigrants office, but the orientation is limited to the consequences of carrying illicit drugs. The information regarding HIV and AIDS is not provided at any level.

## SECTION II: INTRODUCTION

Pakistan can be described as a country highly pro-emigration. Since 1971 to 2013, more than 7 million Pakistanis have proceeded abroad for employment through the Bureau of Emigration. Out of this total manpower exports about 94% Pakistanis have proceeded to Gulf Cooperative Council (GCC) Countries, 80 % of Pakistani migrant workers are located in just two countries, Saudi Arabia and UAE. Migration from Pakistan peaked in 2012 when 628,452 left the country. During the 2008-13 period, more than 50% of total emigrants from Pakistan originated from the Province of Punjab, followed by Khyber Pakhtunkhwa (28%), and Sindh at (8%). In terms of professions, during 2008-13, of all emigrants from Pakistan 1.9% were highly qualified, 0.8% highly skilled, 42.3 % skilled, 16.5% semi-skilled and 38.5% un-skilled. The Dubai 2020 expo, the Qatar 2022 World Cup and the planned massive construction projects in Saudi Arabia is likely to continue to increase the demand for Pakistan migrant workers particularly in construction but also other sectors.

While labour migration generates substantial benefits for countries of origin and destination it also creates a range of problems. Abuse of migrant workers during recruitment and employment is a common, well documented issue. Women face barriers in finding overseas employment, and female migrant domestic workers are among the most vulnerable to abuses.

Despite this, many migrant workers are subject to labour exploitation and abuse. Studies of recruitment processes and working conditions migrant workers consistently reveal abuse commonly associated with labour exploitation. Women, young workers, and those with low skills and in irregular situations are particularly vulnerable to exploitation. It is not unusual for migrant workers to be denied their fundamental rights at work, including freedom of association, collective bargaining, non-discrimination and minimum wages. In the worst cases, they may fall victim to forced labour and human trafficking.

Well governed labour migration offers a win-win situation to all: Countries of origin benefits from increased skills among its returning workers and technology transfers. Migrant workers also send money back home – the developing world is expected to receive \$414 billion in migrant remittances in 2013 – thereby helping to alleviate poverty and stimulate growth in their countries of origin. In destination countries migrant workers fill labour market niches by doing jobs that nationals do not want or cannot fill.

### **1. South Asia labour migration governance project**

The South Asia labour migration governance project aims to promote the management of labour migration from India, Nepal and Pakistan to the countries of the Gulf Cooperation Council (GCC), ensure effective protection of the rights of vulnerable migrant workers, enhance the development impact of labour migration and reduce unregulated migration. The project is implemented in selected Gulf Cooperation Council countries including India, Nepal and Pakistan.

The International Labour Organization (ILO) is the United Nations' international organization responsible for drawing up and overseeing international labour standards. The ILO is the only United Nations agency with a constitutional mandate to protect migrant workers, and this mandate has been re-affirmed by the 1944 Declaration of Philadelphia and the 1998 ILO Declaration on Fundamental Principles and Rights at Work. The ILO has been addressing labour migration issues and the protection of migrant workers since its inception. ILO adopts a rights-based approach to labour migration and promotes tripartite participation in migration policy. Project has the following key objectives to support and enhance the right of migrant workers in South Asia.

- l. Providing reliable information on overseas employment opportunities and building the capacity to match qualified job seekers with foreign employers.
- m. Reducing migration costs and abuses and increasing the protection of migrant workers in countries of origin and destination by improving recruitment services.
- n. Enhancing training and the portability of skills for outgoing and returning migrant worker.

The South Asia Labour Migration Governance Project aims to promote well-managed labour migration flow from India, Nepal and Pakistan to selected States in the Gulf Cooperation Council (GCC), to ensure effective protection of the rights of vulnerable migrant workers, and to enhance the development impact of labour migration and reduce irregular flows. This is achieved through action centered on six strategic pillars:

- o. Generation of labour market information
- p. Promotion of safe migration
- q. Improvement of recruitment services
- r. Protection in employment
- s. Increasing quality of training and portability of skills
- t. Migration and development

The project is providing direct assistance and support to some 20,000 male and female migrants and their families at points of origin, transfer, destination and/or return. Services include access to accurate and reliable information on job opportunities and requirements in the GCC and job-matching; pre-departure information and training; portability of skills; better recruitment services including lower recruitment costs; protection during employment including linkages to local service providers; and support to reintegration upon return to country of origin.

The project also partners with workers and employers organizations, NGOs concerned with migration issues, private recruitment agencies, migrant associations and diaspora organizations, agencies and embassies and other concerned actors such as banks, micro-finance institutions, academia, journalists etc. in countries of origin (India, Nepal and Pakistan) and destination (GCC countries).

## 2. About the Research and Its Methodology

Access to Justice for Migrant workers is an evolving concept in South Asia. The concept has never been researched in Pakistan before. The sector is compromised due to lack of formal and structure procedures of reporting and lack of information on how, where and who to report.

<b>Objective</b>	<p>To conduct a research on migrant workers access to justice, including the legal and equitable remedies for any violation of rights of Pakistani migrant workers in both countries of origin and destination in the GCC.</p> <p>To examine multiple areas of laws including labour, civil, and social laws to have a better understanding of the remedies that are available for migrant workers.</p> <p>To explore the extent to which migrants can obtain remedies through related criminal proceedings and how these proceedings may affect their access to justice.</p> <p>To identifying the measures for accessing effective judicial remedies (material and immaterial damages, as well as punitive fines and measures) especially in cases of abuse and exploitation</p> <p>To identify the areas of improvement to strengthen the enforcement of labour protection for migrant workers in Pakistan</p>
------------------	---

The following “3P” assessment technique was adopted to conduct the baseline assessment.

<b>Paper</b>	Paper assessment” essentially refers to the document review, where the purpose is to find out how Access to Justice and its commitment is enshrined in various policy documents and legislation of different departments including overseas Pakistanis, emigration departments and concerned law enforcement documents at Federal and Provincial level.
<b>Perception</b>	Perception assessment is about finding department and professionals/ officers perception of how these policies and strategies play out for them, how they perceive them and how it is translated into practice.
<b>Practice</b>	Practice assessment” results from evidence-based, in-depth review of the degree to which access to justice and its commitments as contained in the policies have been put in practice. How it is understood by the head of the department, how it is practiced by the practitioners and how it is demonstrated at various levels in Pakistan.

To achieve the above results the following activities were conducted:

### a) Policy Review

The existing policies and ordinance at Federal and Provincial levels, channels for access to

justice in Pakistan as well as in the targeted countries of destination. Review also reported on exploitation of migrant workers within the various stages of the migration cycle (e.g. pre-departure, travel, employment and return). The statistical information on the number of cases reported, and their status (MoOP&HRD, OPF, BE&OE, OEC, OEPs, FIA, Police, ombudsman office etc.). were also collected.

The labor laws of Saudi Arabia and GCC countries were also part of the review with a special focus on support available to the migrant workers under country specific laws. The review also highlighted the gaps which make migrant worker more vulnerable the certain country.

The best practices to enhance migrant workers rights and provision of support in South Asian neighboring countries were also part of the review.

### b) Key Informants Interviews

To obtain the policy makers and implementers’ perspective a range of semi structured key informant interviews protocols were developed and interviews were conducted both at Federal and Provincial levels.

The following officials visited for In Depth Interviews:

Federal Level	Provincial Level
	i. FIA Complaints Cell, Lahore
i. Overseas Pakistanis Commissioner	ii. Punjab Ombudsman Office, Lahore
ii. Ministry of Overseas Pakistanis and Human Resource Development	iii. Labor and Human Resource Departments
Overseas Employment Corporation (OEC)	x. Pakistan Workers Federation (PWF)
Overseas Pakistani’s Foundation (OPF)	c. Judges (Civil & criminal courts)
Bureau of Emigration and Overseas Employment (BE&OE)	ii. Recruiting Agencies
i. Federal Investigation Agency (FIA)	ii. Sindh High Court Cell for Overseas Pakistanis, Karachi
ii. Employers Federation of Pakistan (EFP)	iii. Judges (Civil & criminal courts)
v. Pakistan Workers Federation (PWF)	iv. Grievances Commissioner Cell
v. National and International NGOs working on Migrant Workers Rights.	iv.

Five different tools were developed to collect information from different officers and department with respect to their role and mandate of providing support to migrant workers in Pakistan and country of destination (if any). The key informants tools are available in Annex 01.

### c) Visit to Facilities Providing Integrated Services to Migrant Workers

The government facilities were also visited to assess the type and level of support provided to the migrant workers with respect to access to justice. The formal and informal complaint mechanisms were also reviewed. The findings of the visits were provided in the detail report below.

**d) Focus Group Discussion (FGDs)**

It was also planned to conduct focus group discussion with potential, existing and deported migrant workers to analyze the level of support available in Pakistan and destination country to launch a complaint and the remedial system in both countries.

**e) Survey**

It is essential to talk to the core beneficiary or victim of abuse i.e. migrant workers. Two survey questionnaires were developed to collection information as follows:

- Questionnaire for Potential Migrant Workers:
- Questionnaire for Returnee, Existing and Deported Migrant Workers

The data was collected on the specified tools and information was analyzed and reported in report below. The survey tools are available as Annex 02. The document Section Four provides the analysis of the qualitative and quantitative data collected from all the above stakeholders.

## SECTION III – COMPARATIVE REVIEW OF LABOUR LEGISLATION AND ACCESS TO JUSTICE IN POLICIES, ORDINANCES AND RESEARCH, CONCERNING MIGRANT WORKERS, PAKISTAN, SOUTH ASIA AND BCC COUNTRIES

### 1. Emigration Ordinance for Migrant Workers in Pakistan

The South Asian states predominantly dependent on the Middle Eastern labour demand must confront the challenges of the dynamic labour markets and the complicated regulatory regimes of the 'labour importing' countries. The Gov't of Pakistan Emigration Ordinance (1979) and the Emigration Rules (1979) are intended to regulate the activities of overseas employment promoters and recruiting agencies to safeguard the rights of Pakistani migrant workers and protect their interests abroad. The Bureau of Emigration & Overseas Employment have persistently supported and facilitated emigration. In order to manage the legal 'export' of manpower 3 Federal Government Departments exist: the National Manpower Council, the Protectorate of Emigrants and the Directorate of Seamen's Welfare. These were amalgamated to form the Bureau of Emigration & Overseas Employment, as an Attached Department of the Ministry of Labour & Manpower in 1971, with the prime objective of promoting and regulating emigration and protecting emigrants and to facilitate, supervise and monitor the activities of Overseas Employment Promoters (OEPs). The Bureau is also meant to advise the Federal Government on emigration policies and procedure<sup>13</sup>.

Presently, the Bureau functions as an Attached Department of the Ministry of Overseas Pakistanis & Human Resource Development and is the central agency dealing with the emigration of Pakistani workers in accordance with the provisions of Emigration Ordinance, 1979 and the Rules made there under. The Bureau has seven Regional Offices in major cities in all four Provinces. The Ministry of Human Resource Development issues licenses to the OEPs on the recommendations of the Director General, Bureau of Emigration & Overseas Employment after verification by Intelligence Agencies and the Special Branch of the concerned Police Department. More than 1,750 licensed OEPs operate under the supervision of Bureau of Emigration. The Overseas Employment Corporation (OEC) is a public sector overseas employment promoter. It functions under the administrative control of Ministry of Overseas Pakistanis and Human Resource Development.

**The Process:** Every emigrant is registered with the respective Protector of Emigrant after depositing a Government fee and providing the required documents. A pre-departure briefing must be imparted to every emigrant according to section-15 of the Emigration Ordinance, 1979, and intending emigrants are briefed about socio- political sensitivities, cultural norms, economic and geographic aspects of their destinations. Emigrants are also advised not to become involved in illegal activities as they are supposed to comply with the laws of host countries. Each migrant worker is provided

---

1. <sup>13</sup> Strengthening Labour Migration and Establishing Common Platform to Negotiate Better Working Conditions with Host Countries (Gulf, Europe & American Countries). S. Khan, Dr. Javaid Gill, Rana Matloob Ahmed, South Asia Labor Conference 2014, Lahore



insurance coverage by the Bureau of Emigration & Overseas Employment in collaboration with the State Life Insurance Corporation of Pakistan.

**Emigration Statistics:** Between 1971 and 2013, more than 7 million Pakistanis emigrated for employment through the Bureau of Emigration: 96% to Gulf Cooperative Council (GCC) countries and less than 1% to EU and other Western countries. Pakistani emigrants have gone through licensed Overseas Employment Promoters and on Direct Employment Visas acquired by migrant job seekers either on their own or through transnational networks.

96% of Pakistani migrant workers are concentrated in these six countries of the Gulf with 80% located in Saudi Arabia and UAE. Illiterate and unskilled workers constitute around half of the total Pakistani migrant workers. Only 2.75% of workers do white collar jobs. About 98% of Pakistani manpower went Saudi Arabia through Overseas Employment Promoters whereas only 2% Pakistanis got employed on direct employment visas. In 2013 the KSA Government regularised migrant workers of various countries, whereby thousands of Pakistani migrant workers SA were absorbed against the fresh demand. Under their Nitaqat /Saudization Programme, Pakistanis not working with their original employers and normally identified as "Azad employees" (about 50%) were given the option of regularizing with the original employer or with other employers willing to absorb them. Otherwise they were required to leave KSA prior to 4th November, 2013. A total of 9,50,000 Pakistani irregular migrant workers were regularized with the facilitation and assistance of the Pakistani Mission in Saudi Arabia and about 56,000 Pakistani nationals returned home.

The UAE is the second largest importer of Pakistani manpower, followed by Oman, Kuwait and Bahrain and Qatar.

#### **i. Protection and Rights of Migrant Workers in Pakistan**

All emigrants become members of the OPF as soon as they are registered with the Protector of Emigrants against a contribution of Rs. 2000/-. OPF provides the necessary infrastructure for rehabilitating returning migrant workers and Overseas Pakistanis besides providing educational, housing and social services to the migrant workers and their families. The Government of Pakistan has posted Community Welfare Attaches (CWAs) in KSA (4), UAE (3), UK (2), USA (2) and one each in Libya, Bahrain, Kuwait, Qatar, Oman, Italy, South Korea, Norway, Malaysia and Spain.

#### **ii. Women's Migration**

So far, 80,002 female workers have proceeded abroad for employment in the fields of health, finance, beautician and fashion designing. Efforts are underway to improve the emigration of women in health and paramedics.

#### **iii. Strengthening Coordination with Technical Institutions**

The Government of Punjab has established active coordination with the Federal Government and international organizations to ensure skill matching and value addition for overseas job seekers. It is also coordinating with the available TVET institutions for training and capacity building of overseas job seekers.

## 2. Pakistan's National Emigration Policy (Draft)

The review<sup>14</sup> argues that substantial changes in national policies and management systems are needed. It identifies several negative factors embedded in emigration for migrant workers, including hostility on the part of the resident work force and changing labour demands. The effects of restrictions can be hard on migrants with little education and few skills (ILO 2006) and migrant workers may suffer from human rights violations that are serious violations of international human rights law (Amnesty International). These implications are particularly adverse in Gulf Cooperation States where low wages, high costs of work visa and withdrawal of social protection for migrant workers become precedents for discouraging expatriate workers (Shah 2005).

The review focuses on 3 themes: protection of migrants; the strategies proposed to improve the emigrant management system's efficacy and preparedness for dealing with current and future emigration challenges, and the strategies proposed for the extension of emigration development at the micro level.

**Protection:** The Policy addresses awareness-raising on safe emigration. Foreign employment exchanges with intending emigrants' database will be established to link recruiting agencies and employers accountably and transparently. The recruitment process through OEPs will be vigilantly checked for fraudulent practices. Before departure, emigrants will be educated about basic health, prevention and access to health services especially in countries of their destinations. The existing emigrants' life insurance programs will be supplemented with health coverage to protect them in case of serious illness. In the countries of destination, emigrants will be registered at their local foreign missions. Pakistani embassies/missions, the concerned officials, particularly community welfare Attachés will be available around the clock for addressing the emigrants' problems. Besides in country briefings, emigrants will be again be briefed on their rights in the host country, informed of the local conditions and the laws of and legal support available. A legal support mechanism will also be developed for providing legal support to the workers in distress in the host country. At the policy level, a process of state-to-state bilateral accords or Memorandum of Understandings (exclusively framed on emigrant workers' rights) will be initiated for providing protection cover to emigrant workers in their host countries.

The Policy also proposes speedy processing of emigrant complaint cases and recommends streamlining the existing judicial infrastructure and procedures. The deportation of Pakistani emigrants is a complex issue, as some people are victims of trafficking and frauds and many are deported, even if working legally. The Policy recommends less punitive actions for deportees involved in violation of laws; and evolving facilitating mechanisms for providing immediate relief and supporting forced deportees in perusal of their dues. Crisis Management and Preparedness during emergencies in host countries is also on the agenda of the Emigration Policy, which recommends the formation of a joint ministerial task force for crisis-management.

The National Emigration Policy is also keenly focusing on preparations for Mode IV of the WTO. It

---

<sup>14</sup> Sustainable Development Policy Institute (Islamabad), Policy Paper Series 35, December 2010. Pakistan's National Emigration Policy: A Critical Review.

stresses aggressive trade diplomacy within WTO member states for securing work opportunities for Pakistani migrant workers. It also recommends collective efforts among WTO developing state members for projecting and defending their interests. To support all these initiatives, a Mode IV research unit will be established in the Ministry of Labour and Manpower. This unit will operate in close cooperation with the Ministry of Commerce (MoC) and Pakistan's WTO mission in Geneva.

An important feature is the government plans for enhancing female emigration. The draft Policy stresses the need to adopt strategies and mechanisms to mainstream women in the overall emigration process. A task force with the support of a Market Research, Facilitation and Information Center (MRFIC) will be appointed to identify bottlenecks and prospects. The Center will also design programs for women, on skills development and awareness. The draft Policy also proposes establishment of a Female Migration Resource Center (FMRC). Intending women emigrants will be trained and briefed at the regional offices of the Bureau of Emigration and Overseas Employment (BE&OE). Specific rules will also be promulgated with special attention to the protection of women emigrants. The draft Policy recommends awareness campaigns, the appointment of female community welfare officers, vigilant monitoring of working and living conditions by Pakistani missions and communities and the establishment of safe houses in the Pakistani missions abroad.

Re-Integration of returned migrants and effective use of Pakistani diaspora resources is another important component. Returned migrants will be given information about investment, employment and skill enhancement opportunities at all major airports. Special financing programs in consultation with the Ministry of Finance and State Bank of Pakistan (SBP) are also been proposed to support returning migrants.

Restructuring and enhancing the OPF and Bureau of Emigration and Overseas Employment (BE&OE) is addressed in the Policy. A Cell and Task Force will be established within the Ministry of Foreign Affairs with the support of the Ministry of Labour and Manpower.

Improvements in remittance transfer channels are addressed, with public-private partnerships and collaboration among employers, telephone companies, banks and financial institutions.

The Pakistani emigrant associations will also be engaged for information dissemination and mobilization regarding remittance channels, different investment options, and employment and income generation opportunities programs. The OPF and the Board of Investment will offer incentive packages (ie facilitating investments, trade, business and enterprise creation) to returning migrant workers. The draft Policy recommends recognizing the citizenship rights of the overseas Pakistani diaspora to maintain contact with their homeland.

#### **i. Strengthening the Information Management System**

The National Emigration Policy considers the strengthening of information, research and facilitation systems a pre-requisite for implementing the policy under-review. The existing Market Research Unit operating in the BE&OE would be enabled to access information about international labor markets. This unit will be linked with the Labor Market Information System proposed by the draft National Employment Policy<sup>4</sup> and the Foreign Employment Exchanges proposed by this Policy. Establishment of a Market Research, Facilitation and Information Center

will also support policy makers to collect and analyze the information on the different aspects of migration required for viable strategies for increasing the share of Pakistani workers in international labor markets, programs for the re-integration of returning emigrants, information and awareness for better employment and safe emigration and capacity building.

The Policy's coherence with the National Employment Policy requires the implementation of the wide range of measures suggested in the Employment Policy. The Policy encourages participation in regional and international forums like the ILO tripartite forum, the International Labor Conference, the International Organization for Migration, the Global Forum on Migration and Development and the Colombo process.

The institutional mechanism for the implementation of the proposals of the Policy will consist of: 1) an inter-ministerial coordination committee, 2) a policy planning and implementation cell, and 3) a working group comprising various stakeholders. The inter-ministerial coordination committee will address the issues of coherence among the policies of the concerned Ministries with the technical backstopping of the Policy Implementation Cell. This Committee will comprise the Ministries of Labour, Interior, Foreign, Planning and Development, Commerce, Industry and Education. The Policy Planning and Implementation Cell will be responsible for monitoring and facilitating the proposed Policy implementation process. The working group will have members from the Provincial Governments, emigrants' associations, TVET institutions, OEPs and institutions dealing with emigration and overseas Pakistanis. Its integrating role will be extremely important.

## **ii. Emigration Management System and Supportive Mechanisms**

The Policy focuses on extensive augmentation in the existing emigration marketing and management systems to overcome current and future challenges. The current major emigration management set up consists of Bureau of Emigration and Overseas Employment, Overseas Employment Corporation, Policy Planning Cell of Ministry of Labour and Manpower, CWAs of Ministry of Foreign Affairs, National Database and Registration Authority, Immigration and Passport and Federal Investigation Agency of Ministry of Interior. Proper functioning of the emigration process depends on high performance and inter-coordination among these constituents. Most of the challenges highlighted in the proposed Policy are the outcome of the lack of capacities and coordination among these state actors. Based on this, it had been assumed that the Policy would combine existing arrangements under one Ministry but the proposed Policy only suggests an Inter-Ministerial Coordination Committee of relevant Ministries. The Policy proposes the appointment of six task forces to support various initiatives. Although the composition and objectives of the task forces are clear, there is a great deal of ambiguity about the attachment of these task forces within the Ministry of Labour and Manpower.

Establishing a Market Research, Facilitation and Information Center and strengthening the existing Market Research Unit is also a priority in the Policy. The scope, however, is confined to monitoring labor market developments; strategies for skill development, employment and safe emigration information dissemination. The proposed Policy ignores the need for research on various socio-economic aspects of emigration that substantially contribute to the

understanding of dynamism in the structure, drivers and impacts on the stakeholders.

The Policy is also in favor of developing a deportees-friendly strategy for deported Pakistani emigrants. In most cases the deported emigrants are victims of fraud, but some are part of illegal networks, meaning that any regulatory easing could encourage the outflow of 'fortune seekers'.

Access to information regarding skills, jobs, safe emigration and protection and welfare programs is the utmost requirement for the intending emigrants and their families. The information dissemination mechanisms outreach is limited only to major cities. The physical access for people from remote areas needs further extension.

The Overseas Employment Corporation, Overseas Employment Promoters and Direct Employment are the major sources of labour emigration from Pakistan. For safe emigration, this Policy only focus on improvements in the regulatory frameworks for Overseas Employment Promoters, while actors involved in the direct employment process are excluded. The Policy lacks any viable plan to solve the emigrants' problems stemming from their weak bargaining status in international job markets.

The Policy aims to develop cost-effective and easily accessible low-cost remittance services for emigrants. Emigrants and their families will be provided with finances and information for investment, employment and skills development/training opportunities. With the establishment of Growth Triangles in selected areas, the Policy is optimistic about the revival of socio-economic activities in migrant sending districts. However, these interventions lack implementation strategies and neglect the involvement of development sector organizations, hence lacking any synergy building network that would be necessary for their effective implementation.

The Policy suggests restructuring the OPF to respond to the challenge of providing services related to the re-integration of returning emigrants. These interventions focus exclusively on economic perspectives and skills development, but the importance of addressing social and human development of emigrant sending families and areas is missing.

✓ **ILOs Recommendations on the Draft National Policy for Overseas Pakistanis<sup>15</sup>**

The Government of Pakistan, Ministry of Overseas Pakistanis has drafted the first National Policy for Overseas Pakistanis with a focus on maximizing welfare and empowerment of Pakistani diaspora working in different countries across the globe. The draft Policy was presented for review in a national consultative workshop organized jointly by the Ministry of Overseas Pakistanis and the ILO in Islamabad.

It was recommended during the workshop that Pakistan ratify ILO Conventions (97 and 143) regarding the rights of Migrant Workers and the UN Convention on the protection of migrant workers and that the national Policy should be aligned with the provisions of those Conventions. At present, only 0.12 per cent of Pakistani women work abroad: thus,

---

2. <sup>15</sup> Recommendations on the Draft National Policy for Overseas Pakistanis, ILO Press release. Islamabad, Pakistan, 20 February 2013

there is a need to take proactive steps to increase women's participation in overseas employment. The Policy should recognize Social Protection as a basic human right of Overseas Pakistanis as per the Constitution of Pakistan and make the necessary efforts to include OPs in existing Social Protection schemes available for Pakistani workers. Similarly, a scheme should be announced for protection and insurance of 'deported workers' and help them in reintegration. The Government of Pakistan should include 'Overseas Pakistanis and their rights' in all international negotiations with developed countries. The Pakistani Embassies in OP-destination countries should actively support 'Social Networks and Associations' of Overseas Pakistanis and use this platform to provide necessary legal aid and other facilities to OPs at their workplaces. Special training Institutes should be established to impart vocational and technical training courses according to the standards of overseas employments.

The Federal Minister for Overseas Pakistanis highlighted a number of schemes for OPS in the country including Overseas Pakistanis Foundation (OPF), Housing Societies for OPs, Pakistan Remittances Initiative (PRI), Foreign Exchange Remittance Card (FERC) and preferential education facilities for siblings of OPs. He said he has put up three Bills in National Assembly for recognizing rights of Overseas Pakistanis – particularly their right to vote and representation. The Country Director ILO-Islamabad noted that Pakistani youth are in need of a Policy that supports and protects them, adding that recent recorded outflows from South Asia are around 2 million annually.

✓ **A Critical Assessment of the Draft Policy**

The draft Policy excludes the problems of Pakistani emigrants based in developed countries. These problems have particular salience in the post-9/11 scenario as restrictions have increased for affected family re-unions, tourists, students and temporary workers.

The Policy also neglects the role of social networks in the social protection of Pakistani emigrant workers abroad and their families at home. The economically active emigrant members support jobless workers with shelter and financial support, remittance transfer and financial help for family members of deceased emigrant workers.

For protecting the rights of emigrant workers, the Policy suggests comprehensive measures but most of these measures are reactive and apply only to individual cases. However, the root cause of Pakistani emigrant problems in host countries is the immigration and labor policies of the host countries and these affect the majority of expatriate workers. These issues are not addressed in the Policy.

The Policy also lacks steps for building rights-based alliances with other labour-sending countries, many of which have similar problems. In the absence of any collective forum for protection, emigrants face numerous negative consequences.

In the existing emigration management setup the dual role of CWAs for the promotion and protection of Pakistani emigrants is of vital importance. At present only 15 CWAs are

based in foreign missions to cater to the needs of millions of Pakistani emigrants. The limited strength of CWAs and the weak bargaining position of Pakistani Overseas Employment promoters often result in increased distress for emigrant workers and leave them no option except to work in difficult situations. Without increasing their strength, this Policy's expectations for the CWAs are unrealistic.

The draft Policy is silent on the problems of emigrant sending households. In the emigration process, emigrant workers' families are equally entitled to protection and benefits, as articulated in the UN 1990 Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The poor state of development in Pakistan is also an issue for policy makers, as noted in a 2010 study by the SDPI in 2010. The absence of male family members often increases the vulnerabilities of family members.

Although Pakistan has ratified ILO Convention 2010, it is not a signatory to emigrant-specific instruments, such as UN Convention 1990 (Convention on the Protection of the Rights of All Migrant Workers and Members of their Families). The proposed Emigration Policy takes no position on the ratification of emigrant-specific instruments.

There are many non-governmental organizations involved in the protection of emigrants (Gazdar 2003). While the Policy acknowledges their support and feedback during its formulation process, it opens no windows for their involvement in the implementation of strategies for addressing issues concerning the rights and benefits of emigrants and their families. Instead, the Policy the protection for emigrants in the host countries is left to the CWAs and to some extent to Pakistani emigrant communities. The majority of emigrant protection issues are embedded in the immigration and labour policies of host countries and require international policy level interventions, which cannot be influenced by the actors proposed in the Policy. The Emigration Policy is short of any state- to-state high-level dialogue initiative for emigrants' rights advocacy and for awareness raising and mobilization of migrants for their rights in host countries.

### 3. International Labour Organization Conventions on Migrant Workers

#### i. ILO Convention 143 - Migrant Workers (Supplementary Provisions) Convention, 1975<sup>16</sup>

The Preamble reviews the relevant history of UN policies and Conventions concerning the right of people to move to countries other than their own in search of work; recognises the multiple structural and legal problems that migrant worker face; reiterates the rights due to migrant workers and sets out the essential responsibilities of countries of origin and host countries to migrant workers. It also states, inter alia, "the need to avoid the excessive and uncontrolled or unassisted increase of migratory movements because of their negative social and human consequences" and defines the "minimum conditions to be enjoyed by migrants in transit and on arrival". The Convention also requires (i) "the adoption of an active employment policy and international collaboration in these matters" and (ii) that official agencies be responsible for employment of migrant workers in accordance with relevant bilateral or multilateral agreements, in particular those permitting free circulation of workers and conditions in labour markets. The Convention calls for standards "specifically aimed at eliminating illicit and clandestine trafficking in labour" and "requires Ratifying Members to "apply to immigrants lawfully within their territory treatment not less favourable than that which they apply to their nationals" in so far as these are regulated by laws or regulations or subject to the control of administrative authorities". The Preamble concludes by stating the requirement that "migrant workers be treated in a manner at least equal to that of nationals in terms of "standards covering social security and matters regulated by laws or regulations or subject to the control of administrative authorities."

The Articles of the Convention address the obligation of Members States to respect the basic human rights of all migrant workers and to identify and address abusive conditions for migrant workers, including those illegally in-country and illegally employed. These obligations include consulting with 'representative organisations of employers and workers'. The Convention requires Member States to take all necessary measures (i) "to suppress clandestine movements of migrants for employment and illegal employment of migrants (ii) against the organisers of illicit or clandestine movements of migrants for employment and against those who employ workers who have immigrated in illegal conditions, in order to prevent and to eliminate the abuses referred to in Article 2 of this Convention. The Convention requires Member States to engage in "systematic contact and exchange of information ... with other States, in consultation with representative organisations of employers and workers". Article 5 requires "the authors of manpower trafficking ... [to] be prosecuted whatever the country from which they exercise their activities".

The Convention requires that "Provision shall be made under national laws or regulations for the effective detection of the illegal employment of migrant workers and for the definition and

---

<sup>16</sup> Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (Entry into force: 09 Dec 1978) Adoption: Geneva, 60th ILC session (24 June 1975) - Status: Up-to-date instrument (Technical Convention).



the application of administrative, civil and penal sanctions, which include imprisonment in their range, in respect of the illegal employment of migrant workers, in respect of the organisation of movements of migrants for employment defined as involving the abuses referred to in Article 2 of this Convention, and in respect of knowing assistance to such movements, whether for profit or otherwise." A migrant worker is protected as follows: On condition that he has resided legally in the territory for the purpose of employment, the migrant worker shall not be regarded as in an illegal or irregular situation by the mere fact of the loss of his employment, which shall not in itself imply the withdrawal of his authorisation of residence or, as the case may be, work permit" and "shall enjoy equality of treatment with nationals in respect in particular of guarantees of security of employment, the provision of alternative employment, relief work and retraining". The migrant worker also ... shall ... enjoy equality of treatment for himself and his family in respect of rights arising out of past employment as regards remuneration, social security and other benefits. In terms of grievance redressal, the migrant worker "shall have the possibility of presenting his case to a competent body, either himself or through a representative" and ... "in case of expulsion of the worker or his family, the cost shall not be borne by them".

The migrant workers' 'equality of opportunity and treatment' is protected as follows: "Each Member ... undertakes to declare and pursue a national policy designed to promote and to guarantee, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, of social security, of trade union and cultural rights and of individual and collective freedoms for persons who as migrant workers or as members of their families [i.e. the spouse and dependent children, father and mother] are lawfully within its territory" guarantee equality of treatment, with regard to working conditions, for all migrant workers who perform the same activity whatever might be the particular conditions of their employment.

A Member may: (a) make the free choice of employment, while assuring migrant workers the right to geographical mobility, subject to the conditions that the migrant worker has resided lawfully in its territory for the purpose of employment for a prescribed period not exceeding two years or, if its laws or regulations provide for contracts for a fixed term of less than two years, that the worker has completed his first work contract. Finally, the Convention ... "does not prevent Members from concluding multilateral or bilateral agreements with a view to resolving problems arising from its application".

## ii. **ILO Convention 86 – Contracts of Employment (Indigenous Workers), 1947**<sup>17</sup>

This Convention concerns "the adoption of certain proposals concerning the maximum length of contracts of employment of indigenous workers, which is included in the third item on the agenda of the Session". It defines the following:

- i. the term worker means an indigenous worker, that is to say a worker belonging to or assimilated to the indigenous population of a non-metropolitan territory;
- ii. the term employer includes, unless the contrary intention appears, any public authority,

---

<sup>17</sup> Convention concerning the Maximum Length of Contracts of Employment of Indigenous Workers (Entry into force: 13 Feb 1953) Adoption: Geneva, 30th ILC session (11 Jul 1947) - Status: Shelved convention (Technical Convention).

individual, company or association, whether non-indigenous or indigenous;

- iii. I the term regulations means the law and/or regulations in force in the territory concerned; and (d) the term contract means, unless the contrary intention appears, a contract of employment by which a worker enters the service of an employer as a worker for remuneration in cash or in any other form whatsoever, but does not include contracts of apprenticeship made in accordance with special provisions relating to apprenticeship contained in the regulations.
- (a) The competent authority may exclude from the application of this Convention:
- (a) (a) contracts by which a worker enters the service of an indigenous employer who does not employ more than a limited number of workers prescribed by the regulations or satisfy some other criterion prescribed thereby;
  - (b) (b) any contract under which the only or principal remuneration granted to the worker is the occupancy or use of land belonging to his employer.
- (b) The competent authority may, after consultation with the employers' and workers' organisations representative of the interests concerned, exclude from the application of this Convention contracts entered into between employers and literate workers whose freedom of choice in employment is satisfactorily safeguarded; such exclusion may apply to the whole of the workers in a territory, to the workers in any specified industry, to the workers in any specified undertaking, or to special groups of workers.

**Article 1:** The regulations shall prescribe the maximum period of service which may be stipulated or implied in any contract, whether written or oral.

**Article 2.** The maximum period of service which may be stipulated or implied in any contract for employment not involving a long and expensive journey shall in no case exceed twelve months if the workers are not accompanied by their families or two years if the workers are accompanied by their families.

**Article 3.** The maximum period of service which may be stipulated or implied in any contract for employment involving a long and expensive journey shall in no case exceed two years if the workers are not accompanied by their families or three years if the workers are accompanied by their families.

**Article 4:** When a contract made in one territory (hereinafter called the territory of origin) relates to employment in a territory under a different administration (hereinafter called the territory of employment), the maximum period of service which may be stipulated or implied therein shall not exceed either the maximum period prescribed by the regulations of the territory of origin or the maximum period prescribed by the regulations of the territory of employment.

## 4. Gaps Assessments and Recommendations

### i. Recommendations for Emigration Ordinance 1979:

- ✓ Criteria should be defined for the appointment of Labour Attache
- ✓ Should be a retired Judicial Officer or a senior lawyer with experience in labour courts as well as practical experience in labour laws
- ✓ The proposed Attache should be a representation of all stake holders in the Advisory Committee
- ✓ The establishment of one National and four Provincial Employment Exchanges , with each to have an up to date information section for migrant Workers
- ✓ All necessary legal expenditures by the migrant worker should be clearly defined
- ✓ Legal expenditures should be processed through the National Bank of Pakistan.
- ✓ One National and four Provincial Complaint Cells should be established by the Government to respond to and process migrant workers' complaints.

### ii. Recommendations for Migrant Workers Policy (Draft)

- ✓ The Policy only considers Pakistani labour emigration in the context of global labour demands and current and future Pakistani labor supply prospects. It does not address students or Pakistani origin emigrants living abroad permanently. The Policy focuses only on temporary emigration to GCC, excluding Pakistani emigrants in the developed world. The lack of consideration for emigrant's families is also weak.
- ✓ The Policy does not pay sufficient attention to the effects of remittances on migrants' families, such as the absence of men. The integration of the National Emigration Policy with the Education Policy would strengthen national skills enhancement plans. Links with Poverty Reduction Programs could also tap the potential of remittance utilization at the grass roots. The National Emigration Policy deserves serious consideration in Pakistan's Vision 2030. Mitigation strategies for reducing vulnerability and strengthening the resilience of emigrant-sending households should be designed and implemented.
- ✓ The Policy should consider the value of informal emigrant social networks, whose members could play a role in implementing the Policy's strategies in host countries. On a similar note, rights-based alliances between civil-society, relevant Ministries and Parliamentarians should have a voice in the Policy content.
- ✓ Courses should be introduced on International Labor Marketing and Management in Business Management Studies programs and Secretariats should be established in major Pakistani labour-hosting regions, in order to protect migrant workers.
- ✓ Pakistan has ratified ILO Convention 2010 but has not yet signed UN Convention 1990 on the Protection of the Rights of All Migrant Workers and Members of their Families.
- ✓ The rich experience of Pakistan's development sector organizations (in capacity-building, advocacy and research) can contribute to implementing the Policy. Particular

organizations can also contribute to monitoring adherence to the Policy.

### **iii. Women and Migrant Workers Policy**

- ✓ The draft of Pakistan's first 'emigration policy' mentions the possibility of substantially increasing the number of women going abroad for suitable jobs.
- ✓ The policy planning cell of the Ministry of Labour and Manpower has finalized the draft of National Emigration Policy 2009 which will soon be forwarded to the cabinet for approval.
- ✓ The policy is mainly focusing on regularization of recruitment process, elimination of unsafe, exploitative and abusive practices, and welfare mechanism for overseas workers and expanding the share of labour in the Gulf and European countries.
- ✓ The draft says the share of Pakistani women is quite low in the overall overseas workforce. It has to be substantially increased, especially in occupations considered safe.
- ✓ The draft says that lack of information was one of the major reasons restricting women from availing themselves of employment opportunities abroad.
- ✓ The policy recommends the setting up of a 'Market research, facilitation and information centre' to focus on employment of women abroad.
- ✓ The centre will design special programmes for skill development in spheres with big labour demand in the world market.
- ✓ During the current decade, the number of workers going abroad averaged 223,000 a year and exceeded 280,000 in 2007 and 430,000 in 2008, he added.
- ✓ The policy has been divided into 15 priority areas. The first priority area on the agenda is overseas visits of president, prime ministers and cabinet members to promote employment of Pakistani workers.
- ✓ The policy suggests organisation of road shows to highlight quality, education and skill of Pakistani workforce. Job fairs should also be organised to attract foreign companies to seek employees in Pakistan.
- ✓ The policy also talks about country-specific strategies, initially for Saudi Arabia, UAE, Kuwait, Oman and Malaysia with the involvement of Pakistani missions in those countries.
- ✓ The policy also suggests upward revision of the legal fee of the Overseas Employment Promoters (OEPs) and stiff penalties for those found overcharging their clients.
- ✓ It also suggests an increase in the security money of OEPs which could be utilized to compensate overseas workers in the event of their job loss and return because of the fault of an OEP.
- ✓ The policy draft seeks development of a mechanism to provide cost effective and easily accessible low-cost remittance service.
- ✓ It suggests simplification of procedure and one-stop service for workers going abroad.
- ✓ Similarly, technical training centres – largely under public-private partnership, some

exclusively for women, will be set up to impart skill development on trades in demand overseas.

- ✓ The policy draft suggests formation of a 'deportee-friendly' mechanism for deported persons possessing valid documents.

**Source: The daily Dawn, 2nd June 2009.**

## 5. GCC Countries and Migrant Workers' Protection

Millions of contract workers from Asia and Africa, including an estimated 2.4 million<sup>18</sup> domestic workers in the Gulf, are subject to a wide range of abuses, including unpaid wages, confiscation of passports, physical abuse, and forced labor.

A report in October by Human Rights Watch, the International Domestic Workers Federation, and the International Trade Union Confederation showed little progress in the Middle East and North Africa in improving the conditions and protections of migrant domestic workers. No country in the Middle East and North Africa has ratified the ILO convention. Meanwhile, 25 countries have improved legal protections for domestic workers, with many of the strongest reforms in Latin America.

"Whether it's the scale of abuse of domestic workers hidden from public view or the shocking death toll among construction workers, the plight of migrants in the Gulf demands urgent and profound reform," said Rothna Begum, Middle East women's rights researcher at Human Rights Watch. "This should include a thorough overhaul of the abusive kafala visa sponsorship system."

The ministers will meet in the third round of the Abu Dhabi Dialogue, an inter-regional forum on labor migration between Asian countries of origin and Gulf Cooperation Council (GCC) countries of destination. Nongovernmental groups participated in the first two rounds but were not invited to this year's gathering. Labor ministers from the GCC states are to meet separately on November 23 to discuss a draft domestic workers contract and the proposed formation of a cross-GCC body to oversee migrant domestic work.

### i. An Overview of Labor Laws in GCC & Saudi Arabia

#### a. Kingdom of Saudi Arabia and Its Immigrants

In the labour laws of Saudi Arabia; the rules for expatriates are mentioned in chapter three, section 2. In order to work in KSA the approval from the Ministry of Labour & work permit is required. It is also mentioned that according to rules and periods to be determined by the Ministry of Labour, every employer shall prepare his Saudi workmen to replace Non-Saudi.

At the end of the contract the employer is responsible for the repatriation expenses of the employee but if the employee obtains employment with another employer in these countries then, the new employer is responsible for repatriation expenses at the end of his service. If the employer has paid for the travelling expenses of the employee, his family and furniture or such provisions as stipulated in the contract, the employer will then have to pay for all that.

**Saudization:** The policy of replacing migrant workers with Saudi citizens—was first officially

---

<sup>18</sup> Gulf, Asian Labor Ministers at 3rd Abu Dhabi Dialogue

announced in 1994 but only recently has policy been put into practice. The aim, of course, is to encourage Saudi citizens, particularly the young, to work. In 2011, the government got serious about Saudization and introduced the Nitaqat programme under which companies were classified as red, yellow, green or platinum according to the percentage of Saudi citizens in their workforce. At one extreme, red companies are prohibited from employing immigrants or renewing permits for those already employed, at the other, platinum companies can not only continue to employ foreigners but may poach employees from red companies at will.

As an indication of the laxity surrounding the system (and the gap between discourse and reality) it is estimated that seven and a half million expats (that's pretty much all of them) amended their status during the first four months of the amnesty period and more than one and a half million have changed their status entirely.

What does all this mean for the local labour market and for the immigrants themselves? The Saudi government has suggested that the crackdown could create up to 600,000 jobs for locals, which will go some way to alleviating the high levels of unemployment amongst a young population with a reputation for being idlers. However, for many immigrants, some of whom may have been in the country for decades—indeed, Saudi citizenship is so difficult to acquire many were born there and have no other home—and consider it their home, things are not so rosy. The ministry has reportedly been issuing 500 exit permits per day—a significant number; but estimates of actual numbers leaving vary widely.

#### Chapter wise Critical Review of Saudi Labor Laws:

<b>Chapter 1 – General Provisions</b>	<i>There is no definition found for migrant worker or expatriate.</i>
<b>Chapter 2 – Labour Inspection</b>	<i>A labour inspector shall have the right to order employers or their agents to make modifications in the operating rules. Labour Inspector should keep all the complaints strictly confidential.</i>
<b>Chapter 3 – Combating Unemployment, and the Vocational Rehabilitation of the Disabled</b>	<p><i>According to the law any expatriate can work in Saudi Arabia only after fulfillment of conditions which is the approval from the Ministry of Labour &amp; work permit is required in order to get employment in the Kingdom even to work with private companies and establishments. The fulfillment of following conditions is required;</i></p> <ul style="list-style-type: none"> <li data-bbox="715 1686 1415 1765"><i>i. Workmen shall have entered through legal process</i></li> <li data-bbox="715 1787 1415 1865"><i>ii. Shall the vocational skills &amp; educational qualification</i></li> <li data-bbox="715 1888 1415 1966"><i>iii. Shall be under contract with and guaranteed by the employer</i></li> </ul>

<b>Chapter 4 - The Labor Contract</b>	<i>The case and situation of the migrant workers again not explained or talked here. It is mentioned that the contract should be in Arabic but what if they workman is an expatriate is working and he does not know Arabic that well. In article 80 of this chapter it is specified that except within the limits dictated by the need to attract foreign workmen, an employer who employs foreign workmen may not pay them wages and remunerations in excess of what he pays Saudi workmen of equal competence, technical proficiency and academic qualifications.</i>
<b>Chapter 5 - Marine Labor Contract</b>	<i>The only conditions of payment in foreign currency are mentioned in the contract.</i>
<b>Chapter 6 - Protection of Wages</b>	Gender conditions discussed for workers but the protection of the wages of expatriate not mentioned. The workmen may submit an application if the employer does not pay his wages to the Labour office. If same situation occurs in case of any migrant worker does he have the equal right to go to the labour office or not?
<b>Chapter 7 - Protection and Social Services</b>	<i>Every employer who employs more than fifty workmen shall inform the appropriate Labor Office of the name of the physician whom he has selected to treat his workmen. However, again nothing is mentioned in favour of migrant workers.</i>
<b>Chapter 8 - Creation of New Establishment</b>	<i>Nothing specific for Migrant Workers</i>
<b>Chapter 9 - Working Hours - Weekly Rest Vacations</b>	<i>Nothing is mentioned that if any immediate family member of any expatriate worker dies how many leaves he will get.</i>
<b>Chapter 10 - Employment of Juveniles and Women</b>	<i>There are no specific guidelines if a female migrant worker gets pregnant during her stay in Saudi (if she is living with her spouse or not). No compensation or investigation mechanism is discussed.</i>
<b>Chapter 11 - On Labor Commissions and Settlement of Disputes</b>	<i>General Conditions for workers not specific to migrant workers</i>
<b>Chapter 12 - Penalties</b>	<i>General Conditions for workers not specific to migrant workers</i>
<b>Chapter 13 - Concluding</b>	<i>General Conditions for workers not specific to migrant</i>

<b>Provisions</b>	<b>workers</b>
-------------------	----------------

## **b. Labor Legislation in United Arab Emirates**

In order to employ any expatriate employee in the UAE, an application must be made to the Ministry. The application has to be approved by the Ministry prior to the employee entering the UAE. A labour permit for an expatriate employee will not be issued by the Ministry unless a formal written labour contract is filed with the Ministry.

These are immigration regulations and do not form part of the Law.

A one-year ban will be imposed (stamped) on an employee's passport by the Immigration Department upon termination of employment if the employee violates the employment contract, the Law, or the labour regulations. A six-month ban will be imposed (stamped) upon termination of employment on those who do not fall under one of the categories of professionals permitted to transfer their visas.

A six- month ban is typical and a person who wishes to be reemployed must wait until the period of six months has passed.

The following categories are exempted from the six-month ban and permitted to transfer their residence visas to a new sponsor:

- iv. Engineers
- v. Doctors, Pharmacists and Hospital Attendants
- vi. Agricultural Instructors
- vii. Teachers
- viii. Qualified Accountants and Auditors
- ix. Qualified Administration officials
- x. Technicians in scientific electronics and laboratories
- xi. Drivers licensed to drive heavy transport vehicles and (buses)
- xii. The employee has a valid resident permit stamped on his passport

At the end of the contract the employer is responsible for the repatriation expenses of the employee to the place of recruitment or to any other place which the two parties have agreed upon.. If the employee obtains employment with another employer in the UAE, then, the new employer is responsible for repatriation expenses at the end of his service. However, if the employee is responsible for terminating the contract, he is responsible for his repatriation costs, if he has sufficient means.

If the employer has paid for the travelling expenses of the employee, his family and furniture or



such provisions as stipulated in the contract, the employer will then have to pay for the family and the furniture and any expenses incurred therewith.

However, if at the time the contract commenced there was no agreement on payment of family repatriation costs or furniture shipment costs, and the employer did not pay for these at the commencement of the contract, the employer will not be liable to pay the same, unless the rules within the establishment specify otherwise.

### c. Labor Legislation in Qatar

#### **(Policy of Qatar on Expatriate According to their National Labour Laws)**

**Labour Laws in Qatar:** According to Qatari Labour Law potential job seekers in Qatar need to be aware that, an employee will have to obtain employer's permission (exit permit) to leave Qatar.

**Employment:** Employers seeking to hire non-Qataris from abroad will have to first obtain permission from the government. The new Labour Law of Qatar (2004) aims to balance the rights of employer and employee, offering hiring priority to Qatari nationals, and specifying several obligations for companies about their employees.

**Sponsorship:** Foreigners are allowed to work under sponsorship in Qatar. An employee who is under sponsorship is not eligible to work for another employer, without special permission. Transfer of sponsorship may be granted to an employee only if both original employer and potential new employer agree to the change.

Also, an employee under sponsorship is not allowed to leave the country, without No Objection Certificate from the employer. Without the release letter from the employer, the employee will be banned for two years from entering Qatar. Sponsors are not allowed to retain passports of their employees except for any visa formalities. Sponsored employees can bring in their spouses and children to Qatar under personal sponsorship.

**Employment Contract:** The Arabic version of employment contract governs employment and business arrangements as per Qatari law. Prior to signing a contract, employees should ensure that the contract is translated to English and attested by the Department. No expatriate should work in Qatar or make a business deal, without having seen or understood the full written contract, as verbal assurances are not binding in Qatar. An employment contract should essentially include the name of employer, his work place, name, qualifications, nationality, profession and residence, date of conclusion of contract, nature and type of work, date of commencement of work, duration of contract, agreed wages, method of payment and end-of-service benefits. The employment contract will have a provision that the probation period not exceeding six months. The duration of the employment contract is maximum five years which is renewable.

**Working hours:** The maximum working hours in an organization shall be 44 hours a week at the rate of eight hours a day, except during the month of Ramadan, when the maximum working hours will be 36 hours a month. Workers are entitled to at least one day of rest a week,

Friday being the common holiday for all workers. No employee should be made to work two or more Fridays in a row. If the employee is required to work additional hours (not exceeding ten hours) then employer will have to pay to the employee for additional hours.

**Leave:** After the completion of one year employment the employee shall be entitled to an annual leave not less than three weeks if employee service is less than five years and four weeks for employees whose service is more than five years.

**Workers Committees:** Qatari workers can form Workers Committee and join larger trade unions. Strikes are permitted, provided, they follow the rules of the Labour Law.

**Safety Rules:** In case of any such injury occurring due to lack of precautionary measures from the employers, the employer will have to bear the cost of treatment. In the event of death of an employee resulting from workplace accidents, the employer, by law, is required to fully compensate the families of the victims.

**Workplace Disputes:** In the event of employment dispute, Qatari authorities refer to Arabic version of the contract. As the issuance of exit visas is under the control of a Qatari sponsor, the employee will be unable to leave Qatar without their sponsor's approval in the event of an emergency or employment or business dispute. Any expatriate employee, breaking an employment or business contract, will have to pay substantial penalties before departing Qatar. In case of any unresolved dispute continuing between an employer and employee, the employee can file a complaint within a year of the event to the Labour Ministry. The National Human Rights Committee (NHRC), which is also available to deal with human rights violations. Although the embassies can help their nationals in settling disputes, the ultimate responsibility for resolution of dispute lies in legal system of Qatar, and the parties involved.

**Expiry / termination of the contract:** The employee can terminate the service contract prior to its expiry date, if the contract is of a definite duration, without giving reason for termination of contract. However, if the contract is of an indefinite duration, the employee can obtain end of service gratuity, if the employer commits a breach of his obligations, under the service contract, or if the employer commits a physical assault or immoral act upon the employee, or if the employer does not adhere to the terms and conditions of the work, or if the work endangers the safety of the worker and the employer does not initiate any measure to remove it.

On termination of the service of the employee, the employer is liable to bear his cost of return to his home country, or to any place agreed upon between the parties. The employer shall complete the proceedings of returning the expatriate employee within a period of not more than two weeks from expiry date of the contract.

**Gratuity:** The employer also will have to pay the end of service gratuity to the employee, if he/she has completed employment of one year or more. The gratuity will be calculated depending on last basic wage.

**Employment of Juveniles:** A child below the age of sixteen may not be employed for work of whatsoever nature and shall not be allowed to enter any place of work.

**Employment of Women:** A working woman shall be paid wages equivalent to wage payable to a man, if the nature of work is the same, and shall be offered the same opportunities for training and promotion. Female employees are also entitled to maternity leave with full payment for a period of fifty days, on completion of at least one year of service with the same employer.

#### **d. Labour Market Regularization, Oman<sup>19</sup>**

In response to demographic changes in Oman, Oman will reduce the proportion of expatriates working in the private sector from 39 per cent (1,776,583 people) to 33 per cent, the Minister of Labour said in a press conference on Monday. In an effort to increase the percentage of national manpower in the private sector and to rationalise the recruitment of expatriates, Shaikh Abdullah bin Nasser Al Bakri, Minister of Manpower held a press conference at the ministry headquarters on Monday, outlining the decisions. The present manpower breakdown is: 244,698 nationals working for the private sector; 1,308,981 expatriates are working for the private sector and 242,904 expatriates are working in special services. ... Intensive efforts were made last year by the government, in close cooperation with representatives of businessmen, the Oman Chamber of Commerce and Industry and the Federation of Oman General Trade Union, to regularise the labour market, update its legislation and provide job opportunities for citizens to enhance their contribution to the development process, meet the needs of the private sectors in terms of manpower, develop work inspection, regularise business relations among production stakeholders and enhance the technical education and vocational training fields. He affirmed that the labour market regularisation comes in response to the demographic changes witnessed by the Omani labour market. The statistics data shown by the National Centre for Statistics and Data point out that the Sultanate's population stood at 3.876 million as of the end of 2013 of which expatriates constitutes 44 per cent. The level of expatriates was 27.7 per cent in 2003 and 34.9 per cent in 2010.

As for the distribution of national manpower at the private sector in terms of qualifications, ... 36 per cent of the national manpower are holders of less than a general education diploma (high school), compared to 64 per cent [having] a general education diploma and higher. 71.8 per cent of the expatriates [have] less than a general education diploma and 28.2 per cent are holders of general education diploma and above. The number of private sector institutions that employ national labour and expatriates stood at 147,438.

Shaikh Al Bakri affirmed that the net increase in the national manpower in the private sector is 14,059, as 57,980 were newly appointed and 43,921 have resigned or terminated their service. The net increase in expatriate manpower stood at 135,477. The number of issued clearances stood at 332,063 compared to 196,616 who [had] left the Sultanate for good. 48,203 cases were reported to have more than one commercial registration. This has a negative effect on the efforts made by the government and other respective departments to enhance the key role played by SMEs in generating job opportunities for national manpower. The Minister of Manpower called upon owners of commercial registrations and the private sector to put an end to this phenomenon.

---

<sup>19</sup> Oman puts further limits on expatriates in work force. Gulf News. February 18, 2014, Accessed 22<sup>nd</sup> August 2015.

The number of violators of labour regulations stood at 15,885 in 2013. In 2013, 15 inspection campaigns were carried out resulting in spotting 15,885 violators including 7,447 who absconded from their original employers. The Ministry received 4,072 labour complaints of which 2,217 or 55 per cent were settled cordially. 906 complaints are under processing and 949 were referred to the court. The Ministry took a number of measures to regularise the national manpower and increase its share at the private sector, such as increasing the minimum salary to RO 325, amending the pension system of the Public Authority for Social Insurance, standardizing the weekly off days and approving not less than 3 per cent annual increment. The Ministry of Manpower will complete the electronic linkage with the respective authority to regularize the labour market and issue the expatriates' clearances electronically.

Migrant workers and the Gulf states go together like bread and butter, but there are changes in the air. It started in the late 1980s with Omanization in Oman, which has been reasonably successful (in the public sector at least, the private sector is another matter); of late it has spread to other Gulf states, for even if policies aimed at reducing dependency on expatriate migrant labour have been in place for a long time very little has actually been achieved.

## **ii. Critical Review of Labor Legislation and Workers Policies in GCC and KSA**

In Saudi Arabia and Qatar, migrant workers cannot leave the country without obtaining their employer's consent for an "exit permit" from the authorities. Some employers have refused to pay wages, return passports, or provide permission for "exit permits" in order to exact work from workers involuntarily.

Kuwait University Law School will host an event on November 23, 2014, at which panelists from Amnesty International, Human Rights Watch, IDWF, the ITUC, and Migrant Forum Asia will discuss the rights of migrant domestic workers.

The groups recommend that the governments:

- xiii. Establish and enforce comprehensive labor law protections for migrant workers, including domestic workers;
- xiv. Reform the kafala (sponsorship) visa system to ensure that workers can change employers without being required to first obtain their consent;
- xv. Remove the "exit permit" requirement in Saudi Arabia and Qatar;
- xvi. Strengthen regulation and monitoring of labor recruitment agencies, including eliminating recruitment fees for workers;
- xvii. Ensure that migrants have access to justice and support services; and
- xviii. Expand the Abu Dhabi Dialogue to include labor-origin countries from Africa, such as Ethiopia, Uganda, and Kenya, and participation by nongovernmental groups.

Qatar, the UAE, Kuwait, and Oman exclude domestic workers from their labor laws completely. Kuwait has a mandatory standard contract for domestic workers that provides some protections, though significantly fewer and weaker ones than those in the country's labor law. However, in abusive

situations– such as nonpayment of wages, confinement in the home, or legal sanctions for quitting employment – workers have little access to the justice system to seek enforcement of the protections the contract provides. Bahrain’s 2012 overhaul of its labor law expanded some protections to domestic workers, such as providing them annual vacations, and codified others, including access to mediation in labor disputes. However, it failed to provide other basic protections, such as weekly rest days, a minimum wage, and limits to hours of work.

Kuwait, Saudi Arabia, Qatar, Bahrain, UAE and Oman say they want to make a standard contract mandatory for all migrant domestic workers, to regulate their labor and work conditions. But a contract that doesn’t even clearly list the tasks that domestic workers will perform, nor specify daily and weekly rest periods (among other weaknesses), is not enough.

The best way to stop the horror stories is for Gulf countries to ratify Labor and migrant workers conventions of the International Labour Organization, the first legal document to give labor and migrant workers the status of employees, with clearly elucidated rights and obligations. Countries would then bring their own national legislation to the standards of the convention, and draw contracts in accordance with it.

## **6. KEY DEVELOPMENTS AND BEST PRACTICES FOR INCREASE PROTECTION AND SUPPORT OF MIGRANT WORKERS RIGHTS IN SOUTH ASIA**

### **i. The ILO Multilateral Framework on Labour Migration, 2004**

In Asia and the Pacific, the objective is to increase protection for migrant workers and create more effective governance of labour migration. The ILO priorities on labour migration for 2012-13 were: to improve the knowledge base and policies relating to labour migration; to build the capacity of governments and social partners to manage labour migration; and to promote bilateral and regional cooperation on labour migration. In 2012, material for prevention of HIV/AIDS, Hepatitis B & C was prepared for Pakistani emigrants after the approval of joint UN Team and distributed among Protectors of Emigrants and Overseas Employment Promoters.

In 2013, the ILO took the following measures to promote safe and decent migration from Pakistan:

1. Technical support to review the ongoing bilateral agreement between Pakistan and Republic of Korea 'Employment Permit System (EPS)' in collaboration with Ministry of OP&HRD.
2. The ILO initiated a 3-year 'South Asia Labour Migration Governance (SALM) Project' which aims to promote the management of labour migration from India, Nepal and Pakistan to the GCC countries focusing on low skilled and semi-skilled workers. Project is focusing on (a) Generation of labour market information; (b) Promotion of safe migration; (c) Improvement of recruitment services; (d) Protection in employment; and (e) Improvement of training and portability of skills.

## **ii. Sri Lanka and UAE Bilateral Agreement**

The Abu Dhabi Dialogue (2008) deals with temporary labour mobility in Asia and 11 Colombo Process countries of origin and 9 destination countries including GCC countries, Singapore, Malaysia and Yemen. It discourages illegal recruitment and promotes welfare and protection measures for contractual workers.

## **iii. The Bali Process**

The Bali Process, comprising 44 member states, aims to address human trafficking, smuggling and related transnational crimes. It emphasizes sharing of intelligence, border management and cooperation among law enforcing agencies and provides a mechanism for asylum management, support and protection of victims of human trafficking.

## **iv. International Office of Migration (IOM), Pakistan**

The International Organization for Migration is facilitating the countries of origin, transit and destination in all migration issues. IOM Islamabad assisted Pakistan during the earthquake of 2005 and floods in 2010. The IOM Islamabad is also playing the role of a bridge between Pakistan and EU Member States regarding implementation of Re-admission Agreement signed between Pakistan and the EU Commission in 2010. The GCC and KSA is not in the operation area of IOM.

## **v. Health Assistance by World Health Organization (WHO)**

The World Health Organization is providing assistance to migrant workers and their families to protect themselves from diseases. The WHO Global Code of Practice on International Migration of Health Personnel is also in force.

## **vi. Multilateral Frame Work by South Asian Countries**

The Colombo Process provides a common platform to its 11 member states: Sri Lanka, Pakistan, India, Bangladesh, Afghanistan, Nepal, China, Indonesia, Philippines, Thailand and Vietnam to collectively negotiate the terms and conditions of their migrant workers with destination countries, including the Gulf countries. Establishing a Coordinating Body or a Commission at the SAARC level can further enhance cooperation on migration.

## **vii. International Bilateral Agreements on Migrant Labour**

The Budapest Process is a consultative forum of 53 governments and 10 international organizations established to develop a comprehensive and sustainable system for orderly migration. It involves states from the wider European region with the purpose of exchanging information and best practices in dealing with regular and irregular migration, asylum, visa, border management, trafficking in human beings and smuggling of migrants, readmission, return, etc. The Budapest Process promotes good governance in migration.

In order to enhance cooperation between Silk Route Region countries ((Pakistan, Afghanistan, Iraq and China) and Budapest Member States, a partnership was developed in 2010. This partnership was approved in the shape of the "Istanbul Ministerial Declaration", during the 5th Ministerial Conference of Budapest Process in April 2013. In the follow up to the 5th Ministerial

Conference, the ICMPD is initiating a 3-year project in Pakistan, Iraq and Afghanistan for capacity building of stakeholders in the migration process, to minimize the illegal migration from Silk Route Countries to Budapest Member States and to make the entire migration process development friendly.

American Countries: about 1.2 million Pakistani nationals are working in the USA with 0.3 to 0.4 million working in Canada, Argentine, Brazil and other Latin American States. Presently, only a few hundred Pakistanis are going to USA and other American countries for employment. The Government of Pakistan is trying to enhance manpower export to different American countries by appointing community welfare Attaches there and, for this purpose, endeavoring to match the skills and professions according to their demands and requirements.

### **viii. For International Cooperation and Collaboration**

Sharing of best practices at the Regional level; common efforts to reduce the cost of travelling, especially to European and American countries; coordinated efforts from the platform of International Forums, like the Colombo Process and the Abu Dhabi Dialogue, to negotiate better working conditions for migrant workers; active follow up of the recommendations of international conferences, seminars and bilateral meetings; visits of regional and international delegations to regularly discuss issues of mutual interest; evolution of a mechanism to avoid negative competition among recruiting agents in labour-sending countries; arrangements for registration of emigrants with Provincial Social Security Institutions and EOBI for medical coverage to their families and old age pensions; a legal aid system for migrant workers in the form of a helpline with a UAN, an interactive website to receive and respond to the migrants in distress; a database of individuals' problems and provision of sustenance for displaced workers. Establish a panel of experts to analyze complaints received and formulate strategies to address problems; establishment a Labour Wing in the SAARC to negotiate better terms and conditions and minimum standards for workers from the SAARC Region.

The study makes the following recommendations:

3. Formulation of short term and long term migration policies by the governments through tripartite consultations;
4. Strict monitoring of Overseas Employment Promoters; elimination of the role of sub-agents;
5. Proactive and vigilant role of government departments to check illegal migration;
6. Productive use of foreign remittances in the industrial sector;
7. Promotion of Government controlled manpower export through OEC; and enhanced role of Ministry of Overseas Pakistanis to find new avenues for potential Pakistani overseas jobseekers with the collaboration of international organizations, Ministry of Foreign Affairs and OEPs.
8. For capacity building: skills matching and training according to international standards and demands; establish the necessary infrastructure for training skills by involving the Overseas Pakistanis Foundation, NGOs, UN Agencies and international organizations.

Introduction of technical courses at the Matric level and re-orientation of other courses, and the introduction of Labour laws in the curriculum of Technical and Vocational Institutes.

9. For dissemination of information and awareness: establish a Regional Migrant Information System (MIS) containing information on labour markets and opportunities abroad; develop comprehensive awareness program for pre and post departure. Disseminate information on migration in regional languages; orientation on labour laws and culture especially of the host countries.
10. For protection and welfare: strengthen coordination to resolve the protection and welfare issues of migrant workers; increase the number of Labour Attaches in the host countries and appoint competent Labour Attaches on merit; reactivate and strengthen the role of the Labour Attaches to facilitate the migrant workers; hold regular meetings of Labour Attaches of Pakistan in the host countries to resolve the migrant workers' problems; rehabilitate and reintegrate returnee migrant workers and develop post return programs. Resolution of the issues related to the Kaffalah System in Saudi Arabia by the Federal Government using its good offices.



## 7. BEST PRACTICES OF SUPPORTING JUSTICE AND FAIR TREATMENT

Pakistan is one of the South Asian country who export most of their labor to Saudi Arabia and Gulf Countries. The Asian and South Asian countries are not only similar in culture, social and economic trends but the issues and constraints with respect to the migrant workers are almost same in these countries. Some of the Asian and South Asian countries took a serious note of these issues and developed a support system for the migrant workers in their country with extended link in the destination countries. Some of the key initiatives are as under:

### i. India's key Initiatives for Migrant Workers Support

India has around 100 million circular migrant workers, placing its experience almost on a par with China's. Yet migration in India faces an almost total absence of forward-thinking policies. Rejecting policies to 'keep them in rural areas' as unrealistic, this paper identifies the kinds of migrant support that are needed if migrants are to continue adding to economic growth as they currently do, but at lower personal cost than at present.

#### **Overseas Workers Resource Centre & Migrant Resource Centers**

Ministry of Overseas Indian Affairs has set up the overseas workers Resource Centre (OWRC) in Gurgaon. It is a Helpdesk that runs 24x7x365 attending to queries in eleven (11) languages (Hindi, English, Punjabi, Malayalam, Tamil, Telugu, Gujarati, Marathi, Odia, Kannada, and Bengali) through toll free number 1800-11-3090 in India and +91-124-2341002 for Indian emigrants working overseas. OWRC is linked to the Migrant Resource Centers (MRCs) in Kochi, Hyderabad, Gurgaon and Chennai. The Walk in Counseling in these MRCs is available between 1000 hours to 1700 hours (Monday to Friday).

#### **Services of OWRC & MRCs**

The resource center offer the following services, facilitation and support to workers who intend to go abroad for employment

11. OWRC/MRCs also act as a single point window source for the following:
12. Registering, responding to and monitoring complaints/ Grievances;
13. Collection and dissemination of information on matters relating to emigration
14. Knowledge Centre & Counseling Center
15. Walk-in counseling centre for emigrants
16. Work as institutional arrangement to provide information
17. assistance to intending migrants and overseas workers relating to all aspects of overseas employment
18. Counseling/Crisis Centre to handle complaints on recruitment and employment contract
19. First aid remedies to overcome crisis situations involving migrants and their families



## Indian Center for Migration (IMC)



The India Centre for Migration (ICM) formerly known as Indian Council of Overseas Employment (ICOE) is a 'not for profit' society established by the Ministry of Overseas Indian Affairs (MOIA) in July, 2008 to serve as a think tank on all matters relating to 'International Migration'. The ICM undertakes empirical, analytical and policy related research, implements pilot projects to document good practices and assists in capacity building of stakeholders at the sub-national level. The mandate of the Council is to devise and execute medium to long term strategies to enable Indian emigrant workers and professionals to move up the value chain and to position India as a preferred source of qualified, skilled and trained human resources across a wide gamut of sectors.

### Key Partnerships

ICM is building strong research partnerships with institutions of international repute as well as multilateral organisations. Some of the partner institutions include:

20. European University Institute (EUI), Florence, Italy
21. International Organization for Migration (IOM), India
22. Migration Policy Institute (MPI), Washington, USA
23. Hellenic Migration Policy Institute, Athens, Greece
24. V. V. Giri National Labour Institute, India
25. UN Women, India

ICM also works closely with the following institutions which have partnered with MOIA for various research initiatives on international migration:

26. Center for Development Studies, Trivandrum, India
27. Jawaharlal Nehru University (JNU), New Delhi, India
28. Center for the Advanced Study of India (CASI), University of Pennsylvania, Philadelphia
29. International Migration Institute (IMI), University of Oxford, UK
30. University of the Witwatersrand, Johannesburg

### Initiatives at ICM

31. Skill Development Initiative for Potential Migrants from the North-Eastern States of India
32. Developing a Knowledgebase for Policymaking on India–EU Migration project
33. Study on Health of Migrant Workers from India in the Gulf is being undertaken by ICOE in collaboration with WHO and IOM in three major Indian states of origin (Kerala, Andhra, Pradesh, Punjab), and in the UAE, Oman and Bahrain.

34. Empowerment of Women Migrant Workers in the Gulf is a pilot project instituted by ICOE in collaboration with UN Women for empowering women migrant workers in the Gulf.
35. Labour Market Assessment (LMA) of six European countries was conducted by ICOE in partnership with IOM to present a market overview and sectoral opportunities in the labour markets in respective countries.
36. Research Project on the Movement of Indian Capital, Goods and Labour in Africa in partnership with The Centre for Indian Studies in Africa (CISA) - Wits University to create the basis for a realistic assessment of Indian capital and labour in Africa; and inform policy and practice in India.
37. Second Employer's Conference will be organized in 2012 with an objective to showcase India as a preferred country of origin for skilled and trained human resource.

#### **Bilateral Agreements of ICM**

Bilateral social security agreements are being negotiated with various countries to protect the interest of expatriate workers and the companies on a reciprocal basis. These agreements help workers by:

38. Providing for exemption from social security contribution in case of short-term contracts
39. Exportability of pension in case of relocation to the home country or any third country
40. Totalisation of the contribution periods

The Ministry of Overseas Indian Affairs has signed Bilateral Social Security Agreements with Belgium, France, Germany, Switzerland, Luxembourg, Netherlands, Hungary, Denmark, The Czech Republic, Republic of Korea and Norway.

Similar agreements have been finalized with Canada and the Federal Republic of Germany and are expected to be signed shortly. Negotiations are in progress with Bulgaria, Austria, Cyprus, Finland, Greece, Italy and Australia. Two rounds of exploratory talks have been held with the USA.

#### **Following is the impact of services provided by the Overseas Workers Resource Centre & Migrant Resource Centre.**

<b>Type of information</b>	<b>Impact</b>
Authenticity of Recruiting Agent	Prevention of fraud by unregistered Recruiting agents.
Procedure to go Abroad	Pre-departure and post-departure guideline.
Objective of OWRC	Information of kind of help/information they can avail from OWRC.
Visa Status	Visa Status so that caller might not face any trouble in foreign country.

Indian Embassy	Addresses of Indian Embassy to check details of employer and visa.
Foreign Embassy	Addresses of Foreign Embassy/Missions in case they need local assistance.
Regional Passport Office	For the purpose of passport issuance/renewal.
Foreign Employer Authenticity	Prevention of fraud by checking whether employer is blacklisted by MOIA.
Emigration Clearance	Help caller in getting Emigration clearance.
Official Address	Any official address related to MOIA/MEA or foreign embassy.
PravasiBhartiyaBimaYojna	Information on PBBY initiative.
Restriction to go Abroad	Prevention of country specific complication which may arise if caller is looking for any specific country where restriction has been issued.
Document Attestation	Prevention of hassle of “how to” – “From Where” kind of queries.
Women Emigration	Procedures and precautions to be taken. It prevents future complaint in such cases.
Employment Contract Details	This check prevents fraud by RA or Foreign Employer.
Employment Visa Related	This check prevents fraud by RA or Foreign Employer.
Service Charge of RA	Prevents aspirant paying more and later complaining about the same.



### Indonesia - Indonesian Migrant Workers Union (IMWU)



Indonesia’s migrant workers experience labour rights abuses in Southeast Asia and the Middle East that would simply not be tolerated by trade unions in Indonesia. Some of the problems they face are the result of regulatory failure in Indonesia itself. Others are created by host governments, which deny migrant workers fair protection under labour laws and impose discriminatory - and often very arbitrary - conditions on their right to stay and work.

Where local conditions allow, Indonesian migrant workers abroad have formed trade unions or other organisations to challenge discriminatory government policies. These initiatives have been most successful in Hong Kong. There, thousands of members of the Indonesian Migrant Workers Union (IMWU) and the Association of Indonesian Migrant Workers (ATKI) frequently march the streets of Causeway Bay. Migrant workers in Singapore and Malaysia have also tried to organise, but much less successfully. In other countries - like Saudi Arabia, where women migrant workers are not allowed out of the house without a male escort - there is no chance of organising at all. In places where there are no unions, migrant workers rely on their social

networks. For example, Bugis, Boyanese, Floresian, Maduranese and Sasak migrant workers in Malaysia have their own informal associations, which link them to their friends and families in Indonesia. These networks are useful when they need favours and other support. But they cannot help when it comes to putting collective pressure on governments to protect migrant worker rights or bargaining with employers.

Some of the biggest trade unions back in Indonesia claim to have large numbers of migrant worker members, but they are nowhere to be seen. Unions' poor record on migrant labour is not surprising given that the issue emerged in the early 1990s, when Suharto was still in power and the unions were firmly under government control. Even now, the national union confederations are relatively weak and tend to prioritise labour issues at home, while the strongest sectoral unions - which make up the backbone of the country's labour movement - represent industries where next to no one migrates. In any case, they've had their hands full with issues such as outsourcing, which poses a constant threat to their membership. As a consequence, they have little time or energy to support or advocate for those who leave Indonesia to work abroad.

### **STEPPING IN**

Trade unions' silence helps explain why non-government organisations (NGOs) became active in advocacy for migrant workers. The first NGOs to get involved were feminist groups concerned about the potential for abuse of female domestic workers. In the mid-2000s, there were over 100 NGOs dealing with migrant labour in some way Indonesia-wide. Many of these organisations joined national networks, such as the Women's Movement for the Protection of Migrant Workers (GPPBM) or the Forum for Justice for Migrant Domestic Workers (FOKER). All the major Jakarta-based NGOs are also connected to regional networks such as the Migrant Forum in Asia and CARAM Asia. Some, like Migrant Care and the Centre for Indonesian Migrant Workers, also have direct links in countries where Indonesian migrants work. These national and international networks give migrant labour NGOs visibility in the policy arena. They also help them do their grassroots work.

Most migrant labour NGOs spend the bulk of their time dealing with individual cases of abuse: from human trafficking, rape and torture to unpaid wages. Migrant Care and the umbrella organisation KOPBUMI focus almost exclusively on pushing for policy change, using media campaigns and engaging in dialogues with the government. Others still, like Solidaritas Perempuan, Indonesia's first migrant labour NGO, do both.

The first NGOs to get involved were feminist groups concerned about the potential for abuse of female domestic workers

Some grassroots migrant labour NGOs have worked hard to develop organisations that can speak directly for migrant workers because they believe that migrant workers' reliance on NGOs weakens their position. Because migrant workers are by definition outside the country, these NGOs have focused on organising the families of migrant workers and returned workers. As a result of their efforts, migrant worker community groups are found throughout Java and in places further east like Lombok. When successful, they can do much of the work that NGOs do,

such as handling cases and running education programs, as well as advocating policy change at the local level.

Together with these groups, NGO workers have begun to use the legal system to put pressure on the government to better meet the needs of the country's migrant workers. For example, in 2002 they organised a class action lawsuit against the Indonesian government following the deportation of almost 140,000 undocumented migrant workers from the Malaysian state of Sabah. Up to 70 deported migrant workers died in the border town of Nunukan and thousands more suffered from serious illnesses, including dysentery and malaria because of the simple fact that the Indonesian government was unprepared for their arrival. The court recognised the government's negligence in the first instance before the decision was overturned on appeal. Even though it failed, this initiative set an important precedent for Indonesian public law, with civilians beginning to use the legal system to sue the state for deliberate failures to provide essential public services.



### Singapore – Migrant Workers Center (MWC)



The Migrant Workers' Center (MWC) was established in 2009. It is a bipartite initiative of the National Trades Union Congress (NTUC) and the Singapore National Employers' Federation (SNEF). The MWC is a non-government organisation whose mission is to champion fair employment practices and the well-being of migrant workers in Singapore. The MWC does this by pursuing 4 main thrusts, namely:

**Fairness:** Promoting equitable employment practices as well as awareness of migrant workers' employment related rights.

**Assistance:** Providing interim humanitarian assistance and aid for distressed migrant workers.

**Integration:** Promoting social integration through the provision of social support networks and structures.

**Representation:** Advocating for fair resolution and assertion of migrant workers' rights.

The MWC provide shelter and food in the interim while awaiting workers' case settlement via lodgings at Tuas View Dormitory and a soup kitchen at Geylang respectively. They provide advice and assistance to migrant workers seeking remedies against unfair employment practices. They also facilitate social acceptance and integration through outreach activities, community engagement, advocacy and public education. They provide opportunities for social integration and upgrading for migrant workers to promote social integration and greater responsibility for migrant workers.

Some of the key program of MWC is as under

41. Student Outreach | Service Learning Projects

42. Weekly Movie Screenings at Penjuru Recreation Centre
43. Penjuru Recreation Centre
44. Free Legal Clinic



### Thailand – Migrant Worker Resource Centers (MWC)



Migrant workers receive information and training at the Migrant Worker Resource Centre run by the Foundation for AIDS Rights (FAR), in Rayong Province in the south of Thailand. FAR works on health and labour rights issues, targeting the Cambodian migrant community. One of the most effective ways to combat widely recognized abuses (including underpayment of wages, confiscation of passports, substandard working conditions, and confinement in the workplace) is to ensure that migrant workers are equipped with knowledge and strategies to safeguard their labour and human rights.

When exploitation can't be avoided or has already been suffered, MRCs help the migrant workers obtain access to justice. MRCs serve as ad hoc complaints departments, linking migrant workers with legal-aid service providers or official channels for lodging complaints. The MRCs are integrated into government-run employment service centres and are also run by trade unions and NGOs. They have different focuses, in terms of gender and nationality or ethnicity, sectors of work, and type of interventions.

In just four years, MRCs funded by the ILO's GMS Triangle Project, have already benefitted over 50,000 migrant workers. Through MRC referrals and legal assistance, migrant workers have been awarded around USD\$ 1.2 million in compensation.

Currently, MRCs is beginning to evolve beyond legal and counselling services to become trusted community centres. For example, one MRC in Cambodia received the family of a rape victim who was looking for assistance. While that's not the core focus of MRCs, it shows what happens when a service gains the trust of community and can adapt to local it needs—it becomes a first-stop for anyone seeking help.

MRCs also beginning to yield some long-term outcomes. Almost 90 per cent of sample of clients at Cambodian and Vietnamese MRCs who migrated through legal channels said that counselling from MRC staff influenced their decision not to migrate through irregular channels—hence reducing their risk of being exploited.

MRCs also play a secondary function: revealing trends in the types of abuses faced by migrants as well as laws which aren't being adequately enforced. This information provides invaluable evidence in advocating for improved laws, policies and programmes.

The ILO envisages MRCs growing into social and community hubs, enabling peer-to-peer learning, and providing important services including document storage and free Skype to the families of those who are working abroad.



### **Hong Kong - Asian Migrant Center (AMC)**



AMC is a Hong Kong based NGO in Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations. As a learning and knowledge centre, AMC provides information, monitoring, research, publishing and knowledge-oriented services. Being grounded on communities of practice (CoP's) that specialise on specific aspects of Asian labour migration, AMC provides "people development" services that help build and strengthen the CoPs. These include training, organisational development support and facilitation of joint analysis in order to strengthen the work and advocacies of CoP's/partners for the promotion of the human rights, empowerment and agendas of migrant workers and their families in Asia.

AMC's primary goal is to promote the human rights, dignity and empowerment of migrant workers and their families in Asia, so that they are able to assert and defend their rights and interests, and become partners in sustainable, just and gender-fair social development. To further this aim, AMC has implemented the following primary programs with the objectives of promoting migrants' human rights and capability building, promoting migrant savings for alternative investments towards migrants' economic and social empowerment, and research & publishing to monitor the current situation of migrants throughout Asia.

Following are key programs and projects of AMC:

45. Migrants Human Rights (MHR) Programme
46. Asian Migrant Yearbook (AMY)
47. Migrant Domestic Workers (MDW) Programme
48. Asian Migrant Domestic Workers Alliance (ADWA)
49. International Campaign for Domestic Workers' Rights and Recognition Migration & Development (MD) Programme
50. MSAI Strategy and Projects
51. Mekong Migration (MM) Programme
52. Mekong Migration Network



### **The Caritas Lebanon Migrant Center (CLMC)**



The Caritas Lebanon Migrant Center (CLMC), which has since 1994 been running a service of Legal assistance for migrant workers victim of labor exploitation and forced labor, has also



Identified access to justice as the key element for protection and prevention efforts against these Crimes to succeed. In Lebanon, forced labor and human trafficking are often related to an Unsuccessful labor migration policy which leaves migrant workers particularly vulnerable to Exploitation.

In order to better understand the obstacles that prevent migrant domestic workers from having Access to justice in Lebanon, the ILO and the CLMC carried out together an ambitious research Project. The joint research initiative formulates recommendations to improve the protection of Victims and their ability to demand and obtain remedial action from legal institutions. By way of A qualitative research, the project analyses the efficiency of available remedies and offers Lebanese policy maker's technical assistance that may help them makes justice more readily Accessible. Over 730 files of domestic workers assisted by the CLMC and the legal proceedings Resulting thereof have been analyzed to highlight the evolution of jurisprudence as well as the Legal, procedural and institutional challenges confronting workers.

Since the start of the 21st century, CLMC has reinforced its provision of legal assistance to the Victims of labor exploitation. At that time, very few cases involving domestic workers were Ever brought to court, the vast majority of conflicts being settled out-of-court, with NGOs or Other stakeholders serving as facilitators. In Lebanon, out-of-court resolution is the preferred Means of settlement of conflicts in cases involving migrant domestic workers. Under the kafala Regime which provides, among other things, that a domestic worker who flees the residence of His employer can be detained administratively; the employer may be placed in a position of Strength to negotiate and restrict the rights of the worker. The high percentage of cases settled Out-of-court, not only for non-payment of salary but also for physical abuse, leads one to believe Those domestic workers are rapidly dissuaded from bringing charges.



### **Sri Lanka Bureau of Foreign Employment (SLBFE)**



Being the statutorily instituted administrative body for the management of international labor migration of Sri Lankans, the Sri Lanka Bureau of Foreign Employment (SLBFE) can be regarded as the main State body which deals with migrant worker complaints and grievances.

The SLBFE Act No.21 of 1985 (Sec. 15m) clearly stipulates that "undertaking the welfare and protection of Sri Lankan migrant workers" is one of the objectives of establishing the SLBFE. Thus, during last 25 years of its existence, the SLBFE claims to have built an organized mechanism for handling the complaints and grievances of migrant workers.

#### **Types of Migrant Worker Grievance Handling Mechanisms and Agencies that Handes them.**

- a. Hiring of workers by low-income earners in the host county: It is reported that non-payment of wages or under-payment of wages most often happen in the households of persons of low income levels - e.g. drivers, retired persons, widows who depend on others

income etc.

- b. There is another tendency of householders to delay the monthly wages during the first three months for wanting a 'reserve' to recover any financial loss in the event the worker runs away. It is learnt that some Foreign Employment Agencies advise the sponsor to retain the wages of the first three months to face contingencies related to hiring of the domestic worker.
- c. Another factor behind the under payment of wages is said to be the 'double contract system' where the worker is forced to sign two contracts, before migration in the home country and after arrival in the host country, with different rates of wages in each country. The most recent publicized incident in this regard was (2010) the recruitment of nearly 30 taxi drivers to the United Arab Emirates (UAE) by a Recruitment Agent in Sri Lanka at a lesser amount in the second service contract as opposed to the first contract. The Sri Lankan Embassy in Qatar also confirmed that this incidence is very high among construction sector workers in Qatar.

### **Ministry of External Affairs**

The role played by the Ministry of External Affairs (MEA) with regard to mitigation of grievances of Sri Lankan citizens, particularly migrant workers, cannot be under-estimated in the face of participation of other state institutions in the process. As envisaged in the Vienna Convention on Diplomatic Relations of 1961, a Diplomatic Mission is tasked to protect the interests of its nationals on foreign soil, irrespective of their capacity and status in the host country. Further, the Sri Lankan Consular Function Act No. 04 of 1981 also outlines the services that the Diplomatic Missions must provide to nationals. "Safeguarding the interests of nationals both individuals and bodies corporate of the sending State" has been defined as a major consular function. (Article V-g) Accordingly, until the Ministry of Labour commenced deployment of its officers in the capacity of 'Labour Attaches' to look after the welfare and protection of Sri Lankan migrant workers in the Middle East in 1986, the entire workload was directly handled by the Consular Officers appointed by the Ministry of Foreign Affairs.

### **Migrant Services Centre – Colombo**

The Migrant Services Centre (MSC) is the service arm of the National Workers Congress (NWC) established in 1990 to organize migrant workers, including prospective and returnee migrants. In the 1990s it instituted a comprehensive programme of supporting the creation of migrant rights organizations at district level and it currently has approximately 27 such organizations. Its mission is to provide pre-departure training and awareness, provide information about destination countries, and assist returnees in re-integration. It has a cadre of well-trained and informed mobilisers, who work at grassroots level and who are often the first point of contact for migrant workers or their families to voice their complaints.

### **Migrant Forum Asia**

MFA is a regional network of non-government organizations (NGOs), associations and trade

unions of migrant workers, and individual advocates in Asia who are committed to protect and promote the rights and welfare of migrant workers. It is guided by a vision of an alternative world system based on respect for human rights and dignity, social justice, and gender equity, particularly for migrant workers. MFA acts as a facilitator, a regional communication and coordination point between member-organizations and advocates, forging concerted action to address discriminatory laws and policies, violence against women migrants, unjust living conditions, unemployment in the homeland and other issues affecting migrant workers.

#### Thematic Areas

- d. Advocacy
- e. Networking
- f. Capacity Building
- g. Information Exchange

The MFA resource center provides the following services:

- h. Standardised Employment Contract for Migrant Domestic Workers
- i. Reform of the Kafala (Sponsorship) System
- j. A Reference Wage for Domestic Workers
- k. Detention of Undocumented Migrants in Asia
- l. Stranded Migrants
- m. Right to Health
- n. Social Protection
- o. Role of Missions
- p. Shelters
- q. Bilateral Agreements
- r. Joint and Several Liability

## **8. EMERGING SYSTEMS AND INITIATIVES FOR THE PROTECTION AND SUPPORT TO MIGRANT WORKERS IN PAKISTAN**

The Ministry of Overseas Pakistanis and Human Resource Development

### **i. Migrant Resource Center (MRC)**

The ILO in Pakistan, through its EU funded South Asia Labour Migration Governance Project, has entered into a partnership with the Ministry of Overseas Pakistanis and Human Resource Development to establish the first Migrant Resource Centre (MRC) in Pakistan. The MRC will be based in the Protectorate of Emigrates offices, a space that is visited by hundreds of Pakistani migrant workers on a daily basis. The MRC will provide a range of services including information on safe migration and foreign employment options, as well as other support services that will facilitate their migration process

### **ii. One Window Facilitation Centers at Major Airports**

Honourable Federal Ombudsman, Mr. M. Salman Faruqi has taken special initiative for Overseas Pakistanis and established Grievance Commissioner Cell for Overseas Pakistanis under Section 7 of Federal Ombudsmen Institutional Reforms Act, 2013 with the objectives;

- s. To evolve online complaint handling mechanism for the resolution of individual and collective problems of Overseas Pakistanis here in Pakistan and abroad as well.
- t. To advance the welfare of Pakistanis working or settled abroad or their families living in Pakistan and to resolve their individual and systemic problems within the scope of Ombudsman laws.
- u. To coordinate and resolve inter-departmental issues of Overseas Pakistanis. And
- v. To build image of government departments

The system has jurisdiction to entertain complaints against the maladministration of Federal Agencies / Departments of Government of Pakistan under the Establishment of Wafaqi Mohtasib Order, 1983 & Federal Ombudsmen of Institutional Reforms Act 2013, except the following:

- w. Sub-Judice Matter ( Pending with Any Court or Judicial Authority of Pakistan.
- x. Service Matter
- y. Defence of Pakistan Matters
- z. Provincial Matters (The matters related to Police, Land etc. & described in provincial legislative list of Constitution of Pakistan.

There are 26 agencies, organizations and departments taken on board for Overseas matters by Grievance Commissioner Cell at 0720 major airports in the country. The sixteen out of 26 department have started their services at the grievance centers at these International Airport.

### **iii. Initiatives of Grievance Commissioner Cell**

---

<sup>20</sup> The Grievance cells has started their functions Lahore, Karachi and Islamabad, the remaining 04 Airports will be functional soon.

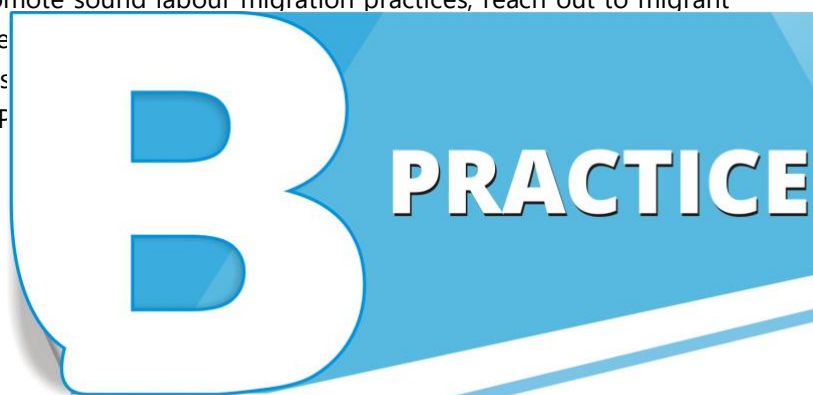
An online complaints mechanism for overseas has also been introduced and streamlined within Agencies and organizations to respond the complaints. The role of each organization and agency can be seen at complaint center website.

**Critical Review of Grievances System**

- aa. The system currently serves the need of international travellers than the issues of migrant workes.
- bb. What if someone has a complain about the grievance cell it self?
- cc. Complaints regarding recruitment agencies’ mal practices?
- dd. Workers facing issues at other international airports e.g. Saudi, Omar, Qatar, Dubai?
- ee. Any link with those centers of desks if available?
- ff. What if a worker is facing a issues like breech contract, no or low wages, harassment or discrimination or other civil or criminal issues. Is there a complaint or referral system available?

**iv. Training for trade unions: Decent Work for migrant workers**

A total of 30 participants from major Trade Unions in Pakistan representing all four provinces gathered for a two days training under the theme “Decent Work for Migrant Workers” from 3-4 March 2015, with the objective to enhance the capacity of trade unionist to participate in the shaping of migration policies, promote sound labour migration practices, reach out to migrant workers and ensure that the bene under the ILO-EU funded South As the Pakistan Workers Federation (F



**1. ACCESS TO JUSTICE FOR MIGRANT WORKERS**

The structure of access to justice for Pakistani Migrant Workers in Pakistan and destination countries is as follows:

Migrant workers can access the services of three key institutions/ organization if they have any complaint with respect to their rights, legal support and information in Pakistan and in their respective destination countries.

**Table 1: Structure of support available to Migrant Workers wishing to file a complaint**

<b>Mother</b>	Ministry of Overseas Pakistanis and HR	Ministry of the Interior	Ombudsman
---------------	--	--------------------------	-----------

<b>Institution</b>	Development					
<b>Act &amp; Ordinance</b>	Emigration Ordinance 1979			?		Office of Wafaqi Mohtasib (Ombudsman) Order, 1983
<b>Implementing Agencies</b>	Gov't. of Pakistan Bureau of Emigration	Overseas Pakistani Foundation (OPF)	Overseas Employment Corporation (OEC)	Federal Investigation Agency (FIA)	Federal Ombudsman	Provincial Ombudsman
<b>Coverage</b>	National	International	National	National	International (Accessible)	Provincial
<b>Type of Services</b>	Pre-departure orientation Protector Services	Protection of rights in Pakistan Protection of Rights in Pakistan and Country of Destination Social Protection	Employment promotion services G2G Business Development Services Travel Support Services Protector Services	Registration and prosecution of criminal cases	Grievances Cell Complaints Cells	Grievances Cell Complaints Cells
<b>Office</b>	07 Cities in Pakistan	07 Cities in Pakistan	07 Cities in Pakistan	All Major Cities	Islamabad Grievances Cells at 07 International Airports	Lahore Karachi Peshawar Quetta

## i. Bureau of Emigration

The Bureau of Immigration has two streams of support to migrant workers with respect to promoting overseas employment.

### a. Protector of Emigration

The protector of emigration is the only institution and authority able to regulate the approximately 1,90021 private employment agents (under the Emigration Ordinance 1979) operating in Pakistan. Rule 28 of the Emigration Ordinance (1979) is specific to the complaints of migrant workers. The Protector's office is mainly responsible for ensuring safe migration from Pakistan, including health certification, proper documentation, certificates, contracts and any other relevant documents.

**Access to Justice through the Protector of Emigration:** The Bureau of Emigrant does not have an online complaint system. Instead, written complaints are received through 07 regional

<sup>21</sup> Source: approximate number mentioned by the BE&OE & OEC, during Indepth Interviews.



offices within Pakistan. As of 2013-2015, The following is the statistics of complaints, according to the BE&OE, Islamabad:

**Complaints Statistics:** According to the BE&OE complaint center 436 complaints have been received in last three years. The majority of the complaints are against the overseas employment promoters (90%) while the remaining 10% are with respect to breach of contract in the destination countries.

There are two (02) complaints were also received form **female migrant workers**. The nature complaint of these two complaints is breach of contract in destination country while the other is regarding the age limit of the female migrant worker. According to the migration policy, no female domestic worker can seek overseas employment under the age of 35.

*(The above data was collected from the IT department of BE&OE's head office, Islamabad)*



**The BE&OE is in the process of developing an online complaint system which could be introduced in the near future. The format of complaints has not yet been finalized or but will be shared with the researcher when it becomes available. Nor has the exact launch date of the complaint system been decided.**

**Process:** As per Rule 28 (EO 1979) the Protector of Emigrants shall have a locked complaint box affixed at the gate of his office in which any person may deposit his or her complaints and the Protector of Emigrants shall, after such inquiry as he may deem necessary, take appropriate action or make a report to the Director-General, BE&OE with full particulars of the complaint and the Protector's recommendations.

Rule 29 (of EO 1979) describes the complaint process as follows: (1) On receipt of a complaint from an emigrant, the Director-General shall, if the complaint relates to matter which is not of serious nature, refer it to the Protector of Emigrants for investigation and report. (2) On receipt of the report from the Protector of Emigrants under rule 1 [28] or sub rule (1), the Director-General shall decide the case on its merit or issues 'show cause' notice to the Overseas Employment Promoter. (3) On receipt of a reply to the 'show cause' notice from the Overseas Employment Promoter, the Director-General shall, after examining the reply, call the Overseas Employment Promoter for a personal hearing and decide the case on merit. (4) In case of a complaint of a serious nature, the Director-General shall refer that complaint to the Federal Government with his recommendations for investigation by the Federal Investigation Agency.

- ✓ In case the complaint of the emigrant is **against a person other than an Overseas Employment Promoter**, the Director-General shall refer it to the Federal Government for prosecution under the Ordinance or any other law which is for the time being in force. Disposal of a complaint by Labour Attaché. - (1) On receipt of a complaint from an emigrant, the Labour Attaché shall take the following actions, namely: - (a) If the complaint is against the employer: - (i) he shall assist the complainant to settle his grievances with the employer; and (ii) if it cannot be settled under sub clause (i), and if the remedy lies with the local labour courts or the local authorities, he shall assist the

complainant in finding remedy for his grievances in such courts as the case may be; and

- ✓ If the complaint is against an **Overseas Employment Promoter**, he shall refer it to the Federal Government or the Director-General along with the necessary facts and recommendations. (2) In the case of a complaint from an employer against the Overseas Employment Promoter, the Labour Attaché shall, after such inquiry as he may deem necessary, send a report to the Federal Government or the Director-General with his recommendations for taking action under Rule 29.
- ✓ In the case of a complaint from the employer **against the emigrant**, the Labour Attaché shall persuade the emigrant to abide by the terms of the Foreign Service agreement and, in the case of gross misconduct by an emigrant, he shall recommend to the Federal Government or the Director-General for the deportation of the emigrant.

When asked during an interview, a senior manager of protector office, Lahore advised that they are unable to show the complaint records. In a general discussion he also mentioned that there were only 03 complaints received during 2013-14 in Lahore office, all of which were resolved in his office.

The data is available at the head-office level in printed form and there is some digital data for their own record keeping. . The office may have an internal follow-up mechanism, but no tracking system is available. The applicant can only request an office for a follow up or visit the office to follow up his case.

#### **Issues to be considered:**

- ✓ The flow of workers (potential, returnee and currently employed overseas) is far more than the strength of the Protector's office: this severely affects the quality and quantity of the orientation provided to would-be migrant workers. I for example, in Lahore there is only one orientation officer to orient approximately 400 individuals a day throughout the calendar year.
- ✓ The quality of the orientation and the level of information are insufficient and is not provided in printed form (or flyers) to the migrant workers to keep as a record in case of emergency.
- ✓ The majority of the migrant workers is illiterate and even cannot understand Urdu. There is no other standard of information e.g. videos, images, etc. to orient them.
- ✓ There is no standard or prescribed complaint system in the Protector's office. No tracking system is available, leaving migrant workers to follow their cases manually with specific officers in the Bureau.
- ✓ The infrastructure for the required number of workers is not sufficient to encourage workers to spend their time with any enthusiasm during orientation.
- ✓ The capacity of the orientation officer is not sufficient to introduce, improve or update the orientation materials.

**Potential Solutions:** Both the OEC and the PoE are mandated to provide support to migrant



workers. Collaboration on the above-mentioned issues could bring significant improvements to the system. For example:

- ✓ The orientation material could be developed together in order to produce uniform information for migrant workers.
- ✓ The information pack could be developed and distributed with similar information.
- ✓ A joint material-development team could be developed for the improvement and dissemination of material on a continuous basis.
- ✓ The OEC also has a better orientation facility in similar locations, which could also be used under a MoU for the benefit of migrant workers.

### **b. Overseas Employment Corporation (OEC)**

The OEC was established in Prime Minister Bhutto's regime in 1976, as the first-ever employment promoter by the Government. The OEC is an autonomous body with 07-functional offices across the country. The OEC is mandated to develop good working relations with destination countries through the CWAs, in order to strengthen demand for migrant workers to be sent from Pakistan. For various technical reasons (including lack of support from the Ministry for business development, lack of resources for overseas linkages) the OEC is unable to perform with full strength. The OEC has only one formal relationship with the government of Pakistan's bilateral agreement with Korean Employment Promotion Service (EPS). In Korea, not a single private employment promoter is providing employment services to any Korean National (as per senior management of OEC). EPS is the only institution in Korea to provide employment support services to Korean nationals and migrant workers from Korea. The OEC also works with Saudi Arabia but the scope of work is very low due to a lack of coordination with clients in KSA.

#### **Access to Justice thru OEC:**

- ✓ There is hardly a complaint in the OEC due to the no complaint system.
- ✓ The reason of no complaint could be the formalized G2G bilateral agreements.
- ✓ According to senior management official in OEC, since 1976 they have received only three complaints, which were resolved immediately. <sup>22</sup>

**Process:** No formal complaint system exists in the OEC.

#### **Issues to be considered:**

The OEC is a similar institution to the EPS (Korea) in Pakistan, but due to the lack of political support the OEC cannot perform its responsibilities with any degree of success. During an interview, the Secretary and the GM (HR) mentioned that the OEC is an autonomous institution, which is solely responsible for all the budget and expenses of its operations. However, unfortunately the business development services, which is the backbone of the OEC (i.e. the demand side) is not permitted (to do the business development) by the

---

<sup>22</sup> Secretary, OEC, and Islamabad. Interview.

Ministry. The Managing Director made multiple requests to develop a G2G agreement to generate employment for Pakistani workers with Qatar government, for the upcoming FIFA World Cup but permission was not granted.

### c. Overseas Pakistanis Foundation (OPF)

The Overseas Pakistanis Foundation was established under the Emigration Ordinance, 1979 and registered on 8th July, 1979 as a Company Limited by Guarantee under the Companies Act, 1913 (now the Companies Ordinance, 1984). The affairs of the Foundation are being run a Board of Governors with the Minister In Charge as its Chairman.

**Access to Justice thru OPF:** A very comprehensive complaint system was introduced in 2011 for the support of migrant workers. The complaints were received in printed form before the establishment of this online system. The system is accessible internationally. The migrant workers and their relative can also launch a complaint and visit the OPF offices for necessary support.

The OPF has received 26,417 complaints since 2011 in a range of issues including:

- ✓ Airport
- ✓ Bank Problem
- ✓ Blood Money
- ✓ Co-Operative Societies /
- ✓ Complaint Against OPF
- ✓ Cooperative Housing Society
- ✓ Criminal
- ✓ Death Compensation
- ✓ Death Documents
- ✓ Disability Compensation
- ✓ Dues
- ✓ Education/Schools
- ✓ Electricity
- ✓ Emergency Relief Cell
- ✓ Employment
- ✓ Family Dispute
- ✓ Financial Matters
- ✓ Foreign Exchange Remittance
- ✓ General Information
- ✓ Insurance
- ✓ Jail
- ✓ Legal Assistance
- ✓ Medical
- ✓ OPF Membership
- ✓ Pardon Deed
- ✓ Passport
- ✓ Pension
- ✓ PIA & Other Airlines
- ✓ Property Dispute
- ✓ Redressal Of Grievance
- ✓ Repatriation
- ✓ Sui Gas Connection
- ✓ Telephone Connection/P
- ✓ Transportation Of Dead
- ✓ Water Connection
- ✓ Whereabouts

*(The list was extracted from the complaint database collected from OPF IT Department, Islamabad)*

**Process:** Each migrant worker has to pay PKR. 2,000 as insurance to the OPF until the time he is out of the country for work. For each new visa (with a new employer) the new insurance fee has to be paid. The worker can access the "Overseas Pakistanis Foundation" for the cases of a serious nature e.g. the death of a worker, land dispute or health and education of a family member. The non-members can also access the OPF's services for a minimal charges. The complaint system is very easy and accessible globally by visiting <http://www.opf.org.pk/live/newonline.aspx>. The complaints can also be tracked using the same website and the ID given when a complaint is registered.

In case of manual or physical complaints to OPF, the staff at complaint center personally entered all the complaints into the online complaints center.

**Complaint Statistics:** The breakdown of the 26,417 complaints received from the project-specific (of SALM Project) countries is shown below.

### Country-Specific Complaints

Country	Under Process	Settled	Duplicate	Court Case	Total
Oman	410	1,143	3	5	1,561
Qatar	370	1	3	374	748
Saudi Arabia	3,811	8,336	31	27	12,205
UAE	717	3,455	13	15	4,200

### Province and Status Wise Complaint Summary (2011 to date)

Province	Under Process	Pending	Settled	Court Case	Total
AJK	458	0	1,671	6	2,135
Gilgit Baltistan	5	0	2	0	7
Punjab	3,415	4	9,297	61	12,777
Balochistan	11	0	12	1	24
FATA	158	0	332	0	490
Islamabad	133	0	253	5	391
KPK	494	1	1,089	17	1,601
Sindh	539	0	1,224	3	1,766
N/A*	1,201	0	6,021	4	7,226
Total	6,414	5	19,901	97	26,417

\* The IT team was unable to advise about N/A Category

## ii. Ombudsmen

### a. Federal Ombudsman

The Office of the Federal Ombudsman was established in 1983. Since its establishment the institution has redressed over a million complaints of the citizens of Pakistan against mal-administration on the part of Federal Ministries and Agencies, lodged by over a million Pakistanis. With the Headquarters in Islamabad, there are nine Regional Offices now in Karachi, Lahore, Peshawar, Quetta, Multan, Faisalabad, Sukkur, Hyderabad and D.I. Khan to process and dispose of the complaints within 60 days. Grievance Commissioners are also appointed to especially address complaints pertaining to Pensioners, Children, Overseas Pakistanis and Civic Agencies like the CDA. We also take cognizance of the general complaints that come to our notice either directly or through the media.



The Federal Ombudsman accepts all kind of complaints except the following:

1. matters that are sub-judice
2. external affairs
3. defence matters and
4. service matters.

***There are 1,000,000+ complaints have been made by Pakistani from and outside the Pakistan.***

Complaints can be made to the Federal Ombudsman's head office or regional offices:

1. In person
2. By Post (Federal Ombudsman, Opposite Supreme Court, Islamabad)
3. By email (complaints@mohtasib.gov.pk)
4. Online on website (www.mohtasib.gov.pk)
5. By Fax – 051-9217224

The Complaints forms in English & Urdu can be downloaded from the website<sup>23</sup>.

### Process to Launch a Complain:

Any person aggrieved by an action (decision, process, recommendation, omission etc.) of any functionary of the Ministry / Division / Department / Commission / Corporation of the Federal Government or Institution established or controlled by the Federal Government which:

1. is contrary to law, rules or regulations or is a departure from established practice or procedure, unless it is bona fide and for valid reasons; or
2. is perverse, arbitrary or unreasonable, unjust, biased, oppressive, or discriminatory; or
3. is based on irrelevant grounds; or
4. involves the exercise of powers or the failure or refusal to do so, for corrupt or improper motives, such as, bribery jobbery, favouritism, nepotism and administrative excesses; and
5. neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities.

### b. Punjab Ombudsman

The Office of Ombudsman Punjab was established on 30th September 1996 through an Ordinance and finally the Punjab Office of The Ombudsman Act 1997 was promulgated with the prime objective to provide protection for the rights of the people to ensure adherence to the rule of law, to suppress corrupt practices, and to diagnose, redress and rectify any injustice done to a person from maladministration.

The image shows a screenshot of the 'Office of the Ombudsman Punjab' website. The page features a green header with the organization's name and logo. Below the header, there is a navigation menu with links for Home, About Us, Help Desk, Laws, Outreach Program, Child Rights, Reports, Initiatives, News, and E-Complaints. The main content area is titled 'E-Complaints' and contains a form for submitting a complaint. The form includes fields for 'Your Name (Required)', 'CNIC (Required)', 'Postal Address', and 'District'. To the right of the form, there are sections for 'Online Services' (Make a Complaint, Contact Us, Facebook Page), 'Quick Links' (FAQs, How we do, We can not do), and 'Social Network' with icons for Facebook, Twitter, and YouTube.

<sup>23</sup>

<http://www.mohtasib.gov.pk/gop/index.php?q=aHR0cDovLzE5Mi4xNjguNzAuMTM2L3dhZmFxaW1vaC9mcm1EZXRhaWxzLmFzcHg%2Fb3B0PW1pc2NsaW5rcyZpZD0xNQ%3D%3D>

The Punjab office of the Ombudsman Act defines maladministration as under:

- ✓ A decision, process, recommendation, act or omission or commission which:-
  - Is contrary to law, rules or regulations or a departure from established practice
  - or procedure, unless it is bonafide and for valid reasons; or
  - Is perverse, arbitrary or unreasonable, unjust biased, oppressive, or discriminatory; or
  - Is based on irrelevant grounds; or
  - Involves the exercise of power or the failure or refusal to do so, for corrupt or
  - improper motives, such as, bribery, jobbery, favouritism, nepotism and administrative excesses; and
- ✓ Neglect, inattention, delay, incompetence, inefficiency and ineptitude, in the administration or discharge of duties and responsibilities.

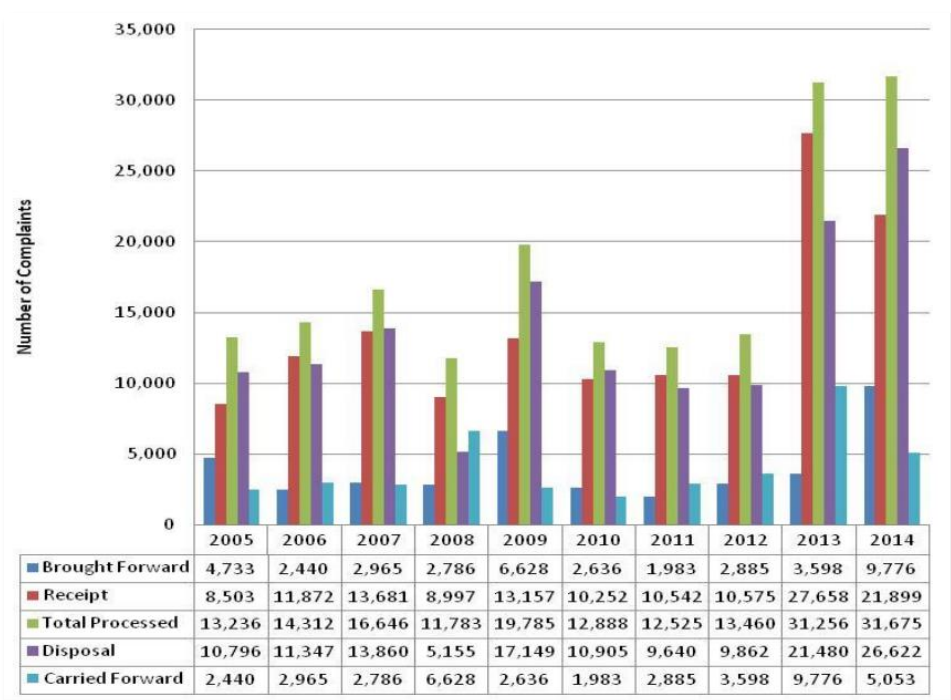
**Complaints System:** The complaint is normally registered on the day of its receipt. Registration is not refused to incomplete complaints; rather the complainants are advised to arrange the requisite documents. In case of any difficulty the complainants have free access to the Ombudsman and the Investigating Officers etc. The assistance of a petition writer has also been made available to illiterate complainants.

There is a separate counter manned by a full- time official to personally assist any complainant in respect of matters pertaining to this office.

On receipt of the report from the concerned department, a copy is sent to the complainant for rejoinder. Personal attendance of the complainant is not required on each day of proceedings. An updated information regarding status of proceedings is also available on the website. The complainant is required to attend the office only to resolve the problem in the presence of the representative of the department. Normally the complaints are decided within three months or even earlier except in certain complicated cases.

***Complaints are decided within 03 Months or even earlier except in certain complicated cases.***

The Punjab Ombudsman prefers to attempt to provide informal mediation services wherever such an approach is productive. This approach not only tends to result in greater satisfaction among all the parties 'but frequently provides a more rapid resolution than a full investigation oriented to a finding of right or wrong.' Any person aggrieved by the decision of the Ombudsman may file a representation to the Governor.



The figure shows the number of complaints received, processed and disposed of in a calendar year for the last 10 years. The Ombudsman Office received 21,899 complaints in the year 2014. Total 31,675 cases were processed, including the brought forward cases from the previous year and 26622 cases were disposed of in the year 2014.

The statistic provided by the Punjab Ombudsman were unable to identify or categories the complaint from the Migrant Workers. The system itself is unable to provide specific reports on Migrant Workers issues. The only identification could be the complaint against the agency or organization e.g. (BE&OE, OPF, etc.). Unfortunately, these agencies were not included in the list of broad categories provided by the Punjab Ombudsman.

#### Complaints against Major Agencies

Agency	2010	2011	2012	2013	2014
Police	1381	1564	1290	4959	3714
Education	1730	1485	1550	2929	2797
Revenue Administration	1276	1253	1170	1798	2102
Local Government	462	950	680	2625	1980
Health	562	453	548	1956	1280
<b>Total</b>	<b>5411</b>	<b>5705</b>	<b>5238</b>	<b>14267</b>	<b>11873</b>

#### Process:

The following procedure is followed in handling complaints:

- ✓ The day-to-day working of the Office, as such, does not invoke strict/orthodox procedural

and legal formalities.

- ✓ A complainant can file his/her complaint either by post / e-mail or in person as per his/her convenience.
- ✓ The format of the complaint is not strictly laid down.
- ✓ It is normally registered on the day of its receipt and notice issued to the agency for submission of a report.
- ✓ There is no court fee. Likewise the appearance of counsels is also not required although the complainant has the right of being represented.
- ✓ A complaint is required to comprise the following:
  - The complaint on plain paper.
  - Copy of the N. I. C.
  - An affidavit on a plain paper regarding the veracity of the contents and the matter of complaint not being subjudice.



### c. Grievance Commissioner Cell for Overseas Pakistanis (Special Initiative)

The Grievance Commissioner Cell for Overseas Pakistanis has taken an initiative to provide facility to Overseas Pakistanis by creating a one stop complaints management system with the technical support of the National Information Technology Board (NITB), Ministry of IT. A complaints management system will be developed for registration and tracking of complaints in near future. This is the first step ever taken by any Ombudsman of the world for overseas citizens. It would help millions of Pakistanis to resolve their issues here in Pakistan and in their respective destination countries. The operations of the online complaint system for Overseas Pakistanis have been connected with the most relevant Agencies at first, as soon the complaints are registered. It will minimize the time for resolving the issues.



#### Process:

- ✓ A complaint written in English or Urdu may be lodged with the Head Office or any of the Regional offices as per addresses mentioned at the Home Page.
- ✓ The complaints can also be launched on "Form 'A'" by any of the following means :-
  - By presenting it to the Wafaqi Mohtasib by the complainant personally or by his/her representative; or
  - By presenting it to the Director-General (Complaints) or a senior officer who has been specifically authorised in this behalf; or
  - By presenting it in the Central Registry of the Secretariat; or
  - By post(including Courier Service); or
  - By Fax; or
  - By E-mail; or
  - By any other means of communication.
- ✓ Copies of relevant documents, including a copy of the National Identity Card and the latest correspondence with the Agency, should, if possible, be annexed to the complaint.
- ✓ On personal presentation of the complaint in any of the Offices of the Wafaqi Mohtasib (Ombudsman) Secretariat, a receipt is issued immediately. However, in case of submitting the complaint by any other means, the receipt is issued within 72 hours.

#### Complaint Statistics

The following statistics are exclusively for migrant workers out of one million plus complaints received by Federal Ombudsman from the.

Sr. No	Status	Total
1	Closed	364
2	Not Admissible	415
3	Recorded	207
4	Rejected on Merit	2
5	Relief Recommendations	15
6	Under process	100
<b>Total</b>		<b>1,103</b>

### Types and Categories of Complaints

- ✓ Accommodation
- ✓ Appointment of Officials
- ✓ ATM Card
- ✓ Banking
- ✓ Clearance of Luggage
- ✓ CNIC
- ✓ Communication / Media
- ✓ Compensation
- ✓ Construction
- ✓ Corruption in Pakistan Embassy Riyadh
- ✓ Criminal Activities
- ✓ Customs Duty
- ✓ Degree
- ✓ Delay in Payment of Death Claim
- ✓ Delay in the cases (Membership card, certificates, issuance of NIC OP, Boarding Card)
- ✓ Delivery of Parcels
- ✓ Demand Notice
- ✓ Discrimination in appointment
- ✓ Domestic Issues
- ✓ Education
- ✓ Electricity Connection
- ✓ Exemption of Charges
- ✓ Export of Young girl to Middle East
- ✓ False Kidnapping, Murder Cases
- ✓ FIA
- ✓ Five Minutes Warning System
- ✓ Flight Issues
- ✓ Foreign Allowance
- ✓ NADRA
- ✓ NICOP
- ✓ Non Payment of Compensation /Dues
- ✓ Payment of GPF / Gratuity / Rental Amount
- ✓ Pension
- ✓ PIA
- ✓ Plot / Land / Housing
- ✓ Possession Letter
- ✓ Prize Bond
- ✓ Proper Sewerage System
- ✓ Public Prosecutor Issues
- ✓ Rechecking Papers
- ✓ Recovery / Refund of Amount
- ✓ Registration of FIR
- ✓ Registration of SIM
- ✓ Release from Jail
- ✓ Removal of Pole
- ✓ Renewal of Passport
- ✓ Renewal of Policy
- ✓ Renewal of Registration
- ✓ Reopening of Case
- ✓ Retirement Allowances
- ✓ Salary
- ✓ Scholarship amount under cultural exchange program
- ✓ Settlement of TA Claim
- ✓ Smuggling
- ✓ Students Issues
- ✓ Suggestion for Improvement of

- |   |                             |
|---|-----------------------------|
| ✓ Fraud Cases                                 | Wafaqi Mohtasib Secretariat |
| ✓ Gas Connection                              | ✓ Tax                       |
| ✓ Harassment of Women                         | ✓ Ticketing                 |
| ✓ Incentive Schemes                           | ✓ Transfer Letter           |
| ✓ Incorrect Data Entry                        | ✓ Travel Related            |
| ✓ Installation Telephone / billing            | ✓ Unhygienic Food           |
| ✓ Issuance of POC                             | ✓ Unresponsive Letters      |
| ✓ Life / family Protection                    | ✓ Utility Bills             |
| ✓ Living Expenses Sanction                    | ✓ Victims of Kuwait War     |
| ✓ Loan / Grand / Exemption                    | ✓ Visa                      |
| ✓ Malpractices of the Agencies /<br>Officials | ✓ Watan Card                |
| ✓ Medical                                     | ✓ Water                     |
| ✓ Missing Valuables                           | ✓ Wave off fine             |

**The country specific data was not available at the time of interview.**

### iii. Interior Ministry (FIA)

The FIA is a Law Enforcement Agency which not only enjoys the respect of society for its integrity, professional competence and impartiality, but also serves as a role model for provincial police forces. The mission of the FIA is to achieve excellence in the organization by promoting culture of merit, providing continuous professional training, ensuring effective internal accountability and having a meaningful feedback mechanism. Some of the key services under FIA are as follows:

- ✓ Immigration Control
- ✓ Investigation of Economic Crimes
- ✓ Anti Corruption Function
- ✓ Counter Terrorism
- ✓ Technical/Forensic role
- ✓ NCB Interpol
- ✓ Legal/Prosecution
- ✓ FIA Academy for Training of Personnel
- ✓ National Response Center for Cyber Crime (NR3C Project)
- ✓ Integrated Border Management System (IBMS Project)

Following are the key departments under the FIA:

- ✓ Premier Investigation Agency at Federal level
- ✓ Regulates the Entry / Exit of international passengers
- ✓ Investigation and prosecution of violation of immigration laws

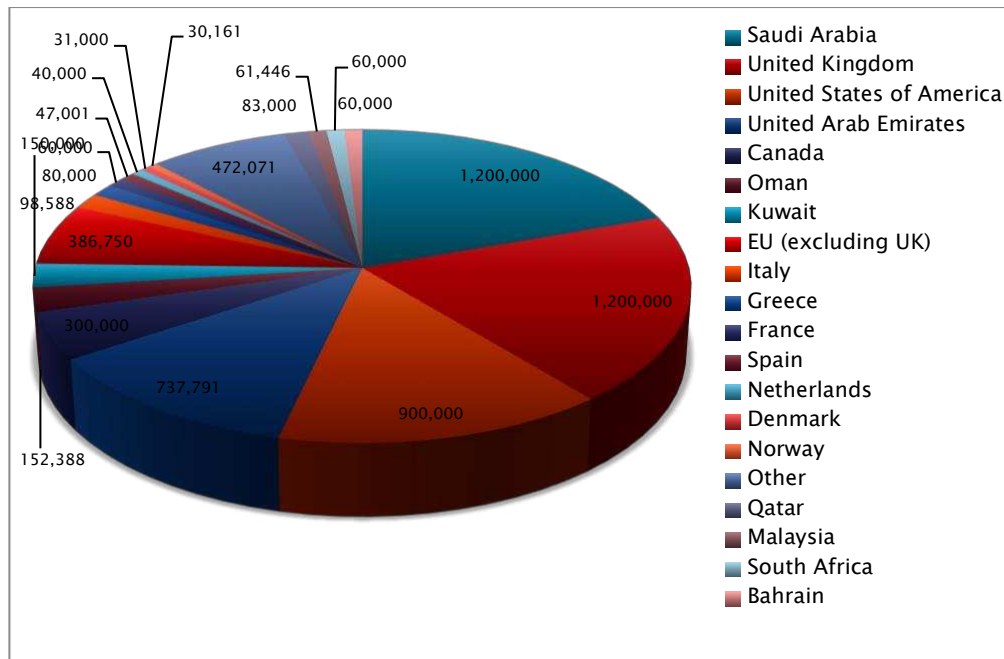
- ✓ Lead Agency under Ministry of Interior for Inter Agency & International Cooperation related to Immigration Control / Management
- ✓ Implementation of Border Security System (ECL etc.)
- ✓ Integrated Border Management System (IBMS).

As per FIA following are the trends of immigration:

**Migration Trends (as per FIA Statistic 2015)**

#	Countries	%age
1	Saudi Arabia	53.20%
2	U.A.E	26.90%
3	Oman	06.80%
4	Kuwait	-
5	Bahrain	01.80%
6	Iraq	01.60%
7	Libya	01.62%
8	Qatar	01.55%
9	Malaysia	00.38%
10	South Korea	00.30%
11	U.K	00.22%
12	U.S.A	00.06%
13	Japan	00.01%

**97.2% of Total are in the Middle East**



#### Major Routes of Illegal Migration

- ✓ Pakistan → Iran → Oman → UAE → ???
- ✓ Pakistan → Iran → Turkey → Greece
- ✓ Pakistan → Middle East → Africa → Spain / Greece / EU
- ✓ Afghanistan → Pakistan → Malaysia → Indonesia → Australia

#### Number of Deportees (All Countries)

Year	No. of Deportees
2011	53,868
2012	54,257
2013	67,332
2014	71,397+1,920+4,956 =78,273

#### Number of Deportees from Selected GCC Countries

Sr.	Country	2010	2011	2012	2013	2014
1	Qatar	96	94	95	411	75
2	Saudi Arabia	14,062	15,790	17,369	33,351	45,456
3	Oman	5,978	6,506	6,111	5,018	3,603
4	UAE	9,833	8,053	10,235	9,597	8,434
Total		29,969	30,443	33,810	48,377	57,568

Source: FIA Immigration HQ

**Deportees on Forged Documents (Category A & B), by City, 2012-2014**

City	2012		2013		2014	
	A	B	A	B	A	B
Islamabad	03	01	15	04	05	17
Karachi	01	02	05	06	13	27
Lahore	01	15	02	19	03	49
Peshawar	01	-	02	-	03	07
Quetta	-	-	-	-	-	-
Sialkot	01	-	01	02	01	06
Multan	-	-	-	01	-	-
<b>Total</b>	<b>07</b>	<b>18</b>	<b>25</b>	<b>32</b>	<b>25</b>	<b>106</b>

**Complaints Received From Various Departments / Private Persons During 2014**

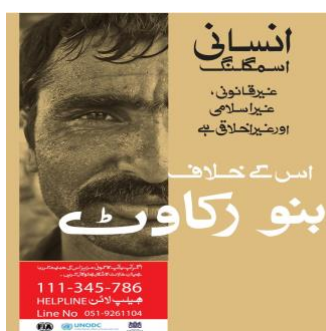
ZONES	Total Ref.	Private	Ministries	Wafaqi Mohtasib	High Court	Other Departments	Total
Islamabad	493	361	100	18	8	6	986
Punjab	501	371	63	17	-	5	957
Sindh	81	55	23	3	-	-	162
KPK	56	37	19	-	-	-	112
Balochistan	5	4	1	-	-	-	10
<b>Total</b>	<b>1136</b>	<b>828</b>	<b>206</b>	<b>38</b>	<b>8</b>	<b>11</b>	<b>2227</b>

No Migrant Workers specific data was available

### Human Smugglers / Traffickers Arrested

2009	2010	2011	2012	2013	2014
1755	1779	1639	1944	1100	785

### Awareness Campaign & Response Center



Big day for Pakistan as 'Zinda Bhag' nominated for Oscar consideration

By Masroor Ahmed Khan Sep 14th, 2013 ( No Comment )



- ✓ 20 complaints / working day (on average) are being received on FIA Immigration Helpline (051 - 9261104) & (111-345-786).
- ✓ 5 - 7 complaints are received daily on FIA website & e-mail (www.fia.gov.pk and directorimmigration@gmail.com).

## 2. ACCESS TO JUSTICE IN MIGRANT WORKERS' DESTINATION COUNTRIES

In order to ensure the welfare of Pakistani expatriates and their dependents, the Ministry of Overseas Pakistanis & Human Resource Development, in collaboration with other relevant Ministries/ developments/ Organizations, is taking various steps. To address the issues with respect to Pakistan migrant workers in other countries, this Ministry has established 19 offices of Community Welfare Attaches (CWAs) in 16 Pakistan Missions of 14 countries (See the list in **Annex 01**)<sup>24</sup>. These (CWA) offices maintain close liaison with Pakistani community members, as well as authorities of the host country, to address their issues and problems. The job description of the CWAs is as follows:

Countries	<b>14</b>
Missions	<b>16</b>
CWAs	<b>19</b>

Export of Manpower	Welfare of Overseas Pakistanis
<ul style="list-style-type: none"> <li>✓ Assessment of manpower situation in the country/areas of posting, employment impact of economic plans and current employment opportunities, categories of manpower in short</li> </ul>	<ul style="list-style-type: none"> <li>✓ Study the given problems for formulating suggestions guideline program regarding</li> </ul>

<sup>24</sup> Source: Project Planning Unit, Ministry of Overseas Pakistanis and Human Development, Islamabad

<p>supply and proposals for the promotion of employment of Pakistani manpower.</p> <ul style="list-style-type: none"> <li>✓ Collection, scrutiny, analysis and processing of foreign employment market data and supply of relevant material.</li> <li>✓ Maintenance of liaison with foreign Governments in matters of recruitment of Pakistanis in various categories. Also monitor the policies of the host countries for foreign workers and keep the Ministry/Bureau informed about.</li> <li>✓ Establish and maintain close contacts with the foreign firms who are in need of manpower for their ventures working in different countries.</li> <li>✓ Reporting to the Government malpractices engaged in by the licensed Overseas Employment Promoters.</li> <li>✓ Maintain a register of attestation of Power of Attorney, Demand Letter, Foreign Service Agreement and Sikka Wikala<sup>25</sup>.</li> <li>✓ Confirmation of demand from the employer referred by Protector of Emigrants.</li> <li>✓ Reply inquiries of foreign employers regarding recruitment procedure, minimum wage rate of Pakistani manpower in different categories and list of OEPs.</li> <li>✓ Supply information about quotations for contracts, award of contracts with complete address; fax number, phone number of contractors and value of the project etc.</li> <li>✓ Motivating people to work for social and economic stability/national reconstruction through maximization of home remittances and home investment.</li> <li>✓ Creating awareness among Pakistani workers of the benefits of remitting their hard-earned money through legal channels instead of unscrupulous individual.</li> <li>✓ Keeps the Ministry/Bureau informed of the current wage rate prevalent in the country of their posting.</li> </ul>	<p>typical issues.</p> <ul style="list-style-type: none"> <li>✓ Meeting Pakistani workers individually and collectively with a view to ascertain their problems.</li> <li>✓ Rendering help to resolve difficulties and disputes between the employers and the workers, recovery of dues, compensation/social security refund and insurance etc.</li> <li>✓ Enforcement of terms and conditions in Foreign Service Agreement of Pakistanis employed through OEPs and OEC.</li> <li>✓ Assisting Pakistani employees in securing the benefits of conditions of work and employment under local labour laws and ILO Conventions and Recommendations ratified by them.</li> <li>✓ Handling of cases of illegal emigrants and suggesting measures to curb illegal emigration.</li> <li>✓ Helping Pakistanis to initiate action to organize/conduct voluntary self-help programs.</li> </ul>
---	---

Performance of CWAs<sup>26</sup> is assessed on the basis of their monthly and bi-annual performance reports. For this purpose, separate monthly proformas for different regions of the world like the Middle East, the Far East and Western countries were sent to all concerned CWAs for submitting their reports accordingly to Secretary MoOPHRD.

Salient features of these proformas include the number of employers contacted during the month and the details about the demand obtained for Pakistani workers, and assistance provided to Overseas Employment Promoters (OEPs). In securing demand, efforts made to obtain demand for Overseas Employment Corporation (OEC), complaints received/resolved, the number of death compensation cases handled, the number of illegal emigration cases handled, the number of Pakistanis deported, the number of Pakistanis in jail/ deportation camps and details of visits made

<sup>25</sup> Need to check with PPU????

<sup>26</sup> Source: Official Documents of Project Planning Unit, Ministry of Overseas Pakistanis and Human Development, Islamabad



to jails, number of dead bodies transported to Pakistan, the number of meetings with Pakistani community members and associations to motivate them to send their savings channels; to highlight the problems of Pakistani workers and make suggestions for their resolutions, and trends of host countries and efforts to implement MoUs for manpower export.

### Sample Monthly Report by CWAs for the Year 201427

S#	Stations of CWAs	No. of employers contacted	No. of jobs secured	No. of Complaints Received/ Disposed of	Recovery of death compensation/ dues of workers		No. of illegal cases handled	No. of Pakistanis in jails/ Deportation Camps	No. of visits to jails/ Deportation Camps	No. of dead bodies transported to Pakistan
					Nos.	Amount Received (Rs.)				
<b>I. MIDDLE EAST</b>										
1	Abu Dhabi	81	4,644	32	32	3,564,819	2,388	600	112	149
2	Bahrain	34	312	95	1	-	-	96	34	35
3	Qatar	18	1,374	44	-	-	71	48	34	54
4	Dubai (2)	280	3498	416	29	5,842,960	198	658	124	297
5	KSA (4)	73	9916	66	81	166,225,340	1515	1613	67	547
6	Kuwait	37	-	78	1	3,672,607	71	241	232	103
7	Oman (Muscat)	19	495	254	14	42,320,456	93	-	6	119
8	Iraq (Baghdad)	17	1,630	347	24	-	-	287	-	3
<b>II. FAR EAST</b>										
1	Kuala Lumpur	44	2,232	50	-	-	1,062	311	7	49
2	Seoul	284	-	292	-	-	8	7	5	6
<b>III. EUROPE</b>										
1	Barcelona	-	-	146-	-	-	829	136	22	31
2	Manchester	-	-	125	-	-	-	466	7	7
3	Milan	31	-	95	36	-	44	122	-	31
4	Athens	-	-	-	-	-	-	-	-	-
<b>IV. AMERICA</b>										
1	New York	12	-	27	-	-	32	24	8	78

During a discussion with a former CWA from Saudi Arabia (now serving in a senior position in a

<sup>27</sup> The report was requested, and provided by the Project Planning Unit, Ministry of Overseas Pakistanis and HR Development.

provincial institute in Lahore), he mentioned that when he was posted in Saudi Arabia in the late 1990s, the office had a team of 2 CWAs and 2 legal professional (both Egyptian) for the support of Pakistani workers in Saudi Arabia. "We (at that time) had a very comprehensive system to look after the Pakistani workers including the following:

- ✓ Visiting the camps and residential units prior to approving the workers visas and demands
- ✓ Responding to workers' complaints
- ✓ Providing support in court trials if required
- ✓ Provision of translator for those Pakistani who could not speak Arabic
- ✓ Provision of legal support (thru Egyptian legal experts in the embassy)
- ✓ Coordination and referral to the Pakistani workers in different cities i.e. Riyadh, Jeddah, etc. for the help of workers.
- ✓ Provision of post arrival orientation session to migrant workers in their camps
- ✓ Meeting with employers to discuss workers issues (if any)
- ✓ Random visits to workers' accommodation to ensure health and safety conditions
- ✓ Distribution of contact information flyers in case of any help required from the Pakistan Embassy.

#### **Enforcement of Support System for Migrant Workers in Destination Countries.**

The Supreme Court of Pakistan has recently issued a notification to all Missions abroad with most immediate affect on 20 August, 2015, according to which:

1. *"The Ambassador/High Commissioners must fix a day in a week for hearing of complaints of Overseas Pakistanis in their respective missions without fail. (Compliance report in this regard be submitted to this Secretariat on monthly basis).*
2. *"The Ambassador/High Commissioners may give their complaints and suggestions on all the issues related to NADRA, IMPASS and Ministry of Interior in respect of the services being provided to the Overseas Pakistanis".*

*Nadeem Ahmed, Director General (NASA & OP), Islamabad*

There is no online or a standard or computerized complaint system in the embassies of Pakistan in Missions but the record of complaints is manually maintained in the log for proceeding, follow-up and reporting. For online complaints the Ombudsman's complaint system can be used, the complaints relate to destination countries are marked to concern CWAs.

### Issues Identified:

**Language:** The Kingdom of Saudi Arabia has its own rules and laws, which are not in compliance with international labour standards. The labour courts are responding according to the local (KSA) laws. One of the most common kinds of discrimination is being a “Kharji Woker” (expatriate migrant workers) and not understanding of the local language. The court does not provide language support to the expatriate complainers. S/he may have to arrange a local translator through his/her own resources and linkages or seek Embassy (CWAs) support to help in court trials.

**Exploitation by the Kafala System:** The other main obstacle in Saudi Arabia is the “Kafeel” (sponsor or employer). The workers are directly under the supervision, pressure and custody of the “Kafeel” who never allows him/her to launch a complaint against him. If, in any case, s/he manages to access the labour court, s/he is not able to express it, due to the courts’ official language and the “Kafeel’s” strong linkages. The only support, which is available and can be improved, is the CWA (at the Pakistan Embassies).

# C PERCEPTION

Pakistan has ratified 08 core ILO Conventions but unfortunately this does not include the Convention for the Protection of the Rights of Migrant Workers. The ILO's South Asia Labor Migration (SALM) Project is working at South Asia level to raise the awareness and importance of this concept.

A rapid survey was conducted in 2015 by the Consultant, with a sample of 75 (32 potential and 43 existing) migrant workers with multiple trades, from across Pakistan, to assess the level of their understanding and information regarding the relevant complaint mechanisms in Pakistan.

## 1. Occupation Categories of Respondents

As per the official statistics of Bureau of Emigration, the majority of migrant workers (both potential and actual) from Pakistan are labourers.

**Occupational Categories of Potential /Returnee Migrant Workers**

Sr.		Potential		Returnee	
1	Accountant	2	6%	0	0%
2	Civil Engineer	2	6%	0	0%
3	Data Entry Operator	1	3%	0	0%
4	Diploma Mechanical	0	0%	1	3%
5	Doctor	1	3%	0	0%
6	Driver	3	9%	2	6%
7	Electrician	3	9%	0	0%
8	Engineer	1	3%	1	3%
9	HSE Supervisor	0	0%	1	3%
10	Labourer	11	34%	35	81%
11	Management	1	3%	0	0%
12	Plumber	2	6%	0	0%
13	Project Coordinator	0	0%	1	3%
14	Safety officer	1	3%	0	0%
15	Security Guard	1	3%	0	0%
16	Shuttering Fixer	1	3%	0	0%
17	Steel Fixer	1	3%	0	0%
18	Welder	1	3%	2	6%

Total	32	100%	43	100%
-------	----	------	----	------

The sample also focused on the different destination countries, preferably the ones within the scope of the ILO project, including Dubai, Saudi Arabia, Oman and Qatar. The Table below shows that the flow of migration is higher in Dubai and Saudi Arabia than other GCC countries.

#### Countries of Migration of Potential Migrant Workers (n=32)

Sr.	Potential			Returnee	
	Country	No.	%age	No.	%age
1	Abu Dhabi	0	0%	2	5%
2	Bahrain	4	13%	0	0%
3	Dubai	15	47%	6	14%
4	Kuwait	1	3%	0	0%
5	Oman	1	3%	4	9%
6	Saudi Arabia	11	34%	31	72%
<b>Total</b>		<b>32</b>	<b>100%</b>	<b>43</b>	<b>100%</b>

## 2. Reasons for Seeking Overseas Employment

The migrant workers from Pakistan have indicated showed the same reasons for desiring to migrate which are common throughout South Asia: i.e. poverty, better employment opportunities and earn more money for the improved livelihood for their families in Pakistan.

Sr.	Reason Given	Frequency	Percentage
1	Better Employment	15	47%
2	Good Status	1	3%
3	Poverty	16	50%
<b>Total</b>		<b>32</b>	<b>100%</b>

The decision to seek overseas employment is usually finalized in consultation with different family and community members. The number seeking formal and regular contracting from the overseas companies is very low. Although the OEC promotes overseas employment, unfortunately none of the respondents knew about this office and had never been to the OEC for this purpose. The reason could be the poor marketing of the OEC or the lack of opportunities in OEC for potential migrant workers.

#### Sources of information for Overseas Employment

Sr.	Reason Given	Frequency	Percentage
1	Friends	15	20%

2	Relatives	22	29%
3	Newspapers	13	17%
4	Company	9	12%
5	Agent	17	22%
<b>Total</b>		<b>76</b>	<b>100%</b>

### 3. Standard of Promises Made by the Promoters

It was observed in the survey and focus group discussions that the recruiting agent made unrealistic promises at the time of recruiting an individual for overseas employment. The respondents also acknowledged that at some stage they were also aware that these promises are more than the actual situation, but that due to the excitement of going abroad, they ignored this fact.

#### Promises Made by the Agent

Sr.	Reason Given	Frequency	Percentage
1	Better Meal	14	16%
2	Compensations	7	8%
3	Employment	2	2%
4	Facility of overtime	8	9%
5	Free Medical care	5	6%
6	Free Residence	21	23%
7	Free Return Ticket	1	1%
8	Good living Environment	2	2%
9	Salary Bonus	2	2%
10	Reasonable Salary	28	31%
<b>Total</b>		<b>90</b>	<b>100%</b>

The majority of the respondents indicated that there are "tricky" calculations and promises in the contract: e.g. the food and accommodation is not mentioned in the contract but as a part of total remuneration. However, the agents consider this contract as a formality to avoid any complication. The agents also promised that the food and accommodation would be paid in addition to the terms outlined in the original contract. This was usually not what happened, and the migrant workers have had to compromise and live on a lower salary and endure poor living and working conditions.

### 4. Problem Faced by the Migrant Workers

The problems of migrant workers starts before they leave home. Some of the problems identified

by the potential migrant workers were as follows:

**i. Problems Faced by the Potential Migrant Workers before leaving the country**

Sr.	Reason Given	Frequency	Percentage
1	Agent not returning Amount	9	15%
2	Agent not returning the passport	1	2%
3	Delays and dealing with Agent	20	34%
4	Delay of Visa Process	10	17%
5	Demand for more Money	7	12%
6	Demand for Original Passport	1	2%
7	Details of contract not given	8	14%
8	Getting Certificate	1	2%
9	Getting Passport	1	2%
10	Violation of Contract	1	2%
<b>Total</b>		<b>59</b>	<b>100%</b>

**ii. Type of Problem Faced in Destination Countries by Returnee Migrant Workers**

The remaining problems begin when the migrant workers arrive at their destination. Some problems were quite obvious before leaving the country but some of them are quite shocking and new for the new arrivals. Some of the problems identified by the existing and returnee migrant workers are as follows:

Sr.	Reason Given	Frequency	Percentage
1	Cultural problem	6	7%
2	Economical	27	32%
3	Food	1	1%
4	Health issues	1	1%
5	Job Description was not defined	1	1%
6	Language problem	8	9%
7	Law	2	2%
8	Law, Culture	1	1%
9	N/A	2	2%
10	No facilities for labourers	4	5%
11	No information about laws	8	9%
12	No Medical Allowances	1	1%

13	Overtime salary was not given	9	11%
14	Problems with agents	1	1%
15	Residence expensive, over-crowded, not clean	10	12%
16	Visa	2	2%
17	Work was not given as promised	1	1%
<b>Total</b>		<b>85</b>	<b>100%</b>

One of the main reasons the migrants faced these problems is the lack of information and orientation prior to departure. The levels of orientation and guidance provided are quite generic and not sufficient or relevant to the trade, country and climate of the destination country. Some of the problems identified in the above list arise from the local laws of the destination country. These problems could be prevented by providing a thorough and accurate briefing and orientation.

More trade related information can be obtained from the labor and human resource department (from Occupational Safety and Health Department). The general, country specific and cultural information can be obtained either from the websites or from the recruitment and travel agents to prepare themselves prior to departure to any country.

## 5. Information about Complaint Filing System in Pakistan and Abroad

It is very unfortunate to know that majority of potential and existing migrant workers not aware of the complaints system for migrant workers in Pakistan.

Sr.	Response	Potential		Returnee	
1	Yes	7	22%	13	30%
2	No	17	53%	24	56%
3	N/A	8	25%	6	14%
<b>Total</b>		<b>32</b>	<b>100%</b>	<b>43</b>	<b>100%</b>

In case of any difficulty the most prominent organization in Pakistan is the Federal Investigation Agency (FIA) and the Pakistan Embassy in destination Countries.

Sr.	Response	Potential		Returnee	
1	Company agent	0	0%	4	9%
2	Embassy	0	0%	1	2%
3	FIA	17	53%	1	2%
4	Labour Court	0	0%	3	7%
5	Lawyer of the Company	0	0%	1	2%



6	N/A	9	28%	3	7%
7	Pakistan Embassy	0	0%	29	67%
8	Police Station	6	19%	0	0%
10	Safety Foreman Engineer	0	0%	1	2%
<b>Total</b>		<b>32</b>	<b>100%</b>	<b>43</b>	<b>98%</b>

There is a very comprehensive complaint system in Pakistan at all levels, including the office of the Protector of Emigration if the complaint is against an agent, or the FIA in case of fraud and money matters. The Overseas Pakistanis Foundation is available to process different issues such as Education, Land title and documentation problems or disputes. The offices of the Federal and Provincial Ombudsman and the most recent initiative of the Federal Government, the Grievances Cells at all International Airports are also part of the complaint processing system.

All of the above-named institutions have their own online complaints system with follow-up support and tracking of complaints options (except for the BE&OE). This improved promotion and visibility can help the migrant workers in seeking support and protecting their rights.

The Embassies or High Commissions of Pakistan do not have a complaint system in each country but the above complaints system can be accessed across the globe. In case the need arises, family members of the migrant workers can pursue the case on his/her behalf.

#### ✓ **Awareness and Information about Complaint System**

A review of the data shows, however, that the promotion of complaints centers is not sufficient to reach the complainant. Most of the complainants seek information from their family and friends. The survey respondents indicated that the televised information campaign is not sufficient; the only advertisement they knew of was the recent advertisements of Grievance Cells at the airports. The respondents were also not aware of the systems and procedures of the complaint system in BE&OE or even that of the OPF. The following Table shows the breakdown of respondents' knowledge of and/or access to complaint systems.

#### **Awareness of Complaint Filing Procedures**

Sr.	Response	No.	%Age
1	Family	15	47%
2	Friend	5	16%
3	Teacher	2	6%
4	Watch on TV	2	6%
5	Don't Know	8	25%
<b>Total</b>		<b>32</b>	<b>100%</b>

#### ✓ **Access to Complaints Systems**

There was a mixed response about migrants' knowledge of the complaint systems in Pakistan: the respondents also had little knowledge of any such systems operating in their destination countries. One of the most common reasons stated was access to the Pakistan embassies. These are quite far from the working areas and it cost a lot of money to reach them. Those who had approached a Pakistan Embassy that a complaint may take more than day also mentioned it. If it takes longer, the migrant workers must pay lose wages for more than one day and must also pay extra for travel and accommodation. These are the most commonly cited reasons discourage the workers from seeking their Embassy's help.

An awareness-raising campaign by the respective CWAs, to those migrant workers presently abroad, regarding the various complaints systems available in Pakistan, with international access, would be a useful and productive step towards helping migrant workers seeking their rights.

### ✓ **Response to Complaints**

The data indicates that the response to complaints is much better in Pakistan than in the destination countries. Whatever number of complaints was recorded in Pakistan is responded to positively. The Table below shows the status of complaints for both potential and returned migrant workers.

**Status of Complaints (2015)**

Sr.	Response	Potential		Returnee	
1	Under Process	12	38%	4	9%
2	Solved	12	38%	9	21%
3	No Information	8	25%	30	70%
4	Labour Court	0	0%	3	7%
<b>Total</b>		<b>32</b>	<b>100%</b>	<b>43</b>	<b>100%</b>

### ✓ **Problems with Launching Complaint**

It was revealed in the discussion with the complaints centers (or the organizations) that the delay or lack of response to the complainants is usually due to the lack of evidential documents. The documents are either not available to the complainants or he/she is unable to collect all of the necessary information about the case so as to pursue it with the respective agency. Whatever the reason, the lack of required documents causes rejection or delays in the process. See the following Table for details.

Sr.	Response	Potential		Returnee	
1	Difficult	11	34%	26	60%
2	Easy	13	41%	6	14%
3	Don't Know	8	25%	11	26%

<b>Total</b>	<b>32</b>	<b>100%</b>	<b>43</b>	<b>100%</b>
--------------	-----------	-------------	-----------	-------------

### ✓ Reasons for Not Launching Complaints

The level of threats for launching a complaint in Pakistan is far less than in the destination countries. The reason could be the prevailing culture and other support options available in Pakistan: i.e. Jirgas and local police stations. The institution most often approached by migrant workers to launch a complaint in Pakistan is the FIA.

**There are several reasons for fearing to launch a complaint, as shown in the following Table.**

#### **Threatened by any Agency / Individual / Institution (Destination Countries)?**

<b>Sr.</b>	<b>Response</b>	<b>No.</b>	<b>%age</b>
1	No	29	67%
2	Yes	11	26%
3	No Response	3	7%
<b>Total</b>		<b>43</b>	<b>100%</b>

Migrant worker in the destination country is often afraid to launch a complaint due to one key factor i.e. the employer will fire him/her from the job and send the worker back home.

#### **Nature of Threat by Returnee for not launching complaints**

<b>Sr.</b>	<b>Response</b>	<b>No.</b>	<b>%age</b>
1	No Response	33	77%
2	Expelled from Job	3	7%
3	Deported	7	16%
<b>Total</b>		<b>43</b>	<b>100%</b>

The role of the CWA in the destination country is crucial in looking after the workers' issues in the respective countries. A fully functioning 'distance support' mechanism should be introduced for the betterment and support of migrant workers.

*The X-CWA, Saudi Arabia mentioned during a discussion that a referral system is available in Saudi Arabia, e.g. if a worker launches a complaint from a city where there is no Pakistan Embassy, the complaint can be referred to the nearest location of Pakistan Embassy in the country. If a worker launches a complaint from Jeddah, for example, and transfers to Riyadh, the Pakistan Embassy also manages to transfer his/her case in the same city (that is, in Riyadh) to avoid additional costs and efforts.*

***Need to say whether the above example pertains in other countries, and how effective or time-consuming the transfer is. What are the potential implications for the migrants?***

## **6. Suggestions for the Improvement of Overseas Employment System**

A range of facilities and support services identified by the migrant workers could be introduced in Pakistan and destination countries to protect the rights of migrant workers. Some of the facilities are as under:

**Migrants' Suggestions for the Improvement of Overseas Employment System**

Sr.	Response	Pakistan (Responses by Potential MWs)		COD (Responses by Returnee MWs)	
		No.	%age	No.	%age
1	Appointment of Honest Officers	7	12%	2	3%
2	Complete paper work first then start the work as a migrant? Or filing a complaint?	2	4%		0%
3	Improved coordination between various agencies		0%	3	4%
4	Improved efficiency and effectiveness of public institutions	16	28%	2	3%
5	Efficiency and Transparency in Pakistan Embassies		0%	10	13%
6	Elimination of corruption – same as point one in the table?	17	30%	1	1%
7	Establish More Institutions	4	7%	1	1%
8	Find Authentic Agents		0%	2	3%
9	First go on visit & search for work		0%	1	1%
10	Go through proper channels		0%	1	1%
11	Improve the working conditions of migrants	1	2%		0%
12	Institutions' work should be monitored		0%	9	12%
13	Kafeel should not be allowed to confiscate the workers' passports		0%	1	1%
14	Labour rights courts should work efficiently		0%	1	1%
15	Labours should be given rights		0%	1	1%
16	Monitoring and Action against Corrupt Agents	2	4%	16	21%
17	Monitoring of Recruitment agencies	2	4%	1	1%
18	Mutual cooperation among agencies		0%	5	6%
19	New policies should be introduced and implemented	1	2%	1	1%
20	Online application System should be more widely	2	4%		0%

Sr.	Response	Pakistan (Responses by Potential MWs)		COD (Responses by Returnee MWs)	
		No.	%age	No.	%age
	available.				
21	Online visa system		0%	7	9%
22	Proper Hearing of the Problem/Complaint	3	5%		0%
23	Workers should read their contract carefully and make sure they understand the contents and the practices in destination countries.		0%	3	4%
24	Renewal of passport should be done from the Embassy		0%	1	1%
25	Salary must be given on time		0%	1	1%
26	Separate Cell shall be made for the migrant workers' rights	0	0%	8	10%
<b>Total</b>		<b>57</b>	<b>100%</b>	<b>78</b>	<b>100%</b>

## SECTION V – RECOMMENDATIONS

Approach	Pakistani (Country of Origin)	Destination Countries
<b>Paper (Policy)</b>	i. Although Sections 28-30 of the Emigration Ordinance discuss the complaint system in Pakistan, the rules should be elaborated more completely and clearly respect to the mal functioning of any agent.	ii. The CWA's reporting system should be enhanced. The reporting of complaints should be more fully elaborated and linked with other systems related to MWs in Pakistan.
	iii. A reporting system for recruiting agents should also be introduced in the MW's Policy. A scorecard for agents' performance should also be introduced	iv. An online 'scorecard' system should be introduced for migrant workers to rate the working of any CWA at all level.
	v. The payment of charges for overseas employment should be routed thru cross checks in the National Banks to avoid any fraud under Government monitoring.	vi. In case of any corruption in destination countries, the complaints against any official in a Pakistani Mission abroad should also be addressed.
<b>Practice (Implementaion)</b>	vii. Any complaints against recruiting agents should be made more effective and efficient from destination countries, as this is relevant to most of the problems faced once the worker reached his/her destination.	viii. The list of authorized and competent agents should be made available to the CWAs through the Internet or the BE&OP's website, to confirm the agent prior to authorizing the demands in destination countries.  ix. The CWA should also report the number or visas authorized with detail of agents.
	x. The performance of each agent should be rated periodically, e.g. the number workers sent abroad and number of complaints received against each agent. E.g. if a complaint is registered against an agent, can easy track the number of complaints against each agent in the country.	xi. The embassy of Pakistan should have a system to report bogus and breached contracts by the migrant workers.
	xii. Information regarding how to approach the justice system, address language barriers, find transportation to hearings and, in some cases, not having any income as their case proceeds (both in COD and COO).  xiii. Increase the capacity of the Pakistan Department of Labour to establish linkages between	xiv. Additional translation services, as ways of improving migrants' access to the justice system.  xv. Ensuring transparency in contracting from home country to destination.  xvi. Support the workers who file labour-related complaints e.g payments, contracts, etc.  xvii. Information regarding how to

Approach	Pakistani (Country of Origin)	Destination Countries
	<p>stakeholders and respond efficiently and honestly to the complaints of the workers.</p>	<p>approach the justice system, language barriers, finding transportation to hearings and, in some cases, not having any income as their case proceeds.</p> <p>xviii. Support those workers who have not been paid, issued a residence permit or have otherwise had their employment contract breached</p>
<p><b>Perception (Beneficiary)</b></p>	<p>xix. A complete orientation session should be made mandatory for all migrant workers prior to their departure.</p>	<p>xx. A documentary should be available to the recruiters and employers in the respective countries.</p> <p>xxi. An MoU should be signed between the CWAs and employers in destination countries.</p> <p>xxii. An orientation on support from CWA/Embassy should be shown to each new arrival in their organization (which is available online through the Ministry of Overseas Pakistanis).</p>
	<p>xxiii. Laws and cultural constraints for major GCC countries and Saudi Arabia should be identified fully and made available during orientation sessions and on web sites.</p>	<p>xxiv. The CWAs should have detailed information about all the migrant workers arriving in the country. A cultural evening, 'road shows' or seminars should be conducted to inform them about the living and working conditions in the respective destination countries.</p>
	<p>xxv. A comprehensive promotional strategy should be adopted for the visibility of ALL of the complaints systems in Pakistan, to aid migrant workers</p>	<p>xxvi. The complaint system should also be connected with Missions and Embassies in destination countries for ready reference and support</p>
	<p>xxvii. A monthly newsletter or success stories ('worst practices') should be made available in the print and electronic media for the awareness, encouragement and support of migrant workers.</p>	<p>xxviii. As per the Supreme Court notice (20 August, 2015) a day for migrant workers should be fixed and announced, and migrant workers in the respective countries should be informed of this day, well in advance.</p> <p>xxix. The progress and performance of the cases handled during these days should be recorded and made</p>

Approach	Pakistani (Country of Origin)	Destination Countries
		available to the migrant workers in Pakistan and in the destination country.



## REFERENCES

- ✓ Strengthening Labour Migration and Establishing Common Platform to Negotiate Better Working Conditions with Host Countries (Gulf, Europe & American Countries). S. Khan, Dr. Javaid Gill, Rana Matloob Ahmed, South Asia Labor Conference 2014, Lahore
- ✓ RReee1RADB. 2012. Myanmar in Transition: Challenges and Opportunities. Asian Development Bank
- ✓ Chantavanich, S. with Premjai Vungsiriphisal and Samarn Laodumrongchai. 2007.
- ✓ Thailand Policies towards Migrant Workers from Myanmar. Bangkok: Asian
- ✓ Research Center for Migration, Institute of Asian Studies. Chulalongkorn University.
- ✓ HRW: World Report 2012: United Arab Emirates. Human Rights Watch, New York, NY 10118-3299 USA.
- ✓ Asian Development Bank. 2005. Connecting Nations, Linking People. Manila: Asian Development Bank.
- ✓ Asian Migrant Centre and Mekong Migration Network. 2005. Resource Book. Migration in the Greater Mekong Subregion (second edition). Hong Kong, China: Asian Migrant Centre.
- ✓ Amnesty International (2013) The Dark Side of Migration: Spotlight on Qatar's Construction Sector Ahead of the World Cup. London: Amnesty International.
- ✓ Arnold, Fred and Nasra Shah, eds. (1986) Asian Labour Migration: Pipeline to the Middle East. Boulder, CO: Westview Press.
- ✓ Baldwin-Edwards, Martin, 2011. Labour immigration and labour markets in GCC countries: national patterns and trends. Research Paper, Kuwait Programme on Development, Governance and Globalisation in the Gulf States. Number 15. March.
- ✓ Stahl, Charles W., and Fred Arnold 1986 "Overseas workers' remittances in Asian development", International Migration, 20(4). World Bank.
- ✓ Gardner, Andrew (2010a) City of Strangers: Gulf Migration and the Indian Community in Bahrain. Ithaca, NY: Cornell University Press
- ✓ Human Rights Watch (2012) Building a Better World Cup: Protecting Migrant Workers in Qatar Ahead of FIFA 2022. New York: HRW

*Jureidini, Ray (2010) 'Trafficking and Contract Migrant Workers in the Middle East'. International Migration 48 (4): 142-163*