Migration contributes to development. This also applies to labour migration in the Global South caused by poverty or conflicts, provided that human rights standards are respected.
Labour migration in the Global South due to poverty

**In brief:** Today, almost a quarter of a billion people worldwide live outside their country of origin. Nearly one hundred million have migrated within or between developing regions in the hope of escaping from poverty, lack of prospects or violence. Around 25 million workers from developing countries, particularly from South and South East Asia, live in the Gulf States alone. They often become victims of various forms of exploitation and discrimination – during recruitment, on their journey or at their new place of work. They fall into the hands of unscrupulous recruitment agencies, are exploited as domestic workers, are victims of human trafficking and prostitution, or are deprived of any legal protection because of their irregular status. This also affects millions of children and young people.

Migration can offer these people prospects if they are able to work in decent conditions in their new location. That is why the demand for “Decent Work” is a vital building block for fair migration and is included as a goal in the “2030 Agenda for Sustainable Development”. Key elements are contractual rules on working conditions, an adequate income, security in the workplace, social protection for families, better prospects for personal development and social integration, as well as equality of opportunity and treatment for all women and men.

In this Position Paper, Caritas Switzerland exposes the abuses that occur in the context of poverty-related “South-South” labour migration and identifies key areas in which Switzerland can contribute, both in its foreign policy and as part of its international cooperation, to the enforcement of the human right to decent work.

Every person has the right to migrate in order to escape from poverty, destitution or violence in their country of origin. However, for this to offer prospects for the future, the living and working conditions in the destination country must meet standards that respect human rights and human dignity. The reality is frequently different, because the persons concerned often fall victim to various forms of exploitation and discrimination. This can start with their recruitment at home, during transit to the new place of work, or in their treatment there as workers. Conditions are particularly precarious for those people who have to flee from violent conflicts to face an uncertain future, and are vulnerable to systematic exploitation on their journey or in rudimentary reception camps.

Work plays an essential role: Employment affects a person’s standard of living, social status and integration. It is the basis for a self-determined and dignified life, for personal prospects, family cohesion and the individual’s economic independence. From a societal perspective, work contributes to growth and development and forms the basis for combating poverty and promoting prosperity, social justice, peace and sustainable development.

To ensure that this is the case, it is not sufficient for work to be available and on offer, it must also respect human dignity: Decent work is a key precondition for fair migration and is therefore included as a goal in the 2030 Agenda. Switzerland can and must contribute to improving the regulatory framework of labour migration. Its agreement with the International Labour Organisation (ILO) of 30 May 2016 favouring strengthened cooperation in combating poverty and the promotion of decent work in the service of peace and social partnership is an important step in this direction.
The extent of migration in the South

In practice, the different causes of migration such as violent conflicts, extreme poverty or climate-related changes are interrelated. The resulting migration flows cannot therefore be easily separated. Moreover, irrespective of the causes, all migrants will subsequently be in need of work. Therefore, the different causes of migration play a subordinate role in the demand for decent work, except possibly in the degree of exploitation, and the fact that people fleeing violence and the impact of climate change have no option of returning – at least not in the short term. In fact, they are all largely unprotected against exploitative working conditions.

A short overview of international migration gives an idea of the numbers involved: According to the UN, in 2015, nearly 244 million people live outside their country of origin; approximately 48 per cent are women. If one differentiates between the rough categories of “South” (developing countries and emerging economies) and “North” (industrialised countries), the following picture emerges: “South-South migration” (across borders within the South) comprises around 93 million people; 84 million people from the South live in the North, 14 million from the North live in the South, and cross-border migration in the North involved nearly 56 million people.

There are few reliable figures on internal migration, and it is not taken into account in the statistics. According to estimates, at least 750 million people have migrated internally, about half of them in urban agglomerations. The reasons why people migrate within their own country are largely the same as those of international migration: Poverty, unemployment, conflicts, environmental disasters and climate change. But there are also social reasons for internal migration, such as marriage. The fact that India accounts for more than half of all internal migrants with approximately 400 million people (one third of the total population) according to the Indian Ministry of Statistics & Programme Implementation, is not surprising, given its geographical size. The total amount of their remittances is estimated at up to 18 billion US dollars. Approximately 80 per cent are women, of whom 90 per cent migrate when they get married.

South-South migration, which occurs largely within Asia, is of interest here. The major destination countries are the six Gulf States (graph 1), in which more than a quarter of the South-South migrants (25.4 million) live. More than 70 per cent come from South and South-East Asia. The majority of migrant workers originate from India (32 %), as well as Bangladesh and Pakistan (11 % each). The proportion of migrants in the total population of the Gulf States is around 50 per cent, with the largest percentage in the United Arab Emirates (98 %) and Qatar (80 %). Despite the often precarious working conditions, the Gulf region has for many years been seen as the source of hope for a secure income which, thanks to remittances, also provides support to the families at home.

Another region with large migration flows is South East Asia (graph 2). A total of 3.9 million migrants live in Thailand, most of them as cheap labour. 96 per cent come from the neighbouring poor countries of Myanmar (51 %), Laos (25 %) and Cambodia (21 %).

Moreover, there are large groups of migrants in the South Asian countries, in particular 3.2 million Bangladeshis, 1 million Pakistanis and half a million Nepalese living in India. Conversely, 2 million Indians live in Pakistan. Around 4 million Afghans are now living in Iran or Pakistan.

On the African continent, nearly 21 million people live outside of their country of origin, with migration taking place mostly within their respective region. This is particularly the case in West Africa, where 95 per cent of the 6.6 million foreigners come from the same region.
Migration between and within major areas (2010–2015)
from the view of the area of origin, marked in colour

Source: http://www.un.org/en/development/desa/population/migration/data/estimates2/estimatesgraphs.shtml?0g0
**Poverty and exploitation**

South-South migration is mostly an expression of people’s desire to achieve a secure life and livelihood in decent conditions for themselves and their families. Faced with poverty, loss of work or property, indebtedness, severe economic crises, systematic exploitation, climate-related disasters, discrimination, conflicts or political instability, migration is often the only option of survival, even if precarious working conditions and other risks frequently have to be accepted.

The importance of migration can be measured, among other things, by remittances (graph 3): Having just one family member working abroad can mean survival for a family, thanks to these remittances. This is clearly demonstrated by the nearly 210 billion US dollars which migrants involved in South-South migration send home each year. In addition, many migrant workers get the opportunity to enhance their professional qualification, status and standard of living. This enables them to contribute to (local) development when they eventually return home.

![Graph 3: Migration and remittances, 2015 (Data: UN & World Bank; own graph)](image)

850 million people worldwide still suffer extreme poverty, having to survive on less than 1.25 US dollars a day. In South Asia alone, this affects around 17 per cent of the population. Even people in work are not free from extreme poverty: According to the ILO, 320 million workers worldwide earn less than 1.25 US dollars per day, 124 million in South Asia and 130 million in Sub-Saharan Africa. A largely informal economy, which is not regulated to protect workers, favours precarious working conditions and exploitation. In South Asia, 80 per cent work in informal conditions, in Sub-Saharan Africa between 60 and 80 per cent, not including agriculture. Those affected don’t usually choose to work in the informal economy but rather seek opportunities – frequently in precarious conditions – to earn a basic income, whether as agricultural or factory workers, mine workers, load carriers or domestic workers.

Particularly harsh exploitation is suffered by the victims of trafficking and bonded labour, who are forced into slave-like dependency as a result of having taken out a loan, at high interest, which they then have to work off. Many end up in wage slavery: They are forced to repay their employer, to whom they owe money for accommodation, work tools and food; the employer withholds their wages, making it impossible for them to pay off the debt. Frequently, the debt and thus the forced labour continue across generations. Although bonded labour has long been illegal worldwide, in reality it is still widespread. It affects above all impoverished and landless families who, in order to survive, are forced into debt with local money lenders or labour recruitment agencies. In these cases, labour migration becomes forced migration or indeed human trafficking. The ILO estimates that at least 12 million men, women and children in the Asia-Pacific area are forced to work as bonded labourers in quarries, brick kilns, factories or in agriculture. Women and girls are also forced into prostitution.

**Decent Work**

“Decent work” means the contractual regulation of working conditions including income, security and social protection, as well as the right of people to organise and participate in the decisions that affect their lives. Decent work stands for integrity, equality of opportunity and equal treatment of women and men (Caritas definition, based on the ILO).
Demand for migrant workers

The ILO estimates that there are 150 million migrant workers. This corresponds to nearly two thirds of worldwide migration (graph 4). Regional globalisation processes have led to a steadily growing demand for foreign labour in recent decades. While this used to be first and foremost the case in the industrialised countries, the demand of other developing regions – particularly the emerging economies – has grown massively in recent times.

This applies particularly to the Gulf States, which could not have achieved or maintained their economic infrastructure or their prosperity without migrant workers. Each year, more than three million people from South and South-East Asia arrive in the Gulf region as temporary workers, where they work in the private sector, in precarious conditions and largely without protection – on building sites as well as oil fields, or as domestic workers. If their work contract ends after a few months or years, they lose their residence permit and have to leave the country immediately. If they are able to extend the work contract, it means in many instances a drastic deterioration of their working conditions.

The Kafala System

In many countries of the Middle East, the Kafala system, also called sponsorship system, regulates the labour and residency rights of migrant workers and their relationship with their employers. The employer or so-called Kafi (sponsor) is responsible for arranging the necessary entry formalities such as work permit and visa. Employees remain legally bound to the individual employer during the contract period and are not permitted to enter or leave the country without his permission. Employers regularly confiscate passports and travel documents to prevent an early departure of their workers and only return them after the contract is terminated and before the worker leaves the country.

The Kafala system is the manifestation of a restrictive migration policy which enforces a time-limited labour migration where the prolonged stay of foreign workers is not seen as economically desirable. During the contract period, these workers are at the mercy of their Kafi and often work in precarious, slave-like conditions.

Qatar, which is organising the 2022 FIFA World Cup, is a well-known current example of the Kafala system. According to human rights observers, wages at the building sites are noticeably lower and working conditions clearly worse than promised by recruiters. Although this infringes Qatari legislation, many workers have their passport confiscated. Many workers have not been paid their wages for several months, are victims of forced labour and are housed in wretched accommodation.

Date: June 2016
Particular risks in South-South labour migration

The dangers to which people involved in South-South labour migration due to poverty and/or conflict are exposed are shaped by mutually reinforcing factors. In combating their exploitation and maltreatment, special attention must be paid to recruitment and placement by agencies, domestic work, minors and irregular status, with women and girls usually being particularly affected.

Recruitment and placement through agencies

Agencies for the recruitment and employment of labour play an important role in the migration process. Reputable agencies facilitate access to available jobs and make a constructive contribution to labour mobility and development processes in the countries of origin and destination. They bridge the gap between employers and prospective employees, facilitate access to information regarding working and living conditions in the country of destination, guide the workers through the complex immigration process and sometimes take responsibility for applying for passports, accommodation and other formalities. In South Asia, a majority of migrant workers benefit from the work of such agencies. However, if they fall into the hands of unscrupulous recruitment agencies which act solely in their own financial interest and shamelessly exploit the lack of prospects and hopes of the migrants and their families, they are largely defenceless against their exploitation mechanisms. They are faced with low wages or none at all, long working hours and restrictions of their human freedoms. Quite a few also become victims of physical and sexual violence.

Various different actors are involved in the complex recruitment and employment processes which vary according to country, region, business sector and company. The employment agencies cooperate with a large number of sub-agents who recruit workers mainly in rural areas, including via acquaintances or families. It is not uncommon that they produce forged documents for admission to the country – which means that migrant workers automatically have an irregular status in the country of destination – or they change the work contracts in the country of destination and confiscate passports, which prevents workers from returning to their country of origin. Added to this are the fees for recruitment services which, although legally fixed in many countries, are often not adhered to. For example, according to the IOM, Nepalese migrant workers pay on average 1,200 US dollar for placement in Qatar, despite the fact that, according to Qatari law, the employer must pay the travel costs and other expenses. Nevertheless, many migrants are willing to take out a loan for the high recruitment fees (with interest on the debt as high as 80 per cent). Or they agree that the costs will be taken from their future wages, without being aware of the payment terms, which can lead to forced labour and bonded labour.

The recurring irregularities in the recruitment and placement of workers led the ILO in 1997 to adopt the “Convention concerning Private Employment Agencies” (C181) in order to combat such practices. Of the major Asian countries of origin and destination of the Gulf region, no country has ratified the convention. Also Switzerland has still not done so to this day.

Recruitment in Nepal

Even before the earthquake in April 2015, around 1.4 million Nepalese worked abroad, particularly in India (38 %), Saudi Arabia (27 %), Malaysia (15 %) and Qatar (10 %). Since then, the living conditions of people in Nepal have further deteriorated and many have lost their livelihood. This is fertile ground for human trafficking and many people are vulnerable to exploitation by well organised, unscrupulous recruitment networks with false promises: People in the rural areas are persuaded by family members, acquaintances or sub-agents who frequently come from the same social milieu, to take a job in the city. Thus, young people are promised a job as dancer, singer or waitress in the city, but when they get there, they are frequently forced into prostitution or forced labour. Often, they are sold on as slaves to India or the Middle East.

Alongside the internal rural-urban migration, direct job recruitment abroad has also increased drastically in recent years. For employment agencies, the systematic recruitment of local women and men to the Gulf States and Malaysia, among others, has also become increasingly attractive. Due to the high agency fees, the migrant workers get into debt, and the slave-like working conditions prevent them from quickly repaying their debt.

In order to better protect migrant workers and reduce the number of cases of abuse, the government adopted two laws in 2007 (Foreign Employment Act, Human Trafficking and Transportation (Control) Act), which prohibit high agency costs and require agencies to give recruited workers an advance copy of the employment contract. Employment agencies that fail to meet the contractual terms can be punished. However, the implementation of the legal provisions has to date not taken place, and in reality, virtually no employment agency has been punished for its corrupt practice.

Date: June 2016
Domestic work

According to the ILO, approximately 67 million persons worked in private households worldwide in 2013, including 17 million children. Women and girls make up the largest proportion at 80 per cent. Most domestic workers (82 %) do not cross borders but rather migrate to urban agglomerations where they work for wealthy families. Almost 80 per cent of the 12 million migrant domestic workers work in rich countries. Working conditions vary greatly, and while there are numerous examples of proper work relationships and positive experiences, this cannot hide the fact that domestic workers often suffer abuse of their human dignity, humiliation and subjugation. Frequently this leads to modern slavery, all types of mistreatment and sexual exploitation, culminating in events leading to death. Domestic workers work in an informal sector of which the outside world is barely aware. They work up to 18 hours a day without being compensated. Since millions live in their workplace, they are largely isolated from the outside world and are completely at the mercy of the employer families.

Domestic workers (in million)

- Domestic workers
- Proportion of migrant workers

53.8

45.3

13.4

8.5

10.3

3.1

female

male

In many countries, the work of domestic workers is not even recognised as a regular form of employment and is not covered by any legislation. It is correspondingly difficult to enforce minimum pay, regular working hours or entitlement to holidays. Very few domestic workers have the necessary knowledge, or the support of advocacy groups, to enable them to improve their situation. In view of this situation, the ILO proceeded in 2011 to adopt the “Convention concerning decent work for domestic workers” (No. C189), which has now been ratified by 22 countries, though not by those in which domestic workers would most urgently need it, in particular the Gulf states and India.

India’s domestic workers

According to official statistics, almost five million women work as domestic servants, usually in precarious conditions, due to the absence of a legally binding framework. However, estimates by human rights organisations put the number much higher. The strong and growing demand for domestic servants can be explained by the rapid urbanisation taking place in India. At the same time, the growing impoverishment in rural areas and the adverse economic and social situation of ethnic minorities are forcing poor people to migrate to the cities. For young girls and women without an education, employment as a domestic worker is often the only option of getting work. Discrimination against domestic workers in the workplace is a daily occurrence and most often takes place along religious and ethnic lines, or is based on caste. Mal-treatment is rarely exposed in public, and the roughly 3,500 cases registered annually by the responsible Ministry are merely the tip of the iceberg.

Some states try to improve domestic workers’ working conditions, to ensure that they have access to social security systems and to introduce a minimum wage. Some have even established special contact points for domestic workers where they can get registered and claim social assistance. However, despite these efforts to improve the social and legal position of domestic workers, the great majority in India remain excluded from labour law regulations. To date, India has not ratified the ILO Convention 189.

Date: June 2016

Graph 5: Domestic workers worldwide, 2013 (in million)
(Data: ILO, own graph)
Minors

Millions of children migrate to escape from conflicts, natural disasters or poverty. Millions of children flee because of traumatic experiences, sexual abuse by family members or forced marriage. The World Bank estimates that there are approximately 85 million young people between the age of 12 and 25 who mostly travel unaccompanied. According to the ILO, this number will continue to grow in the future.

Migration can have positive effects for such minors and provide them with a better life, but they face great dangers, particularly if they are travelling with irregular documents and/or unaccompanied. Without the protection of adults and access to information, they struggle to cope, cannot assert their rights and become victims of sexual and work exploitation. Thus, up to two million girls are sexually abused for commercial purposes in private households. Often, the children are prevented from accessing education or health care and they remain mostly socially isolated.

According to the ILO, child labour due to poverty affects 215 million minors worldwide, particularly in Africa and South Asia, many of whom are child migrants. They work as domestic servants, in agriculture, factories and stone quarries or are exploited in prostitution networks. Immigrant children face much worse working conditions than local children. They receive less or no pay, work longer hours and live with the fear of being reported to the authorities. This has a massive impact on their physical and psychological health, and they suffer long-term effects as a result of child labour: They face worse conditions on the labour market later in life, with few opportunities of a decent job. In many countries, adults who were forced to work in their childhood and were unable to attend school perform high-risk and dangerous work.

Thailand’s shrimp production

Human trafficking between Thailand and the surrounding poor countries is booming. This also often affects children, who have to work in agriculture, construction, in the sex industry as well as in the multi-billion dollar fishing and seafood industry. 80 per cent of the approximately 700,000 workers in this sector are migrants, mostly from Myanmar, where they flee from poverty.

Up to 40,000 children, mainly from Myanmar, work in the shrimp industry. They start work at the age of 14 or 15, some even as young as seven. They claim to be older to have better opportunities in the labour market. Working conditions are particularly terrible on the ships whose catch is used as fodder in shrimp production. These are virtual “modern slave galleys”. Children mostly work eight hours without a break, are beaten and tortured. They don’t know their labour rights, and only about three per cent have a work contract. Once they are working on a ship, they cannot escape from the situation since the ships remain at sea for years.

Although Thailand legally guarantees schooling for national and foreign children up to the age of 15, around one quarter of the foreign children stop going to school from the age of 12, because their parents take them out so they can contribute to the family’s livelihood.

In recent years, Thailand’s government has started to implement the ILO Core Convention 182 “concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour”, which it had already ratified in 2001. Thus, the minimum working age in agriculture has been raised from 13 to 15 years, and for work on ships in the fishing sector from 16 to 18. At the same time, a committee has been tasked with elaborating policy solutions. But despite these efforts, the situation of the (foreign) children affected by poverty remains very precarious. Because of the prohibition of child labour, minors normally cannot find a job in the regulated sector. Consequently, most children work in small, unregistered shrimp-processing factories.

Date: June 2016
Irregular status

A majority of migrants whose immigration status is irregular have only fallen into an irregular situation on their arrival in the destination country. There are many different reasons:

- They may have been deceived during recruitment by corrupt agents, smugglers or human traffickers who falsely claimed to provide them with a regular contract with residence status.
- Or they entered the country in regular status but fell into an irregular situation when their contract was rescinded by the employer.
- Or they remain in the country after the visa or residence permit expires, because of a lack of alternatives.
- Or their asylum application has been rejected or refugee status refused. Only those who were introduced by smuggling organisations or entered illegally without the help of third parties are in irregular status from the start.

In every case, however, migrants with irregular status are highly vulnerable to exploitation, blackmail and maltreatment by employers as well as recruitment agencies. Fearing deportation, they cannot defend themselves, let alone assert their rights. As a result, many work in the informal sector in degrading conditions.

In the context of the Syrian conflict

Since the outbreak of the war, exploitation in the labour market in Syria and the neighbouring countries of Turkey, Lebanon, Jordan and Iraq has intensified drastically. Extreme poverty forces many internally displaced persons and refugees to take highly precarious jobs – in agriculture, in factories and in construction. Because of the continuing conflict children, too, increasingly enter the labour market in order to contribute to their family’s survival. Here, they are often exposed to exploitative practices, not only when begging on the street, but also through sexual exploitation or forced domestic servitude. Their uncertain residence status makes them vulnerable to human traffickers, smugglers and employers. Because of their desperate situation, families increasingly compel their children into a forced marriage, “temporary marriage” or prostitution.

Approximately three million Syrian refugees have sought protection in Turkey alone. 90 per cent live outside the refugee camps, often in squalid accommodation without electricity or water. They have to rely on neighbourhood assistance, or struggle to cope with poorly paid jobs in the informal sector, and often earn half of what local workers earn. In Turkey, only few refugees have a work permit. In order to obtain one, a designated employer must first offer a contract of employment to the refugee before the latter can apply for a permit. The procedure is rarely used, mainly because the refugees are fearful of losing their job if they ask the employer for regular employment. Moreover, employers also undermine the legal minimum wage.

Since the war, the informal labour market in Turkey has been continuously shaped by Syrian workers. As a consequence, there have been increasingly frequent reports about wage dumping and the displacement of poorly or unqualified Turkish workers from the labour market. At the same time, however, the World Bank reports that Turkish workers increasingly find jobs in the formal economy, because with the employment of refugees, production costs in the informal sector have declined, which leads to the creation of new jobs in the formal market.

Date: June 2016
Decent work: Rights, regulations, initiatives

In line with the International Labour Organisation, Caritas Switzerland works with the following definition: “Decent work includes a contractual regulation of working conditions, an adequate income, security in the workplace, social protection for families, better prospects for personal development and social integration. It guarantees people the right to express their concerns, organise and participate in the decisions that affect their lives. It stands for integrity, equality of opportunity and treatment for all men and women.”

Working in decent conditions cannot be taken for granted. This applies particularly to South-South labour migration caused by poverty and conflict – during recruitment, along emigration routes, or regarding treatment at the new workplace. Various international standards and political initiatives support the right of every person, irrespective of their origin or gender, age or status, to work in decent conditions.

For more than ten years, the demand for decent work has been on the agenda of a UN dialogue which examines the importance of migration for development. This “High-Level Dialogue on International Migration and Development” has set up an annual “Global Forum for Migration and Development” in which governments conduct a continuous dialogue amongst each other as well as with the private sector and civil society about the requirements for a positive impact of migration on development. One focus is on the conditions of labour migration, whose potential for the sustainable development of the developing countries is emphasised, provided it meets standards of decency and human rights.

The ILO conventions

It is the task of the International Labour Organisation of the United Nations to enforce these labour rights. Since it was set up in 1919, it has focused on developing the rights of workers, promoting decent work, improving social protection and strengthening work relationships (see table in appendix). With its 189 conventions to date, it has urged its member states to establish and implement the relevant legal conditions. However, it is up to the member states whether they ratify and implement a convention. The ILO has no mechanisms for imposing sanctions. Three groups of conventions are relevant for labour migration:

- The eight core conventions, which regulate fundamental areas of decent work (forced labour, child labour, discrimination, freedom of association) were ratified and brought into force by most of the 187 ILO member states (though not by some of the above-mentioned Asian states). If these conventions were to be really enforced worldwide, the worst violations of the rights and dignity at work could be overcome.
- In addition, the ILO has adopted five conventions that refer directly to labour migration, specifically with regard to combating abuse and promoting equality of opportunity and treatment of migrant workers, equal rights to social security, the situation of domestic workers and rules for private employment agencies.
- Various other ILO conventions on work-related topics and sectors also apply to migrant workers in principle, even if they do not specifically focus on them. These include conventions on the minimum age, standards on minimum wages, on working time, occupational safety, homeworkers or plantation work. Most of these conventions have been brought into force by very few countries so far.

Right to work and human dignity

As early as in 1948, the Universal Declaration of Human Rights stipulated that everyone has a “right to work, […] to just and favourable conditions of work, […] to equal pay for equal work and […] to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection’ (Article 23). Nearly 70 years later, this right only exists on paper in many places.

A central element of human rights is human dignity: All human beings are “born free and equal in dignity and rights” (Article 1) and have the same value, without distinction of any kind such as origin, sex or cultural affinity. A person’s dignity includes his or her physical integrity (incl. the right to security of the person, prohibition of torture and child abuse) as well as freedom (incl. the right to self-determination, prohibition of forced labour) and equality (i.e. prohibition of discrimination, equality before the law). In reality, however, dignity is being systematically trampled on, particularly in migration caused by poverty and conflict.

To reaffirm these rights for migrants, the United Nations adopted the “International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families” in 1990, which has to date been signed or ratified by 66 countries, though hardly by any industrialised country or immigration country.
Decent Work Agenda & Fair Migration Agenda

In order to strengthen the right to decent work, the ILO formulated a broad-ranging “Decent Work Agenda” in 1999, which went beyond adherence to the core conventions and comprised four pillars: Securing and promoting basic employment rights, creating sustainable opportunities for decent work, broadening social security and strengthening social dialogue between the different actors. These four strategic objectives are to be promoted by means of international efforts and cooperation and implemented by the member states with concrete rules, in dialogue with the employee and employer representatives.

In view of the glaring irregularities in international labour migration, the ILO Director-General called in 2014 for the adoption of a special agenda which guarantees migrant workers their fundamental rights and offers them real opportunities for decent work. The “Fair Migration Agenda” contains ambitious goals:

- respecting the human rights, including labour rights, of all migrants;
- making migration a choice and not a necessity, by creating decent work opportunities in countries of origin;
- ensuring fair recruitment and equal treatment of migrant workers to prevent exploitation and level the playing field with nationals;
- formulating fair migration schemes in regional integration processes;
- promoting bilateral agreements for well-regulated and fair migration between member States;
- countering unacceptable situations through the promotion of the universal exercise of fundamental principles and rights at work;
- promoting social dialogue by involving Ministries of Labour, trade unions and employers’ organisations in policy making on migration;
- contributing to a strengthened multilateral rights-based agenda on migration.

Labour migration in the 2030 Agenda

The demand for decent work is thus high up on the international political agenda and was directly addressed by the UN in the preparation of the 2030 Agenda with its 17 Sustainable Development Goals in Goal 8: “Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”. Target 8.8 specifically refers to migrant labour and confirms the ILO view that the labour rights of all workers, including migrant workers, must be protected and safe and secure working environments be promoted. Target 8.7 calls for immediate and effective measures to eradicate migration-relevant abuses such as human trafficking, child labour and forced labour. Target 10.7 demands regular and safe migration, which also turns the spotlight on the unscrupulous practices of the recruitment agencies.

The 2030 Agenda interlinks the different SDGs. Thus, the elements of decent work are directly linked with other goals: End poverty in all its forms everywhere (SDG 1), ensure healthy lives and promoting well-being for all at all ages (SDG 3), ensure quality education (SDG 4), achieve gender equality (SDG 5). The parallels with the ILO agendas are clear. The ILO rightly stresses that its Decent Work Agenda can significantly advance the goals of the 2030 Agenda, because decent work reduces inequality in society and enhances its resilience. Guidelines developed through social dialogue help people and communities to cope with the impacts of climate change and ease the transition to a sustainable economy. Dignity, hope and the feeling for social justice based on decent work make a vital contribution to the development and maintenance of social peace.
Where Switzerland has to strengthen its commitment

People who flee their country because of conflict or due to poverty and unemployment often work in precarious and inhumane conditions. The Federal Constitution of the Swiss Confederation states in Article 7: “Human dignity must be respected and protected.” This must apply throughout the world, and the Swiss government is called upon to engage internationally to ensure the inviolability of human dignity, including with regard to migrant labour. The goals of the ILO Fair Migration Agenda offer a convincing framework for action in this regard. The obligation to act derives, moreover, from Switzerland’s shared responsibility for the implementation of the 2030 Agenda for sustainable development.

Caritas Switzerland welcomes the above-cited “Protocole d’Accord entre la Confédération Suisse et l’Organisation Internationale du Travail” of 30 May 2016. It calls on politicians and the administration to follow up these words with the necessary action and to strengthen their commitment in the following areas.

1. Ratify the relevant labour conventions of the ILO

Human rights provisions and the various ILO conventions are decisive levers for the implementation of decent working conditions and fair migration. Although the core conventions have been ratified by many governments, their implementation still leaves a lot to be desired in many countries. Moreover, there are ratification loopholes in individual countries of origin and destination of South-South migration, particularly with regard to child labour or forced labour.

The “Protocol to the Forced Labour convention, 1930 (C029)”, adopted by the ILO on June 11th 2014, brings the convention’s regulations up to date. It combats modern forms of forced labour, including trafficking. The protocol is regarded as integral part of the convention C029. The Swiss Federal Council wants to make forward in the fight against forced labor and has initiated Switzerland’s ratification process in August 2016. To date, seven countries have ratified the Protocol.

So far, the migration-relevant conventions have only been ratified by a minority of the ILO member states. The Asian countries of origin and destination in particular have not done so.

Securing workers’ rights requires a two-pronged approach: on the one hand, international political pressure on countries that have so far failed to ratify and implement the ILO conventions to do so, and on the other hand greater inter-state cooperation between the countries of origin and destination to establish a humane labour migration regime, with the inclusion of the private sector and civil society organisations acting as advocates.

Switzerland must ratify and put into force the migration-on-relevant ILO conventions, especially those concerning equality of opportunity and treatment of migrant workers (C143). At the same time, the competent authorities must, in the context of their bilateral foreign-policy engagement, speak out in favour of human rights and strongly advocate the enforcement of decent working conditions during negotiations on economic policy, both with regard to labour migration and migration due to violent conflicts. This is particularly a challenge for the State Secretariat for Economic Affairs (SECO), the various Directorates of the Federal Department of Foreign Affairs (FDFA) and the State Secretariat for Migration (SEM).

2. Provide access to justice for the people affected

Migrants affected by abuse and precarious working conditions must know how they can defend themselves. This requires, on the one hand, that they are informed about their rights and, on the other hand, that they can assert them and have direct access to justice. This applies particularly to domestic workers, irregular migrants as well as to children who are rarely able to directly demand their rights and need support from advocacy organisations.

The Human Security Division of the FDFA should, as part of its political dialogue on promoting peace and human rights, contribute to the strengthening of the legal position of migrant workers and at the same time give substantial support to advocacy organisations.

3. Ensure the protection of domestic workers against exploitation

Special protection is needed by the extremely vulnerable domestic workers who mostly live in the employer’s household and are dependent on the latter’s goodwill.

Switzerland put ILO Convention C189 concerning decent work for domestic workers into force in November 2015. It is thus required to tackle such irregularities at the national level by legal and political means and to call
offending employers to account. Internationally, it should seek to ensure, within the framework of bilateral negotiations, that the Convention C189 is also ratified by those countries in which irregularities in the treatment and the legal position of domestic workers are a matter of public record.

4. Establish a safe and regulated framework

Labour migration processes often occur in an unregulated sphere and are marked by a great power imbalance between the different actors. Unskilled workers in particular are often at the mercy of the recruitment agencies, trafficking organisations and employers. Many governments show little concern about the fate of those affected, or even play into the hands of this irregularity. There is a need for internationally agreed rules, which can be monitored by civil society organisations.

To counteract these irregularities, Switzerland should work in international migration fora and in negotiations to promote safe and regulated frameworks, particularly in favour of regular and transparent migration channels in compliance with constitutionally standards. Safe and regulated spaces are, in the end, to the benefit of all the actors involved.

5. Demand fair recruitment and placement processes

Private agencies recruit workers, organise their transfer to the country of destination and provide them to companies. Frequently, they evade government control and exploit the desperate situation of their clientele. Their abuses range from excessive fees to deliberately false information and deception about the work on offer and the associated pay and conditions.

Switzerland must give a clear signal that it takes its joint commitment with the ILO in favour of decent work seriously, by immediately ratifying and putting into force the ILO Private Employment Agencies Convention 181 of 1997. This would give it the legitimacy to enter into a political dialogue with government bodies in the countries of origin and destination to enforce the regulation of private employment agencies. This includes the accreditation of the agencies, an upper limit on the recruitment fees, and transparency with regard to work contracts and travel documents.

6. Promote decent working conditions in the countries of origin

Creating opportunities for decent work in the countries of origin is the most effective way of ensuring that migration becomes an option rather than compulsion (except when fleeing from violent conflicts). This requires investment in rural sustainable development, and particularly in non-formal vocational training. The fact is that the acquisition of skills is the basis for decent work and prevents exploitation. Remittances could make a contribution to this, provided they are secure and cost-effective and can be used productively.

The investments of the Swiss Agency for Development and Cooperation (SDC) in vocational education and training should be aimed at eradicating poverty and unemployment. The focus must be placed on promoting non-formal vocational training and entrepreneurship skills, in combination with incentives for the setting up of small business enterprises. Switzerland’s agreement with the ILO paves the way for this. Internationally, Switzerland should strongly promote fair framework conditions for remittances and create investment opportunities for the diaspora in favour of sustainable development. At the same time, Switzerland must ensure, by means of legal provisions, that internationally operating companies that are domiciled in Switzerland guarantee decent working conditions for their employees in the developing countries.

September 2016

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Advisory Service Development Policy

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## ILO Core Conventions

<table>
<thead>
<tr>
<th>No</th>
<th>Convention</th>
<th>Of</th>
<th>Not in force in selected countries</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Freedom of Association</td>
<td>1948</td>
<td>Afghanistan, Bahrain, China, India, Iran, Iraq, Qatar, Laos, Lebanon, Malaysia, Nepal, Oman, Thailand, Saudi Arabia, Somalia, South Sudan, United Arab Emirates, Vietnam</td>
</tr>
<tr>
<td></td>
<td>C087 concerning Freedom of Association and Protection of the Right to Organise</td>
<td>1948</td>
<td>Afghanistan, Bahrain, China, India, Iran, Iraq, Qatar, Laos, Lebanon, Malaysia, Nepal, Oman, Thailand, Saudi Arabia, Somalia, South Sudan, United Arab Emirates, Vietnam</td>
</tr>
<tr>
<td></td>
<td>C098 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively</td>
<td>1949</td>
<td>Afghanistan, Bahrain, China, India, Iran, Laos, Myanmar, Oman, Qatar, Saudi Arabia, Thailand, United Arab Emirates, Vietnam</td>
</tr>
</tbody>
</table>

| Forced Labour                                                                 | 1930     | Afghanistan, China                                                                 1949 |
| C029 concerning Forced Labour and Compulsory Labour                          | 1949     | Afghanistan, Bahrain, China, India, Iran, Laos, Myanmar, Oman, Qatar, Saudi Arabia, Thailand, United Arab Emirates, Vietnam |
| C105 concerning the Abolition of Forced Labour                               | 1957     | China, Laos, Kuwait, Malaysia*, Myanmar, Vietnam ('ratified, but not in force) |
|     | Discrimination                                                            | 1951     | Bahrain, Liberia, Myanmar, Oman, Qatar, Somalia, Vietnam                              1958 |
| C100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value | 1951     | Bahrain, Liberia, Myanmar, Oman, Qatar, Somalia, Vietnam                              1958 |
| C111 concerning Discrimination in Respect of Employment and Occupation       | 1958     | Malaysia, Myanmar, Oman, Thailand                                                   |
| Child Labour                                                                | 1973     | Bangladesh, India, Iran, Liberia, Myanmar, Somalia                                 1999 |
| C138 concerning Minimum Age for Admission to Employment                      | 1973     | Bangladesh, India, Iran, Liberia, Myanmar, Somalia                                 1999 |
| C182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour | 1999     | Eritrea, India                                                                     |

## ILO Conventions directly related to labour migration

<table>
<thead>
<tr>
<th>No</th>
<th>Convention</th>
<th>Of</th>
<th>In force in</th>
<th>Switzerland</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ILO Conventions directly related to labour migration</td>
<td>1949</td>
<td>49 countries; mainly all Europe, Africa, Latin America, some with considerable restrictions; no relevant Asian countries except Philippines, Malaysia</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>C097 concerning Migration for Employment</td>
<td>1949</td>
<td>49 countries; mainly all Europe, Africa, Latin America, some with considerable restrictions; no relevant Asian countries except Philippines, Malaysia</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>C118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security</td>
<td>1962</td>
<td>38 countries; from all world regions, mostly with considerable restrictions for individual provisions</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>C143 concerning Migrations in Abuse Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers</td>
<td>1975</td>
<td>23 countries; mainly European countries, Philippines, Kenya, Uganda, Cameroon, Burkina Faso</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>C181 concerning Private Employment Agencies</td>
<td>1997</td>
<td>31 countries; mainly European countries; Algeria, Ethiopia, Morocco, Niger; no relevant Asian countries</td>
<td>no</td>
</tr>
<tr>
<td></td>
<td>C189 concerning Decent Work for Domestic Workers</td>
<td>2011</td>
<td>22 countries; mainly Europe &amp; Latin America; Philippines, South Africa</td>
<td>yes</td>
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</tbody>
</table>