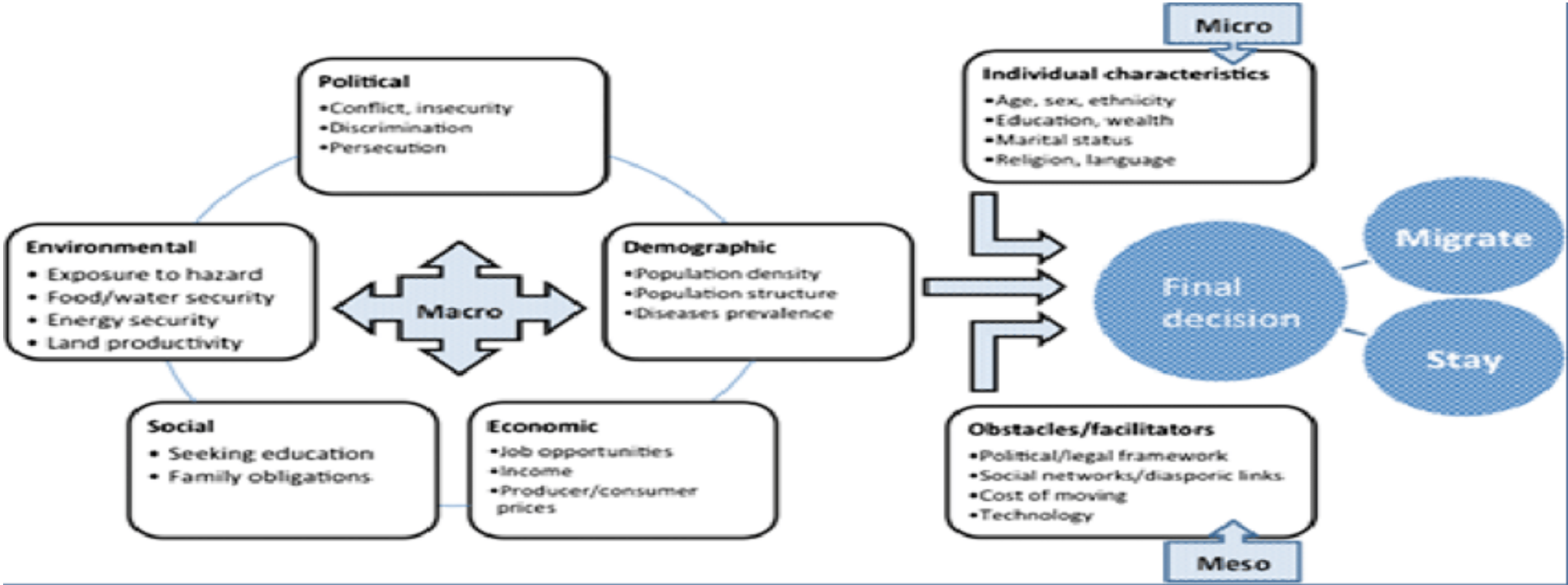
Labor Migration and Employment Rights nexus Human Trafficking : Challenges and Responses

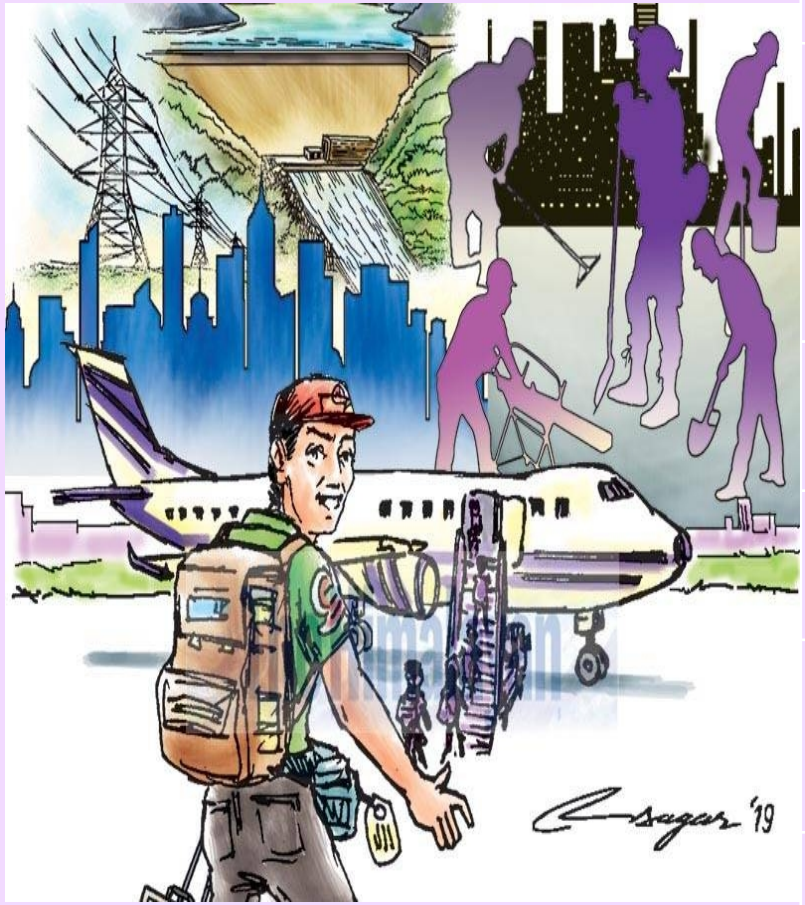
Group No. 3

Drivers of Labor Migration

- IOM defines drivers of migration as follows: “Complex set of interlinking factors that influence an individual, family or population group's decisions relating to migration, including displacement.”



Key migration driver dimensions and factors

Analytical level	Driver dimensions	Driving factors
Marco level 	Demographic	Population dynamics
		Family size & structure
	Economic	Economic & business conditions
		Labor markets & employment
		Urban/rural development & living standards
		Poverty & inequality
	Enivornmental	Climate change & environmental conditions
		Natural disasters & environmental shocks
	Human development	Education services & training opportunities
		Health services & situation
	Security	Conflict, war & violence
		Political situation, repressions & regime transitions
		Globalizations & (post)colonialism

Key migration driver dimensions and factors

Analytical level	Driver dimensions	Driving factors
	Supranational	Globalisation & (post)colonialism
		Transnational ties
		International relations & geopolitical transformations
	Political-institutional	Public infrastructure, services & provisions
		Migration governance & infrastructure
		Migration policy & other public policies
		Civil & political rights
Meso	Socio-cultural	Migrant communities & networks
		Cultural norms & ties
		Gender relations
Source: Czaika and Reinprecht (2020).**Micro**	Individual	Personal resources & migration experience
		Migrant aspirations & attitudes
		Sex, gender, age, disability, etc.

Migration is an expression of the human aspiration for dignity, safety and a better future. It is part of the social fabric, part of our very make-up as a human family

— Ban Ki-moon —

Labor Migration Policies affecting the Rights and Protection of Migrant Workers

Development gains grow to both origin and destination countries. There are three basic stages in the labor migration process during which migrants' rights must be protected.

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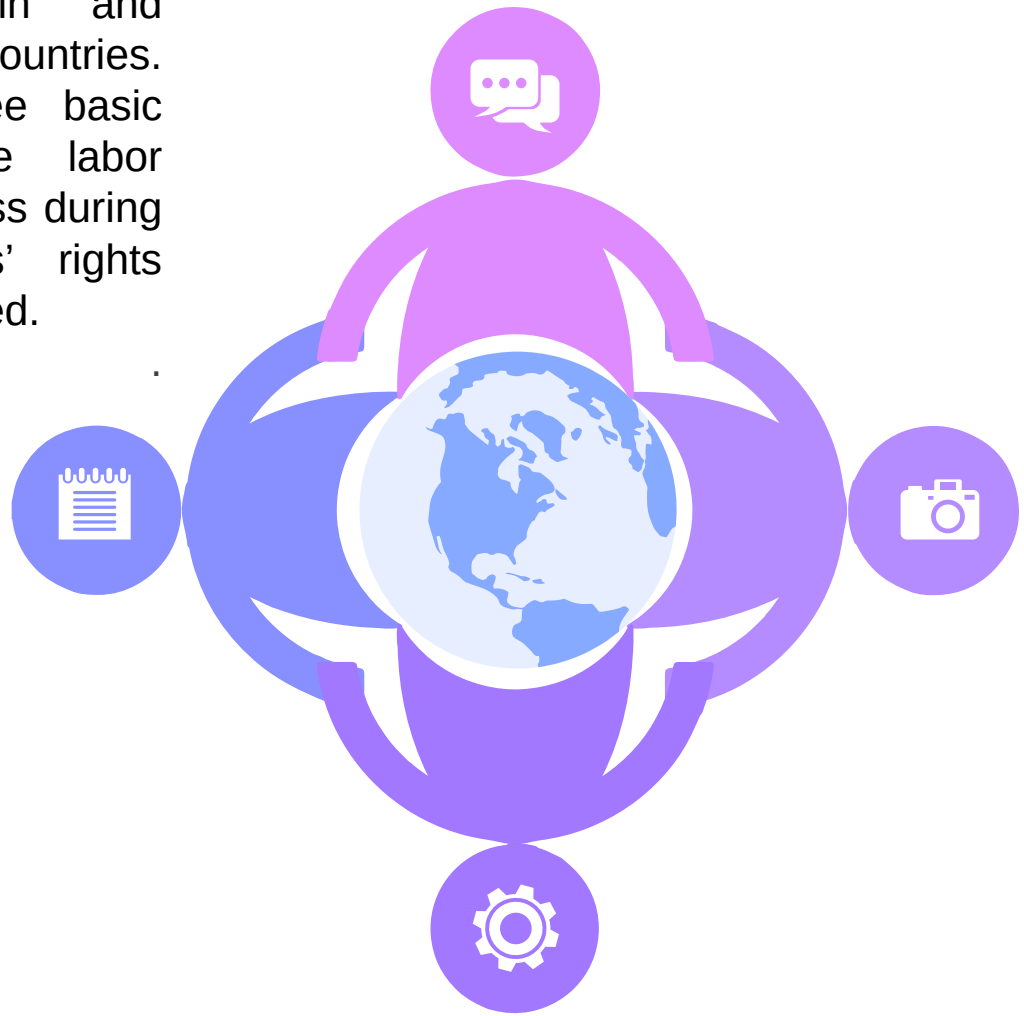
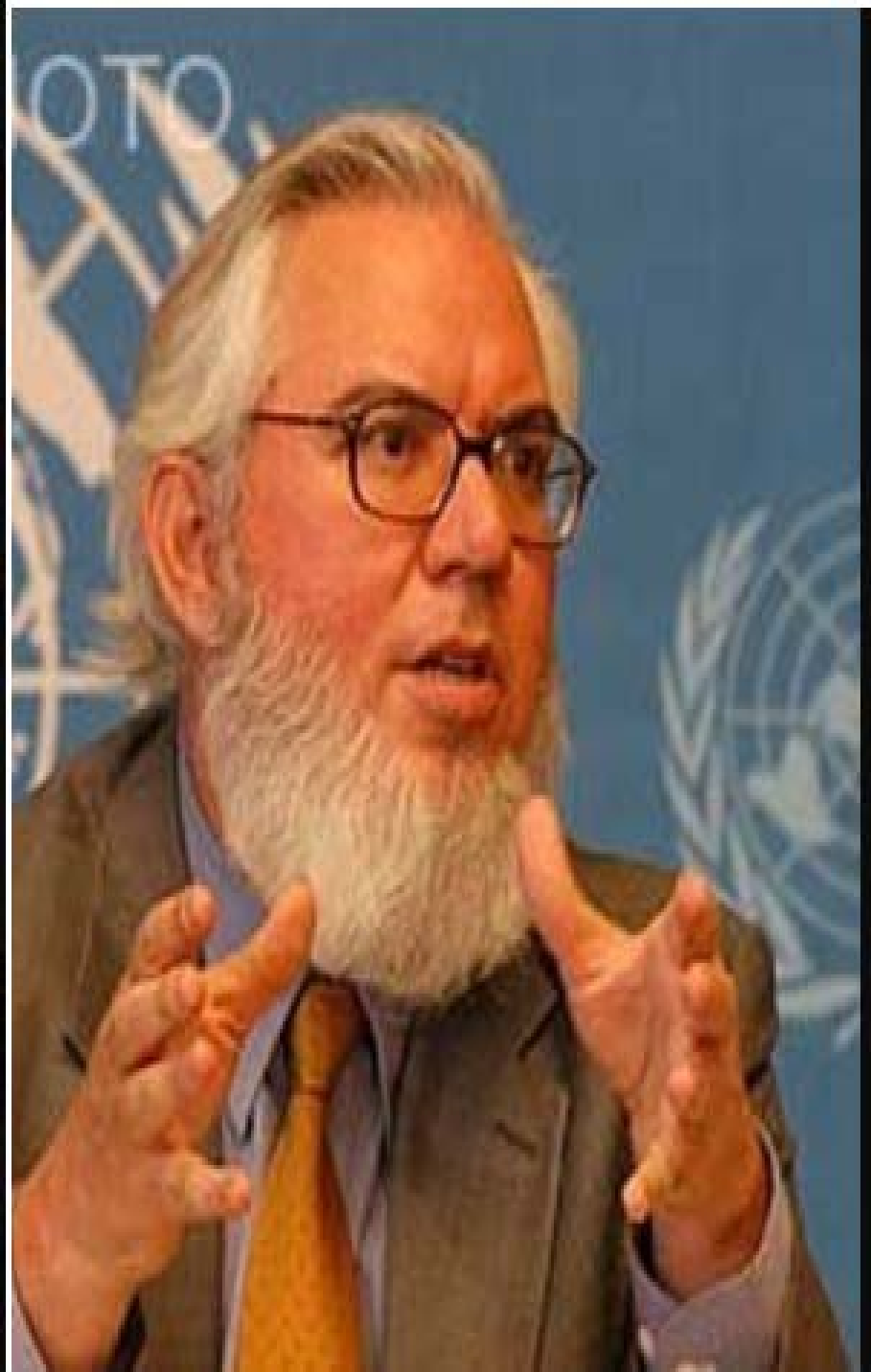


These are the pre-departure stage, the post-departure and work stage, and the return stage. While origin and destination countries have a shared responsibility to protect the rights of migrant workers through all of these stages, their responsibilities differ.

Steps towards the effective protection of migrant workers can take into consideration the ratification and effective implementation of ILO fundamental Conventions and Conventions on migrant workers (C.97 and C.143), the use of guidelines and principles provided by the ILO Multilateral Framework on Labor Migration, the promotion of labor and social security bilateral agreements between sending and receiving countries, the monitoring through labor inspection systems, the reduction of cost of remittances and recognition and efficient use of skills.

Good Practices…

- Portuguese law holding both the direct employer and the general contractor responsible for the payment of wages to migrant workers.(PMOIL,2003)
- In Mauritius, the Ministry of Labour has a Special Migrant Workers Unit, which inspects the working, housing, and food conditions of migrant workers, who have the same rights as nationals.(ILO,2007)
- Jordan has recently strengthened its labour inspection program in the garment sector, which is largely staffed by migrant workers, to increase compliance with labour laws. In a few instances, factories where serious violations of workers' rights were committed were shut down.(Ministry Of Lobor,2006)



Migrants are an asset to every country where they bring their labour. Let us give them the dignity they deserve as human beings and the respect they deserve as workers

— Juan Somavia —

Challenges faced by migrants

Recruitment Process:

- Accessing to individual agents rather than formal recruitment agencies
- Fake/Illegal/Fraudulent documents process (tourist visa)
- Higher cost charge (no receipt, no cheque transaction)
- 30-40 undocumented migrants per day travel through India
- Informal sector/Unofficial channel being used (housemaid/caregiver)

Accessing Fair Wages

Low or no timely salary payment based on contract (33.7 percent)

Different work than contract paper

Seizing passport by company

Safe Working Conditions

3D working/low skill sectors

Over workload (<10hrs/day)- 86%

Abuse in the workplace (labor/sexual)

Death- 1000/year

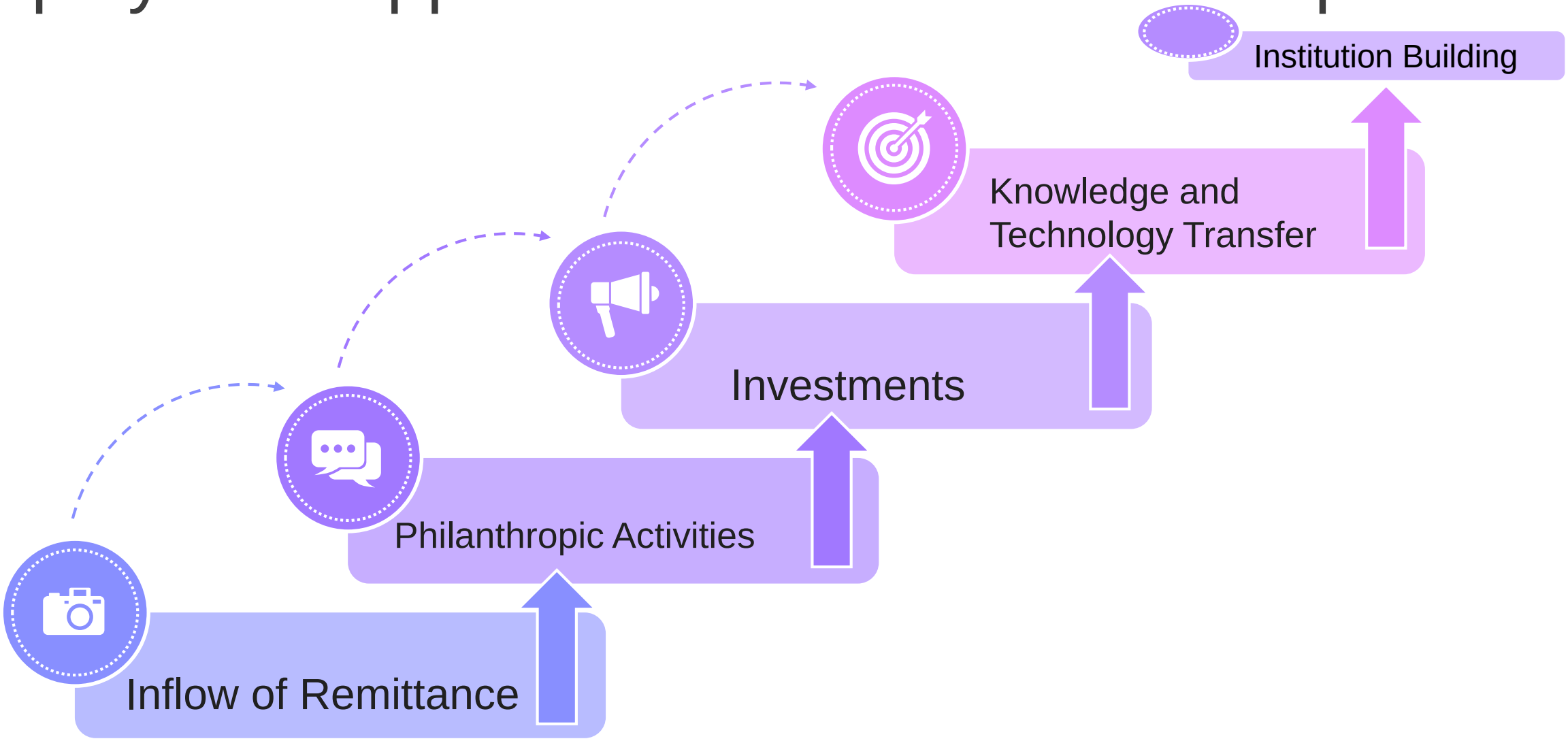
Sickness- (60%, 78%)

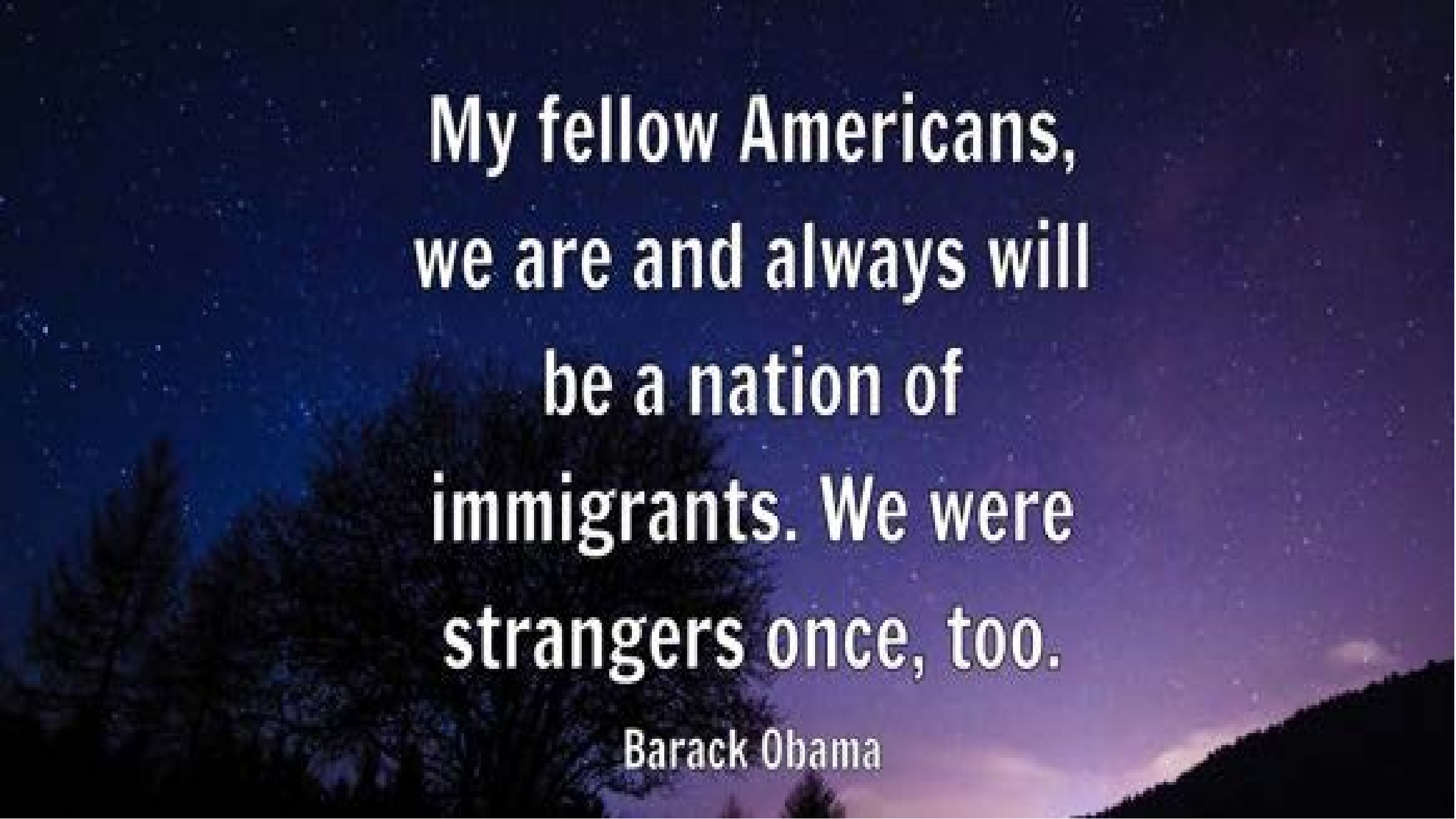
No lodging & fooding facilities (26.4%)

When I see the migrant workers broken bodies and eyes without hope, I want to embrace and wipe away their fears. It makes me angry and helps me to keep fighting the oppressive system.

— Irene Fernandez —

Contribution of Labor migration in enhancing employment opportunities and skills development




My fellow Americans,
we are and always will
be a nation of
immigrants. We were
strangers once, too.
Barack Obama

Suggestions for the labor policy.

Vision

- Sustainable economic development and prosperity, addressing the unemployment problem, creating a clean, transparent labor environment that ensures the rights of workers to access equal opportunities, and build an organized and stable labor market.

Objectives

- To provide incentives for social security, economic prosperity and overall development of the workforce.

Mission

- To promote economic development by commercializing local and traditional skills and competencies, creating competitive, sustainable and fair labor environment.

Activities

- To increase the efficiency of workers as needed through the analysis of data on demand and supply of labor and to encourage them to engage in the labor market.
- Engaging workers in contributory social security funds.

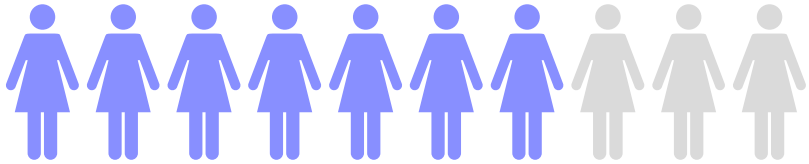
Workers' rights should be a central focus of development.

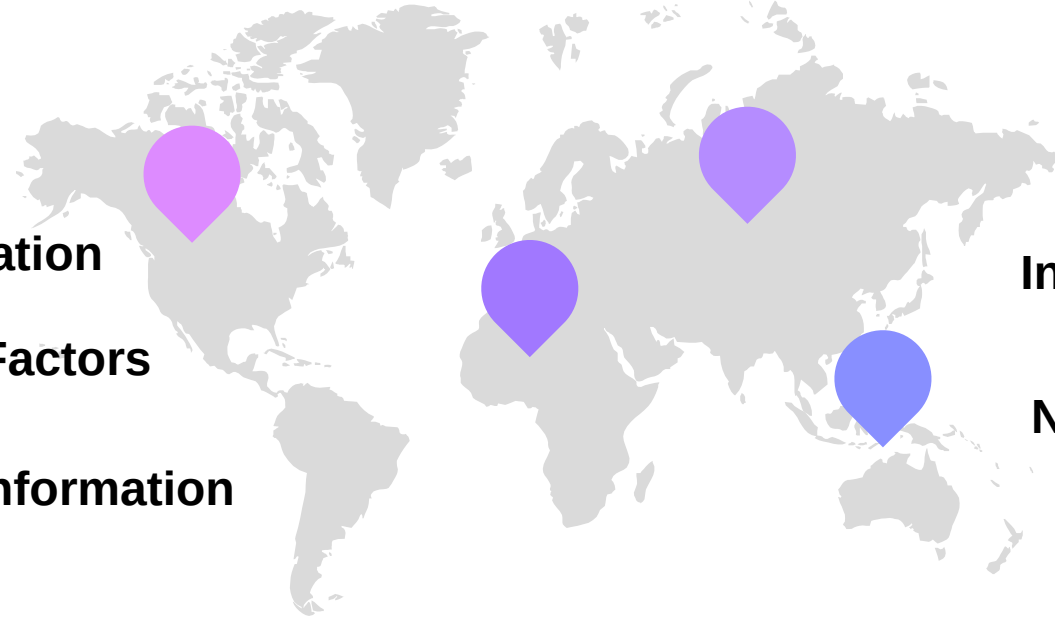
— Joseph Stiglitz —

Causes of human trafficking in Nepal

Human trafficking is a serious human rights violation and a grave crime that affects thousands of people in Nepal every year.

Human trafficking in Nepal is diverse, internal and transnational. Traffickers exploit Nepali men, women and children for forced labor and sex trafficking within the country and abroad, mainly acrossAsia and the Middle East.





Poverty and Inequality

Lack of Education

Social and Cultural Factors

Lack of Awareness and Information

Weak law enforcement and justice system

Internal Conflict Consequences

Natural Hazards

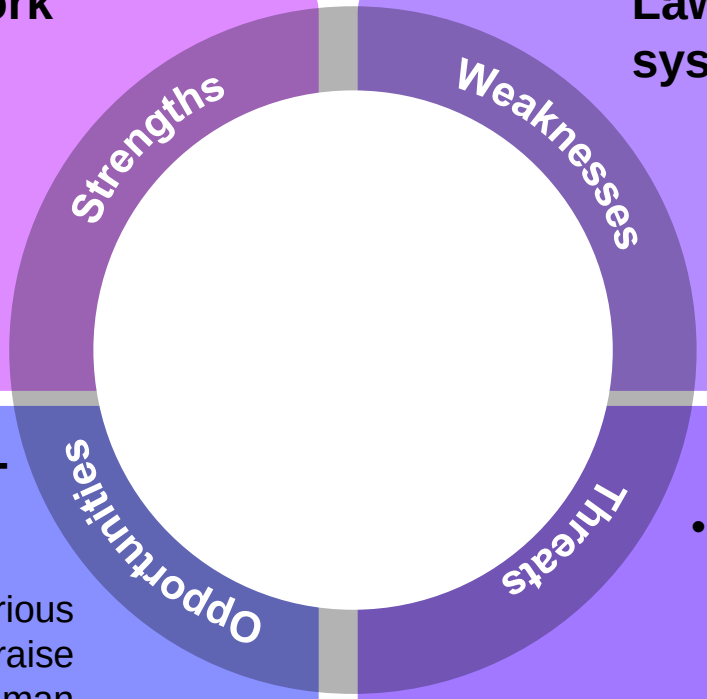
THIS COULD BE THE GENERATION THAT SAYS, "ENOUGH."

> "I expose slavery in this country, because to expose it is to kill it. Slavery is one of those monsters of darkness to whom the light of truth is death.

Frederick Douglass

Measures in Combatting Human Trafficking and Protecting Victims

Human trafficking is a global problem that requires coordinated and comprehensive responses from various actors and sectors.



Legal and policy framework

- Nepal has laws and policies to prevent and punish human trafficking.
- The implementation and enforcement of these laws and policies are often weak, inconsistent

Law enforcement and justice system

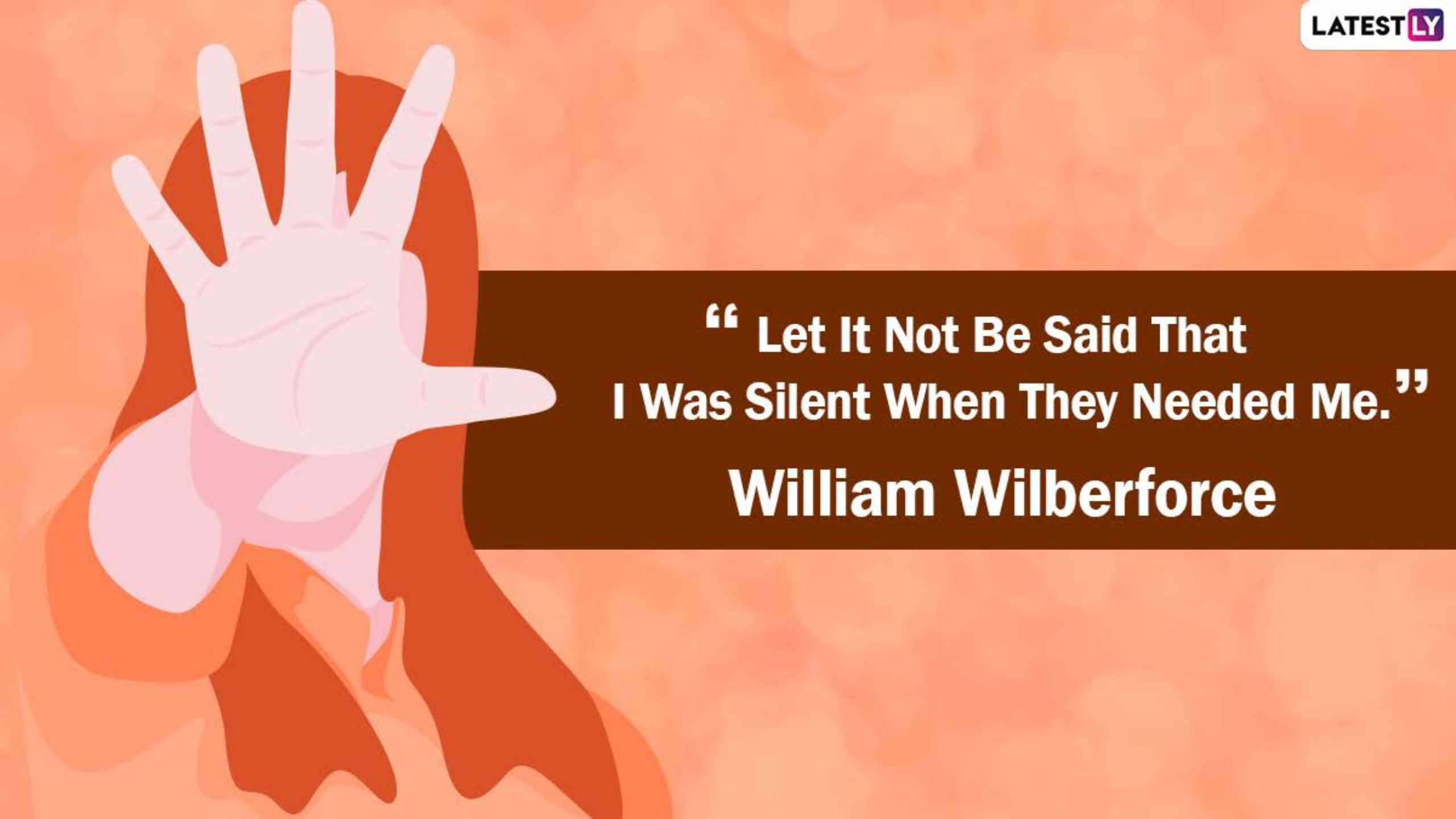
- Nepal has dedicated units and officials to investigate, prosecute, and convict human trafficking cases, such as the AHTB, CIB, OAG.

Prevention and awareness-raising

- Nepal has implemented various initiatives and campaigns to raise awareness and prevent human trafficking among the general public, especially vulnerable groups.

Protection and Assistance

- Nepal has established shelters, rehabilitation centers, and referral mechanisms to provide protection and assistance to victims of human trafficking.


“ Let It Not Be Said That
I Was Silent When They Needed Me.”
William Wilberforce

Role of socio-economic factors on vulnerability to Trafficking

Both Push and Pull factors are responsible for migration: Poverty at the origin and perceived opportunities at the destination

Economic conditions, organized crime, and civil war and unrest are factors that heighten the vulnerability of women and children to trafficking.

Socio-economic factors like poverty, lack of education, lack of access to health care, gender inequality and societal beliefs can prolong the vulnerability.

Victims of trafficking often remain unaware of their situation, as it differs from human smuggling and Human trafficking affects all both genders and evolves with varying purposes, posing challenges for control efforts.

“Poverty is a root cause of human trafficking. Poverty makes individuals vulnerable to traffickers, who use poverty as a weapon and a means to control their victims. Even after trafficking survivors escape, poverty continues to plague their lives. Many struggle to support their families, pay for education, cover medical costs, put food on the table, and afford stable housing.”

HUMANITY UNITED

Strengthening multi-stakeholder partnerships

- Multi-stakeholder partnerships are essential as they can leverage the diverse expertise, resources, networks, and influence of different actors to address the complex and multidimensional aspects of the problem.

Establishing or enhancing legal and policy frameworks

Improving data collection and analysis

- **Providing assistance and**
- **protection to victims**

Emphasizing cooperation and coordination

"Ensure justice for every victim of trafficking, leaving no one excluded from accountability."

Creating a better world requires teamwork, partnerships, and collaboration, as we need an entire army of companies to work together to build a better world within the next few decades. This means corporations must embrace the benefits of cooperating with one another.

— Simon Mainwaring —

Strengthening Trans-border partnerships

Trans-border partnerships are **cooperative arrangements** between countries or regions that **share** a **common border or are geographically** close to each other. They aim to address common challenges, promote mutual interests, and enhance regional integration and development. Trans-border partnerships can involve various actors, such as governments, local authorities, civil society, the private sector, academia, and international organizations.

Transborder is the term related to:

- Power and Order
- International Relations
- Foreign Policy
- National Security
- Human Security
- Border Community
- Securitization
- Critical Security

Required Efforts to Promote Partnership

- Identify the threats and fears and respond through dialogue
- Set a cooperation/trust/information sharing – dialogue
- Developing and Improving Legal Institutional Framework
- Civil Society Engagement
- Transboundary legal network
- Research and Study on Latent Class Analysis of pattern
- Preventing through Cyber space

- Human Security
- No corruption

Good Practices…

India - Bhutan:
Cross-border cooperation to prevent human trafficking and smuggling of migrants 2015

(i) establishment of contact points between countries and mechanisms for real-time sharing of information in criminal matters,
(ii) capacity building and skill development of law enforcement personnel manning border check-posts,
(iii) sharing of information on service providers for victims (shelter homes, NGOs working in the area),
(iv) development of a Standard Operating Procedure (SOP) on repatriation for the Indo-Bhutan border
(v) need for more research and data and
(vi) sharing of existing Information, Education and Communication (IEC) material.

In trans-border relations, there are no permanent friends or permanent enemies or even permanent borders. There are only permanent interests and everything should be done to secure these interests.

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Any Queries ?

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