



International
Labour
Office

**Good practices and lessons learned on promoting international cooperation
and partnerships to realize a fair migration agenda for migrant domestic
workers in Africa, the Arab States and Asia**



ILO Inter-Regional Knowledge Sharing Forum Report

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Antananarivo, Madagascar

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Abbreviations

ASEAN:	Association of South East Asian Nations
BLA's:	Bilateral Agreements
CETU:	Confederation of Ethiopian Trade Unions
CIETT:	International Confederation of private Employment Services
COD:	Country of Destination
COO:	Country of Origin
COTU:	Kenyan Central Organization of Trade Unions
DW's:	Domestic Worker
IDWF:	International domestic worker federation
FENASOL:	Federation Nationale Des Syndicats des Ouvriers et Employes au Liban
GCC:	Gulf Cooperative Council
GFMD :	Global Forum on Migration and Development
MCC:	Migration Community Centre
MDW's:	Migrant domestic worker
MFA:	Migrant Forum Asia
ITUC:	International Trade Union Confederation
GEFONT :	Nepal General Federation of Nepalese Trade Unions
GFMD:	Global Forum on Migration and Development
KSBSI:	Konfederasi Serikat Buruh Sejahtera Indonesia
SAARC:	South Asian Association for Regional Cooperation
SARTUC:	South Asian Regional Trade Union
TUC:	Trade Union Congress

SUMMARY

ILO's Labour Migration Branch (MIGRANT) of the Conditions of Work and Equality Department (WORKQUALITY) and Fundamental Principles of Rights at Work Branch (FUNDAMENTALS) of the Governance and Tripartism Department, in collaboration with ILO's Regional Offices for Africa, Arab States, and the Asia Pacific, organized an inter-regional knowledge sharing forum on promoting international cooperation and partnerships to realize a fair migration agenda for migrant domestic workers in Africa, the Arab States and Asia. The forum was held in Antananarivo, Madagascar from 5-7 May 2016. Thirty-six representatives of employers, workers and governments, twelve representing each group from three regions participated in the meeting.

The tripartite forum served as a platform to share good practices and lessons learned in promoting international cooperation and partnerships to realize a fair migration agenda for migrant domestic workers in Africa, the Arab states and Asia. In particular, three crucial areas were addressed, i) cooperation between origin and destination countries to ensure the protection of migrant domestic workers in line with International Labour Standards, particularly the Domestic Workers' Convention, 2011 (No. 189); ii) cooperating to promote fair recruitment practices in the domestic work sector; iii) promoting occupational mobility within and out of domestic work. Additionally, recommendations were formulated for follow up in the ILO High-level Meeting of Experts on Fair Recruitment on 5-7 September 2016 and the special session on labour migration of the regional meeting of Asia Pacific in December, 2016.

Opening speeches were made by the ILO Country Director for Madagascar, Mr. Christian Ntsay, Ms. Manuela Tomei, Director of Conditions of Work and Equality Department, Ms. Dayina Mayanga, Deputy Regional Director of the ILO Regional Office for Africa, and Ms. Marie Lydia Toto Raharimalala, Madagascar's Minister of Employment, Technical Education and Vocational Training. The speakers provided broad overviews of the key challenges and areas of concern that would be addressed during the forum. Mr Ntsay and Ms. Raharimalala identified challenges specific to Madagascar such as malpractices in the treatment of domestic workers and the lack of concrete policy guidelines. They highlighted two country priorities of the Decent Work Country Programme of Madagascar: (i) promote access to employment for vulnerable groups by enhancing their employability and boosting employment generating sectors, and (ii) improve labour productivity by promoting social dialogue, fundamental principles and rights at work and social protection, are testament to the ILO's dedication to finding solutions to these problems.

Other speakers highlighted the challenges and issues that need to be pursued further, such as;

- The opportunities provided by globalization and the recruitment and employment of workers across global supply chains.
- Creating bridges between ILO's work in Asia, Africa and the Arab States.
- Addressing the dangers posed by unscrupulous employment agencies, informal labour intermediaries and other operators.
- The vulnerability of women and children in the domestic work sector.

- The need for better migration related data to better manage the nexus between development and migration as well as create informed policy.
- The need for strong partnerships across sectors for policy-making purposes.

Speakers also highlighted global ILO initiatives that are driving the fair migration agenda. These include;

- The Fair Recruitment Initiative (ILO-FAIR), which stipulates measures to help prevent human trafficking, protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment and placement process, reduce the cost of labour migration and enhance development gains.
- The ILO Convention 189 Decent Work for Domestic Workers, which was adopted in 2011 and attempts to rectify some of the deficiencies in the domestic work sector.

Session I: Introductions

Chair: *Mr. Christian Ntsay, Director, ILO-CO Antananarivo, Presenter:* *Ms Manuela Tomei, Director, ILO-Work Equality*

This was a context setting session, establishing that international migration is growing in scope and complexity, and as such needs instruments of governance that will benefit countries of origin and destination, as well as migrant workers themselves. An overview of decent work for migrant domestic workers was provided, particularly global trends, challenges and opportunities. The presenter also provided an overall analytical framework anchored in the link between the protection of domestic workers rights and good labour migration governance. The session provided information on the most relevant global processes, main challenges in addressing decent work deficits for migrant domestic workers, and key elements of ILO's strategy on domestic workers, including the link with ILO's Women@Work Centenary Initiative.

The presenter provided some of the background data in relation to the migrant workers. According to ILO estimates, there are currently over 232 million migrants in the world, out of which 150.3 million are migrant workers. Globally, there are 67.1 million domestic workers, of whom 11.5 million are international migrants. Migrants represent 17.2% of all domestic workers and domestic workers represent 7.7% of all migrant workers. Around 8.5 million (73.4%) of all migrant domestic workers are women. South-East Asia and the Pacific host the largest number of female migrant domestic workers (24%), followed by northern, southern and western Europe (22.1%) and the Arab states (19%). Male migrant workers are unlikely to be domestic workers, except in the Arab States where 10.4% of migrant domestic workers are men. Three-quarters (73.1 %) of women domestic workers in the Arab states are migrants.

Only 650,000 of the 9.3 million domestic workers in Africa are migrants. They account for 5.6% of the world's total 11.5 million migrant domestic workers. While women outnumber men, the number of migrant men working as domestic workers in Africa is significant i.e. 290,000. 27% of all MDW's are in Arab states. While 83 % of all DW's in Arab states are migrants and 10 % of all MDW's in the Arab states are men, they make up almost half of all male DWs in the world. Traditional countries of origin for MDWs in these countries are the Philippines, Indonesia, Sri

Lanka, India, and Ethiopia. New emerging countries of origin are Nepal, Bangladesh, Madagascar, Kenya and Uganda.

Asia is the fastest growing migration corridor in the world, of the 67 million domestic workers around the world, 23.7 million (35.4 %) are working in Asia and Pacific regions, amongst them 3.34 million (14.1%) are migrant domestic workers, and over 80% are women. The five main destination countries for foreign migrant domestic and care workers in the region are Japan, South Korea, Taiwan, Hong Kong and Singapore, and Malaysia while the key sending countries are the Philippines, Indonesia, and Vietnam.

ILO research has shown that Asia has the fastest growing migration corridor in the world, taking on 26 million more international migrants between 2000 and 2015. In 2015, intra-regional migration in Asia accounted for 60% (62 million) of its international migration stock. Various factors have led to this increase such as rapid ageing, longer life expectancy and lower fertility rates, which are putting a strain on traditional care arrangements. Alongside these problems inadequate job and income opportunities in countries of origin compel women to migrate and take up domestic work, where there is high demand and low entry barriers.

Areas of further consideration for plenary

Protection

- In COO what measures are most effective in improving prospects of decent work for MDW's? Changing values? Controlling mobility? Regulating labour recruiters?
- What are the support mechanisms for MDW's in COD?
- In COD what measures are most effective in improving prospects of decent work for MDW's? Recognizing domestic work as work? Changing mind-sets? Sanctions and incentives? Providing a platform for MDW's?

Recruitment

- What are the labour recruiter practices at both source and destination?
- What are the main challenges of recruitment faced by the different actors in the recruitment chain of DW's?
- How can recruitment practices leverage decent work? How can they reduce vulnerabilities to forced labour and other unacceptable forms of work?
- What are successful strategies in reducing recruitment costs for both employers and workers? How can complex layers of intermediaries be streamlined?

Integration, Reintegration and Occupational Mobility

- What are the good practices and lessons learned in mainstreaming return, reintegration and occupational mobility programmes in countries of destination and origin?
- How can social cohesion and collaboration between returnees and local community members be best achieved?
- How can returnees capitalize on the skills acquired and ideas they have been exposed to, to diversify their livelihood strategies upon return?

Areas of concern identified by plenary

- Lack of transparency in migration governance
- Largeness of the financial transactions in the recruitment cycle
- Lack of collaboration with potential partners also working on issues related to labour migration.
- Setbacks caused by the stigma associated with the domestic work sector

Areas of collaboration identified by plenary

The ILO is working closely with IOM on various collaborative forums, such as the Global Forum on Migration and Development (GFMD). ILO's unique perspective on migration vis a vis the various frameworks it has developed regarding decent work ensure that it will be an active stakeholder with a unique vantage point. Areas of collaboration identified included ensuring fair recruitment and equal treatment by forging stronger linkages between employment and labour migration policies by involving Ministries of Labour, trade unions and employers' organizations in migration policy making.

Session II: National laws and policies for promoting and protecting migrant domestic workers' rights and their complementarity with interregional, regional and binational processes

Chair: *James Ndibo, Ministry of Labour and East African Affairs, Kenya* **Presenter:** *Ms. Manuela Tomei, Director, ILO-Work Equality* **Panelists:** *Bandana Pattanaik from the Global Alliance against Trafficking of Women (GAATW), Tekle Tesfu from the Ministry of Labour and Social Affairs, Ethiopia and Ira Rachmawati from Konfederasi Serikat Buruh Sejahtera Indonesia (KSBSI), Indonesia.*

This session was structured around the theme: 'Cooperation between origin and destination countries to ensure the protection of migrant domestic workers in line with International Labour Standards, particularly the Domestic Workers' Convention, 2011 (No. 189)'. The objective of this session was to analyse and acknowledge the link between the situation of domestic workers in countries of origin and destination and the need to enact protective national labour legislation at both ends, in line with international standards. This session encompassed sharing of experiences and practices regarding policy deliberations on reforms of labour codes in countries of destination, adoption of standard employment contracts and deployment bans enacted by countries of origin. The session recognized the necessity of coherence between employment, migration and social policies, and the need for coherence in policies across migration corridors. It was also noted that international labour standards such as the ILO Domestic Workers' Convention, 2011 (No. 189), and other international instruments play equally important roles in making these policies fair and effective.

The presenter provided the premise for the ILO Domestic Workers' Convention, 2011 (No. 189), which was enacted in light of the discriminations and relegations DW's still face. Following the adoption and ratification of the convention by 22 countries, the ILO has observed that legal reform on labour migration management has occurred in 48 countries globally and concurrently 15 million DW's rights have improved. In addition, institutions such as the IDWF (International Domestic Worker Federation), which is contributing to the protection and advancement of the rights of its DW members, has been established. Over 100,000.00 DWs are now organized globally.

Other notable changes that have been witnessed since the adoption of C189 in 2011 include;

- Philippines, India, Kenya have extended legal provisions to national DW's
- Indonesia is discussing a draft bill on DW's
- Mauritius has adopted a policy to enhance DW's access to social security
- Nepal has adopted a free-visa free-ticket policy and a migrant domestic workers guide
- Philippines and Sri Lanka have appointed labour attaches and grievance mechanisms in destination countries for their MDW's
- The development of standard employment contracts to formalize the employment relationship;
- Developing migration policies and instituting national coordination mechanisms and action plans to operationalize migration policies, and launching information and regularization campaigns.

Legal reforms and other key initiatives that have taken place in countries of destination since C189 include;

- Bahrain, Jordan and Lebanon have adopted standard unified contracts for domestic workers;
- In 2015 Kuwait passed a national law on DW's;
- Singapore and Thailand have introduced a mandatory day off for DW's;
- In 2015 a DW's union was established in Lebanon, the first DW union in the Arab region;
- Malaysia is currently discussing a code of conduct for employers of DW's;
- Saudi Arabia accredited the first ten mega recruitment agencies;
- A code of conduct for the syndicate of the owners of recruitment agencies was established in Lebanon.

Areas of consideration for plenary

- In COO what measures are most effective in improving prospects of decent work for MDW's: Changing values? Controlling mobility? Regulating labour recruiters? Support mechanisms for MDW in COD?
- In COD what measures are most effective in improving prospects of decent work for MDW's: Recognizing domestic work as work? Changing mind-sets? Sanctions and incentives? Voice to MDW?
- How can social partners and other stakeholders contribute to these efforts?

Bandana Pattanaik from the Global Alliance against Trafficking of Women (GAATW) highlighted some of the challenges particularly affecting women. Some women proactively un-document themselves in order to gain flexible working conditions, which results in missing documentation and consequent undocumented status leading to risky living conditions. Furthermore, high levels of discrimination towards MDW's have also reduced the efficiency of migrant management. Multilateral efforts such as training of individuals participating in the labour

management and carrying out migrant centred analysis to discern capabilities, are some steps that should be taken to rectify these deficiencies. Additionally, long-term efforts need to be valued over short terms solutions, with a strong focus on the applicability and implementation of labor laws.

The GAATW has a project focused on advocacy for the protection of MDWs throughout the migration cycle. The organization supports members by developing advocacy tools for member organisations, shifting public perspectives around trafficked persons by working with media and calling for the accountability of anti-trafficking stakeholders. Furthermore, GAATW identifies opportunities for advocacy at the international level, at both governmental and non-governmental levels.

Tekle Tesfu from the Ethiopian Ministry of Labour and Social Affairs provided an Ethiopia centred context of migrant worker conditions. There are 2 million Ethiopian MW's globally and the numbers are in the increase. Ethiopia has a population that's particularly vulnerable to trafficking and smuggling due to multiple factors i.e poverty, unemployment, weak anti-trafficking instruments...etc The government has began to take some steps to boost anti-smuggling efforts, specifically by operationalizing legal and policy frameworks. The Anti-Human Trafficking and Smuggling Proclamation 909/2015 and Overseas Employment Proclamation 923/2016 have recently been adopted alongside the establishment of a national council and a national task force for the prevention of human trafficking. Re-integration of migrants is also being pursued with support from the ILO and the usage of IGA techniques in urban and rural areas. And an overall labour and security policy is being crafted. The Ethiopian government is in the process of pursuing bilateral agreements with destination countries. BLA's have been completed with Kuwait, Qatar and Jordan, and there are impending bilateral agreement with Saudi Arabia & the UAE.

Ira Rachmawati, Indonesia's representative from KSBSI, noted that globally there are a total of 4.5 million Indonesian MW's, 70% of which are women. According to consular reports, violence against MW's in Arab States are rising. In 2015, MDW's reported 376 cases of violence of which 65 % where sexual and physical abuses and 35 % were human trafficking cases. Coalitions between trade union confederations, domestic workers organizations, and NGO's in Indonesia are tackling issues related to domestic workers and migrant workers. For example a Domestic Workers bill was proposed in Indonesia in 2004 by a domestic workers union with the support for ITUC. KSBSI created a coalition in order to push through the bill. As of 2010 the bill has been submitted to parliament and has been tabled. Unions are also trying to lobby for ratification but so far little support have been acquired from stakeholders.

Ahmed Farooq, Bangladesh Employers' Federation representative, underlined the need for practical and realistic solutions. Policies often do not take into account differences among countries, and regions and a lack of an implementation, monitoring and evaluation framework severely undercuts the value of such efforts. Training domestic workers to advocate for themselves may concretize policy making efforts, and should be considered in moving forward.

Session III: Bilateral governmental cooperation

Chair: *Douglas Opiyo, Federation of Uganda Employers* **Presenter:** *Maria Elena Valenzuela, Chief Technical Adviser, ILO.* **Panelists:** *Nuluyati Nabimande, Ministry of Gender, Labour and Social Development, Uganda, Rafaat Al Nawayefe, Ministry of Labour, Jordan, Shyam Raj Adhikari Ministry of Labour and Employment, Nepal and Julius Cainglet, Federation of Free Workers, Philippines*

This session was structured on the theme: ‘Cooperation between origin and destination countries to ensure the protection of migrant domestic workers in line with International Labour Standards, particularly the Domestic Workers’ Convention, 2011 (No. 189)’. The session facilitated the sharing of good practices and experiences of countries in negotiating bilateral agreements and MoU’s for migrant domestic workers. The session looked at national legislation as a pre-requisite for effective implementation of BLA’s and MoUs and the importance of involving social partners in the design, negotiation and implementation of these agreements. Panellists were invited to discuss the scope, coverage and enforcement challenges of these instruments as well as the extent to which social partners and domestic workers organizations are involved in the design, negotiation and implementation of such instruments.

The presenter introduced challenges and recommendations to improve the impact of bilateral agreements on the living conditions of MDW’s. BLA’s are the most common cooperative mechanism for dealing with labour migration between and within Asian, African and Arab states. However, often BLA’s do not address the protection of rights and equal treatment of MW’s in accordance with international standards and national constitutions. Most BLA’s aim at regulating the admissions and employment of migrant workers and facilitating the recruitment and placement processes. BLA’s often have a gap in addressing specific protection issues experienced by MDW’s including gender discrimination. The weak bargaining power of countries of origin against countries of destination and competition among countries of origin are major challenges in the negotiation process. Effective implementation is hampered by lack of political will, lack of capacity and resources from countries of origin and destination to implement measures, and the exclusion of migrants workers from the national labor laws. Lack of transparency and limited participation of social partners and relevant stakeholders, including MDW’s, is also a major feebleness of BLA’s. Furthermore, committees involved in the monitoring process often lack clear terms of reference.

Rights and contractual stipulations that need to be pursued for MDW’s includes;

- Provisions to protect MDW’s from recruitment malpractices, including no placement fees or salary deductions
- Standard employment contract to be submitted to authorities, including embassy officials
- Health and life insurance coverage by employer
- Maximum hours of work, minimum daily rest
- Weekly rest with no restrictions to leave the house
- Wage protection
- Prohibition of retention of identity and personal documents.
- Right to free communication and right to privacy.
- Freedom of Association (right to join a trade union).

- Dispute resolution: protocol to be added on concrete procedures.

ILO's good practices in governance recommendations include;

- Transparency and dissemination of content
- Provisions for consultations with and participation of concerned stakeholders, including employers and workers organizations and civil society
- Concrete implementation, monitoring and evaluation procedures

ILO Good practices in development recommendations includes:

- Exchange of relevant information between country of origin and country of destination
- Provision for human resources development and skills improvement
- Provision for free transfer of savings and remittances
- Coverage of the complete migration cycle

Session IV: Non-governmental cooperation processes

Chair: *Marieke Koning, International Trade Union Confederation (ITUC)* **Presenter:** *Myrtle Witbooi, International Domestic Workers' Federation (IDWF)* **Panelists:** *Ramesh Badal, The General Federation of Nepalese Trade Unions (GEFONT), Meashuo Beribu, Confederation of Ethiopian Trade Union (CETU), Abdulqader Abdulkarim Kadrhim Shebb, General Federation of Bahrain Trade Unions (GFJTU), Albert Njeru Obed, Central Organization of Trade unions (COTU), Myriam Vandenbroucke, HIVOS/Migrant-Rights/Migrant CARE*

This session was structured on the theme: 'Cooperation between origin and destination countries to ensure the protection of migrant domestic workers in line with International Labour Standards, particularly the Domestic Workers' Convention, 2011 (No. 189)'. The objective of this session was to provide a platform for participants to discuss about opportunities for enhancing collaboration among trade unions and civil society organizations. The session aimed at diagnosing ways to better operationalize cooperative agreements and assess achievements to date. Panelists were invited to share their experiences of interregional/bi-national cooperation among trade unions and civil society organizations with the aim of identifying emerging practices and opportunities for replicability and up-scaling

The presenter provided a description of the instruments that have been put in place to combat DW's systematic exploitation and abuse at the workplace. The adoption of ILO Convention 189 on domestic work in 2011, accompanied by the adoption of Recommendation 201, has brought significant respect and recognition for domestic workers around the world. Domestic workers have seen their rights improved through ratification of C189, labour law reforms and collective bargaining agreements. An international network for DW's was conceptualized in 2006, with the assistance of the ITUC and the ILO, and was created with the intent of mobilizing domestic workers' organizations and their allies worldwide. The transformation of the IDWF from an informal 'network' to a formal 'federation' of domestic workers was the crystallization of these efforts.

The international network of domestic workers' organizations was constructed as a global labour movement that will join forces with all other workers in the struggle to change power relationships and to determine the economic and social destinies, secure freedom, justice, well-being, security and peace for domestic/household workers and promote the full rights and participation of all migrant domestic workers.

Other premises guiding the work of the federation include; that domestic work is equivalent to other types of work and that domestic/household workers must enjoy the same rights as other workers; domestic/household workers are entitled to decent working and living conditions as contained in ILO Convention C189; and which must be enshrined in national law; abuses against domestic workers are violations of labour rights and other human rights and must be prosecuted. Governments in turn must implement equal legal protection for domestic/household workers.

Ramesh Badal, representative from the Nepal General Federation of Nepalese Trade Unions (GEFONT), extrapolated on the Nepalese experience of organizing MDW's. Nepal has the oldest MDW's association, established in Hong Kong in 1989. GEFONT is currently working on organizing Nepalese MDW's in Lebanon in partnership with FENASOL (Federation Nationale Des Syndicats des Ouvriers et Employes au Liban). KAFA, a Lebanese civil society organization, has also been actively organizing MDW's. GEFONT is currently facilitating the signing of an MOU with Qatar. GEFNOT is also organizing DW's in Nepal through trade unions, organizing campaigns on the rights and responsibilities of DW's, and mainstreaming DW issues in multiple laws and proclamations. The Nepalese parliament is reviewing a pioneering draft labour bill, which specifies that DW's require equal treatment equivalent to other professions.

Measho Beriho, representative from the Confederation of Ethiopian Trade Unions (CETU), extrapolated on the Ethiopian experience regarding labour movements. CETU is the sole national centre of trade unions in Ethiopia, working to safeguard and protect worker's rights and serving as the focal point for 1,182 basic trade unions representing the formal economy. Currently, interventions targeting MDW's are at an infancy stage. One major achievement with respect to MDW's is the BLA signed with the Federation of Employees' and Workers' Unions in Lebanon i.e. FENASOL. The agreement includes a pledge to jointly undertake awareness creation activities about the positive contribution of labour migration to the economies of both the countries of origin and the countries of destination; raise awareness among migrant workers about their rights and the general situation within their destination countries before departure by making information available in the native languages of migrant workers; actively campaigning against racism and xenophobia in society and combat discrimination and misleading propaganda in both the COO & COD; to actively promote the ratification of International Labour Conventions No. 97, No. 189 and No. 143 and the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990).

Abdulqader Abdulkarim Kadrhim Shehb, representative of the General Federation of Bahrain Trade Unions, stated that Bahrain has been fully engaged in passing migration-related legislation. He noted that bilateral partnerships are essential and effective in achieving positive outcomes for migrant workers by enhancing protection. It was noted that the ILO should support its constituents by fostering advocacy work and capacity building through projects as well as create awareness of right and obligations among the MDW's themselves.

Albert Njeru Obed, representative from the Kenyan Central Organization of Trade Unions (COTU) stated that the Kenyan government is working on ratifying C189. COTU recently signed a BLA with Qatar. The use of media to raise awareness on migration issues as well as to create awareness on the rights and obligations of MDW's was identified as a useful tactic in moving forward. Involving MDW's in trade unions and increasing MDW's capacity through trainings, such as rigorous pre-departure orientations is critical in empowering migrants. The need for trade unions to be involved in BLA negotiations with destination countries was also highlighted.

Myriam Vandebroucke, representative from HIVOS/Migrant-Rights/Migrant CARE, detailed the work being done by HIVOS, which is an international organization that seeks new solutions to persistent global issues. HIVOS partners with local CSO organizations in an attempt to develop grass root problem identification and intervention. In one such project located in Indonesia, perspectives from both migrant sending and receiving countries are integrated with the aim of raising awareness among MDW's, improving fair recruitment, and working to change problematic behavior of employers. The project covers the whole migration cycle, from recruitment, pre-departure orientation and placement, in order to evade problems associated with migration i.e predatory debts, exploitation and unfulfilled needs.

Areas of concern identified by plenary

- COD's need to be represented in these type of forums.
- ILO and trade unions should work together on following up with MDW's throughout the migration cycle which is imperative to understand the multitude of problem besetting labour migration and provide long-lasting solutions.
- Workers organization in origin countries need to follow up on MDWs within destination countries by strengthening partnerships with workers organizations in destination countries. This will help in the collection of data on MDW's, which would enhance policy-crafting efforts. As well as through the utilization of technology for data collection such as through text message and social media platforms.

Session V: Regional and Interregional governmental processes

Chair: *Marieke Koning, International Trade Union Confederation (ITUC)* **Presenters:** *Maria Gallotti, Labour Migration Specialist and Emanuela Pozzan, Senior Regional Gender Specialist from ILO* **Panelists:** *Mohamed Farukzaman, Ministry of Expatriate Welfare and Overseas Employment, Bangladesh, William Gois, Migrant Forum Asia (Skype), Laxman Basnet, South Asia Regional Trade Union Council and Rothna Begum, Human Rights Watch.*

This session was structured on the theme: 'Cooperation between origin and destination countries to ensure the protection of migrant domestic workers in line with International Labour Standards, particularly the Domestic Workers' Convention, 2011 (No. 189)'. The objective of this session was to have a better understanding of existing regional and interregional processes and instruments and to identify opportunities for the protection of migrant domestic workers as well as to recognize and acknowledge the importance of these processes. More specifically, panelists deliberated on the democratic validity, coverage, enforcement and impact of regional government processes in light of ongoing dialogue between Asia and the Arab states, and the opportunities and challenges in extending the interregional dialogue to Africa.

It was noted that there is an increasing importance allotted to labour migration in the international arena. For example, the inclusion of labour migration-related targets in multiple frameworks such as the 2030 SDG's: the adoption of the Kathmandu declaration and Plan of Action in 2014; and the launch of the Abu Dhabi Dialogue by the Gulf States in 2008. The UNGA high level dialogue on migration and development in 2013 also served as a high level international platform for discussions on labour migration alongside inter-regional processes to inculcate a Fair Migration Agenda, which include the Abu Dhabi Dialogue, Africa dialogues, and the Colombo process. One area of weakness identified amongst these different processes is the limited involvement of social partners. Discussants noted that the implementation of existing agreements should not be overshadowed by the pursuit of new ones. Furthermore it was recognized that: there is a need to replicate successful regional processes in excluded regions while ensuring parallel processes support/strengthen one another; there is a need to redress agreements that bind employees to employers almost irrevocably; and that there should be enhanced coordination between COO's.

Mohammed Farukzaman, representative from the Ministry of Expatriate Welfare and overseas Employment in Bangladesh, noted that the Global Forum on Migration and Development (GFMD) is a significant opportunity for civil society organizations and governments to talk about international migration and development. He noted that it provides an opportunity to create a transformative migration agenda, which will promote safe and decent migration, skills development, protection of MW's in destination countries and institutional reforms to strengthen labour migration governance. Bangladesh has integrated the developmental aspect of migration i.e. promoting migration for development. For example, the 2013 Overseas Employment and Migrants Act brings in line Bangladesh's legal framework with the major labour and human rights treaties that it has ratified. The Act provides a broad legal framework with punitive measures for specific recruitment violations. He stated that this is the first-ever law on labour migration passed by the Parliament of Bangladesh and one that derives principles from the International Labour Standards and the UN Conventions and Recommendations.

Laxman Basnet, representative from the South Asian Regional Trade Union Council (SARTUC) mentioned the importance of implementing existing agreements while pursuing new ones. There are serious concerns over issues of safe migration and the protection of human rights of migrant workers. Ratifications of domestic workers conventions, standard employment contracts and the establishment of information centers are some steps that need to be taken in order to safeguard the rights of MW's. SAARC (South Asian Association for regional cooperation) has agreed to develop a standard contract with ASEAN (Association of South East Asian Nations), TUC (Trade Union Congress) & Arab TUC, with the assistance of SARTUC.

William Gois, representative from Migrant Forum Asia (MFA) described the Abu Dhabi Dialogue, which is a collaborative approach to address temporary labour mobility in Asia. It was initiated to create a common understanding of labour migration issues and to influence practices and policies in the area of contractual labour in the region. Other regions, e.g. Africa, could benefit from the lessons learnt from the Dialogue. Currently, there is a dearth of policy discussion and lack of protection mechanisms relating with African MDW's in the GCC, partially due to the weak African TU presence in the GCC. The Dialogue needs to incorporate African states, due to the considerable presence of African MW's in the region. The lack of labour attaches also makes it the

more difficult for MDW's to seek legal redress. Modalities between COO's should be explored, so that parallel processes such as the Colombo dialogues and the Abu Dhabi Dialogue can be mutually augmenting movements.

Rothna Begum, representative from Human Rights Watch, noted that the Abu Dhabi Dialogue has sidelined concerns about the Kafala. The Abu Dhabi process has seemed to focus on the interest of the CODs. The Kafala system needs to address both COOs and CODs. Kafala binds workers to employers, which severely undercuts the options available for both sides. Additionally, East African states need regional dialogues where they can bring their shared concerns to the table. COO's should cooperate in harmonizing minimum wage, information sharing efforts, and embassies/foreign ministries need to coordinate to deter abuses by employment agencies. Enhanced coordination between COO's is vital so that recruitment agencies can be better regulated and trafficking can be halted.

Areas of concern identified by plenary

- Regional and interregional processes have been crucial in the governance of labour migration. However, continued variations in labour migration reforms across countries of the same region, competition amongst countries over alternate labour migration frameworks make it difficult to synchronize efforts.
- Different platforms are operating in regional and sectorial silos. Connections between the different platforms need to be established. In particular, Africa needs to be better incorporated into the Abu Dhabi and Colombo processes.
- The ILO is moving on from national interventions to supporting regional strategies on MDW's. This strategy rests on 4 pillars in the Arab states, legal change for MDW's rights, expanding the representation and voice of MDW's, bringing employers to the dialogue, and awareness raising and advocacy.

Session VI: Promoting fair recruitment practices for migrant domestic workers and improving job matching mechanisms

Chair: Rothna Begum, Human Rights Watch **Presenter:** Igor Bosc, Chief Technical Adviser, Work in Freedom Programme of ILO New Delhi **Panelist:** Ahmed Farooq, Bangladesh Employers' Federation, Sonia George and Self-Employed Women's Association (SEWA).

This session was structured on the theme: 'Cooperating to promote fair recruitment practices in the domestic work sector.' The objective of this session was to deliberate on different recruitment modalities as they apply to migrant domestic workers in order for participants to have a better understanding of employers' preferences and explore options for reforming recruitment. The session explored the extent to which different recruitment arrangements are able to balance the competing demands of the market while maintaining their commitment to fair practices; matching employers' preferences, maximizing profit to the recruiters, facilitating labor market access to the workers and extending necessary protections to them. Further, this session explored innovative business models like the ability of labor recruiters to set up schemes that aim to avoid excessive fee charging practices to employers, and eliminate worker-paid fees.

It was noted that there are numerous challenges in relation to the regulation of recruitment practices. There are different types of recruitment arrangements, i.e. public recruitment through BLA's, the cooperative model, and labor matching portals. Fundamentally, recruitment regulation ought to hold all the stakeholders accountable across the recruitment process. This presupposes a system of checks and balances in order to dissuade cartelization. International (across corridors) and national partnerships (with media, local authorities, and trade unions) are important in achieving this. The cooperative model was identified as a practice whereby worker collectives identify employers, bargain with employers and organize recruitment. Additionally, the importance of building on the commitment by different stakeholders to generate an environment for better recruitment practices was mentioned and the CIETT's code of conduct was highlighted as one example of this. Taking into account variations in regulatory frameworks, stakeholders and perceptions between and within relevant stakeholder categories (PEAs, employers, workers) – it was underlined that cookie-cutter measures are not effective and tailored interventions should be favored.

Areas of Concern identified by plenary

- Lack of capacity especially among trade unions in African states reduces the negotiating capability of African states.
- In enhancing bilateral, regional and interregional cooperation, Asian countries noted that establishing common tripartite multi-stakeholder platform is of vital importance.
- Advocacy for an inclusive MDW's policy is crucial.
- The GCC should work on inspection visits of companies, groups and individuals that are involved in the migration cycle.
- MDW's in the GCC should be allowed to organize.

Session VII Labour mobility, skill development and recognition, return and reintegration
Presenters: *Aida Awel, Chief Technical Adviser, ILO and Marie-José Tayah, Technical Specialist, ILO*
Panelists: *Mohamed Asaduzzaman, Bangladesh Jatyatabadi Sramik Dal (BJSB). Farah Salka, Coordinator, Migration Community Centre (MCC). Manish Kumar Agrawal, Federation of Nepalese Chambers of Commerce and Industry (FNCCI). Ray Tadeo, Employers' Confederation of the Philippines (ECOP), and Jeannoda Norotiana, Syndicat des Professionels Diplomes en Travail Social (SPDTS)*

This session was structured on the theme: 'Promoting occupational mobility within and out of domestic work.' The objective of the session was for participants to identify and discuss different recruitment modalities so that participants have a better understanding of employers' preferences and explore options for reforming recruitment. The objective of this session was explore opportunities along the migration cycle for promoting the occupational mobility of returning domestic workers. This includes modalities for proposed skills recognition for returning domestic workers, opportunities for cross-border mobilization and empowerment, socio-economic reintegration programmes, including through small and medium size enterprises and cooperatives, and arrangements for the portability of social security benefits.

The presenter provided a general overview of the return and reintegration program for KSA returnees, which was implemented in Ethiopia. The Ethiopia example showcases the multiple factors and long time line involved in reintegrating returnees. Return and reintegration is ideally the last phase in the migration cycle. Ideally, returnees should be coopted into a comprehensive

migration management system, which is crucial for both countries of origin and destination. Return migration can be a good strategy to reverse brain drain. However, the contribution of return migration to the development of a nation depends on the nature of return e.g. voluntary versus involuntary.

The presenter highlighted a few pillars which were utilized in the Ethiopian reintegration program specifically the provision of professional counseling and medical service for returnees, awareness raising and economic empowerment. The presenter identified major challenges in the program including: a mismatch between beneficiary's expectations and the support being provided; frustration and re-migration of some returnees and a limited capacity among existing service providers to accommodate the additional workload; lack of coordination and collaboration; lack of data and research on return and reintegration; tension in local communities; competition with informal/illegal brokers and recruiters; and limited income from alternative employment schemes have all created strains on reintegration.

Conclusions/Action Plans for Protection and Support of MDWs through interregional and Regional Platforms

1. Establish a common interregional network to share experience and build a common position across regions on domestic workers including migrants.
2. Increase transparency of recruitment practices and accountability of recruitment agencies and employers.
3. Enhanced partnership among tripartite constituents and social partners to undertake awareness-raising activities to facilitate migrant workers' access to reliable information concerning employment, rights and responsibilities, and working and living conditions, in a language and format that migrants understand.
4. Advocate for inclusion of domestic workers into labour laws and enhanced enforcement capacities in countries of origin and destination.
5. Ensure the transparency and effective implementation of BLAs and guaranteed participation of social partners in the design, monitoring and evaluation of BLAs in line with international labour standards.
6. Working toward agreeing on a common position among countries of origin on minimum rights and protection at work for MDWs.
7. Identify and implement occupational mobility mechanisms for domestic worker at source and destination.
8. Utilize ILO standards for improving labour migration governance i.e. Disseminate and promote these standards through capacity building forums;
9. Assist ILO constituents in their efforts to expand social security coverage for migrant workers on the basis of the ILO social security Conventions and the Social Protection Floors Recommendation, and in their efforts to facilitate portability of social security benefits.
10. In collaboration with constituents and other stakeholders, develop guidance to promote recruitment practices and identify, document, and promote the exchange of good practices on reducing the financial and human costs of migration.
11. Enhance the capacities of the ILO's Constituents to carry out and implement labour migration policies. In cooperation with governments, social partners, international organizations and other stakeholders, seek to promote positive public perceptions of

migrant domestic workers and raise awareness of the positive social and economic contributions of MDWs, while combating discriminatory attitudes.

- 12.** Establish modalities for cooperation and/or exchange of information among all regional interregional and international, to identify practices in line with international labour standards for the protection of the rights of migrant workers, including those in an irregular situation. This could include identification of measures to secure access to remedies in the case of abuse and to improve enforcement of labour protection.
- 13.** Develop focused strategies, taking into account particular areas of vulnerabilities for the protection of migrant workers in sectors with high proportions of migrant workers.

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ILO Inter-Regional Knowledge Sharing Forum:

Good practices and lessons learned on promoting international cooperation and partnerships to realize a fair migration agenda for migrant domestic workers in Africa, the Arab States and Asia

5-7 May 2016

Antananarivo, Madagascar

5th May 2016: Day 1	
8.30am	Registration
9.00 – 9.30	Opening Session Mr. Christian Ntsay, Director, ILO-CO Antananarivo Ms. Manuela Tomei, Director, Conditions of Work and Equality Department (WORKQUALITY), ILO Ms. Dayina Mayanga, Deputy Director, Regional Office for Africa, ILO H. E. Ms. Toto Raharimalala Marie Lydia, Minister of Employment, Technical Education and Vocational Training
9.30-10.00	Coffee break and reception
10.00 –10.30	Objectives of the meeting and introduction of participants Chair: Mr. Christian Ntsay, Director, ILO-CO Antananarivo Introduction: Decent work for migrant domestic workers: Global trends, challenges and opportunities Speaker: Manuela Tomei, ILO-WORKQUALITY Summary: This session will provide the overall analytical framework of the forum, anchored in the link between the protection of domestic workers rights and good labour migration governance. The session will provide information on the most relevant global processes, main challenges in addressing decent work deficits for migrant domestic workers, and key elements of ILO's strategy on domestic workers, including the link with ILO's Women@Work Centenary Initiative. Q&A session
THEME 1: Cooperation between origin and destination countries to ensure the protection of migrant domestic workers in line with International Labour Standards, particularly the Domestic Workers' Convention, 2011 (No. 189).	

10.30 - 12.30	<p>Session 1: National laws and policies for promoting and protecting migrant domestic workers' rights and their complementarity with interregional, regional and binational processes.</p> <p>Chair: James Ndiho, Ministry of Labour and East African Affairs, Kenya</p> <p>Summary: This session will share experiences and practices of policies adopted by countries of origin and destination with the view to enhance the protection of migrant domestic workers. These policies include reforms of labour codes in countries of destination, adoption of standard employment contracts and deployment bans enacted by countries of origin with the view to protect migrant domestic workers from exploitation and abuse. Finally the session will conclude with a discussion on the complementarity of these policies with the binational, regional and interregional initiatives discussed on day 1.</p> <p>Speaker: Manuela Tomei, Director, ILO-WORKQUALITY</p> <p>Panel:</p> <ul style="list-style-type: none"> - Bandana Pattanaik, Global Alliance Against Trafficking of Women (GAATW) - Tekle Tesfu, Ministry of Labour and Social Affairs, Ethiopia - Ira Rachmawati, Konfederasi Serikat Buruh Sejahtera Indonesia (KSBSI), Indonesia <p><i>Session objectives: Participant acknowledge the link between the situation of domestic workers in countries of origin and destination and the need to enact protective national labour legislation at both ends, in line with international standards.</i></p>
12.30 - 14.00	Lunch break
14.00- 15.30	<p>Session 2: Bilateral governmental cooperation</p> <p>Chair: Douglas Opio, Federation of Uganda Employers'</p> <p>Summary: This session will facilitate the sharing of good practices and experiences of countries in negotiating bilateral agreements and MOUs for migrant domestic workers. Panelists are invited to discuss the scope, coverage and enforcement challenges of these instruments as well as the extent to which social partners and domestic workers organizations are involved in the design, negotiation and implementation of such instruments.</p> <p>Speaker: Maria Elena Valenzuela, Chief Technical Adviser, ILO</p> <p>Panel:</p> <ul style="list-style-type: none"> - Nuluyati Nabiwande, Ministry of Gender, Labour and Social Development, Uganda - Rafaat Al Nawayefe, Ministry of Labour, Jordan - Shyam Raj Adhikari Ministry of Labour and Employment, Nepal - Julius Cainglet, Federation of Free Workers, Philippines <p><i>Session Objectives: Participant acknowledge the importance of national legislation as a pre-requisite for effective implementation of BLAs and MoUs and the importance of involving social partners in the design, negotiation and implementation of these agreements.</i></p>
15.30- 16.00	Coffee and tea break

16.00 - 17.30	<p>Session 3: Non-governmental cooperation processes</p> <p>Chair: Marieke Koning, International Trade Union Confederation (ITUC)</p> <p>Summary: This session will focus on the sharing of experiences of interregional/binational cooperation among trade unions and civil society organizations with the aim of identifying emerging practices and opportunities for replicability and upscaling.</p> <p>Speaker: Myrtle Witbooi, <i>International Domestic Workers' Federation (IDWF)</i></p> <p>Panel:</p> <ul style="list-style-type: none"> - Ramesh Badal, <i>The General Federation of Nepalese Trade Unions (GEFONT), Nepal</i> - Meashuo Berihu, <i>Confederation of Ethiopian Trade Union (CETU), Ethiopia</i> - Abdulqader Abdulkarim Kadrhim Shehb, <i>General Federation of Bahrain Trade Unions (GFJTU), Bahrain</i> - Albert Njeru Obed, <i>Central Organization of Trade unions (COTU), Kenya</i> - Myriam Vandenbroucke, <i>HIVOS/Migrant-Rights/Migrant CARE</i> <p><i>Session objectives: Participants identify opportunities for enhancing collaboration among trade unions and civil society's organizations, including in Africa. They identify ways to better operationalize these cooperative agreements and assess achievements to date.</i></p>
17.30	Close of Day 1

6th May 2016: Day 2	
9.00-9.15	Recap and questions from preceding day
9.15–10.45	<p>THEME 1: Cont.</p> <p>Session 4: Regional and interregional governmental processes</p> <p>Chair: Owere Usher Willson, National Organization of Trade Unions (NOTU), Uganda</p> <p>Summary: This session will host a discussion on regional and interregional processes and instruments on promoting and protecting the rights of migrant domestic workers as well as examine the challenges and opportunities of addressing the particulars of domestic workers and household care workers. More specifically, panelists will discuss the democratic validity, coverage, enforcement and impact of regional government processes. In light of ongoing dialogue between Asia and the Arab States, the panel will also discuss the opportunities and challenges to extend the interregional dialogue to Africa.</p> <p>Speakers: Maria Gallotti, Labour Migration Specialist, ILO Emanuela Pozzan, Senior Regional Gender Specialist, ILO</p> <p>Panel</p> <ul style="list-style-type: none"> - Mohamed Farukzaman, <i>Ministry of Expatriate Welfare and Overseas Employment, Bangladesh</i> - William Gois, <i>Migrant Forum Asia (Skype)</i> - Laxman Basnet, <i>South Asia Regional Trade Union Council</i>

	<p>- Rothna Begum, <i>Human Rights Watch</i></p> <p><i>Session objectives: a) Participants have a better understanding of existing regional and interregional processes and instruments and identify opportunities for the protection of migrant domestic workers; b) participants recognize and acknowledge the importance of social partners' participation in and contribution to these processes.</i></p>
10.45–11.15	Coffee and tea break
11.15-12.15	Break out session: challenges and opportunities for enhanced bilateral, regional and interregional cooperation
12.15-13.00	Presentation of group work and plenary discussion
13.00 - 14.15	Lunch break
14.15 - 15.45	<p>Theme 2: Cooperating to promote fair recruitment practices in the domestic work sector.</p> <p>Session 5: promoting fair recruitment practices for migrant domestic workers and improving job matching mechanisms</p> <p>Chair: Rothna Begum, Human Rights Watch</p> <p>Summary: This section will explore the extent to which different recruitment arrangements are able to balance the competing demands of the market while maintaining their commitment to fair practices; matching employers' preferences, maximizing profit to the recruiters, facilitating labour market access to the workers and extending necessary protections to them. Further, this session will explore innovative business models like the ability of labour recruiters to set up schemes that aim to avoid excessive fee charging practices to employers, eliminate worker-paid fees as well as intermediaries.</p> <p>Speaker: Igor Bosc, <i>Chief Technical Adviser, Work in Freedom Programme, ILO New Delhi</i></p> <p>Panel:</p> <ul style="list-style-type: none"> - Ahmed Farooq, <i>Bangladesh Employers' Federation</i> - Sonia George, <i>Self-Employed Women's Association (SEWA)</i> <p><i>Session objectives: Participant identifies and discusses different recruitment modalities in their application to migrant domestic workers. Participants have a better understanding of employers' preferences and explore options for reforming recruitment.</i></p>
15.45– 16.15	Coffee and Tea break
16.15- 17.45	Break out session: promoting fair recruitment practices: elements of an action plan Presentation of group work and plenary discussion
17.45	Closure of day 2

7th May 2016: Day 3	
9.00-9.15	Recap and questions from preceding day
9.15-10.45	<p>THEME 3: Promoting occupational mobility within and out of domestic work</p> <p>Session 6: Labour mobility, skill development and recognition, return and reintegration</p> <p>Chair: Natasha Chhabra, All India Organization of Employers (AIOE)</p> <p>Summary: This session will cover different types of policies that impact occupational mobility of workers within and outside the sector, at different stages of the migration cycle. Hence, the session will cover initiatives aimed at professionalizing domestic work and enhancing skill acquisition and recognition across borders. It will cover pre-departure training as well as regional competency frameworks. The session will also allow for a discussion on how to elaborate rights based return and reintegration policies for MDWs.</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Aida Awel, Chief Technical Adviser, ILO • Marie-José Tayah, Technical Specialist, ILO <p>Panel:</p> <ul style="list-style-type: none"> - <i>Mohamed Asaduzzaman, Bangladesh Jatyatabadi Sramik Dal (BJSD), Bangladesh</i> - <i>Farah Salka, Coordinator, Migration Community Centre (MCC), Lebanon</i> - <i>Manish Kumar Agrawal, Federation of Nepalese Chambers of Commerce and Industry (FNCCI), Nepal</i> - <i>Ray Tadeo, Employers' Confederation of the Philippines (ECOP)</i> - <i>Jeannoda Norotiana, Syndicat des Professionels Diplomes en Travail Social (SPDTS)</i>
10.45-11.15	Coffee and tea break
11.15-12.15	Break out session: Develop action plan on promoting international cooperation and partnerships to realize a fair migration agenda for migrant domestic workers in Africa, the Arab States and Asia
12.15- 12.45	Presentation of group work and plenary discussion
12.45- 13.45	Conclusions and closure of the seminar
13.45	Lunch