



## **ILO Policy Advisory Committee on Fair Migration in the Middle East**

**Supported by ILO Regional Fair Migration Project in the Middle East (ILO FAIRWAY project)**

### **Background and rationale**

In 2014, ILO's tripartite constituents endorsed the ILO Director General's Fair Migration Agenda, which revolves around ensuring fair recruitment and equal treatment of migrant workers, both male and female, to prevent exploitation and level the playing field with national workers. It is about ensuring a fair sharing of the prosperity that migrants help to create, and building migration regimes that respond equally to the interests of the countries of origin and destination, and to migrant workers, employers and nationals. The Fair Migration Agenda is underpinned by the ILO Multilateral Framework on Labour Migration and relevant ILO standards. It sets the framework for ILO and its constituents for work on labour migration in Arab States, Asia and elsewhere. The Fair Migration Agenda was subsequently endorsed by the Abu Dhabi Dialogue (through the Kuwait Declaration of the 3<sup>rd</sup> Ministerial Meeting in November 2014). ILO's global policy on labour migration is further guided by Outcome 9 of its Programme and Budget for 2016-17.

It is within these broader global ILO policy frameworks that ILO Regional Office for Arab States (ROAS) operates its work to promote fair migration among ILO constituents in Arab States. It does so through its Regional Decent Work Team (DWT) and a range of projects, programmes and services. One significant regional project to contribute is FAIRWAY (SDC funded). The project supports regional and interregional dialogue on fair migration and offers country-specific assistance and support (in Bahrain, Jordan, Lebanon, Kuwait, and the UAE) with particular focus on the construction and domestic work sector<sup>1</sup>. The project builds on the ILO MAGNET project which ended in July 2015.

Key identified issues under the fair migration agenda in the region that ILO ROAS aims to address through collaboration with ILO constituents are:

- 1) Flawed recruitment between countries of origin (mainly South Asia) and destination;
- 2) Unacceptable working conditions, including in situations akin to forced labour, as sustained by a Kafala sponsorship system which provides employers control over migrant workers;

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<sup>1</sup> By far the largest number of migrant workers, particularly in the Gulf States, are to be found in construction, whereas the limited rights and multiple disadvantages faced by migrant domestic workers are an ever growing concern.

- 3) Law and protection in migrant intensive sectors, including in agriculture, construction and domestic work;
- 4) Ineffective dispute resolution and limited access to justice by migrant workers;
- 5) Limits on voice, representation, and social dialogue amongst migrant workers;
- 6) Discrimination of migrant workers and due diligence by employers.
- 7) Governance of labour migration within broader labour market policies, including attention to access to work for forced migrants/refugees.

ILO ROAS seeks to make a difference in the lives of in particular low-skilled migrant workers by working with ILO constituents towards positive change in policy, law and enforcement, along with change in attitudes and behaviour with regards to the treatment of migrant workers.

The strategy to advocate for such change is crucial and will include a number of incentives and processes involving the right actors. These incentives include first and foremost sound research findings, policy papers, and documented learning, presented with convincing arguments, and in succinct and attractive formats; and presented to the right people, in the right way, and at the right time.

These policy papers and research endeavours, and the actual strategies to advocate for policy change will be guided by a group of strategic thinkers in a Policy Advisory Committee (PAC) to be set up through the project.

## Purpose of the Policy Advisory Committee

The committee is envisaged to act as a **think tank** and **advisory forum** to ILO ROAS, and provide high quality advice on the ILO strategy to advocate for policy change, under the fair migration agenda in the region, and specifically in the countries where the FAIRWAY project is active. As such, the committee does not have legal authority or governance responsibility.

Key topics under the broader fair migration theme, to be covered by the committee, will include but will not be limited to recruitment, working conditions, kafala/sponsorship, trafficking and forced labour, voice and representation of migrant workers, dispute resolution, law and enforcement, and issues relating to specific sectors in which migrant workers face abuse, such as agriculture, construction and domestic work.

## Role of members of the PAC

Within the scope and identified thematic areas of the project, the Policy Advisory Committee will:

- ✓ provide advice on research strategies (including on how to avoid pitfalls), review and comment on draft TORs for experts/researchers to engage, review/validate/peer review draft policy papers (possibly to be presented at PAC meetings)
- ✓ provide and discuss smart entry points/opportunities to capitalize on for policy change
- ✓ provide advice on key policy messages and wording of those messages

- ✓ offer insights, expertise, innovative ideas/emerging new thinking, and information on recent publications of relevance
- ✓ provide advice on ways forward to affect policy change, including suggestions on specific individuals, contacts or organizations to target, timing, messages, questions to ask, and advice on actionables
- ✓ provide advice on how to overcome challenges, bottlenecks, and resistance to change by vested interests
- ✓ provide advice on how to sell and package advocacy materials
- ✓ provide advice on campaign work to affect behaviour change under the project
- ✓ possibly participate in promotion of core messages and/or launch events
- ✓ review progress with regards to influencing changes in policy

## PAC composition and qualifications

Commensurately, the PAC as envisioned will consist of about 10-13 experts, including academics, policy practitioners, and social partners. They shall represent a diverse range of disciplines, expertise and experience encompassing many aspects of labour migration, and ideally involve prominent staff of research and policy institutes in the region. The areas of expertise will include recruitment, kafala/sponsorship, immigration, forced labour/trafficking, labour inspection and law enforcement, dispute resolution, voice and representation, migrant domestic work, migrant working conditions in construction, media and communications.

Experts will need to have affinity with Arab states and its cultural context, and need to be well connected. Strong academic credentials are preferred, along with proven credentials in influencing government policy.

Ideally, the group should include policy advisers, strategists, researchers/experts, social partners, and a campaigner/activist.

Members shall serve in an independent, personal and individual capacity.

An adequate gender balance shall be strived for.

## Operational modalities:

The committee will meet not less than once every six months. The proposed agenda for each meeting will be developed in consultation with the Project Oversight Committee of the FAIRWAY project<sup>2</sup>. The frequency of meetings may be adjusted as necessary.

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<sup>2</sup> The FAIRWAY Project Oversight Committee (POC) is composed of two ILO Decent Work Team staff (i.e. the Director and the Senior Migration Specialist) along with two staff of SDC (which is the donor of the FAIRWAY project), and provides supervision and oversight to the team implementing the regional FAIRWAY project. The ILO Policy Advisory Committee (PAC) is broader in scope in that it advises ILOs regional office (and within that the FAIRWAY project team) on labour migration policy. While the POC has a governance role, the PAC is an advisory body.

Each meeting will take between one-and-a-half and two days and the Director of the ILO Decent Work Team will chair PAC meetings, while the Senior Migration Specialist will deputize.

The PAC will be served by a Secretariat (FAIRWAY CTA and project staff) which prepares meetings and takes notes.

SDC will have one seat on the PAC to ensure coherence with the SDC global portfolio on labour migration.

The language of operation will be English.

Each meeting will discuss a number of selected themes of relevance under the adopted fair migration agenda.

Each meeting will be preceded by a detailed preparatory note (prepared by the Secretariat) to be shared with all participants, and will be followed by minutes (taken by the Secretariat) to be circulated amongst PAC members. These minutes will include a series of detailed recommendations for use by ILO ROAS' Decent Work Team, the FAIRWAY project team and its Project Oversight Committee (POC), for use in their dealings with stakeholders in the region and for use in forums such as the Abu Dhabi Dialogue, GCC executive bureau, regional UN working group on migration, and the Global Forum on Migration and Development.