

Fifth Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process)

25th August 2016, Colombo, Sri Lanka

Colombo Process Ministerial Declaration

WE, THE MINISTERS OF THE COLOMBO PROCESS MEMBER COUNTRIES¹, GATHERED IN COLOMBO, SRI LANKA ON THE 25TH AUGUST 2016 at THE FIFTH MINISTERIAL CONSULTATION ON OVERSEAS EMPLOYMENT AND CONTRACTUAL LABOUR FOR COUNTRIES OF ORIGIN IN ASIA (The Colombo Process);

1. Affirming the 'road map' undertaken during the Chairmanship of Sri Lanka since 2013, that sought to strengthen engagement between Colombo Process Member States (CPMS) and countries of destination under the theme "International Labour Migration for Prosperity: Adding Value by Working Together".
2. Recalling the previous Ministerial recommendations and outcomes, in Colombo (2003), Manila (2004), Bali (2005), Dhaka (2011),
3. Recognizing the importance of ensuring that the human rights and fundamental freedoms of all migrant workers, irrespective of their legal status, are respected and the welfare, dignity and well-being of their families, in particular women and children, are promoted and protected;
4. Reaffirming that safe, orderly and regular migration of workers contributes to the socio-economic development of countries of origin and destination;
5. Also reaffirming the importance of clearly distinguishing between labour migration and large scale movements of populations (including refugees) in crisis situations;
6. Taking note of the process of intergovernmental negotiations leading to the adoption of a Global Compact for Safe, Orderly and Regular Migration in 2018;
7. Recalling that the aim of the Colombo Process is to provide countries of origin in Asia of contractual labour a forum to share experience, discuss issues and identify steps for follow-up and empowering the Member States to manage their labour

¹ Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Vietnam

migration and enhancing prospects for overseas employment for their peoples by free and informed choice;

8. Appreciating the broader aims and objectives promoted under the five thematic areas of the road map, initiated and operationalized during the Chairmanship of Sri Lanka since 2013, and evaluated at the current, Fifth Ministerial Consultation of the Colombo Process, namely:
 - a) Skills and Qualification Recognition Processes including transnational accreditation and monitoring,
 - b) Foster Ethical Recruitment Practices (including promoting Standard Employment Contracts).
 - c) Effective Pre-departure Orientation & Empowerment, with an additional focus on migration and health,
 - d) Promote Cheaper, Faster and Safer Transfer of Remittances,
 - e) Enhancing capacities of the Colombo Process participating countries to track labour market trends;

9. Noting with satisfaction the tangible progress achieved to date collectively by the Member States under each of the thematic areas and engagement with destination country organizations, notably;
 - a) Convening of four Senior Officials' Meeting (SOM), which served as avenues for the Senior Officials of the CP Member States to engage in in-depth discussions on the five thematic priorities, to consider cooperation with other Dialogue Fora and to agree on concrete recommendations to realize the common objectives of the CP;

 - b) Convening of 18 ambassadorial and expert level meetings in Geneva, develop the CP Self-Funding Mechanism to enhance the predictability and regularity of CP meetings as well as ensuring the independence of the CP and its agreed priorities, and accordingly refining the Colombo Process Operating Modalities as mandated by the SOM;

 - c) Achievements under the five thematic areas:
 - **Skills and Qualification Recognition Process:** translation of good practices and lessons learned from the Skills Pilot Project of Sri Lankan migrant workers in the construction industry in UAE in other CPMS; and, compilation of good practices and lessons learned from the CP countries (India, Pakistan and Sri Lanka) participating in the ADD Skills Pilot Project.

 - **Fostering Ethical Recruitment Practices:** The holding of the first Regional Symposium on Ethical Recruitment which will lead to the production of a synthesis report with solid recommendations to promote regulatory harmonization of recruitment intermediaries

within the CPMS and with CODs; the compilation of best practices of recruitment monitoring and complaints mechanisms through creation of an e-compendium; and, the development of standard terms of employment for domestic workers.

- **Effective Pre-departure Orientation and Empowerment:** the development of Regional Module Guide and Programme Management System for pre-departure training (PDO).
- **Promote Cheaper, Faster and Safer Transfer of Remittances:** Activation of the TAWGs on “Remittances”.
- **Enhancing capacities of the Colombo Process participating countries to track labour market trends and Colombo Process Technical Support Unit in support of the CP goals:** The establishment of a Technical Support Unit (CPTSU), and the appointment of a Technical Expert to pursue the goals determined under the Colombo Process roadmap; the development of an online repository and, the redevelopment of the Colombo Process website to serve as a knowledge forum, through sharing information and data, materials and good practices on the five thematic priorities and other issues salient to the CP. The convening of the Regional Workshop on Labour Market Research in Colombo on 1 June 2016 to stock take existing initiatives in the CP countries and exchange ideas for the Labour Market Research Operational Guide.
- Activation of Thematic Area Working Groups (TAWG) under all the five thematic areas, comprising the following countries:
 - **Skills and Qualification Recognition:** Sri Lanka (Chair), Afghanistan, China, India, Indonesia and Pakistan (1st meeting 31 May 2016, Colombo)
 - **Fostering Ethical Recruitment:** Bangladesh (Chair), Nepal, the Philippines, Sri Lanka, Thailand and Viet Nam (31st May 2016, Colombo)
 - **Pre-departure Orientation (PDO) and Empowerment:** Philippines (Chair), Bangladesh, Indonesia, Pakistan, Sri Lanka and Viet Nam (4th August 2016, Bangkok)
 - **Remittances:** Pakistan (Chair), Bangladesh, Nepal, the Philippines, Sri Lanka, Viet Nam, (21st July 2016, Bangkok)
 - **Labour Market Analysis:** Thailand (Chair), Afghanistan, China, India, Indonesia, the Philippines, (1st meeting on 21 July 2016, Bangkok)

d) Strengthened the engagement with destination countries of the Gulf Cooperation Council (GCC) through the Abu Dhabi Dialogue (ADD) meetings in Kuwait City in 2014 and Dubai in 2016. This includes support for the thematic programmes of the ADD including,

1. The Comprehensive Information and Orientation Programme for Migrant Workers and
2. The ADD Pilot Project on Skill Development, Documentation and Recognition

e) Facilitating common understanding on the key trends and issues underlying labour markets of both countries in Asia and migrant-receiving countries in the EU through the 3rd Asia-EU Dialogue on Labour Migration held in conjunction with the Colombo Process Senior Officials' Meeting on 15th-16th October 2014 in Colombo under the theme of *Strengthening Labour Migration Corridors between Asia and EU through Enhanced Migration Governance*.

HAVING CONSIDERED THE PROGRESS ACHIEVED SO FAR AND TAKING NOTE OF THE CHALLENGES IN BETTER MANAGING LABOUR MIGRATION IN THE WAKE OF CONTEMPORARY TRENDS IN MIGRATION FLOWS IN GENERAL, THE MINISTERS RECOMMEND;

10. To continue working on the five thematic areas in accordance with the goals and the key tasks identified by each TAWG; and to work on the new areas/themes agreed on below, without prejudice to any additional new themes or programmes to be proposed by the next Chair, in line with the common objectives of the CP; and to recommend to the SOM and the Geneva-based CP Missions to discuss further on the ways of implementing them, while taking into account the statements made by the heads of delegations at the fifth Ministerial Consultation, and envisaging the stipulated concrete outcomes and to report on progress at the subsequent meetings;

A) On Thematic Areas;

Skills and Qualification Recognition Process;

- To promote mutual recognition of skills and qualification frameworks within the Colombo Process Member States (CPMS) and between the CPMS and Countries of Destination (CODs) through developing frameworks for skills training and recognition aligned with CODs, in particular paying due regard to the ILO Regional Competency Standards.
- To promote the wider replication of the Pilot Project on Skill Development, Documentation and Recognition adopted by the ADD in other CPMS by maximizing the ADD as a promising platform for further collaboration and mutual recognition of qualification frameworks.

- To support CPMS' efforts to meet the demand for skilled labour while ensuring better wages in new labour markets through the adoption of national level training strategies that will ensure that the skills of workers are better matched to the requirements of CODs, and promoting wage structures that are appropriate to skill levels of skilled workers from the CPMS.

Fostering Ethical Recruitment

- To promote fair and ethical recruitment through harmonising national policies and regulations throughout the CPMS in line with international standards, and the development of transparent regulatory frameworks in order to ensure the protection of migrant workers and prevent exploitative practices.
- To operationalise the above through effective enforcement and the adoption of global initiatives such as ILO's Fair Recruitment Initiative (FRI); and to consider promoting voluntary codes of ethics such as IOM's International Recruitment Integrity System (IRIS).
- To work towards the transformation of the recruitment industry through ensuring that the recruitment/placement of migrant workers from CPMS shall be at no cost to the worker.
- To promote standard unified employment contracts in defined sectors where workers are in need of most protection, such as domestic work, to promote the wellbeing of migrant workers.

Effective Pre-departure Orientation and Empowerment

- To enhance the protection of migrant workers from the CPMS, equipping them with information necessary for decent work, health and well-being, and safe migration, by way of the promotion of tailored pre-employment, pre-departure and post arrival orientation for migrant workers addressing their rights and obligations, recourse mechanisms, and information on health and safety through the implementation of the Comprehensive Information and Orientation Programme for Migrant Workers, which was adopted as a regional initiative of the ADD.

Reducing the Costs of Remittances Transfer

- To join the universal efforts to reduce remittance transaction costs to less than 3% as stipulated in the 2030 Agenda for the Sustainable Development Goals by encouraging the CPMS to have in place remittance regulatory frameworks that facilitate cheaper, faster and safer remittances through the promotion of a greater choice and availability of regulated money transfer operators; and the provision of more transparent information on transfer costs which will allow migrant workers to choose the most cost-effective money transfer channels.
- To promote the implementation of national-level policies that maximize the contribution of remittances to development through empowering migrant workers and their families on decision-making on financial management through

financial education and promoting the financial inclusion of remittance receivers through engaging financial institutions and local stakeholders and ensuring that they are responsive to the needs of different groups.

Enhancing capacities of the Colombo Process participating countries to track labour market trends and Colombo Process Technical Support Unit in support of the CP goals

- To enhance the planning and design of CPMS labour migration policies through enhancing the capacity of CPMS to analyse labour market requirements and trends in CODs through the production of a labour market research Operational Guide, the implementation of capacity building activities and the promotion of exchanging good practices.
- To guide the activities of the Colombo Process Technical Support Unit (CPTSU) in Colombo, Sri Lanka, which provides support to all the CP countries in pursuing the goals and actions set in the current five thematic priorities of the CP and any other areas that the CP would agree in the future.
- To support the respective Chairs of the Thematic Area Working Groups (TAWGs), which have been activated for each of the current five thematic priorities, to lead discussions and actions of the assigned thematic areas, through assigning focal point officials to regularly participate in and contribute to discussions at TAWG meetings and share the expertise of their country in the respective thematic area.

B) To continue engagement with destination countries and other dialogue forums, including;

a) The Abu Dhabi Dialogue (ADD);

- to promote further joint activities supported by the ADD and the CP on common thematic areas through replicating pilot projects between selected countries of the ADD and CPMS,
- to consider appropriately on how to respond to any future policy developments in the GCC on labour mobility ;

b) The European Union:

- to continue pursuing dialogue with the EU at appropriate levels on further opportunities for labour migration to the EU countries and engagement on other migration-related issues of interest, including by convening regular meetings between the EU and the CP;

c) SAARC & ASEAN;

- to call on SAARC and ASEAN to facilitate dialogue and seek possible areas of collaboration on the promotion and protection of migrant workers' rights.

C) New Thematic Areas;

To mandate the 5th SOM and the Geneva-based Permanent Missions of the CP to continue consultations and provide recommendations to the Sixth Ministerial Meeting on the following new areas;

i. Migrant Health;

To consider the inclusion of Migrant Health as a new thematic priority for the CP, given the importance of promoting the health of migrant workers throughout the migration cycle to reduce long-term economic and social costs, the acknowledgement of the right to healthcare for migrant workers by the 26th Session (26/21) and 29th HRC Session (29/2) of the Human Rights Council and the stipulation in the SDGs of access to universal health coverage. The topic of migrant health was discussed at the 69th World Health Assembly during a dedicated 'Technical Briefing', which reiterated the continued relevance of the 2008 WHA 61.17 Resolution requesting Member States to promote the health of migrants. In addition, the Ministry of Health of the Government of Sri Lanka announced that it will host the 2nd Global Consultation on Migrant Health in Colombo in February 2017.

ii. Operationalization of the migration-related goals in the SDGs;

To implement the Sustainable Development Goals (SDGs) pertinent to CP objectives, in particular the goals relating to decent work and safe migration (especially, SDG targets 8.8. and 10.7), both through national-level actions and the collective efforts of the CP, by using the CP as a platform to review regional progress made in implementing the abovementioned SDG targets and by sharing experiences and challenges in working with the globally agreed indicators, while noting that the primary role in prioritizing policy decisions and the implementation of the goals and targets lies with the individual Member State;

iii. Promotion of equality for women migrant workers

To promote the development of specific actions for women migrant workers from CPMS that can address potential discrimination and protect them from the precarious circumstances that many find themselves in, including violence, abuse and exploitation, particularly in the domestic work sector; to amplify the opportunities for women's decision-making and agency in the household and in the labour market, as well as their mobility - within and outside their countries of origin.

iv. Consular Support for Migrant Workers

- **Migrant workers in countries experiencing crises;**

To consider developing an appropriate 'Collective Preparedness Mechanism' to look into the safety and consular needs as well as the immediate welfare of the migrant worker populations of the CPMS in cooperation with the receiving countries, during any mass scale emergency situations such as conflicts and natural disasters, and in situations of economic crisis in the destination/transit countries;

- **Support to other CP nationals**

To consider developing a collaborative mechanism for CPMS to disseminate information to migrant worker nationals of CPMS other than those of their own nationality;

- **Information sharing**

To support regular sharing of best practices and information on consular support for migrant workers between CP countries' missions in destination countries;

11. To continue enhancing the visibility of the Colombo Process as a RCP and to seek engagement with other RCPs including through the Global RCP meeting of IOM and other Migration related fora such as GFMD by making joint statements as agreed by CP Member States and sharing best practices;;

12. THE MINISTERS ALSO DECIDE TO ENDORSE THE RECOMENDATIONS OF THE 3RD SOM AND;

- a) Welcome in unison, Cambodia's inclusion to the Colombo Process as its 12th Member State with immediate effect.
- b) Approve and adopt the revised Colombo Process Operating Modalities², including a self-funding mechanism, to consolidate the rules and structure of the Colombo Process and to ensure its sustainability, and to provide guidelines on the transfer of the Chairmanship to ensure predictability to the regular meetings and engagements by the CP Member States,
- c) Approve the setting up the Colombo Process Technical Support Unit (TSU) in Colombo-Sri Lanka, in support of the CP goals, and to provide support to all the CP countries in pursuing the goals and actions set in the current five thematic priorities of the CP and any other areas that the CP would agree in the future,

13. THE MINISTERS;

- a) Take note of the Statements of observer states and civil society organizations and their constructive engagement;

² The amended Operating modalities of the Colombo Process at Annex A

- b) Appreciate and acknowledge the technical, secretarial and financial support from the IOM and other partners, in furthering the objectives of the Colombo Process Member States.

14. THE MINISTERS;

- a. EXPRESS GRATITUDE TO THE GOVERNMENT OF SRI LANKA FOR HOSTING THE FIFTH MINISTERIAL CONSULTATION AND FOR THE EXCELLENT LEADERSHIP DURING THE 3 YEARS OF ITS CHAIRMANSHIP;
- b. AGREE THAT SRI LANKA CONTINUES CONSULTATIONS AS TO THE NEXT CHAIRMANSHIP;
- c. AGREE THAT THE SIXTH COLOMBO PROCESS MINISTERIAL CONSULTATION FOR COUNTRIES OF ORIGIN IN ASIA (COLOMBO PROCESS) WILL BE HELD IN 2018; THE VENUE WILL BE DECIDED FOLLOWING CONSULTATIONS.

ADOPTED IN COLOMBO, SRI LANKA ON 25TH AUGUST 2016 BY THE ATTENDING MINISTERS OF THE FOLLOWING COUNTRIES:

Islamic Republic of Afghanistan,
People's Republic of Bangladesh,
People's Republic of China,
Republic of India,
Republic of Indonesia,
Federal Democratic Republic of Nepal,
Islamic Republic of Pakistan,
Republic of the Philippines,
Democratic Socialist Republic of Sri Lanka,
Kingdom of Thailand,
Socialist Republic of Vietnam.