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

16 November 2018, Kathmandu, Nepal

Colombo Process Ministerial Declaration

WE, THE MINISTERS OF THE COLOMBO PROCESS MEMBER STATES¹, GATHERED IN KATHMANDU, NEPAL ON 16 NOVEMBER 2018, FOR THE SIXTH MINISTERIAL CONSULTATION ON OVERSEAS EMPLOYMENT AND CONTRACTUAL LABOUR FOR COUNTRIES OF ORIGIN IN ASIA:

1. Affirming the Colombo Process under the theme of the Nepal Chair, “Safe, Regular and Managed Migration: A Win-Win for All”, as a forum for dialogue and international cooperation with a view to improving labour migration governance in all its stages among the Member States as well as with countries of destination;

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

3. Recalling the achievements of previous Chairs, and previous Ministerial consultations and outcomes, held respectively in Colombo (2003), Manila (2004), Bali (2005), Dhaka (2011), and Colombo (2016);

4. Reaffirming the Colombo Process Ministerial Declaration of 2016, which recognizes the importance of ensuring that the human rights and fundamental principles and rights at work of all migrant workers are respected, irrespective of their legal status, and that the welfare, dignity and well-being of their families, in particular women and children, are promoted and protected;

5. Appreciating the Colombo Process Consultation on the Global Compact for Safe, Orderly and Regular Migration (GCM), held in Kathmandu on 13-14 September 2017, and the significance of the work of the Thematic Area Working Groups (TAWGs) and contribution in drafting the joint recommendations to the GCM;

6. Acknowledging the solidarity, unity and the spirit of collaboration of the Colombo Process Member Countries throughout the thematic consultation

¹Afghanistan, Bangladesh, Cambodia, China, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand, Vietnam
process of the GCM, and statements made by the Colombo Process Chair and Chairs of each TAWG during the GCM consultation and stocktaking phases;

7. Recognizing that the objectives and action agenda laid out in the GCM are inclusive of the Colombo Process Joint Recommendations and shared views by Member States of the Colombo Process in consultations, meetings and in the TAWGs;

8. Appreciating the incorporation of the Colombo Process recommendations into the final draft of the GCM, and the reference to the importance of Regional Consultative Processes (RCPs) in contributing to the GCM implementation, follow up and review processes;²

9. Acknowledging the GCM as an opportunity for the Colombo Process to use, as an internationally agreed, legally non-binding cooperative framework, to guide its work in the field of overseas employment and contractual labour;

10. Realizing the synergies between the relevant GCM objectives and actions with the work of the TAWGs and the potential to advance their future work for the common benefit of all Colombo Process Member States;

11. Reaffirming the importance of maintaining the sustainability of the Colombo Process through the self-funding mechanism in the form of annual contributions by the Colombo Process Member States' to ensure predictable and regular meetings;

12. Recognizing the importance of Colombo Process engagement with other global, regional, and inter-regional forums to advance opportunities for migrant workers while ensuring their rights are protected;

13. Recognizing strengthened synergies and engagement with destination countries such as those in the Gulf Cooperation Council through the Abu Dhabi Dialogue meetings in Colombo in 2017 and 2018;

14. Recognizing the important and positive contributions migrants make to the social and economic well-being of their communities and countries;

15. Referring to Target 10.7 of the 2030 Agenda for Sustainable Development and acknowledging that safe, orderly and regular migration enables workers to contribute to the socio-economic development of countries of origin and destination;

²Refer to paragraphs 47 under the GCM section on 'Implementation'; and 50 and 52 on 'Follow up and review'.
16. Emphasizing that the Colombo Process has become an effective mechanism for sharing experiences and best practices and adopting key commitments and international standards, thus advancing policy coherence at the regional level;

17. Noting the important progress made in pursuing the goals and actions set in the current five thematic priority areas of the Colombo Process, as reflected in the five TAWGs\(^3\) activated in 2016, namely:

- Skills and Qualification Recognition Processes
- Fostering Ethical Recruitment Practices
- Pre-departure Orientation and Empowerment
- Promote Cheaper, Faster and Safer Transfer of Remittances
- Labour Market Analysis

and that in coordination with the established Colombo Process Technical Support Unit (CPTSU), the TAWGs have met 18 times at the expert level since the 2016 Ministerial Consultation;

18. Noting the continued interest by Member States to pursue the following four additional crosscutting thematic areas agreed in 2016, including by exploring ways to incorporate these into the ongoing five TAWGs, as appropriate:

- Migrant Health
- Operationalization of the Migration-related Elements of the SDGs
- Promotion of equality for women migrant workers
- Consular Support for Migrant Workers\(^4\)

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:

19. To continue working on the five thematic areas, inter alia, as per following suggestions on ways forward; to advance their work in line with the relevant objectives and related actions of the GCM and SDG targets and indicators; and as appropriate, report to the Seventh Colombo Process Ministerial Consultation:

- **Skills and Qualification Recognition Process**
  - To continue dialogues regarding the possibilities of establishing a regional qualification framework as a mechanism to facilitate comparison of qualifications across countries of origin and enhanced recognition of skills of migrant workers in countries of destination.
  - To promote the exchange of initiatives and good practices with regard to the Recognition of Prior Learning for migrant workers so as to enhance the recognition of their skills and qualifications in both countries of origin

\(^{3}\)Annex: Important Progress and Achievements of the Colombo Process Thematic Priorities.

\(^{4}\)See the Annex for specific achievements.
and destination and their reintegration into the domestic labour market upon return to home countries.

- To promote engagement with employers and industry associations in countries of destination to explore non-traditional occupations for female and male migrant workers while taking into account occupation-specific and gender-specific realities.

b. Fostering Ethical Recruitment

- To sustain joint efforts towards no recruitment cost to migrant workers through continued support to the process of proposing a global definition of recruitment fees and costs, further alignment of regulatory frameworks with global initiatives including the General Principles and Operational Guidelines for Fair Recruitment and the International Recruitment Integrity System, and appropriate policies and programmes towards the transformation of the recruitment industry.

- To strengthen grievance mechanisms and remove any obstacles that may inhibit migrant workers' access to justice by using technologies, maximizing partnerships with countries of destination and other stakeholders with particular recognition of the important role of civil society organizations and other social partners, and drawing on key findings from the Colombo Process-wide mapping exercise on complaints mechanisms.

- To enhance the transparency of cross-border recruitment processes and the enforcement of respective laws by strengthening collaboration with countries of destination, especially with the Abu Dhabi Dialogue, through dialogues and joint programmes.

- To promote capacity-building of all stakeholders, including licensed recruitment agencies and employers, in both countries of origin and destination, through public-private partnership with a view to mainstreaming ethical recruitment and making all efforts gender-sensitive.

- To strengthen governance to enforce decent work norms and policies, including all rights of migrants and gender sensitiveness, to be observed by governments, recruiters, employers and service providers in order to prevent all forms of exploitation, slavery, servitude and forced labour of migrants.

- To consider recommended elements for developing Interstate Labour Migration Arrangements to guide Colombo Process Member States in signing new labour migration agreements or other accords or amending existing ones in line with the principles and objectives set in the GCM.

c. Effective Pre-departure Orientation and Empowerment

- To support the on-going and future phases of the Comprehensive Information & Orientation Programme (CIOP) as the important processes
to materialize the coordinated management of pre-employment, pre-departure and post-arrival orientation for migrant workers between countries of origin and destination.

- To make joint efforts to provide gender-responsive and evidence-based information for migrant workers at all stages of migration and empower them to facilitate their inclusion in the workplace and host societies, with a view to contributing to the global efforts towards the Objective 3 and 16 of the GCM.
- To promote migrant workers and their families' access to social protection throughout the migration process, drawing on relevant international standards and conventions and exploring bilateral agreements specific to this issue.

d. Reducing the Costs of Remittances Transfer

- To make continued efforts and progress towards reducing remittance transaction costs to less than 3% in line with the 2030 Agenda for the Sustainable Development Goals, by making use of key findings and recommendations from the Colombo Process-endorsed study on remittances.
- To accelerate the above efforts by working towards the development of a roadmap, making use of technologies and promoting conducive policy and regulatory frameworks to facilitate competition and innovation in remittance market, in alignment with the Objective 20 of the GCM.
- To promote the International Day of Family Remittances as an important platform to recognize migrant workers' contribution to the national economies through remittances, promote public-private partnerships for innovative solutions, and foster financial literacy and inclusion of migrant workers and their families for maximizing the development potential of remittances.

e. Labour Market Analysis

- To further strengthen linkages with the skills and qualification recognition priority, based on the acknowledgment that skills matching of migrant workers with labour market requirements of countries of destination can contribute to the provision of increasingly safe migration and decent work opportunities for migrant workers.
- To enhance the mechanisms to feed labour market information into the formulation and implementation of labour mobility policies so as to make them evidence-based and responsive to labour market needs of countries of destination, drawing on key findings and recommendations from the Colombo Process-endorsed labour market information systems study.

20. To consider the GCM to be adopted at the Intergovernmental Conference in Marrakesh in December 2018, as a legally non-binding international
cooperative framework aimed at optimizing the positive impacts of migration through international cooperation on migration and look at ways to adapt its relevant objectives into the TAWGs;

To mandate the Colombo Process SOM to continue working on the incorporation of the proposed four additional crosscutting thematic areas into the existing five TAWGs:

a. Migrant Health
   - To promote comprehensive health orientation curriculum, through the discussions and activities of pre-departure orientation and empowerment working group and seeking linkages with the Comprehensive Information & Orientation Programme.
   - To advocate for universal access to healthcare among migrant workers throughout the migration cycle as integral part of the social protection services for migrant workers.

b. Operationalization of the Migration-related Elements of the Sustainable Development Goals
   - To sustain and strengthen the existing efforts to implement the Sustainable Development Goals pertinent to the Colombo Process through the TAWGs, building on relevant methodological materials, and with the acknowledgement of joint progress made through the remittance working group towards target 10.c and towards target 8.7 and 8.8 through the ethical recruitment, pre-departure orientation & empowerment; and skills and qualification recognition working groups.

c. Promotion of Equality for Women Migrant Workers
   - To mainstream a gender lens into all working group discussions so as to strengthen the Colombo Process’ efforts to address specific needs and vulnerabilities of women migrant workers and promote equal opportunities for them, building on the existing initiatives of working groups to include gender-specific discussions, especially in relation to the domestic work sector and those in the care economy.

d. Consular Support for migrant workers
   - To develop an appropriate “Collective Preparedness Mechanism” to address any crisis situation and ensure the safety, consular support, and immediate welfare of the migrant workers of the Colombo Process Member States in cooperation with the receiving countries by using the platform of the pre-departure orientation and empowerment working group.
   - To build linkages between the roles of consular officials of the diplomatic missions and the ethical recruitment working group in the protection of migrant workers and the grievance mechanisms related to it.
22. To continue the smooth operation of the CPTSU based on the Terms of Reference adopted by the 2016 Ministerial Consultation and by seeking sustainable funding to support it;

23. To assess how the Chair of the CP can coordinate, monitor, and follow-up the progress of the work of the TAWGs and assist the SOM and Ministerial Consultation in harnessing synergies, advancing new initiatives, and fostering intra-regional and cross-regional dialogues.

24. To enhance the visibility of the Colombo Process and its engagement with global, regional, and inter/regional forums, including the:
   a) Abu Dhabi Dialogue (ADD),
   b) European Union (EU),
   c) South Asian Association for Regional Cooperation (SAARC),
   d) Association of South East Asian Nations (ASEAN),
   e) Global Forum on Migration and Development (GFMD);
   and as a Regional Consultative Process on Migration (RCP) to contribute to the GCM 'Implementation and Follow Up and Review' processes;

25. To consider strengthening Colombo Process coordination and financial support by making the self-funding mechanism sustainable, inter-alia through Member States' annual contributions; and to continue identifying and exploring alternative or additional funding sources and modalities;

26. THE MINISTERS;
   - Take note of the Statements by observer states and civil society organizations and their constructive engagement;
   - Appreciate the continued technical, secretarial and financial support provided by the International Organization for Migration (IOM), the Swiss Agency for Development and Cooperation (SDC) and other partners including through the CPTSU, in furthering the objectives of the Colombo Process Member States;

27. THE MINISTERS;
   - EXPRESS GRATITUDE TO THE GOVERNMENT OF NEPAL FOR HOSTING THE SIXTH MINISTERIAL CONSULTATION AND FOR THE COMMENDABLE LEADERSHIP DURING ITS TWO-YEAR CHAIRMANSHIP;
   - ENCOURAGE MEMBER STATES TO VOLUNTEER TO CHAIR THE COLOMBO PROCESS BASED ON THE PROCEDURE AGREED IN THE 2016 AMENDED OPERATING MODALITIES AND SUGGEST THAT
NEPAL CONTINUES CONSULTATIONS ON THE NEXT CHAIRMANSHIP;

- AGREE THAT THE 7TH COLOMBO PROCESS MINISTERIAL CONSULTATION WILL BE HELD IN 2020;

ADOPTED IN KATHMANDU, NEPAL ON 16 NOVEMBER 2018 BY THE ATTENDING MINISTERS OF THE FOLLOWING COUNTRIES:

Islamic Republic of Afghanistan,
People’s Republic of Bangladesh,
Kingdom of Cambodia,
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 Viet Nam.