

KERALA

STATE-LEVEL CONSULTATION on the Implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM)

Thiruvananthapuram
Kerala, India
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**K E R A L A
G C M
CONSULTATION
REPORT**



Background

In the second week of December 2018, United Nations (UN) member countries adopted the first ever Compact for international migration (GCM) in Marakkesh, Morocco. A non-binding agreement, the GCM aims to better govern migration at local, national, regional and global levels, including reducing the risks and vulnerabilities migrants or refugees face at different stages of their journey.

As a signatory of the compact and as a very important migration country, India is expected to play a pro-active role in the implementation of the 23 objectives. The federal government structure of the country provides an opportunity to incorporate and engage the actors at the provincial and very local level in the implementation process. However, the government level negotiations and attempt to implement the objectives are yet to gain momentum. Since we are approaching the first anniversary of the compact, it is important to bring state and non-state actors on one platform and work towards the achieving the GCM objectives.

Unlike most of the countries of origin, India follows a federal system of government. Almost half of the provincial states are affected by International migration. Among them, a few of the state governments introduced various initiatives for the welfare of migrants. Moreover, there is an active presence of Civil Society Organisations (CSOs), Media, various diaspora and returnee organisations at the provincial level. As per the implementation process of the GCM, it is important to engage various actors at the local level for the successful implementation of the objectives. In Indian context, the actors at the provincial level can propose policy-suggestions to both state governments and national government to ensure the effective implementation of the objectives.

The CSOs and other stakeholders at the state-level with the financial and technical support of International Labour Organisation (ILO) and Solidarity Center decided to organise state-level consultation on GCM. The third and final consultation took place in Thiruvananthapuram, Kerala. As a pioneer in migration management among Indian states the consultation at Kerala attracted interest from many. The consultation was jointly hosted by Centre for Indian Migrant Studies (CIMS), a CSO and Self-Employed Women's Association (SEWA), trade union. The consultation was financially supported by ILO with the technical support from Migrant Forum in Asia (MFA) and Solidarity Center.

Objectives

1. To identify the GCM objectives which are important to the state and country and develop an understanding on the challenges for the implementation in Indian context.
2. To lobby with the state and national government for inclusive participation of non-state actors in the implementation and review process of GCM.
3. To prepare a matrix which consists the details of policies and programs by stakeholders and suggestions to improve the existing initiatives related to 23 GCM objectives.
4. To develop a set of recommendations for the Government of India and Kerala state government on the overall GCM implementation process.

Nature of Participants

The program witnessed participations from a diverse set of stakeholders include CSOs, Academia, State government, national-level bureaucrats, media, faith-based organisations, Trade unions (central and state trade unions) returnee associations, returnee migrants and students.

Civil Society Organisations – Centre for Indian Migrant Studies (CIMS), Trivandrum Social Service Society (TSSS), USPF Humanity Centre.....

Trade Unions – Self Employed Women’s Association (SEWA), Centre of Indian Trade Unions (CITU), All India Trade Union Congress (AITUC), Indian National Trade Union Congress (INTUC), Bharatiya Mazdoor Sangh (BMS), Hind Mazdoor Sabha (HMS)

Returnee Associations – Kerala Pravasi Sangham

Inaugural Session

Due to the availability of prominent bureaucrats and other stakeholders, the consultation begun with an Inaugural session with a speech by Mr. Elangovan IAS, Principal Secretary to Government of Kerala and Key note address by Mr. ShabariNath Nair, Labour Migration specialist, ILO. Mr. Rafeek Ravuther, CIMS welcomed the dignitaries and participants to the two-day consultation and introduced the speakers. The session was chaired by Ms. Sonia George, SEWA and she stressed on the importance of considering every migration as labour migration for an inclusive implementation of GCM objectives in the country. The inaugural address focused on the Kerala model of migration management. The speaker identified ‘information asymmetry’ as the major issue faced by Indian migrant workers in the Gulf region. His experiences as an Indian diplomat and secretary of The Non-Resident Keralites Affairs (NORKA) Department in Kerala were shared in the speech. The speech concluded by demanding strong policy-recommendations from the participants. Followed by the Inaugural address, Ms. Anita Pullayil, member of Global Kerala Assembly shared her experience as a labour migrant in a developed European country. According to her, the increasing number of undocumented migrants from India, existence of illegal recruitment agents and lack of consular support are the major concerns in Italy. A trade union perspective on protecting the rights of migrant workers was presented by Mr. Joseph Jude, HMS. Mr. Sabari Nair, ILO discussed the role of three major stakeholders at the state level. Role of state government in the welfare programs and reintegration of migrants, role of CSOs in the pre-departure orientation and scope of trade unions in empowering the migrants before they leave the country for work. As the representative of Solidarity center, Mr. Alonso Suzon, spoke about the involvement of

solidarity centre in the whole GCM negotiations and explained the fundamentals of the compact in brief. After the inaugural session all the participants introduced themselves and briefly shared their experience and expertise in the field of migration.

Introduction of GCM document and Objectives in Regional Language

This session was planned for introducing the idea and the efforts involved in the preparation of GCM and for familiarising the 23 objectives before the breakout sessions. Mr. Sabari Nair, ILO presented the session which was facilitated by Mr. Rejimon Kuttappan of Equidem. The interactive session focused more on real-life examples and incidents which link GCM objectives to Kerala. In the beginning, the presenter elaborated the entire timeline of GCM in Malayalam. He went on to explain each guiding principle and 23 objectives using examples from within and outside the country. The presentation was focused on conveying the idea of GCM to various stakeholders who might not have had much knowledge about the compact. A few participants had confusions on the concepts and objectives clearly due to the language barriers. However, that session was a success in resolving the concerns of the participants. The response from the floor underlined the fact that participants had confusions over several terminologies. Mr. Sabari had managed to clarify the doubts in the short Q and A sessions as well. After the introductory session the program was disbursed for lunch.

Breakout Sessions and Matrix Preparation

The break-out sessions were divided in to four based on the pre-identified priorities.

Session 1 - Migration and Vulnerabilities

Session 2 – Decent work

Session 3 – Role of State and other stakeholders

Session 4 – Inclusion, Social security and sustainable integration

The objectives were placed in these four priority areas. Considering the number of participants, five groups had been formed in order to discuss the first two priority areas. All groups consisted of minimum ten participants and five facilitators/Presenters were allotted to each group to co-ordinate the discussions. Due to the time constraints, groups discussed session 1 and session 2 continuously and agreed to present the prepared matrix together. Each group had trade unionists, academicians, CSO activists, government officials, advocates, returnee migrants, undocumented returnee workers and media persons as members. The diversity of the participants was reflected in the vibrant discussions. The discussion was followed by the presentation of matrix from each group. A panel of experts evaluated the outputs and responded after the presentations.

Session 1 discussed objectives 2,7,8,10 and 17 and session 2 discussed 1,4,6,13 and 18. The panel of experts were Prof. Praveena Kodoth (Centre for Development Studies), Dr Bijulal (MG university), Mr

Pradeep and Mr. Aji (CITU) and Mr. Vijayakumar (Kerala Pravasi Sangham). After the discussions, five assigned facilitators presented the prepared matrix for 10 objectives.

Session 1 and 2

All groups were managed to identify the existing issues, current government programs on objective 2. Lack of industries, poor quality of higher education and demonstration effect created by existing migrants were the major adverse drivers of migration identified in the discussion. Apart from that the unexpected natural calamities including the recent flood in the state was also recognised as an adverse driver of migration. The participants mostly identified centrally-sponsored schemes for skill development and self-employment. However, the participants were able to identify a number of the suggestions for improving the existing government programs. The role of trade unions and CSO's in developing sustainable living conditions with the help of government funding had been discussed and new initiatives were suggested. In the first session, all objectives were analysed in detail by all groups. Lack of information on the migration processes including socio-cultural situations in the host country, presence of sub-agents, lack of consular support etc. were identified as the reasons for increasing vulnerability among migrants from the state. All groups unanimously agreed that gender discrimination in Kerala and abroad is one of the vital casual factors for increasing vulnerability in migration. Most of the discussants were aware about the increasing rate of trafficking and missing migrants from the state. Major initiatives introduced by NORKA including Pre-Departure Orientation Training (PDOT), domestic worker's recruitment and efforts from police department were identified. The development of a Standard Operating Procedure (SOP) for dealing with missing and trafficking cases at the state level, usage of technological advancement to reduce the vulnerability, 'new media' and social media awareness campaigns and state government – CSO co-operation were the notable suggestions from the break-out sessions. The activities of SEWA and TISSS to reduce the vulnerabilities in migration and CIMS's efforts to find the missing migrants have been acknowledged during the presentations. A demand for conducting PDOT by government agency in associations with CSOs and TUs had emerged several times during the discussion. The participants expected that NORKA-ROOTS could strengthen their on-going recruitment of domestic workers and ensure a safer migration for the women by conducting PDOTs.



The second session on the objectives related to decent work was exciting in terms of the discussions and the presence of experts on the area. Even though Kerala is the only state with a state funded survey data available on international migrants, a general demand for a migrant family census emerged during

the discussion. It is one of the long-term demands of Returnee associations in the state for ensuring transparency in the identification of beneficiaries for government programs. Presence of sub-agents was a major concern regarding ethical and fair recruitment. Participants acknowledged the efforts taken by government recruitment agencies. However, the failure to curb increasing rate of undocumented migration especially the domestic workers trafficking and human trafficking to developed countries were discussed. A detailed discussion on skill development occurred in the second session. The forum demanded for the expansion of the existing skill-development initiatives at the local level and for the introduction of certified courses based on the demand from host countries to improve the skillset of the workers in the state. The in-depth knowledge and diversity of the participants produced a number of policy suggestions from these two sessions. The presenters were Ms. Parvathy Devi, Ms. Anu Abraham, Ms. Sheena, Ms. Bushra Beegom and Mr. Rejimon.

Among the respondents, Prof. Praveena initiated the discussion. She linked up the observations from the presentations to each objective. She added that Spatial concentrations, family norms, patriarchy, gender-based wage inequality etc could act as adverse drivers of migration. Vulnerabilities are increasing due to mis-information rather than lack of information. To ensure decent work, a holistic way of training should be developed which clearly recognised the mismatch between skill development and unemployment. By respecting the right to work of the migrants, the government should improve the consular support and remove all the gender biased migration ban from the country. She reaffirmed the presenter's suggestion that as a model state Kerala should lobby with the national government for removing the migration ban for women to ECR countries.

Followed by Dr. Praveena's comments, Dr. Bijulal shared the importance of removing restrictions in migration for work. According to him too much restriction would increase the volume of undocumented migrants and they are prone to more human rights violations compared to documented workers. As a representative of trade unions, Mr. Pradeep K S, CITU congratulated the idea of incorporating trade unions into the migration related discussions for the first time in the state. He spoke about the advantages that international trade union networks possess in dealing with the human rights violations and issues in the work place. Simultaneously, Mr. Aji, another trade union leader promised that the trade unions in the state would continue to work on adverse drivers of migration as well. The common feeling from that panel of experts was that the state government welfare programs are effective. However, to eradicate vulnerabilities and adverse drivers of migration, a grassroot level co-operation of various actors should be developed. To ensure decent work, state governments and other stakeholders should act as pressure group at the national and international level. Simultaneously, they should try to provide advanced skill development programs and PDOT at the state-level. The first day of the consultation was completed by a brief talk by Mr. P T Kunhimammed, Chairman of Kerala Migrant Welfare Board on various challenges faced by a migrant from birth to death.

Session 3

The second day of the consultation began with an informative presentation by the POE of Trivandrum, Mr. Bijay Selvaraj, IFS on the programs and measures to ensure safe migration from the country. It was a brain storming session for the participants and they gathered information on various central government initiatives such as eMigrate. Ms. Sonia George facilitated the session and Mr. Rafeek Ravuther welcomed the speaker.



Followed by the presentation, the breakout session for session three had begun. The session discussed eight GCM objectives (Objectives 3,5,8,11,12,14,15 and 23) which directly or indirectly relates to the title role of the state and other stakeholders. The expert panel of respondents for the session consisted of Fr. Eugene of TSSS, Mr. Mohanan Nair of NORKA-ROOTS recruitment wing, Mr. Anil Kumar of NRI Police cell, Mr. Binu Boss of AITUC and Ms. Shalini of Additional Skill Acquisition Program (ASAP). The participants have been divided into four groups and four facilitators were identified. The forum was reconvened after 45 minutes break-out session and representatives from each group had presented the prepared matrices.

Lack of information on migration processes in the pre-decision-making period was one of the repeated concerns from the groups. Another information gap identified was about the life in destination countries including lack of information on religious practices, labour laws, civil and criminal laws and socio-economic benefits. A suggestion to develop a detailed information dissemination mechanism on basic information and updates in the local languages emerged. A demand for collaboration between NORKA-ROOTS and TU's and CSOs who have been working among the vulnerable population in the state repeatedly emerged in the session and found that collaborations with media initiatives like 'Pravasalokam' which can disseminate information globally through visual media would enhance the outreach of the programs.

A repeated demand for lifting the migration ban for women below 30 and pregnant women had come from the presenters in the session 3 as well. Even though the existing efforts by the state government to ensure regular pathways of migration including the recruitment of DWs and health professional through the state-run agencies are commendable, the poor outreach of the advertisements and unnecessary concerns among the public about the state sponsored recruitment should be avoided. The presenters reported the suggestion that an exclusive Pre-departure orientation curriculum should be developed for the state with the collaboration of state and other stakeholders. The participants acknowledged that many of the government programs and recruitment drive were being informed by the CSOs and TUs in the grassroot level. The issues of missing migrants were discussed again and focus was more on missing migrants in the developed countries and missing student migrants from the state.

A suggestion for CSOs to expand its operations to countries outside Emigration Clearance Required (ECR) countries by understanding the new streams of migrations had come up. To provide more role for state governments in the migration related decision making in the country, a demand for a strong lobbying to shift immigration from union list to concurrent list had arisen during the presentation.

Regarding the screening mechanism in the country, the participants urged the state government to intervene in the corruption and human rights violations during the pre-migration police verifications. Lack of staffs in the Indian missions compared to the Indian migrant population in the host country was the common concern about consular services and participants suggested that Indian missions should appoint staffs (who can handle the regional language) in accordance with the population from Indian states in the host country.

Government and other stakeholders' role in the provision of basic services for migrants was analysed thoroughly during the breakout sessions. The difficulty in providing the basic services in host country by country of origin was identified as a major hindrance and suggested that the state government should identify new ways in which they can provide services at least for the migrant's family. Participants demanded for the allocation of more funds for existing services like dead body repatriation, free air ticket for people who seek amnesty and for other reintegration programs. All groups were happy about the efforts taken by Kerala government to develop relationship with the major host countries. The efforts to sign labour recruitment agreement with different countries were appreciated and the participants expected more interventions from the Kerala government in the international migration governance avenues. Four presenters Ms. Parvathy Devi, Ms. Anu Abraham, Dr. Bushra Beegom and Mr. Arshad did a commendable job in conveying the discussions in the form of a matrix to the participants and to the panel of respondents.

The panel of respondents was chaired by Fr. Eugene. He spoke about the importance of empowering the vulnerable sections of the state including fisherpersons to ensure safe and orderly migration from the state. As an activist and the head of TSSS, he called for a transparent collaboration between state and other stakeholders in Kerala for a better future. The representative of government agency Norka in the panel, Mr. Mohanan Nair initiated the further discussion on role of the actors. As a practitioner, he explained the programs and the success rate of NORKA-ROOTS projects, especially on recruitment and PDOT. While mentioning the challenges faced by the government, he sought more support from the CSOs and media in terms of promoting the successful programs of the government. He added that the role of state government is limited in the host country. So, a permanent mechanism to bridge the state-centre communications should be established and it would help to improve consular support and provision of basic services for migrants. Followed by him, Mr. Anil Kumar shared his responses as a representative of NRI cell. He promised that the NRI cell is working towards curbing all corrupt practices at the state level regarding screening and verifications. He added that a list of fraudulent recruiters and middle men is being prepared and the 24*7 police help line would be toll-free for migrants in distress.

The trade union representative Mr, Binu Boss of AITUC repeated the argument of other Trade unionists that TUs in the state are working to reduce the effect of adverse drivers of migration. Simultaneously the TUs would be interested in assisting government and other stakeholders in ensuring the basic rights of returnee migrants. Finally, Ms. Shalini, representative of ASAP, the skill development agency of the state government spoke about the importance of skill development of the vulnerable sections of the population to establish regular pathways of migration, especially skilling of women. She shared new initiatives like 'She Skills' which received very good responses from women across the state. With the remarks from Ms. Shalini, the response from the panel of experts came to an end. The forum disbursed for lunch on day 2 after the panel discussion and reconvened immediately to begin the break-out session on Inclusion, social security and reintegration.

Session 4

Similar to the morning session, the participants divided into four groups and four facilitators were identified. The panel of respondents contained Ms. Nalini Nayak - SEWA, Mr. Joseph - INTUC, Mr. Saithalikutty - Kerala Pravasi Sangham, Dr. Jayakumar – University of Kerala and Ms. Anu Abraham – Faculty, NMIMS. The break out session discussed GCM objectives 16,19,20,21 and 22 which are linked to the inclusion, social security and reintegration aspects. Immediately after the short break out session, two guest speakers Prof. K N Harilal, Member of State Planning Board and Mr. Anoop K A, M D of ODEPC shared their thought on the session. Prof. Harilal stressed the importance of state governments in ensuring the sustainable reintegration of migrant workers by acknowledging the socio-economic and cultural contributions of migrants to the state. He promised that the state government through the newly constituted Global Kerala Assembly (Loka Kerala Sabha) will implement innovative and large-scale schemes for the workers. Mr. Anoop stressed the importance of skill development in recruitment and that ODEPC is working on a project to identify new job prospects in both ECR and ECNR countries. Followed by the two speeches, the representatives from four groups presented the prepared matrix for the session.

For ensuring the successful inclusion of migrant workers in the host society, the participants mainly suggested grassroots level intervention using the local self-governments in the state. They suggested that a PDOT manual which contains details of religious practices and other common laws in the host societies of major destination countries should be prepared with the support of CSOs and TUs and it should be circulated widely through LSGs in the state. Apart from the PDOT materials, another suggestion was to build a network of volunteers of diaspora and labour migrants to assist the newly migrated workers with the help of CSOs. Regarding the efforts to ensure the contribution of migrants in the development of the state, the forum was relatively satisfied with the recent efforts by Kerala government including Global Kerala Assembly (LKS) and Kerala Infrastructure Investment Fund Board (KIIFB). However, the lack of assistance for the migrants to invest in various sectors in the state was identified as a major concern and the groups suggested to set up an investment assistance platform for migrants at the state level. The participants shared the possibilities of providing incentives through the co-operative bank network to attract more remittance and deposits to the state and they urged the government to ensure that every migrant who leaves the country has a bank account. Kerala's existing reintegration programs were appreciated by the participants throughout the consultation program. But the poor outreach of the schemes was a concern for many and they demanded a returnee board to be set up in the state. Simultaneously, the efforts by CIMS in ensuring the safe return of migrant were appreciated.

After the presentation of prepared matrix for the session, the session had to break for the valedictory session to accommodate the busy schedule of the chief guest, Dr. Thomas Isaac, the finance minister of the state.

Valedictory Session

The idea of the valedictory session was to present the major priority areas and suggestions from the consultation to the finance minister as a representative of the government. The valedictory session was

chaired by Mr. Rafeek Rawuther. He briefed about the two-day consultation and the exercise done in the two days program. Followed by the introduction, Mr. C S Akhil, CDS presented the major policy suggestions from the consultation to the finance minister. The suggestions on data, adverse drivers of migration, recruitment and vulnerabilities, consular support and reintegration were presented. Followed by the presentation of suggestions, Mr. Sabari Nair of ILO provided a brief introduction on the entire GCM processes to the minister. After the well-timed introduction, the finance minister was welcomed to deliver the valedictory address and to respond on the suggestions. He shared his concerns about the impending global financial crisis and the role of Non-Resident Keralites (NRKs) who acted as the saviours of the state economy during the previous global crisis. By listening to the suggestions, he urged the academicians and non-state actors to make full use of the existing survey reports. As the chairman of KIIFB, he promised more incentives for NRKs to invest in the state. He was very optimistic about the opportunities provided by Global Kerala Assembly (LKS). He announced that through LKS more welfare programs for the reintegration of migrants would be implemented soon. And added that the standing committees of LKS would conduct studies on the failure of projects and submit reports to the LKS secretariat by end of 2019. To act as a pressure group at the national level, the minister announced a Kerala government sponsored state-level consultation on the Emigration draft bill in November 2019. From the consultation the state expects to convey the good practices to the national level and to provide concrete suggestions for improving the draft bill. The announcement was made after a question from the floor on acting as a pressure group by Fr. Eugene. After the valedictory address, Mr. Joseph of INTUC who represented the trade unions spoke about the importance of Trade Unions in ensuring the rights of migrant workers at the work place. He urged that the state and national government should make use of the strong international presence of trade unions to lobby for better working conditions for the workers. After his speech, the response from expert panel on session 4 had begun. The session was chaired by Ms. Nalini Nayak. Mr. Saithalikutty, as a representative of one of the returnee organisations shared the efforts by these organisations to act as a push factor in implementing new schemes for reintegration. He sought for more representation of returnees in the policy-making as well. Ms. Anu Abraham shared her experiences as a researcher who work on dignified integration and rehabilitation of migrant workers to the state. She suggested the state should not only provide economic reintegration but also should take care of the socio-cultural reintegration of the migrant workers. The final respondent of the session, Dr. Jayakumar also stressed on the need to have a holistic approach on reintegration rather than providing financial support and favourable investment climate for the migrants. The major focal point of the final session was the objective 21 on reintegration which is not a surprise in the context of Kerala where a number of reintegration programs are implemented successfully.

Notable Outputs and Observations

- *In-depth understanding on GCM processes and objectives*

The participants and major stakeholders in the state got familiarised with the GCM document and objectives. They managed to develop an understanding on the application of each objectives at the state level. The two-day interaction would surely contribute to the implementation of GCM objectives at the state and national level.

- *Diversity among the participants*

The consultation had witnessed a vibrant discussion through out the four break-out sessions. The in-depth knowledge of the participants was vital in those interactions. Every group had at least an academician, a CSO representative, an advocate, a media person, a student, a returnee migrant, a trade

unionist and a bureaucrat/policy-maker. The opinions from various aspects had enriched the matrix preparation and the discussions.

- *Successful collaboration between a CSO and a trade union*

The trade unions involvement in international migration is somewhat limited in the state, except the activities of SEWA. Similarly, CIMS, as a CSO has vast experience in the field. The experience and expertise of both organisations were very much evident in the organisation of the agenda, selection of participants and respondents and other aspects of the consultation. The participants had a feeling that the long-term collaboration of these non-state actors would help the government in implementing the GCM objectives in the country.

- *Preparation of matrix for the nationals*

The major aim of the consultation was to prepare a state-level matrix. The outputs from four sessions were concrete enough to prepare the matrix with ease.

- *Introduction of several unknown actors*

In Kerala, the stakeholders hardly have a platform to meet regularly. The consultation had managed to bring together people and organisations from all parts of the state. So, the existing organisations and activists were introduced to new and successful practices and initiatives and vice-versa.

- *Direct interaction with the state-government*

The high-profile representations from the state government including Finance minister, Principal secretary and Planning board member had ensured a direct interaction between state and non-state actors. The announcements made by the finance minister in the valedictory session marked the effectiveness of the consultation.