

# Good Practices of Other Countries in Recruitment and Pre-departure Programs, Its Applicability in Kyrgyzstan

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# External Recruitment in the KR (brief on situation in KR):

- Constitution of the Kyrgyz Republic as of 27 June, 2010
- The KR Law “On External Migration” as of 17 June, 2000, #61
- The KR Law “On External Labor Migration” as of 13 January, 2006, #4
- Provision on the Order of External Recruiting of the KR citizens (approved by the KR Government Decree as of 8 September, 2006, #639
- Provision on the External Employment Centre for the KR citizens under the Ministry of Labor, Employment and Migration (currently- MLMY) of the Kyrgyz Republic (approved by the Provision of the KR Government as of 9 February, 2010, #85
- etc.
- **(DRAFT) Strategy on Regulating External Labor Migration for the Period 2013-2018** *(incl. provisions on recruitment and training of potential labor migrants)*

# What is important to consider in external recruitment process (1):

- give full information about the job and terms of employment well in advance of recruitment
- use the standard approved labor contract with provisions verified for human rights observation with the due reflection of:
  - *passport names of the parties,*
  - *time term of validity,*
  - *rights and obligations and responsibilities of parties,*
  - *fixed working hours per day, working days per week, days off per week,*
  - *fixed appropriate comparable wages,*
  - *fixed deductions,*
  - *transportation,*
  - *feeding, housing,*
  - *social and medical covering, compensation of damage to health,*
  - *safe return home, etc.*

## What is important to consider in external recruitment process (2):

- ensure equality of opportunities with locals
- avoid forced labor, discrimination
- state that all male and female workers within a certain age category are welcome to apply
- acknowledge education documents
- remittances issues

# What is important to consider in external recruitment process (3):

## ■ re/train (if needed) and brief the potential employee

### including:

- developing CV drafting skills, preparation for the interview with employer,
- (short-term) professional re/training,
- comprehensive contract information,
- destination country language training,
- rendering consultations on labor and other legislative issues of the destination country (incl. *work permit, license obtaining, patent purchase*)
- information on bank account opening,
- remittances / microcredits information (*risks connected with informal sending of finances, risks connected with keeping money with migrant, where to keep money*)
- on importance of purchasing medical insurance in destination country,
- on importance of making contributions to chosen pension scheme,
- socio-cultural orientation briefing, map and transport in the destination city, prices
- tips on safe migration for labor women-migrants
- contacts of the KR consulates / Labor Attachés

# Good Recruitment Practices (outline):

- Country
- Description of the practice / Main outputs
- Relevance and applicability in protection of the Kyrgyzstani labor migrants' human rights

# Good Recruitment Practices (1):

## ■ Philippines

- **Description of the practice / Main outputs:** The Government identifies labor market niches abroad and arranges an orderly supply of labor through supervised recruitment by foreign employers, recruitment agencies and foreign governments based on bilateral agreements.
- **Relevance and applicability in protection of the Kyrgyzstani labor migrants' human rights:**
  - order and regulation to the overseas employment programmes,
  - coordinated diverse functions and provided a one-stop service,
  - improvement in the quality of jobs and the decline in illegal recruitment.

## Good Recruitment Practices (2):

### ■ Sri Lanka:

- **Description of the practice / Main outputs:** Foreign employment agencies that want to operate in Sri Lanka have to obtain a license which has a number of financial, logistical and reputational requirements. The Bureau of Foreign Employment has powers of inspection over the agencies, which are obliged to renew their license annually.
- **Relevance and applicability in protection of the Kyrgyzstani labor migrants' human rights:**
  - will strengthen the state protection of Kyrgyzstani labor migrants abroad,
  - will reduce the vulnerability of the KR labor migrants and abuse regarding them.

# Good Recruitment Practices (3):

## ■ India:

- **Description of the practice / Main outputs:** Private recruitment agencies are commonly used in India to find jobs overseas; these agencies are now required to obtain a valid license from the Ministry of Overseas Indian Affairs. Those companies that want to register as valid recruitment agencies have to pay a \$464 fee (in rupees). The applicant agency is also required to deposit a bank guarantee of at least \$371,000. In addition to application documents, the agency has to submit to the Protector of Emigrants an inspection report of its office and a police report on the character of the job applicants. The Protector of Emigrants is a division of the Ministry of Overseas Indian Affairs.
- **Relevance and applicability in protection of the Kyrgyzstani labor migrants' human rights:**
  - wide choice of world's good practices will offer multiple options for the KR Gov. in observing labor migrants' human rights

# Good Recruitment Practices (4):

## ■ **Colombo Process:**

- **Description of the practice / Main outputs:** Since 2005, eight of the 11 CP countries have amended existing regulations or adopted new legislation. This indicates that Member Countries are aware that they need to manage the labor migration process more effectively. The newly enacted laws and policies focus generally on two areas: regulating the recruitment process and enhancing welfare provision.
- **Relevance and applicability in protection of the Kyrgyzstani labor migrants' human rights:**
  - KR's laws and policies on migration must be consistent with the country's obligations under international human rights law to protect the fundamental rights of every individual, including migrant workers, irrespective of their migration status.

# Good Pre-departure Practices (1):

## ■ Philippines

- **Description of the practice / Main outputs:** The Philippines Overseas Employment Administration (POEA) educates potential migrants (both land-based and seafarers) on their rights and the possible dangers (in particular, human trafficking) and provides pre-employment orientation in cooperation with local government units and legal assistance to OFWs. Migrants then receive pre-departure training on social and working conditions abroad. They are informed that upon return they gain eligibility for loans for business capital at preferential rates and for subsidized scholarships.
- **Relevance and applicability in protection of the Kyrgyzstani labor migrants' human rights:**
  - the Philippines has the highest number of labor migrants in the region,
  - raising of professional level lowers vulnerability of labor migrants and their exposure to abuses.

## Good Pre-departure Practices (2):

### ■ **Philippines, Bangladesh, Nepal and Indonesia**

- **Description of the practice / Main outputs:** These countries have instituted a series of requirements for pre-departure orientation for would-be migrants, and systems of certification for potential providers of orientation services. Programs are designed, organized and delivered by a wide variety of actors, ranging from the IOM, which has a very extensive experience in this area, to public or private (licensed) providers. Program syllabi span issues such as culture, basic financial education, language, and workers' rights. Information on consular services and who to contact in an emergency situation is also needed.

### ■ **Relevance and applicability in protection of the Kyrgyzstani labor migrants' human rights:**

- Kyrgyzstan has also developed the migration practice that could be called progressive (language training for the migrants going to S. Korea) Further development of such undertakings regarding pre-departure orientation programs would create a better protected workforce.

# Good Pre-departure Practices (3):

## ■ Colombo Process

- **Description of the practice / Main outputs:** Training needs have to be appropriate to migrants' particular work and cultural situations. In the Philippines some excellent materials in comic book form have been produced to assist in this process.

NGOs use to play important independent roles in this training.

Training must not be seen as the opportunity for squeezing money out of the migrant workers, nor can it be excessively long.

In some cases it may be possible for pre-departure training in particular skills to be integrated with later training at destination.

- **Relevance and applicability in protection of the Kyrgyzstani labor migrants' human rights:**
  - involvement of NGOs is highly advisable, it will invest world wide expertise and inter-active methods in training programs designing.

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*Thank you for your attention!*

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