



COVID-19 and Migration for Work in South Asia: Private Sector Responsibilities

EXECUTIVE SUMMARY

UNICEF REGIONAL OFFICE FOR SOUTH ASIA

Acknowledgements

The development of this report was led by UNICEF South Asia's Business for Results team, Bernadette Gutmann, and UNICEF South Asia's Child Protection team, Amanda Bissex. The report was written by Samaa Kazerouni, intern at UNICEF South Asia, May–September 2020.

We are grateful to the following people who contributed to the paper's development: Francois Crepeau, Former UN Special Rapporteur on the Human Rights of Migrants (2011–2017), Hans and Tamar Oppenheimer Professor in Public International Law, McGill University; Kazue Takamura, Faculty Lecturer, Institute for the Study of International Development, McGill University; Daniel Umi, Director, Migration and Education Thematic Unit, Aide et Action South Asia; Dr. Marla Asis, Director of Research and Publications, Scalabrini Migration Centre; Emidio Machina, Policy and Advocacy Specialist, UNICEF; Vedprakash Gautam, Corporate Alliances Specialist, UNICEF Bangladesh; Eshani Ruwanpura, Child Protection Specialist, Larissa Chan, B4R intern, UNICEF ROSA; Giulia Zennaro, European Asylum Support Office; Simon Pickup, Corporate Alliances Specialist, UNICEF MENA; Tania Dhakhwa, Chief of Communication, UNICEF Nepal; Nilima Raut, Consultant, UNICEF Nepal; and Christopher Kip, Child Rights and Business Specialist, UNICEF Private Fundraising and Partnerships.

Editing, writing and additional research: Catherine Rutgers

Design: Nallely Chow, Conspire for Good

Cover photo: UNICEF/UN0389238/Panjwani

Copyright © United Nations Children's Fund (UNICEF), March 2021

Suggested citation: UNICEF Regional Office for South Asia, 'COVID-19 and Migration for Work in South Asia: Private Sector Responsibilities' Context: Executive summary', UNICEF, Kathmandu, March 2021.

The full report is available at www.unicef.org/rosa

For further information:

UNICEF Regional Office for South Asia (ROSA)
P.O. Box 5815, Lekhnath Marg, Kathmandu, Nepal

Tel: +977-1-4417082

Email: rosa@unicef.org

Website: www.unicef.org/rosa

The statements in this publication do not necessarily reflect the policies or the views of UNICEF. Permission is required to reproduce any part of this publication: All images and illustrations used in this publication are intended for informational purposes only and must be used only in reference to this publication and its content. All photos are used for illustrative purposes only. UNICEF photographs are copyrighted and may not be used for an individual's or organization's own promotional activities or in any commercial context. The content cannot be digitally altered to change meaning or context. All reproductions of non-brand content MUST be credited, as follows – Photographs: © UNICEF/year/photographer's last name. Assets not credited are not authorized. Thank you for supporting UNICEF.

Contents

- The precarious situation for ‘children on the move’** 4
 - Impacts of job losses and remittance downturns on children’s well-being 5

- The international framework of key human rights documents** 6
 - International migration and the Gulf Cooperation Council (GCC) countries 6

- Looking to the future: Recommendations** 7

- Endnotes** 9



UNICEF/UNI321535/Faze!l

The impacts of COVID-19 in South Asia have heightened and further exposed the vulnerability of migrant workers. These workers and their families are frequently overlooked in the pandemic response – and children are too often ignored in the discourse on migrant workers. Businesses and governments are responsible for protecting all workers from human rights abuses. When this is not done, previous achievements and future development are put in peril.

COVID-19 and Migration for Work in South Asia: Private Sector Responsibilities was developed to:

- Describe and analyse the impact of COVID-19 on South Asian migrant workers and their families;
- Provide a child rights perspective to the discourse on labour migration; and
- Offer recommendations for the private sector to support migrant workers impacted by the pandemic, as South Asia looks to rebuild socially and economically.

The discussion and recommendations in this report are based on a wide range of authoritative sources, accessed and investigated from May 2020–January 2021. While a rich array of details is provided in the full report, this summary highlights key issues and recommended solutions.

The precarious situation for ‘children on the move’

The effects of labour migration on children are vast. In the pandemic’s wake, they can be devastating. In most of South Asia, internal migration, especially from rural areas to the cities, and external migration, for work across borders and overseas, are widespread realities for millions of people – including children.

Some ‘children on the move’ migrate with their families, often traversing routes that are beyond the reach of basic social services and leading to settlements with no access to education, health care or WASH (Water, Sanitation and Hygiene) facilities. Others are left behind when their parents migrate for work, with older children often taking on adult roles to support their families. Children also migrate independently, as they seek to escape youth unemployment, want to help support their family’s survival, or hope to gain education and skills. While most ‘unaccompanied’ child

migration occurs within their home country, children also cross borders, often without documentation and thus highly vulnerable to trafficking and forced labour.

Many of South Asia’s internal migrant workers are children engaged in labour in the informal sector, where enterprises frequently operate without regulation, the prevalence of child labour is well documented, and children are exposed to higher risks for dangerous working conditions and other abuse. Economic shocks increase employment in the informal sector, as noted in an ILO-UNICEF report on the COVID-19 crisis: “Threats to children’s rights from an enlarged informal sector should therefore not be underestimated. Greater informal employment coupled with economic hardship could push many children out of school and into the labour market.”¹

Conditions during the COVID-19 pandemic have brought the prevalence and predicaments of migrant children in child labour into stark attention and have left these children in increasingly vulnerable circumstances. In India, for example, although the Child and Adolescent Labour (Prohibition and Regulation) Act banned the employment of anyone under age 14 in 1986, it also permitted children to support family businesses outside of school hours. Employers have exploited this provision, hiring migrant children in urban centres. During lockdowns, some child workers were sent home by their employers with fake identity documents and no access to protective services.²



UNICEF/UN0392587/Kolari

Impacts of job losses and remittance downturns on children's well-being

Remittances play an integral role in the economies of low- and middle-income countries (LMICs) around the world: They alleviate poverty, improve nutrition, and are linked to higher spending on education and reduced child labour in lower-income households.^[1] Remittances to LMICs have outpaced official development assistance since the mid-1990s, and in 2019, their value became larger than foreign direct investment, a milestone for monitoring resource flows.^[2]

For children, the positive impacts of remittances from parents who have migrated include reducing child labour and improving child health, particularly among girls, as well as helping to close the gender gap in education by increasing girls' school attendance and lowering their dropout rates.^[3] These advances reflect the fact that poor households tend to invest remittances in better health and education for their children.^[4]

Many businesses in destination countries or cities stopped operations, particularly in the tourism, hospitality, construction and garment sectors, which employ millions of migrant workers. Consequently, South Asia's migrant workers are facing job losses, reduced work hours, withholding of wages and forced unpaid leave. UNICEF studies in Sri Lanka and Bangladesh found that 30 per cent of families had lost all their income in early May 2020, and the number of South Asian children living in poverty could increase to more than 360 million within six months.^[5]

Migrant children are among the world's most vulnerable populations, and their families are often most at risk of losing their jobs during economic downturns. Even as the pandemic's economic impacts widen global inequalities and jolt vulnerable populations disproportionately, migrant workers and their children are less likely to be considered in economic recovery strategies and funding, which primarily benefit those who labour in the formal sector.^[6]

[1] Inman, Phillip, 'World Bank Warns of Collapse in Money Sent Home by Migrant Workers', *The Guardian*, 22 April 2020, <www.theguardian.com/global-development/2020/apr/22/world-bank-warns-of-collapse-in-money-sent-home-by-migrant-workers>. **[2]** World Bank, 'COVID-19 Crisis Through a Migration Lens', Migration and Development Brief 32, World Bank, Washington, D.C., April 2020, p. 7. **[3]** van de Glind, Hans, 'Migration and Child Labour', Working Paper, International Labour Organization, Geneva, September 2010, p. 10. **[4]** UNICEF Office of Global Insight and Policy, 'Deep Dive: COVID and remittances,' United Nations Children's Fund, New York, May 2020, pp. 1, 3. **[5]** Ingram, Simon, 'Lives Upended: How COVID-19 threatens the futures of 600 million South Asian children', UNICEF Regional Office for South Asia, June 2020, p. 8. **[6]** You, Danzhen, et al., 'Migrant and Displaced Children in the Age of COVID-19: How the pandemic is impacting them and what can we do to help', *Immigration Policy Practice*, vol. X, no. 2, April–June 2020, pp. 32–39.



UNICEF/UNI339380/Singh

The international framework of key human rights documents

Government and the private sector have distinct yet interlinked responsibilities to uphold human rights. These are reflected in the United Nations Guiding Principles on Business and Human Rights (2011),³ the Dhaka Principles for Migration with Dignity (2017),⁴ and the New York Declaration for Refugees and Migrants (2016).⁵ As a follow-up to the New York Declaration in 2018, the Global Compact for Safe, Orderly and Regular Migration⁶ called on all stakeholders, including migrants, local communities, civil society, parliamentarians, trade unions and national human rights institutions, as well as the private sector, to cooperate on improving migration governance. The Compact explicitly supports the best interests of the child and recognizes that children are central in migration management at all points – before departure, while migrating, on arrival and when returning.

As established in the **Convention on the Rights of the Child**, governments must respect and ensure that all children enjoy their rights, without discrimination and regardless of their national, ethnic or social origin, property, birth or any other status, or that of their parents.⁷ The Optional Protocol to the Convention on the sale of children, child prostitution and child pornography states that eliminating these rights violations will require a holistic approach that addresses contributing factors such as poverty, economic disparities, gender discrimination, lack of education, urban-rural migration and child trafficking.⁸

Businesses have a clear responsibility to ensure they do not harm the rights of children on the move, and they are encouraged to act on this duty as an opportunity to provide support for these children. The **Children's Rights and Business Principles**⁹ emphasize the responsibility of corporations to respect and support child rights in the workplace, marketplace, community and environment, in conjunction with the government duty to protect and safeguard these rights. Principle 2 calls for the elimination of child labour throughout all business activities and relationships. Principle 3 encourages the corporate commitment to provide decent working conditions that support workers, both women and men, in their roles as parents or caregivers, and calls on businesses to support migrant and seasonal workers with distance parenting.

Despite this range of relevant international standards to protect migrant workers and their families, this guidance has been poorly applied at the national level, a situation that is increasingly visible during the pandemic. National regulations that are in place are not often publicized or enforced and, in some cases, they are being rolled back.

International migration and the Gulf Cooperation Council (GCC) countries

Almost half of all international migrants from South Asia work in the GCC countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates), where low-paid migrant workers have often been subjected to exploitation^[1] and precarious circumstances were compounded by the pandemic response. In Qatar, migrant workers from Nepal were forcefully and illegally deported in March 2020 under the pretence of COVID-19 testing, after being detained with inadequate food or water in overcrowded quarters.^[2] Migrant workers who had jobs were sometimes employed without social distancing or other health measures. By the end of April, foreign or 'guest' workers represented the majority of coronavirus cases in the GCC.^[3]

Women domestic migrant workers were already particularly vulnerable to labour violations including restricted movement, excessive working hours, no days off, delayed or withheld wages and, in some cases, physical abuse.^[4] In the wake of COVID-19 many of them were not allowed to leave the premises at any time,^[5] while other domestic workers were effectively thrown out of the homes where they had been working and living.

When South Asian governments announced lockdowns and border closures, many migrant workers were stranded in destination countries, frequently with no source of income. Though governments in the GCC countries provided ample financial support to businesses to maintain workers' salaries, foreign workers were excluded from these programmes. As of May 2020, only Qatar's \$824 million wage-allocation budget included migrant workers' salaries.^[6]

South Asian countries, meanwhile, struggled to prepare for reintegrating hundreds of thousands of migrant workers. By mid-May, nearly 500,000 migrant workers from just the state of Kerala, India, were registered to leave the Gulf and come home, along with tens of thousands from other countries in the region.^[7] Governments in South Asia did not immediately set up strategies to assist migrant workers, which can be partly attributed to the socio-economic status of these workers, who are typically among the least politically powerful groups in their home countries.^[8]

[1] Hubbard, Ben, and Louise Donovan, 'Laid Off and Locked Up: Virus traps domestic workers in Arab states', New York Times, Beirut, Updated 19 November 2020, <www.nytimes.com/2020/07/06/world/middleeast/coronavirus-saudi-domestic-workers-maids-arab.html>. [2] Budhathoki, Arun, 'Middle East Autocrats Target South Asian Workers: Hundreds of Nepalis and others have been deported under cover of the pandemic', Foreign Policy, Washington, D.C., 23 April 2020, <<https://foreignpolicy.com/2020/04/23/middle-east-autocrats-south-asian-workers-nepal-qatar-coronavirus>>. [3] Castelier, Sebastian, 'Coronavirus Exposes the Epic Moral Failure of Gulf States', Opinion, Haaretz Daily Newspaper Ltd., 30 July 2020, <www.haaretz.com/middle-east-news/.premium-how-coronavirus-exposed-gulf-states-moral-failure-1.9029629>. [4] Choudhary, Neha, and Sandhya Sitoula, 'Impact of COVID-19 on Nepali Migrant Workers: Protecting Nepali migrant workers during the health and economic crisis,' International Labour Organization, 10 June 2020, p. 5. [5] Hubbard, Ben, and Louise Donovan, 'Laid Off and Locked Up', New York Times, Beirut, Updated 19 November 2020, <www.nytimes.com/2020/07/06/world/middleeast/coronavirus-saudi-domestic-workers-maids-arab.html>. [6] Eapen, Nikhil, 'Indian Evacuation Begins but Many Can't Pay Fare', Article 14, 6 May 2020, <www.article-14.com/post/as-indian-evacuation-begins-thousands-can-t-pay-ticket-fare>. [7] Banerji, Annie, Jose Devasia and Sharma Gopal, 'South Asia Scrambles to Bring Home Crisis-Hit Migrant Workers', Thomson Reuters Foundation, New Delhi/Kochi/Kathmandu, 19 May 2020, <www.reuters.com/article/us-health-coronavirus-sasia-migrants-idUSKBN22V1KZ>. [8] Budhathoki, Arun, 'Middle East Autocrats Target South Asian Workers', Foreign Policy, Washington, D.C., 23 April 2020, <<https://foreignpolicy.com/2020/04/23/middle-east-autocrats-south-asian-workers-nepal-qatar-coronavirus>>.

Looking to the future: Recommendations

The current migrant crisis is a wakeup call to South Asia. For the businesses that motivate and mobilize workers' migration – and reap the benefits of that labour – the pandemic is a clarion signal to ensure that operations throughout their supply chains, and whether in the formal or informal sector, take migrant workers' rights into account. For governments, it demands strategies and action to address migrant workers' immediate needs during reintegration and to be better prepared for the imminent shifts in demand for labour and decreases in remittance flows. In the long term, countries will need to find more sustainable means of supporting their economies.

Many vital responses offer opportunities for the public and private sector to work in partnership to rectify the current gaps and to secure a better future for all workers and their families. Based on evidence outlined in the full report, our recommendations for the COVID-19 context and beyond are summarized here, beginning with the primary actions to take on employment, recruitment and remittance services.

Employment • **All employers** should apply best practices during the pandemic and engage in post-crisis recovery without capitalizing on relaxed labour laws or child labour – while ensuring that a legal minimum wage is paid across the value chain, and that labourers receive timely payment for all work. Employers can also:

- Implement/sustain family-friendly workplace policies, including paid parental and sick leave as essential for formal employment settings and adapted to workers in the informal sector.
- Conduct due diligence mapping across supply chains to understand how migrant workers have been affected by the pandemic and to ensure their participation in recovery planning.
- On their own or in cooperation with providers and/or government, employers can work to develop ways to provide a social safety net system of insurance, including medical and/or life insurance.

Recruitment • **Labour recruiters** should regularly provide accurate information to migrant workers placed outside their home country, including information for parents on how to support their children on the move before, during and after migration. Recruiters can also advocate to employers that workers receive full wages paid on time, overall protection in the workplace, and healthy living quarters. **Labour-sending and host governments** should strengthen labour laws, which often fail to articulate the responsibilities of labour recruitment agencies and employers in providing safeguards against human rights abuses.¹⁰ **South Asian**



UNICEF/UNI342569/Panjwani

governments should ensure that children are not exploited as a result of a crisis, as they continue to bring their national laws on labour recruitment into alignment with international standards.

Remittances • Reducing transaction costs is a first step for **remittance service providers**, aiming to reach the 3 per cent target of Sustainable Development Goal 10, and to promote “faster, cheaper and safer transfers of migrant remittances in both source and recipient countries.”¹¹ Remittance service providers, employers and governments can work together to create awareness of digital payment platforms and make remitting income more accessible to all migrant workers.

Lockdowns, a reduction in remittances, and lack of work for returning migrants in their home communities are already causing great hardship for migrant workers and their families. Basic services will need to be bolstered by private sector employers in all locations where they operate, and by government, through legislation and budgets aimed to secure equitable access to services in labour-sending and receiving countries. The COVID-19 crisis closed schools in 188 countries, disrupting education for more than 1.7 billion children, young people and their families and leading to unknown outcomes for their long-term prospects.¹² Children cannot continue to bear the devastating effects of education interrupted.¹³ Our recommendations feature ways to support health care, nutrition, WASH and education to the direct benefit of children as well as all migrant workers.

Basic services • Migrant workers and their families in transit camps, labour settlements and quarantine facilities need to have safe and healthy accommodations, including child-friendly shelter, nutritious food and WASH facilities. Housing should allow for physical distancing during the pandemic and provide room for a healthier environment after the pandemic. Other recommendations for government include:

- Provide access to health-care services for all migrant workers and their families in host countries. All people in the territory or under the jurisdiction of a government, regardless of their nationality or migration status, have an equal right to health care.¹⁴
- Implement national portable ration cards to allow flexibility in access to food for internal migrant workers and their families, regardless of the location within their home country. Such a policy empowers beneficiaries, prevents corruption and reduces wrongful exclusion.

- Engage with business, in support of access to education for children on the move, to foster innovation and provide the tools, devices and internet connectivity that remote learning requires. As the pandemic recovery unfolds, all levels of government, the private sector and civil society should cooperate to promote proven models of in-person learning among children on the move, along with the safe reopening of schools.

Social protection that provides income security to all workers will remain a significant challenge during the pandemic. As recovery proceeds, it will be increasingly important to have adequate safety nets in place. Recommendations to protect the most vulnerable workers and their families are outlined here.

Social protection • Migrant workers, who suffer widespread discrimination as a result of current responses to COVID-19, should be included in national emergency response plans and be provided social protection without discrimination. The private sector can advocate in both host and origin countries for migrant workers to receive social protection and wage protection regardless of their legal status. Other recommendations for government include:

- Promote public-private collaboration to monitor the movement of migrant workers and their families, gather accurate data, and update their records. Not only will this help with contact tracing for COVID-19, but it also plays an important role in tracking children's progress in education and protecting children in child labour.
- Extend government stimulus plans in South Asia and social protection measures to support informal and self-employed workers, many of whom are migrant workers. In addition, the private sector should allocate some of the high proportion of stimulus funding received to ensure social protection through business supply chains.
- Social protection policies should consider the long-term economic implications of the COVID-19 pandemic, aiming to strengthen regular social protection and mitigate impacts of future shocks on livelihoods. This entails expanding current programmes and implementing new initiatives to provide a minimum level of protection to all workers and their families.
- Use the pandemic response and recovery initiatives as an opportunity to overhaul justice systems to protect migrant workers, and document claims and grievances of all repatriated migrant workers. Countries of origin should work with host countries to ensure that migrant workers receive all wages owed.



UNICEF/UNI346411/Panjwani



Endnotes

- 1 International Labour Organization and United Nations Children's Fund, 'COVID-19 and Child Labour: A time of crisis, a time to act', ILO and UNICEF, New York, 2020, p. 11, available in English, French and Spanish at <<https://data.unicef.org/resources/covid-19-and-child-labour-a-time-of-crisis-a-time-to-act>>, accessed 8 February 2021.
- 2 Al Jazeera Media Network, 'Lockdown Reveals India's Rampant Child Labour as Kids Stream Home', Al Jazeera, 5 June 2020, <www.aljazeera.com/economy/2020/6/5/lockdown-reveals-indias-rampant-child-labour-as-kids-stream-home>, accessed 19 December 2020.
- 3 Office of the United Nations High Commissioner for Human Rights, 'Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework', OHCHR, New York and Geneva, 2011, <www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf>, accessed 8 February 2021.
- 4 Institute for Human Rights and Business, 'Migration with Dignity: A guide for implementing the Dhaka Principles', IHRB, 18 December 2017, <www.ihrb.org/uploads/member-uploads/IHRB%2C_Migration_with_Dignity_-_Implementing_the_Dhaka_Principles.pdf>, accessed 17 January 2021. A two-page 'quick guide' to the Dhaka Principles is available in 26 languages at <www.ihrb.org/dhaka-principles/downloads-translations>.
- 5 United Nations General Assembly, 'New York Declaration for Refugees and Migrants', A/RES/71/1, United Nations, New York, 3 October 2016, <www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_71_1.pdf>, accessed 8 February 2021.
- 6 Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration, 'Draft Outcome Document', A/CONF.231/3, United Nations, Marrakech, Morocco, 30 July 2018, available in Arabic, Chinese, English, French, Russian and Spanish at <<http://undocs.org/en/A/CONF.231/3>>, accessed 8 February 2021.
- 7 United Nations, *Convention on the Rights of the Child, Certified True Copy*, United Nations, New York, 1989, article 2, para. 1, <https://treaties.un.org/doc/Treaties/1990/09/19900902%2003-14%20AM/Ch_IV_11p.pdf>.
- 8 United Nations, 'Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography', Certified True Copy, United Nations, New York, 25 May 2020, <https://treaties.un.org/doc/Treaties/2000/05/20000525%2003-16%20AM/Ch_IV_11_cp.pdf>.
- 9 United Nations Children's Fund, UN Global Compact and Save the Children, 'Children's Rights and Business Principles', Save the Children, Global Compact and UNICEF, 2012, available in Arabic, Chinese, English, French, Russian and Spanish at <<http://childrenandbusiness.org>>, accessed 22 December 2020.
- 10 Andrees, Beate, Alix Nasri and Peter Swiniarski, *Regulating Labour Recruitment to Prevent Human Trafficking and to Foster Fair Migration: Models, challenges and opportunities*, International Labour Organization, Geneva, 2015, p. 2, <www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_377813.pdf>, accessed 5 February 2021.
- 11 United Nations General Assembly, 'New York Declaration for Refugees and Migrants', A/RES/71/1, United Nations, New York, 3 October 2016, para. 46, p. 9.
- 12 Organisation for Economic Co-operation and Development, 'Education and COVID-19: Focusing on the long-term impact of school closures', OECD, 29 June 2020, p. 1, <https://read.oecd-ilibrary.org/view/?ref=135_135187-1piyg9kc7w&title=Education-and-COVID-19-Focusing-on-the-long-term-impact-of-school-closures>, accessed 24 December 2020.
- 13 UNICEF South Asia, 'Children Cannot Afford Another Year of School Disruption: Statement by UNICEF Executive Director Henrietta Fore', United Nations Children's Fund, New York and Kathmandu, 12 January 2021, <www.unicef.org/rosa/press-releases/children-cannot-afford-another-year-school-disruption>, accessed 4 February 2021.
- 14 Office of the United Nations High Commissioner for Human Rights, 'COVID-19 and the Human Rights of Migrants: Guidance', OHCHR, Geneva, 7 April 2020, p. 1, <www.ohchr.org/Documents/Issues/Migration/OHCHRGuidance_COVID19_Migrants.pdf>, accessed 8 February 2021.

unicef  | for every child

For further information:
UNICEF Regional Office for South Asia (ROSA)
P.O. Box 5815, Lekhnath Marg, Kathmandu, Nepal
Tel: +977-1-4417082
Email: rosa@unicef.org
Website: www.unicef.org/rosa