

The Five Corridors Project: *Methodology*

JULY 2021



ABOUT THIS DOCUMENT

The Five Corridors Project is an initiative led by FairSquare Projects, which aims to identify key measures that governments can take to ensure that migrant workers can migrate safely and with dignity. FairSquare Projects is a non-profit human rights organisation that tailors rigorous research with communication and advocacy work to promote systemic change. The Five Corridors Project is supported by Open Society Foundations, Humanity United and Porticus. The organisations that funded this project played no role in the design or execution of the research, and our conclusions and recommendations may not necessarily reflect the viewpoints of Humanity United, OSF or Porticus.

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Cover photograph: Migrant workers among those on the Corniche in Doha, Qatar @ Jessica Moxham

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1. What we assessed: the Indicator Framework

Any comparative study must as far as possible collect consistent sets of measurable data. In order to assess government measures across five migration corridors, it was necessary to develop a common framework that could be tested and evaluated in each context. At the outset of the project we developed a set of 44 indicators that cover nine areas of government policy. The indicators - designed in consultation with the project's expert advisory board - examine laws, policies and government practices in relation to recruitment and evaluate their effect on outcomes for migrant workers:

1. National migration policy (7 indicators)
2. Legal and regulatory framework (5 indicators)
3. Bilateral arrangements (5 indicators)
4. Licensing, registration and certification schemes (5 indicators)
5. Machinery to implement and enforce regulation (4 indicators)
6. Measures to prevent fraudulent and abusive recruitment (5 indicators)
7. Enforcement, access to grievance mechanisms and remedies (6 indicators)
8. Measures to provide accurate information to workers (5 indicators)
9. Freedom of association (2 indicators)

Transnational migration corridors involve two countries with different governments, legal frameworks, and institutional frameworks and we examined these in each country under study. By examining, for example, the laws and practices with regard to the licensing of recruitment agencies (area 4) in both the origin and destination state, we tried to identify the ways in which the interplay of the laws and practices on each side of a migration process affects workers, who must traverse these distinct but interacting static systems in order to complete their recruitment cycle.

As far as possible, we aimed to study the same thing in both origin and destination states, recognising that

both governments have to put effective measures in place to guarantee fair recruitment. As such, 40 of the 44 of the indicators were assessed in both origin and destination states. Two of the indicators were only evaluated in destination states and two indicators were only evaluated in origin states. Of the 40 indicators we studied in both the origin and destination states, in 4 cases the indicator is framed slightly differently for the two countries, to reflect the slightly different contexts for the recruitment process (for example, the presence of employers in destination states and not in origin states). In the 36 remaining indicators, the wording is identical for origin and destination states.

<i>Area of government policy</i>	<i>Total number of indicators</i>	<i>Applying to origin states only</i>	<i>Applying to destination states only</i>	<i>Different wording for origin and destination</i>
1. National migration policy	7	-	2	2
2. Legal and regulatory framework	5	-	-	1
3. Bilateral arrangements	5	-	-	-
4. Licensing, registration and certification schemes	5	-	-	1
5. Machinery to implement and enforce regulation	4	-	-	-
6. Measures to prevent fraudulent and abusive recruitment	5	-	-	-
7. Enforcement, access to grievance mechanisms and remedies	6	1	-	-
8. Measures to provide accurate information to workers	5	1	-	-
9. Freedom of association	2	-	-	-
Total	44	2	2	3

1.1 Links to the ILO General Principles and Operational Guidelines on Fair Recruitment, Montreal Recommendations

The indicators are anchored in existing international standards, in particular the ILO General Principles and Operational Guidelines on Fair Recruitment, which are directly reflected in 35 of the 44 indicators. The remaining 9 indicators were developed based on input and feedback from stakeholders and relate to other areas of government policy that could potentially impact on the rights of migrant workers. National migration policy, which accounts for 6 of the 9 indicators developed by FairSquare, does not feature heavily in the ILO standard.

The ILO standard is divided into high-level general principles and more detailed guidelines that set out how governments should operationalise these principles. The 35 linked Five Corridors indicators are primarily drawn from Operational Guidelines, rather than higher level General Principles, in line with the aims of the

project to explore the impact of specific measures and interventions by government agencies. The framework includes indicators relating to 12 of the 14 Operational Guidelines. We excluded only Guidelines 12 and 14, which relate to the discrete areas of conflict / crisis situations and government procurement respectively. While clearly very important, the relevance of both issues varies considerably between countries, and guidelines on procurement are in part, though not solely, aimed at governments purchasing goods from destination countries. We draw 35 indicators from these 12 Operational Guidelines, and draw heavily on certain Guidelines that contain a number of specific measures.

The *Montreal Recommendations on Recruitment: A Road Map towards Better Regulation* were published by the IOM in 2020 several months after the start of the Five Corridors study and as such the indicators were developed before the Montreal Recommendations were available as a reference tool. Nevertheless, the Montreal recommendations and the ILO General Principles and Operational Guidelines are closely related and there is close alignment between the Five Corridors indicators and the Montreal recommendations, as the table below

demonstrates. Only Recommendations 47 (on sharing of resources between origin states) and 50 - 55 (on the international community) relate to areas of policy not included in the Five Corridors indicator framework. There

are Montreal recommendations relating to all areas of the Five Corridors indicator framework with the exception of those addressing national migration policy and freedom of association.

<i>Area of government policy</i>	<i>Total indicators</i>	<i>Drawn from ILO General Principles and Operational Guidelines</i>	<i>Developed by FairSquare with stakeholder input</i>	<i>ILO General Principles* and Operational Guidelines referenced</i>	<i>Relevant Montreal Recommendations</i>
1. National migration policy	7	1	6	Guideline 10	–
2. Legal and regulatory framework	5	5	–	Guidelines 1, 3, 4	1
3. Bilateral arrangements	5	5	–	Guideline 13	39 - 42
4. Licensing, registration and certification schemes	5	4	1	Guidelines 4, 5	7 - 14, 18, 28 - 33
5. Machinery to implement and enforce regulation	4	3	1	Guidelines 2, 5, 9	15 - 17, 18 - 20, 49
6. Measures to prevent fraudulent and abusive recruitment	5	5	–	Principles 7, 8, Guidelines 6, 7	3 - 6, 21 - 24
7. Enforcement, access to grievance mechanisms and remedies	6	5	1	Guideline 2, 8, 13	2, 25 - 26, 34 - 38, 43, 48
8. Measures to provide accurate information to workers	5	5	–	Guideline 11	27, 44 - 46
9. Freedom of association	2	2	–	Guideline 1	–
Total	44	35	6	–	–

*General Principles only referred to where indicator not also rooted in an Operational Guideline

The indicators are attached in full at Annex 1, with explanatory text to illustrate what each one is designed to ascertain.

1.2 Going beyond the law

While a small number of indicators in the framework refer specifically and solely to the presence or absence of laws and policies, for the bulk of the assessment we endeavoured to go beyond an assessment of the presence and content of laws. Researchers were tasked to take account of the following considerations, in addition to relevant laws and formal policies.

The object and purpose of laws and policies: What stated and unstated goal/s does the government have with regard to this intervention?

- Goals may include economic development, increasing remittances, migration management, protection of human rights, national security, immigration control etc.

The implementation of laws and policies: What does the government do in practical terms to implement this measure? For example:

- What financial and personnel commitment does it make to implement its policy?
- What is the level of professionalism and

responsiveness of state institutions?

- Do the relevant institutions have the appropriate mandate and authority?
- Are there independent institutions to scrutinise and report on performance?
- Is there transparency in the way the government carries out this measure?

The effects and outcomes of laws and policies: What is the effect of the government's intervention on migrant workers? In particular, to what degree does it ensure fair recruitment?

1.3 Worker outcomes and the Dhaka Principles for Migration with Dignity

We used the Dhaka Principles for Migration with Dignity as the standard for what constitutes a positive outcome for workers. Rather than limiting their definition of fair recruitment to non-payment of fees or absence of deception, the Dhaka Principles outline standards that would enable workers to migrate with dignity, and to live and work in safe and decent conditions and have their right to representation respected.

The Dhaka Principles adopt a comprehensive approach to fair recruitment, encapsulating the full life cycle of recruitment, and including employment and repatriation experiences. The Five Corridors adopts a similar approach, taking the starting assumption that recruitment cannot be defined as “fair” if workers are recruited into employment where there is a high risk of exploitation or forced labour, even if they have not paid fees or been deceived in the process of securing that employment. This is therefore a study of the full life cycle of the recruitment process, but one that devotes particular attention to the laws and policies that govern the initial phase of the transnational recruitment process. As such, we have assessed recruitment governance and practices - including some selected aspects of migration governance - with the aim of determining the extent to which they support or undermine worker outcomes during and beyond employment.

We did not formally assess each indicator against each of the Dhaka Principles in each country; this would have involved 4,140 separate evaluations and would have drained the research of usable analysis. Instead for each area of government intervention we aim to highlight linkages between government interventions and workers outcomes.

2. The five migration corridors

The Five Corridors examines the recruitment of migrant workers in five corridors.

- Myanmar to Thailand (Corridor 1)
- Nepal to Kuwait (Corridor 2)
- Nepal to Qatar (Corridor 3)
- Philippines to Taiwan (Corridor 4)
- Mexico to Canada (Corridor 5)

Corridor selection was undertaken following a substantial process of consultation during 2019, including with recruitment and migration experts, UN agency specialists and civil society groups. Several alternative countries and corridors were considered.

In each corridor the following key elements are present:

- Circular migration of low-income migrant workers as part of temporary migration visa schemes, with substantial remittance flows returning to origin states.
- Reports of abuse by private sector actors - including recruiters or employers - against migrant workers, including as part of the recruitment process, for example the payment of fees by workers to intermediaries to secure jobs, and/or exploitative working conditions.
- Commitments by one or both governments to tackle issues related to fair recruitment, including through engagement with ILO and IOM, and/or the presence of private sector or civil society initiatives on fair recruitment.

The five corridors and nine countries selected have a strong Asia focus, involving migration across West, South, Southeast and East Asia, and feature two countries in the Americas. They include varying economies, from the lower-middle income origin states of Myanmar, Nepal and Philippines to the upper-middle income economies of origin state Mexico and destination state Thailand, and high-income destination states Canada, Kuwait, Qatar and Taiwan. They include migration flows where government is the primary actor coordinating recruitment (Mexico-Canada), as well as others where private sector intermediaries dominate (Philippines-Taiwan, Nepal to Kuwait and Qatar), and where the majority of workers migrate for work by crossing land borders irregularly, with varying degrees of involvement from the private sector (Myanmar-Thailand).

3. How we assessed the indicators

In order to assess laws, policies and practices in five migration corridors (and nine countries) against the indicators, we conducted a thorough review of secondary source material, and sought information and perspectives from a wide range of individuals directly involved in, affected by or knowledgeable about the regulation of migration and recruitment in these corridors. This included: interviewing government representatives and corresponding with government ministries; speaking to migrant workers, either during or after their migration experiences; interviewing other actors involved in the recruitment and migration process, including recruiters and employers; seeking the insights of trade unions, civil society organizations and lawyers who support, represent and advocate for migrant workers; consulting experts with specific expertise on fair recruitment in the corridors under study, including representatives of the ILO and IOM, academics, and technical specialists; and carrying out detailed reviews of laws and policies, as well as secondary research into migration processes. In total we carried out 317 in-depth individual interviews for the project, as well as three workshop discussions.

3.1 Sources of information and evaluation

Governments of the nine countries under study

The Five Corridors Project is at its core a study of the effectiveness of the efforts of governments. It is intended to provide a useful resource for the officials of those countries. It was therefore important for our methodology to engage with the nine governments concerned and to collect information and data on their laws, policies and practices. Between November 2019 and March 2020, we wrote to all nine governments under study to inform them about the Five Corridors. We were able to hold some government meetings

in the Philippines, Taiwan, Qatar, Kuwait, Mexico, Canada and Nepal before the Covid-19 pandemic, after which time we had to rely on remote meetings, and many government officials indicated that even these were difficult in light of their caseload relating to the pandemic, which caused significant impacts for migrant workers. We also wrote further letters requesting specific information from officials. While adopting different approaches to engagement with governments depending on the country context, we maintained the following consistent principles across the project:

- Our primary entry point in each country was generally the labour ministry or equivalent.
- If meetings were not forthcoming, we sent a list of our questions in writing to officials.
- In some cases officials met us informally to provide helpful insights and information. In such cases we continued to pursue formal contact with the authorities.
- We aimed to meet embassy / consulate representatives of the origin state country in the destination state country.
- Governments were sent copies of our key findings on their corridor in April 2021 and offered the opportunity to respond in writing or verbally. All such responses were taken into account in the final report.

The table below sets out in broad terms the nature of interactions between the Five Corridors Project team and the nine governments under study. Details of specific meetings and ministries engaged are included in the individual corridor studies. Where governments did not offer us meetings or respond to our enquiries, we sent follow-up letters and made telephone calls to confirm the requests had been received. In total we held 30 meetings of varying depth with government officials.

Country	Extent of government engagement with Five Corridors research project
Myanmar	Meeting with a Myanmar government official with knowledge of the Myanmar-Thailand migrant worker process, but no further responses to requests or letters.
Thailand	Interview with officials from Department of Labour Protection and Welfare, but no further responses to requests or letters.
Nepal	Meetings with senior officials from Ministry of Labour, Employment and Social Security, Department of Foreign Employment, Foreign Employment Board, and Ministry of Law, Justice and Parliamentary Affairs, and consular officials in Qatar, no further responses to requests or letters.
Kuwait	Preliminary meeting with senior official at Public Authority for Manpower, but no further responses to requests or letters.
Qatar	Preliminary meeting with senior official at Ministry of Administrative Development, Labour and Social Affairs. Information provided in writing, April 2021.
Philippines	Meetings with consular officials in Taiwan and preliminary meetings with Philippines Overseas Employment Administration, but no further responses to requests or letters.
Taiwan	Meeting with Vice-Minister of Labour, officials responded in writing to requests for information as well as to findings shared in advance.
Mexico	Meeting with senior official at STPS and consular officials in Canada, but no further responses to requests or letters.
Canada	Meetings with officials at Employment and Social Development Canada and Immigration, Refugees and Citizenship Canada, as well as Ontario province officials and Canadian embassy officials in Mexico. Responded in writing to findings shared in advance.

There was considerable variation in our interactions with government. Some governments provided us with significant time and information, while others did not engage in any meaningful sense. To ensure that we have included the perspectives of governments in all of the corridor reports, we engaged with organisations and individuals close to the governments in question and with a deep knowledge of government policy, and reflected official perspectives provided in public statements and official documents.

Migrant workers

We aimed to speak to migrant workers to help us understand better recruitment and migration processes from workers' perspectives, and to provide us with insights into how particular measures work in practice. Our interviews with migrant workers were not designed to provide representative samples of workers - in some corridors, other studies had already done this - and we did not attempt to carry out large-scale quantitative surveys of migrant workers.

We intended to interview workers in person, in a mixture of group and individual interviews. We envisaged these interviews taking place both in origin states - around commonly frequented sites for recruitment, such as key government buildings and hubs for recruitment agency offices - and destination states, near to work, accommodation and leisure sites for migrant workers. The Covid-19 pandemic largely prevented us from carrying out interviews in this way, apart from a small number conducted prior to March 2020. As a result we elected to carry out remote interviews. In total we carried out individual interviews with 140 migrant workers across the Five Corridors, including 44 interviews carried out in person, prior to the Covid-19 pandemic, in Nepal, Qatar, Kuwait, Thailand, Taiwan and Mexico. We additionally carried out a small number of group interviews in Thailand with a total of 16 workers, and a remote group discussion with Mexican migrant workers in Canada.

The table below details how many individual interviews were conducted with workers in each corridor:

<i>Feature</i>	<i>1. Myanmar to Thailand</i>	<i>2. Nepal to Kuwait</i>	<i>3. Nepal to Qatar</i>	<i>4. Philippines to Taiwan</i>	<i>5. Mexico to Canada</i>
Total interviews	31	27	30	27	25
Female - male ratio	45% - 55%	59% - 41%	30% - 70%	63% - 37%	35% - 65%
Sector/s of employment	Manufacturing, agriculture, construction	Domestic work, food and retail, construction, security	Cleaning, construction, security	Manufacturing, domestic work, fishing	Agriculture
In destination state at time of interview	58%	88%	83%	100%	73%

138 of 140 individual interviews were conducted by native speakers of the main language of the workers' origin country. Workers were interviewed by a mixture of male and female researchers. The purpose and use of the interviews were explained in full to all participants before they agreed to take part. No payment or other service was offered to workers in return for their participation. No names of migrant workers interviews have been shared beyond the research team.

Our interview questionnaires were structured around the recruitment process, including questions on the experiences of workers with regard to:

- Their decision to migrate;
- Introduction to and interaction with recruitment agents and officials;
- Payment of fees and exposure to debt, where applicable;
- Pre-departure experience, including contract processes and any orientation programmes;
- Arrival and working in the destination country;
- Getting support if something goes wrong; and
- Returning home after migration.

The restrictions of the pandemic reduced the number of workers we were able to speak to for this project. While there are clearly limitations to the relatively small number of migrant workers interviewees in this data set, the purpose of these interviews was never to make prevalence claims nor to attempt to capture all the complexities of this issue and the divergence of experiences. Rather their purpose was to explore ways in

which the key issues we identified might affect migrant workers and to ensure that migrant worker perspectives were reflected throughout our findings.

Key stakeholders and experts in migration processes

Across the corridors we spoke to experts with insights into the recruitment and migration processes. These included:

- Private sector organizations directly involved in recruitment and migration, including recruiters, employers and industry groups;
- Groups who support, represent and advocate for migrant workers, including trade unions, civil society organizations and lawyers; and
- Experts, including academics, technical consultants, representatives of the ILO and IOM, former government officials and embassies of third countries.

We interviewed the majority of these experts individually. We also held three expert workshops in Myanmar, Thailand and Taiwan. (Further such events in different locations were being planned but did not take place due to the Covid-19 pandemic in March 2020, which prevented travel and gatherings). Each interview was tailored specifically to the area/s of expertise of the interviewee, within the overall framework of the Five Corridors framework.

<i>Category</i>	<i>Corridor 1 (Mya - Thai)</i>	<i>Corridor 2 and 3* (Nep - Kuw & Nep - Qat)</i>	<i>Corridor 4 (Phi - Tai)</i>	<i>Corridor 5 (Mex - Can)</i>	<i>Total</i>
Private sector	8	14	12	6	40
Groups supporting, representing or advocating for workers	16	28	15	7	66
Technical / other experts	5	21	6	9	41
Subtotal	29	63	33	22	147
Migrant workers	31	57	27	25	140
Government	2	11	9	8	30
Total	62	131	69	55	317

*Corridors 2 and 3 are combined to avoid double counting: several experts could speak to both corridors.

In total we spoke to 147 such experts during the course of the project. 66 of those interviewed were from groups who support, represent or advocate for migrant workers - encompassing trade unions, civil society organisations and lawyers. Given the pandemic-related limitations on our ability to speak to large numbers of migrant workers, these organisations played an important role in helping us to understand the diversity of experience among workers. 40 interviews were with employers and recruiters of migrant workers, and other private sector representatives. We sought the perspective of these interviewees on prevailing attitudes and practices with regard to fair recruitment in their industries, on their assessment of government regulation in this respect, and on steps they themselves took to ensure fair recruitment. Finally other experts of various specialities, including academics and representatives of international organisations, make up 41 of the expert interviews. These interviews also included some former government officials, who were in some cases able to offer insights with more ease than serving officials.

Legal and policy frameworks, and secondary sources

We carried out an extensive review of written material on each corridor that had relevance to the indicator framework, including: domestic legislation and

regulatory and policy frameworks, including bilateral processes; statements by government institutions and officials; parliamentary discussions and reviews on migration; court judgements on government policies; and existing corridor-specific literature including key academic research, NGO reports and media reports. In all corridors, we had to contend with a dearth of reliable, comparable data. Even when governments do publish data regarding migrant workers, this is often not disaggregated, or refers to limited time periods preventing useful comparison. In one illustrative example, a destination government provided us with relatively detailed data on the number of foreign workers who were able to transfer employers. The data suggested that migrant workers regularly change employers and implied that job mobility exists in practice, if not in law. However, a subsequent request for a more detailed breakdown of the data went unanswered. We interrogated the data with the assistance of experts familiar with the process to develop the best understanding possible of the extent to which the data supported an assertion of de facto job mobility. In most of the countries under study, governments did not furnish us with any useful data. In the absence of high quality measurable data from governments, we were often reliant on the observations, knowledge and insights of experts and credible bodies of pre-existing research.

3.2 Developing key recommendations

At every stage of our research and analysis, we aimed to identify common issues across the corridors that have a direct impact on the prospect of workers being able to migrate fairly for labour. Between May and July 2020, the core Five Corridors research team held nine weekly meetings, each structured around one of the policy areas under study. These sessions provided an opportunity for us to compare in a structured and methodical way, how the different indicators impacted on workers in each corridor. In view of the challenge of definitively linking many of the individual indicators precisely to positive and negative worker outcomes (so many of the indicators are interdependent and mutually reinforcing) and the absence of adequate concrete data in many of the countries under study, in our analysis we often relied on observations, reflections and the authority of key stakeholders and experts in the drawing of our conclusions. Researchers shared examples of notably good and bad practices they had identified in their corridors. A set of key recommendations was developed out of this process, drawing on the detailed country-level recommendations made to the nine governments under each area of the indicator framework. The Five Corridors team took a decision to develop key recommendations that would in some - though not all - cases cut across the indicator framework, given the inter-related nature of the regulation and enforcement of fair recruitment. Before being finalised, the key recommendations were subsequently shared with a range of stakeholders, reviewed by experts (see below) and considered against other thematic studies on this issue.

3.3 Review process

To ensure the quality and accuracy of the research and analysis in the study, we sought external review in three distinct ways:

- Inviting **governments** to comment on our country-level assessments: As noted above, a summary of our draft key findings was shared with each government under study in April 2021, inviting them to respond with any comments or clarifications on the facts or analysis we had presented.
- Consulting the Five Corridors eight-person **expert advisory group**: all full corridor reports, and the key recommendations, were reviewed in draft form by members of the Five Corridors expert advisory group. We held two dedicated meetings of the advisory group in September and November 2020 to focus on the Five Corridors findings, giving our expert advisers the opportunity to critique and question aspects of our analysis and recommendations.
- Seeking **input from other experts**, on a case-by-case basis. We shared advanced drafts of corridor reviews and our key recommendations with a selection of trusted experts. These included representatives from relevant UN agencies, leading academics, civil society organisations, and other technical experts. We invited these experts to critique our overall conclusions, drawing our attention in particular to any factual errors, areas where they felt our research misrepresented the true picture or issues we had neglected to address.

4. The Five Corridors Project team

4.1 FairSquare Projects research team

The Five Corridors Project has been led by [FairSquare Projects](#), a non-profit human rights organisation based in London. FairSquare Projects carries out research and advocacy to help promote and protect human rights, with a particular specialisation on migrant worker rights.

James Lynch, Nicholas McGeehan, Fabien Goa and Isabelle Pereira made up the core team leading the project. The corridor research teams were:

- **Myanmar-Thailand:** Bikramjeet Batra, Kevin Mcleod, Johny Adikhari, and Sutharee Wannasiri.
- **Nepal-Kuwait and Nepal-Qatar:** Fabien Goa, Anurag Devkota, Magdalena Mughrabi, Shareen Tuladhar, and Abdulrahman Al Turki.
- **Philippines-Taiwan:** Nicholas McGeehan, William Ragamat, Mina Chiang, Dana Batnag and Mary Ann Bayang.
- **Mexico-Canada:** Jorge Aceytuno, James Lynch, Margarita Maura Pascal, Ariadna Tovar Ramírez and Aaráon Mendiburo.
- Amira Al-Sayed provided research support on several corridors.

4.2 Five Corridors Project expert advisers and reviewers

The Five Corridors Project research team has been supported by a range of experts in fair recruitment.

Ambassador (retd) Luis C. deBaca has served as one of the project's two Senior Advisers. Ambassador DeBaca coordinated U.S. government activities in the global fight against contemporary forms of slavery as head of the State Department's Office to Monitor and Combat Trafficking in Persons during the Obama Administration. He is a Fellow at the Gilder Lehrman Center for the Study of Slavery, Resistance, and Abolition of Yale University's

MacMillan Center. His academic and consulting work focuses on forced and child labor in such supply chains as construction materials, minerals, palm oil, rubber, cocoa, and labourers.

Elizabeth Frantz, a division director for the Open Society International Migration Initiative, is the project's second Senior Adviser. She leads the organization's Fair Work program area, which supports efforts to prevent exploitative labor practices affecting migrants and refugees. An economic anthropologist turned activist, Elizabeth brings over 15 years of experience on migration, worker rights and economic justice issues. She holds a PhD from the London School of Economics and Political Science for work on migration policy, guest worker programs and unfree labor. She's lived and worked as a journalist, editor and researcher in the Arab region, South and Southeast Asia.

We are also fortunate to be able to draw on the expertise and experience of the members of the Five Corridors Project Advisory Group:

Marie Apostol, Founder and President/CEO of TFHI, Inc (The FAIR Hiring Initiative), a non-profit social enterprise that develops, tests and promotes ethical recruitment models and addresses issues of forced labor, debt bondage and human trafficking in labor migration, where she led the development of On The Level, a pioneering labor agency certification and capacity building model for ethical recruitment. Since 1998, she has worked extensively on labor issues in corporate supply chains and founded Verité Southeast Asia in 2004, where she serves as its Executive Director. She led the development of the Verité Systems Approach For Social Responsibility, the Verité Fair Hiring Toolkit, and the Manpower-Verité Ethical Framework for Cross Border Recruitment.

Associate Professor Bassina Farbenblum, University of New South Wales and Migrant Worker Justice Initiative. Bassina is an attorney and founding co-director of the global Migrant Worker Justice Initiative. She has

spent almost two decades as immigrant rights lawyer, researcher and clinical legal educator in New York and Sydney. She works closely with governments and civil society partners in Asia, Australia and elsewhere to improve migrant workers' access to justice and governance of migrant recruitment. Her research focuses on rights-based governance of migrant recruitment, migrants' access to justice in countries of origin and employment, private sector accountability within supply chains, and use of technology for migrant engagement.

Professor Ray Jureidini, professor of migration ethics and human rights at the Research Center for Islamic Legislation and Ethics (CILE) at Hamad Bin Khalifa University, Doha, Qatar. His human and labor rights based scholarship and activism centers on forced labour, human trafficking, and labour recruitment to the Middle East. He is a consultant and advisor on refugee issues, human trafficking, labour recruitment, labour supply chain evaluations and migrant labour reform advocacy.

Professor Sarah Paoletti, founding director of the Transnational Legal Clinic at the University of Pennsylvania Carey Law School, through which she and her students provide direct representation to individuals in immigration proceedings and engage in advocacy before UN and regional human rights mechanisms and governmental organizations, in partnership with non-governmental organizations, to advance the human rights of migrants in the U.S. and globally. She serves on the Board of Centro de los Derechos de Migrante, Inc., a binational migrant worker rights organization with offices in the U.S. and Mexico, and she is on the Executive Committee of Migration that Works, a U.S.-based coalition of labor, migration, civil rights, anti-trafficking organizations and academics advancing a labor migration model that respects the human rights of workers, families and communities and reflects their voices and experiences. Paoletti's research focuses on

the intersection of human rights, migration, labor law, and access to justice.

David Schilling joined the staff at the Interfaith Center on Corporate Responsibility (ICCR) in 1994 and has worked with ICCR members and allies to engage corporations, cross-sectoral and multi-stakeholder initiatives on human rights in corporate operations and global supply chains. He has participated in delegations to a number of countries in Africa, Asia and Latin America visiting factories and meeting with workers and non-governmental organizations. For the past ten years, David has provided staff leadership for ICCR's programmatic initiatives to counter human trafficking and modern day slavery in the US and globally. David is coordinator of the Bangladesh Investor Initiative, a global collaboration in support of the Accord for Fire and Building Safety. He serves on the Steering Committees of the Responsible Labor Initiative of the Responsible Business Alliance, the Leadership Group for Responsible Recruitment, and the Coalition to End Forced Labor in the Uyghur Region. He is a member of the UN Global Compact Expert Network.

Dr Angela Sherwood, Queen Mary University of London. Angela is an ESRC Research Fellow at Queen Mary School of Law where she focuses on state and border violence, civil society resistance, and the role of international organisations and corporations in migration governance. She is co-editor of the forthcoming book *IOM: Obligations, Accountability and Ethos* and has published in the *Journal of Refugee Studies* and in several edited volumes examining socio-legal questions of migration and displacement. Outside of academia Angela has twelve years of experience working as a researcher and practitioner for Amnesty International and the IOM in the areas of labour rights and recruitment, refugee protection, and humanitarian response.

Annex: The Five Corridors indicators

1. Migration policy

This is an analysis of how governments in origin and destination states manage the movement of people out of and into their countries, in particular migration for employment in low-paid sectors of the economy. In relation to origin states, it assesses whether outward migration is a policy priority, and if the government actively promotes domestic opportunities for its citizens, and in what way. For destination states, it considers the interplay between labour market characteristics - where businesses need or want to recruit migrant workers - and restrictive immigration policies designed to protect jobs for nationals, provide control to employers, and/or assuage domestic political concerns about demographic change. It also examines the extent to which the government regulates the migration process, and the extent to which it takes account of gender in the formulation of its migration policy. It should be noted that ILO and IOM standards on labour migration and recruitment provide limited guidance on national migration policy, which they largely consider to be the prerogative of states.

Policy coherence (1.1)

Under the ILO General Principles and Operational Guidelines on Fair Recruitment (Guideline 10.1), governments should “seek to assess labour market needs and ensure coherence between labour recruitment, migration, employment and other national policies, in recognition of the wide social and economic implications of labour recruitment and migration, and in order to promote decent work for all.” Migrant workers may suffer as a result of incoherence between immigration policies and labour market realities. Origin states often see mass migration as a means of economic development and a way of mitigating the lack of productive employment opportunities in their domestic economies. For origin states, this indicator

is an examination of the degree to which encouraging and supporting citizens to migrate for work is a central objective of the government, and the extent to which a strong focus on promoting work abroad can have impacts on workers’ protections. For destination states, it examines the sometimes awkward contradictions between labour market needs, with serious shortages in critical sectors of the economy, and popular concerns - sometimes stoked by political parties - about the rate of immigration and demographic change.

Restrictions on migration (1.2)

Some origin states have implemented bans on migrant workers taking up jobs in certain destination countries, and in many cases these bans are justified on the basis that they are there to protect workers’ rights. This indicator examines whether such bans are in place and the extent to which they enhance or undermine migrant workers’ rights.

Government-to-Government (G2G) recruitment (1.3)
The vast majority of the transnational recruitment of migrant workers is undertaken by the private sector, with governments typically confining their role to the regulation of the recruitment process and employment practices. However, some governments take a more active role and have a preference for what is known as government-to-government recruitment (G2G). There are a range of G2G recruitment models, but broadly speaking G2G means that many or all of the core process of recruitment - the screening, selection and matching of candidates to employers - are undertaken by government agencies, via processes agreed through bilateral mechanisms, rather than the private sector. This indicator examines the extent to which the governments under study are involved in and committed to G2G arrangements, and whether their involvement in the recruitment process has any observable impact for workers.

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Gender (1.4)

States have an obligation under international human rights law to ensure that migrant workers do not face discrimination in their access to jobs on the basis of gender or gender identity, and that they are protected from specific risks that may result from their gender or gender identity. Gendered assumptions about who can or should work in particular economic sectors, traditional expectations of the roles of men and women within the family in origin states, and protection concerns for women in the migration cycle can all contribute to migrant workers' vulnerability and exposure to abuses. This indicator analyses the extent to which governments factor in gender and gender identity into their migration policies.

Visa process (1.5)

The labour migration process and its attendant regulations can be highly complex, meaning that workers often rely on intermediaries to help them migrate for work, decreasing their agency, and increasing the opportunities for middlemen to extract money from workers. Complex procedures can also have the effect of making regular migration channels

less attractive than informal, undocumented migration. In destination states, employers who want to avoid time-consuming bureaucratic processes associated with recruiting foreign workers, will often outsource recruitment and not always to reputable operators. This indicator examines the extent to which complex regulatory requirements, which are sometimes designed to protect workers, have any observable impact on migrant worker outcomes.

Job mobility (1.6)

In recent decades, temporary, or circular, migration, in which workers return to their home country after the completion of their contract, has come to be the most common form of labour migration. Temporary migration programmes often tie migrant workers to a single employer for the duration of their visa. Such policies restrict the job mobility of migrant workers and have been linked to human rights abuse in many countries. This indicator examines if it's legally possible for migrant workers to change employers, how easy it is in practice, and the extent to which job mobility (or the lack of it) contributes to positive and negative outcomes for migrant workers.

Residency and citizenship pathways (1.7)

Some countries provide the opportunity for migrant workers to acquire permanent residency and/or citizenship, either securing this as a result of working for a certain number of years, or as an integral part of their initial recruitment. This indicator examines whether a pathway to citizenship, where it exists, has a positive impact on migrant worker outcomes.

2. Legal framework

This is an analysis of the legal and regulatory framework that shapes the recruitment process in each country. It explores whether the legal framework covers all stages of the recruitment process, whether it applies to all workers, and whether there are mechanisms for stakeholders to input into the formation and review of legislation. It also identifies gaps in legislation that could leave workers vulnerable.

International conventions (2.1)

The ILO General Principles and Operational Guidelines on Fair Recruitment (ILO GPOG) recommend that states “consider ratifying and applying the relevant international instruments” (Guideline 1.2). This indicator details which core UN and ILO conventions governments have ratified and the extent to which they engage with their attendant processes and mechanisms.

Application to different recruitment phases (2.2)

ILO GPOG Guideline 4.1 expects legislation to cover “all stages of the recruitment process, and of concerned parties, including in relation to advertisements, information dissemination, selection, transport, placement into employment and ... return to the country of origin”. The indicator provides an overview of the main legislative instruments in each country, and whether they include appropriate detail and specificity on all stages of the recruitment process.

Application to all workers (2.3)

ILO GPOG Guideline 4 expects that legislation and regulation on fair recruitment applies to “all workers, especially those in a vulnerable situation.” Certain groups of workers, for example domestic workers, agriculture workers or seafarers, are often excluded from labour laws or governed under separate regulatory regimes that provide them with lower levels of protections. Undocumented workers may also be excluded from protective legislation in both origin and destination states. This indicator examines the scope of fair recruitment legislation.

Worker organization input (2.4)

ILO GPOG Guideline 3.1 expects states to involve workers in the formulation of their legal framework. This indicator examines whether worker organizations are able to make meaningful contributions to relevant legislation, for example through public consultation processes or parliamentary reviews.

Recruiter and employer organization input (2.5)

ILO GPOG Guideline 3.1 expects states to involve recruiter and employer organizations in the formulation of their legal framework. This indicator examines whether recruitment agencies and employers are able to make meaningful contributions to relevant legislation, for example through public consultation processes or parliamentary reviews.

3. Bilateral arrangements

Origin and destination states often formalise their agreements in the field of labour through either non-binding MOUs or binding bilateral labour agreements. Many of these arrangements are basic documents that simply provide an agreed basis for the private sector to recruit workers in the corridor. In these instances, they are unlikely to impact workers significantly. In other cases, bilateral mechanisms establish the basis for government-to-government recruitment or include other specific measures that directly address the recruitment and terms of employment for migrant workers. This is an examination of how each government under study uses bilateral arrangements, their consistency with principles of fair recruitment, and the extent to which they actually protect workers in the recruitment cycle.

Accessibility (3.1)

This indicator examines how easy it is to access bilateral labour agreements. Under the ILO General Principles and Operational Guidelines on Fair Recruitments (ILO GPOG) Guideline 13.1, bilateral agreements “should be made public and migrant workers should be informed of their provisions”. Many MOUs on labour migration are not made public, making it difficult for workers and organizations that represent and support them to activate fair recruitment provisions, where these exist.

Fair recruitment in negotiation (3.2)

Negotiations tend to prioritise the organised movement of people, rather than their safety and protection. This often reflects the political priorities for both

origin and destination countries, which are primarily concerned with increasing migration due to its economic benefits. This indicator examines the extent to which governments prioritise fair recruitment in the negotiating and drafting of bilateral agreements.

International standards (3.3)

Bilateral agreements should incorporate or be consistent with relevant internationally recognised human rights and labour standards, in line with ILO GPOG Guideline 13. In many instances, references to the rights of workers are minimal. This indicator examines the consistency of each government's bilateral labour agreements with this principle.

Mechanisms in agreement (3.4)

This indicator examines whether or not bilateral agreements contain specific mechanisms on fair recruitment (in line with ILO GPOG Guideline 13.1). These mechanisms could include, for example, consular protection, collaboration on enforcement, and coordination on closing regulatory gaps.

Implementation and oversight (3.5)

Many bilateral labour agreements lack follow-up measures to ensure their effective implementation. This indicator examines whether bilateral arrangements are accompanied by effective implementation and review measures, including transparent oversight mechanisms that involve employer and worker organisations.

4. Recruiter licensing

The transnational recruitment of migrant workers across is a high-risk economic activity, and states should exercise additional supervision over those who make it their business, with licensing schemes a key means of achieving this. This is an analysis of how comprehensive, transparent and participatory these schemes are, and whether the government provides an environment that incentivises ethical recruitment practices.

Comprehensive licensing (4.1)

This indicator examines the extent to which government licensing schemes regulate the conduct of all of the entities and individuals involved in the recruitment process. In many origin countries, established recruitment agencies in major cities have government licenses to operate, while in rural areas informal recruiters operate outside the licensing framework, rendering it difficult for the concerned regulatory agencies to scrutinise their activities or hold them accountable. Guideline 4.3 of the ILO General Principles and Operational Guidelines on Fair Recruitment (ILO GPOG) establishes that legislation on recruiters should apply “not only to some categories of labour recruiters but also to all recruiters operating outside any specific regulatory framework”.

Transparent and accessible (4.2)

ILO GPOG 4.2 specifies that licensing systems should be “transparent and should allow workers and other interested parties to verify the legitimacy of recruitment agencies and placement offers.” This indicator outlines the public sources of information on recruitment agencies that are available to migrant workers, and whether these give them any meaningful insight into the trustworthiness and credibility of these agencies.

Worker, recruiter and employer organizations (4.3)

This indicator examines the extent to which governments consult worker, employer and recruitment organizations on the design and implementation of licensing schemes, in line with the guidance proffered in ILO GPOG 4.2.

Ethical recruitment (4.4)

This indicator explores the degree to which governments have policies and practices in place that effectively incentivise ethical recruitment practices. This can include, for example, giving agencies publicly available ethical ratings, publicizing the results of inspections, and - perhaps most critically - whether there is any commercial incentive (or at least the absence of any disincentive) to agencies that refuse to charge migrant workers recruitment fees.

Joint liability (4.5)

ILO GPOG Guideline 5.2 suggests that states should promote schemes that hold employers jointly accountable, such as “shared responsibility initiatives”. This indicator examines the extent to which employers and recruiters can be held jointly liable for respecting workers’ rights and the impact of these schemes on worker outcomes.

5. Implementing bodies

This analysis seeks to understand the extent to which governments implement and enforce their laws governing the recruitment of migrant workers. It examines intra-government cooperation, the effectiveness of labour inspectorates and whether they are adequately staffed and skilled, and tasked to identify fraudulent or abusive recruitment practices, the effectiveness of the criminal justice system in dealing with serious violations relating to the recruitment process, and the state’s anti-corruption measures.

Intra-government cooperation (5.1)

Guideline 9.1 of the ILO General Principles and Operational Guidelines on Fair Recruitment (ILO GPOG) recommends that states “ensure that ministries and departments, agencies and other public institutions that oversee recruitment and business practices cooperate closely”. In origin states, this normally requires particularly close collaboration between the labour and foreign ministries, while in destination countries, the mandate for governance of fair recruitment is often shared across labour and interior ministries. Law enforcement and justice ministries should be involved in both origin and destination states, in order to provide access to justice and criminal investigation where necessary. In some countries, there are divisions of responsibility between national and regional governments. This indicator examines the impact of the most critical forms of intra-government cooperation in each migration corridor.

Effective labour inspectorate (5.2)

The issue of recruitment is often neglected by labour inspectorates, in favour of a focus on employment issues. ILO GPOG Guideline 5.1 expects states to maintain an “effective and sufficiently resourced labour inspectorate [which is] empowered and trained to investigate and intervene at all stages of the recruitment process for all workers and all enterprises, and to monitor and evaluate the operations of all labour recruiters.” This indicator examines how effectively labour inspectorates in origin and destination states regulate the conduct of the various actors involved in transnational recruitment, including through imposing administrative sanctions or instigating criminal prosecutions.

Criminal investigation bodies (5.3)

ILO GPOG Guideline 2.1 says that governments should “investigate [and] punish ... abuses [by all kinds of labour recruiters and other enterprises, including employers, private employment agencies]”. This indicator looks at whether criminal investigative and prosecuting bodies are trained and resourced to investigate and prosecute criminal activity related to fraudulent and abusive recruitment, how common such actions are in practice, and whether they have had a deterrent effect that has translated into enhanced protection for migrant workers.

Anti-corruption measures (5.4)

This indicator examines whether there are effective measures in place to address public sector corruption in the transnational recruitment process particularly among officials tasked with protecting migrant workers, as well as acts of corruption by recruiters and employers.

6. Tackling fraud and abuse

This area of the assessment looks at the measures that governments have in place to address arguably the two core issues at the heart of “unethical”

recruitment: the charging of fees to migrant workers for recruitment services, and deception with regard to terms and conditions in the destination country. It examines laws on recruitment fees and contract substitution, and how these laws are implemented and enforced. As a result there is significant cross-over with other areas of the assessment, in particular areas 2 and 5.

Prohibition on fees (6.1)

The ILO General Principles and Operational Guidelines on Fair Recruitment (ILO GPOG) are categorical in their assertion that “no recruitment fees or related costs should be charged to, or otherwise borne by, workers or jobseekers.” This indicator examines whether governments fully and explicitly prohibit the payment of recruitment fees and related costs for all workers (using the ILO’s adopted definitions), whether their legislation covers payments made outside their jurisdiction, and how the laws enforcing this prohibition are implemented. It also examines how much workers pay in practice to migrate, who profits, and the loopholes that recruiters and employers use to get around fee prohibitions or recruitment fee caps.

Transparency on recruitment costs (6.2)

ILO GPOG Guidance 6.2 recommends that “the full extent and nature of costs, for instance costs paid by employers to labour recruiters, should be transparent to those who pay them”. This is intended to ensure employers and others are fully aware of what they are actually paying for, to prevent recruitment costs from being passed on to migrant workers, and to assist investigations of regulatory and enforcement agencies. This indicator looks at the extent to which recruiters are required to provide transparency in relation to the cost of recruitment.

Contracts (6.3)

ILO GPOG Guidance 7.1 sets out a range of measures designed to ensure that workers receive employment contracts in their own language, in good time,

containing all relevant terms and conditions. This indicator examines what the law requires on worker contracts, and the degree to which these provisions are respected and enforced.

Contract substitution (6.4)

Principle 8 of the ILO GPOG calls on states to implement “measures to prevent contract substitution”, the practice of replacing a contract that has been agreed upon with an alternative contract, either shortly before migration or on arrival in the destination country. This indicator examines whether states have specific processes to try to address contract substitution and related practices, and how common it is for workers to find that their terms and conditions of work are substantially different from those promised in the origin state.

Verbal contracts (6.5)

Some workers who are recruited for work abroad never receive a written contract. This places them at additional risk of abuse, and typically reduces their ability to access whatever remedies are available to them. It is in this context that ILO GPOG Guidance 7.2 establishes that, “in the absence of a written contract, governments have the responsibility to ensure that recruited workers have all their rights respected in line with existing legislation and regulations.” This indicator looks at the provisions that are in place to provide workers who do not receive written contracts with protection.

7. Grievance and Remedy

When abuses occur, both origin and destination states should provide effective grievance mechanisms for migrant workers. Governments provide grievance mechanisms and remedies in a range of ways including support from origin state consulates, labour ministry hotlines, mediation processes, and civil courts specialising in labour and recruitment cases. This is an analysis of the degree to which these mechanisms meet well-established international standards on grievance mechanisms and the right to remedy.

Comprehensive access (7.1)

This indicator examines the scope of access to the grievance mechanisms that are available. In some contexts, a workers' access to grievance mechanisms depends on the sector in which they work. In some countries, for example, domestic workers cannot access any formal channels to raise grievances, other than the police. Undocumented workers are often excluded from making complaints altogether. This indicator examines the extent to which workers' access to grievance mechanisms is in line with ILO Guiding Principle and Operational Guidelines (ILO GPOG) Guideline 8, which states that they should be able to avail of such mechanisms "irrespective of their presence or legal status in the State".

Accessibility (7.2)

This indicator examine whether grievance mechanisms and processes are accessible to workers in practice, and whether they are rapid and free of complex administrative procedures, in line with ILO GPOG Guideline 8.1.

Remedy and compensation (7.3)

Workers subjected to abuse through their migration cycle should have access to effective remedies, which may include, but not necessarily be limited to, compensation, as per ILO GPOG Guideline 8.1. Some destination states offer a change of employer as the default means of addressing grievances. Holding abusers to account through criminal prosecution may also represent remedy in some cases. This indicator examines the government's provision of remedy, with a particular focus on compensation.

Protection from retaliation (7.4)

Under ILO GPOG Guideline 8.1, workers raising grievances should be protected from retaliation, in particular from employers and recruiters. This indicator evaluates how safe workers feel bringing complaints forward, and assesses the effectiveness of the measures in place, if any, to protect them from retaliation.

Legal advice (7.5)

The provision of free independent legal advice can make a significant difference to workers' ability to navigate the different potential options available to them, and bring complaints forward successfully. This indicator looks at the legal advice that is available to workers.

Consular support (7.6)

This indicator examines whether the origin state provides effective and timely consular support to its nationals abroad who have been subjected to fraudulent or abusive recruitment.

8. Information for workers

Governments implement a range of programmes to provide information to workers on issues such as their legal rights, how to avoid exploitation in the recruitment process or in employment, and the grievance procedures that are available to them. In the case of origin states, these include formal pre-departure orientation sessions, as well as partnerships with civil society organisations to deliver awareness-raising sessions among migrant worker communities. This indicator examines state performance in this regard, using ILO Guiding Principles and Operational Guidelines (ILO GPOG) Guideline 11.1 as the basis for its analysis, and the degree to which the provision of information to workers enhances protects them from abuse or yields them remedy.

Government websites (8.1)

This indicator analyses the information on fair recruitment policies, legislation, regulation, and processes that is made available to workers online via government websites.

Pre-departure orientation (8.2)

This indicator examines the effectiveness of origin states' pre-departure orientations, where they exist.

Outreach (8.3)

This indicator assesses whether the government encourages outreach to workers by employers, workers' organizations, labour recruiters and civil society groups.

Labour market information available (8.4)

This indicator examines the extent to which the government makes labour market information publicly available so as to inform decision making by workers.

Training and awareness raising (8.5)

This indicator examines the extent to which the government collaborates with the ILO and employers' and workers' organizations to provide education and training and/or conduct awareness-raising campaigns.

9. Freedom of Association

The ability to form and join trade unions is a fundamental human right, and trade unions can play a vital role in representing and supporting migrant workers. However unions face varying restrictions in law and in practice, that prevent them from playing this role and it can be more difficult for migrant workers to access

the same levels of trade union protection as nationals. This is an analysis of the degree to which governments provide space for trade unions to play an active role in migrant worker protection, and how this affects worker outcomes. The ILO Guiding Principles and Operational Guidelines on Fair Recruitment stress the need for worker organisations and “social partners” (which includes unions) to participate in all key regulatory processes, and for bilateral agreements to respect existing collective agreements.

Freedom of Association in law (9.1)

This indicator assesses whether workers have the legal right to form and join unions, and whether they can strike and collectively bargain. In some countries, migrant workers are entirely prevented from joining trade unions, while in others, workers in certain sectors are restricted from unionising.

Freedom of Association in practice (9.2)

This indicator assesses whether trade unions can operate effectively in practice, and whether their activities are free from disruption and harassment. Some governments allow unions in law but “co-opt” trade unions to neuter their activities, while union activists and members can face pressure, threats and worse, from both employers and governments.

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