

MIGRANT FORUM



in ASIA

MIGRANT FORUM IN ASIA
STATEMENT ON INTERNATIONAL MIGRANTS' DAY 2006
18 December 2006

As we celebrate International Migrants Day, Migrant Forum in Asia (MFA) calls upon the global community to uphold the human rights of all migrants around the world. A comprehensive understanding of migration and labour mobility from a rights-based perspective lays out before us the opportunity to re-imagine a just and humane world, where pro-poor policies are implemented, development among nation states is equitable and sustainable, and the human dignity of all persons is honored and upheld.

On this day we celebrate the enormous contribution that migrants make to all countries of the world, through their hard work, skills, and creativity. Their contribution to the growth and development of society goes beyond measurable productivity in the roles they play as socio-political actors, bridging cultures and nations in both home and host countries.

Today, we also recognize the plight of many migrant workers who brave separation from their families to face the ordeals of migration. In a neo-liberalized global market economy where cut-throat capitalism prevails, poor working conditions, physical and psychological abuse, discrimination and racism, the stripping of one's human dignity and being looked upon as a tradable commodity, are increasingly becoming the definitive experience of many migrants today.

As we celebrate International Migrants Day, we highlight major areas of concern within the Asian Region that require immediate attention and an urgent response:

Crackdown on Migrant Workers in an Undocumented / Irregular Status

MFA calls for an immediate stop to all crackdowns on migrant workers in an undocumented / irregular status, specifically in Malaysia and South Korea. We firmly believe that the human rights of all migrant workers should be upheld regardless of their status. In many instances, crackdowns and forced deportations have resulted in serious injuries and sometimes even death and suicides among migrant workers.

In South Korea, 180,000 migrant workers in an undocumented/ irregular status were deported as a result of the crackdowns. Fueling the campaign against migrant workers in an undocumented/ irregular status is the implementation of the Employment Permit System (EPS). The EPS was implemented without abolishing the Industrial Trainee

System (ITS) which only adds to the marginalization and exploitation of migrant workers.

The Malaysian government has mobilized the so-called People's Volunteer Corps (RELA). This controversial baton-wielding volunteer force have been given wide powers to aid authorities in cracking down on migrant workers in an undocumented/ irregular status which has often resulted in the use of extreme force, violence, extortion, and abuse. Acting with impunity the workings of the RELA have largely remained unnoticed, unchecked, and even tolerated and condoned by the Malaysian authorities.

MFA affirms that no human being is illegal. We reiterate the universality of human rights for all, including migrants, refugees, asylum-seekers and other people on the move. Migrants in an undocumented / irregular status have inherent, inalienable human rights regardless of immigration and nationality status.

Perspectives, strategies and policies addressing migrants in undocumented / irregular status must be based on human rights, with particular emphasis on labour rights, social justice, respect for diversity, and sustainable development frameworks. We reiterate that all perspectives and strategies must be gender-responsive.

Protecting the Rights of Foreign Domestic Workers

Foreign domestic workers (FDWs) face a wide range of grave abuses and labor exploitation, including physical and sexual abuse, forced confinement, non-payment of wages, withholding of passports and other essential documents, denial of food and health-care, and excessive working hours with no rest days.

Many migrant domestic workers have been unfairly accused of crimes such as theft, murder, or adultery, arbitrarily detained, sentenced to stoning, caning and the death penalty; or subjected to cruel, inhuman and degrading treatment.

Without legal recognition and protection, domestic workers are vulnerable to exploitation and discrimination. Unfair and discriminatory policies, and the arbitrary powers of employers, leave FDWs vulnerable and with weak bargaining power. These degrade the status and dignity of women.

MFA calls for an intensifying of its region-wide campaign against unjust and discriminatory policies towards FDWs as exemplified by the 'new conditions of stay' (NCS) and "2-week rule" in Hong Kong. Despite calls by the CEDAW, CERD and ICESCR treaty committees for the removal of such archaic and discriminatory policies, the Hong Kong government continues the imposition with full prejudice.

We reiterate our call for governments to recognize domestic work (household work) as work, and therefore protected in the labour code of all countries.

Migration and Development

Today we call on the global community to acknowledge that migrants play a central role in development. They are an integral part of diverse, global communities who make valuable social, cultural, economic and political contributions in their countries of origin, transit and destination. They must be respected and valued. No development strategy will succeed without the meaningful participation of the people.

Both origin and destination countries cannot subordinate the human rights of migrants to economic interests. We condemn the practice of origin countries of exporting migrants en masse thereby commodifying migrants and sacrificing their human rights and dignity in exchange for remittances and profits. In the same vein we condemn the corresponding practice of receiving countries to import migrants as cheap labour stripped of their rights, families and dignity.

Bilateral and multilateral agreements pertaining to migrants must be based on protection of migrants' rights, and take into account the social costs of migration, e.g. the separation of families, brain drain, rehabilitation and care of returning sick, injured, or victimized migrants, and family reunification.

Migrants' Rights Are Human Rights!

Today we call upon the global community to uphold the rights of all migrant workers to form or join associations, to organize for collective bargaining, to be free from situations of forced labour and discrimination.

We reiterate our region-wide advocacy for "equal pay for equal work".

We demand an end to all forms of abuse and violence against migrants and their families, and an end to all forms of extortion, oppressive and exploitative practices and policies by employers, recruiters, agencies, and governments.

We call on all countries to ratify, uphold and effectively implement the core human rights conventions of the United Nations, the Fundamental Conventions of the ILO and those that pertain to migrant workers, and specifically the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

It is inspiring to note that, since we spearheaded the campaign in the Asia region since the early 1990s to mark December 18th as International Migrants' Day, there has been an increasing recognition of this day to honor migrants, and greater respect for the fundamental concept that 'Migrants' Rights are Human Rights.'

We are emboldened in our struggle through the example of migrant women, workers, and their families who despite the adverse conditions and oppressive situations have continued to organize, unionize, and campaign for their rights and dignity. The many battles they have won for better working conditions, fair treatment, and access to health,

justice, and recognition as social actors for change in society fuel the vision for ‘**A Better World Possible Now!**

We in the Migrant Forum in Asia renew our call and commitment to continue to live, work, and struggle with the migrants and marginalized, to promote the universality and indivisibility of human rights for all. We call on citizens everywhere to join us in this struggle and celebrate on this day our common humanity.

MIGRANT FORUM IN ASIA

Bangladesh

Association for Community Development (ACD)

Ain O Salish Kendra (ASK)

Refugee and Migratory Movements Research Unit (RMMRU)

Welfare Association of Repatriated Bangladeshi Employees (WARBE)

India

Center for Education and Communication (CEC)

Center for Indian Migrant Studies (CIMS)

Migrant Forum India (MFI)

Migrants Rights Council

National Centre for Labour (NCL)

Nepal

All Nepal’s Women Association (ANWA)

Women Rehabilitation Center (WOREC)

Sri Lanka

Action Network for Migrant Workers (ACTFORM)

Migrant Services Centre (MSC)

Women and Media Collective (WMC)

Burma

Federation of Trade Unions – Burma (FTUB)

Indonesia

Center for Indonesian Migrant Workers (CIMW)

Jarnas Pekabumi

KOPBUMI

Migrant Care

Solidaritas Perempuan

Serikat Buruh Migran Indonesia (SBMI)

Malaysia

Messrs. Charles Hector
Tenaganita Women's Force

Philippines

Atikha Overseas Workers and Families Initiative
Batis Center for Women
Center for Migrants Advocacy (CMA-Phils)
Kapisanan ng mga Kamag-anakan ng Migranteng Mangagawang Pilipino (KAKAMMPI)
Kanlungan Center Foundation, Inc. (KCFI)
Unlad Kabayan Migrants Services Foundation, Inc.

Singapore

Humanitarian Organization for Migration Economics (HOME)
St. Francis Workers Centre (SFWC)

Hong Kong

Asian Migrant Centre (AMC)
Coalition for Migrants Rights (CMR);
Indonesian Migrant Workers Union (IMWU)

Japan

Solidarity for Migrants – Japan (SMJ)

Korea

Joint Committee for Migrant Workers in Korea (JCMK)

Mongolia

Center for Human Rights and Development (CHRD)

Taiwan

Hope Workers Center (HWC)