Demand for the Promotion and Protection of the Rights of All Migrant Workers and Members of their Families Now!!

On this day, December 18, in 1990, the United Nations General Assembly adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (UN MWC).

The UN MWC came into force in July 2003 as international law, and to date has been ratified by 37 state parties. There is an urgent need for labour receiving countries to recognize the significance of this instrument in the promotion and protection of all migrant workers and members of their families.

On this day, we celebrate the lives of migrant workers, who through their contributions enrich the social, political and cultural dimensions of societies. Through their hard work, dedication and creativity, migrant workers serve to bridge the cultures home and destination countries.

Despite the call for the recognition of the positive role of migrant workers in society, there continues to be a regression in the protection of the human rights of migrant workers. Effective access to human rights is predicated on the recognition of the rights in law and practice; when this recognition is lacking, migrants’ rights become negated.

The growing series of abuses witnessed in 2007 in Asia alone, is alarming and unacceptable. The social, political, economic and cultural rights to self determination of migrant workers continue to be dismissed. Abuses against migrant workers highlighted in specific countries throughout 2007, reinforce the stark need to advance protection of migrant workers rights.

The human rights of migrant workers, regardless of their immigration status, race, class and gender must no longer be negated. International Migrants Day is a call to stop the growing series of abuses faced by migrant workers worldwide.

In July 2007, the first Official Global Forum on Migration and Development (GFMD) took place. This forum was a voluntary non-binding process that looked at migration from a trade based, economic development lens and did not meaningfully address the human rights concerns which should be indivisible from the migration process and
migrant workers rights. The focus of this forum hinged on the development, economic and trade factors of migration, instead of pushing forward a rights-based agenda. The GFMD should meaningfully address migration insofar as it relates to the realities and rights of migrant workers and abandon its neo-liberal capitalist agenda.

In September 2007, over 3000 workers, in Malaysia were left stranded in the car park at the Kuala Lumpur International Airport (KLIA), due to the dubious actions of employment recruiters and the practice of outsourcing labour. After being forced to live in deplorable conditions at the airport for one week with little water or food, the Bangladeshi workers were sent home with only partial compensation for the fees they submitted to employment agencies.

In a separate incident in Malaysia, in September 2007, Bangladeshi workers who had their wages withheld for over 6 months staged a hunger strike at the Bangladeshi High Commission. In response they were mercilessly beaten within the grounds of their own commission and forcefully detained. After enduring these atrocious violations of dignity, the workers received no formal apology from authorities. The only action taken was the subsequent fines and charges placed on the employment recruiters, without overhauling the recruitment system which continuous to be dubious and exploitative.

In November 2007, the Malaysian government announced a Cabinet decision to have the RELA (Ikatan Relawan Rakyat) take over the management of Immigration Detention Centers/Depots. Civil society groups in Malaysia are against this move. Currently, there are 14 detention centers in Malaysia which house over 11,000 thousand undocumented migrants. RELA is a voluntary corps under the Home Affairs Ministry and is governed by the Emergency (Stipulated Powers) Act 1964. RELA volunteers do not have the specialized skills, experience, and training required to handle the detention of people according to international guidelines. They also do not have the organizational infrastructure (in terms of full-time staff, standard operational procedures and accountability mechanisms) required for the task of this magnitude. There is a strong emphasis on the speedy arrest, detention, imprisonment, sentencing and deportation of migrants and refugees, which may further contribute to the miscarriage of justice and the refoulement of refugees. (For more details, see the Joint Statement on Ikatan Relawan Rakyat (RELA) taking over Immigration Detention Centres by the Migration Working Group (MWG) Network in Malaysia.)

In Thailand, the 'Provincial Decree on Migrant Workers' produced by the provincial government of Phuket, placed severe restrictions on the movements and rights of Cambodian, Lao and Burmese migrant workers in Thailand. Migrants were flagrantly discriminated by the issuing of curfews, forceful entry into their homes and confiscation of their mobile phones. These actions demonstrate the overt discrimination that migrant workers face when rights and protections are reserved only for "nationals". National laws and protections should apply to migrant workers and should be harmonized with international human rights standards.
In Korea detention of migrant workers in targeted crackdowns continue to abound. In February 2007, the Korean High Court ruling legalized the Seoul-Gyeonggi-Incheon Migrants Trade Union (MTU) as a union representing the rights of all migrant workers, regardless of their legal status. Despite this ruling, on 27 November 2007, the South Korean government arrested and deported the president, vice president, and secretary of MTU, which is an affiliate of the Korean Confederation of Trade Unions (KCTU). This targeted crackdown on the MTU leadership is a clear repression of the migrant workers right to organize in Korea and reflects the South Korean government forceful elimination of dissidence by workers.

Furthermore, the Ministry of Justice has broken its promise not to carry out the deportations until the National Human Rights Commission in Korea has completed its investigation of the case and made a recommendation. The Ministry of Justice is acting with total disregard for the labor and human rights of migrant workers in South Korea. Its actions represent an attack on not only migrant workers, but on organized labor and all progressive forces in South Korea.

On this day, December 18, 2007, MFA makes the following recommendations;

- The immediate ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (MWC)
- The immediate ratification of the ILO's eight (8) core conventions, in addition to ILO Conventions 97, 143 and 181
- The recognition of domestic work as work
- Support the "Equal Pay for Equal Work Campaign" (www.mfasia.org)
- Recognition of the rights of migrant workers to freely associate, form, and join trade unions.

MFA continues its call and commitment to exist, work and struggle against the unjust oppression of all migrant workers, their families and marginalized communities. The inalienable right of all individuals to exist and flourish is universal and intrinsic to human life. We urge the global community to celebrate and uphold our common humanity.

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