Mobilizing Migrant Community and Civil Society Voices for the 2nd Global Forum on Migration and Development: The Migrant Forum in Asia (MFA) Experience

Prepared by: Migrant Forum in Asia (MFA)
Mobilizing Migrant Community and Civil Society Voices for the 2nd Global Forum on Migration and Development: The Migrant Forum in Asia (MFA) Experience

Prepared by: Migrant Forum in Asia (MFA)
Since early 2000, the Migrant Forum in Asia (MFA) has been engaging the United Nations (UN) bodies on migration and development issues as well as other regional and international organizations that continuously monitor the discourse on migration.

MFA’s engagement with the GFMD dates back to our involvement in the 2006 UN High Level Dialogue (UN HLD). MFA was part of the global steering committee that coordinated the civil society component of the UN HLD where we co-organized a parallel event together with the Migrants Rights International (MRI), the Global Community Dialogue on Migration, Development and Human Rights, which had 80 participants representing 45 organizations from Asia, North America, Latin America, Europe, Africa and the Pacific.

In the process of our engagement in these multilateral meetings, particularly on the GFMD, we saw the need to continuously monitor the process as GFMD has now become a permanent intergovernmental forum. It has become one of the principal international spaces in which governments discuss migration and development policies.

This report aims to present the various strategies MFA adopted at the national, regional and international levels in relation to the 2nd Global Forum on Migration and Development. It provides a background to the first two GFMDs, MFA’s activities leading up to the Peoples’ Global Action as well as a critique of the GFMD and recommendations for future CSO engagement at the 2009 GFMD in Athens, Greece.

Through the report, we hope to share our experience in establishing a space for assertion of a rights-based civil society discourse, our good practices, and our lessons learned for future engagement with the GFMD.

William Gois
Regional Coordinator
Migrant Forum in Asia
85-C Masikap Extension,
Central District, Diliman
Quezon City 1100
Acknowledgments

The consolidation of this report greatly benefited from all migrant workers around the globe, partners, volunteers and sponsors.

We thank the workshops organizers for their cooperation and unwavering commitment.

We thank the members of the Philippine and International Working Groups for unselfishly sharing their time and expertise. Your guidance and participation was at the core of the success of the Peoples’ Global Action;

We also acknowledge all those that were able to support the Peoples’ Global Action as volunteers, sponsors and funders, and delegates who made their way to the Peoples’ Global Action (PGA) on Migration, Development and Human Rights held on 22-30 October 2008.

Thanks is also extended to Lian, Anjali, Marissa and Agnes for their contributions in the preparation of this report.
# Table of Contents

Foreword 4

Acknowledgment 5

Table of Contents 6

List of Acronyms 7

Introduction and Background 11

I. Looking Back at the Past GFMDs 13
   A. First Global Forum on Migration and Development, 2007 15
   B. Second Global Forum on Migration and Development, 2008 20

II. Migrant Forum in Asia’s Interventions on the 2nd GFMD 24
   A. Engagement in Parallel Processes 27
      • National Engagement 27
      • Regional Engagement 52
      • International Engagement 55
   
   B. Engagement in the Official GFMD Process 58
      • Working with the Department of Foreign Affairs 59
      • Working with the Civil Society Day Organizers 59
      • Lobbying with the official CSO delegates 59
   
   C. Advocacy Actions and Networking 60
      • Intervention in Regional and International Fora and conferences 60
      • Lobbying with specific governments 72
      • Tu-NGO Collaboration 74

III. Peoples’ Global Action on Migration, Development and Human Rights 77
   A. The Road Towards Peoples’ Global Action 79
   B. The PGA Week 81

IV. The Road Towards Athens 151

V. Annexes 160
List of Acronyms

ACILS- American Center for International Labor Solidarity
ADWA- Asian Migrant Domestic Workers Alliance
AER- Action for Economic Reforms
AFI- Ayala Foundation Incorporated
AIPA- ASEAN Inter-Parliamentary Assembly
AMC- Asian Migrant Centre
ANWA- All Nepal Women's Association
APL- Alliance of Progressive Labor
ARENA- Asian Regional Exchange for New Alternatives
ARMMnet- Action Research on Marriage Migration Network
ASEAN- Association of Southeast Asian Nations
BAIRA Bangladesh Association of International Recruiting Agencies
BMET- Bureau of Manpower, Employment and Training
BMP-Buklurang Manggagawa ng Pilipinas
BWI- Building and Wood Workers International
BNP2TKI- National Authority on the Placement and Protection of Indonesian Overseas Workers
CADI- Comitato Antirazzista Durban Italia
CAHBA- Centre Amadou Hampate BA
CAREF - Servicio Ecumenico de Apoyo y Orientacion a Migrantes y Refugiados
CEAR- Comision Espanola de Ayuda al Refugiado
CEDAW- Convention on the Elimination of all forms of Discrimination Against Women
CEDAW GR 27- CEDAW General Recommendation 27
CELS- Center for Legal and Social Studies
CMA- Center for Migrant Advocacy
CMR- Coalition on Migrants Rights
CSOs- Civil Society Organizations
CWPD- Cambodian Women for Peace and Development
DFA- Department of Foreign Affairs
DOLE- Department of Labor and Employment
DRC- Durban Review Conference
EPAs- Economic Partnership Agreements
ESCR- International Convention on Economic, Social and Cultural Rights
FDC- Freedom from Debt Coalition
FES- Friedrich Ebert Stiftung
FIDH- Fédération Internationale des Droits de l'Homme
FOF- Friends of the Forum
FTAs- Free Trade Agreements
GAATW- Global Alliance Against Traffic in Women
GCA- Global Call to Action
GFMD- Global Forum on Migration and Development
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>GCD-MDHR</td>
<td>Global Community Dialogue on Migration, Development and Human Rights</td>
</tr>
<tr>
<td>GCC</td>
<td>Gulf Cooperation Council</td>
</tr>
<tr>
<td>HRW</td>
<td>Human Rights Watch</td>
</tr>
<tr>
<td>IAC</td>
<td>International Advisory Committee</td>
</tr>
<tr>
<td>ICCPR</td>
<td>International Covenant on Civil and Political Rights</td>
</tr>
<tr>
<td>ICE</td>
<td>Immigration and Custom Enforcement</td>
</tr>
<tr>
<td>ICGMD</td>
<td>International Conference on Gender, Migration and Development</td>
</tr>
<tr>
<td>ICSECR</td>
<td>United Nations Committee on Social, Economic and Cultural Rights</td>
</tr>
<tr>
<td>ICTs</td>
<td>Information Communications Technologies</td>
</tr>
<tr>
<td>ICMC</td>
<td>International Catholic Migration Commission</td>
</tr>
<tr>
<td>IFIs</td>
<td>International Financial Institutions</td>
</tr>
<tr>
<td>IGNTN-Asia</td>
<td>International Gender and Trade Network - Asia</td>
</tr>
<tr>
<td>ILC</td>
<td>International Labour Conference</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organization</td>
</tr>
<tr>
<td>IRPAD</td>
<td>Institut de Recherche et de Promotion des Alternatives en Development</td>
</tr>
<tr>
<td>ITUC</td>
<td>International Trade Union Council</td>
</tr>
<tr>
<td>IWG</td>
<td>International Working Group</td>
</tr>
<tr>
<td>JCMK</td>
<td>Joint Committee with Migrants in Korea</td>
</tr>
<tr>
<td>JS-APMDD</td>
<td>Jubilee South - Asia Pacific Movement on Debt and Development</td>
</tr>
<tr>
<td>KBF</td>
<td>King Baudouin Foundation</td>
</tr>
<tr>
<td>LGU</td>
<td>Local Government Unit</td>
</tr>
<tr>
<td>LGFWCI</td>
<td>Lola Grande for Women and Children, Inc.</td>
</tr>
<tr>
<td>LSCW</td>
<td>Legal Support for Children and Women</td>
</tr>
<tr>
<td>MDWs</td>
<td>Migrant Domestic Workers</td>
</tr>
<tr>
<td>MFA</td>
<td>Migrant Forum in Asia</td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
</tr>
<tr>
<td>MRI</td>
<td>Migrants’ Rights International</td>
</tr>
<tr>
<td>MSAI</td>
<td>Migrant Savings for Alternative Investments</td>
</tr>
<tr>
<td>UN MWC</td>
<td>UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</td>
</tr>
<tr>
<td>MWG</td>
<td>Migration Working Group</td>
</tr>
<tr>
<td>NCRFW</td>
<td>National Commission on the Role of Filipino Women</td>
</tr>
<tr>
<td>NGOs</td>
<td>non-government organizations</td>
</tr>
<tr>
<td>NHRI</td>
<td>National Human Rights Institutions</td>
</tr>
<tr>
<td>NOVA</td>
<td>Network Opposed to Violence Against Women</td>
</tr>
<tr>
<td>NNIRR</td>
<td>National Network for Immigrant and Refugee Rights</td>
</tr>
<tr>
<td>ODA</td>
<td>Overseas Development Aid</td>
</tr>
<tr>
<td>OFWs</td>
<td>Overseas Filipino Workers</td>
</tr>
<tr>
<td>OUMWA</td>
<td>Office of the Undersecretary for Migrant Workers’ Affairs</td>
</tr>
<tr>
<td>OWWA</td>
<td>Overseas Workers Welfare Administration</td>
</tr>
<tr>
<td>PAN</td>
<td>Priority Africa Network</td>
</tr>
<tr>
<td>PGA</td>
<td>Peoples’ Global Action on Migration, Development and Human Rights</td>
</tr>
<tr>
<td>PICC</td>
<td>Philippine International Convention Center</td>
</tr>
<tr>
<td>PICUM</td>
<td>Platform for International Cooperation on Undocumented Migrants</td>
</tr>
<tr>
<td>POC</td>
<td>Philippine Organizing Committee</td>
</tr>
<tr>
<td>POLO</td>
<td>Philippine Overseas Labor Office</td>
</tr>
<tr>
<td>PPTKILN</td>
<td>Placement and Protection of Indonesia Overseas Workers</td>
</tr>
<tr>
<td>PSI</td>
<td>Public Services International</td>
</tr>
</tbody>
</table>
PWG- Philippine Working Group
RCM- Regional Conference on Migration
RELA- Immigration and the Malaysian Volunteer Corps
RESPECT- Rights Equality Solidarity Power Europe Cooperation Today Network - Europe
SAARC- South Asian Association for Regional Cooperation
SALAG- Solidarity Action of Labor Against the GFMD
SAPA- Solidarity for Asian Peoples’ Advocacies
SAPA WG ML- SAPA Working Group on Migration and Labour
SLFBE- Sri Lanka Foreign Bureau of Employment
SNTUC- Singapore National Trade Union Congress
SOLAIR- School of Labor and International Relations
TIGRA- Transnational Institute Grassroots Research Action
TU- Trade Union
UAE- United Arab Emirates
UN- United Nations
UNICEF- United Nations Children’s Fund
UN HLD- United Nations High Level Dialogue
UNIFEM- United Nations Development Fund for Women
UNDP- United Nations Development Program
UN RTD- UN Declaration on the Rights to Development
VAW- Violence Against Women
WAGI_MC- Women and Gender Institute of Miriam College
WCAR- World Conference Against Racism
WLB- Women’s Legal Bureau Inc.
WSFM- World Social Forum on Migration
YOAC- Youth Action Nepal
Introduction and Background

The Global Forum on Migration and Development (GFMD) has now become a permanent intergovernmental forum where international discourse on migration policy, its relationship to development and the position of migrants’ rights therein, will be crafted. Already, the GFMD has become a principal international space for the early negotiations of bilateral agreements, projects and programmes on migrant labour. However, while the forum itself has become a permanent entity, there is no assurance that Civil Society Organizations’ (CSOs) participation will be permanent and integral feature of the forum. In fact, several governments strongly oppose the idea of civil society involvement at the GFMD. As a result, there is neither a model established for CSO participation nor a permanent structure for the CSO Fora. Given this uncertainty, it is feared that the forum will continue to evolve without substantive consideration for migrants’ rights and of the fundamental issues that underlie the so-called pursuit of development and that migrants who are the real actors in this debate will remain unheard.

The GFMD emerged following the UN High Level Dialogue (HLD) on Migration and Development in 2006 where UN member states expressed a desire to carry on the discussion on migration and development through an informal, voluntary and state-led global forum. It is a forum that seeks to address the migration and development interconnections in practical and action-oriented ways.

The Belgian government offered to host the first GFMD that was held from 9 to 11 July 2007. At this meeting, discussions were narrowly focused on remittances, promoting temporary labour migration and in channeling the remittances of guest workers back to sending countries. The effect of this policy stance was the shift in the primary responsibility of providing basic social services and financing development from the governments to the migrants. Governments regard remittances as the key to “maximizing the development benefits of migration”. However, many ignore debates on the human rights of migrants, failing economic development programmes and the underlying causes of labour migration.
At the first GFMD in Brussels, just one day was provided for a global civil society discussion. As the CSO report was completed only on the day of the government meetings, governments basically had no time to look at the CSO report before their official meetings began.

As a civil society organization that advocates with and for migrants, Migrant Forum in Asia (MFA) observed a tremendous deficit in a process that did not allow CSOs to share with governments its experiences and lessons learned from working with migrant workers. As such, the 2007 GFMD failed to benefit from the information and updates that could greatly assist governments in making informed decisions on migration, development and particularly in ensuring that migrants are protected in transit as well as in sending and destination countries. MFA itself had many concerns and experiences to share during the Forum but the limited space for civil society engagement left migrants and their advocates in the cold when it came to shaping future migration policy.

To raise awareness on the critical role that CSOs play, MFA, together with Migrants Rights International (MRI), the International Catholic Migration Commission (ICMC) and December 18, organized the Global Community Forum on Migration, Development and Human Rights (GCD-MDHR) from 10 to 11 July 2007. This parallel event aimed to reintroduce the voice of migrants, non-government organizations (NGOs) and CSOs to the debate within the GFMD. The GCD-MDHR was designed to infuse human rights into the mainstream discourse on migration and development, an element that had been left out of the GFMD. MFA also continued to push for a gender analysis as well as legal and human rights perspectives to be incorporated into the GFMD.

At the 2nd GFMD, MFA, worked with an even larger coalition, which included MRI, Global Union Federations and other international CSOs. In October 2008, before and during the GFMD, the coalition came together to call for an approach to migration that is not based on economic interests and remittances, but is driven by a rights-based, people-centered development.

*Mobilizing the Migrant Community and Civil Society Voices for the 2nd Global Forum on Migration, Development and Human Rights* documents the processes and strategies behind MFA’s engagement on the Global Forum on Migration and Development and how it was able to mainstream the voices of migrant workers and CSOs. MFA employed an “inside-outside” strategy where the MFA network engaged both in the intergovernmental process as well as in alternative parallel events to the GFMD, the Peoples’ Global Action on Migration, Development and Human Rights (PGA).

Section 1 provides an overview of the 2007 and 2008 GFMDs, including the various elements from the preparatory stages to the actual fora. The discussion in the section will provide context to MFA’s engagement in the 2nd GFMD.

Section 2 describes MFA’s various initiatives and strategies undertaken at the national, regional and international levels using a multi-stakeholder approach. This includes interventions both at the official process as well as in the parallel events.

Section 3 discusses developments of the civil society action that was developed and strengthened over a year through a series of dialogues and consultations, the Peoples’ Global Action (PGA) on Migration, Development and Human Rights that ran parallel to the official GFMD forum. This section also details the activities leading up to and during the PGA, its challenges and struggles. Further, it includes CSOs’ positions on the GFMD and an assessment of its political achievements.

Section 4 presents CSOs’ recommendations for their continuing involvement at the 3rd GFMD in Athens, Greece.
I
Looking Back at the 1st and 2nd Global Forum on Migration and Development

To provide context to MFA’s engagement in the GFMD, this section will describe the past GFMDs – in Brussels in 2007 and in Manila in 2008. Various elements of the fora will be examined including the organization of the programmes and themes, as well as the processes of participant-selection.

This section presents the structures, modalities and results of the past 1st and 2nd Global Forum on Migration and Development.
The 1st Global Forum on Migration and Development (GFMD) was held in Brussels, Belgium from 9 to 11 July 2007. It was organized in two parts: the first day was devoted to civil society discussions that were organized by the King Baudouin Foundation. Government representatives reserved the second and third days for closed discussions.

The aim was to deepen understanding, through enhanced dialogue and partnerships, of the opportunities and challenges of migration for development and vice versa, and to identify practical and action-oriented ways to address and manage these at the national, regional and global levels. It brought together the government and the international community expertise in this endeavor.

Roundtable sessions were an important aspect of the official Forum days, which created an opportunity for governments to explore good practices and their wider applicability to other country contexts. The roundtables were structured around the central theme of “Migration and Socio-Economic Development”, which was one of the priorities identified in a UN Member statewide survey conducted by the Belgian Chair-in office. The three roundtable themes were: a) Human Capital Development and Labour Mobility, b) Remittances and other Diaspora Resources, and c) Enhancing Policy and Institutional Coherence and Promoting Partnerships. These themes were identified through a consultative process that involved 115 governments.

At the 1st GFMD, conclusions were made affirming once again that migration should be an act of choice not of desperation; that it should not be an alternative to national development strategies, nor should it be a substitute to commitments to development aid; and that it is more often a consequence than a cause of lack of development. The GFMD also recommended more intensive capacity building, policy coherence and respect for human rights and gender equality.

The 1st GFMD marked the start of a new global process designed to enhance the positive impact of migration and development (and vice versa) by adopting a more consistent policy approach, identifying new instruments and best practices, exchanging know-how and experience about innovative tactics and methods, and finally, establishing cooperative links among the various actors involved (GFMD Belgium 2007).

Civil Society Day, 9 July

1. Result

More than 200 civil society representatives from the academe, think tanks, trade unions and the private sector (i.e. banks and remittance companies) attended the Civil Society Day.

The agenda closely followed the government agenda (human capital and labor mobility; remittances and diasporas; institutional and policy coherence), and was organized in eight sessions. It was stressed during the meeting that migration by itself will not bring about development. The structural barriers to development cannot be overcome without responsible government actions in countries of origin and
destination. Without a major change in the current development course, migrants, with their contributions, will not fulfill their potential role as partners in the articulation and implementation of inclusive, equitable and sustainable development policies. Non-state actors also have an important role to play in working towards this change.

Participants expressed a clear commitment to pursue this process in the years to come. Joint projects in the field and practical partnerships resulting from the increased cooperation achieved through the Forum will keep the global human development of migrants at the core of their actions.

Twelve CSO members were allowed to participate during the government days. The CSO report was submitted during the first day of the government forum. However, the time and space afforded to CSO participation was nowhere near adequate to allow governments and CSO representatives to read through and review the CSO report together, much less discuss and debate the key points of the report.

2. Mechanism/Modalities

A. Organizer

At the request of the Belgian government, the King Baudouin Foundation organized on 9 July a series of consultations among civil society groups, which brought together more than 200 representatives of NGOs, Diaspora organizations, private sector, academics and trade unions. A report on this meeting was presented in the plenary session of the governmental meeting.

B. Selection Process

CSO delegates were selected through an online application process.

C. Funding for CSOs

Full subsidies were given to all CSO representatives – whether they were coming from the Global South or Global North.

D. Logistical support and translation facilities

The organizers of the 1st GFMD provided adequate logistical facilities for the CSOs. There was simultaneous translation available in three languages: English, French and Spanish, which helped minimize problems encountered with the language barrier.

E. Background papers

Academics and researchers from the Global North were the primary contributors of the background papers shared and circulated.

Government Meeting, 10-11 July

During the government meeting from 10 to 11 July, more than 800 delegates – representing 156 UN member states and more than 20 international organizations as well as the European Commission and the Holy See – participated in two plenary sessions and 12 roundtable sessions concurrently held on specific issues related to human capital development and labor mobility (Roundtable 1), remittances and other Diaspora resources (Roundtable 2) and policy and institutional coherence (Roundtable 3). Each session was prepared and presented by volunteer teams from governments with common interests in
the theme, and representing the developing and developed regions of the world in a balanced way. The roundtables yielded concrete project proposals ranging from working groups to feasibility studies, which will need to be implemented and reported during the next GFMD meeting by willing governments and relevant international organizations.

During the roundtable sessions, the crosscutting issues of root causes of migration, human rights and gender, which had been identified by some governments as crucial to the migration-development debate, were examined in a horizontal way. Some recommendations were made to help governments integrate these better into their future and respective policy making processes.

The three thematic roundtables of the government meeting focused on: human capital development and labor mobility, remittances and other Diaspora resources and enhancing institutional and policy coherence and promoting partnerships. Crosscutting aspects relating to gender, human rights and root causes of migration were examined in a horizontal manner in the sessions.

The interactive exchanges resulted in a number of recommendations leading to short-, medium- and long-term actions. While some are in the realm of national policy and can be unilaterally implemented, others will require bilateral and/or multilateral action. Some will involve governments at different levels, and others may need coordination and partnership with international organizations or civil society. Participants recognized the importance of considering the appropriate support mechanisms for governments and other actors to take these initiatives forward to the next GFMD meeting.

Results

A. Roundtable Themes

Human Capital Development and Labour Mobility

- Highly skilled migration is growing and can put countries of origin at risk of brain drain
- Temporary labour migration can be a flexible way of meeting labour shortage
- “Other-than-government partners” (i.e. the private sector), are key drivers of global labour mobility and should be more active in ensuring that migration benefits development efforts
- Circular forms of migration and skills-sharing improve links between development needs of source countries and skills requirements of destination countries

Remittances and other Diaspora Resources

- Migrants originating from developing countries transfer money worldwide, North-South as well as South-South
- Remittances are private flows and cannot be appropriated by governments
- Potential links between remittances and development are numerous and complex
- Reducing remittance costs can create incentives for migrants to use formal remittance channels
- Other Diaspora activities (e.g. exchange of skills, professional capacity building, philanthropy, increasing trade and investment links) require continued exchange of best practices

Enhancing Policy and Institutional Coherence and Promoting Partnerships

- Synergies and tensions exist between development policies and migration policies
- Institutional capacity defines how well a country is able to create coherence between its national policies and the roles of ministries/ agencies engaged in migration and development
- Continued need for research on thematic priorities, for data gathering and more active sharing of
experiences on the nexus between migration and development

Role of regional consultative processes (RCPs) in enhancing the contribution of migration to development must be recognized, strengthened and supported

B. Emerging Issues Discussed

A rights-based approach is not merely those related to migrants and migration, but also to broader principles such as the right to development and the decent work agenda. The goal of such an approach is to ensure sustainable development while preventing the exploitation of those who move to live and work abroad.

• Consulting Stakeholders

Stakeholders include non-government organizations of all types and at all levels of governance, and specifically trade unions, the private sector (including employers and recruitment agencies), academia, faith-based organizations and migrant organizations

• Migrant Voices

Input from migrants is deemed of paramount importance and is also linked to the empowerment of migrants in recognizing their important role in the development debate. A key message is that migrants need to be viewed as partners not clients. The diversity within, between and among the various Diaspora groups, migrant organizations, and migrants themselves means that hearing from just one sector does not give the complete picture. Instead, governments need to create mechanisms to hear from a wide variety of migrant voices at all levels and representing all nationalities.

• Multi-Stakeholder Partnerships

Multi-stakeholder partnerships are to be considered essential tools for promoting the benefits of migration for development. This can occur along a number of lines, whether between organizations in sending and receiving countries, within one country, between different types of actors, or between actors focused primarily on migration and those focused primarily on development.

• The Gender Dimension

The role of women was reiterated in nearly every session. This had both a positive dimension, recognizing the potential of their work, and a negative one, recognizing the often-vulnerable situation they find themselves in. Women are a diverse group, and may have specific needs different from men, as well as specific needs dependent on their migration situation.

C. Concrete Outputs

• Follow-up workshops on labour migration recruitment practices, circular migration, data and research
• Follow-up survey of institutional structures for greater policy coherence
• Compendium of good practices on bilateral temporary labor migration
• Evaluations of codes of ethical recruitment of health workers
• Closer engagement of regional consultation processes on migration and development issues
D. Key Conclusions

- GFMD has established a new approach to migration by moving development to the center of the migration debate
- Enabled a shift of migration and development paradigm by promoting legal migration as opportunity for development of both origin and destination countries, rather than as a threat
- Paved the way for longer term, common global vision on migration, based on recognition of mutual benefits to developing and developed countries, and for restoring trust in migration systems worldwide
- Opened space for migration and development policymakers to reach their respective objectives by acknowledging and addressing the benefits and risks of migration for developing countries
- Sharing responsibilities between developed and developing countries can make migration work better for development and vice versa
- Development can lead to migration by choice and not by necessity
- GFMD provided a platform to discuss experiences, innovative and good practices, and to show positive contributions of legal migration to development
- GFMD has created, through the countries’ focal points, a vehicle for greater coherence and more comprehensive approach towards migration and development
B. Second Global Forum on Migration and Development, 2008

The 2nd GFMD was held from 27 to 30 October 2008 in Manila, Philippines, hosted by the Philippine Government. Ayala Foundation, Inc was invited by the Philippine Government to plan for, convene, manage and document the concurrent Civil Society Days (27-28 Oct).

The 2nd GFMD carried the theme “Protecting and Empowering Migrants for Development”, building on the themes of the first GFMD, but with a special focus on protecting and empowering migrants for development.

Both the government and civil society meetings carried the same set of themes and roundtable sessions to ensure that the same issues and challenges on migration and development will be addressed. The three roundtable sessions were on: 1) Migration, development and human rights, 2) Secure, legal migration can achieve stronger development impacts, and 3) Policy and institutional coherence and partnerships.

Civil Society Days, 27-28 October

1. Result

Unlike the Civil Society Day at the 1st GFMD, the Civil Society meeting of the 2nd GFMD was extended to two full days of meetings from its earlier one-day format and included an afternoon interface session with government representatives at its closing plenary on 28 October. The Civil Society meeting was attended by 220 delegates from civil society groups from around the globe.

Attendees included representatives from NGOs, Diaspora/migrant networks, trade unions, foundations, academia, think tanks, professional organizations, labour organizations, the private sector (e.g. financial services, recruiters, remittance services) and faith-based organizations.

There were four significant innovations in this year’s civil society program, including the 1) expansion from one to two days, 2) incorporation of constructive input from many civil society national and regional consultations involving thousands of migrants, NGOs, trade unions, and faith-based organizations, 3) the introduction of three workshops called “voices from the region,” to highlight regional perspectives, and 4) the new interface of state representatives with civil society representatives at the close of the program.

During the interface session, the following governments attended: United Arab Emirates (UAE), the Netherlands, Holland, France, Greece, Norway and Australia.

CSO delegates commended the government of the Netherlands for setting the good standard with their programme of engagement with civil society delegates including pre-planning, a briefing from civil society on issues raised and the commitment to follow-up in 2009.
The governments of Norway, France and Australia indicated an interest in working with civil society representatives at the national level prior to next year’s forum.

Meanwhile, UAE expressed its desire to have a dialogue with sending countries, stating such a dialogue to be crucial for the protection of migrant workers. This was the UAE’s first engagement at the GFMD. Of all the attendees, Mexico also made a strong statement in support of migrant workers.

A report on the civil society meeting was then submitted by a five-member civil society delegation led by Ms. Sharan Burrow to the GFMD Chair at the opening session of the government meeting on 29 October. CSOs asserted that we must strive to see that eventually migration is done by free and informed choice, and not by a desperate necessity to help augment needs not met in home countries. While recognizing that migration contributes to development, it cannot and should not be used as a substitute development policy. Governments have an obligation to create a framework of laws, policies and institutions that allows this positive potential to be realized. Above all, governments of migrant-origin countries must not allow the short-term financial benefits of emigration—remittances—to divert them from the imperative of pursuing sustainable development with, at its core, an empowered citizenry that migrates only out of choice. Governments of destination countries, on their part, should not use development policy—or development assistance—as a tool for enforcement. In an increasingly integrated world, migration can carry benefits for both origin and destination countries as well as for those who migrate out of choice.

The report included key recommendations for governments:

- Consider the benefits of migration and resist the temptation to cut migrant numbers amidst the current economic circumstances.
- Recognize the need for the development of a global architecture to ensure a rights-based approach to migration.
- Re-affirm the commitment to development through realizing the Millenium Development Goals, full employment and decent work as priorities for development.

Furthermore, the civil society delegation also urged the UN to bring the GFMD back to its formal and official mandate.

2. Mechanism/Modalities

A. Selection Process

CSO delegates were selected in two ways - island consultations for 30 Philippine CSOs and online application for 200 international delegates. The Ayala Foundation set up two committees for the selection of participants. These committees were the Philippine Organizing Committee (POC) for the Philippine-based participants and an International Advisory Committee (IAC) for the global CSOs.

The POC was composed of NGOs, faith-based organizations and the private sector. Participants were selected through island consultations in Luzon, Visayas, Mindanao and the National Capital Region. The POC had a subcommittee that spearheaded the island consultations.

The IAC formulated the criteria for the selection of CSOs outside the Philippines and deliberated on the applications. The IAC was composed of representatives from trade union groups, employers, faith-based organizations, Diaspora organizations, United Nations line agencies, migrant organizations, micro-finance, academe, development NGOs, human rights community and 2007 CS Day Organizer.
In selecting the participants, priority was given to those organizations whose presence is essential to the roundtable discussions. Selected participants were notified shortly before the forum. Selection of delegates was completed in a four-month period from June to September.

B. Supporting CSO participation

Only CSOs from the Global South were fully funded while CSOs from the Global North were given partial subsidy.

C. Forum language

Not all relevant documents were translated to the three main forum languages – English, French and Spanish. This year the papers were only available in English (except for one paper in French), which meant that not all participants could fully appreciate and gain from the richness of the views presented and shared in the papers.

D. Background papers

Similar to the 2007 GFMD, the background papers for the Forum were prepared by academics from the Global North. Although several civil society experts offered to prepare and contribute papers, they were neither encouraged nor allowed to do so. Many participants intimated that the papers did not sufficiently capture the various components of migration and development.

**Government meeting, 29-30 October**

The government meeting was held in line with the roundtable themes.

Roundtable 1 discussed the condition of migrants and their families and showed how the protection and empowerment of migrants could strengthen their personal development and the development of their countries of origin and destination.

There was a consensus in Roundtable 1 that migrants’ rights must be protected, not only because they contribute to economic development, but because it is their basic human right. Protecting the rights of migrants is a shared responsibility of governments of origin and host countries. There is a need for political will at both origin and destination to translate the concept of “shared responsibility” into tangible policies and programs on protecting migrants’ rights. Non-government actors like those from civil society and the private sector also play an important role in this.

Many delegates also called for the ratification of the 1990 International Convention, ILO Conventions and other core international human rights treaties.

Roundtable 2 was intended to complement the discussions of Roundtable 1 on protecting and empowering migrants by addressing the assumption that regulated migration programs provide the best frameworks for such protection and empowerment. While it was discussed that the best frameworks to protect and empower migrants for development are likely to be regular migration programs that are accessible, transparent and non-discriminatory, it was also noted that enforcement alone has not prevented or solved the growing crimes of smuggling or trafficking, which can disempower migrants and reduce their capacity to earn and support families back home.

Governments agreed that there is no “one size fits all” approach to migration, but there are also some emerging good practices such as circular migration and bilateral labor migration arrangements that take
account of the labor market and development needs of both the country of origin and country of destination.

Roundtable 3 looked at how policy and institutional coherence and partnerships can optimize the beneficial impact of migration on development, and vice versa, and how these can be strengthened at the national, regional and international levels among the diverse stakeholders of the migration and development enterprise.

To be able to achieve the aims of Roundtables 1 and 2, there is a need to strengthen data and research tools, achieve policy and institutional coherence and strengthen regional consultative processes, inter-regional consultative fora and regional organizations and economic integration processes.

The following key recommendations came out of the three roundtable discussions:

- Set up on an *ad hoc* Working Group on Protecting and Empowering Migrants for Development that will conduct a study on the actual links between protections for migrants and their capacity to contribute to development.
- Elaborate on and expand the compendium of good practices in labour migration and follow up on some pilot circular migration programs.
- Improve engagements with the private sector in lowering the costs of migration for migrants.
- Undertake research on the costs and benefits and impacts of regular and irregular migration on development.
- Set up an *ad hoc* Working Group on Data and Research on Migration and Development.
- Set up an *ad hoc* Working Group on Policy and Institutional Coherence to ensure an ongoing exchange among interested GFMD participating governments and ensure that the critical issue of policy and institutional coherence remains on the future GFMD agenda.
- Do assessment of the impacts of regional and inter-regional consultations for development on country policies and launch a pilot program that will study the implementation of policy-relevant recommendations on migration and development.
As a civil society organization monitoring the GFMD process, MFA has strived to impress upon governments the urgency in employing a rights-based approach to migration and development.

Following the 1st GFMD in 2007, MFA initiated an examination of how civil society could highlight priority issues that had largely been ignored by governments during the Forum. Neither migration nor development is connected to just one sector. To demonstrate the complexity of these two issues, MFA initiated multi-stakeholder consultations at the grassroots level, which began with the gathering of perspectives of migrants and civil society on the migration-development discourse, policy, and practice. These initiatives can be greatly credited to strengthening inter-sectoral partnerships and collaboration among migrants, trade unions, development-, human rights- and women-related groups, academe, faith-based organizations, and other grassroots organizations and NGOs. At the same time, the consultations built a momentum towards an impressive civil society engagement with governments, international bodies, and other decisions makers.

Local and international civil society groups shared one particular concern - that the GFMD would forge ahead without the voices of the actual migrants ever being heard. There was much anxiety that the 2008 GFMD would be another meeting where governments pushed a “migration for development” agenda, with human rights, labour rights and migrants’ rights sidestepped and essentially ignored.

To challenge the GFMD discourse and process, civil society groups from around the globe came together through the Peoples’ Global Action on Migration, Development and Human Rights (PGA). This civil society movement was established and strengthened following the first parallel event during the UN HLD on Migration and Development in 2006

Consistent with its multi-level stakeholder approach, MFA adopted an inside-outside strategy, which involved substantive engagement of both governments and the civil society’s sectoral groups. In the context of the GFMD, MFA worked along two lines of action- first, with direct intervention in the official GFMD process and second, though the creation of a democratic space for an open multi-stakeholder civil society engagement.

MFA strongly believes that CSOs must work with governments as partners in the policy-making process. Dialogues were conducted at the local level with representatives from the local governments; at the national level with representatives of migration-related government ministries and parliamentarians; and at the regional level during regional processes such as the SAARC Peoples Forum and the ASEAN activities. Information education and public awareness on the GFMD were also continuously done during regional and global events involving CSOs.

This section describes the MFA coordinated activities in preparation for the 2nd GFMD, as well as their strategic importance. These activities were products of ongoing and collective decision-making processes.
A. Engagement in parallel processes

MFA sees the parallel processes as integral contributors to the effectiveness of its engagement on the GFMD. Parallel events provide a wider space for debate, critique and exchanges on current and emerging issues on migration. Issues and discussions in parallel activities go beyond those of the official Forum. For the 2008 GFMD, MFA’s interventions were directed at the national to the international arenas. These interventions included:

- Consultations among key stakeholders
- Formation of Working Groups that coordinated the organizing of the Peoples’ Global Action (PGA) on Migration, Development and Human Rights
- Country consultations to solicit inputs on the RTD themes and come up with a national migrants’ agenda
- Implementation of workshops/activities with groups that MFA would like to mainstream in the discourse

This section presents the activities, which MFA spearheaded as it prepared for the 2008 GFMD.

1. National Engagement

At the national level, MFA initiated a multi-stakeholder dialogue process to examine the issues of migration and development and facilitated levelling of process among CSOs in the 2nd GFMD engagement.

a. Establishment of Philippine Working Group (PWG) on GFMD

The establishment of the Philippine Working on GFMD was a result of a series of consultations among CSOs at the national as well as at the regional levels dating back to October 2007 when MFA and its Philippine members convened a preliminary consultation with Manila-based CSOs and trade unions. This meeting was likewise attended by representatives from the Department of Foreign Affairs’ Office of the Undersecretary for Migrant Workers Affairs (OUMWA) and the organizer of the CS Days, the Ayala Foundation Incorporated (AFI).

This meeting was organized to gather information on the Philippine government’s plans for the GFMD and also discussed the priority issues of local CSOs and what they believed were on the agenda of the GFMD. At this meeting, CSOs suggested some issues that should be discussed during the CS Days. The issues identified were: rights and responsibilities of migrants, ethical issues of global recruitment, role of migrant associations in both sending and receiving countries, the co-development programs, reintegration issues and best practices in knowledge transfer/brain gain (e.g., on-line teaching and online modules for the public). Furthermore, CSOs brought the issue of transparency in the process of the Philippine government’s preparations.

The establishment of the PWG paved the way for several preparatory activities for the GFMD CSO parallel event, the “Peoples Global Action on Migration Development and Human Rights” (PGA), which set “Migrant Workers are Human Beings, Not Commodities!” as its offi-
cial theme and call to action.

While the mandate of the PWG began through its critique of the GFMD as an intergovernmental process, the group was also forward thinking. The PWG resolved to strengthen the synergies of migrants’ groups and CSO movements to sharpen their analysis on migration and development. In turn, these linkages will advance their shared interests in halting the neoliberal agenda that promotes neither sustainable development nor rights. The group outlined its intention to strategize well beyond the GFMD in Manila, vowing to continue its multi-stakeholder approach for future common interests and initiatives.

Specific to the GFMD itself, the PWG resolved to highlight CSO concerns not only by maximizing the space for engagement through the parallel activities but also through active lobbying efforts to begin at the national level. Through the PWG, groups would collectively propose and strategize alternatives to migration, and share these with governments.

Through the PWG, groups were able to share updates on the formal CSO process of the GFMD, the planned Philippine inter-island consultations for GFMD. PWG members were encouraged to apply for the GFMD CS Days to be able to build a strong force inside the official forum. PWG members were also requested to share the information to their networks.

**b. Country consultations on the GFMD**

As part of its strategy in mobilizing the voices of migrant communities, MFA spearheaded a two-year program of country consultations in 14 Asian countries: Bangladesh, Cambodia, Hong Kong, Special Administrative Region of China, Indonesia, Japan, Korea, Malaysia, Mongolia, Nepal, the Philippines, Sri Lanka, Thailand, United Arab Emirates (UAE) and Vietnam.

These 14 countries were selected on the basis of their prior engagement with the GFMD. These were the countries that had positively responded to CSO engagement where MFA members and CSOs have done prior consultations and were able to move the agenda forward.

The objective of the consultations was to bring out the distinct contextual issues of migration in each of the respective countries. This mechanism provided critical details of concerns at the local level that could be brought forward at the GFMD. Also, these consultations were significant in engaging local organizations and promoting participation in the GFMD process.

The discussions and outcomes from the national level consultations were pooled together into one report that was later used as a lobby document to their respective governments. The outcome of these consultations will be used further in the 2009 GFMD.

The consultations were put into action by MFA members in coordination with the MFA Secretariat. The country consultations took a multi-stakeholder approach, which involved migrants groups, CSOs, trade unions, academe, the private sector, development organizations and social entrepreneurs. These consultations were not only attended by CSOs but also by government representatives. The presence of government representatives gave CSOs an opportunity to ascertain the position of their governments in terms of migration and development.

The consultations enabled both CSOs and governments to identify the strengths and gaps in terms of tackling the issues of migrant workers and to identify the areas for advocacy or follow-up.
Furthermore, CSOs were able to ascertain their respective governments’ positions on the discourse of migration and development, and what statements they will put forward at the 2nd GFMD.

The country consultations also aimed to boost the participation of grassroots organizations, migrant families, and migrant returnees as well as those CSOs based outside of the city centers. In each consultation, CSOs were encouraged to apply to the CS Days.

Concretely, the national consultations sought to come up with the following outputs:

- Develop a critique on the 3 Roundtable Themes of the 2nd GFMD
- Develop a National migration agenda
- Determine future engagement to the GFMD.

A summary report of each consultation follows.

CSOs’ overwhelming conclusion is that migrants' rights are being compromised at all stages of the migration process - from pre-departure to their return to their respective countries. These rights abuses create problems that do not only affect the migrants themselves but also the migrants' families and communities. Though appreciative of the current developments around the GFMD, particularly on the inclusion of human rights as one of the Roundtable Themes, CSO representatives continue to express their utmost concern that migrants are being treated as commodities that are to be imported as labour, or exported to generate additional revenue streams.

CSOs call on governments to ensure that promotion and protection of migrants' rights be at the core of the migration-development discourse. This essentially signals the governments' commitment to recognize migrants' rights as human rights and not merely treat migrant workers as commodities.

Consultation participants also articulated a strong preference to have the GFMD brought back to the UN for institutional coherence and accountability. With the non-binding nature of the GFMD, there is fear that this may result in inconsistencies in policies and non-compliance of concerned parties. Lastly, participants stressed their desire for governments to strengthen dialogue with CSOs and recognize them as vital partners in constructing a genuine policy for migrants.

**Bangladesh**

On 10 July 2008, the BRAC Centre together with the Bangladesh chapter of Migrant Forum in Asia (MFA) held a National Consultation on the Global Forum on Migration and Development. The program not only aimed to provide background on the 2nd Global Forum on Migration and Development but it also discussed in a multi-stakeholder format, the development of a national policy on migration and development. Participants included migrants, advocates, government officials, media, remittance companies, recruitment agencies and trade unions. The consultation participants underscored the need for increased collaboration among government, civil society and the private sector to promote the rights of migrant workers. They resolutely agreed that human rights of overseas workers and their social protection should be at the cornerstone of any migration policy. The participants also discussed the need to reduce the cost and increase the efficiency of remittance transactions, and to better regulate recruitment practices.
Inputs on each Roundtable theme:

**Roundtable 1: Migration, Development and Human Rights**

Roundtable 1 set up a discussion of the three intricately linked issues of migration, development and human rights in the Bangladeshi context. Participants acknowledged that migration was not a solution to Bangladesh’s development; it was seen as an opportunity to improve their life as well as the living conditions of their families. Yet the reality for migrants is not as many imagine it.

At the 1st GFMD in 2007, the Bangladesh government took the position that governments must reduce the information gap that exists so that migrants have a far better understanding of what they may face abroad. While Bangladesh officially has a zero tolerance policy for violations of migrant workers’ rights, violations still occur. The government continues to document abuses, but participants asserted that the government must address concerns and redress all grievances, including labour and human rights violations.

Consultation participants also recognized some of the challenges governments have in regulating migration policies, particularly on recruitment. For instance, recruitment agencies do not keep transparent documentations. Participants also felt that civil society intervention advocating for the rights of migrants has had some impact; for instance in Saudi Arabia the government is now considering improvements to its sponsorship system. Civil society lobbying led to the Bureau of Manpower, Employment and Training (BMET) setting up a welfare desk for migrants at the airport. That said, participants spoke of the many serious challenges facing migrants. Participants named detention camps for migrant workers as well as the occupational hazards of work as critical issues. Also in some cases, migrants are trafficked be-

**RTD 1 Recommendations:**

- Initiate a campaign to make migrants more aware of their rights.
- Assist migrants with economic opportunities in Bangladesh once they return from overseas (e.g. have the government create a database of returning migrants to help match workers with employers who require their skills).
- More effectively utilize remittances towards development, especially through government programs that promote savings and investment schemes. New initiatives should be developed to assist migrants to make investments with remittances including government savings bonds and micro-loans. Matching funds given by the government to groups of remitters is another possible effective scheme.
- Bangladesh government should ensure that its missions abroad are available to assist migrant workers with the problems they face.
- Have employers and governments in receiving countries as targets of our lobbying. Develop multilateral agreements and bilateral memoranda of understanding (MOUs) to protect the rights of migrant workers.
- Document evidence of challenges faced by migrants, and widely disseminate information to assist migrants in knowing the risks of migrating.
- Promote the rights of female workers, and recognize the social costs to women of leaving their children behind. One solution could be granting education loans for the children in families left behind.
- Have governments assist migrants undertaking dangerous labour, and ensure programs are implemented.
- Ask BAIRA (Bangladesh Association of International Recruiting Agencies) to consider the issue of occupational hazards faced by migrant workers they have sent abroad.
they are economically desperate and looking for work abroad and often may not realize immediately that they are being trafficked. The group agreed that it was critical to push government, civil society, and the private sector to work together to ensure a legal framework that enables safe migration. However, undocumented migrants and trafficked persons must not be disregarded even as a legal framework is drawn up.

Roundtable 2: Secure, Legal Migration can Achieve Stronger Development Impact

Roundtable 2 narrowed in on the channels that migrants utilize and the challenges they face. Participants spoke against the use of terminology such as “illegal”, cautioning that it criminalizes migrants, and offered instead, “undocumented”. Opportunities for state-authorized migration are limited, which pushes migrants to seek alternative routes. Yet, whether state-sanctioned or not, the labour market and work places are still highly biased and unfair. Labour contracts are a prime example of this. Although migrants may have a contract, it is known that recruiters often switch contracts or force migrants to sign contracts in other languages.

RTD 2 Recommendations:

- Develop opportunities for returnee migrants who are undocumented. Currently, the government has limited ways to assist undocumented workers.
- Ensure governments work together to increase opportunities for legal migration.
- Establish mechanisms to create joint responsibilities of home and host country governments (e.g. align incentives to improve recruitment practices).
- Urge GFMD to consider how to create more opportunities for legal migration while creating protections for trafficking and forced migration.

Roundtable 3: Policy and Institutional Coherence and Partnerships

Roundtable 3 looked more closely at the international norms and standards on migration. Participants investigated various sectors, considering how policy can be made consistent. Participants saw the GFMD as an opportunity for the Bangladesh government (at both bilateral and multilateral levels) to negotiate with host country governments on the basis that their economies are highly dependent on Bangladeshi workers.

Migrants’ Agenda:

- Migrants remain generally uninformed about the financial opportunities that are available to them, including the government’s bonds.
- Migrants without papers should be referred to as undocumented rather than illegal.
- The cost of migration is very high for Bangladeshi migrant workers. Workers must purchase passports and visas through visa-trading mechanisms, as well as pay high fees to recruitment agencies and sub-agents.
- Current government regulations on migration have created a situation where migrants must lie about how much they spend to go abroad, since the actual cost is far above the 84,000 taka limit the government has set.
- The migration of Bangladeshi workers to India is complicated by the political tensions between the two countries and consequently, workers’ conditions through the phases of mi-
migration from Bangladesh to India remain unaddressed.

- Bangladeshi workers are in many ways worse off than other Asian workers, e.g. those from the Philippines or India, given their vulnerable economic situation.
- There ought to be creation of economic opportunities at home rather than sending workers abroad where they potentially and eventually get exploited.
- Focus should not be limited to North-South migration but also recognize that South-South migration is taking place and new migration corridors are becoming important.
- The GCC’s (Gulf Cooperation Council) main concern regarding migration is that it must remain temporary, such that migrants do not become permanent residents in host countries.
- There are undeniably limited and poor economic opportunities for Bangladeshi workers.
- There is lack of a legal framework to enable safe migration given that it is unrealistic to talk about abolishing migration altogether at this point.
- There is a lack of support to assist migrants in their investments. If CSOs and the governments can work to collectivize remittances and bring in matching grant money from the government, then there would be a real possibility of using this money for community development.

Cambodia

On 3 October 2008, the Legal Support for Children and Women (LSCW), Cambodian Women for Peace and Development (CWPD) and Migrant Forum in Asia (MFA) convened the Cambodia National Consultation on the Global Forum on Migration and Development. This multi-stakeholder consultation included participants from migrants’ organizations, women’s and human rights organizations, government agencies, recruitment agencies, media, labour unions and other civil society groups.

Participants stressed the importance of initiatives undertaken jointly by sending and receiving countries, particularly with regards to the setting and enforcement of labour standards. The ASEAN Declaration held a prominent place in discussions with participants calling for the translations of the Declaration into national and local laws. At the same time, there was widespread belief in government and civil society alike, of the need to support vocational training for young people and just as importantly, to ensure opportunities so that Cambodians can stay and work at home if they so choose.

RTD 1 Recommendations

- Facilitate communication between migrant workers and their families in Cambodia.
- Establish a standard contract for migrant workers that is recognized by both sending and receiving countries.
- Establish MOUs with destination countries and strengthen the implementation of existing MOUs.
- Strengthen role of Cambodian embassy officials in receiving countries.
- Ensure domestic workers have protections under the labour law and enjoy the right to join trade unions.
- Advocate that Cambodia ratify the UN Convention on Migrant Workers and carry its implementation through local and national laws.
- Establish mechanism to monitor companies that recruit migrant workers.
- Strengthen cooperation and information exchange between Cambodia and receiving countries.
- Strengthen the capacity of embassy and consulate personnel/staff to respond to the concerns of migrant workers in receiving countries.
- Establish an independent party/mediator to facilitate policy on migrant workers between the Cambodian government and civil society.
RTD 2 Recommendations:

- Have sending and receiving countries draft contracts in accordance with their respective labour laws.
- Ensure contracts are translated into languages of both sending and receiving countries.
- Have officials in Cambodian embassies monitor compliance with labour contracts.
- Embassies should provide intervention for Cambodian workers in distress but also ensure labour attaches and embassy staff have skills to respond to such cases in countries of destination.
- Provide workers with information on how to access information/assistance abroad.
- The governments of the receiving countries must comply with the International Human Rights Declaration to ensure protection of Cambodian migrant workers.
- Establish mechanism for enforcement of labour contracts.
- Disseminate information on basic legal rights to migrant workers and record this information in the labour contract.
- Work with government to develop and implement comprehensive pre-departure training for migrant workers.
- Provide migrant workers with training in their home country to ensure that they have sufficient skills for the job they will be doing in the receiving countries. At the same time, government should establish institutions to provide vocational training for young people, with particular attention to women, while also providing information about work opportunities within the home country.

RTD 2 Continued…

- Government should maintain contacts with international labour markets to assess international demand for Cambodian labour.
- MOUs or bilateral agreements should urge receiving countries to provide training to meet the requirements of their labour market.
- Government should verify the type of work that is to be provided to Cambodian migrant workers abroad while receiving countries should provide decent work (not 3D work).
- Passports should be available for free for migrant workers (as Prime Minister Hun Sen has already recommended).
- Migrant workers need to be given information on the limitation of passports and the need for other legal documentation.
- Recruitment agencies should reduce the fees that they charge migrant workers.
- Agencies and the Cambodian government should reduce the price for the placement of migrant workers to encourage migrants to go through the regular/legal channels.
- The governments of receiving countries should treat Cambodian women migrants who are the victims of human trafficking in the sexual exploitation industries as victims and not criminals. Similarly, women migrants who fall into labour exploitation should be provided with protection (e.g. shelter and counselling, legal service and reintegration to Cambodia).
- Cambodian government, in cooperation with NGO agencies, should play important roles in dealing with the Cambodian migrants, especially women migrants who were cheated and lured into labour and sexual exploitation.
Migrants’ Agenda:

- The need for a social support system and ensure connectivity among workers and their families
- Contract related issues, i.e. language barrier. Standard employment contract recognized by both sending and receiving countries
- The need to enter into MOUs with destination countries and ensure that the agreements stipulated are properly enforced
- Domestic workers to have protection under labour law and the right to join trade unions
- UN Convention on Migrant Workers should be ratified by Cambodia (currently signed but not ratified) and implemented through local and national laws
- The need to further capacitate embassy officials in order to adequately respond to the needs of the migrant workers
- Poor information at all stages of employment from pre-departure to their return to their countries. Migrants often do not have any idea of their rights, which put them in a very vulnerable condition
- High cost of recruitment
- Government’s focus on labour market rather than reducing poverty incidence in the country
- Economic and vocational training job opportunity for women

Indonesia

The national consultation from 4 to 5 September 2008 brought together 70 representatives from various organizations with the attendance of several government agencies such as the National Authority on the Placement and Protection of Indonesian Overseas Workers (BNP2TKI), Department of Foreign Affairs and the Ministry for Economic Affairs.

The national consultation aimed to generate recommendations for CSO delegates on policy agenda that must be implemented through G2G, provide inputs to Indonesian participants on the 2nd GFMD to be held in the Philippines and offer feedback on the position of CSOs on the GFMD.

Results of the discussion revealed that migration in Indonesia is seen as a consequence of development failures in the country. The state is judged to have failed in providing adequate work opportunities, while demand for cheap labour is exceptionally high. The migration phenomenon in Indonesia is now unfolding behind a backdrop of abject poverty as well as economic and political policies hostile to the needs of the common people, forcing the poor and vulnerable to relocate from one place to another carrying with them whatever little economic and social possession available to them in order to survive.

The government has openly included migration as a success indicator in development as manifested in its claim concerning the absorption of workforce and lower unemployment. The development
paradigm initiated by the government has not shifted from its previous paradigm of positivism and paternalism.

This further induces the migration process and in Indonesia, migration is a risky option as it is driven by mere profit at the expense of migrants and the neglect of migrant workers’ rights. This government paradigm of utilizing migrant workers as commodities is indeed a major issue and it is feared that such paradigm might serve as the framework of the GFMD. Hence, the question remains on whether it is fitting for Indonesia to attend the GFMD, which is an inter-governmental forum guided by the perception that migrants are treated as commodities.

Based on the explanation above, CSOs have agreed that the present migration process of the Indonesian workforce does not provide positive contributions to development; instead it has generated losses and impedes development, which is ultimately detrimental to migrant workers, their families, and their communities.

Inputs on each Roundtable Theme

**Roundtable 1: Migration, Development and Human Rights**

The protection of migrant workers’ rights is a crucial issue in Indonesia. In addition to the pervasiveness of the problem, its dimensions, particularly those that affect migrant workers, are fairly extensive. The rights of migrant workers are compromised at all stages of the migration process since early recruitment, pre-placement/pre-departure, actual placement and even until their return to Indonesia. These problems are not only exclusive to migrant workers but also affect the community as a whole, particularly the families of migrant workers who typically are among the poor and vulnerable in Indonesia.

The migration phenomenon in Indonesia has often been a showcase of the feminization of migration. It is known that majority of Indonesian migrant workers are young women with low-level education and who come from poor and vulnerable families, some of whom are wives and mothers and most of them hired for domestic work as well as other sectors that are associated with filth, exertion and danger. Considering these characteristics, the level of vulnerability and risks that migrant
workers, particularly women migrant workers, have to endure is relatively much higher.

The feminization of migration can also be defined as the presence of negative consequences that are specifically experienced by women migrant workers. These consequences are not only associated with the fading of the domestic role of women in family relationships and its impact on family togetherness and the education of children, but also increased pressure and a heavier social burden for women as the breadwinners of their families. This phenomenon has dual impact – on the women migrant workers themselves and the families that they leave behind.

For some women migrant workers, the desperation of having to meet the daily needs of the family (worsened by the economic crisis in the country) compel them to seek work and earn more income. This burden is often disproportionate to the capacity of women migrant workers either under normal conditions where they can still work and earn a living; or – and particularly – in situations where they are forced to deal with problems (legal cases) in their countries of employment. And they are often caught in situations where they must find ways to earn money even when their legal work status has been revoked.

Furthermore, in order to maintain the continuity of employment, many Indonesian migrant workers prefer to delay having a child or even terminate pregnancy at all costs. This is because being pregnant will not only affect work performance but may also result to termination of employment. This situation is seen as a problem because women are deprived of the right and opportunity to exercise their reproductive privileges and they might even have to face life-threatening risks.

Even if they must return to Indonesia, they are normally reluctant to go back to their hometown, and instead choose to rejoin the recruitment agency or their friends/contacts with the intention of seeking new placements in the current host country or in a different country altogether. As a consequence, this may cause friction between women migrant workers and their families. Tension in families can escalate into the development of dysfunctional relationships, to divorce and the neglect of their children’s education, among others.

Another consequence is that there are more women migrant workers who refuse to re-establish contact with their families back home. These women will do everything possible and are willing to face any risks as long as they remain in the country of employment, including working in sectors that degrade themselves or even ones that might endanger their lives. Some women victims of human trafficking, particularly sex trafficking, are also known to have returned to the same line of work that had enslaved them the first time, due to ostracism, low self-esteem, or lack of family support to help them heal their social status.

Apart from infractions in the social and economic domain, migrant workers also face injustices in the political and cultural realm. Until today, Indonesian migrant workers are deprived of the opportunity to self-determination or to exercise their political rights on many occasions such as during general elections both at the national and regional levels. In the most recent Law on General Elections (No. 10/2008), not a single article guarantees migrant workers’ right to vote. There is also no mention of Indonesian migrant workers as “potential voters living overseas”.

Also in the political domain, the government is still remiss in providing Indonesian migrant workers with the opportunity to exercise their right to organize and right of association as well as to defend their social, economic, political, and cultural entitlements in their countries of employment.

Migrant workers also face considerable obstacles in exercising their cultural and religious customs.
and beliefs freely. In destination countries such as Singapore, a number of women migrant workers, especially Muslims, are deprived of the freedom to observe religious rituals due to lack of understanding from or outright objection of their employers. Still in the cultural context, differences in tradition and culture often lead to unnecessary human tragedies that worsen the lives of women migrant workers in several countries, specifically in the Middle East.

Migrant workers suffer from many other forms of violations such as on the right to receive adequate and proper food according to their dietary needs, right to be free from threats or risks that might arise during employment (e.g. Indonesian migrant workers should not be exposed to the threat of diseases stemming from the use of the paraquat herbicide in Malaysian oil palm plantations) as well as other rights because of certain limitations. These concerns are still considered as “minor” issues or “secondary” problems that do not merit due and ample attention.

Innumerable infringements to Indonesian migrant workers’ rights are generally attributed to the government’s failure to formulate adequate protection policies and even in some cases, the government has demonstrated no political will to fulfill its constitutional obligation to provide for a more comprehensive and sustainable protection of migrant workers’ rights.

However, the unending problems that continue to afflict migrant workers appear to contradict government claims over improved rights protection for these workers. CSOs have also found sharp contrasts on how the government and migrant workers define or construct frameworks related to rights protection issues.

Another problem that elicited protests from Indonesian migrant workers concerns regulations that make it obligatory for every migrant worker to undergo recruitment agency’s procedure in extending work contracts. Another policy supposedly packaged under the “protection” propaganda according to the government’s perspective is the regulation that allows an employer to withhold the passport of a migrant worker employed as a domestic help in Malaysia. The regulation is embodied in the Memorandum of Understanding between the governments of Indonesia and Malaysia that reduces the bargaining position of Indonesian migrant workers making them susceptible to acts of rights violations committed by the employer. Policies on work insurance also tend to be complicated and do not fully guarantee migrant workers’ protection.

CSOs conclude that there is still no policy or law that fully seeks to protect migrant workers’ rights. Existing regulations such as Law No. 39 of 2004 on the Placement and Protection of Indonesia Overseas Workers (PPTKILN) are still considered inappropriate and must be amended. Some migrant worker organizations have even gone as far as to demand for its removal. Problems that arise from the enactment of this law are in fact also grieved by recruitment agencies that have twice proposed a judicial review to the Constitutional Court demanding for amendments to several articles in the law. Apart from recruitment agencies, the government is also in the process of formulating a bill that is said to replace Law No. 39 of 2004.

With regard to this, CSOs are aware of the lack of political measures to push for policy changes related to migrant worker issues. Although CSOs have generally arrived at the conclusion that Law No. 39 of 2004 is unacceptable, CSOs have yet to present a strong argument for the judicial review of the law. This indeed is unfinished work for CSOs that must be rectified at once in efforts to push for policy changes.

CSOs are mainly focused on efforts to urge the government to ratify the 1999 UN Convention on the Protection of the Rights of Migrant Workers’ and Members of their Families, as well as other relevant conventions. Indonesia is a signatory of the convention but has yet to ratify it. To promote the
advocacy for the ratification of the UN Convention and other related instruments, CSOs must work towards formulating a draft on the ratification of the UN and ILO conventions that can be socialized to various parties to exert more pressure on the imperative to issue policies on migrant workers’ rights protection.

Based on tentative assessment on the benefits for both parties – migrant sending country and receiving country – in the sending and recruitment of migrant workers, CSOs in principle hold a pessimistic outlook on the possibility of having a bilateral mechanism between sending and receiving countries that will also benefit Indonesian migrant workers. Existing bilateral cooperation relied upon to bind the commitment of the Indonesian government and that of receiving countries is seen as insufficient and too lenient as it depends on a “gentleman’s agreement” between the two concerned countries that is less likely to provide protection to Indonesian migrant workers.

One of the root causes for this is the inability to adopt international human rights instruments such as CEDAW, ICCPR, ICSECR, 1990 UN Convention or the related ILO Conventions on migrant workers’ rights protection, as the reference or foundation for the formulation of such bilateral agreements. However, the fundamental problem rests on the lack of public involvement specifically CSOs represented by migrant worker organizations and NGOs from sending and receiving countries who demonstrate concern on migrant worker issues, in the formulation of agreements and the monitoring of the implementation of such agreements.

And finally, the mechanism that should be in place in order to promote relationships that benefit the government and civil society regarding the protection of migrant workers’ rights must emphasize several crucial aspects:

- Full engagement of civil society, particularly migrant worker organizations, NGOs and other parties, concerned with migrant worker issues in the planning, formulation, monitoring of the implementation process and evaluation of policies and relevant laws on migrant workers’ rights protection based on the principles of justice and transparency.

- Effective government efforts to insist that receiving countries open opportunities for and fully recognize the rights of migrant workers to organize and express opinions in the country of their employment as well as allow such organizations to be involved or offer feedback on relevant policies regarding migrant worker issues in the respective receiving countries.

Migration and Development:

In order to examine the correlation between migration and development, we need to adopt a universal understanding of the term development. Development as defined by UNDP and other UN agencies will therefore serve as reference. Briefly, the UNDP has defined development as ‘a social and structural process of transformation where the people are given the opportunity to develop their potential to the fullest, towards a more productive and creative life according to their needs and interests’.

Meanwhile, the government has openly included migration as a success indicator in development. Through the migration of its workforce, the government can claim that it has reached several development targets, particularly concerning the absorption of the workforce and lower unemployment rate as well as increased state revenue from tax and non-tax earnings. This frame of thought is evident in various official documents especially related to the availability of work opportunities and in curbing the unemployment rate, poverty eradication and revenue increase. In simple terms, the development paradigm initiated by the government has not shifted from its previous paradigm of pos-
itivism and paternalism.

If one adopts the government’s perception of development, then migration clearly has its share of contributions. This can be seen only from the surface through the unemployment rate and the income level, either in the form of remittance or tax and non-tax earnings derived from the migration process. However, it is the government’s definition of ‘development’ that has thus far given rise to problems and often in violation of the rights of migrant workers and their families. Therefore, ‘development’ according to the government’s perception is not legitimate and not sustainable, and often at the expense of social, economic, political and cultural interests of migrant workers as subjects or main stakeholders of the migration process.

Migration can offer positive contributions to development in a universal context when it is carried out with due respect to human rights. In principle, the ability to migrate safely and be able to choose the place of domicile as fits an individual’s need and interest is indeed the right of every person. Migration itself is a natural process, which humans find themselves engaged in for centuries in search of greener pastures to be culturally and economically independent.

The migration phenomenon in Indonesia is now unfolding behind a backdrop of abject poverty as well as economic and political policies hostile to the needs of the common people, forcing the poor and vulnerable to relocate from one place to another carrying with them whatever little economic and social means in possession in order to survive. In other words, there is a set of factors consisting of conditions as well as economic and political policies that compel a person or a group of individuals to engage in forced migration from a place of origin to a new location without the support and resources to ensure survival. Therefore, the migration process in Indonesia is essentially not voluntary migration but nothing more than a labor export process turning Indonesian migrant workers as mere commodities that will only be profitable for the “traders”.

Roundtable 2: Safe Migration and Greater Positive Impact to Development

In an effort to ensure migrant worker protection particularly against exploitation and acts of violence at the workplace, destination countries and sending countries must immediately ratify the UN Convention on Protection of the Rights of All Migrant Workers and Members of their Families adopted in 1990, the ILO Convention No. 97 Concerning Migration for Migration Employment revised in 1949 and Convention No. 181 Concerning Private Employment Agencies adopted in 1997 as well as other international human rights instruments for inclusion in national legislation.

Migrants’ Agenda

To sum up the above discussions, migration discourse in Indonesia revolves on the following issues:

Roundtable 3: Policy, Coherence and Partnership

- Lack of coherence between development policy and strategy in Indonesia with the process of migration because migration in Indonesia is a consequence of development
- The need to include PROTECTION and RIGHTS in bilateral agreements on migration
- The need for a comprehensive, transparent and accessible data and information management system at the national, provincial and district levels
- Establish a G2G and CSO coordination system on a regular basis at the national and regional levels
- The national development strategy still positions humans as objects and migrant workers, the victims of development here, as part of a development strategy as evident in the government’s focus on remittances
- Lack of clear policy on an integrated information and data recording system they are included in the formal sector
In order to ensure that migrants are protected from abuse and exploitation, CSOs believe that governments should focus on legal migration development. In order to do this, it ratified the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families adopted in 1990, the ILO Convention No. 97 Concerning Migration for Employment revised in 1949 and Convention No. 181 Concerning Private Employment Agencies adopted in 1997 as well as other international human rights instruments for inclusion in national legislation.

- Government’s policies are not based on valid data and information. This is an indication of the disorganized state of the data and information system and the policy making procedure.
- Lack of coherence between development policy and strategy in Indonesia with the process of migration. This is because migration in Indonesia is a consequence of development.
- Indonesia’s face of migration is still the woman migrant. Foremost of urgent concerns are the termination of pregnancy at all costs to maintain employment, human and sex trafficking.
- No right to exercise their political rights
- Deprivation of freedom to observe religious rituals
- Terminal 4 problems, which include, but are not limited to, illegal fees, insufficient terminal facilities, withholding of passport by terminal officers, costly transportation fees that tend to be illogical, and restrictions imposed on CSOs from monitoring the operations in terminal 4.
- Mandatory obligation to follow recruitment agency’s procedure in extending work contracts
- Memorandum of Understanding between the governments of Indonesia and Malaysia that reduces the bargaining position of Indonesian migrant workers making them susceptible to acts of rights violations committed by the employer. Policies on work insurance also tend to be complicated and do not fully guarantee migrant worker protection
- Absence of a law that fully seeks to protect migrant workers’ rights
- CSOs lack political measures to push for policy changes related to migrant worker issues. CSOs have yet to present a strong argument for the judicial review of the law. However, the fundamental problem rests on the lack of public involvement, specifically CSOs represented by migrant worker organizations and NGOs from sending and receiving countries, who show concern for migrant workers’ issues, in the formulation of agreements and the monitoring of the implementation of such agreements.

Recommendations

Migration in Indonesia is viewed as a consequence of Indonesia’s development failures, which are attributed to its development paradigm of utilizing migrant workers as commodities. Fundamental restructuring is necessary in general, from a shift in paradigm, corrections to laws and policies on the placement and protection of migrant workers, to the establishment of accountable institutions that provide the necessary protection and other multidimensional measures. Migration will contribute positively to development if the main actors of migration, i.e. migrant workers, receive the greatest benefit from this process called migration. Specifically, the following recommendations were made:

- Foster two-way communication between the government and CSOs in order to bridge the gap of extreme incompatibility of perception on rights protection issues and development perspectives. This means full engagement of civil society, particularly migrant worker organizations, NGOs and other parties concerned with migrant worker issues, in the planning, formulation, monitoring of the implementation process and evaluation of policies and relevant laws on migrant workers’ rights protection based on the principles of justice and transparency.
- Effective government efforts must insist that receiving countries open opportunities for and fully recognize the rights of migrant workers to organize and express opinions in the country of
their employment as well as allow such organizations to be involved or offer feedback on relevant policies regarding migrant worker issues in the respective receiving countries.

- Indonesia must, without delay, ratify the UN Convention on the Protection of the Rights of Migrant Workers and Members of their Families.
- Indonesia must immediately revise Law No. 39 of 2004 on the Placement and Protection of Indonesian Overseas Workers.
- Encourage studies on the correlation between development and migration and push for the government’s active role in conducting research, analysis and to disseminate results to the public.
- Encourage the establishment of an integrated and comprehensive

Korea

On 3 July 2008, the Joint Committee with Migrants in Korea (JCMK), in coordination with Migrant Forum in Asia, hosted the national consultation at the Franciscan Education Center in Seoul. It was attended by around 40 people from JCMK’s member organizations, migrant workers support groups, migrant workers trade union, public interest lawyer group Gonggam and human rights groups.

The consultation aimed to provide other civic groups, including migrants support groups, with background, process and on-going activities around the GFMD and to discuss strategies within Korean civil society.

The consultation revealed that the issue of “migration and development” is still a strange issue in Korean society, even within migrant movement groups. Lack of information and experience remained obstacles to making more active joint actions. Since the GFMD has just started in 2007, it was difficult to anticipate its character and its changing priority points. Therefore, despite the efforts of some groups, they could not reach concrete or specific action plans geared for the forum. In order to come up with a joint response or position on the GFMD, they established a working group towards future solidarity actions.

The consultation also identified 15 activists from JCMK to participate in the Peoples’ Global Action, a parallel civil society event to the 2nd GFMD.

Malaysia


Malaysian CSOs recognize the importance of inter-governmental engagement on migration, particularly as migration will continue to be on the rise in this age of globalization. States need to hold each other accountable as protectors of human and labour rights. All states need to take joint responsibility for the protection of the rights and well-being of migrants, not just the states from where mi-
grants originate. In order for this to happen, it is necessary for governments to take migration as a permanent phenomenon worthy of a policy response, to work collaboratively, and to determine practical ways of incorporating the protection and well-being of migrants into their policies. A paradigm shift is necessary – states need to move from policy-making based on the idea of a unitary, self-contained, independent state, to the recognition that there are inherent interconnections between states, economies and populations. Therefore, effective dialogue is necessary.

Furthermore, they fully appreciate the inclusion of human rights in the roundtable themes. However, there was a concern on the underlying principle behind this discourse. Development is taking preeminence over migration, and migrants are evaluated in terms of their ‘benefits’ to governments. Migrants should not just be seen in purely economic terms; their humanity must be recognized. While they have nothing against migration, CSOs demand that governments must take into consideration the social costs of migration rather than focus on the economic benefits.

CSOs also made explicit in their discussions the demand for the GFMD to be brought back to the UN for fear that creating another institution may result in inconsistencies as well as a lack of institutional coherence and accountability. Furthermore, they also called for further strengthening of civil society participation in dialogues concerning migration and development; efforts should be made to engage with migrant communities.

**Inputs on the Roundtable Themes and Migrants’ Agenda**

- Migrants have very limited knowledge of their rights, which make them vulnerable to abuse.
- Overly complicated, bureaucratic, expensive and inaccessible procedures for legal migration force migrants to look at and consider irregular means. This situation put migrant workers vulnerable to arrest. States need to review their migration policies and practices to examine how they exacerbate irregular movement of their peoples.
- Inconsistent work contracts
- Stateless children attributed to their parents undocumented status
- Children of undocumented workers do not have access to basic education
- The Malaysian government relies on arrest, detention and deportation to curb irregular migration. Migrants suffer from arbitrary arrest and detention, prolonged and indefinite detention, detention under crowded conditions with limited food, water, and basic supplies, as well as lack of access to health services while in detention. They are also vulnerable to abuse while in detention.
- Security of unaccompanied minors in detention
- Incidence of exploitation and abuse during deportation – numerous reports revealed that immigration officials hand them directly over to traffickers
- Malaysian government’s failure to respect basic human and labour rights in countries of origin such as Burma (Myanmar) resulted in forced movement of peoples to surrounding countries. There are no formal mechanisms for recognizing the status of asylum seekers, refugees and stateless persons. As such, they are considered irregular migrants and remain in constant fear of arrest, detention and deportation. They are vulnerable to exploitation and abuse by employers as well as harassment by law enforcement officials such as the Police, Immigration and the Malaysian Volunteer Corps (RELA) who often force them to pay bribes to avoid arrest. This facilitates more corruption, which contributes to an erosion of accountability and credibility.
Recommendations:

- Hold mandatory pre-departure orientation programmes, and provide handbooks for migrants detailing what they can expect upon arrival and who to contact in case of emergencies or problems.
- Ensure that all migrants are able to seek effective remedies for grievances through Malaysian mechanisms, by safeguarding their right to be heard, their right to remain, and their right to work while awaiting adjudication.
- Standardize, simplify and make affordable visa and work permit applications so that migrants are able to access legal means of movement.
- Regulate the activities of agents and recruiters – including capping agents’ fees, monitoring their actions, and taking disciplinary action when corruption, cheating, exploitation, or abuse occurs.
- Domestic workers should be given one day off a week and accorded the same statutory protections as other migrant workers. This requires an amendment to the Employment Act 1955.
- Take punitive measures against employers who abuse or violate the rights of migrant workers.
- The Malaysian government should provide free formal primary, secondary and other forms of education to all children and access to official exams for those in informal education.
- The Malaysian government should take measures to improve the birth registration system of non-Malaysian children.
- Ensure that all migrants have access to healthcare at affordable rates.
- The Malaysian Government should become party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Recommendations Continued…

- Take measures to increase the regularization of migrants as well as to protect the legal status of migrants. Streamline, simplify and reduce the costs of legal migration, as well as review procedures for canceling work permits.
- Tackle corruption and the complicity of law enforcement officials in the exploitation of migrants by setting up systems for reviewing their decisions, taking disciplinary measures and prosecuting them when they break the law. This includes exploring the use of immigration tribunals, and prosecuting immigration officials who are complicit in trafficking activities using the Anti-Trafficking in Persons Act 2007.
- Improve transparency by declassifying key documents such as the Memoranda of Understanding between governments concerning labour migration from the Official Secrets Act.
- Exert pressure on countries such as Burma (Myanmar) to meet their obligations to respect human and labour rights, for example through pressuring them to comply with International Human Rights and ILO Conventions.
Nepal

The Migrant Forum Asia members in Nepal launched the Global Forum for Migration and Development process in Nepal. The All Nepal Women's Association (ANWA), Women Rehabilitation Centre (WOREC), Pourakhi and Youth Action Nepal (member of MFA in Nepal) were the four organizations of Migrant Forum in Asia that initiated the GFMD process in Nepal in June 2008.

Four consultations were held in the Eastern Development Region (Biratnagar), Mid Western Development Region (Nepalgung), Far Western Development Region (Dhangadi) and Western Development Region (Pokhara) on 20 June, 1 July, 4 July and 11 July respectively.

Altogether, 447 participants took part in these consultations, which took place in the four Development Regions of Nepal. Consultation participants included returnee migrants, migrant families, government representatives, political parties, parliamentarians, civil society, media persons, lawyers, women human rights defenders, recruitment agencies, trade unions, money transfer institutions, and NGOs from all over Nepal. These four Regional Level Consultations on Global Forum for Migration and Development in Nepal were supported by the Danish Church Aid.

Nepal has a long history of foreign employment. Nepalese men and women migrate to foreign countries for labour purposes as unemployment and underemployment are high and opportunities within the country are limited. Due to decades-long Maoists Insurgency in Nepal, the number of migrants has increased dramatically. Historically, men used to migrate more. At present, however, migration is increasing among Nepalese women. Gender-discriminatory migration laws and policies both in country of origin and destination have placed women in vulnerable situations. Majority of women migrants are working as domestic workers. Because of lack of laws and policies to protect the rights of migrants, women are more vulnerable to abuses and exploitation.

One of Nepal's major exports is labor, and most rural households now depend on at least one member's earnings from employment away from home and often from abroad. With the approval of the Labor Act of 1985, the government of Nepal officially recognized the potential value of foreign labor migration "overseas," meaning beyond the Indian subcontinent (Seddon, D, 2005).

CSOs call for migrant-friendly policies and gender-sensitive policies instead of migration-control strategies.
Key Issues and Inputs on the Roundtable

Themes:

- Nepal and India should both ratify the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families.
- There should be work agreements between Nepal and India to protect the rights of Nepalese Migrants working in India.
- There is a need to revise the 1950 treaty between Nepal and India for the labour welfare.
- There should be an association of Nepalese Migrants working in India that will raise the issues and concerns of Nepalese migrants and make the Indian and Nepalese government aware of migrants’ issues.
- There should be strong coordination among Nepalese and Indian trade unions in order to protect the migrants’ right of the Nepalese.
- Irregular migration of Nepalese migrants from the Indian airport should be controlled. There should be coordination between the governments of Nepal and India to prevent trafficking of human beings for labour purposes in different Gulf countries through the Indian Airport.

Key Issues Continued…

- There should be government information booths in open border areas to provide necessary information on migrants’ rights and for data collection. And there should be gender dis-aggregation with data collection and data analysis.
- The border between Nepal and India should be regulated for the prevention of trafficking.
- There should be strong legal provisions against human trafficking.
- There should be monitoring and evaluation of migrants’ human rights situation by Nepal as well as India.
- Solving the problem of temporary migration between Nepal and India by organizing various programs between Nepal and India.
- There should be security of the money migrants have earned in India.
- There should be compulsory life insurance, health insurance, and social security of Nepalese migrants in India.
- There should be an establishment of Emergency Fund and also Nepalese Migrants’ Family Welfare Fund in India.
Philippines

In the Philippines, there were four island consultations held in Luzon, Visayas, Mindanao and Manila on 20 June, 27 June, 23 July and 27 August 2008 respectively and a national consultation from 1 to 2 October 2008 also held in Manila. MFA’s member, the Center for Migrant Advocacy (CMA) led these island-consultations in collaboration with the Ayala Foundation Inc. (AFI), CS Days organizer. At first, it was a sole CMA initiative but AFI proposed to co-organize the consultations in order to facilitate the selection of Philippine CSO representatives to the official forum of the GFMD. Philippine CSOs were given 30 slots in the formal CSO days of the GFMD and Ayala Foundation was tasked to initiate the process of selection through a national consultation among CSOs in the Philippines.

Apart from the three major objectives of the consultations identified earlier, the Philippine consultation also aimed to develop a shortlist of nominees for each island consultation to comprise the Philippine CSO delegation.

Results of the four island consultations were consolidated from 1 to 2 October in Manila. The 30 Philippine CSO representatives presented their critique and proposed a new framework on migration and development.

The CSO representatives argued that the present development paradigms and practices focus on the development and continuation of an unequal global economy, not a global home or a global community. The global movement of people (migration) is a result of present development paradigms and practices where survival of individuals, families / households, communities and countries is challenged. Migration is multi-causal — ranging from personal, household, to local and global structural factors. Migrants and their households experience agents, channels and processes; and positive and negative costs and consequences abound.

Recommendations and solutions related to migration and migrants require a recognition and re-examination of these related causes that are closely inter-linked with present local, and global

RTD 1 Recommendations:

To the Philippine Government:

- Enforce current rights-based policies and programs for the protection of the rights and welfare of overseas Filipinos and their families.
- Mainstream gender responsiveness in the policies, laws, programs and practices of frontline agencies in relation to migration.
- Develop laws, programs and activities for the protection of workers, especially domestic workers.
- Institutionalize the representation and participation of civil society stakeholders, especially organizations of migrant workers and their families, in the executive and legislative processes pertinent to migration.
- Allocate more financial and human resources for migrants' social protection.
- Address the root causes of migration so that overseas employment will cease to be a major development strategy.
- Eliminate corruption in the government bureaucracy.
- Forge bilateral and multilateral agreements with countries of destination, especially in those with a concentration of Filipino workers. Such agreements should include a protocol in recruiting workers.
- Advocate for the inclusion of seafarers in the UN definition of “migrant worker”.


development paradigms and processes. Solutions to the issues and challenges related to migration’s contexts and consequences must be addressed at the national and global levels.

**RTD 2 Recommendations:**

- Contracts/use of unions in contract-related issues
- The need for government-CSO collaboration. The Overseas Workers Welfare Administration (OWWA) should forge a collaboration with CSOs working in receiving countries for contract monitoring purposes and review existing policies on migration in collaboration with CSOs to know what needs to be standardized in the contract.
- Embassies – Philippine Overseas Labor Office (POLO). The Philippine Government, through its embassies and POLOs, must negotiate from a position of equality and strength.
- Sanctions against illegal recruitment – Government must wield an iron hand against illegal recruiters while the government must increase sanctions/penalties against recruitment agencies involved in illegal recruitment.
- Bilateral agreements – The national government should forge bilateral agreements with receiving countries where the work standards of sending and receiving countries are based on existing international standards and instruments.
- Barangay level ordinances and LGUs’ pro-active measures that would educate the public about migration-related policies to curb recruitment malpractices

**To the foreign governments:**

- Recognize the rights of migrants, regardless of immigration status, as human beings, as women and as migrants.
- Recognize domestic work as work.
- Ratify the UN Convention on Migrants, ILO instruments on Migration.
- Repeal discriminatory policies, and laws against foreign workers.
- Observe international labor standards (e.g. wage).
- Adopt the “decent work” framework.
- Create and, where already available, increase access to justice of foreign migrants.
- Facilitate the process of prosecution of employers and brokers who violate the rights of foreign workers.

With regard to the irregular migrants, provide incentives for repatriation by developing a scheme that encourages irregular workers to go to the embassies and inform them of their status.
**Migrants’ Agenda:**

1. **Pre-departure**
   - Information, education and campaign in all its forms conducted on a regular basis at all levels (barangays, local communities, etc.); IEC especially on the realities and social costs of migration in points of origins for would-be migrants
   - There is a need to broaden and strengthen the database on migration stakeholders especially information on human resources and services for migrants and their families.
   - Strengthen roles of local government units (LGUs)

2. **Transit/On-site**
   - There must be reorientation of RP’s foreign service, embassies and consulates to prioritize migrant workers’ protection to become “centers of care”. There must be a review of the DFA’s policy orientation and mandate.
   - Government must make use of regional cooperation groups – maximize networking and collaboration.
   - Government must adhere to and ratify ILO Agreements and Conventions.
   - There should be transparency in bilateral/multilateral talks and provide space for non-state stakeholders; inclusion of social services in bilateral agreements.
   - Recognition of skills agreements
   - Interagency migrants’ protection center

3. **Return and Reintegration**
   - A clear, coherent, comprehensive, well-funded and sustainable reintegration development plan/program (economic and family-based) is the optimum solution to address the issue of returning migrants. This should include: harmonization of reintegration efforts to avoid duplication; use of the inter-agency/one-stop/referral approach in the program, reintegration preparedness (psychosocial, economic and cultural from pre-departure to return), addressing the social costs of migration, counseling of OFWs and their families, financial literacy focusing on various investments, not only through entrepreneurship but also including economic options and if possible including sustainable livelihood for returning migrants.
   - The need to upgrade the skills of the workers
   - OFW funds for social protection

4. **Remittances/Migrant Savings**
   - Recognize the contribution of OFWs to the country; national budget must be used for the provision of services to OFWs.
   - Promote a conducive environment to motivate OFWs and their families to save, develop entrepreneurship and invest in the local economy.
   - Encourage use of formal channels of remittance.

**RTD 3 Recommendations:**

- There is a need for inter-agency coordination. Inter-Agency Coordinating Council for migration at both the national and local levels should be created. Support, enhance and monitor the cooperation, coordination and implementation of agencies (i.e. Department of Foreign Affairs, Department of Labor and Employment) for migration, human rights and development issues in host countries. Further, initiate a Summit on Migration and Development with Regional Representatives attending the Summit.
- Budget for Protection – Increase budget for protection of Filipino migrants in host countries and in the Philippines.
- Government must make use of regional cooperation groups – maximize networking and collaboration.
- Government must adhere to and ratify ILO Agreements and Conventions.
- There should be transparency in bilateral/multilateral talks and provide space for non-state stakeholders; inclusion of social services in bilateral agreements.
- Recognition of skills agreements
- Interagency migrants’ protection center

46
5. Migrants, Human Rights and Responsibilities

- A total policy review with continuous dialogue, consultation with and participation of key stakeholders in the country and host governments covering the entire migration cycle to address among other things, migrants’ human rights
- Continue to pursue bilateral and multilateral agreements to promote the interest of OFWs and their families, to promote and protect human rights and support development of receiving countries
- There should be broadening and strengthening of databases on migration stakeholders especially on the human rights and services for migrants and their families
- Legislative representation by overseas Filipinos

6. Gender Perspective

- The need for gender data and analysis. Funds should be made available for possible research on this area. Gender and Human Rights should be cross cutting issues in migration and development.

“The present development paradigms and practices focus on the development and continuation of an unequal global economy, not a global home or a global community. The global movement of people (migration) is a result of present development paradigms and practices where survival of individuals, families/households, communities and countries is challenged. Migration is multi-causal — ranging from personal, household, to local and global structural factors. Migrants and their households experience agents, channels and processes; and positive and negative costs and consequences abound”
Sri Lanka

The GFMD national consultation in Sri Lanka gathered 60 representatives from civil society organizations working on migrants’ rights, community-based organizations, human rights activists, including members of Sri Lanka Foreign Bureau of Employment (SLFBE), International Organization for Migration (IOM), International Labor Organization (ILO), American Center for International Labor Solidarity (ACILS) and Migrant Forum in Asia’s members from the Philippines, India, Nepal and Bangladesh.

There are around 1,450,000 Sri Lankan overseas migrant workers. Of this number, 49 percent are domestic workers (housemaids), 20 percent are unskilled workers, 22 percent are skilled workers, 5 percent are in clerical jobs and 4 percent of the workers are at the middle and professional levels. Sixty-three percent of these migrants are women migrant workers (711,000 of 913,000 workers were employed as housemaids in 2007).

Sri Lankan migration policy is included in the 10-year development plan of the government where there is an attempt to promote skilled migrant labor than low skilled labour. They have introduced “safe, skilled migration” as the basic strategy to guide overseas labour migration policy. This policy contributed to the decrease of domestic workers deployed abroad. In 2007 there were 51 percent domestic migrant workers and as of June 2008 there were only 48 percent domestic migrant workers. The government’s plan is to bring this percentage down to 25 percent between two to three years. This will affect the low-skilled migrant workers. In 2007, 217,306 migrated from Sri Lanka. It was a 7.6 percent growth from the previous year. Thus, 1,450,000 migrant contract workers is equivalent to nearly one fifth of Sri Lanka’s entire resident workforce of around 8 million.

Migrants face complex problems. Among them are fraudulent work contracts, sexual violence and trafficking, deplorable work conditions, mismanagement of funds, disrupted family relationships, children being sexually abused, etc.

In terms of the government’s protection mechanism for migrant workers, they ratified the UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The Sri Lanka Bureau of Foreign Employment (SLBFE) under the Act No. 21 of 1985, a semi-government body was also established in 1986 as the primary legislation that deals with foreign employment. The main aim of the SLBFE is to improve the status of workers, especially low skilled workers including women domestic workers, by shifting from low skilled to skilled labour migration.

In order to do so there is a need for training to improve their skills. And also alternatives are provided to those who are seeking migrant work. Another main aim of the SLBFE is to set standards for and to negotiate contracts of employment – to formalize recruitment agreements, to formulate and implement a model contract of employment that ensures fair wages and standards of employment.

Key Issues

1. Pre-departure

- Inadequate information and training, and orientations are not country specific
- Contract problems – language problem in the contract, inconsistencies between the contract and the actual job, etc.
- Exorbitant recruitments fees
- Irregularities in documentation (birth certificates, national identity card, passport, etc.)
2. Transit

- Trafficking

3. On-site

- Health problems, violence, sexual abuse and trafficking
- Employer keeping the passport
- Communication problems
- No space for religious rituals
- Passport confiscation
- Problems in the migrant worker’s family
- Deplorable living conditions

4. Reintegration

- The need to improve reintegration programs
- Financial and investment illiteracy

Other issues discussed included the need to integrate the national policy and the Migrant Rights Act and the inclusion of media as one of the stakeholders in the discussion.

Recommendations:

For the Government:

- Make amendments to the migrant workers act.
- Establish a law against trafficking.
- Make laws that are consistent with the international laws on migrant workers
- Enforce stricter implementation of the law. Punish erring and fake agents and ambassadors for dereliction of duty.
- Provide adequate trainings to labour attaché officers.
- Awareness raising about ‘sahanapiyasa’
- Enter in bilateral contracts/MOUs with receiving countries and initiate mechanisms for implementation to ensure that these agreements are properly executed.
- Provide voting rights for migrant workers.

Recommendations Continued…

- Include a migrant worker at the SLF-BE board.
- Ensure regular monitoring of recruitment agencies.
- Provide adequate training to migrant workers and include English lesson as part of the program.
- Provide an accurate and updated information of licensed agents and government agencies and institutions.
- Establish a retirement fund for migrant workers.
- Advocate for a legal framework.
- Conduct awareness-raising program on trafficking.
- Organize migrant workers’ groups.
- Lobby for migrants workers’ voting rights, pension and protection.
- Mobilize and establish networks among migrant workers to further raise the issues of migrants.
For the Civil Society Organizations:
- Advocate for a legal framework.
- Conduct awareness-raising program on trafficking.
- Organize migrant workers’ groups.
- Lobby for migrant workers’ voting rights, pension and protection.
- Mobilize and establish networks among migrant workers to further raise the issues of migrants.
- Provide information on and counseling from CBOs and NGOs.

At the Regional and International Levels:
- Establish linkages and networks with relevant states and NGOs.
- Share information and good practices.
- Strengthen regional migrant workers’ network.
- Emphasize the need for a common migration policy in the region as well as at the international level.

2. Regional Engagement

In order to mainstream the gender and development discourse within migrant communities and advocates, MFA conducted activities at the Asian level. These activities included an Asian Consultation on the 2nd GFMD, the 2nd Asian Migrant Domestic Workers Assembly and the Peoples’ South Asia Association for Regional Cooperation (SAARC)

a. Asian Consultation on the 2nd GFMD

On 4 February 2008, MFA organized the Asian Consultation on GFMD in Bangkok, Thailand. The purpose was to share the necessary information on the 2008 GFMD and to discuss ways to establish a joint process, and to devise a collective message on the GFMD.

Representatives from 33 organizations including the Solidarity for Asian Peoples’ Advocacies Working Group on Migration and Labour (SAPA WG ML) participated in the consultation. Countries represented were: Bahrain, Cambodia, the Philippines, Hong Kong, Special Administrative Region of China, Malaysia, Taiwan, Province of China, Thailand, Pakistan, Bangladesh, Vietnam, Singapore, Korea, Nepal and India.

It was at this consultation that groups committed to organizing a parallel process to the official GFMD. Among the specific recommendations were the following:

- Lobby sympathetic governments that are attending to see if they can assist CSOs in direct engagement with the GFMD. These governments could also be invited to the CSO parallel events.
- The structure of the parallel event should follow that of the Hong Kong, Special Administrative Region of China WTO civil society events where the many different organizations could hold their own individual tracks of events, and then all will converge at one place, at one time.
- Convene multi-stakeholder national-level consultations on the GFMD in order to create one mechanism for encouraging local input and participation in the GFMD. The outcome of these national consultations could then be consolidated into one document that would be
presented at the GFMD, preferably in a side event with the relevant governments. This document should also be presented during the official CSO Day, as well as at the parallel events. Day One of the consultation should respond to the GFMD’s Roundtable Themes, while Day Two could seek input on country-specific migration and development concerns, which have been omitted by the GFMD. This process should assist in developing a national migrants’ agenda. Groups in the Philippines and Bangladesh are already making plans for national consultations.

- Developing common positions as the SAPAWG ML will also be helpful in the GFMD process; the group will plan to build on existing principles set out by the earlier Asian Alliance for Migration, Development and Human Rights as well as the SAPA ASEAN Task Force’s framework.
- Linking up with other cross-cutting issues that groups/networks around the Asian region are addressing would also be important in moving the migration-development agenda forward. SAPA WG ML members plan to engage especially with those working to address trade and climate change. GFMD officials and other policymakers purposely do not make these linkages, to intentionally narrow the terms of debate and discussion.
- Human rights groups and trade unions will be among the important constituencies to engage around the national consultations.
- SAPA WG ML will critique the process by which the official GFMD has convened its committee of experts, while putting forward our own experts in the areas of migration and development.

b. 2nd Asian Migrant Domestic Workers Assembly, 2-4 May (Jakarta, Indonesia)

Since 1991, the Migrant Forum in Asia and its partners have pioneered the campaign for the recognition and advancement of the rights, status and dignity of migrant domestic workers in Asia, including the unionization of migrant domestic workers (MDWs).

The recognition and protection of MDWs is a crucial campaign for MFA as there are still major gaps in terms of protection of the rights and dignity of workers. There are currently an estimated two million MDWs in Asia, working mostly in the Gulf States, Malaysia, Hong Kong, Special Administrative Region of China, Singapore, Thailand, and Taiwan, Province of China. Over 90 percent of these are women, and a significant number (at least 40 percent) are undocumented (AMC estimate, 2006). There is no specific international instrument establishing MDW rights; there are no common, minimum standards on fair and decent treatment of MDWs. In Asia, governments arbitrarily choose whether to include MDWs in their existing policies and laws, to what extent, and what restrictions or exclusions they want to impose.

In 2007, the Asian Migrant Domestic Workers Alliance (ADWA) was formed to serve as the broad alliance of MDWs, trade unions and civil society groups to spearhead the joint regional advocacy in Asia.

ADWA reflects MFA’s advocacy principles for domestic workers, which are the promotion of domestic work as work, women’s work as work, migrants rights as human rights and right to development principles, social and economic justice and empowerment of MDWs. MFA as a strong advocate of domestic workers, felt the need to elevate the discourse at the international level.

As in the past year, the Global Forum on Migration and Development is seen to be another opportunity to shape international dialogue on MDWs and to lobby governments on the protection and promotion of domestic work. In preparation for the 2nd GFMD, MFA together with its partners, Coa-
lition on Migrants Rights (CMR), Alliance of Progressive Labor (APL), Asian Migrant Centre (AMC) and Human Rights Watch (HRW) organized the 2nd ADWA Assembly from 1 to 4 May 2008 in Jakarta, Indonesia where the Regional Campaign on the Recognition and Protection of Domestic Work as Work was launched.

On the occasion of the Peoples’ Global Action, ADWA brought together migrant domestic workers and advocates around the world.

c. Peoples’ South Asia Association for Regional Cooperation (SAARC), 18-20 July 2008

The People’s SAARC is an annual regional convergence of people’s organizations and movements being held in South Asia prior to the official South Asian Association for Regional Cooperation (SAARC) Summit.

The SAARC is an economic and political organization of eight countries in Southern Asia that includes Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

For 2008, the People’s SAARC was held from 18 to 20 July 2008 in Colombo, Sri Lanka. Hundreds of women, workers, peasants, urban and rural poor, youth and students, cultural activists, scholars, politicians and representatives of marginalized and excluded social groups and communities from Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka gathered in Colombo to manifest their common aspirations, agendas and solidarity under the theme, "Towards South Asian Union". Thematic workshops, fora and plenary sessions were organized on various issues related to poverty, hunger, pollution and environmental issues, demilitarization, denuclearization, social welfare, justice and democracy.

Recognizing that the People’s Assembly is an important space to raise the issue of labour migration to the SAARC, MFA mobilized its members from South Asia to participate in the workshops co-organized by MFA which focused on:

- SAARC Convention on Trafficking
- Migration: Internal and External
- Migration and the Free Movement of Labour

As a result of the workshop, a Declaration focusing on the vision of SAARC Peoples for a South Asian Union was developed. See Annex A for the text of the Declaration.
3. International Engagement

MFA has been working closely with its international partner, the Migrants Rights International (MRI), to share both the logistical and political developments on the GFMD.

Two international strategy meetings brought leaders in the civil society action together, which was complemented by regular conference calls and emails.


MFA shared the developments particularly on logistical and political preparations being made by the Philippine government and the Ayala Foundation for the 2008 GFMD.

Similar to Philippine groups, international groups raised their dismay at the limited and disjointed people’s participation in the GFMD. Moreover, many were troubled that the voices of migrants were almost drowned out, if not completely unheard, during the process.

Hon. Luis Alfonso de Alba, former president of the Human Rights Council, and Mexican Ambassador to the UN, discussed the Mexican government’s priorities for the HLD and GFMD. In his discussion, he contextualized that migration and development language is used to avoid discussion on human rights.

The Mexican government believes in the “universality of human rights... For us, everything is human rights” including labor and development issues. In GFMD Brussels, the Mexican government requested human rights to be addressed in the forum, but the Belgian government did not agree with the proposal.

The Mexican government has volunteered a paper with regards to migration, development, and human rights, though this 1st roundtable theme will be chaired by the Philippine and UAE governments during the official GFMD. The Mexican government wants to play a role as “bridge” between CSOs and governments, to help CSOs obtain pertinent information regarding the GFMD.

The Mexican government is counting on the policy of the Philippine government to be open to civil
society and human rights, close to what the Mexican government itself would do. De Alba raised the UN Migrants’ Convention at the recent steering group meeting, but “no reply was given at that meeting”. Human rights and civil society participation are issues to which CSOs need to be putting pressure.

Other concerns discussed revolved around the GFMD – its structure and process. The group feared that GFMD being outside of UN auspices will not be subject to international treaties or agreements around migrants’ rights. International agreements are especially important as there tends to be very weak protections for migrants at national levels. In terms of process, CS groups described a lack of transparency not only to civil society but also to UN agencies, which were not fully consulted regarding the GFMD. During the 1st GFMD in Brussels, unilateral decisions were made by GFMD organizers on roundtable themes, the countries to host the Forum, as well as the agenda. In 2007, Belgium defined about 95 percent of the agenda and in Manila, the Philippine government determined about 80 percent. Groups argued that there should be at least 50–50 sharing, with both [UN] agencies and civil society involved.

At the end of the meeting, it was agreed that CSOs will create its own space by organizing parallel events.

At the 2nd strategy meeting from 11 to 12 July, the cross-sectoral collaboration was more apparent with migrants groups, trade unions and networks as well as women’s and development groups in attendance. This strategy meeting sought to jointly plan the efforts and strategize around the PGA.

The event has an international presence with more than 60 participants from 10 countries of Europe, Asia, Latin America, North America, and Africa. ILO Manila provided the venue for this meeting. Having the ILO host the program was a big help to global CSOs that have been advocating and calling for the GFMD to be back under the auspices of the United Nations (UN).

The strategy meeting focused on the following:

- Shared initiatives around the GFMD and prior engagement with HLD and GFMD
- PGA preparation
- Finalization the general flow of the program

Discussion focused on the sharing of initiatives from CSOs and TUs in relation to migration and developments surrounding the
Participants from Asia, North and Latin America, Europe and Africa discussed their ongoing programs as well as prior engagements on the HLD and GFMD.

The groups shared the same issues and challenges in terms of the CSOs’ response to the GFMD in their respective regions. These issues include lack of information on the existence of GFMD, growing lack of interest among CSOs, resources and language barrier, and problem in accessing information.
B. Engagement in the GFMD official process

It was on 1 September 2007 that the Philippines assumed chairmanship of the GFMD. Undersecretary for Migrant Workers’ Affairs, Esteban Conejos Jr., was designated by President Macapagal-Arroyo as Special Envoy for GFMD and Overall Chairman of the Philippine GFMD Preparatory Committee.

GFMD decisions do not rest solely on the Philippine government. The Friends of the Forum (FOF) composed of government representatives met to discuss the agenda, programme and topics for the GFMD. It acts as a sounding board, ensures that all UN Member States and Observers are kept abreast of Forum-related developments, and advises on the agenda, structure, and format of each Forum meeting.

Aside from the FOF, a Steering committee led by a troika of the previous (Belgium), present (Philippines), and future chair (Greece) assisted and prepared the government for the GFMD. The agenda for discussions included the topics for the GFMD as well as the needed technical and financial support to ensure the success of the GFMD.

The Chair was also assisted by four international advisers who provided political, conceptual and operational advice to the Chair and worked directly with the other members of the Manila GFMD Task Force.

With regard to the CSO Days, the Philippine government sought the assistance of Ayala Foundation (AFI) to prepare for the CS forum and to facilitate the selection of 200 CSO participants around the globe. As the organizer of the CS Days, AFI proposed the following:

- Two CS days
- Invite the FOF members for an interface session in the afternoon of 28 October
- Selection of 30 participants from Philippine CSOs

To help AFI with the selection process, two committees were set-up: the Philippine Organizing Committee (POC) for the Philippine-based participants and an International Advisory Committee (IAC) for the global CSOs.

The POC was comprised of NGOs, Church representatives, Church-based organizations and the private sector. Participants were selected through island consultations in Luzon, Visayas, Mindanao and the National Capital Region. Under the POC was a subcommittee that spearheaded the island consultations.

The IAC formulated the criteria for the selection of CSOs outside the Philippines and deliberated on the applications. The IAC was composed of representatives from trade union groups, employers, faith-based organization, Diaspora organization, United Nations line agencies, migrant organizations, micro-finance, academe, development NGOs, human rights community and 2007 CSD Organizer. An experts’ group was also created that was tasked to prepare the background paper to serve as
a basis for the debate.

MFA had been actively involved in both government and CS Days preparations.

1. Working with the Department of Foreign Affairs’s Office of the Undersecretary for Migrant Workers Affairs

Consistent with its engagement approach of exploring all possibilities, MFA kept the Department informed of the updates happening around the CSOs’ preparations for the GFMD. This was done through consultations and invitations to the PWG meetings.

2. Working with GFMD Civil Society Day Organizers

MFA was invited to be part of the committees organized by the Ayala Foundation Inc. (AFI) that would look into the selection of the official CSO delegates. These were the Philippine Organizing Committee (POC), the local committee that was tasked to select the 30 Philippine-based CSOs, and the International Advisory Committee (IAC) that guided and crafted the criteria for the selection of the 200 global CSOs.

MFA was given the chance to articulate its position on the GFMD even prior to the official dates of the forum. MFA was kept updated on the developments happening around the official forum. This enabled MFA and its partners to strategize on important matters. It also enabled the network to determine the sectors that share the same perspectives with MFA. This was a good starting point to identify potential partners for MFA’s future campaigns.

As a result of this engagement, MFA has been approached by the next organizer of the CS Days in Athens, Greece to provide recommendations on how to further improve the structure and modalities and most importantly, the themes or issues that should be discussed in the next GFMD.

3. Lobbying with the official CSO delegates

In order to get a wider support from the official CSO delegates, the PWG and the IWG started lobbying with the official CSO delegates. The IWG lobbied with organizations particularly in Latin America and Africa. The trade unions worked on their own ranks while MFA and the PWG lobbied with the national and regional delegates.

In particular to the Philippines, the PWG had an interface with the 30 CSO delegates on 1 October and a strategy session with its allied Manila-based CSOs. Online consultation with CSOs from the three island consultations was also done through MFA’s Philippine member, the Center for Migrant Advocacy.

These initiatives resulted in a broader support from the official delegates who helped bring PGA issues to the forum. During the PGA week, PGA organizers were still consulting CSOs on how to mainstream PGA issues in the discussion.
Given that the GFMD is only in its second year, the Forum still remains unheard of in many regions. Some partners in Central America and Africa felt disengaged from the process as little outreach has been done by the GFMD organizers to ensure a broad global representation. In order to raise awareness on the GFMD across the globe, MFA conducted advocacy actions and intervened at regional and international conferences. These interventions enabled MFA to raise awareness among CSOs, governments and their representatives on the relevance of the GFMD.

This section presents the advocacy actions and networking activities of MFA both at the regional as well as the international levels.

1. Intervention in regional and international fora

a. Labor Migration in Southeast Asia: What Role for Parliaments?, 22-23 September 2007, Manila, Philippines

The 28th General Assembly of the ASEAN Inter-Parliamentary Assembly (AIPA) recommended the establishment of an AIPA-Committee that has as its primary task the identification of possibilities for common legislative initiatives. Furthermore, AIPA is calling on member countries to implement measures to enhance the protection and promotion of the rights of migrant workers as well as to apply domestic laws equally to migrant workers and citizens, among others.

This initial expression of a pro-active stance among parliamentarians at the regional level has been recognized and appreciated by various migration stakeholders that prompted the Friedrich Ebert Stiftung and the Migrant Forum in Asia (MFA) to hold a regional workshop entitled “Labor Migration in Southeast Asia: What Role for Parliaments?” in September 2007.

MFA and FES recognize the important role of parliaments in the promotion and protection of the well-being of migrant workers. Parliaments oversee their governments’ international commitments, play decisive roles in national policy-making and have both the capacity and mandate in shaping discourses and initiatives.

The workshop provided parliamentarians and representatives from government and non-governmental organizations space to broaden the dialogue on migrant workers’ issues in Southeast Asia and build linkages among and between legislators and interested parties.

From MFA’s perspective, it was a strategic action in monitoring the ASEAN process particularly the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. This provided MFA the opportunity to ascertain the parliaments’ perspectives on migration in Southeast Asia and therefore be able to strategize on how to lobby with them who are seen to remain to a large extent at the margins of both the discourse as well as setting regulatory frameworks. This was necessary for MFA as it prepares for the 2nd Global Forum on Migration and Development.
b. Transnational Assembly of Remitters and Families, 12-15 May 2008 (Mexico City, Mexico)

Consistent with its advocacy on sustainable economic development for migrant workers, MFA has entered into a working partnership with the Transnational Institute for Grassroots Research and Action (TIGRA) for a Global Campaign to transform the Money Transfer Industry this year. MFA is working with TIGRA to implement the campaign in Asia.

The campaign aims to stop the high human cost of remittances, and to contribute to the sustainable development of migrant communities both in home and host countries. Specifically, it will work to hold the money transfer industry accountable by providing information about the campaign to our members and undertake activities to influence Western Union and other money transfer companies. The campaign provides members and networks with information on alternative companies, and encourages them, where possible, to boycott Western Union.

From 12 to 15 May 2008, MFA sent a five-person delegation to the Transnational Assembly of Remitters and Families to formalize the collaboration and envision a more sustainable future for migrant families. The global assembly discussed the core issues common to all remitters and their communities and formed The Global Association of Community Sustainers, or La Liga, as a transnational network to represent constituency on the global stage of which the MFA sits as one of the members of the council.

MFA used this as an opportunity to talk about the 2nd GFMD in Manila and MFA’s preparations and engagement in the discourse. Since the campaign demands a strong political will from CSOs around the globe, MFA encouraged the participants to be part of the official GFMD process as well as participate in the Peoples’ Global Action. Opportunities for engagement in both processes were also discussed. MFA-TIGRA’s involvement in these processes will open up for a stronger network building that is necessary for the success of the campaign.

c. Protecting Migrant Children: A Regional Roundtable Discussion, 5-6 June 2008 (Bangkok, Thailand)

This roundtable discussion (RTD) was organized by Save the Children UK under its program Advocacy on Migrant Children Protection under SC’s Cross-border Project Against Trafficking and Exploitation of Migrant and Vulnerable Children in the Mekong Sub-region.

The RTD sought to steer discussions on migration and child protection and possible policy recommendations to governments and to make migrant children visible in migration discourse. Specifically, the meeting sought to:

- Serve as an initial technical discussion forum on issues of migrant children, particularly protection at a sub-regional level
- Consolidate knowledge on migration of children across the Greater Mekong Sub-region as a basis to design the regional research on protection of migrant children
- Agree on an initial common advocacy agenda targeting the Global Forum on Migration and Development, the ASEAN and national policies
- Develop practical, recommended actions to support migrant children’s protection advocacy at the regional and global levels
The RTDs explored five themes:

- Voices of Children -- young people tell stories of migration, discrimination, neglect, abuse
- Children on the Move in Southeast Asia -- forms and reasons for the move
- Protecting Migrant Children -- concerted actions to protect rights of migrant children
- Opportunities for Policy Advocacy on Migrant Children Protection

One of the five themes of the RTDs was about the opportunities for policy advocacy on migrant children protection. As a civil society organization promoting the well-being of all migrants including children on the move, MFA saw this as an opportunity to introduce the GFMD and the Peoples’ Global Action as avenues where children migration can be discussed and make it visible in the discourse.

The RTD presented the situation of migrant children in the region, its reasons and forms, laws, policies and practices in Southeast Asia, good practices in child protection and opportunities for policy advocacy. About 40 regional and international experts on migration, child protection, and human trafficking participated in this RTD.

As a concrete output of the RTD, participants came up with a Draft Advocacy Agenda for Protection of Migrant Children. Regional and global fora were also identified as venues to put forward the agenda for migrant children.

At the official report of the CS Days, Save the Children’s policy recommendations for the protection and promotion of the rights of children on the move were taken and included in the report.

**d. International Workshop – Migration, Development, Human Rights and Gender, 26-27 June 2008 (Mexico City)**

Organized by the Ministry of Foreign Relations and the International Organization for Migration (IOM), this workshop brought together a group of government officials, experts, academics and civil society representatives in order to exchange views and analysis on migration, labor mobility, human rights and gender. A key objective of this gathering was to prepare for and inform the debates, which will be carried out within the framework of the 2nd Global Forum on Migration and Development that was held in Manila.

MFA was invited to be a moderator on the panel entitled Feminization of Migration, which focused on the implications of recent trends suggesting that female migrants constitute near half of all migrants worldwide and are increasingly migrating as independent wage earners and heads of households. Greater opportunities for the empowerment of women may be a result, while at the same time female migrants are frequently particularly vulnerable during the process and may experience rejection, discrimination and abuse. Experiences in the protection of and assistance to all vulnerable groups of migrants were explored with the aim of examining and proposing actions in this field. Relevant legal standards as well as practical measures that states and other stakeholders can take were important aspects of this session.

Aware of the fact that this gathering will be attended by government officials from the different
regions, MFA used the opportunity to make the state representatives present during the workshops aware of its own positions on migration and development and lobbied to incorporate substantive gender perspective in the discourse. MFA saw the presence of the Mexican government in the workshop as a good opportunity to introduce and highlight MFA’s issues considering that the Mexican government has been a strong proponent of a human rights-based approach to migration, which also reflects the MFA position.

**e. Global Climate Change Conference, 12-14 July 2008 (Bangkok, Thailand)**

Climate change as a global concern has been receiving significant attention from various sectors of civil society as well as from government. Recognizing the implications of climate change on the movement of people across the globe, MFA has started getting involved in this discourse to see the link between the issue of climate change and migration, and has started strategizing ways to shape appropriate and effective responses.

From 12 to 14 July, MFA co-organized the Global Climate Change Conference in Bangkok, Thailand. MFA discussed how to use the PGA to popularize the issue and collectively come up with action points that would protect the well-being of all migrants. This would also provide an opportunity to examine the existing international commitments that aim to respond to the challenges posed by climate change.

Over 170 activists, including fishers and farmers, forest and indigenous peoples, women, youth, workers, researchers, and campaigners from 31 countries gathered at Chulalongkorn University in Bangkok, Thailand for a conference on climate justice.

The participants affirmed their commitment to the principle of climate justice. Climate justice means that the burden of adjustment to the climate crisis must be borne by those who have created it, and not by those who have been least responsible. The current reality, however, is that the main victims of climate change are those who did not even create the conditions that led to the crisis.

The participants insisted that a just solution to the crisis must confront the problem of over-consumption in the North, and also among elites in the South. Over-consumption is rooted in the dynamics of capitalism, which continually transforms living nature into dead commodities, creating tremendous waste in the process. The destabilization of the climate is intrinsic to capitalism.

The climate crisis stems from the imposition of the paradigm of capitalist development, whose key
dimensions include the continued colonization of indigenous peoples, the marginalization of small farmers, forest communities, fisher people, workers and dalits, and the reinforcement of gender inequality.

The participants condemned the refusal of the Northern governments to commit themselves to radical, mandatory cuts in greenhouse gas emissions. They also condemned the aggressive promotion of false solutions such as carbon trading, including the Clean Development Mechanism and Reduced Emissions from Deforestation in Developing Countries and Forest Degradation; techno-fixes such as agro-fuels, mega-dams, and nuclear power; and science fictions like carbon sequestration and storage. These so-called solutions will merely exacerbate the climate crisis and deepen global inequality.

It was affirmed that labour, the land, water, forests, energy and the atmosphere must not be privatized, commodified or traded. A just and sustainable solution must rest on people’s sovereignty, which includes the principles of respect for diversity, equity, democracy, food sovereignty, respect for indigenous peoples’ rights and gender equality.

Dealing with the climate crisis inevitably involves a fundamental departure from the current global order, and a comprehensive transformation of social, economic, political and cultural relations at the local, national and global levels.

**F. Regional Workshop on the Gender Dimension of Labor Migration in Southeast Asia, 24 -25 July 2008 (Manila, Philippines)**

Anchored on its belief that social democracy calls for gender equality, the Friedrich Ebert Stiftung (FES) organized this workshop as part of its commitment to mainstream gender dimension in the migration discourse. FES’ involvement with migration issues – as in its other fields of work – underscores that the overall objective of the gender approach is the improvement of general socio-political conditions with the aim of enabling women and men to participate equally in the economic, political, and social developments of their countries.

The Friedrich Ebert Stiftung (FES), with its partner Migrant Forum in Asia (MFA), has conducted regional dialogues that reach out to governments, but also links migrant workers’ organizations and labour unions. Broad attention has been accorded to the issue of labour migration. Parliaments, however, remain to a large extent at the margins of both the discourse as well as the setting up of regulatory frameworks. However, parliaments and their members have an important role to play: they oversee their governments’ international commitments, play decisive roles in national policy-making and have both the capacity and mandate in shaping discourses and initiatives.

Labor migration in Southeast Asia has increasingly drawn the attention of governments and policymakers. In 2007, the ASEAN leaders signed the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers that mandates ASEAN countries to promote fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers. As political and economic changes have swept the region that consists of a number of sending and receiving countries, a dramatic rise of intra-regional movements of workers indicate increasing labour market integration between the ASEAN Member Countries. Migrants originating from Southeast Asia were estimated at about 13.5 million as of 2005, about 40 percent of whom (5,300,000 people) were based in other ASEAN Member Countries and 60 percent are women. In an increasingly integrated international labour market and economy, migration has now become an integral part of globalization and the regional integration processes.
By its very nature, labour migration is a transnational issue. Therefore, in the promotion of the well-being of migrant workers, both sending and receiving countries, their policies and administrative practices need to be engaged.

This workshop aimed at revisiting the role of parliaments in creating a policy framework on migration; examining existing policies/agreements/initiatives at bilateral and regional levels on their gender-implications; generating gender-sensitive/gender-responsive legislations and measures to be presented at the FES-MFA-SNTUC follow-up dialogue with Parliamentarians in August 2008 and generating gender-sensitive recommendations for the migration and development discourse to be introduced at the GFMD and its preparatory activities.

In this workshop, MFA and its members were invited as resource persons and workshop moderators. In particular, MFA provided input on the Global Forum on Migration and Development.

G. Regional Informal Workshop on Enhancing Parliamentarians Role in Shaping Labor Migration in Southeast Asia, 18 August 2008 (Singapore)

FES and MFA, in partnership with the Singapore National Trade Union Congress (SNTUC), embarked on a dialogue with Parliamentarians on 18 August 2008 in Singapore. This was a follow-up to the September 2007 workshop on “Labor Migration in Southeast Asia: What Role for Parliaments?” in September 2007”.

This workshop was held prior to the ASEAN Inter-Parliamentary Assembly (AIPA), which took place in Singapore from 19 to 24 August 2008. This informal workshop allowed for open discussion on how parliamentarians and parliaments in ASEAN can increase their roles in addressing labour migration at various levels - national, bilateral and regional.

Specifically, this workshop aimed to:

- Deepen the dialogue among parliamentarians and other migration stakeholders
- Provide a space for informal discussions about issues and concerns of ASEAN Members Countries on migration
- Learn about best practices that promote and protect migrant workers
- Reflect on ways parliamentarians can permanently and effectively address labour migration issues at the regional level

The workshop brought together members of parliament from the ASEAN region (including parliamentary/legislative staff members), representatives from migrant NGOs and associations, trade unions, the academe as well as the ASEAN Secretariat and the European Commission.

By the end of the workshop, a resolution was adopted by the participants that focused on the following:

- Enhancing the role of Parliamentarians at the National level
- Strengthening the role of parliamentarians at the Regional level
- Improving cooperation between Parliamentarians and Stakeholders (civil society organizations, trade unions, migrant workers’ representatives, and the private sector)
The 3rd World Social Forum on Migration (WSFM) was held from 11 to 13 September 2008 in Rivas Viciamadrid, Spain, organized by the International Organizing Committee, and consists of social platforms and networks from Africa, America, Asia and Europe. The International Organizing Committee, which includes MFA, was established in a meeting held in December 2006 in the Canary Islands (Tenerife). For 2008, the 3rd WSFM was hosted by the Comision Espnola de Ayuda al Refugiado (CEAR), in cooperation with the city of Rivas Viciamadrid.

It is a process that seeks the construction of another possible world, of a society oriented to a fertile relationship between human beings and the land on which they walk, consolidation a ‘solidarity globalization’ in which the rights of the displaced – and their integration into their host countries – are recognized. After the first global meeting in Porto Alegre (Brazil), held in 2005, the Forum was established to become a global permanent process seeking solutions at the international level.

The WSFM carried the banner slogan of “Our Voices, Our Rights: For a World Without Walls”. In line with this, the Forum had the following specific objectives:

- Strengthen the global character of the WSFM, encouraging the participation of organizations and organized groups in those places that are important destinations for migration and/or the participation of refugees and displaced persons; boost the presence and active participation of immigrants and immigrant associations and bodies
- Promote the creation and/or strengthening of different immigrant and refugee associations, and the consolidation of social movements
- Provide a forum for the articulation of networks, establishing the necessary framework for meetings, exchange and analysis to take place
- Search for a means of achieving a political impact on the world agenda on migration through the establishment of working groups designed to coordinate strategies and come up with decal rations on key issues
- Stress the recognition and respect given to migrants’ human rights
- Emphasize the denouncement of militarization, the closing of borders, and the systemic violation of human rights on the border as an immediate result of the economic crisis
- Highlight the situation of Palestinian refugees in commemoration of the 60th anniversary of the Palestinian Nakba

The 3rd WSFM provided a space for over 3,000 participants from all over the world to debate global issues of migration. Under the direction of the International Committee for the 3rd WSFM and the CEAR, workshops, seminars, exhibits, documentaries, reunions, book presentations and round table discussions numbering to about a hundred were organized around the six identified major thematic blocks of:

- Globalization and migrations
- Societies of origin and alternative development
- Borders and human rights
The societies at destination and the situation of the migrants
Asylum and displacement
Work and migrations

These activities culminated in an assembly of social movements on the last day of the Forum to deliberate on a final resolution embodied in the 2nd Declaration of Rivas.

The forum came up with a Declaration expressing its condemnation of the progressive deterioration of the living conditions that uniquely impact migrants, refugees and displaced persons worldwide; forced migration of indigenous peoples that causes cultural destruction; racist and xenophobic reactions to migrant peoples and communities; the strengthening of patriarchal systems, which in the context of the feminization of migration has led to a profound disparity in existing gender inequality; criminalization and victimization of migrants in conventional mass media; and the prevailing capitalist globalization that represents a fundamental cause of contemporary migration. See Annex B for the full text of the Declaration.

It was reiterated that as a world social force that came together during the Forum, they reserve their right to seek processes that analyze and interpret the complexity of migration from a rights-based perspective; insist that governments honor established obligations of the ILO conventions 97 and 143; defend, demand and extend dignified work for a dignified life for all migrants and all people; promote universal citizenship and the right of people to move freely as safeguarded in the Universal Declaration of Human Rights.

Demands were stated among others, for the ratification and implementation of the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; elimination the EU Return Directive as well as other legal, political and military mechanisms that permit the arrest of migrants; regularization of all undocumented migrants; establishment of supporting mandate to existing protective instruments for migrants; expansion of legal causes by which asylum, refugee and treatment of these groups in accordance with law and focus on human rights are acknowledged; the rejection of expulsion contracts that involve serious violations of rights; and the provision of opportunities for migrant communities to organize, speak up and assert their rights; implementation of integration policies as well as policies that guarantee the equal opportunities to migrants including active participation of migrants in the political arena and development spheres.
A mass demonstration of 5,000 protesters took place a day after in the streets of Madrid to cap the 3rd WSFM. It was a symbolic closing infused with a festive and revolutionary atmosphere to denounce the rise of physical, judicial, social and psychological walls that prevent migrants from exercising their human rights that ended with the public reading of the 2nd Declaration of Rivas.

The Forum coincided with a week-long street cultural festival that provided nightly entertainment with that Spanish flair making it a more enjoyable social and political event.

MFA views the WSFM as an important arena for engagement to further strengthen its discourse, analysis and critique around migration issues within the region. The 3rd WSFM specifically presented a powerful opportunity to immerse in a sharp and in-depth discussion on issues of border control and the consequent infringement of migrants’ rights.

As a member of the International Organizing Committee, MFA played an important role in bringing to the Forum a strong delegation of migrant rights activists from Asia who are central figures in the migration debate.

MFA was mainly responsible for co-organizing the following Forum workshops:

- UN Convention on the Protection of Migrant Workers: its Lights and Shadows
- The Global Forum on Migration and Development – Challenges for CSOs and Migrant Worker Organizations
- Diaspora Communities, Dialogue Among Asia, Africa, and Europe on Circular Migration – Challenges and Pitfalls

MFA was particularly successful in realizing its specific agenda of obtaining the mandate to carry the theme and banners of the WSFM to the Global Forum on Migration and Development in Manila where the network convened a civil society parallel event, Peoples’ Global Action on Migration, Development and Human Rights, and established the link between the two global social movements.

I. Human Rights Perspective in the Global Forum on Migration and Development, 16 September 2008 (Geneva, Switzerland)

This panel discussion was co-organized by the Geneva Office of the Friedrich Ebert Stiftung (FES) and Migrants Rights International (MRI) as a side event during the Human Rights Council session focusing on human rights and how this can be mainstreamed in the GFMD. This special emphasis on human rights is necessary as GFMD does not focus specifically on human rights, but the interconnections of course have numerous human rights implications. In order to mainstream human rights in the discourse, MRI and FES saw the need for open participation and interventions of all relevant stakeholders in the process.

In this side event, national and regional experiences were discussed to develop a holistic approach in tackling the issue of migration and development, and recommendations were likewise presented for strategic engagement in the GFMD.

Panelists included Ambassador Luis Alfonso de Alba, Permanent Representative of Mexico to the United Nations; William Gois, Migrant Forum in Asia; Michelle Le Voy, Platform for International Cooperation on Undocumented Migrants and Pablo Ceriani, Centro de Estudios Legales y Sociales. NGOs, National Human Rights Institutions, UN staff members were among the participants that attended this panel discussion.
At this parallel event, William Gois, Regional Coordinator of MFA, spoke about the links between the GFMD and the World Social Forum on Migration (WSFM). He discussed the possibilities of these two fora to link together and should include both a human rights perspective. From his discussion, he shared a positive development in the Manila GFMD where it will have more NGOs, trade unions, migrants, gender-based and human rights groups attending the CS Days. While the GFMD Brussels focused on intergovernmental exchanges and dialogue, the GFMD Manila provided a 2-day session for CSOs. He also introduced the CSO parallel event that is open to all interested stakeholders.

Though Mr. Gois welcomed the developments introduced at the GFMD Manila, he remains wary that the CSO event closely mirrors and is reflective of the governmental discussions, agenda, and priorities. Another problem identified was the different possibilities for preparation – while the government had set their plans until 2011 and could coordinate the program and their positions, official CSO delegates were only notified at a very short time. Another point taken was the uncertainty of the CSO participation in the Forum as there was no official information available on their continuation. Further, not even all relevant UN bodies and specialized agencies were involved in the meeting.

Check this link for the full report: http://www.fes-globalization.org/geneva/documentsHumanRights/16September08Conference_Report.pdf

K. International Conference on Gender, Migration and Development (ICGMD), 25-26 September 2008, Manila, Philippines

In preparation for the 2nd Global Forum on Migration and Development (GFMD), the National Commission on the Role of Filipino Women (NCRFW) in partnership with the United Nations Development Fund for Women (UNIFEM), International Labor Organization (ILO), United Nations Children’s Fund (UNICEF), Lola Grande for Women and Children, Inc (LGFWCI) and Migrant Forum in Asia (MFA), and in cooperation with the Department of Labor and Employment (DOLE), Department of Foreign Affairs (DFA), International Organization for Migration (IOM) and Women and Gender Institute of Miriam College (WAGI-MC), organized the International Conference on Gender, Migration and Development (ICGMD) from 24 to 25 September 2008 in Manila, Philippines.
The conference was primarily designed to mainstream the discussions on human rights in general and women’s rights in particular in the discourse of migration and development. The international conference sought to provide a multi-stakeholder dialogue forum to explore, highlight and propose actions and partnerships to address the issues arising from the gender, migration and development nexus.

Specifically the conference aimed to:

- Facilitate the exchange of knowledge and best practices in promoting opportunities and gender equality for women migrants, enhancing their contributions to development and upholding their rights and those of their families
- Infuse a gender perspective and rights-based approach to policies, programmes and services on migration
- Contribute to the mainstreaming of a gender perspective in the deliberations of the 2nd Global Forum of Migration and Development to be held in Manila from 27 to 30 October 2008

Moreover, the conference was aimed at forging and strengthening global and multi-sectoral partnerships and in developing approaches to enhancing opportunities for migrant women and upholding and protecting their rights and those of their families. Parallel discussion sessions were held during the conference and MFA organized four of these workshops.

Session 1.4 on Improving Health Services and Social Protection for Women Migrant Workers was co-sponsored by the Migrants Rights International (MRI) and UNIFEM, and explored the various issues that impact migrants’ right to health, in particular the access to health services, a gender- and rights-based understanding of and framework using existing international human rights instruments/standards for migrant workers’ health and well being.

Session 2.1 on Gender Issues in Formal and Informal Recruitment Processes and Working Conditions, also co-sponsored by MRI and UNIFEM, discussed the gender issues in the formal and informal recruitment process and women migrant workers’ working conditions, as well the strategies in advancing the rights of migrants in the informal recruitment process particularly those who are undocumented or in irregular situations.
Session 2.3 on Gender Responsive Action for Migrants Caught in Crisis and Conflict Situations, co-sponsored by MRI, highlighted the precarious links between migration and situations of war and conflict that migrants either flee from or find themselves in, and discussed gender-responsive action for migrants caught in crisis and conflict situations.

Session 3.3 on the Role of Associations, Unions and Networks in Upholding Rights and Opportunities for Women Migrant Workers, co-sponsored by MRI and UNIFEM, discussed the existing initiatives of trade unions and associations in protecting the rights of women migrant workers and identified good practices of trade unions and associations in encouraging self-organizing among women migrant workers.

The MFA Task Force on Gender and Feminization of Migration members and partners were mobilized to participate in the conference specifically in the different sessions organized by MFA.

At the end of the conference, a resolution called the *Manila Call to Action 2008* was adopted by the participants. The resolution called on the GMFD to:

- Incorporate the *Manila Call to Action 2008* as a substantive input on gender, migration and development to the Forum’s deliberations and outcomes
- Ensure a gender- and rights-based perspective on migration and development policies, legislation and programs of countries of origin and destination
- Recommend that the gender dimensions of migration and multi-stakeholder participation be an organic and integral part of all future GFMD deliberations

Furthermore, the resolution also gave strong emphasis to upholding the rights of women and called for immediate actions on the following areas: pre-departure, on-site and return and re-integration. A full text of the Resolution is provided in Annex C.

Since MFA’s inception, MFA has been campaigning for gender perspective to be an integral part of the discourse on migration and development. Recognizing that the gender dimension is missing in the GFMD discourse, MFA used this conference to be able to contribute to a gender-specific perspective discourse on migration and development. It was also an opportunity for MFA to network with other NGOs and to explore areas for collaboration.

**L. Workshop on Women Migrant Workers in West Asia, 27 September 2008, Manila, Philippines**

The West Asia region is one of the most significant receivers of migrant workers in the world. In absolute numbers, there are an estimated 10 million workers in the Gulf Cooperation Council countries (Bahrain, Qatar, Kuwait, Oman, Saudi Arabia and United Arab Emirates). However, migrant workers represent between 60-90 percent of the Gulf region’s total labor force. Domestic workers represent approximately 40 percent of the total foreign workers, with nearly 80 percent of the workers being female.

In this context, MFA and the Center for Migrant Advocacy co-organized a workshop on “Women Migrant Workers in West Asia: Issues, Challenges and Updates” on 27 September 2008 in Manila Philippines. The workshop brought together over 30 researchers, activists, faith-based organizations, support groups and migrants from across Asia for an in-depth examination of key approaches aimed at improving the situation of female domestic workers in West Asia.
The objectives of the workshop were to provide a venue to discuss the issues and challenges faced by women migrant workers in the West Asia region, identify good practices in addressing those issues, and come up with recommendations for advocacy in the region targeting the 2nd GFMD as an opportunity for lobbying. This workshop was designed to be conducive for reflection and sharing among migrants and civil society organization while also facilitating a critical examination of the situation in order to develop recommendations for advocacy in addressing the issues of women migrant workers.

The workshop featured three individuals working to support migrants in the West Asia Region, Anat Kidron (Kay La Oved), Bo Hansson (Middle East Council of Churches) and Farida Neif (Human Rights Watch). Migrants working in the region were also provided space to share testimonies of their experiences. See Annex D for the workshop result.

2. Lobbying with specific governments

As one of the recommendations from the Asian consultation held in February 2008, MFA, as early as March, lobbied with governments attending the GFMD to encourage face-to-face engagement and improve mutual understanding of viewpoints and perspectives on migration and development.

The meetings sought a proactive engagement of the governments in advocating for migrants’ concerns in relation to migration, development and human rights and to update them of the civil societies’ preparations for the 2nd GFMD. The lobbying had three main objectives:

- To get information on the mission delegation who will be attending the GFMD so that CSOs could start lobbying with them before the official forum
- To enable MFA members to follow-up with their governments on their commitments in the previous statements submitted at the UN HLD and the 1st GFMD
- To enable CSOs to ascertain their governments’ positions and to know what statements they will put forward for the 2nd GFMD.

Seventeen embassies out of 35 country mission offices responded to MFA’s request for a possible meeting. These were: Spain, Switzerland, Mexico, Indonesia, Singapore, Qatar, Sri Lanka, India, Italy, UK, Russia/ Russian Federation, Korea, New Zealand, Greece, Norway, Germany, Brazil and Pakistan.

The following proposals were given in order to proactively engage the governments in advocating for migrants’ rights:

- Exposure to MFA members’ and partners’ work site, which offer social enterprise programs
- Exposure to migrant communities with the express purpose of providing the Italian delegation a first hand testimony of the situation of migrant workers’ families in the Philippines and what it has meant at the community level
- Informal session/dialogue between CSOs attending the Global Forum and the parallel event with the country delegation, a process that would lead to governments and civil society sitting together to discuss, deliberate and dialogue on areas of concern raised from a civil society perspective around migration and development

MFA proposed to Brazil Ambassador Alcides Pratez to explore the possibility of an exchange among South American and Carribean Region government delegations and civil societies attending the GFMD and the parallel event. Meanwhile, convening the SAARC mission delegation and CSOs attending the parallel event and the GFMD was proposed to Ambassador Rajeet Mitter of India and
Among the state representatives whom MFA had dialogues with, the following countries have expressed support for MFA’s initiatives around the GFMD and provided helpful information on how to put forward the plans for the GFMD:

- Sri Lankan government represented by Ambassador Aloy N. Ratnayake. Amb. Ratnayake committed to facilitate the informal dialogue among CSO delegations and mission delegations attending the GFMD and the parallel event.

- Mexican government represented by former Ambassador Eréndira Araceli Paz Campos made a strong commitment to support the parallel event dubbed as the Peuples’ Global Action (PGA) that the MFA is spearheading and the possibility of the mission delegation to participate in MFA’s parallel event and other side events. Mexican Permanent Representative to the UN and former president of the UN Human Rights Council Ambassador Luis De Alba joined the PGA delegates during its 25 October Global Plenary and during the 11th Regional Conference on Migration as the keynote speaker.

- Ambassador Abdulla Ahmed Y.A. Al-Mutawaa of Qatar government provided practical suggestions on how we can maximize our lobby work with different governments concerning the GFMD and suggested to write to the UAE Ambassador Ebrahim Aljowaid for possibility of convening the GCC delegation that will be present during the GFMD.

- Ambassador Rajeet Mitter of the Indian embassy welcomed the idea of a PGA and advised MFA to inform its partners in India to start building a relationship with the government on their preparations for GFMD Manila. He also committed to host a dinner/lunch for the informal session/dialogue among Indian CSOs attending the Global Forum and the parallel event with the country delegation. This initial meeting led to a fruitful and continued partnership between MFA and the Indian government. As a result of this, MFA members in India met up with some of the officials of the Ministry of Overseas Indian Affairs on 12 August who were very keen to meet with MFA members and other CSO delegates from India during the GFMD. Unfortunately, this did not push through during the GFMD because there was no opportunity available for both parties. Instead, on 8 November, MFA and its partner, the Center for Education and Communication held its 1st National Consultation on Civil Society Perspectives on India’s Migration Policy where Ministry of Overseas Indian Affairs’ (MOIA) Joint Secretary G. Gurucharan participated and updated the CSOs on India’s Draft Migration Policy, its rationale, scope and components of the policy. The MOIA is in the process of drafting a migration policy, overhauling the legal and administrative framework for Indian international migration. An update on the MOIA Workshop on Migration Policy that took place on 22 October was also given. These activities provided MFA members opportunities to influence India’s migration policy specifically in identifying key areas of concern regarding international labour migration that should be reflected in the new national migration policy.

- Miss Mi Kyong Chang of the Korean embassy provided information on the key government offices that will be attending the GFMD.

- Norwegian Ambassador Stale Torstein Risa shared a common understanding on the challenges in the migration discourse particularly on how to move forward the discourse from a rights-based perspective. After this initial meeting, MFA was invited to a social gathering organized by the Norwegian embassy, which provided another opportunity for MFA to
follow-up with the government representatives present in the occasion about the initial discussions that MFA had with them with regard to the GFMD.

- Singapore’s First Secretary Mister Raymond Chow and Mr. Low Kim Bock referred MFA to various channels concerning our planned parallel event to the GFMD. They also linked MFA with their media correspondents based in Manila.

- Swiss Ambassador Peter Sutter expressed interest in the area of migrants’ social enterprise.

- Mister Pit Heltmann of the German Embassy also expressed support to the initiatives of the CSOs.

This series of initiatives paved the way for new partnerships and collaboration, which MFA saw as good opportunities in advancing its campaign for migrant workers. However, it also revealed an unfortunate reality that not all governments are willing to collaborate with CSOs in elevating the discourse that would serve the best interest of migrant workers. Some have not been responsive despite the constant follow-ups as in the case of Gulf countries where a proposal to convene the GCC mission delegations and CSOs was proposed.

3. TU-NGO Collaboration

As part of its multi-strategy framework on organizing and building collective capacity and actions, MFA has been engaging trade unions since its inception, with some MFA members affiliated to national trade unions and have represented national or global trade unions in some programs. The enormity and complexity of migration issues have prompted MFA to include trade unions as partners.

Trade unions play a big role in terms of protecting the rights and well being of migrant workers in both countries of origin and destination, and in particular, unions have exhibited the following strengths and pushed for the following:

- The tripartite structure of unions
- Collective bargaining power of unions
- Push for standards of protection for migrant workers
- Equality of treatment for all workers: a worker is a worker everywhere
- Belonging to a trade union can help reduce the vulnerability of migrant workers
- Join forces in the fight against neo-liberal globalization
- Forging a new sense/dimension of labour solidarity

Through its engagement with trade unions, MFA was invited with an observer status to the ILO Regional Tripartite Meeting on Challenges to Labour Migration Policy and Management in Asia, held from 30 June to 2 July 2003 in Bangkok, Thailand.

In June 2004, MFA sent its delegation to the 92nd Session of the International Labour Conference (ILC) to monitor policy debates and ensure that human and labour rights standards are not compromised in the ILC discussions. MFA has identified the ILC as a critical forum that would set the tone for international migration policy. This was also seen as a way of strengthening existing partnerships and forge new partnerships between labour/trade unions and NGOs. Since then MFA has organized and participated in several programs in collaboration with trade unions.

This existing partnership with trade unions has greatly contributed to the huge support of the global
migration policy. This was also seen as a way of strengthening existing partnerships and forge new partnerships between labour/trade unions and NGOs. Since then MFA has organized and participated in several programs in collaboration with trade unions.

This existing partnership with trade unions has greatly contributed to the huge support of the global unions federation for the 2nd GFMD. For the first the time the global unions met as a collective on the issue of migration on the occasion of the GFMD and the PGA. The global unions included in their agenda the protection and promotion of migrant workers’ labour and human rights. The global unions also brought around 3,000 people during the first day of PGA mobilization (27 October), the biggest mobilization during the entire week. See attached Annex E for the Global Unions’ Statement to the 2nd GFMD.
Peoples’ Global Action (PGA) on Migration, Development and Human Rights

After months of lobbying and advocacy actions on the 2nd GFMD, from 22 to 30 October 2008, around 4,000 people from across the globe gathered together during the Peoples’ Global Action (PGA) on Migration, Development and Human Rights, with the largest participation in the mobilization accounted for on 27 October.

The PGA signaled a powerful solidarity and dynamic collaboration among NGOs and CSOs, a solidarity that was created among the international and local organizations. This was also the first time trade unions forged such a strong partnership with migrant organizations. Trade unions have come to see the struggle of migrant workers as in line with their own, against a neo-liberal model that continues to put profit margins before people.

PGA delegates, which included civil society organizations, trade union groups and NGOs from Africa, Asia, the Caribbean, Latin America, the Middle East, Europe, North America and Oceania came together to call on governments to shape the GFMD as a genuine forum among governments, migrants and people’s movements. They insisted on discussing models of migration that respect human rights and explore a rights-based perspective with the full range of issues involved in migration, including the underlying problems of poverty and injustice, and how we can decisively address these.

The open space for discussion and workshops provided in the PGA enabled CSOs to sharpen their critique of the existing development paradigm promoted in the GFMD. PGA delegates stressed that GFMD’s current “migration and development” paradigm does not sufficiently affirm the human dignity of all migrant workers and fails to firmly place their inalienable rights at the center of development. In order to contribute to creating an effective ‘global’ system based on migration and development policies that guarantee the hu-
man rights of migrants, the GFMD must allow for equitable participation of 'developed' and 'developing' countries both in the setting of the forum's agenda and the ensuing debates.

Furthermore, it enabled the different groups to identify key issues and strengthen advocacy efforts on migration and development. Groups were able to discuss pressing issues, which need to be carefully examined. Since it was well attended by representatives from almost all regions in the world, PGA opened new doors for wider and deeper collaboration among NGOs, CSOs and trade unions working on labour and human rights of migrant workers.

As some of the PGA delegates were part of the official forum and had active participation in terms of workshop facilitation, PGA was able to assert to the governments the important issues that should be considered in the discourse on migration and development like criminalization of migrants with irregular status, borders, detentions and deportation practices, protection of children left behind and on the move, climate change and its impact on migration and international racism and anti-immigrant practices.

Moreover, PGA insiders have re-affirmed their commitment to uphold human rights of all migrant workers regardless of their status, socio-economic development that promotes sustainable rights-based development, ratification of international instruments for migrant workers, gender balance in all discourses and the rejection of circular migration as a development strategy. These demands were stated in a pre-signed declaration that was finalized and adopted during the 26 October convergence day and was submitted to the governments. See Annex F for the full text of the Declaration.

CSOs have been able to achieve some of their political objectives rooted in the engagement with UNHLD in 2006. Governments took human rights and labour rights dimensions as fundamental in the migration discourse. With this development, it is hoped that promotion and protection of migrant workers will be included in the labour laws of both sending and receiving countries.

The innovation of the two-day for CSOs and interface session with governments were also seen as significant political developments around the GFMD. As in the past, civil society has been struggling for its own space in state-led processes. While CSOs recognized these developments, they felt that there is still a need to further improve civil society structure to ensure that CSOs will be able to have more time to discuss and deliberate on important issues that they would like to bring up with the governments.

Among CSOs, there was a broad consensus that the GFMD be brought back under the auspices of the UN. Recalling the first GFMD, the Mexican government introduced a resolution at the UN General Assembly to establish a link between the UN and the GFMD and also to ensure that the GFMD addresses human rights. With the support of the CSOs it is hoped that other governments join in this call to bring greater depth, transparency and accountability by bringing the GFMD back to the UN.

Members of The Netherlands parliament had a meeting with MFA to further discuss the migrants’ issues and how their government could help advance the advocacy on the promotion and protection of all migrant workers, particularly those working in their country.

Above all, the PGA opened a new door for partnership with the host of the next GFMD, the Alexander S. Onassis Public Benefit Foundation. Onassis already got in touch with MFA requesting for ideas and suggestions on how they will carry the program forward.

This section presents the activities that happened during the entire week including some of the challenges and struggles.
A. The Road to the PGA

As discussed in the previous section, Philippine and International Working Groups (PWG and IWG respectively) were created to ensure broad and representative participation in the process. Both working groups worked jointly to conceptualize the PGA programme while also undertaking media work and outreach locally and internationally. MFA represented the PWG in the IWG.

Within the PWG, several committees were created. These were on: logistics and security, program, mobilization and outreach, media, education and information dissemination, and legal as well as a coordinating team to oversee the events and any gaps in planning. The PWG had 13 series of meetings to further strategize on its preparations and to ensure that plans are carried out on time.

This section discusses the major activities and challenges faced by PGA organizers in its effort to build the momentum towards the PGA.

1. Global Call to Action (GCA)

In order to popularize and make PGA known to the global community, PGA organizers circulated its first mobilization tool on 10 June 2008, the Global Call to Action. The GCA was the PGA’s basis of unity.

The GCA explains the GFMD and the rationale behind the Peoples’ Global Action. The PGA called for governments to shape the GFMD genuinely for migrants. The PGA opposed the perspectives being promoted in the GFMD that perpetuate migrants’ exploitation, reinforce gender oppression, undermine human rights and surrender State responsibility for development, which are all consistent with the neo-liberal agenda of making the people bear the burden of development, reducing government responsibility and accountability, and ensuring more profits for companies.

The Global Call emphasized the importance of a parallel event like the PGA to provide space for CSOs to discuss and deliberate the real concerns of migrants and to continue to build and strengthen peoples’ alternatives to corporate-led globalization. See Annex G for the full text of the Global Call to Action.

2. Philippine Launch of the PGA, 17 June 2008

The Philippine Working Group (PWG), the local host of the Peoples’ Global Action, formally announced to the public its parallel event through a press conference, which was attended by major media outfits in the Philippines on 17 June 2008.

Speakers included not only migrants-advocates but also former migrant workers who gave real-life stories of how it was working outside the country. Ellene Sana, Center for
Migrant Advocacy, and Rex Varona, Asian Migrant Centre, discussed the importance of the PGA and the activities that are scheduled from 22 to 30 October 2008. Among the activities discussed were: workshops, panel discussions and mobilizations, time for organizational/internal meetings, space for self-organized workshops, cultural performances and other activities.

“This parallel event is an important step for greater CSO engagement in the process of the GFMD,” said Rex Varona of the Asian Migrant Centre. “While there is the official civil society days programmed into the GFMD, the process of participation is very much restrictive. This underscores the need to mainstream the voices of migrant workers, and members of their families, and reintroduce the voice and concrete contribution of the migrants, NGOs and CSOs in the global debate.”

In the press conference, the group made it explicit that this parallel event will not only be a gathering of local migration advocates, but it will also play host to representatives from regional and international groups engaged in migration and migration-related initiatives all over the world.

3. International Launch of the PGA, 12 July 2008

At the 2nd International Strategy Meeting, a press briefing was also held simultaneous with the meeting on the last day. Speakers for the press briefing included: Mamadou Goita (Institut de Recherché et de Promotion des Alternatives en Développment), Ambeth Yuson (Building and Wood Workers International-BWI) and Teody Navea (Buklurang Manggagawa ng Pilipinas - BMP).

The PGA speakers criticized the structure of the GFMD where it has very limited opportunities for people’s participation and is already highly structured according to the desires and goals of the host governments. As such, there is now a growing lack of interest among CSOs to be part of the official forum but are more interested in a parallel structure where their issues and concerns could be discussed freely and substantively. Furthermore, they also discussed the problems they have encountered in engaging the official process.

PGA speakers called for a genuine Global Forum on Migrant and Development. The group emphasized that the parallel event will not only respond to the migration-related development agenda of the governments but will also create a strong and genuine agenda for the main stakeholders of the process – the migrants themselves. Instead of boycotting the official Forum, the group has adopted an approach that will continue engagement from both inside and outside the GFMD.

4. Engagement with the Media: PGA Media Strategy

Throughout the PGA parallel events, the media played a key role in delivering the messages of the civil society action. Local and international media committees were created to engage the media and the general public on information education on the issues of migration and development as well as the GFMD 2008 and the PGA. The international media of the IWG took charge of the international projection of the PGA.

At the local level, the media committee was composed of those who have direct engagement with media
and had been involved in organizing regional and international events. A media coordinator was also hired to lead the committee.

The committee came up with a media plan to clearly guide the group in its campaign. These included development of the following:

- **Campaign Theme** - “Migrant workers are human beings, not commodities”
- **Positions/Agoenda** - PGA is not against the GFMD per se but it aims to make the GFMD genuinely about migrants – to see the GFMD under a framework of multilateral institution that is binding, adhering to and building upon existing human rights frameworks and obligations, including the international covenant on the Right to Development
- **Target audience of the Messages** - Messages will be directed to both the sending and receiving countries
- **Timeline for the release of messages** - The countdown to the PGA started on the first week of September, which also signaled the start of media activities focused on the wide circulation of statements and press releases
- **Image projection** - The committee identified PGA faces and personalities for easy recall of the press people
- **Spokespersons** - A pool of spokespersons was identified to respond to urgent media inquiries

There were two main communication strategies that were utilized: media and popular advocacy as well as social mobilization.

In terms of the media and popular advocacy, press releases on emerging local issues were sent in order to connect these issues to the PGA campaign. To ensure a vigorous and continuous projection of the PGA campaign, press conferences and briefings and radio spots were held. PGA spokespersons also attended a number of media fora. In the months prior to the PGA itself, there were also media events to launch the Philippine and international processes.

Campaign materials were also produced such as flyers, posters and media kits to strengthen the information campaign.

In order to project PGA activities at the regional and international media, a website was created that provided comprehensive information about the PGA and its latest developments. Regular updates were sent to MFA members, networks and partners. PGA member organizations also helped popularize the PGA by putting a PGA section in their websites.
Media lists and directories were also prepared to ensure that the press received all PGA communications. A calendar of media activities was also prepared. With the establishment of the media committee, the Peoples Global Action was featured in several local news agencies. See Annex H for the media activities conducted leading up to the PGA.

5. Revocation of the Permit for the Use of Rajah Sulayman Park

As early as March, the logistics committee that was tasked to work on the events permit, started coordinating with appropriate offices. Three possible venues were identified and one of them was the Rajah Sulayman Park, a park that is close to the Philippine International Convention Center (PICC), the official venue of the GFMD.

While working on the Rajah Sulayman permit, the logistics committee also secured permits for the two alternative venues to ensure that a place is reserved for PGA in the event that the permit for use of the Rajah Sulayman Park will not be granted.

After three months of application, the Manila City government granted the permit on 25 June 2008, but was later revoked by the city in early October upon the request of the Manila Police District. Guided by the group’s good intention, PGA organizers met up with the officers of the Manila Police District and with the Manila Mayor in two occasions but still failed to get the permit reinstated. On 16 October the revocation of the permit was affirmed with finality.

The stated official reason for the last-minute revocation of the permit was the fear that the PGA ranks will be ‘infiltrated by the leftists”. An alternative venue had been offered, the Mehan Garden / Bonifacio shrine, but the PGA did not accept this because this would mean accepting the further exclusion of migrant workers and their advocates from the global discussions at the 2nd GFMD, which took place at the PICC.

This unexpected revocation of the permit saw more dynamic and vibrant committees that painstakingly worked to accommodate changes to the program. Despite what happened, the PGA organizers continued to demonstrate the solidarity among migrants, migrant workers, their advocates and all those concerned about development and democratic rights - a solidarity was forged across borders and was fueled by our common struggles and shared vision for a world that is more equitable and a future that is more sustainable and inclusive.
B. The PGA Week

The PGA week was divided into three different parts: the self-organized days, global convergence days and mobilization days. During the self-organized days from 23 to 25 October, space was created for groups to organize their own activities and refine their positions. From 25 to 26 October there were global convergence days where international and local groups came together to begin their joint work towards developing common positions on the GFMD’s migration and development discourse as well as on the GFMD itself. Meanwhile, 27 to 30 October were days of vibrant mobilizations. The labour groups spearheaded the mobilization on the 27th.

Opening Day, 22 October 2008

Despite the revocation of the permit, the PGA opening was successfully and peacefully held at the grounds of the Malate Church adjacent to the Rajah Sulayman Park.

Prior to the formal opening of the program, children of migrant workers did a ceremonial painting of the PGA logo together with a Filipino social realist artist. This was followed by an opening act that featured the PGA logo symbolizing PGA as a door genuinely designed for opening up on migrants’ agenda.

In attendance were migrant workers, advocates, faith-based organizations, community groups, students and local dignitaries. The Manila Mayor’s Chief of Staff, Ricardo De Guzman and Manila Tourism and Cultural Affairs Bureau Officer-In-Charge, Gemma Cruz-Araneta, were the local dignitaries present during the opening. Ms. Gemma Cruz-Araneta affirmed PGA’s position that the government should create local decent jobs instead of sending its people to work abroad and return home without benefits.

Ellene Sana of Center for Migrant Advocacy in her message said that PGA is a demonstration of global cross-border solidarity among migrant workers and their advocates that is peaceful and legitimate.
Annie Geron, Vice-President of Public Services International (PSI), called for a three-point agenda for the governments attending the 2nd GFMD in Manila: protect migrants and their families, uphold the existing United Nations (UN) instruments and the International Labor Organization (ILO) core labor standards and do not use migration as a strategy for development. Furthermore, Geron explained that from the PSI perspective, they do not want migration to be used as a substitute for sending and receiving countries to not provide adequate funding for essential public services.

Apart from local advocates, foreign delegates also voiced out their concerns about the GFMD particularly in moving forward the discourse on the protection of migrant workers. Nunu Kidane from Priority Africa Network (PAN) spoke about African Diasporas’ struggles and experiences. She shared how the intensification of militarization at the US-Mexico and Europe-Africa borders contributes to the migrants’ deaths because of the failed economic policies and war that devastated the communities.

After the short speeches, the delegates held a symbolic march around Rajah Sulayman Park carrying banners in different languages with the theme “Migrant workers are human beings, not commodities”. While a barricade of riot police surrounded the park, the group continued its march and paused briefly to be face-to-face with them while Rex Varona from Asian Migrant Centre (AMC) and Ellene Sana from Center for Migrant Advocacy (CMA) led the loud and powerful chants in English and Filipino.

(Simultaneous with the opening of the PGA, Mae Buenaventura of Women’s Legal Bureau and Roger Cordero of MARINO, were being interviewed at DZAR radio station. The two discussed the major aims of the PGA and PGA’s stand on addressing long term debt in relation to genuine development. At the national level, job creation and agricultural development were among the recommendations given to the Philippine government.)
Self-Organized Activities, 23-25 October 2008 (Manila, Philippines)

Cognizant of the limited space provided at the Global Forum on Migration and Development (GFMD), from 23 to 25 October, organizations from across the world held concurrent workshops and activities that were organized by local and international groups on specific issues in migration. “Self-organized” activities reflected the core work of these organizations and gave them the opportunity to discuss and deepen their advocacies. A total of 17 self-organized activities were held from 23 to 25 October and these included the following:

23 October

1. Pilipino Time

Filipino Time brought together Filipino migrants and civil society organizations for a situation update in the Philippines and abroad. Resource speakers provided updates on the current Philippine economy, labour migration, gender issues, Filipino migration in Europe and issues faced by the urban poor. During the “Chikahan” segment and Tiangge ng Bayan, participants were able to network and build partnerships with each other. The Tiangge ng Bayan showcased Filipino CSOs’ initiatives and products.

Ellene Sana, Executive Director of the Center for Migrant Advocacy (CMA), gave a comprehensive discussion on Filipino labour migration. As of 2007, there are at least nine million Filipinos working in more than 197 countries. Chronic unemployment and the unceasing increase in poverty incidence are considered the top drivers of migration. Ellene also explained the social and other costs of this global phenomenon. Although the Philippines is a signatory to a number of international instruments and bilateral agreements, the government has failed to ensure the overall protection of the rights and welfare of the Filipino migrants and their families.

Ellene also touched on the global financial crisis and its possible effects on Filipino migrants. Possible effects, among others, include increase in undocumented workers, continued high demand of domestic work but with less pay as seen in Hong Kong, Special Administrative Region of China during the Asian financial crisis, and 50,000 job losses in the US alone. Charities benefiting children.
Two representatives from Babaylan Network in Europe presented on the situation of Overseas Filipino Workers (OFWs) in Europe. Filomenita Mongaya Hoegsholm and Malu Padilla discussed the living and working conditions of Filipinos in Europe. The feminization of migration is largely seen in Europe where most of the Filipinos work in blue collar jobs as household helpers, nurses, care givers, nannies, entertainers, etc. Diplomas are not recognized that could add value to one’s work.

As of 2005, an estimated 523,442 Filipino temporary workers were in Europe faced with a slew of problems, foremost of which is status-related. In order to get a permanent visa, one has to stay in the country for seven years. In the case that one marries a European, he/she may only apply for citizenship after three years of marriage. In most cases, documented people easily slide into undocumented status. Filipinos experience racial and structural discrimination, and may also find it difficult to learn a new language fluently.

In terms of Diaspora philanthropy, Euro-Pinoys, compared with US-Pinoys, are still more conservative in their giving. Many run their own individual projects, mostly on scholarships and charities benefiting children.

Women's Legal Bureau (WLB) Executive Director, Mae Buenaventura, meanwhile presented an overview on the current situation of Filipino women in areas such as health, education, political participation, economy, etc. She also discussed Violence Against Women (VAW) cases in the country and WLB's work on the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW).

In the Philippines, women comprise 49.6 percent of the 84 million population. Thirty percent of them live in poverty. In the informal economy, women are first to be fired. There are even no benefits to help augment the insecurities borne of very meager salaries. In terms of political participation, the Philippines may be lauded for having two women presidents, however, it is important to highlight that both failed in advancing programs and policies that either promote and protect women’s rights or benefit women in general.

In terms of the government’s intervention on women, low priority is given to women’s health. The GOP prioritizes debt servicing and military spending over any social security issue.

With regard to labour migration, female participation rate historically lags behind male participation at 54 to 69 percent from 1996-2002. In 2005, however, over 65 percent of 3,000 Filipinos who left country everyday were women.

In line with this, Ms. Buenaventura discussed CEDAW, a legally binding, comprehensive international human rights agreement of states, which is a platform for action for women. She also discussed CEDAW’s Optional Protocol as a supplementary treaty to the CEDAW, providing for an enforcement mechanism for human rights.

An open forum followed wherein the participants had a lively discussion with the panel speakers. Questions raised were about migration policies in the Philippines, data on migration, CEDAW cases in the country and legal assistance to those who have been abused.
2. Joint MSAI Task Force and La Liga Meeting

This joint meeting between Migrant Forum in Asia’s MSAI Task Force and La Liga Meeting sought to provide information to Asian migrant groups about the joint work of TIGRA and MFA to transform the money transfer industry, while creating a global network of migrant remitters and their families that can strengthen efforts towards economic security and political participation for migrants. The meeting was also designed to develop strategies to deepen the remittances campaign in Asia.

The TIGRA officially launched the Global League of Community Sustainers or “La Liga” from the Spanish translation, with participants from Migrant Forum in Asia (MFA) in the 12 to 15 May 2008 Transnational Assembly for Remitters and Families in Mexico City, Mexico. The La Liga network is a platform for migrants and families to come together to hold companies and governments accountable, while working for economic changes at the community level.

The thrust is to organize remitters and their families to demand sustainable reinvestment from money transfer companies and other industries that profit from migrants. By pressuring companies to commit to setting aside a portion of their profits to a Transnational Community Reinvestment Fund to benefit migrants and their families, companies will be forced to give back to those they have profited from.

The economic objective is to utilize remittances and other sources of finance to support community development initiatives that create economic opportunities for those who remain in the home community and those who wish to return.

During the open forum, the following issues were discussed to ensure that the campaign would not jeopardize migrant workers and further connect to a broader anti-neo-liberal agenda:

- **Financial illiteracy** is one of the problems faced by migrants. Working for migrants’ rights does not only mean providing counseling and advocacy. Financial education and livelihood generation should be an integral part of the advocacy. However, the big challenge is how to make these programmes sustainable cognizant of the fact that funding sources are very scarce.

- How do we create social enterprises that are rooted in human rights? The current global economic crisis has demonstrated the inter-connectedness of corporations around the world. Despite this, there is a power that comes from organized groups of migrants and their remittances. We should not replicate the problematic economic model that has hurt our communities in creating our micro-finance and other community financial institutions.

- Positioning of the empowerment component in pushing corporations to give money to the Fund

- The level of change and commitment among corporations

- The capacity of La Liga and the MSAI task force to mobilize resources for the Fund. A fine line between working against companies while at the same time partnering with other companies to channel resources towards the Fund A fine line between working against companies while at the same time partnering with other companies to channel resources towards the Fund
Corporate social responsibility is not necessarily a vehicle for social change. The limited success of the UN’s global compact work is an example. Sometimes, corporate social responsibility may have even worked to reinforce the neo-liberal agenda. There is a need for a strong component of political education to really build the alternative global economy. Transnational solidarity is the key. The challenge now is how La Liga will provide solidarity in Asia.

Monitoring, implementation strategy and accountable mechanisms

3. GAATW International Forum – Collateral Damage: The Impact of Anti-Trafficking Policies on Human Rights of Migrant and Trafficked Persons

This forum was designed to share the findings and recommendations of GAATW’s groundbreaking study entitled Collateral Damage: The Impact of Anti-Trafficking Policies on Human Rights of Migrant and Trafficked Persons and to call for urgent improvements on anti-trafficking measures.

The study explored the collateral damage of anti-trafficking measures on migrant and trafficked women in eight countries across five continents. The conclusions revealed that “anti-trafficking” policies have negative impacts on both trafficked persons and migrants.

Participants of the forum included government agencies in the Philippines, members of the diplomatic corps, international, regional and national NGOs and local and international media.

Some of the findings shared during the event included:

1. Trafficking prevention activities can have negative human rights impacts

- Interfering with the right to leave one’s country and the freedom of movement: interceptions at the border, on transport, minimum age to travel to certain countries and detention in shelters or detention centers

- These activities have gender and class dimensions, tending to stop working class women migrants from moving.

Recommendations:

- Use an evidence-based approach when adopting anti-trafficking measures and ensure that measures taken are appropriate and proportionate to the patterns of abuse that are occurring.

- Put greater focus on ending forced labour and slavery-like practices, rather than focusing primarily on the recruitment of individuals into such forms of abuse.

- Prioritize evidence collected from trafficked persons and other migrants who have experienced abuse when designing policies. Make such people, who know the realities experienced by those migrating, partners in the search for solutions.

- End the practice of making assistance to trafficked persons conditional on their
• A law enforcement approach commonly taken means victims are seen only as witnesses, or indeed criminals, rather than bearers of human rights

2. Stricter immigration laws and more border controls may increase trafficking by making the need for a third party greater. In some cases restrictive immigration laws may mean that a trafficked person cannot access justice, before being detained and/or deported.

Recommendations Continued...

• Monitor how rights to stay in a country are being implemented by law enforcement and immigration authorities. Take remedial action when trafficked persons are systematically not being identified or are classified so that they can be deported. Ensure that all victims of abuse have access to assistance.

• End the practice of detaining trafficked persons, whether by law enforcement officials, non-government actors or social welfare authorities.

• Systematically inform trafficked persons of their legal rights, including to legal representation, to compensation and to apply for asylum. Governments should remove any obstacles to these applications being made.

• Prior to repatriating trafficked persons, ensure that risk and security assessments are carried out for each individual and hold governments accountable for this.

Recommendations Continued...

• Inform trafficked persons in destination countries about their options for assistance in their home countries and coordinate assistance between countries where possible.

• National Human Rights Institutions and other bodies charged with monitoring human rights should be collecting information about the impact of anti-trafficking measures and recommend ways for reducing harmful effects.

• Allow migrant workers to enjoy their rights to freedom of association and to join and form trade unions. Ensure that migrant workers can complain of exploitation without fear of reprisals. Labour rights defenders should play more of a role in identifying forced labour cases and helping the victims to seek redress.

4. A Public Forum on Migration, Development and Connectivity

This forum was organized by Action for Economic Reforms (AER), Center for Migrant Advocacy (CMA), and the UP School of Labor and International Relations (SOLAIR). The objective of the forum was to take a closer look at the issues of labor migration in the Philippines and discuss how Information Communication Technologies (ICTs) are being used underscoring the economic and social dimensions of overseas employment.

To provide context to the discussion, an overview was provided on how Philippine labour migration evolved from temporary to permanent labour policy as manifested by President Arroyo’s adoption of “managing migration” and how it has become a development strategy.
This was followed by a discussion on ICTs and how they facilitate and maintain connectivity.

Migration has become a development strategy as it is considered to be the biggest dollar earner, biggest job generator and life support for a fifth of the population (20-25 million), which keeps the Philippine economy rolling. However, this development strategy was strongly criticized, as it does not provide full development to the migrant workers. Development is viewed in terms of economic gains only.

It was recommended that development should be addressed downsides by looking at the situation of brain drain, poaching of “mission-critical personnel”, “Dutch disease syndrome” unused skills learned overseas and governance incoherence. Moreover, there is a need to re-think the existing development paradigm in order to transform the Philippine economy into a dynamic and sustainable one.

Professor Tolentino of the University of the Philippines presented her study on the Social Dimension of Migration Maintaining Connectivity among OFW Families, which looks into how OFW families use communication technologies to stay connected with their love ones abroad.

The study revealed that the cell phone is the most widely used channel to relay messages and express thoughts and feelings. This is so because the cell phone is easier to acquire compared to a computer. In conclusion, ICTs are becoming tools of empowerment to OFWs. They are maximizing the use of communication technologies and learning new modes of correspondence. These communication technologies help sustain relationships among transnational families. Connectivity at the family level is the most crucial, the family being the basic unit in Philippine society. But connectivity must be extended to the communities, through entrepreneurial activities so that this will result in more economic gains for the country.

While Prof. Tolentino presented the relationship of ICT to sustaining relationships among transnational families, Ellene Sana of Center for Migrant Advocacy (CMA) discussed how they use ICTs to respond to reports of abuses among OFWs. CMA employs an SMS SOS where OFWs can report cases of abuse in their places of work. This system runs 24 hours, seven days a week. To use this: text sos <space><message> to +63 9209 OFW SOS. CMA coordinates with concerned agencies that could address the reported case. She also discussed ICT as an empowerment tool that could transform men and women migrant workers. It can help narrow the gender gap and discrimination between men and women migrant workers.
24 October 2008

5. Workshop and Policy Debate on the Protection of Migrant Children and Children Left Behind

This policy debate was an activity within the Save the Children Advocacy on Migrant Children Protection, the Save the Children Cross-border Project Against Trafficking and Exploitation of Migrant and Vulnerable Children in the Mekong Sub-region (the Cross-border Project). With the goal of integrating child migration concerns in the global and regional policy discussions, the Save the Children UK together with UNICEF, Stop Child Trafficking and ILO, came up with this policy debate to bring forward the results to the 2nd Global Forum on Migration and Development.

This also aimed to identify and mobilize advocates on protecting migrant children at the regional and international levels, especially from government, workers and trade unions, and corporate (employers) groups.

The first part of the morning’s program featured two simultaneous policy debates, participated in by law students belonging to four debating teams from three universities - St. Thomas More Debate Society (Ateneo de Manila University), Ateneo Society of International Law, UP Debating Society (University of the Philippines), and Chulalongkorn University (Thailand).

For Policy Debate 1 (Resolve that: Foreign migrant children be deported), the affirmative side was taken by law faculty representatives from Chulalongkorn University, while the University of the Philippines Debating Society took the negative side. For Policy Debate 2 (Resolve that: Migration is beneficial to the children left behind), the affirmative side was taken by the St. Thomas More Debating Society while the Ateneo Society for International Law took the negative side.

The second part of the activity featured a plenary session where various organizations from different countries shared good practices in protecting migrant children’s rights. Representatives from international groups such as Atikha (Philippines), the Labor Rights Promotion Network (Thailand), Migrant Rights Center (Ireland), and the Department of Labor and Employment shared their experiences in ensuring the promotion, protection and fulfillment of migrant children’s rights, as well as the problem and challenges they faced.

Crucial Issues:
- There is a need to understand who the migrant children are as they are not a homogenous group. Migrant children include those who migrate independently for work or education, forcibly displaced from their communities due to conflict or development aggression, trafficked children, those seeking asylum and migrating for family reunification.
- Migration and development policies can either work with human rights policies or clash with them.
- Migration has unprecedented effects on the rights of children left behind.
- Economic benefits do not fully address the best interests or the rights of children left behind.
- Deportation and the prevention of migration of children do not protect their best interests. Deportation is discriminatory. Deportation tags children as criminals not as persons with repatriation rights.
- Mass deportation by host countries competes with resources that should be allotted for its citizens and puts strain on the economy.
- Secure and legal migration can achieve stronger development impacts but the status of undocumented migrants, especially children, should be taken into consideration.
- There is lack of representation both for migrant children and children left behind in the existing platforms for discussing migration and development.
- The invisibility of undocumented migrants and children makes them more vulnerable to abuse, discrimination, neglect, and exploitation and more difficult to get help and access to basic needs and services.
The following points were suggested for further discussion:

- The need to have clear and specific policies and programmes addressing the diversity and protection of migrant children.

- Deportation may start a cycle of juvenile delinquency and behavior because these children already have criminal records filed against them by host countries. Deportation is not the best way to tackle economic and national security issues of host countries.

Recommendations:

A. Campaign

- Facilitate more dialogue among stakeholders and country representatives to come up with country-specific and clear policies on migrant children and children left behind.

B. Policies for Sending and Receiving Countries

- Well-defined labour migration policies to avoid long-term separation from parents and child services with emphasis on coping techniques / focus on resiliency should be developed.

- National Child Protection Policy on children left behind

- Implement moratorium on outright deportation of illegal migrant children by host countries.

Recommendations Continued...

- Clear-cut policies and MOU between home and host countries protecting children’s rights as defined in the Convention on the Rights of the Child (CRC) regardless of their nationality, immigration status or statelessness.

- Destination countries to develop mechanisms for the protection of migrant children and policies and programmes that support their basic rights to education, health, birth registration, decent work for those in working ages, and lasting alternative care for children without parental care.

B. Policies for Sending and Receiving Countries

- Well-defined labour migration policies to avoid long-term separation from parents and child services with emphasis on coping techniques.
Recommendations Continued…

- National Child Protection Policy on children left behind
- Implement moratorium on outright deportation of illegal migrant children by host countries.
- Clear-cut policies and MOU between home and host countries protecting children’s rights as defined in the Convention on the Rights of the Child (CRC) regardless of their nationality, immigration status or statelessness.
- Destination countries to develop mechanisms for the protection of migrant children and policies and programmes that support their basic rights to education, health, birth registration, decent work for those in working ages, and lastly alternative care for children without parental care.

C. Programmes

- Come up with programmes that recognize the differing and diverse needs of these sub-groups of migrant children and develop awareness on migration realities.
- Ensure that family-based care and community protection systems are in place for children left behind who are at risk of neglect, abuse and exploitation. Institutional care of children must be taken as a last resort.
- Promote programmes that develop awareness on migration realities, allow children to articulate their feelings and views on the migration of their parents and help them cope with the challenges of separations, bridge communication gaps, support management of family finances, and help them set and achieve educational and other future goals.

Recommendations Continued…

- Viable alternatives should be looked into such as providing migrant children with opportunities for integration in host countries instead of outright deportation

D. Service providers, civil society organizations and law enforcers

- Promote protection of children in justice systems regardless of their nationality, immigration status or statelessness.
- Ensure that migrant children are not criminalized because they are migrants or for the crime that they did not commit. Rights of children in the justice system must be protected, including provision of legal support and legal representatives for them to be able to defend themselves in the languages that they understand.
- Ensure that migrant children who are exploited or trafficked are identified as victims and are not being criminalized, and receive necessary support including counseling, health care, and sheltering in order for them to recover. Repatriation should be done in close consultation with the trafficked children to ensure safe and timely repatriation.

“The invisibility of undocumented migrants and children makes them more vulnerable to abuse, discrimination, neglect, and exploitation and more difficult to get help and access to basic needs and services.”

Migrant associations, rights groups and coalitions played a major role in the UN World Conference Against Racism and Xenophobia (WCAR) held in Durban, South Africa in September 2001. Dozens of related workshops, meetings, and other events were organized during the NGO Forum. Representatives throughout the globe came together to assess the state of migrants’ rights, network, and project future plans. Within the UN event, civil society representatives followed through on months of preparations and pressed for the inclusion of strong, supportive language concerning the rights of migrants, refugees, the internally displaced, and other affected populations, affecting more than 45 paragraphs in the final Durban Document.

Years later, while the UN has agreed to convene a follow-up to the Durban conference in 2009, it is still highly contested. However, given the role of migrant rights activists in WCAR, and given the dramatic developments with regards to global migration since that time, MRI and other organizations will be mobilizing for WCAR, to take place in Geneva. In preparation for this, MRI deemed it necessary to organize this workshop to solicit inputs from migrant groups on how to strategize and influence the discourse. The discussions revolved on the challenges and opportunities available at the upcoming review conference.

7. A Forum on Policy Interventions and Support Services and its Implications to Women in Marriage Migration in Asia

Most studies on migration are focused on international labour migration. However, despite its importance in providing us understanding in the dynamics of migration and development, it misses other dimensions of migration such as human rights provision, citizenship and marriage migration.

Despite its significant social and cultural impact, marriage migration has not been included in mainstream migration agenda and largely explained as part of female migrant labour issues. It is in this context that Action Research on Marriage Migration Network (ARMMnet) in coordination with its members Kanlungan Center Foundation (coordinating organization), Asian Regional Exchange organized this forum for New Alternatives (ARENA), and Isis International.

Specifically, the forum sought to:

- Understand and contextualize problems encountered by both government and non-government organization service providers in addressing issues and concerns of marriage migration

Key Issues:

- Marriage migrants should challenge the exclusionary structure of citizenship governance, along with breaking down the existing discrimination and human rights violation. The phenomenon that marriage migration has created is to expose cracks in the modern concept of the ‘national’ and citizenship through their struggles to become a member of the host society. Although there are existing policies governing the access to citizenship rights, marriage migrants are in a disadvantaged position to access this right under the Social Integration Program in Korea and under the Citizenship laws in Japan. Thus, though the state guarantees citizenship rights, the guarantee remains limited.

Another issue is the Philippines dual citizenship law. Despite the passage of Philippines’s dual-citizenship law, there is no counter-part law in these two countries making it limited and of little help to marriage migrants. If they avail of the dual-citizenship law, they are required to renounce their Japanese or Korean citizenship.
• Explore existing frameworks, policies, services and advocacy related to marriage migration vis-à-vis gender, citizenship, democracy, cultural identities and multiculturalism, community building and participation

• Discuss understanding and appreciation of the current frameworks, policies, services and advocacy related to marriage migration, how concerns are addressed and recommendation for future actions

Points for further discussions

• There is a need to further discuss citizenship policies affecting marriage migrants both in receiving and sending countries. There is a need to clarify some legal issues contained in existing policies on laws like dual citizenship law (Philippines), social integration program (Korea) and citizenships law in Japan. Also, there is a need to further expose the exclusionary structures of citizenship governance experienced by marriage migrants especially in Asia.

• The women’s voices of dissent, negotiations and resistance showed that our notions of victimization can be fluid. The switching of “experience” from victim to agent and from agent to victim is a reality that women marriage migrants experience. However, it was also recognized that many marriage migrant women fell prey as victims. Given this recognition, there is a need to further discuss the discourse of victim-agency and its underlying implications on the policies and support services provided to women marriage migrants.

• Recognition is just a first step in making marriage migrants visible. The implications of this “new migration identities” to policies and support services provided by the governments and supports services organizations must be discussed.

Key Issues Continued...

• Women marriage migrants should be seen as autonomous migrants and should not only be seen as victims. Women in migration are often seen as victims. Women in marriage migration are called as mail-order brides or foreign brides in cross-border or international marriages.

• Marriage migration has not been included in mainstream migration agenda and largely explained as part of female migrant labor issues. Given the existing discourse on migration, immigrant identities usually divided into two categories: political immigrants being and economic immigrants. While political immigrants have a certain status that they are seen as victims of open state harassment, economic immigrants are seen as economic burden if the economy cannot absorb large numbers of new migrant workers.

This discourse on migration between the great divide of “political hero” and “economic burden” affects emerging and new migration identities. A case in point is marriage migration. Since marriage migrants are “new migration identities”, they are come with new and obviously unique sets of social prejudice and discrimination. Thus, marriage migrants as a “new migration identity” require a new frame and understanding: an understanding that is open and imaginative.

“ This discourse on migration between the great divide of “political hero"and "economic burden” affects emerging and new migration identities”
Recommendations:

- There is need to initiate a regional forum and research to serve as a platform to forge collective positions on how to strategically address these issues. Since the issues pertaining to citizenship questions involve different countries, there is a need to openly discuss these issues in the regional level in order to raise awareness and to call a collective action and position in addressing this.

- Development players are not here to judge why women go into marriage migration. The job of governments is to ensure that the rights and welfare of women are protected. The job of NGOs is to look into ways of supporting women wherever they may be. One way of achieving this is to accept the challenge to broaden or create multiple frames of analysis that is reflective of what women want and the life they choose.

- In crafting policies and services, women should not be seen only as victims. The recognition that women have capacities to exercise their agency must also be taken into consideration in understanding marriage migration.

8. Feminization of Migration

This session was organized by the World March of Women, an international feminist action movement connecting grassroots groups and organizations working to eliminate the causes at the root of poverty and violence against women.

They centre on the globalization of solidarity; equality between women and men, among women themselves and between peoples; the respect and recognition of diversity among women; the multiplicity of our strategies; the appreciation of women’s leadership; and the strength of alliances among women and with other progressive social movements.

The forum provided a venue for grassroots women to relate the contexts wherein they migrate, to substantiate the data that 74% of overseas Filipino workers are women; to deepen discussion on the demand and supply wherein feminization of migration exists, taking into account the international gender division of labour and; to contribute to discussions of economic and political solutions to exploitation in migration.

Key Issues

- Women are not commodities.
- Critiquing the development agenda of the government
- Educating communities on the consequences of migration
- Full employment for people
9. Borders, Detentions, Deportations: The International Regime of Migration Policy Enforcement

Migration policies that criminalize and target migrants are becoming more universal, while governments act with impunity and create humanitarian crises at the expense of desperate migrant communities. The forum sought to provide updates on critical policies enacted by governments in various regions, the impacts these have had on those regions, and the emerging trends in these. Sharing in the discussion were representatives from various organizations from Asia, Central and Latin America and Europe.

**Key Issues**

**US Experience**

Arnold Garcia of NNIRR provided a summary of conditions in the U.S. and how these conditions collectively contribute to the intense human rights crisis among US immigrant communities. In the US the “normal” anti-migrant movement congress is passing laws against civil liberties targeting those that are foreign-born.

**Key Issues Continued:**

- The real question is why women have to go outside the country. We have to look at the root causes like poverty, unemployment and underemployment etc.

- It is okay to present practical suggestions of micro level alternative livelihood for people but we have to continue our call to the government to look at the effects of policies like the neo-liberal policies.

**Recommendations:**

- Sustainability, alternatives, viable options for the people
- Immediate assistance to the families of Overseas Filipino Workers (OFWs)
- Organizing OFWs/migrants abroad – ex. unionizing domestic workers and fighting to

- No to management of migration. What we want is for government to rethink their economic policies both in the destination and supply countries. One concrete call is the debt cancellation and to channel the resources to employment and agricultural sustainability.

- We should challenge the migration structure and not just a discussion on rights.

- We should look at migration not just in its economic aspect but we start to look at the gender aspect of it.

- Marriage is still commercialized.
This includes:

“Operation End Game,” which entails doubling the number of border patrol agents, tripling the number of interior agents policing the migrants, and the construction of industrialized prisons. It is now in its fifth year and there have been three major laws in three years. The policy is that they want to deport all immigrants that can be deported - “catch and release” - instead of being cited, being arrested. This is a new level of criminalization. The US is streamlining the process from Texas to Arizona. Now in the interior there are whole new categories of ways to deport people. It is an epidemic of police collaboration with immigration control.

Immigration and Custom Enforcement (ICE) has stepped up workplace raids with helicopters and full body armour. All workers are detained and all that are not “white” get detained; racial and religious profiling is a prominent factor. These raids are actually a small fraction of the deportations, but they are huge political tools to instill fear into the public. In rural areas where there are no people of color, we see minorities disappearing. The local authorities will hold these people, regardless of whether or not they have done anything illegal or are immigrants, until ICE comes to investigate.

There has been no public outcry. Every day two people are found dead on the border and for every one or two that is found there are said to be 10 that are not found. “Operation Blockade” in El Paso is composed of a border patrol vehicle every 1,000 meters. There is also a double wall, which is constructed so that the first wall is of iron and the second is covered with razor blades. The wall is built through the mountains funneling migrants through the most dangerous of areas to cross. The majority of the migrants stay in the Southwest unless they have family elsewhere.

Congress is strengthening neo-liberal polices through the privatization of services. This then ensures that migrants are unable to get free services. Model states for this are California and Arizona. In Arizona, they claimed, “public services were going down because of immigrants,” (Prop. 200). In Georgia, there is a double tax on remittances for undocumented migrants. There are 1400 neo-liberalist laws across the country. The only two places in the United States that are progressive are New Haven, Connecticut and San Francisco, California.

NNIRR’s mission involves the “4 Ds”: Decriminalization of immigration, Demilitarization of the border, Delink from politics and national security, and Development – the right to a place.

Nunu Kidane from Eritrea/USA added that the US judicial system has been perfected to criminalize African-Americans and now it is being used to criminalize everyone else. This can be seen through the private militarization all over the world, with Iraq as a perfect example. There is so much money and waste of young peoples lives through “coyotes” in getting to the US.

Malaysia

Alice Nah, from the Migration Working Group (MWG) in Malaysia, described the criminalization and mass deportations of Burmese, Indonesians and many other refugees and migrant workers.

Malaysia is a receiving country of migrants coming from Thailand, Burma/Myanmar, and other Southeast Asian countries. Malaysia is trying to combat irregular migration through arrests, detentions, and deportations just as the US is doing.
There have also been wide powers that have been given to immigration officials. They are allowed to arrest anyone if they are even suspected to be undocumented migrants. Their powers include the ability to stop anyone, anywhere without a warrant. They can demand papers and if you do not have the papers, you will be immediately detained.

Prisons are overflowing. There are unaccompanied minors, abuses, and bad food. Monitoring of these abuses is difficult because they only learn what is happening by talking to those who have been imprisoned. There is supposed to be monitoring of the prisons, but it is sporadic.

Myanmar/Burmese and Thai migrants are deported in groups of 100-150 back to Thailand. Since the Burmese are not able to return to Burma, they are then handed over to smugglers and then trafficked. This has been “investigated and there are no bases for founding the claims.”

Malaysia is coming up for review for human rights violations and MWG is lobbying governments to put pressure on Malaysia. There is some talk as well of a regional human rights body.

Italy

Manfred Bergman of CADI (Comitato Antirazzista Durban Italia) discussed the targeting of African migrants in Italian borders as well as the Italian government’s brutal treatments of migrants.

Within the Mediterranean, people are coming from Turkey to Italy. This used to be the main flow of migration, but now that the flow has moved through Africa, which is much more risky coming from Morocco, with the dangers of crossing the ocean.

The death toll is perceived to be similar to that of the US/Mexico border. There are also a large number of “illegal” migrants coming in on the eastern border, with many from Bangladesh. These migrants can choose which route to take, either Asia or Africa. CADI has no reliable data which route these migrants take.

FRONTEX is aiming to stop flows without thinking about people who are coming from Africa and who are refugees, which is against all human rights laws. The word refugee is never mentioned in any report, only “clandestine desperate”.

Conditions of detention centers are terrible where people are badly beaten. Migrants will delete their own fingerprints because of the treaty that decides on the status of refugees, which dictates that whichever country you come through, you have to stay in that country until you are judged. Since many do not want to stay in Italy and travel North, they think that if they delete their prints then they will have a better chance of not being detained or being tracked from their origin.

The only work that migrants can get is seasonal work and they are underpaid. The main work is tomato collecting where an Italian would receive 40-50 euros/day and a migrant receives only 5-15 euros/day. Recently, 107 people from Ukraine and Poland disappeared from fields because of protests. In Italy, no one ever heard about this news, it was completely eliminated. There was one NGO that tried to block EU funding for tomatoes, but it was only on the quality of the tomatoes and has nothing to do with the slavery that is taking place.
Dominican Republic

William Charpantier from the Dominican Republic shared the racism and inhumane treatment faced by Haitians in the Dominican Republic.

There is no natural border between Haiti and the Dominican Republic. Dominican Republic is more developed compared to Haiti, which is why a lot of people are migrating to the Dominican Republic.

The first people who came to the Dominican Republic worked as sugar cane workers on government contracts. This lasted from 1919 to the 1990s. It was a privatized workflow that created communities of Batelles. The Batelles do not enjoy the same services that the state gives to everyone else. They are kept at the minimum subsistence level while work is being done.

Since 1919, people from Haiti have been moving to Dominican Republic. However, the legal situation is much more precarious because the primary mode of work is not worker contacts, but instead individual agriculture, street work, etc. Also, there is a lot of need to create multilingual skills as there is the feminization of migration flows, there is an increasingly higher level of education of people leaving Haiti, and there have been changes in the levels of documentation. There is the increase of unaccompanied minors and the trafficking of women and children. We see a rise in the pattern of boys and girls being trafficked to beg in the streets for money. There is also an increase of domestic and sex work, which has led to a series of consequences for kids growing up in the Dominican Republic. There are 600,000 to 700,000 children born in the Dominican Republic of Haitian decent and are denied citizenship. They are not given their birth certificates because of the immigration status of their parents, which is a violation of all international norms and American norms.

Patrick Cherubin also from the Dominican Republic further added that Batelles have become militarized. Migrant labour used to be restricted to certain areas but now it is not the case and Dominican nationalists see this as an invasion. Apart from working, more and more Haitians go to the Dominican Republic to study in the university but they are charged very high tuition fees.

There is systematic militarization along the border on Fridays when people are out to have fun. Everyone is stopped even if they are carrying documents, however, if they do not pay the bribe to the officer, they are detained or may disappear.

Ecuador

Pablo de la Vega from Ecuador discussed new propositions to promote better migration policies globally. Pablo suggested the following:

- Increasing subordination of policy to security officials. US military bases to monitor migration, increasing anti-terror syndrome and the impact of 11 March in Spain
- Issues for circular migration, with special attention to the EU directive
- The intertwining of all these with free trade. We need to devise a strategy with countries of origin, destination, and transit.
Mali

Ousmane Diarra from Mali discussed his organization’s work with Malian deportees. Ousmane shared that there are more dead people than deported people, which is attributed to the petitions signed by Europe FRONTEX, Spain and Morocco, and an agreement between the EU and African countries, where many have been recruited to be like policemen on the border. People are deported by these police forces, but as mentioned, more come back dead if they do come back at all.

Recently, the EU gave 10 million euros to the Malian government to build detention centers throughout the country. The French government is trying to put pressure on the Malian government to sign against this because this is a form of collaboration with the police to deport migrants. The last attempt was at a summit to negotiate with Mali and France, where civil society kept convincing Mali not to take the money. Eventually it will be signed because Tunisia, Gabon, and others have already signed. It is very dangerous for neighboring countries to sign because people get deported to other countries.

In addition to this, Mamadou Goita told the group that Malian people are independently asked to come to work, but they do not get any rights and are stopped while they are there. Resources are being taken which prompted people to go where there are jobs available. Police are coming from Spain to Dakar to police the borders and the coast.

Europeans have taken the job of sorting out the African migrants and sending them back to Mali because they have no idea where these people actually came from. The big issue is not about the migrants in Europe, but the fact that they are all sent back to Mali even if they are not Malian.

Singapore

A receiving country has the right to say that it cannot keep having people come. The challenge now is for CSOs to talk to their people and their governments. In Malaysia for example, there is a need to stop the caning of people in detentions. In Burma, they simply leave the people in a tire with a water bottle and told to swim across the three-kilometer river. Many die in this journey. If they do make it and are then caught, they are sent back to Burma.

Philippines

Irynn Abano of the Center for Migrant Advocacy shared that in the Philippines, about 200,000 to 500,000 migrants are deported back to the Philippines from Sabah/Malaysia. Between the two countries, there is a joint body set up to talk about managing the migration flows. They realize that migration is not going to stop, so they arrange a border pass. The CSOs are recommending it to other countries as well.

Mexico

Camilo Perez-Bustillo from Mexico shared this assessment about the Migrant Workers Convention (MWC). Apparently, there is not enough of a human rights framework written in it. It is too weak and the UN is not positive about this. He suggested re-thinking the ideological framework in order to diversify and enhance ways of adding rights.
10. Public Services International Forum on Migration, Development and Quality Public Services

Citizens’ access to free and quality public services, such as health, education, social services and public utilities, is essential to eradicating poverty and ensuring decent life in the place where people live. Once these conditions are present, people enjoy a quality of life and would rather stay in their home countries, instead of being forced to migrate.

A huge proportion of migratory flows today are driven by economic and employment reasons. Migration is now increasingly seen in the public sector, where health workers, nurses, teachers, and other skilled workers are migrating in the hopes of finding better employment opportunities and better life for themselves and their families. Many of these migrant workers are women, who often experience discrimination in the workplace and throughout the migration process.

What are the main challenges and impacts of migration on the quality of public services? What is its impact on workers, especially women? How do public sector trade unions respond to these challenges? Specifically, it sought to:

- Explore the links among migration, development and quality public services while ensuring the gender and rights-based perspective.
- Share best practices in responding to the developmental challenges posed by migration in the health sector.
- Raise public awareness and support towards the establishment of a WHO Code of Practice for the Ethical Recruitment of Health Workers.

The workshop brought together trade unions, NGOs, government representatives and other stakeholders in order to discuss and highlight the importance of quality public services in tackling the challenges of migration and development.

Summary of the Discussion

The Public Symposium opened the one-day Asia Pacific Women’s Committee Workshop on Leadership in Public Services and Sustainable Development. A total of 89 (69 from Public Services International (PSI) while 20 from other organizations) participants attended the

1st presentation:

Ms. Genevieve Gencianos, Project Coordinator of the PSI Migration and Health Workers Project, set the framework of the forum by introducing PSI and its perspectives on the phenomenon of labour migration vis-à-vis public services and development. PSI, which represents over seven million workers in the health and social care sectors, is currently seeing an increasing movement of workers in the said sectors. Before, countries were not interested about migration but when a comprehensive study on remittances was released by World Bank, which exposed the scale of remittances and how it has spiked through the years, governments around the world began to pay attention to the migration-development nexus. This interest eventually led to the beginnings of the Global Forum on Migration and Development (GFMD). Symposium.
While labor migration has led to a tremendous increase in remittances, which is growingly recognized by governments and the private sector as a driver of development, PSI also recognizes the social and gender dimensions of migration and remittances. PSI also criticizes the neoliberal and profit-oriented paradigm that is steering the migration of labor at present and consequently changing the configuration of the public sector. PSI scored the GFMD process as failing to address the negative impacts of labor migration to health systems and women particularly in developing countries.

Gencianos reiterated PSI’s belief that quality public services are the foundation to decent life and poverty eradication. PSI believes that any discourse on migration and development must recognize the importance of investing in public services, maintaining a healthy workforce, providing decent work opportunities in the place where people live, defending workers’ rights, and implementing retention strategies. Gencianos stressed that PSI will continue to challenge policies on labour migration as a strategy to development and at the same time address the developmental impacts of skilled migration such as brain drain, brain waste and weakening health systems. She pointed out PSI’s initiative to advocate for a gender- and rights-based approach to labor migration and the federation’s global campaign for a WHO Code of Practice.

2nd presentation:

Ms. Felixberta Romero, Director at the Philippine Overseas Employment Administration (POEA), presented about the legal framework of the Philippine government in labor migration and its current policies and practices. She highlighted a provision in the 1987 Constitution, which states “the State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all.” This is the basis of the Republic Act 8042 Migrant Workers and Overseas Filipinos Act of 1995 or the comprehensive law of the country instituting overseas employment. The Philippine government recognizes that overseas employment is a viable option for Filipinos, and that there is a need to manage migration in order to maximize opportunities offered by the global labor markets as well as provide protection for Overseas Filipino Workers (OFWs). Among the POEA’s major policy thrusts are the strengthening of the protective mechanisms for vulnerable occupations and the deployment of high end / high value jobs for OFWs (e.g. skilled and professional workers).

As of December 2007, there are around 8,700,000 Filipinos overseas. A huge chunk of the OFWs deployed abroad work in the production and services sectors. The Philippine government depends on OFW remittances, which reached a staggering 14.4 billion pesos in 2007 to keep the economy afloat. Romero cited several factors that pull Filipino health workers to work abroad, which include economic growth, demographic trends (e.g. ageing population, low fertility rate, increasing life expectancy in developed countries in America, Europe & Asia), labor shortages worldwide in healthcare / medical allied professions due to technological change or skills mismatch, health care restructuring, and the “Immigration for Work” scheme in labor receiving countries such as the United States, Canada, Australia and New Zealand.
Thus far, Ms. Romero said that global demand for health workers continue to rise as developed countries would need nurses in different specializations such as Geriatric Care, Acute/Intensive Care, Surgical Care, etc. In addition to the global demand, OFWs will more likely be attracted to work overseas given the compensation packages offered in other countries for health workers. To address the continued migration of Filipino health workers abroad, the government has developed a 25-year Human Resources for Health Master Plan (HRHMP), which provides a conceptual framework on the management and development of Human Resources for Health. The HRHMP Strategies seeks to: 1) Identify gaps between the existing workforce against the projected demand; 2) Promote management and developmental of health workforce through a multi-sectoral network; 3) Promote motivation and retention of the health workforce; 4) Promote equitable distribution of health workforce in the Philippines; 5) Ensure adequate and quality supply of workforce; and 6) Manage migration of health professionals (include forging of bilateral agreements to promote ethical recruitment of health workers). Further, Ms. Romero also pointed out that health worker outmigration will continue with the recent signing of the ASEAN Mutual Recognition Agreement for Nurses, which is projected to produce more employment opportunities particularly in Malaysia and Singapore as it allows Filipino nurses to practice their profession in ASEAN member countries and vice versa.

As a concluding note, Romero pointed out that effective management of labor migration will benefit both sending and receiving countries, minimize the attendant risks confronted by OFWs while working overseas, and optimize the economic gains through the remittances of the OFWs brought about by the employment opportunities in the global markets.

3rd presentation:

Ms. Sofi Taylor, founder of UNISON Overseas Nurses Network, provided her perspectives as a trade unionist from a destination country that is host to thousands of OFWs working in the health sector. She described life in the United Kingdom as being difficult in contrast to popular perception. Migrant workers will have to contend with discrimination in the workplace based on gender, race and profession. Ms. Taylor argued that there is no automatic link between migration and development and that what is important is the maintenance of quality public services. She then went on to narrate how the Overseas Nurses Network was established in light of the pressing issues affecting migrant health workers such as exploitation, longer working hours, lower pay than their counterparts, and discrimination. She stressed the importance of having a network to help protect migrant workers’ rights and facilitate better their integration in the host country.
Highlights of the Open Forum:

- Need to strengthen a tripartite dialogue
- There is a need to organize workers into unions as unionized workplaces have better working conditions, pay and protection.
- Trade unions must be consulted first before implementation of any laws.
- Dialogue between the government and legislature should also be strengthened.
- Possibility of putting up a Workers’ Bank to manage remittances
- Need to strengthen a tripartite dialogue
- There is a need to organize workers into unions as unionized workplaces have better working conditions, pay and protection.
- Trade unions must be consulted first before implementation of any laws.
- Dialogue between the government and legislature should also be strengthened.
- Possibility of putting up a Workers’ Bank to manage remittances
- Need to strengthen regularization of undocumented workers
- There should be enhanced coordination between different government agencies to address issues arising from migration of workers (ex. Task force on Trafficking).
- Need to establish Memorandum of Agreement or Memorandum of Understanding between sending and destination countries
• HIV/AIDS advocacy particularly among seafarers should be strengthened. Migrants should not be treated as carriers of the virus but as people vulnerable to exposure because of their mobility.
• Migrant workers must be accorded adequate education / information. They must have access to workers’ rights. Education can be done through employment seminars.
• A monitoring system to track migrant youth workers should be established to better address their concerns and needs.
• Need to protect the rights of live-in caregivers.
• Need to improve on-site protection of migrant workers and services of embassies.

11. 11th Regional Conference on Migration

The 11th Regional Conference on Migration (RCM) was successfully held from 24 to 25 October 2008 in Manila, Philippines. The RCM was held within the parallel event of the People’s Global Action (PGA) as a solidarity effort among civil society organizations, migrants groups and global union groups. As part of the mobilization effort of civil society, participants of the RCM contributed to the final statement of the PGA, which was submitted to the Civil Society delegation of the official process of the Global Forum on Migration and Development (GFMD).

The 11th RCM is the latest milestone in the ongoing process organized and supported by Migrant Forum in Asia (MFA) and its regional membership. The RCM builds on ongoing discussions and emerging trends/issues affecting migration in Asia and beyond. Within the political context of the GFMD and PGA, RCM brought together MFA members and new allies for two days of critical analysis, dialogue, and strategic discussions.

The theme for the 11th Regional Conference on Migration (RCM) was “The Right to Development: Migrants’ and People’s Perspectives and Strategies”. The Conference aimed to provide a critical and expert analysis of the situation of migrants in the context of the intensifying push, especially by governments and corporations, “to maximize migrants’ remittances for development.”

The conference sought to explore if and how the UN Declaration on the Rights to Development (RTD), the International Convention on Economic, Social and Cultural Rights (ESCR) and other rights-based, gender-fair and people-oriented principles offer a framework for a more sustainable and comprehensive human development.

The RTD maintains that it is the right and duty of states, both individually and collectively, to take “all necessary measures” to create the conditions for development. In fact, several articles of the Declaration oblige states to cooperate with each other and with concerned national states to enable development. However, it is in the name of development that many countries have taken a “managed migration” approach to realizing their national goals. Indeed, the outflow of men and women has delivered steady in-flows of migrant remittances to developing countries, helping ease unemployment, stabilizing foreign exchange, boosting international reserves, and supporting economic growth.

Receiving countries have prospered as migrant workers build the infrastructure and fuel the engines of their economies. Yet, this migration strategy has shifted the onus of development from states to individuals, placing the burden on migrants to fund, plan, and implement development projects while also advocating for the recognition of their international labor and human rights.
It is critical at this conjuncture to re-examine and sharpen the discourses on development. In recent decades, flexible definitions have marginalized individual fundamental freedoms and the fair distribution of benefits through the development process.

Highlights of the conference were as follows:

**Keynote address** was made by Mr. Luis Alfonso de Alba, Permanent Representative of Mexico to the United Nations. His discussion focused on “Development and Migration: Addressing Critical Issues and Ensuring the Rights-Based and People-Centered Framework” where he reiterated that all stakeholders should be involved in the RTD discourse and that there is a need to emphasize the economic, cultural and political rights of migrants in the RTD discourse.

De Alba reiterated that in terms of the strategy vis-à-vis the GFMD, the Forum will only improve within the UN. The Forum should become a flexible, pragmatic, UN exercise with a multi-stakeholder approach, using different committees to address pressing concerns of migration.

A civil society response and perspective was presented by Ms. Gigi Francisco, Regional Coordinator of the International Gender and Trade Network (IGTN-Asia) who emphasized that the GFMD’s interest is not, as such, to promote rights, but instead it has become a receiving country-led process with negotiations between aid donor and aid effectiveness within the rubric of migration that is sparked by systemic inequality. She also noted that it has moved away from the migrant perspectives and individuals right to development to the management of migration.

Plenary discussions were held based on the following topics:

- Achieving Rights-Based, People-Centered and Gender-Fair Development: What the Governments Have Committed and What GFMD Can Do
- Regional Economic, Trade & Development Policies Involving Migrants: Analysis and Critique from a Rights-based and Gender Perspective
- Climate Change, Development and Migration: The Nexus, Scenarios and Strategies
- Migrants’ Remittance and Resources for Development: Potentials, Challenges, and Issues
The speakers conducted a review and critique of commitments made by the government in terms of development. An analysis of the role, potential and limitations of the GFMD in promoting a people-centered development and migrants’ empowerment was also made.

Migrant-related economic and development policies of both sending and receiving governments were also critiqued on why these exploit migrants and undermine human development. Recognizing migrants’ contribution to development, it was pointed out that there should be a minimum criteria for a rights-based, gender fair and empowering policies and practices.

A discussion was also held on the impact of managed migration on climate-induced migrant workers. An update from the Climate Justice Conference held in July 2008 (Bangkok, Thailand) was also presented particularly the issues raised, agreements, positions and strategies identified in the conference.

Tapping on the remittance issue, an analysis of the use and control of remittances for development was presented under the fourth topic, as well as the roles, responsibility and accountability of states and corporations. The fourth plenary also touched upon the resources, contributions and potentials of diasporas and migrants for development, specifically on policy recommendations.

Breakout sessions focused on these two topics:

- Regional economic, trade and development policies involving migrants
- The participants highlighted minimum elements for a rights-based, gender fair framework on the right to development and ICESCR from a migrants-perspective. Recommendations on the GFMD as migrants and migrants’ allies were put forward by the participants.
- Migrants’ remittance and resources for development: potentials, challenges and issues.

At the end of the conference, the participants endorsed the Peoples’ Global Action Joint Civil Society Declaration on Migration, Development and Human Rights.
25 October

12. Migrants Rights in Latin America and the Caribbean: Information Sharing and Strategy discussion

This workshop was organized by Migrants Rights International (MRI), Center for Legal and Social Studies (CELS) and Servicio Ecumenico de Apoyo y Orientacion a Migrantes y Refugiados (CAREF) with an aim to examine the current state of migrants rights in Latin America and the Caribbean from a CSO perspective and to come up with strategies on how to address the situation. The discussion focused on the human rights violations of governments in Latin America and the Caribbean regarding migration.

**Key Issues:**

- Regional Latin American migration fora that could be tapped for engagement to address human rights violations. These are in Quito, Brazil and Buenos Aires.

- Building of special missions to investigate into border regions with massive human rights violations, for example the border of Haiti and the Dominican Republic

- Knowing which campaigns are going on against the walls (both the physical and symbolic) and to also look at the best ways to support the existing campaigns

- Importance of the common position of the governments as part of the Conferencia Sudamericana that will be presented at the GFMD

- Migration as a human right

- Ask the EU government to review the policy of return directives

**Agreements:**

- To have more involvement with the regional fora and to create and be highly involved in parallel events to these fora

- Distribute these above points of discussion to members of the workshop and to continue the discussion

**Recommendation:**

- That governments have to recognize the cases that the Inter-American Court has brought to their attention and enforce the court’s decisions and rulings
13. Perspectives from Africa and the Diaspora on Migrants’ Rights and Migration Policy: International Sharing and Strategy Discussion

This workshop was designed to highlight the current issues and context of the African migration policies. Further, this sought to mainstream the voices of the African civil society.

**Points of Discussion**

- The Global International and African context-related migration policies

From the discussion, it was found there was an intensive global process of setting up new regulations of migrations under the leadership of the European Union without the participation of African Union. The main objectives of those regulations are the reduction of freedom of circulation at the international level with cascade effects on Africa and some sub regions such as ECOWAS. African States have their responsibilities in the situation whereas the civil societies are in a scattered situation with weak capacities. The consequences are that many of them are misled by EU strategies because of their lack of political vision and orientation.

- Exchanges of experiences (with Diaspora, in Africa, in Europe and in relation with the expelled migrants)

The exchange of experiences showed a diversity of situations in which main areas are covered: cooperation with the Diaspora to invest in Africa, support to Migrants for their rights in Western countries, support to expelled migrants for their social reinsertion and defense of migrants’ rights. This diversity is seen as a source of strength within the framework of a common political vision commonly discussed, shared and adopted.

**Key Issues that emerged from the above discussion**

- *Freedom of circulation within Africa and between Africa and Western countries.*

This is a very important point for African civil societies because the number of migrants in Africa is more important than those in Europe. If we want to work efficiently with the Northern organizations in solidarity, then we have to look into African migration within Africa and the responsibilities of all actors and elaborate on it.

- *Borders control and readmission of migrants*

They represent the key elements of the different agreements between Europe and African countries. Externalization of European Borders in Africa is a direct questioning of human rights’ globally and specifically migrants’ rights. Thus the FRONTEX is a military tool to support readmission policies of the EU.

- *Migrants’ rights including refugees and asylum seekers*

The new ideology of the European Union (EU) is to promote Migration and Development with a stress on remittances. The African civil societies strongly express that there should be connection between migration, development and human rights. This includes the ratification by western countries and implementation of the UN Convention on Migrants’ workers’
and their families.

- Place and role of Diaspora in human rights questions

It is impossible for African civil societies to be efficient without strong and organized cooperation with the Diaspora. This includes an organized collaboration on migrants’ rights in receiving and sending countries.

This requires an involvement of a better understanding of Euro-African Agreements; European policy framework on migration and ECOWAS approach on migration on one side; on the other side, participants have decided to discuss further the following topics:

1. Migration, Development and Migrants’ rights
2. Elaboration of a political and strategic vision
3. Reinforcement of capacities
4. Alternatives to EU policies

### Decision Points:

- The necessity of an African meeting in Africa. It has been recommended that MRI, OSIWA and the African civil society act together to find out the required financial resources for that meeting. It is important that it be in Africa instead of always meeting outside the region. The meeting should be set before June 2009.
- Badara Ndiaye from ENDA DI-APOL (Policy Dialogue and Prospective) in Senegal will elaborate a concept note including the objectives, results, costs and any another information that will make the African meeting possible.

### Decision Points Continued...

- The necessity to develop a bilingual (French and English) system of sharing information on all existing initiatives and events on migration in Africa. ASCODE (Senegalese Association on co-development) represented by M. Bachir Agne is responsible until the meeting of African Civil Society.
- Michael (Ghana) will elaborate the terms of reference on the mapping of African Initiatives on migration.

### 14. Towards Universal Ratification and Effective Implementation of the Migrant Workers Convention

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, or “Migrant Workers Convention” (MWC) is the principal United Nations convention for the protection of migrant workers. It was adopted in 1990, and entered into force in 2003. Currently, 39 governments have ratified (accepted the legal authority of) the Convention.
This workshop provided information and a space for discussion for groups that are interested in knowing more about and/or getting involved in actions to push for effective implementation of the Convention, as well as the campaign for universal ratification of the MWC.

The workshop covered a presentation of the Migrant Workers Convention, implementation of the Convention by the Committee on Migrant Workers and the role of the civil society, three case studies of ratification campaigns in Europe, Dominican Republic and Bangladesh.

Workshop Results:

- Forty countries have ratified the Convention today and not all are sending countries
- There are limitations to some provisions of the Convention that should not alter full support for its universal ratification and its effective implementation.
- There are great expectations from the Convention for many migrant workers.
- Ratification is only a first step: rights have to be enforced.
- There are difficulties to organise ratification campaigns at the national level. In general, it was recommended to engage many civil society groups in a coalition; engage a variety of stakeholders in the country: municipalities, members of parliament, unions, churches, local authorities, political parties, and national human rights institutions; and to work in cooperation with other ratification efforts at national, regional and international levels.

Workshop Results:

- There is a need to understand better the reasons of different governments for not ratifying the Convention; and there is a need to address them better.
- There is an added value to the implementation of the Migrant Workers Convention and relevant ILO Conventions for the protection of migrants’ rights.
- There is tremendous and urgent need to properly inform public opinions in all countries in the world about the realities of migrants and their families, and about their human rights. There is a need to change the perception and representation of migrants in mass media.
- International Migrants’ Day on 18 December is a real opportunity to advocate for the Migrant Workers Convention and migrant workers’ rights. Many groups have used it for a long time to launch campaigns, promote migrants rights and celebrate migrants’ contributions to all societies.


Organized by the National Network of Immigrants and Refugees, this workshop focused on demonstrating how the linking of migration and development policy is really intended to manage the flow of migration and creating an unending pool of cheap, disposable migrant labor through “circular” migration. The workshop touched on various Economic Partnership Agreements (EPAs) and Mobility Agreements, and looked closely at the conditions that migrant labor
had to endure because of these. The discussion also analyzed how these resulted in human rights violations and were a policy trend, not mere incidents.

Result of Discussion:

- There is a growing repression and criminalization of migration as a result of these various trade agreements
- At the same time, economic powers want flow of temporary labor and setting up policy agreements for these

Summary of main points

- West Africa had freedom of circulation (cross-border citizenship) until 1979 when it was forced to liberalize its economies
- NATO militarization, European policies and mobility agreements now cause backflow from Europe with strong deterrents
- Migration centers also focus on keeping migrants seasonal
- Indian workers may have leverage with Gulf states but not with European and US states
- Diasporas are subjected to bilateral agreements ideology (LEPs, JPEPA, ASEAN, Libya-Italy etc.)
- Continued repression in receiving states such as employer sanctions and return directive in EU

Points for further discussion:

- How we can also “globalize” efforts to fight and advocate against these
- What role the GFMD really has in promoting these – we understand it is becoming a central vehicle to advance this model but we need proof of that.

Recommendations

- Broad condemnation of EPAs, mobility partnerships recognition of migration centers as nothing more than serving to advance border control and repression into sending states, and to funnel labor according to corporate desires
- Advancement of international policies to protect right to development, and right to equal protections, rather than lower standards being set.

Aside from the aforementioned workshops and conferences, a trade union led forums were also held on the 25th. These were the Forum of National Trade Union Centers in Asia and the Global Union Forum on Migration – "Movement of Workers: Unions Beyond Borders".
PGA Global Opening Plenary, 25 October

After a week filled with self-organized activities, more than 500 PGA delegates converged at Rajah Sulayman for a candlelight protest to signal the global plenary opening ceremonies for a series of thematic workshops and adoption of its joint declaration the following day.

This was also a symbolic gesture of remembering migrant workers who are victims of abuses and the continuing indifference of many governments to the plight of the migrants. The group then marched towards Malate Catholic School, where the PGA Global Plenary Opening was held. Marching to Korean drumbeats, the group chanted slogans such as: “Migrants Rights are Human Rights!”, ‘Domestic Work is Work”, “Ang Migrante ay Tao, Hindi Kalakal ‘ (Migrant Workers are Human Beings, not Commodities), “The people united, will never be defeated” and Junk EU Directive and waving banners stating their calls for the protection of migrants in different languages.

Delivering the key speeches were: Ambassador Luis de Alba, (Mexican permanent representative to the United Nations and First President of the UN Human Rights Council) Gemma Adaba (International Trade Union Confederation, or ITUC), Mamadou Goita (Institut de Recherché et de Promotion des Alternatives en Development) and Rex Varona (Asian Migrant Centre).

Ambassador de Alba gave a rousing speech concerning the vital role of civil society and trade union movements in protecting and promoting the rights of migrant workers. “Those who are here today have a responsibility and I have, we all have, to live up to that responsibility”. De Alba also expressed his frustration that human rights are hardly discussed by governments.

Gemma Adaba of the ITUC condemned the exploitation of migrants around the world and emphasized the importance of collaboration among trade unions, NGOs and migrants groups in moving towards better protection of the rights of migrant workers.

Mamadou Goita criticized its government for using African resources including its people in the name of development.

Rex Varona gave a touching message about the plight of Filipinos and other migrant workers who often face abuse and exploitation. He lamented that in the Philippines, host of the GFMD, statistics show that two migrant workers come home dead every day, yet the Philippine government still strongly pushes for the deployment of more migrant workers. Rex called to fight for
our rights and stand up for our solidarity and stressed to radicalize peoples’ solidarity. On his parting message, he challenged everybody to change GFMD. “We want to change the GFMD. Can we? Kick out GFMD, if we cannot change it.”

Migrant leader Sumiati of the Coalition for Migrants Rights (CMR) and founder of the Indonesian Migrant Workers Union (IMWU) also provided her own reflections on the keynote speeches and her hope for what the process can deliver. “I am happy that migrant workers are well-represented in the Peoples’ Global Action and are given a chance to speak about there is sues,” said Sumiati.

She also spoke about the upcoming International Labour Conference of the ILO where decent work for domestic workers will be discussed and called on the support of trade unions to lobby for a standard setting on domestic workers and to recognize domestic work as work, in particular to recognize migrant domestic workers as workers.

The presentations and speeches were followed by cultural performances led by women migrant workers’ groups, Batis AWARE and Batis Center. The BATIS, YOGI, an organization of children of migrant workers (Japanese-Filipino Children) also gave a cultural presentation portraying migration from the point of view of the children of migrant workers.

**Day of Converge, Thematic Workshops, 26 October 2008**

Unlike the self-organized workshops from previous days, these workshops were focused on four broad themes that sought to develop a global perspective on certain issues. Migrants’ organizations, trade unions, development groups, women’s sector and human rights organizations jointly organized these. Results of the workshops were then reported back during the plenary session and concluded with the adoption of the Joint Declaration that was submitted to the governments at the occasion of the GFMD.

These four broad themes were the following:

**Theme 1: Migration and Trade/ Labour Union and Human Rights**

Workshops included topics related to labour rights, human rights, undocumented workers, trafficking, smuggling, refugees and living and working conditions of migrant workers.

**Theme 2: Trade, Finance, Remittances, Debt and Migration**

This included topics on development and market driven policies like GATS MODE 4, WTO, FTAs and EPA, IFIs; use of remittances; impact of debt on development and migration, economic and development alternatives.

**Theme 3: Migration and Governance**

This included ethical recruitment, migration policies and regimes, border control and securitization of migration, bilateral and multilateral agreements, responsibilities of sending and receiving countries.
Theme 4: Emerging Themes

Workshops talked about current phenomena that are less visible in the migration discourse. These included migration and climate change, children and migration, multiple identities and migration, ‘borderless world’.

Below were the workshops conducted for each thematic issue.

Theme 1: Migration and Trade/ Labour Union and Human Rights

Under this theme, the Friedrich Ebert Stiftung (FES), Building and Wood Workers International, Global Alliance against Traffic in Women (GAATW) and Fédération Internationale des Droits de l’Homme (FIDH) and Migrant Forum in Asia (MFA) co-organized two workshops on undocumented migrant workers where the first one dealt with case presentations while the other one focused on policy recommendations.

The primary objective of the workshop was to address the large-scale violation of migrant workers’ human rights in the region through the methodical alignment of trade union and -non-governmental organization movements.

1. Case Presentations on Undocumented Migrant Workers

In this workshop, four speakers from different regions discussed about the strategies used, service programmes and institutional framework employed in their work with undocumented workers.

Key Issues:

- Trade union involvement in organizing undocumented migrant workers
- Contribution of migrant workers to host country economies
- Bilateral agreements should specify that documented migrant workers have the right to join unions in the country of destination
- Immigration policies should be simplified and should include safeguards for migrant workers who become undocumented
- Migrant workers have little opportunity to seek redress once they have left the country of destination

Key Issues:

- Right to mobility should not be limited by immigration laws
- Some groups of workers are not covered by national labour regimes
- Government levies on migrant workers
- Legal support for migrant workers subject to criminal charges
- Recruitment
- Decouple forced labour from trafficking and criminalize forced labour
- Global warming will increase pressure for migration. Governments need to have strategies for ensuring human security.
Issues for further discussion:

- ILO does not only look at the law, but practice as well. Cases where practice does not measure up can also be brought to the ILO. Trade unions have not brought cases on migrant workers issues to ILO.

- It is internationally accepted that once workers are recognized as workers, their migration status is immaterial.

- Is it possible to use existing international mechanisms to do this?

- Where governments in countries of destination impose levies or taxes on migrant workers or their employers, a percentage of those levies should be allocated to a development fund for migrants

- The possibility of abolishing fees for migrant workers

- Recruitment fees? Special note on whipping?

- If advocates try to abolish illegal recruitment where there is no alternative, then migrant workers lose their jobs or are criminalized.

Recommendations:

- Government should seek technical assistance from the ILO on Freedom to organize for migrant workers to ensure that national labour laws are consistent with ILO conventions

- Governments in sending and receiving countries should work towards coherence between their labour laws and internally between labour and migration regimes

- Governments should consider the contribution of migrant workers to host country economies in discussions of migration and development

- Governments should recognize workers’ labour rights irrespective of their migration status

- Governments should not use immigration laws to undermine labour rights, including OHS

- That bilateral agreements guarantee the right of documented migrant workers to join trade union

- Governments should develop safeguards to protect migrant workers who become undocumented

- An international labour court should be established so that cross-border labour disputes can be settled

- National labour laws should cover all workers in all sectors

- Governments should ensure access to justice regardless of immigration status

- Workers should be issued with a bridging visa if they have a pending case

- Decent recruitment policies should be developed

- Create more avenues for legal migration
2. Policy Proposals on Undocumented Migrant Workers

Migrant Forum in Asia moderated this workshop. Presenters are Wol San Liem of Migrant Trade Union of South Korea; Cynthia Gabriel, FIDH Vice-President and Regional Coordinator, CARAM-Asia and Frank Ansoh of Africa.

Key issues discussed

- All governments should ratify conventions pertaining to migrant workers and their labor rights and make policies that are consistent with these conventions and the international standards they set. These conventions include the UN Convention on the Protection of the Rights of Migrant Workers and their Families, the International Convention on the Elimination of all Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights, ILO Convention no. 87 (Freedom of Association) and the ILO Conventions on migrant workers.

- In accordance with these conventions governments must recognize the right of ALL migrant workers, REGARDLESS OF VISA STATUS, to freedom of association- that is to form and join trade unions of their choosing. This means, in particular, that the South Korean government should recognize the legal union status of the Seoul-Gyeonggi-Incheon Migrants Trade Union (MTU). Although MTU won a case with the Seoul High Court acknowledging the right of undocumented migrant workers to freedom of association, the South Korean government has appealed to the Supreme Court where a decision is expected this year. In addition, governments in other countries where undocumented migrant workers are being unionized including Spain and the United States, need to recognize the principle of freedom of association for all migrant workers.

- Governments have been using inconsistencies between immigration law and labor law to deny labor rights of migrant workers. Immigration law and labor law must be reconciled in national legislation and policy in such a way that migrant workers, including undocumented migrant workers’ labor rights are not violated. This means making national immigration law consistent with international labor standards enshrined in ILO and human rights conventions.

- Governments have been using an abuse of the power granted by immigration law to facilitate labor exploitation and carry out labor repression. This must stop. Crackdown against undocumented migrant workers makes them vulnerable with respect to their employers, who can threaten to report them, thus making them susceptible to exploitation. The relation between immigration crackdown and labor exploitation must be recognized and is a strong argument against arbitrary raids and deportation. Undocumented migrant workers who seek help in redress for labor rights abuses are being subjected to detention and deportation without getting the assistance they deserve. Undocumented migrant workers must be able to get assistance on labor rights violations from labor departments and other government agencies without threat of arrest or deportation. Undocumented migrant workers in detention centers who have suffered labor rights violations should be compensated including through regularization of their status. Government should not use crackdown and deportation as a way to target, attack and repress undocumented migrant workers who are exercising their trade union rights, as is the case in South Korea.

- The fact that undocumented migration occurs because of inadequacy in existing immigration and foreign workforce laws must be recognized. Mass deportation is not an appropriate solu-
tion and is inconsistent with the Convention on the Human Rights of Migrant Workers and their Families. Proposed alternatives include: screening of detained migrant workers for cases of trafficking and labor rights abuses and offering regularization to those who are victims; providing access to adequate legal assistance for detainees; immediate stop to crackdown on undocumented migrant workers so that dialogue on better solutions that protect human rights can be discussed among stakeholders; on site regularization programs; and sustained regularization program over a period of several years for undocumented migrant workers.

3. MigrationAndDevelopment.net: Building a New Civil Society Tool on Human Dignity in Migration and Development

MigrationAndDevelopment.Net is a new point of reference and exchange designed for NGOs, faith-based and labor organizations, policy-makers, scholars international institutions and others who emphasize the importance of pursuing practical, rights-based programs and policies that embrace the full dignity of the human being in migration and development processes.

The session served as an opportunity to demonstrate the site, invite civil society feedback and encourage civil society contributions to the site. Likewise, it sought to demonstrate concrete steps that are being taken for follow-up to discussions held at international processes such as the GFMD and long-term possibilities for strengthening the quality and cohesiveness of debates (and information) on migration and development issues.

To elevate the voice of the civil society at the GFMD, the following recommendations were tabled in:

- Create a website where migrants and other like-minded people can find info; directory of migrants and NGOs working on migration issues; minutes of meetings and materials for future references.
- Promote institutional policy coherence among different government ministries and authorities and civil society organizations. Ensure that migrants participate in decision-making. Discussions should be rights based. As many feel that they are forced to migrate, including professionals, policies must enable people to work and stay in their home countries. There should, however, be policies to support the return of migrants should they still decide to leave.
- Highlight right to decent work.
- Framework should be under the UN MWC; promote its ratification.
- Migrants should have a voice on how remittances are used; support from migrants’ savings, microfinance efforts, etc.; ‘co-development’. Any type of co-development should be based on needs in country of origin.
- Migrants’ organizations should be recognized as political actors and should be consulted both in sending and receiving countries.

Point for further discussion

- More discussion on the link between migration and development
Theme 2: Trade, Finance, Remittances, Debt and Migration

1. Debt, Aid and Migration

This workshop was co-organized by Jubilee South-Asia Pacific Movement on Debt and Development (JS APMDD), International Gender and Trade Network (IGTN), Migrant Forum in Asia (MFA) and the Freedom from Debt Coalition (FDC).

Debt has been used as leverage for decades especially in the South, which greatly contributed to the economic incapacity of the South and its impoverishment.

Economic Meltdown and Migration Policy

The global crisis that we are currently experiencing was triggered by the supreme mortgage crisis that erupted in the US since August 2007 and resulted in the successive meltdown that wiped out trillions of dollars in a flash. Nonetheless, the crisis not only affects the financial markets of the United States and other advanced capitalist countries. It is an international crisis that mires the Third World countries in a very difficult period.

The crisis not only affects the derivative markets but also threatens the real economy, the industrial economy that produces the ‘commodity wealth’ of society. There are reports of slowdowns of major corporations in the US like in the car industry (Ford company). Retrenchment of the workforce and more factory closures are expected to happen in the coming months.

No amount of bailout was able to arrest the further deterioration of the situation. This is just a temporary measure to cushion the impact of the crisis. However, the burden of this action will be passed on to the majority of the population that would clearly aggravate the situation of poverty, unemployment and exploitation experienced by the world’s workers and peoples.

Key Issues

- Where is it going? These dynamics of intervention and measures will only favor a very select number of banks and companies. The crisis signals the end of neo-liberal economic model. A model that has been marked by massive liberalization, deregulation and ‘financialization’ of the economy.

  The current measure of nationalization of banks and financial institutions that the US government is proposing are mere attempts to use taxpayers’ money to bail out private corporations. Once these institutions stabilize, they will immediately be passed on to the original corporate owners. This could then lead to a restructuring that will be carried out by a more authoritarian way of functioning. A primary example is the Philippines. Every time there is a crisis situation, the government is quick to adopt emergency powers, which is seen by the ruling trapos (traditional politicians) as the best way to prop up those corporations that they own or those whom they favor. This means the world may not only experience unprecedented economic depression but unprecedented political regression.

- Impact on Workers. The crisis is being used as a tool of capitalist governments to impose its own brand of discipline on the people. The crisis will result in rapid increase in unemployment in the advanced economies of the world and massive attacks on wages and working
conditions will become one of the main forms of discipline that will be imposed among workers. Incidence of hunger is beginning to rise especially in the African-American communities in the US.

- Migrant Labour. Due to the current crisis, increase of discrimination and racism towards immigrants from countries in the South is one of the causes of job losses in the industrialized countries where they imigrated. In many parts of Europe, Asia and other countries, clampdown on undocumented migrants is now very prevalent. The rights issue that should be enjoyed by the migrant workers will continue to be denied. Lastly, less demand for migrant workers is an issue as this means a reduction of remittances in the Third World countries, which would greatly affect its economies.

**Recommendations:**

- Total cancellation of all illegitimate debts, especially debt of Third World countries
- Stop using migration as a “development” tool. Stop representing remittances as ODA (overseas development aid) of the North
- Migrants have right to work, right to stay, right to development
- Migrants have sole right in deciding the use of their remittance – these are private funds and therefore, use and management should remain the prerogative of migrants
- In response to decades of failure of neo-liberalism - call on a new global economic order that will put people’s, workers’, migrants’ rights at the core of the agenda.

**Theme 3: Governance and Migration**

1. **Political Stakeholding’ of Migrant Workers in Home and Host Countries**

Part and parcel of advocating for policies that protect, promote and fulfill the human rights of migrants and their families is the recognition of the right to participate in political, electoral and governance structures and activities in home and host countries. Migrants should be active and direct stakeholders in decision-making processes, policies and structures of the states especially on issues that affect and involve them.

The focus of this workshop is to identify factors that facilitate and/or hinder women and men migrant workers’ access to and effective participation in political, electoral and governance issues. It also discussed migrants’ spaces for representation in policy/ governing bodies of governments in home and host countries, and the ways forward.

The Center for Migrant Advocacy, Migrant Forum in Asia, Platform of Filipino Migrant Organizations in Europe, Babaylan: Philippine Women’s Network in Europe and Coalition for Migrant Rights and Asian Migrant Domestic Workers Alliance co-organized this workshop.

The panel discussions revolved around the two main topics: The Migrant Vote and Representation in Governance Structures.

On the migrant vote, Nonoi Hacbang discussed the practice of Overseas Absentee Voting for Filipino Migrants in Europe while Arnoldo Garcia of National Network for Immigrant and
Refugee Rights (NNIRR) gave information about the vote of Mexican migrants in the US.

Saiful Hague, Chairperson of WARBE Development Foundation and Young Lee, General Secretary, Joint Committee with Migrants in Korea (JCMK) with Soun-Cheol Lee, Kyeongnam Migrant Workers Council Office, JCMK shared cases of representation in governance structure - Saiful on Bangladeshi migrants and Young Lee on case representation of migrants in Korea.

Key Issues:

- Creating an enabling environment for effective exercise of political participation
- Migrant workers remain as members and integral actors of home countries and should, therefore, enjoy citizen rights – to participate in electoral and other political arenas not just because they pay taxes
- Migrant vote has potential to change political leaders and influence policies
- Migrants as third force or third bloc
- The focus is to create spaces (‘political stakeholding’) for migrants to be able to participate – not only to be able to vote (right to suffrage) but also to engage both sending and receiving countries on participation issues

Issues for further discussion:

- Universal transnational citizenship should be discussed further
- The details and implementation measures of political participation in home and in host countries
- Identify all actors when we talk about migrant ‘political stakeholding’: temporary, permanent, undocumented
- Distinction between permanent or temporary migration when we talk about human rights - right to vote in the home country and to participate in the host country
- Government accreditation requirement for organization to be able to participate in various processes
- Citizenship is a right that also has its attendant responsibilities. This view of citizenship is exclusionary and this is something we challenge – the world has changed and people are crossing borders due to globalization.
- The focus is to create spaces (‘political stakeholding’) for migrants to be able to participate – not only to be able to vote (right to suffrage) but also to engage both sending and receiving countries on participation issues.
In the context of these discussions, the following recommendations on how to create spaces for migrants to participate in the political affairs of their countries were put forward:

- Direct and self-organizing of migrants in host and home countries to the capacity to self-represent in advocating for their rights.
- Direct engagement by migrants in lobbying and advocacy work.
- Mainstreaming the issue – put in the consciousness of the public and policy-makers through networking with CSOs (TUs, solidarity and other local groups).
- Campaigning to claim their rights and developing necessary participative and democratic mechanisms and processes that enable overseas migrants to participate substantively as direct stakeholders in policy-making in countries we live and work in, and in our home countries.
- Develop local groups (of host countries) as advocates for migrants’ rights – engagement with their respective governments.
- Amend the law to make it more enabling/effective.
- Integration of the migrants in the local unions – maximize role of the trade union.

2. Changing Migration Landscape in Japan

Japan is a top destination country for approximately two million migrants. These migrants mostly come from various parts of Asia and Latin America, attracted by the employment prospects and opportunities for migrant workers in Japan. Combined with Japan’s need for workers in low-paying jobs such as in factories and in the adult entertainment sector, the situation has resulted in migrant workers seeking employment in Japan despite highly unstable and vulnerable conditions.

Despite Japan’s need for migrant workers, migrants in Japan are increasingly being regarded as “enemies within”. In response to the growing number of migrants in Japan, the government of Japan has adopted measures to control or manage the situation. However, these policies often come from a national security perspective. Some of these moves include efforts to reduce the number of undocumented foreign nationals through periodic crackdowns, more stringent immigration policies targeting foreign women who work as entertainers in Japan’s adult entertainment industry, among others.
hours. They have poor living conditions.

- Harassment continues because the authorities do not efficiently wipe out the offenders as a means to curtail all other offenders’ businesses.
- Because of the stricter migration policy evident in Japan’s adoption of the Action Plan of Measures to Combat Trafficking in Persons, intermarriages happen wherein Filipinas become subjects of trafficking in the guise of marriage. Most Filipinas do not know much about the country they will be moving to. Serial/multiple relationships, abandonment and domestic violence are among the problems encountered by these women trapped in this condition.
- With regard to the Japan-Philippines Economic Partnership Agreement (JPEPA), Filipino nurses do not receive the same salary as Japanese nurses. Nurses are only considered as service providers and not actual nurses.
- In terms of applying for Japanese citizenship, Japanese-Filipino children are in a Nikkei-Jin status where Japanese fathers only recognize their children for the sake of transmitting their nationality.

The following recommendations were made to ensure the well being of women migrants in Japan:

- As the labor-force replenishment policy is not enough to cater to the migrant workers, there should be a change in their policies that thrive in virtues such as peace, democracy, and worker-employee equality
- A multi-ethnic and multi-cultural society must also be embraced
- Call for full employment
- Call for anti-mail-order bride trafficking laws
- In times of crises, the Philippine government must deploy personnel overseas to assist those in distress to provide on-site help
- Provision of public education especially to potential migrants
- Undergo training and workshops regarding issues on their background when and if they want to apply for a Japanese nationality

At the end of the workshop, participants concluded that Japan’s migration policy may be changing at the surface but the core policies remain essentially the same – a very restrictive framework is not designed for protection.

3. The Triangular Model of Managed Migration, Trade and Development, and Repressive Enforcement Policies: An Emerging Global Paradigm

This workshop sought to examine the concept of managed migration, trade and development and repressive enforcement policies and provide recommendations to the governments for policy interventions. Migrants Rights International (MRI) and National Network jointly organized this workshop for Immigrant and Refugee Rights (NNIRR).

Speakers included Colin Rajah, National Network for Immigrant and Refugee Rights (NNIRR), Michele Le Voy – Platform for International Cooperation on Undocumented Migrants (PICUM), Pablo Ceriani – Centro de Estudios Legales y Sociales (CELS) and Clariste Soh – Centre Amadou Hampate BA (CAHBA).
Below is a list of issues found common in many regions particularly on migration policies:

- Intensification of the institutionalization of the model of free trade or neoliberalism, managed migration and repression against migrants all over the world
- Utilitarian state-centered migration policy which means economic benefit of states and migration policy based on national security perspective
- Neoliberal policies, uneven economic growth, structural adjustment, free trade agreements, treaties for foreign investment
- Invocation of state sovereignty and failure of states to abide by agreements
- Agreements being put into place
- Collaboration of Southern country with Northern policies – EU/Africa/US

These policies are seen to have contributed to the following problems:

- Poverty and sanitary conditions
- Destruction of ways of life (i.e. farmers)
- Destruction of state sovereignty
- Massive migration
- Rise of detention centers as in the case of Africa, Europe, Latin America
- Exportation / externalization of borders, privatization
- Employer enforcement in Switzerland, US, Europe
- State repression is being built into trade agreements - this analysis is missing in the GFMD
- Violation of human rights at the border
- Return issues – gender based violations, lengths of detention, process of return

These conditions have greatly affected migrants. Migrants are found in very deplorable conditions. Migrants are seen as outsiders and danger-

Recommendations:

a. To governments
   - Not to engage in managed migration, neoliberal free trade agreements and repression policies
   - Migration policy should be based on human rights perspective, not utilitarian economic benefits of states or on national security policy.
   - Governments should respect human rights of migrants in its jurisdiction, including economic, social and cultural rights and political rights
   - Not to enter into bilateral or multilateral agreements that violate human rights, including in trade agreements that contain repressive policies or lead to violations of human rights
   - Ratify international human rights agreements including MWC and ILO agreements, HR agreements, and to abide by them
   - Adopt legislation that recognizes human rights of migrants and should regularize irregular migrants.
   - Southern governments should not discuss agreements with Northern governments separately (for instance, African countries should not engage in discussions with EU separately), and they should do best efforts in presenting their own proposals rather than simply discussing proposals presented by Northern governments.
   - Governments should defend their nationals in their home countries as well as abroad
   - Governments should address root causes of migration
Theme 4: Emerging Themes

1. Climate Change and Migration

Climate change is being called the crisis of our generation. As the average global temperature increases, weather patterns have also demonstrated staggering power. It is predicted that there will be more heat waves, increased temperatures throughout the year, with dry summers, and rising sea levels.

Droughts and tropical storm are ever more frequent. With glacier melt, coastal zones can flood and lead to increased salination, which shrinks the available arable land. Fifty percent of the world’s population live within 60 kilometers of a coastline (Columban, Justice, 2007). It is estimated that with just a one-meter rise in sea level, Bangladesh would lose 15 percent of its land mass and about 30 million people would be displaced (Columban Justice, 2007). Loss of land, homes, and loss of livelihoods have already induced communities to send out workers in order

Recommendations Continued…

- Governments should protect migrants in their territories and protect them from violence and the brutality of authorities as well as private parties, at borders as well as within their territories (ex. South Africa, Mexico, Dominican Republic)
- Governments should stop detention and deportation policies, which violate human rights including due process rights, life and the length of detention, and generates risks for deportees in the country of return

b. To Civil Society

- Migrants’ rights association and migrants’ rights advocates should associate with human rights organizations internationally and regionally
- Civil society should work together
- Set up alliance with human rights organizations that have alliances with the intergovernmental organizations like the African Union
- Get regional human rights mechanisms involved, like the African Human Rights Commission and Inter-American Human Rights Commission
- CSOs need to discuss with national governments and parliaments – to acquire more information
- Make our own governments, including those in the South, accountable, and demand that they defend their nationals
- Denounce the economic relations between governments that have created unfavorable conditions – ex. EU bilateral agreements
- Civil society organizations should educate themselves and others, and work to defend human rights of migrants
- Civil society organizations should strive to be as independent in their initiatives as possible – free from external ‘influence’ that may encroach on CSOs organizational positions and campaigns
to support their families. However, climate induced migration is hardly extricable from the social, economic and political causes of migration. An adaptive strategy in the face of climate change can be to migrate temporarily in search of work to sustain one’s family through remittances.

Recommendations:

- Free trade contributes to global warming
- International financial institutions are major polluters and have not been held accountable to their environmental responsibilities. Therefore, they should not present themselves as part of the solution unless they are genuinely committed to account for their ‘sins of commission and omission’.
- Radically reduce wasteful consumption and over production.
- Climate change is no longer just an emerging issue. It is affecting us now and it affects not only migrants, but all of us.

2. Children Migration

During the plenary, Save the Children UK shared the results of the policy debates held on 24 October where issues confronting children were presented (see earlier report). Save the Children made the following calls:

- Ensure that migrant children enjoy the full range of rights, including access to health and education services, regardless of their status.
- Implement a moratorium on the detention and deportation of child migrants.
- Ensure that all migrant children have access to birth registration and the right to a nationality.

Apart from the mentioned thematic workshops, the Asian Migrant Domestic Workers Alliance (ADWA), RESPECT and Migrant Forum in Asia also organized the 3rd International Domestic Workers Workshop. This was a follow-up to similar DW meetings held in 2006 (New York) and 2007 (Brussels) as part of the civil society workshops during the GFMD. Those earlier workshops were co-organized by Human Rights Watch, Migrants’ Rights International (MRI), MFA, CMR and other partners. The main objective of the workshop was to discuss plans and strategies for the “International Campaign on the Recognition of Domestic Work as Work” as an advocacy for an ILO Convention on Domestic Work.

Key Outcomes and Synthesis :

- Establishment of the Global Working Group that will strategize the campaigns on: 1. Recognition of domestic work as work, 2. ILO convention for domestic workers (DWs), 3. Enforcement of ILO and UN conventions, 4. Support for national DW legislation
Key Outcomes Continued….

- Networking at the national/ regional/ international levels
- Regularize undocumented workers
- Network with trade unions, both in receiving and sending countries; link campaigns with TUs globally (e.g. TNI, RESPECT, ADWA experience)
- Capacity building of families of DWs and DWs themselves in both countries of origin and destination
- Start fundraising
- Learn from national experience and extend reach to international networks
- Strengthen the capacity of migrants’ organizations and DW groups to organize

Some basic points that should be included in the ILO convention:

- Clarify the definition of domestic work that is sensitive to both women and men and both local and migrant domestic workers
- Recognition of domestic work as work
- Right to organize, unionize, or join a national union
- Minimum pay standard
- DW coverage under national labour laws
- Passage of national legislations on domestic work

Some basic points continued….

- Legalization and regularization of domestic work
- Regulation of recruitment policies
- Promotion of decent work principles
- Freedom from violence and abuse and security against arbitrary arrest
- DW coverage under national labour laws
- Passage of national legislations on domestic work
- Legalization and regularization of domestic work
- Regulation of recruitment policies
Eight years into the new millennium, changes are taking place in Japan vis-à-vis the situation of migrants. Japan’s adoption of the Action Plan of Measures to Combat Trafficking in Persons has drastically affected the migration of Filipino women to Japan as entertainers. From 74,000 Filipino entertainers deployed to Japan in 2004, the number has drastically been reduced to less than 10,000 in 2007. This change has been accompanied however by an increase in the number of intermarriages between Filipino women and Japanese men.

To address Japan’s demand for workers in low-paying jobs, Japanese Latin Americans continue to flock to Japan to work in factories. The ranks of Japanese Latin Americans working in low-paying jobs in Japan will soon be joined by young Japanese-Filipinos who are also being actively recruited to work in Japan.

Given Japan’s role in the international labour market, Batis Center for Women, Migrant Forum in Asia and Solidarity Network with Migrants Japan co-organized this workshop to discuss these changes and the implications for migrants who continue to flock to Japan.

The panel of presenters discussed the overview of the migration situation in Japan, the situation of women migrant workers in Japan and the situation of children from interracial marriages in Japan.

From the presentation, it was revealed that there is not much difference in terms of the issues faced by women migrant workers in Japan. The current Labor-Force Replenishment Policy has aggravated the situation of these women. These issues include the following:

- More females are accepted in jobs in Japan because of the growth of the textile and food industries, which requires women laborers. Heads of companies handpick women they prefer.
- Workers were duped into their jobs. They are not considered legal workers. Some were brought in as trainees but are only given a portion of the salary they were promised to receive. Some migrant workers were subjected to forced labor, and were not trained for their jobs. Job hours were doubled, and they were not paid for the excess number of
Some basic points continued…

- Promotion of decent work principles
- Freedom from violence and abuse and security against arbitrary arrest
- Development of a mechanism for effective implementation of the convention
- Clear definition of “DW” including job description
- Development of legal standard contract (based on principles) and drafted in appropriate language understood by both parties entering into the agreement
- Rights, responsibilities and entitlements are satisfied
- Family rights – reunification, right to form own family, right to citizenship for second generation migrants
- Social security and health care
- Right to keep own passport and other travel and work documents
- Monitoring and inspection of compliance
- Responsibility of sending country to protect its nationals
- Visa status should not be tied to employers – facilitates right to change employment
- Access to legal and judicial mechanisms
- Job security

Agreed Plans:

- Submit “elements” as our initial recommendation to ILO
- Raise funds for sub regional and national consultations
- Establishment of an international working group as a focal point for coordination
- Develop common information materials to be translated to different languages (for printing and website posting)
- Joint strategy to formally launch the campaign on 18 December 2008
Joint Trade Union and Civil Society March, 27 October

Over 3,000 people from all walks of life converged at the Liwasang Bonifacio for the march to the Philippine International Convention Center (PICC) where the 2nd Global Forum on Migration and Development was being held. Trade union groups across the globe led this march under the banner of "Solidarity Action of Labor against the GFMD," (SALAG).

The march was made colorful with giant posters, life-size puppets, campaign banners, and the presence of people representing a wide constituency. People walked several miles together chanting the campaign slogans and demanding for migrants’ rights and the recognition of migrants everywhere.

While the group moved towards the PICC, the march stopped on the slope of the underpass near the Manila City Hall. Police in riot gear blocked the march. As the goal was to go as close as to the PICC as possible, the march organizers had an hour-long negotiation with the police to let the march continue, but they were not successful in persuading the police to let the group through.

Ignoring the heat and undaunted by the police, the group managed to stay in the area and continued the program. Representatives from each sector gave rousing speeches, which made the program even more inspiring. The issues on export policy, union rights for migrants, and migrants' rights were among the issues brought up during the protest march. In particular, the group called for the government not to depend too much on money sent home by more than eight million overseas workers and OFW remittances should not be viewed as a model for success because it only reflects the Arroyo administration’s failure in providing decent local jobs to Filipinos.

Sharan Burrow, President of the International Trade Union Confederation, together with other delegates left the official CSO forum to join colleagues and comrades outside. She committed to bring these issues to the official forum to ensure that migrants’ rights are placed at the center of the discourse.
Women’s Day Action, 28 October 2008

“A Rights-Protected Present and a Just and Empowered Future for Women Migrants” was the theme of the women’s day of action on 28 October.

Two concurrent workshops were held in the morning - Migration and Trafficking Forum and CEDAW General Recommendation 27. NOVA organized the first workshop while Migrant Forum in Asia and UNIFEM co-organized the workshop on CEDAW GR 27.

A press conference was also held around 10 in the morning at Max’s Restaurant, in Manila, which was attended by Filipino and foreign women overseas contract workers, together with their families and sympathizers. They regarded GFMD as an “exclusive talk shop unmindful of their plight and interests.”

After a brief open forum, a theater troupe presented a short skit showing the diversity of jobs and skills of migrant women workers. The actors represented migrant women as nurses, people in business, entertainers and home workers in different countries. The press conference provided a peek into the situation of migrant women.

In a statement issued by over 25 organizations for the "Women's Day of Action on Migration and Development”, organizers emphasized the increasing "feminization of migration" and the demand for "people-centered, gender-just, sustainable development."

Migrants stated that, "In the Philippines, and in several other Asian countries, women comprise the majority of persons migrating largely due to the dearth of viable employment opportunities at home, but also because they are pushed by government to answer to the demand for women-oriented, often low-paying service sector jobs abroad. Even as so-called 'regular' workers, they are not guaranteed their rights, often accepting less pay and under stricter conditions."

Calling it a "human rights catastrophe... of staggering proportions for women in migration..." the Women's Day of Action called on the Philippine government to uphold the United Nations "Declaration on the Right to Development," which binds signatory governments to end the massive rights violations that result from the structures and economies created by different forms of neocolonialism, apartheid, racism, foreign domination and other neoliberal policies that force people, especially women, to migrate internationally in order to survive.

The press conference ended with a reminder that the GFMD is only one venue for advocacy. "Migrant women workers will organize to expand their rights."
Immediately after the press conference, the group, mostly composed of women, massed at the Plaza Salamanca with the goal of reaching the PICC. Clad in costumes depicting the work of domestic workers, nurses, caregivers and entertainers, the women marched along Taft Avenue towards the PICC in a symbolic action dramatizing their plight. The women’s groups called for the recognition of women’s rights as human rights, the end to the commodification of women migrants, genuine job creation and not merely labour export promotion, generation of local full employment and upholding the Declaration on the Right to Development, people-centered, gender-just and sustainable development.

The women’s groups have also lambasted the Philippine government’s hypocrisy in calling OFWs as the “new heroes of our time” when it is only concerned with the huge amount of remittances that OFWs bring into the country.

As with the 27 October mobilization, the march was also blocked by the police authorities. Undaunted by the presence of the police in riot gear, the marchers managed to pull over a jeepney and used it as a platform. Various women spoke out during the program being held hostage by Manila police. They spoke out against the travails and injustices women migrants endure in their host countries.

A contingent of women put masking tape on their mouths to denounce the silencing of their and other migrants’ voices and agenda at the governments’ proceedings at the GFMD.

After about an hour of rousing speeches and non-stop chanting, ignoring the blistering heat of the sun, the program ended with Korean drummers energetically performing and, literally, dancing circles in front of the police line. The police blocked the march but they did not and could not stop the movement.

After the Korean drum troupe’s performance, the march ended triumphantly back where it started. Hundreds of marchers kept up the energy and enthusiasm of a monumental struggle for the rights of women migrants everywhere.

At the Plaza, hundreds of marchers gathered in a circle to hear more speakers and a dramatic theater performance. The program continued with speakers and a theater troupe highlighting the issues facing women migrants and the demand for human rights and justice.
Workshops Conducted

1. Migration and Trafficking

The Philippine economy more than ever, is heavily dependent on the export of its own people, euphemistically termed as human capital. The income from this three-decade old economic program has various macro and micro economic benefits. The cash is used by banks and other financial institutions, and by the families of the OFWs respectively. By spending their cash on education, health, and homes, the OFW families are instrumental in triggering the spending pattern of the country, producing the much-needed growth, at least in statistical data. For the last decade at least, the women migrants being deployed rose to an average of 70 percent among new hires.

The Kingdom of Saudi Arabia and the United Arab Emirates remain the top two employment destinations for Filipino overseas workers. And many of the most atrocious cases of violence against Filipino migrants are from the region of which these two countries are part.

The Philippines for instance, is known as a source, transit point, and destination of human trafficking. Based on the 2006 US Department of State Human Rights Report, women and children are usually the victims, and some 20,000 to 100,000 fall prey to trafficking annually. The report also noted that a large number of these victims are sent to the Middle East, particularly Saudi Arabia, Kuwait, United Arab Emirates, Qatar and Bahrain.

Organized by the Network Opposed to Violence Against Women (NOVA), the workshop sought to:

- Understand and contextualize problems encountered by the migrant workers in their search for a better life in other countries, particularly those who became victims of trafficking.
- Discuss the plight of these trafficking survivors, and help design services and advocacy related to migration and trafficking; and to identify alternatives to migration

A total of 55 participants from women’s groups and migrants’ organizations, and survivors of trafficking attended this meeting.

Highlights of the Discussion

From the discussion, participants concluded that trafficking among women in the Philippines happens because of three main reasons:

- The lack of local jobs in the country is the main impetus for women migration.
- The vulnerability of women as a consequence of an oppressive economic system is also a factor.
- Governments are guilty of sending migrant workers abroad as prime employment program and development strategy

The challenge is also to involve more advocates, non-government and grassroots organizations in advocating against the over-reliance of the government for its employment program by sending its citizens abroad. The inclusion of migration issues in school curricula will be part of the long-term advocacy.
To deepen the discourse, the following points were suggested for further discussion:

- The culpability and social responsibilities of the recruitment agencies
- The social stigma of being trafficked and the dashed dreams and hopes of their families

2. CEDAW GR 27 Workshop

Migrant Forum in Asia (MFA) together with Women’s Legal Bureau (WLB), Center for Migrant Advocacy (CMA), International Gender and Trade Network (IGTN) and RESPECT Europe organized a workshop on the CEDAW General Recommendation 27 (GR 27) on Women Migrant Workers on 28 October 2008. The objectives of the workshop were:

- Providing updates on the status of the CEDAW GR 27
- Popularizing CEDAW, in particular the GR 27, as a tool for policy advocacy in advocating for the labour and human rights of women migrant workers
- Mainstreaming the issues of women migrant workers
- Identifying strategies for future advocacies

Overview of CEDAW and CEDAW GR 27

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. Consisting of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

The Convention defines discrimination against women as "...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”

Since its adoption, there have been 178 ratifications by countries of origin, transit and destination. It is one of the most widely ratified of conventions, second only to the Convention on the Rights of the Child. The convention, however, does not specifically cover women migrant workers, in particular migrant domestic workers. In its 32nd session in 2005 the Committee on the Elimination of Discrimination Against Women decided to elaborate a general recommendation on migrant women, General Recommendation 27 now called General Recommendation 26 after it was approved on 5 November by the CEDAW Committee.

Civil Society’s Response

A. UNIFEM (United Nations Fund for Women)

The UNIFEM, a women’s fund at the United Nations that provides financial and technical assistance to innovative programmes and strategies to foster women’s empowerment and gender equality, convened several consultations among CSOs and women’s groups to draft the GR 27.

The draft GR aimed to highlight the grave abuses and acts of discrimination that women migrants face and to clarify the standards set out in the convention that is relevant to these abuses. It also includes provisions to address the issues of women migrant workers in countries of origin and destination. The scope of the draft includes the following:
General. This general recommendation examines how CEDAW protects migrant women against discrimination in all fields. It will draw on relevant provisions of CEDAW, general recommendations (such as GR 12 on violence against women; GR 13 on equal remuneration for work of equal value; GR 19 on violence against women; GR 24 on women’s access to health care; and GR 25 on temporary special measures), and the concluding comments made by the Committee when examining the reports of State parties.

Trafficking and migration. Trafficking of women is addressed by Article 6 of CEDAW, which requires State parties to take measures to suppress all forms of traffic of women. Trafficking largely occurs within the migration process through the manipulation of those who become victims of the practice. When legal migration channels are scarce, the vulnerability of women migrants is increased, producing conditions ripe for traffickers. This general recommendation will address trafficking as an abuse of the process of migration, but will not address trafficking in a comprehensive manner. The concerns, legal framework, and remedies for abuse that CEDAW requires in relation to trafficked women go beyond what will be set out in this general recommendation.

International and internal migration. The CEDAW Committee recalls and affirms that women internal migrants must enjoy the full benefits of the guarantee of non-discrimination and equality set out in the Convention. This general recommendation focuses largely on international migration, but its approach and guidelines for State parties are relevant to the issue of internal migration as well.

The Draft GR 27 also included an overview of the situation of women migrant workers from the causes of migration to the push and pull factors of migration. The draft then moved on to discuss the gender-based human rights concerns related to migration. The draft GR 27 likewise identified the recommendations for countries of origin, transit and destination that will look into addressing all forms of discrimination against women. This draft was submitted for consideration to the CEDAW committee.

B. Women’s’ Legal Bureau Inc. (WLB) on CEDAW Optional Protocol

The WLB is a Philippine feminist legal NGO founded in 1990 working to empower women through the use of and engagement with the law and its institutions. For WLB, CEDAW is a framework that has been instrumental in their advocacy for women-responsive national laws and policies responsive to women’s concerns in the Philippines.

Specific to the CEDAW Optional Protocol, WLB discussed potential cases among migrant workers where the Optional Protocol (OP) could be used:

**Exploitative Terms of Work**

Guarantees women equal rights in employment, including: the same employment opportunities as men, the free choice of profession, and the right to promotion.
Extends to women the right to equal remuneration, including benefits, and equal treatment for work of equal value.

**Restrictions on the Freedom of Movement**

- Women are guaranteed the right to equal exercise of the freedom of movement, which
means that any restriction based on sex – or which result in disproportionate disadvantages for women – amount to sex discrimination and must be dismantled.

**Discrimination in the labor market and in the workplace**

- CEDAW provides the strongest protections, requiring states to ensure women have the same rights as men in the field of employment, and specifying that women have the right to equal remuneration and benefits for work of equal value.
- Also requires states to ensure women have the same rights as men in the field of education; under this provision, sending states must ensure that women are not excluded from certain educational paths, and host states must ensure the same conditions for vocational guidance apply to women and men.

**Dangerous and degrading work conditions**

- CEDAW guarantees women the equal right to protection of health and safety in working conditions, including the safeguarding of the function of reproduction.

**Gender-based violence in the workplace**

- The CEDAW provides clear and strong protection against gender-based violence, including sexual assault and harassment.
- The treaty’s definition of discrimination has been interpreted to include these abuses.

**Gendered forms of racism and xenophobia**

- The CEDAW does not explicitly refer to race or national origin, the Committee has made clear that states have obligations under the Convention to proactively prevent and redress acts of racism and xenophobia aimed at women.

**Restrictions on Migrant Women’s rights to Organize**

- CEDAW requires states to take measures to ensure women have the equal right to participate in NGOs and associations in the public sphere.

Some lessons from engaging the CEDAW:

- CEDAW -- gaining greater popularity, cited in courts and by courts of different countries in an increasing number of cases.
- Optional Protocol of CEDAW emerging as a real operating tool
- CEDAW/OPCEDAW processes as opportunities for organizing, networking, capacity building on feminist legislative advocacy, legal/HR education and participatory research especially among grassroots women for monitoring and shadow reporting
- Popularize CEDAW and OPCEDAW (content and processes) – while legal expertise is important, we are inclined to think that the community currently accessing and directly applying these instruments should be expanded, particularly targeting economically disadvantaged grassroots women
- UN’s multi-functionality; authority in HR standard setting, and norm-setting, convening-power, a holistic approach, addressing diverse and cross-cutting issues.
• But we also need to learn more about the UN, its agencies, processes and people

• Build knowledge about what is being generated by other treaty bodies, special procedures and regional mechanisms; using these platforms also to strengthen claiming of rights, seeking state accountability.

• Understand global and regional contexts and how the interconnectedness of issues and rights play out; how we can mount related HR interventions such as advocating for specific GRs but also for overarching GRs, multi-treaty complaints and investigative mechanisms, monitoring and reporting processes.

**Rights Equality Solidarity Power Europe Cooperation Today Network – Europe (RESPECT)**

RESPECT elaborated on its programs in engaging the CEDAW particularly with participation in the writing of the shadow report as well as dialogues with the members of the committee. Specific to the writing of the shadow report, Ms. Jusay shared their engagement with women’s NGOs in the Netherlands in 2000 and 2003.

RESPECT is a European network of migrant domestic workers’ organisations, trade unions, NGOs and supporters that campaign for the rights of all Migrant Domestic Workers in private households, both women and men, regardless of immigration status.

In particular to CEDAW GR 27, the RESPECT network sent a letter of appeal to the committee to adopt a comprehensive General Recommendation on women migrant workers that will include provisions for undocumented migrants.

**Strategies to popularize CEDAW:**

• Lobbying and Advocacy – This includes lobbying with the EU governments to ratify international conventions protecting migrants rights as well as coming up with local laws that provide protection for migrants’ rights. Among the local and national level laws that EU CSOs would like to highlight are provisions for the regularization of undocumented migrant workers, recognition of domestic work as work and providing citizenship recognition to children of undocumented migrant workers.

• Use CEDAW as a framework for lobbying and advocating for women migrants rights. This means capacitating migrants’ rights advocates in understanding the CEDAW and in engaging the CEDAW committee. This will include engaging with women’s NGOs in writing government shadow reports and accessing the optional protocol.

• Solidarity among nations and migrant community – In order to reduce xenophobic attitudes and behaviour, it was also recommended by the group to promote solidarity among workers in countries of destination.

• Organizing of migrant workers and promoting TU/NGO collaboration in protecting and promoting migrants’ rights – The role of trade unions in advocating for migrants’ rights was also highlighted with recommendations for CSOs to continue engaging TUs to help migrant workers and encourage membership of migrant workers in trade unions.
**Status of the CEDAW GR 27**

As of 28 October, a comprehensive GR 27 was being discussed and considered for adoption by the CEDAW committee members. CSOs have actively lobbied for this for several years and it is now in the hands of the committee whether the GR 27 will be adopted or not.

**Strategies Continued...**

- In line with this was the recommendation to campaign for countries to recognize the rights of migrant workers to form and join trade unions.

- Networking and alliance building – this was also emphasized specifically in relation to building the capacities of migrant workers in advocating for their rights.

- Addressing the root causes of migration – several participants highlighted the need to address the root causes of migration such as poverty, unemployment, underemployment and armed conflict in countries of origin. A specific recommendation for the Philippine Government to address the conflict situation in Mindanao was also brought up.

**Strategies Continued...**

- Continue the campaign for the recognition of domestic workers as workers – the migrant domestic workers represented in the workshop specifically called for CSOs to support the campaign “domestic work is work” as well as engaging the ILO and the ILC where decent work for domestic workers is part of the agenda in the hopes of coming up with a convention for domestic workers.

- Information Education and Capacity Building – continuous information education and capacity building on new laws such as the CEDAW General Recommendation on Women Migrants, the EU Return Directive and issues were also highlighted. The need for capacity building among migrants to understand these new trends and issues was strongly emphasized.
Development Groups March and Joint Trade Union and PGA Press Conference, 29 October

As the official government days of the GFMD commenced at PICC, simultaneous PGA activities were held which included a protest march in Ortigas and Makati, a joint TU-PGA press conference and two workshops.

Led by Jubilee South-APMDD, Focus on the Global South and Stop the New Round, the protest march gathered around 300 people from different sectors - peasants, fisherfolks, urban poor, women’s groups, migrants and trade unions showed their solidarity in a protest motorcade in Ortigas Center in Pasig City and Makati City. Protesters expressed their stand on the decades of disastrous economic and development prescriptions of institutions like the World Bank, World Trade Organization and rich nations to the developing nations.

Dubbed as the “Trail of Anti-development, Anti-migrant and Anti-people prescriptions”, the group had three stops highlighting the disastrous development prescriptions of these major institutions.

The group’s first stop was the Asian Development Bank in Ortigas, Pasig and then moved on to the World Bank where they had an hour program. Speakers from different parts of the world highlighted the failures of neo-liberal prescriptions.

The group then headed to the European Commission in Makati City. As the group moved towards Makati, other civil society groups joined the motorcade. Again, the group had a program and expressed their sentiments and criticisms on the development paradigm espoused by these institutions particularly using export as a tool for development for the South. A migrant worker based in the Netherlands denounced the current EU Return Directive that further criminalizes migrants.

After the program in Makati, the group attempted to go to the Department of Foreign Affairs in Pasay but was not successful because they were already surrounded by ranks of Makati Police. Makati police even escorted the marchers on their way out of the city until they dispersed, ensuring that they will not be able to go to the DFA.
While there was an ongoing protest march in Ortigas and Makati, a joint Trade Union and Peoples’ Global Action press conference was being held at the Traders Hotel to report to the public the outcome of the forum and civil society’s assessment of the two-day meetings, dubbed as “The Outcome! The Outburst!”

PGA participants doubted any positive result from the official forum given that root causes of migration were not addressed. PGA organizers publicly announced their 10-point challenge to the governments.

### PGA’s 10-Point Challenge to the Governments

1. Have the obligation to guarantee the human rights, including labor rights, of all migrants as human beings
2. Fulfill their obligations under the core United Nations and International Labor Organization instruments, including the Universal Declaration of Human Rights, the UN Convention on the Protection of Rights for All Migrant Workers and Members of Their Families, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the UN Refugee Convention of 1951, ILO Conventions 97 and 143 and the Multilateral Framework on Labor Migration, and all regional and international human rights instruments
3. Do not deviate from but rather build upon the normative rights-based framework approach to development and honor their commitments to the Declaration on the Right to Development (UNGA Resolution 41/128, 4 December 1986)

### PGA’s 10-Point Continued...

4. Guarantee the right to participation of migrants and all human beings in policy making
5. Recognize and respect the rights of all migrants, including migrant workers regardless of status
6. Ensure that migrants enjoy equality of rights and non-discrimination in the places where they live
7. Protect and uphold the human rights of women migrants, taking into account a long history of gender discrimination
8. Adopt effective policies to combat trafficking
9. Cease design and implementation of state migration policies that constitute or cause violations of human rights
10. Institute a functioning international system based on migration and development policies that guarantee the human rights of migrants, workers and all peoples, and which promotes sustainable, rights-based development.
Workshops Conducted

1. Workshop on Migration in West Asia

As a follow up to the forum held in September 2008, Migrant Forum in Asia and Center for Migrants Advocacy co-organized a workshop on migration in West Asia coinciding with the 2nd Global Forum on Migration and Development in Manila, Philippines.

Gulf countries represented in the GFMD included Bahrain, Jordan, Saudi Arabia and the United Arab Emirates, which co-chaired with the Philippines the first roundtable session of the GFMD.

The workshop was aimed to expose the realities of migration in the West Asia region. While the region still remains to be a major destination of Asian migrant workers, it is also noted as the most notorious in terms of human rights violations.

As highlighted in the previous programs, there have been notable developments on the part of the Gulf countries in terms of looking at the creation of mechanisms aimed to protect the rights of migrant workers in the region. Likewise, they are also experiencing pressure from the sending governments. The GFMD would then be a good opportunity to follow up on those initiatives.

The workshop was attended by representatives coming from groups dealing with migration issues in the region coming from both receiving (Israel, Jordan, Lebanon, Saudi Arabia and UAE) and sending countries (India, Nepal and the Philippines). Each representative shared with the group the work that they have done in the region.

Human Rights Watch

The Women’s Rights Division of the HRW has been doing a lot of work on domestic workers for the past five years. HRW has, likewise, conducted detailed research in both sending and receiving countries.

More recently, HRW has expanded its work to the Middle East in a research conducted on Sri Lankan women workers deployed to Iraq, Lebanon and the UAE. Highlighted in the research was the work being done by HRW Beirut office in involving women’s rights groups in the “Put yourself in her shoes” campaign. The campaign involves tracking the number of deaths of women workers and regular press releases aimed at mainstreaming women’s issues. These public reports have raised outrage that led to more open discussions on these issues. However, there is still a lot to be done in terms of building bridges among Lebanese women’s groups and strategizing to address the issues faced by women migrant workers in Lebanon.

It took HRW three years to process the government documents (visa, among others) and permits to do the research in Saudi Arabia. The fact that the government of Saudi Arabia allowed HRW to do research for one month was a sign of ‘openness’. HRW was allowed to visit prisons and meet with domestic workers.

In the research, it was identified that there are certain things in Saudi Arabia that make things more difficult for domestic workers, e.g., the exit visa that the employer has to approve for the domestic worker to leave the country every time. This is being taken up by the National Society for Human Rights, which is not working specifically on domestic workers but works on the kafala system.
There is also a push for direct hiring by government rather than through the recruitment agencies.

The research and its findings were widely covered by the media. About 30-40 articles were made by Arab media regarding the report, which resulted in Saudi nationals sending letters stating that the report is very shameful for Saudi Arabia. This also created an impression that the National Human Rights Commission of Saudi Arabia should undergo human rights awareness-raising activities. HRW is now very committed to do media work and advocacy in Saudi Arabia and keep the pressure on Gulf countries.

*Middle East Council of Churches*

UAE is a country that is very dependent on migrant labor. More recently, the labor law in UAE has been improved and this is a very positive move by the government especially since employers in the UAE are prone to circumventing the law and the employment rules. Somehow, employers are able to get away with abusing workers especially those in the construction industry, labor camps, etc. Based on the new labor law, the government has started to ban employers who set up labor camps.

The UAE wants to be part of the Western market, which is why the government is under pressure to enhance its labor law and respect human rights of its workers. In fact, UAE is now in the process of including domestic workers in the coverage of its local labor law.

*Justice Center for Legal Aid*

Jordan is quite modern compared to the other countries in the region. The government is taking several steps to reform the labour policies to accord human rights to migrant workers. Recently, a free legal counsel has been established to provide assistance to vulnerable groups in Jordan including migrant workers known as the Justice Center for Legal Aid.

The government has also taken steps to amend the labour law to include the domestic workers, which is targeted to be fully implemented in 2009.
Center for Indian Migrant Studies

The Center for Indian Migrant Studies started as a TV program that showcases Indian migrants missing in the Gulf, including Saudi Arabia. Through the program, a number of cases were resolved through the positive feedback and cooperation of the viewers.

Pourakhi

Pourakhi is a grassroots organization of returned women migrant workers based in Nepal. As there is no Nepali embassy or consulate in Israel, Pourakhi linked up with Kav LaOved so there can be easier access to information. Networking between groups in sending and receiving countries is an effective mechanism to address the needs of migrant workers in the receiving countries.

After the sharing, the participants then moved on to identify approaches and/or strategies on how to make use of the recent developments in the region to push forward the advocacy for the protection of migrant workers.

Some elements for advocacy

- Sharing information on the realities of migration in the region
- Networking – effective in Lebanon and has to be developed in Saudi Arabia
- Legal system / laws – link up with ILO and UN (UAE to report on the UPR November 2008, Jordan has ratified CEDAW, ratification of ILO conventions by Bahrain, Kuwait)
- Tapping the religious leaders to issue fatuah (a religious opinion on Islamic law)
- Performance audit of recruitment agencies – naming and shaming but can also result in filing of cases (libel), recruitment agencies can re-apply for accreditation under new name
- Multi-country contact list – formal, informal or individuals

Strategies for Action:

1. Ranking recruitment agencies
   - There should be an easily accessible database of recruitment agencies that are ranked according to their practices.
   - Approaching organizations that have done other rankings such as organic labeling or fair trade labeling as their expertise can do this.

Strategies Continued…

2. Use of the media
   - Media can be used as a tool in publicly and widely announcing the activities of recruitment agents, as well as with other abuses – media both in home and host countries should be targeted.
Strategies Continued…

- Local media contacts in West Asia are very important, because we need those journalists who are willing to question their own governments (not just the home country governments). But we need to recognize this is a difficult aim as governments may censor those articles that are critical of their policies.

- Even in instances where government may be censoring criticism in the media, there are still possibilities to report on what is taking place – for example, instances of labor rights abuses or status of migrant workers.
- Use of non-traditional media tools is another strategy, such as blogs.
- Kerala organizations have also used media broadcasts into West Asia to be able to find missing migrants, while pushing other advocacy initiatives for migrants.

3. Recent Jordanian policy changes towards migrant workers

- There is a strong reform movement in Jordan.
- Jordan has just passed the domestic workers bill and this can be a good starting advocacy for the ratification of the ILO convention on domestic work, which will be tabled at the International Labor Conference in 2010.
- Plants, where some trafficked workers were employed, were shut down. However, those who were running the plants and those who recruited the people to the plant have not had criminal complaints filed against them.

Strategies Continued…

- There is also need to lobby employers to make them aware of the acceptable standards in treating workers.

4. Domestic workers being recognized in laws in multiple countries in West Asia

- There looks to be a regional trend, which should be supported.

5. Information gathering and sharing

- There is a need to think about who can gather the information needed in contexts where civil society activities are restricted.
- On activities undertaken by civil society and trade unions on policies that are changing in West Asia.
- Improved understanding of Islamic laws.
- On practices of particular recruiting agents and employers.
- On strategies undertaken by governments to get out of prosecuting recruiting agents and other actors who are violating existing laws to protect migrant workers.
- Creating mechanisms to share information on problems of distressed migrants.
- There should be mechanisms to assist distressed migrants apart from SMS and email, since many do not have access to such technology.
2. ICT and Migration: Expanding Spaces for Migrant Workers

Recent developments in Information and Communications Technology (ICT) enable migrants to transcend the physical boundaries that they find themselves in. Online tools and resources provide opportunities for migrants to expand their spaces for their rights and well being.

The session was convened by the Center for Migrant Advocacy (CMA), the Diplomacy Training Program, Tactical Tech Collective or Association for Progressive Communications (APC) and Migrant Forum in Asia. The purpose of the session was to exchange experiences in the use of various ICT tools and resources to protect, promote and fulfill the human rights of migrant workers.

Bobby Soriano of Tactical Tech presented on the emerging use of mobile phones in advocacy. Mobile phones have become one of the most commonly used platforms for message delivery and they are held by more and more people. In the case of migrants, they generally take their phones out of the country. By using a local sim card, migrants are able to remain in contact with family members who send inward bound messages.

During the Gulf War period, the Collective launched a pilot project, which aimed to keep Overseas Filipino Workers (OFWs) connected. The program was first offered to the Philippine embassy that turned it down. The group then asked CMA who easily saw value in using SMS to ensure contact, especially in the case of distressed migrants. Essentially how it works is the messages are rooted to a central facility at volunteer groups. CMA documents the distress messages and they are automatically rebroadcasted to the Department of Foreign Affairs (DFA) and the Overseas Workers Administration (OWA). Also there is an automatic reply function. CMA will also follow up with the cases.

CMA has been in negotiation with telecommunication companies but many are not interested in this program. Currently there are no clear ties with government though there are some friendly government members who have provided support. Marketing of the program began with having local media in West Asia write up stories on the SMS SOS program. There is also information given out at booths at the airport to OFWs on their way out.
Further explanation of how advocates can expand the use of mobile advocacy is shared in a tool kit, which provides a number of case studies on issues of health and election-related violence. For instance, once an SMS is sent, the place of abuse can be plotted on a map and then shared with the public.

One participant raised a concern that the SMS SOS program would not be able to handle the volume of messages that would be sent during a crisis. He shared that he had worked with a steel manufacturer in the Middle East for 12 years. During the war, he said, the management fled and left the company in the command of the highest-ranking worker. The workers flocked to the phones, at that time the company in use was Saudi telecom, but they were not able to get through to their families.

Another participant emphasized how technology can be used to promote development and communication, bridging those that are apart during difficult times.

Below is a summary of the key issues raises during the session:

- Do not rely on just one mode of communication as technology can break down
- Modes should be connected and integrated with other information sharing and advocacy
- Consider integrating the system to support other nationalities in a given country but ensure that full attention can be given to those that send the SMS
- Consider privacy and how to protect the integrity of personal information. Inform senders that information is being sent forward for rebroadcast.
- While there are local community groups working with migrants in countries of destination, including faith based organizations, governments have primary responsibility for their people.
- Investigate other ways to distribute information about the SMS SOS and make migrants more aware of the program.
PGA Solidarity Day, 30 October

On the last day of the PGA, which also coincided with the culmination of the government meetings, activities were focused on statement drafting and assessment as a way forward to the next GFMD in 2009.

PGA organizers held a press conference and assessment session to see if PGA was able to achieve its political objectives and identify the gaps that need to be addressed in preparation for the next GFMD, which will be held in Athens, Greece. A summary of the discussion points is discussed in the latter part of the report.

Save the Children UK and its support agencies organized a children’s caravan to elevate the issue on the impact of migration on children left behind as well as to convince governments and states to consider this important issue in their deliberations.

During the caravan, and in a series of art and cultural workshops, children left behind by Overseas Filipino Workers (OFWs) showcased their plight and dreams and hopes. The children used the art media to convey their desire to be reunited with their parents. They also expressed the social and emotional impacts of migration on themselves, which included: lack of parental care and communication; feelings of anger, depression and rebellion at their parents' absence; social isolation, even among their relatives or extended family; lack of financial support and security.

They also expressed their concern on the situation of their parents working abroad, asking their mothers and fathers to always take care of themselves and stay healthy; and, telling them of their wish to be reunited as families.

Around two hundred people from different sectors – youth, civil society groups, NGOs both from the Philippines and abroad participated in the caravan.

To end the nine-day series of events and engagements, the PGA delegates came together in a night of songs and dances. Prior to the concert, PGA delegates again massed at the Rajah Sulayman Park undaunted by the presence of the members of the Philippine police, army and navy who were stationed in the area since the 22nd of October. Carrying torches and banners and with non-stop chants, the group made their way to the church’s parking area where celebratory performances awaited them.

As a way of revisiting the PGA week, a video was presented to the group. It was followed by a turnover ceremony where PGA organizers handed the torch to the migrants’ groups based in Europe where the 3rd GFMD will be held. Roger Cordero of MARINO, a seafarers’ group, spearheaded the symbolic turnover of the responsibilities to the Europe groups led by Teresita Dino of KASAPI-Hellas, an organization of Filipinos based in Greece.

In her acceptance message, she committed that they would develop a Europe-wide working group that will be composed of migrants’ organizations, trade unions and all other organizations that support migrants’ rights. She ended her message with a chant in Spanish, “El Pueblo
Unido, Jamas Sera Vencido” and the crowd responded with the English version, “The people united, will never be defeated”.

After a few other speeches and presentations, the group was entertained by Filipino social realist artists.
Building on the momentum of PGA and the past parallel events, a consensus was achieved to continue monitoring the process to ensure that the voice of migrant workers who are the real actors in this debate is at the core of the discussions.

As discussed in the previous section of this report, there were four significant developments at the 2008 GFMD: the expansion of the Civil Society Day (CSD) from a one-day session to two days; the introduction of workshops called “voices from the region that surface regional perspectives”; the establishment of a Civil Society-Government Interface and; inclusion of “human rights” as a Roundtable theme for the first time since the GFMD began.

In all these developments, CSOs played a very crucial role in influencing the process towards the realization of these developments. While CSOs recognize the positive developments at the 2008 GFMD, there is still a need to critically engage in the process. MFA, along with other civil society organizations, would like to share its observations and propose the following recommendations where governments and CSOs will be able to work together and enhance the structure and modalities of GFMD as a multi-stakeholder process.

This section presents CSOs’s recommendations to the official Forum and its engagement on the 3rd GFMD.
A. On the 2009 GFMD

1. Roundtable Themes

The inclusion of human rights as one of the roundtable (RTD) themes at the 2008 GFMD was seen by CSOs as an important milestone. The Philippine host of the GFMD also congratulated itself on the Forum’s theme of “Protecting and Empowering Migrants for Development.” Philippine Undersecretary Conejos argued that, “Economic development cannot occur without human development, that is, without human beings who are healthy, educated, employed, and able to care for their families.” Although migrant protection was an issue on the table, governments did not raise the shifting of the burden of development onto migrants as an issue of concern.

Still, migration is being understood through the lens of economic gains, a position that is contrary to the perspectives of migrants and CSOs. Among CSOs, there was an overwhelming agreement that the GFMD’s “migration and development” theme was meant by governments to be synonymous with “migration for development” and “managed migration”. They felt that the GFMD mandate “migration and development” does not go far enough to affirming the human dignity of migrants and to firmly placing their rights at the center of development. Moreover, the migration-development model calls for an intensification of the segmentation of labour, particularly female labour, which continues to reinforce inequality.

At the 2008 GFMD, several governments promoted a model of circular migration where labour mobility is managed for so-called “win-win” (i.e. migrants refine their skills abroad while contributing to sectoral development at home) scenarios.

CSOs must continue to engage in the GFMD process to critique the circular migration or “managed migration” model. At the CSO meetings, representatives clearly identified circular migration as a process that treats migrants as tradable goods. Instead of protecting migrants’ safety and security, the model emphasizes the restriction of movements, particularly for those categorized as “unskilled” or “low-skilled” (e.g. the WTO’s General Agreement on Trade in Services (GATS) Mode 4.) In shaping the RTD themes for the 2009 GFMD, it is imperative that the impact of current global economic crisis on migrants be addressed. It is important to look at how the crisis has affected migrants and their families, migrants’ remittances, and their roles and initiatives as development actors. Another issue to be considered is the effect of stimulus packages as a response to the global crisis and examine if, and how, they contribute to the marginalization of migrant workers. Recognizing CSOs work on the ground level, it is important that CSOs be involved in determining the RTD themes. Discussion and decisions on the agenda and themes of the Forum should not be left solely to experts groups.

2. Past GFMD recommendations

The Philippine government host highlighted two areas that it saw as achievements – continuity and change. *Continuity* meaning improved consultation and collaboration since the Brussels meeting but
also **change** in that the world had a new perspective on migration and development. In Brussels, official CSO delegates made several recommendations to improve the GFMD process, structure and outcomes. However, these recommendations were not included in the official 2008 CSD preparatory documents. In order to enhance the GFMD outcomes, it is important that these recommendations be passed on and built upon from year to year.

Furthermore, many CSOs held local and national consultations prior to the 2008 GFMD. It is recommended that these processes be formally incorporated into the preparations for the next GFMD. The next GFMD organizer should examine how to facilitate and incorporate such consultations into the process, particularly in the preparations for the 2009 GFMD in Greece. These consultations should be coordinated in collaboration with civil society groups. More local and national consultations would go far in moving the GFMD towards becoming a more open and participatory process.

3. Involvement of CSOs in the implementation of past GFMD recommendations

Implementation of recommendations from the past GFMD requires transparency and accountability. Although the GFMD is not within the UN auspices, governments must ensure that commitments of the GFMDs are observed and put in practice in order to provide significant growth and development to the annual forum.

4. Civil Society Days Programme

While it is true that there are significant developments that happened in the CS Days programme, it was felt that there are some areas of the programme, which need to be improved.

The CSO-government interface at the 2009 GFMD was welcomed and should remain an integral facet of the civil society days. Unfortunately, participation of government delegations was very low. Much has to be done to encourage governments to engage with CSOs and to demonstrate the benefits of such interaction.

Another issue of the CSO-government interface was the sheer lack of time allotted to the session. While the interface was assigned just two hours, an improvement over the previous year, there was little space for more than cursory introductions. It is highly recommended that the CSO-government interface be lengthened to a half- to full-day meeting in order to have a more substantive engagement.

Beyond the actual time constraints, the programme structure for the CSO-government Interface reduced the potential for a deeper dialogue. The plenary-only format made it very difficult to share and have discussions. Small group configurations would be far more conducive to an examination of the complexities of the issues. For instance, participants could meet in sub-regional groups, and/or in groupings that relate to traditional migrant trajectories (e.g. sending and receiving countries). During the Interface day, delegates should meet in both smaller thematic group settings as well as in plenary.

On the 2008 CSO Days, the issue of plenary was reversed. Civil society representatives met only in roundtable discussions but not in a final plenary. It is essential that CSOs are able to meet both in small groups but also together in full plenary. The plenary sessions should be used to frame discussions, but also a final plenary is critical for constructing and finalizing the CSO report and statements. It is also important that CSOs are given time to prepare priority issues and positions before meeting with government representative during the CSO-government interface. Not only is more time needed for the interface, but organizers should provide space in the agenda and lend support for preparatory meetings. have a South perspective.
5. Selection Process and Communication among Participants

For the 2008 GFMD, those CSOs that were selected to participate were given only a month’s notice. Again, advance notice of selection is important so that delegates can arrange travel, and make plans to optimize their participation. For instance, many CSOs would like to meet prior to the GFMD or hold consultations with local migrants’ groups. One month’s notice is not sufficient to coordinate such activities, which would heighten the level of exchange at the GFMD itself. To allow for better preparation, the selection process should be completed at least six months before the GFMD itself. Name and affiliation details for all CSO participants should be released soon after selection is completed, allowing for meetings of CSOs at the national and regional levels. Likewise, names of government delegations attending the GFMD must be made available beforehand so that CSOs can also arrange meetings at the local and national levels but also follow-up after the GFMD.

6. Gender balance

In a number of working sessions, there was no gender balance among facilitators, presenters, speakers, etc. More of an effort should be made to ensure that in the various panels keep a balance between women and men, as well as regional perspectives.

7. Geographical balance

In terms of the background papers, the past two years have been dominated by academics from the Global North, but many participants indicated that the papers did not adequately capture the various components to migration and development, which entail the contributions of other civil society actors than academia. It is, therefore, recommended that experts writing the background papers should at least have a South perspective.

An effort should also be made to have geographical balance among the chairs and experts. Due to the language differences among the global regions, this would entail that some chairs might be French-speaking; some experts might write their papers in Spanish, etc. As long as there is simultaneous interpretation into French and Spanish at the forum itself, there is no problem for having chairs and speakers use other languages besides English.

8. CSO Participation

In preparation for the GFMD, governments hold several meetings to lay the groundwork for the official meeting. Similarly, CSO preparatory meetings are needed to develop perspective, positions and also a rapport among the CSO delegates. The Onassis Foundation should facilitate this process of gathering selected CSOs in preparatory meetings.

Several issues posed challenges to CSO access and participation, including funding and language.

i. Financial Support

Financial constraints are the most obvious concern for participation. At the 1st GFMD, all CSO delegates were fully sponsored, however, at the 2nd GFMD, many of the CSO delegates in 2008 only received partial subsidies. Full subsidies should be provided for all CSO delegates. Here again advance notice of selection is important so that delegates can make plans to optimize their participation.
ii. Regional Representation and Gender Balance

Regional representation is critical to the CSO Days. Certain regions, particularly Central Africa, the Middle East and the Pacific, were not well represented. The presence of CSOs from these regions will help create a holistic picture of international migration, its trends and unique challenges. There is a vast gap in our understanding of issues. A representative multi-stakeholder approach is necessary to articulate the issues and develop strategies and solutions.

iii. Multilingualism and Accommodation

All throughout the process, from the application process to the session panels, no provisions were made for non-English speaking delegates.

At the 2008 GFMD, interpretation was not available. Most papers submitted by governments and experts were often only made available in English, with the exception of one paper in French. This lack of translation/interpretation meant that many participants could not fully participate in the proceedings. At the same time, the *de facto* English-only papers and presentations sent a signal that the event is not open to all. More effort should be made to translate all relevant documents, expert papers and especially the CSO application forms into official UN languages, and perhaps also the local language of the host country. Simultaneous interpretation should be available for UN languages and the organizers should consider how to accommodate other languages.

At the session level, the GFMD should aim to encourage linguistic and cultural diversity among the facilitators, chairs and presenters. For instance, some session chairs might facilitate the session in French, particular if the majority of participants are French-speaking.

9. A Two-Way Reporting Mechanism

Since the UN HLD, there has been no established mechanism whereby governments report the result of discussions transpiring during the Forum or outcomes. CSOs are left to scour the few documents and reports available on the GFMD website in order to follow the events of the Forum.

CSOs are very interested to hear back from governments. CSOs would like to have the opportunity to not simply present their recommendations but gather reactions as well as criticisms to their proposals. GFMD organizers should integrate a two-way reporting mechanism into the official process. CSOs should continue to report on their meetings. However, following the government meeting days, a second CSO-government interface should be organized. At this interface, government representatives would share the meeting highlights (i.e. agreements, points of contention and outcomes) with CSOs. Another viable option is to invite independent observers to the government Forum who could de-brief CSOs at the end of each day of the meetings.

10. Legitimize CSO-led Events

Over the past three year since the UN High Level Dialogue in 2006, the CSO engagement outside the GFMD has grown more vibrant. Each year, hundreds of civil society representatives and members of the general public have participated in parallel events while the official civil society days were held. This year, the PGA was attended by almost 4,000 delegates for the entire week.

Parallel events like the PGA provide essential space for debate, critique and positioning on current and
emerging issues on migration. In effect, the “parallel” events are much more than being replicas of the GFMD as the level of analysis never fails to go beyond that of the official Forum. Parallel events allow migrants, CSO representatives and other stakeholders to express their concerns to their respective governments.

The relationship between the GFMD and the CSO-led processes was not completely separate, nor should it be so. In the 2008 GFMD, for instance, many of the representatives organizing and participating in the PGA were also official delegates to the GFMD.

A mechanism is needed to ensure that parallel events are able to link up, both politically and substantively, with the official GFMD process. Parallel events enable CSOs to carry the concerns of migrants to governments. At the same time, it is critical that those who were not able to attend have their voices heard. By opening up the events to broader CSO participation, new relationships are formed, networks are built and joint advocacy often ensues. The CSO-led events are, in fact, a vital dimension of the GFMD process.
Recognizing the crucial role of the CSOs’ parallel events, the following recommendations were put forth:

- Develop an effective inside strategy and continue to focus on effective messaging and how best to deliver them.
- Lobby the official CSOs as well as government delegations attending the forum.
- CSOs based in receiving countries should pro-actively meet and engage local governments in order to influence the issues, positions and agenda that they will bring to the forum.
- Consider how a critique of the current development paradigm can be brought most effectively into the agenda of the official GFMD days. There is a need to articulate alternative models to address the multi-dimensional issues and contexts of migration.
- More public engagement, sharing on issues before, after and during the GFMD and CSO-led events.
- CSOs to share feedback to their respective communities to better understand GFMD and encourage more CSO participation.
- Develop public education materials with broad appeal. Use local languages in material and use alternative media to popularize the key issues and raise awareness of the GFMD and civil society events.
- Intensify media and outreach work. Explore all possible means to reach the broadest possible audience.
- Engage migrant workers in participation.
- To broaden the network, reach out to sectors not represented in previous years.
- Continue building alliances with trade unions. CSOs strongly emphasize the need to further the collaboration with the trade union groups. In 2008, trade unions gave and brought tremendous support to the parallel events. Trade unions were also seen as key to deepening the discourse and articulating new trends and issues. Collaboration with unions will be ever important in 2009 in order to elevate the discourse to the international arena, especially given the current global economic crisis, which is having an enormous impact on the migrant community as well as workers worldwide.
• Schedule of activities should be more flexible; at least six months before the event, logistical arrangements should be finalized. Ensure that each activity has enough participants.

• Lobby with the host government to plan for public events to avoid the same scenario where the Philippine government imposed overly restrictive policies. Although the PGA organizers met frequently with concerned city officials, the PGA permit was revoked days before the event. Further, peaceful rallies and activities were blocked. Foreign nationals who planned to join PGA-related activities were also threatened to be deported. This was evident by the revocation of the PGA permit, blocking activities, dispersing peaceful rallies and other initiatives to represent the interests of migrants. This move was seen to be unconstitutional and a violation of freedom of expression and the right to peaceful assembly.

As CSOs embark on next year’s GFMD, we hope to bring all these lessons learned and good practice in order to improve the structure and modalities of the GFMD.
Annex A

PEOPLE’S SAARC DECLARATION, COLOMBO – 2008
TOWARDS A PEOPLES UNION OF SOUTH ASIA
20 July 2008

The South Asian People’s Assembly (Colombo, 18-20 July) resolves to issue the Peoples SAARC Declaration at this gathering of representatives from SAARC countries.

We, members of social movements, labour unions, women’s groups and civil society organisations have gathered here in Colombo from 18-20 July 2008, as part of the process of Peoples SAARC, to forge a vision for a Peoples Union of South Asia.

This year’s People’s SAARC culmination in Colombo is the continuum of a process of more than a decade. The last peoples SAARC gathering in Kathmandu in March 2007 reaffirmed the South Asian peoples' commitment to creating a better South Asia free from all forms of discrimination, marginalisation and domination.

We represent a rich and wonderful diversity of cultures, languages, religions and a multiplicity of identities and are linked by shared histories, geographies and cultural practices. We believe we have the opportunity and strength to transform our social, economic and political futures to ensure that all our peoples can live in peace, security and dignity.

For this to become a reality, we must take a collective stand against all structures of oppression, discrimination and violence facing the people of the region. We uphold the equality of all countries in the region, and condemn attempts of any one country to dominate the region. We stand for a secular, democratic, equal, peaceful and just South Asia. We will ensure that those who have been traditionally marginalised from political processes, such as dalits, women, indigenous peoples, ethnic, religious and sexual minorities, will be in the forefront of this political project.

This involves creating a discourse on democratic and participatory political processes which respect national and local priorities and take into consideration the very real inequalities between the different states in the region. We are ready to take on this challenge through resolute struggle.

We hail the people’s movements for democracy and peace and against dictatorship and monarchy, that are ongoing in the countries in the region

After discussions and debates for three days at plenary sessions and over thirty workshops we affirm our commitment to achieving the following goals and aspirations:

1. To build a South Asian identity based on our diversities and common histories. We Reject bigotry, jingoism and hatred and will work towards ensuring that enmity between countries is not propagated through instruments such as the media and education.

2. Resolutely oppose intervention of USA and war exercises both in the region and elsewhere. Reject the so called War on Terror which is nothing but an attempt to cover up warmongering by USA and its allies to target ordinary citizens.

3. South Asian countries to commit to a no-war pact and declare the region as nuclear-free. This also involves the drastic reduction of defence budgets and de-militarisation of the region.

4. Free movement of peoples in the region or in other words a visa-free South Asia
5. Restoration and creation of rail, road and sea-links that meet the needs of people.

6. Peaceful and just resolution of all conflicts in the region, including those on the border, through political negotiations, and revoking so called national security laws that give a free-hand to state authorities to commit atrocities against their own peoples.

7. Operationalisation of food sovereignty through building alliances of women, peasants and agriculture labour. This would involve the creation of seed and grain banks, promotion of participatory research and sustainable technologies and the rejection of monopolistic and environmentally destructive technologies such as genetically modified organisms.

8. Fisher people’s right to fish in territorial waters be recognized and legally protected through proper mechanisms. Innocent fishers incarcerated for wandering into neighbouring territorial waters be immediately released.

9. The right to mobility is a human right. Migrants should be assured of dignity and right of work as well as physical protection, basic amenities and adequate wages. The victims of trafficking must be protected, especially women and children. Similarly, the rights of individuals and communities subjected to forced displacement due to conflict, disaster, and development projects should be protected.

10. Ensuring rights of all workers, especially women and dalit workers in accordance with the International Labour Organisation Convention, United Nations Covenants and National Constitutions.

11. The setting up of regional institutions and mechanisms such as a South Asian Tribunal of Justice to address human rights violations. Those responsible for war crimes and crimes against humanity must be prosecuted. Protection to be guaranteed for right of dissent, protest and organization. We call for the immediate release of political, social, media activists and prisoners of conscience in the region.

12. Recognizing the universality of visibility, opportunity, equal rights and dignity for all people, including excluded groups and minorities: ethnic, sexual, gender and people with disabilities. Recognize the prevalence of patriarchy, religious extremism and caste based discrimination that deny human dignity, socio, economic, political equality and justice to the 260 million dalits of in the SAARC countries

13. Achieving Climate justice by ensuring that the burden of adjustment is borne by the elites. This requires a fundamental departure from the current industrial and economic paradigm in the region. Also, people’s rights to information, knowledge, skills, housing, education, health, food security and their organizations must be fulfilled to strengthen their resilience to hazards such as floods, droughts and cyclones.

14. The creation of alternative regional trade and economic co-operation frameworks that meet the needs and aspirations of small producers and labour. This will ensure the defeat of neoliberal instruments such as the World Trade Organisation and Free Trade Agreements in the region. (In the light of current attempts to revive the flawed WTO Doha Round we commit to work with groups across the region and elsewhere to ensure that no deal comes out of the WTO Mini-Ministerial Meeting at Geneva from 21-25 July 2008.)

15. Recognition of health, education, housing as basic human rights. The scaling up of public
infrastructure such as housing, health, education and other civic amenities through democratic sources of development finance. We urge equitable quality education to all children through common school system in the region. We oppose the privatisation of these services and uphold the principle of basic services for all. We particularly assert the rights of those affected by disasters.

16. Upholding knowledge commons, rather than monopolies of corporations. Adoption of free and open source software and open standards in all e-governance projects. Setting up of a South Asian resources pool for free software which enables international relations with knowledge sharing.

17. Unconditional cancellation of loans from International Financial Institutions & bilateral debt.

We call upon Government representatives at the 15th SAARC Summit at Colombo to seriously address these concerns and demands of the people of the region. SAARC must be made accountable to the citizens of the countries in the region.

We celebrate the struggles for democracy and resistance to neo-liberalism and imperialism in the region and in particular the victory of the people’s movement in Nepal. Our Peoples Union of South Asia is a rainbow coalition of democratic forces. We pledge to continue to learn, inspire and empower each other to realise this vision.
Today as we commemorate the sixtieth anniversary of the Palestinian Nakba (disaster), twenty years since the first deaths of migrants were recorded in the Straits of Gibraltar, 35 years of the military coup which overthrew democratically elected President Salvador Allende, at a historical moment when this same legitimacy is gravely threatened in Bolivia, and calls upon our conscience and solidarity, and as we celebrate the 60th year of the adoption of the Universal Declaration of Human Rights;

We, women and men, who belong to more than two thousand social movements and organizations from 90 countries around the planet, gathered together in Rivas Vaciamadrid (Spain), from September 11th to the 14th, 2008, in the spirit of our common aspirations represented in the slogan OUR VOICES, OUR RIGHTS, FOR A WORLD WITHOUT WALLSDo solemnly declare:

OUR VOICES

We are individuals, movements, and organizations of migrants, refugees, and displaced persons, and victims of human trafficking, forced labour, and slave trading. We are also members of social movements and organisations who work together and are in solidarity with these sectors. We are individuals, collectives, and peoples who, because of our concern for migratory processes from an integral perspective, have developed actions committed to the radical transformation of the living conditions of all human beings who have been forced to migrate, to be displaced, or to seek asylum and refuge.

We, migrants, refugees, and displaced persons, our movements and organizations, and those in solidarity with our struggles, hereby constitute ourselves as a new political actor and social force on a global scale which has been further consolidated in this III World Social Forum of Migrations. For all the reasons mentioned above, and in the exercise of our legitimate rights, we raise our voices to say:

NO to the increasing deterioration of living conditions which impact the majority of the people in the world, both in the Global North and South. These conditions have a distinct impact upon migrants, refugees, and displaced persons throughout the world, and in particular on the Palestinian, Saharan, Colombian, Sudanese, Iraqi, and Afghan peoples.

We also say NO to the complicit policies of the United States, the European Union, and Spain in these contexts.

NO to the forced migration of indigenous peoples due to the expropriation of their land and the impact of agroindustrial and other mega-projects whose consequences include the violation of their collective rights, and the loss and destruction of their cultural roots and environment.

NO to all the varied expressions of racism and xenophobia against migrants and their communities which are increasing throughout the world, and in particular those directed against people of African origin and descent, persons who profess the Islamic faith, and those of Mexican, Central American, and Latin American origin in the United States.

NO to the reproduction and strengthening of patriarchal systems, which in the context of the feminisa-
tion of migration have led to profound disparities inherent already in existing structures and patterns of
gender inequality, due to the fact that women are mainly employed in slave-like conditions, while car-
ing for others in contexts of domestic labour.

NO to the policies and projects which stigmatise, fragment, and exclude migrants and their families and
further deteriorate their social, collective, and organizational fabrics. We also reject efforts to transform
migrant remittances into a substitute for authentic policies of national development in countries of
origin, and to use them to reinforce existing circuits of financial capital, thereby deepening historical,
social, political, economic, and cultural inequalities to an even greater extent.

NO to conventional, hegemonic mass media discourse and coverage which reinforces the criminalisa-
tion and victimisation of migrants through stereotyping, and to xenophobia, discrimination, and racism
propagated by the mass media that increases social conducts and practices of this kind in countries of
destination, transit, and
origin.

NO to neoliberal, capitalist globalisation, its concentration of wealth, resources, and power, and it exclu-
sonary effects on a planetary scale, which destroy human beings, their social fabric, and the natural en-
vIRONMENT, and foment the conditions which produce contemporary forms of migration.

2. OUR RIGHTS

We are individuals committed to undertaking social processes to transform the realities related to these
concerns. We analyse and interpret the complex reality of migration, from the perspective of human be-
INGS, their dignity, and their human rights.

We also devise and implement multiple and diverse initiatives, by which we strive to fulfill our historic leading role in the overall struggle to make another world possible.

Under the current conditions of global capitalism, migrants are an evident example of economic and
social inequality among and within countries. This situation is further deepened when it coincides, as at
present, with a multidimensional world crisis which is simultaneously economic and environmental in
character, and includes related dimensions such as those of food and energy.

The building of geographic, political, legal, and cultural walls, such as the European
“The Directive of Shame”, the emerging wall along the U.S.-Mexico border and its equivalents between Eu-
rope and Africa and Israel and Palestine, Plan Colombia and Plan Mexico, and other similar policies and
laws, are criminal strategies that seek to extract the largest possible amount of profit through the militar-
ization of borders and restrictions on human rights. This is the motivating force behind the externalisa-
tion of borders, their mental
internalisation through policies targeting migrant workers and their families and communities through
persecution, harassment, arbitrary detentions, raids, and deportations, and the impunity of border po-
lice and detention centres, where the violation of human rights is commonplace.

We insist that bilateral and regional labour agreements inspired by the Philippine model of temporary
guest worker programmes or “managed migration”, and their multilateral equivalents in the context of the
General Agreement on Trade in Services (GATS) administered by the World Trade Organisation
(WTO), which are intended to discourage resettlement and inhibit the possibility of asserting rights, and
result in the intensified exploitation and dehumanisation of workers, must comply with International
Labour Organisation (ILO) Conventions 97 and 143 and other international human rights standards. The
effect of such policies is the overall deterioration of the human, social, economic, and legal worth of mi-
grant labour, and our transformation into disposable merchandise.
We affirm the need to defend, promote, extend, and deepen our rights in order to contend with the forced, slave-like, precarious character of our labour, and the central role of dignified work as part of a dignified life, that integrates freedom, equality of treatment, and adequate wages and benefits for all working people.

We value economic initiatives of solidarity which strengthen the social fabric of our communities and families and contribute to social and economic processes of transformation and the integral development of all people. At the same we reject the distortion of these objectives as part of efforts ultimately intended to undermine our rights as migrants and workers.

We promote the concept and practice of universal citizenship, and reaffirm all people’s rights to freedom of movement throughout the world, which is recognized in the Universal Declaration of Human Rights and which has been extended and deepened through our struggles.

3. FOR A WORLD WITHOUT WALLS

A world without walls is an essential pre-condition which makes it possible to dream and build another world, and includes full compliance with Articles 13 and 14 of the Universal Declaration of Human Rights and their contemporary implications, as bases for affirming all the human rights of all migrants and “peoples in movement”.

We therefore demand:

The signing, ratification, and full implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families by those countries that have not yet done so. We commend the countries that have ratified this Convention and demand that they adapt their national legal frameworks as necessary to fully comply with its obligations. We also welcome the commitment of local authorities to support the campaign in favour of its ratification, which was initiated by the municipal authorities of our hosts in Rivas Vaciamadrid.

The establishment of a special mandate or procedure within the UN system to address the gaps in existing instruments and instances for the integral defense and protection of the rights of migrants, refugees, and displaced persons, such as the CMW (Committee on Migrant Workers), the Special Rapporteur regarding the Human Rights of Migrants, the UN High Commissioner for Refugees, and the Secretary General’s Special Representative for Internally Displaced Persons, among others, with a particular emphasis on the creation of a permanent space where the voices of migrants, refugees, and the displaced and their movements and organizations can be heard.

The elimination of the EU Return Directive, as well as other legal instruments that permit and encourage the harassment and arrest of migrants throughout the world; the dismantling of Frontex and all political and military mechanisms that subordinate migration policies to the supposed imperatives of “national security” within, along, and beyond borders; we also demand measures to enable on-site monitoring of detention centres with free and full access by social organisations until their final closing and elimination;

That the borders of the world stop being places of impunity where migrants are the object of every kind of violation and crime and as result are compelled to take risks that put their lives in danger. We demand that countries of origin, transit, and destination assume their responsibilities to remedy such situations and its effects.
The regularization and legalization of all undocumented persons or those “without papers” throughout the world, and the expansion of legal bases for the full recognition of all forms of persecution of seekers of asylum and refuge, and for them to be granted the relief that they need, from an integral human rights and gender perspective, as well as compliance with their internationally recognized “right of return” to their places of origin;

The repudiation and cancellation of all bilateral and multilateral clauses and agreements providing for the expulsion of migrants to their places of origin against their will, which are generally imposed on countries of origin or transit as a reflection of their unequal relations with countries of destination, and which often involve serious violations of human rights, the separation of families, and retaliation by authorities in countries of origin, and a serious uprooting and disruption of the lives of migrants and their communities. This includes the annulment of agreements or clauses regarding re-admission, and the cancellation of all related trade and aid accords including provisions along these lines between the European Union, countries in the EU, and third countries, and among third countries.

That migrants, refugees, and displaced persons and their movements and organizations be encouraged, supported, and defended when they organize, speak out, and denounce all forms of domination and exploitation, and assert their rights in resistance and struggle, and promotion of the strengthening of their movements, organizations, and mutual support networks.

Full compliance with all international human rights and legal standards that guarantee the adequate protection of children and minors that are an increasingly important part of international migratory flows.

The incorporation in our struggle of the demands of environmental justice, and as to the legal recognition and protection of environmental refugees resulting from global climate change and environmental destruction, as an integral part of our commitment to strive for a new world order that promotes human dignity for all people, in a manner harmonious with the Earth and its limits and potential.

Implementation of policies that aim at guaranteeing equality of opportunities for all migrants, and the development of inclusionary measures that are not conditioned upon the legal status or administrative situation of migrants, and the promotion of policies to insure migrant access to all public services in a manner which respects their cultural diversity and identities, as well as long term policies for the integration of youth, and for the advancement and achievement of equal rights for LGBT (Lesbian, Gay, Bi-sexual, and Trans-gender) migrants and their families.

The right to vote for migrants in local and state elections in countries of destination, and guarantees for their active participation in the determination of local development plans, in a manner which respects the autonomy of social organisations and movements, and that helps promote the recognition and effectiveness of full citizenship rights for all migrants, both in countries of destination and in their countries of origin.

Full respect for rights of political participation of migrants in order to enable them to influence internal policies as well as external policies in their host countries in favour of the interests of their countries of origin, in a manner which provides visibility to their contributions as active agents of change in both their countries of destination and origin.

The continuation of the collective drafting process of the World Migrant Charter, as well as other processes and initiatives intended to strengthen the recognition and defense of the rights of migrants throughout the world.
Support of the increased presence and strength of alternative, inclusionary and democratic mass communication media and strategies that take into account and reflect the perspectives of migrants and their communities, movements, organisations, and that adequately reflect the complexities of migratory processes.

We want to restore the full dimensions of the dignity of all human beings, and reaffirm our commitment to struggle together against the damaging effects of “market logic” among us, which undermines the quality of the lives of our families and communities, and of our social movements and organisations. This includes a recognition that our identities as migrants, refugees, and displaced persons does not imply the denial of our multiple and diverse identities, demands, and struggles in other spheres.

We commit ourselves to insure that these perspectives and concerns will be present when we gather together once more during the IV World Social Forum on Migrations in Quito, Ecuador in October 2010.

Migration is not a crime. It is instead the conditions which produce migration that are criminal.

WE RAISE OUR VOICES, WE DEFEND OUR RIGHTS, AND WE STRUGGLE TOGETHER IN ORDER TO BUILD A WORLD WITHOUT WALLS.

Rivas Vaciamadrid, Spain, September 13th, 2008
Annex C

RESOLUTION
of the International Conference on Gender, Migration and Development: Seizing Opportunities and Upholding Rights

Organized by the National Commission on the Role of Filipino Women

Manila, 25-26 September 2008

We, 439 participants from governments, trade unions, employers’ organizations, private sector, civil society organizations, including women’s and religious associations, academe and international organizations covering 36 countries in 5 continents,

Having discussed and deliberated on the following themes:
(a) The gender dimension of the social costs and benefits of migration: issues, challenges and the way forward;

(b) Upholding the rights of women migrant workers; and

(c) Seizing opportunities for enhanced gender equality and benefits of migration for women and their families,

Reiterate the urgency of addressing the key recommendations arising from these discussions; and

Call upon the participating states at the Second Global Forum on Migration and Development (GFMD) in Manila chaired by the Government of the Philippines, 27-30 October 2008 to:

- Incorporate the attached Manila Call to Action 2008 as a substantive input on gender, migration and development to the Forum’s deliberations and outcomes;
- Ensure a gender and rights-based perspective in migration and development policies, legislation and programs of countries of origin and destination;
- Recommend that the gender dimensions of migration and multi-stakeholder participation be an organic and integral part of all future GFMD deliberations.

Recalling the United Nations Conventions and ILO Conventions to which numerous countries are state parties concerning the rights and protection of migrant workers, the promotion of gender equality and women’s empowerment and the social, economic, political and cultural rights of all citizens in development;

Recognizing the importance of the UN Declaration on the Right to Development and that the achievement of the eight Millennium Development Goals (MDGs) requires not only the promotion of gender equality and women’s empowerment as a specific goal, but the mainstreaming of gender equality issues in all seven other goals;

Noting that while the migration experience can have a positive impact on gender roles and can contribute to the economic and social empowerment of many women and to the overall economic development of the countries where they work as well as to their countries of origin through remittances, still for too many, it is a route to exploitation, abuse and denial of human, labour and women’s rights;
Recognizing that trade policies play a key role in the gender, migration, and development nexus;

Noting the importance of the Global Compact as an instrument for corporate social responsibility in relation to the realization of migrants’ human, labour and women’s rights;

Recalling that the first Global Forum on Migration and Development held in Brussels in 2007 recognized that gender, migration and development issues needed to be more adequately addressed;

Affirming that migration policies and practices, including their impact on gender equality, are a shared responsibility of sending and destination countries;

Representatives from governments, trade unions, employers’ organizations, private sector, civil society organizations including women’s and religious associations, academic and international organizations covering 36 countries in 5 continents gathered in Manila for the International Conference on Gender, Migration and Development, call on governments of sending and receiving countries of migrant workers, as well as the private sector, employers, trade union organizations and civil society organizations to commit to the following actions to ensure that national and international commitments to gender equality and women’s empowerment are adhered to and enhanced by coherent, fair and gender sensitive migration and development policies and practices:

- Support women migrants as key contributors to social and economic development by recognizing their role, placing greater importance on the value and dignity of their labour, especially the labour of domestic workers, and providing them with opportunities to participate in developing policies and programs related to migration and development;

- Pursue decent and sustainable work and pro-poor economic growth strategies, especially in agriculture. Provide an enabling environment for market driven enterprise and private sector development and promote corporate social responsibility, thus creating alternatives to migration and reframing migration as a choice rather than a necessity;

- Mobilize industry and business organizations and recruitment agencies in search of talent, skills and labour for the global labour market to adopt gender sensitive approaches so that women as well as men obtain decent jobs in accordance with their skills, facilitate circular migration and “brain gain” from both sending and receiving countries. Encourage the corporate sector to develop policies and practices to ensure human dignity in their workforce and within the fullest possible breadth of their supply chain, and independently audit to ensure and validate human and labour rights conditions, work together with NGOs and governments to address corporate ethics and take action to eliminate forced labor and trafficking, implement training for their supply chain, efficient systems of monitoring the supply chain for transparency, and effective resolution of violations and be transparent with their customers about labor conditions with their supply chain;

- Ensure and provide policy and operational support for both men and women migrants themselves to be properly represented and consulted in decision-making on policies concerning the gender, migration and development nexus both in the home and host countries.

- Reduce pressure on women to migrate by establishing a system of basic comprehensive national social security and health coverage which can be accessed by all in developing countries, as well as specific support and protection measures for children of migrants workers, which can be financed from general taxation, national budget allocations or special funds;

- Identify and apply good practices to reduce women’s occupational and labour market segregation. Strengthen mutual skills recognition frameworks between countries and a gender sensitive system
of accreditation and certification of academic and work credentials in order to reduce de-skilling;

- In view of the loss of critical skills from sending developing countries, particularly in the health and education fields (traditionally dominated by women) and engineering and information technology (traditionally dominated by men), ensure that gender, migration and development policies and practices address skills shortages and mismatches in the sending and receiving country so that the attainment of the MDGs is not jeopardized and occupational gender gaps are reduced. Keep better and more relevant data including where job opportunities are and what skills a migrant worker needs to progress in his or her career. Promote co-development schemes and other programs and models for “brain circulation” and “brain gain” to mitigate the loss of skills needed in the sending countries for their development;

- Enhance the role of government to provide incentives and mechanisms to encourage banks and financial institutions to provide remittance channels that are safe, simple, accessible and affordable to both women and men migrants, both documented and undocumented. Encourage the productive use of remittances, maintaining a principle of choice and ensure that women as well as men migrants are equally targeted in programs to enhance their skills, entrepreneurial activities, financial literacy, savings and their access to credit, land and resources;

- Develop and implement gender responsive programs for socio-economic and psychological support for sustainable re-integration of returning migrants to capitalize on skills they have gained and promote the evolution of gender roles and improve the status of women in the family. For returning migrants with a business orientation, provide market information on the demand for services or products for sound business decisions on investments. Provide training on project management and leadership, skills needed to run a business and on how to develop and manage community based programs. Make it easier for communities to access capital through links to funding sources from social entrepreneurs and public development funds;

- Recognize and prepare gender responsive programs for the relocation and re-integration of persons displaced by climate change;

- Recognize the important contribution of the private sector and diaspora communities to development and support them to better mainstream gender issues in their core business and social programs;

- Promote the equal representation of women and men in national and international consultation mechanisms on migration and development, include gender issues on the agenda of discussions and negotiations and involve the gender machinery of government agencies, civil society organizations, organizations of migrants, trade unions and employers’ organizations.

Upholding Rights

- Recognize the fundamental human, women’s, labour and trade union rights of migrants including their freedom of movement in availing of migration opportunities, to freely associate and organize, to communicate freely with their family members and to retain their identity and travel documents. Facilitate the right to vote in the countries of origin of women and men migrants;

- Ratify and fully implement all relevant UN and ILO Conventions, in particular those on migration and gender equality, including the UN Convention on the Protection of the Rights of Migrant Workers and their Families, the ILO Conventions 97 and 143 on migrant workers and the ILO fundamental Conventions 29, 87, 98, 100, 111, 105, 138, 182 concerning freedom of association, the right to col-
lective bargaining, discrimination, forced labour and child labour, ILO Convention 181 on Private Recruitment Agencies, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, the UN CEDAW, the UN Convention on the Rights of the Child. Support the adoption of the proposed General Recommendation 27 of CEDAW on women’s migration.

- Ensure that migration policies, legislation, programs, budgets and bilateral and multilateral agreements are rights-based, explicitly address gender issues, are consistent with international human rights standards, CEDAW concluding comments and jurisprudence created by treaty bodies and are harmonized with gender responsive employment and development policies. In developing such policies address the root causes of migration, both internal and external in view of increasing inequalities within and between countries in the context of globalization;

- Promote positive attitudes to multi-culturalism, multi-lingualism and diversity and establish culturally sensitive policies and programs to combat racism, discrimination including on grounds of sexual identity and orientation, and xenophobia related to gender roles assigned by different cultures and religions. Provide centers for migrants where they can seek gender responsive help or protection;

- Strengthen capacity of governments, in particular ministries such as labour, immigration, foreign affairs, the interior and labour inspectorates to screen and monitor employer/employee contracts and to address gender issues specific to migrant workers bearing in mind the multiple discrimination experienced by women migrant workers and their concentration in less visible jobs. Increase efforts to monitor and enforce decent working conditions and wages of both women and men migrants;

- Establish sex-disaggregated databases on both internal and external migration. Conduct research on the impact on societies and families of the “feminization” of migration, the gender dimension of migration policies, including linkages with trade and investment policies, and on the different contributions of men and women to development in both destination and sending countries. Strengthen monitoring on the situation of migrants through sex-disaggregated data collection and gender analysis of migration trends and include these in State reports to relevant UN and ILO treaty bodies;

- Discourage sending workers, especially women workers, into vulnerable occupations in countries where they find themselves in situations where their rights and dignity are grossly violated. Promote gender responsive provisions in bilateral agreements and MOUs in favour of women workers and provide alternatives for safe migration or jobs at home;

- Improve international cooperation, including through the United Nations, and national efforts to review and ensure that anti-trafficking laws are rights-based, gender-sensitive and in conformity with the Palermo Protocol. Ensure that these are effectively implemented to combat labour and sexual exploitation. Develop engendered national action plans on trafficking and migration. Stop criminalization of trafficking victims and ensure they are not placed in jails but in sheltered housing. Intensify efforts to address commercial sexual exploitation, forced labor and child labour in all destination countries, including through prosecution of perpetrators and corporate social responsibility programs along the supply chains of business sectors benefiting from income generated by trafficking.

- Raise awareness at community levels and through media campaigns on safe migration and ensure protection through better systems for recruitment and monitoring of workplaces and communities where men, women and children are at risk. Provide legal and socio-economic empowerment together with safe voluntary return and reintegration of victims of trafficking and develop protocols
and measures to guarantee specialized assistance for trafficked and repatriated children and adolescents. Prosecute traffickers and exploitative employers and provide for payment of compensation to trafficked persons. Provide assistance without conditions such as the requirement to testify. Take account of trafficked men and transgendered individuals in the trafficking discourse;

- Develop and sustain programs in both home and host countries that provide holistic support to those migrants and their children who have survived domestic violence, rape, sexual assault, harassment, and/or exploitation; threats of honor crimes, forced or child marriage, female genital mutilation, and other forms of gender-based violence. Ensure that migrants who have suffered gender-based violence are eligible for immigration remedies and support services in the host country that will protect their safety there and ensure that they will not be forced to return to situations of persecution in their home countries;

- Recognize domestic work as work in international and national laws. Support the formulation and adoption of an international ILO convention on domestic workers and amend national legislation to specifically recognize their human, social, labour and trade union rights and protection on the same basis as other workers. Introduce effective monitoring and grievance/redress mechanisms to address violations. Ensure decent treatment, standard contracts and provide legal and accessible migration channels for domestic workers. Provide channels for assistance to domestic workers such as SMS system for fast transmittal of help messages to NGOs and government authorities;

- Increase efforts by governments in destination countries to create mechanisms that regularize undocumented migrants, consistent with human rights protection and gender-sensitive standards, and which address the particular situation of women migrants, domestic workers, women workers in services, and the children and families of migrants, so as to better defend their rights and improve their access to public services for themselves and their families;

- Improve services of diplomatic and consular missions to ensure protection and respect for human, women’s and trade union rights of migrant workers from their countries. Include gendersensitive counseling and psychological services for abused and trafficked migrants in their own language. Ensure that women are also appointed to key positions in the missions and that the staff are trained on applying a gender lens in regard to migrants’ rights and assisting them in conflict and crisis situations;

- Adopt measures at national level and in bilateral agreements and standard contracts to ensure equal treatment and opportunities in terms and conditions of employment. Ensure access of migrant workers to support services in crisis situations and access to sexual and reproductive health services. Facilitate participation of migrants in social security and health insurance schemes taking into account the particular situation of women migrants deriving from their occupational and legal status. Increase gender-sensitive access to treatment for migrant workers with HIV/AIDS and ensure their reintegration;

- In destination countries, recognize the right of migrants in an irregular situation and stateless men, women and children to have access to emergency health and legal services, with specific assistance to women in regard to their reproductive health needs and rights. Ensure that pregnancy and childbirth, especially of undocumented women migrants are not used to repatriate and deport them back to countries of origin;

- Discontinue the practice of deportation for unaccompanied and undocumented migrant children who may risk being sexually abused and trafficked and develop a rights-based approach to the treatment of their cases;
• Conduct public awareness raising campaigns in both sending and receiving countries on migrants’ rights, safe migration, the realities of the social costs of migration and the sexual abuse of migrant children by relatives, including through the media. Make pre-departure briefings for migrants’ gender-sensitive with the inclusion of information on their human, labour and reproductive rights, their rights in employment contracts, self protection measures, how to access services to report abuses and to seek support and redress, HIV/AIDS prevention and illegal practices of recruiters and traffickers. Provide for language training and awareness on cultural differences before departure;

• Promote safe, legal migration through strict regulation and monitoring of recruitment agencies, supporting them to adopt codes of ethics and to provide rights-based, gender-sensitive pre-departure training and promote the inclusion of anti-trafficking efforts in the corporate sector;

• Adopt and enforce ethical policies on placement fees in origin countries for greater accountability, taking into account the low earnings in occupations where women are concentrated. Publish placement fee rates and inform women and men migrant workers from sending countries as to what would be a reasonable fee. Work toward abolition of fees to be paid by migrant workers which effectively keep them in bondage and require the employer to pay costs;

• Provide for family reunification, going beyond traditional patriarchal family forms, or other measures to uphold the rights of accompanying children irrespective of their parent’s migration status, especially as regards their birth registration and access to education and health care. Provide access to psycho-social support programs for children of absent parents and raise awareness and capacities of fathers to effectively engage on domestic work and child care; Reduce restrictions on migrant workers in destination countries to socialize, associate, organize and join trade unions and migrant organizations. Support partnerships between trade unions, migrant and diaspora associations of sending and receiving countries and ensure they are gender responsive.

• Examine laws and policies to ensure that there is a balance of both reward to good practice and cost to bad practice, with the end goal of enabling good CSR practice. Develop policies that hold corporations accountable for their supply chains – especially in respect to forced labor and trafficking – such as annual reporting on labor conditions in the supply chain and oversight to ensure accurate reporting. Address the relationship between trade, women and migration issues in order to develop further policy. Promote multi stakeholder partnerships between governments, NGOs, corporations, trade unions and academe to further the research agenda related to corporate social responsibility and its relationship to migrant women, forced labor and human trafficking and engage more strategically with corporations to address these issues.

• Strengthen organizations of migrants and trade unions of migrant workers. Provide for their legal registration and recognition and ensure freedom by migrants’, workers’ and civil society organizations to operate, represent and promote the rights of migrants;

Feminized labour migration has become a long term, enduring, structural feature in Asia and other world regions in the last two decades, with women constituting about 50% of the overseas migrant workforce. Most of these women are migrating independently, largely as a family survival strategy to seek remunerated employment overseas. In countries such as Sri Lanka and Indonesia, and till recently, Philippines, women make up an overwhelming majority of the official labour outflows. The bulk of women migrant workers continue to work at the lowest ends of the labour market in the informal manufacturing and service sectors, with the largest concentrations in domestic work, and entertainment, where they suffer gross human rights violations. Although it is obvious that women migrants contribute significantly to national development in both sending and receiving countries, their contribution is not always fully acknowledged. Women migrants face vulnerabilities and discrimination at all stages of the
migration process. At the point of recruitment and pre-departure, they often have less access to information, education and training compared with men, reinforcing vulnerability to trafficking. Women have been reported to be confined, physically and sexually violated by recruitment agencies prior to departure in pre-departure training centers.

During transit, they are vulnerable to abandonment, physical and sexual abuse as well as appropriation of money and travel documents by their escorts or brokers. At destination, they suffer disproportionate labour market discrimination. Women’s jobs like domestic work are not defined as work and domestic workers are denied labour protection. The sectors into which large numbers of women are recruited involve the provision of intimate services which invade a woman’s privacy and well-being in ways different from men working at construction or manufacturing sites. Convergence of living and work sites, the privatized nature of work, work linked to criminal networks or morally disapproved, enhance surveillance over women, curtails rights to privacy and liberty, lengthens the workday, and reduce access to external assistance in comparison to men. Lower paid jobs, debt bondage, lack of rest days are other violations. Many of them have limited access to health services or reproductive healthcare, injuries resulting from physical and sexual violence, domestic accidents, trauma from abuse are key gender-based health concerns; some even have to undergo compulsory pregnancy and HIV/AIDS testing. Upon return, their relationships with their husbands or family might suffer as a result of migration and they could be stigmatized within their communities. Many lack access to and control over savings and remittances, frittered away in conspicuous consumption or invested in productive assets in the name of male family members.

In light of the above, governments need to take immediate actions in the following areas:

- **Pre-departure**: develop engendered databases and undertake engendered research, report on women migrants concerns under CEDAW and implement the CEDAW Committee’s Concluding Comments on women migrants; build capacity of women migrants to cope with potential exploitation through awareness-raising on migration realities for women and pre-departure orientation programmes; provide rights-based, gender-sensitive pre-departure training; adopt and enforce regulations for recruitment agencies using incentives and disincentives and introduce compulsory registration for outgoing migrations using incentives appropriate to men and to women.

- **On-site**: enforce minimum labour standards that protect national and overseas migrant workers; include domestic workers under existing national laws or introduce protective legislation and legally enforceable government contracts for them, with appropriate monitoring and grievance redressal mechanisms; reduce restrictions on migrant workers to socialize, associate, and organize; ensure migrants’ access to emergency health and legal services; ensure participation of migrants in social security and health insurance schemes; and improve services of diplomatic and consular missions to protect and assist migrants, especially women migrant workers.

- **Return and reintegration**: provide socio-economic, legal and emotional support services to women migrant workers; establish remittance channels that are safe, simple, accessible and affordable to both women and men migrants; enhance returnee migrants’ skills, and productive investment opportunities that are gender and market responsive; provide support services to children and families left behind; and ensure that women migrants are represented on policy making bodies.
Annex D
Workshop on Women Migrant Workers in West Asia

The West Asia region is one of the most significant receivers of migrant workers in the world. In absolute numbers, there are an estimated 10 million workers in the Gulf Cooperation Council countries (Bahrain, Qatar, Kuwait, Oman, Saudi Arabia and United Arab Emirates). However, proportionally, migrant workers represent between 60-90% of the Gulf region’s total labor force. Domestic workers represent approximately 40% of the total foreign workers, with nearly 80% of the workers being female.

On this context, MFA and Centre for Migrant Advocacy co-organized a workshop on “Women Migrant Workers in West Asia: Issues, Challenges and Updates” on 27 September 2008 in Manila Philippines. The workshop brought together over 30 researchers, activists, faith-based organizations, support groups and migrants from across Asia for an in-depth examination of key approaches aimed at improving the situation of female domestic workers in West Asia.

The objective of the workshop was to provide a venue to discuss the issues and challenges faced by women migrant workers in the West Asia region, identify good practices in addressing those issues, and come up with recommendations for advocacy in the region targeting the 2nd GFMD as an opportunity for lobbying. This workshop was designed to be conducive for reflection and sharing among migrants and civil society organization while also facilitating a critical examination of the situation in order to develop recommendation for advocacy in addressing the issues of women migrant workers.

The workshop featured three individuals working to support migrants in the West Asia Region, Anat Kidron (Kay La Oved), Bo Hansson (Middle East Council of Churches) and Farida Neif (Human Rights Watch). Migrants working in the region were also provided space to share testimonies of their experiences.

The following are issues that were raised by participants:

- **Placement fees are prohibitively expensive.** Many migrant workers are charged fees by recruiting agencies to be placed with employers. These fees are often higher than the monthly salary of workers.

- **Labor Laws are not enforced.** There is a widespread *laissez-faire* practice when it comes to the monitoring and inspection the workplaces of migrant workers, particularly in the case of domestic workers. It was noted by many participants that it is the role of the government to enforce the rights of workers. There often is no means to make complaints or reports of rights abuses.

- **Workplaces are not safe.** Living in the same home as their employer, domestic workers find their movements restricted and highly monitored by their employers. Workers are generally not allowed to have friends or family to stay with them. The incidence of violent crimes against women migrant workers is high. The security concerns in West Asia add another dimension to the situation of domestic workers. For instance, in Lebanon, it was reported that when families had left to neighbouring countries to seek protection from local violence or conflict, they would leave the domestic worker locked up in the house.

- **‘Kefala’ sponsorship system.** In most West Asian countries, migrant workers, particularly domestic workers are bonded to their employer. Generally a migrant’s visa is only valid if the migrant work-
er remains with the same employer. Leaving an employer suddenly, or “running away” as it is sometimes called, is treated as a crime, even in situations of abuse.

- **Safe-houses are not necessarily safe.** Women who escape workplace abuse may seek refuge in a safe house. Yet while safe houses are intended to protect women, there is violence that occurs within, including fights and riots. The organizations, often faith-based, which run safe houses frequently, are short of funds and resources to provide adequate space and care to women in distress.

- **Prohibition of having a family.** In some countries in West Asia, women who get pregnant are no longer considered employable. In Israel, female caregivers are required to leave the country within 12 weeks after the infant is born.

- **Bans on organizing migrant workers.** The West Asian region varies significantly in regard to labor regulations as well as openness to civil society organizations. Many countries in the region have laws banning the organization and collective bargaining of migrant workers. Some migrant worker communities have come together in sports organizations, community groups and labour groups. Furthermore, there is difficulty in partnering with some human rights organizations in West Asia that regard the struggles of migrant workers as “soft issues” in comparison to their work on freedom of expression and political oppression.

- **Markets before migrants.** Many sending countries have been receptive to negotiating together and pressing receiving countries on shared issues. Governments are putting markets before the rights and protection of migrants. Embassies in the receiving countries, for instance, may not be supportive of action for redress taken by migrant workers for fear of jeopardizing their relationship with host country.

- **Migrant workers are not treated as local contributors.** Migrants are habitually treated as threats. However, in many instances, the economic growth experienced in receiving countries would have been possible without migrant workers. The social, economic, and cultural contributions of migrant workers are rarely publicized.

At the end of the workshop, participants identified key issues for advocacy specific to the situation in West Asia. They also worked to prioritize certain issues while developing strategies to bring their messages to governments during the upcoming Global Forum on Migration and Development to be held in late October 2008.

Recommended actions and interventions included:

- Push for the trade unions and non-governmental organizations (NGOs) in the region to address the issues of migrant workers
- Create linkages with the human rights organizations in Saudi
- Engage influential Muslim religious leaders/officials in the promotion and protection of the rights of migrant workers in the region
- Ensure that embassy personnel for deployment are fully aware of the issues faced by migrant workers in the receiving country and their specific roles on how to respond to those issues.
INTRODUCTION

1. Migration for employment is increasingly becoming a marked feature of the global economy. Governments are seeking to shape the process and address the attendant issues through a newly evolving entity, the Global Forum on Migration and Development, the GFMD. Given our core mission to uphold the interests and defend the rights of all workers, including migrant workers, trade unions have been actively involved in this intergovernmental process on migration from its inception in the United Nations High Level Dialogue of 2006, and in the follow-up mechanism, the 1st GFMD which was held in Brussels in 2007. It is critically important for the international trade union movement to continue and intensify its engagement with the 2nd GFMD (Manila in October 2008) and its outcomes. This is essential, not only because of the centrality of the issues to the trade union movement, but also because the government leaders of the process have so far not created satisfactory modalities for the full and effective participation of trade unions as well as migrant and other civil society organizations that work directly with migrants. This is a challenge that needs to be addressed head-on going forward.

2. As stated in our critique of the 1st GFMD, trade unions believe that significant shifts need to be made in the current focus of the GFMD debates, if migration policies are to be sustainable. Notably, the linkages between economic development and migration need to be fully analyzed, and the root causes of migration under unfavourable conditions need to be addressed. In addition, a narrow focus on temporary and circular migration to fill labour market shortages in receiving countries must be replaced by a comprehensive approach which places migrant workers and their well-being at the center of the policy paradigm, guarantees their fundamental human and trade union rights, and accords them voice and representation through trade unions. Of equal importance must be the establishment of consultative mechanisms to allow for representation and voice of trade unions in the global intergovernmental discussions on migration and development.

THE POLITICAL ECONOMY CONTEXT

3. The increasing incidence of migration for employment is integrally linked to globalization and the global integration of financial markets, as well as markets for the manufacture and supply of goods and services. The economic actors shaping this integration have pushed successfully for a neo-liberal model involving the deregulation of markets including labour markets, heightened trade liberalization, privatization of social services and public utilities, and the lowering of labour standards. These policies have had the net effect of weakening labour markets as well as depressing economic growth, wages and conditions of work, and fuelling unemployment, in many developing countries. Within this global, free market environment, labour, like capital is a factor of production to be managed flexibly with the minimum of regulation, and with the aim of profit maximization for the owners of capital.

4. These trends are changing the nature of labour markets and the world of work in profound ways. In this regard, two related phenomena are the migration of work as with the outsourcing of work to various geographical locations in global product and supply chains, and the migration of workers...
through pull factors, or in response to labour market demand in specific geographical locations and sectors where labour is in short supply. Coupled with these trends are the push factors from sending, typically developing countries, where increasing unemployment, underemployment and poverty are among the negative impacts of globalization.

5. Trade unions are contending that a starting point for sustainable migration policies is an analysis of these root causes of migration that lie in unfair globalization and its negative impacts on workers. To address root causes, economic, trade and financial policies must incorporate a social dimension, with a strong focus on decent work policies and the provision of quality public services in sending, transition, and receiving countries, as a foundation for decent livelihoods for all. This is the most effective way to stem the tide of “migration by dire necessity”, and minimize the risks of exploitation of migrants in vulnerable situations.

6. With sustainable policies in place, migration then becomes a free choice of individuals, and the task of policy makers is to establish a human and trade union rights framework to underpin migration for employment, with a view to guaranteeing that workers who choose to migrate are able to fully exercise their fundamental rights.

The Scale of Migration Flows

7. Two parallel and convergent trends are affecting the scale of migration flows:
   - significant push factors from sending countries experiencing weak economic growth, unemployment and serious decent work deficits in face of unfair trade and financial market liberalization;
   - complementary pull factors from receiving countries desirous of attracting workers to fill labour market shortages.
It is not surprising, then, that migration flows are large and on the increase.

8. According to UN Population Division estimates, international migrants numbered 191m (almost 3% of global population) in 2005. Almost half of these migrants are women. Major countries from which migrants originate include Mexico, India, China, Bangladesh, Turkey, Philippines, Sri Lanka, and Pakistan. The top three migrant sending countries are China with a diaspora estimated at 35 million, India with a diaspora estimated at some 20 million, and the Philippines with some 7 million overseas Filipinos. The top ten migrant destinations are the United States, Russia, Germany, Ukraine, France, Saudi Arabia, Canada, India, United Kingdom, and Spain. Major migration corridors include Mexico-United States, Bangladesh-India, Turkey-Germany, India-United Arab Emirates, Philippines-United States.

9. South/South migration flows are becoming as significant as traditional South/North flows. Table 1 shows several countries of the global South among the top 20 countries with the highest numbers of international migrants in 2005.
TABLE 1
Twenty Countries or Areas with the Highest Number of International Migrants, 2005

<table>
<thead>
<tr>
<th>Rank</th>
<th>Country or Area</th>
<th>Number of Migrants (millions)</th>
<th>As Percentage of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>United States of America</td>
<td>38.4</td>
<td>20.2</td>
</tr>
<tr>
<td>2</td>
<td>Russia Federation</td>
<td>12.1</td>
<td>6.4</td>
</tr>
<tr>
<td>3</td>
<td>Germany</td>
<td>10.1</td>
<td>5.3</td>
</tr>
<tr>
<td>4</td>
<td>Ukraine</td>
<td>6.8</td>
<td>3.6</td>
</tr>
<tr>
<td>5</td>
<td>France</td>
<td>6.5</td>
<td>3.4</td>
</tr>
<tr>
<td>6</td>
<td>Saudi Arabia</td>
<td>6.4</td>
<td>3.3</td>
</tr>
<tr>
<td>7</td>
<td>Canada</td>
<td>6.1</td>
<td>3.2</td>
</tr>
<tr>
<td>8</td>
<td>India</td>
<td>5.7</td>
<td>3.0</td>
</tr>
<tr>
<td>9</td>
<td>United Kingdom</td>
<td>5.4</td>
<td>2.8</td>
</tr>
<tr>
<td>10</td>
<td>Spain</td>
<td>4.8</td>
<td>2.5</td>
</tr>
<tr>
<td>11</td>
<td>Australia</td>
<td>4.1</td>
<td>2.2</td>
</tr>
<tr>
<td>12</td>
<td>Pakistan</td>
<td>3.3</td>
<td>1.7</td>
</tr>
<tr>
<td>13</td>
<td>United Arab Emirates</td>
<td>3.2</td>
<td>1.7</td>
</tr>
<tr>
<td>14</td>
<td>Hong Kong, SAR China</td>
<td>3.0</td>
<td>1.6</td>
</tr>
<tr>
<td>15</td>
<td>Israel</td>
<td>2.7</td>
<td>1.4</td>
</tr>
<tr>
<td>16</td>
<td>Italy</td>
<td>2.5</td>
<td>1.3</td>
</tr>
<tr>
<td>17</td>
<td>Kazakhstan</td>
<td>2.5</td>
<td>1.3</td>
</tr>
<tr>
<td>18</td>
<td>Cote d’Ivoire</td>
<td>2.4</td>
<td>1.2</td>
</tr>
<tr>
<td>19</td>
<td>Jordan</td>
<td>2.2</td>
<td>1.2</td>
</tr>
<tr>
<td>20</td>
<td>Japan</td>
<td>2.0</td>
<td>1.1</td>
</tr>
</tbody>
</table>

Source: UN Migrant Stock Documentation, 2005

10. More important in terms of implications for migration and social policy is a look at countries with a high share of migrants to total population. The Gulf States figure prominently in this group. As a share of population, top immigration countries include Qatar (78.3%), United Arab Emirates (71.4%), Kuwait (62.1%), Singapore (42.6%), Bahrain (40.7%), Israel (39.6%), Jordan (39.0%), Brunei Darussalam (33.2%), Saudi Arabia (25.9%), and Oman (24.4%).

ADDRESSING THE CHALLENGES OF LABOUR MIGRATION

11. The policy dialogues of the 1st GFMD failed to place due emphasis on the many downside risks of labour migration which need to be addressed. Policy planners need to reckon with the fact that migrants oftentimes face a number of challenges throughout the various phases of the process, from their departure from the country of origin to their settling in and working in the host country. Often, they pay exorbitant fees to recruiting agencies for services, including paper work for residency status, employment contract, air ticket etc. In worst case scenarios, the paper work is bogus, and migrants find themselves in irregular status at destination, subject to exploitation by opportunistic employers. They may fall prey to trafficking, or find themselves in conditions of servitude as domestic workers, with their passports confiscated, and deprived of freedom of movement. Young women are particularly vulnerable to falling prey to these exploitative situations.
12. Language barriers often heighten the vulnerability of the migrant’s situation, and the risk of exploitation. Oftentimes, workers are given contracts in a foreign language, making it impossible for them to understand its provisions in terms of remuneration and conditions of work, or even if such provisions are stipulated at all. Given low wages, they may remain in debt to the recruiter for a long period of time, and find it very difficult to fulfil the objective for which they migrated, namely to send remittances back home. According to the migration literature, high-risk corridors characterized by these scenarios include South and South East Asia to other countries of the region as well as to the Gulf States. High-risk passages for desperate migrants (economic and political refugees), include life-threatening treks across the Sahara Desert or in boats across the South Pacific Ocean and Indian Ocean, or the Caribbean Sea.

13. In many countries migrants work under the most hazardous and unhealthy conditions, are concentrated in the lowest positions and unskilled occupations, corresponding oftentimes to those jobs that host country residents refuse to do. As such, they face higher risk of exposure to accidents and injuries, often in the absence of proper job training, protective working gear and accident or injury compensation schemes. These decent work deficits are endured by both documented and undocumented migrant workers, as well as by women migrant workers who face special challenges, particularly when they get absorbed into the informalized sectors such as domestic work, or the entertainment industry.

14. Oftentimes too, migrants are not welcomed by local populations, and become the targets of racism and xenophobia. In many countries, migration is treated primarily as a security issue falling under the jurisdiction of the Ministry of the Interior or the Department of Homeland Security. This leads to the adoption of tough, inhumane measures in the treatment of migrants, and to the criminalization of those in irregular status, through summary round-ups, harassment, detentions, beatings and deportation. Such approaches serve to increase the atmosphere of tension and xenophobia.

15. The situation in South Korea illustrates well the plight of migrant workers, denied their fundamental trade union rights. There they face a repressive system, and are sometimes subject to summary arrest and deportation. The leadership of the Migrants Trade Union, the MTU is particularly targeted in this regard, and this is a clear attempt by the S Korean authorities to undermine the right of the MTU to exist as a union. The authorities have failed to recognize the MTU as a union, on the grounds that a majority of its membership are undocumented migrants. This is in contravention of the S Korean Constitution and Trade Union Law. It is worth noting that in an effort to seek redress, the MTU has filed a complaint on the matter with the ILO Committee on Freedom of Association.

Trade Unions and the Challenge of Labour Migration

16. Paralleling analyses on global migration trends undertaken by the ITUC, the Global Union Federations (GUFs) have been focusing on developments in their respective sectors, and devising appropriate policy responses and programmes. One area of concern has been restrictions on the right of migrant workers to join trade unions, a right that is guaranteed by the ILO Declaration on Fundamental Principles and Rights at Work with which all ILO member States have the obligation to comply, and by the ILO Migrant Workers’ Conventions 97 and 143. Trade unions insist that union membership is a fundamental right which must be upheld by governments and employers. It offers the best guarantee to migrant workers against exploitation in the form of low wages and poor conditions of work.

The Construction and Woodworking Industries

17. The construction and woodworking industries of the emerging and expanding market economies of SE Asia and the Middle East attract a large number of migrant workers. For example, there are over 2 million construction workers from South Asia in the Gulf region. BWI (Building and Woodwork-
ers International) whose affiliates organize in these sectors has expressed concerns about the situation of migrant workers in these regions. Many of the Gulf States have not ratified the ILO core Conventions on freedom of association and the right to bargain collectively, and they deny workers their right to join unions and bargain for decent conditions of work. The United Arab Emirates presents a flagrant case of violations in this regard.

18. One of the major obstacles to organizing migrant workers is the existence of clauses in employment contracts that prohibit migrant workers from joining trade unions. This is the case in Malaysia, for example, even though this contravenes provisions in the Industrial Relations Act and the Trade Union Act of Malaysia, which allow migrant workers to join trade unions. BWI affiliates have been faced with situations where their successful organizing drives among migrant workers are thwarted by employers utilizing this infamous clause to fire and deport the workers concerned.

The Health and Education Sectors

19. The health sector in many developing countries has been the subject of aggressive recruitment drives from a number of industrialized countries. Public Services International (PSI) has been focusing on migration trends in this sector which, in addition to the push factors mentioned earlier, is experiencing intense pull factors. PSI has also documented the fact that World Bank-led structural adjustment policies involving privatization and cuts in public expenditure, have contributed to the deterioration of health sectors in many developing countries. Health facilities are terribly under-resourced, lacking in necessary personnel, medical equipment and medication supplies. All of these factors, coupled with tremendous work overloads and low pay which is sometimes even deferred, result in low morale among health sector workers in many developing countries, particularly in sub-Saharan Africa.

20. The push factors motivating health sector workers to migrate in search of better pay and more rewarding work environments are therefore intense. Reportedly, as many as 50% of nurses trained in the Caribbean work elsewhere. With fragile health systems further weakened by the exodus of personnel, many of these countries will be unable to achieve the Millennium Development Goals (MDGs) of significantly reducing maternal and child mortality rates and combating HIV/AIDS by the target date of 2015.

21. Similar negative impacts of structural adjustment policies in the education sector, coupled with pull factors and brain drain, have also contributed to the dim prospects for achieving the MDGs related to education. Many developing countries have lost a substantial number of teachers, some of them highly skilled, to developed countries. This has undermined the capacity of education systems in the developing countries to deliver quality education. As developing countries lose their teachers, they lose a significant part of their educated citizens, and their own teacher shortages become even more severe. In industrialized countries, there is approximately one teacher for every 25 students, but in developing countries there is sometimes only one teacher for every 75 students or more.

22. Teachers drain is a particular problem in some Caribbean countries, including Guyana and Jamaica. The Jamaica Teachers Association (JTA) estimates that 300 teachers leave the country each year, and the recruited teachers are in fields where Jamaica has a shortage: maths and science. In 2000, the United Kingdom recruited approximately 10,000 teachers from overseas. Most were men with expertise in math and science, and 10 or more years’ experience. Many came from industrialized countries better able to cope with the loss of well-trained and experienced teachers, (Australia, New Zealand, Canada); but many others came from developing countries (South Africa, Jamaica) less well equipped to adjust to the loss of these teachers. (Study cited by Edwards and Spreen).

23. Ironically, outcomes sometimes fall short of expectations for the highly skilled migrants from
the health, education and other sectors, particularly if they venture forth without having firm arrangements in place as regards work contracts. Oftentimes, they find themselves in precarious, exploitative work situations, where their certification is not recognized. This “brain waste” syndrome with its attendant violation of rights means that the benefits of migration either for the migrant or for the family back home are quite limited. Cases of migrant teachers whose human and trade union rights have been violated are becoming more and more common in many destination countries.

24. The situation of accompanying children of migrants must also be addressed. Migrant children’s right to education is endangered when access to quality education cannot be guaranteed. The interruption or non-completion of school attendance and the lack of recognition of certificates are serious reasons for the drop-out or exclusion of migrant and refugee children. Minors should have access to education which is the most important tool for integration. Migrant children enrich the class environment, and diversity can lead to wider circles of friendship and exchange.

Migration and Gender Dimensions

25. A large number of the migrants in the health and education sectors are women, and as such, the gender biases characteristic of labour markets may affect them even more acutely as migrant workers. They are more likely to be discriminated against in terms of pay, conditions of work, and lack of recognition of certification and skills. Younger women often find themselves at risk of exploitation and gender-based violence, especially when, with limited job opportunities or in coercive situations, they turn to the entertainment sector, or to domestic work. They also comprise the vast majority of trafficked victims.

26. Domestic women workers are particularly vulnerable. Working in the privacy of homes, they oftentimes virtually face a situation of solitary confinement, are victims of harassment and gender-based violence, receive low pay, have little freedom of movement or recourse in order to redress their situation. This is exacerbated by the fact that oftentimes their passports are confiscated, leaving them in a situation of servitude, with no freedom of movement. The SE Asia – Middle East passage has been described in the literature as a high-risk corridor due to the highly exploitative work situations faced by domestic women migrant workers going to that region.

GATS MODE IV AND LABOUR MIGRATION AGREEMENTS

27. The GATS Mode IV of the WTO on the movement of natural persons puts the WTO in the forefront of shaping migration policy. From the perspective of its architects, Mode IV provides a mechanism which allows nations to fill labour market shortages by temporarily allowing the legal entry of skilled migrant workers. Mode IV links labour migration firmly to economic globalization with all its downside risks of labour market deregulation and social dumping. The underlying spirit of Mode IV negotiations characterizes labour as a tradable commodity. Commitments made by countries under Mode IV are less about labour standards and regulation, and more about tailoring commitments to meet labour demand in host countries.

28. Trade unions have expressed concern that the GATS Mode IV will result in a global guest worker programme which could deplete the scarce human resources so vital to the development of developing countries, while failing to ensure equality of treatment with nationals of host countries, in terms of wages, conditions of work, and social protections. Typically, migrant workers in temporary contracts are not allowed the option of family reunification, training opportunities, immigration rights, incentives to integration, and basic social rights. Of equal cause for concern is the fact that the principles underlying the GATS Mode IV have largely been the inspiration behind labour migration approaches in a host
29. Trade unions have expressed concerns about the labour migration implications of the new EPAs being entered into by ACP countries (Africa, Caribbean, Pacific) with the European Union. The partners to these agreements are under pressure to harmonize all provisions with WTO guidelines, including those of the GATS Mode IV which, as indicated above, are highly unsatisfactory as a policy and normative framework for labour migration.

30. Bilateral agreements provide a mechanism for sending and receiving countries to manage migration flows. Through a handful of agreements, memoranda of understanding (MOU’s), social security agreements (SSA’s), and most notably, bilateral labour agreements (BLA’s), countries seek to regulate the level and type of migration that will be allowed. An interesting example is the JPEPA—Japan-Philippines Economic Partnership Agreement—which explicitly includes in its negotiation the Japanese “import” of Filipino caregivers and nurses. While the motivations for sending and receiving countries may differ slightly, they are, by and large, narrowly focused on economic gain, and do not incorporate clauses to guarantee the protection of rights and ensure the well-being of migrants.

Labour Migration Agreements and Development

31. Multilateral and Bilateral Labour Agreements raise the issue of how sending and receiving countries are approaching their commitments to achieving the Internationally Agreed Development Goals (IADGs), including the Millennium Development Goals (MDGs), and whether they are adequately addressing the root causes of migration in failed development policies and decent work deficits in sending developing countries. Trade unions have expressed concerns about the fact that some developing countries are pro-actively seeking to export their labour because they view the attendant remittance generation as a development strategy. Receiving countries of migrants are complicit in this approach, as it sub serves their needs for filling labour market shortages. Trade unions maintain that while remittances are beneficial to the family recipients concerned, they cannot be viewed as integral to sustainable development. Remittance policies should therefore not be adopted as part of national development strategies.

TOWARDS AN ARCHITECTURE OF PROTECTION OF HUMAN AND TRADE UNION RIGHTS TO UNDERPIN ALL MIGRATION POLICIES

32. The foregoing analysis has shown that the various actors shaping global migration policies, whether multilateral institutions, governments of receiving and sending countries or private sector entities are all seeking their own vested interests, with little attention paid to the interests and welfare of migrant workers. This self-serving approach will not lead to sustainable migration policies. Trade unions are calling for a framework of labour laws and policies that ensure migrant workers benefit from equal treatment and opportunities in respect of wages, working conditions, membership in trade unions, the benefits of collective agreements, social security and other national benefits. The crux of all policies on migration should centre on workers’ rights and human rights. The rights-based approach should also encompass the rights of irregular (undocumented) migrant workers, as they are prone to the most exploitation and discrimination due to their status.

33. It should be recognized that migrant workers make tremendous contributions to their host societies, in the social, political, and economic fields. They contribute to the enrichment of cultural diversity and to the improvement of dialogue and understanding among cultures. It has been estimated that migrant workers spend 87% of their income in host countries. They are tax payers, and contribute to social security schemes. Yet, they are oftentimes not accorded equality of treatment with nationals in respect of human and trade union rights.
34. What is needed is an architecture of protection of human and trade union rights, constructed around global migration policy, and providing a foundation and a framework for policies, programmes, agreements and institutional arrangements at global, regional, and national levels. This must be a comprehensive, rights-based gender-sensitive regulatory framework. It should encompass the principles of the Declaration of Philadelphia, the UN Covenants on Human Rights, the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, as well as the ILO Conventions on Migrant workers, and on Equal Treatment in Social Security. It should thus cover the human, economic, civic and employment rights of migrants.

35. The elements of this Architecture should, therefore, include:

- The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- The ILO Conventions on Migrant Workers, C97 and C143;
- The ILO Declaration on Fundamental Principles and Rights At Work and its follow up;
- The ILO Multilateral Framework on Labour Migration;
- The Convention on the Elimination of All Forms of Discrimination Against Women, (CEDAW);
- The Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- The Convention on the Rights of the Child (CRC);
- The Durban Declaration and Programme of Action of the 2001 UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

Additional Elements for the Architecture of Protection for Migrant Workers

36. To address the question of unscrupulous recruitment agencies, an ethical Code of practice for these entities should be agreed and enforced by governments of origin and destination countries, in the context of Agreements underpinned by the Architecture of Protection for Migrant workers. Appropriate government institutions such as labour inspectorates should be resourced and charged with ensuring compliance with these principles. In drawing up such a Code, consideration should be given to incorporating the provisions on licensing of recruitment agencies, in line with ILO Convention 181 on Private Employment agencies. Provision should be made for sanctions and penalties for unethical and abusive practices.

37. The Commonwealth Code of practice for the International recruitment of Health Workers could also be used as a guideline for the setting up of such a Code, in particular, its emphasis on transparency, fairness, and mutual benefits for origin and destination countries. Beneficial outcomes for the migrants themselves should also be an integral part of the provisions of such a Code. Another important model is the proposed World Health Organization (WHO) Code of Practice for the Ethical Recruitment of Health Workers, especially given its global character. Support for the development of this Code is currently gaining momentum from various stakeholders worldwide, including trade unions.

38. Sustainable migration policies should address issues of the health and well-being of migrant workers, including health and safety in the workplace, and protection from hazardous workplace conditions. ILO Convention 155 on Workplace Safety and Health provides the normative standards for addressing workplace health and safety standards for migrant workers.

39. The ILO Multilateral Framework on Labour Migration provides a comprehensive set of principles, norms and best practices in labour migration, and, most importantly, addresses the issue of decent work as a foundation of decent life for all workers and their families, in both origin and destination countries. It should be used as a basis for formulating policies and applying best practice in the field of labour migration.
40. All of the elements outlined above should be used in the construction of the Architecture of Protection for Migrant workers. Discussions on how to do this, and how to incorporate its provisions in national-level legislation and policies, as well as bilateral and multilateral agreements on labour migration should be at the heart of the GFMD policy debates going forward.

41. As a start, trade unions present at the 2nd GFMD in Manila call on governments to ratify and fully implement the key relevant Conventions for the guarantee and protection of the rights of migrant workers and members of their families: The UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and ILO Conventions 97 and 143 on Migrant Workers. They should further create and strengthen institutional frameworks to do so. Then, in a focused way, they should build up this Architecture of Protection to inform all migration policies. (Appendix I shows the current status of ratifications of core migration Conventions).

**Key Provisions in the Architecture of Protection for Migrant Workers**

42. The ensuing section of this Statement highlights some key provisions in the relevant Conventions that should be systematically enforced with a view to protecting migrant workers from the abuses and violation of rights discussed in paragraphs 11 - 26:

42a). In keeping with the principles enshrined in the Declaration of Philadelphia, labour should not be treated as a tradable commodity as in the GATS Mode IV and other multilateral and bilateral trade and labour agreements. Rather, the welfare and rights of migrant workers should be fully guaranteed, through application of the Architecture of Protection for Migrant Workers.

   **The Declaration of Philadelphia (1944)** which provides the foundational principles of the International Labour Organization, states:
   - Labour is not a commodity.
   - Freedom of expression and of association are essential to sustained progress.
   - Poverty anywhere constitutes a danger to prosperity everywhere.
   All human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity.

42b) The right of migrant workers to join trade unions and benefit from collective bargaining contracts is stipulated in Article 6.1 of ILO Convention 97.

42c) The right of migrant workers to equal treatment with nationals with respect to hours of work, overtime arrangements, pay, social security benefits, minimum age of employment, apprenticeship with training and women’s work, is guaranteed by Convention 97.

42d) The right to freedom of movement is enshrined in Art 8 of the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Stripping migrant workers of their passports and travel documents, a common practice affecting domestic migrant workers in some regions, is a violation of this right.

42e) The issue of family separation should be addressed through application of Art. 13 of ILO Conven-
tion 143, and Art. 44 II of the UN International Convention on the Protection of the Rights of All Mi-
grants and Members of their Families, which require the parties to the Conventions to take all necessary
measures to facilitate the reunification of the families of migrant workers legally residing in their territo-
ry.

42f) The issue of social dumping or the “race to the bottom” whereby the lowering of wages and work-
ing conditions among migrant workers, depresses conditions and weakens labour standards generally,
calls for urgent redress. ILO Conventions 118 on Equality of Treatment in Social security (between na-
tionals and migrants) and 157 on Maintenance of Social Security Rights must be ratified and applied
systematically by receiving countries. The equal treatment principle must also be applied with respect to
all aspects of core labour standards enshrined in The ILO Declaration on Fundamental Principles and
Rights At Work.

42g) In keeping with commitments made under CEDAW (Convention on the Elimination of All Forms
of Discrimination Against Women), and ILO Conventions 100 and 111, governments must address all
issues related to gender-based discrimination and exploitation of migrant women workers.

42h) Governments must implement policies and programmes to prevent and combat racism and xenop-
ophobia, in keeping with the commitments made in the Declaration and Programme of Action of the
World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

ENSURING COHERENCE AND CONSISTENCY OF MIGRATION AND DEVELOPMENT POLI-
CIES

43. The foregoing analyses point to the fact that the relationship between migration and develop-
ment should not be narrowly defined in terms of remittances as a strategy for development. Rather, the
root causes of failed development must be addressed, and every effort made to ensure that migration
policies are consistent with the Internationally Agreed Development Goals (IADGs) including the Mil-
lelumnium Development Goals (MDGs) to which governments have committed. This also means that
Agreements on Migration must be comprehensive, and must incorporate, in addition to the Architecture
for the Protection of Migrant Workers, the principles underpinning the IADGs and the MDGs. This im-
plies the setting up of a Co-Development Framework for such Agreements, founded on migration and
development goals that are consistent with each other, and with the human and trade union rights pro-
visions enshrined in the Architecture for the Protection of Migrant Workers.

44. The Co-Development Framework should include the following goals:

- Recognizing that the decent work deficit in developing countries and the failure of the global econo-
my to create jobs where people live, are critical push factors in the “migration by necessity” syndrome,
emphasize support policies to strengthen labour markets and create decent work that provides a living
wage for people in their home communities;

- Incorporate the ILO’s Decent Work Agenda into employment policies in origin, transit and destina-
tion countries of migrants. In particular, incorporate this Agenda into the Development Frameworks at
national level in origin developing countries;

- In keeping with a development approach to migration policy, avoid treating remittances as an exter-
nal development financing mechanism on par with Official Development Assistance (ODA) and Foreign
Direct Investment (FDI). Rather, support the incorporation of schemes into development frameworks,
for reinvestment of remittances and other Diaspora resources into local remittance beneficiary commu-
nities, while leveraging ODA resources to complement such schemes.

- At the level of host Co-Development partners, ensure that ODA commitments are met, and timetables respected for reaching the UN target of 0.7% of GNP to ODA.

- Prioritize the provision of adequately funded quality public services, particularly in education and health, and social protections, to achieve the objectives of ensuring decent work and decent life, of stemming the brain drain, and achieving the MDGs and other internationally agreed development goals. In addressing migration in the context of sound development and decent work policies, establish mechanisms to ensure that legal channels for migration are part of that process.

Institutional Arrangements and Partnerships

45. To achieve coherence between migration and development policies at national level, institutional arrangements should be set up to engage all relevant ministries (economic planning and population, cooperation for development, interior, labour) on migration and development policies. At international level, similar arrangements should be set up to strengthen coordination among agencies and entities with an economic, development, social, labour, and human rights mandate (ECOSOC, ILO, OHCHR, HCR, UNDP, UNIFEM, UNFPA, Human Rights Council, World Bank, IOM) to enhance policy coherence on issues related to global migration policy and development, and in support of corresponding national-level policy agendas, including decent work and achievement of the MDGs.

46. Pre and post-impact assessments should be used to monitor progress in achieving migration and development goals agreed among partners to Migration agreements. At both global and national levels, consultative arrangements should be agreed to involve the private sector, trade unions, organizations of migrants and other civil society actors in discussions to enhance policy coherence around a comprehensive set of normative values and goals. The ILO’s Tripartite model for consultations offers an appropriate and workable institutional framework for developing partnership agreements at a bilateral or regional level as well as for national level consultation with the social partners (governments, employers’ organizations and trade unions), on issues related to migrant workers.

47. The formulation of sustainable migration policies requires partnerships at several levels: global, regional, national, cross-sectoral; and among several groups of actors: governments, local authorities, private sector entities, national and sectoral trade unions, NGOs, as well as migrant and Diaspora associations. It is important that trade unions dialogue and collaborate with civil society groups, as they have played a critical role in promoting the rights of migrant workers. It is only through cooperation that a strong movement for migrant workers’ rights can be developed.

BEST PRACTICE IN UNION TO UNION PARTNERSHIPS, AND TRADE UNION POLICY RESPONSES

48. One model of partnerships that offers great potential for upholding migrant workers’ rights is union-to-union partnerships, involving trade unions from origin and destination countries.

BWI Partnerships

49. Building Workers International (BWI) has established such partnerships in the construction and wood working sectors. For example, BWI facilitated the signing of a Memorandum of Understanding (MoU) Regarding Migrant Workers, between the Timber Employees Union of Peninsular Malaysia (TEU)—the destination country trade union—and the Central Union of Painters, Plumber, Elec tor, Construction Workers (CCUPEC) of Nepal—the origin country trade union. The objective of the MoU is to
organize the more than 70,000 Nepali migrant workers in the Malaysian timber industry. The two unions agreed to work jointly in strategizing, developing, and implementing an organizing program. In addition, the two unions will advocate for pro-migrant worker policies in both Malaysia and Nepal. As a result of the MoU, a project organizer trained by CCUPEC was placed in TEU with the specific mandate of working with the TEU leadership in developing and implementing an aggressive organizing campaign, focused on Nepalese migrant workers in the wood working industries in Malaysia.

50. BWI has also signed an MoU with the General Federation of Bahrain Trade Unions (GFBTU) regarding Trade Union Development and the Protection of Migrant Workers’ Rights in Bahrain. To date there is no national sectoral union in the construction industry, but within the GFBTU there are seven enterprise construction unions with a combined membership of over 1,500 members. The focus of the MoU is to build a nation-wide construction union. Since the majority of the workers in the construction industry in Bahrain are migrant workers, specifically from South and Southeast Asia, as is the case in countries throughout the Gulf region, the development of the new construction union will also include an organizing program focused on migrant workers.

51. In addition, two of the seven enterprise unions in Bahrain have already implemented an organizing program that also targets migrant workers. Most notably, the Haji Hassan Group Enterprise Union has seen its membership increase by at least 50% after the union had successfully campaigned for better working and living conditions for the more than 1,200 migrant workers mainly from the Kerala region of India, working and living at the company’s facilities. This commitment is the result of activities BWI conducted in Bahrain for the past two years, focusing on recruiting and organizing and advocating for the rights of migrant workers in the construction industry. BWI is currently working with the GFBTU with a view to placing a project organizer in Bahrain in order to step up these organizing activities.

Partnerships in the Public Services

52. Public Services International (PSI) has established bilateral partnerships between member unions in origin and destination countries, with the aim of defending better pay and working conditions for migrant health care workers. PSI runs a programme on women and international migration in the health sector in 18 origin and destination countries around the world, namely: Ghana, Kenya, South Africa, Sri Lanka, Philippines, Fiji, Tonga, New Zealand, Japan, South Korea, USA, Canada, Ecuador, Chile, Barbados, Trinidad and Tobago, UK and the Netherlands. Public sector trade unions organize and defend health workers' right to better pay and improved working conditions as the best retention strategy, particularly in developing countries where health workers are most needed.

53. Trade unions also provide information to potential migrant health workers through "pre-decision kits" in order to ensure that accurate information is available to the workers even before they decide to migrate. Unions in both origin and destination countries form bilateral partnerships in order to organize migrant health workers, as well as provide information and other support services such as counseling and representation in cases of violations of migrant workers' rights. In the UK, for example, UNISON has established the Overseas Nurses Networks (ONN), which is a social contact point and support system for health workers and their families migrating into the UK. PSI is vigorously campaigning globally for the adoption of a WHO Code of Practice for the Ethical Recruitment of Health Workers, which calls for joint responsibility in sustaining the health workforce in developing countries, protection of the rights of migrant health workers and regulating the operations of recruitment agencies. More information can be found at www.world-psi.org/migration.
UNISON is the largest trade union in the UK. Its membership includes all non-medical health staff from nurses and occupational therapists to catering staff managers and health care assistants. TEHY is the trade union which represents almost all professional health staff in Finland. In view of the movement of health care workers within the EU, a pilot agreement was signed between UNISON and TEHY, to ensure portability of union membership and continuity of union membership for the purpose of calculating union-based worker benefits. The agreement also seeks to harmonize professional practices in the health care sector:

- Where a transfer of membership takes place, continuous membership of TEHY will be regarded as equivalent to continuous membership of UNISON for the purposes of calculating entitlements to the Union’s benefits and services.
- Similarly, continuous membership of UNISON will be recognized by TEHY as being equivalent to continuous membership of TEHY for these purposes.

UNISON and TEHY will develop shared policies on areas of mutual concern. These will include models of health care delivery, methods of finance, the role of the private sector, training and staff development and equal opportunities and for access by patients and users.

ITUC Partnerships

54. As a starting point for best practice, the ITUC has set up an Interdepartmental Working Group on Migration. It serves as a focal point at global level, allowing affiliates the opportunity to harmonize policies and explore good practice in the field of migration. Its broad objectives include the mainstreaming of migrant worker issues into all trade union policies/activities, as well as into tripartite consultations and collective bargaining negotiations. In this regard, an important focus is decent work, equal treatment, access to public services and the elimination of all forms of discrimination against migrants and their families. Under the auspices of the Working Group, partnership agreements on migrant workers have been signed between CTRN/Costa Rica and CST/CUS/CUSa/Nicaragua, CGTM/Mauritania and CNTS/Senegal and MTUC/Malaysia and SPSI/Indonesia. These have been accompanied by the establishment of migrant centres in Costa Rica, Mauritania and Malaysia by CTRN, CGTM and MTUC respectively.

55. The CTRN and its Migrant Centre have undertaken advocacy work with a range of relevant government authorities, the International Organisation for Migration and the Embassy of Nicaragua. It has started working with the organising secretaries of sectoral unions and with Nicaraguan migrants working in the domestic, agricultural and construction sectors in several districts. Contacts have also been taken up with migrant workers’ associations. In October 2007, the Migrant Center had an audience with the Costa Rican Congress to present amendments to the Labour Code to improve the legal situation of migrant workers. Posters, newsletters and leaflets have been circulated widely, to inform the migrant workers, and training seminars have been organised for CTRN officials as well as for migrant workers. One of the organizers of the migrant workers was arrested earlier this year and trade union international solidarity messages to the Costa Rican authorities succeeded in stopping his deportation until the case is heard. The case is still pending and he has been released on bail.
The Partnership Agreement between CTRN Costa Rica, and CST/CUS/CUSa Nicaragua
The parties to the Agreement have committed to:
- The strengthening of trade union cooperation between the trade union centres
- Engaging in dialogue with the governments and employers with a view to upholding good conditions of work, defending migrant workers’ rights, ensuring observance of ILO Conventions 97 and 143, and promotion of the ILO Multilateral Framework on Labour Migration.
- Awareness raising with a view to combating racism
Focusing on the specific issues related to migrant women workers

56. CGTM has associated UTM and CLTM, the other ITUC affiliates in Mauritania in its work on migrant workers. The Centre Coordinator visited Senegal and had meetings with the trade union national centres (CNTS, CNTS-FC, UDTS and UNSAS). Information/sensitization sessions have been organised for CGTM officials in the capital as well as in the provinces and meetings have been organised with the migrant workers and their associations. The CGTM has also had meetings with the regional authorities as well as the Directorate of Employment and Vocational Training. The government is currently studying the institution of a national coordinating body which would include several Ministries, trade unions and NGOs to manage all issues related to migrant workers. An information leaflet on the migrant centre has been published and disseminated to migrant workers through the Senegalese and Malian associations. The CGTM also animated an FM radio call-in programme on issues related to migrant workers. The work goes on in spite of the recent coup in Mauritania.

The Partnership Agreement between CGTM Mauritania and CNTS Senegal
The parties to the Agreement have committed to:
- Regular exchange of relevant information between the two trade union centres.
- Protecting the human and trade union rights of migrant workers
- Assisting migrant workers in organizing into unions
- Providing services to migrant workers and their families
- Undertaking awareness campaigns to combat racism and xenophobia
- Paying special attention to the gender dimensions of migration
- Working towards the establishment of tripartite consultations and social dialogue with a view to addressing issues related to migration.
57. There are hundreds of thousands of Indonesian and Bangladeshi migrant workers in Malaysia. By and large, they remain outside the trade union movement. They are exploited by the recruiting agents, and employers. They lack voice at the workplace, and are forced to endure poor working and living conditions. Cross-border migration is likely to continue increasing for the foreseeable future. The Partnership Agreements between the MTUC and SPSI (Indonesia), and ITUC-BC (Bangladesh) constitute an important part of the bilateral cooperation arrangements in the South East Asia region.

The Partnership Agreement between LO Sweden and LBAS Latvia
The parties to the Agreement have committed to:

- Working collaboratively for the upward harmonization of labour standards and to combat social dumping, whereby employers seek to undercut wages and labour standards by offering sub-standard employment contracts to migrant workers;
- Exchanging labour market information and adopting a pro-active approach to problem-solving, when industrial relations issues arise with respect to migrant workers;
- Encouraging trade union cooperation and solidarity;
- Encouraging their respective affiliates to strengthen cooperation at sectoral and branch levels
- Engaging in seminars, bi-lateral talks and consultations on topical issues of mutual interest related to migration policies and practice.

The Partnership Agreement between MTUC Malaysia and SPSI Indonesia
The parties to the Agreement have committed to:

- Working towards harmonization of standards
- Building awareness about the positive contribution of migrants to both home and host countries
- Through continuous bilateral relations, promoting common interests to ensure a strong and stable trade union movement
- Regular exchange of labour market information
Improving consultations with and participation of the social partners at all levels

(Similar Partnership Agreement between MTUC Malaysia and ITUC-BC Bangladesh)
Policy Responses and Partnerships in the Education Sector

58. Education International (EI) is the global union federation that represents teachers and education workers worldwide. The education of migrant children is a high priority item in the work of EI affiliates. EI has pointed out that increasing mobility of people means that the world is coming into each of our communities. The children of migrant families must have full rights to quality education, and education must take into account more than ever the diversity of communities. Public schools open to all in democratic societies must rise to that challenge. But to do so, there are huge issues of resources – both financial and human – to be addressed, and governments are generally failing to keep up with the needs. There are major implications for pre-service and in-service teacher education, and for the recruitment of new teachers.

59. Education International (EI) has taken steps to address these and other migration challenges, culminating in the adoption of a Congress Resolution on International Migration in Berlin in 2007. EI has successfully advocated for the OECD to launch a major new project on migration. That project is now underway, and involves all OECD Directorates.

**Partnership in the Education Sector: Commonwealth Teacher Recruitment Protocol**

The Commonwealth Teachers' Group (CTG), comprising of EI member organizations in the Commonwealth, has made progress, through the adoption the Commonwealth Teacher Recruitment Protocol, which was adopted by the Commonwealth of Education in Lincolnshire, United Kingdom on September 2004. The Protocol seeks to protect the integrity of local education while at the same time stressing the need to respect the right of individual teachers to migrate. The Protocol has been supported by ILO. A letter of agreement on the Protocol was formally signed on 6 October 2006 by representatives of the ILO and Commonwealth Secretariat. The two parties committed themselves to support and initiate appropriate policies for teacher recruitment, professional development and retention.

The Commonwealth Teachers Recruitment Protocol:
* supports the need to respect teachers' rights and responsibilities as set out in the ILO/UNESCO Recommendation of 1970; and
* contributes to the achievement of Education for All, half of all children out of school worldwide are from the Commonwealth.
EI also plans its own studies on different aspects of migration, including South-North and South-South migration, as well as the consequences for education of growing numbers of refugees. A preliminary study on access to quality education for migrant and refugee children in OECD countries has been undertaken by EI, which will be expanded on in 2008/9.

**Trade Union Policy Responses in the ASEAN Region – Union Network International (UNI)**

Against the backdrop of ASEAN’s plan for regional integration by 2015 and the ASEAN Economic Blueprint, outlining the free movements of goods, services and skilled labour, migration for employment is expected to increase rapidly in the coming decades, especially given the uneven levels of development within the ASEAN region. The ASEAN Service Trade Union Council (ASETUC), a network of trade unions in ASEAN, was founded in March 2007, to enable ASEAN service sector unions to formulate and implement a consolidated union response to such rapid regional-integrated developments within ASEAN. UNI is the global union federation representing workers in skills and services, including the commercial, banking, finance, insurance and IT sectors. UNI-APRO is the Asia Pacific Regional Organization of UNI. UNI-APRO and ASETUC are constantly developing strong partnerships with NGOs to advocate for a social dimension and a human face to labour migration. In particular, UNI and ASETUC have been actively collaborating with the ASEAN Taskforce on Migrant Workers, to conduct activities in fulfilling the development of an “ASEAN Framework instrument on the protection and promotion of the rights of migrant workers”, in line with ASEAN’s Vientiane Action Programme 2004 (VAP).

Recognizing the growing need for services of many of its members who work abroad either long or short term, UNI has developed a special instrument, the **UNI Passport**, to help workers keep in touch with the network of UNI affiliates who can offer migrant workers help and advice wherever they are. Affiliates decide the level of support they will provide to migrant workers – who are union members in their home countries – and publicise the Passport Scheme on their own websites. The UNI Passport has indeed proved attractive to the growing number of IT professionals, many of whom anticipate working outside their home country for at least some part of their career.

Union Network International-Malaysian Liaison Council (UNI-MLC), the coordinating body for Union Network International (UNI) affiliates in Malaysia, has been operating a network of migrant help desks in over twenty areas in Malaysia, including all the states in Peninsular Malaysia, Sabah and Sarawak, providing assistance and working closely with migrant workers from Bangladesh, Myanmar, India, Indonesia, the Philippines, Nepal and Thailand. The UNI-MLC has evolved into a highly cohesive network, with clear direction and policy, which links closely with other UNI councils in countries of origin of migrant workers to provide assistance. UNI-MLC help desks also work across-border in both sending and receiving countries, for example by cooperating with Thai migrant workers’ associations in two locations; Sungai Kolok (across from Kelantan state) and across the border from Arau (Perlis State). UNI-MLC also has a written agreement with UNI Indonesia affiliate, ASPEK, to provide support to migrant workers and to represent its members in cases of labour exploitation and disputes.

Issues pursued by UNI-MLC have included: non-payment of wages, dangerous and dirty conditions of work, inhumane and excessive working hours through the use of forced overtime, abusive treatment and physical intimidation, unjustified terminations, seizure of passports and worker documents and failure to accord benefits provided for under the contract.
CONCLUSIONS - A TRADE UNION PLATFORM OF KEY RECOMMENDATIONS AND DEMANDS FOR THE GFMD 2008

65. For migration policies to be sustainable, there needs to be a significant shift away from the current narrow focus on temporary forms of migration to fill labour market shortages and further the economic gains to capital in the global economy. Trade unions have highlighted the all too frequent incidence of violation of the fundamental human and trade union rights of migrants, which is the result of this approach. What is needed is an approach which recognizes the positive contribution of migrants both to their host and home countries, and which places their welfare and rights at the centre of policies and agreements. To achieve this, the Global Unions are calling for the construction of an architecture of protection of human and trade union rights, linked to development commitments, to underpin all migration policies. This must be a comprehensive, rights-based, gender-sensitive regulatory framework, as outlined in the foregoing sections of this Statement. Its elements will be the key international Covenants, Conventions and internationally agreed development goals that are a part of the regulatory and social policy framework of the United Nations system.

66. The Global Unions call upon Member States to ratify the relevant key Conventions, to incorporate them into national-level legislative frameworks and labour agreements, and to fully implement them. Policy discussions on migration and development at national, regional and international levels should operate according to the principles of transparency and accountability. Consultative frameworks should be set up to allow for the genuine participation of trade unions and other civil society organizations. A significant shift from current practice within the GFMD must include the institutionalizing of consultations with trade unions at the level of governmental and intergovernmental deliberations. Within the framework of the human rights/development architecture, bilateral and multilateral agreements must include concrete commitments and monitorable goals related to guaranteeing the well-being and protecting the rights of migrant workers and their families. These must include decent work objectives, and the provision of quality public services as a foundation of decent life for all.
Given the fact that the United Nations is the guarantor of the norms, standards and social policies underpinning this human rights/development architecture, the application of this framework should come under the auspices of the UN. The policy-making process on global migration and development is all about the provision of public goods in the guaranteeing of fundamental rights of migrant workers, as well as the right to development. It should not be privatized within a global forum operating outside of the UN framework. It should be part and parcel of the multilateral system with the UN at its core, and taking the lead in convening all the relevant actors for a policy dialogue, policy formulation and the setting up framework agreements on migration and development. In such a policy dialogue, the competencies of ECOSOC on development questions and of the ILO on labour standards and decent work should be fully recognized and utilized.

The tripartite consultative framework of the ILO involving governments, employers’ representatives and trade unions should be fully utilized for framing migration policies at national, regional and global levels. In that regard, the ILO’s core competence in the application of standards for the protection of the rights of migrant workers should be recognized and utilized. An important dimension of policy coherence must be the framing of migration policies around core labour standards, the migrant workers’ Conventions (C97 and C143), and the attainment of decent work objectives in origin and destination countries. The consultative framework of ECOSOC on broad development questions linked to migration, will also allow for the full participation of trade unions and migrant associations. As a specialized agency of the UN, the ILO should also be involved at the level of ECOSOC, on migration and development policy questions. The Global Unions therefore call for the return of the global migration policy process to the United Nations as the best way of achieving policy coherence, and comprehensive, sustainable migration and development policies.
RATIFICATIONS
INTERNATIONAL INSTRUMENTS ON MIGRATION/MIGRANTS RIGHTS
As of 6 June 2007
ILO Migration for Employment Convention No. 97 of 1949.
ILO Migrant Workers (Supplementary Provisions) Convention No. 143 of 1975.
1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

STATUS:
ILO Convention 97: 46 ratifications
ILO Convention 143: 22 ratifications
1990 International Convention: State Parties: 37; Non-ratified signatories: 14
54 States have ratified one or both of the ILO conventions.
78 States have ratified one or more of these three instruments.

<table>
<thead>
<tr>
<th>State</th>
<th>Ratification ILO C.97</th>
<th>Ratification ILO C.143</th>
<th>Ratification or accession (a) 1990 Convention</th>
<th>Signature 1990 Convention</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>2 March 2005</td>
<td>12 Sept 2006</td>
<td>5 June 2007</td>
<td>15 Sept 2005</td>
</tr>
<tr>
<td>Algeria</td>
<td>19 Oct 1962</td>
<td></td>
<td>21 April 2005a</td>
<td></td>
</tr>
<tr>
<td>Argentina</td>
<td></td>
<td>23 Feb 2007</td>
<td>10 Aug 2004</td>
<td></td>
</tr>
<tr>
<td>Armenia</td>
<td>27 Jan 2006</td>
<td>27 Jan 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Azerbijan</td>
<td>11 Jan 1999a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bahamas</td>
<td>25 May 1976</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bangladesh</td>
<td></td>
<td></td>
<td>7 Oct 1998</td>
<td></td>
</tr>
<tr>
<td>Barbados</td>
<td>8 May 1967</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belgium</td>
<td>27 July 1953</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Belize</td>
<td>15 Dec. 1993</td>
<td>14 Nov 2001a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benin</td>
<td>11 June 1980</td>
<td></td>
<td>15 Sept 2005</td>
<td></td>
</tr>
<tr>
<td>Bolivia</td>
<td></td>
<td>12 Oct 2000a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bosnia &amp; Herzegovina</td>
<td>2 June 1993</td>
<td>2 June 1993</td>
<td>13 Dec. 1996a</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>18 June 1995</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cambodia</td>
<td></td>
<td>27 Sept. 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cameroon</td>
<td>3 Sept. 1962</td>
<td>4 July 1978</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cape Verde</td>
<td></td>
<td></td>
<td>16 Sept 1997a</td>
<td></td>
</tr>
<tr>
<td>Chile</td>
<td>21 March 2005</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colombia</td>
<td></td>
<td></td>
<td>24 Sept 1993</td>
<td></td>
</tr>
<tr>
<td>Comoros</td>
<td></td>
<td></td>
<td>22 Sept 2000</td>
<td></td>
</tr>
<tr>
<td>Cuba</td>
<td>29 April 1952</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cyprus</td>
<td>23 Sept. 1960</td>
<td>28 June 1977</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dominica</td>
<td>28 Feb. 1993</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>El Salvador</td>
<td>14 March 2003</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Egypt</td>
<td></td>
<td></td>
<td>19 Feb 1993a</td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>29 March 1954</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gabon</td>
<td></td>
<td></td>
<td>15 Dec. 2004</td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>22 June 1959</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ghana</td>
<td></td>
<td></td>
<td>8 Sept. 2000a</td>
<td></td>
</tr>
<tr>
<td>Granada</td>
<td>9 July 1979</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guinea</td>
<td>5 June 1976</td>
<td>8 Sept. 2000a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Guinea-Bissau</td>
<td></td>
<td></td>
<td>12 Sept 2000</td>
<td></td>
</tr>
<tr>
<td>Guyana</td>
<td>8 June 1966</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Honduras</td>
<td></td>
<td></td>
<td>15 Sept 2006</td>
<td></td>
</tr>
<tr>
<td>Hong Kong (ChinaSAR)*</td>
<td>22 Jan 1951*</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indonesia</td>
<td></td>
<td></td>
<td>22 Sept 2004</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Date 1</td>
<td>Date 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------</td>
<td>---------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Israel</td>
<td>30 Mar 1953</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td>22 Oct 1952</td>
<td>23 June 1981</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jamaica</td>
<td>22 Dec 1982</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kenya</td>
<td>30 Nov 1955</td>
<td>9 April 1979</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kyrgyz Republic</td>
<td>29 Sept. 2003a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lesotho</td>
<td>16 Sept. 2005</td>
<td>24 Sept. 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Liberia</td>
<td></td>
<td>22 Sept. 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Libyan Arab Jamahiriya</td>
<td>18 June 2004a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>The former Yugoslav Republic of Macedonia</td>
<td>17 Nov 1991</td>
<td>17 Nov 1991</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Madagascar</td>
<td>14 June 2001</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Malawi</td>
<td>22 Mar 1955</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Malaysia (Sabah)</td>
<td>3 March 1964</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mali</td>
<td>6 June 2003a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mauritania</td>
<td>22 Jan 2007a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mauritius</td>
<td>2 Dec 1969</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mexico</td>
<td>8 Mar 1999</td>
<td>22 May 1991</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moldova</td>
<td>12 Dec 2005</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montenegro</td>
<td>23 Oct 2006</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>20 May 1952</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Zealand</td>
<td>10 Nov 1950</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nicaragua</td>
<td>26 Oct. 2005a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nigeria</td>
<td>17 Oct 1960</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Norway</td>
<td>17 Feb 1955</td>
<td>24 Jan 1979</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paraguay</td>
<td>13 Sept 2000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peru</td>
<td>14 Sept 2005</td>
<td>22 Sept 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Portugal</td>
<td>12 Dec 1978</td>
<td>12 Dec 1978</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saint Lucia</td>
<td>14 May 1990</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Marino</td>
<td>23 May 1995</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sao Tome &amp; Principe</td>
<td></td>
<td>6 Sept 2000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Senegal</td>
<td>9 June 1999a</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serbia</td>
<td>24 Nov 2000</td>
<td>24 Nov 2000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seychelles</td>
<td>15 Dec 1994a</td>
<td>11 Nov 2004</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sierra Leone</td>
<td></td>
<td>15 Sept 2000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slovenia</td>
<td>29 May 1992</td>
<td>29 May 1992</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>21 March 1967</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sri Lanka</td>
<td></td>
<td>11 Mar 1996a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sweden</td>
<td>28 Dec 1982</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Syria</td>
<td>2 June 2005</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tanzania (Zanzibar)</td>
<td>22 June 1964</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trinidad &amp; Tobago</td>
<td>24 May 1963</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Timor Leste</td>
<td></td>
<td>30 January 2004a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Togo</td>
<td>8 Nov 1983</td>
<td>15 Nov 2001</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turkey</td>
<td>27 Sept 2004</td>
<td>13 Jan 1999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uganda</td>
<td>31 March 1978</td>
<td>14 Nov 1996a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>22 Jan 1951</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uruguay</td>
<td>18 March 1954</td>
<td>15 Feb 2001a</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Venezuela</td>
<td>9 June 1983</td>
<td>9 June 1963</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zambia</td>
<td>2 Dec 1964</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* China notified 1 July 1987 regarding continued application of ILO Convention 97 in Hong Kong Special Administrative Region.
* Signature is a preliminary step to ratification for International (UN) Conventions. Accession is an "all in one" adoption of the Convention equivalent to ratification, both signifying that the Convention standards are incorporated into national law and the country has become a Contracting or State Party to the Convention.

Text & Information on ILO Conventions at [www.ilo.org/ipect](http://www.ilo.org/ipect)

Text & Information on the 1990 Convention at [www.unhchr.ch](http://www.unhchr.ch) and/or [www.december15.net](http://www.december15.net)
ANNEX F

PEOPLES’ GLOBAL ACTION

JOINT CIVIL SOCIETY DECLARATION ON MIGRATION, DEVELOPMENT AND HUMAN RIGHTS
Submitted to GFMD-Manila, October 2008

As governments from all over the world meet in Manila to discuss migration and development policies, we call for human rights to be at the centre of debates. States have the obligation and responsibility to protect the rights of all human beings, including all migrant persons and migrant workers. We call upon governments to demonstrate their commitment to universal human rights, by affirming the human dignity of all migrants, including migrant workers, and ensuring that migrants’ human rights are at the forefront of discussions.

The Second Global Forum on Migration and Development (GFMD) will take place from 27 – 30 October 2008 in Manila, Philippines. This follows the First GFMD held in Brussels, Belgium in 2007, and the UN High Level Dialogue on Migration and Development of 2006 (UNHLD).

We, the undersigned organizations, submit this Joint Declaration to guide discussions at the GFMD as well as other discussions on migration and development policy. We are organizations including migrants’ associations, migrants’ rights NGOs, human rights NGOs, development organizations, trade unions and workers’ organizations, women’s organizations, faith-based organizations, peasant organizations, urban and rural poor, fisherfolk, indigenous peoples, and social movements. We are from all over the world including Africa, Asia, the Caribbean, Latin America, the Middle East, Europe, North America and Oceania. We are committed to advocating for the respect of the rights of migrants and all human beings, and the fulfilment of corresponding state obligations, in the GFMD and beyond.

The realities of migration

There are over 250 million migrants in the world today. Throughout history, humans have been migrants or descended from migrants – with the exception of indigenous peoples residing in their ancestral lands.

There are many root causes of migration, including armed conflict, persecution, discrimination, poverty, underdevelopment, forced displacement, and environmental destruction. Migration also occurs due to marriage, a search for family unity, and a desire to seek a better life, educational opportunity, learning or personal growth. In the last decades, migration flows have intensified as a result of neo-liberal, corporate-centered globalization such as that promoted by the World Trade Organization (WTO), including free trade agreements, reduction in publicly-provided social services, market deregulation, and the expansion of the power of corporations. These policies have consistently widened the gap between rich and poor, creating wealth for economic elites and deepening vulnerabilities of individuals and communities.

While profiting tremendously from migrant labor, most countries in the world have adopted xenophobic, discriminatory policies that scapegoat migrants for social ills and alleged threats to national security. The adoption of policies that simultaneously “open” low-wage, poorly protected jobs but “close” possibilities for regularized migration or basic human rights protections have increased migrants’ vulnerability to abuse and exploitation by employers, recruiters, organized crime, and corrupt officials. Women migrants, including migrant domestic workers and laborers, are particularly at risk.

States have tightened border controls and implemented harsh anti-immigrant policies in the name of
state-centered national security, including in the context of the “war on terror”. Some states have implemented regimes to detect and intercept “undesirable” migrants even before they reach borders. In this way, “developed” countries have sharpened territorial divisions, especially between the “North” and “South”, and further secured their economic privilege. Concerning South-South migration, the human rights situation of migrants is of equal concern. Many governments, in countries which are simultaneously countries of departure and destination, maintain an ambiguous and schizophrenic discourse, calling for protection of their own nationals migrating abroad, while increasing control and repression of migrants in their own territory, as well as failing to provide sufficient protections for asylum seekers and refugees. All these have fed tensions and divisions between workers in different countries, amplified racial discrimination, and heightened insecurity for all migrants, especially those with uncertain status, including exiled peoples, undocumented migrants, certain migrant children, refugees and asylum seekers.

Migration, Development and Human Rights

The GFMD’s current “migration and development” paradigm does not sufficiently affirm the human dignity of migrants and migrant workers and fails to firmly place their inalienable rights at the center of development. Moreover, without concern for their rights at the center of debate, women will continue battling against discriminatory employment and migration policies, which maintain and reinforce gender inequality.

Many states, through the GFMD, are seeking to create an international migration regime that “manages” temporary workers for the benefit of global production and profit, while institutionalizing highly coercive and restrictive migration policies that penalize, as one undesirable group, all so-called ‘irregular’, ‘undocumented’, ‘unskilled’ migrants and other migrants with uncertain status. Such restrictive migration policies and the criminalization of migrants, combined with a failure to provide equal labor protections for migrant workers, perpetuate and increase vulnerability, abuse and exploitation of migrant workers.

The very limited opportunities for civil society organizations (including migrants’ organizations, trade unions, women’s organizations, and others) to contribute to debates and exchange with governments within the current structure of the GFMD presents a major obstacle to the development of migration and development policies that are respectful of human rights, Their participation is severely restricted, while enhancing the role of banks, financial intermediaries, private agencies and the corporate sector.

The GFMD must enable all governments to contribute to policy development with an equal voice. In order to contribute to creating an effective ‘global’ system based on migration and development policies that guarantee the human rights of migrants, the GFMD must allow for equitable participation of ‘developed’ and ‘developing’ countries both in the setting of the forum’s agenda and the ensuing debates.

Our challenge to governments attending the GFMD

Governments have the obligation to guarantee the human rights, including labor rights, of all migrants as human beings. They must thus establish migration and development policies that respect, protect, fulfill and promote the human rights of migrants, including migrant workers, and promote sustainable, rights-based development. The GFMD must be used to further the implementation of states human rights obligations, and in particular:
Governments must fulfill their obligations under the core UN\(^1\) and ILO instruments, including the Universal Declaration of Human Rights, the UN Convention on the Protection of Rights for All Migrant Workers and Members of Their Families, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination Against Women, the UN Refugee Convention of 1951, ILO Conventions 97 and 143 and the Multilateral Framework on Labor Migration, and all regional and international human rights instruments.

Governments must “protect the vital core of human lives” in ways that enhance human freedoms and human fulfillment especially in dealing with conflict, poverty and migration (Commission on Human Security 2003).

Governments must not deviate from but rather build upon the normative rights-based framework-approach to development. All governments must honor their commitment to the Declaration on the Right to Development (UNGA Resolution 41/128, 4 December 1986) which affirms that “The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”

Governments must guarantee the right to participation of migrants and all human beings in policy making. Discussions on migration and development policy at the national and international level must ensure the genuine and meaningful participation of migrants and other stakeholders. This requires stronger protections for and empowerment of migrant groups. The GFMD must ensure a larger, more genuine participation of civil society, reflecting a diversity of international actors, including the strong representation of migrants themselves, as well as measures to ensure language access as well as economic access and representation by all global regions.

Governments must recognize and respect the rights of all migrants, including migrant workers, whether or not they are in ‘regular’ or ‘irregular’ status. Regardless of their status, migrants are participants and contributors to and members of the community and country in which they live and work. They are endowed with human dignity and are holders of the full range of human rights, including the right to unionize. All migrant workers, including domestic workers, have the right to recognition as workers. Solutions do not lie in restrictive migration policies, but should instead include expanded avenues for legal migration and regularization, and the provision of opportunities in both countries of origin and destination.

Governments must ensure that migrants enjoy equality of rights and non-discrimination in the places where they live. Discrimination based on any status, including national origin, nationality, migration status, race, gender, class, sexual orientation, religious belief and language, is prohibited by international law and human rights principles. Governmental policy must also address de facto discrimination (unequal conditions), and promote empowerment and equity for migrants.

\(^1\)The Core UN human rights conventions are:
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965
- International Covenant on Civil and Political Rights (ICCPR), 1966
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 1984
- Convention on the Rights of the Child (CRC), 1989
- International Convention on Protection of the Rights of All Migrant Workers and Members of Their Families (ICMRW), 1990
- International Convention for the Protection of All Persons from Enforced Disappearance, 2005
Governments must protect and uphold the human rights of women migrants, taking into account a long history of gender discrimination. Women’s rights to decent work, health, security and justice are crucial in the migration process, as is ensuring that women are not discriminated against when leaving or entering a country. International and national regimes must be adopted to recognize and protect the rights of domestic workers and other informal workers, many of whom are women. They must also promote the empowerment of migrant women and the achievement of gender equality.

Governments must adopt effective policies to combat trafficking. Policies aimed at curbing trafficking must be evaluated to make sure they are addressing root causes with a human rights approach, rather than furthering situations of exploitation and abuse. This includes examining the role of restrictive migration policies and poor labor protections in deepening exploitation and a cycle of poverty, which can feed human trafficking.

Governments must cease design and implementation of state migration policies that constitute or cause violations of human rights. These include policies that: deny migrant workers (especially migrant domestic workers and laborers) decent work and the protection of their basic rights as workers; criminalize migrants, including the criminalization of migrants with irregular status; militarize borders and externalize migration control in international waters or in countries of origin and transit; discriminate against migrants based on nationality, class, gender, or migratory status; enforce collective deportations which intensify violations of human rights, including the right to protection of the family, due process of law, right to security of person, and the principle of non refoulement; allow for arbitrary detentions and arrests, and all other deprivations of liberty of migrants in contravention of international standards on detention; and policies that fail to prevent and eliminate the exploitation and abuse of migrants, including trafficking of persons.

Governments must institute a functioning international system based on migration and development policies that guarantee the human rights of migrants, workers and all peoples, and which promotes sustainable, rights-based development. This requires that forums for multilateral discussions on migration and development policies ensure genuine migrant and civil society participation. It also requires that all developing country governments have equal participation and voice. Governments in the South should not adopt policies or enter into agreements, such as free-trade agreements, with Northern countries that increase forced migration of their populations. Neither should they make any multilateral or bilateral agreements, be they repatriation, border control, or temporary or circular labor agreements, that do not fully respect and protect the human rights of migrants.

The GFMD must respect the principles laid out in this declaration in order to be legitimate and effective. In its present form, the GFMD will not contribute to the development of policies to address the vulnerabilities of migrants and increase their protection for migrants, nor will it produce a coherent, effective international migration regime that can address the many complexities involved in migration. We call on governments to respond to these challenges and fulfill their obligations, and create new global mechanisms and processes that are genuinely democratic, transparent and accountable and which will meaningfully ensure each individual’s human rights, freedoms and sustainable development. All governments, including countries of origin and destination, must address the root causes of massive migration, especially its feminization, through full employment and generation of local work with dignity, and through combating all forms of abuse of women and all individuals.
Government leaders from all over the world will hold the 2nd Global Forum on Migration and Development (GFMD) on 29-30 October 2008 in Manila, Philippines. This follows the High Level Dialogue on Migration and Development convened by the United Nations in 2006 (New York), and the 1st GFMD hosted by the Belgian government in 2007 (Brussels).

In those previous global meetings, the governments chose to focus their attention on “maximizing the development benefits of migration” – by minimizing or excluding discussion on the human rights of migrants, the failed economic development programmes, and the underlying causes of labour migration. Indeed, the past global forums have concentrated on how to increase remittances; promote temporary, vulnerable labour migration, and in shifting the primary responsibility of providing basic social services and financing development from the governments to the migrants. In all these global forums, the migrants, civil society, and social movements have been marginalized, while the role of banks, remittance companies and the corporate sector have been enhanced. These are all consistent with the neoliberal agenda of making the people bear the burden of development, reducing government responsibility and accountability, and ensuring more profits for companies.

We shall continue to resist and struggle against these exploitative “migration and development” agendas, as we have done in the past. We, the representatives of migrant groups, peasant organizations, women, workers, urban and rural poor, fisherfolks, social movements and civil society organizations, will continue to assert the migrants’ and people’s perspectives and human rights.

We oppose the perspectives being promoted in the GFMD that perpetuate migrants’ exploitation, reinforce gender oppression, undermine human rights, and surrender State responsibility for development. We oppose the perspective of making the GFMD an extension of neoliberal globalisation, so that it becomes an instrument of the World Trade Organization (WTO), the International Monetary Fund (IMF) and World Bank to promote corporate globalization, this time capitalizing on the migrant workers. After our global protests have stalled WTO’s “Doha Development Agenda”, neoliberal forces have been seeking other channels – e.g. economic partnership agreements (EPAs), free trade agreements (FTAs), and now the GFMD – to push for the same exploitative agenda of putting corporations’ interests before that of the people.

After decades of corporate globalization, the evidence is stark that this has worsened poverty, job losses, food insecurity, indebtedness, displacement of communities, and has contributed to the current global climate crisis. These have caused massive labour migration, and migrants being used as cheaper, vulnerable, disposable workers to enhance global competitiveness, and further enrich companies, businesses and the economic elites.

Over 250 million people worldwide are migrants – living, working, raising families and building communities in places outside their country of origin. Total migrants’ remittance transfers to their home communities are a staggering US$300 billion a year, more than triple all international aid. However, mi-
migration policies and practices are largely discriminatory and exploitative, and therefore fail to protect migrants’ human rights and cause, reinforce, or intensify gender, class and systematic abuses. As stated at the 1st GFMD (2007, Brussels), migration is increasingly treated by governments as a means to produce “mutual benefits to countries.” The GFMD promotes “legal migration as an opportunity for both origin and destination countries” and suggests that remittances should be “leveraged through policies and actions by governments in partnership with the private sector”, while migrants and other civil society are systematically excluded from the GFMD process. Special Representative to the UN on Migration and Development, and former WTO Director-General, Peter Sutherland further underscores “how migration can help meet [countries’] development goals.” He advocates for countries “to manage migration more intelligently” through greater governmental and private sector cooperation, insisting that the GFMD process itself be focused on meeting the needs of governments – not migrants or civil society.

Instead of protecting migrants’ safety and security, emphasis is being placed on more temporary and circular migration models, echoing the WTO’s General Agreement on Trade in Services (GATS) Mode 4. GATS Mode 4 wants to prevent or restrict the movement of ‘unskilled/low-skilled’ migrant workers, thus increasing their vulnerability to abusive, irregular, or exploitative situations especially by recruiters and employers. The GFMD promotes agreements such as the EU-African models of governmental cooperation, but these agreements are notorious for causing the abuse, torture and deaths of countless migrants. Agreements such as the Italy-Libya and Spain-Morocco cooperative agreements, and the proposed Merida Initiative between the U.S. and Mexico, result in the expansion and militarization of borders, and increasing humanitarian crises along the coasts of Lampedusa and the Canary Islands, and along the U.S.-Mexico border.

Migrants’ rights are guaranteed under the Universal Declaration of Human Rights, and the core U.N. and ILO conventions, especially the UN 1990 Convention on Migrant Workers. However, no major host country in the Global North has ratified the UN 1990 Convention on Migrant Workers. In the current highly politicized state discourse on migration, migrants continue to experience widespread abuses, arbitrary arrests, detentions, torture, deportation and inhumane treatment. Such situations institutionalize the discrimination, exploitation and the vulnerability of migrants. The violators – government personnel, recruiters, employers, money lenders, remitters, etc. – go unpunished and therefore behave with impunity.

International trade, in the context of the WTO and neoliberal perspective, put profits before people, and degrade human rights, sustainable development, food security, livelihoods, decent work and natural resources. We assert that migration is not another form of trade (export/import of human labour); migration, like development, is a right. Working abroad should be a choice to enhance the dignity and opportunities of people, not a desperate bid for survival at the expense of human rights and dignity. The United Nations Declaration on the Right to Development (1986) states that the “right to development” is a basic and inalienable human right “by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development.” The Declaration also states that people have the “inalienable right to full sovereignty over all their natural wealth and resources.”

We also assert that debt domination is a major factor in the impoverishment of economies of the South. Debt domination breeds joblessness, underemployment and poverty, and force people to migrate and find employment abroad for survival. Even worse, the huge amount of taxes and fees collected from migrant workers, which should be used for the much needed services and programs that address the very same social ills that have forced them into migration, instead is being squandered to debt servicing.

We therefore commit ourselves to advance our struggle against exploitation and neoliberal globalization
in all its forms. We demand to be heard by the GFMD and all international fora dealing with migration.

We reiterate our demand to make the GFMD a genuine forum among governments, migrants and people’s movements to discuss models of migration policy that respects migrants’ and all people’s human rights, which will require exploration of the full range of issues involved in migration, including the underlying problems of development, poverty, joblessness, and how we can collectively address these. We affirm the principle that the State should be primarily responsible in protecting human rights, providing social services, and promoting people-centered development. We reiterate our call to put GFMD under the ambit of the United Nations to ensure that it adheres to, and builds upon, the existing human rights frameworks and obligations, including the Right to Development commitment. We call for migration and development policies built upon the principles of human security with dignity, justice and equality for all.

We shall continue to strengthen our global solidarity and intervene at the GFMD. We shall strengthen each other’s campaigns and work together at the local, national, regional and international levels. As we have done in the past IMF, WB, WTO, APEC, ASEM and G-8 meetings, we will converge in October 2008 in Manila in order to challenge the GFMD. We shall continue to build and strengthen peoples’ alternatives to corporate-led globalization. Another world is not only possible but necessary.

We shall initiate actions in our respective parts of the world, and converge in the “Peoples’ Global Action on Migration, Development and Human Rights” in October 2008 in Manila!

Join the Philippine launching of the Peoples’ Global Action (17 June 2008, Manila)

Join the 2nd International Strategy Meeting on GFMD and the International Launching of the Peoples’ Global Action (11-12 July 2008, Manila)

For more information, please contact:
Migrants Rights International (MRI)
migrantsrightsinternational@gmail.com
www.migrantwatch.org

Migrant Forum in Asia
mfa@mfasia.org
tel/fax: (+632) 433-3508
www.mfasia.org

Philippine Working Group on the GFMD Parallel Event

Convenor:
Migrant Forum in Asia
Annex I

MEDIA ACTIVITIES

Press Briefing at Solo Hotel, 5 July 2008

On 5 July, the PWG was invited at Kapihan at Sulo Hotel. Kapihan at Sulo Hotel is a regular Saturday gathering of press people to discuss pressing issues of the country. Daniel Edralin, Alliance of Progressive Labor’s Chairperson, Ellene Sana of Center for Migrant Advocacy and Tatay Ben of KAMIGMA were present to represent the PWG. PWG representatives discussed about the abuses faced by Overseas Filipino Workers (OWFs) in their workplace.

The PWG called for the Philippine government to address not only the issues of increased remittances but also the responsibility of the country to uphold the rights of Overseas Filipino Workers (OFWs). In this context, the PWG representatives discussed about the PGA and how this forum would elevate the discussion on the protection and promotion of the rights of the OFWs and all migrant workers in the world irrespective of status.

Further, they explained the current discourse on migration where migrant workers are treated as tradable goods. The PGA would like to oppose this perspective which is consistent with the neo-liberal agenda of making people bear the burden of development, reducing government responsibility and accountability and ensuring more profits for the companies.

Press Briefing at Manila Hotel, 7 July 2008

PWG’s participation in this press briefing was through the invitation of a prominent columnist in the Philippines. Ellene Sana and Daniel Edralin attended to speak about the PGA. As with the press briefing at Solo Hotel, the PWG representatives used local issues to be able to relate the PGA to the public.

The PWG called for Arroyo government government to protect overseas Filipino workers (OFWs) and look into the social costs of migration and not merely regard them as the spring of increased remittances while paying lip service to their rights as human beings working in foreign lands.

One of the press asked why do we have to campaign for migrant workers where in fact they are more financially stable compared to the local workers in the country. “OFWs receive relatively higher wages than most Filipino workers in the country. However, compared to the local workers in the host country, they receive a very minimal wage. If there are only opportunities available, these people will not opt to leave the country because they have everything that is familiar to them i.e. family, support system. Unless the government provides viable option for employment, the exodus of these people will continue”, Ms. Sana’s response to the question.

Sen. Richard Gordon who was also one of the speakers that discussed about the country’s disaster mitigation program affirmed PWG’s campaign for the rights of migrant workers particularly the OFWs as they are considered potent political force in the country who can now exercise their sovereign right to elect officials.

Mr. Edralin, on the other hand, discussed about the campaign of the trade unions in protecting the migrant workers. He then further added that this year that the trade union groups are meeting for the first time during the PGA.

A discussion on the PGA followed.
**Live radio interview with DZAR, July 15**

As a follow-up to the 12 July live phone patch interview, the PGA was again invited for a live radio interview on 15 July. Teody Navea of Bukluran ng Manggagawang Pilipino (BMP) represented the PGA.

The discussion delved more on the current problems faced by Overseas Filipino Workers and how these can be addressed by the PGA. Mr. Navea explained that PGA will provide more space for CSOs to discuss issues affecting migrant workers. The result of the discussion will be submitted to the governments attending the GFMD. Mr. Navea reiterated that the PGA campaign will be an on-going advocacy even after the GFMD. Dialogues with key national stakeholders are in place to bring forward the issues of the OFWs and they will be collectively addressed.

**Live radio interview with DZAR, September 16 (Andrea Anolin, Batis Center for Women)**

As this is already the 3rd time where PGA made its representation to this radio station, the discussion revolved on the PGA updates and how CSOs and the Philippine government are responding. A discussion on the expected output of the PGA was also brought to the floor. The PGA calls to all governments to consider the recommendations of the CSOs that will be the basis for next year’s GFMD discussion.

**Press Briefing “Unang Paramdam”, October 3**

As a countdown to the PGA, on 3 October, the PWG organized a press conference at Annabel’s Restaurant in Quezon City. Major media outfits from newsprint to TV organizations attended this press conference.

PGA organizers criticized Arroyo’s administration for focusing on human capital development and labor mobility or the so called “labor export policy” instead of providing decent jobs to Filipinos. The administration should think more of the social costs of migration than the temporary gains that the country can get out of migrants remittances.

PGA organizers also lamented about the long history of human rights violations, gender oppression, unjust and inhumane labour conditions and discrimination among migrant workers especially women and undocumented workers.

To conclude the press briefing, PGA organizers urged the Philippine government to focus on the protection of migrants’ human rights interests rather than thinking of its economic benefits to the country.

**Picket in front of the DOLE office in support of the World Day for Decent Work, October 6**

In the observance of the World Day for Decent Work, PWG’s labour federations, women’s advocates and allied groups, picketed in front of the Department of Labor and Employment. The picket was staged to inform the public of the Arroyo administration’s failure for decent work to Filipino people. Although the Philippines is a signatory to the International Labor Organization’s call “Decent Work for All”, the government has consistently failed to live up to its commitment to generate decent jobs to its people forcing workers to migrate. Trade unions vehemently opposed the labor flexibility policies and privatization which leads to massive dislocation of workers.

They also reiterated that decent work does not include prostitution where many women migrants are trapped in this situation. PGA spokespersons also lambasted the government for denying decent wages for its teachers which is one major reason why teachers have to migrate abroad.
PGA spokespersons concluded the picket by calling the government to scrap its labour export policy.

**Token delegation to the No to Prostitution Day, October 8**

On the occasion of International Day of No Prostitution women activists, migrant workers assailed sexist portrayal of Filipino Domestic Workers in BBC Segment and called for full employment and end to sexual exploitation.

More than 100 members of Coalition Against Trafficking in Women – Asia Pacific (CATW-AP), People’s Global Action (PGA) on Migration, Development and Human Rights, Alliance of Progressive Labor-Women (APL), World March of Women-Filipinas and PREDA Foundation gathered in front of the House of Representatives to mark the International Day of No Prostitution (IDNP) and call for the immediate passage of House Bill 970 or the Anti-Prostitution Bill.

The protesters condemned the sexist and racist exploitation of women here and abroad shows such as BBC’s Harry and Paul. The CATW-AP, one of the organizers of the Peoples’ Global Action expressed its utmost disappointment to the Philippine government for its inaction on the unemployment problem relegating women to situations of sexual exploitation. Survivors of prostitution also joined the rally to call for the immediate passage of the anti-prostitution law that seeks to eliminate sexual exploitation in the long term, and decriminalize the victims therein.

A street presentation was delivered by the members of the theater group of PREDA foundation portraying the lives of the victims/survivors of trafficking and prostitution. A delegation went inside the House of Representatives to lobby for the immediate passage of the House Bill 970 Speaker Prospero Nograles, Representatives Pablo Garcia and Nanette Daza, Chairs of the Committees on Revision of Laws and Women, respectively.

The action ended with chants of “Women & Migrants are not Commodities! Provide work with dignity and full employment to all, not prostitution! Pass the Anti-Prostitution Bill!”

**Radyo ng Bayan- Balitang OFW**

Center for Migrant Advocacy Executive Director Ellene Sana was invited for a live radio interview at Radyo ng Bayan for the Balitang OFW segment on 9 October. Ms. Sana provided updates on the current situation of the Overseas Filipino Workers and explained how Philippine CSOs could make use of the Global Forum on Migration and Development as an opportunity to call governments to stop using migration as part of its development agenda. The Philippine government should ensure decent local jobs and peace and security so people will not be forced to work abroad.

**JPEPA Mobilization to Supreme Court, October 13**

PGA sent a token delegation to the JPEPA Mobilization to Supreme Court dubbed as “Funeral March. Around 2,000 Magkaisa JUNK JPEPA Coalition (MJJ) members and supporters marched to bring petition to the Supreme Court to declare JPEPA unconstitutional.

The group, coming from the ranks of farmers, fisher folk, workers, urban poor, nurses, greens, youth and others wore black and carried a coffin symbolizing the terminal blow to Philippine sovereignty that the lopsided JPEPA deal brings.

The marchers filed a petition for certiorari and prohibition with an application for a temporary restraining order and/or preliminary injunction on the recent ratification of the Japan Philippine Economic Partnership Agreement (JPEPA).
Annex I

PEOPLE’S GLOBAL ACTION ORGANIZERS

1. Akbayan
2. Alliance of Progressive Labor (APL)
3. Asian Migrant Center (AMC)
4. Asian Migrant Domestic Workers Alliance (ADWA)
5. ASEAN Trade Union Council (ATUC)
6. Batis Center for Women
7. Building and Wood Workers International (BWI)
8. Bukluran ng Manggagawang Pilipino (BMP)
9. Center for Migrant Advocacy (CMA)
10. Coalition Against Trafficking in Women-Asia Pacific (CATW-AP)
11. Coalition for Migrants Rights
12. Columban Missionaries
13. Daughters of Charity of St. Vincent de Paul (DC)
14. Fédération Internationale des Droits de l’Homme (FIDH)
15. Focus on the Global South
16. Freedom from Debt Coalition (FDC)
17. Global Alliance Against Traffic in Women (GAATW)
18. Global Network Asia/LEARN
19. International Gender and Trade Network (IGTN)-Asia
20. Jubilee South-Asia Pacific Movement on Debt and Development (JS-APMDD)
22. Migrant Forum in Asia (MFA)
23. MARINO/LEARN
24. Migrants’ Rights International (MRI)
25. National Union of Building & Construction Workers/BWI
26. Partido ng Manggagawa
27. Philippine Consortium on Migration and Development (Philcomdev)
28. Public Services International-Philippine affiliates/Public Services Labor Independent Confederation (PSLINK)
29. Save the Children UK
30. Solidaritas Migran Scalabrini-Philippines
31. Stop the New Round (SNR)
32. Unlad Kabayan Migrant Services Foundation
33. Union Network International-Philippine Liaison Council (UNI-PLC)/ UNI-Asia Pacific Regional Organization (UNI-Apro)/ ASEAN Service Employees Trade Union Council (ASETUC)
34. Women and Gender Institute-Miriam College (WAGI)
35. Women’s Legal Bureau, Inc. (WLB).
This report aims to present the various strategies of MFA at the national, regional and international levels in relation to the 2nd Global Forum on Migration and Development (GFMD). It provides a background to the first two GFMDs, MFA’s activities leading up to the CSO led parallel event, the Peoples’ Global Action as well as a critique of the GFMD and recommendations for future CSO engagement at the 2009 GFMD in Athens, Greece.