

UN High Level Dialogue on International Migration and Development 2006



A Report Prepared by:
Migrant Forum in Asia



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Migrant Forum in Asia (MFA) is a non-profit regional network formally organised in 1994 in a forum held in Taiwan entitled, "Living and Working Together with Migrants in Asia". MFA is by far the broadest and most representative membership-based network of Asian Migrant Organizations and support groups in the region. Established in 1994, MFA currently has 260 official members from 13 Asian countries with its secretariat based in the Philippines. Some of the members are themselves national networks representing large number of local organizations (e.g. the network members from Japan, Korea, Sri Lanka, India, Indonesia and Hong Kong.)

Foreword

In December 2003, the United Nations (UN) General Assembly decided to convene a High Level Dialogue (HLD) on International Migration and Development during its 61st session. The HLD on migration took place on September 14-15, 2006 at the UN general headquarters in New York City

Civil society organizations (CSOs) participation in the HLD was very much restricted with only twelve (12) members of Civil Society, eight(8) among them Non Government Organizations (NGOs), allowed to participate in the HLD roundtables. These representatives were chosen during the UN organized informal interactive hearings with NGOs, CSOs and the private sector held on July 12, 2006.

Due to limited participation in the HLD CSOs felt excluded from the process and believed that the voices and perspectives of the communities who will be most impacted by the policies and outcomes of this HLD, might not be adequately and comprehensively represented. Thus a parallel activity called the “Global Community Dialogue on Migration Development and Human Rights” was organized by the Migrants Rights International (MRI), Migrant Forum in Asia (MFA), the National Network for Immigrant and Refugee Rights (NNIRR) and various CSOs on Sept. 11-14, 2006 to provide an alternative space to share perspectives on the current situation, challenges and proposed solutions around migration and of migrants rights from communities around the world.

This report aims to present the various strategies and initiatives of CSOs in relations to the UNHLD. It will provide an overview of the UNHLD, a summary of CSO activities in the lead up to the HLD and a report of the global community dialogue.

The UNHLD led to the creation of a Global Forum to continue the dialogue on migration and development. The Government of Belgium has offered to host the first meeting of the forum, which is likely to be held next year. This report also includes recommendations of civil societies on the next steps following the UNHLD.

Acknowledgement

This report is dedicated to all the members of Migrants Rights International.

We would like to acknowledge the contribution and hard work of the Migrants Rights International Working Group for the UNHLD who have spent long hours in conference calls and meetings to prepare for this activity.

We would also like to thank OXFAM-NOVIB for making it possible for Migrant Forum in Asia to participate in this event.

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List of Acronyms

ACLU – American Civil Liberties Union
AFSC - American Friends Service Committee
AMC - Asian Migrant Center
CAAAV - Organizing Asian Communities, New York
CSO – Civil Society Organization
ECOSOC – Economic Social Council
FDW – Foreign Domestic Workers
GAATW – Global Alliance Against Trafficking in Women
HLD – High Level Dialogue
IEC – Information Education Campaign
ILO – International Labor Organization
IMF – International Monetary Fund
IOM – International Organization for Migration
JCMK – Joint Committee for Migrant Workers Korea
LGBTQ – Lesbian Gay Bisexual Transgender Queer
MAP – Migrants Assistance Program
MDGs - Millennium Development Goals
MFA – Migrant Forum in Asia
MMN – Mekong Migration Network
MRI – Migrants Rights International
MUMK – Medical Mutual Aid Union for Migrant Workers in Korea
NGO – Non Government Organization
NNIRR – National Network for Immigrant and Refugee Rights
PAN – Priority African Network
PICUM – Platform for International Cooperation on Undocumented Migrants
TECO – Taiwan Economic and Cultural Office
UAE – United Arab Emirates
UN – United Nations
UN-ECOSOC – United Nations Economic and Social Council
UN GA – United Nations General Assembly
UNGASS - United Nations General Assembly Special Session on HIV/AIDS
UN-HCR – United Nations High Commission For Refugees
UN-NGLS - United Nations Non-Governmental Liaison Service
UN-SG – United Nations Secretary General
US – United States of America
USSR – Union of Soviet Socialist Republic
WB – World Bank
WTO – World Trade Organization

UN High Level Dialogue on International Migration and Development 2006



* Please note that where MRI is mentioned in this report it includes all other working group members of MRI for the HLD: National Network for Immigrant and Refugee Rights (NNIRR), Platform for International Cooperation on Undocumented Migrants (PICUM), Comite Antirazista Durban Italia (CADI), Centro Estudio Legales y Sociales CELS/CAREF

Introduction



Introduction and Background

The United Nations High Level Dialogue on International Migration and Development

The United Nations General Assembly through resolution 58/208 of 23 December 2003, decided to hold a high level dialogue (HLD) on international migration and development during its 61st session. The HLD on international migration and development took place on September 14-15, 2006 at the United Nations general headquarters in New York City.

The UNHLD was open to the participation of the member states at the ministerial or highest level, UN agencies and other intergovernmental entities and organizations such as the International Organization for Migration (IOM) were also invited as observers.



The UNHLD on international migration and development held four plenary meetings:

1. Thursday, 14 September 2006, from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m.
2. Friday, 15 September 2006, from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m.

The High-level Dialogue also held four interactive round tables, as follows:

Thursday, 14 September 2006

- Round table 1: Effects of international migration on economic and social development.
- Round table 2: Measures to ensure respect for and protection of the human rights of all migrants, and to prevent and combat smuggling of migrants and trafficking in persons.

Friday, 15 September 2006, from 10 a.m. to 1 p.m.

- Round table 3: Multidimensional aspects of international migration and development, including remittances.
- Round table 4: Promoting the building of partnerships and capacity building and the sharing of best practices at all levels, including the bilateral and regional levels, for the benefit of countries and migrants alike.

Several countries, particularly those from the global south, had lobbied the UN for several years to organize a major international forum on migration, but the event was repeatedly delayed due to UN commitments to major international conferences during the 1990s. However, as the issue

of international migration continued to spiral upwards over the last several years, pressure had mounted for a commitment for a distinct and significant international meeting.

The purpose of the UNHLD was to discuss the multidimensional aspects of international migration and development in order to identify appropriate ways and means to maximize its development benefits and minimize its negative impacts. Additionally, the UNHLD focused on policy issues, including the challenge of achieving the internationally agreed development goals, including the Millennium Development Goals (MDGs).

In preparation for the HLD the UN organized a number of activities among them the following:

- The informal interactive hearings with representatives from non-government organizations (NGOs), civil society organizations (CSOs) and the private Sector.
- Distribution of the UN Secretary-General, Kofi Annan's report* on *International Migration and Development*, with a general call for comments.

Informal Interactive Hearings

As part of the preparatory process in the lead up to the UNHLD the UN General Assembly (UNGA) held informal interactive hearings with representatives of NGOs, CSOs and the private sector on 12 July 2006. The objective of the informal interactive hearings was to provide an opportunity for NGOs, CSOs and the private sector to interact with the UN member states and offer input for the HLD.



The President of the General Assembly was tasked to prepare the summary of the Informal Interactive Hearings which was among the official documents for the HLD on international migration and development.

To ensure an open, transparent and participatory process, the UNGA President established a task force to assist in the planning of the hearings. The task force was composed of representatives from civil society, the private sector and relevant UN focal points. The task force's primary function was to help identify participants for the hearings and assist in formulating the event's format and general modus operandi.†

Migrant Forum in Asia (MFA) was invited to be a part of the task force and was represented by its Regional Coordinator, Mr. William Gois. As a member of the task force, MFA helped in disseminating information with regard to the informal interactive hearings and also facilitated the participation of 7 persons from the Asia region for the CSO hearings on the UNHLD in July 2006.

* The report provided the framework for discussion for the Informal Interactive Civil Society Hearings which took place last July 12, 2006. A copy of the report is available at: www.unmigration.org

† More information on the task force including the task force terms of reference can be found at: www.unmigration.org

I. Civil Society Organizations Preparatory Activities in the Lead up to the UN High Level Dialogue



Civil Society Organizations Preparatory Activities in the lead up to the UN High Level Dialogue

Migrants Rights International (MRI), together with its partner Migrant Forum in Asia (MFA) believed that it is vital for CSOs to be actively involved and have access to the UNHLD to monitor the course of deliberations as well as to provide information and perspectives. Considering that the UNHLD will potentially set in place a critical infrastructure for ongoing governmental deliberations on migration policy, MRI and MFA members and partners sought to press the UN and government representatives to include human rights as the underlying framework in the pursuit of a “co-development” strategy – proposed in the report of the Secretary General.

A series of activities were organized by MRI and MFA in the lead up to the UNHLD culminating in a Global Community Dialogue on Migration, Development, and Human Rights as a parallel event to the UNHLD. Among the activities were the following:

- Dissemination of information among migrants organizations on the informal interactive hearings with the aim of encouraging Civil Society Organizations to participate in the hearings;
- Facilitation of information exchange on positions and responses from a migrants’ rights perspective in response to the draft report of the Secretary General for the UNHLD;
- Participation in the informal interactive hearings as NGO and CSO representatives;
- A consultation among various Asian Civil Society networks working on migrants’ rights and development issues in preparation for the UNHLD with the aim of having a face to face exchange of issues, positions, trends and strategies on migration and development;
- International Migrant Rights Solidarity Activities;
- Global Community Dialogue on Migration Development and Human Rights and
- Country level dialogue between civil society government (Nepal, Philippines, Bangladesh and Indonesia)



CSOS and the Informal Interactive Hearings

As part of the broader CSO network working on migrants’ rights MRI and MFA helped in the dissemination of information concerning the informal interactive hearings. MRI, through its Asian partner, MFA, facilitated information exchange on positions and responses to the draft report of the UN Secretary General for the UNHLD‡

‡ The complete NGO responses to the UN Secretary General’s Report is available at : www.un-ngls.org

During the informal interactive hearings, both MRI and MFA participated as panel speakers; members of both organizations also participated as spokespersons. (*See annex for copy of statements*)

Asia Consultation

In Asia, a consultation among civil society networks and advocates of migrants' rights took place in Bangkok, Thailand on August 16-17, 2006, to discuss ways to work together in engaging the UN HLD process. The Asian process led to the creation of the Asian Alliance for Migration, Development and Human Rights (AMDHR). The newly created alliance came up with its own statement of unity, which expressed the following key points: (1) protection of the rights and well being of migrant workers; (2) development that is centered on human rights and social justice, and (3) that it must not justify or result in the exploitation of migrants.

In response to the Secretary General's report on the creation of a permanent forum, the alliance also came up with concrete recommendations, one of which is the establishment of a *Permanent Forum*, where ongoing and inclusive debate on migrant issues can be structured. Specific recommendations were also given on the mandate and scope, geographical location and structure of the forum. The alliance further urged the Secretary General to conduct an open consultation with all stakeholders, starting with migrants and their networks with regard to the creation of the *Permanent Forum*.

**ASIAN ALLIANCE FOR MIGRATION, DEVELOPMENT AND HUMAN RIGHTS
STATEMENT OF PRINCIPLES AND RECOMMENDATIONS
Adopted at the AAMDHR founding meeting, 16-17 August 2006, Bangkok, Thailand**

KEY PRINCIPLES

Migration policy must be created within a human rights framework, respecting the needs and choices of people migrating. People who move, whether they are forced, non-forced or voluntary, must have some control over their own choices and manage their own migration. The right of all people to determine the course of their lives should not be taken away simply because they move.

Migrants Are Protected By Human Rights,

All migrants are entitled to protection of their human rights by the States that they originate from, transit through, and reside and seek employment in. Migrants are human beings and not commodities. Migrants' rights are human rights and no human being should be considered as illegal. The most comprehensive framework of protection for the rights of migrants and their families remains the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (the Migrant Workers Convention). The other core human rights conventions and related instruments also protect the rights and promote the wellbeing of migrants and their families including: Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) and UN General Assembly Special Session on HIV/AIDS (UNGASS).

States are obligated to adhere to the international human rights law framework and should centre human rights in all discussions and policies that affect migrants. Whether they are documented or undocumented, migrants are entitled to the same fundamental human rights as nationals of any state, including the right to health, equal access to justice, to freedom of movement and to freedom from abuse and exploitation including torture and cruel, inhuman and degrading treatment.

Migrant workers are protected by Core Labour Rights And Decent Work Standards

Core labor rights and fundamental standards are set out in the ILO conventions and related human rights instruments including ILO Conventions 97 and 143 and the ILO multilateral framework on migration. These are applicable to all workers, including all migrant workers, regardless of their status in the country of employment.

Rights include: the right to work and rights at work, such as the rights to fair wages, safe and healthy working conditions and reasonable limitation of working hours; the rights to liberty and security of the person that protect the migrant from illegal confinement by her employer; and the right to freedom of association and assembly, whether in trade unions or informal associations. Access to decent work is essential to protecting the human rights of migrant workers and to realizing the right to development.

Development Must Be Centered On Human Rights And Social Justice

The right to development is a universal and inalienable right, as stated in the UN Declaration on the Right to Development (1986). It is recognized that protection of human rights should be both the means and the end of development, and that development must be:

- People-centered – place the human person at the center of development and be aimed at improving the quality of life and dignity of all people and their environment
- Comprehensive – work for balance of social, cultural, political and economic progress
- Respectful of all human rights – assert the indivisibility and interdependence of human rights; failure to protect, respect and fulfill these rights constitutes an obstacle to development;
- Participatory – should ensure participation of key stakeholders including migrants and their families, especially women migrants and excluded, vulnerable or marginalized groups within the migrant community
- Promote social justice
- Affirming of the right of peoples to self-determination.
- gender sensitive; ensuring the gender sensitive approach to development and in the management of migration is mandatory. Through the gender sensitive lens, the rights of migrant workers include: (1) the right to integrity of body and soul, in particular the right to be free from of all physical, psychological, and sexual violence; (2) the rights to be free from gender-based discrimination; (3) the right to obtain reproductive health services and to obtain appropriate assistance in the event of sexual and gender based violence.

We reject models of development based on the free-market and neo-liberalism, which result in the commodification of workers by prioritizing capital and profits over the rights and dignity of persons. Economic development cannot be positioned as a trade-off for civil and political, economic, social and cultural rights or be prioritized over human dignity.

Development must not justify or result in the exploitation migrants

Accordingly, development strategies must be directed at protecting the rights of all persons, including migrants, and must not exploit the vulnerabilities of any person, including migrants. In particular:

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

Governments should recognise domestic work (household work) as work. The increased demand of migrant domestic workers is in cooperation with development process both in country of origin and country of destination. Without legal recognition and protection, domestic workers are vulnerable to exploitation and discrimination. Migrant domestic workers have been unfairly convicted of crimes such as theft, murder, or adultery, arbitrarily detained, and sentenced to punishments such as stoning and lashes which could constitute cruel, inhuman or degrading treatment, and even to the death penalty.

The Diversity of Migrant Populations Must be Respected. Migrants are individual people, are families, are communities. A sizeable proportion of the world's population will be a migrant at some point in her/his life. This diversity must be respected and reflected in policy responses to migration and services for migrants. Development policies must recognize and respect the broad range of migrants and migrant needs.

Both origin and destination countries cannot subordinate the human rights of migrant to economic development goals. We condemn the practice of origin countries of exporting migrants en masse without any protection of their human rights as rights as workers, merely to increase migrant remittances or profit from fees. We further condemn the exploitative policies and practices of destination countries such as the use of cheap and unprotected labor in the guise of "trainees", "cultural exchange/au pair schemes" or "seasonal workers". Such methods are not a viable "development plan" and make migrants vulnerable to serious abuses and violations of their human rights.

Destination countries must not exploit the vulnerabilities of migrant populations in the name of development. Many migrants are leaving situations of distress or crisis, including violence, natural disaster or economic desperation. These migrants must not be exploited as cheap and pliable labor because of their limited negotiating power.

Origin countries must not use the mass export of labour as a primary development strategy. Every government has a responsibility to provide decent work. Sustainable development should be premised on job creation and economic opportunities in the home country and not on the export of labor. In particular:

Remittances: Remittances are the private money of migrants often earned at a high personal cost to the individual migrant. Governments should not use migrants and remittances to keep afloat their mismanaged economies or to finance their "national development" requirements. This opportunistic practice merely transfers the burden of economic development onto the migrants, and to the next generation. Any use of remittances for economic development can only happen with the full and prior engagement of migrants in the entire development process.

GATS Mode 4: Including GATS Mode 4 in the migration discourse is unacceptable; Mode 4 further deepens the class-oriented exploitation of various types of migrants, and is a tool of neo-liberal trade that benefits global corporations and capital and undermine the labor and human rights of workers.

Both origin and destination countries are responsible for the wellbeing of migrants. The recent war in Lebanon is a distressing illustration of the vulnerabilities and risks that migrants are subjected to. Thousands of migrant workers and their families were abandoned by their employers and governments and people within the migrant community were killed. In such times of crisis, origin countries must care for the wellbeing of their nationals in times of crisis and destination countries must be concerned for the protection of the migrants within their borders.

Development policies based on migration must take into account the social costs of migration e.g. the separation of families, brain drain, rehabilitation and care of returning sick, injured, or victimized migrants, need to be factored into their development strategies and programs.

Development policies must not encourage irregular migration: Neo-liberal economic globalizing processes that give rise to trafficking, irregularization and informalization of labor, and forced labor and slavery-like conditions are unacceptable. Exploitation of vulnerable workers must not be dismissed as an unavoidable side-effect of development or globalization.

Governments should recognize domestic work (household work) as work. The increased demand of migrant domestic workers is in cooperation with development process both in country of origin and country of destination. Without legal recognition and protection, domestic workers are vulnerable to exploitation and discrimination. In some cases domestic workers have been unfairly convicted of various crimes such as theft, murder, or adultery leading to unjust imprisonment, stoning, lashes, and even death penalty.

Migrants must be engaged in the creation of development plans and policies as they affect migrants. As primary stakeholders in national development, migrants must be engaged at all levels and all stages of development. They must not be treated merely as “agents of development”, and encouraged or even coerced to migrate in the absence of protection of their human rights.

Migrants Must be Engaged in International Dialogues that Affect Migrants.

We are alarmed by the extensive restrictions on civil society participation in the 2006 UN High-Level Dialogue on International Migration and Development. The right to participation is a fundamental principle of the international human rights architecture. Accordingly, the UN should prioritize the participation of all relevant stakeholders, including migrants, in any UN meeting organized to discuss migration.

Further, the participation of migrants and civil society is needed to ensure that any actions emerging from the meeting are rights-respecting and non-discriminatory. Civil society organisations promote a people-centered approach and provide a critical analysis of the actions of government and non-state actors. Dialogue between governments alone is insufficient to ensure discourse and action respectful of human rights and human dignity in the spirit of the Right to Development and related standards. No development strategy will succeed without the meaningful participation of the people.

GENERAL RECOMMENDATIONS

Asian countries have among the lowest levels of ratifications of international treaties. These treaties provide a uniform and clear statement of the human rights of all peoples and are the basis for protecting, promoting and respecting the rights of migrants. We call on all governments present at the High Level Dialogue, particularly the governments of Asian States and including in the context of creating development policies related to migration to ratify and implement without delay:

The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in particular among countries of destination.

All of the 30 treaties presented at the Treaty Event on Human Migration which coincides with the UN High Level Dialogue on International Migration and Development.

Relevant labor standards including as a priority the 8 Core ILO Conventions and other migration-related conventions of the ILO (including Conventions 97, 143, and 181).

- Establish services to protect individuals who have been exploited. We also call on all Asian governments to implement their commitments made on human rights, in particular the pledges made prior to their election to the Human Rights Council .
- In creating development policies related to migration, we call on all governments to:
- Adhere to the framework for development established by the 1986 UN Declaration on the Right to Development in any discussion and strategy regarding migration and development.
- Develop labour migration policies in accordance with the rights-based approach to labour migration contained within the ILO Multilateral Framework ??
- Amend, adopt and enforce national laws to conform, at a minimum, with international standards and regional standards where relevant;
- Continue identifying, exposing, and challenging exploitative and discriminatory policies and laws which affect women migrant domestic workers, and to enact national laws that will provide legal protection and recognition of domestic work as work.
- exploited through the migration process such as victims of trafficking.
- Provide access to justice and appropriate compensation for all migrants who are victims of abuse and crime, including for abused women migrant domestic workers, migrant rights defenders, and victims of trafficking, and prosecute effectively the perpetrators;
- Establish a regional cooperation for “rehabilitation” (psycho-social recovery, compensation, reintegration) of abused migrant workers
- Provide compensation and access to justice for abused women migrant domestic workers, migrant rights defenders and victims of trafficking and prosecute the perpetrators of the crime;
- Ensure that embassies and consulates of countries of origin directly take responsibility for protecting, to the best of their abilities, the rights, welfare and well-being of all migrants, including ensuring that migrants, regardless of their status, are not subjected to indefinite or prolonged detention.
- Provide food security, adequate housing and decent work for their citizens so that migration is not viewed as a survival strategy to escape deficits in development, extreme poverty and associated violations of fundamental human rights.
- Develop financial regulations regarding remittances and monitor the cost of remittances and agency fees to migrants.
 - Abolish visa trading practices.
 - Monitor practices of recruitment and brokerage agencies to ensure protection of the rights of migrant workers.
 - Ensure access to remedies and redress for migrants who have suffered violations of their rights. In particular, traffickers of people should be brought effectively to justice, and the protection of victims of trafficking must be ensured by states from which they originate, transit through and end up in.

RECOMMENDATIONS ON A PERMANENT FORUM

In line with the UN Secretary General's proposal to institute a global consultative process within the United Nations to discuss policy issues surrounding the international governance of migration, we emphasize the merit in establishing an arena such as a Permanent Forum, in which there can be structured, ongoing and inclusive debate on migrant issues.

Functions and scope

The Forum should be a place to stimulate new ideas, approaches, and perspectives in understanding migration

It should not be limited to migration and development but should include other issues related to the contemporary phenomenon of migration. For example, identifying the root causes of migration, and migration and international human rights principles and standards.

Geographical location

The Forum should be based in Geneva, with the ability to convene meetings in other regions. A Geneva location would allow the Forum to benefit from engagement with proximity to bodies with expertise on migration, labour rights and human rights including: the Human Rights Council and the human rights treaty bodies; the International Labour Organisation, the Office of the High Commissioner for Human Rights and the United Nations High Commissioner for Refugees.

Participation

To ensure that the Forum conducts a genuine debate on migration, and to generate recommendations that are effective, all stakeholders must be involved in the entire process, starting with migrants and their networks, but also including NGOs, Civil Society and the private sector. The Forum should not only allow such participation but should actively facilitate it, for example by providing financial support (in some ways similar to the existing UN Fund for the Permanent Forum on Indigenous Issues). We are disappointed to see, in the Secretary General's report, that civil society and other stakeholders would only be invited to the meetings of the forum "when [governments] deem it desirable and necessary".

To clarify the Forum concept, such as its scope, mandate, responsibilities and structure, we urge the Secretary General to conduct an open consultation with all stakeholders, starting with migrants and their networks.

UN institutions and mechanisms have become more bureaucratic and inaccessible to the peoples they seek to serve and have become distanced from their objective of representing 'we the people of the United Nations' as cited in the preamble to the Charter of the United Nations. We call upon UN institutions and mechanisms to ensure the accessibility of participation and justice to marginalized and vulnerable groups.

Adopted on 16-17 August 2006, Bangkok, Thailand.

Action Network for Migrant Workers (ACTFORM) Sri Lanka
 American Center for International Labour Solidarity (ACILS) Thailand
 Asian Migrant Centre (AMC) – Regional
 Asia-Pacific Women Law and Development (APWLD) – Regional
 Task Force on ASEAN Migrant Workers
 CARAM Asia - Regional
 FORUM Asia - Regional
 Focus in the Global South – Regional
 Global Alliance Against Traffic in Women (GAATW) – Regional
 Grassroots Human Rights Education Burma
 Hope Workers Centre (HWC) - Taiwan
 Migrants Assistance Program (MAP) Foundation - Thailand
 Mekong Migration Network (MMN) – Subregional - GMS
 Migrant Forum in Asia (MFA) – Regional
 Unlad Kabayan Migrant Services Foundation (Unlad) - Philippines
 Welfare Association of Repatriated Bangladeshi Employees (WARBE) - Bangladesh

Civil Society Strategy meeting in Preparation for the UNHLD

On September 11, 2006 MRI, MFA and the National Network on Immigrant and Refugee Rights (NNIRR) hosted the Civil Society Strategy meeting in preparation for the UNHLD. Various CSOs from all over the globe joined the strategy meeting.

The meeting commenced with introductions of the MRI network and of the UNHLD working group convened by MRI. The working group was tasked to prepare for the CSO parallel event in relation to the UNHLD composing of the following organizations:

1. National Network for Immigrant and Refugee Rights (NNIRR)
2. Migrant Forum in Asia (MFA)
3. Platform for International Cooperation on Undocumented Migrants (PICUM)
4. Comite Antirazista Durban Italia (CADI)
5. Centro de Estudios Legales y Sociales - CELS/CAREF

This was followed by introductions of the various civil society organizations present in the Strategy meeting. Organizations present represented the following regions: Asia, Latin America, North America, Europe, and the Pacific. Each individual introduced the organizations they represented and provided a brief overview of the migration context in their country or region. Approximately 30 organizations attended the Strategy meeting.



The introductions were followed by a discussion on the strategies employed by MRI as a global CSO network in engaging the UNHLD. MRI representatives, Messrs. Pablo Ciriani and William Gois explained the MRI *inside outside* strategies in engaging the UNHLD. The outside strategy concentrated on organizing a CSO event parallel to the HLD, holding consultations with various migrants' organizations and governments.

The inside strategy involved working with CSO representatives inside the UNHLD roundtable discussions. It also entailed involvement with the UN permanent missions in New York. Side events were also organized inside the UN during the HLD, and one approach employed by MRI was to ask its members with Economic and Social Council (ECOSOC) status, to attend these side events. Among the various side events that MRI representatives participated in were the following:

- 12 September - **International migration and development; patterns, problems, and policy directions, organized by the United Nations University**
- 13 September - **Panel Discussion on Female Migrants: Regional Dimension of International Migration and Development**

- 14 September - **A Human Rights Approach to Migration, organized by UNA-USA**
14 September - **Women on the Move: Magnitude, Trends and Impacts of the International Migration of Women Sponsored by: The Government of Sweden, UNFPA, The United Nations Population Fund and the World Bank**
14 September - **Side Event organized by MRI with the Argentinian Government**

The group then moved to discuss in detail the program prepared for the Global Community Dialogue on Migration, Development, and Human Rights and to deliberate on the visits/engagement with the UN permanent missions.

Meeting with the UN Permanent Missions to Push for Migrants Rights Framework in the UNHLD

A month prior to the HLD, MFA sent letters to various UN country permanent missions, informing them of the various CSO initiatives in engaging the HLD from presenting a statement/intervention at the informal interactive hearings in July 12, 2006 to the Asian consultation process. Most of the missions did not respond to the letters sent out.

Part of the inside strategies discussed in engaging the UNHLD during the CSO meeting in Bangkok was the visit to the UN permanent missions. The goal of engaging the missions was to present the CSO perspective on the HLD. The missions representatives were seen to be persons who would influence the course of the debate at the UNHLD and it was essential that they base their discussions on the real issues and situation of migrants' human rights.



Two of the missions from Europe: Norway and Finland replied to the letters sent out and agreed to meet up with the CSO delegates. However due to time constraints the MRI and MFA representatives were unable to formally meet with these missions but had informal discussions with them inside the HLD.

CSO representatives from Asia were the other hand were able to secure appointments with the permanent missions from Indonesia, Korea, Bangladesh and Sri Lanka. The Singapore and Philippine missions also replied but declined to meet up with the delegates. They however agreed to have informal meetings with the MRI and MFA representatives during the HLD.

Due to the lack of response from the UN permanent mission the various CSO organizations exercised their right to visit their own missions and push for a migrants rights framework in the upcoming HLD. Among the recommendations of MRI, MFA and its partners is the establishment of a Permanent Forum on Migration that is inclusive and participatory.

An information kit containing MRI, MFA and the Asian Consultation principles of action, the Philippine CSO and the outcome document of Jakarta process statement were presented to the following missions:

Asia:	Middle East
Sri Lanka Indonesia Bangladesh Korea Taipei Economic and Cultural Office (TECO) Malaysia Philippines Singapore	United Arab Emirates Kingdom of Saudi Arabia Qatar Oman Kuwait Bahrain Jordan Lebanon
Latin America and North America	Europe and Africa
Mexico Colombia Bolivia Peru Brazil Ecuador Chile Dominican Republic Costa Rica Canada	European Union African Union Italy Belgium Netherlands

The meeting with the missions had both positive and negative outcomes. The Asian missions in particular: Bangladesh, Indonesia, Sri Lanka and Korea were open to the proposals of the CSOs and agreed to follow-up on the process. The missions from Malaysia, Singapore, Taiwan Economic and Cultural Office (TECO) and Philippines just received the copies of the position papers.

The missions from the Middle East and North African region except for Lebanon did not meet with CSO representatives but received the statements brought by the delegation. The Lebanese mission was open to discussing the issues of migrant workers but also mentioned that currently issues of migrants were not considered a priority by the government as the country was then in the process of recovering from the war.

Among the Latin American missions Bolivia, Ecuador and Peru met with the CSO representatives. They were all open to the possibility of establishing a Permanent Forum on Migration. The Peruvian mission further provided the CSO representative from Peru with a pass to be a part of the Peruvian Government delegation to the HLD. The other missions from Latin America did not engage in dialogue with the CSO delegates, but received the position papers and statements.

The Canadian mission was the only mission visited by the delegation from North America. The Canadian mission was not open to dialogue with CSO representatives and was even hesitant to receive the statements and position papers of the group.

The European and African missions on the other hand received the statements and position papers from the delegates. The European Union further presented the group with its written position paper on the HLD.

International Migrants Rights Solidarity Activities

The lack of involvement of migrant grassroots communities in the UNHLD was very visible during the entire process. One of the strengths of MRI as a diverse network of migrant’s organizations was its capacity to reach out and link the issues at the regional and international level with migrant grassroots organizations. Various activities were conducted by MRI and its partners to link up with grassroots organizations, particularly with those based in New York where the UNHLD took place.

Tribute to Undocumented Migrant Workers Who Died in 9-11

Migrants Rights Advocates from Asia, Latin America, North America, Europe, Africa and the Pacific joined local New York migrant organizations in a vigil on September 11, 2006 to pay tribute to the undocumented migrant workers who lost their lives in the 9-11 terror attacks. The vigil also aimed to challenge repressive migration policies across the globe and called for the decriminalization of undocumented workers, and an end to the discrimination and xenophobia against migrant workers largely evident post September 11, 2001.



Migrants rights advocates present at the vigil reiterated the call that no human being is illegal and that undocumented workers have the same rights as any other worker.



Solidarity Night with New York Migrants Groups

As part of its strategy for information education on the HLD and also to bring global migration issues to local migrant organizations, MRI through its local partner in the US, organized a solidarity night with the local migrants groups in New York. NNIRR members, Desis Moving Up and Raising (DRUM) and Ezperanza del Barrio hosted the event.



The solidarity night gathered together more than a hundred migrants rights activists and migrant workers in New York. A briefing and background on the UNHLD and the need for involvement of migrant grassroots organizations was stressed upon by members of MRI. This was followed by sharing of different organizations from the globe on the migration situation in their region. Migrant workers also shared their inputs and their views concerning the UNHLD. The solidarity night also included cultural presentations from the different migrant groups present.

II. Global Community Dialogue on Migration, Development and Human Rights



Global Community Dialogue on Migration, Development and Human Rights

The Global Community Dialogue on Migration, Development and Human Rights gathered together around 80 individuals from 45 organizations from Asia, North America, Latin America, Europe, Africa and the Pacific. The event was organized by MRI, MFA, NNIRR and various partners around the globe as a parallel civil society event to provide an alternate space for CSOs to share perspectives on the current situation, challenges and proposed solutions around migration and migrants' rights.

The need to have a parallel CSO event was voiced out by a large number of migrant groups due to the limited representation of CSOs in the HLD. It was felt that the key stakeholders, the migrants who will be most impacted by the policies and outcomes of the HLD were not adequately and comprehensively represented.

The Global Community Dialogue aimed to achieve the following:

- ◆ A collective understanding and vision on migration, development and human rights that reflects the context of migration from the different global regions.



- ◆ Greater understanding on the UNHLD, its intended goals and its policy implications for global migration, development and human rights.
- ◆ Initial observations on the commonalities and differences between the advocacy responses of migrants and their support organizations in Latin America, Asia, Europe, Africa and North America that are working to achieve international recognition of migrants' human rights.
- ◆ A press statement and critical civil society position on the UNHLD.

The organizers deliberately chose not to structure discussions and workshops base on regional divisions as it was felt that it was more important to promote dialogue on common themes of migration that cut across regional lines. Each workshop also tried to have speakers representing various regions from: Latin America, North America, Asia, Europe and Africa. In addition, all workshops aimed to highlight not only issues and analyses, but responses and strategies that are being undertaken to overcome these issues in the various regions.

Speakers and participants were also encouraged to discuss examples of responses being undertaken in their respective countries or sub-regions, e.g. organizing & unionizing migrants, policy advocacy, service provision, legal access, social mobilization, public awareness raising,

documentation and research, and networking at the national, regional & international levels.

The majority of the forum comprised of “breakout workshops” or workshops that took place simultaneously. The first set of breakout workshops discussed on themes related to the root causes and key consequences of migration - trade and global economic systems; war and conflict; development and remittances; and undocumented migration. The second set of workshops discussed themes related to the promotion and violation of international standards on migrants’ human rights (economic, social, cultural and political rights) such as national immigration regimes; borders and national security; and the abuse of migrants with impunity. The final set of breakout workshops focused on the particular needs of specific groups of migrants - trafficked persons; the feminization of migration and domestic workers; and lesbian, gay, bi-sexual and trans-sexual migrants.

Workshops generally followed a dialogue format, whereby a facilitator began by putting forward key questions to panel discussants. The Program Committee was open to working together with facilitators to help identify questions. The discussants then took turns to respond to the questions put forth in the form of a dialogue between the panel discussants and the facilitator. This was followed by an open forum where participants in the workshop put forward their own questions, made observations, and built on the interventions of the discussants with their own comments.



A. Framework Setting & Regional Perspectives on Migration Development and Human Rights: Overview of the UN HLD on Migration and Development

The Global Community Dialogue on Migration Development and Human Rights was opened by a welcome remark from, the NNIRR. It was followed by introductions of various organizations coming from Asia, Latin America, North America, Europe, Africa and the Pacific. This was ensued by an overview of the Global Community Dialogue as the Civil Society Parallel event to the UNHLD. A brief background of the UNHLD and inputs on migration issues from different regions were also provided.



The speaker from Asia was Rex Varona, Executive Director of Asian Migrant Center (AMC), a regional organization based in Hong Kong and a member of the MFA. Mr. Varona started his presentation by stating that “the right to development is an inalienable right. Development needs to go hand in hand with human rights.”

According to Mr. Varona migrant's groups have met up numerous times to discuss and explore a rights' based approach to development; and development cannot happen without the people's participation and at the cost of a person's human rights.

He further added that Asia is home to more than fifty million (50,000,000) migrant workers and is home to both host and sending countries of migrant workers. He said that, members of civil society working on different issues (human rights, migrants rights, women's rights and trade and development) came together to form an alliance specifically to tackle the issues of migration and development. The group met up prior to the HLD and came up with its own statement of unity stating that the UNHLD's approach to development does not take into consideration the rights and well being of migrant workers.

Europe

The speaker from Europe was Mr. Manfred Bergman of CADI. He has worked on migration issues for more than a decade and his presentation focused on the plight of undocumented migrant workers in Europe. Europe currently has around 5 to 8 million undocumented migrant workers. He mentioned that in Europe migrant workers are those who come from less developed or poor countries outside the European Union.

The European Union employs very strict border control and undocumented migrants in Europe are criminalized. He gave Italy as an example where a big number of migrants have died at the border. Most of the undocumented migrants in Italy come from Africa. Europe needs these migrants yet they are criminalizing them and putting them in detention centers.

Mr. Bergman also discussed the issues of trafficking. There have been a number of trafficking cases in the Europe. Some of the undocumented workers in Europe engage in sex work. Once caught these migrants are penalized and placed in detention centers.



Latin America

The speaker from Latin America was Mr. Ricardo Cristo of MIREDES. He spoke on the issues of migrant workers in Latin America. He mentioned that in his region there is both inter-country migration and migration to other regions such as the US and Europe.

In his country, Colombia, armed conflict has fueled the migration of persons. He comes from the Gypsy community and it has been his lifetime commitment to work in making their people visible. The national conflict has displaced a lot of agricultural workers including his people.

This has led to massive migration of persons. He believes that a social model for migration can be developed at the local and international level that promotes the rights and well being of migrant workers.

Middle East

The speaker from the Middle East was Ms. Seta Margossian from Lebanon. She provided a brief overview of the status of migrant workers in the Middle East wherein some countries, migrants outnumber the local population. She mentioned that there have been a lot human rights abuses among the migrants in the gulf including among others: physical and sexual abuse from employers, non-payment of wages, unhealthy living and working conditions for the workers, non-inclusion of migrants in the labour law and the lack of recognition for the rights of migrant domestic workers.



She also discussed the issue of undocumented migrants in the Middle East. Undocumented migrants who are caught are placed in detention centers with deplorable conditions and they are not allowed to contact anybody. There has been very little assistance provided for migrants in particular undocumented migrants as there are very few NGOs to support them. Most of the support provided to the migrants come from the Church or social and cultural groups/migrant associations.

Africa

The speaker from Africa was Ms. Nunu Kidane of the Priority African Network (PAN), a member of the NNIRR. She mentioned that in Africa, there is currently a growing culture of migration where a large number of Africans want to leave their country in search for the “good life” and better opportunities. Among the contributing factors to this is the booming real estate development in Africa initiated by returnee migrants and families of migrants. In her last visit to Africa, it is as if everything is projected to encourage migration in the era of globalization.



She also mentioned that migration in Africa is very complex. There is inter country migration in the region and there is migration to other regions like Europe and the US. Europe however is imposing stricter border controls and making migration more difficult. A large number of Africans go to Europe as undocumented migrant workers, willing to risk anything to leave their country.

These migrants are eventually caught, detained and sent home. When people are sent back they face long term imprisonment or death.

North America

The speaker from North America was Arnolando Garcia of NNIRR. His presentation focused mostly on the on-going initiatives of the US in implementing stricter border control. He stated that after the September 11 terror attack the US has extended its border control to Canada and Mexico. There has also been increasing border militarization which has extended to the interior of the US. There has been an increasing trend to rely on the police force to impose border control. A number of deaths have occurred at the border, in particular along the US-Mexico border.



He also spoke about racial profiling among persons who come to the US thus persons give up their civil liberties. Racial profiling is a form of discrimination and encourages xenophobic behavior. He posed the challenge to the group to act on these issues, to organize the migrant community to let the voices of the migrants be heard.

Pacific

The speaker from the Pacific was Ms. Eleanor Taylor-Nicholson of the Global Alliance Against Trafficking in Women (GAATW). She focused her presentation on the issues of migrants in the Pacific in particular migrant workers in Australia. She mentioned that Australia is a migrant destination country for Asian countries and countries in the Pacific. Australia is also a transit country for people going to the Pacific Islands or leaving the Pacific Islands. This does not require visa and many use this as an opportunity to become undocumented migrants in Australia.

She also explained that there is a growing xenophobia against Asian migrants in Australia. There is strong sentiment among Australians that Asians will take over or steal the jobs of the local people. The bigger challenge faced is to change the attitude of the government and educate the community in order to overcome anti-migrant sentiments.



B. Keynote Speech : **Jorge Bustamante, UN Special Rapporteur on** **the Rights of Migrant Workers**

Dr. Jorge Bustamante, the U.N. Special Rapporteur on migrant workers gave the keynote speech for the community dialogue. Dr. Bustamante is a Mexican Sociologist who has worked on the issues of migration for more than two decades. He has written numerous publications that deal with Mexican immigration to the United States and the US-Mexico border phenomena. Dr Bustamante was also part of the 5-member UN Committee to study worldwide the relationship between international migrations and human rights. As the current UN Special Rapporteur on migrant workers, Dr. Bustamante has taken up one the most difficult and sensitive issues in migration, the issue of undocumented workers.

Dr. Bustamante started his speech by congratulating the organizers for putting together the community dialogue and thanking them for inviting him to participate in such an important event.

In his speech, he confirmed the statement of civil society of being excluded from the process of the UNHLD. The key actors in migration, the migrants themselves, are not involved in the decision making process that will impact their lives.

He discussed the premise of migration as a right of every individual and that migration is a rational behavior. People cannot find jobs at home and better opportunities can be found abroad. Migrants contribute to the development of both host and sending countries. This contribution to development needs to be recognized. He further added that migrants are important actors of civil society but are placed in situations of powerlessness. They do not have a say in the process of deciding on policies that will affect their lives; in this case the exclusion from the discussions in UNHLD.

“We have been excluded” from the high level discussions on migration policy. “The physical distance we have from the United Nations building, is symbolic of our distance from the migration policy discussions being held there.”

The Special Rapporteur also discussed migration as a global phenomenon that impacts all countries. Some countries however treat migration as domestic problem; applying national and local solutions to a global phenomenon. He stated that dealing with migration issues in such a fragmented manner will not resolve anything. He gave the United States as an example where some states have laws that are anti immigrant. (e.g. imposing fines on establishments that provide jobs to migrants or rent spaces to migrants, proposals to tax migrant remittances) This he said is against the constitution of the US which states that only the Federal Government has the legal jurisdiction to issue laws in the matter of immigration. He also said that this trend of dealing with migration issues is also being adopted in Europe.

He also tackled the issues of undocumented migrant workers. He said that you hear groups that speak out in the media saying that they are not against migrants but are against illegal immigrants. These are anti-immigrant sentiments that are supported by laws that discriminate against migrant workers as mentioned previously.

Dr. Bustamante further added that today's migrants are in slavery like conditions with zero rights. He referred to the conditions of migrant workers as described by the earlier speakers from different regions. He further added that the powerlessness of migrants is similar to situations in the era of slavery.

He also discussed the non ratification of Host Countries of the *1990 UN Convention on the Rights of all Migrant Workers and Members of their Families*. He said that there is a growing division among countries of origin and destination and that countries are getting organized not to ratify the convention.

A migrant is a human being with rights that are close to zero. In the past slavery meant zero rights. Being a migrant is the closest thing to that.

The Special Rapporteur also discussed capacity of migrants as economic contributors to society. He said that migrants are very powerful in terms of remittances and

are most often among the top three sources for foreign exchange of countries of origin. He pointed out that we need to tap into this power and encourage migrants to organize and realize their capacity as key economic contributors in society.

Dr. Bustamante ended his speech with a challenge to civil society to bring the discourse to the migrant workers, to involve the migrants, to make them understand and contextualize the issues. A challenge was posed to evolve into a new level of consciousness, of bringing the issues to the migrants themselves.

C. Breakout Workshops 1: Root Causes and Key Consequences of Migration

Global Economic Systems: Empty Promises for Developing Countries and Forced Migration

Facilitator: Jessica Walker Beaumont, *American Friends Service Committee (AFSC)*

Panel Discussants:

- Carolyn H. de Leon Hermogenes, *CAAAV: Organizing Asian Communities, New York*
- Manuel Hidalgo, *MIREDES, Chile*
- Allison Lee, *Hope Workers Centre, Taiwan/Migrant Forum Asia*
- Rex Varona, *Asian Migrant Centre (AMC), Hong Kong/Migrant Forum Asia*

Organized by: US Trade Migration Work Group

The workshop focused on the role of the global economy in forcing migration; how these forces have manifested on a personal level; how wealthy countries have responded to Global South resistance and changed the nature of trade agreements; and why developing country governments remain at the trade negotiating tables when the agenda continues to not serve their needs.



The panel discussants for the workshop came from Asia, Latin America and North America. They conveyed personal stories and experiences as migrant workers and advocates on the role played by the forces of global economy in migration and their lives. With the presenters coming from different regions, the experiences shared were placed in a broader context of globalization and neo liberalism.

The first speaker was Carolyn Hermogenes of CAAV, a Filipina migrant worker in the United States. She became a migrant worker after graduating from the university. Having a university degree in the Philippines was not enough to find her a good job that would enable her to provide for her family. She was faced with the difficult choice of working abroad as a domestic helper in order to support her family. Currently the Philippines deploys around 2,500 migrant workers per day of which more than half of them women.

When Carolyn first migrated, she was not aware of the issues of globalization, neo-liberalism and its role in migration. After years of working as domestic helper, Carolyn got involved in organizing Filipino migrant domestic workers. That was when she started studying the political and economic aspect of labour migration. She now understands why the Philippine government exports a big number of its labour force for the much needed foreign exchange.

The second testimony was given by Manuel Hidalgo of MIREDES, a Peruvian migrant worker currently working in Chile. Manuel moved to Chile 35 years ago and witnessed the massive migration of Peruvians to Chile. In Chile Peruvian domestic workers earn better than doctors or professors in Peru. However, Chile is not the main destination country for these migrants. Chile is a stepping stone to migrate to the US or Canada for middle income Peruvians while the very poor use Chile as transit country to Argentina or Brazil.



Manuel is currently a professor in Chile, but has worked for a long time as an organizer of migrant workers in Chile. He organized migrants with the goal of fighting discrimination and xenophobia and also to develop a Latin American consciousness among the migrants. This idea of consciousness is the integration of Latin Americans but without leaving behind their national and cultural identity. In Chile, the sectors most aware of the issues of migrants are those who had political experience in Peru. Around 300,000 Peruvian expatriates are currently living in Chile and these are the ones who organize the migrant workers.

The third testimony was given by Allison Lee of the Hope Workers Center, an organization based in Taiwan. Allison Lee is a migrants rights advocate and has worked as a social worker for migrants in the Hope Workers Center. Allison provided inputs on the current migration situation in Taiwan. She explained that Taiwan follows the neo-liberal capitalist policies in development and this has led to the exploitation of migrants in the country. Taiwan's booming electronics and information technology industry is founded on the cheap labour of migrant workers from neighboring South East Asian countries. Why do countries allow their workers to come to Taiwan and be exploited? Globalization has created imbalance and a big gap between developing and developed countries. This has led to developing countries becoming poorer with its workers having no choice but to migrate to seek for better opportunities they cannot find at home.

Allison also discussed the condition of migrant workers in Taiwan. There are two kinds of migrants: the industrial or factory workers and the caregivers. Caregivers in Taiwan are paid very little, not covered by the labour law, work almost 24 hours a day and are not provided holidays or days off. Industrial workers, on the other hand work for long hours, sometimes not given proper compensation (e.g. overtime pay) and days off or holidays. The government of Taiwan would like to open up free trade agreements so they can employ more foreign workers while paying them very little. She said that these policies should not be allowed as it exploits workers. She further added that while in the UNHLD they are discussing migration

management and economic development. Governments should look first into the human rights of the workers.

The fourth speaker was Mr. Rex Varona AMC. Mr. Varona himself is a Filipino migrant worker in Hong Kong but belongs to the category of professionals and not among the most oppressed. He shared that the gap between developed and developing countries that was driven by globalization and neo liberal policies is one of the main push factors of labour migration. However this is not the only reason; other include:

- ◆ Armed conflict (e.g. the case of Burma)
- ◆ Environmental disaster: floods, drought, typhoons, etc.
- ◆ Collapse of rural economies leading to regional/internal migration in a country

He also discussed the socio-economic contributions of migrant workers to both host and sending countries. Migrant workers keep the economies of both host and sending countries stable. Many of them take on jobs that are not wanted by the local people while earning salaries that are less than what the locals receive. A big number of women migrants also end up taking care of the children and elderly in developing countries. These women leave their own families and children while taking care of other peoples families.

He shared that for a big number of migrant workers, the concept of globalization and neo liberalism is difficult to understand or grasp. They struggle with the daily reality of their work and sometimes have to contend with abusive employers. A lot of information education and capacity building is needed to bring the discourse and context to the migrants themselves. He also mentioned that in December 2005 when the WTO Ministerial Meeting took place in Hong Kong, migrants were among those who actively protested against the WTO. After a series of focused group discussions and Information Education Campaigns (IEC) with the migrants they were able to understand the impact of WTO, globalization and neo-liberalism in their lives. Some of the migrants who joined the rally experienced being tear gassed but despite the traumatic experience they asked where the next WTO meeting will happen as they wanted to become activists.



Migrant workers should not be treated as victims. We need to organize them and empower them to be able to understand issues. Migration is a rational decision. But he said that the challenge is there for advocates and migrants to think of solutions to end the problem. Globalization is a reality and people will continuously seek for greener pastures.

The discussion that followed evolved on the question on why sending countries keep coming back to the WTO that promotes greater disparity among developed and less developed countries. The case of Mexico was given as an example where unsound trade policies lead to the loss of jobs of 1.7 million farmers.

The issue of foreign debt and the developing countries dependence on foreign aid was also discussed.

War and Armed Conflict and its Impact on Local and Migrant Populations

Facilitator: Jose Maria Dimaandal -- MFA

Panel Discussants:

- Manori Withanara, *Action Network for Migrant Workers (ACTFORM)/Migrant Forum in Asia (MFA), Sri Lanka*
- Seta Margossian, *Lebanon*
- Jackie Pollack -- *Migrant Action Programme (MAP)/Mekong Migration Network (MMN)/Global Alliance Against Trafficking in Women(GAATW), Thailand/Burma*
- Ricardo Cristo, *MIREDES, Colombia*

Organized by: MFA & MRI

In today's globalized economies, migrants leave their countries due to war, armed or ethnic conflict, or to simply search for better opportunities abroad as a survival strategy to provide for their families. In the process of doing so, many leave difficult situations only to find themselves in dangerous conditions where their lives are at stake. The recent war in Lebanon highlighted the extremely volatile situation, where migrant workers who were abandoned by their employers and home and host governments alike, found themselves trapped in a situation with little or no access to food or shelter.

The workshop aimed to highlight the precarious links between migration and situations of war and conflict that migrants either flee from or find themselves in. Discussants put forward some of the challenges facing the international community, and the host and home governments to address the situation that migrants find themselves in and how any attempt towards stabilization and reconstruction must similarly take into account the rebuilding of the migrants' lives.



to highlight the challenges facing the community, and

The first speaker was Ms. Manori Withanara from Action Network for Migrant Workers – Sri Lanka (ACTFORM – Sri Lanka), who provided an overview of the situation of migration in Sri Lanka. She stated that around 1.5 million Sri Lankan migrant workers are working in the Middle East. Among the main reasons for migration is fleeing poverty and armed conflict in Sri Lanka. There have been cases of abuse among the migrants starting from illegal recruitment to

abuse perpetuated by employers. Most migrants also do not have their passports with them as their passports are kept by their employers.

In the most recent war in Lebanon a large number of Sri Lankan migrant workers were stranded in the Middle East as the Sri Lankan government did not have the resources to evacuate their migrants. These migrant workers were caught in the war between two countries and were left without means to support themselves.

Inputs were also provided by Ms. Seta Margossian from Lebanon. Seta has worked with the migrant community for sometime and has seen the impact of the recent war on the migrants. Currently the war is over and the country is being rehabilitated. Pollution is high and the cost of war has risen to US\$10B. Eighty percent (80%) of the community live under the mercy of humanitarian organizations.



She also mentioned that 90% of the migrant workers in Lebanon are women and a big number of them were stranded in the country when the war started.

The next speaker was Ms. Jackie Polock from the Migrant Assistance program. She provided inputs on the situation of Burmese migrants. Burma is currently ruled by military regime and there have been a lot of human rights abuses in the country - people's land confiscated by the military and people are forced to move. It is not a choice but a decision.

Around 2 million are internally displaced. No assistance is provided for them except from a nomadic group who move from place to place, carrying medicine on their backpacks. Refugees are now in temporary camps. There are around 2 million cross boarder migrants in the Mekong region. 1.3 million are registered under amnesty. 1.1 Million are from Burma and 60 thousand are children. Thailand is now trying to regularize migration.

Most Burmese migrants are those who leave the country as undocumented workers. Returnees are most often undocumented migrants. The labour protection order for migrants are partial to employers. Migrants are not allowed to form unions but are allowed to form associations.

Ricardo Cristo from MIREDES presented the situation of migrants in Colombia. Most of what has come to be known as war committed by insurgency in Colombia are atrocities committed by the government and military.

There is a need to recognize the work of human rights defenders. It is difficult to view Columbia under a monolithic concept; be it migration or socio political conflict. However the

basic analysis by human rights defenders and civil society organization is: that Columbia has a lot of land suitable for agriculture but is not accessible as it is occupied by war.

Land in Columbia is used mainly for hydro electric projects and mega projects that causes displacement of agricultural workers. Para-military and the guerilla have forced the population to flee, depriving the people of land. The military has deprived the people of productive agriculture. Only 3-5% of national territory is arable. The massive exploitation of farmers who have suffered displacement is very rampant in Columbia. The exploitation is supported by the government, allowing these people to work without compensation.

He also mentioned that there have been cases of violence against women: murder in combat, women attacked and sexually abused by the military. These among others are the biggest causes for people to migrate.

The war he said is supported by the United States and around 500 thousand persons have been displaced and fled to Ecuador.

Other participants also shared their views and opinions concerning armed conflict and its impact on migrant workers. Ellene Sana of the Center for Migrant Advocacy mentioned that both sending and receiving countries cannot ensure the protection of migrant workers in a place of armed conflict. The issue of foreign relations; ways that countries relate to each other have not changed much in past two decades. It took 25 days for the UN to take a position on war because they had to take into consideration the interests of other nations. In cases like this, the issue of migration and diplomacy takes a back seat. Priority is given to first nationals and not to migrants.

Mr. Jamil Dakwar of the American Civil Liberties Union (ACLU), New York also shared the experiences of Palestinian migrant workers in the Middle East. He said that some Palestinians cannot leave Lebanon because of expired travel documents.



He said that in many cases, the Palestinian experience is unique as they were internally displaced after the 1948 war. He added that towns were destroyed by the Zionist army and Palestinians who are citizens of Israel or born in Israel are considered second or third class citizens. During the war in Lebanon most Palestinians could not leave as they were undocumented migrants. Palestinians who live in the West Bank of Gaza lost their jobs after Israel abandoned the place. Palestinians he said continue to live under conditions of forced migration. Within Israel, other migrant communities come to work as well though most of them are Palestinians. This has recently been stopped due to incidence of violence. Israel has more than 250 thousand migrant workers.

He said that there are around 2-3 Palestinian communities who live in refugee camps in Lebanon. Most of them do not have identification or are undocumented. Palestinians who were affected by the war in Iraq now live in Jordan.

Possible solutions to armed conflict and how to address the issues that migrants faced during armed conflict was also discussed. One of the recommendations was for the international community to start a dialogue; a more unified approach in dealing with armed conflict as it impacts all countries. There is a need to dialogue on democracy, providing space for the internally displaced, migrant workers and women's rights.

It was also mentioned that respect for the rights of all individuals is key in the dialogues. It was stressed that no peaceful solution until the rights are being acknowledged not only by the international community but by the main violators and it was mentioned that among the main human rights violators in the on-going war on terror is the US. Rights of indigenous communities was also stressed. The respect for life, freedom and democracy and the need to respect the rights: political, social, economic, educational, rights of indigenous persons is also vital in resolving armed conflict.

The international community needs to act in order to resolve these issues and not remain as passive spectators. Governments should also take responsibility for its migrants in cases of armed conflict and should provide means for their migrants to be able to seek shelter.

Shared Responsibilities and Co-Development Between Sending and Destination Countries: Creating Strategies for Compensation and Remittances

Panel Discussants:

- Rosario Canete, *Unlad Kabayan (Philippines)/Migrant Forum in Asia (MFA)*
- Francis Calpotura, *Transnational Institute for Grassroots Research and Action (TIGRA)*
- Heather Grady, *Realizing Rights: The Ethical Globalization Initiative (EGI)*

Organized by: TIGRA, EGI and MFA

Globalization, and great trade and economic inequalities between countries and regions have contributed to the sharp rise in labor migration. Migrant worker households have increased purchasing power and often are able to access better education and health services, while national and local economies have benefited from foreign exchange, employment generation and what is often the largest source of financial inflow – remittances. Moreover, in the last year the economic benefits to destination countries, particularly because of the labor and fiscal implications of demographic shifts, have been increasingly recognized by governments and by institutions like the UN and the World Bank (WB). However, there is too little recognition of what is being sacrificed by sending countries, and the costs to households and societies as a whole.

What is often overlooked is the social cost of migration; the social and psychological strain placed on families and societies, including children growing up without their parents. Other important issues include the depletion of both “skilled” and “unskilled” workers from developing countries and impacts on national health services, for example. Is there an ethical obligation then on the part of receiving countries to compensate for the pool of migrant labour it hires to maintain its own social and economic stability, while effectively causing the collapse of vital social services and facilities in sending countries?

The workshop explored the concept of shared responsibilities and co-development between sending and receiving countries and discussed ideas about compensation from destination countries for the loss of human resources, social services and facilities for the development of sending countries. It also served as an arena for civil society organizations to discuss the issues and possible proposals for compensation mechanisms, the role of immigrant organizing in affecting the terms of the development equation, as well as helping to create an environment for the forging of alliances on this issue.

Ms. Heather Grady from Realizing Rights spoke about putting emphasis in popularizing the issue of co-development and shared responsibility among countries of destination and origin.

Countries of destination benefit much from the workers of sending countries. One point tackled was the cost of training health workers (nurses, caregivers and doctors) in the countries of origin. In Africa training and education for nurses cost around twelve to US\$12-15T. This high cost of training professional health workers is shouldered by countries of origin. Countries of destination should think about compensating the countries of destination for the training and education of these workers.



Ms. Grady also said that in a workshop they organized concerning migrant health workers they featured a video of Senator Kennedy of the United States stating that the US will be needing more nurses and doctors from abroad. The video mentioned that there will be a shortage of eight hundred thousand (800,000) nurses and two hundred thousand (200,000) by the year 2020.

She emphasized that there is a need to differentiate between the issue of co-development, shared responsibility and remittances. Remittances refer more to the private sector while co-development refer to the public sector or governments taking responsibility.

She also discussed a few issues concerning compensation and co-development. She cited inputs from the book written by Davesh Kapur, “Give Us Your Best and Brightest”. Below are some of the key points discussed:

Compensation can be in forms of:

- ◆ Host countries to pay a fee to sending countries similar to what headhunters and brokers get, a months’ salary of the migrants.
- ◆ Tax sharing – remitting a portion of taxes of immigrants taxes to the home countries.

Policies to be taken by the home countries:

- ◆ Payroll and income tax of immigrants will be collected by host countries but shared with governments of home countries
- ◆ Exit tax from companies to be collected by home countries

Issues of compensation

- ◆ Professionals referred to often work in more than one country different countries and not just one country – there is a debate on who should pay the compensation
- ◆ Where should compensation go to? What ministry of government should receive the compensation?
- ◆ How do you ensure that compensation payments will be reinvested in training strategies.

The next speaker was Ms. Rosario Cañete of Unlad Kabayan Migrant Services Foundation, an organization based in the Philippines. She explained about the programs of Unlad Kabayan which is mostly focused on Migrant Savings for Alternative Investment (MSAI). She said that they have been involved in organizing migrant savings groups and members of their families in the host countries. They have also been involved in helping Filipino migrants invest their money in social enterprises in the home countries.

She mentioned the strategies of her organization in empowering migrant workers as decision makers and economic contributors in the community. Through their programs they have set-up several enterprises owned and supported by migrant workers.

The next speaker was Mr. Francis Colputura of TIGRA, an organization based in the United States. He mentioned that his organization believes in empowering migrant workers through organizing and that they can be catalysts of change. Development paradigms should have a rights based approach.

Francis Colputura also explained that there is a need to harness the capacity of migrant workers as economic contributors to the community. He said that in 2005 the total money transferred by migrants through formal channels amounted to US\$232B. Fees in sending remittances to the home countries are very expensive and the issue of lowering the cost of remittance fees should also be addressed.

Recommendations from the workshop included the following:

- ◆ *Compensation, co-development and shared responsibility should be further discussed and popularized;*
- ◆ *CSOs in particular migrants' organizations should be involved in the discussion of co-development and shared responsibility. Discussions on these issues should not be left to governments alone but should involve the biggest stakeholder, the migrant workers;*
- ◆ *Migration of health workers should be governed by multilateral agreements and not by bilateral agreements;*
- ◆ *All 57 countries should have comprehensive health workforce strategy to address the demand for health workers so that developed countries should not have rely on developing countries to provide them with health workers; and*
- ◆ *Migration should be addressed in a rights based approach.*

The Global Economy and Strategies for Advancing the Rights of Undocumented Migrant Workers

Facilitator: Rebecca Smith, National Employment Law Project (NELP), USA

Panel Discussants:

- Ai-Jen Po, *Domestic Workers United, USA*
- Michele LeVoy, *Platform for International Cooperation on Undocumented Migrants (PICUM), Belgium/Europe*
- Pablo Asa, *Centro de Estudio Legales y Sociales (CELS)/ Servicio Ecumenico de Apoyo y Orientacio a Migrantes y Refugiados (CAREF), Argentina*
- Cathleen Caro, *Global Workers Justice Alliance, US, Mexico & Guatemala*
- Kim Misun, *Joint Committee for Migrant Workers Korea (JCMK)/Migrant Forum in Asia (MFA), Korea*

Organized by: NELP, PICUM & Global Workers Justice Alliance

This workshop aimed to present strategies for advancing the rights of undocumented migrant workers, who labor at the most difficult, dirty and dangerous jobs in the economies of receiving countries, often in situations of wage exploitation and abuse of human rights. Speakers were requested to share their strategies and experiences in dealing with undocumented migrant workers.



The first speaker was Michelle Levoy of PICUM and she shared on the strategies used by PICUM in addressing the issues of undocumented migrants. PICUM developed the 10 ways to address the issues of undocumented migrants and these include the following:

1. **Engaging public support through events and consumer campaigns** – this means acknowledging the socio-economic contributions of migrants in the community in particular the host country.

2. **Collecting data** - Policies in the fields of migration, employment, and social inclusion are often developed in the absence of concrete data about undocumented workers. As a result, many of these policies lose their effectiveness. Collecting both qualitative and quantitative data on undocumented workers is thus of utmost importance.
3. **Informing undocumented workers about their rights** – undocumented migrants have rights but most are unaware of this and it is vital for them to be informed about this.
4. **Building capacities through empowerment** – In order to prevent and stop exploitation and abuse, undocumented workers must be able to effectively exercise their rights. Empowering and developing undocumented workers' leadership capacities counteracts a system of dependency. Instead, workers are able to defend themselves and even engage in and influence the decision-making affecting their lives.
5. **Unionizing undocumented workers** – the right to form unions and associations is a given right to all migrants including undocumented migrants. Unionizing will provide undocumented migrants with a support system and puts them in a stronger position.
6. **Working with employers to prevent exploitation and advocating for laws to hold them accountable to fair labor standards** -One way to prevent violations of undocumented workers' workplace rights is to work with employers. There are several successful examples of organizations that invite – and sometimes pressure – employers to respect well-defined minimum standards of employment.
7. **Challenging exploitation and abuse through mediation and collective actions** - Other ways of asserting undocumented workers' rights are by engaging in mediation and collective actions -Asserting undocumented workers' rights in the legal system - When other means of protecting undocumented workers' rights turn out to be unsuccessful in resolving labor disputes, undocumented workers can resort to filing an official claim through legal channels. This can be a difficult and challenging task, as there are numerous obstacles involved in making a claim: the fear of being deported, high legal fees, and the need to prove the employment relation. Such barriers deter many undocumented workers from using the legal system.
8. **Working with governmental agencies to promote undocumented workers' rights** - undocumented workers tend to be reluctant to approach governmental agencies. Nevertheless, many governmental agencies, including the entity responsible for labor inspection, do not let a worker's irregular legal status impede their main task, namely to uphold fair working conditions and to sanction exploitative and abusive employers.
9. **Asserting undocumented workers' rights in the legal system** - When other means of protecting undocumented workers' rights turn out to be unsuccessful in resolving labor disputes, undocumented workers can resort to filing an official claim through legal channels.



This can be a difficult and challenging task, as there are numerous obstacles involved in making a claim: the fear of being deported, high legal fees, and the need to prove the employment relation. Such barriers deter many undocumented workers from using the legal system.

10. **Advocating for legal status of undocumented workers** - Undocumented workers tend to be reluctant to approach governmental agencies. Nevertheless, many governmental agencies, including the entity responsible for labor inspection, do not let a worker's irregular legal status impede their main task, namely to uphold fair working conditions and to sanction exploitative and abusive employers.

Michelle also presented case studies they handled in PICUM in applying the 10 ways to protect undocumented migrant workers. Among those she cited is the unionizing of migrants in Europe and she cited the RESPECT network in the Netherlands as an example. Unions are usually hesitant to work with migrants but one of the unions in Netherlands works with RESPECT, an organization helping undocumented migrant workers, particularly undocumented Foreign Domestic Workers (FDWs). It's a strong partnership for workers

The second speaker was Kim Misun of JCMK, Korea. She explained that Korea is divided into 2 countries, the North and South. They are however united by one language. She explained that Korean society is a "closed" society thus, there is a lot of discrimination and xenophobia against undocumented migrant workers.

Korea has a growing economy that needs a big number of industrial workers. However, the local population cannot cope with the growing demand for labour. In order to cope with the labour shortage, the government allowed foreign workers in Korea. The **trainee system** was later adopted wherein workers come to Korea as "**trainees**" for the purpose of technology and skills training. Trainees do the work of regular workers but are not given the same benefits. The trainee system further has a forced savings scheme wherein migrants are required to put a certain percentage of their income to savings that migrants can only access after they finish their work contract. In most cases, these savings are not given to the migrants but are kept by employers. The JCMK has been protesting the trainee system for several years.

Currently, a new system is in place the Employment Permit System (EPS), which provides certain protection for migrant workers. The trainee system will be abolished by the end of 2006.

Ms. Misun also shared that in Korea there is an ongoing crackdown against undocumented migrant workers. One of the cases handled by JCMK was of an Indonesian migrant worker who died while fleeing from Korean authorities during a raid on a migrant dormitory. Undocumented migrant workers in Korea are criminalized and JCMK has staged numerous protests against this.

Ms. Misun also explained that the Korean government has a different law for migrant workers who are ethnic Koreans. These workers are mostly Korean Chinese and a specific VISA category was created for them.

Ms. Misun also shared the strategies they employed in Korea in dealing with the issues of

undocumented migrant workers among them:

- ◆ **Information Education Campaign** – Is among the strategies used to change the attitude of Korean society and migrant workers. Both Koreans and migrant workers need to be informed that undocumented migrant workers have rights.
- ◆ **Provision for health care and health services** – Undocumented migrant workers in Korea cannot access the health scheme (health insurance). The Medical Mutual Aid Union for Migrant Workers in Korea (MUMK) was created to provide access to health care for undocumented workers. Some of the medication and services are provided for free while some are given at low cost.
- ◆ **Policy advocacy** – JCMK has been lobbying for years for policies that will help protect the rights of undocumented migrant workers including their children.

The next speaker was Mr. Pablo Asa from CAREF/CELS. He explained that Argentina is a country of migrants and that the phenomenon dates back to colonialism. He explained that in Argentina there are 2 major migrant populations: the Ultramar: Spaniards, Italians, any one from an Arab nation and the those that come from neighboring countries in Latin America.

Migration he said was used as a strategy by the government to populate the country. There was a time when the indigenous population in the country was diminishing and the government invited for immigrants from France, England, Italy to migrate to Argentina.

He further added that the basic problems of migrants are the same in other countries with a slight difference. In Argentina there exists a system for public services that are free for everyone including migrants. However due to economic crisis this system had to stop. The government now only provides services for the local population and immigrants. Migrants workers or foreign workers can no longer access free healthcare and other public services. This new law has created problems as a most migrant workers have difficulty accessing health care and services.

He then proceeded to explain their work in CELS. It is an organization for human rights that started in 1979. Among their strategies:

- ◆ Provide legal assistance to undocumented migrants;
- ◆ Provide health care for migrants workers;
- ◆ Free jurisdiction service to immigrants/migrants who need this;
- ◆ Lobbying and policy advocacy;
- ◆ Capacity building/workshops and
- ◆ Awareness raising in the community and also through the media

The next speaker was Ms. Aijen Po of the Domestic Workers United, an organization based in New York. She explained that New York has a big number of undocumented Foreign Domestic Workers (FDWs). They are among the lowest paid with 40% coming from Latin America 30 from Asians, the rest Africans Americans. There have been rampant cases of abuse among

undocumented workers and Domestic Workers United adopted the strategy of organizing as a means to deal with the issues of undocumented migrant workers.

Ms. Po said that a big number of migrant workers are needed to impact change and create change in society. Once organized the workers are have a support system and are empowered through collective action. In organizing they conduct the following activities:

- ◆ **Membership base building** – membership is needed to create strong organization
- ◆ **Leadership development** – leaders are also developed among the members and they conduct trainings among migrant leaders.
- ◆ **Campaign work** – they conduct specific campaigns for domestic workers. This can include policy advocacy or picketing the homes of abusive employers as part of raising awareness on the issues of FDWs.
- ◆ **Lobbying** – for legislation that help protect FDWs.
- ◆ **Alliance building** with different organizations who work with domestic workers
- ◆ **Capacity building for the members**

The next speaker was Ms. Kathleen Caro of the Global Workers Justice Alliance. Her organization provides legal assistance to migrant workers including undocumented migrant workers. They do a lot of case facilitation for migrants who are abused by employers. She said that there are a lot of challenges in their work as the migrants themselves are not aware of their rights and are afraid to seek legal assistance. In most cases the migrant would rather go home than continue processing a case.

She also mentioned a few case studies they have handled. She stressed that one of the difficulties they face is when a migrant decides to leave for home in the middle of processing a case.

Recommendations and strategies presented at the workshop included:

- *Direct Action Against Abuse – picketing, demonstration*
- *Information Education Campaign - in particular rights education among migrants*
- *Policy advocacy both at the local, regional and international level*
- *The importance of reporting and gathering data on undocumented workers*
- *Providing support services – legal assistance, health care, etc.*
- *Organizing of workers*

One main point that was repeated by most speakers is that undocumented migrants workers have rights. It is important to increase public awareness on this for the community and for the migrants themselves.

D. Breakout Workshops 2: Violation & Promotion of International Migrants' Human Rights Standards

National Immigration Policy Regimes: "The Race to the Bottom" & Challenges for the Implementation of International Migrants Human Rights Standards

Facilitator: Genevieve Gencianos, *Public Services International (PSI), Geneva, Switzerland*

Panel Discussants:

- Pablo Asa, *Centro de Estudio Legales y Sociales (CELS)/Servicio Ecumenico de Apoyo y Orientacio a Migrantes y Refugiados (CAREF), Argentina*
- Samydorai Sinapan, *Think Centre, Singapore/Migrant Forum Asia (MFA)*
- Catherine Tactaquin, *National Network for Immigrant and Refugee Rights*
- Natividad Obeso - *MIREDES International*
- Silvana Michaca, *Collectif des Travailleurs et Travailleuses Sans Droits/MIREDES International, Switzerland/Columbia*

Organizers: MRI, MFA & CELS/CAREF

International human rights norms and labour standards provide the normative framework for the protection of the rights of migrant workers and members of their families, regardless of their immigration status. These international human rights law instruments, namely: the 1990 UN Migrant Workers Convention, ILO Conventions on Migrant Workers No. 97 and 143 and the core human rights treaties (the latter widely ratified by States) provide for governments' obligations to protect and promote migrants' human rights. However, current national immigration and labour policies, particularly in the host countries of migrants, appear to be in violation of or in complete disregard of these internationally accepted human rights norms.

The workshop allowed for the exchange of information on these internationally accepted norms and provided direct examples of current migration and labour law and practice inconsistent with universally accepted human rights frameworks. By identifying these cases of violations



and inconsistencies, the discussion then proceed to identifying strategies and actions, or learn from positive experiences in campaigning, to make immigration and labour policies in line with internationally accepted human rights norms and standards.

The first speaker was Mr. Pablo Asa from CELS/CAREF, based in Argentina. He explained that his organization first worked on human rights issues before tackling issues of migrant workers. He said that the struggle for migrant workers rights is one with other human rights issues.

He said that the law in Argentina states that immigrants are dangerous. The workers, organizations of workers, the Jewish people were dubbed as dangerous. The military had their eye on immigrants as they believed that immigrants will change the way of life in Argentina.

He also said that from 1993 to 2001 Argentina adopted neo-liberalist policies. This was the time when immigrants were suffering injustices. The government utilized immigrants as scapegoats for low employment among nationals. He also said that migrants were accused of causing problems in the community like spreading diseases, causing health problems and increasing the crime rate. This, he said, encouraged xenophobic behavior in the community.

The second speaker was Ms. Natividad Obeso of MIREDES, Argentina. She spoke briefly on the issues of women migrants, and also on the laws in Argentina concerning migrant workers. She said Argentina is a migrant country. It has been transformed from a country that receives migrants to a country that exports migrants. Argentina should be an example of a country with best practice on migration policies. CSOs have been very active in terms of lobbying for policies that help protect migrants rights.



She said that the struggle for migrants' rights comes from her heart as she is a migrant worker herself. She considers herself as among the persons responsible for the abuses received by migrants as she said they have accepted the abuses in silence. The migrant community is not informed. The disinformation can lead to much poverty. She feels impotent as she cannot do anything. Something could be done if there is access to information. She felt that nobody knew about her experiences and the experiences of women migrants.

Among their activities in Argentina are organizing of migrant workers and policy advocacy on migrants rights issues. In organizing migrants she found people who have had similar experience as herself. It was at the World Conference Against Racism (WCAR) that she found out that migrants have rights.

She said the Argentina has finally approved an immigration law that helps protect migrant workers. She also said that the director of immigration in Argentina is a very humane person and has worked for migrants rights. The government has moved to regularize/legalize the immigrants.

She also discussed the issues of women migrants and mentioned that a lot of human rights abuses occur among women migrant workers. She said that as a women migrant she does not want to be labeled as undocumented or illegal.. She said that she has the right to migrate and has the right to stay. If there is a right to leave, there is a right to stay and come back.



The next speaker was Ms. Sylvana Michaca . She comes from an organization of migrant workers in Geneva and she said that they don't want to be recognized as migrants but as human beings. Today she said they are recognized as domestic slaves. Domestic refers to animals not human beings. She said the terminology needs to be changed.

She said that Switzerland is a country with a great deal of racism. There is a war of silence on this issue. The new law regarding foreigners creates difficulties. The new law places all EU nationals in a precarious situation, not many people understand its arbitrary nature. A recent public circular clearly stated that if one does not speak the language and get good grades in school, they could not be legalized. Legalization would only take place on a case-by-case basis. She concluded by saying that the UN is in Switzerland but there are still a lot of human rights violations that need to be addressed.

The next speaker was Silvia Ruiz from SINFRONTERAS, Mexico. She explained that Mexico is a country of origin, transit and destination. It is a destination country for migrants from Latin America and transit country for migrants to the US. Mexico has had a series of foreign interventions/ colonizers in the region. She said that the government tries as much as possible to avoid having foreigners as decision makers in the country.

She said that Mexico has no law specific for migrant workers. However the immigration law covers both immigrants and migrant workers. She also mentioned that a lot of groups talk about the ratification of migrant workers convention and she believes that Mexico should be a part of that. However she said there is a need for the implementation of the basic rights of migrant workers as stated in the Universal Declaration of Human Rights.

She further added that Mexico copied the US in terms of its migration policies. There are restrictions in its internal laws.. It sets parameters for persons to be detained for being undocumented. She said that undocumented immigration is sanctioned with a 5 years prison time. There is also an increase in the drive for foreign verification in Mexico. The number of rejections or the number of those who are turned away is increasing. In the year 2004 ten thousand people were rejected and in 2005 seventeen thousand were rejected. They are rejected on the basis of their color and if they have less financial resources. The biggest number of those rejected are from Brazil. However there is no monitoring or reliable statistics from the government on the number of undocumented workers.

Mexico is a country where the smuggling and trafficking of persons prevail. There are no laws on trafficking or smuggling. There is a belief that trafficking and human smuggling is organized crime and not about human rights.

The last Speaker was Mr. Sinapan Samydorai of the ASEAN Task force on Migrant Workers and the St. Francis Workers Center in Singapore. He mentioned that when we talk about migrant workers we refer to non professionals, formal or informal, documented and undocumented. There is also a big percentage of trafficking in the region. Women who are trafficked are persecuted, sometimes murdered.

He also said that when we talk about states, some say that there are no human rights in the countries. However who creates these countries? In Singapore they are all migrants except for the indigenous people whose rights are not recognized. From a former communist to the current capitalist government, most of the population are former migrants or decendants of migrants. It is not only the states who violates rights but also its citizens. He posed the question to the group: do we recognize each other as equal human beings? Racism he said is perpetuated by individuals.



Strategies on how to address the issues posed by the speakers were also discussed. The adoption of certain strategies used by organization in different regions in campaigning for migrants rights was among the recommendations. There is also a call for Governments to implement and monitor existing international laws dealing with migrants.

Enforcing Borders: An International Snapshot on How Border Enforcement Violates Core Standards of Migrants Human Rights

Faciliator: Arnaldo Garcia, *NNIRR, USA*

Panel Discussants:

- Isabel Garcia, *Coalicion de Derechos Humanos, Arizona, USA*
- Monica Gonzalez, *MIREDES, Bolivia*
- Manfred Bergmann, *Comitato Antirazzista Durban Italia (CADI), Italy*
- Speaker on Palestine
- Reyes Castillo, *Asociacion Catolica Espanola de Migrantes (ACCEM), Spain*

Organized by: NNIRR & MRI

The intensification and almost exclusive reliance on immigration enforcement to address issues of migrants' human rights has created more militarized borders around the world, aimed at controlling entry while pushing already desperate would-be migrants to take greater and greater risks in often volatile and dangerous terrain. In the workshop, representatives from various border regions from the Middle East, the Americas, Asia, and Europe relate the tragedies they consistently face in combating border militarization and immigration enforcement. A dialogue on strategies to raise awareness about these issues at the same time pushing for recognition and upholding of migrants' rights at the borders of the world followed the presentations.



The first speaker was Mr. Manfred Bergman of CADI and he presented the situation in Italy, Mediterranean and the Eastern borders of the EU. He explained that the EU has 25 countries and Italy, an EU member, touches on the border of the former Union of Soviet Socialist Republic (USSR) and is also nearer to Africa.

Mr. Bergman said that often passenger boats cross from the south via the Mediterranean. There are two main types of passengers in these boats those from sub-Saharan Africa and fake-Palestinians. Those posing as Palestinians are usually from Algeria and Tunisia who pretend to be Palestinian to gain entry to Italy. The Italian/EU administrations have since instituted methods of recognizing the actual origins of these persons. There have been numerous cases of

violence and border deaths in this area. His organization has counted 88 who died from drowning as of 2005.

Mr. Bergman explained that in the border near the former USSR, those who try to enter Italy are from Romania. Romanian citizens' situation is much different as they speak a very similar language. They usually pay 500 Euros to enter Italy as 'tourists.' The Romanians have money through family connections and can enter Italy easily. They come as tourists and end up as undocumented migrant workers. However he also pointed out that the bulk of Romanian migrants are not highly skilled professionals but low wage workers. They do not have enough money to gain access to the EU and cannot pay for the tourist visa. Romanians are now hoping that their country will become part of the EU which would thereby enable them to migrate or work in Italy.



Italy has also a lot of seasonal sex workers who come from the Balkans. They cross the border and enter the country by minibus for 800 Euro. Italian health workers are paid a fixed amount for each sex worker they administer, due to this they only want to work with the easier cases and not the hard cases as there is no extra money.

The Italian government in response to NGO protests decided not to fingerprint only migrants and but also to fingerprint all Italians so as not to discriminate.

The second Speaker was Reyes Mr. Castillo of Asociacion Catolica Espanola de Migrantes (ACCEM), Spain. He said that people should take into account the universal human rights of migrants and recognize that migration is a global and historical phenomenon. Spain was once a country of destination, but now is a country of transit. Economic and asylum immigrants dominate the type of migrants coming to Spain.

He further added that they are trying to promote the politics of externalization: To erect centers in such places as Africa that would act as another barrier to prevent people from immigrating into the EU. ACCEM sees that there should be guidelines to consider for this. First, the politics of external measures should be more coherent. Further, human rights should always be considered. Second he said, there should also be continued cooperation, communication and collaboration between bordering countries. This can be in a form of bilateral agreements.

Mr. Castillo said that Spain is more widely known for the problems at the Southern border. However, the Pyrenees border should not be overlooked and also the predominance of immigrants who come through the airports. The strategies used in the Southern frontier have changed – e.g. Mauritians go from their country to the Canary Islands in response to the increased activity of the police. The country is more aggressive now in terms of imposing border controls.

He also added that Spain is working in coordination with the larger EU in terms of migration issues. It is also attempting to promote development policies in countries of transit, and secondly to develop the cooperation policies with the countries of origin to establish possibilities for legal channels to benefit the migrants. This would allow migrants to arrive at the EU borders in a more legal manner



The third speaker was Monica Gonzales of MIREDES. She was born along the Argentinian and Bolivian border. At the border a big number of Bolivians attempt to cross to Argentina in the hope of getting better jobs. Most of these migrants are men who work as porters, tasked to carry heavy merchandize. This practice of using porters instead of trucks is a means for the businessmen to save money on taxes. Using machinery and trucks will require them to pay a big amount for taxes. These porters cross the borders and look for employment among Bolivian businessmen. They are employed but are exploited. As undocumented migrant workers they are either paid very low wages or not paid at all.

The last speaker was Ms. Isabel Garcia of the Coalicion de Derechos Humanos, based in Arizona, USA. She emphasized that it is important to remember that the US took over half of Mexico's land in the US-Mexican War. At the end of this war, the US violently imposed a border between Mexico and the US. through its economic and political policies – unlawful immigration have actually been encouraged over the last 100 years. It is the US who created the attraction and repulsion phenomenon. The American public ignores this phenomenon. Mexico is simply framed as a poor and violent 3rd world county while ignoring the historical facts.

She said that America's first discrimination against immigrants was when the US government imposed a head tax on immigrants. The government, though, then sought to exempt Mexicans from this tax. Polls say up to 80% of Mexicans family in the US. Also the attraction for Mexicans to go to the US to earn US dollars is a long standing phenomenon.

She explained that during the war effort, Mexican laboring immigrants were hailed as the railroad soldiers. It was a type of guest-worker program, but was ended in 1964 due to serious abuse. Racial quotas that favored Europeans also ended in 1964-5. The US made a standardized 20,000 authorized immigrants per country policy. However, Mexico was previously sending 50,000 legal immigrants per year. This significant decrease in quota caused large numbers of undocumented migration. Currently the Mexican border and immigrants are viewed as the primary focus of homeland security. Border security has become the most important measure.

She stressed that what most people do not know is that the militarization of the border started in the '80's and not post 9/11. It was part of the strategy to use force and low intensity efforts in controlling the border

In 1994, the US began the enforcement strategy of the southern border. It was called *Operation Gate Keeper, Hold the Line, and Safeguard*. All these operations have been designed to restrict immigration. And it is also important to note that all these policies were designed pre-9./11 and are more in response to the North America Free Trade Agreement (NAFTA). There was no reported deaths in 1994. But now in the Arizona border area alone, 282 dead bodies were found from 2004–2005. And in this fiscal year (Oct.1 to present) there have already been almost 200 dead bodies found. They die due to the horrible implications of heat-related conditions. But now more people died due to car chases and border control agents shooting immigrants. The border guards cite self-defense as the reason for shooting. There are also many other deaths caused indirectly by the attempting to cross the border that are not counted. Kidney problems and no dialysis are an example. Over one-third of deaths along the border are unknowns. Photos are received, much like post 9/11, by family members looking for there loved ones.

The militarization of the borders has caused large amounts of damage in the indigenous communities along the border. There are also pieces of legislation in the works (to be voted on in November) that will limit migrants rights.

Dramatic increases in prosecutions, detentions and racial profiling have become the number one enforcement technique. Recently there have been two accidental deaths of children along the border. In response, the parents have been charged in the death.

Various strategies to raise awareness and address the issue were discussed, among them the following:

- *Information education and awareness campaigns on the issue, in particular. among the media – this will help raise awareness about the issue and help persuade the governments to listen*
- *Continuously call on the governments to be responsible for its citizens*
- *Policy advocacy for laws that will help protect the rights and well being of migrant workers.*

It was however mentioned by most of the participants that migration is inevitable and the roots of this go back to the disparity among nations and trade policies that promote this disparity. A global movement needs to be taken into consideration against these policies that cripple most developing countries. Advocacy and fighting against border enforcement will not work unless the problem is looked at holistically and also addresses the root cause of migration.



The Abuse of Migrant Workers with Impunity

Facilitator: Nisha Varia, *Human Rights Watch*

Panel Discussants:

- Ellene Sana, *Centre for Migration Advocacy (Philippines)/Migrant Forum in Asia (MFA)*
- Catherine Graham, *Mission to Seafarers, Dubai*
- Hadi – *Human Rights Watch*

Organized by: MFA, Human Rights Watch & groups from the Middle East

In many migrant destination countries of the world, abuse and exploitation of migrant workers continues with impunity. In the face of vested interests in such countries, silence prevails. Many Asian, West Asian and Latin American countries receive large numbers of migrant workers, despite abusive working conditions for migrants and host government efforts to stem the tide of migration. Due to prevailing political, socio-economic and geo-political concerns, organizations advocating for the rights of migrants in such countries face serious obstacles in their efforts to promote and protect the labor and human rights of migrants.

The workshop aimed to discuss the specific problems faced by migrants' advocates operating in the most challenging political contexts, in countries where severe restrictions are placed on civil and political rights in general, and human rights advocacy work in particular.

The first speaker was Ms. Ellen Sana of the CMA in the Philippines. She spoke of the situation of Filipino migrant workers in the Middle East. Most of the migrant abuses stem from the reality that migrants are invisible in the community. They are not citizens of the countries of destination thus they are not awarded the same rights as the local people.

The abuse of migrants happen everywhere and not just in the Gulf. Abuse can be perpetuated by the employers and by the state. There is also high discrimination against migrants as they are treated as "outsiders" or "others".

She also expounded on the situation of migrants in the Gulf or Middle East Countries. In the Middle East, there is lack of clear/coherent policies concerning migrant workers. At times policy is also absent as some countries do not have labour laws. There are also common abusive practices that governments allow: confiscation of migrant's passports (travel documents and identification cards of migrants are kept by employers to prevent migrants from running away). The embassies are aware of this and acknowledge the violation but are not doing anything. She said that in certain countries in the Gulf, the rights of local citizens themselves are not respected; what more for the migrants who are non citizens.

She further added that in most countries in the Gulf, women's rights are not respected thus the rights of FDWs are also not recognized. There have been a number of cases of physical and

sexual abuse against women migrants, in particular among FDWS. Her organization has handled a few of these cases.

Ms. Sana ended her presentation with recommendations for civil society to address the issues of migrants. Her first recommendation was to strengthen networking among CSOs working on migration issues in the gulf. A strong network of advocates is needed in order to combat these issues and to provide assistance to migrant workers. Her second recommendation is for CSOs to have united and stronger advocacy for migrants rights. There is a need for strong intervention from CSO and to raise awareness in the global community on the issues that migrants face in the Middle East.

The second speaker for the panel was Ms. Catherine Graham of the Seafarers Mission in Dubai. Ms. Graham has worked on migrant issues through the Catholic Church. She reinforced the previous speaker's statement that in some countries in the Gulf, migrants outnumber the local population.

She also added that in the Middle East the political situation is dominated by the oil industry. Countries with strong oil industries dominate. However despite their wealth, in some countries there is incidence of poverty and unemployment among local citizens. She also mentioned that local citizens themselves have very few rights. Migrants are treated as outsiders and local citizens think of them as a threat to their identity.

Ms. Graham started working with migrants through the Church. The Roman Catholic Church was given land in the Gulf and they were able to set up their mission. Migrants would come to the Churches to seek help. The mandate of the Church is very limited in terms of providing assistance and conducting advocacy campaigns for migrants rights. Within society, Christians are allowed to worship but not necessarily to discuss issues of migrant workers.



With the Gulf economy growing, local industries and real estate is also thriving. A lot of hotels and buildings are currently being constructed This means that Middle Eastern countries will be needing more migrants to support their growing industries.

The third speaker was Mr. Hadi of the Human Rights Watch. Likewise he spoke of the situation of migrant workers in the Middle Eastern region. He confirmed the statements of previous speakers that migrant workers outnumber the local citizens. However he also mentioned that there is a lack of data on the number of migrants in the Gulf. Most embassies do not keep records of the number of their migrants or nationals. There are very few organizations working on the issues of migrants thus migrants have very little support.

He mentioned that there are rampant abuses against migrants in the Middle East among these include: non payment of wages or withholding of salaries, excessive recruitment fees, physical and sexual abuse, unhealthy living and working conditions. He also confirmed the statement of Ellene Sana that migrants passports are kept by their employers as the employer is held accountable once a migrant runs away. Migrant workers are also not allowed to form associations or join unions in most countries in the Gulf.

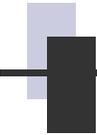
In terms of health care and services, migrants in particular domestic workers have very little access to health care. Workers living and working conditions are also very poor thus a big number of them get sick. He gave the case of the United Arab Emirates (UAE) as an example where around 5,000 workers are admitted to the hospitals for a period of 3 months.



The speaker recommended for CSOs to put more pressure on governments to regulate recruitment agencies and to lobby governments to enact laws that will protect the rights and well being of migrants. He also added that CSOs need to continue the campaign for the ratification of the 1990 UN Migrant Workers Convention on the protection of the rights and well being of migrants and members of their families.

After the inputs provided by the speakers the discussion focused on possible interventions of CSOS in addressing the issues mentioned by the speakers:

- *Strengthening of network among CSOs working in the Gulf or Middle East*
- *Policy Advocacy – for countries with labour laws to include provisions for migrants in particular domestic workers*
- *Develop a model contract for migrants and FDWs*
- *Continue the campaign for the ratification of the UN Migrant Workers Convention*
- *Urge governments in the sending countries to monitor recruitment agencies*



Arresting, Detaining & Deporting Migrants: The Global Growth of the Prison Industrial Complex

Facilitator: Amy Gottlieb, *American Friends Service Committee (AFSC)*

Panel Discussants:

- Jackie Pollack, *Mekong Migration Network, Thailand*
- Seta Margossian, *Middle East Council of Churches, Lebanon*
- Alix Nguetack, *American Friends Service Committee, US*
- Norma Valbuena

Organized by: American Friends Service Committee (AFSC), New Jersey

As global conversations focus on the potential benefits that migrants can offer to sending and receiving countries, attempts to limit migration or punish migrants through arrest, detention and deportation are increasing. New detention centers to hold immigrants are being built in the hope of boosting local economies, without regard to the human or civil rights of migrants. The workshop explored the impact of these policies on individuals, families, and communities through testimony of a family member of an immigrant detainee in the US, and presentations by advocates from the US, Asia, and the Middle East on the increasing use of detention.

The workshop started with a play, *“Tara’s Crossing”*, by an education group called *“Houses on the Moon”*. The play addressed Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) concerns. The play was a transgender migrant from Guyana who was seeking asylum in the U.S., and was placed in immigration detention. The prison facilities often do not know what to do with transgender individuals – whether to put them with the men or women. Therefore, people are often placed in isolation. It is mandatory for all who seek asylum in the US to be detained. It is difficult to get parole, and most people therefore sit in jail while waiting to present their cases to immigration judges. The play was based on the experience of a LGBTQ asylum seeker who now resides in New York.

The play depicted a scene of a transgender migrant who seeks asylum because it is against the law to be gay, even though the detainee is not gay. A lawyer asks for more details about the violence the protagonist suffered in Guyana. The lawyer asks for physical evidence, and indicated that he needs pictures of scars on his body. The protagonist finds out that his parole request is denied. His hearing is scheduled for one month from now. The protagonist thought that the lawyer would be able to get him out of detention, and starts to cry. He states that he did not attempt to sneak through the border, but flew to the US and directly asked for help at the airport. He does not understand why he is not receiving help.

The scene then shows the protagonist alone in his cell. He asks the detention officer about the current date, and is reprimanded by the officer for talking too much and for using the officer’s last name. The protagonist, alone in his cell, begins to cry on his cot. The officer

reprimands him for crying, and tells him to shut up. The protagonist falls to the floor crying, and the officer asks if he needs to see a doctor, and tells him again to stop crying.

The officer goes in the cell, and asks if he's 'cracking up.' The officer tells the protagonist his first name is Ray. He asks Terrance if he is ok. The protagonist corrects him that his name is Tara, not Terrance. The officer says that he does not believe that being transgender is enough of a problem to warrant being granted asylum. The protagonist said that he came to escape death, but the officer indicated that that he would be at risk of death in the U.S. The officer indicated that he noticed a scar on Tara's chest while in the shower. Tara said that he was attacked and raped by four men for reportedly being gay. They pressed burning wood against his body. The officer asked if the police caught the perpetrators. Tara stated that the police officers only laughed at him when he sought protection from the police. Tara said that everyone knows you don't go to the police for help. Tara said that he does not know if his lawyer can help him here, and that he is ready to go back to Guyana. The officer suggests that Tara have something/someone to think about to help him through his time in detention. Tara asks if the officer would reject his son if he was gay or transgender. The officer however refused to discuss this issue with the detainee.

The first speaker was Mr. Alix Nguetack from the AFSC an organization based in the US. He discussed the means and process of how migrants end up in detention in the US. He mentioned that even if you come to US with a valid passport, you will be put in detention if you say that you are seeking asylum. Asylum seekers are told that they will be taken somewhere to discuss the issue, then are placed into detention for months/years. Some end up in detention when police conduct raids in housing estates. Persons who cannot show a proper identification may end up in detention. AFSC has handled several cases of persons being detained for 2-3 years.

The psychological impact of being detained is very strong. A person flees persecution in his or her home country and end up in jail in the U.S. There is significant impact on the family members of detainees who do not understand the complicated system and why people are detained. AFSC tries to organize detainees and their family members. They established a monthly support group for those who are detained. Families and detainees most often do not understand the system or know about the case. The support group helps in many ways by providing family members with information.

He also added that there are financial constraints when a person is detained. Detention stops them from attaining what they came for – it is not possible to support family members at home while detained. Haiti is not currently receiving anyone who is being deported from the U.S. The US may not receive the person due to previous criminal record. He also shared a case in which a person from Haiti was detained, lost his house and was separated from his family but, was not able to return to Haiti either. It is a dead-end situation. People can end up staying for months/years in detention without contact with their families.

Among the strategies of AFSC is to get the family members involved, and bring immigration lawyers to explain the case to the family members. AFSC brings family members to Congress, and wants policymakers to know how policy impacts real people.

The second speaker was Ms. Seta Margossian of the Middle East Council of Churches. She explained that detention centers in the Middle East are usually very disciplined and hierarchical. Advocates (e.g. Human Rights Watch) are seldom let in. Lebanon is one of the countries that allows NGOs to get in, but most countries do not allow this.

In the Middle East, all foreigners without documents or without papers from the UN High Commissioner on Refugees (UNHCR) are not allowed to stay or work. People sneak in through borders. There are a lot of undocumented residents. There are 12 million refugees in Middle East; 700,000 are under the UNHCR.

She further added that when migrant workers have overstayed their visas and are caught and detained, they are the most invisible in the prison population. They do not understand the language, and do not know if they will get legal representation. Women are often subject to rape. Most of the officers are male. Arbitrary detention, torture, and death penalty depends per country. In Saudi Arabia, the government executed 400 foreigners. Most of these countries have ratified UN conventions. 40% of Lebanese population are foreigners. In Lebanon, there are no separate detention centers. Undocumented migrants are detained under the building of security buildings, and then transferred to prisons.

Jordan has not ratified UN refugee convention, but provides equal legal assistance to migrants. She said that Egypt on the other hand, has ratified the UN refugee convention, but there has been greater resistance in terms of implementation. Torture is inevitable in Egyptian prisons. In Iraq, there are no NGO reports on this issue. She gave as an example of a case of man who ran away from a detention center in Iraq and testified to torture in Iraqi detention centers. Those who are detained are mostly Sunnites who are seriously tortured. Americans are very aware of the eight detention centers in Iraq, including two centers for women. They undergo severe torture in these detention centers.

She further added that there are many manifestations of detention in the Middle East. There are warehouses along the Jordanian-Iraqi border that are used as detention centers. The conditions in these detention centers are extremely hot and cold. Only the Jordanian Government and UNHCR provide food to the detainees. People in detention centers along the Jordanian Iraqi border are mainly Palestinians, Somalis, and Kurds. Some have left for other countries. No NGOs are allowed in this area. These detainees have been in the detention centers since 2003, and cannot go to Jordan or Iraq. There have been many reports of suicide in these areas.

There are prisons for migrant workers where they are required to do forced labor. They cannot get in touch with their family members and are made to work for construction companies. There are people who have been there for 10 years. The construction industry is working with international corporations, and with the local population.

She also said that in Lebanon there are around 400,000 Palestinian refugees in the refugee camps. They are not allowed to go to the local school as they have schools within camps. UNHCR does not interfere with Palestinian refugees. The situation of Palestinians are among

the most dire as around 1.7 million of them are blocked by the Israeli state from returning home. Most of them cannot find work and the poverty rate in Palestine is increasing by 80%.

Refugees and asylum seekers are the result of international conflict and economic disputes. International policy makers have the greatest responsibilities in these wars. The role of the Northern countries is critical in stopping conflicts in the South. This is critical for the maintenance of populations in their home countries.

The third speaker was Ms. Jackie Pollock of the Migrant Assistance Program (MAP) and the Mekong Migration Network (MMN). Ms. Pollock discussed the situation of migrants in the Mekong region in particular the issues of Burmese migrants.

She mentioned that there are amnesty periods in which migrants can register with the government for a work permit. One can be allowed to work for one's registered employer, and are only allowed to stay in a district area. Often people are not given their work permits for a year, even though they only last a year. People are given receipts, which are not always recognized by the police.

She also mentioned that looting after the tsunami was rampant. Large trucks were used to steal significant numbers of items. Burmese migrant workers were falsely accused of these crimes, and imprisoned for a year.

Ms. Pollock said that the immigration arrests in Thailand are very arbitrary. Sometimes police ask for \$2 bribes. Other police officers ask for \$300 'fines.' In some cases, people are taken to prison and court for two days, and then deported. There are also cases where people are held for several weeks. At times, employers call the immigration office, because they want to get new workers.

She also described the situation of migrant workers in the detention centers, saying that greatest commonality is overcrowding, lack of clean water, mosquitoes, and disease. Generally, people are not detained long in Thailand. People do not need to go to court before being deported. It is sometimes put to use. People are deported to the border where they are dropped off in the border areas and not brought into the other country. Among the Burmese migrant, there are official deportations once a month of around 400 people. In Burma, there is a holding center/reception center where they are interviewed, lectured, and given a mandatory HIV test. Those with HIV are separated. She further added that deportations are not safe, particularly in the midst of political conflicts as people are literally packed inside trucks.

She also said that in a study conducted by the Mekong Migration Network they are considering what to recommend. The termination of deportations will not be accepted. Sometimes people face imprisonments upon return to their home countries. After the tsunami, the Burmese Government closed the borders, and those who were let in the country, were put to forced labor.

After inputs from the speakers a few of the participants also shared their experiences on working with migrants in detention centers in their own country. Mifta Farid, a former migrant workers and a member of Serikat Buruh Migran Indonesia (SBMI) shared that they have conducted research among the deported undocumented Indonesian Migrants from Malaysia

After inputs from the speakers, the workshop moved to discussing possible interventions and strategies to address the arrest, detention and deportation of migrants. Among the recommendation stated was to organize a campaign to stop the detention and deportation of migrants in particular undocumented migrant workers. AFSSC shared that in the US there is a growing movement that is working to fight the detention of immigrants in the US. It was mentioned that organizations working on these initiatives can work together to stop the arrest, detention and deportation of migrants.

E. Breakout Workshops 3: Specific Groups of Migrants

The Migration-Trafficking Nexus: Why and How Should Migrant Rights and Anti-Trafficking Activists Work Together

Facilitator: Bandana Patanaik, *Global Alliance Against Trafficking in Women (GAATW)*

Panel Discussants:

- Jackie Pollack, *Migrant Action Programme (MAP)/Mekong Migration Network (MMN)/GAATW, Thailand/Burma*
- Michelle Guerardi, *Projeto TRAMA, Brazil*
- Juhu Thukral, *Urban Justice Project, USA*
- Saiful Haque, *Welfare Association For Repatriated Bangladeshi Emigrants (WARBE)*

Organized by: Global Alliance Against Trafficking in Women (GAATW)

The workshop started with an introduction of GAATW by Ms Bandana Patanaik. GAATW is a 12-year old membership alliance with around 80 members from different parts of the world. Many of its member organizations do not only work on trafficking. Some work on sex-workers rights, domestic workers, women's rights groups.

GAATW is not a closed membership network – and also work with many non-members.

The approach taken is a rights-based approach. Several principles are important:

1. Self-determination. Every woman has agency. Sometimes a woman's agency is curtailed, but she always has some agency.
2. Self-representation
3. Self-organisation

The other principle is DO NO HARM. Sometimes the most well meaning initiatives can cause more harm than good, so we need to constantly review and reflect on our own work.

Ms. Patanaik also explained that the workshop is intended to be a conversation on different but closely connected issues: trafficking, smuggling and migration. Smuggling and trafficking are crimes and so must have very clear and distinct definitions. She however explained that those who work on the ground also see the interlinkages. She posed questions to both the participants and speakers: how can we recognise this interconnection? How can we work within this to reduce the vulnerability of the people we work with?

The main question posed in the workshop was: How do you see the nexus between migration and trafficking in their every day work? The participants were also requested to briefly introduce their organizations.

The first speaker was Ms. Michelle Guerardi of Projeto Trama which is based in Rio de Janeiro, Brazil. She explained that the Project is a consortium of four NGOs: a child rights, a human rights centre, an NGO for black women and a transgender/street populations NGO. They provide legal, social and psychological support. They also conduct information education and advocacy work among the media and the community on the issues of trafficking.

In 2002 there was a national research which suggested that there are around 70,000 victims of trafficking and 15% of victims of trafficking in the world. Most research states that trafficking routes follow the same routes as migration routes – many of them are workers too. Immigration has increased dramatically. In 1990 there were 30,000 Brazilian immigrants and in 2001 there were 2 million.

She explained that one of their findings is that there is discrimination against victims of trafficking. In 1995 she went to the Federal Police to get data on trafficking and they put her off for three months. The police said that they didn't have data but gave her a secret list of names of law suits. She wrote an article after reading the cases.

They are still trying to understand the law, the Palermo Protocol. What is written there is not aimed to punish anyone – consent is not proved if there is any force that has been used.

She further added that there is such a divide between migrant workers and trafficked victims in sex work when there are so many similarities. The victim is seen as a criminal which creates a difficult situation for sex workers – we need to break prejudices and work together. They

should be put in the group of all migrant workers that are trying to be treated with dignity abroad.

The next speaker was Ms. Nicola Hadziosmanovic from La Strada, an international network with 9 members in Eastern Europe. La Strada was founded after the fall of Communism, the economic situation became intolerable – employment and means for survival decreased. She mentioned that Bosnia is unique because it is on the border between Eastern and western Europe. The post-war environment and military presence created a market for trafficking and sexual exploitation. The majority of women who come through her shelter (170 since 1999) are from Ukraine, Moldova and other eastern countries. What is interesting is that these women were desperate to seek employment in western Europe. Traffickers promise them modeling and waitressing jobs. They load up a van with about 5 women then take their documents, rape them into submission and then force them to work.

She stated that trafficking was so pervasive – not one of the 170 girls had had any idea that they were going into sex work. This is unusual compared to places where women choose to work as sex workers. They are literally paid no wages and locked up.

La Strada provides assistance and support: a Hotline, medical care, psychological counseling and legal support. La Strada also has an information and lobbying section where they try to raise general awareness and for changes in legislation to protect the human rights of these very real victims. They also do prevention education which includes training to police on how to handle trafficking victims.

They have made many changes to the law, but Bosnia is still a male-dominated and chauvinist system – the immediate reaction is that the women is a ‘whore’ and wanted it. In one case as described above – the girl had a terrible case with many supporting witnesses but the trafficker was sentenced only to 18 months. So this makes women less likely to want to prosecute.

She said that the root cause of migration and trafficking, are the poor economic situation and desperation of many women. Everyone wants to come to the West because it seems to have more money and more opportunities. Slavery has existed for the longest time and only recently has it been seen as against human rights and uncivilized. But slavery continues through the pockets of desperate migrants who will work for almost no wages.

The next speaker was Mr. Saiful Haque of the Welfare Association of Repatriated Bangladeshi Employees (WARBE) which is a member of MFA. He was a migrant worker himself - in Saudi Arabia for seven and a half years and then worked in Singapore. Bangladesh has around 150 million people in a small territory with a porous border. Bangladeshi’s started migrating after independence from Pakistan in the 1970s. The major destination country for the migrants is the Middle East because of the oil boom. Provision for migrating women was much less – only skilled women could go. However a big number still leave to become domestic workers. This results to women becoming undocumented and in some instances trafficked.

WARBE started in 1997 from the village level. They found that among migrants planning to go, many of the women do not have skills or money. Mr. Haque also said that before the independ-

ence of Bangladesh trafficking was done through marriage. Men came and married Bangladeshi women then would bring them to Calcutta and sell them to brothels. Now trafficking is for labour.

Mr. Haque added that a lot of groups are trying to combat trafficking in Bangladesh but they find it difficult to work with them. Women want to travel because they want to work but the government bans them. There is a lot of opportunity for domestic workers in South East Asia – we believe there should be safe migration for women as well. But since 2001 and September 11 and the US saw trafficking as a threat – the US has started a project with USAID, South Asian Regional Initiative – they work in the region to see nexus between migration and trafficking. WARBE has started advocating for the government to lift the ban on women’s migration.

He also stated that women are sold into marriage in Pakistan where they are put to work for their husbands. Women are also sold into domestic work in the Middle East – they are taken there and sold one-by-one, like slaves. However the women do not speak the language and do not understand what is being done to them. In 2004 when trafficking of Bangladeshi women increased – Bangladesh was put into Tier 3 of the TIP Report. As a majority Muslim country, however, the general belief is that women should stay at home in Bangladesh. In the last year the ban was lifted and now women can go outside the country for work, women are still being trafficked because of lack of awareness at the village level.

The next speaker was Ms. Jackie Pollock from MAP Foundation and the Mekong Migration Network. She said that around 2 million Burmese are working in Thailand and at some point they use a broker – mainly to avoid the landmines. There is no legal documentation available for workers thus as soon as they want to travel, they get a broker who can get them through the checkpoints or can take them through the back routes. She added that some brokers just take the person to the work place and leave them there, others are more exploitative.

Ms. Pollock mentioned that they work with migrants when they reach the workplace in a whole range of industries and conditions – seafarers, construction, manufacturing. A small percentage of employers pays the required minimum wage and is law abiding. The vast majority are opportunists and pay less than minimum wage and force long working hours. The MAP Foundation works with – migrants in those situations. Facilitating them to organize themselves to fight for their rights under the national labour laws. They can take their case (with much difficulty) to the labour courts etc.

She also mentioned a group of employers who are very exploitative – holds people against their will, are physically, verbally, sexually abusive, do not pay wages. Whether it is trafficking or not, she said it is abusive and should not happen – in domestic work, sex work, agricultural work and also among seafarers. Most anti-trafficking work only happens in sex work. However most of the calls they receive relate to domestic work cases from family members who have not heard from a relative for a long time.

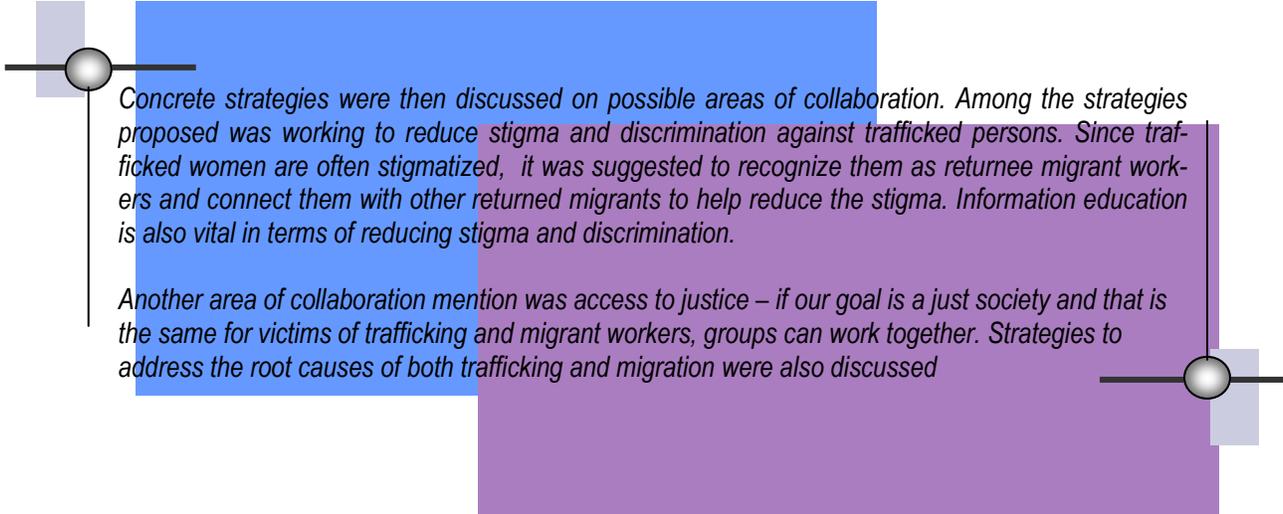
She also said that the trafficking debate has helped because previously the worker would have been considered illegal or undocumented because she is a migrant without papers and so immigration would have deported her straight away. Now it is easier to persuade immigration to let

women stay temporarily to bring a case.

She further explained that another difficult situation is the situation of seafarers. Men have been found locked in a room waiting to go onto the boats the next day. Many do not know where they are going – it is very dangerous work and Thai workers won't do this anymore. When fishermen were rescued at this time, nothing is available for them because trafficking law has not been considered applicable to them.

The discussion then moved on to how migration and trafficking groups can work together to combat the issues of trafficking. As mentioned by the speakers, there is a lot of intersection between the issues of migration and trafficking and both groups will need to think up of common strategies to address these issues.

It was however mentioned that there is a tendency for the migration and trafficking groups not to work together despite the common issues. Some of the participants mentioned that the inter-link between trafficking issues and the sex work has made it difficult for some organizations to work with trafficking groups. Sex work is an explosive issue and given the moral stance against prostitution, some groups are afraid to get into this issue. It was also stated that there is a need to work on the bigger issue of stigma and discrimination against sex workers. This negative connotation has led to the prostitution pledge – that 'we do not advocate for or support the legalisation of prostitution'. This goes all around the world and this is highly problematic, both for AIDS/HIV and trafficking. This also divides organizations – any organization that works with women in prostitution cannot get funding and others do not want to be tarred with the issue of sex work.



Concrete strategies were then discussed on possible areas of collaboration. Among the strategies proposed was working to reduce stigma and discrimination against trafficked persons. Since trafficked women are often stigmatized, it was suggested to recognize them as returnee migrant workers and connect them with other returned migrants to help reduce the stigma. Information education is also vital in terms of reducing stigma and discrimination.

Another area of collaboration mentioned was access to justice – if our goal is a just society and that is the same for victims of trafficking and migrant workers, groups can work together. Strategies to address the root causes of both trafficking and migration were also discussed



Global Strategy Session for Migrant Domestic Workers Rights

Facilitator: Nisha Varia, *Human Rights Watch*

Organized by: Human Rights Watch, Andolan: Organizing South Asian Workers, CAAAV, Domestic Workers United, Sindicato Nacional de Empleadas del Hogar Bogotá (SINTRASEDOM), and Commission for Filipino Migrant Workers (CFMW)/RESPECT

NOTE: *Acronyms will be often used in this portion of the report. The most common will be FDW (Foreign Domestic Worker). Please refer to the list of acronyms for more details.*

In Southeast Asia, the changing labor markets due to unbridled globalization have seen women migrating in millions to look for better opportunities. According to a report by the International Labor Organization (ILO), women migrant workers account for about half of the total migrants in the region. In the Philippines, women make up about 60 percent of legal migrant workers. In Indonesia, documents show two female migrants for every male migrant.

For many women, labor migration is a positive experience but for others, it is far from that. Migration exposes women to specific gender-based human rights abuses. Women domestic workers are among the most vulnerable group of migrants. They are not recognized as workers in most countries, and therefore not awarded the rights of regular workers. They often work for long hours under deplorable conditions.

The workshop aimed to tackle issues of migrant domestic workers and discuss strategies in promoting the rights and well being of migrant domestic workers. Currently domestic workers are included in the ILO decent work agenda and migrant domestic workers are covered in the ILO multilateral framework on labor migration which includes a clause in promoting migrant domestic workers rights. The workshop also discussed the issue of diplomatic immunity: when diplomats and other UN officials abuse their domestic workers, they are often shielded from accountability by diplomatic immunity.

The first speaker was Joyce of the Domestic Workers United (DWU) an organization based in the USA. They have been working at organizing domestic workers and also conduct information education among the general public on the issues faced by domestic workers. FDWs support the economy of New York as they enable the parents to work. 95% of domestic workers in New York are people of color.

She also mentioned that FDWs in New York come from Asia, Latin America and Africa. They are not recognized by the community and their rights are seldom respected. They do an important service in the community yet their contributions are not recognized.

Among the strategies DWU employs include:

- Outreach at train stations, schoolyards, buses, playgrounds

- outreach on the radio station WAIB Wake Up Call 98.5 morning calls. Bring in members who have been exploited and interview over radio.
- Rally at Albany – push to pass bill of rights.
- Outreach to general public – Most people are unaware of the issues of domestic workers and it is important to educate and inform them
- Nanny training course – giving diplomas, basic psychology, occupational health and safety, negotiation;
- Leadership programs – first stage, advanced stage
- Political education – teaching domestic workers to be engaged with political system.

She added that one important strategy they employ is networking with various organizations including among others Andolan, Unity house cleaners and Domestic Worker Coalition. Networking is important as a global strategy is needed to promote the rights and well being of FDWs.

The second speaker was Ms. Fe Jusay from Commission of Filipino Migrant Workers Europe (CFMW). According to her domestic work is largest employment sector in Europe. Domestic workers in Europe are not only women, as men are also involved- cleaning, ironing, taking care of pets, gardening, and other household work. However the biggest number of domestic workers are women.

A big number of FDWs in Europe are undocumented. They come to Europe in a tourist visa and end up staying as undocumented migrants. Some of them work with different employers in order to earn more money. In some countries in Europe they also use the *Aupair* system. These are persons who come for cultural exchange programmes but are made to work as domestic workers.

She mentioned that the strategies CFMW used are similar to those used in Colombia and the US. Among the things they do are:

- Organizing of domestic workers
- Negotiate with Churches and faith based organizations to reach out to FDWs
- Forum Theater – Train FDWs to be actors and where spectators become spec-actors. Invite audience to offer solutions.
- Legal assistance

She said that in Europe laws are very restrictive and in most cases they arrest undocumented FDWs. In Brussels and Antwerp police stop foreigners and demand identity cards. If non can be provided, then they are be arrested.

FDWs should be empowered to have the capacity to organize themselves; this can be done during their free hours. She shared that in the Netherlands Trade unions have expressed interested in undocumented FDWs membership.

The third speaker was Mr. Rex Varona of AMC, an organization based in Hong Kong. He said

that there are 2 million caregivers in Asia; 95% are women coming from Indonesia, Philippines, Bangladesh and Sri Lanka. If you visit Hong Kong, Malaysia, Singapore and Taiwan you will see that a large number of migrant workers are women. The migration of these women is an expression of imbalances in global economy.

Among the strategies employed by his organization in addressing FDW issues include:

- Organizing of FDWs into unions – Hong Kong is unique as it allows FDWs more freedom and allows them to form their own unions. There are currently 2 active migrant unions in Hong Kong - the Filipino Domestic Helpers General Union (FDHGU) and Indonesian Migrant Workers Union (IMWU)
 - Campaigns, cultural work, theatre serves as a common language among diverse groups. Self help groups.
 - Local and foreign domestic workers solidarity- should not compete against each other
- Economic empowerment – Migrant savings group – part of reintegration program since domestic work is temporary.

In Hong Kong there is discrimination in laws applied to FDWs. This can be seen in residency laws as residential rights do not apply to FDWs. They cannot vote and there is no family reunification. They are also not allowed to transfer to other employers. Some are in slavery like conditions and experience abuse from their employers.

Mr. Varona said it is important to empower domestic workers to be active participants in the community. He further added that they should be encouraged to organize as collective capacity makes them stronger. This is one of AMC's main strategies in Hong Kong.

Ms. Seta Margossian also provided inputs on the status of FDWs in the Middle East. There are more than 2 million migrant workers in the Middle East and migrants outnumber locals in some countries. Very few NGOs bring the issues of migrant workers to the public. In most cases, Churches/ faith based organizations are filling the gaps and provide services and assistance such as counseling. They organize events in churches, where migrants gather. In Lebanon, it is difficult to have direct contact with FDWs as they are seldom allowed to leave their work premises. They are very much limited in their work areas particularly in areas where there is armed conflict.

She also shared cases of abuse where FDWs are sexually and physically abuse. FDWs seldom file cases once this happens as they are afraid and do not know what to do.

Among the strategies they employ include:

- Media, awareness-raising, advocacy
- Providing services for FDWs through the Church
- Providing medical assistance

Additional strategies in other countries to address issues of migrant domestic workers were also mentioned by Human Rights Watch:

1. In Asia. Work with labor recruiters involved with migrants; work with associations of labor recruiters, particularly progressive agencies and accreditation standards.
2. Approach and lobby embassies for services like social activities, skills training and legal aid
3. Organizing that should take place pre-departure. FDWs who return become organizers in their communities when they return; talk about risks, practical strategies.
4. Immigration practices. Women are afraid to report abuse if undocumented. Lobby immigration. Screening those who have been arrested whether they have been abused, trafficked- to be treated differently from others.
5. Cell phone SMS networks. Communicate with each other through text messaging.
6. Education of employers . Remind employers that FDWs are human beings with rights.

After inputs from the speakers, the workshop then moved to discussing the next steps or future strategies that the group can do. One the strategies put out was to have a global organization to push for the calls and fight for the rights of domestic workers. It was mentioned that the organization must have some influence with ILO and UN. UN Law: Convention on Migrant Female Domestic Workers can be a venue for advocacy. It was suggested by the group that there is no need to create a new network or organization but to use existing structures. MRI is currently the lead global organization that can look into these issues.

A big number of organizations also use as their strategy the organizing of domestic workers. It was recommended that MRI and MFA Call for a Global Union for Domestic Workers as they are the lead organizations working on migration issues in the region.

Migrant LGBTQ (Lesbian, Gay, Bi-sexual Transgender and Queer) Rights

Facilitator: Trishala Deb, *Audre Lorde Project, New York*

Panel Discussants:

- Manfred Bergmann, *Comitato Antirazzista Durban Italia (CADI), Italy*
- Ricardo Cristo, *Rom People Association/MIREDES International, Columbia*

Organized by: Audre Lorde Project & NNIRR

The workshop explored the intersection of sexual orientation, gender identity and migration experiences. It provided the panelists and participants with opportunity to share experiences,

strategies and organizational opportunities with each other on the intersection of migration and lesbian, gay, bi-sexual and transgender community members' experiences.

The workshop started with an overview of LGBT issues. The facilitator made the participants identify the terms or names used in their own countries in referring to the different types of gender in the community. The discussion then moved on to defining gender and sexuality with sexuality referring to the biological reproductive functions of a person. Gender on the other hand refers to a social role or personal identity that is distinct from biological sex. Some of the terms identified for gender were: Gay, Lesbian, Bi-sexual, Transgender, Gender loving, straight, homosexual, pansexual, hijras, etc.

After the exercise of identifying the problems and issues in gender, the participants were requested to identify the issues faced by migrant workers and the LGBT community. The participants were then asked to identify the cross-cutting issues among the LGBT community and migrant community. Among the cross-cutting issues identified included the following:

- Vulnerability to sexual abuse when crossing borders – there have been cases of visible LGBT migrants raped by boarder patrols/police.
- Homophobia
- Xenophobia
- Transphobia
- Vulnerability to unsafe sexual relations as part of a mobile population
- Exposure to high risk behavior
- Vulnerability to STI/STD, HIV/AIDs as part of a mobile population
- Under-employed or unemployed
- Most LGBT migrants who come home are discriminated in the community
- Mandatory HIV/AIDS testing for migrants
- Lack of access to health and reproductive health care both in host and sending countries.
- 70 countries criminalize LGBT. In 12 countries the penalty for LGBT is death
- Discrimination against LGBT by faith based communities – most faith based communities do not allow LGBT persons to be members
- Isolation from communities in the country of origin
- LGBT migrant organizations are most often discriminated and not recognized in the community
- Lack of recognition of LGBT marriage in both host and home countries

The cross-cutting issues of migrants and LGBT led to the conclusion that LGBT migrants encounter multiple discrimination not just as migrants but as member of the LGBT community. The criminalization of the LGBT community in certain countries contributes to the manifold issues faced by LGBT migrants.

The exercises was followed by inputs from the two speaker Mr. Manfred Bergman of CADI and Mr. Ricardo Cristo from MIREDES. Mr. Bergman has been working with migration issues

for more than decade as a social worker in Italy. He shared his experience of working with migrant sex workers in Italy. Most of these migrant workers are young men who come as undocumented workers from the Balkans. Sex work in Italy is considered illegal and these LGBT migrants are in a very vulnerable situation due to their undocumented status and the nature of their work. He further added that in Italy, the Catholic community is very strong and there is high discrimination against the LGBT community.

Mr. Bergman also discussed that a big number of migrant LGBTs he has worked with are still struggling with their identities. These migrants come to Italy to escape poverty in their home countries. They engage in sex work as means to earn a living. For some of the male sex workers, engaging in sexual activity with men is part of their work. Some of these migrants are also minors who are forced to engage in sex work. They come Italy by crossing the mountains and end up engaging in sex worker as they cannot find any other means to earn a living. Some of these migrants do not consider themselves as homosexuals. Amid the multiple discrimination and manifold issues they face, they still struggle with their own identity.

The second speaker Mr. Ricardo Cristo of MIREDES shared that in his community, LGBT persons are discriminated against and persecuted. They are most often ostracized in the community and cannot find work. Among the Gypsy people where he works, the concept of LGBT is not understood and this leads to non acceptance in the community. This non acceptance most often leads to physical abuse or police brutality against the LGBT.

Mr. Cristo also shared that there have been instances among the migrant LGBT community where the partnership or marriage among same sex is not recognized. In some instances, these partners are able to establish themselves economically in society. However, due to lack of recognition in the law of the marriage or partnership, when a partner dies, the property acquired automatically goes to the biological family. In some cases this leaves one of the partners destitute.

The discussion that followed evolved on strategies and proposal to address the issues of LGBT migrants. Among the strategies proposed included:

- 1. Information education campaigns (IEC) – in order to combat discrimination, xenophobia and homophobia, information education needs to be done among community members, families and the migrants themselves. IEC should include combating the myth that being an LGBT is a choice and the LGBT person do not have rights.*
- 2. Organizing of the LGBT migrants – helping the LGBT organize themselves will help provide them with support. Organizations creates a support system for the LGBT community to help inform them of their rights, how to access services for LGBT migrants (health care, etc.). Organizing will also help increase the visibility of the LGBT community and will give them a chance to speak out about their issues.*
- 3. Policy advocacy to combat the criminalization of the LGBT community.*

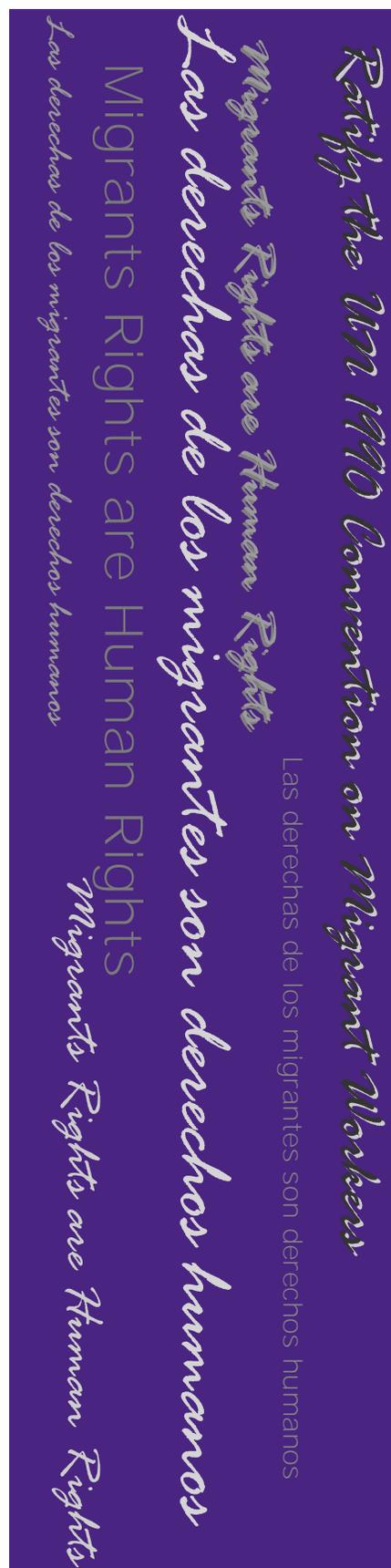
F. Migrants Rally and Media Briefing

December 14, 2006 marked the opening of the UN HLD at the UN Headquarters in New York. MRI, MFA and NNIRR together with various civil society organizations organized a migrant's rally in the afternoon of the opening of the UN HLD. The rally took place at the plaza across the UN headquarters. It aimed to remind the government representatives inside the UN to place human rights at the top of the agenda of the two-day dialogue.

Mary Robinson, the former President of Ireland and High Commissioner of the UN Human Rights Commission was the keynote speaker for the Migrant's Rally. In her speech she said that migrants are the human face of globalization. She emphasized that it is time to take action, to make globalization fair and ethical. She said that it the job of CSOs and the migrant community to pressure governments to be responsible for migration and to come up with development frameworks based on human rights.

Mary Robinson also said that in the past migration was associated with criminality, barbed wires and taking one's job. The rights and well being of migrants are taken for granted. She emphasized that there is a need to forge a different movement where migrants' issues are top priority, where people have dignity and rights are respected.

More than a hundred migrants and migrants' rights advocates were present at the rally. Other speakers at the rally included migrant workers and advocates from the United States, Latin America, Asia and the Middle East. The speakers emphasized on the need for governments to take responsibility for the rights of migrant workers and members of their families. The call for countries of destination to ratify the 1990 UN Convention on the protection of the rights of all migrant workers and members of their families was also reiterated.







III. Inside Events



Inside Events

MRI and its partners also participated in the inside events of the UNHLD. Two representatives of MRI were key speakers of Civil Society Organizations: William Gois of the MFA and Pablo Ciriani of CELS/CAREF and MRI. Below is the matrix of various speakers from civil society speakers in the different roundtables of the HLD.

Roundtable	Civil Society Representative
International and Economic and Social Development	Sharan Burrow, President of ICFTU, Australia Ms. Olesya Kotsyumbas, International Center for Policy Studies, OSI/HESP Academic Fellowship Program, Ukraine David Arkless, Manpower Inc. UK
Protection of the Human Rights of Migrants and Combating Human Trafficking and Smuggling	Hassan Id Balkassm, President, Tamaynut Association of IPACC (Indigenous Peoples African Coordinating Committee), Morocco John Bingham, International Catholic Migration Commission, Switzerland Pablo Ciriani, Migrants Rights International Spain/Argentina
Migration and Development Including Remittances	William Gois, Migrant Forum in Asia, Philippines Chukwo-emeka Chikezie, AFFORD, United Kingdom Jackline Mugo, Federation of Kenyan Employers, Kenya
Building Partnerships, Capacity Building and Sharing Best Practices, including bilateral regional levels	Jacqueline Coke Lloyd, Jamaican Federation of Employers, Jamaica Marioliva Gonzalez, Global Youth Action Network, Mexico Austin Frogomen, Frogomen Attorneys, USA

The High-level Dialogue was opened by the President of the General Assembly. Her statement was followed by statements from the Secretary-General and the President of the Economic and Social Council. The Dialogue included four plenary meetings at which statements were made by high-level officials of 127 Member States, including one Vice-president, 47 Ministers and 40 Vice-ministers. Representatives of one Observer State and of 10 intergovernmental entities and organizations having received a standing invitation to participate as observers in the sessions and the work of the General Assembly also made statements.

Four interactive round tables were held during the afternoon of 14 September and the morning of 15 September. Participants in the round tables included 162 high-level representatives of member States, officials of 16 United Nations agencies, funds and programmes, the Executive

Secretaries of two United Nations regional commissions, the Director General of the International Organization for Migration (IOM), and representatives of 12 non-governmental organizations, civil society and private sector entities.

William Gois of MFA raised the following points during the roundtable discussions:

- 1) Migration today has a gendered face and evidence shows that an increasing number of migrants today are women. It must also be noted that women migrant workers tend to remit more than male migrant workers. A disaggregation of the data on remittances shows that the amount remitted is often small and in many cases from migrants in situations where there is little protection of their rights as workers, or are in exploitative or vulnerable situations. Discussion on migration and development therefore should have a gender perspective.
- 2) While focusing on remittances and their benefits to the families in the sending countries, it is also important to look at the social costs of migration which have an adverse effect on society in the short and long term.
- 3) Remittances are private money transfers. No dialogue on the use of remittances can happen without the full engagement and participation of migrant communities and their associations.
- 4) Remittances cannot be used as an alternative development strategy as a result of which sending countries set targets of how much of the labour force to export in a calendar year, and free developed countries from their obligation of 0.7% of their national incomes for development assistance.
- 5) The movement of temporary service providers under the MODE 4 agreements of the WTO should not be equated with guest worker programmes as the WTO does not have a human or labour rights protection framework, and there is little or no evidence of successful / good guest worker programmes.

Nearly all Member States participating in the High-level Dialogue expressed an interest in the continuation of global dialogue on international migration and development. There was widespread support for the proposal of the Secretary-General to create a Global Forum as a venue to discuss issues related to international migration and development in a systematic and comprehensive way.

The Government of Belgium offered to host the first meeting of the Global Forum in 2007, an offer that was generally welcomed. The Secretary-General stated that, should Member States deem it useful, he was ready to establish a voluntary trust fund to support the activities of the Forum. His decision to extend the mandate of the Special Representative of the Secretary-General on International Migration and Development received wide support.

The Migrants Rights International Statement was given by Pablo Ciriani.

New York, September 14, 2006

Migrants Rights International Statement,
Presented at the High Level Dialogue on Migration and Development, in Roundtable No. 2,
“Measures that can be adopted to ensure the respect and protection of the human rights of
all migrants, and to prevent and combat the trafficking of migrants and persons,”
In New York City, 4th of September 2006.

MRI greets with goodwill the decision of the General Secretary to ensure the participation of representatives of the civil society in this important and constructive dialogue so crucial to the sphere of human rights, as to the basic rights of migrants.

In numerous declarations and resolutions adopted by different agencies of the United Nations, such as those adopted by the Vienna Conference on Human Rights or the Johannesburg Summit on Development, the States have agreed and reaffirmed repeatedly that the concept of development is intrinsically linked to human rights. More precisely, the sustainable development of nations and peoples cannot be achieved if not with the full respect, protection and satisfaction of the human rights of all persons, without any discrimination.

For this reason, if the objective of the High Level Dialogue is to address the question of migration in a way that maximizes the benefits of development, then there is no other path more indicated for that than through the fulfillment of the commitments assumed through the international norms of human rights.

The lack of access to those rights, or discrimination in their recognition or exercise, is a principal cause for migration. For that reason, the nexus between migration and development can only be viable (and not contradictory in itself) if human rights constitute the base, the method and the end of both aspects.

To reach this objective, the United Nations and each of its member States, counts with appropriate tools: the international instruments of human rights. In this manner, a primary central obligation is the ratification of the norms, particularly those in the UN International Convention of 1990 regarding the Protection of the Rights of All Migrant Workers and Their Families. On the other hand, to comply with the obligations mandated by each of these treaties, the States should adopt measures to respect, protect and satisfy the human rights of all persons, which should be implemented in each of the stages of migration -- that is in the countries of origin, transit, and destination.

As it has been indicated, the full respect of human rights in the countries of origin necessarily presupposes adopting pertinent measures to deal with the causes of migration. And there we find national and local causes as well as international ones. At the international level, in questions such as free trade agreements, investment policies, some features indicated by multilateral credit institutions, or armed conflicts, are found some of the principle aspects to consider. In all of these cases, the considerable impact in the vulnerability of the basic rights of millions of persons in countries of origin that drive migration has been dully proven. For that reason, it is indispensable that States, the international community and the entities and agencies involved review their policies to substantially reverse this situation.

As to the local or regional causes of migration from the countries of origin (interconnected with those internationally), we find that the deprivation of cultural, social and economic rights constitutes one of the central problems in generalized poverty and systematic, social structural exclusion. In this respect, the international human rights instruments (among these, the PIDESC) and their interpretation by protection and monitoring bodies, establish clear and precise obligations that the States must follow with these transgressions and with full guarantee (without discrimination) of such rights. Likewise, addressing the causes of migration require that the countries adopt measures for, among other issues, deepening the democratization of public institutions, combating corruption, ensuring access to (independent and impartial) justice and guaranteeing mechanisms for the wide, democratic participation of civil society and the different peoples and cultures that are present. The denial of political and civil rights of large sectors of the population in numerous countries also need to be urgently reversed. Finally, seriously dealing with the causes of migration also demands that all/and each of/ the public policies respect in its entirety the principle of non-discrimination in a way that neither for action or omission, should the exercise of rights be violated (in conditions of equality) for any person, group or people for any of the reasons prohibited by the international law of human rights.

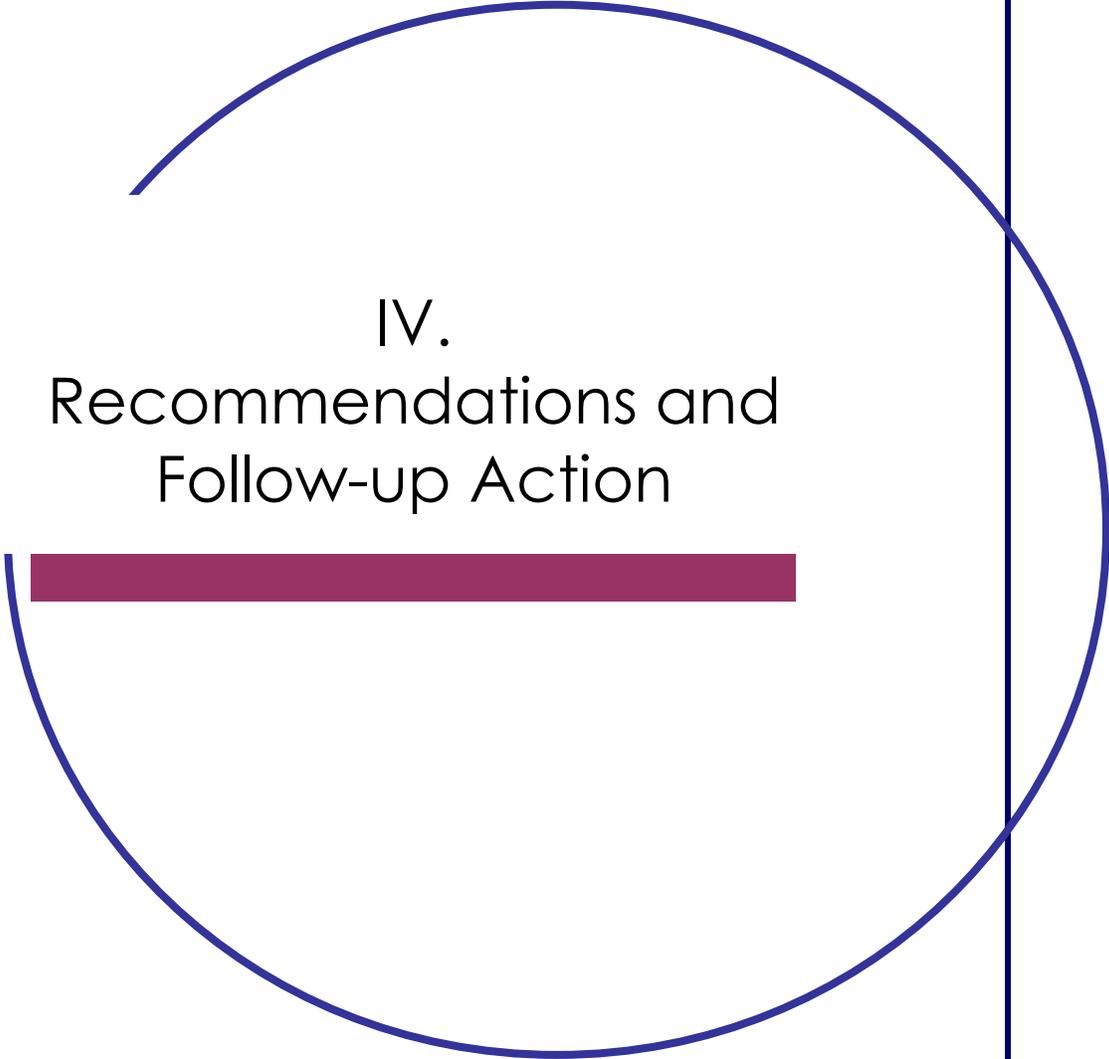
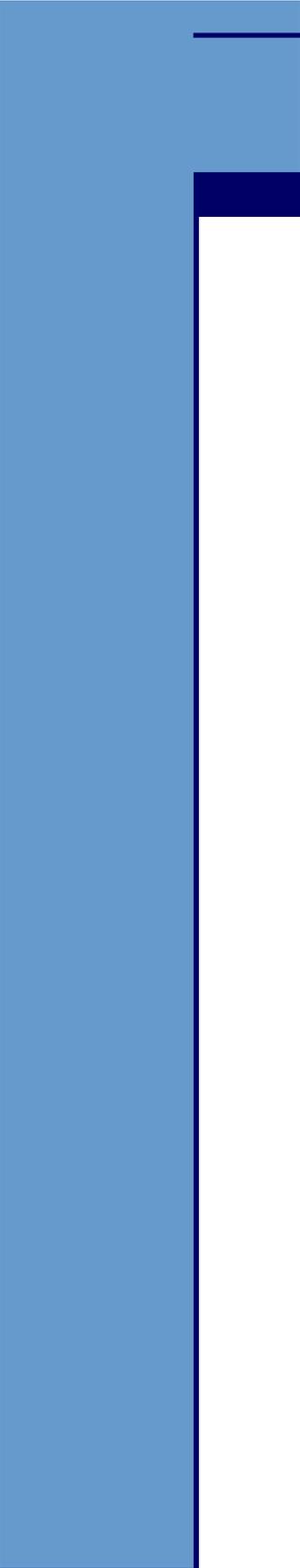
The countries of transit, for their part, should also adopt measures and policies to ensure the rights of migrant persons, particularly, the right of freedom of movement, due process, the right to life and access to justice.

As to the destination countries, migration will be a factor of development – sustainable, just and fair – only if the obligation to respect and satisfy the rights of migrants, male and female, is duly complied with. For this, the States should take steps urgently to: eliminate all elements of discrimination in public policies (not only immigration laws) on the basis of nationality and migratory status of persons; guarantee the equal access to all basic rights, especially economic, social and cultural rights (such as health, education, employment, labor, etc.); promote and facilitate the social integration of both male and female migrants; ensure the exercise of basic civil rights like the freedom of movement, access to justice and due process. In addition, if these countries believe that migration contributes to development, they should guarantee, that after a length of residency, the full exercise of political rights. Finally, we sustain that the model of citizenship that contributes to fair and sustainable development, can only be that one that is inclusive – that is, that ensures rights to each person living in a territory – and not exclusive (as it happens in the majority of destination countries), only granting differential rights (or denying their recognition) along nationality or duration of stay.

In conclusion, we are fully convinced that there is no better path than that of human rights to achieve development and to rightfully address the question of migration (in all its aspects). Or said better, there is no other path. The human rights of all persons in the countries of origin, transit and destination are the only guarantee to ensure a sustainable, fair and legally legitimate development in our societies. They constitute the only means to achieve migration that is voluntary, regular and orderly. Likewise, it is the best antidote to resolve the deeper causes in the increase in human trafficking and slavery. If human rights are not the nucleus of all and each of the public policies (local, national, regional and international) on behalf of all nations, migration will continue to be seen – erroneously – as something negative, as a supposed threat to national and international security, or social and economic well-being of a society. Also, development will continue to be unfair, unequal and only measured in economic and financial terms, benefiting few, excluding the majority of persons and generating greater migratory flows of persons seeking conditions for a more dignified life.

Thank you,

Pablo Ceriani Cernadas



IV.
Recommendations and
Follow-up Action



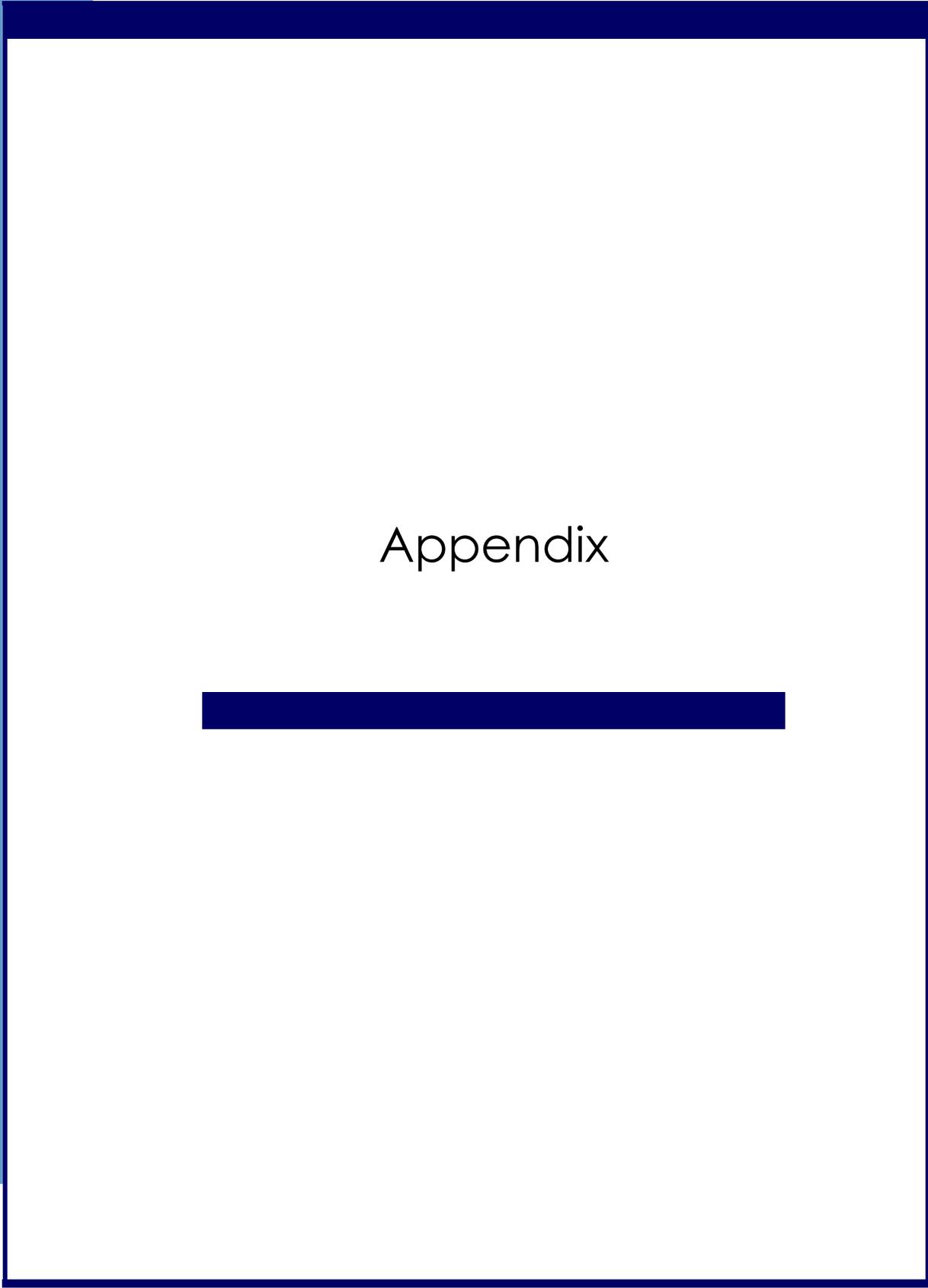
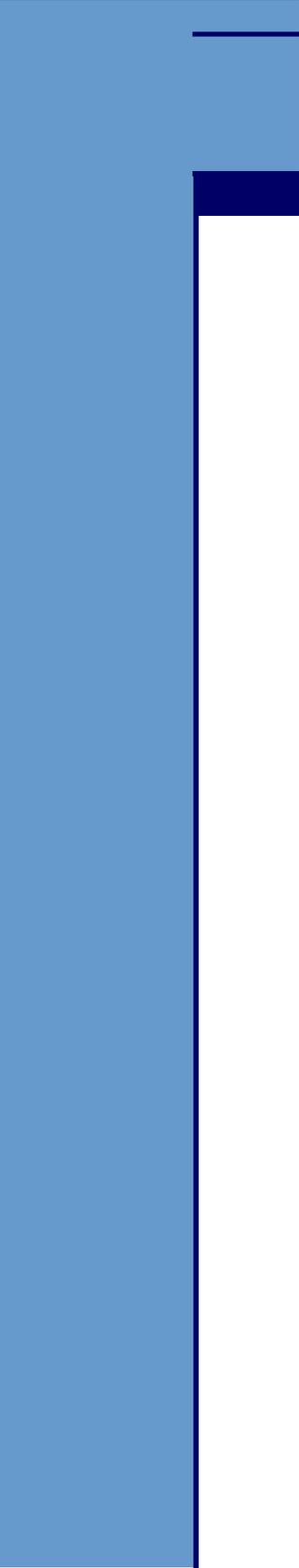
Recommendations and Follow-up Action

The Global Community Dialogue ended with a solidarity night among CSOs and the local migrants' groups in New York. During the solidarity night an assessment of the community dialogue was conducted and plans for future MRI engagement on the proposed Global Forum was also discussed.

The groups present at the solidarity night commended MRI and the organizers for organizing the Global Community Dialogue in such a short time. A lot was accomplished during the week long activities and this happened despite the short preparation time. However the group also had recommendations for future engagements on the global forum:

- Information on the global forum should be circulated to all key network partners
 - Preparations for Civil Society activities should start early to allow for bigger mobilization of partners
 - Ample time to fund raise for travel scholarships should be provided for bigger mobilization of civil society partners
 - CSOs and NGOs should look into ECOSOC accreditation to ensure the participation of more network partners in the inside events of the UN
 - Participation of grassroots organizations and migrants organizations should be ensured
 - Information education at the grassroots level on the global forum should be taken on by country organizations
 - Country process' and engagements should also be started by national organizations. This is to take on the national process' started in Asia in the Philippines, Bangladesh, Sri Lanka and Indonesia.
 - Strengthen the network of grassroots organizations at the global level
- Need for better coordination among partner organizations

The MRI steering committee was tasked to follow-up with the process at the global level. At the country level organizations also agreed to follow-up on engaging their governments and in conducting information education campaigns among grassroots communities concerning the issues.



Appendix





**List of Organizations that
Participated in the Global Community Dialogue**

Migrants Rights International (MRI)
MRI Executive Council & Sindicato Nacional de Trabajadores del Hogar
National Network for Immigrant & Refugee Rights (NNIRR) & MRI Executive Council
National Network for Immigrant & Refugee Rights (NNIRR)
Migrant Forum in Asia (MFA)
American Friends Service Committee
CAAAY Organizing Asian Communities
Coalicion Derechos Humanos
Comite de Vivienda San Pedro / St. Peter's Housing Committee
No One Is Illegal
Desis Moving Up and Rising (DRUM)
Priority African Network (PAN)/NNIRR
Esperanza del Barrio
Audrey Lorde Project (ALP)
AFSC / MIREDES International
Conferencia de Iglesias Evangelicas (CIEDEG)
Global Alliance Against Traffic in Women (GAATW)
Centro de Estudios Legales y Sociales - CELS
CELS/CAREF/OCIM
Sin Fronteras
Commission for Filipino Migrant Workers (RESPECT)
Asociacion Catolica Espanola de Migrantes (ACEM)
Comite Anti Rasista Durban Italia
Platform for International Cooperation on Undocumented Migrants (PICUM)
Asociacion Catolica Espanola de Migrantes (ACEM)
Stichting Los
Hope Workers Center
Centre for Migration Advocacy (CMA)
Migrant Action Programme
Mekong Migration Network
Action Network for Migrant Workers in Sri Lanka
Serikat Buruh Migran Indonesia / Indonesian Migrant Workers Union (SBMI)
Joint Committee for Migrant Workers in Korea (JCMK)
Asian Migrant Centre (MFA)
St. Francis Workers Center
Welfare Association for Repatriated Bangladeshi Emmigrants (WARBE)
Unlad Kabayan Migrant Services Foundation Inc.
Grassroots Empowerment Network
Mission to Seafarers/Ports of Dubai
Ta'amneh Law Firm
Middle East Council of Churches-MECC
Public Services International
Human Rights Watch
Public Services International
Global Alliance Against Traffic in Women (GAATW)
Center for Third World Organizing
Immigration Working Group – Columbia University

Immigrant Communities in Action
African Services Committee
Realizing Rights
Human Rights Now
Taskforce on ASEAN Migrant Workers
National Taiwan University
Global Workers
Columban JPIC
La Strada
Transnational Institute for Grassroots Research and Action (TIGRA)

Informal Interactive Hearings Statements from Civil Society



Oral Statement Presented at the Informal Interactive Hearings of the General Assembly with NGOs, Civil Society Organizations and the Private Sector

Segment 1: Promoting a comprehensive rights-based approach to international migration, and ensuring respect for and protection of the human rights of all migrants and their families.

I make this statement on behalf of Migrants Rights International (MRI)—a global civil society network of migrant workers associations and unions, faith-based groups, labor, community-based organizations and non-governmental organizations promoting the human rights of migrants— in view of the report of the UN Secretary General and the UN General Assembly High Level Dialogue on Migration and Development on 14-15 September 2006.

1990 UN Migrant Workers Convention & UN Human Rights Mechanisms & Procedures

MRI welcomes the effort of the UN Secretary General and the General Assembly to highlight the issue of migration and bring it to the forefront of discussions by the international community. We welcome the emphasis made in the UN Secretary General's Report (hereafter referred to as the "Report") on the need to protect the human rights of migrants and the reference made to the UN international human rights instruments and Conventions of the International Labour Organization as "constituting the core of the international normative framework on international migration" (para. 283), with the 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as the "most comprehensive international treaty dealing with the rights of migrant workers."

MRI notes with regret, however, that despite being a document of the UN Secretary General, the Report itself does not make full reference to or utilize these UN human rights mechanisms and procedures in order to further enhance the human rights perspective in addressing migration and development. The UN human rights treaty bodies and their general comments, the UN Special Rapporteur on the Human Rights of Migrants, the UN Commission on Human Rights and the Durban Declaration and Program of Action of the 2001 World Conference Against Racism all offer sound human rights framework to the treatment of migration and migrant workers.

We urge the UN Secretary General to reiterate these UN mechanisms and use them as the

fundamental normative and analytical framework for its treatment and analysis of the issue of migration and development, so as to continuously remind States of their obligation to protect, promote and fulfil migrants' human rights by ratifying and effectively implementing the said Conventions.

Global Consultative Forum and Civil Society Participation

With regard to the the idea put forward by the Report of an intergovernmental cooperation such as a "consultative forum," MRI is seriously concerned about the absence of participation by civil society, trade unions, and migrants themselves. In particular, para. 21 of the Report states that Governments would only engage with NGOs and civil society "*when they deem it desirable and necessary*": we view this as a threat to genuine migrant civil society participation. Any consultative forum on migration and development which does not include representatives from civil society, the NGO community, trade unions, migrants and their organizations, cannot fully articulate policy ideas that would lead to genuine and sustainable development.

Governments must acknowledge the necessity of migrant civil society organizations in shaping migration policy and take steps to institutionalize their genuine participation in these processes.

MRI Framework

As MRI, we promote the rights-based approach to international migration, based on the principles of human rights *protection, promotion and fulfilment*. This is a framework that:

- recognizes inequalities between women and men in the migration process thereby calling for the promotion of gender-sensitive migration policies; and acknowledges the current imbalances in economic and trade relations between developing and developed countries, dictated by strong corporate interests in the North and a neo-liberal economic agenda that intensifies poverty, destroys the environment, depletes farmlands, heightens conflict and armed struggle, strips indigenous peoples of their ancestral domain and identity, and creates human suffering -- all of which constitute **the** real root cause of migration.

Examining the Consequences of Migration within the Frame of Human Rights

MRI notes with deep concern that the current mode of labour migration denies migrants' access to their human rights, especially economic, social and cultural rights. Across the world, migrant workers exist as a cheaper, more docile, exploited and un-unionized labour force, with women, children, the aged and undocumented migrant workers the most vulnerable. The complexity of the migration discourse demands a more deliberate process of engagement in debunking the myths around migration, and developing policies that would make migration a valuable experience for all.

MRI is deeply disturbed by the arguments presented in the Report that are strongly concentrated on labor mobility and on enhancing the positive economic benefits of migration, while lacking a firm analysis of how the migration process impacts on their labour and human rights. Throughout the Report, managing migration and the maximization of the economic benefits of labour mobility and remittances seem to take primacy over human rights considerations. MRI cautions Governments and the international community that the overemphasis on the labour market economics of migration creates commodifies the migrant worker, i.e. treating them as mere factors of production and not as human beings with basic human rights.

Programmes of managed migration to maximize economic benefit tend to be regressive and restrictive in the name of national sovereignty and security. MRI's experience shows that such measures only serve to breed discrimination, fear of the other, racism, xenophobia, and an increase in irregular and undocumented migration.

MRI asserts, therefore, that any development discourse that denies the fulfilment of migrants' human rights is simply unacceptable to migrants and members of their families. To protect, promote and fulfil human rights of every person under its jurisdiction, which includes all migrants regardless of status, asylum seekers and refugees, are the core obligations of States as provided for in the international human rights instruments. Fulfilling migrants' right to decent employment, equitable wages and proper working conditions, trade union rights, access to basic public services and social security, and the right to family reunification is essential to ensuring migrants' well-being and integration in the host country, and consequently contributing to humane and genuine development.

The Human Rights of Vulnerable Groups of Migrants

MRI places special attention to the most vulnerable groups of migrants, which include undocumented migrants, women migrants and migrant domestic workers. MRI promotes and defends the human rights of these migrants through monitoring and denouncing cases of violations, conducting policy advocacy, establishing migrants' access to redress mechanisms, promoting grassroots organizing and capacity building among migrants, and providing direct assistance.

Working directly with vulnerable migrants, MRI views that the Report lacks systematic analysis of the reasons why irregular migration occurs on the scale it does across the world. In MRI's experience, irregular migration increases when national immigration policies operate in excessively bureaucratic ways, usually considering only the interests of the host country and excluding those of the migrant workers. Insensitive to the migrants' human rights situation, States continue to impose stringent "stop-gap" solutions or fragmented immigration policies that do not solve the problem but only exacerbate the further exploitation of migrants and place them in dangerous and clandestine situations.

MRI urgently calls for the regularisation of undocumented migrants, whereby comprehensive solutions are established that incorporate migrant workers' rights and perspectives and create the social space in which migrants can prosper and achieve their full aspirations for the creation of a better life for themselves and their families.

Recommendations to the Continued Process of the UNHLD

Finally, in addition to the accredited participation for a 12-person civil society representation at the HLD, we urge the General Assembly and the Secretary General to recommend to all member States to include in their delegation to the HLD at least one civil society representative with considerable experience in working on migration, and that a consultative process be initiated at the country level prior to participation at the HLD.

Presented by:

Sajida Ally
Migrants Rights International
12 July 2006

**Challenges for Social and Economic Policies in Sending & Receiving Countries:
Empowering Migrants and Ensuring Rights-Based, People-Centered Development**

*Oral Statement on Segment 2 Presented at the Informal Interactive Hearings
on International Migration and Development
12 July 2006, New York*

**By Rex Varona
Asian Migrant Centre (AMC) and Migrant Forum in Asia (MFA)**

Distinguished delegates and guests:

I make this statement on behalf of the Asian Migrant Centre (AMC), an Asian regional research and training NGO promoting the human rights and empowerment of Asian migrant workers and their families. I am also speaking on behalf of the Migrant Forum in Asia (MFA), the biggest migrants' rights advocacy network in Asia representing over 260 migrant organizations, unions and civil society groups in Asia.

Migrants as Primary Stakeholders in Development

Responding to the abuses, violations of human rights, discrimination, and the intersecting racial, class and gender vulnerabilities of migrants, we were among the pioneers since the 1980s, and we continue to be at the forefront, of campaigns for protection of migrants' rights. We are part of the international advocacy, since the 1990s, for the universal ratification of the U.N. Migrant Workers Convention, and the adoption and effective implementation of the core human rights standards of the UN and ILO.

Recognising that migrants are not all helpless victims, but are – more importantly – women, workers, and human beings who have multiple capacities, skills, strengths and the will to overcome the dangers and difficulties of overseas work, we pioneered since the late 1980s, the unionization and self-organisation of migrants, especially women; community organizing in the home and host communities; and the advocacy for the representation and participation of migrants in policy-making in the host and home countries.

Emphasizing that “migrants” is not a homogeneous population, we highlight the need to ensure particular measures to ensure participation of the various categories of migrants – migrant workers, families of migrants, women migrants, youth migrants, undocumented migrants, indigenous peoples migrating overseas, as well as refugees displaced by conflicts or development/ecological disasters.

Asserting the enormous economic power and potential of migrants, we started the advocacy in Asia in the 1990s, on migration and development and the strategic role of migrants in the development process. Therefore, we initiated the “*migrant savings and alternative investments*” (MSAI) strategy to emphasize that migrants and their families are primary stakeholders in any people-centered, rights-based, gender-fair and social justice-oriented development proc-

ess. Their “modern day heroism” is not simply because they remit billions of dollars back home; it is because migrants can help shape and propel the development process, by utilizing their social and economic assets in order to address poverty, development problems, and the root causes that compelled millions of migrants to work abroad.

“Migrant Savings & Alternative Investments” (MSAI) and other Civil Society Strategies on Development

The MSAI strategy promotes the central role of migrants and their families by: (a) helping migrants economically prepare for their eventual return/reintegration to their home countries (the bulk of migrants in Asia are denied residency rights in the host countries being temporary, contract-based, or undocumented workers); and (b) helping mobilize and build migrants’ assets – their organizations, skills, networks, knowledge, savings, remittances – for social entrepreneurship, productive investments, and community and national development. Such development-oriented investments are guided by the principles of economic sustainability, gender-fairness, social justice, ecological sustainability, and safeguarding the health and wellbeing of migrants.

The MSAI strategy further asserts that the central responsibility in providing enabling policy and operational conditions to promote social and economic development is the government’s. People-centered development is also necessarily multi-stakeholder, thus the importance of intermediary (support) role of the private sector. Relevant UN or intergovernmental bodies in Asia, e.g. ILO, UNIFEM, UNDP, have been supporting the building up of this strategy.

Recently, the migrant community has firmed up links with the decades-long cooperatives, rural development, microfinance and microenterprise movements in Asia. We are trying to build upon our mutual strengths and expertise so that migrants’ savings, remittance and economic resources are best used for rural and community development.

Additionally, various diaspora philanthropy strategies, including the “3-for-1” strategy pioneered by Mexican migrants and immigrants, are also being built up and promoted in order to contribute to social development. Therefore, the migrant, diaspora and civil society sectors have ongoing, vibrant efforts in helping build sustainable and people-oriented development.

The Challenge: Realizing People-Centered Development and The Right to Development

However, the main challenges and difficulties they are facing, both in the host and home countries, are: (a) the lack or absence of enabling policies and operational conditions to sustain and scale up development efforts;

- (b) the marginalization and exclusion of migrants from policy and decision-making, especially in national economic development planning;
- (c) restrictive, repressive or discriminatory policies in the host countries that deny or severely limit migrants’ rights/capacity especially in terms of organizing, accessing the banking and financial systems, and undertaking economic and entrepreneurial activities; and,
- (d) the lack of comprehensive, people-centered and rights-based development frameworks or policies at the national and international levels.

The absence, at the international level, of a binding international convention or instrument on rights-based, people-centered development is a critical gap that prevents the flowering of migrants' efforts on social development. Substantive, multi-stakeholder, cross-country development collaboration among migrants, civil society and governments is difficult to pursue without a common guiding framework which spells the rights and accountabilities of the various stakeholders. Supportive and enabling national policies are hard to discuss and formulate in the absence of international standards on the right to development.

The UN has a long-standing "Declaration on the Right to Development" – adopted by the General Assembly in 1986, and subsequently reaffirmed in the 1993 Vienna Declaration and Programme of Action, the 2000 Millennium Declaration, and the 2001 Durban Declaration and Programme of Action. These declarations affirm the 'Right to Development' as a universal and inalienable human right, with the following basic components:

- a) comprehensive concept of development – defines development as comprehensive and multi-faceted with social, cultural, political and economic elements;
- b) people-centered – places the human person at the centre of development;
- c) respect for all human rights – development process should respect all basic human rights; failure to observe these rights constitute an obstacle to development;
- d) participation – requires that States and the international community formulate appropriate development policies in a participative manner, and ensure participation of women;
- e) social justice – the development process should promote social justice, equality of opportunity for all, access to basic resources and services, and the eradication of social injustices;
- f) international cooperation – development requires not only appropriate national policies, but also proper international policies and cooperation.
- g) self-determination – affirms the right of peoples to self-determination.

We therefore call on all governments to adhere and commit to the 1986 Declaration and subsequent affirmations, as a common framework to guide migration and development efforts.

We note with regret that the Report by the Secretary General on migration and development emphasizes "co-development" that highlights the flow of migrants and remittances, but does not make any reference to the Right to Development Declaration, and hardly references the Migrant Workers Convention and the core UN and ILO human rights frameworks as a basis for development. We urge the Secretary-General to reiterate the rights-based approach, the core human rights principles and instruments, and the Right to Development declaration as overarching principles guiding the migration and development agenda.

We also note the overemphasis on remittances as a beneficial facet of international migration. We reiterate that remittance does not necessarily imply or lead to people-centered development. Indeed, divorced from a rights-based and the right to development framework, the singular agenda of 'maximising remittances' can result to acceleration in the mass export of labour, the primacy of profit-seeking motives especially by money-transfer companies, and the failure of

governments to confront and address national economic and financial problems (e.g. chronic budget deficits, huge foreign debt, continued reduction of budget for social services and community development).

Remittance should not be made the substitute to the governments' responsibility of putting up funds for national development – through the national budget, overseas development aid (ODA), or FDI. Migrants should not be made to finance development; instead, sending countries have to properly allocate funds from the national budget; developed countries should fulfill their MDG commitment of allocating 0.7% of their GNP for ODA. Since migrants and their families, are usually the 'unbankable' sectors in the home country – i.e. with limited or no access to credit or banking channels – the enormous remittance of migrants can end up in the credit portfolio of local elites and big companies – i.e. further deepening the wealth gap in the home countries.

Moving Forward

We commend the convening by the Secretary-General of this informal hearing on migration and development, and the forthcoming High Level Dialogue in September 2006. These are positive initial steps in building multi-stakeholder and international understanding on migration and development.

We support the proposal of the Secretary General for a subsequent follow-up forum. However, we believe that all these are not enough to push the momentum forward. We propose that there should be continuing forums or dialogues organized by the United Nations, with substantive participation by migrants and civil society in order to build consensus and encourage collaboration on people-centered development. Such discussions need to be organized at the national, regional and international levels.

We call for the ratification, adoption and effective implementation by all member states of all the core UN and ILO human rights instruments, particularly the Migrant Workers Convention. We further urge the United Nations to promote the Right to Development Declaration. These core standards and frameworks should be the basis in building collaboration and pursuing local and international "migration and development" agendas.

We call on the UN and members states to support, provide enabling policies, help scale up people-oriented development strategies spearheaded by migrants and civil society groups, e.g. MSAI.

We urge the individual member states to dialogue and explore areas of consensus and collaboration with migrant groups and advocates, towards building national migration and development agendas based on the rights-based approach, social justice and people-centered development.

Submitted by: Rex Varona

Asian Migrant Centre / Migrant Forum in Asia

12 July 2006

Statement of the Center for Migrant Advocacy (CMA) to the Informal Interactive Hearings of the General Assembly with NGOs, CSOs and the Private Sector on International Migration and Development

Segment 2: International Migration and Development: Challenges for Social and Economic Policies in Sending and Receiving Countries

**United Nations Headquarters, Trusteeship Council Room
12 July 2006, New York**

The Center for Migrant Advocacy (CMA) thanks the Office of the Secretary General for the invitation to participate in today's Informal Interactive Hearing on International Migration and Development. CMA is a Philippine-based independent policy advocacy NGO that promotes the rights and welfare of overseas Filipinos and their families, particularly the disadvantaged and the marginalized sectors. CMA works to improve the economic, social and political conditions of migrant Filipinos and their families through policy advocacy, research and information, networking, capacity-building and assistance facilitation to migrants in distress. CMA is a member of the Philippine Migrants Rights Watch (PMRW), Network Opposed to Violence Against Women Migrants, Freedom from Debt Coalition (FDC), the Philippine Alliance of Human Rights Advocates (PAHRA) and the Migrant Forum in Asia (MFA).

While we recognize overseas migration as a fact of life, even a necessity, for many Filipinos, we do not endorse it as a development strategy. We are aware that overseas migration is here to stay for years and even decades to come. The systematic export of Filipino labor breeds a culture of dependency on the part of government and of society on the labor remittances and additional employment created by overseas migration.

CMA Stand on Overseas Migration

We do not close our eyes on the benefits of overseas migration on the national, family and individual levels. Recognizing that overseas migration will continue in the age of neo-liberal globalization, we uphold the inherent right of citizens to travel and to work abroad, right to equal opportunity and equal protection of laws, right to free association, right to protection by Philippine government and receiving countries, as well as the right to family reunification, among other equally important migrant and human rights.

We equally foresee that the social, economic, political, and individual costs of overseas migration will outweigh its benefits in the long run.

It is our firm belief that the path to true and humane development is the management and reform of government policies that will promote the development of a vibrant and independent local economy; policies that will create decent local employment; policies that will promote the protection of human rights of migrant workers; as well as the exercise of political will to eradicate graft and corruption and promote good governance.

Guided by this framework, we put forward the following challenges to sending and receiving countries in their social and economic policies vis a vis labor migration and development:

To sending governments:

1. Review the overseas employment program in order to determine its direction in view of its impact on national development and its corresponding human and social costs

Create support programs for the migrant families left behind – economic as well as social activities for the wives/ husbands; socio-cultural-educational support programs for the children

Come up with clear comprehensive reintegration program for returning migrants; create an enabling socio-economic-cultural environment to facilitate their reintegration into their families, communities and societies

To receiving governments:

Provide an enabling socio-cultural-political-legal environment for migrants- regardless of their job category, skills, gender, creed, nationality and citizenship -- to facilitate their integration/ adaptation into the host communities and societies –e.g. allowing for family reunification; making available skills training and upgrading – and consequently, as necessary, to prepare the migrants for their eventual return to their home countries. Migrants are not only economic forces; first and foremost, they are human social beings.

Finally on the brain drain,

In order to keep the best and brightest at home, government must work out a national development program that will effectively harness the country's human resources and justly reward workers for their labor. It should be a development program that can compete globally in terms of compensation and working conditions. In due time, overseas migration will have become a choice and not a forced option for many Filipinos.

Thank you.

Ellene Sana
Center for Migrant Advocacy

Full text of the statement delivered on behalf of the Asian Forum for Human Rights and Development (FORUM-ASIA) to the Informal Interactive Hearings on International Migration and Development, 12 July 2006, held at the United Nations, New York

Statement delivered by Pia Oberoi

Mr Chairman,

We agree with the report of the Secretary General that the High Level Dialogue affords a vital opportunity to better conceptualize and coordinate international cooperation on issues related to migration. It is our premise that the framework of international human rights principles and standards (and regional standards, to the extent that they exist and are consistent with international norms) should be the starting point for any exercise in international cooperation on migration. The reasons for this, we believe, are multiple:

1. This will place the human being, the migrant, at the centre of any policies developed as a result of international cooperation
2. Using the human rights framework as a lens will enable policy-makers to be aware of and address areas of the cooperation that are potentially abusive or discriminatory. On this point, it is helpful to use as an analogy the rights-based approach to development programming, which utilises human rights standards as a guide to ensure that the process and delivery of development aid is non-discriminatory and rights-respecting. It would also enable policy-makers to acknowledge and remedy the particular vulnerabilities of disadvantaged groups of migrants, such as women, children, the elderly and disabled.

While we agree that there is value to obtaining the best practices of states, and other actors, in relation to migration, we also firmly believe that we cannot turn a blind eye to the human rights violations that are so prevalent a feature of migration. We cannot pretend that the current picture is a rosy one. It is only by being honest about these abuses, and the nature of the perpetrators (be they government officials or non state actors, including private companies, transnational corporations, or individual traffickers) that the debate on migration will be able to move forward, and policy-makers will be able to construct realistic and rights-respecting policies.

In relation to policy issues surrounding the international governance of migration, and in particular the proposal of the Secretary General to institute a global consultative process within the United Nations on the issue of migration, FORUM-ASIA is firmly of the opinion that the issue of migration, and its links to development, should be debated and explored *within* the UN as opposed to other intergovernmental fora. We would recommend to the Secretary General as well as member states that there is merit in establishing an arena in which there can be structured, on-going and inclusive debate on migration issues. There are, however, a number of points of clarification and some recommendations that we would make on the proposed forum:

- ◆ While we note the Secretary General's assertion that the Global Forum would be an "open ended body" we would seek clarification nevertheless on
 - who would be able to convene such a body and bring issues onto its agenda?
 - where geographically would it be located (Geneva; New York; perhaps even in regional centres in order to encourage greater participation from member states and civil society)?
 - would it have a mandated minimum number of meetings a year to avoid the issue dropping off the political agenda of the United Nations?

We would strongly urge that any discussion on answers to these questions should include the participation of civil society.

- ◆ Rather than restricting the focus of this forum merely to the link between migration and development; we would urge the SG to consider broadening the focus of the forum to also include other issues that touch on and are touched by the contemporary phenomenon of migration, to ensure that policy making in this area is transparent and joined-up. In this, as in all migration related debate, we would urge that human rights be mainstreamed and conceptualised as a cross-cutting issue through the debate. As noted by the United Nations High Commissioner for Human Rights at a recent panel discussion in Geneva, it is only by ensuring protection of human rights that migration will be able effectively to contribute to greater and more sustainable development.
- ◆ In this regard, we are baffled by the near silence in this discussion, including in the Secretary General's report, on the initiatives taken already and the understandings developed on migration related issues through the international human rights architecture. We are not and should not pretend to be starting anew. This work includes reports, recommendations and appeals of the Special Rapporteur on Migrants as well as related recommendations of other Special Procedures. The issue of migration has had a prominent place in deliberations of the now defunct Commission on Human Rights, and was recently highlighted on the agenda of the new Human Rights Council. The Committee on Migrant Workers has, since its first meeting in 2004, produced a number of statements including one prepared in response to the High Level Dialogue following inter alia a consultation with civil society. We have also seen important progress made in elaborating on the human rights of migrants by various other Treaty Bodies, including the Committee on the Elimination of Racial Discrimination and the Committee on Economic, Social and Cultural Rights. As the guardian of the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Office of the High Commissioner for Human Rights (OHCHR) has an important role to play in safeguarding the human rights of migrants, as do other specialized agencies such as the United Nations High Commissioner for Refugees (UNHCR). Lastly, there has been important standard-setting work done recently in the context of the International Labour Conference, particularly in the adoption of an ILO multilateral framework on labour migration, which incorporated a rights-based approach to migration. Given that we expect to see human rights as the primary framework for any debate on migration, and its links to development, it would be our suggestion that the consultative forum be located in Geneva in

order to benefit from synergies with the human rights mechanisms of the United Nations.

- ◆ We would also make the point that, as civil society, we were disappointed to see, in the Secretary General's report, that civil society and other stakeholders would only be invited to the meetings of the forum "when [governments] deem it desirable or necessary". We would point out in addition that the voice of migrants and of civil society is distressingly weak in the report as a whole. It has long been understood that migrants and other civil society actors are central to the migration debate and excluding them results in decisions and conclusions that are at best partial and distorted and at worst discredited and ineffective. This assertion is based on the fact that states have never really had full sovereign control over migration, and in an era of globalisation this power, such as it is, is waning further. Accordingly, a genuine and honest debate on migration would acknowledge this reality and include as equal participants those actors who are as important in the discussion as states themselves; starting with migrants and their networks, but also including NGOs, employers, private companies, recruitment agents etc. We need to have a diversity of voices in this forum, even if at times governments would prefer not to hear them, else the international community is in danger of having yet another debate hermetically sealed off from the complete picture, which chooses only to speak to those aspects of the issue that governments can see and hence think they can control.

As a membership-based regional human rights organization in Asia, FORUM-ASIA is concerned that most regional "consultative processes" on migration in the Asia-Pacific region (including the Asia Pacific Consultations and the Bali Process) explicitly preclude the participation of NGOs and civil society. We would contend that such processes, far from being consultative, are only hearing half the story, and in leaving important voices out of the discussion the danger is that any resultant policy-responses are doomed if not to failure, certainly to uneven, unsustainable and potentially abusive implementation.

We are also very concerned about the prevalence of bilateral treaties on migration related issues that openly flout human rights standards, and could indeed be responsible for violations. In this regard we are concerned about readmission agreements that countries in the developed world are using to return migrants to the developing world. The debate on migration and development should elicit an acknowledgement from these governments that many of the migrants they are seeking to return are fleeing their countries of origin in response to deficits in development. We also welcome the suggestion of the Secretary General to have a global depository of all bilateral agreements on migration, and urge that such a resource is publicly available to all stakeholders, and should include the full text of bilateral readmission agreements.

The ability of NGOs in Asia to advocate for the human rights of all migrants is complicated by the very low ratification rate of international human rights treaties in general by governments in Asia. Nevertheless, the international human rights mechanisms are, and should be, a reference point for international cooperation on migration issues. They provide a benchmark, a normative framework, and also a set of guidelines for policy-makers who, in making migration policy, must ensure that it adheres to the international human rights obligations voluntarily assumed by states.

Thank you

**UN High Level Dialogue on Migration & Development
12 July Civil Society Hearings
New York**

Segment 3: International Migration and development - challenges for social and 1500 – 1615 economic policies in sending and receiving countries.

Spokesperson: Sinapan Samydorai
**President, Think Centre &
Convener, Taskforce for ASEAN Migrant Workers**

Summary of Intervention

Right to development should not lead to a trade-off of civil and political rights eg. Freedom of expression, assembly and association [organizing of all workers]. Migrant Workers are not commodities; they are human beings with rights.

It's encouraging to note that all countries within ASEAN have legislated national labour laws and have ratified Core ILO Conventions. But they fall short of full implementation. The major problem is inadequate implementation of the labour laws and core ILO conventions.

Any instrument, bilateral or multilateral, for the promotion and protection of the rights of migrant workers should include the following: - ILO Core Labour Standards - Decent Working and Living Conditions [ILO Conventions] - Terms of Employment [R86 Migration for Employment Recommendation]

ASEAN is elaborating an instrument to promote and protect the rights of the migrant workers. The recently concluded ILO Multilateral Framework on Migrant Workers is one of the key references for the ASEAN Instrument being drafted. ASEAN will take a step by step process. It will be fruitful to share best practices to learn from and implement.

There are many practical difficulties to be overcome including: - dealing with wayward employment agencies which are a major cause of problems for migrant workers [Convention 181]; - lack of skill recognition and accreditation among sending and receiving countries; etc.

**Focal Point on Migrant Workers
Singapore Working Group**
Working Group for an ASEAN Human Rights Mechanism

“Elaboration of an instrument to protect and promote the rights of the migrant workers”

Statements and Position Papers in relation to the High Level Dialogue on Migration Development

APPEAL from
The JAKARTA PROCESS± ON THE HUMAN RIGHTS OF MIGRANTS
to the UN High-level Dialogue on Migration and Development
New York, 14-15 September 2006

RECOGNISE AND PROTECT

UNDOCUMENTED MIGRANT WORKERS & WOMEN MIGRANT DOMESTIC WORKERS

The Jakarta Process on the Human Rights of Migrants is particularly concerned with the continuing lack of recognition and protection of undocumented migrant workers and women migrant domestic workers. Without integrating them into the discussion on migration and development, we risk perpetuating the cycle of injustice and systematic abuse experienced by possibly the largest proportion of the world's migrant workers. We encourage participants of the UN High-level Dialogue on Migration and Development to incorporate the following issues in the roundtable and plenary discussions in this meeting.

ON THE EFFECTS OF INTERNATIONAL MIGRATION ON ECONOMIC AND SOCIAL DEVELOPMENT

- ◆ Remittances are widely proclaimed as the positive developmental impact of international migration. However, a careful review of the experiences of undocumented migrant workers and women migrant domestic workers would indicate that it is not such a simple matter. Re-

±The Jakarta Process refers to a regional meeting of 13 civil society organizations, 2 associations of migrant workers, and 5 national human rights institutions from 8 countries in Asia, conducted on 25-28 July 2006 in Jakarta, Indonesia, wherein the UN Special Rapporteur on the Human Rights of Migrants, Office of the High Commission on Human Rights - South East Asia, and the International Organization for Migration (IOM) - Jakarta were actively involved. This meeting recommends an urgent review of existing human rights protection systems for undocumented migrant workers and women domestic migrant workers. A Core Group was established to oversee implementation of the review, consisting of the National Human Rights Commission of Sri Lanka, Colombo; Tenaganita, Kuala Lumpur, Malaysia; Indonesian Migrant Workers Association (SBMI), Jakarta, Indonesia; Migrant Forum in Asia (MFA), Manila, Philippines; Asia Pacific Forum on Women Law and Development (APWLD), Chiang Mai, Thailand; Task Force on ASEAN Migrant Workers Asia, Singapore; and the National Commission on Violence against Women (Komnas Perempuan), Jakarta, Indonesia (acting as secretariat). The UN Office of the High Commission on Human Rights, Southeast Asia and the UN Special Rapporteur on Human Rights of Migrants will maintain an active participation in this process.

mittances sent home by women migrant workers are often misused by their husbands and/or families. These women breadwinners often do not have access to the decision making process on how their earnings get spent. Adopting a gender lens in the analysis of remittances' impact on development is imperative, especially when women are fast becoming a predominant force among migrant workers.

- ◆ Despite the already significant size of remittances sent annually by migrant workers, it is still less than what it could be. There are serious obstacles to a steady increase of remittances which must be addressed:
 1.
 2. lack of standard salaries that are guaranteed by law;
 3. the common practice of employers withholding, deducting, and even denying salaries rightly-earned by migrant workers, particularly in the case of women domestic workers;
 4. limited access of undocumented migrant workers to official finance institutions, such as banks, because of their label as 'illegal', and, particularly in one of the largest destination countries for women migrant workers, limited access to women migrant domestic workers because women are not allowed out of the house at all;
 5. insecurity of savings from the earnings of undocumented migrant workers because they are in constant threat of arrest, imprisonment, and deportation, while their goods are vulnerable to confiscation.
 6. No form of social security savings like Provident fund as enjoyed by local workers and thus denying them a form of pension savings when the workers return home.
- ◆ Recognition of the significant contribution of remittances sent by migrant workers to their home countries, on the one hand, requires recognition of an undeniable demand in destination countries for undocumented migrant workers and women migrant domestic workers as well as their contribution to the dynamism of that economy, on the other. One without the other is an incomplete picture of the whole spectrum of migration and development.
- ◆ A complete inquiry into the development impact of international migration on the migrants' communities of origin requires careful consideration of social cultural – not just economic – dimensions. The long separation and difficulty in regular communication between migrant workers and their families – combined with the uncertainties that go with being undocumented migrant workers and being women migrant domestic workers – has severely disrupted family relations. Divorce, abandoned children, single-parenting, and poor health conditions (physical and psychological), including the increasing risk to HIV-AIDS, are constant threats to migrant workers and their families. The children of undocumented migrant workers, especially the racially-mixed children born out of rape or extra-marital relations abroad, have limited access to education and some even have difficulty in obtaining birth certificates.
- ◆ In the long term, constant out-migration takes away from villages from one its most valued human resource: productive age youths. Along with it goes the sense of hope in improving the productiveness of village economies. In many cases, village men prefer

to be recruiters or brokers of migrant workers rather than be farmers. It is the unmitigated worsening of poverty in rural areas that are pushing more and more women to work abroad. In addressing migration and development, we should not lose sight of its root causes of abuse which are found in rural poverty, and incorporate initiatives for rural reconstruction in addressing these root causes.

- ◆ The impunity of abusers of migrant workers, both by state and private agencies, are often inter-connected with the prevalence of corruption practices in the recruitment process up to their reintegration back into the communities of origin. The consequent mismanagement of international migration is a major impediment which needs urgent response as we deal with the links between migration and development.

ON MEASURES TO ENSURE RESPECT FOR AND PROTECTION OF THE HUMAN RIGHTS OF ALL MIGRANTS, AND TO PREVENT AND COMBAT SMUGGLING OF MIGRANTS AND TRAFFICKING IN PERSONS

- ◆ Full protection of the human rights of all migrant workers requires proper legal instruments that will guarantee such protection of rights. The universality principle of human rights requires equal protection for undocumented migrant workers and women migrant domestic workers. Special measures and mechanisms will need to be established to ensure enforcement of universality principles, as well as other key elements of the human rights approach, such as indivisibility, non-discrimination, equality before the law, anti-slavery, anti-trafficking of people. National human rights institutions, in countries of origin as well as destination, should take a leadership role in this endeavour, including by developing a cross-border complaints mechanism and by conducting regular reporting on the human rights of all migrants.
- ◆ A comprehensive set of legal instruments and policy measures for the protection of the human rights of all migrant workers should be able to:
 - ◆ prevent the inhuman deportation of undocumented migrant workers;
 - ◆ guarantee that undocumented migrant workers and women migrant domestic workers are free from all forms of discrimination, violence, forced labour, slavery, and people trafficking.
 - ◆ ensure that the basic rights of the undocumented workers and women migrant domestic workers are being fulfilled, among others: (i) the right to work and obtain legal recognition as workers, (ii) the right to decent working conditions, including humane workload and work hours, health work environment, proper salaries, sufficient rest time, and annual leaves; (iii) the right to privacy and freedom of association, (iv) the right to health, and (v) the right to organize.
 - ◆ ensure fulfilment of the specific needs of women migrant domestic workers, including: (i) the right to integrity of their body and soul, free from all forms of physical, psychological, and sexual violence in their workplace and residence; (ii) the right to obtain reproductive health services, including the availability of a personal health

- kit, contraceptive services, pregnancy test services, delivery services, post-delivery care, and services for the prevention of sexually-transmitted diseases, and (iii) the right to obtain aid, assistance, and empowerment when they experience violence.
- ◆ create a conducive environment to end the impunity of rights abusers, involving both state and private agencies as well as individual employers of migrant domestic workers.
 - ◆ The right to stay and obtain citizenship when a migrant worker decides to enter marriage must be recognized and reflected in laws. The children of migrant workers born in country of destination should be given recognition and identity. The government of the day must ensure access to education, health care and other social services.
- ◆ There is still inadequate means to even understand fully the scale and complex dynamics of undocumented migration. Except for the Bangkok Declaration, formulated by governments in Asia and the Pacific in 1999, there has been little government initiative to constructively address the issue of undocumented migrant workers. Up to now, there is no dependable statistical data concerning the numbers of undocumented migrant workers. The period of denial of their very existence, let alone value, must end now.
- ◆ Unless we improve our understanding of the specific protection needs of undocumented migrant workers and women migrant domestic workers, their increasing numbers would only raise the scale and encroachment of international organized crimes, involving falsification of documents, smuggling, and human trafficking.
 - ◆ All countries of origin and countries of destination should take the necessary steps to ratify the International Convention for the Protection of All the Rights of Migrant Workers and the Members of Their Families. Similarly, both countries of origin and destination should apply the core labour rights and fundamental standards set out in the ILO conventions and related human rights instruments to all workers, including undocumented migrant workers and women migrant domestic workers.

ON THE MULTIDIMENSIONAL ASPECTS OF MIGRATION AND DEVELOPMENT

- ◆ Recognition of the all aspects of the multidimensionality of international migration is critical. This includes the legal, economic, social cultural, human rights and gender dimensions. Each dimension is inter-related to one another and cannot be addressed in isolation.
- ◆ Legally, there is a major gap in the framework of protection sanctioned by law for migrant workers. Despite increasing global attention on international migration and migrant workers, there has been no real impact on protecting the rights of undocumented migrant workers and women migrant domestic workers, as they remain, until now, outside any effective system of legal protection, nationally as well as internationally. The law enforcement approach on migration management in destination countries puts undocumented migrant

workers in a disadvantage – despite the high demand for their labor – as they must bear the consequences of becoming targets of criminalization and of labelling as ‘illegals’. Concrete steps need to be taken to overcome the inconsistency between the legal framework for protection, on the one hand, and the high market demand for undocumented migrants.

- ◆ Economically, there is an urgency to recognize – and accurately measure! – the high market demand for undocumented migrant workers and women migrant domestic workers in industrialized and affluent nations. Anecdotal evidence suggests a steady increase in the numbers of both these segments of migrant labor.
- ◆ Assessments on the economic gains from international migration must be weighed together with the social and institutional costs which must be born as a result of mismanagement of and abuses in the migration process.
- ◆ There is increasing global consensus that international migration is also a human rights issue, not simply a development issue. Consequently, national, regional and international human rights institutions have a critical role to play in ensuring that this goes beyond rhetoric and becomes translated into operational standards, mechanisms and interventions. Adequate resources, both financial and human, need to be specifically allocated for this purpose, and tools to measure progress need to be developed and utilized.
- ◆ For all the different dimensions of international migration, a gender lens need to be consistently incorporated in the analysis and measures taken. This is especially imperative as the proportion of women in international migration is increasing year by year.
- ◆ The particular vulnerabilities of women migrant domestic workers need special attention, including the fact that their workplace is in private space and, consequently, they live and work in isolation; and that there is currently no standard definition of ‘domestic work’ that is agreed upon by the international community.

ON PROMOTING AND BUILDING PARTNERSHIPS AND CAPACITY BUILDING, AND THE SHARING OF BEST PRACTICES AT ALL LEVELS

- ◆ The urgency to address the critical gaps in the management of migration in relation to undocumented migrant workers and women migrant domestic workers requires the concerted efforts of all key stakeholders, including state agencies (government and law enforcement agencies); independent human rights institutions; civil society organizations, especially those formed by migrant workers themselves and their families and including advocacy NGOs; as well as private agencies involved in the recruitment and placement of migrant workers.
- ◆ Effective partnerships among these stakeholders is imperative. For this, there needs to be consensus on the terms of engagement, which involves the principles of (i) mutual respect of the different roles played by each stakeholder; (ii) transparency and accountability at all stages of the partnership (planning, implementation, monitoring, and evaluation); and (iii) participatory decision making (e.g., through regular consultations at the national and re-

- gional level).
- ◆ Urgent needs for such partnerships include:
 1. review of existing protection systems for undocumented migrant workers and women migrant domestic workers
 2. establishment of a synergic national, regional and international reporting system on the human rights of all migrants, including a cross-border complaints mechanism
 3. regional, cross-regional and international cooperation to develop effective means to meet the rehabilitation needs for abused migrant workers, including for psycho-social recovery, compensation, re-integration back into their communities of origin.

 - ◆ All of the above-mentioned stakeholders require capacity building to ensure the development of necessary knowledge and skills to effectively address the wide range of problems in migration and development.

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Migration and development should be rights-based and people-centered**Statement of Philippine Migrant Groups and Advocates for the
UN High-Level Dialogue on International Migration and Development
(September 14-15, 2006 at the UN Headquarters in New York)**

On the occasion of the United Nations High-Level Dialogue on International Migration and Development, we, the Philippine migrant civil society groups, reassert that-- the recognition, respect and protection of the human rights and well-being of all migrant workers must stand at the core of migration and development frameworks and policies crafted and implemented by both sending and receiving countries.

As one of the top three sending countries of migrant workers, the Philippines is widely recognized as a global model on migration management. This is due mainly to laws that have been passed regarding migrant workers. These are: Republic Act 8042 (*Migrant Workers and Overseas Filipinos Act of 1995*), Republic Act 9208 (*The Anti-Trafficking Law*), Republic Act 9198 (*Overseas Absentee Voting Act*).

Institutions were also set up to implement these laws: the *Philippine Overseas Employment Administration (POEA)*, *Overseas Workers Welfare Administration (OWWA)*, *Embassies, Consulates* and *Philippine Overseas Labor Offices (POLOs)* abroad, the *Department of Foreign Affairs' Office of the Undersecretary for Migrant Workers' Affairs (OUMWA)* and *Technical Education and Skills Development Authority (TESDA)*, among others.

A closer look at these measures and as to how they are enforced will, however, bare deep-seated problems. In these provisions, glaring inconsistencies are revealed in the various stages of the labor migration process. Examples are sections 29 and 30 of R.A. 8042 which call for the deregulation of recruitment activities and the phase-out of the regulatory functions of POEA. As it stands, many recruitment agencies do not follow deployment criteria and processes provided by law.

We lament such inconsistencies, especially in the areas of monitoring and enforcement of pro-migrant worker provisions. Government initiatives to address the problematic areas of migration remain muddled. What was initially implemented as a stop-gap measure to address the rising unemployment, poverty, and the need for foreign exchange in the 1970s has systematically evolved into both a lucrative industry and development strategy of the Philippine government. These are indicative of the Philippine government's mindset that advocates the commodification of migrant workers, thus the unabashed institutionalization of labor export.

Undoubtedly, labor migration has scored some positive results. Migrant worker households have increased their respective purchasing power and were able to improve their access to

education and health services. At the same time, national and local economies have benefited from foreign exchange, job generation and huge remittances. But at what cost are we paying for these benefits?

Migration at What Cost?

As a mobile population, migrant workers are usually vulnerable to class, race and gender-based oppression and discrimination. The affront against their basic rights and human dignity has become a global issue. Xenophobia and racism against migrants, refugees and other foreigners have entered mainstream international political and public discourse. These problems weigh upon the migrant workers who are already saddled with poor working conditions and exploitation by abusive employers.

Measures to prepare migrant workers to the working environment of receiving countries remain flawed. For one, Pre-Departure Orientation Seminars (PDOS) even exhorts workers to be submissive at times when their individual rights are already threatened. Despite apparent conflict of interests, private recruitment agencies are also conducting PDOS for those they have recruited for deployment.

The OWWA Fund has not been maximized to benefit the migrant workers. Upon leaving the country, Filipino migrant workers are left to fend on their own. The US \$25 contribution to the OWWA Fund that is supposed to be paid by respective recruitment agencies is shouldered, instead, by the migrant workers. With an estimated 3,000 OFWs deployed every day, the OWWA Fund amounts to Php 1 billion a year, 60 percent of which goes to OWWA's operating expenses.

There are over eight million OFWs spread out across 193 countries in six continents. Yet there are only 81 government institutions abroad set up to respond to the OFWs' needs. There is an obvious lack of human and logistical resources to support OFWs' welfare. Problematic also is the obvious lack of empathy and the bad attitude of some government personnel posted abroad towards the OFWs. Stories abound of OFWs in distress, especially victims of gender-based violence, who seek assistance from these posts and receive cold or rude treatment by assigned government personnel or labor attaches.

Another social cost of labor migration are the effects of long periods of separation from their loved ones. Children of migrants are emotionally orphaned at a young age. Many marital relationships break down. Dependence on OFW remittances upsets the lifestyles, values and consumption patterns of families left behind.

For the OFWs who return home for one reason or another, the reintegration program advertised by the Philippine government is not comprehensive and systematic given the volume of returned migrant workers. Simply put, returnees are greeted with the domestic unemployment crisis and are forced to go back to square one of the Philippine labor export process.

The Feminization of Labor Migration

Women comprise the large majority—70 percent--of newly deployed migrants. They also comprise the majority of those working as domestic workers and entertainers –jobs that are vulnerable to abuses and exploitation because they are not covered by labor and social laws in many countries. There is also a large number unaccounted for in this figure—those victimized in the trafficking of women. Every year, thousands of Filipinas are trafficked to work in bars, brothels and factories under horrendous situations. Inefficient law enforcement and corruption permit traffickers to operate with impunity.

Philippine Government Response

Rather than being *proactive*, government efforts are *reactive* in protecting and promoting the welfare and human rights of migrant workers and their families. The Philippine government's capacity in all of the stages of migration has been outpaced by its aggressive deployment of Filipinos for overseas employment.

The Philippine government has not engaged in proactive lobby for labor and social protection of OFWs in destination countries. The bilateral agreements that the Philippine government has forged with receiving countries are geared more towards increased access to labor markets. These agreements are basically silent on migrant worker protection.

Government targets an annual one million migrant labor deployment. Many laws against illegal recruitment are not implemented because of lack of transparency or political will. In addition, the several task forces that have been formed to prevent illegal recruitment are ineffective due to multiple, uncoordinated and overlapping structures.

We believe that the current international frameworks--the *1986 UN Declaration on the Right to Development* and the *1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*--are the most comprehensive thus far in terms of ensuring rights-based and people-centered development. We urge the government to revise and enforce national laws to completely conform to these international standards.

Labor export cannot be enshrined as an employment and development strategy. It is not only unsustainable, it is unjust and immoral. We reiterate that:

- ◆ Development should not be at the cost of the rights and well-being of migrants and members of their families.
- ◆ Migration should not be a core development strategy for the Philippine government—it is every government’s responsibility to provide its people with decent livelihood and jobs.
- ◆ The government should not use remittances to bankroll national development requirements without the full engagement and participation of migrants in the whole development process.
- ◆ Governments should ensure a gender sensitive approach to development and in the management of migration, which include: (1) the right to integrity of body and soul, in particular the right to be free from all physical, psychological, and sexual violence; (2) the right to be free from gender-based discrimination; (3) the right to obtain reproductive health services and to obtain appropriate assistance in the event of sexual and gender based violence.

Migrant workers are human beings, they are not commodities. We must never sacrifice their civil and political rights in favor of anti-people neoliberal economic paradigms.

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Kanlungan Center Foundation Inc.
Partido ng Manggagawa
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Episcopal Commission for the Pastoral Care of Migrants and Itinerant People (ECMI)
MARINO
Coalition Against Trafficking in Women – Asia Pacific (CATW-AP)
KAKAMMPI**



In December 2003, the United Nations (UN) General Assembly decided to convene a High Level Dialogue (HLD) on International Migration and Development during its 61st session. The HLD on Migration took place on September 14-15, 2006 at the United Nations general headquarters in New York City

This report aims to present the various strategies and initiatives of Civil Society organizations in relations to the UNHLD. It provides an overview of the UNHLD, a summary of CSO activities in the lead up to the HLD and a report of the global community dialogue as the CSO parallel activity to the UNHLD.



This Report was Prepared by:
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