

Annual Report 2011

MFA Secretariat

Migrant Forum in Asia
mfa@pacific.net.hk
www.mfasia.org

MIGRANT FORUM



in ASIA

Advancing
migrants
struggle for
rights and
justice

Table of Contents

Notes from the Secretariat	3
Migrant Forum in Asia	5
Membership.....	5
General Forum.....	6
Multi-strategy response framework	9
Task Forces.....	9
MFA websites	14
MFA Publications	15
Upholding dignity, redressing violations.....	18
Enhancing the protection of migrant workers in the Gulf countries through evidence-based capacity with governments and civil society	18
Migrants Campaign Month.....	21
Building collective capacity and actions	24
Colombo Process civil society consultation	24
Road to the adoption of ILO Convention on Domestic Work: CSOs and trade unions organizing and strategizing.....	25
Regional consultation for common advocacy strategy in West Asia.....	26
Workshop on the Kafala system	27
Diplomacy Training Program.....	28
Lawyers beyond borders.....	29
Peoples' Global Action on Migration, Development and Human Rights	30
Climate change and migration	32
Advocating just policies and conditions.....	34
An ILO Convention for Domestic Workers	34
2011 Asia Regional Conference: Advocacy towards the ratification and implementation of ILO Convention 189 on Domestic Work.....	37



Domestic work session at the PGA: Strengthening alliances and advancing strategies for the ratification and implementation of C189 - Decent work for domestic workers.....	38
Policy advocacy on women and migration.....	39
Engaging with Asian Parliamentarians.....	40
Day of General Discussion on the rights of undocumented migrant workers.....	43
Addressing root causes and building alternatives	45
Global Forum on Migration and Development.....	45
Sustaining networks	49
Solidarity for Asian Peoples' Advocacy	49
SAPA Peoples' Hearing	50
Migrating Out of Poverty Research Program Consortium	52
Jubilee South Asia Pacific Movement on Debt and Development	53
International Network on Migration and Development	54
Strengthening dialogue between ESCWA and ESCAP countries.....	55
The EU's Global Approach to Migration	56
Regional Consultation on Development and Human Rights: Rule of Law and Democracy for Advancing Economic, Social and Cultural (ESC) Rights, Right to Development; and Development Cooperation	57
WSM thematic workshop on domestic workers.....	58
Mitigating the Risks of Migration: Improving Pre-departure orientation measures in Asia	58

Notes from the Secretariat

2011 was a momentous and groundbreaking year for the migrants' rights movement. Four remarkable events took place in 2011 that have demonstrated the MFA network's collective energies and power in advocacy: The peoples' uprising in the Middle East and North African (MENA) region, the adoption of the historic ILO Convention on Decent Work for Domestic Workers (ILO C189), the Day of General Discussion on the Rights of Undocumented Migrant Workers (DGD), and the Global Forum on Migration and Development Civil Society Days (CSD GFMD).

The "Arab uprising" has shown the world that real people power – the power of the collective masses of ordinary citizens – can ignite a revolution that can topple tyrants, authoritarian governments and undemocratic regimes. It is an emphatic response to the social, economic and political inequalities, a people's protest movement demanding for a creation or reclaiming of just societies. The uprising exposed several layers of injustice and human rights abuses. The situations of migrant workers and members of their families were among that was uncovered, revealed an unprecedented challenge to migrant sending States, and demonstrated that much needs to be done with respect to the protection and promotion of migrant rights in the region.

The MFA network was not only proactive in the humanitarian response to the crisis in the MENA region, but was also unyielding in its advocacy and engagement with States, governments and other stakeholders to influence development of sound measures on evacuation, reception, repatriation, and comprehensive, meaningful and sustainable reintegration of migrant workers. The invitation extended to MFA at the 4th Colombo Process in Dhaka, Bangladesh in April 2011 exemplified the significant roles played by CSOs in facilitating and working with States to improve migration policies. The MFA network will continue to strive in 2012 and sustain this campaign for the effective implementation of human rights laws and migration policies in the region.

Another equally groundbreaking moment was the adoption of ILO Convention 189: Decent Work for Domestic Workers and its subsequent Recommendation 201, on 16 June 2011 at the 100th Session of the International Labour Conference in Geneva, Switzerland. An internationally binding treaty recognizing the rights of domestic workers as workers was a long time coming and the migrants' rights movement witnessed a climactic moment at the ILC. MFA was a driving force in the Asian region and globally, in partnership with other domestic worker networks and movements to pushing for the adoption of ILO C189. The MFA network is led by domestic workers and rights advocates – a collective grassroots bringing its knowledge and experience to the international arena.

The Day of the General Discussion on the rights of undocumented migrant workers on 19 September 2011 in Geneva, Switzerland, was another successful initiative of MFA through Migrants Rights International (MRI), a global alliance of migrant associations and migrant rights, human rights, labor, religious, and other organizations. MRI was instrumental in working with the Committee of Migrant Workers (CMW) to make the DGD possible. A simultaneous webcast was launched and seen by migrant workers groups, organizations and individuals who could not physically join the discussions. The DGD set a milestone because it became the venue where



the drafting of a general comment on undocumented migrant workers was strongly raised. General comments usually identify positive factors, obstacles to effective implementation of the Migrant Workers' Convention and recommendations for future action to ensure compliance. MFA through MRI will be proactive in 2012 in its involvement in the drafting of the general comment on undocumented migrant workers, set to be made public on the third quarter of 2012.

Finally, the strong presence of civil society at the 5th GFMD gave a remarkable finish to 2011. A much more diverse group of civil society groups, organizations and trade unions invested, engaged and organized for the 5th GFMD CSD in Geneva, Switzerland on 29-30 November 2011. It was noteworthy that more visible emphasis was given to issues faced by migrants and families themselves, as the 2011 theme suggested, "Taking Action on Labor Migration, Development and the Protection of Migrant Workers and their Families." At the Common Space, the 2011 CSD Statement was presented by the GFMD CSD Chair, William Gois of MFA/MRI. This statement critically summarized the two days of working sessions at the CSD which built upon the recommendations from prior GFMDs and brought to light new challenges and concerns. The energies of CSOs that was reignited by the GFMD process will definitely be nurtured in the coming years.

2012. A year envisaged as transformative for the global migrants rights movement because of the World Social Forum on Migration (WSFM). The 5th WSFM will be hosted in Manila, Philippines on 26-30 November 2012. The 2012 process will uphold the space for democratic debate of ideas, reflection, formulation of proposals, exchange and articulation of experiences of social movements, networks, NGOs and other civil society organizations and individuals who are opposed to neoliberal globalization and the restriction of granting citizenship and civil rights, political, economic, social and cultural rights of migrants, displaced persons, refugees and stateless persons. The MFA network sends an open invitation to all migrants rights advocates and supporters of the movement, to walk with us in another journey and discover that another world is possible.

The MFA network continues to strive for, with and in behalf of migrant workers and members of their families who seek for decent work, dignity and social justice. We look forward to 2012 with greater optimism and vigor. We encourage you to join in the collective efforts and support MFA in its leadership role on migrants' rights advocacy in Asia.

Courage, Peace, Power in a life full of meaning.

The MFA Secretariat

William Gois
 Tatcee Macabuag
 Agnes Matienzo
 Novalyn Nieva
 Marivi David
 Karen Campbell
 Marizen Santos
 Alyssa Saniel



MFA Members

EAST ASIA

Hong Kong: Asian Migrant Center (AMC), Coalition for Migrants Rights (CMR), Indonesian Migrant Workers Union (IMWU); Japan: Solidarity Network with Migrants in Japan (SMJ); Korea: Joint Committee with Migrants in Korea (JCMK); Mongolia: Center for Human Rights and Development (CHRD); Taiwan: Hope Workers' Center (HWC); Hsinchu Catholic Diocese Migrants and Immigrants Service Center (HMISC)

SOUTHEAST ASIA

Burma/Myanmar: Federation of Trade Unions (FTUB); Cambodia: CARAM Cambodia, Cambodian Women for Peace and Development (CWPD), Legal Support for Children and Women (LSCW); Indonesia: Center for Indonesian Migrant Workers (CIMW), Jarnas Pekabumi, Konsorsium Pembela Buruh Migran Indonesia (KOPBUMI), Migrant Care, Seri Buruh Migran Indonesia (SBMI), Solidaritas Perempuan; Malaysia: Tenaga Kita; Philippines: Atikha Overseas Workers and Communities Initiative, Inc., Batis Center for Women Inc., Center for Migrants Advocacy (CMA), Kanlungan Center Foundation, Inc., Kapisanan ng mga Kamag-anakan ng mga Migranteng Manggagawang Pilipino (KAKAMMPI), Unlad Kabayan Migrant Services Foundation, Inc.; Singapore: Humanitarian Organization for Migration Economics (HOME), St. Francis Workers' Center, Transient Workers Count Too (TWC2)

SOUTH ASIA

Bangladesh: Ain O Salish Kendra (ASK), Association for Community Development (ACD), Refugee and Migratory Movements Research Unit (RMMRU), WARBE Development Foundation; India: Center for Education and Communication (CEC), Center for Indian Migrant Studies (CIMS), Migrant Forum India (MFI), Migrants Rights Council, National Centre for Labor; Nepal: All Nepal Women's Association (ANWA), POURAKHI, Women Rehabilitation Center (WOREC), Pravasi Nepali Coordination Committee (PNCC); Youth Action Nepal (YOAC); Sri Lanka: Action Network for Migrant Workers (ACTFORM), Migrant Services Center (MSC), Women and Media Collective (WMC)

WEST ASIA

Israel: Kav La'Oved

Membership is open to various migrant workers' organizations, support groups, unions, churches, national networks, regional organizations, non-government organizations, academic networks, and other similar institutions based in Asia that address migrant workers' issues, and adhere to MFA principles. Individual advocates maybe admitted as non-voting members. Migrant-oriented groups based outside of Asia may be considered as "working partners". Application for membership is coursed through the Secretariat.

The MFA Secretariat, based in Manila, Philippines, acts as a facilitator, a regional communication and coordination point of member organizations, partners and individuals. The Secretariat builds and supports collaborative actions to address issues affecting migrant workers and members of their families, including advocacy for just laws and policies, decent work in both countries of origin and destination, gender equality, and better living conditions of workers and their families. The network denounces policies and practices that impinge on the fundamental rights of migrant workers and members of their families and advance human rights mechanisms that promote and protect justice and dignity.

General Forum

Members of the MFA network from four regions of Asia convened in Manila on 27-28 October 2011 for the 7th MFA General Forum. The MFA General Forum (GF) is the highest decision making body of the MFA network and is held every two years. The MFA GF is also the venue for MFA to discuss programs and policies of the organization as well as confirm new membership in the network.

In 2008, the MFA network put a moratorium on membership in order to consolidate the work of the existing members. At the 7th GF, the moratorium was lifted and the following new members were confirmed to the network:

- Hsinchu Migrants and Immigrants Services Center (HMISC) – is an organization based in Taiwan that provides assistance to migrant workers in distress. Among the services they provide include crisis intervention, information education on migrants rights, capacity building and community organizing.



- Kav La'Oved – an organization based in Israel committed to working with disadvantaged workers employed in Israel in the Occupied Territories, including Palestinians, migrant workers, subcontracted workers and new immigrants.
- Pravasi Nepali Coordinating Committee (PNCC) – is a forum of returnee migrant workers in Nepal that aims to raise awareness on the issues faced by migrant workers as well as identify areas for policy advocacy concerning migrants' rights in Nepal. PNCC conducts training and capacity building on migrants' human rights as well as provides intervention for returnee migrants in distress.
- WARBE Development Foundation (WARBE-DF) – is a community based foundation in Bangladesh working in the field of migration and development. WARBE DF has been a long time MFA partner in the campaign for Bangladesh to ratify the UN Migrant Workers Convention.

The GF is also the venue where MFA members affirm resolutions and program policies aimed at strengthening the work of the network. In 2011, members agreed that after 20 years of the network's existence, it is time to reassess its programs and operations and clarify and strengthen its constitution and membership. The members also agreed to bolster existing program areas and take on new campaigns in the following:

- sub-regional cooperation among members



Newly elected Executive Committee members – AMC, CMR, LSCW, WOREC, RRRMU and Kanlungan

- campaign for the protection of the rights of undocumented migrant workers
- MFA's engagement with UN human rights mechanisms
- engagement with the climate justice movement
- support the campaigns of MFA members such as Coalition for Migrants Rights' (CMR) campaigns on the right to residency of migrant domestic workers in countries of destination and lifting the visa ban policy on Nepalese migrants in Hong Kong.

Members also agreed on the network's program of action for the next two years. Particular focus will be given to advocacy at the UN Human Rights Council, the Office of the Special Procedures (specifically the Special Rapporteur (SR) on the Rights of Migrant Workers), the International Labour Conference (ILC), the CEDAW Committee and the Committee on Migrant Workers. Specific to the special procedures, a new SR on migrants' rights assumed position in August 2011. The new SR, Mr. Francois Crépeau, will be coming up with his first report on June 2012. The focus of the report will be on detention and migration. The office of the SR is requesting for contributions from CSOs for this report and



MFA members will definitely contribute to the reporting process.

In relation to capacity building, the MFA network will sustain its role with the Diplomacy Training Program, the annual migrants' human rights training program organized with the University of New South Wales, Australia.

The MFA network will also continue its annual Migrants Campaign Month, heightening awareness on migrant workers issues on international human rights days observed from 25 November to 18 December.

MFA advocacy on decent work for domestic workers will center on the campaign for the ratification of the ILO C189. MFA will support the 12 by 12 campaign of the International Trade Union Congress calling for 12 countries to ratify the convention in 2012.

Among the big programs of MFA for 2012 also includes the World Social Forum on Migration (WSFM), hosted in Manila, Philippines on November 2012. MFA is a key organizer to this global process. Also, MFA members agreed to continue the engagement on the GFMD and prepare for the UN High Level Dialogue on Migration and Development (HLD) in 2013.

The 7th MFA General Forum produced significant action points that encouraged the members to keep up their initiatives for social justice. The next two years is something to look forward to in the Asian region.

Recognition

The MFA network gained feats in 2011 through the recognition of its members' unwavering advocacy and solidarity.

At the 25th anniversary of the National Network for Immigrant and Refugee Rights (NNIRR) on 5 November 2011, MFA received recognition for its international advocacy on migrants' rights. NNIRR, also an MRI member, is a long standing partner of MFA in North America and has walked with the MFA members in various campaigns, discussion spaces, fora, and protest rallies.

Center for Migrant Advocacy (CMA) received recognition from YMCA in the Philippines on November 2011 for its endeavor in advocating for the rights of overseas Filipino workers.

HOME's Bridget Tan was recognized by The US Department of State with the 2011 TIP Report Heroes, for her efforts to protect migrant workers and victims of trafficking in Singapore. HOME's Jolovan Wham was presented with a Human Rights Defender's Award by Think Centre in Singapore.

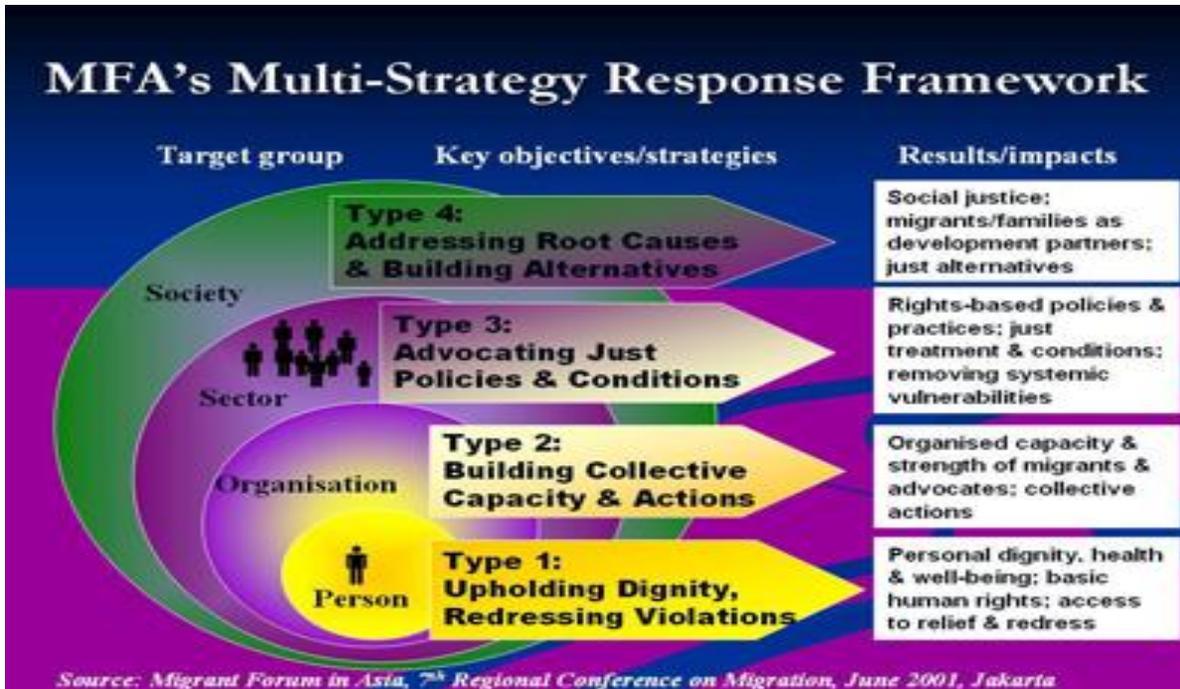
Migrant Care's Anis Hadiyah was presented with the Alison Des Forges award from Human Rights Watch in August 2011 for her dedication to the protection of Indonesian migrant workers.

WOREC's Renu Rajbhandari was recognized by the Human Rights Alliance in Nepal on December 2011 for her continued advocacy for women's rights.

The network considers this recognition as both a milestone and another challenge to strive harder, and collaborate more closely for the realization of social justice for all migrants and their families. MFA soldiers on to 2012.

Multi-strategy response framework

MFA's initiatives and accomplishments is best seen in the context of its Multi-Level Strategy Response Framework to migrants' rights issues.



Task Forces

Guided by the multi-level strategy framework, MFA highlights key issues of migration through the work of its Task Forces:

Advocacy and capacity building

This Task Force aims to build and strengthen the capacity of migrant workers and members of their families to promote and advocate migrants rights in their communities through continuous awareness raising and information education campaigns.

Civil society has been an important source of various initiatives for the protection of the rights of migrant workers in both origin and

destination countries. The enormity and complexity of migration issues however require a multi-pronged approach involving various stakeholders including among others: labor groups, trade unions, faith based organizations, government organizations, regional bodies and other multilateral institutions. The Task Force on Advocacy and Capacity Building facilitate the collaboration with these stakeholders.

2011 was a great year for advocacy and capacity building because the policy areas that the network has been following for years gained significant momentum, particularly:

- An ILO Convention for Domestic Workers

- Day of General Discussion on the rights of undocumented migrant workers
- Civil society participation in the Colombo Process
- Brodear civil society involvement in the GFMD Civil Society Days
- Establishment of a Lawyers Beyond Borders network
- More focused consultation on the Kafala system, standard contract and reference wage through workshops, study tours and the Diplomacy Training Program

Sections on [building collective capacity and actions](#), [advocating just policies and conditions](#), and [sustaining networks](#) of this report give detailed highlights of the advocacy and capacity building initiatives of the network in 2011.

Gender/Feminization

The advocacy around migration and gender rights is a response to migration policies that tend to commercialize the labor of women, particularly migration of domestic workers, the migration of and trafficking of women in the sex industry and the organized migration of women for marriage.

At the 49th session of the Committee for the Elimination of Discrimination Against Women (CEDAW) on 11 - 29 July 2011, 3 MFA members from Korea, Nepal and Singapore participated and gave their interventions. In preparation for its engagement with the CEDAW, MFA members submitted country shadow reports for the consideration of the CEDAW committee. The shadow report focused on

providing the committee with information on issues and questions that surfaced pertaining to women migrant workers in the periodic reports of the Governments of Nepal, Republic of Korea and Singapore. More information on the CEDAW engagement is provided on the subsection, [policy advocacy on women and migration](#) of this report.

Health

Migrant workers and members of their families have rights to a “standard of living adequate for health and wellbeing (UDHR, Article 25). Keeping this in mind, the Task Force on health aims to:

- enhance capability of MFA members in effectively responding to health needs and concerns of migrant workers and members of their families in the region
- map and analyze regional and international policies and mechanisms on health concerning migrant workers and members of their families

The network focuses its advocacy on:

- General health and well being
- Psychosocial health
- Occupational health and safety
- Reproductive health
- Communicable diseases (including HIV/AIDS)

MFA is a member of the Joint United Nations Initiative on Mobility and HIV/AIDS in South East Asia (JUNIMA), a partnership

of governments (including ASEAN Secretariat), leading civil society networks, and the United Nations family. JUNIMA promotes universal access to HIV prevention, treatment, care and support for mobile and migrant populations in South East Asia and southern China.

In 2011, The MFA Secretariat represented the network at JUNIMA's Steering Committee Meeting on 25 February 2011 in Bangkok, Thailand. The agenda included member updates, and the issue of opening up the network outside the ASEAN region.

MFA shared its plans on the WSFM 2012. There are specific gaps needed to be addressed in health and labor migration and being part of a group like JUNIMA is useful because the group can provide support and input. MFA proposed that JUNIMA can take part in the open space at the WSFM by being in a panel and provide discussion on the work of JUNIMA and raise more awareness on the issue of mobility and HIV/AIDS.

Migrant Domestic Workers

Since the inception of the network, MFA has strongly supported the call for legal protection for domestic workers and their recognition as workers. MFA tackles the issues faced by domestic workers as a network with members who are themselves domestic workers, formed support groups and organizations and are members of trade unions.

The year 2011 ushered a great milestone for the domestic workers' movement, in which the ILO Convention 189 Decent Work for Domestic Workers and the subsequent Recommendation 201 were adopted on 16 June 2011. The MFA network and its trade

union partners have been resolute in its organizing and strategizing initiatives for this long awaited adoption of a convention and for the formal recognition of domestic workers as workers.

Following the adoption of ILO 189, the network organized an Asia-wide conference on the convention, a first such gathering since the adoption. The conference became the venue to come up with an action plan focusing on information sharing and strategies to urge governments to ratify the convention.

2012 will be another milestone year when countries begin ratifying C189. Another development stemming from the regional conference is MFA's positive support to ITUC's global campaign "12 by 12." The ultimate goal of the campaign is to get 12 countries to ratify the Convention by the end of 2012. The detailed work of the Task Force can be read on the section [building collective capacity and actions](#), and [advocating just policies and conditions](#).

Migration and Development

Migration and development, broadly and officially discussed in the government-led process Global Forum on Migration and Development, was identified by the MFA network as a key area for engagement particularly in the discourse of migrants' rights and development. With the GFMD becoming a permanent forum it has become one of the principal international spaces in which governments discuss migration and development policy. The migrants' rights movement must ensure that fundamental human rights of migrant workers and members of their families are central to the discussion of this forum. See section on

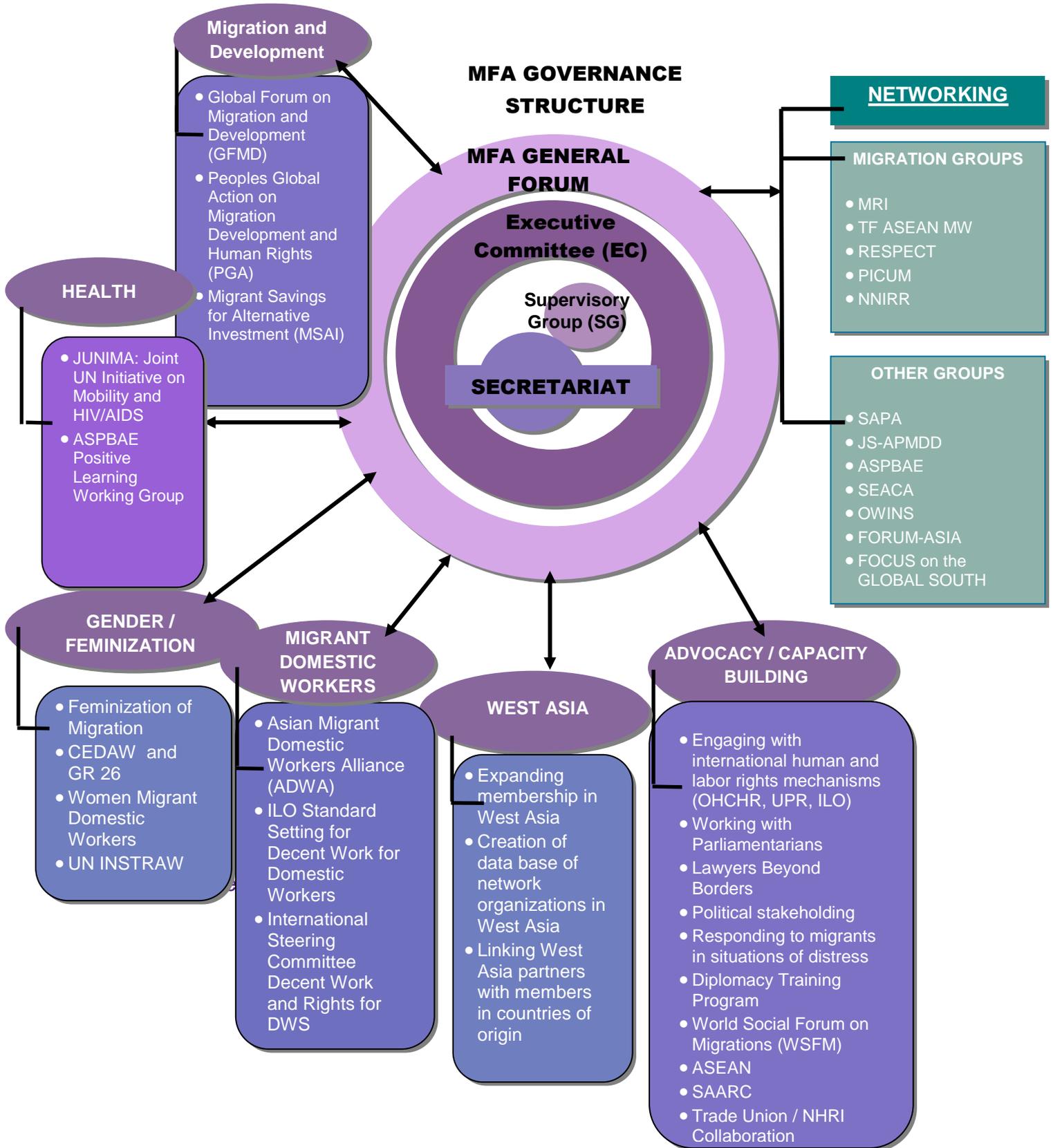
addressing root causes and building alternatives

West Asia

MFA particularly sought to extend the network to West Asia where majority of Asian migrant workers seek and find employment. Over the years MFA developed a migrants rights advocacy agenda and activities in the region towards this goal.

The West Asia Task Force contributed in the activities of an initiative in India and Oman. India and Oman partners organized discussion spaces in the two countries that brought together migrant workers and members of their families, representatives from civil society, trade unions, the media, the academe and government where they engaged in dialogue and deliberations aimed at drawing up or improving policies and programs to facilitate an informed, meaningful, and just migration experience. This initiative produced a pre-departure information manual for intending emigrants to Oman, among other important resources to raise the awareness and heighten individual empowerment of Indian migrant workers and members of their families. The section on upholding dignity and redressing violations gives a detailed outline of this initiative.

MFA Program Diagram





MFA websites

The MFA website – www.mfasia.org, is the main portal where up to date information on the network’s major initiatives, advocacy, campaigns and latest news and resources are made accessible for any one taking interest on migration regimes and migrants’ rights advocacy in Asia. The graph below is the usage of the MFA website in 2011, illustrating peaks on months where major “events” took place, such as the adoption of ILO Convention on Decent Work for Domestic Workers (C189) in June and the webcast of the Day of General Discussion on Undocumented Migrant Workers in September.

secured database of migrants rights violation records (case files) with facilities for reporting, updating and generating status reports for and by those with authorized access. MRVRS facilitates the documentation of migrants’ rights violations with the end in view of using the data gathered for critical analysis of the situation of migrant workers especially in Asia.

The MRVRS complements MFA’s members’ and partners’ rapid response mechanisms, helping to ensure that on-the-ground action is elevated to advocacy levels where documented evidence can help bring about policy changes and improved implementation of protection mechanisms for migrant workers and their families.



MFA also maintains sub domains which give particular visibility to network programs.

Migrant Rights Violation Reporting System (MRVRS) – mrvrs2010.mfasia.org is an online database tool developed by the MFA network to record and manage information on migrants’ rights violations in the Asian region. MRVRS is a dynamic,

The Global Campaign for Decent Work and Rights for Domestic Workers - dwglobalcampaign.mfasia.org was established to host the campaign for the adoption of the ILO Convention concerning decent work for domestic workers in 2010-2011. This website will continue in 2012 onward, serving a platform for the campaign



for the global ratification of the ILO Convention.

Asian Parliamentarians for Human Rights – asianparliamentarians.mfasia.org

is a website for the recently formed Asian Inter-Parliamentary Caucus on Labour Migration. When the parliamentarians met in Cambodia in September 2011 (see section on Engaging with Asian Parliamentarians), the assembled parliamentarians decided to expand the scope of the engagement beyond ASEAN/AIPA to include parliamentarians from South Asia, and to formally establish themselves as a caucus. This website makes visible the caucus' core objectives:

- to promote the cause of migrant workers in our respective national parliaments
- to collectively engage at the regional and international levels in the development of agreements and legislation
- to acknowledge the need to consider national, economic, and human security in the management of migration issues

MFA Publications

MFA produces advocacy materials which are integral parts of the network's initiatives. Statements, quarterly newsletters, reports, and action research support the activities of the network and give leverage to pushing for just migration policies and mechanisms.

Key publications were produced in 2011 by MFA which reflect vigorous campaigns on pressing issues.

Labour recruitment to the UAE. MFA released a report in January 2011 entitled "Labour recruitment to the UAE: Gaps between policy practice in Sri Lanka, Nepal, Bangladesh and the Philippines. Emerging from the analysis of the case studies in the report are two key concerns: the need to better regulate the networks of sub-agents that are operating in each of these sending countries, and the need to oversee the operations of recruitment agencies on the receiving side. Sending state governments have employed various methods in their attempts to protect their citizens and to provide support for migrants in distress, despite limited resources and the vast (and growing) number of people in need of such services. However, these programs and policies treat the symptoms, rather than the roots of the problem.

The report was presented at the Workshop on recruitment of workers for overseas employment in UAE on 18-19 January 2011 (more information on page 43).

The link to the report is here:

<http://www.mfasia.org/component/simpledownload/?task=download&fileid=bWZhX3JIY3J1aXRtZW50cGFwZXJmaW5hbF9qYW4yMDExLnBkZg%3D%3D>

MFA paper series for the campaign on decent work for domestic workers. MFA produced 7 papers on the ILO Convention for domestic workers, 5 of which were published in 2010, and the final 2 papers – 6 & 7 were produced in 2011. Paper 6 highlights the ILO Blue Report, a preparatory consultation document for the 2011 International Labour Conference. Right after the adoption of ILO Convention 189 in June 2011, MFA published Paper 7 which contains the text of the Convention

and Recommendation 201. The paper series are practical resources for the MFA members and partners, for they include succinct yet thorough information on the developments of the policy advocacy for decent work for domestic workers.

A link to download the papers is provided here:

<http://www.mfasia.org/latest-stories/367-mfa-paper-series>

MFA 2011 Shadow Report for the 49th Session of the CEDAW. Shadow report and civil society submissions to international human rights procedures and mechanisms remain as one of the most pivotal advocacy resources of the MFA network. MFA's submissions facilitate the review processes of States' commitments and responsibilities to rights promotion and protection, and adherence to international human rights treaties they are party to.

The shadow report for the 49th Session of the CEDAW held in July 2011 in New York focused on providing the Committee of the CEDAW with information on issues and questions raised pertaining to women migrant workers in the periodic reports of the Governments of Nepal, Republic of Korea and Singapore. The shadow report for Nepal was a consolidated report prepared by the MFA members: Women's Rehabilitation Centre Nepal (WOREC), Pourakhi, Youth Action Nepal and Pravasi Nepal. The shadow report for the Republic of Korea was prepared by MFA members: Women Migrant's Human Rights Center Korea (WMHRCK) and Joint Committee with Migrants Korea (JCMK). The shadow report for Singapore was prepared by MFA member Humanitarian Organization for Migration Economics (HOME).

The shadow report is available here: <http://www.mfasia.org/component/simpledownload/?task=download&fileid=Y2VkYXdfbWZhc2hhZG93cmVwb3J0XzlwMTEucGRm>

Resources on Indian labor migration. MFA in 2011 began an initiative on "Enhancing the protection of Indian migrant workers in the Gulf countries through evidence-based capacity building with Governments and Civil Society."

The initiative undertakes a number of research with the aim of contributing to the improvement of standards of labor and migration support of governments for migrant workers and members of their families. The researches produced were:

- *Mapping of government commitments and services for migrants.* This research consists of a mapping of services provided to migrant workers, both by organizations within India (with particular focus on the study's three focus states - Kerala, Andhra Pradesh, and Tamil Nadu, and at the national level), and by Indian missions operating in the GCC (with particular focus on Oman). The mapping was undertaken with a view to enhancing the knowledge base of civil society and governments on service gaps, providing inputs to assist in plans to bridge said gaps. It contributes to the efficacy of migrant rights advocacy by providing a compilation of necessary and compelling evidence.
- *Pre-departure information manual for intending emigrants to Oman.* MFA members and partners in India and Oman developed a manual

Upholding dignity, redressing violations

The MFA multi-strategy response starts with empowering individual migrant workers and members of their families, informing them about their rights and providing assistance whenever necessary, particularly to migrant workers who suffer abuse, exploitation and labor violations.

Awareness raising activities are basic to MFA and are organized at the national, regional and international levels. At the national level, MFA members conduct trainings and workshops on the realities of migration and the rights entitled to migrant workers and their families. Information and education campaign (IEC) materials such as flyers, leaflets and posters are distributed to potential migrant workers, migrants and their families. A number of MFA members also conduct pre-departure information sessions. Members always try to ensure that migrant workers are equipped with sufficient knowledge of their rights and how to access support mechanisms in countries of origin and destination. All of the Task Forces of MFA are pivotal in this strategy.



Photos courtesy of MRC and NDWM.

Enhancing the protection of migrant workers in the Gulf countries through evidence-based capacity building with governments and civil society

The MFA network in 2011 continued its rigorous strides for the empowerment of migrant workers and members of their families. It began the implementation of *“Enhancing the protection of Indian migrant workers in the Gulf countries through evidence-based capacity building with Governments and Civil Society”* which facilitates networking between civil society organizations, trade unions and governments in India (with a focus on three states: Andhra Pradesh, Kerala and Tamil Nadu) and GCC countries (focus on Oman), supporting them

in their collaborative work for the protection of the rights of migrant workers and members of their families. Financial support is provided primarily by the European Commission and DCA.

While the protection of the rights of migrant workers is primarily the responsibility of sending and receiving country governments, civil society play essential roles in monitoring the commitments of governments. They facilitate access for migrant workers to basic services and foster migrants’ capacities to resolve disputes. The MFA West Asia Task Force contributed in the activities of this initiative through its coordination with its members in India and Oman. India and Oman partners organized discussion spaces that brought together migrant workers and members of their families, representatives

from civil society, trade unions, the media, the academe and government where they engaged in dialogue and deliberations aimed at drawing up or improving policies and programs to facilitate an informed, meaningful, and just migration experience.

Several key achievements that the initiative can demonstrate are:

- Kick-off workshops launched in Muscat, Andhra Pradesh, Kerala and Tamil Nadu convened a network of project partners, government officials from labor and overseas employment ministries in India, representatives of trade unions and migrant worker organizations, migrants and their families and members of the press. These kick off workshops did not only make the planned activities of the project visible but also present the challenges of migration which show why an initiative such as this is significant.
- A case management workshop in Tamil Nadu was facilitated to improve capacities of civil society and migrant



Mr. R. Sudalaimutin, a returnee migrant, speaking at the kick-off workshop in Tamil Nadu on May 2011.

support groups and government representatives currently working on resolving migrant workers' rights violations. Governments through labor and foreign ministries and foreign missions and civil society groups and trade unions work collaboratively with migrant workers and members of their families not only for the resolution of cases but also bringing due justice to the victims of human rights abuses.

- Regular reporting and monitoring of migrants rights violations through the MRVRS. MFA and its members in India and in Oman worked towards resolving 229 cases.
- MFA and members in Andhra Pradesh held a media sensitization workshop which strengthened the synergy among civil society organizations and the media. Such synergy will effectively depict human interest stories, bring the voices of migrants into the media, and influence public attitudes towards the situation of migrant workers. MFA took a new modality in sensitizing media. Instead of a typical workshop in a lecture type setting, members in Andhra Pradesh brought together on 18 December 2011, returnee migrants, family members of migrant workers, CSOs, the media and relevant government officials and had interactive discussions on grievances, rights violations, labor issues in the countries of destination, plans of governments in addressing problems in labor migration, and labor issues in the countries of destination, all in real-time. This "media sensitization" space was held also for the commemoration of International Migrants Day.

- A mapping of government commitments and services for migrants was undertaken with a view to enhancing the knowledge base of civil society and governments on service gaps and providing inputs to assist in plans to bridge said gaps.
- The pre-departure information manual for intending emigrants to Oman which has translations in English, Malayalam, Tamil and Telugu is a compilation of grassroots, civil society and government knowledge that are useful for migrant workers and members of their families to making informed decisions on labor migration. Migrant support groups can refer to this manual as they continue their work on assisting migrants and their families.
- Alongside the pre-departure information manual, a pre-departure kit, in the form of a calendar is made available. This calendar was put together as a resource for migrant workers who are often stripped of their belongings when they reach their countries of destination. The calendar contains contact information of key organizations supporting migrant workers. Information on the calendar is designed and printed in a way that is not immediately noticeable. Migrant workers can take this kit with them and use the information when necessary.
- The workshop on Recruitment of Workers for Overseas Employment organized by UAE to examine labor mobility in the GCC countries was used by MFA as its regional advocacy strategy to highlight the malpractices in recruitment of workers. It also

provided an opportunity for MFA to highlight the experiences of other countries in reforming the Kafala system. The workshop also provided space to push forward the agenda of having standard contracts and reference wages for unskilled and semi-skilled workers. These policies affect the initiatives in India and Oman, therefore an engagement in the process is of key importance.

- Similar to GCC processes, MFA has been advocating for civil society engagement in regional deliberations like the Colombo Process – which has been exclusively among the governments from the sending and receiving countries. In April 2011, MFA organized a civil society consultation in Dhaka, Bangladesh to come up with agenda to be brought into the Colombo Process. A statement “Asian Migrants Demand Rights, Dignity and Solidarity: Statement for the 4th Colombo Process,” was published and forwarded to the governments participating in the discussions in the Colombo Process.



The culmination of the media meetings in Hyderabad, Andhra Pradesh included the launch of the pre-departure information manual. 18 December 2011.

Migrants Campaign Month

Migrants Campaign Month is an annual advocacy program of the MFA network and implemented from 25 November to 18 December covering four international events: 16 days of Activism to Combat Violence Against Women (25 Nov-10 Dec); International HIV/AIDS Day (1 Dec); International Human Rights Days (10 Dec) and International Migrants' Day (18 Dec). The MCM was first decided upon in the MFA 2000 Plan of Action and has been followed through every year with the Secretariat coordinating the exchange of information and participation.

The MCM is aimed at raising the awareness of migrant workers, their families, media practitioners and the general public regarding migrants' rights issues. It is also aimed at urging the governments to pay more attention to the concerns and needs of migrant workers through policy change with the objective of promoting and protecting their rights and welfare.

In 2011, the MFA network intensified its advocacy around those dates and raised the significance and ratification of ILO Convention 189, a recent international binding treaty that protects the rights of domestic workers. The following are the regional highlights:

- East Asia: "Where is my Day Off?" was Migrant Empowerment Network in Taiwan's (MENT) demand to the Government of Taiwan during a public rally on 11 December 2011. The rally

was attended by around 2,000 people including migrant workers, human rights activists, trade unionists and college students. Prior to the street demonstration, MENT held a press conference in front of the Presidential Hall to promote C189 and to call on the government to include domestic workers and caretakers under the protection of the Taiwan Labor Law. MENT is a national network of migrants' advocacy groups that include the Hsinchu Catholic Diocese Migrants and Immigrants Service Center (HMISC) and Hope Workers Center (HWC), MFA members in Taiwan. The Solidarity Network with Migrants Japan (SMJ) organized a Commemorative Symposium for International Migrants Day, entitled "A Roadmap to Formulate a Rights-based Comprehensive Immigration Policy." The Joint Committee for Migrants in Korea (JCMK) hosted city-level public events, such as multicultural events and film festivals in Bucheon, Euijeongbu, Asan and Seoul which ran as early as 16 October until 18 November 2011, and International Migrants Day Rally on 18 December 2011. These public events and festivals for migrants were geared to raise awareness about the Migrant Workers Convention (MWC) and to intensify the campaign for South Korea's ratification of MWC.

- Southeast Asia: In Singapore, Humanitarian Organization for Migration Economics (HOME) distributed 500 flyers to migrant workers as an information campaign on rights awareness on 5 December and held a lunch fundraiser, “Banquet of Justice” for 500 migrant workers, on 18 December 2011. For that lunch, with media present, HOME issued a statement urging the Singapore government to ratify the Palermo

ILO Convention 189 and UN Convention 1990 in national law reform on migrant workers,” as well as a national workshop on the ratification of C189 and the 1990 UN MWC from 17-18 December 2011. In the Philippines, MFA Philippine members and the Philippine Technical Working Group on Decent Work for Domestic Workers joined the Month of Overseas Filipinos Fun Run on 18 December 2011 in Manila. The



MCM across Asia (from left): Lamp lighting ceremony in Bangladesh; Launch of a predeparture information manual for intending emigrants to Oman during the International Migrants Day celebration in India; Fun run for ILO 189 ratification in the Philippines. Photos courtesy of ACD, MFI-Kerala and TUCP.

protocol and make urgent efforts to combat human trafficking. Also, a Trafficking in Persons Forum was organized with resource persons from other ASEAN countries, sharing strategies to tackle the rising prevalence of trafficking in the region. Also in Singapore, Transient Workers Count Too (TWC2) organized a celebratory tea party on 11 December 2011 where fact sheets on sources of help and a summary of C189 were distributed. TWC2 also organized an outreach program entitled “What is the Price of a Job in Singapore?” on 17 December 2011, which was aimed at orienting people who are sympathetic to the issues of migrant workers in Singapore. In Indonesia, Migrant Care held a public dialogue on 16 December 2011 entitled “Integrating protection principles in

occasion was also utilized to urge the Philippine government for an expeditious ratification of the Convention 189. As with other celebrations worldwide, the occasion also signaled the national launch of ITUC’s ‘12 by 12’ campaign. ATIKHA, an MFA Philippine member, organized a Fun Run on 3 December and a Forum on 17 December 2011 in Batangas to intensify its financial literacy and savings consciousness among OFWs and their families.

- South Asia: A media campaign was organized in Bangladesh by ACD to share its programs on 16 Days of Activism on Violence against Women, World Street Children Day, Youth Day, World Aids Day, Rokeya Day, International Human Rights Day and International Migrants Day. These

days were observed in different locations in Bangladesh through rally, human chain, signature campaign, meeting and press conference, popular theatre, youth gathering, lamp lighting and oath taking, sports competition, cultural program (drama), prize giving ceremony, street meeting and street theatre. WARBE Development Foundation held a series of discussions and conferences in different locations in Bangladesh beginning 24 November, with topics focusing on ILO 189, migration and HIV/AIDS, gender based responses to violence, rehabilitation of returnees and rights violation reports on migrant workers. On 18-19 December 2011, WARBE-DF had a high visible program and rally in Dhaka, broadcasted live in local channels. In India, The National Domestic Workers Movement (NDWM)/Migrant Forum India (MFI) in Kerala arranged state level trainings with domestic workers to familiarize them with C189, which took place on 16 December 2011, in addition to an evening Darna to Campaign for the Rights of domestic workers in Trivandrum. These activities were followed by the launch of the Signature Campaign and Post Card Campaign for the Ratification of ILO Convention 189 on 19 December 2011, which runs until 9 January 2012. NDWM/MFI in Tamil Nadu held a rally in Nagercoil, on 16 December 2011 where domestic workers and rights advocates assembled in front of the municipal office demanding for the ratification of the Migrant Worker Convention and ILO 189. Migrants Rights Council (MRC) and NDWM in Andhra Pradesh gave Pravasi Mitra awards to two social workers

committed to supporting migrant workers in the Gulf on 18 December 2011. migrants, government officials from the Labor Department and the In Nepal, POURAKHI organized several activities beginning 5 December 2011, which included an orientation to newly appointed labor attaches on domestic workers issues in the Middle East, an interaction meeting with the High Level Task Force to discuss about the 30-point agenda for the protection of domestic workers, mass rallies organized in various districts various districts to launch its signature campaign for the ratification of C189, which was forwarded to the Prime Minister. On 21 December, POURAKHI joined GEFONT for a program on C189 and the Kafala system, designed for community leaders. The Women's Rehabilitation Center Nepal (WOREC) focused its actions on highlighting the many forms of violence against women, safe migration and other issues concerning women migrants and in raising the awareness on ILO Convention 189. Activities included rallies, street drama and interaction program, radio program, wall painting and oratory competition and discussions. In Sri Lanka, domestic worker advocates organized a forum to celebrate the milestone in the struggle for the rights and protection of domestic workers. This is spearheaded by the Campaign Committee on Ratification of C189 (CCC), and under the banner of the ITUC's '12 by 12' Campaign, and "The End of Modern Day Slavery." The CCC, which includes unions such as NTUF, NWC, ISD, and MFA's member, ACTFORM, organized the forum.

Building collective capacity and actions

At the organizational level, the MFA strategy involves organizing migrant workers for collective action. Through collective action, migrants gain self-empowerment; they can voice out their issues and stand up as one body. Migrant workers and members of their families increase their bargaining power when they come as a collective and can lobby for their rights as workers, as recognized in ILO Conventions and international human rights treaties. MFA also invests in building the collective capacity of its members and partners as support groups for migrant workers and members of their families.

In 2011, MFA continued to play a key role in leading the region in the strengthening, improvement and shaping of the advocacy capacities and collective interventions of migrant workers, and groups, organizations and institutions who bring support to migrant workers and members of their families. The MFA Task Force on Advocacy and Capacity Building has been central in the following actions and processes.

Colombo Process civil society consultation

MFA members and partners from 14 countries converged at the Biam Foundation in Dhaka, Bangladesh on 17-18 April 2011 for the Civil Society Consultation for the Colombo Process. Participants from Bahrain, Bangladesh, India, Indonesia, Kuwait, Lebanon, Nepal, Oman, Pakistan, Philippines, Sri Lanka, Switzerland, UAE, and the United States engaged in noteworthy discussions and deliberations about migrants' rights advocacy, collective organizing and strategizing, and inclusion of key recommendations in the Colombo Process. Bangladesh hosted, on 19 to 21 April 2011, the fourth ministerial round of the Colombo Process, a series of regional consultative meetings on Asian contractual migrant workers. The civil society consultation was held as an unofficial parallel event to the Process.

Regional cooperation is a significant development that can address issues related to migration policy and practice of neighboring states. Labor sending and receiving countries including partners in

migration and development take steps in tackling the biggest concerns in international labor migration. However, what is interesting in the Colombo Process is that almost all of the actors and stakeholders are involved in the deliberations except the engagement of two critical groups – civil society organizations and trade unions working directly with migrant workers.

This year and for the first time, civil society was officially invited to participate in the plenary and roundtable sessions of the 2011 Colombo Process. CSO participation is a lobbying activity of the MFA network since the initial phase of the Process. MFA noted this invitation of the government of Bangladesh. In succeeding meetings, however, the network looks forward to a more meaningful engagement in all stages of the process including the preparations, actual meetings and the follow ups.

The two-day CSO consultation raised pressing issues surrounding Asian labor migration today. This includes the Arab crisis which erupted in the first quarter of 2011, recent developments in the Kafala system



Road to an ILO Convention for Domestic Workers: From left: South Asia consultation in Dhaka, Bangladesh on 19-20 April 2011; Southeast Asia consultation in Singapore on 23-25 April 2011

and the reference wage and standard contracts for migrant workers.

The consultation teemed with crucial recommendations that were synthesized into, [“Asian Migrants Demand Rights, Dignity and Solidarity - Statement for the 4th Colombo Process.”](#) The statement was delivered by MFA representatives at the plenary and roundtable talks at the fourth ministerial round of the Colombo Process, on 20 and 21 April. The statement was read in conjunction with [“Protecting Asian Migrants’ Rights: Recommendations to Governments of the Colombo Process.”](#) This statement was put forward by Human Rights Watch, MFA and CARAM Asia. The four key recommendations were: 1) protection of migrant domestic workers; 2) increased multilateral cooperation; 3) oversight of recruitment fees; and 4) civil society participation in the Colombo Process meetings.

Road to the adoption of ILO Convention on Domestic Work: CSOs and trade unions organizing and strategizing

Prior to the June 2011 100th session of the International Labour Conference at the ILO (where the eventual adoption of the ILO Convention for domestic workers took place),

MFA members and trade union partners organized region-wide preparatory consultations for South Asia and Southeast Asia, which were hosted in Bangladesh and Singapore, aimed at:

- analyzing the political climate around the domestic work campaign
- critically examining the content of the ILO reports on the convention on domestic work
- mapping out and identifying strategies that would create greater social recognition of domestic work as work.
- drawing up of a plan of action leading to the 100th session of the ILC and towards ratification of the convention.

MFA in together with the West Asia Task Force and trade union partners Global Network (GN) and International Trade Union Confederation Asia Pacific (ITUC-AP) facilitated the regional consultations in April 2011 which:

- Enhanced the collaboration between domestic workers and civil society groups with trade unions for the ILO advocacy

- Produced a policy paper, Paper 6, which the Asian delegation used as its lobbying document as it engaged with governments leading up to the ILC and, and as a resource for May Day (Labor day) actions.
- Strengthened the capacities of domestic workers, support groups and unions so they can better engage with governments and employer organizations to support the ILO Convention.

The consultations also established and improved partnerships with trade unions, which have the capacities to facilitate the participation of domestic workers in their respective delegations.

Regional consultation for common advocacy strategy in West Asia

In the interest of achieving its common goal of protection and promotion of the rights of workers, and migrant workers in particular, Solidarity Center partners with Migrant Forum in Asia in a program that seeks to build and strengthen linkages between stakeholders of sending and receiving countries. Among the activities implemented by MFA and Solidarity Center include the organizing of consultations among different stakeholders – trade unions and civil society organizations, and field visits (study tour) to the countries of origin and destination of migrant workers. MFA and Solidarity Center are currently working in three countries of origin (Philippines, Nepal and Sri Lanka) and one country of destination (Qatar) for this particular program.

The consultation in Colombo, Sri Lanka on June 2011 was designed for trade unions and civil society groups to come up with a common advocacy platform tackling three crucial issues affecting migrants rights in West Asia:

- Abolition of or reforms in the Kafala system
- Standard Contract and reference wage along sector lines for all migrant workers
- Support and ratification of the ILO Convention 189

The participants of the consultation, after engaging in discussions and presentations, came up with a program of action where they can refer to as they continue to strengthen their rights advocacy. Recommendations include:

- Policy level: include domestic worker rights in national labor laws; lobby with governments to ratify ILO 189; develop advocacy and position papers on reference wage and standard contracts.
- Networking/organizing: identify other organizations who could be possible partners; engage with government organizations; engage with media; organize domestic workers.
- Advocacy spaces: GFMD, regional conference in Manila on ILO 189; national activities related to migrant worker advocacy.



Study tour delegates at the Philippine Embassy in Doha

The study tour in Doha, Qatar on December 2011 was in collaboration with the Qatari National Human Rights Committee. Specifically, it sought to gain a receiving country perspective on migration. Civil society and trade union representatives in three migrant sending countries – Nepal, the Philippines and Sri Lanka, visited Qatar to identify:

- Challenges faced by migrant workers in Qatar
- Mapping of migrant workers' challenges in the workplace
- Ways to confront these challenges
- How different stakeholders can help each other – future networking

The learning and recommendations from the study tours are used as resources for lobbying with governments, especially during government-led processes like the Colombo Process, and its off shoot the Abu Dhabi Dialogue, the latter to be held on April 2012 in the Philippines.

Workshop on the Kafala system

The workshop on the Kafala system was organized by MFA Nepal member Pravasi Nepal Coordination Committee (PNCC) with the MFA Secretariat and supported by the Swiss Development Cooperation, in Kathmandu, Nepal on 5-9 September 2011. This workshop gathered Nepal's government representatives, lawyers, women's rights advocates, and members of civil society for a four day deliberation on the sponsorship system and its effects on Nepalese migrant workers. Atty. Nizar Kochery of Kocheries Legal Consultants LLP gave a presentation on the legal language, using the case of employers and migrant workers in Qatar and Mehru Vesuvala of Migrant Workers Protection Society (MWPS), an MFA partner, discussed perspectives on the impact of the Kafala system on migrant domestic workers in Bahrain.

The recommendations that came out of the workshop are:

For countries of destination

- Establish tripartite boards
- Involve both local and migrant civil society groups in addressing migrant worker issues
- Establish MOUs with strong human rights and labor rights framework
- Establish wage protection mechanisms for migrant workers in the GCC States
- Allow labor mobility for workers
- Repatriation responsibility should be on the foreign missions, at the cost of the employer

- Migrant worker information facility should be made available in airports
- Apply the same labor laws to migrant domestic workers or establish specific laws

For both countries of origin and destination

- Assessment of bilateral and multilateral agreements to identify gaps, improve measures and ensure effective implementation
- Appeal for the need for a registry of the domestic workers, particularly in the labor ministry.

PNCC requested the Ministry of Labor and Transportation (MoLTM) to translate and publish the key messages and recommendations in Nepali. The Nepali Ambassador in Kuwait appreciated the workshop and recommended to organize similar discussion spaces with all the Embassies in the GCC countries in the near future. Participants from Sri Lanka and Bangladesh were inspired to conduct similar trainings in their respective countries.

Diplomacy Training Program

The Diplomacy Training Program (DTP) is the oldest established training program for human rights defenders and community advocates in the Asia-Pacific region. It is affiliated with the Faculty of Law at the University of New South Wales in Australia. DTP has successfully delivered regional and in-country capacity building programs over the past 18 years in countries including Indonesia, India, Bangladesh, Timor-Leste, Sri Lanka, Cambodia, Malaysia, Thailand and Taiwan.



Diplomacy Training Program participants in Bangkok.

Since 2004, MFA and DTP have been working together on an annual migrant workers' program in Asia and the Pacific, bringing together migrants' rights advocates, civil society groups and organizations from different human rights fields, trade unions, government officials and staff of national human rights institutions across the region. The goal of the DTP program is to build and develop the capacities of civil society and government agencies for them to effectively promote and protect the rights of migrant workers and members of their families. The training program enhances the advocacy and lobbying skills of participants and equips them to apply these skills at the national, regional and international arena of human rights advocacy and campaigning.

DTP's 8th annual regional training program focusing on Human Rights Advocacy and Migrant Workers in the Asia-Pacific Region was held in Bangkok, Thailand on 17-21 October 2011. The program was organized in partnership with MFA, Asia Pacific Forum (APF) and the Human Rights and Development Foundation (HRDF).

Twenty-five participants from 16 countries in the region participated in the 5-day intensive training program. They came from both destination countries – including Qatar, Jordan, Bahrain, South Korea, Malaysia,

Maldives, Hong Kong and Thailand as well as so-called sending countries – Bangladesh, Burma/Myanmar, Cambodia, India, Indonesia, Nepal, the Philippines and Sri Lanka.

This program aimed to build the collaboration between civil society and national human rights institutions – the official watchdogs for human rights across the region. They have different but complementary roles.

The program also aimed to foster very practical links between advocates and institutions in the countries migrant workers leave and the countries they go to work in. These links have the potential to enable very practical action on behalf of individuals and of vulnerable groups.

Another goal of the program was to build collaboration between the participants and the two most significant multilateral organizations working to promote and defend the rights of migrant workers – the UN Office of the High Commissioner for Human Rights and the International Labour Organization.

The program was very positively evaluated by the participants at the end of the training. During the program, there has been feedback about positive and practical action – including in at least one case of a Sri Lankan migrant worker detained in Jordan.

Participants in the workshop observed that the perspectives of NHRIs and NGOs shared in the discussions were an opportunity to gain knowledge on diverse views, but with the same objectives. Participants also found that the legal framework to promote and protect migrant workers was particularly useful for their advocacy work to promote migrant workers' rights.

For 2012, DTP's Migrant Workers and the Middle East - Beirut Training Program will be held May 21-25.

Lawyers beyond borders

From 23-25 November 2011, MFA and local organizing partner, Human Rights and Development Foundation (HRDF), in partnership with Open Society Foundations (OSF), hosted "Lawyers Beyond Borders: Building Partnerships for Justice for Migrant Workers" in Bangkok, Thailand. The conference was the first of its kind, bringing together 31 lawyers from the Middle East, South Asia, and Southeast Asia who specialize in cases involving migrant workers. In addition to the lawyers were civil society activists in the area of migrants' rights and observers from OSF. There were 48 participants in all.

This convening of lawyers was the result of 4 years of thinking and strategizing by MFA and its various partners, including Center for Migrant Advocacy (Philippines), the International Labour Organization (ILO), Kav LaOved (Israel), the UN Migrant Workers Committee, and individual lawyers throughout Asia. It was designed in response to the recognized need for collaboration among lawyers who work on the cases of migrant workers in order to move towards impact litigation and policy advocacy in their work. This program was also looked at as a means of beginning to forge important connections between lawyers and grassroots organizations working with migrant workers on the ground, as well as migrant communities in both countries of origin and destination.

Through a series of sessions on the relevance of International Law and the conventions related to migrant workers,



Islamic Jurisprudence, and bilateral agreements (BAs) and memoranda of understanding (MOUs), the lawyers engaged in discussions on the impact (both legal and political) of these instruments on their work. Individual cases were also presented and discussed with respect to the challenges encountered by both sending and receiving country lawyers in litigating and in achieving fair and adequate redress for their clients. A variety of themes were drawn from these cases, including the importance of “going on the offensive” in advocating for clients, and moving towards impact litigation with a view to influencing policy change and public opinion.

An action plan was drawn up collaboratively on the final day of the workshop. The plan includes a series of projects that will be undertaken collectively, including:

- drawing up plans for paralegal training sessions that will better connect civil society and foreign missions to the work of lawyers, and to help them to assist migrant worker communities with their legal needs;
- compiling resources that will be of use to lawyers, migrant worker advocates, and migrant communities;

- supporting advocacy campaigns (e.g. the ratification of ILO Convention 189 on Decent Work for Domestic Workers); and
- supporting one another through effective networking and information sharing.

A compilation of Frequently Asked Questions (FAQs) was drafted in 2011. The FAQs contain the collective knowledge of the lawyers on the processes of grievance redress for migrant workers in countries of origin and destination. A Lawyers Beyond Borders website will be launched in 2012 with a page dedicated to an interactive FAQs.

Peoples’ Global Action on Migration, Development and Human Rights

The People’s Global Action on Migration, Development and Human Rights (PGA) and civil society participation at the Global Forum on Migration and Development (GFMD) is another example of the advocacy and capacity building strategy of MFA. MFA, acting in its capacity as Migrants Rights International’s (MRI) Asian member, has been instrumental in the planning and development of the PGA since the UN High Level Dialogue on Migration and Development (UNHLD) in 2006. The PGA process was established with the aim of positioning a human rights framework as fundamental to the migration and development discourse. In addition, the PGA seeks to assert the voices of migrants, civil society and social movements in GFMD.

Increasingly, governments have recognized the importance of the role of civil society in relation to the objectives of the GFMD. This became evident in Manila in 2008, when governments began to dialogue with the PGA as well, acknowledging that the CSD offered limited space for engagement. This was less in the case in Greece (2009), but in Mexico (2010) there was considerably more space for government-civil society interaction. In an unprecedented move, the government of Mexico recognized the PGA as an official part of the government-led process. In 2011, the GFMD was hosted by Switzerland where, for the first time, civil society had the opportunity to organize its own process for the CSD, at which William Gois, MRI's Chair/MFA's Regional Coordinator, acted as the Chairperson. This points to a growing ownership of civil society of the process.

The 2011 PGA in Geneva was organized in close collaboration with the GFMD's CSD. It brought together migrant associations, migrant rights organizations, labor unions, faith groups, academia and other stakeholders from around the world to share information, strengthen analyses and develop joint positions on current and emerging issues related to migration. The 2011 PGA put a spotlight on undocumented migrants, guided by the theme, "Undocumented Migrants: A Call for Regularization." The process highlighted the ongoing struggle against racism and xenophobia in Europe and around the world against migrants, and called for equal rights and protections of all migrants, regardless of status.

The PGA in 2011 was quite exceptional because for the first time, joint civil society sessions paved the way for PGA and GFMD delegates to come together. The first joint session was in the cultural evening which celebrated peoples' cultures, diversity and unity. The second was at the closing plenary

of the CSD on the "Future of the Forum." The delegates of both the PGA and the CSD engaged in an interesting discussion with Peter Sutherland, Special Representative on Migration to the UN Secretary General. Mr. Sutherland is dedicated to continuing the GFMD process to bring governments together and deliberate around migration. He acknowledged that the development piece is still slowly making its way in the agenda. While Mr. Sutherland agreed that there are links between the GFMD and the UN, he conceded that it was necessary for it to



PGA participants gathered at Places des Nations (Broken Chair) in Geneva for a public rally on 2 December 2011

remain distinct for governments to continue the dialogue.

Meanwhile, CSD delegates (and PGA delegates who were also officially part of the CSD), joined the opening of the 5th GFMD through the Common Space. The Common Space was well attended by 160 governments, civil society participants, international organizations and special guests. At the Common Space, the 2011 CSD Statement was presented by the GFMD CSD Chair, William Gois. This statement critically summarized the two days of working sessions at the CSD which built upon the recommendations from prior GFMDs and

brought to light new challenges and concerns. Civil society noted that the GFMD, including the CSD, is a process not an event. “Delegates affirmed the increasing role that civil society has played in partnering with governments to date and seek increased opportunity for dialogue through ongoing mechanisms to integrate both deliberations.” Civil society will continue to engage with governments in the coming years, at the 2012 GFMD in which the Mauritius Government is host, and leading up to the 2013 UN High Level Dialogue on Migration and Development.

Read the 2011 CSD Statement here: <http://www.mfasia.org/home/420-statement-of-the-2011-civil-society-days>

MFA will release a volume of reports and reflections on the network’s participation in the 2010 and 2011 PGA, in the first quarter of 2012.



William Gois of MFA/MRI delivering the CSD statement at the GFMD Common Space, 1 December 2011 in Geneva, Switzerland. Photo courtesy of ICMC

Climate change and migration

Migrant Forum in Asia (MFA), supported by Bread for the World, held two recent consultations on the topic of Climate Justice and Migrants’ Rights. These consultations, which took place in October in Manila and in November in Geneva, set the groundwork for the creation of an initial MFA position and action plan on climate change and migration.

The consultation in Manila in October 2011 was organized in conjunction with MFA’s annual General Forum, which convened all of MFA’s member organizations from across Asia. Participants in the consultation were provided with a series of documents outlining the various positions on climate change and migration, and lead to discussions on how (and whether or not) the various positions related to their work at the grassroots level, and in what ways the issue of climate change resonates with the communities they serve. Connections between globalization/economic inequality and the impacts of climate change felt by migrant communities were drawn out through these discussions. It was decided at this consultation that, as a network, further discussions on the links between climate change, development, and migration should be framed within a Climate Justice analysis. This marked a significant step for MFA as a network, as it was the first formal articulation of the need to link with broader environmentally focused movements.

The dialogue in Geneva in November 2011 took the form of a workshop organized by MFA in partnership with the National Network for Immigrant and Refugee Rights (NNIRR) as part of the PGA. This workshop followed on from the 2010 PGA workshop, entitled Environmental Degradation, Climate Change, Migration, and Development. This previous discussion was aimed at problematizing the relationship between climate change and its

impact on human mobility, with a view to strengthening civil society understanding of climate change from a rights-based perspective. For MFA, the aim of the 2011 workshop was to further solidify the discussions held in Manila in October, and to link up with other migrants' rights activists to strategize and strengthen an action plan for advocacy from a climate justice perspective. The workshop and subsequent side discussions with MFA members explored the possibility of developing a climate justice movement among migrant communities and migrant rights advocates on the road to Rio+20 in 2012.

The November workshop was timely, as it occurred almost simultaneously with the COP17 meeting in Durban. Consistent updates from partner networks were shared with the PGA participants to facilitate up-to-date discussions of the pertinent issues, and to track the progress of the Durban conference during and after the PGA. The ultimate outcome of the Durban conference, the launching of a new round of negotiations (dubbed the Durban Platform) will aim to establish a new regime under the UN Framework Convention on Climate Change (UNFCCC), involving all countries. The general outcomes, however, are seen as weak, as only European countries have committed themselves to cutting greenhouse gas emissions, and these commitments are too low to make a large enough impact on global temperatures, according to most scientific projections. Also, according to reports from Durban during and after the meeting, negotiators of many developing countries expressed deep concern about the procedures for adopting decisions. The conference had been extended for almost two days, and ministers and officials of many

countries had already left when decisions were being taken.

The dialogues during MFA's consultations, combined with the outcomes of Durban, spurred on considerable interest among the network's members to pursue linkages with the Climate Justice movement. It is clear that in 2012 and in the coming years, much advocacy work will need to be done in this area.

Advocating just policies and conditions

At the sectoral level, the response involves advocating for the rights and well being of migrant workers. Advocacy involves information education campaign and lobby work and regular dialogues with and among various stakeholders on the issues of migration. Region-wide actions at the national and international levels are vital in creating just policies and legislative environment centered on rights in both sending and receiving countries.

To this end, MFA works together with the larger segment of the social movement: labor unions, gender, trade and other human rights networks in order to mainstream migration as a cross-cutting theme in the global social and human rights discourse. MFA focuses its advocacy under thematic issues: migrants' human rights; gender and feminization of migration; migration and development; health and migration; and trade and development and this is carried out through its various task forces and programs.



Delegations at the 100th Session of the International Labour Conference: governments, labor unions, employer groups and civil society, after the adoption of ILO 189: Decent Work for Domestic Workers on 16 June 2011, Geneva, Switzerland. Photo courtesy of ILO.

An ILO Convention for Domestic Workers

ILO Convention 189 on Decent Work for Domestic Workers and Recommendation 201 were adopted at the 100th Session of the International Labour Conference on 16 June 2011, with 396 votes for, 16 against and 63 abstentions and for the Recommendation 434 in favor, 8 against and 42 abstentions. The Domestic Workers Convention sets forth fundamental labor standards for domestic workers—a huge step forward in the struggle to win human rights for domestic workers,

recognition that they deserve, respect for the fact that domestic workers are workers!

The Convention ensures domestic workers enjoy conditions “not less favorable” than other workers, requiring governments to make sure they understand their rights, preferably through written contracts. The Convention also provides protections for migrant domestic workers, including the obligation that national laws and regulations require that such workers receive a written job offer or contract of employment that is

enforceable in the country in which the work is performed stipulating specific terms and conditions of employment.

MFA's participation in the 2011 ILC was a continuation of its campaign plan for the 2010-2011 ILC, and its support for the representation to international processes and spaces of migrants' rights activists and migrant domestic workers who have been actively involved in the campaign in their respective countries. It was also part of MFA's continuing efforts to empower migrant domestic workers through self-advocacy: migrant domestic workers representing themselves in policy dialogues and actively partaking in the processes.

MFA was represented by a 27-member delegation to Geneva from the following countries:

- East Asia – Hong Kong and Taiwan
- South Asia – India, Nepal and Pakistan
- Southeast Asia- Cambodia, Indonesia, Philippines, Singapore
- West Asia- Bahrain, Israel, Lebanon, Oman, UAE, Jordan

MFA's two weeks in Geneva were hectic and intensive, characterized by attending a series of meetings and side events, actively engaging in the discussions of the Committee on Domestic Work and workers' groups, exchanging talks with government representatives and strategizing with fellow advocates. MFA's active engagement contributed to the success of the process and would serve as another source of empowerment for the movement in the coming years.

CSO processes on the occasion of the 100th session of the ILC and Human Rights Council

Civil society groups converged in Maison des Association in Geneva on **3-4 June 2011 for a consultation on "Strengthening The Capacity Of And Social Protection For Domestic Workers."** Organizers were Association Catholique Internationale de Services pour la Jeunesse Feminine (ACISJF) ; Bureau International Catholique de l'Enfance (BICE) ; Caritas Internationalis ; Franciscans International; Global Alliance against Traffic in Women (GAATW); International Catholic Center of Geneva (CCIG) ; International Catholic Migration Commission (ICMC) ; International Coordination of Young Christian Workers (CIJOC-ICYCY); Kolping International / German Commission for Justice and Peace ; Migrant Forum in Asia (MFA); Mouvement Mondial des Travailleurs Chrétiens (MMTC) ; and Mouvement International d'Apostolat des Milieux Sociaux Indépendants (MIAMSI).

The two-day consultation looked at the distinct challenges facing migrant domestic workers. Recurring themes were:

- prevalence of institutional and cultural discrimination against domestic workers



At the plenary session of the consultation, 3 June 2011, Geneva, Switzerland.

- lessons to note in organizing migrant domestic workers
- monitoring of recruitment agencies
- necessity of political presence and engagement
- local organizing and education on international legal frameworks

Workshops were also organized where participants drew up national level plans as well as identified strategies to maintain the momentum of the campaign at the international level.

On 7 June, Friedrich-Ebert-Stiftung (FES), MFA and MRI held Decent Work for Domestic Workers discussion that centered on social security as a human right. Unequal treatment of migrants vis-à-vis nationals of their host countries, low compliance of domestic workers' employers and, if they are undocumented, complete lack of social security coverage can amount to human rights violations. Using the occasions of the sessions of the Human Rights Council and the International Labor Conference, the event stressed the importance of using tools



developed by both systems and envisaged what impact international agreements can have on the situation on the ground.

Speakers on the panel included Fr. Peter O'Neill of the Hsinchu Catholic Diocese Migrants and Immigrants Service Center, Taiwan, Marcelina Bautista from the Confederación de Latinoamérica y el Caribe de las Trabajadoras del Hogar (CONLECTRAHO), Elizabeth McGee of Hand-in-Hand, an American employers organization, Barbro Budin of the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) and Abdelhamid El Jamri, Special Rapporteur on the Migrant Workers Convention. Matthew Buhbe of FES moderated the discussions.

Abdelhamid El Jamri, Special Rapporteur on the Migrant Workers Convention, spoke about the implications of the General Comment on Migrant Domestic Workers, which the Committee on Migrant Workers adopted at its 13th Session in December 2010. The General Comment identified the gaps of legal and practical mechanisms in protecting migrant domestic workers and made recommendations that emphasize the strengthening of cooperation among sending, transit, and destination countries.

Barbro Budin pointed out that social security is possible and can be implemented. She supported her statement by sharing some of the good practices of Australia, Brazil, South Africa and Sweden where domestic workers are included in the social security provisions in their national labor legislations.

There are indeed existing good laws on social protection in other countries that could be replicated; the Convention is therefore not impossible to implement. Enhancing the visibility of domestic work is fundamental. The real task begins in lobbying for ratification and ensuring that the Convention is translated into national legislations.

2011 Asia Regional Conference: Advocacy towards the ratification and implementation of ILO Convention 189 on Domestic Work

After the adoption of C189 and Recommendation 201, the next hurdle is ratification. Aware of the enormous challenges of promoting ratification of C189,



Delegates from Asia participating at the first regional conference on ILO 189 since the convention's adoption on June 2011. Photo courtesy of APL, October 2011.

trade unions, civil society organizations, domestic workers and social movements, came together in Manila on 24- 26 October 2011 to collectively discuss on how to drive the ratification campaign in the region. The Conference was the first regional gathering organized following the June ILC. The Conference was made possible through the orchestrated efforts of Global Network, the International Domestic Workers Network (IDWN), International Trade Unions Confederation (ITUC), ITUC-AP, ILO and MFA.

More than 140 participants from over 20 countries across Asia and the Pacific, the Arab States and Europe participated in the Conference. Also in attendance were representatives from the Philippine government who came to express their solidarity and to share the government's

initiatives to ratify C189. The Philippines has already certified the ratification of C189 as an urgent legislative action for the Senate, the main legislative body that is in charge of the ratification.

Collection of data and information-sharing, strong collaboration and organizing domestic workers were the salient areas that were

heavily discussed in the Conference. The conference resulted in an adoption of a common action plan with focus on:

- Building the core capacity of advocates and domestic workers in understanding C189.
- Use of research and promotion of knowledge sharing.
- Use of evidence-based data on CSO and trade union advocacy.
- Awareness of the legal and policy environment to guide advocates in lobbying for policy reforms and to send a message that ratification is possible.
- Building and strengthening cross-constituency alliances.



- Promote international cooperation to maximize lobbying efforts.
- Awareness of the technical as well as the political processes involved in the ratification.
- Dissemination of C189 and raising people's consciousness about the issue.
- Monitor and assess results of the campaign necessary to make improvements of the plan.

2012 will be another milestone year when countries begin ratifying C189. Another development stemming from the regional conference is MFA's positive support to ITUC's global campaign "12 by 12." The ultimate goal of the campaign is to get 12 countries to ratify the Convention by the end of 2012.

The Convention is highly described as an historic milestone, a new landmark, a significant breakthrough. It deserves the superlatives because the first proposal for a convention on domestic work was made 56 years ago; this has been a long time coming. Now that it has been adopted, there should be no more delay in translating its provisions into the common practice of the world's states. This landmark treaty finally calls on governments, employers, other workers and societies in general to reinvent their views on domestic work. No longer should they be treated as servants, helpers, caregivers, maids and members of the family – domestic workers can now rightfully claim their dignity in the workplace and their labor rights respected as any other worker.

While there was overwhelming support for the Convention, much work remains to ensure that the Convention is translated into reality. For MFA, the work continues simultaneously

at national, regional and international levels. MFA recognizes that there will be many challenges ahead to ensure that these rights are upheld. As the advocacy and campaign continue, the network is geared towards the following in 2012 and beyond:

- Information dissemination about the Convention
- Work towards ratification
- Monitoring implementation of the Convention

Read the full report here: <http://www.mfasia.org/resources/information-a-educational-materials/441-2011-asia-regional-conference-advocacy-towards-the-ratification-and-implementation-of-ilo-convention-189-on-domestic-work>

Domestic work session at the PGA: Strengthening alliances and advancing strategies for the ratification and implementation of C189 - Decent work for domestic workers

The workshop on domestic workers and ILO Convention 189 aimed to provide space for domestic workers' advocates attending the 2011 CSD of the GFMD and the PGA to share regional updates with regard to the state ratifications in each region, the resolutions and consensus points that emerged from different processes initiated by key stakeholders after the adoption of C189 in June 2011, and the sharpening of strategies for ratification, public education, organizing domestic workers, and network building. The workshop was organized by MFA, German Justice & Peace Commission, ADWA, RESPECT, IDWN, ITUC and Global Network.

The following strategies were identified during the workshop:

- Domestic workers capacity building and organizing
- Organizing of domestic workers into associations or trade unions
- Capacity building information education among domestic workers
- Translation of C189 into local languages
- Organizing of domestic workers to give them voice
- Alternative means for information education, e.g. dramas
- Research on the situation of domestic workers: aupairs research
- Legitimizing the work of domestic workers: registering domestic workers; undocumented workers
- How to address the issues of domestic workers working for expatriates employed by missions, international organizations/diplomats
- Working with women's organizations/working with women

Policy Advocacy:

Support for the ITUC 12 by 12 campaign --- can go beyond the 12 countries, basically building an 37 alliance of global CSOs to campaign for the ratification of the ILO C189

- Focus on specific governments that are supportive of the Convention
- Not just ratification but work for the repeal of discriminatory policies side by side with the campaign
- Implementation of the convention into national policy
- Follow up with governments to see if they have forwarded the Convention to competent authority that will look at ratifying the convention

Other strategies:

- Media campaign
- Alliance building
- Raising awareness of the general public on the issues of domestic workers

Policy advocacy on women and migration

On 11 - 29 July 2011 the Committee for the Elimination of Discrimination Against Women (CEDAW) met for its 49th session with 3 countries from Asia due to give its periodic report: Korea, Nepal and Singapore. In line with MFA's engagement with UN Human Rights Mechanisms and treaty bodies, 3 MFA members from Korea, Nepal and Singapore participated in this session. MFA members who participated were Women Migrants Human Rights Center of Korea, Women's Rehabilitation Centre (WOREC) Nepal and the Humanitarian Organization for Migration Economics (HOME) Singapore.

In preparation for its engagement with the CEDAW, MFA members submitted country shadow reports for the consideration of the CEDAW committee. The shadow report focused on providing the committee with information on issues and questions raised pertaining to women migrant workers in the periodic reports of the Governments of Nepal, Republic of Korea and Singapore. The shadow report for Nepal was a consolidated document prepared by the MFA members: Women's Rehabilitation Centre Nepal

(WOREC), Pourakhi, Youth Action Nepal and Pravasi Nepal. The shadow report for the Republic of Korea was prepared by Women Migrant's Human Rights Center Korea (WMHRCK) and Joint Committee with Migrants Korea (JCMK). The shadow report for Singapore was prepared by HOME. (Read the report here: <http://www.mfasia.org/resources/information-aeducational-materials/369-mfa-2011-shadow-report-forthe-49th-session-of-the-cedaw>)

The following issues were raised in the CEDAW session:

- Members of the committee raised issues concerning the rights of female foreign spouses in Korea, children of foreign spouses and the rights of female foreign spouses who are divorced.
- It was highlighted that 90 % of the women who migrate from Nepal are undocumented. These women are put in vulnerable situations and are most often abused in the workplace. The CEDAW committee strongly recommended for the government of Nepal to address the issues of these undocumented women migrant workers.
- Members of the committee raised issues concerning the situation of women migrant workers, migrant domestic workers and female foreign spouses in Singapore.

The recommendations for the three countries who reported at the 49th session included the ratification of the 1990 U.N. Convention on the Protection of the Rights of Migrant Workers and member of their families and the ILO Convention 189 on decent work for domestic workers.

Engaging with Asian Parliamentarians

Most receiving countries do not have the legislative means to protect migrant domestic workers and in most cases domestic work is not considered as work. Migrant domestic workers are often the subject of abuse and discrimination usually compounded by employers, recruiters and at times the legislative and social system of receiving countries. Crucial efforts to address labor migration issues particularly on domestic worker situations take place at the national, international and more recently regional level, such as in the ASEAN and in the Colombo Process. International organizations like the ILO, national governments, international and national NGOs, labor unions, and migrant organizations, are at the forefront of such initiatives. Parliaments, however, remain to a large extent at the margins of both the discourse and the setting of regulatory frameworks. However, parliaments and their members have an important role to play: they oversee their governments' national, regional and international commitments, appropriate funds for the State, play decisive roles in policy-making and have both the capacity and mandate in shaping political will to act on the problems and challenges their States confront.

MFA and Friedrich-Ebert-Stiftung since 2007 have been facilitating a parliamentarians program aimed at identifying a role for parliamentarians on the issues of labor migration and migrants rights, enhancing participation of MPs in that role, and identifying key issue areas to take on. Past programs were organized in Manila (2007), Singapore (2008), Thailand (2009), and Vietnam (2010), parallel to the respective meetings of the ASEAN Inter-Parliamentary Assembly (AIPA).



Asian parliamentarians gathered in Manila (May 2011) and Phnom Penh (September 2011) for deliberations on migrants rights and labor migration.

MFA, its Philippine member Center for Migrant Advocacy (CMA), the Committee on Overseas Workers Affairs (House of Representatives, Philippine Congress), with the support of FES welcomed six parliamentarians from four Asian countries to Manila on 24-26 May 2011. These guest parliamentarians represented key states of origin in Asia – Bangladesh, Cambodia, Indonesia, and Sri Lanka. They were brought together to engage with each other, with members of the House of Representatives of the Philippine Congress, and with CSO representatives on the issue of migrant domestic workers as part of the lead-up to deliberations at the 100th session of the ILC, that would lead to the adoption of an International Convention on Domestic Workers on 16 June 2011.

Held just one week prior to the ILC deliberations on the Convention on Decent Work for Domestic Workers, the meeting of Parliamentarians provided a space for an exchange of ideas on support for this landmark Convention. The parliamentarians spoke in support of a strong Convention, reflecting an understanding that rights for domestic workers exist within other international conventions, but that the nature of their employment demands a specific convention to address their particular needs.

The increasing mobility of this workforce points to the urgent need to establish minimum standards that would ensure that their exposure to risk is minimized, and that their rights and welfare are protected. The parliamentarians committed to bringing the outputs of the gathering to their counterparts who would be representing their countries at the ILC, with a view to encouraging support for a strong Convention. They also committed to pursuing strong national legislation to reflect these newly set standards.

MFA, CMA, and FES gathered parliamentarians once again on 15-17 September 2011 for the 5th parallel meeting of the ASEAN Inter-Parliamentary Assembly in Phnom Penh, Cambodia. 8 ASEAN countries (Cambodia, Indonesia, the Philippines, Thailand, Malaysia, Singapore, Lao, and Vietnam), and 2 from South Asia (India and Nepal) gathered in Phnom Penh to address two important issues within the scope of the protection of migrant workers and members of their families: access to social security/protection, and the formalization of a caucus of parliamentarians to foster collaboration across Asia on migrant worker issues.

The gathering in Phnom Penh consisted of a series of plenary sessions, collective

brainstorming sessions and small group strategizing. This was the first program in which a group of parliamentarians – the Cambodian local hosts – came prepared with their own statement for the AIPA Committee on Social Matters, which the assembled agreed to endorse.

The statement forwarded to the AIPA Committee on Social Matters marks a significant step in the growth of the program, and the calls in the statement reflect many of the issues brought forward in previous program discussions. Briefly, the Cambodian statement calls for ASEAN member states to:

- Implement policies that promote safe migration
- Work together to curb illegal recruitment
- Form an ad hoc committee within AIPA to deal with the promotion and protection of the rights of migrant workers
- Fast-track the establishment of the framework for the protection of migrant workers

Another outcome of the gathering was the formalization of an Asian Inter-Parliamentary Caucus on Labour Migration through a resolution that was enthusiastically supported by all MP participants. The Caucus will be Asia-wide, and will be open to all parliamentarians who participated in the past programs, as well as their colleagues who are interested in engaging. The objectives of the caucus include:

- promoting the cause of migrant workers in their respective national parliaments;

- collectively engaging at the regional, national, and international levels in the development of agreements and legislation; and
- acknowledging economic and human security issues related to labor migration.

The resolution of the Asian Inter-Parliamentary Caucus on Labour Migration entrusts the administrative work of the caucus to MFA. A dedicated website was established for this program: www.asianparliamentarians.mfasia.org

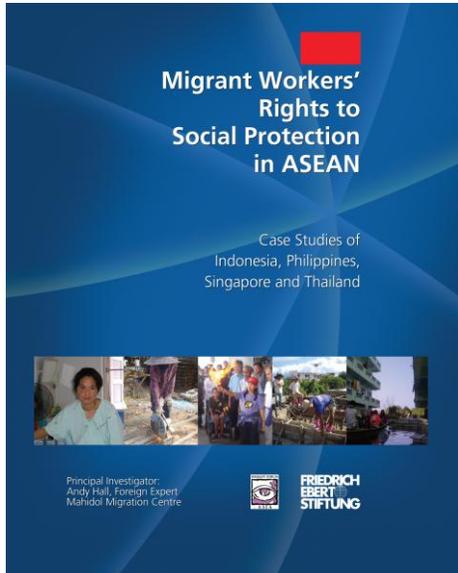
Parliamentarians' Engagement on Social Protection / Social Security for Migrant Workers

Ensuring social protection and/or social security for migrant workers is increasingly becoming a concern among CSOs and migrants' rights advocates. Although social protection is a right enshrined in multiple international instruments, at the national level much awareness still needs to be raised and options weighed before meaningful mechanisms can be put in place that will extend this right to migrant workers.

During the Asian Inter-Parliamentary Caucus on Labour Migration in Phnom Penh, Andy Hall of Mahidol University presented his working paper on social protection for migrant workers in ASEAN. This initial study, commissioned by MFA and FES, outlines the social protection mechanisms available in 4 countries: Indonesia, the Philippines, Singapore, and Thailand. It presents a series of recommendations on how to expand access to social protection for migrant workers in ASEAN.

Mr. Hall identified 5 key principles to bear in mind when developing social security mechanisms:

1. Equality of treatment: all workers, migrants and nationals, should have the same rights; this is often enshrined in bilateral and multilateral MOUs.



2. Provision of benefits abroad: social protection is usually designed to offer long-term protection, so unless there is a means to access this protection once the migrant worker returns home, it can be difficult to manage across borders.
3. Administration of the system: it is important to determine which country will oversee the program over what particular period of time, and when responsibility will pass between the two.
4. Totalizing: must ensure that benefits are packaged properly, as some migrants work for long periods of time in one country, while others work for short contracts in multiple countries; it is important that the schemes can work together.
5. Assistance for migrants: migrants need help to access social protection systems (e.g. translators for

paperwork, access to information in a language they can understand, etc.).

Campaign strategies and research should be developed around the expansion and creation of migrant social protection systems regionally, bilaterally, and nationally. “Expanded access to social protection for migrant workers needs to be realized alongside expanded access to social protection for all informal sector workers, migrant or otherwise on the basis of developing equality of treatment.”

MFA in 2012 will follow up on the work of the Parliamentarians Program, linking the work with the issue of social protection, especially that the 101st session of the ILC places an agenda on the elaboration of an autonomous Recommendation on social protection floors.

Day of General Discussion on the rights of undocumented migrant workers

The Committee on Migrant Workers (CMW) held the Day of General Discussion (DGD) on The Rights of Migrant Workers in an Irregular Situation and Members of Their Families on 19 September 2011. Representatives of governments, UN bodies and specialized agencies, civil society organizations, and individual experts converged in Palais Wilson in Geneva, Switzerland for deliberations on the legal standards relating to the rights of undocumented migrant workers and members of their families, as provided in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Migrant Workers Convention/ICRMW) and other international human rights instruments. The day also gave way to the presentation of the challenges when protecting undocumented migrant workers' rights, current practices to protect



those rights, gaps in protection mechanisms and steps to realize and achieve the rights of migrant workers in an irregular situation.

MRI (Migrants Rights International) has been strongly advocating with the CMW for a day of general discussion on undocumented migrant workers. MRI and its networks, notably MFA, see the need to unpack various issues relating to undocumented migrant workers in the Convention. (Read the submission of MFA to the Committee on Migrant Workers for the DGD here: http://www2.ohchr.org/english/bodies/cmw/docs/DGD/MigrantForumAsia_DGD2011.pdf)

One of the greatest misconceptions regarding the Migrant Workers Convention is the allegation that ratification would increase flows of irregular migrant workers. A day of general discussion on undocumented migrant workers within the Migrant Workers' Committee could lead to better treatment and responses towards migrant workers throughout the world. Such a debate would also build on work done by many actors to raise awareness about the vulnerabilities of undocumented migrant workers, including the particular situation of undocumented women. MRI also views the day of general discussion as a process enabling participants to exchange views on topics in a frank and open dialogue. The discussions helped the Committee to subsequently formulate general comments that it will adopt as formal interpretations of the content of the Convention.

The Day of General Discussion was webcasted live with hundreds of viewers watching from different parts of the world. The webcast enabled communities, especially the undocumented migrant worker communities, to witness the event and join the discussions by sending their comments through a live chat feed. The webcast was made possible by MRI and Centre for Civil and Political Rights.

The general introduction and working group sessions at day of general discussion were pivotal for the CMW as the Committee develops concrete recommendations in relation to the protection of the rights of migrant workers in an irregular situation and members of their families. MFA in 2012 will continue to coordinate with the Committee and provide resources necessary to the drafting of the General Comment.

Addressing root causes and building alternatives

At the societal level, MFA engages the community and family members of migrant workers as partners in development and in creating an enabling environment that recognizes the right to decent work at home and dignity of every human being. MFA members help create alternative sustainable economic models, processes and practices for migrants so as to build alternatives to migration, and make migration an option and not as a means to survive.

Although the Migration and Development Task Force spearheads this strategy, issues that fall in line in this field encompass other areas of migrant worker empowerment and rights advocacy. MFA's engagement with the Global Forum on Migration and Development weave in themes of migrants' human rights, gender and feminization of migration, migration and development, health and migration and trade and development.



Peter Sutherland, Special Representative on Migration to the UN Secretary General, videolinks with the CSD at the Future of the Forum 30 November 2011. Photo courtesy of MRI.

Global Forum on Migration and Development

MFA sees the Global Forum on Migration and Development (GFMD) as an important space to leverage the promotion and protection of migrants' rights from a human rights perspective. MFA brings forth its overall agenda as reflected in the multi-strategy framework of the network, to the GFMD. The GFMD is an intergovernmental forum where international discourse on migration policy, its relationship to development and the position of migrants' rights are crafted. The process is non-binding to States but it brings together senior policymakers from around the world to

exchange experiences, identify best practices, and foster interstate cooperation in leveraging migration for the benefit of development. Since the first GFMD in Brussels in 2007, civil society groups have been clamoring for more space to engage the process. The Civil Society Days (CSD) were introduced as a means of providing such a space, and were initially organized parallel to the government forum itself. The country hosting of the GFMD would designate a foundation or an institution that would be responsible for the overall coordination of the CSD, providing an official space for civil society inputs and for limited dialogue between governments and CSOs.

MFA has adopted an inside-outside strategy in engaging the GFMD through the PGA, the CSD, and various civil society processes the network organizes throughout the Asian region and at the international level with MRI.

The 2011 GFMD was hosted by Switzerland with a theme “Taking action on migration and development – coherence, capacity, and cooperation”. The focus built on the contents and key outcomes of previous GFMD meetings. The format of the GFMD 2011 was a series of smaller, focused thematic and action oriented meetings around the world, which culminated in a final two day extended Friends of the Forum meeting in Geneva on 1-2 December. There were three thematic clusters of global relevance, under which thematic meetings were organized: (1) Labor mobility and development; (2) Addressing irregular migration through coherent migration and development strategies; and (3) Planning



William Gois (left), Civil Society Chair at the Common Space of the GFMD, 1 December 2011, Geneva, Switzerland. Photo courtesy of gfmd.org

tools for evidence based migration and development policies. Thematic and side meetings took place around the world, and MFA participated in the key processes.

Workshop on recruitment of workers for overseas employment, UAE, January 2011

The Ministry of Labor of the United Arab Emirates, on 18-19 January 2011, organized and hosted a workshop in Dubai that examined labor mobility to the Gulf Cooperating Council (GCC) countries facilitated by private recruiters. Participants in the workshop were governments of UAE, Qatar, Saudi Arabia, Oman, Kuwait, Bahrain Bangladesh, India, Philippines, Pakistan, Sri Lanka, Nepal and Switzerland, IOM, ILO, UNOHCHR, International Centre for Migration Policy Development (ICMPD), Migration Policy Institute (MPI), recruitment associations and agencies from countries of origin and destination, and MFA.

The contentious issues raised in the workshop are setting of standard contracts and minimum wages of workers. There is consensus that contracts should be fair and transparent. However, contention falls on the major differences in employment and recruitment policies in sending and receiving countries which affect the negotiation and creation of contracts. Participants from the recruitment field were of the opinion that standardized contracts should not be promoted because such contracts would not address specificities. The problem of double contracts are serious too - one signed at the source countries and one signed after the workers reach the destination countries. The one signed at the destination countries, the wages and other terms of the contract will be different.

Regarding minimum wages, GCC countries were not in a position to implement minimum

wages set by sending countries. The receiving countries could only commit to the enforcement of contract between worker and employer. Such contracts are binding and could be implemented.

MFA, represented by Centre for Education and Communication (CEC), MFA member in India, and the Regional Secretariat took part in the panel discussion. MFA pointed out that recruitment cannot be discussed without looking at the aspect of recruiting agents in the country of origin and the country of destination. One should also critically look at the status and nature of contracts as part of recruitment process. The contract should be legally binding and it should be in a language the migrant worker understands.

In relation to this workshop, MFA recently released a report entitled “Labour recruitment to the UAE: Gaps between policy practice in Sri Lanka, Nepal, Bangladesh and the Philippines.” Emerging from the analysis of the case studies in the report were two key concerns: the need to better regulate the networks of sub-agents that are operating in each of these sending countries, and the need to oversee the operations of recruitment agencies on the receiving side. Sending state governments have employed various methods in their attempts to protect their citizens and to provide support for migrants in distress, despite limited resources and the vast (and growing) number of people in need of such services. However, these programs and policies treat the symptoms, rather than the roots of the problem.

Joint Reflections on Migration and Development, Geneva, Switzerland, 23-24 August 2011

Co-sponsored by the Swiss Agency for Development and Cooperation, symposium offered a space for Swiss and international

civil society as well as governments to brainstorm about the outcomes of the 2010 GFMD in Mexico, their connections with the thematic program for the GFMD 2011 in Switzerland, the role of civil society within the Global Forum, and how to build on the efforts of 2010 to strengthen interaction between civil society and governments in the GFMD 2011. A selection of participants in the symposium came from governments of countries of origin and destination, civil society and academia.

MFA was represented by the Regional Coordinator, William Gois. In his interventions in the symposium, he raised obstacles faced by CSOs in engaging with the GFMD process. CSOs always have to guess which foundation is going to be the host and who is going to be involved and usually these are clarified only 2-3 months before the Forum. Another obstacle relates to the magnitude of the tasks. 14 regional meetings took place before the symposium; 14 meetings dispersed in different parts of the world posed great challenge to the resources and capacities of CSOs. The notion repeatedly voiced since 2006 is that governments do not want civil society to be involved in the GFMD is a myth. This discourse needs to stop if more government and civil society involvement is expected towards 2013. It would be important to recognize the contributions civil society has brought since the beginning of the GFMD, such as the participation of some CSOs in a number of working groups established by governments.

William Gois suggested that a joint task force of governments and civil society should be established to look at where this process will go, not just for 2013 but beyond.

The symposium concluded with a speech from the Mr. Konrad Specker, Head of the Institutional Partnership Division of the Swiss Agency for Development and Cooperation.

Mr. Specker said that the involvement of development actors is very important. The Swiss Agency for Development and Cooperation has identified 'migration and development' as one of its five key issues which are considered as global challenges and which therefore should be dealt with through a global program. Development is not limited to the implementation of the MDGs; it is not just about economic growth. Development is about sustainable development; social, ecological, economic sustainability. Development has to do with causes of poverty and conflict, access to resources, implementation of rights, etc. A key challenge is to ensure that informed choices are being made and the Swiss chairmanship of the GFMD [aimed] to contribute to enhancing the basis for governments and the international community to make informed choices.

Thematic Workshop on Cooperation Strategies among States for Addressing Irregular Migration: Shared Responsibility for Promoting Human Development, San Salvador, El Salvador, 4-5 October 2011

MFA, through its Hong Kong-based member Asian Migrant Centre, represented by Rex Varona, participated in this thematic workshop which focused on three relevant areas: 1) Cooperation between government and civil society; 2) Effective alliances among countries of origin, transit, and destination; and 3) Good practices to protect irregular migrants and promote their human development. The deliberations produced the following results:

- Establish a permanent space for dialogue within the GFMD for addressing irregular migration.
- Establish a permanent working group within the GFMD focused on addressing labor migration, particularly irregular labor migration (using as references existing instruments such as the ILO Multilateral Framework, among others).
- Use the current technological platform of the GFMD and dedicate a space to facilitating the exchange of information regarding good practices for addressing irregular migration.
- Use the consular network of the countries of origin as effective support for tending to migrant populations and protecting their human rights.
- Establish inter-institutional councils, committees, or work groups at the national level for the protection, attention, and development of migrant persons and their families.

Sustaining networks

The multi-strategy framework of MFA traverses various spheres of human rights advocacy. The movement of people is governed by complex institutions and knowledge systems which function in interconnected sectors of labor, trade, development, education, gender and environment. Advocacy around sound labor migration policies and the promotion and protection of the rights of all migrant workers and members of their families require a mechanism that brings in movements, organizations and individuals to work in partnership. They can share different information and resources and can pool this wealth of experiences for the ultimate goal of achieving social justice for all. Sustaining networks is the strength of MFA.



SAPA participants at the Mother Language Day in Bangladesh, 21 February 2011.

Solidarity for Asian Peoples' Advocacy

"Today's world must respect human rights. No country can feel safe without respecting human rights and democracy" said Dr. Mizanur Rahman, Chairperson of the National Human Rights Commission of Bangladesh in his inauguration speech for the 5th General Forum of the Solidarity for Asian People's Advocacy (SAPA) on 18 February 2011. SAPA is a network of civil society organizations born out of common concerns about how to enhance the effectiveness and impact of civil society advocacy by improving communication, cooperation and coordination among non-governmental organizations (NGOs) operating regionally, in the midst of rapidly increasing and multiplying intergovernmental processes and meetings in Asia. The SAPA network held its 5th General

Forum on 18-21 February 2011 at the BRAC Center in Dhaka, Bangladesh. Delegates from Bangladesh, India, Nepal, Pakistan, Japan, Indonesia, Philippines, Thailand, and The Netherlands attended the two day forum. It was hosted locally by Odhikar and MFA-Bangladesh: WARBE Development Foundation, Association for Community Development, Ain O Salish Kendra and the Refugee and Migratory Movements Research Unit.

The SAPA General Forum discussed three major issues confronting societies today: Impunity and Transnational Justice, Peace and Security and Food Sovereignty. The panel on Impunity and Transnational Justice gleaned on the issue of political change towards liberal-democratic societies, often

characterized by the struggle between draconian regimes and popular uprising.

The Food Sovereignty panel focused on the situation of farmers, with Bangladesh as a point of departure. The basic premise of food sovereignty is that the poor cannot be reached through conventional economic programs (microfinance, etc.). Food sovereignty is achievable through seed sovereignty. Food sovereignty means working with farmers, avoiding the use of chemicals, pesticides, and groundwater. Most multinational companies sell seeds. If seeds are not in the farmers' hands, this is a major problem. Farmers have the sovereign right to produce crops according to social, cultural, and ecological situations. Control over seed is the lifeline of the farming community.

Presentations on security challenges in different regions of Asia structured the Peace and Security panel. There is much "unpeace" and "insecurity" in the South East Asian Region. There is the crisis of democracy, the ruling of the military junta as well as governance and legitimacy issues. Intra-state conflict, interstate and border disputes and the war on terrorism paradigm consume the region.

Networking and cooperation among civil society organizations is important. Challenges faced by civil society organizations working on peace and security also exist in the region. Among these include gender inequality and gender based violence. Gender mainstreaming is not included in the work of many organizations. There is also the issue of marginalization of civil society organizations and the penalization of NGOs for being unpatriotic. These hamper the work of many civil society organizations at the national level. A specific challenge for CSOs is engaging the SAARC governments. CSOs

need to have its voice heard in these regional processes.

SAPA Peoples' Hearing

SAPA held a one-day public hearing on 2 May 2011 in Jakarta, Indonesia, immediately prior to the 6th ASEAN Civil Society Conference. The focus of the hearing was on the activities and operations of multinational corporations in Asia in the context of impunity, specifically in cases in which corporate actions have been linked to human rights abuses.

This public hearing was co-organized by MFA in response to the growing presence of international and multinational companies investing in ASEAN member states. In spite of ASEAN's commitments to corporate social responsibility (CSR), there is ample evidence that companies are not always acting responsibly in carrying out their work. The activities of such companies can have, and are having multiple adverse impacts on communities, resulting in mass displacement of people, land confiscation, environmental damage, food insecurity, and the undermining of livelihoods. Government responses have been inadequate in addressing these problems. Those who attended the hearing heard the testimonies of survivors and witnesses of specific incidents in different ASEAN countries. Cases heard were organized on a sectoral basis, covering extractive industries, agriculture, hydropower, and manufacturing, and a series of cases on Indigenous issues were also presented. MFA brought forward the only testimony on the manufacturing sector: the case of Charles Hector Fernandez.

Charles Hector Fernandez is a lawyer and former member of the Malaysian Bar Council. He is an active human rights defender and blogger (<http://charleshector.blogspot.com>).

Over the past few months, Mr. Hector has been publicly raising the issue of rights violations against a group of 31 Burmese migrants in relation to the Asahi Kosei (M) Sdn. Bhd. Company, a subsidiary of the Asahi Kosei Japan Company Ltd., a Japanese company operating in Malaysia that manufactures electronic components and automotive parts

The workers allege that their employer paid them far less than their agreed wage. Upon seeking compensation, 'gangsters' came to their hostel and threatened them. These 'gangsters' took their refrigerator, television, fan, rice cooker, and other items, and turned off their electricity. Two of the workers were threatened with deportation to Burma were taken to the international airport, but managed to escape.

Mr. Hector highlighted these injustices and human rights violations on his blog, asking others to intervene on behalf of the victims. A subsequent media statement was signed by 77 organizations and was issued on February 11, 2011. The statement calls for Asahi Kosei to respect the human rights of the Burmese migrant workers, and all migrant workers under its employ. Prior to posting information related to the case on his blog, Mr. Hector sent an email to Asahi Kosei on February 8th, and another on February 9th, asking them to respond to the allegations. His email states: "An urgent response would be appreciated. Failing to hear from you, I would take it that the allegations of the workers are true." Receiving no reply, he proceeded to post the allegations to his blog. Mr. Hector has stated that the information posted to his blog was obtained from the affected workers.

Mr. Hector subsequently received a letter on 14 February 2011 (dated 11 February) from the lawyer of Asahi Kosei, claiming that the posts about the Burmese workers on Mr.

Hector's blog are libelous and defamatory, and demanding, within 7 days, RM 10,000,000 (USD 3,279,307), the immediate withdrawal of the posts, and an apology to be circulated to all major English-language newspapers in Malaysia. The letter also denies all of the allegations made by Hector on his blog, indicating that the workers were supplied by an outsourcing agent and were not under the direct payroll of the company.

Asahi Kosei filed a \$3.2 million lawsuit on 14 February against Mr. Hector for defamation and libel. Several court hearings against Mr. Hector by Asahi Kosei have taken place in the last 5 months, and a full trial on 24, 25 and 26 August 2011.

On 25 August 2011, Charles Hector and Asahi Kosei arrived at a settlement. Mr. Hector will pay RM1 in costs and RM1 in damages to Asahi Kosei. A further condition that Charles Hector has to satisfy was the publication of a half-page advertisement in the Malaysian newspapers Star National and Nanyang Siang Pau.

Migrant Workers in the ASEAN Region

There are approximately 13.5 million migrant workers from ASEAN member states working internationally, 5 million of whom are working within the ASEAN region. In 2007, ASEAN adopted its Declaration on the Protection and Promotion of the Rights of Migrant Workers, a nonbinding agreement among the member states recognizing the need of both sending and receiving states to adopt appropriate measures to protect migrant workers throughout the migration process.

Despite the acknowledgement that migrant workers require particular kinds of protection, cases like that of the 31 Burmese workers at Asahi Kosei are not uncommon. Human rights defenders and migrant rights advocates throughout the region consistently report the

abuse of migrant workers at the hands of their employers. Indeed, the widespread, and increasingly popular practice of outsourcing through employment agencies has led many employers, like Asahi Kosei, to evade responsibility by denying their employment relationship with these workers. This troubling trend is a pressing issue for ASEAN governments that should be taken up with the ASEAN Intergovernmental Commission on Human Rights (AICHR).

Migrating Out of Poverty Research Program Consortium

Migrating out of Poverty is a seven-year research program consortium (RPC) funded by the UK's Department for International Development (DFID) from 2010-2017. It focuses on the relationship between regional migration, internal migration and poverty and is located in six regions across Asia, Africa and Europe.

The goal of the Migrating out of Poverty RPC is to maximize the poverty reducing and developmental impacts of migration and minimize the costs and risks of migration for the poor. This includes generating new knowledge related to migration and poverty; creating new datasets; engaging policymakers, and building capacity to understand and research migration and poverty linkages. A global research program is complemented by focused programs in the regions of the Consortium's core partners. The Migrating out of Poverty RPC has been established as a partnership between research institutions in Bangladesh, UK, Ghana, Kenya, Singapore and South Africa, MFA's Bangladesh member, Refugee and Migratory Movements Research Unit (RMMRU) is a partner research institution of RPC. On 2-4 March 2011, MFA and RMMRU were invited to an RPC workshop in

Singapore, together with other partner research institutions from Ghana, Kenya, Singapore, South Africa and the UK, all working on the links between migration and development.

MFA did a scoping study on how the Migrating out of Poverty Research Programme Consortium can best work with migrant organizations in the consortium countries of interest so as to improve use of migration research to inform policy and to strengthen advocacy efforts. This study was presented at the meeting.

There is a tendency for academics to miss the pulse of the realities of migration. They write more on the political economy of "managed migration" and "migration and development," instead of the raw realities that migrants and their families face day by day.

This seems to be shifting though, as we see three indicators that the realities of migration are being taken more seriously. First is that the consortium is making the initiative to engage research together with migrants groups. Second is the emergence of progressive academics writing counter narratives based on relevant empirical evidence. And third, governments are now getting more interested in migrants rights issues by requesting more studies on topics being brought to their attention by migrants groups and the media.

The consortium can lend a hand in learning, capacity-building and networking so that the advocacy for policy reforms is not only backed by high quality research but also by a unified effort. The consortium can reflect on the following recommendations:

Recommendations on the programmatic approach of the consortium:

1. Establish long term partnership with the migrants groups.
2. Instead of coming up with novel discussion on migration that may overlook the good work done thus far by migrant organizations in Asia, the next phases of migration research should concentrate on building on the body of knowledge, the research infrastructure and the research networks that have already been established.
3. Actively engage with migrants groups in the earliest phases of research design, asking relevant people for their advice about the right questions, about the kinds of answers that would actually prove useful to them and about how to gather the information needed to find and test those answers.
4. Be a flexible and responsive consortium which would bring consortium partners and migrants groups together to facilitate collaboration, share experiences and resources.
5. Steer clear of implementing projects or co-ordinating partners and migrants groups but work to enable members to be more effective.
6. Maintain academic reputation: that is, being objective.

Recommendations on the types of research findings migrants groups would most benefit from:

The role of the consortium is key in researching topics that migrants groups still do not have much access. The websites of Migrating out of Poverty, consortium partners,

and migrants groups can become portals that would provide updates on the research being carried out, publish working and completed papers and disseminate information on the work of the consortium.

Recommendations on barriers to accessing and doing research:

1. Offer a means to give partners and migrants groups resources they need to carry out their work related to doing research. This means facilitating a connection between donors and trainers with the consortium partners and migrants groups.
2. Training in quantitative and qualitative research methodology should include not only students, researchers, journalists, and government and NGO officials but also migrants groups – the migrant workers themselves, advocates and staff.

While this scoping study produced a number of interesting reflections on the use of research of migrants groups and gave an idea on how the consortium can engage with them, it is expected that much more work needs to be done in order to identify and solidify the engagement and adapt to different country and regional contexts.

Jubilee South Asia Pacific Movement on Debt and Development

Jubilee South Asia Pacific Movement on Debt and Development (JSAPMDD) is a regional alliance of peoples' movements, community organizations, coalitions, NGOs and networks. JSAPMDD believes in social transformation that is all encompassing and interrelated: it is economic, political, cultural and environmental and has class, ethnicity/race and gender dimensions. As its

contribution to social transformation, The movement focuses on people-centered development, economic and environmental rights and justice.

JSAPMDD members from Bangladesh, India, Indonesia, Nepal, Pakistan, the Philippines and Thailand came together for on 22-26 February for working group and executive committee meetings. JSAPMDD working groups were formed for each of the major programs of the alliance, namely Ecological Debt, Environmental Justice & Climate Change, Global Finance & Public Finance, Rights to Essential Services and Natural Resources and the newly formed Gender and Women working group (approved during the EC meeting, 25 Feb 2011). The Gender and Women working group encompasses the three other programs. The JSAPMDD working groups are mechanisms for member organizations to be more actively and systematically involved in the conceptualization, planning and implementation of programs and campaigns of JSAPMDD. The MFA secretariat and EC member Asian Migrant Centre of Hong Kong represented by Rex Varona participated in the working group sessions on Ecological Debt, Environmental Justice & Climate Change, Global Finance & Public Finance, and Gender and Women.

The meetings of the working group were concentrated mainly on strengthening advocacy and campaigns against false solutions and techno fixes related to climate change. MFA brought up the issue of climate induced migration. In the Jubilee South network, there is no common agreement on what term should be used to identify populations displaced due to climate change. MFA uses climate induced migrants, with the rationale that using the term climate refugee might undermine the international regime for the protection of refugees. Refugees may not

go back to their countries based on the principle of non-refoulement. On the other hand, climate induced migrants can still return to their lands, provided that adaptation and mitigation measures are put in place by governments.

The working group on Global Finance and Public Finance focused on building campaigns for 2011-2015 in the following areas: Transforming the International Financial System - Wiping Out Illegitimate Debt, Fighting for Fiscal Justice, Promoting SDR Finance. MFA's participation can be made visible in the campaign against illegitimate debt and developing of work on fiscal justice. Activities for 2011-2015 in which MFA can contribute is on preparation of additional materials including specific cases of illegitimate debt, papers on migration remittances and debt and papers on LDC's climate debt.

The Gender and Women working group was approved by the EC on 25 Feb 2011. There is agreement that issues concerning gender and women will be integrated in the three main programs of JSAPMDD. The working group did not discuss anything specific, such as issues concerning women migrant workers or indigenous groups.

International Network on Migration and Development

The International Network on Migration and Development (INMD), established on 2003, aims to consolidate a global network of scholars, students, migrant associations, civil-society organizations, and institutions concerned with the theoretical and practical understanding of the complex relationship between migration and development. The INMD has contributed to the debate and exchange of experiences among scholars,



activists, and officials, interested in/or responsible for the migration and development topic; this is done through the organization of conferences, colloquia, seminars and workshops. MFA was invited to become a board member of INMD.

On 18-20 May 2011, INMD organized its fourth Congress on Global Crisis and Migration Strategies in Quito, Ecuador. The fourth Congress drew on meetings held in previous years. It has been aiming to enable the debate from the South, and critical views on the relationship between migration and development from the analysis of various migratory experiences. In conducting this event in Ecuador, INMD sought to reflect on international migration realities of South-North flows, as characterized by intraregional and cross-border migration in the Andes, South America and Central America. Besides migration profiles of South and Central America, the Congress aimed to have comparative perspective on migratory systems operating in Africa and Asia.

The MFA Secretariat took part in the discussions particularly on strategic alliances for advocacy. The session aimed to identify effective strategies for collaboration between social organizations and academic institutions. This collaboration is sought to influence the positive formulation of national, regional and international policies.

On 31 October to 4 November, INMD facilitated a workshop on “A Comprehensive Approach to Monitor International Migration: Joint Reflections.” With the decision by the Swiss Chairmanship of the GFMD to include migration profiles as one of the priority areas of the 5th GFMD, the network saw a unique opportunity, before the GFMD process in December in Geneva, for governments, civil society, researchers, and international organizations to work together and explore

how the original migration profile approach could be expanded in scope, allowing a more comprehensive diagnosis of the migration situation in main corridors, and promoting a more inclusive participation of different actors in the assessments. A selected group of 23 participants were invited including government officials from sending and receiving countries, experts involved in the preparation of MPs, international agencies, civil society organizations (including MFA), and researchers.

The focus of the Bellagio workshop revolved around:

1. discussing the feasibility for a policy-oriented information system to assess costs and benefits of migration on specific corridors (including sending, receiving and transit countries as well as migrants and their families).
2. discussing data availability and a platform for implementation including specific roles for UN and other multilateral agencies, governments, civil society organizations, and the academia.
3. exploring next steps: (a) including the project into the GFMD process (from the 5th GFMD towards the 2013's UN High Level Dialogue on Migration and Development) and (b) moving forward from concept to a pilot operational plan (in selected corridors).

Strengthening dialogue between ESCWA and ESCAP countries

Economic and Social Commission for Western Asia (ESCWA) and the Economic and Social Commission for Asia and the Pacific (ESCAP) jointly organized the workshop, “Strengthening Dialogue to make



migration work for development in Asia and Western Asia” on 28-30 June 2011 at United Nations House in Beirut, Lebanon.

The workshop was well attended by key stakeholders with expertise in international migration and development, from countries of origin and destination of migrants in the Western Asian and the Asia-Pacific Region, including governments, independent experts and civil society. Participants shared information and experiences in: migration and development, management of labor migration and protection of migrant workers.

MFA member Refugee and Migratory Movements Research Unit (RMMRU) represented by Professor Tasneem Siddiqui gave an overview of the challenges related to managing migration in countries of origin, citing the recruitment cost in Bangladesh. Several presentations included the relationship between migration, development, and social protection; protection of the rights of migrant workers from South Asia: the implications of the recent reform of the sponsorship system- challenges and opportunities; the situation of female workers from ESCAP countries in vulnerable sectors of the economy in the GCC, Jordan and Lebanon; and the migratory experience of returned migrant domestic workers- the example of Indonesia. The MFA Secretariat and Hong Kong-based member Asian Migrant Centre were also among the invitees.

The outcome of the workshop was expected to feed into international consultative processes such as the Abu Dhabi Dialogue and the 5th GFMD. The papers presented at the Workshop and the discussions would also form the basis for an interregional study on migration and development.

The EU's Global Approach to Migration

The European Commission and the International Centre for Migration Policy (ICMPD) organized a consultation of the representatives of seven Asian governments (Bangladesh, Indonesia, Pakistan, the Philippines, Sri Lanka, Thailand and Vietnam) and a limited number of local civil society organizations on the EU's Global Approach to Migration. The consultation was held on 20-21 June 2011 in Bangkok, Thailand. MFA was part of the limited number of civil society organizations that were invited.

The meeting incorporated six sessions. During the first, participants were introduced to the Global Approach to Migration and encouraged to discuss the overall relevance of its instruments and thematic focus for partners Asia. The second session addressed current EU-Asia dialogues on migration at bilateral and regional level. The following three sessions provided an opportunity for deeper reflection on current challenges and future priorities in EU-Asia cooperation on the three key areas of the Global Approach – legal migration, irregular migration and migration & development. Finally, the sixth session looked at issues surrounding climate change and potential priority areas for future EU-Asia cooperation on this topic.

This consultation became one of the bases of a new EU policy framework on migration and mobility. See press release: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1369&format=HTML>

Regional Consultation on Development and Human Rights: Rule of Law and Democracy for Advancing Economic, Social and Cultural (ESC) Rights, Right to Development; and Development Cooperation

The interdependence and mutual reinforcement between human rights and development often remains overlooked by civil society and States, though the UN Millennium Declaration explicitly placed both human rights commitments and development goals at the centre of the international agenda for the new millennium. Based on this, member States of the UN also agreed on eight quantified and time-bound Millennium Development Goals (MDGs). The MDGs are underpinned by international human rights law and should be seen as part of a broader integrated framework of international human rights obligations. The MDGs and human rights standards both aim to set benchmarks in monitoring the realization of certain economic, social and cultural rights (ESCR) and there are periodic reporting processes for each at both national and international levels. Thus, the MDGs can be viewed as important milestones for the realization of ESCR while human rights standards and principles help sharpen the strategies for achieving the MDGs by addressing the discrimination, exclusion and lack of accountability that lie at the root of poverty and other development-related problems.

On 17-19 August 2011, FORUM-ASIA and Dignity International facilitated in Bangkok, Thailand a regional consultation on the right to development. FORUM-ASIA, as an NGO in Consultative Status with the UN, advocates human rights issues through engagement with governments, inter-governmental organisations and the UN for the better promotion and protection of all human rights.

MFA networks with FORUM ASIA through the latter's programs:

- ASEAN Advocacy
- East Asia Country
- South Asia Country
- Human Rights Defenders
- Human Rights Training
- UN Advocacy

The Bangkok consultation aimed to:

- To enhance a common understanding on the interdependence and mutual reinforcement of development and human rights with a view to holding Asian States accountable to their economic, social and cultural rights obligations;
- To discuss opportunities for human rights advocacy during the UN Human Rights Council Working Group on the Right to Development (Geneva, 11-14 November 2011) and the OECD High Level Forum on Aid Effectiveness (Busan, 29 November-1 December 2011); and
- To initiate joint action plans for a regional campaign for the ratification by Asian States of the ICESCR and the OP-ICESCR.

This consultation gathered representatives of human rights advocacy organizations from Asia and regional offices of UNDP and OHCHR. William Gois, regional coordinator of MFA and chairperson of Southeast Asian Committee for Advocacy (SEACA), moderated the session on "Joint Inputs of Asian NGOs for the UN Human Rights Council Working Group." This session



gathered inputs to a statement of Asian NGOs to the 12th session of the Human Rights Council Working Group on the Right to Development in conjunction with the celebration of the 25th Year of the UN Declaration on the Right to Development.

The outcomes of the consultation included the formulation of recommendations of Asian NGOs to the UN Human Rights Council Working Group on the Right to Development; developing common position and joint advocacy strategies of Asian NGOs with regards to the High Level Forum on Aid Effectiveness; and conducting of a mapping of potential advocacy actions at the national and regional levels for the ratification by Asian States of the ICESCR and the OP-ICESCR.

WSM thematic workshop on domestic workers

World Solidarity is the Non-Governmental Organization of the Christian Workers Movement in Belgium. World Solidarity works mainly with social movements that pursue decent work, social protection and job creation for all workers. MFA coordinates its activities with WSM, particularly on domestic workers' rights advocacy.

WSM organized a thematic workshop on domestic workers on 8 – 10 October 2011 in Bangkok, Thailand. Representatives of domestic workers movements and trade unions from India, Indonesia, Nepal, and Sri Lanka convened for two days to:

- Have a clear understanding of the new ILO convention and recommendation on Decent Work for Domestic Workers;

- Have a clear understanding of the next possible steps towards ratification and implementation at the national level;
- Share experiences on how we can make sure this Convention and Recommendation are ratified and implemented at the national level and lessons learnt on the lobby and advocacy efforts done by the PO's;
- Discuss the Asia context (e.g Child Domestic Workers) on Domestic Work and how to respond to it;
- Learn from concrete initiatives at national level on how domestic work regulation can be implemented; and
- Have a concrete commitment on initiatives to be taken in order to influence governments, employers and trade unions positions and have a common position for the upcoming ILO AP meeting.

In this workshop, the MFA Secretariat was invited as guest speaker and provided insights on the strategy, campaign and networking on domestic workers in Asia.

Mitigating the Risks of Migration: Improving Pre-departure orientation measures in Asia

Open Society Foundations and the Migration Policy Institute cosponsored a roundtable discussion aimed at identifying ways to deliver effective and accessible pre-departure information and training programs to migrants seeking work overseas, and increasing the overall impact of those efforts—especially through increased cross-sector and cross-

border coordination. The roundtable held on 13-14 October 2011 in Bangkok, Thailand, gathered participants from migrants rights advocacy organizations in Asia, including MFA members from Nepal and the Philippines.

The roundtable distilled recommendations for governments and civil society to reach more people earlier in the migration process, instill more practical knowledge and skills, and have a measurable impact on protecting overseas workers. The following were the key recommendations which came out of the discussions:

On regular monitoring and evaluation:

- Civil society can more systematically collect and contribute information about migrants' experiences on the ground. The accumulation of anecdotes and interviews can begin to illustrate a pattern that can become a real evidence base over time.
- Governments and civil society can coordinate to collect and analyze information on the effectiveness of existing programs and best practices to improve them. Where applicable, governments could develop publically accessible databases to store, sort, and streamline data and analyses.
- Governments and civil society should work together to monitor how migrants are faring in the country of destination to truly assess the effectiveness of pre-departure programs.

On creating programs that add value for migrants:

- Civil society can develop resources (such as social media tools, informational handouts, or teacher

training manuals) that complement and strengthen existing pre-departure programs.

- Civil society can act as an incubator for innovation by pilot-testing new models for pre-departure seminars. Once tested, governments can scale up successful models in different locations and across regions.
- Governments can partner with NGOs to optimize pre-departure programs by determining the most effective length, the most essential information needed at different stages of the migration process, and the best means to deliver it.
- Government agencies and NGOs can work together to empower migrants to become active providers of information to other migrants. Return migrants should be involved in the process of creating pre-departure curricula, materials, and support networks to assist those who are considering migration or have plans to depart, as they understand best what other migrants should know before they go abroad.

On earlier interventions and engagement in local communities:

- National governments can partner with local authorities to deliver information to migrants in rural areas—especially where there is a vacuum of information beyond capital cities.
- Governments and civil society can partner to establish Migration Information Centers and pre-departure programs in local communities.

- NGOS can offer community-based interventions in schools, religious centers, or other settings, to provide another perspective on the benefits and risks of migration to supplement (or counter) the sales pitches presented by recruiters and employers.
- Since NGOs are uniquely equipped to reach vulnerable groups and people in rural areas, they can introduce prospective migrants to trusted advocates, lessening their dependence on potentially exploitative community-based middlemen and brokers.

On linking pre-departure and post-arrival efforts:

- Advocates and authorities should link pre-departure interventions with advocacy efforts aimed at ensuring that migrants are protected overseas. Efforts to empower workers before they leave will remain marginal if destination-country authorities and employers continue to commit abuses with impunity.
- Whenever possible, Asian governments should cooperate with countries of destination on key projects. One immediate way to do this is to build on cross-border civil society networks that already exist and can help cultivate relationships abroad.
- Governments and NGOs should find ways of reinforcing workplace- and country-specific instruction (e.g. language instruction) with post-arrival training or support

services. This may require creative strategies for intervention and strong partnerships with organizations in countries of destination.

On providing information that is easy to absorb:

- NGOs and governments can employ different vehicles (radio, TV, mobile phones, social media) and different formats (radio dramas, soap operas, comic books) to reach more people. The innovative use of traditional media can be considered alongside new media, and where appropriate, the two can work together (e.g., putting soap operas on Youtube).

On educating the educators:

- NGOs can develop training modules for instructors of pre-departure programs run by governments and private recruitment agencies. Government agencies can work with NGOs to scale up successful educator training programs.

Finally, on fostering greater cooperation among governments:

- Whenever possible, Asian governments should cooperate with one another on policies and practices that better respond to the needs of their migrant workers. One immediate way to do this is to build on cross-border civil society networks that already exist and can help cultivate relationships abroad.

**Migrant Forum in Asia
Secretariat**

85-C Masikap Extension, Central District,
Diliman, Quezon City, Philippines 1100

(+63-2) 928-2740
(+63-2) 433-3508
mfa@pacific.net.hk
www.mfasia.org