

MIGRANT FORUM IN ASIA NEWSLETTER



A QUARTERLY PUBLICATION FOR ADVANCING MIGRANTS STRUGGLE FOR RIGHTS AND JUSTICE

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The 5th World Social Forum on Migrations hosted by the Philippines Join the Conversation!



The world descends upon Quezon City, Philippines for the ultimate social process on migration discourse. Running from 26-30 November 2012 in Miriam College, the 5th World Social Forum on Migration (WSFM) witnesses the most diverse convergence of peoples, alternative ideas and solidarity. Besides from social movements from Africa, Europe, North and South America, the largest delegation are coming from all over the Asian continent.

The WSFM serves as a critical space for social movements, civil society organizations, and advocates to discuss challenges and possibilities related to migration. True to the World Social Forum's motto "Another World is Possible", the WSFM also explores a new world order and the building of societies and communities

characterized by mutually beneficial relationships among the people and with the environment.

A number of notable advocates, politicians and global leaders will be in attendance for the 5th WSFM. For example, thinker and parliamentarian Walden Bello, activist and Director of Focus on the Global South Pablo Solon, and Chair of the UN Committee of Migrant Workers Mr. Abdelhamid El Jamri will all be making appearances throughout the WSFM.

The overarching theme of the 5th WSFM plenaries is Mobility, Rights, Global Models: Looking for Alternatives. Through the use of lively question and answer sessions, WSFM resource persons will be challenged by the moderators and audience members to answer tough

questions on the following four sub-thematic areas: Critique, and Consequences of Global Migration; Migrant Rights are Human Rights; Re-imagining Migration, Proposing Alternatives, Exploring Models; and Resistance, Organization, Action.

These plenary sessions are complimented by workshops and poster sessions that explore various themes on mobility, rights, global models, and alternatives.

Participants to the WSFM have the opportunity to join field visits to Bulacan, Batangas, Manila, and Pampanga. Each of these locations will allow our international audience to explore the various dimensions of migration in the Philippine context.

Other events include an opening parade, food and exhibit booths,

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workshops, poster sessions, cultural events, mobilization with local organizations on Andres Bonifacio Day, and a public concert. The 5th WSFM also hosts A Memorial Exhibit that commemorates and honor the lives of migrant workers and activists who have sacrificed, struggled, and died for the human and migrants' rights movement.

MFA and its members and partners are organizing several workshops in the 5th WSFM that delve deeper in specific migration issues currently affecting human and migrants rights. One workshop co-organized by MFA, as member of the Women and Global Migration Working Group, is Violence Against Women and the Human Rights Framework. This workshop aims to strategize how to use international human rights instruments for national advocacy for the protection and promotion of migrants rights.

Another workshop, Decent Work for Domestic Workers – organized by migrant domestic workers organizations, faith based organizations, trade unions and migrants



One in every seven people is a migrant.

"Today, there are nearly 1 billion migrants in the world – one in every 6 or 7 people – 214 million are international migrants, and 740 million – whereof over 220 million in China alone – are internal migrants. During the next three decades, we expect the number of international migrants to nearly double to 405 million by 2050." – William Lucy Suring, Director General, International Organization for Migration

Join the conversation. Be part of the 5th World Social Forum on Migrations.

MFA will also facilitate a pre-WSFM process, called the Asian Inter-Parliamentary Caucus on Labor Migration. From November 23-26 2012, MFA, Friedrich-Ebert-Stiftung (FES), and the Congressional Committee on Overseas Workers Affairs (COWA), Philippines will host this meeting with parliamentarians who would be exploring strategies to ensure social security coverage for all informal sector workers. Right after the caucus, the parliamentarians will have the opportunity to join the opening plenary of the 5th WSFM on 26 November.

Each of these events will truly demonstrate the collaborative efforts of the international community in the struggle to recognize migration as a significant world phenomenon that affects us all.

Considering the critical importance of migration to the Philippines and the world, everyone is encouraged to join the conversation and attend the 5th WSFM. It is sure to be a truly historic event full of interactive discussions, lively debates, exhibition of diverse arts and cultures and peoples' solidarity which celebrate the fact that another world is possible. **END**

49% of migrants are women.



Join the conversation: <http://www.wsfm2012.org/>

SOURCE: International Organization for Migration <http://www.iom.int>

rights advocates, aims to look into the issues of migrant domestic workers, strategies at the national, regional and global level to campaign for the decent work for domestic workers. The workshop aims to come up with a campaign plan for the ratification of the ILO Convention 189 on domestic work.

Debates about climate crisis, green economy, migration and climate justice will be explored in the workshops and poster sessions co-organized by Focus on the Global South, La Via Campesina, Jubilee South and MFA.

Solidarity with Migrants Japan, MFA and Red Cross International are co-organizing a session on Stranded Migrants in Emergency Situations. Migrants become stranded in many different ways, with various implications for their legal status and personal safety, security, and wellbeing. The workshop seeks to analyze and offer solutions to this emerging issue.

214 Million Estimated Migrants Worldwide



Join the conversation: www.wsfm2012.org

Source: IOM

Organizations behind the 5th World Social Forum on Migrations...

PHILIPPINE WORKING GROUP

Alliance of Progressive Labor (APL)
 Association of Major Religious Superiors
 Philippines Migrants
 ATIKHA
 Batis Center for Women
 Building and Wood Workers International
 Catholic Bishops' Conference of the Philip-
 pines—Episcopal Commission for the pas-
 toral care of Migrants and Itinerant People
 (CBCP—ECMI)
 Center for Migrant Advocacy
 Focus on the Global South
 Freedom from Debt Coalition
 Institute for Popular Democracy
 Jubilee South
 La Via Campesina
 Kasagapay
 Kaniungan Center Foundation
 Labor Education and Research Network
 (LEARN)
 MARINO
 Migrant Forum in Asia (MFA)
 PHILCOMDEV
 Public Services International
 Scalabrini Migration Center
 Unlad Kabayan
 WomanHealth
 Women and Gender Institute —
 Miriam College

INTERNATIONAL COMMITTEE

Comité de Seguimiento de la Conferencia Euroafricana
 de ONGs sobre migraciones Y Migneurop Sur
 Réseau Africain sur les
 Etudes Migratoires (RAEM). Coordinada por Ascode
 Fundación Sur
 Espacio Sin Fronteras
 Grito dos Excluidos
 Serviço Pastoral dos Migrantes
 Red Internacional Migración y Desarrollo
 National Alliance of Latin American and Caribbean
 Communities (NALACC)
 Plataforma Interamericana de Derechos Humanos,
 Democracia y Desarrollo (PIDHDD)
 MIREDES Internacional
 Migrant Forum Asia (MFA)
 Palestinian National Council
 Association Internationale Scalabrinienne au Service des
 Migrants – AISSMI (CSEM Brazil)
 AROI
 Migneurop
 CEAR
 Plataforma Estatal de Organizaciones de Mujeres por la
 Abolición de la Prostitución
 ALER
 Red Con Voz

HOSTED BY:



A strategic conversation successfully organized by MFA on regional and international intergovernmental forums on migration



From 23 – 25 July 2012, MFA in conjunction with UN Women, hosted A Strategic Conversation on the Protection of Asian Domestic Workers' Rights. MFA facilitated the conversation to allow civil society groups, trade unions, government ministry representatives and leaders from several international bodies from across the Asia-Pacific region to share their strategies of engagement and experiences with various regional and international intergovernmental forums.

The objective of the conference was to use a rights based model to promote and protect domestic workers' rights by engaging with the following eight intergovernmental processes: the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee for the Protection of the Rights of All Migrant Workers and Members of their families (CMW), ILO (Convention 189 on Domestic Workers), the United Nations General High Level Dialogue on Migration and Development (UN HLD), the Global Forum on Migration and Development (GFMD), the Abu Dhabi Dialogue (ADD), the Colombo Process and the ASEAN Committee on Migrant Workers (ACMW).

Members of civil society from Bahrain, Bangladesh, Cambodia, Hong Kong, India, Israel, Jordan, Lebanon, Malaysia, Nepal, Oman, the Philippines, Singapore, Sri Lanka, Taiwan, and Thailand were able to share their experiences with each of the regional and international processes. The contributions of representatives from Amnesty International, the Technical Working Group Task Force on ASEAN Migrant Workers and UN Women

Philippines were valued for their international perspectives. Trade union representatives from the International Domestic Workers' Network (IDWN), Hong Kong and Malaysia were also able to provide expertise in relation to organizing worker groups and interacting with the ILO tripartite system.

The conference discussions were also strengthened by the participation of government ministries such as Bangladesh's Bureau of Manpower, Employment and Training (BMET), Cambodia's Ministry of Labour and Vocational Training, Philippines' Overseas Employment Agency (POEA), the United Arab Emirates' (UAE) Dubai Police, and the India Centre for Migration. Our resource persons included two POEA officials, a CEDAW ex-committee member, a current CMW member, and ILO and UN Women representatives. Through the resource persons, open forum discussions, and workshops, participants were able to share their experiences, develop realistic recommendations for future engagement as well as strengthen the regional non-governmental organization (NGO) network focused on human rights.

The first two days of discussion revolved around the capacity of the groups to engage with these processes. Organisations also suggested increasing the direct involvement of domestic workers to these intergovernmental processes. Through action-oriented discussions, participants provided examples of how they have engaged with the processes in the past, as well as identified potential opportunities for future engagement.



Participants of the conversation in one of the break-out sessions.

Overall, organizations, government ministries and trade unions were able to share resources and discuss future opportunities for collaboration.

The two days of intensive discussions were followed by a visit to the Philippine Senate in which Senator Loren Legarda delivered a sponsorship speech on the Philippine ratification of the ILO C 189 on domestic work. The speech, followed by interpellations, was a precursor to the hopeful concurrence of the convention in the Philippines and the international ratification of ILO C189.

All key objectives were achieved through this conference as it provided an informal forum for civil society, government ministries and international bodies to share perspectives and resources directing towards improving the protection of the rights of domestic workers. Through the cross-pollination of ideas, participants were able to effectively come up with a list of realistic initiatives for engagement with each of the eight processes for the near future.

In addition to accomplishing these goals, participants also acknowledged how their work and experience with domestic workers' and migrant workers' rights could be applied to these intergovernmental processes. Through options like reporting mechanisms, data collection, trade union status, the delegates felt they could use their existing resources to effectively engage with the processes. They also expressed their interest in more collaborative efforts regionally and nationally with other organizations working towards promoting and protecting domestic workers' rights. **END**

What are the regional and international intergovernmental processes that deliberate on the rights of migrant domestic workers?

ILO CONVENTIONS

C189 and R201

In the 100th session of the International Labour Conference (ILC) in June 2011, the assembly adopted Convention 189. It was the first international instrument on domestic workers. The objective of the convention was to effectively promote and protect human rights, provide access to decent work, promote gender equality and compliment existing standards, and fundamental principles of this marginalized group by instituting a measure to ensure fair terms of employment and decent working and living conditions for all domestic workers. Recommendation 201 was also adopted, a non-binding covenant that provides guidance to party states to strengthen national laws, policies, and practices. It is meant to support and augment the Convention's minimum standards.

Although C 189 is a crucial convention in the advancement of protecting domestic workers' rights, it is important to also consider other conventions and recommendations related to domestic workers' rights. Some conventions that could be considered include C 97 (Migration for Employment Convention (Revised), 1949; C 138 Minimum Age Convention, 1973; C 143 Migrant Workers (Supplementary Provisions) Convention, 1975; C156 Workers with Family Responsibilities Convention, 1981; C181 Private Employment Agencies Convention, 1997; and C182 Worst Forms of Child Labour Convention, 1999. Other than R201, it may also be helpful to look at R198 Employment Relationship Recommendation, 2006. Each of these conventions and recommendations are supportive of domestic workers' rights and can be used to promote and protect the rights of domestic workers using the ILO mechanisms. Therefore, even if a state has not ratified ILO C 189, there is still opportunity to engage with ILO using these conventions.

UN TREATY BODIES

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)

was adopted in 1990. The Convention was adopted by the General Assembly on 18 December 1990 without a vote, and entered into force on 1 July 2003. The convention strives to protect migrant human rights through ensuring migrants have the same working conditions as nationals, regardless of being documented or undocumented. It also aims to eliminate exploitation of migrant workers against traffickers and those who employ undocumented workers. The commission strives to ensure these objectives through establishing international tribunals.

General Comment One (GC 1) related to MWC directly addresses the rights of migrant domestic workers. The Comment recognizes domestic work as work and that migrant domestic workers should receive the same treatment as nationals.

The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) is comprised of 14 independent experts who consider state periodic reports on the implementation of the treaty, shadow reports, make recommendations in consultations with relevant NGOs, follow-up on recommendations, and delivers concluding observations for state reform. The Committee works closely with international agencies, including the International Labour Office (ILO). The ILO appoints a representative to consult the Committee on various issues while providing comments and materials that may be of use. The committee holds sessions twice a year and submits an annual report to the UN GA and State Parties.

Convention on the Elimination of Discrimination against Women represents the consolidation of years of

the Optional Protocol. The Recommendation also defines different categories of migrant women and the effects of discrimination on female migrant workers. There is further clarification in how these issues should be addressed in origin, transit and destination countries. For example, the Recommendation addresses the effects of contractual work and wage discrimination on access to health care and living conditions of women in destination countries.

The Committee on the Elimination of Discrimination Against Women is comprised of 23 elected independent experts who consider state periodic reports on the implementation of the treaty. Given that CEDAW is the second most ratified convention by destination, transit and origin states, it is probably one of the most effective treaty bodies to use when advocating for domestic workers' rights.

United Nations High Level Dialogue (UNHLD)

During the 1990s, the UN developed a series of conferences to reflect major themes of discussion amongst international leaders. Considering migration is one of the most pressing issues of our time, the Global



women's struggles into a comprehensive "Bill of Rights" for women. The Convention specifically addresses gender inequalities and discrimination holistically. Therefore, it identifies any negative impacts of traditional practices that are based on the inferiority or superiority of either sex while also looking at the connection between public and private spheres. In 1981, the Convention entered into force and is currently ratified by 185 countries. By being party to the convention, States are obligated to respect and protect women's human rights, include equality and nondiscrimination provisions in their Constitution, repeal discriminatory laws, and provide a policy environment that allows for gender equality. All provisions in the convention apply to female migrant and domestic workers.

In 2008, General Recommendation 26 (GR 26) was adopted to protect the rights of female migrant workers to ensure safe migration. The Recommendation outlines the responsibilities of states to establish comprehensive, gender-sensitive, rights-based policies, include women workers into labor laws, to participate in bilateral and regional cooperation, report to the Committee and ratify

Commission on International Migration was established in 2003. At the end of the process, the Commission provided recommendations, but did not suggest ratifying a UN Convention.

As a result, Kofi Annan, then Secretary-General of the UN, recommended a platform to discuss migration and development. The next best alternative to an official UN conference would be a high level dialogue. In this way, influential parties could establish a thematic discussion without concern of being quoted, being held to implementation obligations or signing any binding documents. By depoliticizing the issue, participants were able to discuss pertinent issues freely.

On 14 to 15 September 2006 the GA hosted the first High-level Dialogue on International Migration and Development in New York, USA. The objective of the forum was to maximize development benefits of migration. Participants included 127 high-level officials of member states, one observer state, and ten intergovernmental entities and organizations.

The second UN High Level Dialogue on migration and development is scheduled to happen in September 2013.

Global Forum on Migration and Development (GFMD)

At the first UNHLD on International Migration and Development, it was determined there was a need for an annual, informal, voluntary, state-led, non-binding forum to discuss global migration and development. The overall objective of the forum was to discuss migration in relation to development and how countries can maximize opportunities, and minimize risks in human capital development and labor mobility.

As a result of the recommendations of the 2006 UN HLD, the first GFMD was held 10 to 11 July 2007 in Belgium. Since 2007, there have been four subsequent GFMDs (Manila 2008, Athens 2009, Mexico 2010, Geneva 2011), the next of which is scheduled for this November 2012 in Mauritius, Africa.

As of now, domestic workers are not prominently part of the GFMD. As a result, Civil society (CSOs) must speak with their governments. The meeting itself is only a formality; the work must be done prior to the actual Forum. This can be done through national consultations to develop consolidated CSO position papers or statements to the government. As remittances and recruitment fees are key issues among CSO discourses, they are the issues that need to be raised at the GFMD.

The Colombo Process is a regional consultative process established in 2003 to manage overseas employment and contractual labor for countries of origin in Asia. Member countries include Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam. Bahrain, Italy, Kuwait, Malaysia, Qatar, Republic of Korea, KSA and UAE act as observing countries. There are also eight organizations that are involved as process participants: ADB, ASEAN, DFID (UK), European Commission, GCC, ILO, UNIFEM and the World Bank. The IOM serves as the Secretariat. It is a non-binding and informal process that allows participants to engage in dialogue and cooperation on labor migration matters.

The Process is led and governed by Ministerial Consultations. At these consultations, recommendations and action plans are decided upon by participating state Ministers. During the Consultations, the member states review and monitor the implementation of the previous recommendations while identifying future actions. Thus far, there have been four Labor Migration Ministerial Consultations.

MFA and member organizations have been involved with the Colombo process in the past. Most recently, a CSO parallel event was held along side the Colombo Process in April 2011 in Bangladesh. MFA has been persistent in

putting a rights framework in the agenda of the Colombo Process.

The Abu-Dhabi Dialogue is a result of the 2005 Colombo Process where it was decided a new forum between Asian destination and origin countries was needed to maximize the benefits on contract mobility. It is a voluntary, non-binding, government-led, regional, consultative process. Member countries include those from the Colombo Process and nine Asian destination countries (Bahrain, Kuwait, Malaysia, Oman, Qatar, KSA, Singapore, UAE and Yemen). Partner and Observer states include France, Germany, Japan, Mauritius, Poland, Republic of Korea and the United States of America. The European Commission, GCC, ILO, UNIFEM, UNDP and the Arab Labour Organisations act as Partner and Observer Organisations.

The first Abu Dhabi Dialogue was held in January 2008. Its focus was to discuss ways to enhance bilateral and regional cooperation to better administer temporary contract employment cycles, maximize the benefits of contract workers and employers. The second Abu Dhabi Dialogue in Manila in April 2012 produced the Interim Guidelines for Operating Modality, the Manila Communiqué 2012, and the Framework for Regional Collaboration. The Interim Guidelines for Operating Modality and the Manila Communiqué outlined the modalities for future dialogues until the next Dialogue in 2013 where the modalities and supporting structures would be finalized. The Framework outlined the challenges of contract labor mobility.

Earlier this year, a parallel event was organized in Manila to bring civil society organizations and trade unions from the region together to discuss their engagement with the 2012 Abu Dhabi Dialogue process. With the event, MFA and Human Rights Watch released a joint press release demanding labor ministers endorse migrant worker protections and to include civil society in dialogues. MFA has also made several written contributions including contributing to a research paper, position papers, and policy briefs on the Dialogue. MFA has also heavily critiqued the framework and Declaration of the Dialogues for not focusing on the rights of the migrant workers.

In the past, organizers extended extended a few invitations to civil society representatives to observe some sessions. As an observer, organizations are able to provide input directly to government papers. Civil society also holds a parallel consultation process to discuss their recommendations for governments.

ASEAN Committee on Migrant Workers (ACMW)

Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam represent the ten official member states of ASEAN.

The ASEAN intergovernmental processes are divided into three wings: the ASEAN Intergovernmental Commission on Human Rights (AICHR), the ASEAN Committee on Women and Children (ACWC) and the ACMW. The ACMW was established after the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers was written in January 2007 and can be invoked with the ASEAN Charter. It subsequently established the ACMW Drafting Team Process on the ASEAN Framework Instrument on the protection and promotion of the rights of migrant workers through the AMWC, ASEAN Labor Ministers Meeting (ALMM), and the Senior Labor Officials Meeting (SLOM). As all ten Member States signed the Declaration, they are therefore obligated to implement it.

It is important to note that the Declaration does not recognize the rights of undocumented migrant workers. The ASEAN Forum on Migrant Labor (AFML) implementation of the ASEAN Declaration of the Protection and Promotion of the Rights of Migrant Workers is an annual two-day meeting of the tripartite and CSOs. One employer, trade union and civil society representative is selected along side two representatives from each Member State. There are also representatives from other intergovernmental bodies such as UN agencies, the ILO, and IOM. The Task Force on ASEAN Migrant Workers (TFAMW) facilitates CSO participation. The TFAMW created a framework to improve migrant workers' working conditions focusing on the obligations of both labor sending and receiving nations as well as commitments by ASEAN. Upon the project's completion, the Task Force lobbied the Committee to adopt the framework. The Task Force itself is comprised of trade unions, human rights and migrant rights NGOs, and migrant worker associations. Regional NGO representatives increase from three to five representatives working within ASEAN.

MFA has been involved in the AFML. Also, MFA has been engaged in multiple campaigns, events and collaborative research papers that focus on migrants' rights in ASEAN. Attending the ASEAN Civil Society Conference in 2006 to the promoting the 2010 campaign Equal Pay for Equal Work Campaign, MFA has been involved in a variety of projects in various capacities. More recently, in May 2011, MFA brought forward a case of abuse to the Public Hearing on Corporate `Social Responsibility and ASEAN. In September 2011, MFA facilitated a parallel event to the ASEAN Inter-Parliamentary Caucus on Labour Migration. The discussion focus was on migrants' rights to social protection. This year, MFA has been working with member organizations in Singapore to support a mandatory rest day for migrant domestic workers. **END**

C189 Ratification of the Philippines, Kasambahay Bill passed in Congress

Domestic workers rights advocates are pleased to share the good news to the world about the domestic workers bill in the Philippines and the Philippine ratification of ILO Convention 189 on Decent Work for Domestic Workers.

On 5 September 2012, the Philippine House of Representatives on its third and final reading approved House Bill (HB) 6144, a bill which when passed into law will provide protection for the 1.9 million domestic workers (kasambahay) in the country.

HB 6144 Kasambahay Bill seeks to provide domestic workers with decent board and lodging, and to ensure that domestic workers have access to basic education. It also guarantees that the privacy of domestic workers are respected as well as their right to a daily rest and weekly day off.

Meanwhile, the Senate version of the bill is still pending at the committee level. Once approved by the Senate, a bicameral conference committee session will convene to reconcile the Senate and the House versions. Upon approval of the bicameral conference committee, the bill will be returned to the House and Senate for ratification. The ratified bill will then be submitted to Malacanang for the signature of the President.

In another positive news, the Philippines became the second country to ratify C189. ILO officially announced on 5 September 2012 the country's ratification, signaling the C189's entry into force in twelve months' time.

The first country to ratify the Convention was Uruguay. This State from South America officially registered its ratification on 14 June 2012, two days before the anniversary of the Convention. Mauritius, on the other hand, is the first country in Africa that ratified C189. The ratification was registered on 13 September 2012.

MFA is a partner of ITUC's 12 by 12 campaign. The 12 by 12 Campaign aims at 12 ratifications of C189 by 2012. The Campaign currently runs in 56 countries. In the Philippines, MFA members and partners through the Philippine Technical Working Group, the Department of Labor and Employment and other civil society groups actively engage and keep a close watch of the process to ensure that policies for decent work for domestic workers are adhered to and implemented. **END**

National Workshop on C189 and R201 on Decent Work for Domestic Workers held in Nepal

26-28 August, Kathmandu - This workshop, the National Workshop on ILO C189 and R201 on Decent Work for Domestic Workers, acts as a follow-up to the South-Asian Consultation on ILO Convention 189 on Decent Work for Domestic Workers, held in Kerala, India on June 2012. The two-day workshop was comprised of multiple sessions aimed at both informing and empowering participants in developing an action plan to provide decent work for domestic workers. Nepali domestic workers and local representatives from trade unions, CSOs, and international organizations attended the event.

On 27 August, 2012, the session opened with remarks from Brother Laxman from the Nepal Trade Union

stressed that delegates needed to challenge these notions for progress to be made. This was followed by a brief overview of the history of the international recognition of domestic work.

The day closed with a workshop session asking participants to think critically about their experiences with domestic work, what efforts their organizations had engaged in to advocate for the rights of domestic workers, and finally to create a slogan to promote domestic workers' rights. Each group then presented their stories, experiences and slogans to the delegation.

The second day began with a recap of the previous session by Mr. Bishnu Khatri. Mr. Narayan P. Bhattarai,



Congress (NTUC), Ms. Charito Riley from Solidarity Center, and Mr. Surya Bahadur Kunwar from General Federation of Nepalese Trade Unions (GEFONT), and William Gois from the Migrant Forum in Asia (MFA). Each welcomed the delegation and emphasized the importance of the issue of domestic workers' rights. They all indicated their experience and personal connection to domestic work. Each expressed their intention to support the delegation in creating their own action plans for addressing this important issue.

The program started with a presentation by Dr. Jivan Prasai and Dr. Rudra Gautam of their study, "Isolated within the walls", describing the current state of domestic work in Nepal. This was followed by a session led by Mr. Gois who encouraged participants to think deeply about society's underlying perceptions of domestic work and

from the ILO, then provided a detailed summary of ILO C189 and R 201, illustrating their potential implications on Nepali legislation. He also highlighted important articles and their applications and connections to other ILO conventions.

To relate these policies to national legislation, Mr. Tika Dhoj Khandka identified the gaps that currently exist between national legislation and international mechanisms. Providing multiple examples, he illustrated the missing mechanisms that were detrimental to protecting the rights of domestic workers.

Finally the program closed with a discussion of how the present groups could work together to ensure domestic workers were protected and encourage the Nepali government to ratify ILO C189. The delegation was then

split into three groups to discuss how to engage domestic workers, the government, and general public to change perceptions of domestic work, thereby ensuring their rights, as workers, were protected.

The conference not only provided participants with a firm understanding of domestic workers' rights, ILO C189, ILO R201, and the existing national legislation, but also a number of supporting documents to empower participants to educate others and initiate their own campaigns. Through collaborative sessions, delegates shared best practices, personal experiences and developed creative solutions to address the complex obstacles they face promoting dignified work for domestic workers. With the tools and support provided, the delegation designed the following action plan to collectively address the issue of decent work for domestic workers at the national and local level to promote the future ratification of ILO C189.

Engaging Domestic Workers

1. Conduct a census of domestic workers.
2. Spread awareness of domestic workers rights and C189 to domestic workers in all communities.
3. Support domestic workers' right and ability to organize into unions and advocacy groups.

Engaging Communities

1. Although the goal would be to reach all members of society, the group especially hoped to engage employers.
2. Educate communities on the rights of domestic workers using printed materials, social media, newspapers, television, and radio.
3. Initiate building the social movement to support the decent work for domestic workers campaign through alliance building, performing at cultural festivals, and organizing rallies.

Engaging Government

1. Directly engage with the government through informal conversations, letter writing, and formal dialogues such as round table discussions with all stakeholders.
2. indirectly engage the government through a national campaign follow-up and encourage community members to lobby their government officials. **END**

Regional network activities: Assembly to Demand Climate Justice; 5th Regional Human Rights Defenders Forum; CSO Forum on the ASEAN Human Rights Declaration

Regional partners of MFA organized back to back programs in Bangkok and Manila in the last phase of 3rd quarter 2012. These programs tackled climate justice, challenges faced by human rights defenders and civil society deliberations on the ASEAN Human Rights Declaration. MFA members took part in these crucial meetings.

On 29-30 August 2012, Jubilee South Asia-Pacific Movement on Debt and Development (JSAPMDD) organized an Assembly on Strategies and Plans of the Global Campaign to Demand Climate Justice. According to Lidy Nacpil, JSAPMDD coordinator, climate debt is "owed by those who are responsible for excessive greenhouse gases in the atmosphere, those who have been using more than their fair share of atmospheric space for over a century, those who cause environmental destruction that lead to the diminishing of the earth's capacity to absorb greenhouse gases, and those who generated and continue to perpetuate the climate crisis by refusal to take action. The Annex 1 countries, led by the United States and European countries, have the obligation to pay reparations for these debt owed to the people who have been affected by the climate crisis. Furthermore, The mobilization of unprecedented levels of finance is needed to enable people, communities and nations to deal with present and as well as already unavoidable future impacts of climate change, much of which are irreversible. It is also needed to make the systemic and technological transformation necessary to prevent worst catastrophes, solve global warming and heal the planet. The delay in mobilization of climate finance imperils the people of vulnerable countries. These people include marginalized groups like indigenous communities, peasant communities and displaced populations.

MFA works collaboratively with JSAPMDD and support the network in its advocacy for climate justice. Migrant workers and members of their families struggle in the midst of a changing physical environment caused by human activities. Climate induced migration is one issue the network is trying to address.



JSAPMDD members at a rally in Bangkok in early September 2012. Photo courtesy of Claire Miranda, JSAPMDD

The Asian Forum for Human Rights and Development (FORUM-ASIA) is another network partner of MFA. FORUM-ASIA held its 5th HRDF in Bangkok, Thailand, on 3-5 September 2012. The forum's theme was "Defending Economic, Social and Cultural Rights in A Consolidated Asian Regional Human Rights Movement." It focused on the issues and challenges facing defenders working on economic, social and cultural (ESC) rights. In addition, it aimed to take stock of 20 years of the 1993 Vienna Declaration and Program of Action (VDPA) adopted at the World Conference on Human Rights, which served as a landmark platform for the regional human rights movement in Asia.

FORUM-ASIA has been organizing a biannual Regional Human Rights Defenders Forum (HRDF) since 2001 where MFA is an active participant. The HRDF provides a platform for human rights defenders (HRDs) to discuss and share their work and the challenges they face. The HRDF also aims to enhance the engagement with the UN Special Procedures mandate holders, including by providing testimonials of human rights abuses and briefings on their national human rights situations. Most importantly, the HRDF aspires to build solidarity and collaboration among Asian HRDs to act on common issues at the regional level and support the struggles of human rights defenders in the Asian region.

MFA also took part in another meeting organized by FORUM-ASIA on 10-11 September 2012 in Manila. Civil society had a consultation meeting with the ASEAN Intergovernmental Commission on Human Rights (AICHR) on the ASEAN Human Rights Declaration (AHRD).

The consultation provided a platform for dialogue, cooperation and coordination on the drafting process and content of the ASEAN Human Rights Declaration and prepared civil society organizations for the official consultation meeting of AICHR with civil society organizations on the AHRD on 12 September 2012. The meeting also paved way to identify challenges, opportunities and ways forward to ensure the ASEAN Human Rights Declaration will be in compliance with international human rights standards. The consultation concluded with a joint submission of 62 civil society organizations who attended the meeting to the ASEAN Intergovernmental Commission on Human Rights on the ASEAN Human Rights Declaration. The submission provided proposed additions and deletions to the AHRD. "Recalling the collective commitment expressed by the AICHR representatives in the first consultation meeting with CSOs on 22 June 2012 that the level of human rights protection in the ASEAN Human Rights Declaration will not be lower than that provided in international human rights laws and standards and the aspiration to provide "added value" to the body of international human rights laws, we made this joint submission for the consideration of the AICHR." **END**

First Peoples' Global Action in Africa convened successfully in Ghana

On 12-13 September 2012, the dynamic network of Migrants Rights International (MRI) converge in Accra, Ghana for the first African Civil Society Forum on Migration, Development & Human Rights. MRI's member network in Africa, PANiDMR (Pan African Network in Defense of Migrants Rights) led the organization of the Forum, in alliance with the Africa Diaspora Policy Center, and its partner organizations (DFD, FORIM, CEFOREC, and FARAFINA) and with support of the Swiss Development Agency. The theme of this year's forum was "Towards a Unified Voice for African Civil Society."

MFA's William Gois contributed to the second plenary, "Building an African Movement for Migration, Development and Human Rights." This session raised the questions of the necessity and urgency to build an African movement, if there is possibility for the critical themes of migration, development and human rights to intersect and the challenges and opportunities that lie ahead. Mr. Gois also represented MRI and the Global Coalition on Migration in this Forum.

The Forum concluded with the PANiDMR making a



Priority Africa Network's Nunu Kidane chairs opening plenary of the African Civil Society Forum on Migration, Development & Human Rights. Photo courtesy of Migrants Rights International (MRI)

PANiDMR noted that this was a unique gathering which brought, for the first time, key Africa-led civil society organizations from within the continent, Europe, North America and Asia, to exchange information, engage in policy advocacy, and strategize on current challenges on global migration as related to Africa and African migrants.

The two day forum was packed with engaging plenaries, roundtables, statements and presentations. The opening plenary for instance presented current trends and debates in Africa on migration and development. The speakers explored current conditions for migrants and presented analyses on changes in migration trends in the region and globally over the past decade, including perspectives on development and governance. Additionally, the discussion focused on the role of civil society organizations in Africa and the diaspora as contributors towards solution-based outcomes.

declaration. Part of the declaration states, "It is critically necessary and timely to build a movement to advocate the rights of migrants in Africa and the diaspora. This is the time to shift global policy discourses on migration at international platforms of the World Social Forum on Migrations, at the Global Forum on Migration and Development (GFMD), and at the upcoming United Nations High Level Dialogue on Migration in 2013. The hosting of the 2012 GFMD, the first time in an African country, should bring the global attention to the issues of migrants in Africa." **END**

Read the declaration in full here: <http://www.panidmr.org/accra-conference---program.php>

Introducing the Global Coalition on Migration

From the GCM website

In the current international political climate where migration has received intense attention and government focus, global civil society movements have consistently stated the critical need to have a strong presence, collective voice, and unified vision to advocate for the best possible global governance and policy-making around migration. As critical stake-holders with a deep history and shared experience in collaborating on an international level, the Global Coalition on Migration (GCM) represents a vital space where its members can collectively chart the best methods, strategies and tools to take action together.

The GCM members represent regional and international networks of migrant associations, migrants rights organizations and advocates, trade unions, faith groups and academia, covering every region around the world.

- Global Migration Policy Associates (GMPA) — observer
- International Catholic Migration Commission (ICMC)
- International Network on Migration and Development (INMD)
- International Trade Union Confederation (ITUC)
- Migrant Forum in Asia (MFA)
- Migrants Rights International (MRI)
- National Alliance of Latin American and Caribbean Communities (NALACC)
- National Network for Immigrant and Refugee Rights (NNIRR)
- Pan-African Network for the Defense of Migrants Rights (PANiDMR)



GCM convening (from left): June 2011, official launch in Geneva; December 2011, Geneva; September 2012, Accra. Photos courtesy of MRI.

The concept of the GCM was born out of the collaborations of its initial member organizations around the Global Forum on Migration (GFMD) and the corresponding People's Global Action on Migration, Development & Human Rights (PGA) processes.

- Platform for the International Cooperation on Undocumented Migrants (PICUM)
- Women and Global Migration Network (WGMWG) — observer

The GCM was formally launched on 3 December 2011 in Geneva, Switzerland, and its International Secretariat is hosted by Migrants Rights International (MRI). The GCM is supported by the John D. and Catherine T. MacArthur Foundation.

The following are the member and observer organizations of the GCM:

- Building and Woodworkers International (BWI), Chair of the Council of Global Unions (CGU) Working Group on Migration — observer
- Espacio Sin Fronteras (ESF)

GCM convened three successful face to face meetings of its members and observers, the first one was on June 2011 in Geneva, Switzerland right after the 100th session of the International Labour Conference (ILC) and the 17th session of the Human Rights Council (HRC). The 2011 Peoples' Global Action on Migration, Development and Human Rights (PGA) in Geneva paved way for the second convening of the GCM team. In Accra, Ghana, at the first African Civil Society Forum on Migration, Development and Human Rights in September 2012, GCM gathered for its third meeting. The GCM will reconvene in Manila, Philippines in conjunction with the 2012 World Social Forum on Migrations (WSFM). **END**

Visit GCM's website at <http://gcmigration.org>

CRC held a Day of General Discussion on the rights of children in the context of international migration

The Committee on the Rights of the Child (CRC) decided to devote its 2012 Day of General Discussion (DGD) to the rights of all children in the context of international migration. The discussion was held on 28 September 2012 in the Palais Wilson in Geneva, Switzerland. The DGD took place at the 61st session of the Committee.

The CRC is the body of independent experts that monitors implementation of the Convention on the Rights of the Child by its State parties. It also monitors implementation of two optional protocols to the Convention, on involvement of children in armed conflict and on sale of children, child prostitution and child pornography. The Convention of the Rights of the Child is the most widely ratified human rights treaty.

Treaty based bodies like the CRC hold days of general discussion. DGD is a public meeting where it fosters a deeper understanding of the contents and implications of the Convention as they relate to specific articles or topics. Representatives of governments, UN bodies and specialized agencies, civil society organizations, national human rights institutions as well as individual experts are welcome to participate.

The 2012 DGD aimed to:

- Help identify specific child rights issues in the normative, policy and programme areas in relation to all children in international migration situations, regardless of their status (regular or irregular).
- Identify principles and examples of good policies and practices in relation to children in international migration situations.
- Address international standards protecting the rights of the child in the context of international migration and identify how these international standards take or should take into account the guiding principles in the Convention on the Rights of the Child (non-discrimination, best interests of the child, respect for the views of the child and the right to life, survival and development).
- Provide further substantive information for facilitating the Committee's dialogue with and recommendations to States parties on issues relating to the rights of children in international migration situations.
- Raise awareness and promote exchange of information and collaboration among actors/stakeholders dealing with the rights of children in the context of international migration.

MFA was able to send a delegation to Geneva to represent the network and deliver its written submission to the DGD. William Gois, regional coordinator of MFA was also invited as a key resource person for the DGD's working group on "National level measures to implement the rights of children in international migration situations in countries of origin, transit and destination."

MFA's written submission aimed to draw the attention of the Committee to the adverse situations of migrant workers and members of their families, particularly their children who are critically affected by international labor migration and immigration policy regimes. Children in the migration process, namely children left behind, children on the move and children in receiving countries, are in most cases directly affected by the migration experiences of their adult migrant worker family members. Migrant workers are subjected to specific national, regional and international policies which are discriminatory and that restrict their movement and employment, and even deny their rights to family, marriage, registration of birth of their children, citizenship and access to social services. Such specific policies can violate the rights of migrant workers; such policies can also produce cumulative effects and serious repercussions on members of their families, in this case their children.

The following situations in Asia reveal stringent migration policy regimes that obstruct the full realization of the rights of migrant workers and their children. MFA requests the Committee to tackle the

- Social costs of migration
- Detention of migrant workers and members of their families in irregular situations
- Residency and citizenship of migrant workers and members of their families, particularly birth registration and right to citizenship
- Access to education, healthcare and other social services for migrant children, and make them priority issues in the deliberations with and recommendations to States.

Children and their rights affected by the migration process are symptomatic of broader labor and human rights issues faced by migrant parents and adult family members. The afflictions endured by migrant workers are being passed on to their children and family members.

Recommendations of the network for the Committee's consideration included:

- It is crucial for the international community to address the root causes of international labor migration. There is a need to ensure that labor migration is the result of informed choices by individuals rather than the result of direct or indirect pressure that denies fundamental freedoms and human rights. By considering that we can fully engage in addressing the situations of children left behind, children on the move and children in receiving countries.
- Migrant workers' right to family life should be recognized, especially when a worker remains in the country of destination for an extended period of time. Long term migrant workers and their families must have access to permanent residency and citizenship.
- States should take a look at structures that brought the deprivation of citizenship, removing purely geographic biases. Country of origin and migration status cannot be grounds for denying or restricting rights (e.g. education, health care, social security, access to employment and labor training).
- States should design, modify or implement policies that do not criminalize migrants on the grounds of their undocumented status. These policies should align with international human rights treaties that have specific provisions on the needs of migrant workers and members of their families.
- There is a need for proactive cooperation on an equal basis between host and sending countries in dealing with the issues of irregular migration. The host countries should neither act in an arbitrary manner nor act unilaterally. In a host country where there is a sizeable population of undocumented migrant workers, it is imperative on the host country to engage in a meaningful, deliberate dialogue with origin countries on how the situation can be resolved because irregular movement of peoples are also symptoms of what is happening in the sending countries and there might be a need within the practice of regionalism to look in to international cooperation.

Read MFA's written submission to the 2012 DGD in full here: <http://www2.ohchr.org/english/bodies/crc/docs/discussion2012/SubmissionsDGDMigration/MigrantForumAsiaPhilippines.pdf> **END**

MRI side event on children and irregular migration

Migrants Rights International (MRI), the Platform for International Cooperation on Undocumented Migrants (PICUM), and Migrant Forum in Asia (MFA), together with UNICEF, organized an event that sought to gather common concerns about the human rights of children affected by irregular migration.

Throughout the world, the lack of channels for regular migration and restrictions to family migration cause families to live with long periods of separation, and increase the likelihood of families and children migrating irregularly or remaining in destination countries after their visa or permit has expired.

Held a day prior to the United Nations Committee on the Rights of the Child Day of General Discussion on "The rights of all children in the context of international migration, the event highlighted challenges as well as policy measures to enable children of migrants in countries of origin and undocumented children in receiving countries to uphold their human rights.**END**

Upcoming activities of the MFA network

2-4 October: Dialogue with embassies and missions in Amman, Jordan

8-9 October: UN HLD Consultation in Dhaka, Bangladesh

11-19 October: Diplomacy Training Program in Doha, Qatar

15-16 October: CSO parallel event to the International Migrant Domestic Care Workers at the Interface of Migration and Development: Action to Expand Global Practice in the Asian Region in Manila, Philippines

4-5 November: C189 Consultation in Dhaka, Bangladesh

19-21 November: GFMD Civil Society Days, in Port Louis, Mauritius

23-26 November: Asian Inter-Parliamentary Assembly on Labor Migration in Manila, Philippines

26-30 November: 5th World Social Forum on Migrations in Manila, Philippines

25 November-18 December: Migrants Campaign Month, all regions in Asia

MIGRANT FORUM IN ASIA 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: 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: Tenaganita; 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); Thailand: Human Rights and Development Foundation (HRDF)

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

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