

MIGRANT FORUM IN ASIA NEWSLETTER



A QUARTERLY PUBLICATION FOR ADVANCING MIGRANTS STRUGGLE FOR RIGHTS AND JUSTICE

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MFA prepares for the 3rd Global Forum on Migration and Development (GFMD)

The Global Forum on Migration and Development (GFMD) is an intergovernmental forum (a meeting of governments) that takes place every year to discuss migration and development issues. It is an informal, voluntary, state-led and non-binding forum that seeks to address the multi-dimensional aspects, opportunities and challenges related to migration and development and to foster action-oriented outcomes.

The GFMD emerged following the recommendations of the UN High Level Dialogue (HLD) on Migration and Development held in New York in September 2006.

Since the 2006 UN HLD, MFA has been coordinating the CSO engagement through parallel events that provide essential space for CSOs to monitor the discussion around migration and development.

As governments prepare for the GFMD in Athens,

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MFA at the 11th Session of the Human Rights Council

The 11th Session of the Human Rights Council (HRC), which took place from 2-19 June in Geneva, was seen as another opportunity for MFA to elevate the issues of the invisible and the undervalued segments of migrant workers at the international level.

MFA together with its partners, Platform for International Cooperation on Undocumented Migrants (PICUM) and Migrants Rights International (MRI), took the opportunity to organize three side events during the HRC session:

- The Global Economic Crisis and Its Impact on Migrants
- Migrant Domestic Workers Forging Ahead Towards an ILO Convention: Challenges & Opportunities
- Children Migrants: Unprotected and Neglected in Migration Policies?

MFA brought together a delegation of its members from the Philippines, Japan, Israel and the Netherlands to take part in the side events. The UN Special Rapporteur on the Rights of Migrant Workers, Dr. Jorge Bustamante, who presented a report on migrant children, was also present as a panelist in all these side events.

For the **global economic crisis** side event, the panelists were Naoto Higuchi from the Solidarity Network with Migrants Japan and Ellene Sana from the Center for Migrants Advocacy.

Mr. Higuchi focused his presentation on the situation of Latin Americans as the hardest hit of migrant workers in Japan. According to his report, about half of Latin American workers are said to have lost their jobs from September 2008 to March

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MFA at the 11th Session of the Human Rights Council	1	He also identified the two main root causes of the problem: the flexibilization of the labor market of Latin Americans and the lack of integration policies toward them. At the end of his discussion, Mr. Naoto advised that we should consider the crisis as an opportunity to tackle deep-rooted contradictions regarding migrant workers.
Decent Work for Domestic Workers Corner	5	Ms. Sana discussed in her presentation how the crisis impacts on Filipino migrant workers and their families. Not only does the crisis snatch away jobs from Filipino migrant workers abroad, but also the remittances for their families back home. She said that if the crisis will persist, there will be more risks and vulnerabilities especially among undocumented migrants; deterioration of the economies of the developing countries that heavily rely on remittances; mass migration will continue and serious scenarios of more racism, xenophobia and other forms of violence against migrant and migrant communities in host countries because of the locals first policy.
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Asian Conference on the International Financial Crisis: Analysis, Alternatives, Action	11	The migrant domestic workers side event reflected the convergence of local and migrants domestic workers groups across the globe that are campaigning for the adoption of an ILO Convention on Domestic Work that is set to be first discussed in 2010 International Labour Conference. The side event was attended by domestic workers groups from Asia, USA, Africa, Latin America and Europe who were also in Geneva for the 2009 ILC. Representatives from the ILO, the Committee on Migrant Workers and trade union groups also participated in this event.
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The panelists included Ms. Anne Suci (Kav LaOved, Israel)/West Asia, Ms. Juana Flores (National Domestic Workers Alliance in the US), Ms. Fe Jusay (Netherlands, RESPECT Network and Mr. Jorge Bustamante (Special Rapporteur on the Human Rights of Migrants).

Ms. Suci explained how the closing of the border to the West Bank has increased the number of household workers brought in from South Asia and a similar increase in exploitation and abuse.

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MFA prepares for the 3rd GFMD...

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Greece, ON 2-5 November 2009, MFA and its partners have started its planning on how to engage the process. Building from the lessons learned from the past GFMDs, the network sees the need to continue engagement with the forum.

Interesting to note that despite CSOs' interventions to discuss migration in the context of human rights over development, the current discourse is still focused on how to make the most out of the remittances of migrants or the so called "migration for development" discourse. Two GFMDs have already been held, but still there is no established mechanism to ensure the continuity of the Civil Society Day (CSD), a meeting of non-governments parties' component of the GFMD.

Given these realities, the network believes this calls for a stronger and proactive CSO engagement to ensure that human rights are put at the top of the governments' discussion on migration and development. This year, CSOs from around the world will again come together for a parallel event entitled Peoples' Global Action on Migration, Development and Human Rights (PGA), the name of the 2008 parallel event in Manila which CSOs agreed to carry in Athens. The PGA will be held from 3-5 November.

In light of the current global economic crisis, PGA's central theme is focused on the impact of the crisis on migrant workers. To prepare for Athens, different working groups have been created to plan for the PGA.

These working groups are: the International Working Group (IWG), the Athens Working Group (AWG) and the European Working Group (EWG).

The International Working Group (IWG) coordinates the preparations of the different working groups and other CSO initiated activities around the GFMD. The IWG is responsible in determining the political framework and agenda of the PGA in consultation with the AWG, EWG and other partners that have been monitoring the GFMD process. The IWG also provides guidance in determining the program and coordinates with the AWG for the local planning. To date, the IWG is composed of:



- Migrant Forum in Asia (MFA)
- Migrants Rights International (MRI)
- Union Network International (UNI)
- Public Services International (PSI)
- Building and Wood Workers International (BWI)
- International Trade Union Confederation
- European Working Group (EWG)

In the Philippines, the Philippine Working Group on the GFMD (PWG), the local organizing committee which hosted the 2008 PGA in Manila has also begun meeting to strategize on its engagement this year. The PWG is the network which started and continue to build the CSO GFMD process in the Philippines.

In terms of MFA's preparations, country level consultations will be conducted in select countries in order to follow up the commitments made by the governments at the 2008 GFMD in Manila and also to come up with specific country agenda. To know more about the PGA and the GFMD, please refer to page 14 for the Frequently Asked Questions (FAQs).

You may call MFA at (632) 433-3508/ 928-2740 or MRI at +1-510-465-1984 ext. 306. You may also visit the official website of the PGA at **<http://www.mfasia.org/peoplesglobalaction/index.html>**

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MFA at the 11th HRC...



The discussion on the **migrant children** event was made more informative with the sharing of experiences by groups represented by Michele LeVoy from PICUM (Europe), Andrea Anolin from Batis Center for Women (Philippines), Naoto Higuchi from Solidarity for Migrants Japan (SMJ), Colin Rajah from the National Network for Immigrant and Refugee Rights (USA) and Dr. Bustamante.

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Meanwhile, Ms. Jusay shared the lack of voices of domestic workers in Europe especially in ILO negotiations around the campaign in the proposed ILO Convention.

The panelists shared the same stories and predicaments about the deplorable conditions and vulnerabilities of migrant domestic workers, especially of those who are undocumented, which are further intensified by the current global financial crisis. The exchanges of data and information among the panelists revealed a poignant reality that indeed domestic workers are excluded from social protection and labour laws.

Mr. Bustamante in his response confirmed this reality and remarked that the worse is yet to come for migrant workers as a result of the global economic crisis. He further said that we are facing right now is the worst conditions for the defense of migrants' rights.

Myrtle Witbooi from South Africa remarked that "domestic work is not just a decent work, it is the backbone of all the work made possible by the presence of domestic workers at home".

Given the magnitude of problems of domestic workers, it was emphasized the need to be more proactive in reaching out to other groups in order to ensure that the voices of domestic workers are heard in the ILC.

Ms. LeVoy presented the findings and recommendations of their study entitled "Undocumented Children in Europe: Invisible Victims of Immigration Controls" in providing basic services such as healthcare and education for undocumented children in Europe who do not receive the same treatment as other European children. Ms. Anolin shared about the situation of Japanese-Filipino children, or "Yogis", who are discriminated against and face issues of identity both in the Philippines and in Japan. Meanwhile, Mr. Higuchi shared the experiences and discrimination faced by migrant children in Japan especially those of Japanese descent from Brazil.

Mr. Rajah highlighted the work of Families for Freedom in New York that are fighting for the rights of citizen children from mixed-status families. He noted that current migration policies are being developed in the context of state security over concerns for the fundamental rights, well-being and safety of children

Dr. Bustamante shared to the group the focus of his report to the HRC which reflects the increasing trafficking of children due to more restrictive migration policies.

A more comprehensive report on these side events will be published by MFA. To check if the report is already available, visit the MFA website at www.mfasia.org

Decent Work for Domestic Workers Corner



In line with MFA's campaign for domestic workers rights, the network is glad to inform you that beginning this quarter, we will be providing you regular updates on our campaign and new information on domestic workers around the globe i.e. developments in legislations, trends, news initiatives, inspiring stories and the like. In keeping up with this, MFA allotted a space solely on domestic work updates which we call **"Decent Work for Domestic Workers Corner"**. We hope you will find this corner interesting and informative.

In our first quarter newsletter, we shared with you a new milestone in the history of domestic work campaigns where the Governing Body of the International Labour Office at their 301st Session in March 2008 decided to put on the agenda of the 99th Session of the International Labour Conference (ILC) in 2010 an item on decent work that may lead to the possible adoption of a Convention for Domestic Workers in 2011 ILC. We also shared with you that MFA strongly supports this initiative and preparations for the campaign for its adoption are

underway at the national, regional and international levels.

We are glad to inform you that, to date, we have conducted national consultations in three (3) countries in Southeast Asia, namely: the Philippines, Indonesia and Cambodia along with our partner trade union groups that are affiliated with ILO and the Asian Migrant Domestic Workers Alliance (ADWA), an Asian regional alliance of migrant domestic workers (MDWs) that aims to promote, protect, and advocate for the rights, interests, welfare, dignity, and status of DWs, specifically MDWs.

The consultations were aimed at examining the existing protection mechanisms or instruments for women migrants and domestic workers at the national, regional and international levels. The consultations also came up with inputs on the ILO questionnaire and a campaign advocacy plan to push for the adoption of an ILO Convention on Domestic Work. These consultations were participated in by local and migrant domestic workers, domestic workers advocates and CSOs and trade unions.

Among the three countries, it is only the Philippines that has a pending bill on domestic workers. The consultation resulted to the convergence of local and migrant domestic workers groups that have committed to campaign for the passage of the domestic workers bill also known as the "Kasambahay Bill". In Indonesia and Cambodia, one of the recommendations was to come up with a

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MFA at the 2009 Durban Review Conference and the 10th Session of the Committee on Migrant Workers

This section is a follow-up to MFA's report on its engagement to the 2009 Durban Review Conference and the UN Committee on Migrant Workers which was mentioned in the January-March issue. These two significant events in April 2009 provided an opportunity for MFA to further raise the issues of migrant workers at the international arena. While the Jan-Mar issue of the newsletter presented MFA's preparations to the two events, this issue will share a detailed account of MFA's interventions to the DRC and CMW review. Hopefully, through this article, the reader may find greater appreciation in utilizing international instruments and avenues to defend the rights of migrant workers.

At these events, MFA brought together a delegation from the Philippines, Sri Lanka, Singapore, and Israel. The delegation actively participated in international gatherings of policy-makers including governments, Committee members, Special Rapporteurs and experts, international agencies and other civil society organizations. Migrants' concerns were raised by the delegation through lobbying with specific government missions, strategic side events, oral interventions, engagement with international committees and through submission a position paper on the situation of migrant workers. This approach follows on from MFA's multi-strategy framework to address migrants' issues from the grassroots level, building individual and collective capacity and to instituting alternatives at a society level.

MFA at the 10th Session of the UN Committee on Migrant Workers



The UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW or the "Committee") is a body of independent experts which monitors the implementation of UN Migrant Workers Convention (MWC) by its State members. The CMW is the newest treaty body of the UN which held its first session in March 2004. The CMW meets yearly to hear reports on the implementation of the Convention.

Each meeting of the CMW is a strategic opportunity for migrants' advocates to raise the alarm to the continued violation of migrants' rights under the Convention. Unfortunately, the MWC has yet to be ratified by any of the world's major hosts of (im-) migrants. In Asia, only the Philippines and Sri Lanka have ratified the Migrant Workers Convention. Bangladesh, Cambodia and Indonesia signed on the Convention but have not ratified. Even so, the Committee still remains a critical space for migrants and migrants' advocates to hold governments to account for failed and lacking protections for nationals working abroad.

On 20-27 April 2009, the Committee held its 10th session and made a review of the reports on compliance with the MWC from four countries: Philippines, Colombia, Azerbaijan and Bosnia and Herzegovina. All of the reporting countries are typically characterized as sending countries, especially in the cases of Colombia and the Philippines where international migrants compose about 10% of the populations. These two countries, although distant geographically, have many shared concerns. For instance, in both countries women compose one-half of all international migrants, many of whom are engaged in migrant domestic work. Also, the situation of Bosnia presents a poignant example of how discriminatory policy can unravel into violence, political upheaval and mass migration.

Also at the 10th Session, in preparation for the official review of the Sri Lankan state report, the Committee held a private meeting with Sri Lankan civil society organizations (CSOs) and national human rights institutions (NHRIs). This informal meeting between the Committee and civil society aimed to gather inputs and background prior to the formal state

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review later in the year.

The Philippine Review Process: A CSO experience

In the case of the Philippines, the Center for Migrant Advocacy, an MFA member, together with the Commission on Human Rights spearheaded the coordination of the Philippine engagement with the Committee. The engagement began far before the actual meeting in Geneva. During spring 2009, CMA held consultations with partner organizations and stakeholders throughout the Philippines. The inputs from these consultations formed the basis for the alternative report produced by CMA, and which was submitted to the Committee in late March 2009.

In the week prior to the convening of the Committee, the Philippine delegation held a media briefing in Manila on 16 April. At this briefing, migrants' representatives shared with local media the upcoming 10th session of the UN CMW and its relevance to the Philippines. Copies of an executive summary of the Alternative report were also distributed to the media which included online, print and broadcast media agencies.

On the first day of the CMW and prior to the formal review of the government report, the Committee held a briefing with CSOs. At this meeting, organizations were provided opportunity to present statements. Copies of oral statement were distributed to the CMW members as well as interpreters.

At the meeting with the Committee, Ellene Sana delivered the initial statement on behalf of Philippine Migrants' rights group. Also, Attorney Henry Rojas and Ms. Sana fielded questions raised by Committee members.

Over the course of the following two days, 23-24 April 2009, the Committee met with representatives of the Philippine government to review its compliance with the Migrant Workers Convention. The Committee raised several questions on the Philippines report. Two particular areas that the Committee were interested in related to the number of agency convictions as well as the need to adopt a human rights approach in its pre-departure training for migrant workers.



At the end of the Philippines Session, the Committee concluded with three particular issues for the Philippines government to follow up on. In particular, the Committee asked that the State:

1. Place more emphasis on a rights based approach, particularly in relation to pre-departure training programmes and policies undertaken by the Philippine Government;
2. Investigate and gather information on the status of women migrant workers; and
3. Ensure the implementation of the existing legislation in the Philippines.

(A copy of the full text of the CMW Concluding Observations can be found at <http://www2.ohchr.org/english/>)

Sri Lankan Review Process

During the 10th Session of the CMW, the Committee also began its preliminary review of the Sri Lankan government's compliance with the Migrant Workers' Convention. As a part of the Committee's groundwork, information from sources other than the government was sought.

In May 2008, MFA members, Women and Media Collective (WMC) and Action Network for Migrant Workers (ACTFORM) submitted their shadow report to the Committee. To continue their engagement, Sri Lankan NGOs came as part of the MFA delegation to attend the face-to-face meeting between the Committee and CSOs as well as national human rights institutions.

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At this meeting, Violet Perera, Jayanthi Kuru-Utumpala as well as Nimalka Fernando (IMADR) gave an oral statement to the Committee to raise discrepancies between the State report and the on-the-ground reality. The Oral Statement highlighted 15 key issues: some of which were extracted from the Sri Lankan NGO Shadow Report while some were issues that arose as a reaction to the State Report. The government did not disseminate its report among civil society; however, a copy was obtained through informal sources.

The Committee members and experts responded by raising several questions and points of clarification in relation to the Statement as well as to the NGO Shadow Report. After each round of questions, the representatives were given an opportunity to respond. The issues raised were the following:

Access to justice arose quickly as a central concern for the Committee. Committee members brought forth the issue of the *Kefala' sponsorship system* which is common in Saudi Arabia, the most common destination for Filipina domestic workers. The *Kefala system* bonded workers to their employer. Generally a migrant's visa is only valid if the migrant worker remains with the same employer. Such laws put migrants at a serious disadvantage when they attempt to negotiate work conditions. Workers not receiving their contracted wages or who face abuse by their employer are fearful to make complaints out of fear of losing their job. As such, companies and employers can breach labour standards with little concern of being found out. One member of the Committee referred to the system as a system of 21st century slavery.

Also of concern to the Committee was the **issue of impunity**. Citing the Shadow Report, members asked for further information on the reported cases of gang rapes at airport committed by airport officials. Migrants' advocates are further alarmed by cases of organs being removed from the bodies of deceased migrant workers. The Committee was very interested to hear more on the recommendation that returned bodies of migrants be examined and the cases investigated to determine if these occurrences are isolated or widespread, and further if they are related to organized crime.

The Committee inquired into the preparation of the government of Sri Lanka's country report and why CSOs felt that the process was not consultative. Migrant representatives responded that CSOs have indeed consulted with government institutions, however the government did not consult nor inform civil society groups of the Country Review even after it was submitted to the Committee. CSOs present incited that there should be a dialogue and reciprocity.

The **issue of remittances and the linkage to rights at home** is an emerging concern for migrants, and also concerned the Committee which asked representatives from Sri Lanka to explain the relationship. For instance, as soon as a Sri Lankan leaves the country as a migrant worker, she/he is immediately deleted from the Samurdhi list, which identifies beneficiaries of Sri Lanka's social welfare program that aims at poverty alleviation. As it takes about a year or more for most migrant workers to be able to keep their first salary, until the migrant is able to send funds, their family will be economically unstable.

Voting rights of migrants as well as bilateral agreements and MOU on the recruitment of manpower that have been signed with receiving countries were also among the issues raised. The Shadow Report asks that the Sri Lankan government be open and transparent as to the contents of those agreements while also entering into bilateral to ensure that the conditions stipulating safe working and living conditions are legally enforceable.

After the inquiry with Sri Lankan NGO representatives, the floor was opened to others present. ILO Geneva representative Mr. Piyasiri Wickramasekara commented on the Sri Lankan government's working relationship with IOM.

Following this, MFA Regional Coordinator, William Gois commented on the need for Sri Lankan government to be far more transparent about the bilateral agreements it has claimed to have signed as per its government report. The meeting concluded with the CMW stating that they were pleased with an informative and interesting Shadow Report and that it

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was evident that the Sri Lankan NGOs had been on their toes with regard to the issues affecting the rights of migrant workers.

The initial report and list of issues on the Sri Lankan report and the shadow report submitted by MFA members and other NGOs are made available at <http://www2.ohchr.org/english/bodies/cmw/cmws11.htm>.

The Secretary to the CMW announced that the review for Sri Lanka's country report is scheduled between 12-16 October 2009. Before this however, the Committee will be sending a list of questions (based on the issues raised in the NGO Shadow Report and the Oral Statement) for the government to respond the session in October. The October session would be a public meeting at which NGOs are allowed to come in as observers, as it was in the case of the Philippine review.

MFA at the 2009 Durban Review Conference (DRC)

MFA had been involved in the Durban process from early 2001, beginning with the preparatory process of Tehran for the World Conference on Racism (WCAR). At WCAR, MFA and its partners, including MRI, were key advocates in asserting the basic demands on the rights of migrants into the discourse while raising alarm to emerging concerns.

Since WCAR, MFA continued its involvement through information education and campaigns to link up the issues of migration, xenophobia and racial discrimination. For several years, MFA has promoted solidarity among local and migrant workers through encouraging cooperation on campaigns related to labour rights. At the regional level, MFA has coordinated campaigns on the issues of anti-racism and anti-discrimination in relation to the broader migrants' rights agenda. Prior to the third substantive PrepCom, MFA worked with other Asian NGOs to craft specific proposals as well as amendments to language in the draft Outcome Document, which served as the basis for discussions at the Durban Review.

In terms of its engagement, MFA delegation took an inside-outside strategy where they participated both in the official session and side events to mainstream the nexus between migrant-related policy and racial

discrimination. Delegation members shared their experiences in Asia to highlight to progress made (or lack of progress) on the WCAR commitments. The assessment will be supported by current and specific examples to demonstrating trends of discrimination against migrant workers. The side events were critical in allowing for an alternative discourse for exchanging views, sharing good practices and intervention on the issues related to the DDPA. The number of side events totaled over forty-five over the five-day Conference.

The Durban Conference opened in the morning of 20 April 2009 with statements by the UN Secretary-General, the High Commissioner for Human Rights, the President of the Human Rights Council and messages from the President of the UN General Assembly and by Nelson Mandela. Secretary General Ban Ki-Moon iterated his deep regret that some states had chosen to stand aside and expressed his hope that they not stay out for long.

Over four hundred civil society organizations registered, with over five thousand individual representatives, not including Geneva-based organizations with permanent passes, in attendance. At the opening ceremonies, the High Commissioner on Human Rights, Navi Pillay noted the tremendous diversity of civil society's groups, but also spoke to the crucial role NGOs play to "ensure that implementation strategies produce concrete results on the ground where it matters the most." Commissioner Pillay also spoke of how economic conditions in both poor and rich countries had been used to pit communities against one another. An example of this is with migrant workers and minorities who in the past have been the first to lose their jobs, particularly when they are employed in sectors that are structurally marginal.

Following the opening ceremonies, the DRC began its high-level segment, hearing statements from more than 50 dignitaries who had inscribed to speak, including several Asian countries. Over the course of the delivery of statements, several representatives made mention of the impact of racism on migrants and migrant workers.

By day two, representatives of several Asian states took the floor. Nonetheless, in the afternoon, the Main

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Committee of the DRC had already approved the test of the draft OD and recommended to the plenary that it be adopted.

DRC Spokesman Ramu Damodaran said that the “OD did not come out purely in the isolation of political discussion, but “had been infused with a firsthand experience and advice of civil society representatives and workers in the field”. While it is true that there were meetings with CSOs, there was no initiative taken to hold a UN consultation with CSOs nor did any government consult with civil society actors in preparing their positions for the DRC.

Over the next days of the General Segment, the Conference heard interventions in which state representatives underlined, among other things, that since 2001 progress had been achieved, but challenges still remained.

On the final day of the Durban Review, Severo Catura, Undersecretary and Executive Director of the Presidential Human Rights Committee of the Philippines expressed the government’s concern for the situation of migrants, migrant domestic workers and their families especially during this time of global financial crisis. The Philippines also called on States to ratify the Migrant Workers Convention as a step towards greater protection of their human rights as well as protection from racism and xenophobia.

Nepal also spoke to the “atrocities committed against minorities” including migrant workers, women or children, which was a clear demonstration of the undermining the honour and dignity of human beings and disrespecting the equality of human rights.

It was also on the final day of the General Segment, that the Conference also heard the interventions from the CSOs. MFA delivered a statement summarizing its assessment of progress and regress on the protection of migrant workers since 2001. The statement also pointed to the specific item of the DRC OD that were of concern, particularly references to migration management programs, which have been used to restrict migrants’ rights and maintain the social exclusion on the basis of nationality. At the same time, MFA voiced its support for the OD’s call

for state to ratify the Migrant Workers’ Convention but also reverse discriminatory policies that contravene international law. (To get a copy of MFA’s oral statement, please check our website at www.mfasia.org)

“The government has formulated a security discourse around migrant workers which views them as potential terrorists, justifying restrictions as well as regular raids on migrant homes and deportations as essential to national security”.

At the side events, Kyungsook Lee of Joint Committee Migrants Korea (JCMK), an MFA member based in South Korea, joined the panel of a well attended session, **Journey from Durban to Geneva: the Lost Issues of Asia**. Her presentation highlighted the issues of institutional discrimination and managed migration policy, particularly within the context of South Korea. She raised the continued use of managed migration programs that place severe restrictions on the movements of migrant workers, including their ability to change employers even when they are victims of abuse and rights violations.

Ms. Lee also spoke of the policies in place to ensure that migrants remain alienated from society. Rights are varied and accorded on the basis of immigration status. The government has formulated a security discourse around migrant workers which views them as potential terrorists, justifying restrictions as well as regular raids on migrant homes and deportations as essential to national security.

What did we achieve?

The engagement represents a strong example of MFA’s multi-strategy framework to address migrants’ issues from the grassroots, building individual and collective capacity to the end of instituting alternatives at a society level.

- Delegates were able to actively engage international gatherings of policy-makers including governments, the CMW, international agencies and other CSOs on the priority issues of Asian migrant workers. Delegates were able to meet with UN representatives including CMW

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Asian Conference on the International Financial Crisis: Analysis, Alternatives , Action

The current financial crisis that has engulfed the global economy is undoubtedly a concern that affects everyone in a varying degree. The World Bank reports that as many as 65 million people could be trapped in poverty as economic growth slows around the world due to the global economic crisis. This is on top of the 130 -1 55 million people pushed into poverty 2008 because of soaring food and fuel crisis. The International Labour Organization (ILO) says that the global economic crisis could lead to increase in unemployment by an estimated 20 million. (See [http://www.worldbank.org/html/exdr/financial crisis](http://www.worldbank.org/html/exdr/financial%20crisis) and www.ilo.org/global.)

Migrant workers are among the hardest hit as most of the job cuts happening are in sectors that employ migrants such as the manufacturing industry. Many factories have closed as production has either ceased or slowed down because of the economic crisis. The crisis has increased the job insecurity among millions of migrant workers making migrants vulnerable to abuse. Some countries have announced a ban on the recruitment of migrant workers. The negative effects on migrants and workers will linger for years afterwards.

The Asian Conference on the International Financial Crisis: Analysis, Alternatives, Action was organized by Jubilee South – Asia/Pacific Movement on Debt and Development (JS-APMDD), South Asia Alliance for Poverty Eradication (SAAPE) together with Monitoring

Sustainability of Globalization (MSG) from 14-17 April in Kuala Lumpur, Malaysia. The conference brought together participants from peoples' organizations, social movements and civil society groups in Southeast, East and South Asia, especially those working on debt, IFIs, global finance issues. This 3-day event provided comprehensive understanding of roots of the crisis, the workings of the international financial markets and how the crisis unfolded in the financial realm, and contribute in the development of a regional platform of peoples' demands and alternatives in the face of the crisis.

At the Conference, MFA was invited to speak on the impacts of the crisis on migrants and initial ideas for demands for economic relief and alternatives. Representing MFA was Anjali Lowe who discussed the current state of migrant workers in the Asian region. Ms. Lowe shared the World Bank's prediction on the decline of remittances which further pushed migrants and their families to poverty.

The current global economic crisis increases heightened vulnerability and debt of migrants. Migrants are usually the first to be targeted for reduction in wages/benefits, restrictions/reductions on hiring, arbitrary termination, mass expulsion; they are blamed for taking away local jobs and are subjected to more racism and discrimination. Their status as migrants has already put them at a

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members and Special Rapporteurs to raise their concerns.

- Migrants' concerns were shared through lobbying, strategic events and presentations to international committees as well as a position paper on the situation of migrant workers.
- The delegation gained allies among civil society networks, government and international bodies at regional and international levels. Several delegates followed up with details of specific abuses via email to the Special Rapporteur on Contemporary Slavery.

Some delegates also made contact and in some cases, drew commitments from, their national government representatives. Moreover, all delegates made comments on the tremendous value of networking with other migrants groups as well as human rights groups in Asia. As a result, delegates have begun to improve channels and develop contacts for information sharing, coordinated advocacy which is particularly critical between advocates working in sending and receiving countries. Following the fruitful engagement of MFA delegation in Geneva, MFA will further strive to use international treaty bodies as mechanisms to advance its advocacy on the promotion and protection of rights of all migrant workers and their families.

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Decent Work for Domestic Workers...

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proposed bill on domestic workers.

By the end of July, another consultation will be held in Singapore.

In the Philippines, MFA has just recently become a member of the Technical Working Group for the Philippine Campaign on Decent Work for Domestic Workers. The Philippine Campaign for Decent Work for Domestic Workers has two main objectives, namely: 1) to present a unified Philippine statement for the 2010 International Labor Conference, and; 2) to push for the passage of a law for domestic workers (the Batas Kasambahay). The campaign is now in the midst of a series of consultations to assess gaps, recognize good practices and formulate decent work standards and practical implementation mechanisms at the national and international levels.

In Cambodia, the ILO office is also planning to come up with a committee to plan for the same.

In early September 2009, a regional gathering of domestic workers groups and advocates in Asia will be held in Mumbai, India to consolidate efforts and to further strategize on the campaign towards the adoption of the Convention.

At the International Level, MFA convenes the International Working Group for Domestic Workers' Rights (IWG-DWR) steering committee. The IWG-DWR is an open platform of local and migrant domestic workers' organizations, trade unions, migrant groups, and civil society organizations across the globe working on domestic workers' issues. The IWG-DW was set up in October 2008 during the 3rd International Workshop on Domestic Work held in Manila, Philippines.

The IWG-DWR Steering Committee is composed of representatives from Asia, Europe, USA and Latin America. Specific to the ILO Convention, IWG-DWR facilitates cooperation and information sharing among domestic workers organizations, migrants communities, campaign networks and relevant global trade unions in order to complement and converge efforts especially in building an international network



and to campaign for the adoption of the proposed ILO Convention on Domestic Work.

To know more about MFA's program on decent work on domestic workers, please contact Agnes Matienzo at mfa@pacific.net.hk.

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Committee on Migrant Workers' Day of General Discussion on Domestic Workers

14 October 2009

The UN Committee on Migrant Workers (UN CMW) will be having a Day of General Discussion on Domestic Workers on 14 October on the occasion of the UN Treaty Bodies' meeting. The aim of this discussion is to assist the Committee in responding to the report of the governments and to contribute to the ILO Convention on Domestic Work as well. This is a public meeting that is open to all interested participants. Two themes will be discussed: 1) *Recruitment and employment of migrant domestic workers* and; 2) *Effective protection of migrant domestic workers' rights*.

Written submissions on the above themes are encouraged. The deadline for the submission of written contributions is 18 September 2009. Registration form is available OHCHR website: (<http://www.ohchr.org/english/bodies/cmw>).

For any additional information, please contact the Secretariat, Committee on Migrant Workers, Office of the High Commissioner for Human Rights, UNOG-OHCHR:

E-mail: CMW@ohchr.org

Fax: (+41 22) 917-9029 (for general correspondence) or 917-9052 (for registration)

Asian Conference on the International Financial Crisis...

(Continued from page 11)

disadvantage state. Even without this global crisis, migrants are already among the abused and exploited segments of the society.

Women migrants and migrant domestic workers, Burmese migrants and refugees and first time migrants are among the migrant workers who are most vulnerable to abuse and exploitation.

In Asia, some of the developed countries have already made announcements on freezing foreign recruitment in order to protect their locals from mass unemployment. Malaysia in particular, announced its ban on the hiring of migrant workers in the key manufacturing and services sectors. Companies were already forced to cut down on their workforce. The lack of state regulation over the private sector, contributes to a large extent the relative vulnerability of many labour migrants.

Some of the hardest hit among migrant workers will be those that just migrated – have paid out small fortunes to recruiters, agencies only to lose jobs and highly indebted – may see no choice but to take work as undocumented, heightens precarious status and vulnerability to abuse in labour conditions, harassment, violence, more reliant on employer not to divulge status – type of blackmail. Many arrive only to find out that the job they were promised is no longer available after paying out thousands, sometimes tens of thousands of dollars for the job.

Ms. Lowe also discussed the effects of the crisis in the economy of the sending countries. The crisis means less funds for public purse i.e. social services, infrastructure, job creation, stabilizing foreign exchange and debt servicing.

In order to respond to the crisis, Ms. Lowe shared migrants' perspective on how to respond on this crisis. This includes: country missions, skills matching, diversification, job creation and protection, social protections, "voluntary return", investment in social infrastructure and radical change of development paradigm.

Social protections mean broadening portability of

social security coverage. Most migrant workers are not covered under social security net.

As temporary workers, employers rarely take responsibility for unemployment benefits. Governments are not taking account of migrant workers. During recession important time to expand coverage – e.g. in China during 1997 crisis, built social security for urban population, but now migrant workers bear the brunt. The "voluntary return" means adopting Spain's voluntary return program where migrant workers can collect their unemployment benefits in two lump-sum payments if they go back to their countries of origin. Investment in social infrastructure means support for education, health care, pensions and elder protection – if funds are freed up here, more able to spend in local economy and stimulate local economic development.

"The basic framework of any response, especially by government and policy makers, is not to save the existing – and failed – neoliberal system, but to use the crisis to create a more just economic and social system"

The basic framework of any response, especially by government and policy makers, is not to save the existing – and failed – neoliberal system, but to use the crisis to create a more just economic and social system. "The responses have to be inscribed in a framework of radical change and alternatives, coherent with the common good of humanity. It is necessary to build up a solidarity economic system, equitable and environmentally sustainable, able to produce decent work. The financial system must support this economy and be democratically controlled. Production and consumption system has to be changed. There is a need for a radical change of development paradigm (migration for development) This means a change at the international commercial relationships and a new paradigm of justice in the interaction between north and south."

This radical rethinking of the development paradigm should be done particularly in relation to 'migration and development.' Migration and development strategies and programmes must firmly be anchored on human rights, people-centered and social justice perspective, consistent with the "right to development" principles and perspectives of the U.N.

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FREQUENTLY ASKED QUESTIONS ABOUT GFMD AND PGA

What is the GFMD?

The Global Forum on Migration and Development, or GFMD, is an intergovernmental forum (a meeting of governments) that takes place every year to discuss migration and development issues. It is an informal, voluntary, state-led and non-binding forum that seeks to address the multi-dimensional aspects, opportunities and challenges related to migration and development and to foster action-oriented outcomes. The GFMD came out of the recommendations of the United Nations High Level Dialogue on Migration and Development held on September 14-15 2006. The first GFMD took in Brussels, Belgium on 10-11 July 2007. The second GFMD was hosted by the Philippine government and was held in Manila from 27-30 October 2008.

For more information and documents, see the websites for GFMD 2007 and GFMD 2008, both of which can be accessed from the portal http://www.gfmd2008.org/index.php?option=com_frontpage&Itemid=1.

When and where is the next GFMD?

The next GFMD will take place in Athens, Greece on 2-5 November 2009. The Civil Society Days (CSD) will be held on 2-3 November immediately before the intergovernmental days on 4-5 November.

What will be discussed at the GFMD?

This year's discussion is centered on "Integrating Migration Policies into Development Strategies for the Benefit of All". The Roundtable Themes (RTDs) selected are:

- RTD 1- How to make the migration-development nexus work for the achievement of the Millennium Development Goals
- RTD 2- Migrant integration, reintegration and circulation for development
- RTD 3- Policy and Institutional Coherence and Partnerships

Why is the GFMD important?

The GFMD has become one of the principal international spaces in which government discuss migration and development policy. International discourse and thought on migration policy and its relationship to development – and migrants' rights - is being developed there. Further, bilateral agreements on migration are frequently being negotiated during the GFMD. Prior to GFMD, there was no single forum that brings governments together to discuss migration and development.

Why are migrants' rights organizations concerned about the GFMD?

GFMD is a concern for migrants' organizations and civil society organizations because there is no assurance that Civil Society Organizations' (CSOs) participation will be a permanent and integral feature of the forum. In fact, several governments strongly oppose the idea of civil society involvement at the GFMD. As a result, there is neither a model established for CSO participation nor a permanent structure for the CSO Fora. Given this uncertainty, it is feared that the forum will continue to evolve without substantive consideration for migrants' rights and of the fundamental issues that underlie the so-called pursuit of development and that migrants who are the real

actors in this debate will remain unheard.

As in the past, the GFMD is taking the course of examining migration policy only through the lens of economic development, without concern for the impact policies have on migrants. It has so far been very resistant to the integration of international human rights framework and principles to protect migrants. It has also been very restrictive to the participation of civil society.

Who are the organizers of the 3rd GFMD?

The organizers are the Hellenic Republic Ministry of Interior for the government process and the Alexander Onassis Foundation for the Civil Society Days (CSD).

What is the role of Onassis Foundation?

As the organizer of the CSO forum, the Onassis Foundation is tasked to facilitate the selection of the 200 CSO participants from around the globe and 30 local organizations. An International Advisory Committee (IAC) has been created to help shape the agenda of the Civil Society Days and to look into the criteria and selection of participants for the global CSO. An experts committee is also set up to prepare the background paper for the GFMD CSO formal process.

How many CSOs will participate in the formal CSD?

Two hundred (200) CSOs from around the globe and 30 CSOs in Athens will participate in the CSO Day which is scheduled from 2-3 November.

What are the windows for engagement?

You may participate through the following channels:

A. Official Forum

A website was created for the GFMD 2009. For Civil Society Organizations, online application is available at www.gfmd2009.org. Prior to the CSD, interested individuals and organizations may contribute to the online dialogue. Input from the dialogue will be used as background material for consideration during the CSD Conference.

B. Parallel Event or the PGA

Given the restrictive nature of the GFMD to the participation of civil society, CSOs that have been part of the past GFMDs will be organizing a parallel event dubbed as the **Peoples' Global Action on Migration, Human Rights and Development (PGA)** that would provide essential space for groups from around the world to share information, dialogue, strengthen their analysis and develop joint positions on current and emerging issues on migration. Activities in the parallel event also pave the way for capacity building and establishment of networks. Activities would include workshops, public actions and demonstrations. Discussions are centered on human rights as the basis for development and explores from a rights-based perspective, the full range of issues involved in migration, including the underlying problems of poverty and injustice, and how CSOs can decisively address these.

For more updates about the PGA, please check this link: <http://www.mfasia.org/peoplesglobalaction/index.html>

National Conference on Japanese-Filipino Children

“Multi-Sectoral Cooperation towards Protecting and Advancing the Rights and Welfare of Japanese-Filipino Children”

The struggle for recognition of and respect for the rights of Japanese-Filipino Children (JFC) has been long and arduous. An offshoot of Filipino women's migration to Japan to work as entertainers for over three decades, JFCs living in the Philippines face discrimination and ridicule due to the stigma attached to, and the public's negative perception of their mothers' work in Japan as entertainers. Throughout their growing up years, JFCs are faced with various problems and challenges as they struggle to build their identities and find their place in this world.

In response to the situation of JFCs in the Philippines, MFA's Philippine member, Batis Center for Women, established Batis-YOGHI (Youth Organization that Gives Hope and Inspiration) in 2000, a youth organization that provides social support mechanism for JFCs in the Philippines. This is in line with Batis Center for Women's efforts since the early 1990s to address the needs and concerns of the children of the women migrants. Consistent with its advocacy on the rights of JFCs, Batis Center for Women, along with the Development Action for Women Network (DAWN) and Maligaya House partnered with the International Organization for Migration (IOM) for a two-year JFC Multi-Sectoral Networking Project launched in November 2008.

As part of this 2-year project, on 6 June 2009 a National Conference on Japanese-Filipino Children (JFC) was held in Manila which MFA took part of. The conference aimed at coming up with a common understanding among sectoral groups with respect to the issues and concerns of JFCs, to forge a framework of cooperation among NGOs, business and training institutions that would provide for a comprehensive and sustainable support system to the JFCs, and to generate popular appreciation to the situation and issues of JFCs. The national conference was a culmination of the regional consultations that took place in Cebu, Davao City, Bicol Region, Baguio and the National Capital Region in the first half of the year.

Select JFCs and their mothers from the regional consultations along with NGOs and government representatives participated in the Conference.

Results of the regional consultations were presented at the Conference. From the presentations, the following recommendations emerged:



- The issues and concerns of JFCs and their mothers center on paternal and/ or legal recognition, child support and family's dire economic situation. Though basic services are already provided by some agencies like training and livelihood assistance, government can do more to assist them. Further, most JFCs and their mothers are not aware how to access these services like education, livelihood, skills training etc. Therefore, the need for reliable information is needed to fill this gap.
- Representatives from the academe, NGOs, government agencies, and concerned individuals expressed support and proposed action points to address the concerns articulated by JFCs and their mothers. Empowerment of JFCs and their mothers through the provision of available services such as policy research and advocacy support, dual citizenship, livelihood, psychosocial counseling, training, education support, and advocacy campaign and migration-related services.
- There was a considerable discussion on the importance of father recognition. Questions regarding the processes and requirements on how to acquire Japanese citizenship were articulated. The establishment of an organization for and by JFCs such as Batis YOGHI is also necessary not just to provide a support group but most importantly, to build their collective action. The JFC participants explored the building and strengthening of networks for the JFCs and their families, the strategies, the state of cooperation in addressing JFCs concerns, and the prospects for further addressing the concerns and advancing the rights and welfare of JFCs in the Philippines.

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MIGRANT FORUM IN ASIA MEMBERS



SOUTH ASIA

Bangladesh: Ain O Salish Kendra (ASK), Association for Community Development (ACD), Refugee and Migratory Movements Research Unit (RMMRU), Welfare Association of Repatriated Bangladesh Employees (WARBE); 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), Youth Action Nepal (YOAC); Sri Lanka: Action Network for Migrant Workers (ACTFORM), Migrant Services Center (MSC), Women and Media Collective (WMC)

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: Messrs. Charles Hector, 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)

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)

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