

# MIGRANT FORUM IN ASIA NEWSLETTER



A QUARTERLY PUBLICATION FOR ADVANCING MIGRANTS STRUGGLE FOR RIGHTS AND JUSTICE

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## PGA 2009 takes off in Athens

The 2009 People's Global Action on Migration, Development and Human Rights (PGA) will see action on 1-5 November in Athens, Greece, parallel to the 3<sup>rd</sup> Global Forum on Migration, Development and Human Rights (GFMD).

The PGA is a migrant-led parallel event to the GFMD which creates an independent space for civil society organizations (CSOs) to discuss issues explored in the governmental forum and develop an agenda which is fully responsive to the concerns of civil society groups. It brings together groups from around the world who are active in the field of migration and development for information sharing and capacity building.



### “The Global Economic Crisis and its Impact on Migrants”

Cognizant of the global concern that plagued the world since late last year, PGA's main theme revolves around the “The Global Economic Crisis and its Impact on Migrants”. The PGA will highlight current government policies that continue to criminalize migrants; policies that are tantamount to protectionism that justify attacks on migrants and are cheap attempts to absolve government of responsibility. Guided by this theme, PGA discussions will revolve on the following sub-themes:

1. Addressing Racism, Xenophobia, and Discrimination as Obstacles to Full Participation Integration
2. Border Policies and Transit Migration
3. Detention, deportation, and the rights of Undocumented Foreign Workers, Asylum Seekers, and Refugees
  1. Advancing the Gender Debates on Migration Policy from Rights based perspective
  2. Unpacking the Discourse on Migration, Development and Reintegration Programs
  3. Changes in Migration Policy Environments Since the September 2008 Global Financial Crisis
  4. Strengthening unities, evolving partnerships and developing a common agenda for advocacy

The PGA will feature plenaries with renowned speakers, self-organised forums, workshops, regional caucuses, plenaries, conversational rounds, exposure trips, side meetings and public actions from 1-5 November.

Leading the process towards Athens are the International Working Group and the Athens Working Group (AWG) that jointly planned and designed the program, reached out to the global community across different regions and prepared for the logistical arrangements of the program. Members of the IWG and AWG include the following: Migrants Rights International (MRI), Building and Wood Workers International (BWI), International Trade Union Confederation (ITUC), Public Service International (PSI), Union Network International (UNI) and KASAPI Hellas.

For further details about the PGA, visit the PGA website at <http://www.mfasia.org/peoplesglobalaction/index.html>.

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Inside this issue:

**MFA holds country level consultations  
in preparation for the 3rd Global Forum on  
Migration and Development (GFMD)**

<p><b>PGA 2009 takes off in Athens</b></p>	<p><b>1</b></p>	<p>Building up from the 2008 GFMD Manila, this year MFA spearheads country level consultations to follow-up on the results of the 2008 consultations and the commitments made by the governments at the 2<sup>nd</sup> GFMD. The consultation also aimed to strengthen advocacy around country-specific migrant policy initiatives and international advocacies that can be put forward at the GFMD level , such as the ratification and implementation into national law of the 1990 UN Convention on the Rights of Migrant Workers and Members of their families (UN 1990 MWC). Further, the consultations sought to know the pressing country-specific migrants issues not addressed by the GFMD Roundtable themes; CSOs perspectives on the future of the GFMD and to strategize MFA’s engagement with the 2010 GFMD.</p>
<p><b>MFA holds country level consultations in preparation for the 3rd Global Forum on Migration and Development (GFMD)</b></p>	<p><b>2</b></p>	<p>From July to early October, MFA conducted three country consultations in South Asia in coordination with its members: 13-14 August in Vietnam, 19-20 August in Bangladesh and 2-3 October in Sri Lanka.</p> <p><b>Bangladesh</b></p>
<p><b>Decent Work for Domestic Workers Corner</b></p>	<p><b>4</b></p>	<p>The consultation in Bangladesh was participated in by more than 80 participants from civil society organizations, migrants’ grassroots organizations, trade unions, recruitment agencies, government ministries, the academe and the media participated in the consultation.</p>
<p><b>MFA at 12th Human Rights Council Session</b></p>	<p><b>5</b></p>	<p>The consultation was divided into five (5) working sessions:</p> <ol style="list-style-type: none"> <li>1. Making the Migration-Development Nexus work for the Millenium Development Goals (MDGs)</li> <li>2. Policy and Institutional Coherence and Partnerships</li> <li>3. Advantages of Ratifying the UN 1990 MWC</li> <li>4. Migrant Integration, Reintegration and Circulation for Development</li> <li>5. Good Governance and Recruitment of Labour</li> </ol>
<p><b>6th Regional Diplomacy Training Program</b></p>	<p><b>8</b></p>	<p>In the concluding session, a summary of the recommendations was presented by Dr. Chowdhurry Abrar of the RMMRU. See Box 1 for the summary of recommendations. Mr. Mohamed Mijarul Quayes, Foreign Secretary, stated on his closing remarks that we have to take a “pro-migrant approach to dismantle anti-migrant fortresses”. He also said that there is a major gap in international protection regime for migrant workers though they contribute to socioeconomic development of countries of destination and origin.</p>
<p><b>Regional Informal Workshop on Parliamentarians, Migration and Labor Markets in ASEAN</b></p>	<p><b>10</b></p>	<p><b>Vietnam</b></p> <p>In Vietnam, MFA partnered with the National Legal Aid Agency (NLAA). The consultation was attended by 50 participants from CSOs, trade unions, legal aid agencies, government ministries and the media.</p>

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## MFA holds country level consultations *continued...*

### *Box 1: Recommendations from the Bangladesh GFMD Consultation*

- Immediate ratification of the 1990 UN Convention on Migrant Workers.
- Substantial increase in budgetary allocation for better governance of the migration sector
- The need for inter-ministerial coordination and partnership of all stake holders such as government, civil society and the private sector were also highlighted.
- Mechanisms should be in place for collection and updating of data on migration. There was a general consensus that the issue of return and reintegration of labour migrants was the most neglected area in policy agenda.
- Framing of appropriate policies and programmes so that returnee migrants can access information about investment, bank credit, training in skills and financial management.

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Aside from local Vietnamese participants, a representative of MFA member in Taiwan, the Hope Workers Center, participated in the program. Also in attendance were representatives from the Ministry of Foreign Affairs (MOFA) who participated in the second GFMD. The issues presented in the consultation highlighted that migration is not a sustainable solution to the economic issues of the country.

This is strongly supported by the number of migrants sent home due to the economic crisis and the cases of abuses presented by the speakers. Participants of the consultation made also specific recommendations in order to address the issues faced by Vietnamese migrants. See Box 2 for the list of Recommendations.

### **Sri Lanka**

The Sri Lanka consultation was attended by migrants' groups, women's groups, government officials and NGOs. The discussions of the two-day consultation were centered on the three important issues- remittances, integration and reintegration.

The cross-border transfer of people, skills, and capital can contribute to the economic development of sending and receiving countries, but such development cannot be achieved without or at the expense of social and cultural developments that compose the backbone of any country's economic potential. Given this premise, international

migration, as a powerful phenomenon that can foster economic development, is an important factor to consider for discourses on development, but it is paramount that such discussions equally address the parallel and necessary social and cultural issues that complement and sustain developments in the economic sector.

A cursory and simplistic observation would conclude that remittances from migrants abroad automatically contribute positively to the economies of sending countries. However, remittances by themselves do not suffice to guarantee poverty alleviation, more and equal access to education, health care improvements, and improvements in environmental sustainability – all of which are issues outlined in the Millennium Development Goals.

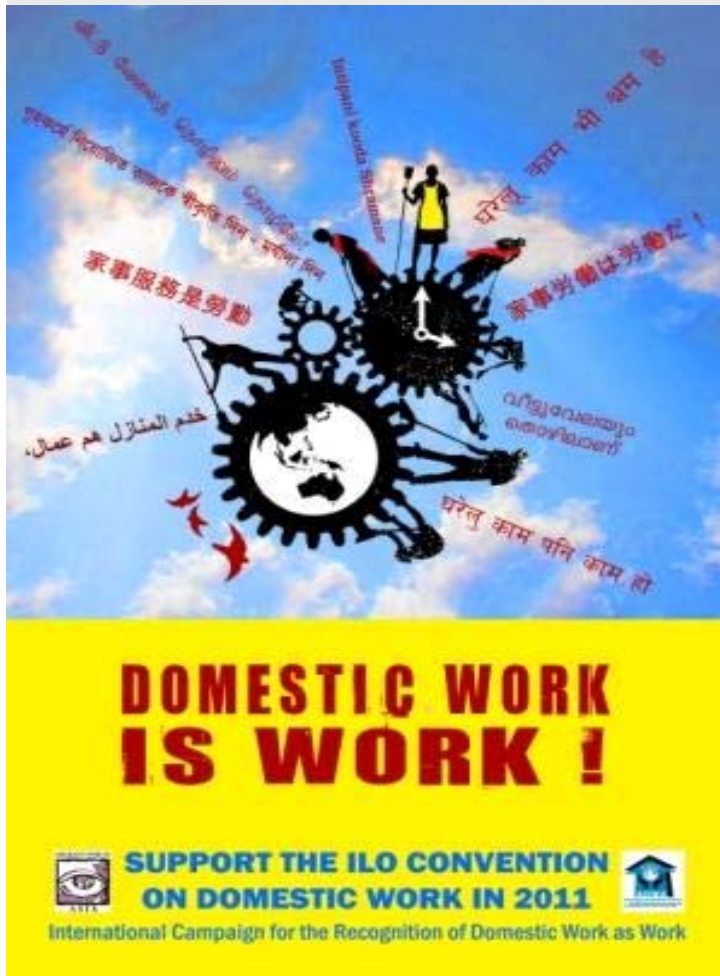
Remittances must be channeled so that in addition to serving the economic needs of the family and kin of the sender, they also simultaneously act as financial capital that contributes to national economic development.

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### *Box 2: Recommendations from Vietnam GFMD Consultation*

- Job generation in the country so people will not be forced to migrate
- Strengthen cooperation among government ministries in order to provide better programs for migrant workers
- Stricter regulation of recruitment agencies
- Provisions for an extensive pre-departure training program for migrant workers
- Strengthen the implementation and monitoring of government programs for migrants
- Strengthen services for migrants in consulates and embassies in countries of destination
- Bilateral agreements that protect the rights and well being of migrant workers
- Create sustainable socio-economic reintegration for migrant workers
- Strengthen networking and partnerships among stakeholders (migrant organizations,
- CSOs, trade unions, government ministries and regional organizations) to address the issues of migrant workers
- Creation of a regional network for legal aid for migrant workers
- Provisions for legal aid in countries of destination

## Decent Work for Domestic Workers Corner



Obaenda, Visayan Forum Foundation's Executive Director.

During the triologue, positions of the three social partners of the ILO- workers group, employers and the government - on the ILO questionnaire were presented. The ILO questionnaire on domestic work was released by ILO in April this year along with a report for Member States to request the views of the Members on the scope and content of the instrument.

The employers' group's tentative stand supports a Recommendation only while the government has no definite stand yet as they are still undergoing an internal process of consultation among its ranks. The Technical Working Group to which MFA is part of, took the positions of the employers and the government as opportunities for further lobbying and convince them to support the Workers' position that the instrument should be in a form of a Convention supported by a Recommendation.

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On 21-22 August, MFA participated in the **2<sup>nd</sup> National Domestic Workers Summit** in Manila, Philippines. Organized by Visayan Forum Foundation Inc. in collaboration with the Technical Working Group for the Philippine Campaign on Decent Work for Domestic Workers, the Summit was participated in by around 350 representatives from various local and migrant domestic workers, advocates, trade unions, government agencies, non-government organizations and international institutions. The Summit objectives were:

- To unmask emerging trends, issues and discriminatory practices related to the invisibility and vulnerability of local and migrant domestic workers, with special attention to child domestic workers in the Philippines;
- To help culminate the discussion of a unified Philippine tri-partite and civil society position on the ILO Survey Questionnaire in consultation with domestic workers themselves as signal for a long-term campaign for the adoption of the proposed ILO Convention on Decent Work for Domestic Workers

The 3<sup>rd</sup> quarter period was a busy month for MFA's Domestic Work Campaign. On 11 August, MFA was invited to speak during the 5<sup>th</sup> Working World Trialogues organized by the Institute for Labour Studies (ILS) in the Philippines. ILS is a branch of the Department of Labor and Employment's unit that was established to provide technical support in policy-making and implementation of the latter's program.

MFA discussed the issues of migrant domestic workers in the four pillars of decent work, namely: rights to work, employment, social protection and social dialogue. MFA also shared about the current developments in the Asian region in terms of protecting the rights of domestic workers and about the network's activities in line with its campaign for the adoption of the proposed ILO Convention on Domestic Work. Joining MFA in the panel were Linda Wirth, Director of the International Labor Organization (ILO) Subregional Office and Ma. Cecilia

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## MFA at 12th Human Rights Council Session

At the 12th Human Rights Council (HRC) Session, MFA took the opportunity of being invited to the panel discussion on Migrants in Detention Center to once again engage the human rights bodies and advocates by organizing two side events.

The panel discussion on Migrants in Detention was held on 16 September. The side events on the Global Forum on Migration and Development and Migrant Domestic Workers and Contemporary Forms of Slavery were held on 17 and 18 September respectively.

Prior to receiving the invitation to be a panelist during the discussion, Migrant Forum in Asia has already explored the idea of engaging the Council and the discussion with its international partner, Migrants Rights International, as well as with the International Detention Coalition which has earlier expressed the desire to collaborate on the issue of migrants in detention. A joint statement was being drafted and endorsements sought. The final



The Council recalled previous resolutions of the General Assembly, the Council and the Commission on Human Rights on the protection of human rights of migrants and the work of various special mechanisms of the Council that have reported on the situation of the human rights and fundamental freedoms of migrants, particularly those held in detention centers. It further cited the report of the Special Rapporteur on the Human Rights of Migrants (A/HRC/11/7) that focuses on the protection of children in the context of migration, and the report of the Working Group on Arbitrary Detention (A/HRC/7/4)

The resolution also provided that the discussion shall be held at its twelfth session, with equitable geographic and gender participation of representatives of governments, relevant experts and civil society including national institutions. The following objectives were set forth:

- (a) To discuss the current trends, good practices, challenges and possible approaches to address the issue of detention of migrants and explore ways to promote and protect their human rights; and
- (b) To elaborate on how to reduce the recourse to and duration of detention for persons who enter or remain in a country in an irregular manner and how to provide them with appropriate access to due legal process.



statement had 146 signatures by the time it was read at the Panel Discussion.

### ***Panel Discussion on Migrants in Detention Center***

On 18 June 2009, the Human Rights Council adopted without a vote Resolution 11/9 calling for a panel discussion on the situation of migrants in detention centers and administrative detention, which creates potential conditions for the violation of their human rights.

The panel discussion on Migrants in Detention Centers was well attended affair, with 5 panelists, 29 States who made interventions, and 8 non-governmental organizations with ECOSOC status at

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## MFA at 12th Human Rights Council Session *continued...*

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All panelists shared the view that migrants should not be detained. The need for solutions and alternatives was raised by all panelists and some speakers from the floor, though few concrete examples were given.

Others mentioned the need for comprehensive research in this area/ sharing of good practices and the need to address the root causes of irregular migration. A number of states called for ratification of the CMW.

Notable among the many comments was Brazil's statement that it has abstained from introducing detention policy and does not criminalize or detain migrants. Vanessa Lesnie of the Australian Human Rights Commission, for her part, emphasized the successful development of community-based alternatives to detention in Australia which are also more cost effective as per their experience. At least 9 state representatives openly argued for the need for alternatives to be introduced. While agreeing that there is a need for alternatives to detention, William Gois of Migrant Forum in Asia however cautioned that examining the effectiveness of models and alternatives to detention should not detract us from the general principle that migrants should not be detained.

After the panel discussion , the MFA delegation together with MRI, IDC and Amnesty International representatives held a brief meeting. The session revealed a fair degree of consensus on the following issues:

- No to criminalisation of irregular migrants
- Detention as a last resort
- Detention for as short a time as possible with a maximum period laid down in law
- No to the detention of children

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### **Side Event on the 3rd GFMD**

The side event on the GFMD had Ellene Sana from Center for Migrant Advocacy, Colin Rajah of Migrants Rights International and the new ambassador of Mexico to the UN, Ambassador Juan Jose Gomez Camacho as speakers.

Ellene had a powerpoint presentation highlighting the presence of migrants in countries in the North, Middle East and East Asia and the need of these countries for migrants to beef up their labor force. Migrants contribute significantly to the economic prosperity of countries of destination.

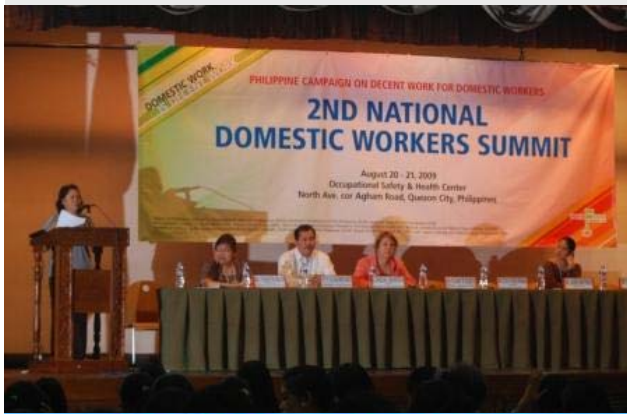
On the other hand, the increased level of global remittances from migrants show also their considerable contribution to their home economies;

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## Decent Work for Domestic Workers *continued...*



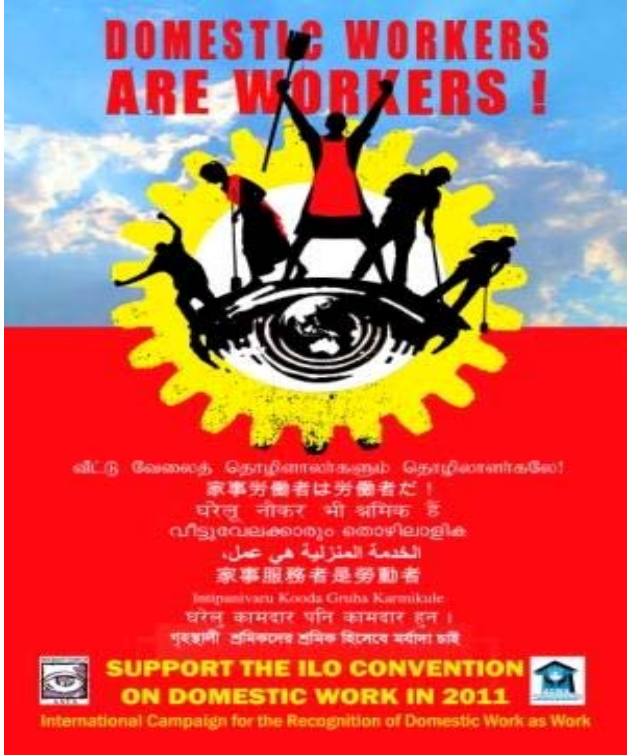
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- To underscore key policy and implementation gaps towards generating a comprehensive set of recommendations on Decent Work Agenda that will help promote synergy among Philippine stakeholders and the general public

Members of the Technical Working Group gave solidarity messages during the Summit. Representing MFA was Agnes Matienzo who reiterated MFA's support for the passage of the Batas Kasambahay or the Magna Carta for Domestic Workers. The bill has been running for 10 years now since it was introduced in Congress. MFA calls on the Philippine government to support an ILO Convention supplemented by a Recommendation. Ms. Matienzo also shared to the group that the domestic work issue is at the core of MFA's advocacy.

Recognizing that domestic work is not only an issue of migrants' advocates and that protection of migrant domestic workers abroad also entails protection of local domestic workers back home, Ms. Matienzo called for a united position and break the seemingly "invisible" divide among local and migrants' groups.

The keynote address was given by Ms. Linda Wirth, Director of the International Labor Organization Manila Office. Ms. Wirth pointed out that domestic work is far from being regarded as decent work, hence, the need to be more vigilant in pushing the campaign for the adoption of a Convention for Domestic Workers. Ms. Wirth also shared that the issue of domestic work has been a long standing concern of the ILO and it was only in March 2008, when the ILO Governing Body agreed to place an item on decent work for domestic workers on the agenda of the 99th Session of



the International Labour Conference in 2010, with a view to a double discussion procedure to the setting of labour standards. This decision has changed the direction of ILO's work today. "Truly, an opportunity that we all want to seize, for there is no better time to strike an iron, but when it's flaming hot", Ms. Wirth said in her statement.

In her concluding statement, Ms. Wirth expressed her hope that the insights and recommendations from the Summit will also influence the passage of the Magna Carta for Domestic Workers in the Philippines.

The Summit stressed the urgent need for the Philippine government to support the adoption of the proposed ILO Convention on Domestic Work. The Summit came up with a Statement that was submitted to the Department of Labor and Employment, the government agency tasked to respond on the ILO questionnaire on domestic work.

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## 6th Regional Diplomacy Training Program

As part of MFA's on-going advocacy and capacity-building program, MFA continues to work in partnership with the Diplomacy Training (DTP), an NGO established by Nobel Peace Laureate Jose Ramos-Horta. This year, the 6<sup>th</sup> Regional Capacity Building Program, an annual program organized by the DTP in collaboration with MFA, was held in Dili, Timor-Leste on 7-11 September at the invitation of DTP's Founder and Patron, East Timor President Jose Ramos-Horta. The training was also organized in partnership with the Asia-Pacific Forum of National Human Rights Institutions and its local NGO partner, Forum Tau Matan

This year's program aimed to develop the knowledge and skills of advocates working in very different roles and contexts to promote and protect the rights of migrant workers and their families. In particular, it aimed to explore how individuals working in NGOs, National Human Rights Institutions (NHRIs) and Trade Unions could work together more effectively within specific jurisdictions and across borders.

Thirty participants from 17 countries, including Timor Leste, Sri Lanka, Jordan, Lebanon, Palestine, Saudi Arabia, Malaysia, Thailand, Mongolia, Indonesia, Nepal, Bangladesh, Singapore, the Philippines, Maldives, South Korea, Australia and New Zealand participated in the training. The participants came from both migrant sending and migrant receiving countries, and came with a wide range of experience, knowledge and skills.

The discussions were focused on the international standards and accountability mechanisms most relevant to migrant workers and the realities of life for migrant workers in different countries. The program included a dialogue between the participants and the President of Timor-Leste, Jose Ramos-Horta.

To set the tone of the discussion and to provide context of the 5-day training, participants were asked to share about the situation of migrant workers in their respective countries.



Many participants noted that the reality on the ground is different – increasing abuses, corruption and exploitation, lack of data on migrant workers violations, inadequate measures and mechanisms for complaints or redress. The discussion showed that existing domestic measures are not sufficient to cover the range of issues facing migrant workers in both receiving and sending countries. In situations of war or conflict as shown by the condition of Burmese workers in Thailand, protection of migrant workers have also to be viewed and considered in relation to other international conventions relating to refugees and internationally displaced persons.

The first substantive sessions of the program were an introduction to human rights by Aderito Soares, and an introduction to human rights and the UN system by Patrick Earle.

The second day was focused on developing knowledge and understanding on the UN Convention on the Rights of Migrant Workers and their Families. Ellene Sana from Migrant Forum in Asia provided the history of the development of the treaty, what the treaty is about and the importance of the treaty in specifying the rights of undocumented migrant workers. Ms. Sana likewise emphasized that while undocumented migrant workers do not have the same legal rights as citizens - or documented migrant workers – they do have certain minimum human rights that must be respected.

The third day was focused on the ILO Conventions most relevant to migrant workers and the ILO's complaint and accountability mechanisms which are quite different from those available under human rights treaties.

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## MFA holds country level consultations *continued...*

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This can be achieved by channeling remittances through banks, engaging in saving and investments, etc.

However, in addition to the monetary advantages that migration brings with remittances, migration also creates strains and challenges for the families of migrants left behind in the sending localities.

Returning migrants often face numerous difficulties reintegrating into their home societies, and such difficulties are further exacerbated when migrants are ill informed of how life may change through processes of migration and when effective national and local reintegration programs/consultation services are not adequately available.

Additionally, a migrant's inability to integrate into the society of the destination country not only places psychological strain on the migrant him/herself, but may also foster miscommunication and poor relationships between the migrant worker and his/her employer. Many cases have been documented where relationships of such nature have disintegrated into physical and sexual abuse. Malpractices by receiving country employers also destabilize migrant livelihoods, violate migrant worker rights, and place psychological stress on migrants and their families.

In this way, the governments of migrant sending countries possess a large role and responsibility in determining how the domestic and overseas experiences of migrants and their families unfold.

Without the existence of adequate social, educational, and legal services, the living conditions and future prospects of both migrants and their families can be jeopardized, thereby dispossessing one's opportunities and rights to achieving a fulfilling lifestyle. Family disintegration, truancy, abuse, psychological trauma, and poverty are interconnected social problems that incur long-term drawbacks on the social and cultural foundations of a society, and without such foundations, prospects for sustainable economic development are dim. In this light, when engaging in dialogue on economic development, it is critical that governments reflect more deeply on the broader roles and effective utilization of remittances,

and the implementation of support mechanisms that prevent or alleviate the potential strains that migration causes for migrants and their families.

Based from the above discussions, a list of recommendations were drawn up by the participants. See *Box 3 for the recommendations.*

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### **Box 3: Recommendations from the Sri Lanka GFMD Consultation**

#### *On Remittances:*

A formalized/official method for the investment of migrant workers' income must be established; creative measures must also be made to encourage migrants to utilize extant investment opportunities and programs

#### *On Integration:*

Support for migrants abroad must be guaranteed by Sri Lankan embassies; in particular, new frameworks must be established to allow for Sri Lankan embassies to oversee and deal with employer malpractices abroad (e.g. clearly established and informed communication protocols for migrants to communicate with their embassies, initiatives by the embassy to check-up on nationals abroad, etc.).

#### *On Reintegration:*

The government should improve government reintegration and counseling services available for returning migrants and raise more awareness of these services (e.g. the provision of consultation/information hot lines, etc.).

The government should adequately brief prospective migrants and families on the benefits, challenges, and dangers of the migration process, in terms of what the migrant should expect about life-abroad, the potential lifestyle changes that family members may encounter in their absence, and the eventual adjustment realities that both the migrant and his/her family might face upon the migrant's return.

Social security/pension schemes must be established to ensure the protection of the families of migrants left behind in the home locality, and the wellbeing of the migrants themselves after their return. The land rights of migrants must be protected (especially for land permit holders).

## Regional Informal Workshop on Parliamentarians, Migration and Labor Markets in ASEAN

The Friedrich-Ebert-Stiftung (FES) Philippine Office and Migrant Forum in Asia (MFA), with support from the Standing Committee on Foreign Affairs of the National Assembly of Thailand, organized a regional informal workshop entitled “Parliaments, Migration and Labor Markets in ASEAN” on 1-2 August 2009 held at the Siam City Hotel in Bangkok, Thailand. The informal workshop was the third in a series of informal dialogues which began in 2007 when engagement with parliamentarians by various migration stakeholders began. The workshops have always been designed as a non-partisan, informal activity to encourage learning and reflection, and had previously addressed not only the role of parliamentarians but also the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, the types of bilateral agreements in the region and responses of national governments on emerging policy challenges.

This year’s workshop aimed to continue and deepen the dialogue among parliamentarians, and parliamentarians with other migration stakeholders, as well as to reflect upon ways on how parliamentarians can address recent labor market developments and labor migration issues particular to the ASEAN sub-region, at both national and regional levels. Participants were members of parliament from the ASEAN region (including parliamentary/legislative staffs), representatives from relevant government agencies and the ASEAN Secretariat, and representatives from migrant NGOs and associations, trade unions, and the academe.

As in the previous workshops, the Parliamentarians’ Workshop was scheduled prior to the ASEAN Inter-Parliamentary Assembly (AIPA) which had its 30<sup>th</sup> Assembly 3-8 August in Pattaya, Thailand.

### **ASEAN Integration, Labor Markets and Migration**

The rationale for continuing engagement with parliamentarians is the ASEAN’s vision of an integrated economic community by 2015, Southeast Asia being one of the world’s fastest growing regions, providing both large investment locations and markets and offering production and service capabilities that are of high quality, low cost and efficient. In an increasingly global market, the region has witnessed dramatic economic, social and demographic changes that are both caused by and causing substantial flows of migrant workers both within and outside its regional borders.

This ambitious vision requires, among others, the harmonization of standards, laws and regulations across borders to allow a regional market to develop and to function properly. The expected removal of further barriers to trade and mobility in ASEAN, however, is regarded with mixed reactions. Though removal of border restrictions is welcomed to stimulate travel and trade, negative effects on labor markets such as wage pressures, increased flexibilization and employment losses can also be expected as well as the increased mobility of workers. While the benefits of migration for both sending and receiving countries including productivity improvements, increased income, employment generation and higher overall rates of economic growth are being widely discussed, the parallel development of steady increase in intra-regional labor migration of both skilled and unskilled workers poses complex challenges to governments. Porous borders, a limited social dimension in integration processes and large informal economies demand the development of an ASEAN migration regime that successfully combines mobility and flexibility with social and human rights protection, particularly in times of economic crises.

How is this ASEAN labor migration regime shaping up? With the ASEAN Committee on Migrant Workers now working on a draft Instrument for the Protection and Promotion of the Rights of Migrant Workers, as provided in the ASEAN Declaration, and the institutionalization of the ASEAN Forum on Migrant Labor as a platform for broad-based discussions on migrant labor issues under the auspices of the Committee, what scenarios do we see for migrant workers in the region as ASEAN continues its drive for integration? How can parliamentarians leverage their role to ensure that the process for protection of migrant workers in the region continues?

### **Overview of ASEAN Labor Market and Migration**

The region’s economic performance in 2007 had a positive impact on ASEAN’s labor market, posting a robust growth of 6.4%. Despite these however, the number of vulnerable workers remained massive, estimated at 161 million workers, or 60% of the ASEAN workforce in the same year. The ASEAN Charter and blueprints form the framework for addressing labor migration in the region.

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## MFA at 12th Human Rights Council Session *continued...*

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however this has social costs that are beginning to bear down already on families and society. Ellene's last point was on the continuing challenges that migrant workers face especially racism and exploitation. The presentation served to situate the audience vis-à-vis Colin Rajah's update on the preparations for the Athens GFMD.

Quickly going through the genesis of the GFMD and MRI-MFA's engagement with the process since then, Colin reported on how civil society organizations are now preparing for the Peoples' Global Action which shall run parallel to the official GFMD on 1-5 November. He further explained what the PGA is all about and why there is a need to continue the movement. Referring to the process that the Onassis Foundation has adopted with regard to the Civil Society Days component of the GFMD, the PGA organizers feel there is still a need for the PGA to move forward a development agenda that is rights based and people focused even while engaging the formal GFMD. Colin's sharing posed several questions on the direction of the migration and development discourse and Ambassador Camacho provided a glimpse into what one may expect of the next GFMD which his country, Mexico, will be hosting in 2010.

The Ambassador reiterated his government's commitment to human rights as an important partner to development efforts. He, however, articulated the need for an institutional framework within which to approach migration and development and acknowledged that the GFMD is far from what we believe we should have.

Thus, he revealed that they intend to work for the 2010 GFMD anchored on the following principles: one, that the process must be formally linked to the UN to account for full accountability; two, for the process to include civil society to achieve transparency; and lastly, human rights protection and promotion.

The ensuing discussion revolved around the issues of process, content and follow through of the GFMD. It was advanced that there is a lack of NGO input in the agenda so that the themes don't come close to the real concerns of migrants and that it can be expected that there will be no real interface between government and civil society when the GFMD happens in Athens in



November. Again, the issue of what development means in the context of migration was discussed and the question raised as to where all the discussion will end up.

The side event was concluded with many suggestions for Mexico as it prepares for GFMD 2010 and the resolution that we must continue to engage the process.

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### **Side Event on Migrant Domestic Workers and Contemporary Forms of Slavery**

The second side event that MFA organized was a side event on "Migrant Domestic Workers and Contemporary Forms of Slavery". Mr. William Gois, regional coordinator of MFA who served as facilitator, opened the discussion by presenting the rationale for holding the side event. He cited the ongoing preparations of the ILO for its next International Labour Conference which includes domestic workers in its agenda, and civil society organizations' efforts to complement these moves, especially those CSOs who have long been advocating for the rights and recognition of domestic workers. Mr. Gois likewise acknowledged the presence of Ms. Gulnara Shahinian, the Special Rapporteur on Contemporary Forms of Slavery, Its Causes and Consequences.

There were 3 other speakers and they all spoke on the slavery-like conditions that migrant domestic workers find themselves in.

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## 6th Regional Diplomacy Training Program *continued...*

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It is only one of these parties that can bring a case or raise an issue using this process. For migrant workers this means either forming their unions, or working in close cooperation with established unions. Its complaints processes bring the relevant parties around the table, and in many cases may be a more useful avenue for advocacy than the UN human rights procedures.

On day 4, discussions were centered on the role of the National Human Rights Institutions (NHRIs) in protecting the rights of migrant workers.

Karen Gomez-Dumpit, DTP Alumna and Director of the Government Linkages Office of the Philippine Commission on Human Rights (CHR) shared NHRIs role in promoting knowledge and community understanding of human rights in addition to their investigation powers and function of handing of complaints. At the international level, NHRIs have a specific role, in the preparation of country reports for the new Universal Periodic Review process.



emphasized that the media plays an increasingly

central role in modern advocacy. It is only through the media that a mass, or even targeted audiences, can be reached by advocates. Though cognizant of the role of the media in the advocacy, Mr. Prakash also stressed that in some societies media often plays a negative role in promoting the rights of migrant workers thereby reinforcing negative community perceptions towards MWs.



In terms of its role on migrant workers, it is only more recently that the concern has moved up the agenda of individual NHRIs and of the Asia-Pacific Forum (APF).

The 5th and last day of the training was focused on media as a crucial stakeholder to tap in order to promote and protect the rights of migrant workers.

Arrul Prakash from Pusat Komnas in Malaysia led participants through a very practical and hands on sessions on media work. From his discussion, he

The final sessions of the program were dedicated to the evaluation where participants were asked to assess and give their reflections on what they thought had been good about the program and what could have been better. In looking forward to its future work in this area, DTP needs to reflect on some practical issues: program location, partners, participants and schedule. It was emphasized the need to consider strategically the best place to focus capacity building efforts, the potential opportunities for engagement i.e. ASEAN, UN level etc. and the changes in labour migration.

*Fin*

## MFA at 12th Human Rights Council Session *continued...*

(continued from page 11)

**Najla Chahda** who is the Executive Director of Caritas Lebanon Migrant Center noted the increasing demand for cheap and low-skilled migrant labour in the whole Middle East region, and especially in Lebanon where unskilled jobs are shunned by locals. She also reported that women migrant domestic workers make up more than 75% of the total migrant population in Lebanon. These women, coming from Asia and Africa, experience abuses at the hands of their employers simply because they are foreign, darker skinned and in need. Ms. Chahda enumerated the vulnerability factors (document confiscation, being forced to live with employer resulting in limited contact with the outside world, involuntary servitude, long working hours and no day off, no recognition under local labour laws, growing number of recruitment agencies, debt bondage, control of worker's money, and slavery-like conditions like no food and no communication) and shared how Caritas Lebanon is responding to these issues in an effort to help protect the rights of these migrant domestic workers.

Domestic workers are no less all safe and sound in Europe, except for some lucky ones. This was the pronouncement of **Fe Jusay**, coordinator for RESPECT Network Europe, a network of migrant domestic workers, trade unions, NGOs and individuals in Europe, campaigning for the rights of all MDWs in private households, women and men, regardless of immigration status. She noted, however, how the struggle of migrant workers have evolved and achieved visibility and voice to the point of being included in the agenda of trade unions, governments and policymakers at the UN.

Nevertheless, migrant domestic workers' working and living conditions in Europe are still problematic because domestic work is not recognized as "proper work"; MDWs in Europe also experience abuses like passport being withheld, work for more than 16 hours in a day, insufficient food and sexual harassment. A particular challenge raised was breaching the immunity under which some diplomats and members of their families hide despite gross violations of their workers' rights. Fe then expounded on RESPECT's campaign strategies and also presented their recommendations on how the rights of migrant domestic workers may be protected.

Bringing her rich experience from the ground, **Sr. Jeanne Devos**, *Founder of the National Domestic Workers Movement (NDWM)* focused her discussion on the situation of local domestic workers in India.



Many domestic workers experience contemporary forms of slavery. They are overworked, underpaid and unprotected. They are victims of trafficking, exploitation, discrimination, physical, emotional, psychological and sexual abuses. Maltreatment and torture, especially of live-in migrant domestic workers, are very common.

According to the World Bank, there are 92,000,000 domestic workers in India, 90% of them women and 45,000 are children below 14 years working in houses and hotels. Many domestic of them experience contemporary forms of slavery. They are overworked, underpaid and unprotected. They are victims of trafficking, exploitation, discrimination, physical, emotional, psychological and sexual abuses.

Poverty and calamities cause a woman or child or entire families to migrate internally and look for work. But if they are not informed and prepared, they put themselves at risk of being exploited and trafficked. Thus what starts as migration becomes trafficking.

Sr. Jeanne noted that the decision of ILO (March 2008) to put on the agenda of the 99<sup>th</sup> Session (2010) of the International Labour Conference an item on decent work for domestic workers for a double discussion leading to the possible adoption of an ILO Convention for Domestic Workers is very important for domestic workers in India. "After many (25) years of difficult struggle for their recognition, we are starting to see a light at the end of the tunnel. Indeed this initiative may be the beginning of a real lasting change for domestic workers around the world. The journey of 25 years has been a struggle but also a journey of hope and made our movement **a movement that brought change; change is possible!**"

*Fin*



## Decent Work for Domestic Workers *continued...*

(continued from page 7)

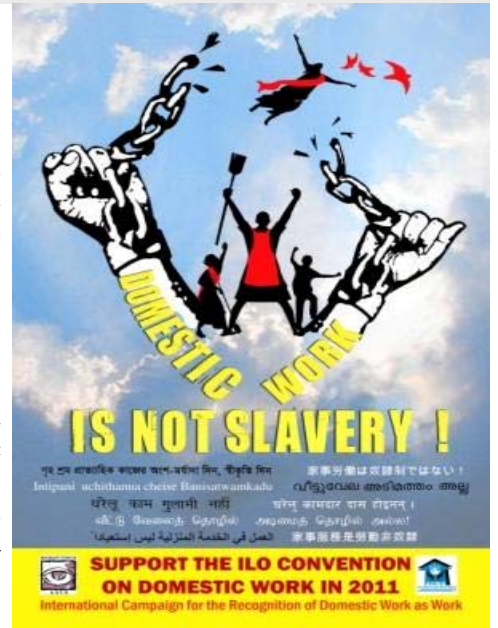
At the regional level, Migrant Forum in Asia (MFA), Asian Migrant Domestic Workers Alliance (ADWA), National Domestic Workers Movement (NDWM) and the Centre for Education and Communication (CEC) organized the **Regional Consultation on Domestic Work: Building a Collective Capacity for Action** in Mumbai, India from 3-4 September.

The consultation was participated in by almost fifty representatives coming from different organizations from East Asia, South Asia, Southeast Asia and West Asia. The consultation aimed to consolidate the different processes happening across the region and to further strengthen the broader campaign for the protection of domestic workers and advocacy for the adoption of an ILO Convention on DW. While the advocacy for an ILO instrument is just a part of the broader campaign, the period between now and until June 2010 would be very crucial to the domestic workers campaign especially that the governments will come to a final decision regarding the ILO instrument to be adopted during the International Labour Conference in 2011.

The participants outlined the existing campaigns on the recognition of domestic work as work, which varied in terms of level of involvement on the issue. Both migrant domestic workers and their advocates face serious issues and gaps in the campaign. Further the consultation validated the ILO report that while there are existing legislations/mechanisms that protect DWs, these are not enough to address the specific conditions of DWs, which explains the need for an international instrument in a form of a Convention.

Given the stigma attached to domestic workers, the participants made a strong call for the need to counterframe the language used or references on domestic workers. This is important in challenging the politics of dominance imposed by governments and the society. The consultation came up with an agreement to carry three common campaign slogans for the International Campaign for the Recognition of Domestic Work as Work. These are the following:

- *Domestic Work is Work!*
- *Domestic Workers are Workers!*
- *Domestic Work is Not Slavery!*



Given the dynamics and politics around the campaign for the recognition of domestic work as work, participants recognized that the road for protection of DWs is long and arduous; whether there will be a Convention or not, domestic work will be the focus of the campaign and the recognition of the rights of domestic workers and their protection is the primary concern of the advocates. At the end of the consultation, participants were challenged with two questions: **Will the Convention change the current patterns of domestic workers' issues? Will it promote the good and curtail the bad?**

Fin





## Regional Informal Workshop on Parliamentarians *continued...*

(continued from page 10)

ASEAN's main initiatives are to facilitate labor movement through mutual recognition arrangements (MRAs), exchange of information on policies and legislation relevant to immigration toward harmonization, study and policy review of skills recognition systems for ASEAN, development of common competencies for selected occupation; and the development of a collaborative curriculum based on regional occupational competency standards; and the protection and promotion of the rights of migrant workers through a Framework Instrument currently being drafted by the ASEAN Committee on Migrant Workers.

The ASEAN Secretariat recognizes the following as challenges to addressing labor migration:

- The absence of a regional framework for skills recognition arrangements.
- Lack of communication and shared information on the labor market. The quality of data on labor migration in ASEAN countries is uneven.
- Coordination issue: Work addressing labor migration is undertaken by different ASEAN bodies. There is little interaction between these bodies. Each ASEAN body undertakes its respective tasks in accordance with its mandates under the three different pillars of the ASEAN Community.
- Regional commitments are not necessarily in sync with national interests.

### The Global Financial Crisis and ASEAN Labor Migration

Philippines as a sending country have a legal and policy framework in place which helped it to maintain a positive projection of deployment and to provide services for its overseas workers and their families during the worst of the global financial crisis. Receiving countries, on the other hand, and as exemplified by Malaysia, are reportedly continuing its abuses of migrant workers for lack of a separate or distinct legislation particular to migrant workers.

The global financial crisis showed up the gaps and needs in the labor migration regime being developed and what role parliamentarians can play:

- Urgent need to raise awareness among members of parliaments (MPs) of the issues confronting migrant workers vis-à-vis labor migration in the region.
- More systematic information for evidence-based advocacy
- Cultivate more the role of media
- More collaboration of MPs with other members of civil society, including migrant NGOs and trade unions\
- Bring the rights of migrant workers as a major focus of the ASEAN Inter-governmental Commission on Human Rights
- Intra-ASEAN parliamentary collaboration for collective action at the regional level.

### Scenarios for ASEAN Integration

- Mutual recognition arrangements (MRAs) as a first instrument to facilitate a labor mobility regime has yet to take off as there is little information available on it and regulatory bodies engaged in these arrangements are from the private sector. Hence the need for greater transparency from governments, the need to focus on social protection beyond labor standards, and the need to organize the bloc of labor sending countries so that countries of origin do not compete or race to the bottom.
- The process of drafting the Framework Instrument should be fast tracked and it should include undocumented migrant workers in its scope. Like the Declaration under the ASEAN's consensus principle, however, the Instrument is not binding, but MPs can push it to become legally binding for member-states to comply with. For this to happen, Parliamentarians should study the draft, get an overview of existing migration issues and policies within the region and make the shift from looking at the issue from the perspective of national security to looking at it from a development perspective.
- The paradigm shift from political to socio-economic that was mentioned is the need to move away from the law and order (security) approach to a development approach and ASEAN must push for this paradigm to respond to the challenges posed by labor migration on so that countries of origin do not compete or race to the bottom.

# 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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