

# MIGRANT FORUM IN ASIA NEWSLETTER

A QUARTERLY PUBLICATION FOR ADVANCING MIGRANTS STRUGGLE FOR RIGHTS AND JUSTICE



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## MCM 2009: Focus on Migrant Domestic Workers

As part of its Rights and Roots campaign, MFA annually undertakes the Migrants Campaign Month (MCM) which begins on 25 November and culminates on 18 December. This was first decided upon in the MFA 2000 Plan of Action and has been followed through every year with the Secretariat, coordinating the exchange of information and participation.

During the MCM, important days are celebrated: 16 Days of Activism to Combat Violence Against Women (25 Nov – 10 Dec), International AIDS Day (1 Dec), International Day for the Abolition of Slavery (2 Dec), International Human Rights Day (10 Dec) and International Migrants Day (IMD) (18 Dec).

Various programs and activities are being organized to celebrate gains as well as to continue the struggle of migrant workers and advocates in promoting the rights and well being of migrant workers. Awareness raising activities such as forums, press conferences, rallies, dialogues and lobbying with governments are organized among migrants themselves and the general public as well.

These activities are also organized to highlight the call for the universal ratification of the UN 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), and the ILO Conventions 97 and 143 which focus on the labor rights of migrant workers.

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## PGA zeroes in on the economic crisis

Carrying the theme "The Global Economic Crisis and its Impact on Migrants", the 2009 Peoples' Global Action on Migration, Development and Human Rights (PGA) was successfully held on 1-5 November 2009 at the Technopolis in Athens, Greece. Around 300 participants representing diaspora organizations, migrants' associations, migrants' rights NGOs, human rights NGOs, development organizations, trade unions and workers' organizations, women's groups, faith-based organizations, peasant organizations, anti-poverty groups, indigenous peoples, and a variety of other social movements attended the PGA.

The PGA is a migrant-led parallel event to the Global Forum on Migration and Development (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 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.

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To commemorate the International Migrants' Day in the Philippines, the Commission on Filipino Overseas (CFO) and the Philippine Migrants Rights Watch (PMRW), organized a Forum entitled "Overseas Filipinos Beyond Remittances". The Forum showcased the work, accomplishments, hopes and promises for an equitable future for migrant workers. This year's theme, "Overseas Filipinos Beyond Borders", set the tone for empowerment and actions for change in repositioning Filipino migrant workers in the global labour force. Sponsored by numerous Philippine migrant support agencies and organizations, as well as larger commercial companies such as Globe Telecommunications, the Forum served as a space to share stories and deliberate ways in which we can move forward in the light of the current global crisis.

*Overseas Filipinos Beyond Remittances* was a venue for Filipino voices to reach out and empower one another. The Forum was an opportunity to share the stories, experiences, and challenges faced by OFWs today, and especially their achievements. Building upon communities standing in solidarity with one another, the event gave light to lived experiences and reflected upon how the state and the individual can move forward in building a future of justice and equality.

The forum showcased the ideas of 3 distinguished members of the community who have made an impact on migrant advocacy.

**Dr. Jorge Tigno** is an Associate Professor at Ateneo de Manila University where he teaches Political Science, focusing on issues regarding transmigration. Tigno views transmigration as a source of empowerment and social and political action. Migrant workers are bestowed agency to become a "political nexus" within the advocacy for the protection of human rights. As transmigrants, the pluricultural identity of having lived in different states provides a benefit in being able to maneuver oneself in the political arena even as they reap the benefits of being citizen to both nations.

Even with this unique view on migrant workers as political nexus to social security, and a positive international Filipino representation in the global labour force, Tigno sees migration as a failure, largely in part of the public institution, and how the lack of efficient and just governance plays a heavy role in the encouragement for emigration.

Tigno concluded the presentation, however, with much hope and promise for the future of human rights for migrant workers. He notes that a political and social response must be put into play, followed by a political and social reform. Migrant workers must not be seen as economic commodities, but as political strength. More initiatives for the integration of expatriates and Filipinos in diasporic community must be built so as to amplify the experiences and harmonize the goals and political strength of migrant workers. We must rethink the ways in which we try to undertake positions of politics of representation. The Philippine state must create a new benchmark for how we can create empowerment". With that, Tigno emphasized the importance of unifying overseas Filipinos to build political consensus.

***We must rethink the ways in which we try to undertake positions of politics of representation. The Philippine state must create a new benchmark on how we can create empowerment***

**Dr. F. Macaranas** is a senior professor for the Asian Institute of Management. He presents the themes of the significance of science, technology and synergy with regard to the development of a stronger Philippine economy through migrant work. Focusing capably on the strengths of the Filipino, Macaranas enforces establishing an official biodata bank and looking into the economic and social sustainability.

With a background in business management, Macaranas explains with depth the importance of science and technology in a declining Philippine economy. According to Dr. Macaranas, there are 8.7 million Filipinos living inside and outside of the Philippines, with 4.1 of this population working as migrant workers and 0.9 working as irregular workers.

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## MCM 2009 *continued...*

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Specific campaigns are also launched to raise critical issues concerning the promotion and protection of the rights of migrant workers and their families.

For 2009, MCM focused on the issues faced by migrant domestic workers under its ongoing campaign for the Rights and Recognition of Domestic Workers". With the ILO now looking at the possibility of coming up with an ILO Convention on Domestic Work, MFA recognizes the importance of intensifying its advocacy work around the issue. Several consultations at the national, regional and international levels were organized by MFA together with its partners.



To start the MCM, MFA released its statement for International Migrants Day. The statement highlighted the various programs and activities organized by its members in Asia, recognizing the crucial role and contributions of migrant workers in building the economies of both sending and receiving countries, and supporting the societies within which they find themselves. It specifically noted the continuing struggle for the rights of migrant workers and their families. The global financial crisis and the increasing threat of climate change to people's mobility has a significant impact to migrants across the globe and there is a need to intensify the struggle. However, this also presents an opportunity to create new perspective on global solidarity around the issue of human rights and migration.

The statement also specially called on all states and governments to start incorporating domestic workers in the

purview of their national labor laws in preparation for an ILO Convention on Domestic Workers, along the lines of the universally-accepted standards identified in the fundamental and core conventions of the ILO. (Please check MFA's website for the full text of the statement: [www.mfasia.org](http://www.mfasia.org)).

*Following are some of the activities organized during the MCM:*

In Bangladesh, the Association for Community Development (ACD) and WARBE Development Foundation led the celebration through media campaign, discussion meetings and workshops in order to mainstream the issue. In Singapore, the Humanitarian Organization for Migrants Empowerment and TWC2 celebrated the IMD through a fun-filled picnic attended mostly by domestic workers.

In Cambodia, the Legal Services for Women and Children (LSCW), together with the Cambodian Women for Peace and Development (CWPD) hosted Migrants' Day in two districts, Prey Veng and Kampong Cham, with marches and forums on migrant workers' rights. The Returnee migrants, government agencies and recruitment agencies participated in the program. "Domestic Work is Work" and "Domestic Workers are Workers" are their key messages.

In the Philippines, the regional secretariat and the Center for Migrant Advocacy launched a campaign poster highlighting the recommendations made by the Committee on Migrant Workers during its review of the Philippines' compliance to the Migrant Workers' Convention in April. The poster was launched in a Forum organized by the Inter-Agency Committee composed of government agencies and NGOs for the celebration of December as the month of overseas Filipinos and international migrants' day.

In Taiwan, a public rally was held to put pressure on the Taiwan government to recognize the upcoming ILO-convention on domestic workers and remind the government of its lack of political will to include domestic workers and caregivers under the Labor Standards Law.

In Korea, the Joint Committee with Migrants in Korea (JCMK) celebrated it with a press conference, free speech of migrant groups including Employment Permit System (EPS) migrant workers, marriage immigrants, and migrant children, a Celebratory Convention for



IMD 2009 for interaction between migrants and Korean society, a Migrant Song Festival and the launching of a book on migrants.

In Hongkong, two consecutive rallies were held on 13 and 18 December, calling on ILO member states to support an ILO Convention for Domestic Workers. The 13 December rally was led by the Federation of Asian Domestic Workers Unions (FADWU), supported by Coalition for Migrants' Rights (CMR), Asian Migrant Domestic Workers Alliance (ADWA), Asian Migrant Centre, Alliance of Progressive Labor (APL) and other local groups in HK. The event also highlighted the widespread violations of human rights, condemning the government for turning a blind eye on these issues.

The Indonesian Migrant Workers Union (IMWU) and Hongkong Coalition of Indonesian Migrant Workers (KOTKIHO) led the mobilization on 20 December where they highlighted their campaign on the bad practices of recruitment agencies. Joining the celebration were Thai and Filipino migrant domestic workers. The group chanted slogans such as "We are workers, we are not slaves", "Migrants rights are human rights", "Women's rights are human rights".

**Fin**

***"We are workers,  
we are NOT slaves!"***

***“Migrant workers must not be seen as economic commodities, but as political strength”- Tigno***

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The biodata bank which collects human talent within the country serves as a library of Filipino workers and their specific traits. According to Macaranas statistics, 15% the international Filipino population are workers qualified in the scientific field, though a majority live in the Americas. He explained his notion of a national "brain drain" in which members of the community possessing exceptional qualities in the science and technology field are utilizing their talent and energy in countries elsewhere.

In order to have a sustainable economic and cultural future, local employment and economic development must be promoted. The deposit information in the data bank would serve as a directory for Filipino workers who qualify for a job, rather than outsourcing to transnational enterprises.

This not only links networks within the country, but also builds community and solidarity for the Filipino worker and crumbles the racial and gender profiling of migrant work.

He presents the accomplishments of successful Filipinos who have ventures abroad in exploring career opportunities in technology development.

One example he gave is Diosdado Banatao, a software developer whose product had caught the eye of Bill Gates. After working several years in the Silicon Valley, he returned to the Philippines where he then initiated the Ayala Technology Hub. He also took note of Samuel Bernal, stem cell technologist whose innovative discoveries in the scientific field have assisted lives threatened by health conditions all over the world and who also returned to the Philippines to share his discoveries.

There is a synergy that collects among these centers of success and power, Macaranas explains, and it is through international academic centers in Europe, North American and Asia that these can be shared. A common ground to research and practice must be obtained to successfully delineate both the sociology and the lived experiences of Filipino workers. Both international and local relations and transmigration play an imperative role in creating these ties.

Macaranas explains that for sustainability, the governments must invest in the complete cycle of migration, especially on the return. It is imperative that the state provides a cushion for returning OFWs, and recognizes and appreciates the processes and difficulties of transmigration.

Making a call for response and reform from the state and social structure, Macaranas brought his presentation to a close, concluding that reform lies in the praxis of research and practice and the harmonizing of Filipino workers residing in and outside of the Philippines.

The last speaker was **Prof. Aguilar**, a graduate of Ateneo University. Aguilar focuses on the prevalence and significance of cultural diplomacy in the international economic front. Philippines, as he mentions, possesses a cultural attache, similar to that of Macaranas' biodata bank.

After the events of 9/11, there was a shift to the ways in which people respond to cultural diplomacy. States from around the world now communicate with one another using the soft power approach. Soft power, in comparison to hard power, is the negotiation by ways of cultural values and ideas. In contrast, hard power uses the stealth of military might as the way to

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communicate during consultations. Soft power plays, not as a secondary aspect, but as an intrinsic aspect of political diplomacy, where culture and customs naturally play a key role in relationships and negotiations.

In the Philippine sphere, Aguilar states, cultural diplomacy is seen as a tool used intentionally to raise dialogue about and promoting the Filipino culture. In this way, Philippines can engage on a global level, outreaching to Filipinos and non-Filipinos alike, to OFWs and expatriates living in the Philippines and in diaspora communities.

Aguilar views this type of diplomacy as cultural literacy that will steward positive economic development and social cohesion at the global level. Cross-cultural understanding can build bridges in the processes of alliance and solidarity building. In doing so, it can also promote the work of one's country.

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## 11th Session of the Committee of Migrant Workers

On 12-16 October 2009, the CMW met for its 11<sup>th</sup> Session in Geneva, Switzerland. The agenda included the official examination of the Sri Lankan government on their progress of implementing the MWC and a 'General Day of Discussion' on migrant domestic workers.

Participation in the Session is part of MFA's multi-dimensional program to empower migrants' advocates in Asia to use these international processes.

The program mobilized the active participation of a delegation of migrants' advocates from various Asian countries and partners from Israel, Bahrain, Lebanon and representatives from Sri Lanka and the regional secretariat.

assist the Committee during the examination of Sri Lanka.

### **Review of Sri Lanka**

At the Sri Lankan government hearing, the MRI/MFA delegation (composed of NGOs and civil society organizations from Sri Lanka and receiving countries) were given the opportunity to make short oral statements on the situation of Sri Lankan migrants in their country of origin or in receiving countries. After the oral interventions they fielded questions from the Committee on their presentations.

Nimalka Fernando, delegate from Sri Lanka reported on the Sri Lankan government's failure in their State

Bahrain, spoke about the situation of runaway female migrant workers who are lured into trafficking and stressed the desperate need for the establishment of a Sri Lankan embassy in Bahrain.

William Gois, Regional Coordinator of MFA, expounded on two position papers (one written by the *Joint Committee on Migrants in Korea*, from South Korea, and another written by the *Middle East Council of Churches* from the UAE) that were submitted to the Committee but did not have representation at the session. He stressed the need for effective pre-departure orientation sessions that focused on the rights of migrant workers.

Additionally, he argued for the establishment of proper consular services and the training of welfare officers in receiving countries to ensure that the complaints of migrant workers could be properly managed.

The Sri Lankan delegation included the following: senior representatives of the *Sri Lankan Foreign Employment Bureau* (SLBFE), members of the Ministry of Foreign Employment, Promotion and Welfare, and the National Coordinator of Disaster Management and Human Rights. The Minister of Foreign Employment, Promotion and Welfare was expected to attend but had to withdraw at the last minute due to a death in the family.

The Sri Lankan government indicated in the presentation that 10% of their total population are migrant workers. When the government acceded to the Migrant Workers Convention they passed laws and meaningful policy to promote and protect migrants' rights. They noted that present development began with the creation of the SLBFE. Since ratification of the MWC, they have been active in negotiating Memoranda of Understanding (MOUs) with several Gulf countries, curbing human trafficking by passing laws prohibiting trafficking in women and children, initiating dialogue on operation and policy at the international level, amending laws to tighten regulations on recruitment agencies and establishing reintegration policies with various ministries.

A member of the Ministry of Foreign Employment, Promotion and Welfare gave a presentation which identified 3-pronged policy plan to empower migrants.

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### **Informal Meeting with the Committee**

The MRI/MFA delegation organized an informal information session in a private room and invited the Committee members to attend. Mr. Jose Brilliantes, Committee expert from the Philippines and Rapporteur for the session, attended the lunch along with Ms. Cubias Medina and Committee Chairperson, Mr. El Jamri. The delegation was able to spend time with the Committee members discussing the important issues raised during their oral interventions in greater detail. The delegation was also able to provide Mr. Brilliantes with a list of issues of most concern to civil society to

Report to adequately respond to the list of issues raised by the Committee.

Hanny Ben Israel, delegate from Israel, highlighted the lack of bi-lateral agreements between Sri Lanka and other receiving countries as creating a fertile ground for corruption, exploitation and abuse of migrant workers at all stages of the migration process.

Patrick O'Neill, staff member at MFA, read the report of Hessen Al-Sayah from Caritas Lebanon, and identified the lack of proper monitoring of recruitment agencies on the ground-level as a leading cause of abuse of Sri Lankan migrant workers both at home and abroad. Delrine Embuldeniya, delegate from



## PGA continued....

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The GFMD has two components- Civil Society Day (CSD) and the governments meeting. CSD is the non-governments' parties component of the GFMD.

Among the keynote speakers during the opening ceremony were Walden Bello, Akbayan Representative to Philippine Congress, and Dr. Raul Delgado, Director of Doctorado en Estudios del Desarrollo Universidad Autónoma de Zacatecas.

Bello shared with the audience his experiences of being a migrant worker during his years of political exile to bring down the Marcos dictatorship. During those years, he reflected on the type of identity that emerges as a migrant worker: an identity of a worker, an identity of your birth country, an identity of your host country. Combined, these identities converge and create what would be a global citizen, one that is able to "cut across our national identities in a common class consciousness as a worker."

The experience of being migrant, as Bello shared, is not one that is one dimensional. It is not solely economical or political. It is one that also affects the social, emotional, personal, and spiritual. "Regardless of region, I think we are all united under the agenda of full rights of migrants, and the dismantling of oppressive economic international institutions and frameworks. I think the economic crisis is in a sense, an opportunity for people in the South and North to get together around a common agenda."

Dr. Delgado focused his session on how the countries of origin have a "very

narrow vision" of how their migrants can contribute to the country's development, and that the countries of origin "invisibilize" the important contributions of migrants to their sending countries and the costs to the sending countries." Dr. Delgado developed a four part presentation with Stephen Castles, titled *A Comprehensive View of the Phenomenon*. The four parts consist of data of the basic landmarks of contemporary capitalism, the internationalization of production and the exportation of labour and how it has become an important element of the international division of labour, the Mexico-US migration experience, and finally, an alternative agenda on migration and development.

The plenary sessions were followed by simultaneous workshops on the succeeding days. The seven sub-themes guided the workshop sessions in each day. See box.

Aside from plenaries and workshops, community visits and exposure trips were held to provide an opportunity for the PGA participants to meet up with migrant workers and immigrant communities in Athens, aimed at building linkages and possible collaboration in the future. Among the groups/communities were: Athens Intercultural Centre, Pakistan Association of Greece, Greek Council for Refugees, Athens Labor Centre Secretariat for Foreign Workers, Munting Nasyon Cultural School, Bangladesh Doel Cultural Organization, Doctors of the World (MdM) Polyclinic and Shelter, Hellenic Foundation for European and Foreign Policy, Somali Community of Greece, and Konstantina Kuneva, a Bulgarian migrant, who was brutally attacked outside her home in Athens on 22 December 2008, and who has been staying in the hospital since then.

The closing plenary was graced with the presence of Ambassador Juan José Gómez Camacho, Permanent Representative of Mexico to the United Nations, other international organizations in Geneva, and another colleague from the Interior Ministry. Ambassador Camacho shared about the role that Mexico sees and the role that it seeks from civil society, and Mexico's



### PGA 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
4. Advancing the Gender Debates on Migration Policy from Rights based perspective
5. Unpacking the Discourse on Migration, Development and Reintegration Programs
6. Changes in Migration Policy Environments since the September 2008 Global Financial Crisis
7. Strengthening unities, evolving partnerships and developing a common agenda for advocacy



decision to align its foreign policy on human rights and democracy, and to use it as a tool to strengthen its domestic process.

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## Peoples' Global Action continued...



Peoples' Global Action, Athens, Greece, 2009

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Since "Mexico's foreign policy was going to be a result of a more democratic country, [Mexico] decided to engage the civil society. Mechanisms are in place to ensure that CSOs have space for discussion and negotiation.

One of the important changes Ambassador Gomez mentioned was Mexico's experimentation on foreign and domestic policies. The Ministry of Foreign Affairs and the foreign policy in the US basically have different perspectives but there are now mechanisms in place to join together the foreign and domestic policies.

Ambassador Gomez said "the things that we are demanding with our neighbor in the north, the rules and the policies that the people in the US enjoy should also be applicable to Mexicans. Have we succeeded? Not yet. But I can assure you, we are working very very hard."

Moreover, Amb. Gomez said that the struggle for the Migrant Workers Convention was achieved, and it is something that everyone is passionate about.

Ambassador Gomez reiterated that Mexico wants to promote the rights of migrant workers both inside and outside of the country. He wanted to assure the PGA that Mexico is "going to be as transparent" as possible, and that here would be civil society engagement. He said, *"What shape that the engagement will take, we don't know yet. What I can offer you is that we will engage you very soon, and have a meaningful dialogue very soon. We will negotiate [and]...will have very important conversations with our partners. We can make the most of civil society participations"*.

At the end of the PGA, a joint declaration was adopted by the participants and submitted to the governments attending the 3<sup>rd</sup> GFMD. See full text of declaration on the PGA website at <http://www.mfasia.org/peoplesglobalaction>.



One significant outcome of the PGA was its recognition by the CSD. The report of the CSD specifically mentioned that "a link with the parallel event (PGA) should be maintained". In 2008, Sharan Burrow, President of the ITUC who acted as the conference chairperson during the CSD, came to the PGA and made a commitment to bring the issues to the official Forum and ensure that migrants' rights are placed at the center of the discourse.

The PGA would not be a success without the help of the local organizers led by KASAPI Hellas and the International Working Group (IWG) composed of Migrants Rights International (MRI), Building and Wood Workers International (BWI), International Trade Union Confederation (ITUC), Public Service International (PSI), Union Network International (UNI), and the European Working Group.

**Fin**

***"What shape the engagement will take, we don't know yet. What I can offer you is that we will engage you very soon, and have a meaningful dialogue ...", said Amb. Gomez during the closing ceremonies.***

## ***Decent Work for Domestic Workers Corner***

*Consistent with its campaign strategy, the last quarter of the year was focused on targeting country, regional and international platforms of engagement.*

### **October**

On 14 October 2009, MFA sent a delegation to the **Committee of Migrant Workers' (CMW) Day of General Discussion on Migrant Domestic Workers (MDWs)** in Geneva, Switzerland. The purpose of the discussion was to assist the Committee in responding to the concerns of MDWs during the examination of State Reports and in formulating recommendations to the International Labour Conference (ILC) in June 2010. The ILC will take up the issue of domestic workers and discuss the need for drafting an international instrument for their protection. Prior to the Day of General Discussion (DGD), MFA sent a submission to the Committee to be able to contribute to the discussion.

The DGD was attended by approximately 50 participants, the majority coming from civil society groups and nationals (Bahrain, Israel, Italy, Lebanon, the Netherlands and Senegal), regional (Africa, Asia) and international representation. International organizations and representatives from permanent missions to the United Nations Office Geneva also participated.

The two main themes discussed were 1) The recruitment and employment of MDWs and, 2) The effective protection of MDWs. Several challenges were identified, such as:

- how to monitor the recruitment and employment of migrant domestic workers outside the formal recruitment system;
- how to address the recruitment and employment by employers who objectively are unable to provide adequate wages or working and living conditions and;
- how to confront certain cultural differences in perceptions of domestic work.



Participants stressed the importance of continuing to work together with migrant domestic workers in order to find adequate solutions. They underlined the need to understand the regional specificities of migration and learn from the difficulties faced when empowering and protecting people.

Based on the discussions, the Committee formulated recommendations to be passed onto the ILC. The full text of the CMW report on the Day of General Discussion, including the recommendations to the ILC, can be found at: <http://www2.ohchr.org/english/bodies/cmw/dgd141009.htm>

### **November**

On the occasion of the 3rd Global Forum on Migration and Development (GFMD), 2-5 November in Athens, Greece, MFA together with the International Working Group for Domestic Workers (IWG-DW), a network of domestic workers, migrants, trade unions and civil society organizations across the globe working on domestic workers' issues, organized the **4th International Workshop on Domestic Work**.

The workshop was aimed at taking stock and consolidating the different campaigns of the various regions and sectors and deciding how to move the campaign forward towards the 2010 ILC and beyond. The participants heard updates

***“ There is a need to understand the regional specificities of migration and learn from the difficulties when empowering and protecting people’***



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



from the campaigns in India, Cambodia, USA, Dominican Republic, Hong Kong, South Africa, the Middle East and Geneva.

One issue discussed was the lack of trade union interest in the issue of DWs. It was decided that a strategy needs to be formulated in order to get TU attention and support on the issue.

With respect to strategy for the ILC, the participants decided that they must come up with 5 or 6 points to push forward in an ILO Convention. A core challenge identified was the difficulty in getting the national communities to jointly proceed forward with their campaigns with a core set of concerns of DWs. It was agreed that there needs to be strategic lobbying with trade unions that cannot bypass the employers.

The workshop in Athens made clear the need to get an active international network going. There was also the concern to change the definition of domestic work, and to formalize the informal. Participants agreed there is a need to start building a movement of domestic workers so that at the next PGA the network will be more prepared. The need to think about interface with other global initiatives was emphasized as well, in which the group can participate.

The deliberations in Athens called for an international solidarity necessary to have a strong advocacy at the ILC and to further mainstream the issue for it to gain public interest and support. This further validates the findings

and negotiations at the country level that there has been little attention given to the issue. Despite the challenges, participants had high hopes that something positive will come out of the negotiations.

### ***December***

On 2-4 December, MFA was invited to the **Labour Rights Seminar on Domestic Work** in Kerala, India, to share its campaign experience on migrant domestic workers, the proposed ILO Convention on Domestic Work. The Seminar was organized by the World Solidarity Movement (WSM) in cooperation with the National Domestic Workers Movement (NDWM).

The deliberations focused on the preparations for the upcoming International Labour Conference in June 2010 to provide the best possible input in the ILO process.

The other aspect that was discussed was on organizing domestic workers as an important build up and preparation for the campaign. Participating in the seminar were representatives from trade unions, domestic workers' groups and NGOs that have on-going campaigns on the ILO Convention. Representatives from the ILO were also present to provide the historical involvement



of ILO on the issue of domestic work and on the process that will lead to the adoption of an instrument for domestic workers in 2011.

In the course of deliberations, the group was able to identify advocacy points and strategies in

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

order to put forward the campaign. Particular to India, MFA emphasized the need to sensitize trade unions on the issue of domestic work especially the workers groups who will be attending the ILC in June. Trade unions should be considered not only as allies but target of advocacy as well. Trade unions should recognize that this move will benefit the entire informal sector.

Another important ILO social partner that needs to be influenced is the Indian government. The government is only pushing for a Recommendation\* which poses a big challenge for advocates.

Participants also reflected that the recognition of domestic workers should not depend on a bureaucratic dynamism but on movement dynamism which is manifested by grassroots organizations. These organizations have painstakingly organized domestic workers and continually campaigned for the recognition of their rights. Building the awareness of the people on the issue should be a continuing process.

On 5-6 December, MFA's South Asia members came together for a ***South Asia Training on the "Road to the 2010 International Labour Conference and South Asia (SA) Process"*** in New Delhi, India. The training was jointly organized by MFA and the Center for Education and Communication. MFA members from Bangladesh, India and Nepal attended the training.

The issue of domestic work in SA is hardly new but it remains to be invisible in most parts of the region. Among the SA countries, it is only in India where the issue of domestic work and their slavery like conditions has been highlighted. The National Domestic Workers Movement (NDWM), a national network of domestic workers groups, has long been fighting for the rights and recognition of domestic workers.

The 2-day training was organized with the following objectives:

- to further sensitize MFA SA members on the issue and on the ILO process itself
- to be able to come up with a South Asia strategy in preparation for the 2010 ILC to explore the common issues in the South Asian region and developing a coordination process to address the issues.

To give the participants an idea where the network stands on its current campaign, MFA Regional Director, William Gois, presented the accomplishments of the network, the challenges it encountered and the gaps identified in the process.

From the presentation, the participants were able to reflect on the next steps that the network particularly the SA region in order to strengthen its campaign.

In order to ascertain the level of engagement and preparedness of the network, participants mapped out the different processes in the SA region and determined the level of the campaign necessary to come up with concrete collaborative strategy and plans towards 2010 ILC. It was found out that there has been very little collaboration with trade unions on the issue of domestic work especially on the campaign for the proposed ILO Convention. Trade unions are crucial partners on this campaign and the network should be able to develop a plan to strengthen partnership with them.

Participants noted that the next 5 months are critical to focusing the advocacy towards achieving a domestic workers' convention. It was emphasized that organizations in South Asia should coordinate with each other on their activities on the ILO Convention and on Gulf issues which are common to the network.

CEC is currently preparing a special issue of labour file on domestic workers on the request of the ILO which will be used as an international resource tool for the ILO. The anticipated date of completion of this report is in February 2010.

Cognizant of the limitations of the network in terms of its preparation for engagement, participants developed a country level and regional action plan on how it will engage in the ILO process and support the whole campaign of the MFA network.

In April 2010, the South Asia network will meet again to assess the strategy and firm up its plan and engagement with the ILC. The meeting will be attended by MFA SA members and other support groups that are working on DW issues and TUs that are attending the ILC.

On 6 December, MFA also attended the ***National Assembly of Migrant Domestic Workers*** in

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

Singapore organized by Humanitarian Organization for Migration and Economics (HOME) and Transient Workers Count Too (TWC2). MDWs discussed about their most pressing issues which the two organizations will table in their advocacies. Among the issues presented during the plenary were:

- Implications of GFMD and government agendas on migration
- Labour laws and its inadequacy in protecting the rights of domestic workers
- HIV/sex education for domestic workers
- Mental health and well being of domestic workers
- Impact of migration on families (relationships with families, stress and pressure on families, adjusting back to life in country of origin)

On 11 December, MFA was invited to the **6th Series of the Working World Trialogue on Decent Work for Migrant Workers Toward a More Responsive Welfare and Protection Program for Migrant Household Service Workers (HSWs)** hosted by the Institute for Labour Studies (ILS), the branch of the Department of Labor and Employment unit that was established to provide technical support to policy-making and implementation of the latter's program.

Other invitees to the trialogue were members of government organizations, NGOs, employers' and workers' groups and other stakeholders that are involved in domestic work issue.

Presentations included updates on the Philippine government's policy and program for protection and welfare of household service workers, commonly called domestic workers and the responses from the CSOs. From the government's side, former labor attaché officers posted in Italy, Korea and Canada provided updates on the performance of the HSW labor market in these countries.

The Philippine Overseas Employment Administration's (POEA) new policy on HSW took effect on December 16, 2006. The policy includes upgrading of skills of the workers, orientation course on country-specific culture and language,



protective mechanisms at the job sites, obliging employers to shoulder the cost of deploying the domestic helper, and increasing the minimum salary to a level commensurate to their acquired competencies. The POEA Governing Board also approved the minimum wage of US\$400, doubling the prevailing wage rate of US\$200 especially in the Middle East countries.

The presenters recognized the limitations of the HSW Memorandum in terms of its applicability in the context of each country. It was stressed that some of the provisions of the HSW are not being followed because of its inapplicability and time considerations. In lieu of these "unenforceable" mechanisms, the presenters cited some good practices in their respective posts i.e. higher salary, family reunification, etc.

MFA Executive Chairperson, Ellene Sana, gave the migrants' perspective on the HSW Memorandum. The main issues discussed were: effective implementation, responsiveness of the policies, resource allocation, coherence and harmonization of policies, support and cooperation of other stakeholders and accuracy of data collection.

To address these issues, Ms. Sana put forward the following proposals:

- *Inclusion of domestic work in the national labor and social legislation. (Bilateral agreements on terms and conditions governing the recruitment, selection and*

***"The recognition of domestic workers should not depend on a bureaucratic dynamism but on movement dynamism"***



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

*hiring of Filipino workers*

- *Adoption of jointly approved standard Employment Contract*
- *Up-to-date database*
- *Adoption of the alternative "corporate servicing scheme" or live-out arrangement for HSW*
- *Pro-active engagement of the POLOs- pre-departure, onsite and upon return*
- *Closer coordination among agencies in RP and with POLO/post; between RP post/agencies and those of destination.*

On 12-15 December, MFA and the Asian Migrant Domestic Workers Alliance (ADWA) participated in the ***East Asia Conference on Domestic Work in Hongkong*** which was jointly organized by HKCTU and the International Domestic Workers Network (IDWN), an alliance of domestic workers unions and support organizations across the globe. ADWA members present were- KOTKIHO, FDWU, APL, CMR, IMWU, APL-HK, TMWU and TMWU. On the 13<sup>th</sup>, DWs groups had a march from Victoria park to the Indonesian consulate and then to CGO in central. The discussions and deliberations were focused on organizing domestic workers and the

advocacy in East Asia around the campaign for the adoption of an ILO Convention. Soon after the Conference, a strategy meeting of networks followed to discuss common strategy and action plan.

At the strategy meeting, groups present agreed on supporting each other's activities and campaigns. Participants will be collaborating on the planned regional meetings prior to the June 2010 ILC, and parallel events which MFA and ADWA and the International Working for Domestic Workers (IWG-DW) will be organizing. Training tools and education materials will also be produced.

The Conference ended with much hope that greater coordination among the DW groups in East Asia and other parts of the region will be further strengthened.

*With only five months left before the anticipated deliberations on domestic work at the 99<sup>th</sup> Session of the International Labour Conference in June in Geneva, the network recognizes the need to strengthen existing synergies, bridge organizations and to create a big move to gain public support.*

*\* A Recommendation is one of the two main international labour standards adopted by ILO. Unlike a Convention, it is not open to ratification and is not legally binding. It only provides guidelines for national laws and practice.*

***Fin***



## MFA participates in weeklong Climate Justice activities

The year 2009 is a crucial year in the international effort to address climate change, culminating with the United Nations Climate Change Conference of Parties (COP15) in Copenhagen on 7-18 December. In COP 15, climate campaigners hoped to agree to an effective international response to climate change

Climate change is a global concern that has grave implications on the movement of peoples, especially migrants. MFA's engagement on the issue dates back to July 2007 when the network attended a Climate Justice conference organized by Focus on the Global South which aimed to build the capacity of NGO workers by starting to understand the issue.

In 2008, MFA co-organized the Global Climate Change Conference in Bangkok on July 12-14 to popularize the issue and collectively come up with action points that would protect the well-being of all migrants".

In October of the same year, "Climate Change, Migration and Development" was one of the major topics discussed during the 11th Regional Conference on Migration. The issue of climate-induced migrants, and the need to recognize their rights, came to the fore.

Aware of the significant implications of this issue on migrants, MFA continues to engage the issue. From 30 September to 6 October 2009, MFA took part in a series of climate change activities in Bangkok, Thailand organized by Focus on the Global South, a non-governmental organization (NGO) affiliated with Chulalongkorn University Social Research Institute, in cooperation with several other organizations within the Thai Working Group on Climate Justice.

The program included a Conference on water and power alternatives, public actions and strategy meeting of the Climate Justice Network in preparation for Copenhagen 15 and beyond. This week of action was organized to exchange information on the current issues of climate change and to gain a better understanding about Climate Justice. The program was also used as an occasion to observe the UNFCCC negotiations on climate policies to be implemented by 2012 and beyond.

At the power and water alternatives, MFA representative Mr. Rhodora Abano of the Center for Migrant Advocacy shared that discussing alternatives should be in the context of how much water people actually need; there is a need to return to indigenous ways of tapping water and power. She also added that some alternative technology is expensive and therefore not accessible to the people e.g. solar panels. She challenged the movement to call on/enjoin scientists to make technological advances accessible to the people.

The strategy meeting which was participated by almost one hundred people from thirty three countries came up with a statement calling for:

- recognition of the Global North's historical responsibility and obligation to guarantee reparations for ecological debt, including climate debt, owed to the Global South;

(continued on page 15)

## 11th Session of the CMW continued....

(continued from page 5)

This would be done through:

- *Good Governance of Migration Strategies which includes developing an institutional framework, and drafting laws and policies to empower migrants;*
- *Protecting and Empowering Migrants and Their Families through effective pre-departure training, developing reintegration strategies and assisting children of migrant workers; and*
- *Effective Migration Strategies including promotion and development of a comprehensive migration development plan and skills training programs for workers.*

In order to implement these policies the government reported that they have taken initiatives to establish advisory committees involving all stakeholders (including civil society), established a special ministry to implement migration policy with the assistance of the International Labour



Organization (ILO) and prepared a National Plan of Action with assistance from the International Organization for Migration (IOM).

In response to the government's report, the following issues were pointed out by the Members of the Committee:

- *Concerns over voting rights reintegration strategies bi-lateral arrangements and MOUs being made available to civil society and the specifics of the pension plan and welfare scheme.*
- *Consultation with CSOs in the preparation of the State Report?*
- *Efforts to promote the Convention reviews/reports conducted that studied the impacts of migration on children.*
- *Measures the government had taken to clamp down on illegal recruitment agencies, more information about*
- *Social security – how is the welfare fund paid for?, how is it accessed?, who is eligible?*
- *Diplomatic missions abroad and their role in protecting migrant workers.*
- *Readmission agreements between Sri Lanka and EU states. What happens to migrants when there are no such agreements?*

The third day of the session, 14 October, was reserved for a Day of General Discussion on Migrant Domestic Workers (MDWs). The purpose of the discussion was to assist the Committee in responding to the concerns of MDWs during the examination of State Reports and in formulating recommendations that may contribute to the International Labour Conference (ILC) in June 2010, which will take up the issue of domestic workers and discuss the need for drafting an international instrument for their protection. See Decent Work for Domestic Workers Corner for more details.

**Fin**

## Brainstorming Session on South Asia Migration Commission (SAMC)

Recognizing MFA's wealth of experience in working with governments in the promotion and protection of migrant workers, the Institute of Policy Studies of Sri Lanka (IPS) and the Friedrich Ebert Stiftung Colombo (FES), in collaboration with the South Asia Centre for Policy Studies (SACEPS), invited MFA to its Brainstorming Session held on 27 November 2009 in Colombo, Sri Lanka to finalize the creation of a South Asia Migration Commission (SAMC).

The session was a follow-up to the International Conference on 'Migration, Remittances and Development Nexus in South Asia' that was jointly organized by the IPS and FES in Colombo last 4 – 5 May 2009 wherein the creation of a South Asia Migration Commission was formally discussed. The session also aimed to prepare a comprehensive paper on the SAMC so that it could be submitted to the 16th SAARC Summit in Thimphu, Bhutan in early 2010.

Representatives from 8 South Asian countries (India, Sri Lanka, Bangladesh, Nepal, Maldives, Bhutan, Afghanistan and Pakistan) attended the session. There were also guest observers from the IPS, the International Centre for Ethnic Studies and other NGOs in Sri Lanka.

The program opened with preliminary remarks from the organizers, followed by a presentation of the proposed SAMC, elaborating on the points put forward in the concept paper. Salient points submitted for discussion:

1. Rationale for a SAMC: the need to put migration on top of national agenda and mainstream it in the development process; also the need for a migration database for South Asia especially vis-à-vis irregular migration.
2. Would the scope of the Commission include intra-regional migration? What should be prioritized?
3. SAMC will work in parallel with the Task Force created after the Migration, Remittances and Development Conference in May 2009; the Task Force is more of a think tank.
4. Will the SAMC be a Track 1 or Track 2 initiative, especially vis-à-vis SAARC framework? How about a Track 1.5 or semi-official status?
5. Migration trends will continue. 5 areas in which SAARC countries can work together on the migration issue:
  - Prioritizing migration in the national agenda: policies, planning and growth agenda, sensitizing key stakeholders
  - Longevity and healthcare
  - Remittance flows
  - Protection and skills development (violations, net outflow of resources)
  - Temporary workers and leveraging the diaspora
6. SAMC should be presented with its clear vision statement during the next (16<sup>th</sup>) SAARC Summit to be held in Bhutan in 2010.

The work of the Commission was established and includes examining the various aspects of migration from and within South Asia, including but not confined to the human security of migrants, the conditions and consequences of labour migration, migration induced by climate change, asylum, and the integration of migrants into their host countries.

Terence Osorio, MFA's representative, shared with the group MFA's work around migration in ASEAN. She was also asked to share on the Philippine experience as a model country of

origin. The salient points of her sharing:

- MFA believes that [1] migration is a choice and an exercise of the right to mobility; [2] job creation is a function of government; and [3] that it is the duty of government to protect and promote the human and labor rights of its nationals abroad.
- The Philippines has indeed been hailed as a "model" because it has government structure and mechanisms in place. There are, however, issues of implementation and monitoring. There is also a vibrant civil society engaging Philippine migration, doing policy advocacy both with executive and legislative branches of government, offering protection and safety measures, savings and investment schemes, and the novel SMS reporting pioneered by MFA member Center for Migrants Advocacy.
- MFA's engagement with ASEAN is both at national and regional level. It engages ASEAN governments thru members organizations' national policy advocacy and as an active member of the Task Force on ASEAN Migrant Workers. It also engages ASEAN Parliamentarians thru an annual Regional Parliamentarian Workshop co-organized with the Friedrich Ebert Stiftung, makes active participation in the ASEAN Forum on Labor and Migration, and feeds into other ASEAN intergovernmental processes such as the ASEAN Civil Society Conferences which produced the Declaration after its 12<sup>th</sup> Summit.
- MFA, thru these efforts, is closely following the development of an ASEAN Framework Instrument which is now being drafted by the ASEAN Committee on Migrant Workers. MFA notes the 'openness' of the ASEAN Secretariat to these processes. The ASEAN Framework Instrument is envisioned as a legal basis for leverage and negotiation on issues like standard contracts, minimum wages, remittance transfers and migration social costs.

Ms. Osorio also gave her comments on the concept paper for the SAMC, the following points were raised:

- What are the foundational principles or framework of engagement of SAMC, optimizing on the similarities of SA countries: managed migration, rights-based approach? What's the value-added to existing initiatives?
- What is the scope of SAMC: beyond labor migration? How shall SAMC engage SAARC? Would it go beyond SAARC?
- Other observations on country representatives' reports: migration in the region seems to be demand driven given the urgency to improve skills development. There is also an emerging privatization trend.

At the end of the session, participants adopted the SAMC Concept Paper which will then be submitted during the SAARC Summit in 2010. In line with its work on the SA region, MFA will continue to monitor and influence this process to be able to realign its advocacy on the pressing and emerging issues in the SA region.

*Fin*



## MFA shares analysis of the Philippine migration landscape

On 9 December 2009, MFA was invited to a Policy Dialogue on RA 4082 to share its analysis of the Philippine migration landscape. Batis Center for Women Executive Director Andrea Luisa C. Anolin attended the activity in behalf of the Migrant Forum in Asia. Also present was Ms. Ellene Sana, Executive Director of the Center for Migrant Advocacy (and MFA Executive Committee Chair) as part of the panel of reactors.

RA 8042 is Philippine's overseas employment policy that sets standards of protection and promotion of the welfare of Overseas Filipino Workers (OFWs) and their families. Though hailed as the "model" migration policy in the world, the law has received countless criticisms among migrants NGOs in the Philippines because inadequate infrastructure and implementation.

Presentations on the salient features of RA 8042 as well as the proposed amendments to RA 8042 were made by Mr. Prejean Prieto (Researcher, Eastern Regional Organization for Public Administration in UP Diliman) and Mr. Isabelo Samonte (AIM Policy Center consultant).

A lively and dynamic open forum and sharing of the panel of reactors followed the presentations. On the part of Prof. Ofreneo, he shared that he was part of the Oversight Advisory Group (OAG) created to monitor implementation of RA 8042 but that the group only met once. He also said that the deregulation provision in the law was intended to break the monopoly and stranglehold of a few powerful recruitment agencies and it was not really intended to do away with regulations for deploying OFWs (still within the regulatory framework). Mr. Ricardo Casco of IOM also shared the history and origins of the contentious deregulation provision in the law as part of his role before as an officer of POEA. Ms. Sana shared about current efforts to amend RA 8042 and the details of the recent Bicameral Conference Committee meetings to come up with a unified committee report and how migrant and other organizations lobbied to exclude the provision on insurance.

On the part of Batis / MFA, Ms. Anolin shared its analysis of the problems underlying the Philippine migration landscape. The sharing revolved around the following points:

- translating existing policies, programs, structure and infrastructure, mechanisms into relevant, effective and functioning system to assist OFWs
- the current nature of Philippine migration which is massive in character is not matched by a well functioning infrastructure and support program
- contrary to government's claim that it is managing migration, what is being managed is the deployment; the resulting problems are being attended to by an ineffective, insufficient, untimely policy and program of support; existing services do not reach a significant percentage of OFWs and their families
- shared legislative advocacy efforts of migrant groups in amending RA 8042 reiterated need for a mass migration exit strategy

Dr. Rene E. Ofreneo, Director of the Center for Labor Justice (UP Diliman) who was the moderator of the dialogue ended the program with a critical look in the direction of Philippine migration.

**Fin**

## Overseas Filipinos Beyond Remittances *continued...*

*(continued from page 4)*

Filipino migrant workers often play the role as cultural diplomats inside and outside of their home country. The general global perception to the Philippines is ruptured by racial and gender stereotypes which must be unraveled; a unified response made by each of the presenters mentioning the importance of improving the image of Filipino culture and sustaining the Filipino spirit.

Undoubtedly, the theme of empowering migrant workers and allowing transmigrants to utilize their hyphenated identities as a tool for political and social change weighs heavily on the topics discussed in the Overseas Filipinos Beyond Remittances forum. The concept of raising awareness of the Philippine culture and pride at an international level serves as a vehicle for economic development, cultural preservation, social cohesion, and human rights protection. The idea of looking past remittances and honouring migrant workers as human beings with human rights, and not as economic commodities, is a response and reform that needs to happen within the state's structure. The State must grant migrant workers their rights and accessibility; it must ensure that OFWs and Filipino citizens be a part of the voting and census processes; it must provide services and programs for them and their families; and not least, it must look beyond remittances as a major contributor to the Philippines' GDP.

**Fin**

## MFA participates in weeklong Climate Justice activities *continued....*

*(continued from page 13)*

- creation of alternative funding mechanisms and flows that recognize the above and respect, protect and promote the sovereignty and rights of peoples and nature;
- an immediate end to any role for International Financial Institutions (IFIs) in climate financing, and other financial mechanisms and institutions that exacerbate and intensify climate change and increase ecological and other debts;
- rejection of market-based instruments which do not solve the climate crisis – but instead increase climate debt by allowing the North to offset its own greenhouse gas emissions by transferring its emissions reduction obligations to the South.

The Conference helped the MFA network to better understand the issue and challenges the network to come up with a concrete campaign in order to address this issue from the migrants' perspective. With the agreement reached in COP 15 in December 2009, MFA will continue to work and support the work of its partners in calling for a system change in order that real solutions to the problem will be achieved.

**Fin**

# 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: 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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