

MIGRANT FORUM IN ASIA NEWSLETTER



A QUARTERLY PUBLICATION FOR ADVANCING MIGRANTS STRUGGLE FOR RIGHTS AND JUSTICE

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Direct lobbying and capacity building marks MFA's year end activities

This newsletter is a special edition of MFA updates covering the months of July-December 2010. The report highlights the activities of the network from capacity building to direct lobbying activities geared towards a collective action in calling for the promotion and protection of the rights of migrant workers.

Specific to capacity building activities which are designed to impart and enhance the skills of migrants' rights advocates, MFA engaged in organising, co-organising and attending several programs organised by its partner organisations aimed to empower migrants, build skills,

strengthen advocacy lines, and influence policy, while at the same time continue engagement at all levels to push for the migrants' agenda.

In line with the Ratification campaign and Migrants' Campaign Month (MCM) celebration, this edition also highlights the lobbying efforts of MFA members in influencing their respective governments to ratify the Migrant Worker Convention. The country visit to Bangladesh of Mr. Aldehamid El Jamri's, UN CMW Chairperson is also featured in this update.

CMW Chairperson Aldehamid El Jamri and CSOs to the Government of Bangladesh: Ratify the 1990 UN Convention on Migrant Workers!

During the 14-15 December 2010 visit to Bangladesh of Mr. Abdelhamid El Jamri, Chairperson of the Committee on the Protection of the Rights of Migrant Workers and Members of their Families (CMW), civil society organisations gathered together for a public forum demanding the government of Bangladesh to ratify the 1990 UN Convention on Migrant Workers.

The Forum was held on 15 December 2010 at CIRDAP Auditorium. It was attended by over 100 people from a host of government functionaries, civil society activists and members of the academia. The programme was widely covered in the electronic and print media of Bangladesh.

Mr. El Jamri came to Asia through the invitation of the Office of the High Commissioner on Human Rights (OHCHR) as one of the keynote speakers for its commemoration activity on the 20th Anniversary of the UN 1990 MWC on 13 December 2010 in Bangkok, Thailand. MFA in collaboration with its members in Bangladesh (Refugee and Migratory Movements Research Unit, WARBE Development Foundation, AIN O Salish Kendra, and Association for Community Development) took advantage of the Chair's presence in Asia and invited him to do a country visit to Bangladesh and engage with MFA's Steering Committee for the Global Ratification Campaign and the 2010 Migrants Campaign Month (MCM) celebration.



The visit was also made possible through the assistance of the Office of the High Commissioner on Human Rights (OHCHR) and United Nations Development Programme (UNDP) Bangladesh Office.

The CMW is a body of independent experts that monitors implementation of the UN 1990 MWC by state parties that ratified the treaty. The CMW consists of 14 experts elected by State parties and serves in their personal capacity. Members are elected by secret ballot with due regard to fair geographical distribution, including both states of origin and states of employment of migrant workers and representation from the world's main legal systems. Members serve in their personal capacity for a term of four years.

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The Government of Bangladesh has signed but not ratified the UN 1990 MWC on 7 October 1998. Bangladesh is one of the major countries of origin for labour migration from the South Asian region. MFA and its members have been campaigning for more than a decade for Bangladesh to ratify the convention. It is estimated that there are 7 million Bangladeshis working abroad as migrant workers with over 90% living in the Middle East and South East Asia.

Prior to the public forum, Mr. El Jamri also had the chance to take part in a dialogue with the representatives of relevant government ministries such as the Ministry of Expatriate and Overseas Welfare, The Ministry of Law and the Ministry of Foreign Affairs. A dialogue with the chairperson of the Bangladesh parliament was also organised. Mr. El Jamri was also invited to speak at the opening of the inter-ministerial/ other stakeholders meeting to discuss the ratification of the 1990 UN MWC. Speaking for each ministry were the following:

- Mr. Mohamed Mijarul Quayes, Secretary, Ministry of Foreign Affairs (MOFA)
- Dr. Zafar Ahmed Khan, Secretary, Bangladesh Ministry of Expatriates Welfare and Overseas Employment (MEWOE)
- Mr. Shafique Ahmed, Law Minister, Bangladesh Ministry of Law, Justice and Parliamentary Affairs
- Mr. Anisul Islam Mahmud and Mr. Mahmud Us Samad, Members of Parliament



On his 2-day interaction with relevant government ministries, members of parliament, migrants activists, civil society organisations, academia and members of the media, Mr. El Jamri emphasized the urgency for ratification of the 1990 UN MWC in relation to addressing the issues of the 7 million migrant workers of Bangladesh and further improve the situation of migrants in receiving countries particularly in the Middle East, where majority of Bangladesh migrant workers are currently deployed. He also stated that migrant workers need protection and every state has the duty to protect its citizens even when they reside abroad. Once a country ratifies the convention, it is obliged to submit reports to the UN body. This gives a comprehensive scenario of migration prompting the global body to take appropriate policies to address the problems in this regard. It also results in streamlining the migration industry and improved data collection, he added.

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Time to Ratify! Support the Rights of Migrant Workers

Carrying a banner slogan “Time to Ratify! Support the Rights of Migrant Workers”, from 25 November-18 December, MFA members celebrate Migrants’ Campaign Month (MCM) with particular focus on the 20 years of the UN Convention on the Protection of the Rights of Migrant Workers and Their Families, or Migrant Workers Convention (MWC) and, in the light of the global campaign for a convention on domestic work, the situation of migrant domestic workers.

The MCM is a multi-pronged advocacy tool that MFA has adopted to raise the awareness of migrant workers, their families, media practitioners and the general public regarding migrants’ rights issues. It also aims to urge the governments to adopt policy changes that will promote and protect migrants’ rights and welfare as is their duty and responsibility.

As a network, MFA released a statement on 18 December which is the International Migrants’ Day calling for more efforts at convincing and moving governments to ratify the Convention and support the adoption of an ILO Convention on Domestic Work in June 2011. See www.mfasia.org to view the full statement. MFA as an active member of the Steering Committee of the International Campaign for the Ratification of the MWC (SC) urged members and partners to participate in the intensified Global Campaign of the SC which lobbied governments throughout the whole year and especially targeting specific countries like Bangladesh and Indonesia in Asia. This served as build up to the MCM.

Other build up activities highlighting the anniversary include the PGA workshop on the prospects for the ratification of the Convention, and during the GFMD, the UN High Commissioner for Human Rights led a special commemoration within the GFMD civil society programme. A signature campaign was also held in Mexico during these 2 events, again appealing to the governments to ratify the Convention.

But closer to each member’s context, the Secretariat especially called on members to adopt unique and creative ways to celebrate MCM this year. In response, MFA members organized face to face meetings (particularly in Bangladesh, Cambodia and Nepal), public rallies and forums,

symposia with the participation of public officials, celebratory programs and gatherings of migrant workers groups and supporters (e.g. in Hongkong), film viewings, petition and solidarity statements (e.g. MFA Nepal submitted a letter to Parliament) and other forms of pressure tactics, and press releases to inform the public and disseminate the information about the campaign.

In the Philippines, MFA was part of the Inter-Agency Committee which was established through Administrative Order No. 202 to look into the preparation of a program for the Month of Overseas Filipinos (MOF) for the whole month of December. Members also set up migrants’ kiosks to provide information to migrants’ families and potential migrants. Other activities also include Forum, launching of a report and creation of a Task Force for International Migrants Day in the Southern part of the Philippines.

A highlight of the MCM was the visit of the UN Committee on Migrant Workers, Mr. Abdelhamid El Jamri, to Bangladesh. Mr. El Jamri. See page 1 for more details.

On the other hand, MCM 2010 also saw resistance and outright rights violation when two activities that HOME and TWC2 have planned for International Migrants’ Day, December 18, were canceled because the Singapore police refused them the permits for holding them. The organizers were supposed to conduct a vehicle procession to symbolize how migrant workers are endangered when transported in open decks of lorries. The vehicles would have gone around selected areas with the banners, ‘Migrant Workers are Humans, not Cargo’ and ‘Ratify the Migrant Workers Convention.’

As MCM celebrations go, and this was the 10th year for the network, the objectives remain vitally the same as migrant workers and their families continue to face discrimination, insecurity and other issues, and as they continue to experience threats to and violations of their rights and freedoms. The network will continue to harness its strengths to advance migrants’ rights and protection. As MFA Regional Coordinator William Gois exhorted the members in one of the circulars for MCM 2010, “[We should be able] to grasp the moment that opportunities present to us to move in solidarity for our common advocacy. We need to sound the call for ratification stronger. We need to make the voices of migrant domestic workers heard. Let us make the celebration of Migrants’ Campaign Month a truly memorable one!”

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Peoples' Global Action (PGA) in Mexico pushes for a Rights-Based Approach to Migration and Development

The People's Global Action on Migration, Development, and Human Rights (PGA) was successfully hosted in Mexico City from November 3-5, 2010. The gathering was attended by nearly 800 delegates representing migrant associations, trade unions, human rights organisations, women's groups, faith-based organisations, anti-poverty groups, and a host of social movements from all over the world.

The annual PGA gathering, now in its fourth year, is a parallel event to the Global Forum on Migration and Development (GFMD), an intergovernmental forum in which states gather to discuss migration issues. The GFMD is a state-led, non-binding forum that aims to discuss and foster action-oriented outcomes. The PGA seeks to foster more inclusive, transparent and autonomous forms of participation from key sectors of civil society in the migration and development discourse. It builds upon previous parallel events organized by MRI and MFA from the first GFMD in Brussels, the second meeting in Manila and the third meeting in Athens. The PGA in Mexico City is particularly a momentous event because it has been recognized by the Mexican government as part of the GFMD 2010. To further this recognition, the mayor of Mexico City even sent a representative to the PGA and threw a celebration with Mexican food and music. The recognition is an enormous endorsement of the process that MFA and MRI have embarked on to engage a much broader section of civil society and raise human rights as a crucial element within such international deliberations.

Throughout the 3-day event, plenary sessions, roundtables, and workshops were convened on 5 themes, and with a view to achieving the PGA's goals: 1) Strategic indicators to demystify the relationship between migration and development; 2) Human rights, development, and migration; 3) Environmental degradation, climate change, development, and migration; 4) Civil society organisations, movements, and networks; 5) Comprehensive, inclusive, and humanistic public policies.

"Rights at Risk," which was the opening panel, had representatives from frontline defense organizations and migrants' rights advocacy groups from Mexico, North America, Europe, Africa and Asia speaking about the status

of migrants' human rights in their respective regions.

Opening interventions by Ambassador Juan Manuel Gomez Robledo, Mexico's Deputy Foreign Minister for Multilateral Affairs and Human Rights and Dr. Raul Delgado Wise of the Autonomous University of Zacatecas added to the event.

Ambassador Gomez Robledo commented on the growing relevance and visibility of migration in national and multilateral agendas and the importance of effectively promoting positive contributions to prevent stereotypes, false perceptions, and discriminatory migration policies. He emphasized that government and civil society must promote shared awareness in their efforts to face the challenges and opportunities presented by migration. The Ambassador

acknowledged Mexico's important regional role as a country of origin, destination, and transit. He indicated that, whereas human rights were not central to the High Level Dialogue in Brussels, human rights would be emphasized in the discussions at this year's GFMD.

Dr. Delgado Wise illustrated that the agenda on migration and development has been

limited to the interests of receiving countries, and has omitted human rights as a core issue. The costs to migrants and their family members, as well as the costs to sending states, are rendered invisible in this receiving-state discourse. He argued that states need to move beyond remittances and adopt a holistic view that would include the following: an understanding of the key contextual elements framing contemporary migration; a commitment to re-thinking the dominant approach to migration and development; a space for real discussions on alternative perspectives; and movement towards an inclusive agenda. He concluded by emphasizing the need for a human rights based approach to migration policy.

Mehru Cyrus Vesuvala from Migrant Workers Protection Society (MWPS) in Bahrain, shared about her work with domestic workers. MWPS is an MFA partner and has been working for several years now with migrant workers in Bahrain and is the only recognised organisation doing such kind of work in the region.

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ILO Visioning Event: Community of Practice (CoP) on Labour Migration

On 25-27 October 2010, MFA's Regional Coordinator, William Gois, participated in ILO's Visioning Event for an ILO Asia Pacific Community of Practice (CoP) on Labour Migration in Chiang Mai, Thailand upon the invitation of ILO Regional Office for Asia and the Pacific (ROAP). ROAP has initiated the development of Communities of Practice in various subject areas upon the request of its constituents for better sharing of ILO's knowledge resources. The Communities of Practice is a "virtual team of committed professionals, informally bound together through exposure to a common class of problems or pursuit of solutions."

The CoP on Labour Migration is the 4th CoP. The first three Communities of Practice – Youth Employment (AP-YouthNet), Green Jobs, and Skills (Skills-AP) – are now operational and accessible at <http://ap-youthnet.ilobkk.or.th/>, <http://greenjobs-ap.ilobkk.or.th/> and <http://skills-ap.ilobkk.or.th/>.

The overall objectives of the event was to introduce the concept of communities of practice, to share experience from the ILO in regards to the existing communities in the region, to identify challenges and responses to migration and to do a joint work planning to determine the niche, identify products, services and topics for discussion for AP-MagNet and to develop a draft list of activities on three levels, short, medium and long term.

The event brought together tripartite constituents from seven countries, in addition to five experts (from SMC, MFA, HRD Korea, Labour attaché from Taiwan, OWWA), ESCAP, IOM and ILO staff working on migration in the region. These participants make up the core group of AP-MagNet and they were all present during the three day workshop and were introduced to the mechanics of CoPs, the formulation of a niche for AP-MagNet and the work planning of AP-MagNet, including a timeline and concrete activities on a short-term (up to three months), medium term (three to six months) and long term (one year) basis.

The AP-MagNet seeks to provide a forum for committed professionals to share and leverage technical and practical knowledge on labour migration and anti-trafficking, to encourage debate and discussions for better understanding, and strengthen a common agenda for managing migration for decent work in Asia and the Pacific. In more specific ways, the CoP will:

- catalyze new thinking and approaches on labour migration and human trafficking in the Asia Pacific region;

- provide access to ILO policy research, technical manuals and tools, training programs and other resources related to migration and anti-trafficking;
- provide access to other organisations' and partners' resources;
- promote events and news on migration and encourage the development of joint initiatives to further regional and multilateral cooperation on labour migration and human trafficking.

A concrete output of the Visioning event was the creation of the AP-MagNet founding members .

Likewise, the name of the AP-Magnet niche was decided to be called as "An Asia Pacific Multi-Stakeholder Forum on Migration and Anti-Human Trafficking" that would address the following issues::

- How to improve regulation and monitoring of recruitment agencies and employers, e.g. Codes of Conduct?
- How to promote trade union rights among migrant workers?
- How do we promote a positive attitude toward migrant workers?
- How do we factor migration in local development plans?
- What is the bargaining power of sending states to influence the policies of receiving states?

For MFA, the event was again a unique opportunity to leverage its advocacy in advancing migrants' rights .

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CMW Chairperson, Aldehamid El Jamri and CSOs *continued...*

He further added that after ratification, the Government of Bangladesh will be able to get the support of international organisations such as the UN and ILO in relation to capacity building on migrants' rights.

On the other hand, CSO representatives also noted that ratification of the Convention in its 20th anniversary will put Bangladesh in a global spotlight. Dr. CR Abrar, Executive Director of RMMRU and Professor of International Relations, University of Dhaka underscored the need for protection of migrant workers who are contributing much to the national economy. He argued that the Filipino and the Sri Lankan experiences in the ratification of the 1990 Convention will bring about good governance in the migration sector and empower the migrants to seek redress to their grievances.

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MFA builds on members' Rapid Response Mechanisms

In line with MFA's efforts to build the capacities of migrants' rights advocates in an ongoing rights-based agenda, a workshop training on rapid response mechanisms was held on 25-27 August 2010 in Pasig City, Philippines. The training provided a venue for participants to share existing response mechanisms as well as learn from each other on how they deal with migrants in distress. The program also aimed to build on and strengthen networking among the groups that were present which included not only MFA members but also partners from West Asia. The training was held for 3 days and comprised the following:

- Sharing of organisation's rapid response mechanisms: steps, effectiveness, gaps and difficulties
- Mapping the different services and how these can be networked; and
- Revisiting the MRVRS for more evidence-based advocacy

As each participant was required to submit before the training a written description of the rapid response mechanism being utilised by his / her organisation, some were asked to make a presentation on Day 1. A workshop also allowed them to share in small groups what works for them, and the difficulties they encounter. Although workshop results showed how different situations call for different responses, it also affirmed that the same migrants rights violations are happening across the region and that they are increasing. Moreover, there are responses but it is not systematic enough in terms of collaboration between stakeholders to ensure that migrants' rights are protected.

Day 2 showcased two innovative ways of responding to migrants' distress which had been adopted by Pravasalokam in India and the Center for Migrant Advocacy in the Philippines. Pravasalokam uses cable television to help worried relatives locate loved ones who have gone to the Middle East for work. CMA, on the other hand, shared how the mobile technology is being used through their SOS SMS hotline. The examples encouraged the other participants to be more creative in their responses, especially as the two members shared how much the technology has improved their service responses. It also showed how more collaboration can work.

The training gave MFA members an idea how each organisation deals with MRVs and created more space for collaboration, especially within one country, so that there is greater impact on the advocacy and ultimately the lives of migrants workers.

Revisiting the MRVRS

A focal point in the training program was revisiting the MRVRS. It will be recalled that the MRVRS was developed so that MFA members can systematically and consistently record migrants' rights violations and have a database which can be used to leverage advocacy. A series of training programs was held for this purpose; however, there were constraints that bugged the system such as time. Convinced, however, that reports based on the MRVRS can give more grounded analysis for advocacy, as well as being able to follow the increasing number of migrants' rights violations, MFA consulted with IT personnel to find a way around the limitations and improve the system. The re-launch during the workshop training gave MFA members and new partners the opportunity to test and comment on the system. Suggestions were made that have since been incorporated. "Report A Violation" can be found at MFA's homepage, or one may log on to www.mrvrs2010.mfasia.org to make a report.



Evidence-based rights advocacy

At a time when the migration discourse is being shifted from rights to development, and more attention is being paid to remittance, rather than protection, MFA's efforts towards a more evidence-based rights advocacy are focusing on mechanisms, revival of the MRVRS and the RRM training. The MRVRS would provide a powerful tool to return the discourse to that of migrant rights by putting an accurate number on the violations that are reported. The reports produced through the MRVRS will show that the discourse on migration cannot be sanitised with development, particularly at a time when countries are continuing to foster programs to send workers overseas. It is a tool for advocacy at the international level. The training on the other hand provided the opportunity for more networking as strategies were shared and complementary efforts were identified.

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7th DTP Migrant Workers' Rights Program held in Indonesia

The 7th regional training course on migrant workers' rights, co-organised by the Diplomacy Training Program and Migrant Forum in Asia, and with support from the Asia Pacific Forum of National Human Rights Institutions (APF), was held in Lombok, Indonesia on 22-26 September with Serikat Buruh Migran Indonesia (SBMI/Indonesian Migrants Trade Union) as local organizer.

Twenty-two participants from 13 countries took part in the annual program which also brought together human rights activist Dr. Clarence Dias and migrants' rights expert Ms. Mariette Grange as training team members. Karen Gomez Dumpit from the Philippines' Commission on Human Rights also facilitated several sessions and Albert Bonahat introduced the ILO and pertinent ILO Conventions.



The group was also privileged to hear Mr. Homayoun Alizadeh, Director of the Bangkok office of the Office of the High Commissioner for Human Rights (OHCHR). He shared about the OHCHR and their role in regional and international advocacy for migrants' rights.

The program aimed to equip participants with up-to date information and practical skills to help them respond to the pressing issues and challenges facing migrant workers in or from their countries.

Throughout the 5 days, the program included:

- [1] introductions to the human rights framework, the UN system, specifically treaty bodies and how they may be accessed and engaged;
- [2] sharing strategies for effective lobbying and advocacy;
- [3] promoting compliance with international human rights and ILO standards; and
- [4] practical exercises with participants encouraged to set out a range of practical steps their organisations could take to prevent or respond to human rights abuses involving migrant workers.

As this was also the second year that DTP and MFA is partnering with the APF, importance was also given to exploring the potential for building collaboration among NHRIs and NGOs. Recognizing that migrant workers and their families can be vulnerable to a wide range of rights violations in both sending and receiving countries, representatives of national human rights institutions and civil society groups from across Asia and the Pacific have started to work together to develop action plans that aim to bolster protections for migrant workers and their families.

Participating APF member institutions included Indonesia, India, Mongolia, Maldives, Malaysia, Nepal, Philippines, Qatar, Sri Lanka, Thailand and Timor Leste.

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PGA pushes for *continued...*

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Other speakers in the panel include: Manfred Bergman from the Comitato Antirazzista Durban Italia (CADI); Gabriela Morales from the Centro de Derechos Humanos del Migrante A.C: Ciudad Juárez; Khady Sakho of Réseau Panafricain pour la Défense des Droits des Migrant(e)s; Isabel Garcia, Chair of La Coalicion de Derechos Humanos in Tucson, AZ; and Monami Maulik, Director of DRUM (Desis Rising Up and Moving) in New York City.

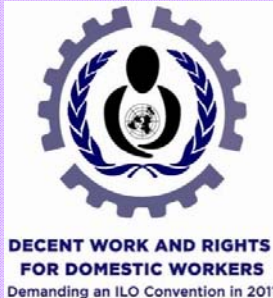
Sessions were complemented by public art displays lining the streets in the vicinity of the conference venues, depicting through photography, paintings, and other displays the many experiences of migrants all over the world.

A joint declaration was adopted by the participating delegates for submission to the GFMD. The statement emphasized the need to increase efforts, partnerships, and mechanisms to protect the human rights of migrants worldwide. It called for a focus on human development, the de-linking of immigration from enforcement policies, a redefinition of 'irregular migration', the ratification of the Migrant Workers' Convention, a recognition of the social cost of migration to families, the enhancement of gender-sensitive policies, the empowerment of migrants, the need for more research and consensus on migration and climate change, and the need for inclusive regional and inter-regional consultative processes based on a human rights approach. The full text of the PGA statement can be found online at www.mfasia.org.

The PGA was closed with a march from the main conference venue, at the San Hipolito Convent, to Alameda Park.

Fin

Decent Work for Domestic Workers Corner



The June 2010 International Labour Conference (ILC) saw the convergence and solidarity of domestic workers groups, advocates and trade unions sharing a common cause in demanding for an ILO Convention on Domestic Work in June 2011 where ILO Member States will meet again to finally adopt an international standard for domestic workers. As an offshoot of the collaboration in Geneva, a Steering Committee was created in September 2010 to follow-up on the discussions at various occasions during the ILC 2010 and to maintain the synergies that were created in Geneva. The Steering Committee was also aimed at coordinating the various initiatives across the globe and to spearhead the Global Campaign for Decent Work and Rights for Domestic Workers. The Global Campaign is the result of organising efforts and campaigning of domestic workers in several years, reflecting that our campaign on DW is strongly moving forward.

Comprising the SC are the following:

Asian Migrant Domestic Workers' Alliance (ADWA)

International Domestic Workers' Network (IDWN)

Migrant Forum in Asia (MFA)

RESPECT Network (Europe)

National Domestic Workers' Alliance (USA)

On the occasion of the People's Global Action (PGA) on Migration, Development and Human Rights held in Mexico City, Mexico on 2-5 November 2010, a workshop focusing on the campaign was organised. The workshop was one of the activities held on 4 November. It sought to strengthen the global campaign, and

the regional and international networks of DWs and advocates. Updates in each region were shared and highlights of the planned activities of the Global Campaign were discussed.

A Global Call to Action was also circulated which calls for organised actions to put pressure on governments to vote for a meaningful and substantive international Convention in June 2011. Four international events were also identified for coordinated actions:

10 December– International Human Rights' Day

18 December - International Migrants' Day

8 March– International Women's Day

1 May– International Labour Day

The GCA also outlines the fundamental rights that need to be provided to the domestic workers.

The SC hopes that all groups will use the logo and the statement to support the global campaign. Everybody is asked to integrate these in their action plans, statements, materials, or any platform related to the cause. In this way we will achieve visibility, and also to push for ILO DW Convention/ Recommendation. To view the full text of the GCA, please visit www.mfasia.org

Among the issues discussed at the workshop were: inclusion of undocumented MDWs in the Convention, protection for domestic workers working for diplomats/UN employers and au pairs. It was also emphasized for the need to make the campaign visible as one campaign with the trade unions and not as separate one.

At the end of the workshop, recommendations were drawn up and submitted to the PGA.

Decent Work for Domestic Workers Corner



Photo courtesy of Stefan Rother

Among the recommendations made were the following:

- Join or support the Global Campaign for Decent Work and Rights of DWs.
- Continue and strengthen national level campaigns.
- Prepare for and improve effectively the lobbying at ILC 2011
- Continue and enhance network building: DW, trade unions, migrant groups, etc.
- Campaign not only for adoption of ILO DW convention, but beyond (ratification, implementation, recognition of DW, etc.)
- Use international / regional venues/events/processes to bring DW campaign, agenda, activities, delegations.

The following sections are some of the activities which MFA organised together with the Steering Committee and other civil society organisations.

8th Asia-Europe People's Forum (AEPF)

From 2nd-5th October 2010 around 600 civil society organisations, NGOs, peoples' organisations and parliamentarians from across Asia and Europe convened in Brussels for the 8th Asia-Europe People's Forum (AEPF).

The gathering was organised in preparation for the Asia Europe Meeting (ASEM8) on 4th-5th October 2010 where heads of states and governments from across Asia and Europe met to discuss their future priorities and plans.

The Asia Europe People's Forum (AEPF) began in 1996 in Bangkok, in parallel, and in response to the first Asia-Europe Summit (ASEM) which pushed for stronger regional blocs and the promotion of corporate power. AEPF is grounded in the common desire of people's organisations and social justice networks across Asia and Europe to open up new venues for dialogue, solidarity and action.

This year's AEPF was carried on with a theme ***"Challenging and Eroding Corporate Power - Building States of Citizens for Citizens"***. The slogan was anchored on the fact that the new European parliament was elected in 2009 and EU was set to embark on a major review of its trade policy as part of its post-2010 Lisbon Strategy. CSOs saw this as an opportunity to challenge decision makers and to propose substantive and realistic alternatives.

A series of events were held from 2nd-5th October which focused on the relation of corporate power to: trade/investment, food sovereignty, climate change, decent work (including social protection) and peace and security. Likewise, a series of interlinked dialogues, workshops, actions, tribunals and policy debates with the European Commission and Members of the European Parliament were also held.

Decent Work for Domestic Workers Corner

Migrant Forum in Asia's engagement with the AEPF began in 2004 which took place in Hanoi, Vietnam. This year, MFA again took the opportunity to advance migrants' rights agenda by organising two workshops— Global Forum on Migration and Development (GFMD) and Domestic Work. The workshop on domestic work sought to mainstream the issue of decent work and domestic work in the ASEM negotiations.

The workshop on domestic work with a theme *"Decent Work and Rights for Domestic Workers: Campaign Strategies for a strong rights-based ILO Convention"* provided updates on the ILO Convention on Domestic Work particularly the result of the 99th Session of the International Labour Conference where the first discussion on the standard setting on domestic work was held. The 99th Session

need to balance the discourse between local and migrant domestic workers. Campaign should focus towards the protection of all domestic workers – local and international migrants. The protection of local domestic workers will be a step forward in demanding protection for migrant domestic workers.

In terms of the campaign in Asia, MFA sees the Asian region as a major challenge considering that most of the Asian governments are only inclined to supporting a Recommendation instead of a Convention.

The workshop also underscored the importance of organising domestic workers to make them more involved and visible in the campaign. As a strategy, it is important to focus on the recognition of rights of domestic workers and capacitating them with skills



adopted in principle a comprehensive standard for domestic workers in the form of a Convention supplemented by a Recommendation. It also discussed how the different networks across the globe do its campaign with a view of learning from each other's strategies which would help advance the campaign at the global level. The workshop brought together representatives of civil society, trade unions and domestic workers organisations from Asia and Europe.

At the Discussion, emphasis was given to the



necessary to lobby for greater protection for their basic human rights and labour rights. For trade unions (TUs) it means transforming migrant domestic workers' organisations to local branch or affiliate of national trade union centers.

Building alliances with trade unions and other sectors that play significant roles in the campaign was also emphasized. TUs underscored the need for closer cooperation among organisations working on similar issues. Greater collaboration in terms of activities was

Decent Work for Domestic Workers Corner

identified as a strategy for global visibility and unity.

One of the sectors that remained invisible in the campaign are the women's groups. Participants agreed that women's groups should be approached and take ownership of the matter considering that domestic work is a highly gendered issue.

At the end of the workshop, participants agreed to keep each other informed of their respective activities.

Further on this, the AEPF Statement which was handed over to the Prime Minister of Belgium took note of the need to promote decent work and called for the adoption of an ILO Convention on Domestic Work. To view the full statement, please go to this link: <http://www.aepf.info/news/articles/133-call-to-action-challenging-and-eroding-corporate-power-building-states-of-citizens-for-citizens.html>

Regional Conference towards the Adoption of an ILO Convention on Domestic Workers

On 7-9 October 2010, more than a hundred of domestic workers, advocates and trade unions came together in Jakarta, Indonesia for the "Regional Conference towards the Adoption of an ILO Convention on Domestic Work" an Asia-wide post ILC event. Also in attendance were representatives from the Indonesian Ministry of Manpower Muhaimin Iskandar, International trade Union Confederation (ITUC) Marieke Koning, ILO Jakarta Albert Bonsahat, and ITUC- Asia Pacific Josephine Gonzales.

The Conference was jointly organised by KSBSI, KSPSI, KSPI, JALA PRT, Jakerla PRT, Global Network – Asia Pacific, IDWN, International Domestic Workers Network, International Labour Organization, World Solidarity (WSM) and Migrant Forum in Asia (MFA).

The Conference sought to examine the Brown Report which contains the proposed text of the Convention and Recommendation and the ILO Office Commentary and also to strategize how to lobby the Asian governments to support a Convention. The Conference also outlined the different regional and international events where there will be common mobilisations to highlight the issue of domestic workers. Strengthening of domestic workers participation in the ILO process was also discussed.

Albert Bonasahat, representative of ILO Jakarta, underlined the crucial issues for the protection of domestic workers and provided some guidelines in examining the Brown Report. He also underscored the role of the stakeholders and constituents to support the Brown Report. He reminded the group not to go below fundamental standards.

Marieke Koning of ITUC Headquarters and Secretary of the Workers Group in the ILC Committee, shared what transpired at the ILC, and how the ILC works: how to debate, how to lobby, and the voting process. She also took note how the Indonesian government played during the negotiations.

In her presentation, she also noted the difference in terms of the negotiations that happened this year where the Committee did Utilized electoral votes instead of consensus which is the normal process.

Marieke also recognised the great impact of domestic worker organisations that have existed for many years. She thought we have a very close decision, but seemed we have not reached it. There is still much to be done. But we have learned over the years to ensure that we have good results for the Convention on

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advocacy for the domestic adoption of ILO Convention next year.

In terms of the Brown Report, she emphasized the need to re-look at the text to ensure that the minimum set of conditions that we would like to apply for domestic workers are included under the Convention. She also reminded the group that a Blue Report (4th Report) will be released sometime in March 2011.

In terms of the strategy, one of the issues that were consistently raised was on domestic workers' participation in the process especially at the ILC. The question of representation and capacity of the domestic workers to speak was put forward. The need to start preparing the delegation of domestic workers who will be going to Geneva for the Conference was raised in the discussion. Visa matters should be looked into as early as this time.

In doing our lobby work, we give recognition to those governments that supported the Convention. With regards to engaging trade unions, lobbying between trade unions is important because not all trade unions are vested in the domestic workers campaign. ITUC has a duty. It is important to campaign for the right of the domestic workers first.

Other trade unions may be supportive, but they are engaged in the campaign for domestic workers. More effort must be exerted to connect with the global union federations and connect with workers themselves.

At the end of the Conference, an Action Plan for 2010-2011 detailing the national domestic workers day celebrations and regional and international activities was drafted. Two international events were decided as common mobilization days - December 18 was decided as a day of action. "Domestic Work is Work" and "Domestic Workers are Workers" will be the slogans to be used. A petition to the Indonesian government to support an ILO Convention in 2011 was also drawn up.

World Solidarity (WSM) Labour Rights Workshop

MFA's representative, Agnes Matienzo spoke at the World Solidarity Labour Rights Seminar held in Jogjakarta, Indonesia from 1-3 November 2010.

The purpose of the workshop was for its partners to have a clear understanding of the ILO process after the 2010 International Labour Conference (ILC), the proposed text of the Convention and learn from each other on the lobby and advocacy efforts done by its partners in the region. The workshop also sought to understand the campaign at the Asian level.

The workshop was attended by almost around forty representatives from Bangladesh, India, Sri Lanka, Indonesia, Philippines, Nepal and Thailand. Representing ILO Jakarta was Mr. Albert Bonasahat, who provided a comprehensive report on existing practices/standards that apply to domestic

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workers and how the proposed text is reflected in these standards or practices. The presentation helped the participants to critically examine the strength of the proposed text.

Ms. Matienzo, on the other hand, shared about the network's comments on the ILO Brown Report where she highlighted the critical areas which continue to be the subject of debates and that are most likely to be challenged by employers and even by the governments that are only inclined to support a Recommendation. Among others these include definitions of domestic work and domestic worker, the scope and exclusionary clause, collective bargaining agreement, social security, labour inspection, and contracts.

She reminded the participants that while the goal is to get the Convention, consideration must also be given to the capacity of developing countries to adhere to the Convention once it is ratified considering the limited resources that they have in order to effectively implement Convention at the national level. Suggestions on the wording should be something that both sending and receiving countries could ratify.

During the open forum, issues that were deliberated on were focused on the following:

- Part-time and full-time domestic workers- How do we ensure that part timers are included in the Convention? Does the exclusionary clause strong enough to ensure that other categories of domestic workers will not be excluded?
- Social protection - The draft text is very weak in terms of providing social protection. Issues of maternity and reproductive rights also surfaced.
- Minimum wage - Should we mandate all

countries to come up with a minimum wage or the discretion should be left at the national level and whatever is applicable to their context?

- Age and child labour- It was a common concern that the Convention should ensure the highest protection for child domestic workers.
- Social dialogue/CBAs – How do we ensure that trade unions carry the voices of domestic workers considering that most of them especially most TUs do not work directly with domestic workers? Is it strategic to work with them?

During the presentation of local initiatives, it was found out that only the organisations from India have a concrete roadmap for 2011 and build up activities have already been organised. While the Indonesia groups are also mobilising its ranks, more efforts have to be done in terms of influencing the government and the policy makers to pass a national law for domestic workers. The advocacy falls short of lobbying strategies and identifying champions who would support the idea of coming up with a national law on domestic work. While the parliament agrees on a common draft bill, no official draft has been drawn up.

At the end of the 2-day workshop, a letter of appeal to governments of Bangladesh, India, Sri Lanka, Indonesia, Philippines, Nepal and Thailand was drafted and signed by the participants.

The Way Forward

As we enter 2011, lobbying work will be further intensified to provide visibility for the campaign. Activities geared towards better preparations for the 2011 ILC negotiations will be conducted. MFA hopes to actively collaborate with different groups to be able to secure the Convention at the June 2011 ILC.

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4th World Social Forum on Migration (WSFM)

The Fourth World Social Forum on Migrations (WSFM) was held on 8-12 October 2010 in Quito, Ecuador.

Consistent to its strategy in strengthening its discourse, analysis and critique around migration issues and to build greater collaboration with other social movements working on the issue of migration, MFA once again took the opportunity to be part of this year's WSFM in Quito. With a banner slogan **"People on the move, towards universal citizenship; Tearing down the model, building social actors"** sought to address the realisation of the constitutional and transnational rights of migrants.

MFA, through its Regional Coordinator, William Gois, was part of the International Committee that organised the event. MFA also co-organized two workshops on feminisation of migration and circular migration. The Forum was also an opportune time to provide visibility for the People's Global Action (PGA) on Migration, Development and Human Rights in another international gathering of migrants' advocates and social movements that seeks to promote humane migration policies.

WSFM is a process that seeks the construction of another possible world, of a society oriented to a fertile relationship between human beings and the land on which they walk, consolidating a *'solidarity globalisation'* in which the rights of the displaced – and their integration into their host countries – are recognised. After the first global meeting in Porto Alegre (Brazil), held in 2005, the Forum was established to become a global permanent process seeking solutions at the international level.

The Forum was attended by around 1500 people from all regions of the world. The Forum was formally opened on the October 8th. Speaking during the inaugural session were Stephen Castles from Australia, Aurora Javate de Dios from the Philippines and Rufino Domínguez Santos of Mexico. Prior to the inaugural session, the public witnessed a visual and musical show at the Plaza San Francisco to celebrate Quito as the host of the Forum.

The next three days were allotted for events and activities under the four thematic blocks - Global crisis and migration flows", "Human rights and migration", "Diversity, coexistence and socio-cultural transformations" and "New forms of slavery, servitude and human exploitation".

During the central conference/convergence day, representatives from Latin-America, Asia, Europe, North America and Africa spoke about the four themes and shared their work and experiences on human mobility.

Aside from panel discussions and workshops, the Forum also featured around fifty cultural activities like photo exhibitions, theatre and dance performances, projections, the Festival Todos Somos Migrantes and the first simultaneous film festival "Cine de Fronteras" between Quito and Barcelona.

These activities were culminated in an Assembly of Social Movements where South Korea was chosen to be the host of the 2012 WSFM. MFA's member, the Joint Committee for Migration in Korea (JCMK) will be the CSO that will be in charge of the hosting of the Forum. If this will push through, this will be the first in Asia.

To know more about the 4th WSFM, please go to this link: <http://www.fsmm2010.ec/en/programacion-fsmm2010.php>.

Fin

CMW Chairperson, Aldehamid El Jamri and CSOs *continued...*

(continued from page 5)

In his statement, Saiful Haque, Chairman of WARBE DF, narrated experiences of more than a decade long struggle of the civil society institutions for the ratification of this instrument.

Mr. Haque stated that the State will be able to better serve the migrant workers if the government ratifies the instrument and bring about enabling laws and institutions to make it more effective. He also decried the lack of inter-ministerial coordination that contributes to migrants' sufferings.

Speaking as the Chief guest, Barrister Shafique Ahmed, Minister, Law, Justice and Parliamentary, assured the audience that Bangladesh is going to ratify the Convention very soon. *'The ratification proposal has already been sent to the cabinet for its approval after having been vetted by the law ministry'*, the minister said in the dialogue. He further added that another law will be enacted to reduce harassment of workers who want to go abroad to work.

While commitments have been made to table the ratification of the Convention, the result of this is yet to be seen. MFA and its members will continue to monitor the negotiations and push the government of Bangladesh to keep to its commitments and protect its citizens. MFA hopes that Mr.El Jamri's visit will be a step forward for the Bangladesh government to finally ratify the Convention.

Fin

Engaging the ASEAN Parliamentarians

After the 12th ASEAN Summit in 2007 produced a Declaration for the Protection of Migrant Workers in the sub-region, MFA embarked on a partnership with the Friedrich-Ebert-Stiftung (FES) Philippine Office to conduct non-partisan, informal dialogue-workshops designed to encourage learning and reflection on the changing migration environment in ASEAN, the roles of parliamentarians in this issue, and how they can be engaged towards ensuring protection for migrant workers in the region. The workshops were always held prior to the annual meeting of the ASEAN Inter-Parliamentary Assembly.

This year, MFA continued its engagement with ASEAN parliamentarians. With FES and the support of the Committee on Social Affairs of the National Assembly of the Socialist Republic of Vietnam, the 4th regional informal workshop was held on 17-18 September 2010 in Hanoi, Vietnam. Entitled "Labor Migration in ASEAN and Beyond," the workshop sought to build on the initiatives from previous years, especially on the resolution during the 2009 workshop to create an ASEAN Inter-Parliamentary Caucus on Labor Migration. The 2010 workshop also explored the role and potentials of bilateral labour agreements in furthering the migration regime in ASEAN.

The first day of the workshop saw experts discuss the trends in labour migration and protection framework for migrant workers within ASEAN. Results of a regional study on Bilateral Agreements in ASEAN, which was commissioned by FES as one of the buildup activities for the workshop, were also presented. Salient points in the presentations include:

- Migration is here to stay as peoples' movement continues to increase. This means long-lasting and robust processes and institutions must be put in place to ensure protection of migrant workers' rights. There is however, not enough wide acceptance of migration as a long-term structural feature of the economics of the region. This failure leads to unrealistic and restrictive policies that encourage irregular migration and marginalise the migrant workers.
- A common understanding of labour migration is important in regional integration especially as it pertains to the protection of migrant workers. There is a need to shift perspective and see labour not as a commodity but as a human resource without which production cannot take place.
- There are existing vehicles for integration, such as the Framework Agreement for Services and Mutual Recognition Arrangements but they pertain more to the highly skilled and continue to allow restrictions in the name of national security and sovereignty. Moreover, the process of building a protection framework continues to be a challenge as a stalemate persists in the drafting committee. The delay in the drafting of an instrument shows the tension between the rights-based approach vis-à-vis cooperation principle of ASEAN.
- The number of undocumented workers is also rising; in some

cases there are more foreign workers than the local population. High costs of transactions and lack of monitoring or implementing laws governing the conduct of recruitment agencies likewise contribute to irregular migration which is a common concern in the region.

- The challenge for ASEAN is to have a coherent migration policy and legal framework in place, such as the long-delayed Framework Instrument, which would not only respect the ASEAN principle of cooperation but would also be rights-based and cognizant of the dynamics within ASEAN toward sustainability and the vision of one community. Migration cannot and should not take the place of development; it can only facilitate it.
- Cooperation and collaboration based on mutual trust and in an equal playing field are crucial to managing labour migration. Bilateral agreements that ensure migration takes place with agreed principles and procedures are the most effective form of collaboration between countries of origin and destination.
- The study on bilateral labour agreements also revealed there is more emphasis on regulation rather than rights protection. A managed system should work to protect migrant workers and not only be about efficiency. Parliamentarians have a role in making sure bilateral agreements ensure equity and protection of migrant workers which include:

1. Payment of benefit only while migrant or beneficiaries reside in the country of employment
2. No equality of treatment between nationals and migrants
3. Difficulty of accumulating enough contributions to qualify for certain benefits when migrant worker is employed in different countries
4. Administrative difficulty in filing a benefit claim in each of the countries where migrant has worked

The Way Forward

The two-day workshop produced two recommendations: one for consideration of the AIPA General Assembly and another for the ASEAN Secretariat and the ASEAN Committee on Migrant Workers.

The Parliamentarians, taking note of the gaps and challenges presented during the workshop, adopted the draft RECOMMENDATIONS and agreed to formally organize themselves as Inter-Parliamentary Caucus on Labour Migration towards adopting a legal status in the future. They committed themselves to:

- Capacity-building for Networking and Coordinating on various national caucuses,
- Common advocacy for protection of migrant workers; Information sharing (re BLAs, MOUs) towards action;
- Push for ratification of various ILO Conventions and the Migrant Worker Convention; and
- Actively participate in follow up activities such as the visit to the ASEAN Secretariat and inter-parliamentary visits.

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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