

# MIGRANT FORUM IN ASIA NEWSLETTER



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**Mobility, Rights, Global Models:  
Looking for Alternatives**

The world fixes its gaze on Asia where the Philippines is all set to host the 5th World Social Forum on Migration (WSFM) on 26-30 November 2012. This is the first WSFM that will take place in Asia as previous processes were held in Europe and South America, making it a very salient occasion for all migrant workers and members of their families, migrants rights advocates and for the entire social justice movement.

A thematic of the World Social Forum (WSF), the WSFM is an open space for democratic debate of ideas and reflections, creation and articulation of proposals, and exchange of experiences by social movements, networks, NGOs and other civil society organizations, and individuals who are opposed to neoliberal globalization, the restriction of granting citizenship and violations to civil rights, political, economic, social and cultural rights of migrants, displaced persons, refugees and stateless persons. The WSFM corresponds to the core principle of the WSF, that "another world is possible," thus also making the WSFM as a permanent process which seeks to build alternatives to the current world order.

Preparations for this global process are on the right track. The Philippine Working Group (PWG), the International Organizing Committee and Migrant Forum in Asia (MFA) as the technical secretariat are energized and making headway for the seamless organization of the process. To date, seven Philippine Working Group meetings have been held, and in April 2012, the International Committee will join the PWG and MFA in Manila to finalize the overall program. The International Committee provides guidelines and political direction, and develops and approves the theme of the Forum.

The theme for the 5th WSFM is, "**Mobility, Rights, Global Models: Looking for Alternatives.**" The sub- thematic areas are:

- Crisis, Critique and Consequences of Global Migration;
- Migrants Rights are Human Rights;
- Re-imagining migration, proposing alternatives, exploring models; and
- Resistance, Organization, Action

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A dedicated website, <http://www.wsfm2012.org>, provides timely information including how to register a session, how to participate in the process and where to find the venue. The registration will officially open end of April.

Followers of the network can also visit WSFM's social media pages:

#### Facebook

<http://www.facebook.com/pages/5th-World-Social-Forum-on-Migration/339503169423274>

#### Twitter

<http://twitter.com/#!/wsfm2012>

#### Youtube

<http://www.youtube.com/migrantforuminasia>

## A look back on MFA's strong engagement with the World Social Forum on Migration

MFA has been taking a central role in bringing a perspective from Asia to the World Social Forum on Migration (WSFM).

MFA first participated at the **third WSFM on 11-13 September 2008 in Rivas Viciamadrid, Spain**. The third WSFM with the theme, "Our voices, our rights, a world without walls," provided a space for over 3,000 participants from all over the world to debate global issues on migration.

MFA views the WSFM as an important arena for



The 3rd WSFM in Rivas Viciamadrid, Spain in 2008. From left: former MFA executive committee chair and MFA Philippine member Ellene Sana of Center for Migrant Advocacy speaking about overseas Filipino migration; Asian delegates listening at a session; panellists and presenters gathering on stage.

The WSFM corresponds to the core principle of the WSF, that "another world is possible," thus also making the WSFM as a permanent process which seeks to build alternatives to the current world order.

engagement to further strengthen its discourse, analysis and critique around migration issues within the Asian region and beyond borders. The third WSFM specifically presented a powerful opportunity to immerse in a sharp and in-depth discussion on issues of border control and the consequent infringement of migrants' rights.

In the forum, the workshops that MFA was mainly responsible for co-organizing were: (1) UN Convention on the Protection of Migrant Workers: its lights and shadows; (2) The Global Forum on Migration and Development – Challenges for CSOs and Migrant Worker Organizations; and (3) Diaspora Communities, Dialogue Between Asia, Africa and Europe on Circular Migration – Challenges and Pitfalls.

MFA was particularly successful in linking the theme and banners of the third WSFM to the second

Global Forum on Migration and Development (GFMD) in Manila in 2008 where the network convened a civil society parallel process, Peoples' Global Action on Migration, Development and Human Rights (PGA). MFA established the interlinkage between the two global social processes. MFA's active engagement at the third WSFM ensued in a discussion and eventual bid for Asia to host the 2012 WSFM.

Consistent with its goals to strengthen discourse, analysis and critique around migration issues and build greater collaboration with other social movements working on the issue of migration, MFA once again took the opportunity to be part of the **4th WSFM, held on 8-12 October 2010 in Quito, Ecuador.**

Sessions and activities were allotted under the four thematic blocks of the open space: Global crisis and migration flows; Human rights and migration; Diversity, coexistence and socio-cultural transformations; and New forms of slavery, servitude and human exploitation.

Activities culminated in an Assembly of Social Movements where it was approved that a country in Asia will host the 2012 WSFM. Later on in 2011, it was decided that the Philippines will provide the open space for 2012.

This year, The MFA network is upbeat that the upcoming 5th WSFM will give continuity in amplifying the world's advocacy for the full realization of global citizenship and the rights of all migrant workers and members of their families. MFA



The 4th WSFM in Quito, Ecuador in 2010. From left: William Gois of MFA speaking at a panel; WSFM stage at the plaza; UN Committee on Migrant Workers chairperson, Monsieur El Jamri.

The process opened with an attendance of around 1500 people from all regions of the globe. Prior to the inaugural session, the public witnessed a visual and musical show at the Plaza San Francisco to celebrate Quito as host of the Forum.

sends an open invitation to migrants rights advocates and supporters of the movement in all corners of the world, to walk with the network in this particular journey and discover that another world is possible. **END**

MFA, through its Regional Coordinator, William Gois, was part of the International Committee that organized the 4th process. With the banner slogan "People on the move, towards universal citizenship; Tearing down the model, building social actors," the 4th WSFM sought to address the realization of the constitutional and transnational rights of migrants.

MFA also co-organized two workshops on feminization of migration and circular migration. The Forum was also an opportune time to provide visibility for the 5th PGA, showing the continuity and link of the two global processes, just like MFA did in 2008.

#### What will happen at the 5th WSFM?

- 25 November: arrival of delegates
- 26 November: opening of the program (AM) / workshops and self organized activities (PM)
- 27 November: workshops and self organized activities
- 28 November: workshops and self organized activities /field visits to Batangas
- 29 November: plenary and reporting of workshop results
- 30 November: mobilization in solidarity with local workers organizations / trade unions



## National Human Rights Commission in the Maldives partners with MFA and Solidarity Center on migrant workers' rights training

Solidarity Center, MFA and the Human Rights Commission of the Maldives (HRCM) jointly organized a Capacity Building Training on Migrant Workers' Rights on 29-31 January 2012, in the country's capital Male.

This training program was conceived to build partnership with the HRCM and NGOs working on migrant workers' rights and to further mainstream the issue of migrant workers' rights in the country. Capacity building programs on migrant workers' rights is also part of the Commission's strategic plan for 2010-2014, making the training program timely and significant.

Secretariat facilitated the sessions of the training. Jeehan Mahmood of HRCM also gave presentations.

The session on Understanding Migration as a Phenomenon deepened the participants' knowledge and understanding of Asian labor migration and the situation of migrant workers in the Maldives. Push and pull factors of migration are systemic which contribute to the multiple and intersecting abuses, violations and exploitations. Migrants face critical issues in all stages of the migration cycle. Among others these include issues on decent working and living conditions, labor and human rights, social rights, discrimination and problems upon return and reintegration. While



Maldives is the smallest country in Asia, in both population and area. It is a country in the Indian Ocean formed by a double chain of twenty-six atolls with a population of 298, 969 (2006). It is primarily a destination country for migrants from other South Asian countries, particularly Bangladesh. Tourism is its primary industry, employing a considerable number of migrant workers. The construction sector is also a major industry. An estimated 80,800 expatriate workers, more than a quarter of the population, were working in Maldives in 2008. The number continues to grow and is becoming a larger part of the workforce. Employment agencies have exclusive rights on processing work permits of foreign workers and are aggressive in hiring both documented and undocumented workers. (UNDP, 2008)

Fifteen participants from HRCM and migrant-oriented NGOs attended the training and shared their valuable experience on their work around migrants' issues in the Maldives. MFA members Rex Varona of Asian Migrant Centre (AMC), Ellene Sana of Center for Migrant Advocacy (CMA) and William Gois from the

migrants' rights are internationally defined, there are growing and emerging factors that intensify threats to migrants' rights such as the global financial crisis, climate change, political upheaval in the Arab States, and anti-terrorism campaigns/programs, not to mention the ever increasing racism or anti-migrant backlash. The phenomenon is a manifestation of the governments' development failures – failure to provide decent local jobs, develop the national economy and failure of international commitments. Migrants are targeted to 'finance development' through their remittances as they help prop local currency, help raise foreign currency and spur economic growth; hence, the use of migration as a development strategy is a strategy migrants advocates strongly oppose.

The session on the Introduction to Human Rights: Understanding Migrants' Rights as a Human Rights Issue provided participants with knowledge and understanding of the rights of a migrant worker as enshrined in the Universal Declaration of Human Rights. Migration should be looked at from a rights based angle. In using a rights based approach to migration, advocates should play a balancing act in

order to ensure that the human rights of migrant workers do not infringe upon the human rights of others. There are a number of international standards that advocates could use in order to demand for the promotion and protection of migrant workers and their families such as the 1990 UN Migrant Workers Convention, the most comprehensive convention which clearly defines the rights of all migrant workers including undocumented workers. Migrant workers as transnational workers should be protected at three levels—national, regional and international. Advocates should further strive to influence governments to demonstrate meaningful commitment to universal human rights and to do away with the model of development that generates the exploitative systems of migration.

The discussions around the UN Migrant Workers Convention and related General Comment 1 on migrant domestic workers were elaborated in the session, Framework of International Human Rights Law Related to Migration.



Jeehan Mahmood of HRCM, presenting international frameworks protecting migrant workers. Photo courtesy of Rex Varona (AMC), January 2012.

Majority of the countries that ratified the Convention are sending countries. In Asia, only the Philippines, Sri Lanka, Timor Leste and Bangladesh ratified the Convention.

States parties that ratify the Convention are monitored through the Committee on Migrant Workers (CMW), a body of independent experts overseeing implementation of the Convention. This Committee is composed of 10 expert members and was elected from the nomination of States Parties that have ratified the Convention.

General Comment 1 on migrant domestic workers was adopted by CMW in 2010 to serve as a guide on how States can implement the Convention with regard to the rights of migrant domestic workers.

Other international human rights standards that were discussed in relation to migrant workers include ILO

Convention on Migration and Employment (C97, 1949), ILO Convention on Migrant Workers (C143, 1975) and ILO Convention on Decent Work for Domestic Workers (C189, 2011); and CEDAW General Recommendation No. 26 (GR 26) on women migrant workers. A practical exercise was facilitated for the participants to identify how to use the standards, such as GR 26 in making a case to the Maldivian Parliament on ratification of the Migrant Workers Convention.

Participants were introduced to documentation of migrants rights violations through online reporting systems like MFA's Migrant Rights Violation Reporting System and Bangladesh's Bureau of Manpower and Employment's (BMET) Online Complaint Mechanism. Such online documentation and reporting systems can facilitate more efficient response to and resolution of complaints and can be used as advocacy tools: Quantitative data generated can support advocacy research, information campaigns and lobby work.

It is also essential that migrants rights advocates engage in regional and international processes where labor migration form one of the central debates. Such processes are good venues to leverage rights issues with governments and other stakeholders. Government led discussion spaces in South Asia include the South Asian Association for Regional Cooperation (SAARC), Colombo Process and civil society led Peoples' SAARC. At the international level, the Global Forum on Migration and Development (GFMD) is the prime space for global discourse of migration, development and human rights. Finally, the World Social Forum on Migration is the biggest gathering of human rights, labor rights and social movements, in which alternative worldviews are tackled. The participants were invited to participate at the 5th WSFM in Manila on 26-30 November.

Overall the training program gave the participants an insightful understanding not just on international human rights frameworks but also and more importantly, how such frameworks can be directly applied and integrated to their NGO and HRC work. Several participants expressed interest in doing similar and specialized, thematic trainings on gender, development, and climate change in relation to migration. Organizations represented at the training were enthusiastic to build linkages and contacts with MFA and migrants rights groups in Asia, especially South Asia, in order to collaborate efforts in responding to migration issues in the Maldives and in the region. **END**

## SR on migrants to dedicate first thematic report to the issue of detention of undocumented migrants; MRI network makes significant contribution to the report

The Special Rapporteur on the human rights of migrants, Mr. Francois Crépeau, will dedicate his first thematic report to the Human Rights Council to the issue of detention of migrants in an irregular situation. The report will be presented at the 20th session of the Council, scheduled on June 2012. MFA is contributing to the report of the Special Rapporteur. MFA through MRI submitted a compilation of reports on the detention of undocumented migrants.

detained on criminal charges, and those who are held in administrative detention due to issues of proper documentation. This is highlighted by the requirement in Article 17(3) of the Migrant Workers Convention, that those detained for violations with respect to immigration status should be held separately from convicted persons or those pending trial. This distinction is affirmed in 17(8), in which a migrant held on these administrative grounds should not bear any costs associated with his/her detention.

Members from Asia (East, Southeast, and West Asia) and, the United States and Europe put together their reports, policy advocacy papers and newsletters to

However, in spite of the clear-cut distinction between the types of offenses (criminal vs. administrative), the



Undocumented migrant workers and their advocates call on states to take on a rights-based and gender responsive approach. Rather than cracking down on migrant communities to round up, detain, and deport people, states should seek people-centered solutions that respect individuals and their human rights.



produce a comprehensive compilation on the situation of detention of undocumented migrants, which will significantly facilitate the writing and eventual delivery of the SR on migrants' thematic report.

The issue of undocumented migrants in detention has been taken up by many civil society groups and migrants' rights advocates across the world, as states have become increasingly concerned with undocumented migrants entering, living, and working within their borders. The practice of holding undocumented migrants in detention on the grounds that they lack the necessary documents to enter, reside, and/or work in a country has generated significant debate on the grounds of whether or not this is a just and proportionate response to what is usually a minor administrative offense.

An important distinction is to be made between those migrants (documented or undocumented) who are

detention of undocumented migrants has a significant impact in that it serves to further the "criminalization" discourse—i.e. imprisonment denotes wrongdoing or criminality, and serves as a mechanism of marginalizing all migrants, as they are pejoratively cast as "illegals" who are threats to their host societies, rather than as important contributors to their countries of destination. This notion feeds into the practices of states that impose severe detention measures as deterrents to would-be migrants, as described in the inputs included in this compilation. **END**

Download the full compilation here:

<http://www.mfasia.org/home/436-compilation-of-reports-on-the-detention-of-undocumented-migrants>

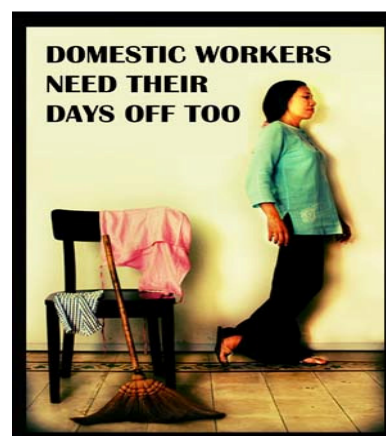


## First quarter network developments: International women's day, mandatory rest days for migrant domestic workers in Singapore, Cambodian working group call to action

Three months have passed since the start of 2012 and the MFA network has been diligent from the very beginning, relentless as always in its campaign for social justice for migrant workers and members of their families.

The annual commemoration of International Women's Day was the perfect space to continue the dialogue in highlighting the plight of migrant workers and members of their families. MFA stood in solidarity with the global community in celebrating the 2012 theme: "Empower Rural Women—End Hunger and Poverty." In its statement released on 8 March, MFA echoed the challenges faced by rural women—lack of decent job

women. In Bangladesh, WARBE-DF organized a discussion meeting on "Prevention of Fraud and Harassment of Female Migrant Domestic Worker," in VIP auditorium in Dhaka on 8 March. A solidarity human chain was also organized in front of the National Press Club. In Singapore, Humanitarian Organization for Migration Economics (HOME) held a month long program for International Women's Day. On 4 March, HOME held an HIV awareness seminar for migrant domestic workers. The annual Bread and Roses was also held, bread and roses symbolizing dignity of work were distributed to all who participated. On 16 March, a Double Your Money workshop empowered women entrepreneurs, and finally on 18



opportunities, poverty, gender and ethnic discrimination, civil and political conflicts, climate-induced emergencies; these are among the push factors that force women to migrate to urban areas, cities and across borders. They take up work that do not match their skills, or are forced to seek employment outside their home countries, usually as care workers and domestic workers. MFA, in solidarity with domestic workers and all workers in the informal sector, call on governments to recall and follow through on their ethical and legal obligations to extend to both local and migrant domestic workers the same rights as extended to all other workers, without discrimination on the basis of citizenship, gender, or legal status. The call includes the ratification of the Migrant Workers Convention and ILO Convention 189 on Decent Work for Domestic Workers.

Nationally, MFA members observed the day with various programs that gave visibility to the plight of

March, HOME held a Dialogue Forum with the Philippine embassy on issues of gender equality, discrimination and concerns of overseas Filipino workers.

In Taiwan, Migrant Empowerment Network Taiwan (MENT) held a press conference on 8 March at the Legislative Council (Congress). Hsinchu Catholic Diocese Migrants and Immigrants Service Center (HMISC), a member of MENT, presented to the media the new MENT Household Service Act (written in 2004) which has been edited in light of C189. Some members of the Congress attended the conference, showing their support for the edited Household Service Act.

Finally, MFA member in Nepal WOREC facilitated the network in the drafting of the MFA International Women's Day statement.

The month of March was remarkable not only because of International Women's day celebrations but also because of other encouraging developments for the rights of migrant domestic workers. In Singapore, the Ministry of Manpower (MOM) announced on 5 March that Singapore will require a weekly rest day for migrant domestic workers, while providing employers the flexibility to compensate migrant domestic workers with extra pay if the workers agree to work on their rest day. The new weekly rest day requirement will apply to migrant domestic workers whose work permits are issued or renewed from 1 January 2013.

MFA members in Singapore have long been campaigning for a weekly rest day for migrant domestic workers. HOME, Task Force on ASEAN Migrant Workers (TFAMW), and TWC2 welcome this announcement by the Ministry of Manpower. There are concerns however on the provision that days off can be surrendered in return for compensation and by mutual consent. This may leave the way open to workers being pressured to give up their days off and employers may abuse this by effectively denying the worker the weekly rest day. Migrants rights groups nevertheless noted that Singapore is a step closer towards the full recognition of domestic workers with the same rights as all other workers.

Another development in the region in the first quarter of 2012 was the release of the Call to Action of The Cambodian Working Group for Domestic Workers (CWGDW). CWGDW called (and continues to call) on the governments of Malaysia and Cambodia to act expeditiously to enact effective protection measures for domestic workers, including ratifying ILO 189: Decent Work for Domestic Workers. Back in October 2011, the Prime Minister of Cambodia announced a ban on the recruitment, training and sending of domestic workers to Malaysia. This announcement was made following various media and NGO reports of abuses, exploitation and even deaths of Cambodian domestic workers in Malaysia. The key purpose of the ban was to put into place new laws, processes and mechanisms that will ensure informed migration. CWGDW put forward a call to the governments of Cambodia and Malaysia to take action, among others: on the ratification of the ILO Convention 189, on



A training center in Phnom Penh, owned and managed by a private recruitment agency for domestic workers migrating to Malaysia.

© Human Rights Watch, 2011.

ensuring protection and support for domestic workers already working in Malaysia at the time of the issuance of the ban, and on ensuring extensive consultation with civil society organizations working on domestic workers, migration and trafficking to implement the Call to Action. MFA members supports this campaign.

**END**

Read the Call to Action in full here:

<http://www.mfasia.org/component/simpledownload/?task=download&fileid=MjAxMS9jd2dkd19jYWxsX3RvX2FjdGlvb18yOF9mZWJfMjAxMi5wZGY%3D>

MFA is also encouraging the public to show their support for this Call to Action by visiting CWGDW's Facebook page: <http://www.facebook.com/CWGDW>

CAMBODIAN WORKING GROUP



for DOMESTIC WORKERS



## News round up: domestic workers, rights and dignity

**Lebanon:** On 8 March 2012, Lebanese Broadcasting Corporation International (LBCI), a Lebanese television network, released a video filmed on 24 February by an anonymous bystander in which a labor recruiter physically abused Alem Dechasa-Desisa, an Ethiopian domestic worker, outside the Ethiopian consulate in Beirut. Police arrived at the scene and took Dechasa-Desisa to a detention center. A few days later, Dechasa-Desisa committed suicide at the Deir al-Saleeb psychiatric hospital in the early morning of 14 March.

Lebanon voted in favor of the International Labour Organization's (ILO) Convention No. 189 on Decent Work for Domestic Workers, adopted in June 2011, but has yet to take steps to ratify the treaty or bring itself in compliance.

Human Rights Watch released a call to Lebanon to stop the abuse of domestic workers, investigate the suicide of Dechasa-Desisa and enact effectively its labor and immigration protections. This call is supported by migrants rights and human rights groups, including MFA. Read the HRW statement in full here:

<http://www.hrw.org/news/2012/03/23/lebanon-stop-abuse-domestic-workers>

**Hong Kong:** The Government of Hong Kong won its appeal against a ruling that could have allowed migrant domestic workers to apply for residency in Hong Kong.

Back in September 2011, the High Court of Hong Kong ruled in favor of the case put forward by Evangeline Banao Vallejos, a domestic worker from the Philippines. Vallejos challenged the rejection of her application for permanent residency. The High Court ruled that the law banning migrant domestic workers settling permanently in Hong Kong was ruled unconstitutional.

In an interview by Al Jazeera on 28 March, William Gois of MFA remarked that the fears of the September ruling could lead to more than 100,000



HONG KONG CITIZENS HAVE MARCHED IN PROTEST AFTER THE INITIAL RULING IN SEPT

Al Jazeera's interview with William Gois, Regional Coordinator of MFA, 28 March 2011

migrant domestic workers winning residency rights are unrealistic. Migrant domestic workers face discrimination and abuse, they are getting the least of wages and access to justice has always been a challenge. Even if migrant domestic workers apply for residency, only a few can apply because of long administrative hurdles.

MFA members and partners are monitoring developments on this issue. Stay tuned for more updates.

**Regional Conference on ILO Convention 189 Ratification Campaign:** Building and Advancing Strategic Alliances for the Promotion of Decent Work for Domestic Workers, 14-15 April 2012, Miriam College, Quezon City, Philippines

In order to advance the discussions and agreement from the first Asia-wide Conference on C189 back in October 2011 and the subsequent programs that MFA organized in collaboration with other partners such as the International Domestic Workers Network ( IDWN), , Global Network, the Technical Working Group (TWG) for the Philippine Campaign for Decent Work for Domestic Workers, International Trade Union Confederation (ITUC), MFA together with the German Commission for Justice and Peace, the Association of Major Religious Superiors in the Philippines-Migrants Center (AMRSP-MC), Global Network, TWG and IDWN seek to continue the process and get more the involvement of faith

based institutions for broader support and protection for domestic workers.

**The Regional Conference on C189 on 14-15 April 2012 in Manila is designed to assess the ratification campaign, further strengthen strategies and explore ways of cooperation with faith-based institutions.**

The October 2011 conference resulted in the forging of a regional alliance that would spearhead the campaign in the Asian region. Building the core capacity of advocates to sustain the process and building and strengthening cross-constituency alliances were among the recommendations that came out of the conference. The process in April 2012 will then follow the momentum of the campaign and further strengthen the alliance. The Regional Conference on C189 on 14-15 April 2012 in Manila is designed to assess the ratification campaign, further strengthen strategies and explore ways of cooperation with faith-based institutions.

The Conference will bring together domestic workers, domestic workers advocates, trade unionists, faith-based inspired institutions and other stakeholders across Asia such as from Bahrain, Bangladesh, Cambodia, Hong Kong, India, Indonesia, Jordan, Lebanon, Malaysia, Nepal, Oman, Pakistan, the Philippines, Singapore, Taiwan and the UAE. **END**

Keep up to date on MFA programs on domestic work by visiting its website: [www.mfasia.org](http://www.mfasia.org)

## **Workshop on the Kafala system organized in Sri Lanka**

Colombo, Sri Lanka—The Centre for Human Rights and Development (CHRD), the Swiss Development Cooperation (SDC), and Helvetas Swiss Intercooperation, with the facilitation of MFA, held a workshop “Kafala system and other legal challenges for Sri Lankan migrant workers in the GCC countries” on 14-15 March 2012.

The program brought together participants from the Ministry of External Affairs, Sri Lanka Bureau of Foreign Employment, Sri Lanka Human Rights Commission, National Child Protection Authority, legal practitioners and civil society groups in Sri Lanka. The participants discussed and shared their experiences and expertise, deepening their knowledge and understanding of the legal system for migrants in the GCC countries and mechanisms that can be applied in practice to promote, protect and fulfill migrant workers’ rights. The program became a catalyst for a broader coalition to strengthen the migration process and protection mechanisms for Sri Lankan migrant workers. William Gois of MFA represented the network as the key facilitator.

Following the workshop, William Gois spoke in an interview with the Sri Lankan newspaper The Sunday Leader. Mr. Gois said that there was a greater sense of awareness on migrant worker issues, “the migration policy of Sri Lanka looks rather comprehensive, and it looks into the welfare and protection of workers.” He however added that there was still more that policy makers could do, and it should begin with trying to identify why abuses to migrant workers’ rights continue, and address whatever has been lacking.

“It is not something that can be tackled only at one point. People wanting to tackle the human and labor rights abuse of a migrant worker, have to understand that migration is a cross country phenomena, and that’s why addressing the issue would have to be on a cross country collaboration.”**END**

## MFA's Asian Inter-Parliamentary Caucus on Labour Migration represented at the migrant worker fact-finding mission on Burmese migrant workers in Thailand

On 23-25 February, Congressman Walden Bello of the Akbayan party in the Philippine Congress, Chairman of the Congressional Committee on Overseas Workers Affairs and member of the Asian Inter-Parliamentary



Kraisak Choonhavan (left) and Walden Bello (right) at a meeting with local NGO leaders and ASEAN MPs at the FED offices in Phang Nga, on February 24, 2012. Photo courtesy of The ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC).

Caucus on Labour Migration, joined other ASEAN parliamentarians and civil society groups in a fact-finding and awareness-raising mission to draw attention to the lack of social protection mechanisms for Burmese migrant workers in Thailand. Burmese migrant workers are among the most vulnerable and exploited groups in the ASEAN region. The mission was organized by the ASEAN Inter-Parliamentary Myanmar Caucus (AIPMC).

Also in attendance besides Congressman Bello were Mr. Kraisak Choonhavan, AIPMC Vice-President; Mr. Muhammad Gamari Sutrisno, Indonesian MP; Dr. Nova Riyanti Yusuf, Indonesian MP. The parliamentarians met with local NGOs and government officials in Phang Nga, a province south of Thailand. Workers from the Federation for Education and Development (FED) participated in the mission and also a host of other NGOs that work in the areas of human rights, health, education and other sectors relevant to migrant workers.

Sharing his views on the trip, Congressman Bello said, "This trip was necessary in giving us a feel of the situation of Burmese workers in Thailand and the real difficulties they encounter as a largely undocumented

labor force, and at the same time, the big contribution they make to the Thai economy – in some areas of southern Thailand they constitute 40-50 percent or more of the population. It is very urgent for the Thai government to legalize Burmese workers in all senses of the term."

A considerable number of Burmese migrants come to Thailand to escape poverty and persecution at home. They believe that they can find better work opportunities and living conditions in the destination country. However, in most instances, Burmese migrants are treated very poorly, face human rights abuses from employers, recruiters and in some cases from people of authority.

Indonesian MP Muhammad Gamari Sutrisno's thoughts on the mission, "If we just visit and there is no action, it is not effective, and it is not enough. As members of AIPMC we will take the message to our

**"This trip was necessary in giving us a feel of the situation of Burmese workers in Thailand and the real difficulties they encounter as a largely undocumented labor force, and at the same time, the big contribution they make to the Thai economy – in some areas of southern Thailand they constitute 40-50 percent or more of the population. It is very urgent for the Thai government to legalize Burmese workers in all senses of the term."**

**— Congressman Walden Bello**

parliaments and hopefully we can convince all members to think about a solution to the problem, because the lack of protection and rights for migrant workers is not just a regional problem, it is an international issue. It should be taken into consideration by international agencies, because the case in Thailand is just one example of abuses which are repeated across the world." **END**

For more information about AIPMC, email [info.jakarta@aseanmp.org](mailto:info.jakarta@aseanmp.org) ; For more information on the Asian Inter-Parliamentary Caucus on Labour Migration, visit <http://asianparliamentarians.mfasia.org/>



# The Road to Mauritius: Report on the Brainstorm Meeting for the 2012 Global Forum on Migration & Development (GFMD) in Mauritius

***This is an excerpt from the article of Colin Rajah, Secretary, Migrants Rights International (MRI). MFA is a member of the steering committee of MRI.***

Background: During the 2011 GFMD in Geneva, we were introduced to the Chair of the 2012 GFMD, Ali Mansoor, the Finance Secretary of Mauritius. Taking that opportunity, MRI organized a meeting between Mr. Mansoor and the African civil society representatives present at the GFMD, especially with members of the Pan-African Network in Defense of Migrants Rights (PANiDMR). Following the meeting, Mr. Mansoor extended invitations to MRI, PANiDMR and other civil society to participate in a brainstorming meeting for the 2012 GFMD on 19 January 2012.

The brainstorm meetings themselves did not prove to facilitate much "brainstorming." The draft concept paper previously circulated by Mr. Mansoor was presented and discussed, and presumably some inputs would be incorporated into the next revision, which is slated for presentation to the Friends of the Forum in early February. However, no major edits or radically new ideas were brought forward.

While there are once again, roundtables and themes dedicated to protections and rights (most notably a particular session on migrant domestic workers), it is obvious that the emphasis is on development and circular migration. This was further reflected by the opening remarks of Mr. Mohamad, highlighting the need for countries to think seriously about expediting the movement of labor and to "explore the full development potential of migration."

## **The GFMD with an "African Flavor"**

Another critical theme during the meeting, was the need for this year's GFMD to bring a distinct "African Flavor." This was in reflection of the limited number of African participants in previous GFMDs and the first time it will be hosted in the continent. Meeting participants from all sectors voiced support for a GFMD that focused on the particularities of migration and development in Africa and that experienced by African diaspora.

Following that, Ram Nookadee, the Secretary of the

Mauritius Council of Social Services (MACOSS), who was identified by Mr. Mansoor as a key Mauritian civil society actor who will play a significant role this year, conveyed his vision of a Mauritian national civil society process, followed by one for SADC (Southern Africa Development Community) countries.

## **The African Road to Mauritius**

Also joining me at this meeting were Milka Isinta and Badara Ndiaye from the Pan-African Network in Defense of Migrants Rights (PANiDMR), one of MRI's main partners in the continent. They also chimed in on the need for a specific Africa process, especially one that brought to light the human rights violations endured by African migrants throughout the migration process, the lack of sustainable development processes, and the exploitation of African migrant labor in Europe and elsewhere around the world.

PANiDMR has taken up the task to begin its own "Road to Mauritius", with a continental process that is expected to kickoff in Accra, Ghana in a couple of months. This follows PANiDMR's long road to get here, beginning with the 2008 GFMD and People's Global Action on Migration, Development and Human Rights (PGA) in Manila, where the MRI-organized Africa Caucus undertook the task to create the first continental-wide network for migrants rights, that is now the PANiDMR.

Peering out the airplane window again as my flight departed Port Louis, I knew that for us to return to Mauritius with any substantive advancement of migrants rights in November, we would first have to begin in Accra. It requires us first and foremost strongly supporting PANiDMR's leadership, and how it maps out its own Road to Mauritius. **END**

To read the article in full, visit:

<http://www.facebook.com/notes/migrants-rights-international-mri/the-road-to-mauritius-report-on-the-brainstorm-meeting-for-the-2012-global-forum/320872111287397>

## Engagement with UN human rights mechanisms: MFA met with CMW for the GC on undocumented migrant workers; MFA member made submission to CMW for LOIPR

MFA participated in an auspicious process, together with its colleagues from MRI and the United Nations Committee on Migrant Workers (CMW). The “Preparatory Meeting for Discussion of Outline of the General Comment (GC) on the Rights of Migrant Workers in an Irregular Situation and Members of Their Families” was hosted by MRI member Platform for International Cooperation on Undocumented Migrants (PICUM) on 5 March 2012 in Brussels, Belgium.

This meeting was a particular outcome of the Day of General Discussion on the Rights of Migrant Workers in an Irregular Situation and Members of Their Families on 19 September 2011 in Geneva, Switzerland, where MRI was key in the collaboration with CMW to make the DGD possible. The human rights treaty bodies like the CMW publish their interpretation of the content of the provisions of the Migrant Workers’ Convention, in the form of general comments on thematic issues. At its 13th session, the CMW adopted its first General Comment No.1 on Migrant Domestic Workers.

The one day preparatory meeting was packed with discussions on issues to be covered in the GC, including: the fundamental principle of non-discrimination; synergies between international human rights law and international labor standards in relation to migrant workers in an irregular situation; the contribution of migrant workers in an irregular situation to the economy and society; regularization; terminology, and other issues.

MRI members such as MFA, PICUM and National Network for Immigrant and Refugee Rights (NNIRR) are proactively contributing to the drafting of the General Comment. MFA will continue to update the network members and followers on this very significant development on the protection of all migrant workers and members of their families.

Meanwhile, MFA member Center for Migrant Advocacy submitted to the CMW list of issues prior to reporting (LOIPR) to be adopted for the Philippines. The Philippines is among the States that will be reviewed at the 16th session of the CMW on 16-27 April 2012 in Geneva, Switzerland. CMW can send to

States parties a list of issues (a so-called “list of issues prior to reporting” (LOIPR)) and consider their written replies in lieu of a periodic report (a so-called “focused report based on replies to a list of issues”).

In its submission, CMA highlighted the following:

- More needs to be done to extend social security to vulnerable sectors, including irregular migrants.
- There is still insufficient legal assistance available to overseas Filipino workers (OFWs), particularly to migrants in detention.
- While credit is given to the Philippines in the implementation of RA 10022 that promotes and protects the rights of OFWs, certain gaps need to be addressed to make the implementation fully effective.
- There is a need for the Philippines to set up a clear mechanism in the immigration procedures for migrants inside the country, which would show transparency and accountability on the part of Philippine immigration authorities.
- There should be a strong program for the promotion of the Convention on Migrant Workers, given the number of countries Filipinos are in and the fact that labor migration is the 'unofficial' core of the development strategy of the country.
- Finally, the report highlighted the issue of compensation for those returning from conflict areas. This is an issue of access, discrimination and sustainable reintegration. The vulnerable and those with lesser opportunities should be given particular attention to or at least measures should be adopted that would help them understand the access mechanism. The Philippine experience on evacuation, reception, repatriation and reintegration of OFWs trapped in countries where there are emergencies or conflict is nothing new, so the government is expected to be more prepared and better adept to its response in this particular situation. **END**

Read CMA's submission to the CMW here:

<http://www2.ohchr.org/english/bodies/cmw/docs/ngos/CMA.Philippines.CMW16.pdf>

## Resources on Indian labor migration

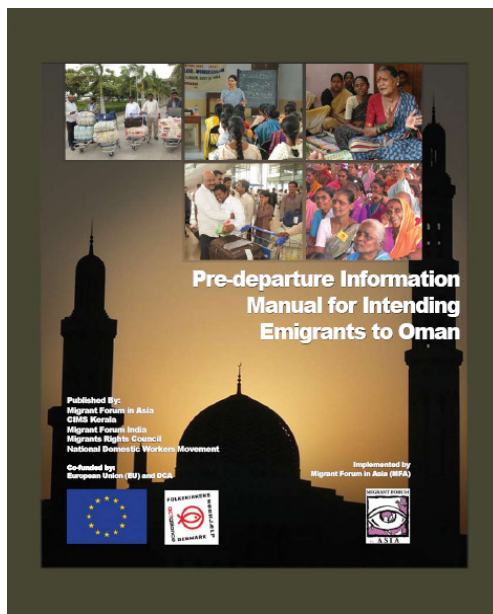
MFA has recently launched policy advocacy resources on Indian labor migration. These studies were conducted and produced through an EU-DCA-MFA initiative with MFA members and partners in India and Oman, "Enhancing the protection of Indian migrant workers in the Gulf countries through evidenced based capacity building with governments and civil society." The initiative undertakes a number of research with the aim of contributing to the improvement of standards of labor and migration support of governments to Indian migrant workers and members of their families. The MFA network is optimistic that, in the near future, this initiative will be emulated in the rest of region. The network hopes to produce timely and relevant resources and programs in Asia that will create lasting impacts on the promotion and protection of the rights of all migrant workers and members of their families.

**Mapping of government commitments and services for migrants:** A compendium of services provided to migrant workers, both by organizations within India (states of Kerala, Andhra Pradesh, and Tamil Nadu, and at the national level), and by Indian missions and support groups in the GCC (with particular focus on Oman). The mapping contributes to the efficacy of migrants rights advocacy by providing a compilation of necessary and compelling evidence.

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**Pre-departure information manual for intending emigrants to Oman.** With translations in English, Malayalam, Tamil (and Telugu coming soon), this manual is intended as one tool to empower migrant workers, their families and those who assist them in navigating the support systems in India and in the country of destination like Oman in the different phases of migration - pre-departure, on-site and return.

**Study on NORKA ROOTS.** NORKA ROOTS is an innovative attempt by the Government of Kerala, working over the last 10 years with several new policy initiatives for the welfare of prospective emigrants, emigrants, return emigrants, out-migrants and return out-migrants. This study critically assesses the services provided by the agency.



**Something is Better than Nothing: Enhancing the protection of Indian migrant workers through Bilateral Agreements and Memoranda of Understanding.** This study deals primarily with MOUs entered into by the Government of India. The MOUs provide a broad framework but they need to be backed up by concrete initiatives in the areas of model contracts, workplace monitoring, dispute resolution mechanisms, mechanisms for access to justice, monitoring practices of recruitment agencies, and adequate labor inspection systems. While these may be harder to negotiate, they should nevertheless receive high priority if MOUs are to have operational value in protecting Indian migrant workers abroad.

The abovementioned resources can be downloaded here: <http://www.mfasia.org/india/429-resources-on-indian-labor-migration>



This particular initiative in India and Oman also facilitates capacity building programs for migrants rights advocates, labor unions, journalists and government officials, aimed at strengthening their capacities in and building cohesive networks as response to the challenges of Indian labor migration to the Gulf. Case management, “media for migrants” workshops and paralegal training were organized in the first quarter of the year.

The case management workshop in Hyderabad, Andhra Pradesh was organized on 22-24 January 2012. The 3-day workshop witnessed real life accounts of Indian migrant workers supported by Migrants Rights Council (MRC) and the National Domestic Workers Movement (NDWM) and their counterparts in the Gulf countries. Representatives from relevant government offices and other stakeholders were also present to hear out the concerns raised by the victims, their families and migrant support groups.

In the course of the discussions, advocates recognized that the issues of migrant workers need an orchestrated approach both from civil society organizations and the government. Limitations should be recognized and that the government should take a proactive stance in addressing the issues of Indian migrants. Follow up workshops on case management will be held this year, which will revisit the action points and improve on the case management and documentation of civil society groups and government agencies supporting migrant workers and members of their families.

The Media for Migrants workshop on 4-5 February 2012 was held in Calicut, Kerala. The workshop became a venue for notable journalists from India and the Gulf, civil society groups and government representatives to discuss how media and key stakeholders can further work together in the framing and understanding of the issues surrounding semi- and low skilled emigrants in the Gulf region. The media and the powerhouse behind it – journalists, reporters, writers, broadcasters, editors, producers and the like, serve as important catalyst in bringing the issues of international labor migration in the purview of the public, and can be key partners in the advocacy being undertaken by civil society organizations for migrants’ rights. They play an important role in raising awareness on the plight of migrant workers, lend a voice and provide a platform for the advocacy work of



William Gois of MFA, and partners from India and Oman at the paralegal training, on 18 February 2012.

civil society organizations and trade unions and carry influence to compel governments to develop, improve and effectively implement policies for the protection of migrant workers and members of their families.

Finally, a paralegal training took place in Muscat, Oman on 18-19 February. The program was designed with a view to understanding the mechanisms available in the Gulf, and to brainstorm on how this system can be used for the benefit of migrant workers.

The focus was more in the context of Oman as a destination country in the Gulf. The ways in which social workers and support communities can work within the Omani system were considered. Participants also looked at ways to move advocacy forward in the broader context of the Gulf. The discussions centered on: Migrant Workers & the Legal System in Oman; Process on Arrest; The Role of the Embassy in Protecting Migrant Workers; Redress Mechanisms in Oman; Clarifications on Procedures & Brainstorming on Advocacy; Connecting Prisoners & their Families; New Requirements for Indian Domestic Workers in Oman; Issues Related to Amnesties for Migrant Workers; Engaging the Press in Oman; and Standard Contracts & Reference Wage. The follow up on the paralegal training in Oman will be tied to MFA’s activities on the Lawyers Beyond Borders Program in 2012. **END**

# MIGRANT FORUM IN ASIA MEMBERS



## EAST ASIA

Hong Kong: Asian Migrant Center (AMC), Coalition for Migrants Rights (CMR), Indonesian Migrant Workers Union (IMWU); Japan: Solidarity Network with Migrants in Japan (SMJ); Korea: Joint Committee with Migrants in Korea (JCMK); Mongolia: Center for Human Rights and Development (CHRD); Taiwan: Hope Workers' Center (HWC); Hsinchu Catholic Diocese Migrants and Immigrants Service Center (HMISC)

## SOUTHEAST ASIA

Burma: Federation of Trade Unions (FTUB); Cambodia: CARAM Cambodia, Cambodian Women for Peace and Development (CWPD), Legal Support for Children and Women (LSCW); Indonesia: Center for Indonesian Migrant Workers (CIMW), Jarnas Pekabumi, Konsorsium Pembela Buruh Migran Indonesia (KOPBUMI), Migrant Care, Seri Buruh Migran Indonesia (SBMI), Solidaritas Perempuan; Malaysia: Tenaganita; Philippines: Atikha Overseas Workers and Communities Initiative, Inc., Batis Center for Women, Inc., Center for Migrants Advocacy (CMA), Kanlungan Center Foundation, Inc., Kapisanan ng mga Kamag-anakan ng mga Migranteng Manggagawang Pilipino (KAKAMMPI), Unlad Kabayan Migrant Services Foundation, Inc.; Singapore: Humanitarian Organization for Migration Economics (HOME), St. Francis Workers' Center, Transient Workers Count Too (TWC2)

## SOUTH ASIA

Bangladesh: Ain O Salish Kendra (ASK), Association for Community Development (ACD), Refugee and Migratory Movements Research Unit (RMMRU), WARBE Development Foundation; India: Center for Education and Communication (CEC), Center for Indian Migrant Studies (CIMS), Migrant Forum India (MFI), Migrants Rights Council, National Centre for Labor; Nepal: All Nepal Women's Association (ANWA), POURAKHI, Women Rehabilitation Center (WOREC), Pravasi Nepali Coordination Committee (PNCC); Youth Action Nepal (YOAC); Sri Lanka: Action Network for Migrant Workers (ACTFORM), Migrant Services Center (MSC), Women and Media Collective (WMC)

## WEST ASIA

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