

# MIGRANT FORUM IN ASIA NEWSLETTER



A QUARTERLY PUBLICATION FOR ADVANCING MIGRANTS STRUGGLE FOR RIGHTS AND JUSTICE

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## MFA endorsement for Professor Virginia Bonoan-Dandan as UN Special Rapporteur on the human rights of migrants

The term of the current UN Special Rapporteur on the human rights of migrants, Mr. Jorge A. Bustamante, ends on June 2011. The mandate of the Special Rapporteur on the human rights of migrants was extended for a three years period by the Commission on Human Rights in 2005. The Special Rapporteur's mandate was further extended for a period of three more years in 2008.

The call for candidates and proposed selection criteria for the mandate of the UN Special Rapporteur on the human rights of migrants was circulated on 8 March 2011. Based on the call, Migrant Forum in Asia went into consultations, deliberations and meetings with a proposed candidate. Following from those meetings, MFA endorses the nomination of Professor Virginia Bonoan-Dandan for the post of UN Special Rapporteur on the human rights of migrants.

Professor Bonoan-Dandan comes from 20 years of experience in economic, social and cultural rights, having served as Member of the United Nations Committee on Economic, Social and Cultural Rights from 1990-2010. She is an internationally recognized expert in human rights in development, human rights in education and training, human rights of indigenous peoples, of migrants, and of minorities, with a special focus on the equality of men and women in the enjoyment of all human rights.

Professor Bonoan-Dandan earned a Masters degree in anthropology from the University of the Philippines and currently pursues doctoral studies in Social Development from the same university. Her experience and skills correspond to the criteria for the mandate of the Special Rapporteur and she will bring those experience and skills to the main functions of the position, to continue to examine the means of "overcoming obstacles to the full and effective protection of the human rights of migrants."



**Professor Virginia Bonoan-Dandan**

MFA gives its full support for the appointment of Professor Virginia Bonoan-Dandan as Special Rapporteur on the human rights of migrants. We call on civil society organizations, non-government organizations, governments and foreign missions to endorse her candidacy. The appointment of an independent human rights expert to serve as the next Special Rapporteur on the human rights of migrants will be held on the 17th session of the UN Human Rights Council on June 2011 in Geneva, Switzerland.

Visit MFA's website at [www.mfasia.org](http://www.mfasia.org) to read more about the profile of Professor Virginia Bonoan-Dandan.

We encourage you to endorse her candidacy and request to print and send the documents, found on MFA's website, to your governments, departments/ministries of foreign affairs and foreign missions in Geneva to endorse the candidacy of Professor Bonoan-Dandan for the post of UN Special Rapporteur on the human rights of migrants.

## Inside this issue:

<b>MFA endorsement for Professor Virginia Bonoan-Dandan as UN Special Rapporteur on the human rights of migrants</b>	1
<b>Workshop on recruitment of workers for overseas employment</b>	2
<b>MFA Report - Labour recruitment to the UAE: Gaps between policy, practice in Sri Lanka, Nepal, Bangladesh and the Philippines</b>	3
<b>Fifth General Forum of the Solidarity for Asian People's Advocacy (SAPA)</b>	5
<b>MRI will co-organize a broad global process towards a PGA vis-à-vis Switzerland's program for GFMD 2011</b>	7
<b>Domestic Workers' Corner</b>	8
<b>Report: Human Trafficking of Legal and Illegal Migrant Workers in Taiwan</b>	14
<b>International Women's Day commemorated in MFA activities</b>	15

## Workshop on recruitment of workers for overseas employment

The Ministry of Labor of the United Arab Emirates, on 18-19 January 2011, organized and hosted a workshop in Dubai that examined labor mobility to the Gulf Cooperating Council (GCC) countries facilitated by private recruiters. Participants in the workshop were governments of UAE, Qatar, Saudi Arabia, Oman, Kuwait, Bahrain Bangladesh, India, Philippines, Pakistan, Sri Lanka, Nepal and Switzerland, IOM, ILO, UNOHCHR, International Centre for Migration Policy Development (ICMPD), Migration Policy Institute (MPI), recruitment associations and agencies from countries of origin and destination, and Migrant Forum in Asia (MFA).

The main thrust of the workshop was on the process of recruitment of workers from South Asia, Southeast Asia and other countries to fill temporary jobs in GCC countries and how this process could be improved to support the workers abroad to enhance the benefits they generate for their families and communities upon return. Participants recognized the complexity of matching workers with jobs across national borders, and emphasized that recruiters play an essential and potentially useful role in matching workers in one country with jobs in another in ways that benefit workers, employers and both country of origin and country of destination. [Workshop official report, [www.gfmd.org](http://www.gfmd.org)]

Participants, mainly government representatives, recognized the importance of the regulation not only of the international labor market but also recruitment entities that facilitate the move of workers across borders. Regulation is effective when it incorporates incentives for law compliance and provides penalties for non-compliance. Participants recognized that the gaps between employers in one country and workers in another country, and the activities of private recruiters who match workers with jobs across borders, can cause problems for employers, contract workers, and governments. They also recognized the need to extend protection to workers who may not be covered by the labor codes of destination countries, as is the case of domestic workers. [Workshop official report, [www.gfmd.org](http://www.gfmd.org)]

The contentious issues raised in the workshop are setting of standard contracts and minimum wages of workers. There is consensus that contracts should be fair and transparent. However, contention falls on the major differences in employment and recruitment policies in sending and receiving countries which affect the negotiation and creation of contracts. Participants from the recruitment field were of the opinion that standardized contracts should not be promoted because such contracts would not address specificities. The problem of double contracts are serious too - one signed at the source countries and one signed after the workers reach the destination countries. The one signed at the destination countries, the wages and other terms of the contract will be different.

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## **Workshop on recruitment...**

Regarding minimum wages, GCC countries were not in a position to implement minimum wages set by sending countries. The receiving countries could only commit to the enforcement of contract between worker and employer. Such contracts are binding and could be implemented.

Migrant Forum in Asia, represented by Centre for Education and Communication and the Regional Secretariat took part in the panel discussion. MFA pointed out that recruitment cannot be discussed without looking at the aspect of recruiting agents in the country of origin and the country of destination. One should also critically look at the status and nature of contracts as part of recruitment process. The contract should be legally binding and it should be in a language the migrant worker understands.

In relation to this workshop, MFA recently released a report entitled "Labour recruitment to the UAE: Gaps between policy practice in Sri Lanka, Nepal, Bangladesh and the Philippines. Emerging from the analysis of the case studies in the report are two key concerns: the need to better regulate the networks of sub-agents that are operating in each of these sending countries, and the need to oversee the operations of recruitment agencies on the receiving side. Sending state governments have employed various methods in their attempts to protect their citizens and to provide support for migrants in distress, despite limited resources and the vast (and growing) number of people in need of such services. However, these programs and policies treat the symptoms, rather than the roots of the problem. [See MFA Report on Labour Recruitment after this article].

A consensus developed that the workshop would be the first in a series of consultations that will lead to a regional framework of collaboration on the promotion and enforcement of fair and transparent recruitment practices. The UAE ministry of Labour will produce a draft framework that is guided by the discussions at the workshop, and will circulate it for consideration by the Asian countries of origin and destination that are participants in the Abu Dhabi Dialogue process. [Workshop official report, [www.gfmd.org](http://www.gfmd.org)]

Full official report of the workshop can be found on GFMD's website at <http://www.gfmd.org/en/adhoc-wg/protecting-and-empowering.html>

## **MFA Report - Labour recruitment to the UAE: Gaps between policy, practice in Sri Lanka, Nepal, Bangladesh and the Philippines**

**January 2011**

The United Arab Emirates is one of the primary destinations for both high and low-skilled migrant workers from South and Southeast Asia. While there are multiple channels utilized by migrants to access this attractive job market – social networks, travel agencies, government-to-government agreements, etc. – private recruitment agencies on both the sending and receiving sides have come to drive substantial flows of workers. These private companies have, over the past 30 years, formed well-organized and profitable networks that provide an array of services to migrant workers and overseas employers, and have taken over many of the functions of migrant labour recruitment that once were held by sending states.

The recruitment agencies in sending countries are subject to varying degrees of regulation and oversight by their respective governments in efforts to protect rights and welfare of migrant workers throughout the migration process. Likewise, the UAE has recently announced new measures for the regulation of private employment agencies operating in the UAE. Despite these efforts, serious gaps exist between the procedures as proscribed by national laws/policies and the actual experience of migrants as they navigate the recruitment process. These gaps leave workers vulnerable to mistreatment, abuse, and exploitation on the part of unscrupulous recruitment agencies and their sub-agents.

Numerous gaps between policy and practice have been identified across a variety of national contexts; the most salient of these is the point of collusion between recruitment agencies in the sending and receiving states. The relationship between these recruiters is the point at which the price for foreign labour is set, and access to the labour market is bought and sold. It is this relationship that requires the most scrutiny on the part of both sending and receiving states, and which receives the least attention in regulatory frameworks and oversight mechanisms. In order to achieve the aim of attaining higher standards for the rights

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## MFA Report - Labour recruitment to the UAE

and welfare of migrant workers, this point of collusion must be understood and properly addressed.

The data presented on these four sending states demonstrates that, in spite of country-specific contextual factors, particularly with respect to government responses to recruitment agency malpractices, the recruitment process is fairly uniform across the region. Gaps between policy and practice are strikingly similar, as are the consequences of these gaps for those migrating for work.

Emerging from this analysis are two key concerns: the need to better regulate the networks of sub-agents that are operating in each of these sending countries, and the need to oversee the operations of recruitment agencies on the receiving side. Sending state governments have employed various methods in their attempts to protect their citizens and to provide support for migrants in distress, despite limited resources and the vast (and growing) number of people in need of such services. However, these programs and policies treat the symptoms, rather than the roots of the problem.

Migrant labour recruitment is a major industry, fuelled by profit. Those who hold the supply have the power to set the price for job placements – i.e. the recruitment agencies in the receiving states. The price for these positions is unregulated, and allowed to increase depending on how much sending state agencies are willing/able to pay. Due to the intense competition among recruiters with each country, and recruiters in different countries, there are enough agencies to keep the receiving state recruiters profitable. Costs get passed on to the migrant workers, and the consequences of this burden manifest in exploitation, fraud, abuse, and all manner of illicit and illegal practices. Sub-agents also benefit from a lack of regulation, as they are able to operate with impunity, again at the expense of migrant workers.

In order to halt these practices, the relationship between recruitment agencies in the sending and receiving countries needs to be scrutinized and called into question. Laws prohibiting the sale of visas and the charging of fees to sending state recruiters must be strongly enforced, and the practices of recruiters on both sides need to be monitored. Sub-agents need to be registered and regulated in order to discourage the malpractices that are rampant in the industry.

While other problems persist, in large part due to a lack of government resources and issues of legal jurisdiction, monitoring and enforcement of policies, etc., it is likely that many of these problems would be

less acute were the above problems adequately addressed. Cooperation between sending and receiving states is necessary in order to properly tackle these pressing issues that have been allowed to persist for far too long.

### *Recommendations for Sending & Receiving State Governments*

1. Sending states must identify and implement realistic strategies to register sub-agents operating on behalf of recruitment agencies, and regulate their activities. Where resources permit, this can be a government function, however it is likely that a more cost-effective strategy would entail registration through industry professional associations.
2. Sending states must enforce laws prohibiting the operation of unlicensed recruitment agencies. In rural areas that are under-serviced by licensed recruitment agency offices, economic incentives should be provided to encourage city-based agencies to open provincial branches in order to discourage the operation of unlicensed recruiters due to a lack of healthy competition.
3. Sending states must provide thorough and gender-sensitive training to frontline staff at embassies and foreign missions, as well as at domestic foreign employment offices in order to provide appropriate support for migrant workers in distress, and who have been subject to the malpractice of unscrupulous agencies and/or sub-agents.
4. A similar study should be undertaken on the receiving state side, with insights collected from all parties concerned – recruitment agencies, employers, migrant workers, government, and migrant support organizations – to contribute to the elaboration of a holistic overview of the current situation of migrant labour recruitment.
5. Sending and receiving states must both acknowledge and investigate the point of collusion between domestic recruitment agencies and their foreign counterparts. Sending and receiving state governments should cooperate to institutionalize these relationships so that cross-border transactions do not occur without regulation. Laws prohibiting the sale and purchase of visas for migrant workers should be properly enforced on both the sending and receiving sides.

To download the complete report, visit the downloads section of the MFA website at <http://www.mfasia.org/resources/information-a-educational-materials.html>



## Fifth General Forum of the Solidarity for Asian People's Advocacy (SAPA)

"Today's world must respect human rights. No country can feel safe without respecting human rights and democracy" said Dr. Mizanur Rahman, Chairperson of the National Human Rights Commission of Bangladesh while inaugurating the 5th General Forum of the Solidarity for Asian People's Advocacy (SAPA) on 18 February 2011.



**Dr. Mizanur Rahman opening the forum**

The Solidarity for Asian People's Advocacy (SAPA) is a network of civil society organizations born out of common concerns about how to enhance the effectiveness and impact of civil society advocacy by improving communication, cooperation and coordination among non-governmental organisations (NGOs) operating regionally, in the face of rapidly increasing and multiplying inter-governmental processes and meetings in Asia. The SAPA network is having its 5th General Forum on 18-21 February 2011 at the Brac Center, Khagan, Savar, Dhaka, Bangladesh. Delegates from Bangladesh, India, Pakistan, Nepal, Philippines, Thailand, Japan, Indonesia, The Netherlands attended the two day General Forum of SAPA.

Dr. Mizanur Rahman in his opening speech said that the world has become a global village and can see Egypt's domino effect in Yemen, Bahrain and other countries. People are aspiring for democracy and human rights.

Dr. Rahman emphasized that human rights are not only civil and political rights. "One has to take into consideration the economic, social and cultural rights of the millions of starving people. Equality, social justice and human dignity need to be the base of modern state" visualized Rahman. He also

emphasized the need for close linkages between various countries' Human Rights Commissions as they can rise above sectarian nationalism. He elaborated this by citing an incidence of killing of Felani, a 15 year old girl, by Border Security Force (BSF) of India at the Indo-Bangla Border. He stressed that it is necessary for NHRIS of South Asia including the Bangladesh NHRC to work together to address common issues of human rights through effective coordination and collaboration. A common approach to regional issues is the need of the hour, he added.

NHRC of Bangladesh will soon launch a nationwide campaign on human rights with the help of law students and faculty. He also requested human rights defenders and NGOs working on the issue to cooperate with the NHRC and work with it. "We all have to work together. With your expertise and knowledge, we can make a difference."

The SAPA General Forum discussed three major issues confronting societies today: Impunity and Transnational Justice, Peace and Security and Food Sovereignty.



The panel on Impunity and Transnational Justice gleaned the relationship between impunity and transnational justice: political change towards liberal-democratic societies is often characterized by the struggle between draconian regimes and popular uprising. Questions emerge out of this struggle: Should we forget the past in the name of peace? The current way of addressing the issue does not consider the people's process of dealing with impunity. Societies are structured on race, class, caste, etc.

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## Fifth general forum *continued...*

The culture of impunity is ingrained in everyday lives, at the village/community level, etc. When culture is structured this way, of course institutions will be created that reflect this. Institutional approaches are an imposition of approaches. The mechanisms are broken. After changes towards political reform are made, the politics of appeasement are often seen among the victors. All victims and survivors must have access to justice. In terms of the models of how to go about this, we must look at both the institutional and indigenous levels. Indigenous processes are important for taking ownership of the process.

The Food Sovereignty panel focused on the situation of farmers, with Bangladesh as a point of departure. The basic premise of food sovereignty is that the poor cannot be reached through conventional economic programs (microfinance, etc.). The market cannot solve food distribution problems for the poor and vulnerable. Environmental destruction and the erosion of biodiversity are the major causes of poverty and vulnerability. Food sovereignty means working with farmers, avoiding the use of chemicals, pesticides, and groundwater. Most multinational companies sell seeds. If seeds are not in the farmers' hands, this is a major problem.

Farmers have the sovereign right to produce food and other crops according to social, cultural, and ecological situations. Food sovereignty is achievable through seed sovereignty. Producing food during the right season and in the right geographies is important, as are crop diversity and the use of both cultivated and uncultivated sources. The national system encourages farmers to produce the same crops regardless of the ecological particularities of regions. Control over seed is the lifeline of the farming community. Farmers keep seeds and regenerate for the next season. Preservation, conservation, and germination have traditionally been 'women's work'. Highly specialized knowledge is required for proper cultivation.

Presentations on security challenges in different regions of Asia structured the Peace and Security panel. There is much "unpeace" and "insecurity" in the South East Asian Region. There is the crisis of democracy, the ruling of the military junta as well as governance and legitimacy issues. Intra-state conflict, inter state and border disputes and the war on terrorism paradigm consume the region.

For South Asia, sources of conflict in the region which included: border conflict, armed conflict, arms race, political unrest and violence. CSOs need to take an active role in pushing for peace and security in South Asia. There are a number of networks and organizations working on peace and security issues in the region and their participation in programs such as SAPA should be encouraged.



Networking and cooperation among civil society organizations is important. Challenges faced by civil society organizations working on peace and security also exist in the region. Among these include gender inequality and gender based violence. Gender mainstreaming is not included in the work of many organizations. There is also the issue of marginalization of civil society organizations and the penalization of NGOs for being unpatriotic. These hamper the work of many civil society organizations at the national level. A specific challenge for CSOs is engaging the SAARC governments. CSOs need to have its voice heard in these regional processes.

Finally, the North East Asia region (Japan, China, Korea, Taipei, Mongolia, Hong Kong, far east Russia, and Pyongyang) also has its share of peace and security challenges. The main issues dealt with are the promotion of peace, demilitarization, nuclear non-proliferation, and general cooperation throughout the region. The priorities are security and dialogue/mediation. The 6-party talks surrounding North Korea's nuclear issues have been frozen for some time. Regional governments in NE Asia aren't particularly open to NGO involvement, especially on peace & security issues.

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## ***Fifth general forum continued...***

21st February was Mother Language Day in Bangladesh. The SAPA delegates participated in a midnight march in celebration of this historical day. The march passed through campus of the University of Dhaka, and culminated with the laying of wreaths and flowers in memory of the martyrs of the language movement. Hundreds participated in the event, queuing for hours to reach the main stage. Local media outlets interviewed some of the SAPA participants about their participation in this national event. It was an impressive display of unity and solidarity, and a fantastic way to end the SAPA gathering.



The 5th SAPA General Forum was hosted locally by Odhikar and MFA-Bangladesh: WARBE Development Foundation, Association for Community Development, Ain O Salish Kendra and the Refugee and Migratory Movements Research Unit.

### **Migrants Rights International (MRI) will co-organize a broad global process towards a PGA vis-à-vis Switzerland's program for GFMD 2011**

The Global Forum on Migration and Development (GFMD) flagship theme for 2011 is "Taking action on Migration and Development – Coherence, Capacity and Cooperation." The GFMD Chair-in-Office in Switzerland announces that it will "open up a space for smaller, focused and action-oriented thematic meetings around the world, which will culminate in a final two-day extended Friends of the Forum meeting in Geneva on 1-2 December 2011."

The GFMD Chair convened two consultations on 8 February and 15 March 2011 as part of the many consultations planned to happen this year. The Chair will work in partnership with other governments, with support from international organizations, regional consultative processes, and the civil society. In addition, the GFMD ad hoc Working Groups – one on Protecting and Empowering Migrants for Development and another on Policy Coherence, Data and Research – and the Platform for Partnerships will lend support to the implementation of this year's work plan. [www.gfmd.org]

The Swiss GFMD Chair's thematic agenda is fleshed out in three clusters of policy themes: Labour mobility and development, Addressing irregular migration through coherent migration and development strategies, and Creating tools for evidence-based migration and development policies. All clusters aim to strengthen the mutually reinforcing links between development, migration and human rights, while looking for the institutional and policy coherence, capacity and cooperation, within and between states that lead to "good practices". [www.gfmd.org]

GFMD's civil society process for 2011 will be facilitated by the International Catholic Migration Commission (ICMC).

As in years since the inception of the GFMD, MRI and its members pledges to continue its steadfast participation and leadership in various civil society processes and responses to the GFMD. MRI looks forward this year then, to again working closely with ICMC in this respect. MRI will again co-organize a broad global process towards a PGA (People's Global Action on Migration, Development and Human Rights) mobilization in 2011, and anticipate engaging in multiple ways with the process ICMC will be coordinating with the Swiss Chair.

To keep a close watch of developments at the GFMD, visit the website at [www.gfmd.org](http://www.gfmd.org)

MRI will put up a dedicated website for the PGA 2011 soon.



## *Decent Work for Domestic Workers Corner*

The first quarter of the year was very significant for the domestic work campaign as it was during this quarter when the ILO Blue Report (4<sup>th</sup> Report) was released. The Report examines the replies of ILO Member States as well as employers and trade unions on the Brown Report. The Report comes into volumes:

Report IV(2A) which contains the Summary of the comments received on the proposed texts contained in the Brown report and Office Commentary provides explanations of revisions to the draft instruments, and suggestions as to possible alternative wording. [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_151864.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_151864.pdf)



Report IV (2B) contains the revised proposed Convention and Recommendation which will be the basis for the second discussion in June. [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_152576.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_152576.pdf)

As this will be the basis for discussion at this year's International Labour Conference (1-17 June 2011), the network has been very proactive in terms of political mobilization and legislative advocacy.

The National Domestic Workers Movement (NDWM), India has made substantial contributions to a draft policy on domestic work through its interventions with the Government of India. Additionally, state-level consultations in Kerala led to new health and welfare benefits for domestic workers in that state.

In the Philippines, a focus among MFA members is on legislative advocacy, with the passage of a domestic work bill as a key priority. Efforts to this effect have been spearheaded by the Technical Working Group (TWG) of the Philippine Campaign on Decent Work for Domestic Workers. There has been much success in linking organizations and forging alliances between NGOs, unions, and faith-based organizations in support of this issue. In November 2010, the Philippine Senate approved the Kasambahay (Domestic Workers) Bill.

MFA's partner in Bahrain, the Migrant Workers' Protection Society (MWPS) continues to engage with government in efforts to bring domestic workers under national labour law. In October 2010, MWPS was invited by the Ministry of Foreign Affairs (MoFA) to comment on the proposed draft on Foreign Workers and Labour Conditions in the Kingdom of Bahrain. The proposed instrument has specific provisions for domestic workers.



## *Decent Work for Domestic Workers Corner*

### **EVENTS**

**19-20 April**, Dhaka, Bangladesh - South Asia Pre ILC Consultation.

**23-25 April**, Singapore - ILC Regional Preparatory Meeting.

**1-17 June**, Geneva, Switzerland - Participation in the 100th session of the International Labour Conference, ILO.

To keep yourself updated with activities related to Decent Work for Domestic Workers, visit the website at:

<http://dwglobalcampaign.mfasia.org/>

The Center for Migrant Advocacy (CMA) in the Philippines is steadfast in engaging with members of the Philippine Congress on issues related to migrant domestic workers. Most recently, CMA accompanied a congressional delegation to Saudi Arabia to assess the situation of migrant domestic workers there, and to advise on whether or not to ban deployment to the kingdom.

A representative of the Ministry of Overseas Indian Affairs visited a shelter for abused migrant domestic workers in Bahrain, run by MWPS. MWPS staff and volunteers hosted the delegate, educating him on the problems and vulnerabilities of domestic workers. In addition, MWPS staff met with a US State Department Official, briefing her on the labour and human rights situation of domestic workers in Bahrain. MWPS used these opportunities to urge these officials to secure the support of their respective governments at the ILC 2011.

Also in the Philippines, MFA has reached out to the Association of Major Religious Superiors in the Philippines (AMRSP) to explore ways in which this

organization can offer support in mainstreaming of a rights-based view of domestic workers. MFA requested AMRSP to issue a pastoral letter and allot one Sunday for discussions on domestic workers prior to the ILC. This was well-received, and the relationship between MFA and AMRSP continue to take shape.

In the observance of the International Women's Day, MFA members focused its activities and public actions in order to provide visibility for the campaign.

At the international level, Migrants Rights International (MRI), in coordination with MFA, organized a forum on 24 February 2011 during the CSW in New York with a theme "*Dignity for Domestic Workers: The ILO Convention and Beyond -A Side Event at the UN Committee on the Status of Women.*"

Participating in the forum were representatives from organizations of migrant domestic workers, migrants rights advocates as well as trade unions coming from Asia, Latin America and North America shared their strategies

## *Decent Work for Domestic Workers Corner*

and campaigns in relation to engaging the ILO process on decent work for domestic workers.

The first presentation was from the National Domestic Workers Alliance (NDWA-US) - Adhikaar, a Nepalese migrant organization based in New York. The Adhikaar representative shared about the New York Domestic Workers Bill of Rights. On 30 August 2010 the New York Governor, David Paterson signed into law the Domestic Workers Bill of Rights which grants protection to domestic workers in the state of New York. The bill of rights took effect on 29 November 2010 and is the first of its kind in the nation. The bill of rights amends the New York labour law recognizing domestic workers as workers and entitles domestic workers to overtime pay as well as other labour protection.

It took six (6) years of intensive campaign and lobbying on NDWA's part to have the New York Domestic Workers Bill of Rights passed. They worked closely with local trade unions in New York in particular the trade unions organizing doormen. Currently NDWA is campaigning for all States to adopt the same bill of rights. NDWA are also working with trade unions in the US in order to send domestic workers representatives for the 100th Session of the International Labour Conference (ILC) in June 2011.

Cidadao Global, an organization of Brazilian migrants in the US and also a member of the NDWA highlighted its work with Brazilian women migrant workers in the US to provide support for Brazilian women domestic workers in New York.

Migrant Forum in Asia (MFA) elaborated on the programs and plans of MFA in relation to engaging the ILC on decent work for domestic workers. Since the inception of the organization, the MFA network has strongly supported the call for the protection of the rights of domestic workers.



**Cidadao Global presenting in the side event**

MFA has actively engaged the ILO and its social partners in relation to decent work for domestic workers. MFA organized online and national consultations with CSOs and Trade Unions, sub-regional and regional dialogues, contributed to the ILO law and practice report, contributed comments to the draft text of the convention (brown report) as well as conducted capacity building among domestic workers and migrants rights advocates in relation to engaging the ILO process.

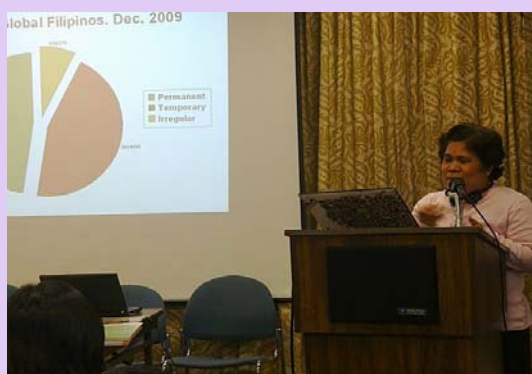
The network also engaged international treaty bodies such as the UN Committee on Migrant Workers (UN CMW) in relation to the rights of migrant domestic workers. On 2 December 2010 the UN CMW adopted the general comment on

## *Decent Work for Domestic Workers Corner*

migrant domestic workers, a formal guidance under the 1990 UN Migrant Workers Convention that elaborates the rights and practical recommendations in order to protect migrant domestic workers across the world.

During the 99th session of the ILC MFA was able to get accreditation and mobilized the participation of its members and network partners. The 99th Session constituted the outcome of the first discussion and put in the item for 100th session decent work for domestic workers with the aim of adopting the convention with recommendation.

In preparation for the 100th session of the ILC, the MFA network is organizing 2 sub-regional preparatory meetings in April: one in South Asia and one in South East Asia. Representatives of migrant domestic workers organizations, trade unions and migrants rights activists will be participating in the



**CMA presentation**

consultations.

Center for Migrant Advocacy (CMA), a member of the MFA network, provided an overview of the situation of migrant workers and migrant domestic workers

from the Philippines. Currently there are 8.579 million Global Filipinos and these include immigrants, temporary migrant workers as well as undocumented migrant workers. More than 50 % of these are women. A number of the women migrants are employed as domestic workers.

CMA shared about the initiatives of the Philippine government in relation to addressing the issues of migrant domestic workers. In 2006, the Philippine government initiated policy reforms for "Household Service Workers" with the following provisions:

- No Placement Fee
- Entry Level Salary US\$400
- Must be 23 yrs old & above
- Pre-qualification screening of migrant
- Culture & Language Orientation
- Onsite Verification

CMA also talked about the Migrant Workers Act of the Philippines as well as the recent Magna Carta for Women which provides protection for the rights of women migrant workers. Campaigns and programs of CMA in relation to Filipino migrant domestic workers were highlighted in the presentation.

Further presentations was made by United Methodist Women in behalf of the Latin American and Caribbean Confederation of Domestic Workers/ Confederacion Latinoamericana y del Caribe de Trabajadores del Holgar (CONLACTRAHO).

CONLACTRAHO is an organization of domestic workers run by domestic workers in Latin America. They have been actively advocating for the rights and well being of domestic workers in the Latin American region.

## *Decent Work for Domestic Workers Corner*

Domestic workers are not recognized as workers in the region and normally work long hours in slave-like conditions. Since they are not recognized as workers they are not entitled to minimum wage or decent working hours.

CONLACTRAHO is supportive of the campaign for decent work on domestic and supports. The organization is a member of the International Domestic Workers Network (IDWN), an initiative of domestic workers' unions together with support organisations. The objectives of the network are: to assist in the organisation of domestic workers' unions where they do not yet exist; to serve as a clearing house for the exchange of information; to organise mutual support and solidarity; to advance common political aims (international standards, national legislation); to represent domestic workers at international level; and to secure the support of the wider labour movement for each of these objectives.

The National Confederation of Senegalese Workers and International Confederation of Trade Unions (ITUC) were also present at the side event. The representative shared about the situation of domestic workers in Senegal. Domestic workers do not have rights as workers. There is a need to support an international law that will provide for the protection of the rights of domestic workers.

UN-Women talked about the work of the UN in relation to women migrant workers and domestic workers. Most of the programs on domestic workers were in line with the programs of the former UNIFEM in the regional office in Asia. A number of the program involved

advocacy for legal protection for women and migrant domestic workers in the region. As UNIFEM, they also worked on safe migration programs particularly in countries such as Nepal and Indonesia where a big number of migrant workers are women. They helped develop pre-departure orientation programs for women migrant workers.

UN-Women through the UNIFEM Asia program also work with recruitment agencies in relation to developing ethical recruitment practices in the region. In line with this, UNIFEM Jordan developed a model standard contract for women migrant workers in Jordan. They are currently working on having the standard contract adopted by other countries in the Gulf region.

UN-Women is also working with the Swiss government on the Global Forum on Migration and Development (GFMD). With the Swiss government, UN-Women is organizing the regional consultations on global care workers, which is one of the sub-themes of the 2011 GFMD. The government of Switzerland is the host of the 2011 GFMD. The Swiss government is looking at changing the format of the 2011 GFMD by looking more at regional processes. UN-Women is in the process of consulting governments to host the regional consultation on global care workers and so far the government of India has agreed to host the consultation in Asia. Governments and Civil Society Organizations (CSOs) will be invited to participate in the consultations.

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## *Decent Work for Domestic Workers Corner*

Last but not the least in the side event, the International Labour Organization (ILO) shared updates on the ILO process leading up to the ILC Session in June 2011. ILO congratulated the migrant and domestic workers organizations for their initiative in engaging the ILO process as well as in the campaign on decent work for domestic workers.

The Dignity for Domestic Workers – the ILO Convention and Beyond side event was co-organized by the following: UN Women; Migrants Rights International (MRI); International Trade Union Confederation; Migrant Forum Asia; National Domestic Workers Alliance (US); National Network for Immigrant and Refugee Rights (US); NGO Committee on Migration; Public Services International; United Methodist Women; Women's Caucus, People's Global Action for Migration, Development & Human Rights.

You can also view webclips of the presentations at United Methodist Women's youtube site:  
[www.youtube.com/user/CSW55UMW#p/u/7/IRho6pV17HI](http://www.youtube.com/user/CSW55UMW#p/u/7/IRho6pV17HI)

### **What's Next?**

The period leading up to the 2011 ILC (June 1-17) is very crucial for domestic workers and advocates to ensure that a Convention will be passed in June. After the adoption of the Convention, the next challenge is to ensure that Member States ratify the Convention and work towards its implementation at the national level.

To prepare for this, MFA is currently planning for two preparatory meetings

on the following dates: 19-20 April in Dhaka, Bangladesh and 23-25 April in Singapore. The purpose of these meetings is to enhance coordination and collaboration between domestic worker groups, trade unions and civil society, and to follow up on the result of previous initiatives, define strategies and



**Campaign stickers and pins on exhibit in the side event at the Committee on the status of women in New York.**

discuss activities which are planned to take place in Geneva. The consultations will also establish and improve partnerships with trade unions, which can facilitate the participation of domestic workers in their respective delegations.

Post-ILC, MFA members will actively launch campaigns for ratification of the ILO Convention on Domestic Work and for its immediate adoption and implementation at the country level. Stay tuned on these events and updates by visiting the website: [www.mfasia.org](http://www.mfasia.org)

**Fin**

## Report: Human Trafficking of Legal and 'Illegal' Migrant Workers in Taiwan

**Hope Workers' Center, Taiwan**

**January 2011**

This report explores what circumstances and conditions might lead migrant workers (documented and undocumented) in Taiwan to becoming trafficked and if there are people more vulnerable than others. A close look is taken on Taiwan's foreign labor policies and how these policies might contribute to the risk for migrant workers to become victims of human trafficking. The report also aims to give the victims a voice and to gain a deeper understanding of their perspectives and experiences.

Although there have been some recent improvements in the prevention of human trafficking in Taiwan, we must still assume that many victims remain unrecognized. Law enforcement agencies as well as the judiciary generally lack an awareness of trafficking offenses, and they are not very clear about migration-linked problems. Without evidence-based knowledge and a better understanding of trafficking patterns, initiatives might be inadequate and anti-trafficking policies could be rendered ineffective.

The "3 P" paradigm (prevention, protection and prosecution) is a widely used framework to combat human trafficking that can be applied to improve Taiwan's laws. The first area requiring attention is Taiwan's foreign labor policies (prevention and protection); the second is the brokerage system (prevention and protection), and the third is a better understanding of human trafficking and the labor migration approach of all involved government agencies (protection and prosecution).

Implemented structures like immigration and foreign labor policies view the employment of migrant workers as a measure to fight labor shortages and the workers themselves as a social risk. It is exactly these policies that are increasing the risk for migrant workers to be abused or even to become victims of human trafficking. Especially migrant workers employed in private households face a lot of abuse and exploitation. Without proper legal protection, equal to that provided for other workers, they hardly have any chance to improve their situation. Becoming undocumented is for many the last option. Besides the standard reasons, such as the end of the contract term but the migrant worker doesn't want to return to her/

his home country because of want to earn more living, many of these workers simply cannot bear their working and living conditions.

While many workers are unaware of the possibility of changing their employer under certain circumstances, there are others who try to do so but are thwarted by a broker who is not willing to assist them or who tells them that it is not possible. In Taiwan the majority of undocumented migrant workers have been legally employed as domestic workers or caregivers. This group of workers is not covered by the labor laws—or, in the case of caregivers in nursing homes, the laws are not implemented well. Facing exploitative work situations, often going without any day of rest for months and receiving low or no payment, these (mostly) women become undocumented in the hope of finding better working conditions.

Many examples in this report show the vulnerability to abuse and exploitation of undocumented migrant workers. Better legal protections for domestic workers and caregivers would not only reduce the number of undocumented workers but would also help to fight human trafficking. To criminalize undocumented migrant workers, as is common in the current public discourse, is not only overlooking one of the root causes of the high number of undocumented workers but is also the wrong way to successfully combat human trafficking.

Taiwan's brokerage system is known to be the cause of a lot of the misery that migrant workers are facing. To be able to pay exorbitant placement fees, workers have to take out loans or must agree to the fee being deducted from their salaries in Taiwan. They arrive in Taiwan burdened with huge debt and the pressure to pay it off. Unscrupulous and abusive brokers and employers use the workers' indebtedness to make even bigger profits. The workers have little bargaining power, and many do not dare to complain about bad working conditions or payment irregularities for fear of being repatriated.

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## Human Trafficking continued...

Unfortunately, there have been no binding regulations that set a maximum amount on these fees paid by the workers. Increased regulation and monitoring of labour agencies involved in the recruitment and placement of migrant workers would help decrease the occurrence of abuse and exploitation. In addition, memorandums of understanding are needed between Taiwan and each of the labour-sending countries to effectively restrict and regulate placement fees.

The different victims identification standards, as well as the light sentences handed down by judges and the rare use of the Anti Trafficking Act, are proof that we need further training of the relevant government agencies, not only in regard to human trafficking but also regarding human rights. For successful prosecution of cases of human trafficking, this education is crucial for all involved parties—the enforcement agencies who rescue and identify victims, the prosecutors who investigate the crimes and the judges who finally need to weigh evidence and pronounce judgment. Only if these parties are well informed and trained on the topic and understand the situations of migrant workers, can the prosecution of human trafficking crimes be successful.

For a full read of the report including the case studies, visit this webpage: <http://www.mfasia.org/taiwan.html>

## International Women's Day commemorated in MFA activities

8 March - MFA members across the region held programs and mobilizations to commemorate International Women's Day.

In Bangladesh MFA members organized a human chain and called on the government to support the ILO Convention on Domestic Work. A media dialogue highlighting the importance of supporting the ILO Convention on Domestic Work will also be held.

Members in Cambodia organized a radio talk show on 9 March to discuss the issue of domestic workers. The radio talk show aimed to increase public awareness on the issues of domestic workers as well as the upcoming ILO Convention on domestic work.

In Hong Kong, MFA members organized a mobilization at the Central Government's office and launched a press conference. A public forum on the ILO Convention on Domestic Work were held with representatives of women migrant domestic workers

as speakers. The consulate generals of Nepal, Indonesia, Philippines and Thailand were invited to participate in the program.

In Nepal, MFA members joined mobilizations calling for protection of women migrant workers.

Members in the Philippines participated in a media discussion on women migrant workers. As part of the A World March of Women, women's and human rights groups gathered and showed solidarity in highlighting the most pressing issues confronting Philippine society today, issues that especially affect women, such as the Reproductive Health Bill and the recognition of domestic work as work.



**Women march: Purple umbrellas on the streets of Manila**

MFA members in Singapore organized a month long celebration in line with International Women's Day. On 5 March, members participated in Women's Voices Conference. On 6 March, women migrant domestic workers conducted an awareness raising campaign at the Brad and Roses sale at the Free Community Church and distributed bread and roses in Lucky Plaza. On 12 March, MFA members joined the Pinoy Lah of 107 FM to discuss women migrants' empowerment and skills program. A seminar on HIV and sexual health entitled "project roses" was held for migrant domestic workers on 20 March. Culminating the month long celebration was the Global Sports and Arts volleyball and basketball games tournaments of women migrant domestic workers.

# 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: Tenaga Kita; 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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