

# MIGRANT FORUM IN ASIA NEWSLETTER

A QUARTERLY PUBLICATION FOR ADVANCING MIGRANTS STRUGGLE FOR RIGHTS AND JUSTICE



Volume 8, Issue II  
April– June 2010

## Domestic workers win first battle at the 99th Session of the International Labour Conference

On 04 June 2010, at the 99th Session of the International Labour Conference (ILC), MFA witnessed a historic moment when ILO member states ap-proved in principle to adopt a comprehensive standard for domestic workers in the form of a Convention supplemented by a Recommendation. At the end of the Conference, it was resolved that an item entitled “Decent Work for Domestic Workers” shall be included in the agenda of its next ordinary session for second discussion in June 2011 to which the final decision will be taken. If the result next year would be favourable, this would become the first international standard that specifically addresses the special needs of domestic workers, both local and migrant. This was a huge victory for all domestic workers and the advocates and social movements working relentlessly to fight for the protection of domestic workers.

It was not an easy process though. Each day, governments, employers and workers had to go through a tedious process of deliberations and heated debates.



*Local and migrant domestic workers converge in Geneva*

As expected, the employers group and workers group ended up opposing each other's amendments leaving the final decision to the governments. This early victory could be attributed to the strong support of governments that believe domestic workers need a strong and robust instrument that could be translated into national laws.

*(continued on page 2)*

## Regional consultation towards stakeholding in the 2010 Colombo Process

On June 30<sup>th</sup> and July 1<sup>st</sup>, the Center for Migrant Advocacy (CMA), Solidarity Center, and Migrant Forum in Asia (MFA) hosted the Regional Consultation on the Colombo Process (CP) in Manila, attended by civil society and trade union members from Indonesia, Philippines, Thailand, India, and Bangladesh.

The organizations represented were: Migrant Care; Indonesia Migrants Trade Union; Solidarity Center Indonesia; Alliance of Progressive Labour; Partido Manggagawa; Bukluran ng Manggagawa Pilipino; Trade Union Congress of the Philippines; Human Rights Development Foundation; Solidarity Center Thailand; Center for Indian Migrant Studies; Refugee and Migratory Movements Research Unit, University of Dhaka; Association for Community Development; Center for Migrant Advocacy; and Migrant Forum in Asia.

The purpose of the meeting was to map out how civil society organizations can become directly involved in the Colombo Process.

The Colombo Process is a regional forum that began in 2003 to provide a venue for Asian labour sending countries to [1] share experiences, lessons learned and best practices on overseas employment, [2] consult on issues faced by overseas workers as well as the labour sending and receiving states, and [3] propose practical solutions for the well being of vulnerable overseas workers.

At the outset, the Colombo Process was envisioned as a venue for optimizing development benefits from organized overseas employment and enhancing dialogue with countries of destination.

*(continued on page 5)*

## Inside this issue:

## Domestic Workers continued...

(continued from page 1)

<b>Domestic Workers win first battle at the 99th Session of the International Labour Conferences</b>	<b>1</b>	Government members of the USA, Brazil, South African countries and Australia gave strong interventions during the general discussion.  It is worth to note as well the message of Juan Somavia, ILO's Director, that this year is the most participated and well-received Conference which indicates a big interest on the issue. The presence of NGOs was also remarkable.
<b>Regional consultation towards stakeholding in the 2010 Colombo Process</b>	<b>1</b>	The Asian region, on the other hand, showed a very weak response in supporting a binding instrument for domestic workers. Only six Asian countries present in the Conference voted for a Convention: China, Lebanon, Sri Lanka, Syrian Arab Republic, Thailand and the Philippines.  The deliberations became very engaging because of the excellent interventions made by the spokespersons of the employers' and workers' groups. Speaking on behalf of the workers group was Halimah Jacob, the Deputy Secretary General of the National Trades Union Congress (NTUC), Singapore, who provided excellent interventions and showed sincere commitment in pushing the agenda for domestic workers. On the other hand, the employers group was led by an equally excellent speaker, Mr. Rahman from the Bangladesh Employers' Federation.
<b>Decent Work for Domestic Workers Corner</b>	<b>6</b>	Speaking as the Chair of the Committee on Domestic Work was Ma. Lourdes Transmonte from the government member Philippines.
<b>2010 Peoples' Global Action on Migration, Development and Human Rights (PGA)</b>	<b>8</b>	As in 2004 where a General Discussion on migrant workers was included in the agenda of the 92 <sup>nd</sup> Session of the ILC and the Multilateral Framework on Labour Migration was adopted, MFA's engagement in this year's ILC was also very significant. On 03 June, MFA was among the four NGOs given a chance to deliver its statement. MFA Chairperson, Ellene Sana of the Center for Migrant Advocacy (CMA), Philippines read the statement. Below is the excerpt from the statement.
<b>Migration Study Tour 2010</b>	<b>10</b>	
<b>Joint Migration and Development Initiative: Enhancing the Capacity of Migrants as Partners in Economic Development</b>	<b>14</b>	<i>"Cognizant of the fact that women constitute a large majority of migrant workers in Asia and predominantly engaged in domestic work, Sana stressed that MFA supports definitive, coherent and comprehensive ILO instrument on domestic work. While recognizing the existence of core UN instruments and fundamental ILO labour standards which could be used and were being used by domestic workers' groups and advocates in asserting their rights, an ILO Convention on domestic work would clearly establish minimum standards and rights for all domestic workers. It would help reduce the worst forms of child labour, the stigmatization and criminalization of migrant domestic workers (including undocumented workers), and racial and ethnic discrimination. Sana concluded her statement by asserting that domestic workers should be centrally and critically involved in the process of formulating the instrument so as not to reinforce their non-recognition and marginalization".</i>
<b>Migration in South Asia: A Workshop in the PSAARC</b>	<b>15</b>	On 10 June 2010, H.E. Archbishop Silvano M. Tomasi made an intervention on behalf of the Holy See, calling for a Convention on Domestic Work.  <b>Looking Back</b>  The issue of domestic work has long been a concern of the ILO dating back in 1948 when the ILC adopted a resolution concerning the conditions of employment of domestic workers. In 1965, the ILC adopted a new resolution concerning the

## ***Domestic Workers continued...***

conditions of domestic workers. This resolution drew the attention to the urgent need to provide domestic workers with basic elements of protection.

In 2004, the need for protection of migrant domestic workers was again endorsed by the ILC by adopting the conclusions of the general discussion on migrant workers. Two of the principles enumerated in the non-binding Multi-lateral Framework on Migration adopted by the Governing Body at its March 2006 session also made a specific reference to domestic workers.

Despite these developments and recognition, domestic work was never put in the agenda of the Conference. It was only in March 2008 at the 301<sup>st</sup> Session of the Governing Body that the issue was finally decided to be included in the 2010 99<sup>th</sup> Session of the ILC for a double discussion.

To prepare for its first discussion, the International Labour Organization (ILO) came up with a calendar highlighting the crucial dates and milestones for the discussion. Prior to this year's ILC, ILO released two reports on Decent Work for Domestic Workers. The first report referred to as the Law and Practice Report or the Decent Work for Domestic Workers Report IV (1) was released in April 2009 along with a questionnaire to which the ILO Member States responded.

The report presents the situation of domestic workers across the globe, the existing practices and analysis of national legislations on domestic work, and flexibility clauses in the international labour standards that exclude domestic workers that warrant an international instrument that addresses the special nature of domestic workers. On the other hand, the questionnaire presented the possible elements to be included in a Convention or in a Recommendation.

The second report referred to as the Yellow Report or the Decent Work for Domestic Workers IV (2) was released in February 2010. The Report reflects the views of ILO's tripartite constituents and the Proposed Conclusions that set the tone of the discussion. The Report enabled the MFA network to further strategize and identify targets of its advocacy – as allies and those that would pose a serious challenge to the campaign.

Following the release of the ILO calendar, the network engaged in strategic actions at the national, regional and international levels to gain support and influence the ILO constituents in supporting a Convention supplemented by a Recommendation and build the momentum for the 2010 ILC.

**ILO member states  
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supplemented by a  
Recommendation**

Prior to the ILC, regional events were held in Manila and Kathmandu to better prepare the network and other partners in their engagement at the ILC. Details of these events are available at the "Decent Work for Domestic Workers Corner".

### ***MFA as Observer at the ILC***

MFA brought a 25– person delegation to the ILC composed of members and partners in West Asian regions who are directly involved in the issue of domestic work. At the ILC, the delegation participated in the workers group meetings and general discussion of the Committee as observer. Five from its delegation and network were part of the workers group.

*(continued on page 4)*

## Domestic Workers continued...



*The MFA delegation to the 2010 ILC*

*(continued from page 3)*

In the Workers' group meeting, MFA was able to monitor the debate and see the arguments made by the workers. MFA also submitted to the Workers' group its proposals for amendments to the Proposed Conclusions<sup>5</sup> to ensure that critical areas like definition and scope and provisions for migrant domestic workers are secured. These amendments were deliberated in the workers' group meetings. At the end of each meeting, a consensus was reached which the workers group representatives presented during the Committee Sessions.

In the Committee sessions, the most critical part of the discussion on the form of the instrument, scope and definitions were taken up in heated debates and long hours of deliberations. It was noted that there were governments who came with a firm stance on their positions, some which spoke as a regional bloc, while others appeared indecisive and went for the majority vote. Some interesting dynamics were also seen among the governments with a few of them shifting their positions while others remained silent and passive.

Seeing the positions of the governments, MFA took the opportunity to lobby the Asian governments- supportive and non-supportive to see where CSOs and governments can work together in providing protection to domestic workers.

### Strategic Actions Outside the ILC

Simultaneous with the general discussion on domestic work, MFA also organized and participated in public events e.g. poster exhibit, concert and side events to highlight the issue and influence people.

The delegation participated in seven side events 3 of which were co-anchored by MFA. These side events included the following:

- The rights of Domestic Workers : Chances and Challenges for International and National Advocacy Work and Networking, 07 June
- Pre-Viewing the 2010 Global Forum on Migration and Development (GFMD), 08 June
- Social Protection as a Human Right: Social Security of Migrant Domestic Workers and their families

The poster exhibit on 09 June showcased around sixty posters from Asia, South America, Africa, USA and the Middle East. It was attended by domestic workers groups, migrants' organizations, trade unions and other civil society organizations involved in the domestic work campaign. UN Migrant Workers Committee Chair, Abdelhamid El Jamri,



*Side Event on Social Protection as a Human Right: Social Security of Migrant Domestic Workers and their families*

Professor Prugl of the Graduate Institute, and Sr. Jeanne Devos, National Domestic Workers Movement's Coordinator who pioneered the development of a movement in India, were also present to show their support to the domestic work campaign.

The public event on 10 June was filled with speeches and musical performances by domestic workers rights groups and supporters. Endless chants like "We are people, we are not machines", "We are workers, we are not slaves" also filled the air. Eminent persons like Abdelhamid El Jamri, Chair Person Migrant Workers Committee, Ambet Yuson, General Secretary, Building and Woodworkers International (BWI), Ida le Blanc, General Secretary of the Union of Employees Trinidad and Sam Gurney, Policy Officer of ILO Governing Body came to express their solidarity to domestic workers.

The ILC also provided opportunity for domestic groups across the globe to dialogue and exchange information and jointly discuss its strategies on how to drive the campaign forward.

*(continued on page 5)*



## Regional Consultation on Colombo Process *continued...*

*(continued from page 1)*

To date, the CP has 11 regular members, namely: Afghanistan, Bangladesh, China, India, Indonesia, Nepal, Pakistan, Philippines, Sri Lanka, Thailand and Vietnam. Despite civil society participation being institutionalized at the UN processes and other forums including ASEAN, CSOs have had very little involvement in the CP to date.

In the Bali Ministerial of 2005, the 3<sup>rd</sup> and the most recent time when government representatives met under the Colombo Process, civil societies were unsuccessful in directly participating. Three years later, in the midst of the Gulf Forum on Temporary Contractual Labour in Abu Dhabi in January 2008, Colombo Process Working Group (CPWG) emerged at a meeting of the Solidarity Center to initiate engagement with the CP. At this meeting it was decided to have as its primary objective interaction with the International Labor Organization (ILO), the United Nations (UN) and the governments of origin and destination countries with the aim of advancing workers' rights. It was envisaged that through this interaction CPWG will be able to institutionalize the advocacy, voice and impact of Asian Trade Unions (TU), Non Governmental Organizations (NGO), the media and academics in deliberations with the respective governments that send and receive migrant workers.

The Gulf Forum also saw the Colombo Process evolve from a second countries' forum to a dialogue platform with receiving countries as representatives from countries of destination joined in.

The news that the CP will have a meeting in Dhaka in October, 2010 after a 5 year hiatus, has presented an opportunity for CSOs to once again push for direct civil society involvement.

The CPWG members agreed to the following action points in the Manila Consultation:

- To inform other members of the CPWG of the results of the Manila Consultation
- To hold national consultations between July and the October meeting with the main objective of raising awareness between civil society stake holders and to ensure CP is opening its doors to CSOs. A secondary objective is for those who wish to take on a multi-step process: Once enough stakeholders know about the process, push the national governments to push certain positions in coordination with the position paper.



*Participants during the Open Forum*

- To hold a parallel meeting in Dhaka in the event direct participation in the official meeting cannot be guaranteed
- To submit a position paper to the CP detailing the disproportionate impact the economic downturn has had on migrants
- To hold a parallel meeting in Dhaka in the event direct participation in the official meeting cannot be guaranteed
- Engage the CP discourse into other forums such as the ASEAN Labour Ministers meeting and the ASEAN Peoples' Forum

The position paper has been drafted and now under study by members of the CPWG who are eager to engage the process.

**Fin**

## Domestic Workers *continued...*

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### **Moving Forward**

Given the results of the deliberations at the ILC, the network recognizes the need to maintain the momentum and further intensify its lobby work with both the governments and employers. More efforts will be done to influence the Asian governments to support a Convention supplemented by a Recommendation. Crucial in this process is the continued collaboration with the trade unions.

The network will also now look into the ratification aspect as this would be the next important part of the campaign after its adoption. Getting the governments to approve in principle a Convention supplemented by a Recommendation is only a first step. We need to ensure that they are open to the idea of ratifying the Convention. The road ahead is still long and there so much to be done.

**Fin**

## *Decent Work for Domestic Workers Corner*

Prior to the historic moment at the 99th Session of the International Labour Conference where ILO Member States agreed in principle to adopt a Convention supplemented by a Recommendation, MFA in collaboration with other networks organized regional events towards stakeholding in the ILC and to further strengthen its position.

### **South Asia Consultation**

On 15-16 April in Kathmandu, Nepal a consultation was held gathering around sixty participants from South Asia's Civil Society Organizations (CSOs), trade unions and domestic workers groups working for the protection of domestic workers and advocating for the adoption of an ILO Convention on Domestic Work.

The consultation consolidated the different processes happening across the region and further strengthened the broader campaign involving trade unions, peoples' movements and other organizations, for the protection of domestic workers and advocacy for the adoption of an ILO Convention on DW. It also strengthened the existing alliances and has become an important space for confidence building among CSOs and trade unions working on the issue of domestic work.

For many trade unions, organising domestic workers has been a huge challenge as the work place is inaccessible and multiple, marked by a high rate of attrition and instability. As a result, the demand for better wages or working conditions through an organized union has been weak and scattered. A strong and well organized work force, together with a public information campaign, has been pivotal in ensuring progressive policy and legislation while simultaneously enabling better enforcement of existing legislations.

The consultation provided participants with a better understanding of the situation of domestic workers in the South Asian region and how the issue is being tackled in view of the campaign for an ILO Convention on Domestic Work. In terms of policy interventions, accordingly, domestic workers are largely absent from state party intervention/policy. This is in part due to the fact that paid domestic work remains virtually invisible as a form of employment in many countries. Domestic work does not take place in a factory or an office, but in the home.

In the case of India, those engaged in personal service could not be considered 'workmen' for the purpose of the Trade Unions Act (192). Previous bills that were introduced but never enacted by the Indian government, which indicating government's resistance, were also shared to the participants.

Envisioning and recasting the labour regulation framework to be able to address the protection of domestic workers is crucial. To do this, there should be a recognition that home is a workplace, bringing it within the scope of labour laws.

Participants also shared their own initiatives and plans of action and the level of their preparedness in working on the issue of domestic work. It was revealed that some groups undertake the campaign independently while others do it in closer collaboration with other groups or bigger networks. The linkages happen in the union level and some in NGO level. Consensus building among TUs is yet to be established. Lobbying with employers and governments needs to be intensified.

In terms of joint advocacy, participants identified areas of convergence both nationally and regionally.

Possible engagement with regional and international platforms was also taken up. The processes mentioned include the following: SAARC, Colombo Process, Global Forum on Migration and Development (GFMD) and the World Social Forum on Migration (WSFM).

Participants also carefully examined the possible critical areas of debate in the ILC. They deliberated on some important issues in the Proposed Conclusions which need a careful review and scrutiny to ensure that a robust and clear Convention could be crafted for domestic workers.

At the end of the consultation, participants reflected that there are still lots of challenges in the region which still need to be walked through.

#### **Regional Training on Advocacy for ILO Convention and Recognition of Domestic Work and Trade Union Domestic Workers Regional Strategy Consultation on ILC 2010.**

On 2-5 May, MFA along with the Technical Working Group (TWG) for the Philippine Campaign for Decent Work on Domestic Work, Asian Migrant Domestic Workers Alliance (ADWA), Hong Kong Confederation of Trade Unions (HKCTU), Committee for Asian Women (CAW) and the International Labor Organization –Manila organized a 2-day training for domestic workers and advocates to enhance their capacity in building an Asian regional campaign and to strengthen the campaign for rights and recognition of domestic workers.

The training which was held in Manila, focused on enabling the participants to acquire skills on public speaking and how to utilize media in the campaign. Participants underwent several exercises to examine their knowledge and skills on public speaking and media. To substantiate the exercises and to help them articulate the campaign, information about the campaign and the ILO process was also shared to the



participants. The information was used by the participants in doing the simulation exercises.

Following the training was a strategy meeting among TUs, advocates and domestic workers themselves. The 2-day strategy consultation was aimed at strengthening the frontline role of domestic workers, CSOs and trade unions in moving the campaign and also to jointly prepare and strategize for the ILC 2010.

The strategy meeting also enabled the participants to discuss in detail the specific activities at the national level and the action plan for Geneva. They came up with a guide document on the Proposed Conclusions to enable themselves to understand the issues on the ground and as well as the spectrum of work around domestic work, and how it could possibly be reflected in an ideal Convention. The document was used as a guide for the amendments submitted by the MFA delegation to the Workers group during the ILC.

At the end of the Conference, a Statement was adopted providing participants with a common framework for action. *See MFA website for the statement.*

The Statement was handed over to Ma. Lourdes Transmonte of the Department of Labor and Employment (DOLE) who was also present to grace the occasion. A separate meeting with Ms. Transmonte followed after the consultation.

***Fin***

## 2010 Peoples' Global Action on Migration and Development (PGA)



México 2010

The 4<sup>th</sup> Global Forum on Migration and Development (GFMD) will be held in Puerto Valarta, Mexico in November 2010. In line with continuing the process of engaging the migration and development discourse MFA and Migrants Rights International (MRI) are working in cooperation with Red Internacional de Migración y Desarrollo (RIMD) and Instituto de Estudios y Divulgación sobre Migración (INEDIM) to organize the 2010 Peoples Global Action on Migration Development and Human Rights (PGA).

The PGA is an alternative space for civil society organization to dialogue and tackle issues not discussed by the official GFMD process. The PGA builds upon previous parallel events organized by MRI and MFA from the first GFMD in Brussels, the second meeting in Manila and the third meeting in Athens. The PGA seeks to foster more inclusive, transparent and autonomous forms of participation from key sectors of civil society. This year the PGA especially aims to enhance the participation of migrant and migrant support organizations, trade unions, development organizations, the academe and media.

### Objectives of the 2010 PGA

- To link the PGA and the GFMD with complementary processes and events on migration, development and human rights, in order for the GFMD to move forward and transition from an isolated annual event to a process in which diverse regional and global activities and conferences, related to development, human rights and migration converge to allow the creation and implementation of public policies, which foster a more balanced and productive dialogue between migrant origin and destination countries.
- To reform the model of GFMD participation, in order to ensure wider representation of civil society.
- To develop a thematic agenda that facilitates a greater balance between Northern and Southern perspectives on migration, development and human rights. This autonomous gathering is intended to provide civil society with the opportunity to introduce topics

representative of their own priorities, as well as to complement the government-established agenda.

- To incorporate a human rights perspective into the core of policy discussions.
- To anchor the Forum within the new triad of "migration-development-human rights," aimed at enhancing the quality of policy debates, that until now have been framed within the simple dyad of "migration-development."

In line with the preparation for the PGA 2010, an International Working Group (IWG) was established that will look at the overall political direction, program organizing, international outreach as well as shared logistical and technical organizing of the PGA 2010. IWG members include:

- African Working Group (AWG)
- Centro de Derechos del Migrante (CDM)
- European Working Group (EWG)
- Instituto de Estudios y Divulgación sobre Migración (INEDIM)
- Fédération internationale des droits de l'homme (FIDH)
- Global Union Federations (GUFs)
- Migrant Forum in Asia (MFA)
- Migrants Rights International (MRI)
- Migreurop
- National Alliance of Latin and Caribbean Communities (NALACC)
- National Network for Immigrant and Refugee Rights (NNIRR)
- Red Internacional Migración y Desarrollo (RIMD)
- Scalabrini International Migration Network

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process.**



## 2010 PGA continued...

The PGA has grown tremendously over the past few years since our first parallel event during the UN High Level Dialogue on Migration and Development (UNHLD-MD) in New York. This year in particular, the PGA gained recognition from the Mexican Government to be an official part of the entire GFMD process and events. This is an enormous endorsement of the process MFA and MRI have embarked on to engage a much broader section of civil society and raise human rights as a crucial element within such international deliberations.

The themes of the 2010 PGA include the following:

### **1. Demystifying the relation between migration and development**

The objective is to promote a more integral vision of migration and to place the causes for it in the center of the analysis; first, by documenting the contributions of migrants to the destination countries; by presenting an evaluation of the costs and benefits for the countries of origin; and, finally, by examining the negative effects on the development of restrictive migration policies, and focusing on security, with the ultimate goal to devise measures for improving these policies.

### **2. Development, migration and human rights**

The debate about migration and development cannot and should not be disassociated from the human rights agenda. While current tendencies towards market flexibility and the reduction of labor standards affect all workers, around the world, migrant workers face the biggest risk and are subject to the most vulnerable social and labor conditions. In that context, the PGA seeks to promote the effective protection of economic, social and cultural rights of migrants and their families, applying the reference tools of the UNDP's notion of "human development," and the ILO's agenda of "decent work for all."

### **3. Development, migration and the change of the systems of innovation**

The exponential growth of migration of highly qualified workers at the end of the 1990's called our attention to another intersection between development and migration. The developing countries of the South provide the developed countries of the North, with highly qualified human resources and scientific expertise, without receiving, even the most minimum of benefits, proportional to their contribution. Although this topic is not new, it gained relevance in the context of global competition for innovation. It is worth noting, that the existence of the emerging geography of systems of innovation was put in place to reinforce the

asymmetries of developing and developed nations. The knowledge developed by the PGA on this subject gives the GFMD the opportunity to discuss the subject matter and to explore avenues for cooperation, which is especially relevant for the developing countries.

### **4. Climate change, migration and development**

Migration is not a phenomenon isolated from climate change and environmental degradation. The current increase in the frequency and extent of extreme weather events, such as hurricanes, flood and drought, causes the relocation of millions of people. Some estimates indicate that by 2050, the number of environmental refugees will reach 200 million, thereby doubling the present migrant population. There is no doubt that there exists an urgent necessity to better understand the relationship between migration, climate change and environmental degradation. Just as urgent, is the ability to address the high level of vulnerability of these migrants as a result of the extreme poverty and lack of development.

### **5. Strengthening of migrants movements and networks**

Consolidating networks and movements of migrants on a national, regional and international level is important in order to promote a more coordinated and effective action for setting an agenda of public policies and the defense of human rights based on the experience of the migrants themselves; all in the hopes of creating a favorable environment to exchange experiences and proliferate strategies; and to create a broad community of advocates, involved at various levels, with common objectives. From the conviction that migrant movements and networks are a powerful voice for promoting development in an era of global crisis, and for turning governments towards progressive migration, human rights and development policies; the PGA calls upon organizations and migrants networks to explore experiences, foster ways of working together, establish the basis for a community of advocates to share strategies to achieve social and economic justice in the world.

The PGA will be held in Mexico City on 4-5 November prior to the official GFMD process in Puerto Vallarta, Mexico.

For more information you can visit the PGA website: <http://www.accionglobalmexico.org/>

**Fin**

## Migration Study Tour 2010

In the interest of achieving its common goal of protection and promotion of the rights of workers, and migrant workers in particular, Solidarity Center partnered with Migrant Forum in Asia in another project that sought to build and strengthen linkages between stakeholders of sending and receiving countries.

The Study Tour 2010 was also part of Solidarity Center's program in Qatar, in collaboration with the Qatari National Human Rights Committee. Specifically, it sought to gain a sending country perspective on migration to Qatar. The study tour visited 3 sending countries that deploy the highest number of migrant workers in Qatar: Sri Lanka, the Philippines and Nepal.

Qatar is a country of 1.8 million people where migrant workers comprise more than 80% of its total population. These migrant workers mostly work in construction, transport companies, factories and domestic work.

The delegation visited concerned government offices and had a discussion with civil society organizations, former migrant workers who worked in Qatar and other stakeholders for information exchange and explore possibilities of collaboration to better address the issues of migrant workers in Qatar. The Qatari delegation on the other hand, shared the work that they do in Qatar. The interaction resulted in the following:

- For the sending countries, better knowledge about Qatari laws and opportunities for collaboration
- From the Qatari delegation, understanding of the context of migration in each country
- Informal agreements to work together in the near future
- Positive exchanges to formalize collaboration and forming an active partnership
- Follow-up of the cases of migrant workers in Qatar who are facing legal cases and migrant workers in distress

The delegation was composed of the following:

- Mr. Fahad Ahmed Al Mohammdi, Director of the Legal Department and Head of the Labor Rights Unit of Qatar National Human Rights Committee (NHRC)
- Mr. Boyko Atanasov, Solidarity Center/Qatar Country Program Director
- Ms. Charito Riley, Solidarity Center/Washington, D.C. Senior Program Officer, Asia-Europe Office
- Mr. Florante M. Cabrito, Filipino Community Association

- Mr. Sagar Nepal  
Non-Resident Nepalese Association (NRNA)

### The Organizations Involved

#### A. National Human Rights Committee (NHRC)

NHRC was established in 2002 by the Law of Emir of Qatar. The main purpose is to protect and promote the human rights of all people in Qatar including migrant workers. It has a Memorandum of Agreement (MOU) with Solidarity Center in 2008 to exchange information, experiences and learn from each other.

The legal department of the NHRC receive 70% of its cases from migrant workers. These migrant workers do not know their rights and responsibilities.

Migrant workers are included in the national labour law of Qatar. However, they have no particular law on domestic workers. Undocumented migrant workers are also a problem as most of the cases that they handle are legally employed in Qatar.

Mr. Al Mohammdi shared about Qatari laws and the specific procedures that migrant workers should undertake if they will be filing a case. Some developments in Qatar were also shared to inform CSOs, migrant workers and the governments about these and how migrant workers could be better protected. These developments include:

- NHRC produced a Workers Rights Book, a handbook that provides helpful information about Qatar, their rights and responsibilities; how one can respect the law, where to complain, entry-exit migration in Qatar etc. the handbook is available in different languages. NHRC is also coming up with a 6-page summarized version of this handbook for easier and quick reference. This is very helpful as most migrants do not know where to complain
- In 2009, Qatar's national labour law was amended particularly Article 12 where a migrant worker is already allowed to change employer while she/he has a pending case. Change of employer does not need a permit from the employer. NHRC was able to assist migrant workers to change employers without seeking the permission of there employers.
- A new law will be released authorizing NHRC to do inspections in worksite and labour camps.
- Specific to Nepal, a Qatari consulate will be established soon in Nepal. Given this, he encouraged the government to have a dialogue with the consular office

to discuss about the possibility of adopting a legally binding contract

- Trainings are conducted in school to sensitize children of employers about proper treatment with migrant workers

### **Solidarity Center, Qatar office**

Mr. Boyko shared about Solidarity Center's work in Qatar that is to make bridges between and among community groups, organizations and the national human rights institutions; of sending countries with the NHRC.

He encouraged closer collaboration with trade unions and intensified campaign at the national level to inform potential migrant workers of the risk of illegal recruitment. To avoid further complications in Qatar, he reiterated that migrant workers should only resort to illegal channel.

### **Filipino Community Association (FILCOA)**

FILCOA is a Filipino community organization that provides seminars and advocacy programs concerning migrant workers that are focused on basic privileges and concerns. Information are disseminated through advertisement in public places. They also organize community activities as a way of gathering the Filipino community in Qatar. FILCOA works closely with NHRC with regard to distressed migrants.

Mr. Florante Cabrito joined the delegation to the Philippines. Sharing his experience of working with OFWs, Mr. Cabrito sees the middleman (agent) as the source of the problem. An agreement between sending and receiving country will lead to more productive work by migrants

### **Non-Resident Nepali Association (NRNA)**

NRNA is an association of Nepalese who are based abroad. These includes both migrant workers and immigrants. The Association was established to do something for its country. The Association is governed by its principle "by Nepali for Nepali"

Representing NRNA was Mr. Sagar Nepal. NRNA assists Nepalese in distress and has also been working closely with NHRC.

Mr. Nepal joined the delegation to Nepal. During the interaction with the Nepali groups and government representatives, he urged his own government to be more serious in responding to the problems of its people in Qatar. He also suggested creating a mechanism where CSOs and the government would be able to monitor the deployment and condition of Nepalese working in Qatar.

## **Highlights of the Country Visits**

### **Sri Lanka**

The first leg of the study tour was in Sri Lanka. Sri Lanka is one of the countries in South Asia that deploy migrant workers to Qatar, mostly male. In 2009, only 4,000 women of the 15,000 who migrated to Qatar and mostly domestic workers. Sri Lanka has 2 bilateral agreements with Qatar, one which was signed in 2008 and is not yet implemented because of the crisis. It will be implemented this year (2010).

The program was organized on 21-22 June in collaboration with ACTFORM, a network of NGOs based in Sri Lanka.

The first day was devoted to exchanges with CSOs and migrant workers while the second day was devoted to meeting up with SL government officials and the Roundtable discussion. The issues that emerged during these meetings were: Collection of exorbitant fees, contract substitution, suicidal cases of migrant workers due to indebtedness in Sri Lanka, absconding and overwork and underpayment.

The discussions reflected that recruitment agencies contribute so much to the sufferings of migrant workers, hence, NHRC strongly suggested that the government should impose stricter policies for violators and blacklisting should be intensified.

### **Philippines**

The Manila program was carried out on 24-25 June in collaboration with the Center for Migrant Advocacy (CMA) Philippines. The program consisted of meetings with government officials on the first day and roundtable discussions with migrant NGOs and other stakeholders on the second day. The RTD was organized to be able to identify issues and concerns of OFWs as well as the gaps and gains in policy and to provide practical suggestions and recommendations to the NHRC.

Qatar ranks third among the top 10 countries of deployment of overseas Filipino workers (OFWs) in 2008, next to Saudi Arabia and the UAE. The total of 84,342 OFWs deployed on the same year, accounted for 8.7% share in the total deployment figure. In December 2007, the government estimated that a total of 195,558 Filipinos are working and living in Qatar. Some 6,000 Filipinos are in irregular or undocumented status. OFWs are categorised as professionals (28%), semi-skilled or skilled.

*(continued on page 12)*

## Migration Study Tour 2010 *continued...*



*The Qatari delegation meets with the Commission on Human Rights*

*(continued from page 11)*

Domestic workers had a share of 18.6%. About 45% of OFWs in Qatar are women, concentrated mostly in domestic work and semi-skilled work.

Through the years, the number of OFWs in Qatar has steadily increased with an average growth rate of 49.9%. The UN projected that in 2010, Qatar will overtake UAE in terms of the proportion of migrant workers to its labor force.

During the dialogue with governments, Issues on pre-departure, redress mechanisms on-site and during reintegration were discussed. Providing inputs from the government sides were representatives from the Philippine Overseas Employment Administration (POEA) and Overseas Employment Welfare Administration (OWWA). Developments were also shared like the comprehensive amendment to RA 8042 or the Migrant Workers Act.

In terms of filing complaints, POEA could not forcefully summon employers because they are out of the jurisdiction of the POEA.

Meanwhile, OWWA repatriates workers if cases are filed; as of January 2010, 843 cases were filed in the Doha office. Workers are sent back to the Philippines where post-employment agencies take over if a dispute cannot be settled

At the RTD, former migrant workers shared their stories of underpayment, no rest day, deportation without notice, contract substitution, no jobs upon arrival, overworked with insufficient wages.



*Mr. Al Mohammedi of Qatar National Human Rights Committee shows the 6-page summary version of the handbook*

During the open forum, participants aired their sentiments on the lack of capacity of the Philippine embassy in addressing the concerns of OFWs. Suggestions on how to improve PDOS were also discussed.

Informal agreements for further collaboration between the Qatari delegation and the Philippine groups were established.

### **Nepal**

The Nepal program was carried out on 27-28 June in collaboration with the General Federation of Nepalese Trade Unions in Nepal. The program consisted of meetings with returnee migrants and NGOs on the first day and dialogue with government on the second day.

Nepal's major export is labor, and most rural households now depend on at least one member's earnings from employment away from home and often from abroad. Increasingly, during the latter part of the 1990s, Nepalis began to migrate to the Gulf countries for work, particularly to Saudi Arabia, the United Arab Emirates (UAE), Kuwait, and Qatar. An analysis of Nepali migrant workers in 2002- by the Nepal Institute for Development Studies for UNIFEM, the women's fund at the United Nations — revealed that two-thirds of Nepalis working overseas were employed in the Gulf, mainly in Saudi Arabia (42 percent), Qatar (11.5 percent), and the UAE (nine percent). The total was estimated at 465,000 — 10 times more than in 1997. ". (Taken from <http://www.migrationinformation.org/Feature/display.cfm?id=277>)



## Migration Study Tour 2010 *continued...*

According to Mr. Al Mohammdi, Nepalese is the second highest migrants community in Qatar. Migrant workers are concentrated in construction, transport, etc. ; domestic workers have a very small number. He also noted that the Nepalese are very polite ; most of the problems are from the agents for illegally trading migrant workers.

The issues of Nepali migrant workers in Qatar are no different with Sri Lankans and Filipinos. Problems include abusive recruitment agencies and backdoor recruitment (using India's airport, the use of individual visa and other pre-departure problems contribute much to these problems. Cases of under the table negotiations are rampant. Contract substitution is also very prevalent where Nepalese are forced to take on jobs which were not in the contracts they have signed. On-site, problems include poor living conditions, lack of rest day, underpayment and lack of mobility/freedom of movement. Travel documents are confiscated by employers and communication to family members and relatives are curtailed.



*Roundtable Discussion with CSOs, trade unions and former migrant workers in Qatar*

In response to this, the government representatives from the Foreign Employment Promotion Board, Ministry of Labour and Transport Management and the Department of Foreign Affairs spoke about the efforts of their government in improving the protection of their migrant workers. To prevent the problems faced by migrant workers, Nepal's focus now is on the deployment of skilled workers. Some institutional changes are underway ie. Improvement of nepali embassy and safe houses, staff development and, information center for potential migrant workers. The government is currently finalizing its national migration policy.

**In 2009, Qatar's national labour law was amended particularly Article 12 where a migrant worker is already allowed to change employer while she/he has a pending case.**

During the open forum, cases of migrant workers who made their testimonies and other active cases which are brought to the attention of migrants' NGOs were discussed. Possible interventions were also examined. The issue of undocumented migrant workers was also discussed which Mr. Al MOhammid admitted to be a difficult case to handle because Qatar is a nation of law.



*Dialogue with government representatives*

At the end of the 2-day program, cooperation between the two groups was sought. Continuing collaboration between the Nepali groups and Qatari delegation was emphasized. The NHRC committed to look into the cases of Nepalese who are facing trials in Qatar and other cases that were shared during the interaction.

**Fin**

## Joint Migration and Development Initiative: Enhancing the Capacity of Migrants as Partners in Economic Development

On 25-30 April 2010, MFA together with its Philippine member, Unlad Kabayan Migrant Services, organized a field visit among migrant organizations from Sri Lanka, Bangladesh and Indonesia as part of the project: ***“Enhancing the Capacity of Migrants as Partners in Economic Development”*** under the Joint Migration and Development Initiative (JMDI) of the European Commission (EC) and the United Nations Development Program (UNDP).

The field visit was organized in line with the program objectives of sharing good practices on reintegration policies and programs of the Philippine government and civil society organizations. Participants met with government agencies involved on migration as well non-government organizations involved in reintegration. Participants were also given a chance to visit migrant enterprises in Mindanao supported by Unlad Kabayan.

The specific objectives of the field visit include the following:

- Document good practices in relation to the reintegration programmes and policies of the Philippine government as well as other migration practices in the Philippines for possible replication in Sri Lanka, Bangladesh and Indonesia
- To document reintegration programmes and initiatives of MSAI partners in the Philippines in particular migrant enterprises owned by Filipino migrant workers
- To facilitate learning and exchange of information concerning reintegration and MSAI programmes of partner organizations.

Participants to the field visit included the following organizations:

- Center for Indonesian Migrant Workers
- Action Network for Migrant Workers – Sri Lanka
- Association for Community Development – Bangladesh

Two representatives from the Indonesian Ministry of Manpower also joined the program.

The first part of the field visit involved visits to government agencies involved in Migration. The first agency visited by the delegates was the Philippine National Reintegration Center for Overseas Filipino Workers (NRCO) run by the Department of Labor and Employment (DOLE). The delegates were introduced to the skills training programs as well as livelihood programs offered by the NRCO. The NRCO works in cooperation with various government agencies such as the Technical Education and Skills Development Authority, Department of Trade and Industry, Overseas Workers Welfare Administration and Department of Foreign affairs in implementing its programs. The delegates were also able to visit the POEA as well as OWWA to discuss the programs and services they offer.

The second part of the field visit provided the delegates with opportunity to visit migrant led enterprises in Mindanao. The enterprises are assisted by Unlad Kabayan and the delegates were able to visit the enterprises in 3 areas: Matin-ao, Surigao del Norte; Linamon, Lanao del Norte; and Malaybalay City, Bukidnon. The following are brief profiles of migrant enterprises visited by the delegates:

**Matin-ao Rice Center** – owned by Filipino migrant workers from Taiwan and Korea, the enterprise is currently managed by Elsa Belarmino, a returnee migrant from Taiwan. The rice center has five enterprises: rice milling, palay (rice grains) trading, farm credit, agrivet supplies store and farm machinery rental services.

**Linamon SEEDS Center** – A training center run by Unlad Kabayan which aims to provide skills and technology training to families of migrants as well as returnee migrants. Among the trainings they provide include: entrepreneurship training, basic accounting and virgin coconut oil processing. The center as well helps beneficiaries source out capital for the business / enterprise



*The MSAI Delegation*



*Chicken Farm in Malaybalay, Bukidnon*

## Migration in South Asia: A Workshop in the PSAARC

Centre for Education and Communication (CEC) along with Migrant Forum in Asia (MFA) organized a panel discussion on Migration in South Asia as part of the Peoples' SAARC event in New Delhi on April 20, 2010.

For most South Asian Countries, remittances are a key source of foreign exchange. In Sri Lanka, remittances amount to 7.5 % of the GDP and is the second largest foreign exchange earner. For Nepal, remittances are 22 % of the GDP. Bangladesh is the eighth largest remittance receiving country in 2008 with a total of USD 9 billion. In Pakistan, remittances in 2005 amounted to 3.9 % of GDP. India was the world's largest receiver of remittances with a total of USD 52 billion in 2008. Most of these remittances are made, not by highly-skilled NRIs in the West, but by unskilled and semi-skilled migrants who comprise the bulk of the labour migrating out of the South Asian Countries. This makes it extremely crucial to understand the framework within which migration is being viewed internationally. Migration has to be looked at not only from the angle of remittances but from a rights-based framework inclusive of the rights to health, education and social security.

The event critically looked into four main themes:

- Migration Policy in South Asian countries
- ILO Convention on Domestic work,
- Portability of social security benefits
- Visa Free South Asia

The panel consisted of academics, activists and trade union leaders from South Asian countries who discussed issues and strategies related to migration within South Asia as well as migration of South Asian to other parts of the world. Around forty participants from various South Asian countries attended the panel discussion.

In conjunction with the Assembly Towards Union of South Asian Peoples, a consensus statement was released on 21 April which was signed by twenty-three organizations. The statement called for the following:

- For the South Asian countries to unanimously resolve towards the realization of a visa free South Asia which would allow free movement of people
- Comprehensive bi-lateral labour agreements between South Asian countries leading to a comprehensive SAARC framework agreement on mobility and rights of migrants.
- Evolve policies and programmes for productive use of migrants' remittances,
- Forge comprehensive labour agreements that will ensure the rights of migrants and improve consular services.

- Support the proposed ILO Convention on domestic work when it comes up for discussion at ILC 2010.
- Enact laws protecting the rights of domestic workers.
- Allow portability of social security within SAARC countries.
- Protect workers from the informal sector and entertainment.
- Scrap policies that criminalize migrants and come up with policies to regularize them
- Female migrants to be considered legitimate, autonomous economic actors with full rights, and must not be paternalistic and protective, which leads to trafficking and illegality of women's migration.
- Protection of victims of trafficking
- Stricter measures for violators of the rights of women migrants.
- Constitute SAARC Women's Commission to defend the rights of women migrants.
- Trans-border unionisation of migrant workers in SAARC countries respecting international and national labour rights.

**Fin**

### Joint Migration *continued...*

Coconut Husk Processing Plant – the processing plant is located in Culabugan, Lanao del Norte and among the possible investment opportunities for migrant workers in the region. The processing plant is supported by the local government and currently managed by former rebels (members of the Moro Islamic Liberation Front-MILF) through the assistance of Unlad kabayan.

FAMDEV Farms – the Filipino Association for Mutual Development (FAMDev) Integrated Agri-business Farm is an enterprise initiated by a group of migrant workers from Hong Kong.

After the enterprise visit an evaluation was conducted among the delegates and most of them said that the field visit was very much useful. All of the delegates said that they will share with their organizations the results of the field visit and will see how they can replicate the programs in their own countries. The representatives from the Indonesia Ministry of Manpower said that they will urge their government to look into a comprehensive reintegration program for returnee Indonesia migrants. Currently there is no government led reintegration program in Indonesia.

A follow-up meeting will be conducted between the delegates, MFA and Unlad Kabayan in August 2010 as delegates will be coming to Manila for an MFA capacity building program on Rapid Response Mechanisms.

**Fin**

# MIGRANT FORUM IN ASIA MEMBERS



## SOUTH ASIA

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

## SOUTHEAST ASIA

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

## EAST ASIA

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

## MFA SECRETARIAT

85-C Masikap Extension, Central District  
Diliman, Quezon City 1100 Philippines

Tel: (63-2) 928-2740  
Fax: (63-2) 433-3508  
E-mail: [mfa@pacific.net.hk](mailto:mfa@pacific.net.hk)  
Web: [www.mfasia.org](http://www.mfasia.org)