

# MIGRANT FORUM IN ASIA NEWSLETTER



A QUARTERLY PUBLICATION FOR ADVANCING MIGRANTS STRUGGLE FOR RIGHTS AND JUSTICE

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## 2011 Global Forum on Migration and Development: Governments urged to step up actions on protection of rights of all migrant workers and members of their families

The 2011 GFMD Civil Society Days might at first glance seem like an ordinary international conference on migration and development, held every year since its beginning in 2007. But the 2011 GFMD CSD is a different kind this time. A much more diverse group of civil society

showed that the approach taken this year was more oriented towards outcomes.

What was also different this year was the organizing committee of the CSD. A migrant-oriented NGO, International Catholic Migration Commission (ICMC) was selected by the Swiss Chair of the GFMD to facilitate the activities within and leading up to the yearend process. 200 civil society leaders worldwide were consulted by ICMC for the CSD program. The 2011 activities were organized with one-third of the budget of 2010. This capacity of civil society at the 5th GFMD cannot be underestimated.



CSD statement delivered by CSD Chair William Gois (MFA/MRI) at the Common Space with GFMD delegates on 1 December 2011, Geneva, Switzerland. Photo courtesy of December 18.

organizations and trade unions invested, engaged and organized for the 5th GFMD Civil Society Days in Geneva, Switzerland on 29 – 30 November 2011.

Participation included 186 civil society delegates, 73 migrants of 61 different nationalities, and 18 media representatives. From the 186 delegates, 50 were speakers or panelists in the CSD program, including Migrant Forum in Asia (MFA) and its umbrella network Migrants Rights International. This selection process

The Civil Society Days have been organized as parallel to the government meetings of the GFMD. The country hosting the GFMD designates a foundation or an institution who would be responsible for the overall coordination of the CSD. Governments recognize civil society inputs and dialogues between governments and civil society on migration and development as crucial to policy making and implementation.

It is also noteworthy that much more emphasis was given to migrants and families themselves, as the 2011 CSD theme suggested, "Taking Action on Labor Migration, Development and the Protection of Migrant Workers and their Families." Themes from previous discussions related to economic matters on migration and development.

The GFMD CSD formally opened on 29 November 2011, with Mr. William Gois, Chair of this year's GFMD CSD, expressing the hope that the 2011 process would have a different sort of impact.

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On the evening of 29 November, history was made when for the first time a joint space made GFMD and Peoples' Global Action (PGA) to come together. The Cultural Evening was a spectacle of cultural diversity and solidarity for human rights.

On 30 November, a session on "The Road towards 2013 and the Future of the Forum" was held where CSD delegates engaged in an interesting discussion with Peter Sutherland, Special Representative on Migration to the UN Secretary General. Through videolink, Mr. Sutherland shared his thoughts on bringing the GFMD to the UN. He stressed that while there are significant links between the GFMD and the UN, the latter's involvement in the process may not be realistic at the moment. But as Special Representative on Migration, Mr. Sutherland prioritizes the policy area of migration. With regard to the UN High Level Dialogue on 2013, he noted that "part of the program is likely to be a continuation of the forum.

Domestic Workers and ILO Multilateral Framework for Labor Migration.

Civil society reiterated points made from previous GFMDs that circular and temporary migration should not replace permanent employment and should include pathways to permanent residence status and citizenship.

Civil society called on governments to ensure that the right to family unity and reunification and the wellbeing of the family are the cornerstones of migration policies. Also, the criminalization of migrants with irregular status must come to a stop. "Lack of status does not strip migrant of rights, or a state's basic obligations...Evidence is overwhelming that irregular migration is fuelled by an absence of regular channels for labor migration and family reunification."

In-depth discussions on the development aspect of



From left to right: William Gois delivers the CSD statement at the Common Space, 1 December; Peter Sutherland videolinks with CSD at the Future of the Forum, 30 November; Mayor of Geneva welcomes participants at the joint session of GFMD CSD and PGA, - cultural evening, 29 November; Artist performs a Rajasthani dance at the cultural evening, 29 November. Photos courtesy of ICMC, MRI and Stefan Rother.

But at this stage it is an open agenda, so there are a lot of things we can do."

On 1 December, CSD delegates joined the opening of the 5th GFMD through the Common Space. The Common Space was well attended by 160 governments, civil society participants, international organizations and special guests. At the Common Space, the 2011 Civil Society Days statement was presented by the GFMD CSD Chair, William Gois. This statement critically summarized the two days of working sessions at the CSD which built upon the recommendations from prior GFMDs and brought to light new challenges and concerns.

The statement carried a strong message to governments to do more in adhering to and effectively developing and implementing policies that center on rights of migrants and their families. "Global governance...must have an undisputable basis in normative frameworks." These are international human rights treaties particularly the Migrant Workers Convention, and other normative frameworks such as the ILO Convention 189 on Decent Work for

migration and development are welcomed by civil society. Again, rights should always be central in the discussion, and a rights-based approach to development that addresses economic and social rights including decent work and essential public services is fundamental.

Civil society furthermore urged States to take stock and institutionalize their relationships to their migrants and broader diasporas to ensure the latter's contribution to national development programs of the source countries. Besides remittances, contributions also take the form of knowledge and skills sharing.

Finally, civil society noted that the Global Forum, including the Civil Society Days, is a *process* not an event. "Delegates affirmed the increasing role that civil society has played in partnering with governments to date and seek increased opportunity for dialogue through ongoing mechanisms to integrate both deliberations." Civil society will continue to engage with governments in the coming year, at the 2012 GFMD in which the Mauritius Government is host, and leading up to the 2013 UN High Level Dialogue. **END**

## 6th Peoples' Global Action resonate the call for regularization of undocumented migrants

*With reports from Colin Rajah, Migrants Rights International (MRI)*

The 2011 People's Global Action on Migration, Development and Human Rights (PGA) took the halls and streets of Geneva, Switzerland and filled the city with thought-provoking and action-oriented discussions which underlined the need for governments to take the voices of migrant workers and those who advocate for and with them more seriously, and decisively and effectively implement protection mechanisms for migrant workers and members of their families.

The four day civil society process from 29 November-2 December 2011 was in its 6th edition. PGA is held yearly as a parallel process to the government-led Global Forum

Migrant Platform (TMP), and the European Working Group (EWG). Local Geneva organizations and networks assisting with the organizing of the 2011 PGA included: Le Collectif de soutien aux sans-papiers de Genève; Geneva Forum for Filipino Concerns (GFPC); African Peace Network and The Graduate Institute of International and Development Studies.

Plenary and concurrent workshops participated in by close to 200 civil society and trade union representatives and migrant workers and family members packed the halls of Maison des Associations in Geneva. 2011 PGA put a spotlight on undocumented migrants, guided by the theme "Undocumented Migrants: A Call for Regularization." The process highlighted the ongoing struggle against racism and xenophobia in Europe and



Participants listen to the speakers at the opening plenary; San Mon from the Migrant Workers Federation of Thailand describes the country's regularization policy. Photos courtesy of MRI.

on Migration and Development (GFMD). In 2010, the PGA was officially recognized by Mexico, host to the 2010 GFMD, as part of the government forum.

In collaboration with the GFMD's Civil Society Days (CSD), the PGA brings together migrant associations, migrant rights organizations, trade unions, faith groups, academia and others from around the world to share information, dialogue, strengthen analyses and develop joint positions on current and emerging issues related to migration.

The PGA is jointly organized by a broad coalition of local and international migrant associations, trade unions, human rights organizations, faith-based/religious groups, and other NGOs and networks. For this year, the PGA's international organizers included: Migrants Rights International (MRI), including Migrant Forum in Asia (MFA), the National Network for Immigrant and Refugee Rights (NNIRR), Platform for International Cooperation on Undocumented Migrants (PICUM), Comitato Antirazzista Durban Italia (CADi); Members of the Global Coalition on Migration (GCM); The International Trade Union Confederation (ITUC), Building and Woodworkers International (BWI), and their affiliates; Transnational

around the world against migrants, and called for equal rights and protections of all migrants, regardless of status. Particular attention was paid to ongoing campaigns for regularization around Europe, as well as around the world, and the advocacy following the Day of General Discussion (DGD) on Undocumented Migrants held by the Committee on Migrant Workers last 19 September 2011.

Day 1 of the PGA began with a plenary on the current state of migrants rights and conditions in Africa, the Americas, Asia, Middle East and Europe. The PGA this year was quite exceptional because for the first time, joint civil society sessions paved the way for PGA and GFMD delegates to come together. This began in a fun-filled evening on 29 November, which celebrated peoples' cultures, diversity and unity. Johan Ketelers (ICMC), Colin Rajah, and Pierre Maudet (mayor of Geneva) formally opened the evening and welcomed the participants. Participants then enjoyed a delicious dinner prepared by local Pakistani and Lebanese communities. Cultural and artful performances by local migrant communities followed suit. Filipino and Indian dances, storytelling and street theater performances made the night remarkable.



Day 2 of the PGA was even more remarkable not only because concurrent discussions were held on transit migration and border areas in different regions, but also another GFMD-PGA space brought together PGA and government delegates. On 30 November, PGA participants joined the CSD closing plenary session on the "Future of the Forum." The plenary was opened by a video-linked session with Peter Sutherland, Special Representative on Migration to the UN Secretary General. Mr. Sutherland is dedicated to continuing the GFMD process to bring governments together and deliberate around migration (although admitting that the "development" piece wasn't quite there yet.) While he agreed that there are links between the GFMD and the UN, he conceded that it was necessary for it to remain distinct for governments to continue the dialogue.

undocumented migrants and the opportunities to advocate for changes.

The final day of the PGA witnessed a mass gathering of civil society delegates at Place des Nations. On 2 December, 100 activists from around the world gathered in front of the UN building and called on governments meeting inside to recognize and respect the rights of all migrants regardless of status in the GFMD deliberations.

The 2011 PGA closed with a series of interesting sessions. Brief reports were presented, synthesizing the 10 concurrent workshops from the entire day. Following that were reports from the government forum from civil society and government representatives. Among the news was the announcement of the next hosts of the



MFA delegation rally at Places de Nations; Pan-African Network for the Defense of Migrants Rights shows unity in preparation for the 2012 GFMD hosted by Mauritius; PGA participants in solidarity at the public rally at Places de Nations. Photos courtesy of Migrants Rights International.

The third day of the PGA continued with a morning session on sharing of experiences and strategies to promote the rights of undocumented migrants. While the PGA discussions were happening, some PGA delegates were present at the Common Space on opening day of the GFMD Concluding Debate. William Gois of MFA/MRI, the chair of the Civil Society Days, delivered the CS statement (see related article on page 1). The afternoon and evening sessions paved more intense discussions, including: critical overview of Swiss policies on migration, particularly its mistreatment of the undocumented, recent regularization campaign of the government in Thailand and how such measure can have severe limitations as indirectly exposed by the flooding in country which affected (Burmese) migrant worker communities; MRI's campaign to push the UN Migrant Worker Committee for a Day of General Discussion (DGD) on Undocumented Migrants and the upcoming opportunity to draft a General Comment on the same issue, as the movement gets closer to the UN High Level Dialogue in 2013; climate change and migration; temporary/circular migration; and know-your-rights campaigns. The newly-appointed Special Rapporteur on Migrants, Francois Crepeau, joined the evening discussion of the PGA and described his mandate and how he views the issue of

GFMD: Mauritius in 2012, Sweden in 2014 (tentative) and Turkey in 2015.

Representatives from the Pan-African Network for the Defense of Migrants Rights stressed that the 2012 GFMD being hosted in an African country Mauritius gives an opportunity for African civil society to stand up and take leadership, and call attention to the problems facing Africans around migration and development. The Pan-African networks concluded with an invitation to all present to join them for Mauritius 2012. The invitation signaled the beginning of the 2012 PGA process.

The 2011 PGA officially closed with statements from Jin-Sook Lee from the Council of Global Unions (CGU) and William Gois from MFA/MRI. Ms. Lee focused the need to target the UNHLD in 2013 as a key benchmark for civil society and unions to join advocacy together. Mr. Gois emphasized how important the PGA process was for the gains and achievements that the movement have been able to realize, and how important it was to now "take it to the next level."

The 2011 PGA ended with a Galician music performance by IHEID student Christine Medina, rousing delegates to a dance of solidarity. Everyone felt a sense of

achievement after four days of deliberations. Although bigger challenges await the migrants rights movement in the succeeding years, the coming together of different stakeholders in migration, development and human rights give promise that their common vision of social justice for migrant workers and members of their families are not farfetched. **END**

## Dialogues on climate justice & migrants' rights: Drawing up an agenda

Migrant Forum in Asia (MFA), supported by Bread for the World, held two recent consultations on the topic of Climate Justice and Migrants' Rights. These consultations, which took place in October in Manila and in November in Geneva, set the groundwork for the creation of an initial MFA position and action plan on climate change and migration.

The consultation in Manila in October 2011 was organized in conjunction with MFA's annual General Forum, which brought together all of MFA's member organizations from across Asia (article on page 12). Participants in the consultation were provided with a series of documents outlining the various positions on climate change and migration, and lead to discussions on how (and whether or not) the various positions related to their work at the grassroots level, and in what ways the issue of climate change resonates with the communities they serve. Connections between globalization/economic inequality and the impacts of climate change felt by migrant communities were drawn out through these discussions. It was decided at this consultation that, as a network, further discussions on the links between climate change, development, and migration should be framed within a Climate Justice analysis. This marked a significant step for MFA as a network, as it was the first formal articulation of the need to link with broader environmentally focused movements.

The dialogue in Geneva in November 2011 took the form of a workshop organized by MFA in partnership with the National Network for Immigrant and Refugee Rights (NNIRR) as part of the People's Global Action on Migration, Development, and Human Rights (PGA), a parallel civil society process to the Global Forum on Migration and Development (GFMD). This workshop followed on from the 2010 PGA workshop, entitled Environmental Degradation, Climate Change, Migration, and Development. This previous discussion was aimed at problematizing the relationship between climate change and its impact on human mobility, with a view to strengthening civil society's understanding of climate change from a rights-based perspective. For MFA, the

aim of the 2011 workshop was to further solidify the discussions held in Manila in October, and to link up with other migrants' rights activists to strategize and strengthen an action plan for advocacy from a climate justice perspective. The workshop and subsequent side discussions with MFA members explored the possibility of developing a climate justice movement among migrant communities and migrant rights advocates on the road to Rio+20 in 2012.

The November workshop was timely, as it occurred almost simultaneously with the COP17 meeting in Durban. Consistent updates from partner networks were shared with the PGA participants to facilitate up-to-date discussions of the pertinent issues, and to track the progress of the Durban conference during and after the PGA. The ultimate outcome of the Durban conference, the launching of a new round of negotiations (dubbed the Durban Platform) will aim to establish a new regime under the UN Framework Convention on Climate Change (UNFCCC), involving all countries – developed and developing. The general outcomes, however, are seen as weak, as only European countries have committed themselves to cutting greenhouse gas emissions, and these commitments are too low to make a large enough impact on global temperatures, according to most scientific projections. Also, according to reports from Durban during and after the meeting, negotiators of many developing countries expressed deep concern about the procedures for adopting decisions. The conference had been extended for almost two days, and ministers and officials of many countries had already left when decisions were being taken.

The dialogues during MFA's consultations, combined with the outcomes of Durban, spurred on considerable interest among the network's members to pursue linkages with the Climate Justice movement. It is clear that in the coming months and years, much advocacy work will need to be done in this area. **END**

## Philippines to host 2012 World Social Forum on Migrations



International Committee members and representatives from the Philippine working group of the WSFM meet for the first time in Geneva, Switzerland, 2 December 2011.

2012 is going to be a momentous year for Asia and for the migrants rights movement across the globe, not only because of the milestones reached in 2011 will be followed through with more vigorous advocacy, but also because the 5th World Social Forum on Migrations (WSFM) will be hosted in the Philippines on 26-30 November 2012. It is the first time for Asia to host the WSFM. The discussions and deliberations around the WSFM will be more political especially with more organizations from Asia mobilizing to participate in this global civil society process. More than 3000 participants from across the globe—Latin America, North America, Africa, Europe, Asia and the Pacific, are expected to be in attendance. MFA and its Philippine members are among the key organizers for the 5th WSFM. An enormous undertaking for the network but massive support is given by regional organizations in Asia and the local and global trade unions.

The WSFM is a thematic social forum of the broader structure of the World Social Forum (WSF). The WSF is, itself, a space created as an antithesis to the growing power of neoliberalism. As such, the WSF became a place for social movements to get involved in agreeing on broad areas of consensus to bring about a better world, not just geared at profits. The first WSF was held in Puerto Alegre, Brazil. After two WSF events, it became evident that thematic issues require their own specific processes that can be linked to the broader principle of the WSF. Migration is one such theme wherein harrowing conditions of migrant workers, displaced persons, refugees and immigrants, as well as stateless persons are exacerbated by the current world order.

To date, four WSFMs have taken place: Porto Alegre, Brazil in 2005 with the theme "Journeys in the Global Disorder"; Rivas Vaciamadrid, Spain in 2006 and 2008 with the themes: "Universal citizenship and human rights

-another world is possible, necessary and urgent" and "Our voices, our rights, a world without walls" respectively. The fourth WSFM was held in Quito Ecuador on 8-12 October 2010 with the theme: "Peoples Movement for Universal Citizenship: Collapsing the model building actors."

The 5th WSFM carries the theme, "Rights, Mobility and and Global Models: Looking for Alternatives." More information about the process will be made available in the first quarter of 2012. Visit [www.mfasia.org](http://www.mfasia.org) for the latest updates. **END**

## Another South Asia is Possible: MFA members in South Asia participated at the 2011 SASF in Bangladesh

Thousands gathered in the premises of Dhaka University on 18-22 November 2011 for the South Asia Social Forum (SASF). Civil society groups from all parts of South Asia and some from Africa, the Americas and Europe convened for three days and engaged in discussions linked to 2011's theme "Democracy for Social Transformation in South Asia: Participation, Equity, Justice and Peace". The theme aimed to highlight and oppose the neo-liberal, hegemonic and authoritarian "poverty reduction" development policy and paradigm currently imposed in the South Asian region.

The MFA network in South Asia took part in SASF and highlighted issues surrounding the Migrant Workers Convention and ILO 189 through discussion groups and



Session on ILO 189. Photo courtesy of WARBE DF

poster exhibits. Youth Action Nepal and WARBE DF Bangladesh co-facilitated a seminar on "Rights and Dignity of Domestic Workers and Ratification of ILO Convention 189" on 21 November 2011.

The South Asia Social Forum is part of the broader World Social Forum. The ultimate goal of this specific process is to create a New South Asia free from militarism, communal and ethnic conflicts, exclusion and ecological disasters. **END**



## 2011 Migrants' Campaign Month centered on C189

Every year since 2000, MFA launches a monthly campaign which more visibly highlights migrants' rights issues and calls for universal ratification of international human rights instruments, especially the Migrant Workers Convention. The Migrants' Campaign Month (MCM) celebrates international human rights days: 16 Days of Activism to Combat Violence Against Women (25 Nov – 10 Dec), International AIDS Day (1 Dec), International Day for the Abolition of Slavery (2 Dec), International Human Rights Day (10 Dec) and International Migrants Day (IMD) (18 Dec). In 2011, the MFA network intensified its advocacy around these dates and raised the significance and ratification of ILO Convention 189, a newly adopted binding international treaty that protects the rights of domestic workers. The following are the roundup of the

The Solidarity Network with Migrants Japan (SMJ) organized a Commemorative Symposium for International Migrants Day, entitled "A Roadmap to Formulate a Rights-based Comprehensive Immigration Policy." This is in response to the UN Special Rapporteur's Recommendations to the Japanese Government where there is a dire need for not only the establishment of a comprehensive migrants policy, but also coordination among the relevant government ministries to establish a government institution capable of realizing the recommendations of various UN institutions.

The Joint Committee for Migrants in Korea (JCMK) hosted city-level public events, such as multicultural events and film festivals in Bucheon, Euijeongbu,



MCM across Asia (from left): Lamp lighting ceremony in Bangladesh; Launch of a predeparture information manual for intending emigrants to Oman during the International Migrants Day celebration in India; Fun run for ILO 189 ratification in the Philippines. Photos courtesy of ACD, MFI-Kerala and TUCP.

network's MCM activities:

**East Asia:** "Where is my Day Off?" was Migrant Empowerment Network in Taiwan's (MENT) demand to the Government of Taiwan during a public rally on 11 December 2011. The rally was attended by around 2,000 people including migrant workers, human rights activists, trade unionists and college students. Taiwan hosts an estimated 200,000 migrant domestic workers who are still not covered by any labor law. Many of them suffer grave abuses and exploitation. Prior to the street demonstration, MENT held a press conference in front of the Presidential Hall to promote C189 and to call on the government to include domestic workers and caretakers under the protection of the Taiwan Labor Law. MENT is a national network of migrants' advocacy groups that include the Hsinchu Catholic Diocese Migrants and Immigrants Service Center (HMISC) and Hope Workers Center (HWC), MFA's members in Taiwan.

Asan and Seoul which ran as early as 16 October until 18 November 2011. These public events and festivals for migrants were geared to raise awareness about the Migrant Workers Convention and to collect signatures from local residents petitioning for ratification. On 18 December 2011, JCMK organized the International Migrants Day Korea Rally in Gwanghwamun. JCMK is intensifying its campaign for South Korea's ratification of the UN MWC.

### Southeast Asia:

**Singapore:** On 5 December, Humanitarian Organization for Migration Economics (HOME) distributed 500 flyers to migrant workers as an information campaign on rights awareness. HOME held a lunch fundraiser, "Banquet of Justice" for 500 migrant workers, on 18 December 2011. For that lunch, with media present, HOME issued a statement urging the Singapore government to ratify the Palermo protocol and make urgent efforts to combat human trafficking. Also, a Trafficking in Persons Forum was

organized with resource persons from other ASEAN countries, sharing strategies to tackle the rising prevalence of trafficking in the region.

Transient Workers Count Too (TWC2) organized a celebratory tea party on 11 December 2011 with food and a disco. Fact sheets on sources of help and a summary of C189 were also distributed at the party. Over the coming year, this information will also go into an information pack to be given out at monthly meetings. TWC2 also organized an outreach program entitled "What is the Price of a Job in Singapore?" on 17 December 2011, which was aimed at orienting people who are sympathetic to the issues of migrant workers in Singapore.

Indonesia: Migrant Care held a public dialogue on 16 December 2011 entitled "Integrating protection principles in ILO Convention 189 and UN Convention 1990 in national law reform on migrant workers," as well as a national workshop on the ratification of C189 and the 1990 UN MWC from 17-18 December 2011. A press conference also took place on the situation of Indonesian migrant workers. Following the conference on 18 December 2011, a rally was organized in front of the presidential palace.

Philippines: The MFA Secretariat, MFA Philippine members and the Philippine Technical Working Group on Decent Work for Domestic Workers joined the Month of Overseas Filipinos Fun Run on 18 December 2011 in Manila, dedicated to OFWs and their families for their contributions to society. The occasion was also utilized to celebrate the victory of domestic workers through ILO Convention 189 and to urge the Philippine government for an expeditious ratification of the convention. As with other celebrations worldwide, the occasion also signaled the national launch of ITUC's '12 by 12' campaign. Carrying banners along the route saying "Domestic Work is Work", 'Domestic Workers are Workers', 'Domestic Work is Not Slavery', 'Ratify Convention 189' and 'Pass the Domestic Workers Act', the TWG was successful in providing visibility to the ratification to the campaign.

ATIKHA organized a Fun Run on 3 December and a Forum on 17 December 2011 in Batangas to intensify its financial literacy and savings consciousness among OFWs and their families.

#### South Asia:

Bangladesh: A media campaign (declaration of migrants campaign month) was organized to share ACD's programs on 16 Days of Activism on Violence

against Women, World Street Children Day, Youth Day, World Aids Day, Rokeya Day, International Human Rights Day and International Migrants Day. These days were observed in different locations in Bangladesh through rally, human chain, signature campaign, meeting and press conference, popular theatre, youth gathering, lamp lighting and oath taking, sports competition, cultural program (drama), prize giving ceremony, street meeting and street theatre.

WARBE Development Foundation held a series of discussions and conferences in different locations in Bangladesh beginning 24 November, with topics focusing on ILO 189, migration and HIV/AIDS, gender based responses to violence, rehabilitation of returnees and rights violation reports on migrant workers. On 18-19 December 2011, WARBE-DF had a high visible program and rally in Dhaka, broadcasted live in local channels. Job fairs, competitions, cultural presentations and TV and radio guestings were held.

India: The National Domestic Workers Movement (NDWM)/Migrant Forum India (MFI) in Kerala arranged state level trainings with domestic workers to familiarize them with C189, which took place on 16 December 2011, in addition to an evening Darna to Campaign for the Rights of domestic workers in Trivandrum. MFI also hosted a celebration at YMCA Hall in Trivandrum where the predeparture information manual for intending emigrants to Oman was launched. These activities were followed by the launch of the Signature Campaign and Post Card Campaign for the Ratification of ILO Convention 189 on 19 December 2011, which runs until 9 January 2012.

NDWM/MFI in Tamil Nadu held a rally in Nagercoil, on 16 December 2011 where domestic workers and rights advocates assembled in front of the municipal office demanding for the ratification of the Migrant Worker Convention and ILO 189.

Migrants Rights Council (MRC) and NDWM in Andhra Pradesh organized an International Migrants Day commemoration on 18 December 2011. MRC and NDWM gave Pravasi Mitra awards to two social workers committed to supporting migrant workers in the Gulf. The event also gave an opportunity for family members of migrants, government officials from the Labor Department and the media to have an interaction and highlight problems experienced by migrant workers in the receiving countries. The predeparture information manual for intending emigrants to Oman was also launched at the 18 December event.



Nepal: POURAKHI organized several activities beginning 5 December 2011, which included an orientation to newly appointed labor attaches on domestic workers issues in the Middle East. A press meeting was also organized on 13 December in collaboration with the government. On 16 December, an interaction meeting with the High Level Task Force was held to discuss about the 30-point agenda for the protection of domestic workers. To further ensure the protection of women migrants, POURAKHI joined the National Women Commission for a Workers' Hearing on 17 December. On 18 December, POURAKHI organized mass rallies in various districts to launch its signature campaign for the ratification of C189, which was forwarded to the Prime Minister. In addition to the mass rallies, welcome and farewell ceremonies for Nepali migrant workers were hosted at the airport. On 21 December, POURAKHI joined GEFONT for a program on C189 and the Kafala system, designed for community leaders.

The Women's Rehabilitation Center Nepal (WOREC) focused its actions on highlighting the many forms of violence against women, safe migration and other issues concerning women migrants and in raising the awareness on ILO Convention 189. Various programs from district to national levels were organized. Activities included rallies, street drama and interaction program, radio program, wall painting and oratory competition and discussions. A sharing discussion on the findings of the research on predeparture orientation was organized on 17 December 2011 in Kathmandu. The recommendations of the CEDAW Committee to Nepal Government for the rights of women migrant workers were also shared to the participants. Participants included the Director General of the Foreign Labor Department, Executive Director of Foreign Labor Promotion Board, trade unions, Pre-departure Orientation Association, recruitment agencies, journalists and representatives from different organizations working for the right of migrant workers.

On 18 December, a joint rally was organized calling on the government to ratify the 1990 UN MWC, ILO C189, and the effective implementation of CEDAW. Various stakeholders from governments to civil society attended the rally.

Sri Lanka: Spearheaded by the Campaign Committee on Ratification of C189 (CCC), and under the banner of the ITUC's '12 by 12' Campaign, and "The End of Modern Day Slavery," domestic worker advocates in Sri Lanka organized a forum to celebrate the milestone in the struggle for the rights and protection of domestic workers. The CCC, which includes NTUF, NWC, ISD,

and MFA's member, ACTFORM, organized the forum to engage relevant government ministries in a dialogue on the importance of ratifying C189.

For 2012, it is expected that the network will come out more invigorated and prepared to take on another great stride for social justice for migrant workers and members of their families. **END**

## Lawyers Beyond Borders: Building Partnerships for Justice for Migrant Workers

From 23-25 November 2011, Migrant Forum in Asia (MFA) and local organizing partner, Human Rights and Development Foundation (HRDF), in partnership with Open Society Foundations (OSF), hosted "Lawyers Beyond Borders: Building Partnerships for Justice for Migrant Workers" in Bangkok, Thailand. The



conference was the first of its kind, bringing together 31 lawyers from the Middle East, South Asia, and Southeast Asia who specialize in cases involving migrant workers. In addition to the lawyers were civil society activists in the area of migrants' rights and observers from OSF. There were 48 participants in all.

This convening of lawyers was the result of 4 years of thinking and strategizing by MFA and its various partners, including Center for Migrant Advocacy (Philippines), the International Labour Organization (ILO), Kav LaOved (Israel), the UN Migrant Workers Committee, and individual lawyers throughout Asia. It was designed in response to the recognized need for collaboration among lawyers who work on the cases of migrant workers in order to move towards impact litigation and policy advocacy in their work. This program was also looked at as a means of beginning

to forge important connections between lawyers and grassroots organizations working with migrant workers on the ground, as well as migrant communities in both countries of origin and destination.

Through a series of sessions on the relevance of International Law and the conventions related to migrant workers, Islamic Jurisprudence, and bilateral agreements (BAs) and memoranda of understanding (MOUs), the lawyers engaged in discussions on the impact (both legal and political) of these instruments on their work. Individual cases were also presented and discussed with respect to the challenges encountered by both sending and receiving country lawyers in litigating and in achieving fair and adequate redress for their clients. A variety of themes were drawn from these cases, including the importance of “going on the offensive” in advocating for clients, and moving towards impact litigation with a view to influencing policy change and public opinion.

Currently, there is a considerable amount of time and energy being poured into understanding the issues of

criticism and scrutiny with respect to migrants’ rights, and countless instances of abuse have been reported from this region. However, there have been some positive policy developments coming out of the UAE and Jordan in recent years, as was explored during the conference.

In spite of a considerable amount of international and regional activity among states on this thematic, the challenge of migrants rights advocates has been to understand how this rhetoric at the global level is translated on the ground in terms of better protection of the rights of migrant workers and members of their families. MFA has recognized for some time that lawyers who deal with cases of migrant workers on a day-to-day basis would be a good barometer for understanding how much change is really happening on the ground. Do lawyers see new spaces in which to advocate for their clients? What kinds of legal obstacles exist? MFA is looking to engage with lawyers as a part of its movement building process, and the program was designed to find ways to collaborate and determine ways to move forward in



migrant workers at the global level. Much work is happening in international institutions around this thematic area. As recently as the end of November, the Global Forum on Migration and Development took place in Geneva, at which governments came together for the 5th consecutive year to talk about the linkages between migration policy and development policy. The parallel civil society event, the People’s Global Action on Migration, Development and Human Rights, also took place in Geneva, bringing together grassroots organizations and migrant communities to look at the ways in which the Global Forum’s discourse impacts the human rights of migrant workers—and this is just one space in which these kinds of discussions are happening.

Relevant to the Middle East context, the Gulf Forum on Temporary Contractual Labour was first initiated by the UAE in 2008, and in January 2011 there was a follow-up session. There will be a second Gulf Forum in 2012. The Middle East is often subject to harsh

defense of migrants’ rights. This program was a successful first step in that direction.

An action plan was drawn up collaboratively on the final day of the workshop. The plan includes a series of projects that will be undertaken collectively, including: drawing up plans for paralegal training sessions that will better connect civil society and foreign missions to the work of lawyers, and to help them to assist migrant worker communities with their legal needs; compiling resources that will be of use to lawyers, migrant worker advocates, and migrant communities; supporting advocacy campaigns (e.g. the ratification of ILO Convention 189 on Decent Work for Domestic Workers); supporting one another through effective networking and information sharing.

**END**





Delegates from Asia participating at the first regional conference on ILO 189 since the convention's adoption on June 2011. Photo courtesy of APL, October 2011

## 2011 Asia Regional Conference: “Advocacy towards the Ratification and Implementation of ILO Convention 189 on Domestic Work”

After the adoption of C189 and Recommendation 201, the next hurdle is ratification. Aware of the enormous challenges of promoting ratification of C189, trade unions, civil society organizations, domestic workers and social movements, came together in Manila on 24-26 October 2011 to collectively discuss on how to drive the ratification campaign in the region. The Conference was the first regional convening that was organized following the June ILC. The Conference was made possible through the orchestrated efforts of Global Network, the International Domestic Workers Network, International Trade Unions Confederation (ITUC), International Trade Unions Confederation-Asia Pacific (ITUC-AP), International Labour Organization, and Migrant Forum in Asia.

More than 140 participants from over 20 countries across Asia and the Pacific, the Arab States and Europe participated in the Conference. Also in attendance were representatives from the Philippine government who came to express their solidarity and to share the government's initiatives to ratify C189. The Philippines has already certified the ratification of C189 as an urgent legislative action for the Senate, the main legislative body that is in charge of the ratification.

In the course of the 2 and a half days convening, participants reflected on what happened at the June ILC, familiarized themselves with both the ILO's and

country-level technical ratification processes, examined existing legislations and good practices of some countries that have initiated policy reforms to protect domestic workers, shared international experiences on ratification, and developed and adopted a common action plan laying the foundation for joint advocacy at the national and regional levels. Understanding of the technical and political dimensions of the ratification process was emphasized during the discussion.

Collection of data and information-sharing, strong collaboration and organizing domestic workers were the salient areas that were heavily discussed in the Conference.

The conference resulted in an adoption of a common action plan with focus on:

- Building the core capacity of advocates and domestic workers in understanding C189. There is a need to build the core capacity of the domestic workers and advocates in order to sustain the process. Advocates should have a common understanding of the legal interpretation of the elements provided in the Convention. Running a ratification campaign requires understanding of the breadth and depth of the issue, as governments need to be convinced that they should commit their countries to become State Parties to the Convention. Advocates need to help governments understand why it is in their best interests to ratify the new Convention. Advocates have constantly been involved in the campaign, we need to reinvent ourselves and develop new strategies for lobbying. It is important that advocates and domestic workers continually engage in various



activities to hone their skills in doing lobby work with all target sectors.

- Use of research and promotion of knowledge-sharing. Advocates must be conscious of using evidence-based data on their advocacy. It is important that advocates are aware of the situation of the country, and aware of the facts concerning domestic workers. Advocates should keep a domestic workers' database. Best practices among countries that have legislations for domestic workers and difficulties of countries to address issues of domestic workers should be shared.
- Awareness of the legal and policy environment to guide advocates for advocating policy reforms and to send a message that ratification is possible. Even before the talks on C189 took place, a number of destination countries had already introduced policy reforms to protect domestic workers. Advocates should be aware of these countries, as they could be used as entry points for lobbying. The existence of these legislations signals the political will to affirm and implement the standards stipulated in the Convention.
- Building and strengthening cross-constituency alliances. Participants recognized that the landmark adoption of C189 was a result of cooperation of various sectors advocating for the rights of domestic workers. It is therefore imperative to continue the synergies that have been developed in the campaign in order to sustain the international momentum that was achieved leading up to the Convention. Alliances among trade unions, domestic workers, and civil society organizations were emphasized.
- Promote international cooperation to maximize lobbying efforts and to create an international bandwagon. While intensive work needs to be done at the national level, participants recognized the need to do parallel advocacy at the international level and that the best way to do this is to promote international cooperation among groups across the globe.
- Awareness of the technical as well as the political processes involved in the ratification. This includes identifying the political actors and the key decision-makers. These key actors include: domestic workers and organizations, trade unions, civil society organizations, employers organizations, employers of domestic workers, and government legislators.

Dissemination of C189 and raising people's consciousness about the issue. In order to amass support, the need to popularize C189 was emphasized. This could be done through production of advocacy materials and organizing public actions. Advocacy materials provide the necessary visibility for the campaign. These materials may include production and dissemination of solidarity statements, advocates were encouraged to come up with advocacy materials such as logo, flyers, posters, and use of social networking sites. Public actions could be in the form of press conferences, rallies, forums and signature campaign.

- Monitor and assess results of the campaign necessary to make improvements of the plan. Monitoring and assessing the results of the campaign would enable advocates to identify what worked and what did not, identify gaps and how these will be addressed in order to improve campaign.

Another development stemming from the regional conference is MFA's positive support to ITUC's global campaign "12 by 12." The prime goal of the campaign is the ratification of C189 by 12 countries in 2012. For more information, visit ITUC's website: <http://www.ituc-csi.org/travailleurs-euses-domestiques,513.html> The MFA network will also mobilize together with the unions. Updates about the campaign will be made available soon. Stay tuned! **END**

## **7th General Forum of MFA held in Manila; new members welcomed**

Members of the MFA network from four regions of Asia convened in Manila on 27-28 October 2011 for the 7th MFA General Forum. The MFA General Forum (GF) is the highest decision making body of the MFA network and is held every two years. The MFA GF is also the venue for MFA to discuss programs and policies of the organization as well as confirm new membership in the network.

On 2008, the MFA network put a moratorium on membership in order to consolidate the work of the existing members. At the 7th GF, the moratorium was lifted and the following new members were confirmed to the network:

- Hsinchu Migrants and Immigrants Services Center (HMISC) – is an organization based in Taiwan that

provides assistance to migrant workers in distress. Among the services they provide include crisis intervention, information education on migrants rights, capacity building and community organizing.

- Kav La'Oved – an organization based in Israel committed to working with disadvantaged workers employed in Israel in the Occupied Territories, including Palestinians, migrant workers, subcontracted workers and new immigrants.
- Pravasi Nepali Coordinating Committee (PNCC) – is a forum of returnee migrant workers in Nepal that aims to raise awareness on the issues faced by migrant workers as well as identify areas for policy advocacy concerning migrants' rights in Nepal. PNCC conducts training and capacity building on migrants' human rights as well as provides intervention for returnee migrants in distress.
- Warbe Development Foundation (WARBE-DF) – is a community based foundation in Bangladesh working in the field of migration and development. WARBE DF has been a long time MFA partner in the campaign for Bangladesh to ratify the UN Migrant Workers Convention.

The GF is also the venue where MFA members affirm resolutions and program policies aimed at strengthening the work of the network. This year, members agreed that after 20 years of the network's existence, it is time to reassess its programs and operations and clarify and strengthen its constitution and membership. The members also agreed to bolster existing program areas and take on new campaigns in the following:

- sub-regional cooperation among members
- campaign for the protection of the rights of undocumented migrant workers
- MFA's engagement with UN human rights mechanisms
- engagement with the climate justice movement
- support the campaigns of MFA members such as Coalition for Migrants Rights' (CMR) campaigns on the right to residency of migrant domestic workers in countries of destination and lifting the visa ban policy on Nepalese migrants in Hong Kong.

Members also agreed on the network's program of action for the next two years. Particular focus will be given to advocacy at the UN Human Rights Council, the office of the Special Procedures (specifically the Special Rapporteur (SR) on the Rights of Migrant Workers), the International Labour Conference (ILC), the CEDAW Committee and the Committee on Migrant

Workers. Specific to the special procedures, a new SR on migrants' rights assumed position in August 2011. The new SR, Mr. Francois Crépeau, will be coming up with his first report on June 2012. The focus of the report will be on detention and migration. The office of the SR is requesting for contributions from CSOs for this report and MFA members will definitely contribute to the reporting process.

In relation to capacity building, the MFA network will sustain its role with the Diplomacy Training Program, the annual migrants' human rights training program organized with the University of New South Wales, Australia.

The MFA network will also continue its annual Migrants Campaign Month, heightening awareness on migrant workers issues on international human rights days observed from 25 November to 18 December.

MFA advocacy on decent work for domestic workers will center on the campaign for the ratification of the ILO C189. MFA will support the 12 by 12 campaign of the International Trade Union Congress calling for 12 countries to ratify the convention in 2012.

Among the big programs of MFA for 2012 also includes the World Social Forum on Migrations (WSFM), hosted in Manila, Philippines on November 2012. MFA is a key organizer to this global process. Also, MFA members agreed to continue the engagement on the GFMD and prepare for the UN High Level Dialogue on Migration and Development (HLD) in 2013.

The 7th MFA General Forum produced significant action points that encouraged the members to keep up their initiatives for social justice. The next two years is something to look forward to in the Asian region. **END**

## International human rights law and the Kafala system main focus of the 8th Annual Diplomacy Training Program

*Report from Patrick Earle, Diplomacy Training Program*

On 17-21 October 2011, the Diplomacy Training Program's (DTP) 8th annual regional training program focusing on Human Rights Advocacy and Migrant Workers in the Asia-Pacific Region was held in Bangkok, Thailand. The program was organized in partnership with Migrant Forum Asia (MFA), Asia Pacific Forum (APF) and the Human Rights and Development Foundation (HRDF).

Twenty-five participants from 16 countries in the region participated in the 5-day intensive training program. They came from both destination countries – including Qatar, Jordan, Bahrain, South Korea, Malaysia, Maldives, Hong Kong and Thailand as well as so-called sending countries Bangladesh, Burma/Myanmar, Cambodia, India, Indonesia, Nepal, the Philippines and Sri Lanka.

The participants shared a commitment to working to promote and protect the rights of migrant workers, coming from different organizational environments including Migrant Worker NGOs, human rights NGOs, community-based organizations, trade unions and National Human Rights Institutions (NHRIs).

The participants brought with them valuable experience from working on a range of migrant worker issues – abuse and discrimination, rights of domestic workers, violence against women, trafficking, illegal detention, repatriation, awareness building and providing legal services and shelter.

Experience has shown that migrant workers are particularly vulnerable to human rights abuse and violations, and are most vulnerable in the countries they go to work in. In some cases and countries the situation of migrant workers has been likened to modern day slavery, with workers denied pay, effectively detained in the workplace and forced to work without rest days. Fathers and mothers, sisters and brothers leave their families in the hope of a better life and too often return in coffins. This program for the first time had a significant focus on the Kafala system – or sponsorship system for migrant workers in the Gulf Countries. The Kafala system is coming

under increasing scrutiny because of the way it operates to ensure the vulnerability of migrant workers to exploitation and abuse.

The international community has recognized this vulnerability and the particular abuses experienced by migrant workers. It has responded by adopting minimum standards for governments and employers. The most comprehensive of these standards is the UN



Convention on the Rights Migrant Workers and their Families. The most recently adopted is ILO Convention 189 on Domestic Workers.

This training program has been developed to build the knowledge and skills of advocates to hasten the implementation of these standards. Knowledge of the content of these standards and how they might be applied is very limited among governments and the institutions responsible for applying these standards and for holding governments accountable to them. Without the advocacy of civil society, there is too often a lack of political will to see the standards applied, or to overcome the resistance to their application.

This program aimed to build the collaboration between civil society and national human rights institutions – the official watchdogs for human rights across the region. They have different but complementary roles.

The program also aimed to foster very practical links between advocates and institutions in the countries migrant workers leave and the countries they go to work in. These links have the potential to enable very practical action on behalf of individuals and of vulnerable groups.



The program aimed to build collaboration between the participants and the two most significant multilateral organizations working to promote and defend the rights of migrant workers – the UN Office of the High Commissioner for Human Rights and the International Labour Organization.

This program was also an opportunity to trial new training modules on the rights of Migrant Workers that have been developed by the UN Office of the High Commissioner for Human Rights. The modules were integrated into the structure of the training program. The program and program methodology was designed to enable the sharing of knowledge and experience, and to facilitate the building of links between organizations and between countries. The participants in the program quickly created a learning environment that enabled the sharing of experiences and the building of friendships that greatly enhanced and enriched the program.

The program was very positively evaluated by the participants at the end of the training. During the program, there has been feedback about positive and practical action – including in at least one case of a Sri Lankan migrant worker detained in Jordan.

What participants say about the DTP:

*“The DTP is not only providing technical inputs, but linking people from different parts of the world: the RIGHT people.”*

*“The perspectives that NHRI participants and NGO participants shared in the discussions were an opportunity to gain knowledge on diverse views, but with the same objectives.”*

*“The legal framework to promote and protect migrant workers was particularly useful for our advocacy work to promote migrant workers’ rights.”*

*“It has given me the courage to lobby the needs of migrant workers.”*

The program was made possible with funding provided by the Office of the High Commissioner for Human Rights, and by the International Labour Organization. The Diplomacy Training Program acknowledges this support with appreciation and also acknowledges the participants and trainers who made this an enriching and successful program. **END**

## **MFA received NNIRR International Ally Award; MFA members recognized for their commitment to migrants rights**

2011 has been an extraordinary year. Besides the leaps and bounds at the ILC and the GFMD, the MFA network also gained feats through the recognition of its members' unwavering advocacy and solidarity.

At the 25th anniversary of the National Network for Immigrant and Refugee Rights (NNIRR) on 5 November 2011, MFA received recognition for its international advocacy on migrants rights. NNIRR is a long standing partner of MFA in North America and has walked with the MFA members in various campaigns, discussion spaces, fora, and protest rallies.

Center for Migrant Advocacy (CMA) received recognition from YMCA in the Philippines on November 2011 for its endeavor in advocating for the rights of overseas Filipino workers.

HOME's Bridget Tan was recognized by The US Department of State with the 2011 TIP Report Heroes, for her efforts to protect migrant workers in Singapore.

HOME's Jolovan Wham was presented with a Human Rights Defender's Award by Think Centre in Singapore.

Migrant Care's Anis Hadiyah was presented with the Alison Des Forges award from Human Rights Watch in August 2011 for her dedication to the protection of Indonesian migrant workers.

WOREC's Renu Rajbhandari was recognized by the Human Rights Alliance in Nepal on December 2011 for her continued advocacy for women's rights.

The network considers this recognition as both a milestone and another challenge to strive harder, and collaborate more closely for the realization of social justice for all migrants and their families. MFA soldiers on to 2012. **END**

# MIGRANT FORUM IN ASIA MEMBERS



## EAST ASIA

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

## SOUTHEAST ASIA

Burma: Federation of Trade Unions (FTUB); Cambodia: CARAM Cambodia, Cambodian Women for Peace and Development (CWPD), Legal Support for Children and Women (LSCW); Indonesia: Center for Indonesian Migrant Workers (CIMW), Jarnas Pekabumi, Konsorsium Pembela Buruh Migran Indonesia (KOPBUMI), Migrant Care, Seri Buruh Migran Indonesia (SBMI), Solidaritas Perempuan; Malaysia: 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)

## SOUTH ASIA

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

## WEST ASIA

Israel: Kav La'Oved

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