Migrant Forum in Asia is a regional network of non-governmental organizations (NGOs), associations and trade unions of migrant workers, and individual advocates in Asia who are committed to protect and promote the rights and welfare of migrant workers. Guided by its vision of an alternative world system based on respect for human rights and dignity, social justice, and gender equity, MFA acts as a facilitator and regional coordination point between member-organizations and advocates. MFA forges concerted action to address discriminatory laws and policies, violence against women migrants, unjust living conditions, unemployment in the migrants’ home countries, and other issues affecting migrant workers. The following is a summary of MFA’s activities in 2003 and 2004.

9th Regional Conference on Migration

The 9th Regional Conference on Migration (RCM) was held from 13 – 19 September 2004 in Seoul, South Korea. The conference was guided by the theme “Migration for ‘Development’ and its Feminization Process”. The conference was co-organized by MFA and the Joint Committee for Migrant Workers in Korea (JCMK), a member of the MFA network.

Objectives of the conference were:

1. To make a critical and expert analysis on the current conditions of the migrant workers with regard to
the intensifying phenomenon of globalization;
2. To develop the critique on “migration for development”; and,
3. To expose the feminization process therein.

The theme was intended to problematize the current general understanding of “migration for development” and to highlight the many issues that surface in the phenomenon, given the fact that a large number of temporary labor migrants are currently women.

For the 9th RCM, MFA gathered a number of experts on migration to discuss in plenary sessions themes on mobility and gender aspects of migration, the grey area between migration and trafficking, international standard settings and framework, and the WTO-GATS Mode 4.

The RCM also included parallel workshops on the following topics:
1. National security vs. human security;
2. Women and feminization issues on migration — this was sub-divided into different sectors, i.e., foreign domestic workers (FDWs), entertainers, women migrant factory workers, inter-cultural marriages and women migrant workers in the health sector;
3. Sustainable development, remittances and reintegration;
4. Informalization of labor; and
5. Follow up on the current trends, issues and strategies developed on the issue on migrant workers’ health and well-being.

The RCM was attended by 160 participants coming from 20 Asian countries, including Bangladesh, Cambodia, China, Hong Kong SAR, India, Indonesia, Japan, Laos PDR, Malaysia, Myanmar, Nepal, Pakistan, Philippines, Singapore, Sri Lanka, Taiwan, Thailand, Vietnam and South Korea, representing members of the MFA, and grassroots migrant organizations, unions, labor groups, women’s groups, development organizations, NGOs, international support groups and advocates.

The 9th RCM coincided with Anti-Discrimination Week in South Korea. JCMK organized a demonstration for the MFA members and partners in the RCM to take part in the Anti-Discrimination walk. MFA joined with other migrant organizations and advocates in South Korea in the demonstration.

As part of its week-long activity, MFA also conducted sessions for training updates on:
1. Migrant Savings for Alternative Investment (MSAI) — The concept of MSAI is to develop a proactive and empowerment-oriented strategy on the issue of migrants’ reintegration. It is a major strategy shift seeking the empowerment of migrant workers by encouraging them to participate in savings mobilizations and in the establishment of savings associations.
2. Migration, Health and Gender — A training module on migration, health and gender has already been published based on the ‘Training for Trainers held in Manila and Macau (2003). The module is being used as a reference by MFA members in conducting capacity building activities on interfacing migration, health and gender.
3. Migrants’ Human Rights (MHR) and international advocacy — The need to have a training manual and process on MHR and international advocacy is based on MFA’s Programme of Action 2003. This need is part of MFA’s overall program objectives to build the institutional capacity of its members to promote MHR. AMC and the MFA Secretariat are facilitating the publication of the manual advocacy.

General Forum (GF)

The MFA network held its 4th General Forum (GF) meeting from 15 – 16 September 2004 in Seoul, Korea. During the meeting, MFA discussed and resolved issues on membership and other organizational matters.

**Highlights of the meeting:**
1. Updates on each member organization were presented by those present in the meeting. The Secretariat also presented to the GF the activities and programs it engaged in and accomplished in line with the Plan of Action that was drafted from the last GF meeting.
2. MFA membership. MFA membership has now reached 260+ member organizations working in 13 countries in Asia. During the GF eight provisional and new migrant organizations were recognized as full members.
3. Action Planning. A joint Plan of Action was formulated by the GF focusing on activities to be followed up as well as new initiatives coming from the members. MFA’s Plan of Action includes the following: Migrant Campaign Month, WTO campaigns, advocacy for foreign domestic workers, MFA’s response and involvement in UN and other international processes, publication of the Asian Migrant Yearbook, sub-regional networking (in South and Southeast Asia, and in the
THE SEOUL STATEMENT
We, the 160 participants of the 9th Regional Conference on Migration from 20 Asian countries, namely Bangladesh, Burma, Cambodia, China, Hong Kong SAR, India, Indonesia, Japan, Laos, Malaysia, Myanmar, Nepal, Pakistan, Philippines, Singapore, Sri Lanka, Taiwan, Thailand, Vietnam and Korea, representing members of the Migrant Forum in Asia (MFA), and grassroots migrant organizations, unions, labour groups, women’s groups, development organizations, NGOs, international support groups and advocates came together to deliberate on the theme of “Migration for Development and its Feminization Process”, as it impinges on human rights and security of lives of migrant workers in Asia. The 9th RCM was organized by the Migrant Forum in Asia (MFA) and its national partner, the Joint Committee for Migrant Workers in Korea (JCMK) and Asian Migrant Centre (AMC) on 13-14 September 2004 in Seoul, Korea.

The 9th RCM is a historic gathering as it marks the 10th year of the founding of MFA as an Asian network promoting, advocating, and upholding the rights and dignity of migrants. Among the key achievements that MFA takes pride in are: mobilizing support and advocating for the ratification of the 1990 UN Convention on the Rights of All Migrant Workers and Members of Their Families and the ILO Convention 97 and 143; placing at center stage of the international arena the discourse of international labor migration, concern over the growing racism and xenophobia and recognizing the pioneering efforts on migrants’ reintegration in their home countries through mobilizing remittances.

We have come to celebrate the victories / achievements of the 10-year struggle from Hsinchu, Taiwan to Seoul, Korea. We take pride in militant struggles of JCMK that led to:
1. A national legislation to admit and recognizes migrant as regular workers;
2. Government compensation to migrants who were victims of industrial accidents;
3. Raising migrant issues as national concern.

We have come together to renew our commitment to ‘live, work and struggle together with the migrant workers in Asia’ (theme of the 1994 founding conference), and to sharpen our understanding, expand our partnership and deepen our collaboration within our diverse mandates, priorities, and even perspectives. Therefore, having focused our discussions on migration and development, globalization and sustainable development, the supremacy of human security over national security, human trafficking and migration, feminization of migration, gender issues in migration, informalization of labour, reintegration and remittances, migrants’ health and well being, and international human rights standards, we the participants call for:

• The repeal of laws discriminating against migrant workers, including ‘anti-terror laws’, and laws permitting detention without trial;
• Abolition of compulsory HIV/AIDS and pregnancy testing policies;
• The recognition and regularization of undocumented migrant workers and to stop the trainee system, e.g., Korea and Japan;
• The recognition of foreign domestic workers and entertainers as workers and to be protected under labor laws and to give proper value to their work;
• The respecting and upholding of the full dignity of migrant workers, including the right to be with their families, the right to marry and start families, the right to health care and social services for all migrant workers and their families, as enshrined in the UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families;
• The establishment of Memoranda of Understanding (MOUs), bi-lateral and multilateral agreements by sending and receiving countries that ensure the protection of migrant workers’ rights, including the right to association, the right to form or become members of existing unions, and the right of suffrage for migrant workers;
• The prevention of all forms of trafficking, ensuring the rights of the victims of trafficking, including regulation and monitoring of recruitment agencies;
• The right to equal wages for equal work without any form of discrimination, including gender and racial discrimination;
• The implementation of training, savings programs for alternative investments for sustainable development and reintegration programs when migrant workers return to their home countries, at all stages of the migration process;
• The universal ratification and effective implementation of the 1990 UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, to advocate adoption of ILO Conventions and other relevant international instruments;
• An immediate end to the deportation of undocumented migrant workers,
• The regional bodies such as ASEAN, APEC and SAARC to implement policies, guidelines and agreements for the protection of the rights of all migrant workers and their families.

SPECIFIC RECOMMENDATIONS
Our specific recommendations are the following:

A. Premium on human security over national security based on the fundamental respect of human rights and dignity for all
Migration, "10 Years of MFA: 2004, Women’s Mission Center, Seoul, South Korea

- Establish a consolidated database of migrant workers’ issues and violations of migrants’ human rights to be used for advocacy;
- Strengthen NGOs and civil society organizations as countervailing force to state organs;
- Raise public awareness on migrant workers’ human rights, to change attitudes, practices, perceptions; to sensitize and mobilize the media, judiciary and bureaucracy;
- Promote global solidarity and networking, join global movement against war and for building world peace;
- Take a pro-active response to migrant human rights campaigns; and
- Advocate a multilateral human rights-based approach to migration.

B. Strengthen gender-sensitive responses to migration
- Greater protection for the rapidly increasing number of women migrant workers, upholding their dignity and basic human rights and valuing women’s work through just and fair wages;
- Empower women to assert their rights through education, to break occupational gender stereotypes, to organize and to form unions to advocate for labor protection;
- Lobby for governments to address issue of “brain drain” in countries which send and receive large numbers of health care workers through higher wages for health workers in sending country and compulsory service and compensation by receiving country to improve health and education in sending country;
- Lobby governments of sending countries to create adequate economic opportunities for women to have jobs that provide decent wages and working conditions so that migration becomes an option;
- Launch education campaigns to prevent trafficking of women through various modes, including those related to marriage;
- Lobby for universal ratification of 1990 UN migrants’ rights convention which guarantees reunification of migrant families; and
- Call for national policies and legislation to address issues that arise out of inter-cultural marriages, specifically those relating to rights and welfare of children of such marriages.

C. Campaign against the growing trend of informalization of labor
- Develop re-thinking of the traditional roles of unions in order to expand as social movement in each country;
- Document all cases of labour exploitation, and establish database on such specific practices;
- Raise the issue of exploitative and oppressive relations in labour informalization at high-level inter-governmental fora;
- Campaign against the growing trend of informalization of labor, especially in the context of migration; and include trainee system as a practice which contributes to the informalization of labour; and
- Lobby the embassies of sending countries to provide assistance to irregular migrant workers in receiving countries.

D. Promote sustainable development, reduce inequalities within and between countries, and mobilize migrant workers and their remittances toward this end
- Conduct information and education campaign on issues affecting sustainable development and remittances among advocates;
- Conduct education campaign among MFA members and migrant advocates to form position on WTO-GATS Mode 4 and formulate lobby documents for the WTO meeting in Hong Kong in 2005; link up MFA members with the on-going networks/movements against global injustice;
- Encourage greater participation in the MSAI program by conducting awareness-raising and capacity building for embassy and consulate staff in regard to migration and reintegration issues;
- Conduct research on MSAI, remittance flows and uses and benefits;
- Intensify MSAI campaign among migrant workers and their families, and lobby local governments to support MSAI program and to include it in pre-departure programs; and
- Conduct information sharing and capacity building training among MFA members in relation to migrant savings programs, including experience exchange programs among members.

E. Greater recognition and upholding of basic human right to health and well-being of all migrants
- Lobby for MOUs between sending and receiving countries and use instruments of regional bodies such as ASEAN, APEC and SAARC for adoption of compulsory health care schemes for migrant workers; advocate for migrants’ access to health services and quality health care;
- Integrate education for greater health and well-being awareness in migrants’ pre-departure training, on-site orientation and return and reintegration programs and activities in sending and receiving countries;
- Provide education and information to develop and advocate health care services and for migrant workers and their families;
- Establish sex disaggregated database system in regard to the health of migrant workers, including occupational diseases, reproductive health, living & working conditions, hazards specific to certain employment sectors; and
- Abolition of policies and practices that exclude and discriminate against migrants’ rights to health.

Dated 15 September 2004
Mekong Sub-region).

The members also agreed to highlight women migrants’ concerns in their respective organizational plans and programs for 2004 onwards.

4. Task forces. To better facilitate the MFA’s Plan of Action 2004, task forces were created by the GF focusing on four different areas: West Asia, feminization of migration, training, monitoring and advocacy, and MSAI. A lead group in each Task Force (TF) was identified to be responsible in coordinating the implementation of the assigned work of that Task Force together with the Secretariat.

In terms of organizational development the GF set up four TFs to oversee the conceptual and operational development of the core areas of concern and focus of the network. The TFs that were established were:

- West Asia TF – to focus on networking and collaboration in West Asia/ Middle East;
- TF on feminization of migration to tackle issues relating to gender and migration;
- MHR monitoring and advocacy TF to monitor migrants’ human rights violations, documentation of which is to be used in national, regional and international training and advocacy;
- Migrants’ Savings for Alternative Investments (MSAI) TF.

5. Election of new Executive Committee (EC) members. The EC is composed of two representatives from each sub-region, one each from regional organizations and the Secretariat. Membership to the EC is by organization and the new members must submit the names of specific persons to be their official representative (plus an alternate) to the committee. With the election of the new EC a future date was to be agreed upon for a transition of institutional memory between the outgoing and incoming EC.

2004 MFA Member Activities for Migrants’ Campaign Month

As part of its Rights and Roots Campaign, MFA members undertake the Migrants Campaign Month (MCM) from 26 November – 18 December, where various activities and programs are held by participating members in their respective countries in commemoration of the International Human Rights Day (December 10), International Migrants Day (December 18) and 16 Days of Activism to Combat Violence Against Women (November 25 – December 10).

The MCM was first decided upon in the MFA 2000 Plan of Action and has been followed through every year with the Secretariat coordinating the exchange of information and participation.
The MCM generally carry out the following activities:

1. Lobbying with different governments towards policy change and improving the working and living conditions of migrant workers with the objective of promoting and protecting their rights and welfare;
2. Helping educate governments and intergovernmental organizations to give higher priority to migrants’ issues;
3. Producing materials and information for advocacy and grassroots migrants education;
4. Raising awareness among migrants of their rights, as well as the general public; and
5. Launching region-wide campaigns that raise critical issues concerning the promotion and protection of the rights of migrant workers and members of their families.

International Migrants Day 2004 – December 18

MFA, together with the Migrant Rights International (MRI) and December 18, released its statement for International Migrants Day 2004. The joint statement highlights five specific urgent issues facing migrant workers and their families: 1) the right to health and safety, 2) the rights of undocumented migrants, 3) the full recognition and valuation of “domestic work” as work, 4) the right of migrants to collective bargaining and new forms of organizing, and 5) the facilitation of reintegration and alternative development in the countries of origin.

MFA also released a joint statement for International Migrants Day 2004 with CARAM Asia. The statement focused on the common area of work and concern of both organizations in regard to the health and well-being of migrant workers.

Both statements carry MFA’s commitment in the campaign for the ratification of the UN 1990 Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families.

International Campaigns and Advocacy

International Labour Conference (ILC) 2004
A nine-member delegation of MFA members and contact groups from different countries in the region, with varied experience in lobbying, advocacy, networking, negotiating, and policy formulation, participated in the ILC. Though MFA’s work at the ILC represented its entire membership of over 200 organizations, the organizations present from the network included: Asian Migrant Centre (AMC-Hong Kong/Regional), Centre for Education and Communications (CEC-India), Centre for Migration Advocacy (CMA-Philippines), Coalition for Migrants’ Rights (CMR-Hong Kong), Friends of Women Workers (FWW-Jordan), Indonesian Migrant Workers Union (IMWU-Hong Kong), Think Centre (Singapore), Welfare Association of Repatriated Bangladeshi Employees (WARBE-Bangladesh), and the Regional Secretariat of MFA. Additionally some delegation members were part of other delegations.

The key objectives of the MFA / MRI delegation were as follows:

1. To monitor policy debates and ensure that human and labor rights standards are not compromised in the ILC discussions, and that these along with the multiple issues intersecting with migration (labor, trade, development and gender) remain the focal point of the ‘general discussion’ on ‘Migration in the Era of Globalization’.

2. To monitor government compliance with international standards and lobby governments to live up to their obligations in defending the rights of migrant workers.

3. To strengthen existing partnerships and forge new partnerships between labor/trade unions and NGOs, including collaborating with unions in developing a common lobby strategy and key language formulations to identify and highlight implications of the general discussion trends.

4. To situate MFA's participation in the ILC as an ongoing advocacy and capacity-building program for MFA's member organizations and NGOs, so that advocates are better equipped to engage in ongoing international lobbying work, and new insights are gathered for MFA’s advocacy, empowerment and capacity-building programs.

Through its participation in the ILC, MFA was able to see the need to continue building alliances with unions; to continue to work with the ILO in emphasizing and monitoring human and labor rights standards; to be able to strengthen the network’s advocacy at the regional and international levels; and to use the UN mechanisms to further protect and promote the rights and welfare of migrant workers.
On December 18, 1990 the United Nations General Assembly adopted the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, and came into force as international law on 1 July 2003. We celebrate on December 18th of each year the hope and the promise that the dignity and rights of international migrant workers and their families will be respected by employers, governments and people all over the world. We acknowledge the crucial role of migrant workers in the building of a just and people-oriented globalized world.

This year Migrant Forum in Asia together with Migrants Rights International highlights five specific urgent issues facing migrant workers and their families: 1) the right to health and safety, 2) the rights of undocumented migrants, 3) the full recognition and valuation of “domestic help” as work, 4) the right of migrants to collective bargaining and new forms of organizing, and 5) the facilitation of reintegration and alternative development in the countries of origin.

1. Right To Health And Safety
The World Health Organization holds that “health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”

Migrant workers especially in Asia are particularly vulnerable to violations of their right to health. Labour migration is fraught with dangers, abuses and oppressions, including dangerous living and working conditions, physical and sexual abuses, harassment by government and police authorities, social discrimination, alienation and loneliness, years of forced separation from their families and loved ones, and barriers to the access of health services. All these impact negatively on migrants’ health and quality of life.

The particular nature of the jobs of migrants make them specifically vulnerable to many occupational, sexual/reproductive, infectious and psycho-emotional health problems. Government control measures against the spread of infections (e.g. SARS, AIDS) tend to unfairly target or discriminate against migrants, reinforcing stereotypes that migrants spread diseases, and are thus a threat to society.

We reiterate the principle that health is a basic human right, which must be ensured for all, especially the marginalized and more vulnerable members of society, like migrants, women and children. We urge that health information and services become available in the languages of the migrants; that sick migrants be provided appropriate health care, treatment and services rather than be summarily sent home; and that there is coordination between sending and receiving countries on the question of health, especially in cases of repatriating migrant workers. We call for a stop to unjust or discriminatory health policies and practices that predispose migrants to health problems – especially violence against women, unhealthy working and living conditions, mass deportation, mandatory testing (pregnancy, HIV/AIDS), denial of migrants’ family rights, etc. We call for all migrants, regardless of status, to be included in health insurance and basic health care, treatment and support.

2. Rights of Undocumented Migrants
Labouring in irregular situations presents an intolerable burden on the worker as well as on the states and economies. Undocumented migrant workers are among the most vulnerable in terms of abuses and violence, labour rights violations and health problems. Irregular migration is exacerbated by the absence of regular migration channels, unreasonable deployment bans, unregulated operation of labour recruiters/brokers, and complicated, extortionate, corrupt, and bureaucratic migration processes. Abusive and opportunistic policies/practices in host countries – e.g. ‘worker-trainee systems’, mass crackdowns, unfair registration/contract renewal procedures, and arbitrary terminations often force migrants to run away or end up in undocumented situations.

Large-scale abuses, including deaths, torture, and the sexual abuse or rape of both migrant men and women, have been reported in the detention camps and in the process of detention. The Malaysian government has promised an unforgiving crackdown from January 2005, for which it is recruiting 560,000 civilian volunteers to do ‘neighbourhood watch’ – raising fears not only of migrants’ rights violations, but also of promoting vigilantism.

‘Seasonal’ crackdowns, and the mass raids, detention and deportation of migrants – after the host countries have benefited from the cheap labour of migrants, especially because they were undocumented – are inhumane, opportunistic and violate all international human rights standards, and do not effectively address the situation of irregular migration.

3. Recognition Of Domestic Work
Domestic work in private households is important to many families, societies and the economies of host countries, and of course to the economies of the sending countries. The latest study by the Asian Migrant Centre (October 2004) estimates that foreign domestic workers contribute more than HKD20.5 billion annually (almost 1.5% of the GDP of HK).

In return for their contribution to society, however, domestic workers are all too often subjected to abuse and the denial of fundamental rights. Domestic work is not fully recognized or valued as work; if it is recognized, it is usually classified as ‘unskilled’ work. Therefore, it is always poorly remunerated, with little employment benefits, without residency or family reunification options, excluded from social security and services, highly restrictive visa conditions, no social or work mobility, and with minimum real labour or trade union rights, and socially discriminated. Isolation and living-in conditions of work make women and domestic workers “invisible” and more vulnerable to exploitation and abuse.

On December 18, 1990 the United Nations General Assembly adopted the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, and came into force as international law on 1 July 2003. We celebrate on December 18th of each year the hope and the promise that the dignity and rights of international migrant workers and their families will be respected by employers, governments and people all over the world. We acknowledge the crucial role of migrant workers in the building of a just and people-oriented globalized world.

This year Migrant Forum in Asia together with Migrants Rights International highlights five specific urgent issues facing migrant workers and their families: 1) the right to health and safety, 2) the rights of undocumented migrants, 3) the full recognition and valuation of “domestic help” as work, 4) the right of migrants to collective bargaining and new forms of organizing, and 5) the facilitation of reintegration and alternative development in the countries of origin.

1. Right To Health And Safety
The World Health Organization holds that “health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”

Migrant workers especially in Asia are particularly vulnerable to violations of their right to health. Labour migration is fraught with dangers, abuses and oppressions, including dangerous living and working conditions, physical and sexual abuses, harassment by government and police authorities, social discrimination, alienation and loneliness, years of forced separation from their families and loved ones, and barriers to the access of health services. All these impact negatively on migrants’ health and quality of life.

The particular nature of the jobs of migrants make them specifically vulnerable to many occupational, sexual/reproductive, infectious and psycho-emotional health problems. Government control measures against the spread of infections (e.g. SARS, AIDS) tend to unfairly target or discriminate against migrants, reinforcing stereotypes that migrants spread diseases, and are thus a threat to society.

We reiterate the principle that health is a basic human right, which must be ensured for all, especially the marginalized and more vulnerable members of society, like migrants, women and children. We urge that health information and services become available in the languages of the migrants; that sick migrants be provided appropriate health care, treatment and services rather than be summarily sent home; and that there is coordination between sending and receiving countries on the question of health, especially in cases of repatriating migrant workers. We call for a stop to unjust or discriminatory health policies and practices that predispose migrants to health problems – especially violence against women, unhealthy working and living conditions, mass deportation, mandatory testing (pregnancy, HIV/AIDS), denial of migrants’ family rights, etc. We call for all migrants, regardless of status, to be included in health insurance and basic health care, treatment and support.

2. Rights of Undocumented Migrants
Labouring in irregular situations presents an intolerable burden on the worker as well as on the states and economies. Undocumented migrant workers are among the most vulnerable in terms of abuses and violence, labour rights violations and health problems. Irregular migration is exacerbated by the absence of regular migration channels, unreasonable deployment bans, unregulated operation of labour recruiters/brokers, and complicated, extortionate, corrupt, and bureaucratic migration processes. Abusive and opportunistic policies/practices in host countries – e.g. ‘worker-trainee systems’, mass crackdowns, unfair registration/contract renewal procedures, and arbitrary terminations often force migrants to run away or end up in undocumented situations.

Large-scale abuses, including deaths, torture, and the sexual abuse or rape of both migrant men and women, have been reported in the detention camps and in the process of detention. The Malaysian government has promised an unforgiving crackdown from January 2005, for which it is recruiting 560,000 civilian volunteers to do ‘neighbourhood watch’ – raising fears not only of migrants’ rights violations, but also of promoting vigilantism.

‘Seasonal’ crackdowns, and the mass raids, detention and deportation of migrants – after the host countries have benefited from the cheap labour of migrants, especially because they were undocumented – are inhumane, opportunistic and violate all international human rights standards, and do not effectively address the situation of irregular migration.

3. Recognition Of Domestic Work
Domestic work in private households is important to many families, societies and the economies of host countries, and of course to the economies of the sending countries. The latest study by the Asian Migrant Centre (October 2004) estimates that foreign domestic workers contribute more than HKD20.5 billion annually (almost 1.5% of the GDP of HK).

In return for their contribution to society, however, domestic workers are all too often subjected to abuse and the denial of fundamental rights. Domestic work is not fully recognized or valued as work; if it is recognized, it is usually classified as ‘unskilled’ work. Therefore, it is always poorly remunerated, with little employment benefits, without residency or family reunification options, excluded from social security and services, highly restrictive visa conditions, no social or work mobility, and with minimum real labour or trade union rights, and socially discriminated. Isolation and living-in conditions of work make women and domestic workers “invisible” and more vulnerable to exploitation and abuse.
4. Right To Unionize And Collective Bargaining

The fundamental principle of freedom of association and the right to collective bargaining is a reflection of human dignity. The ability of migrant workers to join already existing unions and form their own unions is often haunted by difficulties of language, xenophobia and other prejudices. However, there are several examples of the union movement revitalizing with the active recruitment of migrant workers. Recently, the Korean workers’ movement has worked hard and achieved success at recognizing migrant workers as workers. In Hong Kong, the Indonesian and Filipino domestic workers are organized and unionized. These successes need to be promoted and celebrated.

5. Facilitation of Reintegration, Alternative Investments and Development in the Country of Origin

In 2002, the total workers’ remittances worldwide were around USD80 billion. In many developing countries in Asia migrant remittances surpass official development assistance and foreign direct investments as foreign exchange sources, effectively becoming an essential pillar of global and national development finance.

There is a need to embark on a comprehensive, gender-fair and sustainable national programme on migrant workers’ remittances, investments and reintegration. Such national programs must recognize and situate migrants and their families as central stakeholders and must foster sharing of the benefits of migration with the whole community and broader society.

Existing initiatives of migrant workers in enterprise development, investment and savings mobilization must be recognized, supported and good practices must be identified and built upon.

As we celebrate International Migrants Day 2004

We Advocate

- For the need of a multilateral human rights-based approach to migration.
- For greater protection and the upholding of the human rights and dignity of the rapidly increasing number of women migrant workers.
- For the empowerment of migrant workers to be able to assert their rights through awareness and collective action to break occupational gender stereotypes.
- For the re-thinking of the traditional roles of unions in order to expand as social movements in each country.
- Against the growing trend of the informalization of labour, especially in the context of migration, particularly the practice of the trainee system in South Korea and Japan.
- For the inclusion of education for health and well being in migrants’ pre-departure training, on-site orientation and return and reintegration programs.
- For policies in support of savings mobilization at the local and national levels both in the receiving and sending countries.
- The respecting and upholding of the full dignity of migrant workers, including the right to be with their families, the right to marry and start families, the right to health care and social services for all migrant workers and their families.

We call on the governments

- Of sending countries to provide assistance to irregular migrant workers in receiving countries.
- To recognize and regularize undocumented migrant workers and to abolish the trainee system.
- Trade unions, and employers to ensure that domestic work is fully respected, recognized and valued as professional work; that domestic workers are provided with adequate information and protection at work – including minimum wages, specified working hours and responsibilities at work, health and social security including maternity and other health benefits, right to redress, change employers or have work/social mobility; residency and family reunification.
- To sign MOUs between sending and receiving countries and use instruments of regional bodies such as ASEAN, APEC and SAARC for adoption of compulsory health care schemes for migrant workers.
- To pursue effective measure and impose immediate sanctions on abusive, corrupt and exploitative officials, agencies, recruiters and traffickers.
- To create institutional channels for savings mobilization e.g. enabling migrants to open bank accounts, accreditation of group savings, community-based savings.
- To recognize collective rights of migrants and facilitate the unionization of migrant workers by framing laws in accordance with ILO Conventions 87 (Freedom of Association and protection to organize), No. 97 (Migration for Employment Convention), No. 98 (Right to Organize and Collective Bargaining) and No. 143 (Migrant Workers (Supplementary Provisions)). We urge states to remove existing legal and systemic obstacles, including unfair visa restrictions that deny migrants the right of migrant workers to run and manage their own trade unions.
- To fulfill their obligations to the Universal Declaration on Human Rights and various international human rights and labour rights covenants.
- To ratify the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
Commission on Human Rights 60th Session
The 60th session of the Commission on Human Rights (CHR) was held from 15 March to 23 April 2004 at the Palais des Nations in Geneva.

MFA was able to send its delegation to the CHR 60th Session: William Gois from the MFA Secretariat, Sajida Ally of AMC (which also has a Special Consultative Status with the ECOSOC) and Rev. Seo-Yeon Choe of JCMK (MFA member in South Korea).

MFA participated in the different parallel events organized at the CHR 60th Session, of which the most significant events are the following:

1. Forum hosted by the Collectif de soutien aux Sans-papiers de Geneve (Geneva collective supporting the rights of undocumented workers). This provided an opportunity for the participating organizations to make acquaintances, share experiences, and learn from each other’s work.

2. Briefing by the Special Rapporteur on the Human Rights of Migrants including an open dialogue with the Special Rapporteur.

3. Steering Committee for the Global Campaign for ratification of the Migrant Workers Convention Parallel Event with the Theme: Migration and Human Rights. This was co-organized by MRI, which is a member and the Secretariat to the Steering Committee for Global Campaign on the Ratification of the UN Convention for the Protection of the Rights of All Migrant Workers and Members of their Families.

4. MRI Parallel Event on the Human Rights of Migrants. William Gois from the MFA Secretariat was one of the resource speakers in this panel. He spoke about the plight of undocumented workers during this event and the urgent need to look at the social costs of migration.

The Commission, after thorough discussion, adopted with consensus Item 14(a) resolutions which include:

2. Resolution of The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (E/CN.4/2004/L.72), sponsored by Mexico; and

These resolutions can be used by MFA as good lobbying tools to remind governments of their commitments made and to further the protection of migrant workers.

Asian Civil Society Forum
MFA sent a delegation to the Asian Civil Society Forum (ACSF) held from 21 – 25 November 2004 in Bangkok, Thailand.

MFA identified the ACSF as an important venue to raise the issue of migration within the trade/finance thematic cluster of the ACSF.

MFA held a workshop on migration as part of the program. Critical issues on migration were discussed in the workshop which carried the theme “Migration and the Millennium Development Goals”. Topics included in the workshop were: “Overview on Migration”, “MFA Responses”, “Migration Challenges in the Mekong Sub-region”, “New Forms of Organizing”, “Migration and Health”, and “Migration and WTO Processes”.

World Social Forum, 2004
Among the thousands of participants to the World Social Forum (WSF), which was held in January 2004 in Mumbai, India, were several groups of migrant workers and organizations and advocates who decided to bond together and form a Migration Caucus. MFA together
with its partners, Migrant Forum India (MFA) and Center for Education and Communication (CEC) organized the Migration Caucus.

Objectives set by the Migration Caucus were:

1. Discuss the various challenges faced by migrants around the world. Mainstream the discussion of migrants’ rights as an intersecting issue in current discourses in globalization, development, trade, human rights violations (civil, political, economic, social, cultural), gender, racism and xenophobia;

2. Discuss the critical issue of gender and migration;

3. Strengthen existing networks and alliances dealing with the issues of migration and build new partnerships with other civil society organizations, support groups and advocates in the area of migrants’ rights.

Migration Caucus members achieved the following through a series of workshops, lectures, rallies and street theatre:

1. A greater sense of solidarity and understanding among various movements around the world. A set of concerted actions that can build our strength and effectiveness in our struggles.

2. Greater awareness of the migration phenomena and its effects/impacts on sending and host countries in relation to the protection of the human rights of migrant workers.

3. Strengthened and built new networks among activists, fostering crosscutting perspective among the social issues that we must come to grips with in order to realize the creed, “Another World is Possible.”

MFA members were among the speakers in the session on Women Migrant Workers which was organized by the Human Rights Watch. Representatives of MFA from WARBE (Bangladesh), FEONA (Nepal), MFI (India) and the Secretariat presented and discussed the Asian migration landscape with particular focus on women migrant workers. Also included in the session was the sharing of experiences in organizing women migrant returnees in Bangladesh, travails of Nepalese women working as domestic workers in Hong Kong, and the situation of women domestic workers within India.

**Global Commission on International Migration**

MFA sent an eight-member delegation to the Regional Hearing for the Asia Pacific of the Global Commission on International Migration (GCIM) held in May 2004 in Manila. The hearing’s purpose was to gain insight on migration issues of specific relevance to the countries in the sub region. Its findings will be incorporated into the report of the Commission to the United Nations Secretary-General and other stakeholders in 2005.

**Steering Committee for the Global Campaign on the Ratification of the UN Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families**

MFA is part of the Steering Committee for the Global Campaign on the Ratification of the UN Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families. MFA carries all the advocacy and campaign of the Steering Committee by getting involved through on-line communication, and attending various conferences and meetings in Geneva.

MFA is also represented by its international partner, Migrant Rights International, at all other conferences or meetings that MFA cannot attend.

**UNDP Task Force on Mobility and HIV Vulnerability Reduction**

MFA now sits on the UN Regional Task Force on Mobility and HIV Vulnerability Reduction that was convened by the UNDP South East Asia HIV and Development Programme, in line with earlier commitments by various regional UN entities to convene
task forces to address HIV-related issues in the region. The Task Force brings together partners including country governments, NGOs, donors, UN and other multilateral entities, and researchers. These partners work to develop more effective responses to the challenges of HIV vulnerability which are associated with mobility in South East Asia and China, particularly the southern provinces of China in which mobility systems are closely integrated with the mobility systems of South East Asia.

**WTO-GATS Mode 4**

Realizing that GATS Mode 4 could have a crucial impact on the struggle for migrants’ rights and well-being, MFA has been engaged in capacity building for advocacy on the need for a critical appraisal of the GATS Mode 4.

MFA was represented through its international partner MRI at the 5th WTO Ministerial Conference in Cancun, Mexico, held on 10-14 September 2003. In Cancun one of the items on the agenda of the ministers was to review progress on the initial offers with respect to GATS Mode 4 that were made by countries as a deadline for the same had been set for 31 March 2003. At Cancun, MRI stressed the need to monitor the discussions on WTO GATS Mode 4 and for the need to consolidate a migrant advocates’ position on Mode 4.

In coordination with the Transnational Institute (TNI), which was the focal point in Asia for the mobilization and participation in two workshops on migration at the ASEM 5 People’s Forum, MFA actively engaged in the two workshops on migration which focused on: a) Migrant Movements and Trade Unions, and b) GATS Mode 4. The ASEM 5 People’s Forum was held from 6 – 9 September, 2004, in Hanoi, Vietnam.

While the ASEM 5 workshop has been targeted for strengthening and building critique and alliances within migrant worker organizations, advocates, and civil society in Europe and Asia, MFA also raised this issue for debate and discussion at its 9th Regional Conference on Migration in September 2004 in Seoul, Korea.

As a follow-up to the above-mentioned activities, and to further strengthen the network’s capacity and understanding of the GATS Mode 4, MFA held a workshop on the WTO process among its network members in October 2004 in Bangkok, Thailand. The workshop aimed to bring greater clarity in understanding WTO principles, policies, outcomes and their impact on the rights of migrant workers and to build capacities of MFA members in developing a position on the GATS Mode 4 and thereby explore alliances and collaboration with other civil society organizations in unmasking the WTO process. The workshop was also a part of MFA’s preparations for an active participation together with other streams of civil society at the scheduled WTO Ministerial Conference to be held in 2005 in Hong Kong.

**Monitoring**

1. MFA continues to monitor the issue of undocumented workers in South Korea. MFA together with its local partner in Korea, the Joint Committee of Migrant Workers in Korea (JCMK), have repeatedly demanded that the Korean Government abolish the Industrial Trainee System (ITS), legalize undocumented workers, establish a work/ employment permit system and ratify the Migrant Workers Convention.

2. MFA also continues to monitor the drive against undocumented workers in Japan. Japan also has the exploitative “Trainee and Technical Intern System”, where migrants are denied labor rights. As a “security measure”, the government has recently introduced a system in the website of the Immigration Bureau where suspected overstaying and undocumented migrant workers can easily be reported by locals. Such practice was criticized by advocates as another human and migrant rights violation, but the government has continued it with only a slight adjustment.

3. MFA is also currently monitoring the plight of 200 Indian migrant workers in Singapore who have not been able to receive their salaries for six months. MFA is being updated by its member organizations in Singapore, the St. Francis Workers’ Centre, and the Singapore National Trade Union Congress Migrant Workers Forum (SNTUC-MWF) with regard to the development of this situation.

4. MFA is also closely monitoring the arrest of undocumented workers in Malaysia.

Malaysia announced in July 2004 that the government is planning for another crackdown on undocumented workers. The last time that the Malaysian government carried out the same agenda in 2002, it led to serious human and migrant rights violations.

As the crackdown has already started, MFA released a statement addressed to the Prime Minister of Malaysia highlighting the migrants’ and human rights violations, abuses and exploitation brought about by the massive crackdown. MFA also strongly urges the Malaysian government to:
Uphold and respect the rights and dignity of all migrant workers;
- Stop the crackdown and criminalization of undocumented migrant workers;
- Stop the deployment of civilians arresting undocumented migrant workers;
- Conduct an investigation of recruitment agencies deploying undocumented migrant workers and taking advantage of undocumented migrant workers;
- Develop a humane immigration policy that adheres to international human rights standards;
- Prosecute employers who refuse to pay the wages of migrant workers;
- Process the regularization of undocumented workers in Malaysia; and

MFA members in different countries in Asia simultaneously sent a letter of appeal to the Malaysian Embassy in their respective countries.

Capacity Building Activities

Regional Training of Trainers
In April 2004, a Regional Training of Trainers (TOT) was held in Manila, Philippines. The TOT is a component of the Regional Migrant Human Rights Training Programme of 2003-2006 by the Asia-Pacific Forum on Women, Law and Development (APWLD), Ateneo Human Rights Center (AHRC), Asian Migrant Centre (AMC) and Canadian Human Rights Foundation (CHRF).

Objectives of the workshop and the follow through meeting were as follows:
1. To analyze issues related to the rights of migrant workers in Asia, with a particular focus on women;
2. To examine international and national mechanisms for the protection and promotion of the rights of migrant workers;
3. To develop skills in the use of participatory training methods for the design, delivery and evaluation of training programmes.
of human rights activities in the area of the rights of migrant workers;

4. To explore opportunities for networking and collaboration with other sectoral groupings working on the wider frame of human rights; and

5. To have the participants demonstrate acquired skills and content through the development of a training plan to implement human rights education in their local context.

Participants to the TOT were involved in the planning, implementation and evaluation of the workshops throughout the program to ensure the success of capacity building.

14 MFA members participated in the TOT, which was followed up with a two-day meeting for MFA members only, to introduce and discuss the objectives of the monitoring and documentation of migrants’ rights violations on a regional level.

The MFA meeting integrated the objectives of the training workshop and indicated its relevance to developing a monitoring mechanism that would be useful for the network and other interested parties in following through with advocating for the rights of migrant workers.

At the end of the meeting, the members agreed to share with the MFA Secretariat their experiences in monitoring and documenting the human rights violations of migrant workers which would feed into the design of a regional mechanism.

As a follow up to the TOT, training was scheduled to be replicated at the sub-regional level of South Asia in Bangladesh. Bangladesh and Nepal are two countries in the South Asia where the governments are currently looking at their ‘migration for employment’ agenda and trying to incorporate a framework of protection. Bangladesh is also a signatory to the MWC, and the activity could further the campaign for ratification of the MWC.

The follow-up meeting gave the alumni participants of the TOT an opportunity to take a closer look at the issue of migration and the challenges it raises from a rights based perspective, and to develop a common strategic agenda in being able to influence policy and decision making at the national level and to

MFA delegates attend the ILC in Geneva, June 2004.
make it possible for the participants to identify strategies for advocating migrant workers issues at the regional and national levels.

**South Asian Conference**

As a follow-up to the ILC held in June 2004 in Geneva, Switzerland, MFA, together with the Center for Education and Communication (CEC-India), organized a conference from 6 – 8 December 2004 in Gurgaon, India.

The conference was held to try to work out within the SAARC framework a program of action for the protection of rights of migrant workers from the region. The multi-stakeholder dialogue was attended by representatives of governments, trade unions, media and other civil society organizations from the five major countries of the region: Bangladesh, India, Nepal, Pakistan and Sri Lanka.

The conference called for the adoption of a regulatory framework in the context of ILO standards and UN conventions on the issue of migration from the region and the establishment of a uniform framework with respect to minimum labour standards and wages for migrant workers from the region while working out contracts with host countries.

**Research**

1. MFA joined the AMC planning on Health Mapping for the “Asian Migrant Workers Health Research Project” in November 2003 in Bangkok, Thailand. This project complements the MFA health project and training module/programme supported by Ford Foundation. This research is on-going and is expected to be completed by 2005.


AMC, a member of MFA, is currently facilitating the MMN collaborative research project. The research aims to look into the living and working conditions and quality of life (physical, social and emotional well-being) of cross-border workers in the GMS, and identify the significant factors that create these conditions.

The research will also make recommendations and action plans towards improving the quality of life/work of migrants in the GMS, and disseminate the information and findings for use as advocacy materials especially for governments of host and home countries. The information will also be used for awareness-building, and as a reference for relevant institutions such as UN agencies.

This research will help strengthen and consolidate partnership among the MMN through which the network will jointly analyze and understand the issues and come up with joint recommendations/actions.