

Voices from the Regions: Asia Pacific and the Middle East

**1. Temporary guest worker schemes and circular migration have led to abuses and human rights violations, including the lack of choice to settle abroad.**

Aside from existing critiques, there are no clear and agreed proposals to possibly reform temporary guest programs policies. Temporary guest worker schemes thus remain as common practice by many host countries, which has led to many human rights abuses.

The recommendation to government therefore is to propose clear terms of reference on the fair treatment of guest workers, such as the practice in Australia. Another recommendation for CSOs, private groups and research institutions is to enhance the critique of the idea of regular migration through exposure of continued human rights abuses; to lobby for alternative provisions for all migrants, such as the issuance of temporary visas to victims of human trafficking. Also, efforts should be sustained to create a mechanism that can regularize undocumented workers, consistent with human rights protection and gender-sensitive standards (see page 6, recommendations nos. 12, 15, and 21 of the 1<sup>st</sup> GFMD.)

Another concern is the invisibility of women migrant workers—mostly domestic workers—to labor laws and effective monitoring in host countries. The rights of women migrant workers are not respected, nor are they given the type of decent working conditions usually accorded to other migrant workers. Domestic work is not considered as decent work. Also, the lack of recognition of the rights of all migrants to organize and associate contributes to the criminalization of migrant workers.

The recommendation is for government to include the setting of minimum labor standards for domestic workers at the national levels into their agenda. For CSOs, private groups and research institutions should also participate in consensus building on the proposed ILO convention on Decent Work for Domestic Workers, and to lobby for governments to respect the rights to exercise religious freedom.

There is also a lack of strict government regulation of private recruitment agencies. They continue to charge exorbitant fees often in collusion with middlemen and government regulators. In effect, the workers are often charged the same fee twice – before leaving the country and upon their placement abroad. Cases of bondage are always reported which are about migrants forced to work without remitting back their salaries to awaiting families for the first six months.

The recommendation is for governments to sanction recruitment agencies charging illegal fees from migrants; abolish the practice of visa trading, eliminate the involvement of middlemen in collusion with government. CSOs, private groups and research institutions should push for ILO-multilateral framework, seeking engagement of all sectors.

**2. Lack of effective strategies that could provide choice for migrants to return through equal coverage of benefits and security**

There is a lack of portability of social protection benefits, including retirement packages, especially among migrants who have worked a long time, and even paid their taxes in their host countries. The recommendation is for governments to study mechanisms to make social protection benefits portable to and from source and host countries. This could also include access to reproductive health services.

The value and potential of remittances remains largely untapped for contributing to development efforts.

The deportation of arrested, undocumented migrants has put them in life-threatening situations, for instance in Myanmar. Governments should adopt screening mechanisms in deportation proceedings

## **GFMD 2008, Day 1, Voices from the Regions, Asia / Middle East, Documentation 02**

that identify the special needs of irregular and mixed migrants. They should also popularize helpline and legal assistance for undocumented migrants.

### **3. There is a lack of CSO collaboration on migration issues between and across host and origin countries.**

There is a lack of an effective local responses to prevent trafficking in local source countries. Governments and CSOs should heighten their intervention against trafficking through victim protection and penalizing traffickers and their cohorts. There should also be continuous capacity building for airport personnel on migration realities, and not just on pure anti-trafficking approach.

Middle East-based CSOs are the least represented in consultations. There should be support for the creation and strengthening of CSO groups to work in the GCCs.

### **4. Lack of clear alternative goals among governments about managing migration (and development)**

There is a lack of research and information on the social costs of migration. One key issue is the lack of serious attention on the problems of children and families left behind.

Governments should set up relevant services and educational campaigns that address the special needs of children left behind. CSOs, private groups and research institutions should research on the cost-benefit and social impact of children left behind, by valuing the services of care-giving for other foreign family in exchange to the migrants' own children. There should be continuous advocacy for the option of family reunification abroad, in line with the lobby against temporary migration. There should be a study of the Sri Lanka experience of the failed lobby for a government ban on mothers with children under 5-years old to travel for work.

There is an absence of inter-ministerial coordination leading to inconsistencies of development planning and service delivery.

The recommendation is for government to lobby for the creation of a permanent representative of the GFMD to the United Nations; set up transparent mechanisms for constructive dialogue with CSOs and accountable implementing agencies from the local to national level. CSOs, private groups and research institutions should interface with government, CSO and business sector initiatives to link skills training and employability strategies, with priority on local job creation and access.

Low ratification rates and the compliance of existing conventions such as CEDAW and relevant ILO Conventions. For example, there are many difficulties in exacting accountability of agencies in Taiwan, which is a non-member of the United Nations, despite being a WTO member. Also, in the case of Burma, there is a lack of comprehensive national policy to monitor working conditions of workers involved in cross-border migration.

Governments need to set up relevant services and educational campaigns addressing the needs of children left behind. CSOs, private groups and research institutions should lobby for governments to ratify CEDAW "without reservations" and adopting General Recommendation 27. ASEAN Declaration should be utilized as a platform for lobbying for the protection of the rights of all undocumented workers. December 18 should be maximized as the global celebration for the rights of migrants.

**5. Another emerging issue is the lack of recognition to the plight of stateless children born by parents hiding as undocumented migrants.**

Destination countries should ensure that migrant children enjoy the full range of rights, regardless of their status. There should also be an implementation of a moratorium on the detention and deportation of children migrants, especially in the countries of Burma (from China) and the Philippines (from Malaysia). There should also be coverage of migrant children in birth registration towards assisting them to acquire nationalities.