

MADE ASIA NEWSLETTER



Regional Consultation on Migrants in Crisis



A regional consultation on migrants in crisis was held last 21st to 23rd of March 2015 in Manila, Philippines. The objectives of this regional conference was to provide an orientation for civil society on the “migrants in countries in crisis initiative” (MICIC Initiative) and activities that form part of the initiative, to formulate recommendations to the MICIC Initiative on rights-based, migrant-centered emergency response mechanisms, and to develop our advocacy strategy on expanding the MICIC framework to include perpetual crises affecting migrant communities.

Delegates from South East Asia, East Asia, South Asia, and West Asia shared their perspectives.



Regional conference breakout session

Breakout sessions were organized which revealed that while each region has its own nuances, the situation of crisis for migrant workers covers the full cycle of migration from departure to return. Crisis for migrant workers is not only limited to natural calamities and conflict situations, but also on-going situations that migrants experience everyday—perpetual crises that create vulnerabilities that are exacerbated at the onset of external crisis—which is similar to what broader civil society is highlighting.

In terms of CSO and government responses to this issue, only a few governments from the region have

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Participants brainstorming during a session

Day 1 of the consultation focused on CSO and government responses to migrants in crisis to further problematize the issue and expand the framework.

policies or response mechanisms available, such as the Philippines, Thailand, Lebanon and Israel. Responses, however, are focused on acute-onset crises like civil conflicts, natural disasters and man-made disasters. In view of this, participants called on governments to look at the issue of crisis by addressing the root causes of the perpetual crisis experienced by migrants and to include human rights-based approaches that address the root causes of crisis.

Secretary Imelda Nicolas, the Philippine government representative in the parallel event, introduced the MICIC framework. The Philippines and the United States are the current co-chairs of the MICIC Working Group with Australia, Bangladesh, Costa Rica, Ethiopia, European Commission as members.



Sec. Imelda Nicholas (left) of the Commission on Filipinos Overseas addresses the required consultation participants

It is in cooperation with IOM, UNHCR, Office of the UN Secretary General (SRSG) for International Migration Peter Sutherland and Georgetown University- Institute for the Study of International Migration. There was also an open forum with Secretary Nicolas where the participants expressed their concerns about accountability since the MICIC has a non-binding nature, the issue of undocumented migrant workers and missing migrants during crisis, and how the Kalafa system or employer-tied visa further fuels migrant workers' abuse and exploitation.

The open forum was followed by a strategy session, led by William Gois, to discuss how they are to engage with the MICIC initiatives. Upon lengthy deliberations and cognizant of the points discussed, participants decided to call for a broadening of the frame of crisis by pointing out that human rights must be respected at all times, not just in times of crisis.

In doing so, the impact of crises on migrants will be mitigated, as they will have more tools at their disposal to respond and assist themselves. Migrants should be looked at as agents rather than as passive recipients of assistance.



William Gois giving a strategy session at the Regional Conference on Migrants in Crisis

The strategy session with the participants was followed by a dialogue between the participants and different government representatives. They discussed each side's strategies and response mechanisms, as well as concerns on how they could both cooperate harmoniously.

However, Mr. Gois also indicated that there was not much interaction during the session. Civil society representatives were not really given the opportunity to raise their concerns.

Brief Background of MADE Asia

Since 2006, many civil society organisations have called for time and resources to organise national and regional convenings for change in policies and practice, follow-up and advocacy actions to ensure that changes for migrants and migration are actually implemented on the ground.

MADE evolved out of years of GFMD organising, and was launched in 2014, benefitting from initial co-funding from the European Union for three years. The coordination of GFMD civil society activities has now become part of the Migration and Development Civil Society Network (MADE), organised by the Civil Society Coordinating Office, operating under the auspices of the International Catholic Migration Commission (ICMC), in partnership with the International Steering Committee (ISC) and MADE regional and thematic coordinators.

Activities in Asia are coordinated by Migrant Forum in Asia (MFA) whose secretariat is based in the Philippines. Building on years of collective organising for migrant workers' rights in the region and internationally, for example through Migrants Rights International, activities in Asia aim to advance the migrants rights and development agenda in the region, following the priorities of the 5-year 8-point Plan of Action.

A specific focus for the region is on safe and decent labour migration and regulating the migrant labour recruitment industry closely linked to the activities of the Working Group on Labour Migration and Recruitment, also coordinated by MFA.

All CSOs working in the field of migration, migrants' rights and human development in Asia or with an interest in the region are welcome to join and participate upcoming regional events, advocacy actions and other activities.

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Civil Society Inputs to "migrants in countries in crisis" (MICIC) Initiative



Participants from South Asia

Civil society organizations from Southeast, South, and West Asia carried out a parallel consultation last 23-24 March 2015 to provide inputs to the first "migrants in countries in crisis" (MICIC) Initiative.

The MICIC Initiative is focused on crises that migrants are caught up in as against crises that are entwined with the reality of being migrants. Thus, the MICIC Initiative fails to account for ongoing crisis situations that migrants experience daily perpetual crises that create vulnerabilities that are exacerbated at the onset of emergencies.

Ratification and implementation of human and labour rights standards, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990), will preemptively decrease migrants' vulnerability, both in times of stability and especially in times of emergency.

In ratifying and implementing relevant human rights and labour rights instruments and respecting the rights of all migrant workers and members of their families, migrants will become actors in emergency response strategies rather than passive recipients of humanitarian assistance. It will enable both origin and destination countries to better identify migrant-centred humanitarian responses, continuing to anchor response strategies in a human rights framework.

Once an emergency situation has abated and response mechanisms have been exhausted, migrant workers should have access to some kind of financial assistance to compensate them for wages lost during the crisis. Financial assistance could take the form of an emergency fund, an insurance scheme, or a loans program with easy repayment terms. Such financial assistance would provide the worker with

the means to re-establish him/herself and make decisions about his/her economic future.

In the post-crisis phase, states should also undertake independent multi-stakeholder reviews of the procedures that were enacted to identify best, promising, and worst practices and to measure the impact of response mechanisms on the human rights of migrants. Recommendations derived from this assessment should be used to feed into contingency planning for future emergencies with a view to reducing migrants' vulnerability in crisis scenarios through rights protection and empowerment.

"The call for human rights in ordinary times enables better responses in extraordinary times"

If an institution is given the mandate of overseeing the implementation of a set of MICIC guiding principles, this institution must prioritize human rights protection and ground its activities in a human rights framework. The international community must not develop a framework in which governments and agencies address the serious rights concerns of migrant workers only during times of acute onset crisis.

Not only are states obligated to uphold human and labour rights, but in doing so as a matter of course they strengthen the ability of migrants to determine their own solutions and rely less on states and intergovernmental agencies for assistance and support in emergencies.

Finally, the civil society urges the governments and agencies involved in the MICIC Initiative to open its deliberation processes, prioritizing meaningful participation of migrants and their representatives. We reiterate that any guiding principles, statements, or pronouncements of the MICIC Initiative must be anchored in a human rights framework.

The next MICIC regional consultation will take place in Brussels in June. The inputs from these sessions will be shared with CSO partners in Europe to take the advocacy forward.

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Open Working Group on Labour Migration & Recruitment Partners Meeting

To take stock of the progress of the work of the OWG since its second meeting in Jordan, Migrant Forum in Asia (MFA), in cooperation with the Global Coalition in Migration and with the support from Migration and Development Civil Society Network (MADE), had its third meeting in Bogor, Indonesia from August 13-14, 2015. The MFA Secretariat convened 35 members of the OWG on recruitment from around the world, with participants that vary from CSOs, trade unions, academe, global activists, lawyers, and recruitment agencies. The two day meeting discussed updates on the OWG campaign priorities:

- Zero Fees for recruitment: No worker should have to pay recruitment fees to secure decent work.
- Zero tolerance for contract substitution
- Human rights in Government to Government Agreements on recruitment
- Ethical Recruitment



Participants of the Open Working Group on Labour Migration & Recruitment Partners Meeting

During the two day program, the OWG research on gaps in policy & practice in regulating the recruitment of migrant workers in Asia was also presented. The OWG members also discussed strategies how to implement the working group priority campaigns. The OWG members also discussed other initiatives on recruitment reform such as the ILO's Fair Recruitment Agenda, IOM's IRIS, CDM's *contratados* and the new accreditation system MFA is proposing for recruiters.

Following after the global conference, the MFA secretariat also convened the participants to talk about the updates of the recommendations collated from the previous meeting, and again plan for the next step that the working group will set forth as they go forward. An internal meeting among the members of the OWG who have been engaged in the research on gaps

and challenges of the migrant workers took place after the day one of the OWG meeting on August 13, 2015.

After the two day meeting, the Open Working Group came up with a work plan highlighting advocacy for the next year.



A session with the participants of the meeting

Before the meeting, a global conference on worker rights and shared prosperity organized by Solidarity Center on 10-12 August, 2015 in Bogor, Indonesia in which MFA was an active organizer and participant in the program. The conference was a good avenue to talk about the global issues of migration. The global conference gathered 200 participants from trade unions, migrants CSOs, regional and international organizations all around the world which are involved in the migration issues. The participants of the conference talked about the global migration issues including recruitment and rights violation towards migrant workers.



Closing Ceremony of Labour Migration Global Meeting

South Asia Consultation on Post-2015 Agenda: Focus on Migrants and Migration

The South Asia Consultation on Post-2015 Development Agenda: Focus on Migrants and Migration was held last 24-25 April 2015 in Dhaka, Bangladesh. The consultation is part of a series of sub-regional consultations that Migrant Forum in Asia (MFA) and its partner organisations- Global Coalition on Migration and MADE Network organise further capacitate migrants CSOs in engaging and understanding the post-2015 debate which is essential for effective advocacy at all levels. This is also to lay the groundwork that would enable CSOs to continue the conversations in follow-up work at the GFMD in Istanbul and in preparation for the GFMD in Bangladesh in 2017.

Specifically, the consultation aimed to: enhance migrants and migrant advocacy groups understanding of the broader discourse on Post-2015 development agenda; ensure that migrants and migration are integrated in the Post 2015 Agenda; come up with indicators to measure success of targets related to migrants and migration, and; gain better understanding on the impact of post-2015 for migrants' rights advocacy in the region.

Below are highlights of some of the sessions that were held at the consultation:

The Post-2015 Development Agenda: Where we are the moment

This session was designed to set the tone of the discussion on post-2015 development agenda. The discussion focused on the level of understanding of the participants on the issue and the current status of discussion at the international level. Mr. William Gois from Migrant Forum in Asia facilitated the session.

The exercise revealed that there is a huge gap between what organisations do and what is required. The facilitator explained that the consultation wanted to bridge this gap by a process called "socialization" of the knowledge and to enable participants to understand and connect the experiences of the people on the ground and where CSOs, trade unions and experts operate. Advocates and the people they represent shared two different worlds and how often these two worlds should connect to bring a change process is something that participants need to reflect on. The facilitator also reminded participants to be more self-critical of the way they work in which most of it is around projects. The facilitator challenged the participants on how to translate that reality in a different way.

Why migration matters in the Post-2015 Development Agenda: CSO Stockholm Agenda

As indicated above, migration was not part of the eight MDGs. While there were some organizations talking about climate change and displacement, for governments it was not a big issue for it to be included in the MDGs. Migration was not in the MDGs and possibly could have not been included in the SDGs discussion without the push from a handful governments like Switzerland, Mexico and Germany to some extent. In the

Asian region, Bangladesh and the Philippines take a proactive role. There was also as support from the UN system like ILO, UN Women UNHCR and OHCHR and IOM.

What we want to see happening in terms of migration: Developing targets for South Asia Migration Specific Goals

The preceding session was followed by a session on drawing up targets for the four migration specific goals.

Goal 1: Opening up more formal channels for migration and better access to labour markets

Goal 2: Promote regional multi-stakeholder dialogue and discussion on migration

Goal 3: Right to vote for migrant workers

Goal 4: Coherent and effective governance of migration

Moving Forward: Optimising Opportunities for engagement

This session was meant to familiarise participants with other spaces and opportunities where they could advance the issues discussed in the 2-day consultation. These spaces and opportunities include the South Asia Legislature Meeting last September 2015 in Bangladesh, Global Forum on Migration and Development in Turkey, Asian Inter-Parliamentary Caucus on Labour Migration Assembly and Lawyers Beyond Borders (LBB) network both to be held on November 2015 in Kuala Lumpur, Step It Up campaign, and Recruitment Reform campaign.

Next Steps:

- MFA will clean the two documents- migration specific goals and the proposed indicators on SDG targets relevant to migration and will forward the same to the participants for review and further refinement. The migration specific goals will be used a reference document for the succeeding sub-regional consultations.
- MFA will keep the participants updated on any developments with regard to the post-2015 debate
- MFA will forward the updated post-2015 development paper
- RMMRU will organize a workshop for journalist on 7-9 July in Nepal
- COAST will translate the outcome document that will be adopted at the UNGA in September. Advocacy work will focus on ensuring to ensure that the SDGs are included in the national development plan of Bangladesh. They will also link up with other groups working/monitoring the SDGs debate. Explore possibility of organising joint programmes/activities with other groups
- INAFI will organize a round-table discussion focusing on poverty reduction, gender and climate change & migration between May-June.
- SARTUC is currently working on proposing amendments on TU constitution to be able to include migrant workers in their organizing work. They also have an on-going project with the Solidarity Center in coming up with a database of recruiters-good and bad.

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National Advocacy Actions

The MADE Pilot Fund programme offers small grants to migrant and civil society organizations in six target countries to engage directly with national or city governments on changes to policies and their implementation aimed at improving the well-being and protection of migrants and communities. This MADE Pilot Fund 2015 – 2016 is coordinated by ICMC and the MADE regional coordinators and provides small grants of about 7.500 EUR to selected civil society organizations to support advocacy activities taking place between July 2015 - June 2016. There is currently a call to action on advocacy action proposals in Sri Lanka and Cambodia .

Cambodia

This call for action specifically refers to Cambodia as one of the target countries in Asia and is closely coordinated between ICMC and the Migrants' rights are high on the agenda of the Cambodian government, parliament, and civil society organizations. The Cambodian Government has signed but not yet ratified the UN Migrant Workers Convention , but there currently is a strong civil society movement in Cambodia pushing for its ratification with the support of several members of parliament. Legal Support or Children and Women (LSCW) Cambodia



Legal Support or Children and Women (LSCW) Cambodia

There is also strong movement calling for the ratification of Core ILO Conventions and relevant ILO conventions on migration. The Cambodian Government has also recently launched its labour migration policy for 2015 - 2018 with the following objectives:

- (1) Formulation and implementation of rights-based and gender-sensitive policy and legislation through social dialogue at all levels;
- (2) Protection and empowerment of men and women migrant workers regardless of their status through all stages of the migration process; and
- (3) Harnessing labour migration and mobility to enhance social and economic development in Cambodia recognising that migrant workers are agents of innovation and development.

Sri Lanka

Migrants' rights stand high on the agenda of Sri Lankan government, parliament, and civil society organizations. In 2008, the government formulated a National Labour Migration policy. This policy focuses on three major areas: governance of the migration

process, protection and empowerment of migrant workers and their families, and linking migration and development processes. It also articulates the Sri Lanka government's commitment to ensuring a labour migration process that adheres to principles and guidelines enshrined in international instruments and international good practices. The Sri Lankan government has ratified the UN Migrant Workers Convention and is also due for its second periodic report with the Committee on Migrant Workers in 2016, but other relevant ILO Conventions on migration, in particular the ILO Convention 189 on domestic work, have not yet been ratified.

In 2015 a new government was established with the election of the new president, President Sirisena. This change of leadership gives civil society organizations new opportunities to lobby and dialogue for the stronger protection of the rights of migrant workers.

Concretely, funded actions in Cambodia and Sri Lanka must take forward one specific key priority of civil society's migration and development agenda for change, namely:

Decent labour migration and recruitment
[related to: 5yplan point 7 + 8; CS 14 recommendation 1 + 2; SA goals 1,2,3,9]
- Recommendations and targets related to ensuring decent work and social protection for migrant workers and families, including among them reform the migrant labour recruitment industry and better regulate placement and employment practices, ratification and implementation of the UN Migrant Workers Convention, Core ILO Conventions and ILO Conventions on migration, ILO C97, C143, C189, C181.

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