

# **CARAM ASIA ANNUAL REPORT 2011**

## **The Caram Asia Secretariat**

The Caram Asia Secretariat operates from Kuala Lumpur, Malaysia. The Secretariat Team comprises of:

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## **The CARAM Asia Vision**

All people have the right to stay or move and live and work in dignity with equal rights in a society, where their quality of life is ensured.

## **CARAM Asia Annual Report**

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### **1. Regional Co-ordinators Report**

2011 was a challenging but good year for the CARAM Asia network in general. The activities and involvements demonstrate the growing capacity and prominence of the membership and the network at large. The network has grown with more new members including migrant workers and domestic workers associations who joined the CARAM network in 2011.

The year 2011 continue to assert its challenges in terms of the development of rights of people in migration. The issues of violations and slow development of rights took precedent in the year 2011. CARAM is however able to monitor and respond to the growing concerns and issues with its promising members and secretariat.

Labour migration is a global phenomenon; millions of workers emigrate every year in search of better employment opportunities abroad due to poverty, unemployment and various other push factors. By this, they significantly contribute to the development of destination and source countries in several ways.

Nonetheless their own rights have been compromised due to lack of protection mechanism (laws and policies) deep rooted structural inequalities and power imbalances between countries. Within this it has become increasingly evident that their human rights are gravely violated in all stages of the migration cycle ranging from pre-departure to re-integration, putting many lives at risk, with soaring numbers of deaths.

In addition to that, the “feminization” of migration has resulted in large numbers of women going to work as domestic workers in Middle Eastern and Southeast countries which constitutes 45% of total migrants’ population. Women migrants are more vulnerable to physical and sexual abuse by employers being caught in private homes. In brief, migrant women and migrant workers in general suffer from violation of rights and lot of violence, abuse and exploitation in entire migration cycle without having rights to redress and access to justice which can only happen if there is legislative protection for them.

Hence there is urgent need to take appropriate measures to protect migrant worker’s rights to redress and access to justice and safeguard their right to life and dignity.

Over the last three decades, the number of women leaving their countries in search of employment has reached unprecedented levels in Southeast Asia and the Asia Pacific. There is an estimated 54 million migrant workers in Asia. Of this number, more than 50 percent are women migrant workers<sup>1</sup>, making the character of migrant labour highly “feminized. CARAM on the said reality have focused more of its work on the issue of women in the migration process in the year 2011.

We take note that among the major movers for the year 2011 is definitely the historical passing of the ILO Convention on Domestic Workers. CARAM Asia welcomes The Domestic Workers Convention and calls on nation states to ratify without any reservations and to adopt and implement the provisions in its domestic laws without any delay. CARAM Asia affirms that women migrant workers should not be discriminated against in any sphere of life, in country of origin, transit and destination.

On Health and Migration, CARAM Asia on 14<sup>th</sup> November 2011 organized a regional consultation on Access to Justice for Migrant Workers, officiated by the Malaysian Minister of Human Resources, Datuk Dr S. Subramaniam today. CARAM Asia hoped that this positive engagement would address the outstanding human rights issues and improve the rights protection of migrant workers and their families in Malaysia.

CARAM in its report on Access to Justice For Migrant Workers 2011 documented serious rights violations as the report reveals unpaid wages, lack of work at workplace and enforced labour as the top three concerns. The report also reveals a high trend of

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cases of confinement and denial of freedom of movement as about 91 percent of men and 72 percent of women complainants complained of withholding of passport and threat of violence. The cases are also an illustration of multiple violations recorded in a single case documentation as it illustrates the intensity and impact on the rights of the migrant workers. The 2011 report was based on CARAM's regional case documentation database developed with its member organizations as CARAM aims to develop an evidence base strategy for a regional program of intervention in particular to the ASEAN governments and in its integrated process as a region. CARAM also aim to develop a similar strategy with the South Asian countries.

CARAM Asia also on the 15<sup>th</sup> of November conducted another regional consultation on Women Migrant Worker's Proposal to ASEAN to develop an engendered recommendation to the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection following the historical adoption of the Domestic Workers Convention at the International Labor Conference of the International Labor Organization in June 2011.

Using internationally accepted standards of human rights and gender-sensitive best practices, the consultation aims to provide an engendered proposal to ASEAN in ensuring the rights of migrant workers and members of their families are protected. CARAM Asia has made its recommendations to the ASEAN Committee on Implementation of the ASEAN Declaration on Protection and Promotion of Rights of Migrant Workers in 2011.

The consultations were also attended by Mr. Abdelhamid El Jamri, the Chairperson of UN Committee on Migrant Workers in this consultation. CARAM views his participation as a crucial opportunity to further learn the UN Complaints Mechanisms and to increase responses and accountability of nation states to the international communities in terms of its migrant rights protection.

CARAM in its assessment of 2011 views a negative development of human rights and migrants and express its concern on the limited or no access to justice system to seek redress in both destination countries as well as receiving countries. The recent cases of foreign domestic workers ban to Saudi Arabia by the Indonesian government and the Cambodian ban in Malaysia are the few cases to be noted. CARAM is of the view that banning of workers is not a solution as nations must develop a proper legal mechanism both in sending and destination country to protect migrant worker's rights to redress and access to justice is to safeguard their right to life and dignity.

It is crucial for both sending and receiving countries as in nations and a region to provide for protection mechanism to uphold the rights of migrant workers at all stages with proper laws and regulations. Migrant workers should not be seen as a mere

commodity or production tool but as a human with equal rights and dignity. CARAM Asia firmly states that all persons are entitled to a life free from any form of arbitrary action and access to justice and to seek legal representation and support assistance of their choice.

Caram Asia also in 2011 intervened in the case of public execution of Ma'mun Abdul Mannan, Faruq Jamal, Sumon Miah, Mohammed Sumon, Shafiq al-Islam, Mas'ud Shamsul Haque, Abu al-Hussain Ahmed, Mutir al-Rahman on the 8<sup>th</sup> of October 2011.

CARAM and its network members took the position that Death Penalty is a cruel and irreversible denial of human rights and we strongly oppose all form of denial of rights including the right to life.

We were deeply concern with the stated facts as the case illustrates an important reminder of the labour migration process of the unfair nature of labour migration that is burdened with lack of pre-departure or any form of training and often migrants are trafficked or forced into a job by unscrupulous agents. The other harsh reality of migrant workers in host countries are often left with diminished care services and legal redress and complaint mechanisms. Migrant workers are often victims themselves to syndicates and criminal agencies due to the increased vulnerability of this harsh reality of labour migration.

CARAM have called on the government of Saudi Arabia to impose a moratorium on all death penalty sentences in respect of the United Nations General Assembly resolution A/RES/62/149, which proclaims a global moratorium on the Death Penalty to review the cases of all prisoners currently under sentence of death with the aim of commuting the sentences or offering them a retrial in full conformity with the UN Safeguards guaranteeing the protection of the rights of those facing the death penalty (ECOSOC Resolution 1984/50 of 25 May 1984), and ensure that these are adhered to in practice.

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Asia firmly states that all persons are entitled to a life free from any form of arbitrary action and access to justice and to seek legal representation and support assistance of their choice.

CARAM express confidence in the growing advocacy by its members in the cross regional advocacy and solidarity to be of an asset to address the major challenges faced by CARAM as a network and the growing concerns on migrant rights violations in the Asia region.

## **2. The Migrant Workers Right Task Force Report**

The advocacy for Migrant Workers Rights s charted a few miles stones this year as our tireless advocacy and network activities have paid off in the passing of the ILO Convention on Domestic Workers.

The ILO move towards developing an International recognition of domestic work as Work with a new standard setting process that solicited feedback from its tripartite members and CARAM have made its point and interventions in the process despite not being the traditional member in the tripartite process. This international move also falls in line with our campaign for the recognition of domestic work as work and it is the outcome of the many efforts of FDWs, domestic workers groups, NGOs and other stake holders who had long been making the same calls.

The development set as a major milestone for CARAM as we continue to advocate its objectives to achieve the objective of strengthening the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

Among the key activities for the year 2011

### **ASEAN CIVIL SOCIETY CONFERENCE**

CARAM Asia participated in the ASEAN Civil Society Conference / ASEAN Peoples' Forum (ACSC/APF) 2011 was organized from 3rd to 5th May 2011 in Jakarta, Indonesia. CARAM Asia and its Indonesian members had participated in the preparatory process.

Solidaritas Perempuan together with the rest of the Indonesian civil society has been active in the organizing committee. CARAM Asia had been active in the Interface

Committee and spoke at the workshop on decent work, speaking specifically on ASEAN regional strategies for domestic workers.



CARAM Asia was listed as co-organiser for the entire ACSC and also for the workshop on labour flexibility. We gave a presentation on regional/ ASEAN situation for domestic workers and Labour Flexibility.

On May 7, the representatives of the ASEAN Civil Society Conference/ASEAN Peoples' Forum (ACSC/APF) 2011 to share updates on our work to deal with the critical challenges facing the peoples of ASEAN. The ACSC/APF representatives including CARAM released a joint statement to highlight, address and resolve the urgent and emerging problems facing the region.

The statement recommended among other for ASEAN to resist and oppose the effort of the EU to push for restrictive Intellectual Property Rights chapter that would curtail production and distribution of more affordable generic medicines.

ASEAN was also reminded that it should ensure dialogue and decision making between women or community members and policy makers on the impact of climate change on women's livelihoods, health, sexual and reproductive rights. The specific needs of women should be factored into the policies on climate change.

### **Speak Out Workshop**

Solidaritas Perempuan (SP) in Indonesia and CARAM Asia has arranged for a migrant domestic worker to speak during the plenary session on people's testimony on Day 3 of the ACSC.

As secretariat of United for Foreign Domestic Workers Rights (UFDWRs), CARAM Asia also joined the migrant workers speak out organized by Asia Pacific Mission for Migrants (APMM). The Speak Out workshop makes up the first component of Speak

Out session. Two (2) Woman Migrant Domestic Workers (from Philippines and from Indonesia) took the platform to share their respective experiences and concerns on the issue to the ASEAN representative. AICHR representative also responded with a short speech, acknowledging the recommendations received.

CARAM Asia with members present made intervention into the final ACSC statement on recognition of domestic worker as workers (into the labour cluster issue), deportation of pregnant women migrant and on HIV status, access to health for migrant workers among other.

### **Civil Society Strategic Meeting to the AFML**

CARAM Asia and APWLD was part of the 33 Civil Society organisations from Cambodia, Indonesia, Philippines, Malaysia, Singapore, Thailand and Vietnam who participated in the Civil Society's Strategic Meeting to the 4<sup>th</sup> ASEAN Forum on Migrant Labour (AFML). The meeting was organised by Human Rights Working Group (HRWG), Indonesia Working Group on ASEAN Migrant Workers (IWGAMW) and Task Force on ASEAN Migrant Workers (TF-AMW) from 22<sup>nd</sup> to 23<sup>rd</sup> October 2011 in Kuta-Bali, Indonesia.

The two-day meeting had plenary sessions from ASEAN, International institutions such as ILO and IOM and civil society themselves. Both Ms Mega Irena from the ASEAN Secretariat and Mr Ben Drajat from the Indonesian Ministry of Foreign Affairs supported the meeting as resource persons regarding the thematic of the 4<sup>th</sup> AFML which is as follows:

- (a) Campaigning to Promote Understanding, Harmony and Rights of Migrant Workers, and
- (b) Strategies for More Effective Return and reintegration, and Sustainable Alternatives to Migration.

During the plenary and workshop session, recommendations from the Speak Out was constantly brought up, which led to seven (7) recommendations being incorporated into both of the themes for recommendation to the AFML.

### **ASEAN Forum on Migrant Labour**

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### **Increasing Institutional Capacity for Gender Mainstreaming in the Asia Pacific Regional Networks of Key Affected Populations.**

CARAM Asia was invited to take part in “Increasing Institutional Capacity for Gender Mainstreaming in the Asia Pacific Regional Networks of Key Affected Populations”, a 2-days workshop organised by 7 Sisters and supported by UNAIDS RST in Bangkok Thailand on 27-28 July 2011. The workshop allowed CARAM Asia to assess its institutional capacity for gender responsive planning, coordination and networking and advocacy. Gender Sexuality Process Oriented Tool (GSPOT) was used in the workshop to measure own capacity of dealing with gender and sexuality issues along with identifying key areas of needs. The toolkit focuses on assessing the institutional conditions and systems, and evaluates the initiatives and perceptions of those involved in the assessment.

CARAM Asia, represented by the network Secretariat, Solidaritas Perempuan, ACHIEVE and Raks Thai, reviewed how the gender perception has been translated and evaluated how gender mainstreaming can be improved at their regional secretariat as well as the 37 member organisations at the national level. Reports and relevant documents produced in the past were used to substantiate the assessment.

Gender is clearly articulated in all official documents produced by the network. However, it is mainly focused on the issues of men and women, not other gender identities. CARAM aims to achieve a more inclusive gender framework, to ensure the inclusion of all gender identities.

CARAM will strengthen its gender and sexuality perspective and programming through capacity building programs aimed at improving planning, M & E systems, and expansion of networking and building linkages.

The assessment process helped CARAM to realise the need to be more inclusive of all gender identities, TG and MSM, and the tool was also beneficial in identifying existing gaps in CARAM's organisational capacity such as the need to improve communication, partnership, documentation processes, as well as the need to improve monitoring and evaluation system.

### **Strengthening Documentation System on Violations of Migrant Workers Rights**

CARAM Asia made an initial step for strengthening and developing documentation systems on violations of migrant workers rights in 2010. The regional secretariat did an assessment of its member's existing case documentation systems. The purpose of the assessment was to know the existing process and methods of gathering and documenting information on the violation of migrant worker's rights in different countries. The assessment helped in identifying complexities and opportunities around documentation.

As a result, four new data collection tools for destination countries, origin countries, regional data collection tool and a tool for situation monitoring by collecting data from newspapers were developed.

CARAM in November 2011 released its report on Access to Justice For Migrant Workers 2011 of documented serious rights violations of various issues like unpaid wages, lack of work at workplace and enforced labour as the top three concerns. The report also reveals a high trend of cases of confinement and denial of freedom of movement as about 91 percent of men and 72 percent of women complainants complained of withholding of passport and threat of violence. The cases are also an illustration of multiple violations recorded in a single case documentation as it illustrates the intensity and impact on the rights of the migrant workers.

The 2011 report was based on CARAM's regional case documentation database developed with its member organizations as CARAM aims to develop an evidence base strategy for a regional program of intervention in particular to the ASEAN governments and in its integrated process as a region. CARAM also aim to develop a similar strategy with the South Asian countries.

CARAM has thus far documented more than 150 cases as of early November 2011 with Malaysia recording the highest number of cases with a total of 116 cases. The cases

recorded thus far reveal a higher number of cases involving female migrant workers in comparison to male with about 60 over percent of the recorded cases of victims with Cambodia and Indonesia marking the highest number. The highest number of rights violations involving men who are largely from Bangladesh with highest number of cases recorded in Malaysia in comparison to the overall assessment of recorded cases.

## **Regional Consultation on Migrant Workers' Access to Justice**

CARAM Asia on 14<sup>th</sup> November 2011 organised a Regional Consultation on Access to Justice. The program was part of CARAM's initiative to consolidate findings and constituting opportunities through direct dialogue on the prevailing situation of violation of migrant rights.

The consultations were also attended by Mr. Abdelhamid El Jamri, the Chairperson of UN Committee on Migrant Workers in this consultation. CARAM views his participation as a crucial opportunity to further learn the UN Complaints Mechanisms and to increase responses and accountability of nation states to the international communities in terms of its migrant rights protection.

The main objectives of Consultation are to share migrant worker's rights violation and violence cases and case studies with Chairperson of UN Committee on Migrant Workers to get his attention on the current scenario. The Consultation also aimed to to frame a rights based approach around Migrant Worker' s access to justice at various levels and to highlight discriminatory policies and practices with regard to MW's Right to Redress and Access to Justice particularly in receiving countries.

## **Regional Consultation on Women Migrants and Participation to ASEAN**

In 2010, CARAM Asia and APWLD conducted several national level advocacy and workshop on engendering the ASEAN Framework Instrument on Protection and Promotion of Rights of Migrant Workers. Although national activities had been carried out respectively in 5 countries in South East Asia, member organizations involved in this process need to come together to voice out at the regional level.

This regional meeting brought together all project partners that conducted the national level ASEAN advocacy to consolidate a regional paper with a gender perspective on the recommendation to ASEAN regarding the rights of Women Migrant Workers.

On 15<sup>th</sup> of November 2011, CARAM organized the said consultation in Kuala Lumpur. The objective of the consultation was to advocate for greater regulatory protections for

women migrants especially FDWs using the CEDWA General Comment 26 as a guideline for ASEAN regional policies.

The consultations were also attended by Mr. Abdelhamid El Jamri, the Chairperson of UN Committee on Migrant Workers in this consultation. The Chairperson in his comments pointed out on the importance of working continually on this issue of access to justice in a specific coalition or as the part of ACMW with clear plans to establish a communication plan involving key stakeholders like NGOs, NHRIs, the UN local system and governments and individuals.

He also pointed out on the need to develop a regional mechanism to facilitate access to justice for migrant workers.

At the international level, the Chairperson pointed out on the need to mobilize the UN Committee on Migrant Workers on the issue of having access to justice including a Day of General Discussion on migrants' access to justice at the UN Committee to explain the issue and make recommendations towards states.

The Consultation also discussed a plan of action on the South Asia Countries and among the points raised was to develop an action paper referring to ASEAN initiatives on migration to the respective south Asian government in line with Colombo process, ILO convention, CEDAW.

CARAM ASEAN members were also suggested to conduct advocacy with their state to engage south Asia governments since ASEAN countries are also the recipient of South Asian workers, to ensure equal treatment for all migrants. The other recommendations were to conduct research to assess synergy in the International instruments and national legislation in SAARC countries and to form a strong Civil Society Organisation platform in SAARC.

## **3. The Migration health and HIV Task Force Report**

### **Dhaka Consultation 2011**

CARAM also took part on the 2011 Dhaka process. The primary objective of the consultation was to facilitate greater regional dialogue and cooperation on the management of labour migration amongst the major labour sending countries.

Eleven members from the sending countries took part Afghanistan; Bangladesh; China; India; Indonesia; Nepal; Pakistan; Philippines; Sri Lanka; Thailand; Vietnam and observers organizations and country attended. The 2011 meeting was a follow up to the 2010 Ministerial Consultation for Asian Labour Sending Countries' which was postponed to 2011.

The Colombo Process platform was initiated with the primary objective of facilitating greater regional dialogue and cooperation on the management of labour migration amongst the major labour sending countries.

The Colombo process which was held in the South Asian region is an important platform to raise the issues faced by migrant workers from this region. CARAM Asia organised a consultation prior to the Ministerial consultation and drafted recommendations for this consultation and was finalised by participants at the CARAM Asia consultation.

Caram Asia, Migrant Forum in Asia and Human Rights Watch also organized Migrant Forum - Protecting Asian Migrant's Rights. CARAM expressed concern over the government decision to send large number of women migrant workers as domestic workers to Saudi Arabia a country that has seen increasing cases of abuse and rights violations and on contractual migrant workers.

CARAM Asia and other partners made a few key observations on the four key issues and made recommendations base on the discussion. The excerpt of the document is as follows.

## **1. Protections for Migrant Domestic Workers**

Millions of migrant domestic workers work across Asia and the Middle East. They provide important services in host countries and support their families at home. However, exclusion of domestic workers from key protections in national labor laws, deceptive recruitment practices, immigration policies that give employers inordinate control over workers, and isolation in private homes, place them at serious risk of exploitation. While many enjoy positive experiences while working abroad, complaints from migrant domestic workers regularly make up a disproportionate amount of migrant abuse cases. These complaints include unpaid wages, excessively long work hours without rest days, restrictions on freedom of movement, and in some cases physical and sexual violence or forced labor, including trafficking.

The vulnerability of domestic workers is not unique to Asia and the Middle East, and a global review of laws and practices around the world conducted by the International Labor Organization (ILO) reaffirmed the need to improve protections for this sector globally. In recognition of these problems, members of the ILO have been drafting a new international convention to establish global labor standards on domestic work. In June 2011, governments, workers' representatives, and employers' representatives will finalize the text and vote on adopting this convention. The current draft text includes the ILO's fundamental principles and rights at work, a minimum age, conditions of employment not less favorable than other workers under national laws, written contracts for migrant domestic workers, freedom to leave the workplace during rest periods, and guidance on circumstances specific to domestic work such as in-kind payments of room and board.

**Recommendation: Governments participating in the Colombo Process should pledge their support for the adoption of an ILO Convention on Decent Work for Domestic Workers at the International Labor Conference in Geneva in June 2011. Member governments should sign and ratify this convention and take steps to bring their national laws and policies into compliance with it.**

## **2. Increased Multilateral Cooperation**

Many governments have pursued bilateral agreements and memoranda of understanding to strengthen regulation and coordination of international labor migration. While these often represent an improvement over existing frameworks, the uneven bargaining power between labor-sending and labor-receiving governments means that such agreements are generally weak and fail to guarantee key protections. Bilateral agreements or negotiations may also actually promote unhealthy competition. For example, if one country establishes stronger protections for its nationals through a bilateral agreement, employers and recruiters from the host country may simply seek workers from countries without such protections.

Multilateral cooperation and agreements are better suited to create a more equitable balance of bargaining power among governments and to avoid market pressures to minimize protections. Bilateral agreements designed within multilateral frameworks and

international standards are also stronger. By exchanging information regularly and coordinating on shared issues of interest, for example through regular meetings of embassy officials, labor-sending countries may also be able to raise concerns with host countries more effectively. Policy coherence and information exchange should also be given priority as other regional mechanisms develop, such as an ASEAN instrument for the protection and promotion of the rights of migrant workers.

**Recommendation: Promote multilateral agreements, increased information-sharing, and the establishment of regional minimum standards on labor migration. Regular meetings of members of the Colombo Process should help to support these efforts.**

### **3. Cooperation on recruitment practices and fees**

Many of the past resolutions from the Colombo Process address exploitative recruitment practices and the ways in which these practices engender abuse, smuggling, and trafficking. Governments should share information on blacklisted agencies, strategies on registering and monitoring subagents and local-level brokers, and strategies for identifying and shutting down illegal agencies.

A central concern about recruitment practices is the charging of recruitment fees, often inflated, and the associated loans that may be taken out at usurious interest rates or result in lengthy salary-deduction arrangements. This indebtedness leads to intense financial pressure and can contribute to workers getting trapped in exploitative situations. Recruiters at various points in the process often blame each other for excessive charges. Despite sustained attention to this issue, there is little transparency in the process and inflated fees remain a widespread problem. Governments should make employers and agencies responsible for performing due diligence on the recruiters they contract with to ensure they comply with recruitment regulations.

ILO Convention No. 181 on private employment agencies prohibits the charging of fees, directly or indirectly to workers, and this protection is reiterated in the ILO Multilateral Framework on Labor Migration.

**Recommendation: Governments should prohibit the practice of charging migrant workers recruitment fees and insist that this cost should be borne by employers. Governments should also make employers and agencies responsible for taking reasonable measures to screen the recruiters they contract with.**

#### **4. Inclusion of Civil Society in Future Colombo Process Consultations**

Migrants' organizations, trade unions, and nongovernmental organizations are key stakeholders in migration debates. Social dialogue with civil society will help to ensure that policy-makers are better aware of the realities on the ground and that government and civil society groups exchange information on innovative programs and services. Deeper consultations will assist governments to be more responsive to the concerns and priorities of migrants.

**Conveners of the Colombo Process should increase opportunities for meaningful and regular social dialogue with migrants and migrants' groups. Instead of having to organize a parallel event, there should be more opportunities for civil society to observe parts of the government discussions and to interact with delegates.**

#### **International Congress on AIDS in Asia and the Pacific (ICAAP)**

Caram Secretariat and partners participated in ICCAP 2011 that was held in Busan, South Korea to create joint policy and to increase advocacy about HIV/AIDS for migrant workers.

CARAM on the said meeting partnered with Seven Sisters to raise the voices and advocate for migrant's health and HIV targeting limitation on care and support, deportation and mandatory testing. CARAM also highlighted on the proposed plan to develop multilateral, bilateral and donor contact to implement the objective.

CARAM Asia also shared on its ongoing activity to document migrant workers' cases related to violence, abuse, exploitation and overall violations of rights including health rights at the country and regional levels.

CARAM Asia together with JUNIMA (Joint United Nations Initiative on Mobility and HIV/AIDS in South East Asia) will organise a symposium on HIV travel restrictions and their implications for migrant workers' access to work and health care services. During the event, advocacy will be done for the removal of mandatory HIV testing, especially by

the corporate sector, to protect migrant worker employment and health rights. It is very important that the corporate sector must fulfil corporate social responsibilities and protect workers' health rights.

## **4. Migration, Development and Globalisation** **Task Force Report**

In 2011, CARAM Asia regional secretariat was invited to attend the meeting with all the other organizations who receives funds from the Global Fund. The Global Fund for Women want to support their grantee partners in developing their own capacities for building assessment and learning systems that are contextually specific, and flexible enough to capture the lived realities of women's rights work.

The objective of the consultation was to examine the nexus between women's multiple identities and the multiple forms of discrimination they experience, including the root causes of discrimination within the context of patriarchal systems as manifested in fundamentalism, militarisation and neo-liberal globalization.

Beyond these objectives, the Consultation was also to identify the challenges posed by the patriarchal systems and institutions that reinforce the compounding subordination of women, as well as the gaps that exist between women's lived reality and universal human rights.

CARAM Asia spoke to the UNSR on VAW about our work and gave copies of the remittances & FDW employer reports and the FDW toolkit. CARAM also highlighted the issue of intersectional discrimination of class, race and gender for migrant women. Migrant women faced the additional discrimination not just as migrant workers who are underclass of workers but also as women migrant workers. We raised the issue of violence perpetuated by middle class women onto migrant women DWs, confinement, lack of mobility, sponsorship system and lack of access to justice and sexual and reproductive health rights.

CARAM reinforced the need for state accountability in addressing systematic violations against migrant women. CARAM Asia representatives also joined the group discussions to bring in migrant women issues to be addressed by the UN SR on Violence against Women such as rights to redress and recognition of domestic work as work.

## **5. Financial Report**

### **Financial Report for 2011 ( Jan to Oct 2011)**

#### **Source of Income**

In 2011, grant received was RM1,477,294. Caram Asia's sources of fund were from:

- UNTF	- RM878,980
- Open Society Institute	- RM365,824
- Global Fund for Women	- RM 60,971
- ILO	- RM 54,078
- UN Women	- RM 74,629
- UN Development Fund for Women	- RM 24,572
- UNAIDS	- RM 18,240

The funds receivable for the year 2011 amounts to RM135309.

- UN Women	- RM 116,469
- UNAIDS	- RM 18,840

#### **Expenditure**

In 2011 until October, Caram Asia's total expenditure amounted to RM629,264:

Programme Cost	- RM 285,207
Human Resource Cost	- RM 272,061
Institutional Development & Support cost	- RM 3,028
Operational Cost	- RM 62,897
Web-hosting fee	- RM 3,072

Overall there is a surplus of RM983,338 in the year 2011 until October. The surplus is due to the funds from UNTF that was received in October 2011 for implementation of programmes from November 2011 and running through 2012.

**Note : UNTF would continue funding for year 2013 (USD354,222) and year 2014 (USD358,588).**

## **6. Annex A**

### **Foreign Domestic Workers Recommendations to the ASEAN Intergovernmental Commission on Human Rights**

We, the migrant domestic workers groups, NGOs and regional networks, present our recommendations to the ASEAN Intergovernmental Commission on Human Rights (AICHR) on the rights of all women foreign domestic workers, documented and undocumented.

Firstly, we would like to express our appreciation for the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. However, we are concerned that large numbers of migrants are currently excluded from its protection and therefore strongly urge the inclusion of undocumented migrants and families of all migrants.

We call on AICHR to inform all ASEAN member states of the critical importance of the ILO Convention and Recommendations concerning Decent Work for Domestic Workers (No 189) particularly Thailand, Malaysia, Myanmar/Burma and Singapore, and to persuade all ASEAN member states to ratify the Convention within the coming year.

We express our disappointment over the slow pace by which ASEAN member states are ratifying the UN International Convention for the Protection of Migrant Workers and Members of Their Families (1990). We therefore urge AICHR to persuade ASEAN Member States, especially destination countries to also immediately ratify this International Convention.

Following our consultations, we also make the following recommendations. We strongly urge AICHR:

1. To promote the reform of national laws of all ASEAN member states and all regional policies and regulations to recognise domestic work as work.
2. To support the development of mechanisms which provide access to justice for migrants across and beyond borders. These would include among other specialised services, interpretation services, legal assistance, and temporary shelters and the right of migrants to stay and work during legal process.
3. To work with governments to develop social security systems which include migrants.
4. To uphold migrants' rights to decent work, including the right to change employers, to just wages, to maternity leave, to healthcare and to rest days.
5. To establish national and regional mechanisms and bodies to help ensure that policies and legislation comply with international treaties/conventions.
6. Regarding the recruitment and employment processes, to work towards the abolition of labour outsourcing companies, recruitment agencies and labour suppliers. To ensure employment relationship be by direct hiring<sup>2</sup> that is most beneficial to migrant workers.
7. To ensure that all ASEAN member states provide equal and adequate access to health care and treatment for migrants and their families and remove all mandatory health and pregnancy testing and immediately call a halt to the practice of

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<sup>2</sup> 'Direct hiring' is defined as the direct employment relationship between employers (owner/operator/end-user/principal employers) AND workers to the exclusion of third parties including labour suppliers.

terminating employment contracts and deporting migrant workers based on health and/or pregnancy status.

8. To promote and protect migrants' rights to mobility and freedom of movement.
9. To promote and protect migrants' rights to organize and freedom of association.
10. Arrest, detention and deportation for immigration irregularities should be avoided where possible, but in cases where deportation of migrants is carried out, we call on AICHR to monitor the process to ensure the dignity and safety of migrants during these processes.
11. AICHR and ASEAN member states must ensure the right of every migrant to hold their own passport and documents (travel, identity cards, work permits, contract, etc.). To ensure migrants' right to be heard and due process. There should not be any termination or cancelation of visas and other legal documents without the presence of the holder (migrant).
12. To ensure that migrants who have been trafficked are entitled to protection and empowerment services. There should be no deportation or detention of victims of trafficking, witnesses and other migrants affected by raids. AICHR and ASEAN member states should ensure the victim's right to stay and work and ensure their access to adequate remedies and compensation.
13. Lastly, we call on AICHR to urge ASEAN member states to promote women's livelihood options both at home and abroad, and to ensure that women have access to education and resources and choices in employment.

On behalf of:

United Foreign Domestic Workers Rights	ACHIEVE (Action for Health Initiative) (Philippines)
CARAM Cambodia	Tenaganita (Malaysia)
Solidaritas Perempuan (Indonesia)	Workers Hub for Change
Asia Pacific Mission for Migrants	Asia Pacific Forum on Women, Law and Development
MAP Foundation, Thailand	Mekong Migration Network
CARAM Asia	INDIES (Indonesia)
ATKI (Indonesia)	Asian Migrants Coordinating Body
Human Rights Working Group (Indonesia)	

## **7. Annex B**

### **Recommendations on the Situation of Migrant Workers to the 19<sup>th</sup> ASEAN Summit November 17-19, 2011. Bali, Indonesia**

On 14<sup>th</sup> – 15<sup>th</sup> November 2011, CARAM Asia convened a network meeting of members and associates from twenty countries<sup>3</sup> including the Chair of the UN Committee on Migrant Workers as a special guest. The two day meeting addressed issues of Access to Justice and The Participation of Women Migrants in ASEAN.

The participants were deeply concerned by the experiences related by the migrant support organisations on the difficulties that migrants faced in accessing justice and of the lack of recognition and protection of migrant domestic workers.

On the occasion of the 19<sup>th</sup> Summit of ASEAN, on behalf of migrant workers, the participants of the meeting would like to present for your serious consideration a set of recommendations.

Firstly we would like to express our appreciation for the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. However we are concerned about the large number of migrants currently excluded from its protection and therefore strongly urge the inclusion of undocumented migrants and families of all migrants.

We call on ASEAN member states to recognise the critical importance of the ILO Convention and Recommendations concerning Decent Work for Domestic Workers (No 189) and to lead the way forward in being the first region to ratify the Convention within the coming year.

We must express our disappointment over the slow pace by which ASEAN member states are ratifying the UN International Convention for the Protection of Migrant Workers and Members of Their Families (1990). We therefore urge all ASEAN Member States to immediately ratify this International Convention, especially destination countries.

We have identified specific actions which would contribute to the protection of migrant workers and to the end of the current widespread abuse and violations that migrant workers experience with severe impact on a daily basis. We therefore call on the ASEAN leaders to:

1. Reform national laws and policies of all ASEAN member states to recognise domestic work as work.

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<sup>3</sup> Bangladesh, Bahrain, Cambodia, India, Iran, Japan, Germany, Hong Kong, Indonesia, Malaysia, Morocco, Myanmar/Burma, Nepal, Pakistan, Philippines, South Korea, Sri Lanka, Thailand, UK, USA,

2. Develop mechanisms which provide access to justice for migrants across and beyond borders. These would include among other specialised services, interpretation services, legal assistance, and temporary shelters and the right of migrants to stay and work during legal process.
3. Develop social security systems which include migrants.
4. Uphold migrants' rights to decent work, including the right to change employers, to just wages, to maternity leave, to healthcare and to rest days.
5. Establish national and regional mechanisms and bodies to help ensure that policies and legislation comply with international treaties/conventions.
6. Regarding the recruitment and employment processes, to work towards the abolition of labour outsourcing companies, recruitment agencies and labour suppliers. To ensure employment relationship be by direct hiring<sup>4</sup> that is most beneficial to migrant workers.
7. Provide equal and adequate access to health care and treatment for migrants and their families and remove all mandatory health and pregnancy testing and immediately call a halt to the practice of terminating employment contracts and deporting migrant workers based on health and/or pregnancy status.
8. Promote and protect migrants' rights to mobility and freedom of movement.
9. Promote and protect migrants' rights to organize and freedom of association.
10. Arrest, detention and deportation for immigration irregularities should be avoided where possible but in cases where deportation cannot be avoided, ASEAN members need to treat each case individually, with due consideration to the gender related circumstances and risks of human rights violations in the country of origin (as stated in the CEDAW General recommendation 26, article 26 (l))
11. All migrant detainees must be treated humanely with respect of all rights including free from torture with conditions in detention which meet international standards. All State parties should ratify the Convention Against Torture.
12. Abolish the death penalty in all states of ASEAN countries.
13. Ensure the right of every migrant to hold their own passport and documents (travel, identity cards, work permits, contract, etc.). Ensure migrants' right to be heard and due process.

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<sup>4</sup> 'Direct hiring' is defined as the direct employment relationship between employers (owner/operator/end-user/principal employers) AND workers to the exclusion of third parties including labour suppliers.

14. Ensure that migrants who have been trafficked are entitled to protection and empowerment services. There should be no deportation or detention of victims of trafficking, witnesses and other migrants affected by raids. ASEAN member states should ensure the victim's right to stay and work and ensure their access to adequate remedies and compensation.
15. Work closely with the governments of the countries of destination of migrant workers from ASEAN, particularly the Gulf states, to protect the rights of all migrants.
16. Lastly, we call on ASEAN member states to promote women's livelihood options both at home and abroad, and to ensure that women have access to education and resources and choices in employment.

On behalf of:

Action for Health Initiatives (ACHIEVE) – Philippines  
 Asia Pacific Forum on Women Law and Development (APWLD)  
 Asosiasi Tenaga Kerja Indonesia (ATKI) – Indonesia  
 Community Development Service (CDS) – Sri Lanka  
 Development Action for Women Network (DAWN) – Philippines  
 Development Alternative for Wider Network (DAWN) – India  
 Humanitarian Organisation Migration Economic (H.O.M.E)  
 IMA Research Foundation – Bangladesh  
 Korea HIV/AIDS Prevention and Support Center (KHAP) – Korea  
 Lawyers for Human Rights and Legal Aid (LHRLA) – Pakistan  
 MAP Foundation – Thailand  
 Mekong Migration Network (MMN)  
 Migrante International – Philippines  
 Nepal Institute of Development Studies (NIDS) – Nepal  
 Ovi Bashi Karmi Unnayan Program (OKUP) – Bangladesh  
 Pourakhi – Nepal  
 Raks Thai – Thailand  
 Rights Jessore – Bangladesh  
 Solidaritas Perempuan (SP) – Indonesia  
 Tenaga Nita – Malaysia  
 Union Migrant Indonesia (UNIMIG) – Indonesia  
 Worker Hub for Change (WH4C)

## Annex C

### CARAM secretariat Movement Calendar 2011

No	Date	Meeting/Event	Venue
1	3 - 4 March	UN Women East and Southeast Asia	Bangkok
2	24 - 25 Feb	JUNIMA Steering Committee Meeting	Bangkok
3	16 - 18 Feb	Asia Research Institute	Singapore
4	11 - 12 Jan	Consultation with the Special Rapporteur on Violence Against Women	Malaysia
5	1-2 March	Consultation on Gender in Asia Open Forum on CSO Dev Effectiveness	Chiang Mai
6	3-Mar	United for Foreign Domestic Workers Rights	Chiang Mai
7	9-Mar	Round table on migrants workers	Park Royale Hotel KL
8	April	Colombo Declaration	Dhaka
9	1-7 May	OHCHR	New York
10	1-17 June	ILC	Geneva
11	9-10 April	ACMW	Jakarta
12	29- 30 June	Global Fund Women	Manila
13	7-8 May	ACSC	Jakarta
14	15-17 June	Domestic Training Workshop	Indonesia
15	27- 28 July	<u>Gender assessment workshop</u>	Bangkok
16	1-17 June	100 <sup>th</sup> Session of the International Labour Conference	
17	3-4 October	<u>GFMD Workshop in Dhaka</u>	Dhaka
18	26 - 30 August	ICAAP 10 <sup>th</sup> , 10th International Congress on AIDS	
19	24 - 26 August	Regional Consultation on Empowering Women Migrant Workers for Asia & Arab States	New Delhi

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