
Thematic Reports

This section provides a regional overview on labor migration in Asia, updates on the activities of the Migrant Forum in Asia, and discusses key topics related to migration in Asia. These reports provide a more comprehensive and in-depth analysis of relevant issues, trends, strategies and initiatives in Asia and internationally.





Photo courtesy of MAP Foundation

Migrant workers, their families and friends grieve for the loss of loved ones when the tsunami struck the south of Thailand.

REGIONAL OVERVIEW

This report was synthesized based on country reports published in this volume and additional information monitored by AMC and MFA during the period.

Regional Economic and Political Update

As 2005 opened, many communities in Asia were still recovering from the shock caused by the tsunami that swept across the Indian Ocean on December 26, 2004. Areas in Indonesia, Sri Lanka, India, Thailand, Malaysia, Burma and Bangladesh were affected, and governments and relief agencies throughout Asia and from around the world pledged billions in aid. NGOs implemented programs to help the victims, as relief efforts brought international attention and solidarity to the region. In all, Indonesia suffered the heaviest loss of lives both from the 7.5-

magnitude earthquake and resulting tsunami, with over 130,000 killed and 37,000 missing; approximately 500,000 people were made homeless. In Sri Lanka, the tsunami caused the loss of 31,000 lives with 4,000 reported missing; around 500,000 Sri Lankans were also made homeless by the tsunami. According to Oxfam, around two million people were forced into poverty, with the loss of approximately one million jobs. In particular, the fishing and tourist industries in certain areas were virtually wiped out until reconstruction efforts helped recovery.

Despite the destruction caused by the tsunami, the ever-rising oil prices, and fear of inflation particularly in Southeast Asia, overall economic growth as measured by aggregate gross domestic product in Asia grew by 7.4%, continuing the strengthening trend in place since 2001.¹ Growth continued to be driven by China, while India, South Korea and Singapore also posted strong gains. Vietnam became

Asia's second-fastest growing economy, and attracted a great deal of foreign investments.

The rising oil prices in 2005 – which on average were approximately 42% higher than 2004 – did have some economic and political impact in the region, particularly in countries which could no longer subsidize rising fuel costs. While many governments had been controlling consumer prices through subsidies, prices rose in Bangladesh, India, Nepal and Sri Lanka. Other countries such as Thailand and Indonesia, which passed the costs through, did experience pressure on economic growth due to fuel costs.² Indonesia also experienced political pressure from civil society when it was forced to cap its oil subsidies in late 2005. Large street protests broke out as prices rose 120% overnight, although the outcry did not topple the leadership, as it had in 1998 when former president Suharto raised prices.³

Many countries are experiencing widening income disparities. Studies by the World Bank and the United Nations Human Development Report show huge gaps in Malaysia, with the largest individual inequality in Southeast Asia second only to Papua New Guinea. Nepal, the Philippines, China, Hong Kong and Singapore were other countries with large income gaps between the richest and poorest percentage of the citizenry.

Overall, incumbents remained in power in 2005; replacements were largely conservative. Incumbents who were re-elected during the period included Prime Minister Junichiro Koizumi, who won a landslide victory in

| INEQUALITY IN SELECTED ASIAN COUNTRIES | |
|--|------------|
| Country | Gini Index |
| Japan | 24.9 |
| Mongolia | 30.3 |
| South Korea | 31.6 |
| Bangladesh | 31.8 |
| India | 32.5 |
| Sri Lanka | 33.2 |
| Indonesia | 34.3 |
| Lao PDR | 34.6 |
| Vietnam | 37.0 |
| Cambodia | 40.4 |
| Thailand | 42.0 |
| Singapore | 42.5 |
| Hong Kong | 43.4 |
| China | 44.7 |
| Philippines | 46.1 |
| Nepal | 47.2 |
| Malaysia | 49.2 |
| Papua New Guinea | 50.9 |

Source: World Bank. 2006. World Development Indicators 2006. CD-ROM. Washington, D.C. Last accessed at: <http://hdr.undp.org/hdr2006/statistics/indicators/147.html>

September 2005 in Japan, as well as Thailand's controversial Prime Minister Thaksin Shinawatra, who also won by a landslide in the February 2005 elections. Australia's conservative government was re-elected for a fourth consecutive term in late 2004. In Hong Kong, Donald Tsang replaced Tung Chee-Hwa as Chief Executive in June 2005; Tung's administration had been criticized by China. In Burma, Prime Minister Khin Nyunt, seen as somewhat moderate, was ousted in October 2004 and handed a 44-year suspended jail sentence in July 2005; the move was seen as a blow to democratic reform.

The deaths of two prominent leaders in the Gulf region brought in new relatives as successors; the President and founder of the United Arab Emirates (UAE), Sheikh Zayed bin Sultan al-Nahyan, died in November 2004. He was soon succeeded by his eldest son, Sheikh Khalifa. King Fahd of Saudi Arabia died in August 2005; his half-brother, Crown Prince Abdullah, ascended to the throne.

The Philippines was rocked by political unrest when President Gloria Macapagal-Arroyo was hit by the "Hello Garci" political scandal, where she was accused of rigging the 2004 presidential elections. That culminated in a rare public apology by the President, and impeachment attempts, which she survived in September 2005.

A number of conflicts throughout the region escalated in 2005, particularly in South Asia. In Sri Lanka, violence between the government and the Tamil Tiger rebels (LTTE) increased;

although the 2002 ceasefire technically held, the August 2005 assassination of Lakshman Kadirgamar, Sri Lanka's Minister of Foreign Affairs, escalated tensions and led President Kumaratunga to declare a state of emergency. In Nepal, King Gyandendra dissolved the parliament in February 2005, took control of the government, and imposed harsh clampdowns on human rights. He declared a state of emergency with demonstrators defying the order and public protests intensifying. The Maoist rebels called a unilateral ceasefire as part of their initiative to join forces with opposition political parties against the King. In August 2005, the groups agreed on a 12-point strategic plan in their joined attempt to bring down the King. In Thailand, Thaksin's government also declared a state of emergency in the South of Thailand in mid-2005, after growing tensions among the Muslim community enraged by the Tak Bai incident in which 85 protesters were killed while in police custody.

Fighting between government troops and separatists forces also continued in countries such as the Philippines and Burma. In January 2005, a MILF attack broke the 2003 ceasefire and killed at least 23, with fighting continuing throughout the year with other rebel groups. A 2003 ceasefire in Burma collapsed in 2005; in November, the junta launched a major offensive focused on Karen state.

In Indonesia, a major breakthrough was achieved with the successful implementation of the peace agreement between the Indonesian government and the Free Aceh Movement (GAM). Signed in August 2005, the agreement required GAM to disarm and the government to gradually pull-out its troops, among other points. Each side honored their end of the agreement; in December 2005, the government pulled the last troops out of Aceh.

The Gulf witnessed both positive and negative developments in human rights in 2005. In May 2005, women in Kuwait finally won their right to vote after several demonstrations

demanding women's suffrage. This followed the landmark formation of a new political group in Kuwait at the end of 2004, the Justice and Development Movement, which aims to promote democratic reform. Both the UAE and Bahrain appointed their first female government ministers in 2004. In Bahrain, however, the King passed a law curbing the activities of political groups in July 2005. In Saudi Arabia, women were denied their right to vote in the February 2005 elections, the country's first municipal elections in 40 years.

New laws and court rulings promoting women's rights were promulgated in Nepal in 2005, including a ruling regarding transfers of women's property. New laws to protect women against domestic violence were passed in Cambodia and India; the Cambodian government is also reviewing a draft of its proposed Law on Human Trafficking and Sexual Exploitation. In 2005, an anti-trafficking draft was still pending in parliament in Indonesia, while in China the Law on Women's Right Protection was introduced to the country's law-making body. In September 2005, Burma passed an Anti-Trafficking in Persons Law; it was reported that the government subsequently prosecuted 426 traffickers in 203 cases under the new law.

Persistent Migration Issues in Asia

Ratification of International Instruments to Protect Migrants' Rights

Few Asian countries have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC). As of the end of 2005, only 6 Asian countries (out of 34) have ratified/acceded, and 3 (out of 27) have signed; those who have ratified are sending countries (Philippines, Sri Lanka, Timor Leste, Azerbaijan, Tajikistan and Kyrgyzstan). While



Photo courtesy of MFA

Migrant workers in South Korea formed the Migrants' Trade Union; in June 2005, however, the Ministry of Labor rejected its registration application.

Cambodia, Indonesia and Timor Leste all signed the MWC in 2004, only Timor Leste has ratified it. There were no new signings or ratifications of the MWC in 2005, despite strong campaigns in countries such as Bangladesh and Indonesia for ratification.

Although no new Asian countries ratified the MWC in 2005, Indonesia ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights on 30 September 2005. India ratified the Optional Protocol to the Convention on the Rights of the Child.

Lao PDR ratified ILO Conventions 182 (Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour) and 138 (Minimum Age for Admission to Employment) in March 2005. Oman and Singapore also ratified Convention 138 in 2005. The Philippines and Mongolia ratified Convention 29 in 2005.

In September 2005, Sri Lanka's Parliament approved an Act to give effect to the SAARC Convention on Preventing and Combating

Trafficking in Women and Children for Prostitution.

In line with their ratification or signing of the MWC and relevant international treaties, the governments of Bangladesh and Sri Lanka were reviewing their migration laws in 2005, consulting migrants' rights advocates in the process.

Migration policies and practices of receiving countries in Asia

Many NGOs complain that there are no proper national policies or legislation governing labor migration in their countries. Most labor laws in Asian receiving countries do not, or only incidentally, cover migrant workers. In the absence of specific laws, receiving countries follow amorphous migration policies that are based on immigration laws, national security policies, and economic competitiveness policies – thus treating migration as a visa control matter, national security issue, or a global competitiveness strategy. The immigration laws are also mostly out-of-date and/or dualistic (give preferential treatment and incentives

to favored professionals, but severely restrict or prohibit ‘low skilled’ migrant workers). After 9/11, many countries have adopted new “anti-terrorism laws” which toughened governments’ control powers, including on handling migrants. Overall, the migration laws and policies in Asian receiving countries are not based on relevant international migrants’ rights standards, and provide insufficient protection for migrant workers.

In March 2005, Japan passed a new law regarding entertainers, requiring prospective migrants seeking a visa to work as entertainers to meet specified criteria such as having either two years’ education related to performance area, or two years’ experience outside Japan in the relevant type of performance. Meant to be a protective measure for women who enter under such visas but are then forced into sex work, the law was at least in part a response to its poor reputation in regard to trafficking. While some NGOs in the Philippines approved the law as a step in the right direction, other protested against it, saying it could result in even more vulnerability to trafficking.

Throughout 2005, the Australian government attempted to clean up its image after mounting criticism in relation to its detention of asylum seekers. Children were removed from detention centers in July 2005, and facilities at the center were improved. In late 2005, the Immigration Minister acted to allow 25 of the last remaining 27 asylum seekers on Nauru into Australia.

In 2004 and 2005, Gulf governments took the step of creating new bodies, panels, and agencies to investigate and deal with abuses against migrant workers. In Saudi Arabia, Crown Prince Abdullah created an independent panel to investigate the situation of migrant workers, separate from the recently created National Human Rights Association. In Bahrain, the Ministry of Labor and Social Affairs approved the creation of a human rights watchdog comprised of former members of migrant-related NGOs. This was alongside the

creation of four bodies in Bahrain in July 2004 to deal with the issue of human trafficking. In May 2004, Kuwait took the concrete step of issuing a law that outlined a minimum wage, weekly rest-day, definition of working hours and payment of overtime for foreign domestic workers. This was the first law of its kind in the country and was quite unique for the region as a whole. The Labor Ministry of the UAE also agreed to form an independent body on the issue of occupational health and safety, in conjunction with the ILO.

In May 2005, the Hong Kong government raised the Minimum Allowable Wage (MAW) for migrant domestic workers by HKD50, which was deemed a step in the right direction, but insufficient to make up for the previous HKD400 wage cut in 2003.

In Singapore, the government instated new requirements for prospective domestic workers to provide additional protections. The minimum age of FDWs was changed from 18 to 23 years, and will now require that prospective workers have a minimum of eight years formal education. Another component of the stricter requirements is an obligatory test of skills that a domestic worker must take within three days of arrival. The test assesses knowledge of housekeeping, labor and safety regulations, and English language ability. A new law was also passed in May 2005 which allows foreign domestic workers to file criminal charges against employers. The law mandates that employers delinquent on payment of wages can be fined up to SGD5,000 or be jailed for up to six months.

Migration policies and practices of sending countries in Asia

When news and protests break out over the abuses or problems experienced by their migrant workers in certain countries, a number of sending countries impose bans on the deployment of the migrants. In 2005, temporary or partial bans were imposed by countries

such as Indonesia and Thailand. Thai authorities, for example, issued a temporary freeze on the deployment of 800 workers bound for Taiwan in response to the riots in 2005. From March through June 2005, the Indonesian government temporarily suspended its deployment of workers to the Middle East, purportedly to improve its disorganized recruitment and deployment system. Sending country governments also attempted to ensure the safety of their citizens by implementing travel bans to particularly dangerous areas, e.g. in the Gulf region.

The effectiveness of such bans is highly questionable, however, and can merely drive up agents' fees and increase vulnerability to trafficking or irregular migration. The Kuwaiti Foreign Ministry, for example, temporarily banned the entry of Filipinos and Indians to Iraq through its border, following a request from the sending-country governments. Despite the measures, there was no significant drop in the number of migrants working in places such as Iraq. Critics also said that such measures sought at best to deal with symptoms of the overall problem rather than the root of migrants' desire to work in such dangerous environments.

Fees charged by recruitment agencies and brokers continued to plague migrant workers in 2005. Although both sending and receiving countries often cap agency fees, these limits on fees appear to be almost universally ignored or by-passed. It was well documented in 2005 that despite government limitations, migrant workers are paying much more for their placement fees. In Taiwan, for example, a local NGO called Hope Workers Centre documented that Filipino factory workers paid as much as



Migrants' rights advocates in Indonesia protest against Malaysia's crackdown on undocumented migrant workers, which is leading to mass arrest and deportations.

Photo courtesy of Migrant Care

NTD60,000 in placement fees despite the fact that the Philippine government's placement fee policy is one month's salary plus processing fees totaling approximately NTD28,000. Similarly, the Thai government has a placement fee policy of NTD46,000 (THB56,000), but Thai workers are actually paying NTD100,000 to NTD150,000. In Hong Kong, agencies are only allowed to charge 10% of one month's salary (HKD327 in 2005); but a study by the Indonesian Migrant Workers Union (IMWU) and KOTKIHO in 2005 revealed that Indonesian domestic workers in Hong Kong receiving the minimum wage paid an average of HKD15,000 – 21,000 in agency fees.



Photo courtesy of CIMW

Terminal III of the Soekarno-Hatta airport in Jakarta continues to be a place where returning migrant workers face exploitation, despite years of civil society protest.

In Indonesia, returning migrants continued to suffer abuses, exploitation and dangerous treatment at the special Terminal III at the Soekarno-Hatta airport in Jakarta. Terminal III was built by the government, requiring returning migrants to pass specifically through this channel. In May 2005, the Department of Labour and Transmigration issued a policy that prohibits family members of Indonesian migrant workers from picking up returning migrant workers at Terminal III. This leaves returning migrant workers even more vulnerable to practices which are reportedly widespread, such as overcharging for transportation home, and numerous bribe demands at various points as migrants pass through the terminal. Although various rights groups strongly objected to this policy, the Department of Labour and Transmigration continued to enforce it.

In April 2005, it was also reported that the Indonesian government planned to deploy workers only to countries that have

bilateral agreements with Indonesia, i.e. that accept protective conditions stipulated by the Indonesian government, including the new labor contract. The contract is said to mandate an 8-hour day, two-week annual leave, and one rest day per week. It was further reported in May that Jordan and Kuwait agreed to accept such new provisions, while Saudi Arabia was taking them under consideration.

In August 2005, the Vietnamese government introduced legislation to impose harsh punishments on Vietnamese workers who abscond from their jobs while abroad. This was intended at least in part to mollify host countries such as Taiwan, who put pressure on sending country governments as part of their efforts to reduce irregular migrants. This type of legislation exacerbates the already-harsh conditions faced by migrant workers; many absconding workers are actually fleeing unsafe or inhumane working conditions. In effect, such policy further punishes the migrants who

have already been abused and victimized.

The Bangladesh government has begun to draft new policy with regard to overseas employment. The current legislation regulating migration in Bangladesh, the 1982 Emigration Ordinance, is essentially regulatory in nature and does not take into account the human rights concerns of migrant workers. Migrants' rights NGOs including RMMRU and WARBE served in the technical committee that was set up by the government.

In August 2005, the Human Rights Commission of Sri Lanka appointed a Committee to study ways and means of protecting the rights of migrant workers. The main responsibility of the committee will be to make recommendations for improving the optional modes of the principal state agencies involved in the facilitation of migration and protection of migrants' rights. The government is proposing a new Sri Lanka Bureau of Foreign Employment (SLBFE) Act to replace inadequate and outdated legislation. A network of NGOs working on human rights of migrants; the Action Network for Migrant Workers (ACTFORM), identified key problems of the present bill and prepared an alternative bill which will be presented to the government for consideration. A panel of legal experts drafted the alternative bill with the assistance of members. The Sri Lankan government has also formed a joint committee to study procedures for the protection of women migrant workers.

Sri Lanka instituted a new salary structure, whereby all new labor agreements can be approved only if the workers receive a minimum salary recently stipulated by the Sri Lankan government. A new minimum wage structure (from July 01, 2005) was fixed at United Arab Emirates Dirhams (AED) 550 (approximately USD150) for Sri Lankan domestic workers arriving on employment in the United Arab Emirates (UAE).⁴ Accordingly, all recruitment agents in the UAE have been informed to comply with the new minimum wage rule while

recruiting Sri Lankan domestic workers for the UAE market. Sri Lanka's higher wage ceiling for maids working abroad from USD100 to USD150 has been rejected by Saudi Arabia, however. Saudi officials said the decision was taken unilaterally by officials in Colombo. There are over 350,000 Sri Lankans in Saudi Arabia, of whom 250,000 are domestic workers. While the UAE employs the second highest number of Sri Lankans in the Gulf, at around 160,000, it is Saudi Arabia who tops the list with 3,500,000 Sri Lankans working within its borders.

Irregular Migration

For several years now, many Asian receiving countries have been hosting large populations of irregular migrants, e.g. Japan, Korea, Taiwan, Malaysia, Thailand and several countries in the Middle East. In Taiwan, which hosts large numbers of Thai, Filipino, Vietnamese and Indonesian workers, there were 16,593 irregular workers in 2004, and 21,679 in 2005, according to government records on the number of absconding workers. The *Japan Statistical Yearbook 2007* noted 69,871 irregular Asian migrant workers in 2004. In South Korea, the government recorded 180,792 migrant workers in 2005, coming from China, Bangladesh, the Philippines and Thailand. In Malaysia, estimates of irregular migrants vary from almost 2 million to as many as 5 million workers.

Irregular migrants remain extremely vulnerable to human rights abuses; in particular, irregular status exacerbates marginalization, discrimination or oppression, resulting in the worst forms of abuse, violence and exploitation of migrants. Irregular status also results in direct denial and systematic violation of the rights of migrants; this can be seen in the periodic crackdowns which take place in receiving countries. In 2005, Malaysia and South Korea began major crackdowns on irregular migrants, which caused outcry by many migrant groups and migrants' rights advocates.

From February to March 2005 the Malaysian

government carried out its crackdown on irregular migrants pursuant to its Immigration Act No. 1154 A/2002. Approximately 800,000 Indonesian and 170,000 Filipino irregular migrants were deported from Malaysia, along with other irregular migrants from several countries including India, Bangladesh, Nepal and China. Law enforcement officials and a civilian vigilante force called RELA were authorized to search for irregular migrant workers. Numerous human rights violations were committed during these arrests, from beatings, kicking, up to the stealing of the migrants' possessions. In addition, a number of employers refused to pay the workers' wages in anticipation of the crackdown.

The use by the Malaysian government of RELA, a government-supported civilian volunteer force authorized to track and "capture" undocumented migrant workers, including with the use of force, was tantamount to the legalization of vigilante action against migrants. The Essential (Ikatan RELAWan Rakyat) (Amendment) Regulations 2005, which came into operation on 1 February 2005, dangerously overextended the powers of RELA, giving RELA personnel the right to bear and use firearms, stop, search and demand documents, arrest and detain without a warrant, and enter premises without a warrant. RELA volunteers, estimated at 500,000, rounded up, arrested and detained without warrants, thousands of migrants during raids on plantations, factories, construction sites, restaurants and residential areas. One of the enticements for RELA volunteers is the pay out – MYR100 (USD27) for each undocumented migrant that they arrest. RELA is also authorized to hold migrants in custody for 14 days before handing them over to the police.

This raised great concern among migrant and human rights advocates in Asia in 2005. The Migrant Forum in Asia (MFA) assisted in the region-wide protest campaign against RELA, in support of the action alerts by partners in

Malaysia.

In South Korea, the Ministry of Justice and the Ministry of Labor announced the government's strong determination to reduce the number of irregular migrants in March 2005. About 640 government officials and police officers staged massive street campaigns on 19-23 July and 2-6 August 2005, distributing flyers warning irregular migrants. The police and the prosecution also jointly conducted crackdowns. As the government's crackdown became harsher, human rights violations against migrants became increasingly common, including beatings, verbal abuse, the use of tear gas, and other extreme measures. Despite all the government's plans and actions to reduce undocumented migrants, an estimated 199,183 irregular migrant workers, or 58.6% percent of the total 358,167 migrant workers, remained as of May 2005. This was compared to only 35.5% percent in 2003. The government hoped to limit the number of irregular migrants to 160,000 by the end of 2005, by deporting the rest of the irregular migrants. Nevertheless, the actual number of irregular migrants reached about 180,000 by the end of 2005.

Several countries stepped up efforts to prevent irregular migration with the adoption of biometric identification systems and stricter border controls. In Singapore, for example, the government constructed a fence along the coastline near Malaysia in order to further tighten controls on irregular migration; it also granted its Immigration and Checkpoints Authority stronger powers.

Providing regular migration channels and regularizing undocumented migrants

As a follow-up to South Korea's enactment of the Employment Permit System (EPS), the government negotiated a number of memoranda of agreement (MOUs) with sending countries selected based on the number of irregular migrants, employer preference, and other factors. MOUs were signed with



Photo courtesy of JCMK

Migrants' rights advocates in South Korea protest against their government's crackdown on undocumented migrant workers.

those countries that met and accepted all of Korea's requirements, including the country's overseas employment procedures. Each year, the above factors, as well as major problems in the deployment of migrant workers, are taken into consideration in adjusting the quota for each country. If certain requirements are not met, the sending country's quota could be suspended. For example, due to the delayed deployment by Indonesia of its workers, and corrupt recruitment process, the Korean government suspended the employment of Indonesian migrant workers effective June 2005. In 2004 the Labor Ministry signed MOUs with selected countries to employ new migrant workers, including the Philippines, Mongolia, Thailand, Vietnam, Sri Lanka and Indonesia.

Malaysia also attempted to enter into MOUs to ensure the country's industries a steady supply of documented workers after its harsh crackdown and deportation

of irregular migrants. In September 2005, India and Malaysia agreed on an MOU to regulate the process of recruitment of Indian workers to Malaysia. MOUs have also been signed between Malaysia and other sending countries including Sri Lanka, Vietnam, India, Bangladesh, and others.

Thailand's registration procedures, which in effect regularized around one million irregular workers from Burma, Cambodia and Lao PDR and had been cautiously welcomed by migrants' rights NGOs, suffered a setback in 2005. Of the 1,284,920 migrants who registered for temporary residence cards in July 2004, only 871,170 workers registered for work permits in the July 2005 registration. Some migrants' rights NGOs attributed this not only to the high registration fees, but also to migrants' experience of abuses and cheating during the registration process, as well as continued vulnerability to exploitation despite possessing registration documents.

Migrants' rights violations

Migrants' rights violations, including physical and sexual abuse, contract violations, unfair labor practices, wage cuts and underpayment, mistreatment and poor working and living conditions continued to plague migrant workers in receiving countries such as Japan, South Korea, Taiwan, Hong Kong, Thailand, Malaysia, Singapore and the Gulf States.

MFA established the Migrants Rights Violations Monitoring and Reporting System (MRVRS) in 2004 to provide an Asian regional mechanism for joint monitoring and centralized documentation of migrants' rights violations. MRVRS has centralized rights violations cases handled by MFA members in order to monitor the situation in the various countries. Looking at Taiwan, out of the 871 cases reported to the MRVRS, 257 (30%) were cases of non-payment of tax refund, insurance and other benefits owed to migrant workers under Taiwanese law. The next most commonly reported violation was illegal deductions from the workers' wages. 164 (19%) cases reported deduction of placement fees and/or compulsory savings from the migrants' salaries. This violation was followed closely by expulsion from work, with 161 cases (18.5%) where migrants were forcibly repatriated to their home country. In some cases, they were also forced to pay for the cost of repatriation.

In 2005, the Sri Lankan government recorded 8,108 complaints regarding migrants' working conditions, including notifications of deaths. The most common complaints were about non-payment of the agreed wages, not being allowed to communicate with families back home, physical and sexual harassment, and not being allowed to return home upon completion of the contract. Most cases go unreported.

According to data issued by two Indonesian NGOs, KOPBUMI & SBMI, in 2005 there were at least 101 cases of torture including rape, and 117 cases of lost contact. In addition, there

were 4,100 cases of deportation, trafficking, unpaid wages, and long working hours filed by Indonesian migrant workers. Other rights violation cases included religious restrictions, confinement, unpaid wages, huge salary deductions, long working hours, not being allowed to communicate with their families, forced prostitution, imprisonment without due process of law, rape by the employer or employer's family members, and unwanted pregnancy resulting from such. According to NGOs, the number of cases filed by Indonesian migrant workers is increasing.

In June 2005, unionization of migrants suffered a blow in South Korea, when the application for registration of the MTU, a newly formed migrants' trade union, was rejected by the Ministry of Labor. An official from the Ministry of Labor said that they rejected MTU's application because it did not submit sufficient documentation, and most of the members are irregular migrant workers. The government did not see an organization as legal if it consists of "illegal" residents. Nonetheless, MTU members said that they would continue to strive for their rights, and would take their case to the ILO.

Migrant deaths, injuries, occupational safety and health

According to records kept by migrants' rights NGOs and other advocates, migrant workers continued to face unsafe working conditions abroad.

In Sri Lanka, government statistics for men and woman who died while working abroad showed a gradual increase over the past three years. The number of deaths rose from 211 in 2001, 228 in 2002, 217 in 2003, up to 245 people in 2004, and 203 deaths in 2005. Victims of sudden death primarily involved Sri Lankan women working in Middle Eastern countries as domestic workers.

Indonesian NGOs recorded at least 19 cases of death in 2005.

The problem of unsafe industrial accidents

in Korea has worsened in past years. In 2003, 2,336 migrant workers were injured by industrial accidents, up from 1,760 in 2002, 1,278 in 2001 and 1,197 in 2000. In 2005, an industrial accident case in South Korea involving five Thai workers also brought attention to the unsafe working conditions, when the women were diagnosed with polyneuropathy after exposure to dangerous industrial chemicals on the job.

In August 2005 the issue of the inhumane working and living conditions faced by migrant workers in Taiwan gained international attention when the migrants rose up against the unbearable conditions. Around 1,728 Thai migrant workers began a protest and burnt down their dormitory's management office. For nearly a year, they had been paid for only 46 hours of every 100 hours of overtime work, and their management forbade them to drink, smoke, use mobile phones or bring home food and toiletries not bought at the local dormitory store. Their protest revealed rampant corruption by government officials and agencies that quickly turned into a scandal.

On a more positive note, the Korean government continued to improve its health care for migrant workers. With effect from May 2005, migrant workers were entitled to receive up to KRW5 million for emergency medical care, including hospitalization or surgery. This was the first time that the government has agreed to cover expenses for surgery, hospitalization and expensive treatments for undocumented migrant workers, as well as the local homeless. The government has set up the KRW4.6 billion fund from its earnings from lottery operations. This marked a victory for the long-standing campaign by MUMK and migrant advocates



At a press conference, Thai workers recount the inhumane conditions they were forced to endure at their workplace and dormitory in Kaoshiung City, Taiwan.

Photo courtesy of Hope Workers Center

in Korea for health protection for migrants, including the undocumented.

Foreign spouses and inter-cultural marriages

The phenomenon of inter-cultural marriages has been growing in Asia, as can be seen in data from receiving countries such as Taiwan and South Korea. In Taiwan, increasing numbers of Taiwanese men marrying foreign brides, particularly from mainland China, Vietnam, Thailand, Indonesia and Cambodia. According to official statistics, one out of every 4.9 marriages in Taiwan from January to May 2005 was an inter-cultural marriage. During the same period one out of every 5.5 divorces



Photo courtesy of MFA

Migrant workers protest against the commodification of labor as part of the neoliberal agenda of the WTO. December 2005, Hong Kong.

was from an inter-cultural marriage. As of the end of December 2004 the number of foreign wives residing in Taiwan, including those from China, Hong Kong and Macau, totaled 338,000. In South Korea, there were 70,381 spouses at the same time period, primarily from China, Japan, Vietnam and the Philippines. This data is corroborated by data from sending countries. In Vietnam, for example, 31,800 Vietnamese left the country for marriage between 2003 and the first quarter of 2005. Of these, 70% went to Taiwan.

Migration and development

Throughout 2005, migrants groups came together to build solidarity and establish a joint position among migrants, farmers, workers movements, trade and development advocates. In preparation for the upcoming WTO Ministerial Meeting in December 2005

in Hong Kong, in February the International Coordinating Network Conference was held to plan and prepare for civil society activities that will be held parallel to the Ministerial Meeting. Discussion focused on the issues brought about by the WTO and how it affects migrant workers. Migrants' groups identified strategies and a plan of action. Specifically highlighted in the plan of action was the education campaign series about WTO/GATS and how it affects the migrants' sector.

In July 2005, MFA co-organized a regional conference on WTO, Development and Migration, with the Asian Migrant Centre (AMC), Coalition for Migrants Rights (CMR), Focus on the Global South, and Jubilee South – Asia Pacific Movement on Debt and Development (JS-APMDD). The conference carried the theme “Building Migrants and People’s Solidarity in Challenging Neoliberal

Development” and provided an opportunity for people’s and migrants’ advocates to discuss how to counter the neo-liberal agenda by mobilizing migrants’ power, position, and resources for a people’s alternative.

The sixth ministerial meeting of the World Trade Organization (WTO) was held in Hong Kong from 13 – 18 December 2005. More than 10,000 people from 168 countries came to protest the ministerial, including a number of migrants’ advocates. MFA participated in the WTO Action Week activities, holding a number of events relating to migration and development, and ended the week with celebrations for International Migrants’ Day on 18 December.

Endnotes

¹ ADB, *Asian Development Outlook 2006*, last accessed at: <<http://www.adb.org/documents/books/ADO/2006/default.asp>>.

² Ibid.

³ The steep rise in prices was the instigating factor that sparked the groundswell of public riots, protests and overall discontent against the abuses, human rights violations, cronyism, corruption and the more than 30 years of the Suharto military-backed regime.

⁴ Maraj Rizvi, “Minimum wage for Sri Lankan domestic help is now in force”, *Khaleej Times*, 11 July 2005. Last accessed at: <http://www.khaleejtimes.com/DisplayArticle.asp?xfile=data/theuae/2005/July/theuae_July266.xml§ion=theuae&col=>>.

Sources

¹ Amnesty International, “Regional Overview – Asia-Pacific”, *Amnesty International Report 2006*, last accessed at: <<http://web.amnesty.org/report2006/2as-summary-eng>>.

² *BBC News*

³ Oxfam, “Back to work: How people are recovering their livelihoods 12 months after the tsunami”, *Oxfam Briefing Paper 84*, last accessed at: <http://www.oxfam.org/en/files/bp84_tsunami_livelihoods/download>.

⁴ Scalabrini *Asian Migration News*