

Asia Pacific Forum on Women, Law and Development

APWLD NGO on the Roster in Consultative Status with the Economic and Social Council of the United Nations

Comments from Asia Pacific Forum on Women, Law and Development on the Report of the UN Secretary General's Report: International Migration and Development, 2006

1. The Asia Pacific Forum on Women, Law and Development (APWLD) is an independent, non-government, non-profit organisation. It is a regional network committed to the purpose of promoting women's human rights in the region such as those enshrined in the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, and other international and regional human rights instruments and documents; and to empower women in Asia Pacific to use law as an instrument of social change for equality, justice and development.
2. APWLD welcomes and commends the draft report of the Secretary General in the lead up to the preparation for the High Level Dialogue (HLD) on International Migration and Development to be held on 14-15 September, 2006. APWLD welcomes and recognises the timely attention being given to the issue of migration and development by the United Nations and member states, and shares the objective of maximising the constructive benefits of migration and development.
3. We would like, however, to express critical concerns on the report in the areas of: the report lacking substantive discussion on the gender perspectives of migration; the report focusing on the economic aspects of migration and development; and the lack of emphasis on the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
4. The Secretary General's report lacks substantive discussion on the gender perspectives of migration and development keeping in mind that currently globally women constitute half of the migrant population. Over the past three decades, the number of women leaving their countries in search of employment has reached unprecedented magnitudes in Asia Pacific. As national economies are opened up for global competition, developing countries with minimal comparative advantages have taken the option of providing cheap and flexible labour to the world market. For most countries in Asia Pacific, labour migration is considered a solution to unemployment. Asia alone has 50 million migrant workers of which women constitute more than 50

percent. Since the early 80's, the classic profile of a migrant worker has shifted from a male bread winner to a single or a married woman leaving the home alone or with her spouse to support her family and community.

5. The Secretary General's report focuses on economic benefits and ways of improving these economic conditions by co-development, managed migration, analysing various types of migration, looking at financial policies facilitating the transfer of remittances, etc. However, the migrant workers' experiences and plight are ignored when judging development in purely economic terms. Also ignored is the rights based analysis of the various policies impacting migrant workers such as labour and immigration, as seen in the case of migrant domestic workers in Asia moving for work in the region and globally. Women migrant workers face discrimination and violence in many forms in all steps of their way to working abroad and returning home. From agents charging exorbitant recruitment fees, employers confining workers in their employment places, confiscating travel documents and passports, physical abuse and violence to state led violence which migrant women workers face from immigration and security authorities when they return home.
6. The Secretary General's report fails to highlight the importance of the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. We believe that this Convention and other human rights instruments and treaties should play a pivotal role in guiding all the policies to migration. The Convention is an internationally agreed upon treaty calling on all countries involved in the migration process to comply and reinforce the fundamental human rights of all migrant workers and their family members, thus ending exploitation of migrant workers. As such we are concerned that the Secretary General's report fails to relate to the Convention as a building block for discussions on migration and development and fails to call on all member states to ratify this Convention.
7. Finally, APWLD supports the Secretary General's proposal of a consultative forum to follow on the High Level Dialogue. We urge that all the processes leading up to and following the dialogue will be open, transparent and have more consultative approach with civil society organisations and non-governmental organisations working on migrants issues. We emphasise the need for consultative dialogues with groups working with migrants, the civil society and migrants themselves to comprehensively develop policies that will lead to real and sustainable development; whilst at the same time protecting the rights of migrants and their families.

