

**Global Migration Group
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Input Paper Outline: Session IIB
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(Note: While the session title for Parallel working group B is “Building partnerships for identifying, assisting and protecting vulnerable and stranded migrants”, the guide questions in the guidance note are mainly focused on trafficked persons. This short input paper seeks to be more inclusive with regards to the scope of “vulnerable and stranded migrants”, because even regularly documented migrants can be placed in various situations of vulnerability and become irregular in the process. This presentation is also going to focus mainly on migrant workers [both documented and undocumented] as they are among the most vulnerable migrants.)

I. Short introduction on challenges faced by vulnerable migrants from the Asian region (3-4 mins)

Outbound migration in the Asian region is predominantly for economic reasons. In the Philippines, about 10% of the 80 million population live overseas. Almost half move for purposes of temporary work and about eight per cent are classified as “irregular”. Under the Philippine Migrant Workers Act of 1995 (RA8042), “irregular” means “those not properly documented or without valid residence or work permits, or who are overstaying in a foreign country”. Women comprise almost half of deployment of foreign workers and they mostly work in unprotected sectors, predominantly as household or domestic workers.

While most origin countries in the Asian region have various forms of protective mechanisms, such as laws or national policies relevant to labor migration, much remains to be done in the proper implementation and monitoring of these policies and mechanisms. In some instances, regulation or protectionist policies even further spur irregular migration, e.g., in the case of travel bans imposed on women. Many also opt out of the regulated recruitment and deployment systems in order to fast-track their migration, often resulting to exploitation and trafficking. This is particularly true in the case of Filipino women migrants who go abroad through irregular channels.

There are conditions in the labor migration process that result to personal and structural vulnerabilities. At the country of origin, the lack of correct and realistic information on migration realities, unresponsive or unenforced regulations and policies, gender-related vulnerabilities and economic push factors are pre-disposing factors to a migrant

worker's vulnerability. In the destination country, migrant workers often have limited access to legal and social protection, experience discrimination, exploitation and abuse, and suffer from social and cultural exclusion. They also experience health-related vulnerabilities which include occupational, mental and sexual and reproductive health problems, including STIs and HIV. Furthermore, women migrant workers experience specific gender-related vulnerabilities, such as sexual and physical abuse.

II. Civil society responses: partnerships and challenges (3-4 mins)

Civil society responses to protect vulnerable migrants in the Asian region exist at various levels, from local to national to regional/international. Initiatives include: organizing of communities of migrants and their families; advocacy for migrant-responsive policies and laws; research and documentation on migrants' vulnerabilities (including trafficking, exploitation, violence and health-related vulnerabilities), taking into account the voices of migrant workers, themselves; service delivery in the areas of health, social services, economic support and legal protection for migrants; and, education and awareness-raising of society on migration issues, among others.

However, while vulnerabilities of migrants are more acute and severe while in transit and in the country of destination, most of the initiatives are done at the country of origin. Thus, the transnational nature of migration needs to be taken into utmost consideration, in order to complete the continuum of protection that is needed by migrant workers, throughout the cycle of migration. The sensitivities involving the issue of national security and migrants' rights, particularly among destination countries, often hinder efforts at engendering more rights-based and migrant-sensitive approaches. Thus, while CSO efforts employ enabling and empowering approaches, these will not be enough in ensuring that migrant workers are protected from all forms of vulnerabilities. This is where international agencies, particularly the UN, IOM, ILO and other relevant institutions, can play a critical role in bridging the policy and programmatic gaps with regards to protection and fulfillment of migrants' rights.

The transnational nature of migration requires a transnational response, with various stakeholders and key players ideally engaged in complementary action. Support for migration and development concerns, such as the Joint Migration and Development Initiatives (JMDI), are extremely important, given the extent of actions that need to be undertaken. A partnership between the European Commission and the UN, JMDI has provided financial resources to CSOs in 16 countries, facilitating not only transnational partnerships, e.g. South-south or origin-destination country collaboration, but enabling CSOs to undertake pioneering interventions or sustain existing efforts in addressing migrants' rights. Action for Health Initiatives (ACHIEVE), Inc. in the Philippines is a recipient of JMDI support and is currently undertaking a project to generate evidence on mental health issues faced by migrant women workers and develop relevant intervention packages. Another project funded by JMDI seeks to generate evidence on human smuggling (from Africa to Europe) and undertake awareness-raising on trafficking and irregular migration, including information on service providers at the

destination sites.

Regional mechanisms such as the Association of South East Asian Nations (ASEAN), also play a critical role in addressing the issue of migrant workers' rights. In the 12th ASEAN Summit held in 2007, the ASEAN member states agreed on a Declaration on the Protection and Promotion of the Rights of Migrant Workers. This declaration has led to the establishment of the ASEAN Committee on Migrant Workers and the subsequent development of the ASEAN framework on migrant workers. Various regional migrant networks and CSOs, including CARAM-Asia, have actively engaged in advocacy activities to influence the outcomes of this inter-governmental body but it has been very challenging to deal with destination countries within the ASEAN.

Initiatives that address migrants' vulnerabilities must also ensure involvement and participation of migrant workers at all phases of the project. Oftentimes, migrants end up being mere recipients or beneficiaries of projects and interventions and they are not enabled to engage significantly in the development, implementation and evaluation of initiatives that directly affect them. With ACHIEVE, migrant involvement is integrated in its programme development work. Migrants engage in conceptualizing possible projects and they also participate in the implementation of projects, e.g. as researchers in the JMDI-project (and not just as respondents or interviewees). ACHIEVE believes that initiatives are much more informed, relevant and responsive when migrants themselves become an integral part of these. There are challenges to migrant participation, however, especially in initiatives in the destination countries. Thus, enabling conditions need to be created in order to make migrant participation possible.

Short CV:

Malu S. Marin is the Executive Director of Action for Health Initiatives (ACHIEVE), Inc., a Philippine-based organization working on migration, gender and health issues. She is a trainer, writer, and programme specialist on issues related to migration, gender, sexuality and HIV and AIDS.

Malu S. Marin has been involved in HIV and migration work since 2000. She represents ACHIEVE, Inc. in the Coordination of Action Research on AIDS and Mobility in Asia (CARAM-Asia), a regional network of CSOs involved in migration, health and development work in 16 countries.