Education and Protecting the Rights of Migrants – A Shared Responsibility

Labour migration across countries has become a prominent feature of many societies in the region. In Asia and the Pacific, some examples of significant flows of temporary labour migrants include North and Central Asian migrants moving to other North and Central Asian countries (for example, from Tajikistan, Kyrgyzstan, and Uzbekistan to the Russian Federation and Kazakhstan); Indian peninsular migrants to the Middle East and to Singapore and Malaysia; migrants from Myanmar mainly to Thailand (the majority through irregular channels because regular channels are difficult and costly); migrants from Indonesia, mainly to Malaysia, the Middle East, the Republic of Korea, and Singapore; Filipino migrants to the Middle East, Malaysia, and Japan; and migrants from Vietnam, mainly to Japan, Malaysia, and the Republic of Korea. Women make up a considerable share of temporary labour migrants, especially from Indonesia, Myanmar, the Philippines, and Sri Lanka. Most female migrants work as domestic workers or in-care service industries (UN ESCAP 2010).

Certain development gains and benefits have been ascribed to international migration, not only in origin countries, but also in destination countries where migrant workers provide their labour. Understanding development gains can however not be detached from consideration of the attendant costs to families, communities of migrant workers, and the education and economic systems of origin countries. These can also not be divorced from the fundamental premise that the rights of migrant workers need to be guaranteed. Governments in many host and countries of origin have started organising education and training programmes for migrant workers – largely skill-based, attuned to ensuring a better fit of workers’ competencies to employer needs. The possession of skills alone however does not guarantee protection from abuses and rights violation. Protection must be guaranteed by laws, policies, and labour agreements (whether bilateral or multilateral) of sending and receiving governments.

SHARED RESPONSIBILITY

An inter-regional consultation between labour-sending countries and labour-receiving countries was held in Manila, Philippines, in April 2012. Labour ministers from 19 Asian and Middle Eastern countries were called upon to endorse protection for migrant workers and increase dialogue with civil society. “Increased regional cooperation is essential for improving protection of migrant workers’ rights,” said William Gois, Regional Coordinator of Migrant Forum in Asia, a regional network of more than 200 migrant rights groups in Asia. “As civil society, we want to know what is going on, we want to be part of the process, and we demand opportunities for genuine participation”, he further stated.

Migrant workers should be educated about their rights, some of them including –

- The ability to build a base and empower themselves to achieve self determination and human rights.

Local communities, schools, and civil society organisations can be tapped to create supportive programs that will ensure the best interest and development of migrants’ children.

continued on next page...
through organising themselves to promote rights and opportunities.

- The right to develop the knowledge and skills to be active participants in collective decisions regarding their job conditions and compensation, and to promote their rights on the job site and in the community.

- Access to community services to help support them in meeting social and economic challenges.

Providing timely and relevant information to potential migrant workers and their families is crucial to preventing them from falling prey to unscrupulous recruiters and traffickers.

The establishment of a welfare fund to ensure assistance to migrant workers and their families should be guaranteed and funded from government coffers of origin countries. This welfare fund must include not only medical, repatriation, and burial assistance but also cover education and training programs to migrants and their families that will give them better opportunities, especially in their home countries.

Minimising the social costs of migration, especially by addressing the psychosocial impact on children, has not been in the agenda of many governments, especially origin countries. In-depth studies need to be conducted to look into this area and explore the needed support mechanisms to children and families left behind. Most migrants depend on their extended families to take care of the children.

A number of non-government organisations (NGOs) in sending countries have programs providing counselling and rights education to children and families of migrants. However, there needs to be more systematic program with governments ensuring sustained support in this area. Local communities, schools, social welfare agencies, and civil society organisations can be tapped to create supportive programs that will ensure the best interest and development of migrants’ children. Studies have emphasised the need to review programs that currently target migrant workers and ensure inclusion of children as another focus of supportive intervention, especially in their education, by tapping the assistance of their teachers who can provide guidance while in school and linking these children to organisations or groups, whether civil society or government, that provide support programs and have established networks of migrants families and children whom they can relate to.

Concrete and effective reintegration program to ensure sustainable and gainful opportunities upon the return of migrant workers can contribute to breaking the cycle of exploitative migration. Sustainable socio-economic reintegration should be encouraged to further long-term benefits for development. ASPBAE’s member in the Philippines, Unlad Kabayan Migrant Services Foundation, is actively involved in harnessing and tapping migrant resources to develop local economies.

Apart from having an economic empowerment agenda for migrant workers, a clear education agenda needs to be made part of national laws and policies of origin and host countries. The agenda must cover rights education, protection from abuses and access to legal remedies, access to further education and training, establishment of education centres in areas where there is large concentration of migrants in host countries, and ensuring that immigration, social, and labour laws of host countries are protective of migrants and their families. Those in domestic work, especially women, can access education opportunities while in host countries by ensuring that they have ample rest days as embodied in the ILO Convention 189.

**A SHARED PATH FORWARD**

Sustainable development policies that guarantee gainful local employment and develop local economies to ensure that workers are provided with genuine options in their home countries and abroad need to be formulated and implemented. Coherence between migration laws and labour laws, and respect of rights of all migrant workers and their families should be guaranteed.

Steps towards the effective protection of migrant workers can take into consideration the ratification and effective implementation of ILO fundamental Conventions and Conventions on migrant workers.

The development benefits of labour migration depend upon the degree to which migrants are protected and empowered by the origin countries from which they come and the destination countries in which they live and work. Origin and destination countries have a shared responsibility to protect the rights of migrant workers. The need to protect migrants by educating them during the various stages of their migration experience, and by advocating for policies that will guarantee their rights, are crucial to ensuring that workers are able to benefit from migration and build better futures for themselves and their families.

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While migrant workers move across international borders for better economic opportunities or due to forced migrations, there is a worrying trend that they are not fully aware of their rights to protection, education and dignity in countries of destination. Pre-employment, pre-departure and post-arrival seminars are provided for migrant workers in both countries of origin and destination. But despite this outreach to make migrant workers informed of their rights, the number of migrants’ abuse cases and the magnitude of rights violations point toward gaps in the system where often migrant workers fall in to. It is essential therefore to look at information that is transmitted to and internalized by migrant workers.

Education should serve as an important tool that not only raise rights awareness but also transmit lifelong learning that positively impact societal and human development of migrant workers. The adoption of the ILO Convention on Decent Work for Domestic Workers (C189) in 2011 ushered a novel kind of learning. It is the utmost recognition of creating human and labor rights awareness about and within the informal sector, especially for the marginalized groups in the informal economy – women, migrant, domestic workers. In retrospect, C189 is just one way of understanding the deficit in the long overdue recognition of the rights of domestic workers to decent work and dignity in the workplace.

In some contexts, education programs that focus on life-sustaining learning are provided in countries of origin and destination by States and civil society. Training centers in Bangladesh have increased because of the recognition that enhancement of skills better prepare migrant workers for opportunities beyond their home country. In Japan, provision of adult education helps migrant workers to cope and integrate in the learning space of the host country. Migrant-savings workshops in Hong Kong equip migrant workers with the knowledge on how to make investments, engage in social entrepreneurship and prepare them to reintegrate to their countries of origin. And in the Thai-Myanmar border, low-skilled migrant women participate in technical and vocational education trainings that offer life-saving learning and skills development.

Such education programs can only create positive impact and be fully effective if and when States and non-state actors work in collaboration – States, international organizations, civil society, unions, migrant workers and members of their families, and individuals. Education policies should not be segmented but should take a holistic approach, in which it involves different stakeholders in the implementation, monitoring and evaluation.

We are only at the threshold of fully understanding the world of work of migrant workers. There are still many areas of global labor migration that needs unpacking. A world social forum on migration can be a seedbed of learning where new ideas can emerge and the lopsided paradigm and sanitized discourses on migration can be challenged. Lifelong learning can be reflected on alternatives which reveal that indeed another world is possible – a world in which the essence of learning is the prevalence of social justice for all.
Q&A: A Snapshot of Migration and Spaces for Education Advocacy

Professor Mary Lou Alcid, College of Social Work and Community Development, University of the Philippines

What is the current situation of migrants in Southeast Asia and their right to learning?

I’d like to limit the discussion to migrant workers in domestic work, construction, agriculture, and manufacturing in the two main countries of destination in Southeast Asia, i.e. Malaysia and Singapore. Overseas employment is market driven. As such, governments of destination countries usually prioritise the interest of the market (including employers) over that of migrant workers. The current situation of migrants in Southeast Asia is marked by the continuing exclusion of workers from legal and social protection, violations of human rights by employers, labour brokers, and even duty-bearers, such as the police. Migrants are not even covered by a minimum wage law. Moreover, the undocumented status of millions of migrant workers increases their vulnerabilities to abuse and exploitation. Migrants’ right to learn is restricted and limited to skills training.

You have stated that the Filipino diaspora has fostered a ‘culture of migration’. What are some of the educational challenges Filipino migrants face when they go to receiving countries?

In the area of formal education, there are domestic workers who want to complete their studies, e.g. secondary or tertiary level, in Philippine colleges and universities. But few institutions offer long-distance academic programs. Then there is the matter of tuition fees which may not be affordable, more so in the case of educational institutions in the destination country.

The accessible educational opportunities are of the TVET (technical and vocational education and training) kind offered by Filipino Workers Resource Centers and their partners as well as some NGOs. In countries where migrants have only one day or two days off a month, the challenge is how to find the time to participate in educational activities.

What are the educational needs of migrant workers in Southeast Asia for both sending and receiving countries?

Topics that have not been fully addressed by educational programs are gender, mental health, sexuality, and reproductive rights. Last year, the Women’s Legal and Human Rights Bureau, where I serve as Vice-Chair of the Board of Trustees, developed and pre-tested modules on sexuality, sexual, and reproductive rights with Filipina leaders of domestic workers’ associations in Hong Kong, and marriage migrants’ associations in Seoul, South Korea. For majority of the women leaders, some of whom were in their 50s, it was their first time to discuss their bodies, their sexuality, and sexual and reproductive rights.

How does the work you do as an activist on migration issues for Filipinos highlight the relationship between migration and education?

My work links migration and education by emphasising that education, particularly one that is critical, liberating, and starts from migrants’ social realities, is an indispensable ingredient to a) minimising the risks of migration for migrants and their families b) increasing migrants’ personal agency and c) transforming them into empowered agents of change, individually, and collectively.

What needs to be done to better protect women migrants? What role can education play?

I underscore the importance of women’s human rights (as contained in CEDAW - Committee on the Elimination of Discrimination against Women) and a critique of the international division of labour, particularly reproductive labour, as the basic overarching framework.

Organised women migrants need to consolidate and expand their ranks and research and intensify transnational networking and campaigns to expose and challenge discriminatory policies and unjust practices.

Mass media should be utilised in both sending and receiving countries to mainstream feminist and human rights perspectives in the analysis of the plight and treatment of women migrants. NGOs, churches, and other civil society actors should work with women migrants in bringing about policies and laws in sending and destination countries that are based on the recognition of women migrants’ human rights, regardless of immigration status.

Education is integral to all strategies aimed at promoting and advancing the rights and interests of women migrants. It is a process of learning and unlearning. In my direct work with women migrants, I was guided by Brazilian educator Paolo Freire’s ‘Pedagogy of the Oppressed’ and basic processes of learning organisations such as regular monitoring and evaluation, conduct of regular study sessions, and criticism and self-criticism.

Popular education has played a significant role in enabling women migrant workers go beyond what they have initially been made to believe as the reason for their plight - their own personal faults or inadequacies - and see the bigger picture where one’s social class, gender, ethnicity, and location of one’s country in global politics all intersect and may affect her position in a society. It has driven home the powerful message that they are human beings with inherent, indivisible, and inalienable rights in the face of restrictive and discriminatory policies.

What is the role of NGOs, the government, and civil society in building access to adult learning for migrants?

The governments of sending and destination countries, as duty-bearers, must provide an enabling environment to the fulfilment of migrants’ right to learning. The development of critical thinking among migrants has not been prioritised. Learning centers for migrants are scarce in Asia.

Civil society actors, particularly migrants themselves, women’s organisations, and partner NGOs have been at the forefront of education programs that have led to a critical mass of organised migrant workers capable of engaging governments in origin and destination countries in sustained advocacy for the promotion and protection of their rights and interests. Thus, I would say that civil society actors have been catalysts, enablers, and advocates.

To read the full version of Professor Alcid’s Q&A, log on to ASPBAE’s website at www.aspbae.org
Civil Society in Japan Pushes for Migrant Rights

By Hiroyuki Nomoto (Japan Society for the Study of Adult and Community Education); Fumio Yokoyama (National Networking of Nihongo Forum); and Yuji Shimizu (Forum on Ethnic Minorities)

MIGRANTS IN JAPAN

In Japan, since the second half of the 1980s, the number of foreign residents has increased. This number reached over 2 million in 2011, which amounted to 1.7% of the population of the country. The number of residents according to nationality is shown in Figure 1. It is significant to note that over 600,000 Chinese and 500,000 Koreans reside in Japan. The Japanese government intends to receive more migrant workers as it faces a shortage of people in the workforce, which is expected to continue. Almost all of these workers will be at the bottom of the labor market and will in most likelihood work under precarious conditions.

These migrant workers live and work in the country with no or limited knowledge of the Japanese language. They face dangerous conditions at work since they cannot read Japanese words related to safety at the work place. They are also at a disadvantage because they have restricted access to knowledge and information necessary for ensuring their right to live and work in proper conditions in Japan.

POLICIES ON MIGRANT WORKERS

The Japanese government ratified the International Convention on the Elimination of All Forms of Racial Discrimination, but at the same time has not implemented a domestic law such as an Act Against Discrimination. There is a movement in Japan demanding the establishment of such a law as there are many cases of discrimination against foreigners and racial discrimination. The Japanese government has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

The Japanese government has also not established a public system to guarantee migrants access to Japanese language classes. It largely depends on civic voluntary activities for teaching migrants Japanese. In some cities where there is a high concentration of foreign residents, Japanese classes are offered in lifelong learning institutions or at community learning centers. Some local government bodies have developed policies to promote social participation of foreign residents, including migrant workers, establishing ‘The Board of Foreign Residents’, and have enacted local government by-laws to foster harmonious relations between Japanese and foreign residents.

In spite of these efforts, there are few effective programmes related to the cultural and linguistic diversity of migrant workers that address discrimination towards them. While some policies seemingly promote ‘living harmoniously with cultural diversity’, they are not put into practice. The limited programmes for migrant workers do not consider Japanese language skills as a basic adult education need nor do they promote migrant rights to access to education. In many cases, such skills and rights are considered to be a part of international exchange programmes handled by the Department of International Affairs.

STRENGTHENING CIVIL SOCIETY ENGAGEMENT FOR MIGRANT WORKERS

Considering the poor adult education policies for migrant workers and ethnic minorities by the central and local governments, national associations and networks are pushing for improved policies and an exchange of information and experiences between relevant groups. Among these associations, the Solidarity Network with Migrants Japan, founded in 1997, is working towards ensuring human rights and legal status of migrant workers. The Network focuses on educational challenges faced by foreign children in ethnic schools; it promotes migrants’ rights, supports their empowerment, works towards creating a multi-ethnic, multi-cultural society in Japan, and engages in active advocacy with the government.

National networking to share experiences in Japanese language education is coming into being with participation of citizens and researchers engaged in community-based learning activities. The National Networking Nihongo Forum is a platform that connects regional associations and networks are pushing for improved policies and an exchange of information and experiences between relevant groups. Among these associations, the Solidarity Network with Migrants Japan, founded in 1997, is working towards ensuring human rights and legal status of migrant workers. The Network focuses on educational challenges faced by foreign children in ethnic schools; it promotes migrants’ rights, supports their empowerment, works towards creating a multi-ethnic, multi-cultural society in Japan, and engages in active advocacy with the government.

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Recent civil society initiatives in Japan have led to the creation of a network of organisations that focus on education for migrant children and promoting migrant rights.

Figure 1: Migrants in Japan in 2011
Source: Immigration Bureau, Ministry of Justice, 2012

<table>
<thead>
<tr>
<th>Nationality</th>
<th>Population</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>2,092,944</td>
<td>100</td>
</tr>
<tr>
<td>China</td>
<td>672,106</td>
<td>32.1</td>
</tr>
<tr>
<td>Korea</td>
<td>556,514</td>
<td>26.6</td>
</tr>
<tr>
<td>Brazil</td>
<td>225,049</td>
<td>10.8</td>
</tr>
<tr>
<td>Philippines</td>
<td>207,507</td>
<td>9.9</td>
</tr>
<tr>
<td>Peru</td>
<td>54,143</td>
<td>2.6</td>
</tr>
<tr>
<td>United States</td>
<td>49,905</td>
<td>2.4</td>
</tr>
<tr>
<td>Others</td>
<td>327,720</td>
<td>15.7</td>
</tr>
</tbody>
</table>
Migration and education in the South Pacific

The South Pacific comprises of Polynesia, Melanesia, and Micronesia, with New Zealand and Australia dominating geographically and geopolitically. Migration from the small nation states of the Pacific to Australia and New Zealand is linked to a colonial history, which later allowed for migration to fill labour gaps. Australia and New Zealand are industrialised and their rapidly ageing population has meant a large supply of labour is needed to undertake a wide range of labour. Even the low wages paid for such work were higher than those paid for high-status skilled work in the island countries (Bedford & Hugo, 2011). Many in the Pacific have suggested that their colonial and post-colonial education systems prepared local people for non-existent white-collar occupations rather than providing education that is more meaningful locally (Thaman, 2004; Teae, 2003; Vaioleti, 2001).

This was basically a fundamental misalignment of education and the worlds of reality for young people in Pacific countries (Thaman, 2004; Nabobo, 2003; Taufa’ulungaki, 2003). With limited jobs available in the Pacific countries, a fast growing youthful population and the slow pace of economic growth, Pacific peoples have been forced to seek employment opportunities elsewhere and New Zealand and Australia become favoured destinations (Bedford & Hugo, 2011). In addition, with many small Pacific nations comprising of low-lying atolls, there is also the phenomenon of climate change which has forced countries such as Kiribati to educate their population to a standard where they will more easily acquire employment in overseas destinations.

Migration to fill a labour gap will become even more important in the future for the sustainability of workforces and the maintenance of viable economies, especially economies that continue to have high labour demands such as New Zealand’s economy with its strong reliance on the primary sector industries (Bedford & Hugo, 2011). There has been expression of New Zealand’s preference for migration from the Pacific neighbours due to shared educational systems, other regional links and under the family reunification systems.

Education for Migrant Families

Most people who migrate from the Pacific want to maintain their knowledge, values, language, and culture (Thaman, 2004; Nabobo, 2003; Vaioleti, 2001, 2011). For receiving countries, the implications for teaching an increasing diversity of peoples is largely misunderstood, especially teaching in ways that acknowledge and show respect for the cultures of diverse groups of children in the classroom and adults in the community. Education has largely been functional and practical, teaching basic survival skills which acculturate rather than education to be active citizens recognised for the diverse knowledges that they possess.

Pacific peoples in New Zealand suffer from misalignment of curriculum and pedagogical endeavours at schools and their particular educational needs (Thaman 2004; Morrison and Vaioleti, 2008; Vaioleti, 2011). In this case, it is not so much the irrelevance of the education for life in an urban-industrial economy like the one New Zealand has, as this is necessary for living in one’s new country, but rather a lack of appreciation of the cultural values and learning approaches and needs of those that have moved to the new countries.

Culture, values, and educational concepts of Pacific people who have migrated to western economies should be included in their education, even in their new homes. Education, formal and non-formal, that is built on a principle of self worth, reflective of all of its students’ cultures and values, will produce positive and well-adjusted citizens, even in an atmosphere saturated and pressurized by Western discourses (Bishop, 2008; Nabobo, 2003; Vaioleti, 2011). It is often those Pacific citizens who are secure in their cultural identity and are active in their community who are more resilient to discriminatory actions of the education system, producing active and engaged citizens and fulfilling their desire to come to New Zealand or Australia in search of a better life (Vaioleti, 2001, 2012).
Developing Skills as a Way of Protecting Sri Lanka’s Migrants

By Dr. Sujatha Wijetilleke, President, Sarvodaya Women’s Movement

Labour migration is a significant feature in the socio-economic fabric of Sri Lanka. The Central Bank Governor recently paid tribute to the 1.7 million Sri Lankan labour force in foreign countries for remitting 5,200 million Sri Lankan rupees (approximately USD 40 million) last year in foreign exchange.

Starting from the mid 1970s, migration has taken place for economic, political, and educational purposes. The receiving countries for Sri Lankan migrants include Europe, Australia, Japan, and North America for skilled workers and the Middle East, South Korea, Singapore, Malaysia, Cyprus, Greece, and Japan for unskilled workers.

Sri Lanka ratified the International Convention on the Protection of the Rights of All Migrant Workers and Their Families in 1995. It has now ratified all core Conventions of the International Labour Organization (ILO), and also endorsed the ILO Multilateral Framework on Labour Migration.

STATE INTERVENTION

With the government recognising the importance of labour migration, the Sri Lanka Bureau of Foreign Employment (SLBFE) was set up under the Ministry of Foreign Employment Promotion and Welfare. A National Labour Migration Policy has also been put into place. This policy aims to aid workers in maximising the benefits of their remittances, the government has taken measures to offer credit schemes, operated through state banks, focused on investments for self employment and small enterprise. The State also recognises the services of civil society organisations and trade unions in this regard.

TRAININGS FOR MIGRANT WORKERS: PREPARING FOR DEPARTURE

The majority of Sri Lanka’s migrant worker population is low-skilled. Evidence shows that workers face violations of human rights and labour rights and face harassment and abuse at the work place due to lack of adequate education and training, language skills, and capacity to conform to work demands. The State recognises that the ultimate protection to all migrant workers is the possession of skills. Hence, the Bureau has initiated several training programmes for them through a network of training institutions spread throughout the country.

In 1996, pre-departure training was made compulsory for domestic workers and a training certificate became a mandatory requirement for registration with the SLBFE.

Enabling migrants to communicate in a language understood both by the migrant worker and employer has been a priority for pre-departure trainings.

Majority of skills training programmes are geared at female domestic workers, for example in skills to handle modern household gadgets and cooking using modern equipment. Training is also provided for sewing machine operators including machine operation, block making and cutting.

Aside from skills trainings, several trainings are organised to enable migrants to better integrate in the social and cultural environment of the host country and equip them with more information about the host country norms, work environment including...
Announcement - World Social Forum on Migration 2012
26-30 November 2012, Manila, Philippines

The 5th World Social Forum on Migration (WSFM) will be the first WSFM that will take place in an Asian country, as previous WSFMs were held in Europe and Latin America. The overall theme of the 2012 WSFM is ‘Mobility, Rights, Global Models: Looking for alternatives’ with the following sub-thematic areas:

Thematic Area 1: Crisis, Critique, and Consequences of Global Migration
Thematic Area 2: Migrants Rights are Human Rights
Thematic Area 3: Re-Imagining Migration, Proposing Alternatives, Exploring Models
Thematic Area 4: Resistance, Organisation, Action

The World Social Forum on Migration is a thematic social forum in line with the World Social Forum, which is a space for democratic debate of ideas, reflection, formulation of proposals, exchange of experience, and articulation of social movements, networks, NGOs, and other civil society organisations opposed to neoliberal globalisation.

The WSFM facilitates articulation and discussion of the rights of migrants, displaced people, refugees, and stateless persons. ASPBAE member, Migrant Forum in Asia (MFA), is part of the International Committee that provides overall guidance, political direction, and develops the themes for the Forum.

Visit the website for more information: www.wsfm2012.org

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