

EU-Asia link Project: Gender and Sustainable Development: Natural Resource Management, Migration and Multi-local Livelihoods

Project code: TH/Asia-Link/017 (128-497)

Workshop 5: ‘Gender in Migration and Social Policy in the ASEAN Region’

Venue: *Asian Institute of Technology, Bangkok Thailand, Date: 23 – 27 November 2009.*

Organisers:

The International Institute of Social Studies of Erasmus University of Rotterdam, The Hague, The Netherlands;

The Asian Institute of Technology, Bangkok, Thailand;

The Asian Migration Research Centre, Chulalongkorn University, Bangkok Thailand.

1. Description

This workshop brings together approximately 20 people (scholars, NGOs and Human Rights workers, policy makers) to share experience and knowledge on gender matters in migration and government responses to them. The main purpose is to co-learn about the effectiveness and shortcomings of policy instruments, institutional arrangements for migrants’ rights protection and the role of civic participation in the shaping of policy.

The workshop adopts the perspective that the violation of migrants’ human rights is not just a question of the individual, but more importantly a systemic process operating at multiple levels. The most visible level is the rationale behind economic policies that are more concerned with efficiency and maintaining regional and international competitiveness – often at the cost ethical concerns for growing social inequality and polarisation. Mobility of finance and people became intertwined, restructuring social relations in fundamental ways and stimulating the formation of complex and evolving migration systems.

Countering violations of human rights in this context must pay attention to particular migration systems and their propensity to enhance migrants’ vulnerability. This requires the capacity of civil society and governments to work with human rights norms from a perspective that see the deficit of rights as caused by structural inequalities permissive of particular predatory behaviour. A two-fold meaning of ‘gender’ will be explored: 1) a structure embedded in migration systems, and 2) a process that shapes the evolving characteristics of such systems. From this angle, the types of vulnerability faced by migrants are seen as arising from their social

position in which factors such as age, ethnicity, legal and work status intersect in ways that produce differentiated access to labour markets, human rights protection and social assistance.

The workshop will place migration in the ASEAN region against the background of the current economic downturn, which exacerbates concerns for national security and fuels xenophobic sentiments. These concerns not only override the everyday life security of migrant workers but also seek to 'flush' those with 'irregular' status out. A balance must be found between the different options available. Comparative perspectives on migration management in other regions, particularly the European Union, with implications for the wellbeing of migrants will be presented to provide a background for participants to reflect on the ASEAN institutional frameworks and learn from similarities and differences in approaches and policy options.

Experiences of civic actors, in their efforts to enhance the social wellbeing of migrants in difficult situations and promote alternative practices of rights protection, will be shared. Selected cases that undermine attempts to connect migration policy with social policy, and/or to bring abusers of migrants' rights to justice, will be used as sources for discussion on opportunity and challenges to human rights strategy.

The workshop will be participatory and will promote knowledge sharing through face-to-face and online means. A web-based platform has been created¹ to share information, documents, resources and links related to the event. Most reading materials will be available through this site to provide participants with timely access prior to face-to-face interaction. Participants can bring to the workshop ideas on strategies they may have and jointly work on a concrete proposal during the workshop.

2. Learning Objectives

At the end of this workshop, participants are expected to have deepened their knowledge about the current situations of rights denial in sending and receiving countries, relations at the work place and in the family. They will gain new insights on how to apply the rights-based approach to migration that are sensitive to context, to formulate concrete strategies and proposals in order to redress aspects of gender-insensitive policies. They are encouraged to propose new standards of evaluation of human rights protection activities in the field migration.

3. Methodology

The learning approach is built on the perspective of the role of public knowledge in social change. A link to professor Burawoy's path-

¹ <http://migrationgenderandcitizenship.wordpress.com>

breaking lecture on this topic is loaded on the website. Participants are encouraged to view in advance and grasp the key concepts. Essentially participants should be able to distinguish between technocratic knowledge – instrumental for policy-making, and critical knowledge that queries the ethical-political basis of policy frameworks and decision-making, identifies the rigidity or flexibility within a given framework and decision making process. They will share experience and co-learn on how to bridge knowledge developed within the academic with the realities faced by communities, and how attempts to make policy more inclusive and responsive to marginalized social groups cannot do without critical and constructive dialogues on policy norms. The complex negotiations within, and through, different sets of interests, the choice between a confrontational versus a co-operative style and strategy cannot be separated from a given cultural, economic and political context.

The learning methodology is built on the following premises:

- Co-constructing a humanized approach to migration to counterbalance current securitisation tendency would promote more just and less conflictive social changes
- Participatory and creative group dynamics enhance self- and joint-reflection on institutional challenges
- Creative dialogues can mutually enhance skills and support in lobbying, designing and evaluating policies and programmes.
- Group assignments helps to combine critical readings of the literature with analysis of concrete cases to develop instruments of protection appropriate to the needs of a specific group of migrants, and a build strategy for mobilization of support for right claims using regional and international platforms.
- Interaction between academics and practitioners, disciplines and professional profiles helps create and maintain a new space for a rich dialogue that bringing together the valuable of knowledge acquired from NGOs collective action, government interventions, academic research and theoretical debates.
- Group assignments helps to combine critical readings of the literature with analysis of concrete cases to develop instruments of protection appropriate to the needs of a specific group of migrants, and a build strategy for mobilization of support for right claims using regional and international platforms.
- Interaction through the web platform prior to face-to-face encounter can be helpful to promote knowledge sharing and to sustain further interactions during the workshop
- Post-workshop web-based interaction can mutually enhance skills and support in lobbying, designing and evaluating policies and programmes.

3.1 Modes of Reflection and Action:

The workshop will approach migration policy in the region from the perspectives of facilitation and containment, i.e. facilitating some time of migrations while containing others. Migrants who move within the parameters of state sanctioned schemes (fulfilling labour deficits in particular sectors) may have claims on social protection (such as health care and children's education), although decision-making on such schemes may be decentralized. Those who migrate through channels that supply informal labour often find themselves without protection and must rely on NGOs, charity and faith-based organisations for assistance.

The distinction between formal and informal is more virtual than real, and is closely related to the formal definition of '*work*'. Migrant workers may well fulfil a labour deficit crucial to the social development of the host society but are not recognized as such. This is clearly expressed in the case of migrant domestic workers, nannies, care providers for old people in countries experiencing a care deficit, due to an assortment of factors: demography, labour market dynamics, decline in social spending and privatisation of social services. Conflict at the work place or in the family often left the migrants (often female) empty handed (without any savings to return home) or injured without compensation, or a stigmatized identity with limited prospects for re-integration in the community of origin.

Building social policy for migrants must take into account the deep roots of gender in the cultural framing of the family, women's duties and rights. The forms of exclusion experienced by migrant workers are often the outcome of an intersection between different types of vulnerability and disadvantages. Intervention strategies can benefit from a bottom up approach, starting from a specific location, its relations of exclusion and specific aspects of rights denial. The context of rights denial is important to form a judgement and build a case for appeal using standards human rights norms.

4. Structure

The workshop will be organised around 5 different types of sessions: theoretical, applied tools, case studies, group work and knowledge sharing. The first three will include a presentation and leave enough time for an exercise (group or individual) that will help participants to understand and experience the different discussed concepts and tools.

There will be resource persons who have worked with migrants in detention who will share migrants' experiences, voices and specific concerns about their wellbeing and rights, as the migrants see it. This will bring debates on human right norms on institutional constraints closer to their experiential realities in order to discern the dilemmas in

need of resolution. The structure of the workshop will facilitate their knowledge sharing role, from both perspectives: how can their practical experiences be brought to bear on current theories of migration and human rights deficits? What lessons can be drawn for organisational strategies?

The workshop will focus on 3 themes:

- Female migration: Transforming gender boundaries (family and work place) without transforming access to rights.
- Models of state migration policy: facilitation and containment.
- Is a trans-local social policy possible? Connecting protection mechanisms at different sites.

3.2 Applied tools

These thematic areas will serve as the theoretical and institutional context to developed applied tools to be used in different contexts.

- Institutional framework (day 1)
- Global and regional policy dialogue (day 2)
- Field trip (day 3)
- Advocacy and networks (day 4)

3.3 Cases

- Philippines: case study of the murder of the social welfare attaché for overseas migrant workers.
- Indonesia: the women's court in Bali
- Vietnamese female migrants stranded in Taiwan
- Lao migrant workers in Thailand

Participants who work on these cases will be asked to prepare a presentation for the group.

3.4 Group project

Participants will work along the week in developing a concrete project using the concepts, tools, cases and experiences they would have received and their own personal reflection and professional trajectories.

The terms of reference: to be developed with inputs from partners

3.5 Knowledge sharing

The knowledge sharing sessions will be the space provided to participants to present their own experiences, cases and outcomes. These would be more informal and lively sessions where also cultural differences could be approached and experienced.

The agenda is structured through blocks of 90 minutes and every day, except day 3, includes the same kind of sessions.

Time	Day 1	Day 2	Day 3	Day 4	Day 5
8.30 – 9.30	Introduction	Models of migration policy:	Field trip visit to local NGO, government, migrant association.	Is a trans-local social policy possible?	Group presentations
9.30 – 11.00	Gender in migration	Comparing practices of facilitation and containment			
11.20 – 12.50	Applied tools: ASEAN institutional framework	Applied tools: regional policy dialogue		Applied tools: Cross-cultural marriage and Social Policy: Taiwan-ASEAN links	
14.00 – 15.30	The Return and Reintegration of Trafficked Victims in the Mekong Region	Philippines' Migration Policy: The role of social welfare attachés and the murder of such an official attached to the Philippines Embassy in Kuala Lumpur.		The women's court in Bali Indonesia	Final panel: recommendations
16.00 – 17.30	Group work	Group work		Group work	
18.00 – 19.00	Knowledge sharing	Knowledge sharing		Knowledge sharing	

4. Content

4.1 Day One: 23 November

Gender in migration: Transforming gender boundaries (family and work place) without transforming access to rights

Lecturer: Dr. Babette P. Resurreccion

Description: The session brings gender to the centre of analyses of migration processes. Gender is embedded in various instances in the migration process: in crucial household decision making to eventual settlement and employment, influenced by policy regimes of immigration, creating new transnational spaces and opportunities in host societies, simultaneous with continuous linkages with left behind households. A gender optic to migration studies and policy opens up a complex template of identity, power, and insecurity that operate in multiple scales of analyses. For instance, female migrants grapple with the new impositions posed by their feminized work and by immigration policies on female subjects in host societies. At the same time, they remain obliged to address feminized obligations to address the needs of left behind kin and households in remote places of origin. In short, the session will attempt to provide a holistic view of the gender embeddedness of migration by citing some of the discussions in the literature and the implications for feminist responses and emancipatory ways forward.

Readings:

1. Jørgen Carling (2005). *Gender Dimensions of International Migration*. Global Commission on International Migration. Global Migration Perspective No. 35.
<http://gender.gcim.org/attachements/Carling%20Gender%20dimensions%20of%20international%20migration.pdf>
2. Thanh-Dam Truong and Des Gasper (2008) Trans-local Livelihoods and Connections: Embedding a gender perspective into Migration Studies, *Gender, Technology and Development Volume 12 (3): 285-302.*

ASEAN Institutional framework

Lecturer: Prof. Dr. Supang Chantavanich

Description:

This session will discuss the ASEAN Declaration on the Protection of Migrant Workers, which has been translated into actions by the civil society groups. Its coverage and the mutually developed plan of actions will be analysed under the institutional framework.

Readings:

- 4 International Migration in the ESCAP Region: Key policy Implications
http://www.unescap.org/esid/committee2005/English/CESI2_2E.pdf
5. Wui Ling Cheah (2009) 'Migrant Workers as Citizens within the ASEAN Landscape: International Law and the Singapore Experiment' *Chinese Journal of International Law* Vol. 8 (1): 205-231

The Return and Reintegration of Trafficked Victims in the Mekong Region

Lecturer: Mr. Jerrold W Huguet

Description: The session will draw on the information provided in the IOM report on the return and reintegration of trafficked victims in the Mekong Region, supplemented by information from theses written by graduate students at Chulalongkorn University. The session will scrutinize government policies and practices with regard to the return of victims of trafficking, noting areas of concern and making specific recommendations in several areas.

Reading:

Links to publications:

<http://www.iomseasia.org/index.php?module=pagesetter&func=viewpub&tid=6&pid=489>

Additional sources:

<http://www.humantrafficking.org/publications/289>

4.2 Day Two (Tuesday, 24 November)

Models of migration policy: Comparing practices of facilitation and containment

Lecturer: Dr. Thanh-Dam Truong

Description:

This session draws on the case of migration policy in selected countries in the Asia-Pacific Region and compares them with those pursued in the European Union. The aim is to show how the securitisation of migration is related to movements toward the regionalisation of economies and politics – exacerbated by concerns for national security arising from the post 9/11 event and leading to heightened exclusionary and restrictive practices with regards to rights and entitlements. The convergence of a neo-liberal tendency that emphasizes markets over societies and a rising fear for the ‘other’ has dramatically altered solidarity and political agency. The rising practices of ‘detention’ and ‘rescue’ across the world are a major concern for human rights advocates, social workers and professionals engaged with migration issues. Although their effectiveness is doubtful to scholars and government officials, there is distrust – rather than co-operation – between those who occupy a technocratic position in policy making and those who query the ethical and political premises behind securitization tendencies. The session will open up the debate on how progressive politics seeking to enhance the rights of migrant workers must draw on human rights norms but must read them from a socially and politically embedded perspective in order to make sending and receiving states more accountable.

Reading:

8. Kaur, Amarjit and Metcalfe, Ian, 2007: "Migration Matters in the Asia-Pacific Region: Immigration Frameworks, Knowledge Workers and National Policies", in *International Journal on Multicultural Studies*, 9 (2): 135-157. (This issue deals with different aspects of migrations in this region)
 9. Andrew Geddes (2005) 'Europe's Border Relationships and International Migration Relations', in *Journal of Common Market Studies*, Volume 43 Issue 4, Pages 787 – 806.
 10. Dennis Broeders and Godfried Engbersen (2007) 'The Fight Against Illegal Migration: Identification Policies and Immigrants' Counterstrategies' *American Behavioral Scientist*. Volume 50 (12): August, 1592-1609 Accessible at:
<http://ncbr.ruhosting.nl/html/files/broeders.pdf>
 11. Godfried Engbersen and Dennis Broeders (2009) 'The State versus the Alien: Immigration Control and Strategies of Irregular Immigrants' in *West European Politics*, Vol. 32, No. 5, 867–885.
 12. Balakrishnan, R., D. Elson and R. Patel (2009) Rethinking Macro Economic Strategies from a Human Rights Perspective, Marymount Manhattan College. Accessible:
<http://www.networkideas.org/featart/mar2009/MES2.pdf>
- Links: global detention project: mapping the use of detention
<http://www.globaldetentionproject.org/>

Regional policy dialogue

Lecturer: Mr. Jerrold W. Huguet

Consultant on Population and Development

Description:

This session will review the policy dialogue on international migration at the global, regional and bi-lateral levels. The most visible global dialogue occurs in United Nations meetings and reports, and at the Global Forum on Migration and Development. Several regional consultative processes include varying groups of Asian and Pacific countries. ASEAN and COMMIT provide significant policy dialogue in South-East Asia. The most detailed agreements are at the bi-lateral level, however. Civil society also plays an important role in the regional policy dialogue.

Reading:

Labour Migration in the Greater Mekong Sub-region

Synthesis Report: Phase I November 2006

http://siteresources.worldbank.org/INTTHAILAND/Resources/333200-1089943634036/475256-1151398858396/LM_in_GMSs_Nov06.pdf

Case for Reflection

Philippines' Migration Policy: The role of social welfare attachés and the murder of such an official attached to the Philippines Embassy in Kuala Lumpur.

Moderator: to be nominated

Description:

This session reflects on the implications of this murder for migration policy, human rights protection and the nature of social support extended to migrant workers in distressed situation, including being trafficked. The main concern is placed on state accountability, the role of civic actors and the challenges posed by organized crime. The concept of 'civil society' and the relationship between state, civic actors and migrants will be open up for discussion to explore the context specific gender dynamics of migration and appropriate responses. Links for background information:

<http://www.indigenousportal.com/Human-Rights/Statement-on-the-Torture-and-Murder-of-Anti-Trafficking-Philippines-Social-Welfare-Attach-Finardo-C.html>

<http://www.bulatlat.com/main/2009/09/04/questions-linger-on-murder-of-attache/>

<http://www.ifsw.org/p38001880.html>

Readings:

6. Trafficking in Human Beings from the Philippines: A Survey of Government Experts and Law Enforcement Case Files, UNDOC –(no date).
7. Jonathan Crush and Sujata Ramachandran (2009), *Xenophobia, International Migration and Human Development*, Human Development Research Paper 47.
http://hdr.undp.org/en/reports/global/hdr2009/papers/HDR_P_2009_47.pdf

4.3 Day Three (Wednesday, 25 November)

Field Trip

4.4 Day Four (Thursday, 26 November)

Is a trans-local social policy possible? Reflections on 30 years of campaigning for the protection of the rights of trafficked persons and the lessons learned in connecting protection mechanisms at different sites.

Lecturer: Ms. Siriporn Skrobanek

Description:

Reading:

Joint-reflection: Cross-cultural marriage and Social Policy: Taiwan-ASEAN links

Moderator: Thanh-Dam Truong

Description: Father Peter Nguyen van Hung will share his experience in working with migrant workers and brides in Taiwan. The session will explore the transnational aspects of gender relations between the two countries, caring relationships and obligations between

households, and between civic actors and migrants. The aim is to deepen understanding of the structural aspects behind the vulnerability of migrant workers and the violation of their rights.

Reading:

13. Hong-zen Wang (2007) 'Hidden Spaces of Resistance of the Subordinated: Case Studies from Vietnamese Female Migrant Partners in Taiwan', *International Migration Review*, 41(3):706–727. <http://ldei.ugr.es/cddi/uploads/articulos/Wang2007.pdf>
15. Graeme Hugo and Nguyen thi Hong Xoan (2007) Marriage Migration between Vietnam and Taiwan: A View from Vietnam.
16. Le Bach Duong, Danièle Belanger and Khuat Thu Hong (2007) 'Transnational Migration, Marriage and Trafficking at the China-Vietnam border' both essays are published in *Watering the neighbours' Garden: The Growing Demographic Female Deficit in Asia* edited by Isabelle ATTANÉ and Christophe Z. GUILMOTO, Committee for International Cooperation in National Research in Demography, Paris. Accessible at http://www.cicred.org/Eng/Publications/pdf/BOOK_singapore.pdf#page=377

Case for Reflection: The women's court in Bali Indonesia

Moderator: Bandana Pattanaik

Description:

This session reflects on the significance of the women's court in Bali Indonesia. Particular attention will be paid to the relationship between issues of structure and agency and trafficking as a continuum of actions and the challenge they pose to the defence of the rights of trafficked persons.

Reading:

11. Ann T. Gallagher (2008) 'Human Rights and Human Trafficking: Quagmire or Firm Ground? A Response to James Hathaway'. in *Virginia Journal of International Law*, Volume 49 (4): 789-846. Accessible at http://works.bepress.com/anne_gallagher/1/

Link: <http://icaap.undprcc.lk/?q=node/38>

4.5 Day Five (Friday, 20 November)

In the morning group presentations

In the afternoon, panel discussion and recommendations