



Migrant Forum in Asia (MFA)

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Standing Members

Bangladesh

Ain O Salish Kendra (ASK);
Refugee and Migratory
Movements Research Unit
(RMMRU);
Welfare Association of
Repatriated Bangladeshi
Employees (WARBE)

India

Center for Education and
Communication (CEC);
Migrant Forum India (MFI)

Nepal

All Nepal's Women
Association (ANWA);
Women Rehabilitation Center
(WOREC)

Sri Lanka

Action Network for Migrant
Workers (ACTFORM);
Migrant Services Centre
(MSC);
Women and Media Collective
(WMC)

Burma

Federation of Trade Unions –
Burma (FTUB)

Indonesia

Center for Indonesian Migrant
Workers (CIMW); Jarnas
Pekabumi; KOPBUMI;
Migrant Care;
Solidaritas Perempuan;
Serikat Buruh Migran
Indonesia (SBMI)

Malaysia

Charles Hector & Co.;
Tenaganita

Philippines

Batis Center for Women;
Center for Migrants Advocacy
(CMA-Phils); Kapisanan ng
mga
Kamag-anakan ng Migranteng
Mangagawang Pilipino
(KAKAMMPI);
Kanlungan Center Foundation,
Inc. (KCFI); Unlad Kabayan
Migrants Services Foundation,
Inc.

Singapore

St. Francis Workers Centre
(SFWC)

Hong Kong

Asian Migrant Centre (AMC);
Coalition for Migrants Rights
(CMR);
Indonesian Migrant Workers
Union (IMWU)

Japan

Solidarity for Migrants – Japan
(SMJ)

Korea

Joint Committee for Migrant
Workers in Korea (JCMK)

Taiwan

Hope Workers Center (HWC)

MFA decries Malaysia's anti-migrant workers policies: Calls for consistency in upholding human rights for all

The Migrant Forum in Asia (MFA), a network of over 260 migrant workers associations, trade unions and migrants' rights advocates in the region, laments the recent policy pronouncements made by the Malaysian government that directly impacts on the situation of migrant workers in that country.

In a report by The Star Online on 12th July 2006, the Malaysian Ministry of Home Affairs announced that it lifted the two-year ban on Bangladeshi workers and approved 139 outsourcing firms that will be responsible for the recruitment of workers. While MFA welcomes the re-entry of Bangladeshi workers to Malaysia, it denounces the process by which these workers will be recruited. MFA believes that leaving the recruitment of migrant workers in the hands of outsourcing companies will only lead to further exploitation of workers and erosion of labour standards. MFA reiterates the position of its Malaysia-based member, Tenaganita, in stating that 'outsourcing labour creates a condition of a very deregulated and unprotected form of labor.' More often than not, migrant workers are bounded to unjust and unfair employment contracts that force them to work long hours at near-poverty level wages in slave-like working conditions. Hiring workers through offshore recruitment agencies abrogates the responsibilities of the employers and the Malaysian government. Such a policy without protective mechanisms for the workers gives the impression that the Malaysian government promotes slave labor.

MFA call for the immediate halt in the implementation of this exploitative recruitment process. We recommend that the Malaysian government sit with civil society groups in Malaysia to formulate a better way of recruiting labour migrants and ensure that core labour standards will be implemented.

It is also to be noted that the BBC News Online reported on 14th July 2006 that the same Home Affairs Ministry will soon launch an operation that aims to deport 500,000 undocumented migrant workers. In the same report, the Ministry said it is employing the services of the People's Volunteer Corps or RELA to weed out undocumented migrant workers. RELA is notorious for the human rights violations committed against migrant workers during the countless raids it conducted in the first six months of 2006 where it used excessive force against migrant workers.

MFA warns the Malaysian government in using the services of RELA in the 'operation' against migrant workers because it has led to unnecessary violence and wanton violation of the rights of the migrant workers in the past. MFA reminds the Malaysian authorities that Articles 22 and 56 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families address the issue of expulsion and arbitrary expulsion. Paragraph 4 of article 22 requires that, except where a final decision has been pronounced by a judicial authority, "the person concerned shall have the right to submit the reason he or she should not be expelled and to have his or her case reviewed by the competent authority, unless compelling reasons of national security required otherwise". As member of the International Labour Organization, Malaysia is expected 'to respect, to promote and to realize the principles concerning the fundamental rights including (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; and (d) the elimination of discrimination in respect of employment and occupation.'

In his keynote address delivered during the Fifth Workshop on the ASEAN Regional Mechanism on Human Rights held in Kuala Lumpur last June 29, 2006, Malaysian Foreign Minister Datuk Seri Syed Hamid Albar vigorously pushed for the establishment of a regional human rights mechanism that will promote and protect human rights within the ASEAN. It is ironic that while Datuk Seri recognises the need for such mechanism his fellow government officials are making policy pronouncements that are completely at odds with it.

Upholding human rights for all is hard work; it goes beyond the headline-grabbing statements and catchy sound bites. Consistency must be shown at all levels. If the Malaysian government wants to be seen as a champion of human rights it must desist from implementing undemocratic practices that impede human rights in its own backyard.