



# **Building a New Narrative Migrant and Refugee Peoples Convergence of Voices and Journeys**

**Rights and Realities-Strategies and Reflections  
Asia and Europe in a global context**



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The responsibility for the information and views set out in this publication lies with the contributors.



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# **Building a New Narrative Migrant and Refugee Peoples Convergence of Voices and Journeys**

This publication is respectfully dedicated to  
the thousands of Migrants and Refugees in all global regions  
who have lost their lives and are disappeared  
in the seas, on the land, the mountains and the deserts  
as they have attempted to cross borders  
in search of livelihood or fleeing persecution, war and climate change

*I am terrified of my migrant parents,  
always looking to escape.*

*Is this how you solve everything, dad?  
Are you going to do again what he says again, mum?*

*I'm more terrified of the birth wound,  
the hidden in the eastern part of HERE.  
What was so bad as to leave the THERE  
where one finds oneself at only 20 years old?  
How did they do it to rebuild themselves,  
to put themselves back together,  
to resist?*

*How, to raise an offspring that curses a place it has never visited?  
that dreams in a language it does not know,  
that lives in another land that will always be foreign to it?*

*What is good enough to stay?  
What European dream is it to  
to inhabit this land of white men  
who pick nipples with chopsticks,  
colonise bodies,  
catch Madame Butterflies,  
trade in opium and blood?*



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# Introduction

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This publication, *Building a New Narrative, Migrant and Refugee Peoples: Convergence of Voices and Journeys*, brings together diverse and distinct elements in the construction of a new Narrative on Migrant and Refugee Peoples. It is the narrative that is being written in the lives and work of migrants and refugees and in their strategies and protagonisms for transformative system change which they are participating in together with social movements and other social and political actors.

It marks a moment of convergence at the *Asia Europe Peoples Forum (AEPF 13)*, in May 2021 – a Round Table that brought together activists, leaders and analysts drawn from migrant and refugee organisations, as well as from social movements, trade unions and from civil society and solidarity organisations. It focuses the perspectives shared there as part of a process of ongoing struggles and engagements and does not aim to be a comprehensive overview.

## Different Narratives - Diverse Journeys

The participants brought to this moment a rich experience that has been shaped on the ground in journeys that ranged from the Myanmar-India-Bangladesh borders; the US-Mexico border; the cities of Kuala Lumpur, Hong Kong, Kuwait; and from the seas, the land, the places of work, the camps and the cities of Fortress Europe.

**The participants also brought intersectional perspectives forged in moments of struggle and in other moments of convergence – to mention some:**

in the pre-AEPF India consultation (2021); in the International Conference in Manila launching the call for a transnational union of migrant domestic workers (2019); at the 8th World Social Forum on Migrations in Mexico (WSFM 2018); the first European Social Forum on Migrations (ESFM 2021); the La Via Campesina People's Summit on Migrations in Marrakesh (2018) and the 45th Session of the Permanent Peoples Tribunal (PPT) on the violations with impunity of the Human Rights of Migrant and Refugee Peoples (2017-2020).

## The Right to Mobility – is integral to human her/history

The publication aims to reflect the main features of a narrative shaped in these contexts and conjunctures where migrants and refugees find themselves in the different regions.

It departs from the perspective that the act of mobility – whether for migration or to seek refuge – is both an act of rejection and protest at the dominant paradigm that condemns people to a precarious and inhuman life of subsistence threatened by corporate extractivist ‘development’, political oppression, war or climate change. The forced mass movements of people over the past ten years are perhaps the broadest continuing mass protest against the multiple dimensions of the failure of the neoliberal globalized capitalist model.

Human mobility is integral, to human her/history throughout the centuries. In the 20<sup>th</sup> century it has been formalised as a human right subject to international law protection in binding international Treaties. The frameworks for such international recognition and protection are enshrined in the UN Refugee Convention (1951), the UN Convention for the Protection of the Rights of All Migrant Workers and members of the their families (1990) and in ILO Conventions Nr.97 (1949) and Nr.143 (1975), although the protection of the rights of ‘internal’ migrants are not included in the ILO Conventions.

## **The Human Rights of Migrant and Refugee Peoples – in contestation**

This guaranteed human rights protection under international law of migrant and refugee peoples is now marginalised. During the past twenty years in particular, we have witnessed not only strong contestation from the rightist political spectrum, but a steady erosion of the human rights guarantees all the way to the violations by states with impunity of the human rights of migrant and refugee peoples. These violations are continuously documented and updated in the work of Amnesty International and numerous other human rights organisations. Migrant and Refugee organisations and the representatives of engaged solidarity organisations (doctors, lawyers, farmers, fisherfolks, sea rescue personnel) have also presented their testimonies on violations in the European context to the 45<sup>th</sup> Session of the Permanent Peoples Tribunal (PPT). On this basis, the PPT found the European Union was perpetrating what it calls “system crimes and ongoing genocide” as a result of its policy forbidding the right to rescue on the Mediterranean and Aegean seas and the criminalisation of those who still exercise the right to rescue threatened human life.

The 2018 Compacts on Migration and on Refugees are non-binding and as such are rejected by many migrant and refugee organisations and by migrant and refugee rights advocates in terms of weakening the basis for the protection of fundamental rights. These UN Compacts and the EU Pact on Migration and Asylum (2020) are also rejected as giving legitimisation to government policies that violate international law and are leading to a practice of necropolitics.

As the shared experiences in this publication describe, we have reached a stage globally, including in the global North where we see the mass deliberate denial of rights to people who are on the move, whether they are migrants or refugees. Likewise the militarised border



industry has thrived as violations of human rights are enforced either by national military authorities, or contracted out in 'externalised' border arrangements as we witness in Europe. People are denied their rights to move from conditions of devastated livelihoods, from war conditions and to seek livelihood and work.

## Dimensions of protagonism – the struggle for the right to move

Therefore, in this publication, we share dimensions of the agency of migrants and refugees, both in their active fleeing and moving, but also especially in their agency to struggle for their rights, to organize and mobilize with citizens for the human right to move and be a human being equally in the world with other human beings. So while the focus in the Round Table is mainly on Asia and Europe it is done against the backdrop of the global context.

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So the publication presents three main focus areas:

- an overview of the conditions and realities of South Asia, South East Asia and Europe that define the conjunctures in which migrant and refugee peoples live and work - confronting the harshest policies of exclusion from rights, detention, encampment and/or criminalisation. The disproportionate impacts of COVID-19 are part of this context – which has only served to underline the deep divides in society for migrants, refugees and marginalized citizens - and where either as frontline workers they have known high loss of life or many months of confinement in the homes where they work or in dormitories where they sleep; or resulting in a devastating humanitarian crisis as in India when thousands of 'internal' migrants had no option but to walk the long journeys to their villages and where estimates of at least 700 died from hunger, heat and exhaustion. In this situation in India, the migrants became "visible" in a very graphic way as the refugees did in the 2020 fire in the Moria camp in Lesbos, Greece.
- key elements of the strategies that people are engaging in through their struggle to affirm their human rights – the challenges to break out of the sites without rights;

their experiences of organizing, building their trade unions; holding protests and strikes; forging new alliances with social movements and engaged solidarity networks that aim to overcome racism, xenophobia and islamophobia; campaigning on a range of issues determined by living and working conditions – wages, housing, access to health, to education - but also on common grounds with others working for transformative change.

- dimensions of the global context and convergences where migrant and refugee organisations and networks, have been able to come together with other social movements to strengthen their protagonism and assert not only their struggles for survival but also their vision for a self-determined future; participating in the ongoing development of the Call for a Global Pact of Solidarity which also carries the commitment to building a movement of movements – which is seen as a longer term challenge but also contributing to concrete changes in the working and living conditions of migrant and refugee peoples and their families.

So in moving forward, the participants take the AEPF Round Table as a point of reference and the beginning of a new conversation towards further collaboration. It is the start of another journey that acknowledges the particularities of the situations in each region but shares the determination to work together on the achievement and the narrative of transnational solidarity.

Brid Brennan

June 2021

# **Contexts and Trends**

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**South Asia, South East Asia and Europe  
Voices from the Regions**

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Rohingya refugees arrive in Anjuman Para, 2017. Credit: UNHCR via AP/Roger Arnold



Migrant construction workers in Bangkok, 2020. Credit: AP/Gemunu Amarasinghe



Survivors rescued by the Aquarius, 2018 Credit: Laurin Schmid/SOS MEDITERRANEE

# Key Issues in Focus – South Asia

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By Nasreen Contractor and Varsha Rajan Berry

## Background

The text here is based on excerpts from conversations and dialogues held during roundtables under the aegis of the AEPF. It has emerged from a year long process of identifying activists, researchers, organisations, networks and individuals working on the issue of migrants in India and bringing them together in a national dialogue followed by an interaction with other South Asian, South East Asian and European activists during the AEPF13 in an open space event. The aim was to bring convergence on the understanding of migrant and refugee issues at a global level. The platform offered the opportunity to share different contexts and strategies and make a call for a global pact for solidarity to advance the rights of migrant and refugee peoples. This process will be taken forward at the South Asia level in the framework of building a campaign.

During the AEPF process on Migrant and Refugee Rights, the following persons contributed in the deliberations and also in the discourse both on perspectives and strategies: Meena Menon, Shalmali Guttal, Ulka Mahajan, Indavi Tulpule, Rahul Menon, Raghav Malhotra, Rajesh Joseph, Hamsa Vijayaraghavan, Meera Sethi, Vibhuti Patel, Babloo Loitongbam, Kavya Bharadkar, Nalini Ratanraja, Ranabir Samadar.

## Setting the context - Migration and Asylum in South Asia

While there is significant migration of migrant workers from India and other countries of South Asia to other global regions, this overview will deal principally with 'domestic' or inter and intra-state migration in India and the sub-region. It will also address the cross border migration and movement of refugee peoples "into and from" countries of South Asia – particularly the refugees from Myanmar.

Migration in this region, as in other global regions is a phenomenon linked to significant economic, socio-cultural and political causes, and impacts. It includes migrants, immigrants and refugees.

Migration can be voluntary or imposed/forced, that is, as an opportunity for livelihood on one end and displacement/persecution on the other. The numbers of people involved are vast and their often forced displacement can dramatically alter the social fabric in both the 'sending' and the 'host' communities in often grossly unjust and inhuman ways. The environment created makes the migrants isolated and they become vulnerable to exploitation and violence. Major migration corridors include Bangladesh–India, Afghanistan–Pakistan, India–Pakistan and Nepal–India. However, it is important to note that these corridors are all quite distinct,



reflecting a range of historical and contemporary economic, security and cultural factors. There are millions of Bangladeshi and Nepalese labour migrants currently working in India. These workers for example, are primarily employed in the informal sector as construction labourers and domestic workers.

Ranabir Samadar in setting the context during our dialogue said

*“In the post COVID world there has been some change in perception of the refugee and migrant situation. It would be good to take that change as a fundamental element into this scenario.”*

## Factors shaping the movement of migrant and refugees

- **Political instability**

Long-standing conflict, political instability, violence and repression have made South Asia a significant area of displacement; the sub-region also hosts significant populations of displaced persons. In recent history, every country in the South Asian sub-region (other than Maldives) has been an ‘origin’ or a ‘host’ country of displaced populations.

Most notably, at the end of 2018, as reported in the World Migration Report 2020, published by the International Organisation for Migration (IOM) there were 2.7 million Afghan refugees, the second largest refugee population in the world after the Syrian Arab Republic, and there are 2.6 million Afghan internally displaced persons (IDPs).

- **Climate change**

Migration and mobility are particularly important coping strategies in response to environmental change events in South Asia – including sea-level rise, coastal erosion, flooding and groundwater depletion – all of which pose considerable challenges in the subregion.

Nalini Ratanraja, a feminist activist shared that *“In Sri Lanka, there is large scale internal migration due to climate change. We also get asylum seekers from Afghanistan, Pakistan and the Rohingyas from Myanmar. There are no concrete legal frameworks to protect the rights of migrants and refugees. Because of this, the migrants and refugees are in a very difficult situation, they face violence, poverty and there are no provisions of basic amenities for the women and children.”*

## Myanmar refugees

It is important to draw attention to the precarious conditions being faced by the thousands of Myanmar citizens who have recently fled their country following the crackdown on the pro-democracy protestors. Having no alternative, the desperate citizens including women and children have crossed over into India through the historically, geographically and culturally contiguous 1468 kms long India-Myanmar border in north east India.

The states of Mizoram and Manipur have seen thousands of the Myanmar activists as well as ordinary civilians who have come into these states by crossing this border. But this North-east Region itself has many challenges - because these are basically inhabited by ethnic mi-

norities, isolated and in a highly militarized environment. Humanitarian agencies, and even the UNHCR cannot function in these areas and have not gained access there.

Prior to this current migration, South Asia has also witnessed a similar cross-over of the Rohingya community of Myanmar in 2017-2018. Being persecuted by the army and in fear for their lives, they fled across the borders to India and Bangladesh. It is estimated that more than 1.1 million fled to Bangladesh as reported to the UN General Assembly by the Bangladeshi Prime Minister Sheikh Hasina in September 2018.

Bablu Loitongbam, a human rights activist from Manipur, in the North Eastern part of India drew attention to the response of the Indian government which was to designate the cross border migrants as illegal and called for their due identification and deportation.

Interestingly, the state government of Mizoram came out with a very bold decision saying that the Chin community who are running into Mizoram are basically their ethnic brothers and sisters and therefore they defied the central government order and opened up shelters and provided food to thousands of refugees who had come over. In the case of Manipur, the government first agreed with the policy line of the central government which forbids local authorities from opening any camp or providing food and shelter and also preventing Myanmar refugees to cross the border. There was a huge outcry from the civil society and thereafter on 29th March, the Manipur government said that they will provide humanitarian aid. However, it is only in words and we see that there were many instances where the military in this area which is already highly militarized, particularly the Assam Rifles section of the military, have turned many refugees away.

**Having no alternative the desperate citizens including women and children have crossed over into India through the historically, geographically and culturally contiguous 1468 kms long India-Myanmar border in North East border.**

*"Since their survival was at stake the Bangladesh government agreed to give refuge to some. Currently, however there are reports that as many as 20,000 Rohingya families, of those who arrived in Bangladesh in 2017 are living isolated on the island of Bhasan Char. They have been removed from Cox's Bazar - one of the bigger camps where they have lived since they arrived. The refugees have been protesting their removal and many have attempted to escape as they fear flooding and drowning - as the island is low lying in the Bay of Bengal, off the Bangladesh coast."*

Many of these people who are trying to cross the Myanmar-India border, are ethnically connected to the communities of Northern Burma - so the major brunt of the problem is faced by the poor villagers who are living in these porous border areas. Unfortunately, however these are very, very poor people and they are not able to sustain the large number of refugees which are arriving. So civil society groups, like the Citizens Committees in Manipur have come together and have provided basic needs like food and medicine for about 500 or so stranded people.

In addition there has also been an intervention in the High Court of Manipur stating that

the principle of non-refoulement should be respected as it is also part of Article 21 of the Constitution of India. On May 3rd 2021, there was a historic judgement by the Manipur High Court saying that these refugees should be protected as refugees – as their rights and the protection of their life should be protected according to Article 21 of the Constitution. So as a result, seven journalists from *Neesima* newspaper were able to go to Delhi and register themselves with UNHCR.

But having said that, thousands of refugees are living in great fear that they cannot identify themselves and it is impossible to carry out COVID-19 testing. On the vaccination issue, national identity cards (ADHAR) are demanded to access the vaccination by the authorities in Manipur and Mizoram. Cases of death from COVID are being reported among this population, so they are in a very dire situation today in hiding in isolated and remote jungles.

## Religion becomes a criterion for citizenship in India

The most politically significant and controversial state response to migration in South Asia has been the Citizenship (Amendment) Act, passed by the Parliament of India on 11<sup>th</sup> December 2019. It amended the Citizenship Act of 1955 by providing a pathway to Indian citizenship for ‘persecuted’ religious minorities from Afghanistan, Bangladesh and Pakistan who are Hindus, Sikhs, Buddhists, Jains, Parsis or Christians and arrived in India before the end of December 2014. This law however does not grant such eligibility to Muslims from those countries, all of which are Muslim majority countries.

This Citizenship Amendment Law for the first time overtly makes religion as a criterion for citizenship under Indian Law. For the sub-region, it has deepened the divide between the nations.

Attempts by the government to conduct a census on religious grounds in the state of Assam in North-Eastern India to determine, who and how many people have migrated from Bangladesh generated strong resistance and protests. It revealed how deeply integrated migrants had become over the years in the society and any attempts at deportation would mean breaking up families and even threatening the security of those who had been living in the country for decades.

Nalini Ratanraja from Sri Lanka, who works with political asylum seekers in Sri Lanka stresses that *“the Muslim refugees who came from Afghanistan and Pakistan have been attacked, especially after the April 2019 bombings and now also in March 2021. It was mainly the Muslim refugees were not protected by the Sri Lankan government as is required under international human rights obligations and this led to loss of trust in the community, loss of their homes and the state is also not providing a full social security. The children are specially affected as they do not have access to the public government school system and so are expected to go to international schools. But this is not possible – since they are not allowed to work and therefore they do not have the money to pay for education in the private schools.”*

**This Citizenship Amendment Law for the first time overtly makes religion as a criterion for citizenship under Indian Law. For the sub-region, it has deepened the divide between the nations.**



## Migrant women are ignored

Vibhuti Patel, Feminist economist and researcher from India said that: *“when we talk about migration, usually it is the migrant women who are ignored. There is a need to recognise women migrants and their specific issues. According to the 2011 census of India 30.9 million women are migrants. Earlier it was thought that mainly men migrated but a large number of workers who migrate are women and women do not migrate only to accompany their husbands. Their vulnerability is higher in the pyramid. Women’s work is always classified as unskilled and therefore women are paid less, they get only two-thirds of the wages earned by men as their work is considered unskilled.”*

Vibhuti also stresses that the point of violence related to migrants includes patriarchal traditions and women subjected to this do not have a place to go for redress. For instance, domestic violence is taking place among Tibetan migrant families, even though it is hidden behind their economic activities.

The migration of women is also often confused with trafficking which further hampers their mobility and in turn affects their social and economic status.

Migrant women, who have the opportunity to work feel empowered when they are working in factories and feel good about going out to work and being paid for it.

## From “facelessness” to visibility

Migrants tend to be treated as a “faceless” section in society, as there is no formal recognition, record or data on their existence. Hence, there is no legal framework to protect them or any kind of social security offered to them.

It was the COVID-19 pandemic which made the migrants visible – when thousands of migrants were actually seen walking home to their villages, seeking security. The magnitude of the problem, and the fragility and vulnerability of the “domestic” migrants was brought out starkly, when hundreds and thousands of migrants were seen having to walk their way back to their villages, left without any transport due to the sudden national lockdown. Many died on the way due to lack of food, heat and exhaustion.

This highlighted that the situation of refugees and migrants is a humanitarian issue and not only an economic issue.

Ranabir Samadar further explained that

*“one of the things that strikes attention, is the fact, that the migrant question has become, almost everywhere, a general social question. In addition question, there is the question of the right to get protection; the duty of the state and the international community to take care of the refugees and migrants. This includes the issue of asylum - all those provisions that are there in human rights law and the UN Conventions. But these seem to be treated as a ‘special’ concern, as if it does not impact the entire society.”*

But the pandemic has shown, how the migrant question has become a broader social question – and the obligation to protect the rights of migrants and refugees. This leads us to thinking of how do you protect an entire society which is now in jeopardy? How do you take care of the people who are victims of not only a public health crisis and an epidemiological crisis? But it is also an economic crisis and a crisis of the existing labour system as well as a political crisis. So the current crisis is not a singular one. It is major. It is fundamental as it brings together all the inter-related crises even if it is expressed through a public health crisis or an epidemiological crisis.

Now it is in this scenario, during the COVID-19 surge in India, whether in 2020 or even in 2021 that the migrant question emerged as a central question. We can see that in the thousands of migrants when they came out on the roads and along the routes of transport... thinking especially of last year and the experiences we have witnessed. We still do not know how many came out on the road - defying orders of lockdown, defying the insistence of city authorities to stay put without giving them shelter, food and other minimum means of survival. We still do not know whether 3 million people, or 4 or 5 million *began to walk*. How many came out on the road? We only know the figures estimated for the unorganised migrant workers – which vary from a conservative estimate of 10 million to 18 million while the major trade unions, usually even put the figure at 13 million. Again, these are estimates that are varying even in the courts, where some depositions have been made.

**We can see that in the thousands of migrants when they came out on the roads and along the routes of transport. thinking especially of last year, you know, and the experiences we have witnessed.**

So the estimated number of those who died should be somewhere between 700 to 800 workers - including the 100 workers who died on the train tracks.

Ranabir Samadar continued his analysis *“At one level we can say this was a national traumatic experience. I also want us to consider the whole question of how do you fight for the migrants rights? I think the important points that I’m trying to suggest is that we have to study the conditions where migrants can assume their own political subjectivity and agency. It was precisely by defying the laws and coming out on the roads that the migrant put this in public attention. This galvanized - the attention of law, judiciary administrators, human rights activists, solidarity activists, political activists in different layers of society. But the migrants themselves had to be visible. And if the migrant is not visible - then nobody cares and the paradoxical thing is that the migrants can be visible in economy, but we do not want that the migrants becomes visible in politics. But now it is only when the migrant issue in one way or another becomes crucial in politics that you find the attention of society and the public sphere.”*

“Precisely, because the pandemic has linked the precarious situation of migrant labour and refugee labour – indeed it is linked to the general precarity in all dimensions of labour. This is how migration and the migrant question has been transformed into a general social question. And this has implications for refugee rights and migrant rights and for scholars and activists.”

The distinction between refugees and migrants traditionally held in refugee and migrant literature is becoming inconsequential for those who work on migrants rights. The essential question is not determined by places of arrival or places of work. These kinds of names as to who is an “internally displaced person” (IDP)? Or who is a refugee? Or Who is a migrant? Who is purely an asylum seeker? Who is “documented” or “undocumented”? Therefore, as Ranabir concludes

*“we finally see the spectrum as a whole - the vast migrant and refugee populations and the huge citizen population that is also living in precarious and exploitative conditions. Therefore, I think the question of fighting together for refugee and migrants rights, for refugee labour and migrant labour rights is very important. We have to think of a situation where migrants can assume their own political agency.”*

## **Migrants role in the economy**

Circular migration inside India has been part of the economic labour model for decades – it is also called “domestic” migration. Yet, there is no justice, no rights and no visibility for the migrants. A public hue and cry was made only recently, when society saw the migrants, visibly.

This community of migrants is insecure from all angles and yet the burden of economic growth lies on them. They give the stimulus to growth.

Raghav Malhotra, Researcher from Aajivika Bureau from India said *“migration is not limited to being an economic/labour issue alone, but it has become a huge humanitarian crisis as well. Economic growth cannot just be extractive but also must protect basic human rights.”*

## **Address refugee and migrant rights together**

The distinction between refugees and migrants as earlier discussed is becoming irrelevant. They can all be characterised as displaced persons who may or may not be documented and the huge precariousness of this segment of the population, underlines the need to address refugee and migrant rights together.

Nalini Ratanraja stresses the point that *“most South Asian countries, have not ratified the UN Conventions on Refugees and Migrants. Since Sri Lanka did not ratify these international human rights instruments, we do not have a concrete legal framework in place to protect the human rights of migrants and refugees.”*

Then our governments in South Asia need to put in place a poverty alleviation policy, as we also see in India, Bangladesh – this can be a preventative against forced migration. But it is not enough to put such a policy in place – the governments need to implement it and have effective mechanisms to monitor it.

# Organising Migrant Domestic Workers in South East Asia and Beyond

By Josua Mata - General Secretary, SENTRO Trade Union

SENTRO is a trade union center in the Philippines that espouses social movement unionism. I present here some of our experience in working with migrant workers.

First, I should note that the Philippines has always been a migrant-sending country. As early as the time when the Spaniards came in to colonise us, we have been exporting our people - particularly as seafarers. When the Americans came in again to colonise us, a lot of our male population was sent to California and to Hawaii to be farm workers. However, migration in the Philippines became a state-led programme only in the 1970s, during the time of the Marcos dictatorship. We can say Filipino and Filipina migrant workers are working in all global regions - with big concentrations in the US, Europe, Middle East, East and South East Asia. Here our focus will be on the migrant domestic sector and how they are organising in their work context.

## **Institutionalisation of the “export of labour”**

Today, migration from the Philippines has become a huge industry and the government, it seems, is determined to actually further institutionalise the “export of labour”.

If you look at our economic statistics, you will find that one of our biggest exports is our own people. This is nothing but the full-on commodification of our own people.

Many people are driven to migration primarily because of poverty. A flawed market-oriented economic policy that perpetuates low wages and precarious work are the main culprits. But these are exacerbated by the violence against women, and the intractable wars that we have in many parts of the country, particularly in the south, and, the ravages of climate change.

This means that many are forced to migrate because of a combination of circumstances. In most cases, people would convince themselves that they will migrate for only a few years, save money and then return “for good”. Certainly, many would be able to lift their family from poverty. But then they would realise that to keep their family afloat, they would have to keep on working as migrants. That is why we call it circular migration.

**Today, migration from the Philippines has become a huge industry and the government, it seems, is determined to actually further institutionalise the “export of labour”.**

## **We have to take on the root causes of migration**

Clearly, the root causes behind these push factors for migration are the many oppressive structures – economic, political and social – that we have, including capitalism, patriarchy and even the vestiges of feudalism as still found in the land ownership in the Philippines.

Therefore, if we really want to address this cycle of migration that has been forced upon people, we have to take on its root causes.

Today there are many countries that can no longer 'afford' not to have migrants as part of their work force. Whether they actually admit this or not is a different question altogether. But if you look at Malaysia for example, you would see that there is no way that they can operate a number of their industries without migrant workers coming from South East Asia or South Asia.

Yet, in most cases, migrants are still treated very, very badly. This is particularly so in the case of migrant domestic workers. I will not deal here with the experiences of migrant domestic workers directly because my colleagues from Hong Kong and other parts of Asia will present their own experiences later.

## **Building social movement trade unions**

What I can say is that

*“the only way to actually address the numerous problems faced by migrant workers, including migrant domestic workers, is by building trade unions – that is “social movement unions” that actually support migrant workers, empower them, and build their confidence to collectively change their situation, it the only sustainable way to do it.”*

But building unions among migrant workers is really very difficult. It took us several years to learn how to do it. And we are still learning.

At the same time, it is also challenging to work with unions in the destination country, especially if the union leadership still have very conservative views about migration. You will always find 'true-blue' trade unionists who would support the struggles of the migrants in their countries, but working formally with the union could still be challenging.

In some cases, we find ourselves signing a Memorandum of Agreement with the union in the receiving country, only to find that there are many things hampering solidarity.

## **Different categorisations of migrant workers tends to divide us**

One of the biggest hindrances to solidarity between the migrant workers and the unions in the destination country is not just the legal limitations on the rights of migrant workers. It is the lack of understanding that the atomisation of the working class, imposed on us by various systems, is indeed a hindrance and creates artificial divisions. We have different

categorisations of migrant workers – the Overseas Filipino Workers (OFWs), undocumented workers, overseas Filipinos, diaspora, refugees, asylum seekers - and all these categories tend to divide us.

## **What we need is global solidarity**

Clearly, what we need is a global solidarity, where all migrants, no matter what their category is, are all treated as human beings.

This is why we have started embarking on building a transnational union of Filipino migrant domestic workers. And we want to think of this as part of an overall all effort to build a global union of migrant workers. We imagine this as our small contribution towards helping realise a Global Pact for Solidarity.

# A destructive Europe

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By Brigitte Espuche - Co-coordinator, Migreurop network

More than five years after the implementation of the “hotspot approach”, the situation of migrants and asylum seekers at the borders of the European Union (EU) – as well as on its territory – is extremely worrying. The recent years have indeed been marked by the adoption of increasingly hostile, repressive and security-oriented European policies on migration and asylum. The EU aims to protect its territory, which is increasingly difficult to access for migrant and refugee people, by furthering its action to thwart mobility.

This trend is on the rise in the context of the Covid-19 pandemic: intensified negotiations with third countries, reinforcement of border controls, left-to-die practices seemingly deployed as standard policies at EU’s maritime borders and beyond, and ‘standardised’ violence targeting migrants.

People on the move face two major challenges:

1. The ability to move - to exercise their right to mobility in spite of the obstacles erected along the “clandestinised” migratory routes, which are getting longer and more dangerous as years go by.
2. Staying alive on the migratory route – deaths being proportional to the obstacles erected on the way – in order to reach the set destination... but at what price?

## **Militarisation of borders and the sea**

For some years now, the militarisation of European borders has become increasingly sophisticated and automated at an accelerated pace, in order to ‘contain’ migratory movements. Thus, military means are deployed at the gates of Europe (drones, satellites, helicopters, geo-radars, sensors, watchtowers)<sup>2</sup>. This also includes operations at sea – deployment of the European coastguard and the border guard agency Frontex, which is waging a war on migrants<sup>3</sup>: the naval operation Eunavformed (and later Irini) in the Mediterranean, and the NATO operation in the Aegean Sea<sup>4</sup>. These militarised operations are carried out against unarmed civilians, who are portrayed as “threats” by the European Union, which has developed and funded new technologies to strengthen border controls.

It should be noted that this militarisation of borders also takes place beyond European territory in Morocco, Niger and in the Balkan countries.

## **Criminalisation of migration and migrants**

This militarisation is part of a global policy of deterrence combined with the criminalising of migration. This is categorised as an offense of ‘illegal emigration’ in certain southern coun-



tries, such as Morocco, and people on the move are accused of being criminals, smugglers, human traffickers and terrorists.

Most recently – the height of cynicism – migrants and refugees are accused of having endangered the lives of their children, who have drowned during a crossing to Europe.

Several fathers have thus been sentenced to prison terms, and suspended sentences in Senegal<sup>5</sup>, charged with “endangering the lives of others”, “manslaughter” and “complicity in migrant smuggling” simply because they helped their children try and reach by sea what has become a sealed off border.

Such dismissal of people on the move and lack of consideration has legitimised increasingly repressive policies and widespread violence against them (at the EU’s borders and on its territory) and against their supporters, who are also criminalised.

**Most recently – the height of cynicism – migrants and refugees are accused of having endangered the lives of their children, who have drowned during a crossing to Europe.**

## **Criminalisation of solidarities**

Repression against migrants’ defenders and supporters is a growing concern, additional to physical violence and the “left-to-die” strategy facing migrants and refugees. Individuals, associations, and rescue NGOs are criminalised and prosecuted for “facilitating illegal entry or stay”<sup>6</sup>, and private rescue operations at sea are hindered<sup>7</sup> at a time when no official rescue mechanism has been put in place on a European scale. Still, migrants remain the real targets – albeit largely invisible – many of them being prosecuted for much more serious offences (such as human trafficking) and sentenced to much heavier prison terms<sup>8</sup>.

## **Widespread pushbacks**

Although prohibited by international and European law, “pushbacks” are widely practiced by member states<sup>9</sup>, notably Greece<sup>10</sup>, France<sup>11</sup>, Hungary<sup>12</sup>, Italy<sup>13</sup>, Malta<sup>14</sup> and Spain<sup>15</sup>. In this context, the EU does not seem overly concerned, absorbed by its strong desire to accelerate and systematise deportations – entrusted to Frontex<sup>16</sup>, euphemistically called “voluntary returns”. The European border guard agency, after revelations in the press in October 2020, was summoned to explain its alleged involvement in cases of pushbacks in the Aegean Sea and at the borders of Hungary, highlighting both the incompatibility of its mandate (monitoring EU borders) with respect for the rights of people on the move, and its structural impunity<sup>17</sup>.

## **The many facets of detention**

Once they arrive in Europe, it is often widespread and multifaceted detention – the cornerstone of the migration control structure – that awaits migrants and refugees. However, the reasons for detention, the structures used and the forms of confinement have evolved consid-



erably. The detention apparatus goes beyond the scenario that has been in place in the EU for years i.e. closed camps on European territory and in border areas, as well as sorting camps on islands or in enclaves (Aegean islands, Canary Islands, Ceuta and Melilla enclaves). New sites are now being used, such as boats on the docks or at sea.

These are increasingly informal detention sites, often located at the border or entry locations (holding centres, hotspots, and transit zones); where the aim is deprivation of liberty for a short period of time in order to facilitate “removals”.

The policy on the Greek islands stands as an exception: migrants and refugees are held in a “detention state” used as a control and surveillance means<sup>18</sup>.

## **Organised impunity**

Such clear and documented violations of people’s rights and EU law contrast with a massive political and legal impunity. European States or agencies that flout EU law are not sanctioned because the EU and its Member States have progressively implemented a strategy of “organised irresponsibility” in migration policy<sup>19</sup>. It is worth asking, in this instance, whether the EU courts are still protective of individual rights. The same question can be raised in relation to European law, especially in light of the February 2020 ruling by the Grand Chamber of the European Court of Human Rights in favour of Spain. This ruling legitimises generalised push-backs by endorsing the practice of “hot refoulements” at the Spanish-Moroccan land border in the name of protecting European borders and against the right of asylum<sup>20</sup>.

European States or agencies that flout EU law are not sanctioned because the EU and its Member States have progressively implemented a strategy of “organised irresponsibility” in migration policy.

## **Soft law, hard power**

The influence of soft law on European migration policies<sup>21</sup> is an indication of both the EU’s and Members States’ desire to circumvent EU law and their obligations resulting from ratified conventions, which are undoubtedly considered too restrictive. In fact, official inter-state agreements (long and cumbersome processes) are no longer required to move on with policy decisions. A mere statement or even a Compact – is enough to produce legal effects – for example the EU/Turkey Statement issued in March 2016<sup>22</sup>.

## **Pernicious externalisation**

In order to achieve its objectives of containing migration, the EU and its Member States need to cooperate with so-called third countries, namely countries of origin and countries of transit. Since the early 2000s, the EU has externalised border control and migration management to authoritarian or failed states – in all cases “unsafe” countries given current policies and practices impacting negatively on migrants’ and refugee rights (Turkey, Libya, Niger, Morocco...)<sup>23</sup>. No formal agreement has been signed between Libya and the EU and there is

only a Memorandum of Understanding with Italy<sup>24</sup> (following the conclusion of a friendship treaty in the Berlusconi/Gadhafi era). Yet, the collaboration of the EU and its Member States is notorious<sup>25</sup> and has been allocated up to almost € 700 million between 2014 and 2020<sup>26</sup>.

Finally, it is notable that current illegal practices are likely to shape future legislation: European states thus start by testing unregulated, if not unlawful, practices, before making them legal and this adjusting the law to their behaviour (as heralded by the European Pact on Immigration and Asylum)<sup>27</sup>.

## **Consequences: Europe is destructive**

This migration policy of deterrence by ill-treatment or inhuman and degrading treatments has produced enormous suffering for people on the move. Cases of torture<sup>28</sup>, rape, slavery<sup>29</sup>, beatings, theft of material goods and clothes, migrants shot or violently turned back at the borders<sup>30</sup>... More than 30,000 deaths have been recorded on the road to Europe since the year 2000<sup>31</sup>, not to mention all those who disappear on the land or sea routes, without their bodies ever being found.

In the Greek Islands, asylum seekers have been rotting in unliveable camps for years – with the scheduling of an appointment for the examination of their protection claim taking sometimes up to two years<sup>32</sup>, without any prospects, and without any possibility of planning for the future. Detention and waiting have an enormous psychological impact, which generates and adds to the trauma already experienced before arriving in Europe<sup>33</sup>. Once on the continent, many migrants and refugees fall into depression, addiction, or attempt suicide<sup>34</sup>.

Resisting Europe's murderous migration policies may not only mean staying alive on the migration route, but also trying to survive all the traumas experienced on the journey and once at the destination... without going mad.

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<sup>3</sup> See <http://www.frontexit.org/en/> and <https://abolishfrontex.org/>

<sup>4</sup> "De la crisis de los refugiados/as, a la crisis de Europa", Brigitte Espuche, Louis Imbert, in Documentación social n° 180, 2016, pp. 23 to 48 : [https://www.academia.edu/31082119/De\\_la\\_crisis\\_de\\_los\\_refugiados\\_as\\_a\\_la\\_crisis\\_de\\_Europa](https://www.academia.edu/31082119/De_la_crisis_de_los_refugiados_as_a_la_crisis_de_Europa)

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# Migrant Domestic Workers – building the trade union

By **Liezel Galdo - AMMPO-Malaysia**

I am Liezel. I'm a Filipino migrant domestic worker in Malaysia and a leader of the Association of Nationalist Overseas Filipino Workers (AMMPO) which is an affiliate of SENTRO and of the International Domestic Workers Federation (IDWF).

Migrant domestic workers face a lot of discrimination here in this country – including the fact that we are called domestic servants. The government promised that they will change this category to “domestic employees”. Even though the Malaysian government said that they will change this, and even if they amend their Employment Act to change our category from ‘domestic servant’ to a ‘domestic employee’, that would not prevent the employer from abusing their domestic worker, unless the domestic workers themselves are organised.

Things just got worse during this pandemic. After the government imposed the Movement Control Order (MCO), many employers would not allow their domestic workers to take a day off, saying that it is dangerous for them to go out, except when they are asked to go to the market or run errands. So many domestic workers – have not been allowed out of the house for over a year since the pandemic began.

On the other hand, employers are free to go in and out of the house. They go partying and invite their friends. So, my question is, are they immune to this virus? Will they not get infected because they are employers?

**Many domestic workers – have not been allowed out of the house for over a year since the pandemic began.**

Although AMMPO members and leaders already know their rights – some are still scared to assert their rights because they are scared of losing their job.

This is why it is so important for us to continue empowering Filipino migrant domestic workers and encourage them to be one with their fellow migrant domestic workers in building the trade union.

# Our ‘place’ in the global labour market

By Nonoi Hachang, Chairperson - TMP-Europe

I am Nonoi Hachang, a political refugee from the Marcos dictatorship in the Philippines and an activist for the past decades in the struggles for the rights of migrant and refugee peoples in Europe and globally.

I would like to elaborate on the context and categories of work “reserved” for us – in the global economy, irrespective of our qualifications and work experience. These work sites often keep us “locked in” on grounds of being either a refugee or a migrant. Refugees are not allowed to work while their applications are being processed which can take some years. Migrant workers frequently have very little choice and often can only find work in the “informal” and unregulated sectors of the economy – in construction, or in care work. In addition, migrant workers, even when they are “documented” are in many cases not allowed to legally change their category of work.

Integral to the current global capitalist system is the global restructuring of labour – both inside our countries in the global south (displacement from countryside to city) and out-migration to do essential strategic work in the global north and earn the needed foreign currency via our remittances that keep our governments paying the foreign debt. In 2020, as reported in the Migration Portal (2021), the countries receiving the highest returns of remittances were India, China, Mexico, Philippines, and Egypt.

We are in the global north – doing the work that cannot be outsourced – health work, care work, domestic work, agriculture, food processing in fish and meat factories, construction, as seafarers in the global shipping industry and maintenance workers on the oilrigs.

We are inserted in key global chains of the world economy – here we work in the constantly accelerating capitalist system. It is how we survive and sustain ourselves and our families while frequently working and living in exploitative and inhuman conditions.

**We are in the global north – doing the work that cannot be outsourced – health work, care work, domestic work, agriculture, food processing in fish and meat factories, construction, as seafarers in the global shipping industry and maintenance workers on the oilrigs.**

The current multiple and inter related crises of capitalism have generated sites without rights globally –both for migrants and refugees - on the US-Mexico border, on the many cross border camps of refugees in Asia and in the mass gravesites in the seas around Europe and in

the detention/prison camps that mark the continent of Europe – inside on land and outside on the seas.

But I also want to underline the demand that an undocumented migrant raised in a meeting I participated in London - “Look *with* us-Not *at* us” - in this way you will see us differently.”

The majority of Migrant and Refugee Peoples are, on the one hand, forcibly displaced by the extractivism of corporations, climate change and war. But we can also name the mass mobility of peoples – as their mass protest against the non-sustainability of the current system – and also as their protagonism to reclaim their right to live as a human being with their human rights, wherever they are located in the world.

We know that organising, campaigning and mobilising alliances are the life-blood of our movements. We say that “We are all Migrants and Refugees- it is not a Crime to Migrate or Seek Refugee! IT IS A HUMAN RIGHT!”



# Migrant and Refugee Women Together launch MELISSA

By Debbie Valencia - MELISSA Refugee Women Center

My name is Debbie Valencia I'm a Filipina refugee who has lived in Greece for decades. And I am one of the co-founders of the MELISSA Network of Migrant and Refugee women. Since 2015, Greece continued to host large numbers of asylum seekers while failing to protect their rights. Thousands are confined to a number of Greek islands where they are forced to live in appalling conditions. They are also subjected to very discriminatory "lockdowns" under the framework of the Covid-19 pandemic.

A new law has been imposed that limits asylum seekers access to protection. Unaccompanied minors for instance are often held in police custody or detention centres. Civil society organisations face legislative restrictions while aid workers working with refugees are discredited. Survivors of gender based violence encounter obstacles in seeking protection and justice. Law enforcement abuse remains a widespread practice.

The Greek Government maintained its public policy of blocking asylum seekers who arrive on the Aegean Islands from moving to the mainland.

This containment policy traps thousands in overcrowded and appalling conditions – with limited access to protection, to healthcare, to adequate water, to sanitation or to essential hygiene products.

At present, it is estimated that more than 19,000 asylum seekers are on the islands - including more than 16,000 in camps designed to host around just 13,000.

It is in this particular context that the MELISSA Network came into existence in 2015 when a number of us, migrant and refugee women came together and decided to initiate a programme that while recognising the immediate and emergency needs of the women, would also provide a space where the women themselves could continue their development and learn new community and organisational skills.

**This containment policy traps thousands in overcrowded and appalling conditions – with limited access to protection, to healthcare, to adequate water, to sanitation or to essential hygiene products.**

Our approach is innovative and really makes a big difference in the daily lives of the women. From the beginning, MELISSA goes beyond providing emergency aid and set up a network



of women from different communities to design a holistic and community based integration pathway programme. This women refugee-led programme aims to facilitate newly arrived women into Greek society and European society by enabling them to acquire basic skills (including different languages) and providing them with all the necessary support that they need. MELISSA, which means beehive in Greek, has built a solidarity network which now has members from more than 50 different communities - making our voice louder, it has created, empowering and safe spaces, which were crucial in developing our confidence in building and sustaining a vibrant network of migrant and refugee women.

MELISSA is a space where we share our stories of survival and struggles for justice. Our practice is constantly informed and shaped by our grassroots experience. Building and sustaining a network takes a lot of hard work and commitment, but also gives courage, hope, joy and limitless options to migrant and refugee women. MELISSA allows the women and their organisations to contribute ideas, skills and resources and cultivate a sense of community belonging. This enlarges our base of support networks and connections, giving us strength in numbers. As MELISSA, we believe we can achieve more together-and take life-giving action to assert our being women and human beings, claiming our rights and claiming our future.

# **Reflections and Strategies**

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**South Asia, South East Asia and Europe  
Experiences from the Regions**

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Protester against the new citizenship law at Shaheen Bagh, South Delhi, 2020. Credit: Md Meharban



Global Conference of Filipino migrant domestic workers, Manila, 2019. Credit: SENTRO Trade Union



Launch of the PPT 45th Session on the rights of Migrant and refugee Peoples, Barcelona, 2017-2020

# Calls for an integrated campaign on migrant rights

By Nasreen Contractor and Varsha Rajan Berry

All countries in South Asia lack a legal framework for the protection of migrant workers. Because of this, migrants are unable to access their rights. There is a big need for data and information on their conditions. This is the starting point for any legal measures, such as, employer–employee contracts, registration of employers, wage protection<sup>1</sup>.

It is also essential to have gender disaggregated data and gender sensitive policies, integrated into the legal framework. There needs to be convergence of resources of different ministries.

## Calls for an integrated campaign on migrant rights

Meena Menon, an activist from India recalled that *"trade unions, civil society, networks, organisations and individuals have been raising the issue of migrant rights and mobilised migrants around this for decades. Years of struggle has resulted in some form of labour laws and even the International Labour Organisations (ILO) has set some standards for safety and protection.*

*India had very good laws in place, for which the workers had fought, but after 1991, since the liberalization of the economy and with the current political system it became even more difficult for workers to access these laws.*

*The tragedy is that there has been a regression and the formal sector has shrunk and the informal sector has grown vast and varied. Therefore, it has become difficult for unions to organise. We need to ask for social protection, campaign for housing, health and policy change. There needs to be an integrated campaign for migrant workers and not compartmentalized into the different types of migrant work."*

## Legal education and legal aid strategies to assert rights that are denied

Kavya Bharadkar, advocate from Aajivika, India strongly suggested that *"civil society organisations need to step in to provide legal aid with the suggestion to initiate migrant resource centres. The issue of "distress" migration needs to be addressed through the enhancement of local livelihoods. Local Government Bodies should be empowered and made responsible for maintaining records of people - who has gone and where?"*

Kavya shared the legal education and legal aid strategies in which she has been participating - based in rural Rajahistan. This is a very remote and rural area that is largely dependent on subsistence agriculture and seasonal migration, mostly by single male migrant workers. The work available to the migrant workers is designated to be "unskilled and semi-skilled"



in factories or construction sites – related to the workers’ level of formal education and the structure of the labour market.

This is a labour market that is overrun with informality. It is a sphere that is outside the purview of labour law. This is the case either because labour legislation does not apply because of the size of the establishment where people work or because the work is done outside established industrial labour practices. Instead, these labour practices are tailored made to keep their labour engagements as flexible and as informal as possible.

Kavya explains that *“the legal education programme of Aajivika aims to provide as many workers as possible with the knowledge that they need to be able to assert their rights and to be aware of their rights and the possibilities they have to demand their rights when these are denied. This is very crucial as the labour arrangements negotiated directly between the employer and the worker tend to always put the worker at a very significant disadvantage. If the workers are not aware of what avenue they might have for the resolution of their disputes (when the employer refuses to pay their wages), they tend too often to forgo their lost wages and then may opt to return home. This happens frequently and so the worker, having worked for a significant amount of time is not able to have any financial benefit from the work.”*

Our help line, also receives many cases on public health issues from unorganised migrant workers but we also support unionised workers.

**The legal education programme of Aajivika aims to provide as many workers as possible with the knowledge that they need to be able to assert their rights and to be aware of their rights and the possibilities they have to demand their rights when these are denied.**

The migrant workers will mainly seek legal aid in the following situations:

- to solve wage disputes
- to seek compensation for significant injury or death
- to demand an end to forced labour

## **Measures to strengthen bargaining power and agency in the labour market**

However, because of very little bargaining power or agency in the labour market, many migrant workers endure all forms of violations of their human rights and labour rights. There is an additional service that is important for migrant workers – which is assistance with mediation between the employer and the employee. This is aimed to convince and persuade the employer about the labour rights the worker has and what kind of evidence they have been able to bring forward on how much wages is owed to them.

This of course is in the context of undocumented labour relationships – which very rarely use a written contract between the employer and the employee and this seriously works

against the interests of the worker. So the strategy is to aim to access the more formal avenues for resolution. However, the chances of succeeding in court tend to be very low when the demand is for significant documentary evidence to prove the terms of the employment relationship”.

- Rajesh Joseph, academic from Azim Premji University, India, suggested that *“other measures include, registration, increase in wages, guarantee and protection of minimum wages in times of crises, safety at the workplace, sanitation facilities at the work place, health card and employer accountability.”*
- Indavi Tulpule, grassroots organiser said *“civil society needs to demand that the categorisation of skilled and unskilled work needs to include women’s work as skilled. It’s important to enhance the local livelihood which will eventually lead to reduction in distress migration.”*
- Rahul Menon, young researcher from Mumbai, India said that particularly in the context of thousands of migrant workers walking back home during lockdown, *“civil society should call for the need for an ideological campaign along with the documentation of violations of the human rights of migrant workers.”*

**Because of very little bargaining power or agency in the labour market, many migrant workers endure all forms of violations of their human rights and labour rights.**

## **A Roadmap for gender inclusive intersectional policy**

Vibhuti Patel laid out a roadmap for a gender inclusive intersectional policy.

*“My starting point is that strategies are there to be implemented and to actually realize major measures to protect refugees and migrant workers’ rights at different levels. So I think that after this, let us first start with the nation state and a road map for developing a gender inclusive policy framework for inclusion of internal and cross country migrant workers in South Asia with their intersectional marginality of caste, class, race, religion, ethnicity. This is very important in framing the dialogue with the key stakeholders. Second, a very important concern is that a gender disaggregated data is needed and we also need to breach the evidence and the numbers and statistics gap in relation to the migration realities that have emerged over this last one year from this crisis created by the pandemic.”*

Vibhuti Patel emphasizes that

*“first of all, they (the women) are made totally invisible even in the discourse on migration – there is hardly a mention of women. We need to highlight women as migrants, developing gender friendly policies and practices – including in access to public provisioning of food, fuel, health, sanitation and also undertake the targeted intervention for Disaster Risk Reduction among migrant workers. It is important to stress the issue of continuation of education of children of migrant workers and the prevention of child labour.”*

## Formalising the “informal” sector

We also need to constitute an empowered nodal agency. An internal and cross country migration within the Ministry of Labour and Employment in all South Asian countries can implement the labour legislation to ensure favourable legal environment that fosters inclusion of migrant workers. As for the ILO directive, and to formalize the “informal” sector, I think that this is a common concern all over the world as this is also an issue throughout the global economy.

At the level of regions or States and local self-government, I think it is important to address the development of coordination and linkages within receiving regions. This could be an institution that ensures registration so as to enable migrant workers access to Social Security in the city and it should also focus the gender specific needs of migrant women.

## Migrants themselves representing their needs and demands

*Vibhuti Patel urged that “We need to promote social dialogue that includes representation of migrant workers. So I’m so happy that in this platform we have migrants themselves representing their needs and demands. So I think that that this is a direction to develop. Only the tripartite approach is being practiced – which deals mainly with the organized workers. There is a need to organize the informal sector workers, including migrant workers as it would empower them to undertake collective action and self-help. This is what we see in the way, the Filipino workers have done so in Hong Kong. That kind of experiences we don’t have in India, so I think this is a big responsibility of the organised national level trade union to demand better conditions for occupational health and safety of migrant workers. This is a very important issue for migrant workers who are working in hazardous situations. This needs to be also on the agenda of the developmental aid agencies, civil society organisations and the UN organisations.”*

The Migrant and Refugee situation needs to be recognised globally. The specificities of South Asia as a region with the largest number of migrants must be part of this global perspective. Civil Society organizations should come together and give a call for a global campaign demanding for protection rights to migrants and refugees.

**The specificities of South Asia as a region with the largest number of migrants must be part of this global perspective.**

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<sup>1</sup> The text here is based on excerpts from conversations and dialogues held during roundtables under the aegis of the AEPF.

# Organising migrant domestic workers – our response to discrimination

By Shiela Estrada, PLU Domestic Workers, Hong Kong

I'm Shiela Estrada, originally from the Philippines, but have been working as a domestic worker in Hong Kong since 1987. All these years, I have experienced how we and other migrant workers here in Hong Kong are treated differently. There are policies and laws, especially immigration laws, where migrant domestic workers are excluded. For example, we, migrant domestic workers, are excluded from the minimum wage law. We don't enjoy the same vacation policy that other workers take for granted. We cannot change jobs when we enter Hong Kong as a migrant domestic worker. We will remain as migrant domestic worker for the rest of our lives, as long as we are here in Hong Kong.

These are some of the many struggles and issues faced by migrant domestic workers in Hong Kong, which compelled us to organise our trade union, Progressive Labour Union (PLU). While we organise Filipino migrant workers and trade unions, we do not work only among Filipino workers. We also organise domestic workers from Indonesia, Thailand and also from Nepal. We also support them to organise their own trade unions. In this way we have many more voices to be heard by the government <sup>1</sup>.

**We cannot change jobs when we enter Hong Kong as a migrant domestic worker. We will remain as migrant domestic worker for the rest of our lives, as long as we are here in Hong Kong.**

## Winning the right to organise – having our voices heard

We have won the right to organise in Hong Kong. Although there were and continue to be a lot of struggles involved in organising and registering our union at the Registry of Unions, we have successfully accomplished this.

We use our trade union for our voices to be heard. This is also our instrument in lobbying and advocacy. In fact, our recommendations have led to actual amendments in government laws and policies in Hong Kong. This has been our achievement.

We also believe that it is important to bring this experience outside Hong Kong and that this can benefit all migrant workers – especially in their struggles against discrimination and the violation of their rights as workers. It is in this context that we already expanded to Singapore and to Malaysia. We also have expanded to Macau since 2020. We are also now building the trade union in Kuwait and in Taiwan.

We are also trying to organise the transnational union of Filipino domestic workers. We be-



lieve that together our unified voice would be louder. More importantly, we believe that it is necessary to do so.

**We use our trade union for our voices to be heard. This is also our instrument in lobbying and advocacy. In fact, our recommendations have led to actual amendments in government laws and policies in Hong Kong.**

Until now, domestic work is not even recognized by many of the governments as work, even if there is already the International Labour Organisation Convention, the C-189 on domestic work. However for migrant domestic workers, although we had strongly campaigned for the C-189<sup>2</sup>, it failed to recognise and protect migrant domestic workers as such. Although, it was adopted by all states, except five<sup>5</sup> in June 2011 – ten years later in 2021, only 32 countries have ratified it.

As such, we need to continue organising, mobilising and raising awareness for the rights and protection of migrant domestic workers and all migrant workers.

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<sup>1</sup> In their 2019 International Conference, the Sentro Trade Union and several trade unions of migrant domestic workers launched their call to build a transnational union of migrant domestic workers.

<sup>2</sup> The C189 - Domestic Workers Convention, 2011 (No. 189) adopted at the ILC in June 2011, entered into force in September 2011/only 32 countries have ratified by 2021. [https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0:0::NO:11300:P11300\\_INSTRUMENT\\_ID:2551460](https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0:0::NO:11300:P11300_INSTRUMENT_ID:2551460)

# From “Sites without Rights” to the Right of Mobility for All people

By Jille Bellisario, Programme Co-ordinator, TMP-E

As the Transnational Migrant Platform Europe (TMP-E), we have been working with other social movements for a different narrative and discourse on migration and asylum. We are aiming at formulating together - the future of human mobility for ALL people and building a dynamic network in Europe and at the global level. This joint work together, aims to create a new level of alliance with social movements - involving many partners on different levels of engagement as well as the self-organizations of migrants and refugees as protagonists in both the articulation and mobilisation process.

As migrant and refugee peoples, we are self-articulators of our experience, contributing significantly to identifying and analysing the current and developing strategies to contribute to the so needed systemic change. In addition, we are identifying and analysing the realities of the current economic and political realities of Europe in a global context.

**We are aiming at formulating together - the future of human mobility for ALL people and building a dynamic network in Europe and at the global level.**

## **PPT – a process of mobilisation towards shared strategies**

As part of our process in 2016, the Transnational Migrant Platform Europe (TMP-E) organised a Europe wide Conference to strategise together on addressing major issues such as policies of exclusion, racism in its many forms, the denial of access to labour and fundamental human rights. Together with the participating movements and networks, we concluded that it was crucial to initiate a migrant and refugee led initiative to develop and strengthen a new protagonism. We needed a longer-term strategy that required a sustained approach of intersectionality and a cross community and cross sector organising and alliance building. We decided to approach the Permanent People’s Tribunal to hold its 45th session on the violation with impunity of the human rights of migrants and refugee peoples<sup>1</sup>.

Within that process, migrants, refugees, and many activists from social movements, trade unions, solidarity networks, sea rescue movements, human rights networks, women’s organisations and academe gave analysis and testimonies across eight cities in Europe from 2017 up to 2020. The PPT Hearings and mobilisations took place – in Barcelona, Palermo, Paris, Barcelona, London, Brussels and, lastly, Berlin.

## EU Migrant and Refugee policy – practices of necropolitics and system crimes

A main outcome from this process has been to confirm what is highlighted – what Brigitte Es-puche is indicating in relation to human rights violations with impunity. It is becoming clear that the violations that Migrants and Refugee are experiencing are institutionalised impunity and that these violations are what the PPT identifies as “system crimes”<sup>2</sup>. Militarised and externalised borders play a key role as core components<sup>3</sup>, as do detention centres and camps where thousands of migrant and refugee people are forcibly detained. These practices are justified in an architecture of overall European Union and European Union Member State policies which result in ongoing genocide and criminalisation of solidarity. Furthermore, it is difficult to expose the accountability for such systemic crimes as these are ‘protected’ in a legal architecture of legitimisation.

A second main outcome from the PPT process is the importance of the protagonism and advocacy of social movements and the importance of building a social movement of migrant and refugee peoples as an integral part of the social movements working for transformative change in our economic and political systems. This is also an inter-regional challenge as has also been raised in the introduction in the contributions from Asia.

**These practices are justified in an architecture of overall European Union and European Union Member State policies which result in ongoing genocide and criminalisation of solidarity.**

The nature of these systemic and institutionalised crimes makes it very difficult to expose them. However, this precisely challenges us to aim together, to assert concrete and urgent protection and solidarity on the ground for migrant and refugee people while challenging, with evidence, the roll-back of fundamental human rights which has become normalised within the European Union policy frameworks.

### **Building on what we hold in common – constructing a new Narrative**

We need to find a basis and a strategy for convergence in developing towards a sustained campaign that unites the various strands of our struggles and builds on what we hold in common – as migrant and refugee peoples and with marginalised and impoverished citizens, especially in the context of post Covid-19 recovery.

After organizing the Permanent People’s Tribunal on the violation of human rights of migrants and refugee peoples, the Mobilization Work Group proposed building an international Pact of Solidarity on the rights of migrant and refugee peoples. This Pact aims to confront the *Global Compact for Safe, Orderly and Regular Migration* (GCM) and ‘the recent European Commission *Pact on Migration and Asylum* –announced in the wake of the fire in the Refugee camp of Moria in Lesbos, Greece. This was a cynical continuation of the existing policy that provides no legal way for asylum seekers to come to Europe and few legal paths for other migrants. This European Union Pact upholds and keeps in place the main mechanisms of the

violations of human rights – rather than placing protection of human rights at the centre of its policy. (Communique from the Working Group Mobilisation on 45th Session of the PPT 2020)<sup>4</sup>.

We are building on the **Call for a Global Pact of Solidarity** as our alternative call<sup>5</sup> - with its central axis of the defence of the full rights of migrants and refugees around the world.

We anticipate more possibilities to work together and to create our basis and rationale of moving away from the “administrative” categorisation of peoples which divides us – as migrants, refugees, citizens, and as ‘undocumented’ or ‘out of procedure’ - and to re-build our discourse as human beings in a framework of human mobility with full access to our fundamental human rights.

We are building on the Call for a Global Pact of Solidarity as our alternative call - with its central axis of the defence of the full rights of migrants and refugees around the world.

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<sup>1</sup> <https://ppt.transnationalmigrantplatform.net/hearings-migrant-rights>

<sup>2</sup> [http://permanentpeopletribunal.org/wp-content/uploads/2020/12/PPT\\_BERLIN\\_2020\\_JUDGMENT\\_COMPLETO\\_FINALE.pdf](http://permanentpeopletribunal.org/wp-content/uploads/2020/12/PPT_BERLIN_2020_JUDGMENT_COMPLETO_FINALE.pdf)

<sup>3</sup> [https://www.tni.org/files/publication-downloads/expanding\\_the\\_fortress\\_-\\_1.6\\_may\\_11.pdf](https://www.tni.org/files/publication-downloads/expanding_the_fortress_-_1.6_may_11.pdf)

<sup>4</sup> <https://transnationalmigrantplatform.net/campaigns-advocacy/>

<sup>5</sup> <https://docs.google.com/forms/d/e/1FAIpQLSf9DLtsHAZWZq6EQVI4ngBSSly9--4phiR82CUSUZluCzMBAA/viewform>

# Concretising our commitment to building a unified transnational union

By Mary Ann Abunda - Sandigan Trade Union

As migrant workers we are faced with many problems in Kuwait. Among the most important challenges, we can name the lack of the freedom of association; or the contentious law related to the Kafala system and the current issues arising from the Covid-19 pandemic which are impacting very negatively on the situation of the migrant workers.

Organising is one of the key strategies to protect their rights as migrant workers, especially the domestic workers. And we are not only talking of Filipino workers but also other nationalities because we face the same issues.

As part of organising, we do leadership trainings, discussions and advocacy for migrants' rights. We work to improve our living and working conditions. Training in negotiation skills and how to assert our human and labour rights, is very important. It is equally important that we give feedback to our own government so that our Embassies improve their services to the migrant workers and are strong in defending our rights when these are violated by the 'host' government.

## Services should cover the whole process of Migration

Our demand for better services should cover the whole process of migration – not only when we migrate, but even before and also afterwards if we decide to return home. This would include formulating safe pathways of migration, repatriation and reintegration.

As of this moment, we are aiming to ensure that we strengthen our networking with local NGOs, regulators and law implementers like the police and investigators. We also reach out to our Embassy, and to the Ministry of Labour and the Ministry of Interior. We also network with international and national labour unions and developed programmes retraining workers as part of their integration process.

**Our demand for better services should cover the whole process of migration – not only when we migrate, but even before and also afterwards if we decide to return home.**

## Reclaim the primacy of human rights

In our long-term perspective, we promote the building of a rights protection mechanism for migrants, from the country of origin to the country of destination. This can be expressed in

Labour agreements between sending and destination countries – and founded on the principles of the primacy of human rights addressing the problems we face on a daily basis.

We are committed to building a unified transnational union together with SENTRO and other trade unions.

# Perspectives and Challenges on intersectional strategies

By Petra Snelders - RESPECT Network Europe

I am from the RESPECT Network Europe – a network campaigning for the rights of migrant domestic workers in Europe. These are very critical times that have not brought us new forms or mechanisms of oppression and injustice between peoples and sectors, countries and continents. Instead they have actually sharpened the already existing oppressions and repressions and made them more visible. It is quite striking, for example, the inequality of access to health care and distribution of vaccination around the world, but also striking is the lack of a general outrage against such inequality.

It is also striking what we see in the lack of solidarity of one labour sector to the other. For example, in the Netherlands, during the Covid-19 crisis, some workers in the cultural sector turned against sex workers as they with other workers were finally allowed to work again, while theatres were still closed. Again, we see a lack of major outrage in the global north about so many deaths of migrant workers in Qatar in the building boom ahead of the FIFA World Football Cup in 2022, or against the lack of political commitment to human and labour rights, addressing the violence and the exploitation of migrant domestic workers around the world.

**It is quite striking, for example, the inequality of access to health care and distribution of vaccination around the world, but also striking is the lack of a general outrage against such inequality.**

## **Strategy of convergence – working across sectors**

Migrant and refugee women are facing intersectional forms of discrimination and injustice: as women, as workers and migrants. The reality is that the rights of women, of workers, and of migrants and refugees are more and more aggressively pushed back. Therefore, cross sectoral solidarity is essential to change the system - on the streets, in the trade unions, and in the human rights organisations.

One of the main strategies of the RESPECT Network is working across sectors. For example, in the Permanent People's Tribunal process for the Berlin Hearing (October 2020), a preparatory meeting was initiated to prepare a submission on the violation of the right to health and health care – particularly for undocumented migrants (workers) in the Netherlands. The meeting was jointly organised with other migrant and refugee organisations and labour and human rights organisations.



## **Building the basis for feminist solidarity**

RESPECT also creates and strengthens solidarity with other women's organisations in working together in the monitoring and reporting cycles of the implementation of the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – the Women's Treaty. In this framework, we make sure that the living and working conditions of migrant and refugee women will be one of the issues to be monitored and reported. In this process we are cooperating with women's organisations working in all kinds of different fields - labour, education, access to justice, violence against women, health and so on. We are building the basis for feminist solidarity with migrant and refugee women and a joint lobby for real change.

This is a slow and difficult process. There is no such reality yet as a united women's movement. Unfortunately, we encounter many differing and conflicting interests within the movement. Our struggle is against patriarchy and sexism and this is a basis for a common ground with diverse networks of women and feminists. But what about the agenda of race and class? We believe it is important and necessary to address these challenges in an intersectional strategy.

Now is the time to connect sectors, to connect people, to connect struggles, and to go forward towards systemic change.

# Realising our rights - as women, workers and migrants

By Angie Garcia - Waling-Waling

Waling Waling-Justice for all Migrants is an organisation that campaigns for the human rights of all migrants – and in particular for the rights of migrant domestic workers in Britain. Together with our self-organisation Waling Waling, we are also members of the Trade Union UNITE and are actively building this among migrant domestic workers. Our members come from across the world and represent many different nationalities.

We actively campaign along with the Permanent People’s Tribunal (PPT) Working Group, Unite the Union (Trade Union) and many other organisations. We are currently campaigning to restore our hard-won labour and immigration rights, which were unilaterally cancelled by Britain’s Conservative Government under the Premiership of David Cameron in April 2012. Ironically, this happened shortly after the conclusion of the ILO Convention on the Rights of Domestic Workers in June 2011 – where Britain was among the five countries that refused to sign the Convention. Indeed, many countries who signed the Convention have so far failed to ratify it.

## Campaign re-launched - struggle ongoing

As migrant domestic workers, we are campaigning for justice, fair wages and decent living and working conditions. From 1984-1997, Waling Waling along with Kalayaan, the Commission for Filipino Migrant Workers (CFMW), Unite the Union and many other organisations and individuals, sustained a very dynamic campaign. After thirteen years, we won our campaign to gain basic rights as workers, as migrants, and as women in the United Kingdom.

However, in April 2012, Theresa May, then Home Secretary stripped the migrant workers of their rights. Without the protection in law under employment legislation, many workers are currently experiencing violations of their rights from their brutalising employers. They are also discriminated against in the restrictions on their rights imposed by the government in relation to access to healthcare. This has become particularly acute since the Covid-19 pandemic – migrants and refugees (and particularly all undocumented people) have been among those disproportionately discriminated against in accessing healthcare and in loss of jobs and accommodation.

Without the protection in law under employment legislation, many workers are currently experiencing violations of their rights from their brutalising employers.

In 2017, we in Walling Walling reconvened to campaign together with other organisations to demand the restoration of our rights as migrant domestic workers. During the Permanent People's Tribunal (PPT) Hearing in London in November 2018, we were effectively able to expose the 'hostile environment' - the dominant anti-migrant and refugee atmosphere promoted by the British government. This included the detention, denial of rights, of legal aid and wrongful deportation of the so-called Windrush generation – migrants from the Caribbean countries who had come to Britain in the period between 1948 and 1971.

## **Regularisation for all! Together in Solidarity!**

We want to show solidarity with all migrants and refugees – especially those living in spaces without rights. Our campaign includes the demand for regularisation for all, and for dignity and access to justice as human beings to be restored.

When the COVID-19 started, there was a noticeable increase in overt racism especially against the Chinese and Asian communities. I have personally experienced this. The Black Lives Matter movement is generating a strong consciousness on racism and is campaigning actively. From Walling Walling and the PPT Working Group, we are together in solidarity with them.

Many of us in the migrant and refugee and ethnic minority communities have lost our loved ones to the Covid-19 pandemic – including those among us who are the frontline workers in the National Health Service (NHS). In addition, our jobs and wages have been cut off and many are experiencing financial hardship – including severe homelessness. We therefore call for justice and equality for all migrants and refugees. And we want to build solidarity and to collaborate with our Asian and European based organisations and trade unions and to continue campaigning for our rights and for a just, peaceful, and sustainable world.

# **Call to Build a Global Pact of Solidarity**

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**Let us create together  
a movement of movements**

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Striking workers protest conditions in Almeria, Spain, 2019. Credit: SOC-



Migrant and refugee women from 50 nationalities self-organised, Athens. Credit: Melissa Network



Carovane Migranti towards the 8<sup>th</sup>WSF, Mexico, 2018. Credit: World Social Forum on Migrations

# Moving Forward - It is Time to Act!

By Carlos Marentes - International Coordinating Committee of La Vía Campesina

It is an honour for me to be participating in this exchange and dialogue with you – first in the Round Table at the AEPF 13 and now contributing to this publication. I live and work on the US-Mexico border. Mexico is not too far from where I am. I am in the US side of the border but I can see Mexico from my window - I can see the landscape but of course, you know I don't have a good view because we have the border wall that was built first by the Bush administration, then continued by Obama and the last phase by Trump. With the new administration of Biden, they also continue the wall to separate us as a border community.

Indeed, the war against migrants and refugees and against poor people, continues.

We have done a lot of work as La Vía Campesina and migration has become very important for us. It was taken as an active part of our work in 2004, during the 4th International Conference. I would like to say that all the interventions in the roundtable have been very good. I have learned a lot and made a lot of notes. Now, I would like to add something very briefly.

**We have the border wall that was built first by the Bush administration, then continued by Obama and the last phase by Trump. With the new administration of Biden, they also continue the wall to separate us as a border community.**

## **The inequity of the system is clear and dangerous**

We are in a very serious situation today. The world is upside down. The Covid-19 pandemic continues through its inexorable course causing suffering and death everywhere. This pandemic has also exposed again once more the inequality in this system, particularly of the interests of capital of the North. One example very important these days is the vaccination to deal with the Covid-19. We have a situation where the rich countries like Canada, United States and the United Kingdom have enough vaccines to vaccinate their residents several times, while many countries, especially in Africa do not even have a single vaccine to offer to their populations. So, the inequity of this system is very clear now and is very dangerous.

I like to call your attention also to a very serious problem that we need to deal with – which is the nationalist ideology that reigns more and more strongly in the richest countries. This nationalist ideology not only has gained strength in the extreme right forces, but we also find this very dangerous nationalism in the so-called progressive sectors, and even in certain groups of the left. It is this culture of nationalism, this terrible ideology, that is something

that we need to address in order to develop a response to a very serious problem that we must face before it is too late.

## **Transforming the Global Pact of Solidarity into effective Actions of Solidarity**

Along with the Covid-19 we have to deal with large sectors in the rich countries that are closing their consciousness into this very narrow and very dangerous nationalism. So, the Global Pact of Solidarity is a response to this. It is a response based on class internationalism. It is also a response to the European Pact on Migration and Asylum. And so, it is very important to understand that we do not say we have a completed Pact.

**It is this culture of nationalism, this terrible ideology, that is something that we need to address in order to develop a response to a very serious problem that we must face before it is too late.**

We continue to develop the Pact as a call to society and especially as a call to the organizations, very well represented here, which every day are fighting to protect the rights of migrants and refugees. It is very important that you read the document and that you subscribe to this document.

The real importance of this document is what we are trying to point out - that in order to carry our moral responsibility, it is our conviction to protect the rights of migrants, refugees and their families, especially in these days where we see pictures of military national guards and militarized police, at many borders of the world, attempting to contain migrants in the borders and then placing them in detention or forcibly returning them to the countries of origin. As all of us are aware, the governments of Europe and the US are imposing that responsibility in countries in the South - to do the dirty work - to block migration such as the case of the Moroccan and the Mexican governments.

Therefore, it is very important that we transform this Pact of Solidarity to build effective actions of genuine solidarity. This is the real meaning of this proposal and call by the different groups who participated in many events. We did it at the Mexican border and we also did it in Marrakech during the adoption of the Global Compact (s) on Migration and on Refugees. And then you have done it in Europe in October 2020, and during the European Social Forum-Migrations (ESFM) in March 2021.

## **Let us act together to create a movement of movements**

We have to work very hard to create a society that is more equitable, more just, less selfish and where the human rights of everyone are respected no matter where you come from and where you go, and of course, no matter the color of your skin. This planet is our common home and we have to protect it, but together with increasingly urgent and necessary efforts to protect human dignity, and the lives of the most oppressed and marginalised.



And to achieve the society we want for ourselves and our children and the next generations, we need to make women and migrants the protagonists of change. Because after all, migration is an act of resistance and defiance to this system that has only brought us devastation and death.

It is time to build a movement of movements in order to really make a difference in this terrible situation which migrants, refugees and their families are facing during these times. This movement of movements needs to take into account the particularities of each country in all its concrete dimensions.

So the invitation that I like to stress from the United States-Mexico border is to use this opportunity to build a global pact of solidarity for the rights of migrant and refugee peoples. Let us together create a movement of movements in order to really respond to this situation of continuing oppression that so many migrants, refugees and their families are living in today. Let us act together for a different future of equity, justice and human rights for all.

**It is time to build a movement of movements in order to really make a difference in this terrible situation which migrants, refugees and their families are facing these days.**



# Facing the Contexts and Challenges

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## Moving forward from here

From the beginning, this Roundtable at the Asia Europe Peoples Forum 13 (AEPF 13) was seen as a moment of convergence – bringing together diverse strands of work by migrant and refugee organisations as well as by social movements, trade unions and other organisations engaged in solidarity and in the struggle for the rights of migrant and refugee peoples.

It was also seen as a moment of exchanges on analysis and strategies and a sharing of experiences and an exploration of further possibilities of collaboration.

### Experiences and Journeys and moments of Convergence

The experiences shared in this convergence at the Round Table were shaped in quite different contexts – in the regions of South Asia, in South East Asia and Europe and also at the Mexico-US border. In the journeys that led to the Round Table, the participants have also been part of other moments of convergence and have developed their intersectional perspectives in the context of the experiences in their diverse places of work and struggle.

**There have also been opportunities to exchange in forums (as the pre-AEPF India consultation):**

the International Conference launching the call for a transnational union of migrant domestic workers in Manila (2019); the dedicated Thematic Social Forums on Migration (World Social Forum (2018) and European Social Forum (2021); as well as the La Via Campesina Summit on Migration in Marrakesh in 2018 and the 45th Session of the Permanent Peoples Tribunal (PPT) from 2017-2020 which held Hearings in seven cities in Europe.

### Diversities and Commonalities

Despite the great diversities that are shaping the economy and politics in each of these regions – and the contexts and conjunctures impacting the rights of migrant and refugee peoples – there are commonalities which can shape future work.

The current corporate extractive system – whether in devastation of livelihoods in communities, in climate change, in conflicts and wars as well as the restructuring of the global economy and global labour - is the major factor impacting both internal and out-migration and the movement of refugees seeking asylum.

The state responses have been marked in most cases by militarised polices at borders, by the setting up of sites without rights – camps, detention centers – and workplaces that are excluded from established labour rights. These responses are also fueled by the rise of authoritarian nationalism and rightist and fascist politics and policies that are re-shaping our societies and are first and foremost manifested in the inhuman treatment of migrant and refugees as well as on the impoverished and disenfranchised citizens.

This moment is also shaped by the great divides that have emerged in the context of the COVID-19 pandemic – a pandemic that has not generated the divisions but is making them much more visible – including in the great structural inequities between the global South and the Global North.

## **Building a New Narrative and a Global Pact of Solidarity**

At the same time there is another commonality - migrants and refugees and the movements in engaged solidarity are demonstrating that another world is possible. While this other possible world lies in the future – filled with complex challenges that cut across current capitalist economy and politics - it emerges as the only possible world. It a promise where human rights and peoples rights are at the center and not the profit of corporations or the vested interests and war machines that drive the wars for natural resources.

**In this space of the AEPF Round Table, we have addressed two major and longterm challenges:**

- the building of a movement of movements that includes the commitments to rights of migrant and refugee peoples as an integral component of a just and sustainable world
- the concretisation of a Global Pact of Solidarity among peoples – whether migrants refugees or citizens

While there is a shared understanding that the challenge to build a movement of movements is longterm, the co-convening organisations have committed to explore effective strategies of exchange, convergence and action to strengthen their organisations, networks and movements and their contribution to the achievement of this joint task at the national, regional or global level.



## AEPF – a point of reference

There was also a general agreement that the AEPF will continue to be a point of reference. The *Working Group on the Rights of Migrants and Refugee Peoples* as part of the *AEPF Cluster on Participatory Democracy and Human Rights* can further facilitate and be a bridge to:

- Respond to urgent actions of needed solidarity with local struggles defending the rights of migrant and refugee peoples
- Develop a publication as a follow-up to the Round Table as a resource for learning and sharing across the regions
- Continue to convene online regional level forums and Webinars to share and deepen analysis and socialise the outcomes
- Connect across interested organisations to further broaden the network and facilitate participation in joint activities

We come then in a way to the most important moment – how to maintain and strengthen the initiatives that have led to this Round Table. We now have a better sense of what the challenges are as well as being confident that the shared experiences and strategies will shape our continuing collaboration. The conversation will continue as will the commitment to work together for transformative system change.

Drawn from the exchanges that concluded the Round Table

June 2021



# Call to Build the Global Pact of Solidarity

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The Public Forum (online) in Berlin, on December 16<sup>th</sup> 2020, marked a milestone in the journey of relentless accumulation of European crimes with impunity perpetrated against migrant and refugee peoples on the move. This journey started in Barcelona in 2017, travelled for three years through Palermo, Paris, Barcelona, London, Brussels and Berlin in a series of Public Hearings - the 45<sup>th</sup> Session of the Permanent Peoples Tribunal (PPT).

The unique and expert witness and voice of those who survived the crimes (captured in verbal, audio and photographic evidence) has risen above the deafening silence of the mass media and the policy spin doctors. These voices have been amplified by other expert witnesses – from international human rights defenders - daring sea-rescue crews, ships' captains, doctors, farmers, women and youth, neighbours and citizens who have rejected the criminalisation of mobility and solidarity. But this is only the middle stage of a journey for the affected peoples that began in Syria, Senegal, Eritrea, Pakistan or Afghanistan or other parts of the global south – and has ended in Moria in Lesbos, or in the hundreds of 'hot-spot' detention camps dotting the sometimes isolated countryside of Europe or sometimes in high security facilities at airports more convenient for deportation.

## Systemic Crime and continuing genocide

What has emerged across the journeys and chronicles was already underlined in 2017 in Palermo as "systemic crime": a juridical category which is included in the statute of the PPT as an indicator of higher criminal severity. The PPT submits to the attention of the civil society, as well as to the representatives of national and international law, that what happens is the product of a necropolitics. In addition, there is the gravity of a lack of instruments to address the criminal accountability of these policies as well as to address the impunity for a crime which is truly an ongoing genocide. This reality is visible, explicitly planned and confirmed, as it has become, incredibly very clear in the September 2020 EU Pact on Migration and Asylum which is specifically and extensively taken into consideration in the Judgment of the Berlin Hearing.

The Berlin Judgement, and the other judgements of the PPT are conceived as instruments of conscience and struggle for all those peoples, movements, and organisations who are fully and intensely aware that all humans are, by definition, subjects of the human right to move, and to be citizen of all places where the right to life and dignity is respected.

The Public Hearings along the journeys, have ensured that many have become aware of the acceleration of the structural, systematic and repeated crimes against migrant and refugee peoples, on externalised and internal EU borders, as the Balkan case is blatantly demonstrating with push-backs and the practice of torture in the heart of Europe. The evidence gathered in the 45<sup>th</sup> Session has fully established the lethal combination of the deliberate policies not to save lives or to prevent them from being saved. European authorities have also used the Covid-19 pandemic to further justify and expand the already existing border policies by the withdrawal of European States' rescue assets, practice of non-assistance at sea, mass detention, and forced return of survivors back to unsafe third countries, such as Libya - a place of war, torture, and rape.

This grounded and unique documentation and evidence strongly establishes and makes



visible the practices and impacts of the crimes of impunity of the European Commission and the Member States of the EU, and exposes the cynical positioning of the EU Pact in its attempts to legitimise and normalise the practice of necropolitics.

## **A Global Pact of Solidarity for the Rights of Migrant and Refugee Peoples**

However, the journeys of this 45<sup>th</sup> Session of the PPT have also resulted in a strong rejection of the EU Pact of necropolitics and has led to a Call to build a Global Pact of Solidarity. New practices of solidarity are being intensified - between migrant and refugee peoples and together with citizens. Indeed the Global Pact of Solidarity has been forged from common struggles: as “essential workers” daily subjected to inhuman working conditions additionally aggravated with the devastating impacts of COVID-19; community based struggles against racism and islamophobia; resistance to the privileged corporate interests above the human need for universal access to health care and medicines; a shared analysis of the continuing impoverishment and extractivism of strategic resources from the global south, war and the threat of climate and planetary collapse.

The Global Pact of Solidarity for the Rights of Migrant and Refugee Peoples is therefore presented as the beginning of a new journey – to defend and reclaim our common humanity – that to be a human being is to be able to live a life distinguished by human rights.

The building of the Global Pact of Solidarity is also a challenge to:

defend the primacy of human rights over the interests of states and the profits of TNCs, in order to promote public policies that defend the right to migrate as enshrined in Article 13 of the UN Declaration and the political, economic, social and cultural rights of migrants and refugees, recognised in other international instruments, countering the attack that the 2018 (Marrakesh) Global Compacts on Migrants and Refugees and the New EU Compact represent.

promote the broad dissemination of the challenges of the Global Pact of Solidarity raising awareness and mobilisation and achieving advances in gaining the rights of people. And for this we need to build unity of action, in a convergence of struggles, which integrates our diversity of organisations, specific goals, and strategies.

advance with our proposal for a Global Compact of Solidarity at the international level (UN, FAO, WHO, IMO, etc.), at the regional level (EU, OAS, AU, etc.) and at the territorial, state, and the municipal as well as to use it as an instrument of organization and struggle in our daily actions. To do so, we need to specify the principles of the Pact in specific proposals in the face of concrete situations.

continue in Europe in 2021 with the PPT process (working now in the contexts in the Maghreb and Africa), the dissemination of demands and support for concrete struggles: close the Camps, achieve Papers for all, open the Borders; engage in the European Social Forum/Migration in Lisbon and in the Asia Europe People’s Forum (AEPF), participate in the Caravan(s) Opening Borders, and in the Platform for Exchange between trade unions, peasant organizations, consumers , environment, migrant and refugee, women and youth organisations.

**To Migrate and to Seek Refugee is not a Crime! It is a Human Right!**

For further information and sign-on: <https://cutt.ly/agRFpsd>



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