

Health and Human Rights of Migrant Workers in Asia

By Lityc Kurisinkal

Health and Human Rights of Migrant Workers in Asia was one of the important symposiums that focused on Migrant Workers in Asia at the International Conference on AIDS in Asia and the Pacific (ICAAP) 2007. On August 22, 2007, International Labor Organization (ILO), UNICEF, CARAM-Asia, Women and Media Collective came together in a panel with the objective to highlight the necessity to address the health and human rights of migrant workers and to ensure that they are treated with dignity and respect. The symposium was co-chaired by the Sri Lankan Minister of Labour, Mr Athauda Senevirathne and the ILO Regional Specialist on HIV, Mr Eric Carlson. The Speakers consisted of Mr Brahm Press, Convenor of State of Health, CARAM Asia, Ms Ema Naito, Technical Officer, ILO, Mr Ian McLeod, Senior Advisor-HIV/AIDS, UNICEF and Dr Sepali Kottegoda from Women and Media Collective.

Sri Lankan Minister of Labour, Mr Athauda Senevirathne explained the Sri Lankan government's friendly policies for migrant laborers. He admitted the fact that it was difficult for the sending countries to dictate terms with the receiving countries, as the former is dependent on the latter.

The Co-Chairperson, Mr Eric Carlson from the ILO, opened the session by highlighting the fact that the migrant workers often become an invisible entity as the world often forgets that they too have normal workers rights. He stressed on the health rights of migrants and talked about the latest ILO research on Mandatory testing. He mentioned that CARAM Asia's qualitative research on the same topic would be an added asset to complement the ILO's quantitative research. He emphasized that a concerted effort from various agencies as a necessity of the hour to realise the human rights of migrant workers.

Brahm Press, the first speaker, shared the findings of "*State of Health (SoH) research on Mandatory Testing*" completed by CARAM Asia. He stated that the SoH research was conducted in 16 countries in Asia, whereby migrant workers from various industries and nationalities were represented in the research.. The additional inclusion of stakeholders like government officials, testing centres, employers, community organisations have given the research representative views from different angles. The research has established that no guidelines of medical testing like pre-test and post-test counseling, informed consent, confidentiality, standardized testing procedures are followed in majority of countries. When migrant workers have no voice about taking the test or not, there is no referral system or social support for the workers in case they fail the test. CARAM Asia introduced the concept of "Migrant Friendly Testing" during the ICAAP 2007 and envisions instituting it by year 2010.

Ms Ema Naito of ILO gave a presentation on the "*Preliminary Study on Mandatory Testing of Migrant Workers in 8 countries in SE Asia*". The study has reviewed extensively the various national labour laws and policies related to migration and HIV testing. It gives authoritative statistics on discriminatory laws and policies of different nations. It emphasizes that there is no public health or economic justification for mandatory HIV Testing. She shared that the ILO believes that testing is required for migrants, but there has to be a caution on how the outcomes of the test results are used against migrant workers. This line of thought is shared by

CARAM Asia's research as well. The ILO mentioned that a collaborative effort with CARAM Asia and other similar organizations would bring about fruitful results.

Mr Ian McLeod of UNICEF presented on "*Increased HIV risk and vulnerability of spouses and children of migrant workers in Asia*". His presentation was based on proven researches undertaken till date. He pointed out that no research has ever established that migration and mobility increases HIV, but has only shown inclination towards their vulnerability to HIV/AIDS. He emphasized the crucial role played by the source communities, which are often neglected by most of the HIV projects for migrant workers. When the spouses left behind, they are equally vulnerable to HIV infection. However, fingers are often pointed at migrant workers alone who are seen as vectors of HIV. A wide acknowledgement of vulnerability of family members of migrant workers was seen a necessity at this hour. He emphasized the importance of wholesome projects that would target the whole migration cycle starting from the source communities to the destination.

Dr Sepali Kottegoda of Women and Media Collective turned the attention of the whole session to the importance of gender in the cycle of migration. She informed the crowd that there is gender discrimination even in migration. When male migrant workers are held at high esteem for the income they generate, women migrants are often seen as being irresponsible to the family despite being the breadwinner. In Sri Lanka, women having children below 5 years are required to get a certificate from Graam Niladhari and local government showing that necessary steps have been taken for their care during the mothers' absence. The same responsibility or certification is not expected from a male migrant worker. Many countries have discriminatory laws against women oriented services like domestic work as in Kuwait, which needs to be reviewed. As migrant workers are not part of the vote bank, politicians are least interested in working for their welfare or to introduce migrant friendly policies. As migrant workers are temporary workers, not many organizations focus on them either. In such an invisible entity as migrant workers, gender dimension often get diluted.

The audience included a minister from Pakistan as well as from Trinidad and Tobago. Many members of the audience questioned the UN bodies about the processes, policies and solutions to ensure the rights of migrant workers. The ILO representative responded that they are mere facilitators to bridge different nations together for dialogue. Any policy change or execution of human rights should begin at the country level. They urged NGOs and other institutions to advocate for human rights and health rights of migrant workers in their respective countries.