

# Mandatory Testing: A Violation of Migrants' Health Rights

Brahm Press

CARAM Asia

Raks Thai Foundation - Thailand

# Migrants' Economic Contribution Asia - 2006

## *Remittance to Origin*

### Bangladesh

- USD 5.48 Billion

### Indonesia

- USD 4.4 Billion

### Nepal

- 15.3% of GDP

### Philippines

- USD 12.8 Billion

### Sri Lanka

- 12% of GNP

## *Work in Destination*

### Hong Kong

- 225,800 FDW

### Republic of Korea

- 468,000 - 70% male
- Mostly factory work

### UAE

- 305,000 in construction
- 51% from India

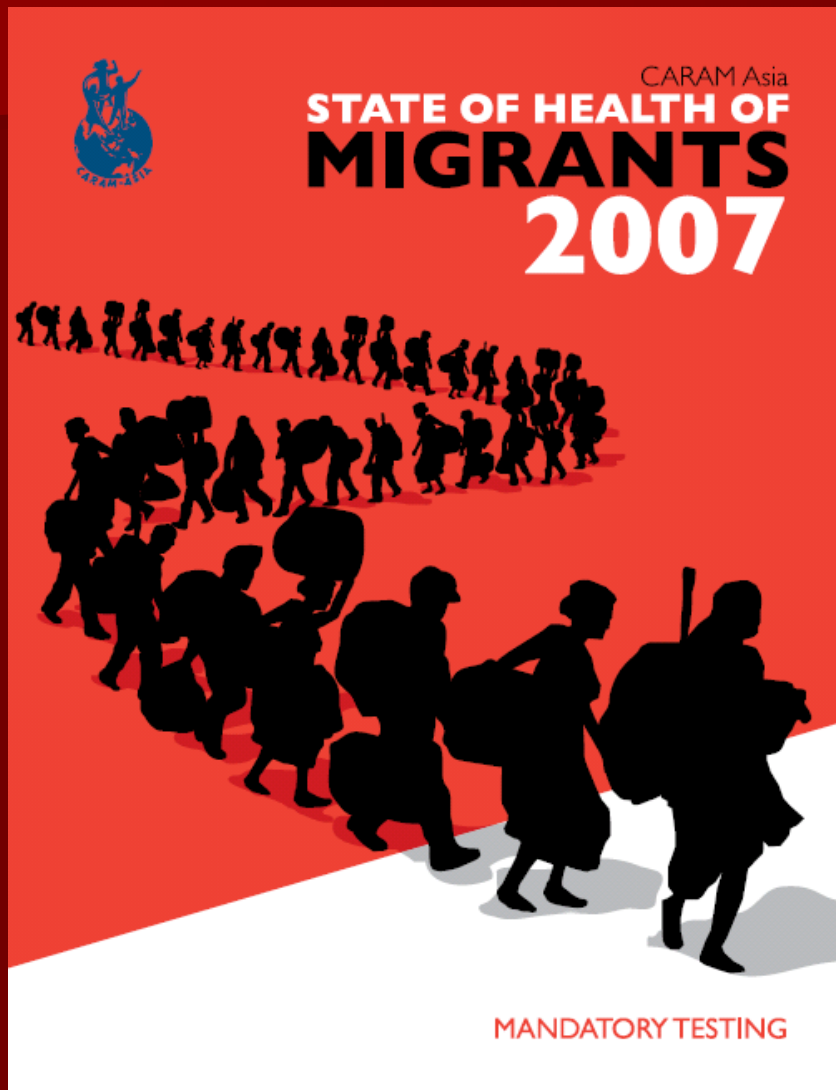
### Malaysia

- 1.8 million migrants (total)
- 310,000 FDW; 645,000 manufacturing

# Mandatory or Compulsory Testing

- 102 countries around the world restrict entry of migrants with HIV;
- 60 countries have established health testing guidelines;
- 22 health conditions and diseases screened and considered exclusionary including: HIV, TB, STIs, pregnancy.

# CARAM Asia Research



- Research in sixteen Asian countries - origin and destination
- Participatory research
- Key stakeholders
- Migrant workers

# Documented Migrants from Asian Countries - 2006

53 million migrants in Asia (UN 2006)

## Bangladesh

- 377,600 migrants

## Indonesia

- 680,000 migrants
- 80% female

## India

- 559,000 migrants
- 90% in Gulf states

## Nepal

- 177,500 migrants

## Philippines

- 3.6 million migrants abroad (total)

## Sri Lanka

- 230,900 migrants
- 54% are female domestic workers

# Mandatory Testing Overrides Laws and Best Practices

- Contravenes origin countries' National laws and policies on HIV testing
- Disregards the 3 C's:
  - Informed Consent
  - Pre- and post-test Counseling
  - Confidentiality

# Different Purpose than VCCT

“One thing we must be clear is that this testing is to see whether the migrant worker is fit or unfit.... These are two different things. It is a different matter from when he goes for a medical examination on his own.” -

*Administrator, Ministry level hospital,  
Vietnam*

# Lack of Informed Consent

“We agreed to sign a document, but we did not know what it was for. All we want to do is go abroad.” – *Returnee Sri Lankan female migrant worker*

“They gave us a paper but everything was written in Korean so we didn’t know what it was about. They just make us sign it...” *Migrants in Korea*

“The migrant workers already know about the tests. So there is no reason why an official consent needs to be taken.” - *Health Official GAMCA testing centre, Kerala, India*



# Unaware of Tests - only Procedures

"They [staff] tell us we'll take `x-rays, blood pressure, urine test.'" - *Male Indian office workers in Bahrain*

"Blood and X-ray in Dubai. That's all...what test that I don't know." - *Sri Lankan driver, Dubai*

"No one explained about the test. They just said that they are busy." - *Migrants in Korea*

"I always think of that. Are they testing for AIDS? I always worry about that. But no matter how afraid... we have to get the test." - *Female Burmese migrant in Thailand*

# Lack of Pre-test Counseling: Origin Country

“Highly educated people will easily understand pre-test counselling but those labour class people ...?” - *Doctor, GAMCA test centre, Nepal*

“No we don’t provide counselling and don’t have any policy in this regard.” - *Administrator, GAMCA office, Pakistan*

“Do you really think it is ever possible to give counselling to all these people who come for medical testing?” - *Female returnee migrant worker, Kerala, India*

# Lack of Pre-test Counseling: Destination Country

“No one spoke to me. Even if they had spoken, I would not have understood.” - *Female Indian returnee from Singapore*

“Nothing explained - when we arrived they started taking blood.” - *Female Cambodian returnee from Malaysia*

“In the medical they do not tell us anything about test...There is a long line...Why they are taking blood that can't be known. There is no chance to ask any question.” - *Bangladeshi clerk in Dubai*

“I was treated like a servant...The nurse was yelling at me.” - *Filipina Domestic Worker in Hong Kong*

# Breach of Confidentiality - Formal

“But in case it’s HIV positive, we will tell the company first...” - *General Manager of a private hospital Vietnam*

“The agency is the first to know that there is a problem with the person.” - *GAMCA Accredited Clinic, Philippines*

“Yes, we make quarterly compiled reports of all the fit and unfit test results done. I send by e-mail and also the hard copy by DHL to the GCC office in Riyadh.” *Office Executive, GAMCA centre , Bangladesh*

## Breach of Confidentiality – Informal

“They called my name and said there is something wrong with my blood, that I was HIV+. They said the results publicly in front of others.” - *Male migrant worker, Tamil Nadu, India*

“They give [results] to the sponsor.” - *Female Filipina domestic workers in Bahrain*

“For a foreign testee, sometimes others enter the room as an interpreter. (What if that person) is the employer and it leads to discharge of the testee...? - *Lawyer, Japan*

# Lack of Post-test Counseling

“We don’t provide counselling even in case of permanent failure. If it is HIV positive then we refer them to \_\_\_\_\_ Hospital for confirmative test.” - *staff of GAMCA Testing Center , Nepal*

“In the case of foreign workers, we do not (give counselling). Basically, we ask them to go back and do the necessary action at home.” - *Representative Ministry of Health, Malaysia*

“After I returned from the hospital, I was told to pack my clothes right away (by my employer)...I was taken to the airport.” - *Deported Indonesian domestic worker from Saudi Arabia*

# Deportation

“If confirmed to be HIV positive... (they) take the HIV positive person to a temporary shelter and deport the person within a week.” - *Human Resources Official, Republic of Korea*

“No reason was given... I spent five days in jail and then I was taken directly to the airport.” - *Pakistani migrant worker deported from a GCC State*

“There is police inside the medical... They kept him in the lock-up. They brought his wife and did her test. They kept her in lock-up. After that, police took them directly to the airport.” - *Bangladeshi migrant in Dubai*

# Informal or No Referral

“No, we don’t counsel the HIV positive persons.

We refer them to certain places... We were given a list by DG Health of certain NGOs.” - *Manager, non-GAMCA testing centre, Bangladesh*

“No, we are recruiting agency, we select them in order to work abroad, if they are unfit, (we) just let them leave, and they have (to find) treatment and support themselves.” - *Director of a Recruitment Agency, Vietnam*

“We didn’t know about our disease so how could we get treated?” - *Deported Pakistani migrant worker*



# Mandatory Testing is Discriminatory and Stigmatizing

## Discriminatory

- requires poor, low-skilled migrant laborers to undergo compulsory health testing
- denies HIV+ opportunity to work

## Stigmatizing

- brands migrants as carriers of disease
- perpetuates stigma of PLHIV by rejecting them from work force

# Mandatory Testing ≠ Health

- Mandatory health testing is used as a *screening mechanism* to decide who can work
- MT serves no legitimate role in prevention or treatment
- MT results in missed opportunities to benefit migrants' health

# Migrant Friendly Testing

- Follow established standards of informed consent
- Ensure provision of meaningful pre- and post-test counselling on an individual basis
- Protect confidentiality
- Provide proper referral to those who need support or treatment

Protect Migrants' Right  
to Health:

**“Migrant Friendly  
Testing by 2010”**

**Please visit CARAM booth and  
pick up research**

Thank You