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MEDIA AND THE HUMAN RIGHTS OF MIGRANTS

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Even without surrendering to well known stereotypes or to smart ads (I remember the one of a radio station in New York: "You give us ten minutes, we give you the world"), we are all aware of the important role of media and how dependent we have become on it to be informed about the world. Migration is just one aspect of every day reality which attracts the interest of media (whether appropriately, with fairness or with neglect and bias is something that others will discuss in this conference). In our center we are engaged in the production of a by-weekly Internet bulletin, *Asian Migration News*, which summarizes news about migration in Asia. We read approximately 45 news items a week (we limit ourselves to printed media and we do not read all the news sources). In our view the number of items indicates that migration has become an important reality for Asian societies. However, as news items tend to report the problematic aspects of reality, it indicates also that migration has increasingly become a problematic reality.

The problematic aspects of Asian migration, mixed with its benefits, comprise a wide variety of instances and perspectives. Typically, migration is problematic for countries of origin, as it indicates the inability of a country to provide sufficient opportunities for employment, but it also decreases unemployment and injects foreign currency. It is problematic for receiving countries, as it increases some social costs, albeit largely compensated by the contribution of migrants to the economy. It is problematic for receiving societies, as often local citizens resort to manifestations of reject against migrants, guilty of working for low salaries and of expressing different cultural characteristics. Although all those aspects deserve appropriate attention, in this brief essay we will focus on the fact that migration is problematic most of all for the migrants themselves. More specifically, we will examine the human rights abuse that migrants suffer and the protection that is available to them. After a presentation of major trends concerning migration in Asia and in the Philippines in particular, the paper will overview the issue of the human rights of migrants in the region, the policies adopted in this regard, to conclude with some reflections on the role of media for the human rights of migrants.

Trends and characteristics of migration in Asia

The major trends and characteristics of migration in Asia at the beginning of the new millennium have been forged in the last three decades. First it was development in the Middle East, flooded with petrodollars, that triggered a demand for foreign workers, initially from South Asia and later from Southeast Asia. Then the rapid development of East Asian economies in what, at least before the crisis, was called the East Asian miracle (World Bank, 1993), generated a second major labor market for foreign workers. While East Asian economies, with the exception of Singapore, had reached substantial growth without the input of foreign labor force, they were not in a condition to sustain that development without additional labor force. Therefore, in a few years a substantial number of foreign workers could be found in Japan (1.4 million, including over 600,000 Koreans), South Korea (350,000), Taiwan (294,967), Hong Kong (400,000) and Singapore (506,000) (*Asian Migration Atlas*). At the same time, emerging economies in

Southeast Asia saw recourse to migration at a much earlier stage of development. Thus, perhaps 800,000 migrants are in Malaysia and 700,000 in Thailand, but the number increases considerably if irregular migrants are also counted. Currently, Asia can be divided in regions of destination for labor migration (East Asia and the Middle East), regions of origin (South Asia) and a mixed region, Southeast Asia, which is both a region of origin and destination. The Philippines, with now over 800,000 migrants going abroad every year (including those who return abroad after some vacation), Indonesia, with close to 300,000 migrants to the Middle East, Hong Kong and Taiwan, in addition to perhaps 1.4 million in Malaysia, and Burma, with perhaps 800,000 migrants in Thailand are the major countries of origin in Southeast Asia.

A major feature of this migration movement is the discrepancy between the demands of employers for foreign labor and the willingness of policy makers to admit migrant workers in a formal and protected way. Except for Singapore, Hong Kong and Taiwan, where the entry of migrant labor has been formalized, at least in regard to specific categories of migrants, the other countries have resorted to surreptitious policies or reactive approaches to defer the recognition of the need for migrant labor. The admission of migrants of Japanese descent from South America to Japan, or of trainees to Japan and Korea are examples of the attempt to satisfy the demands of the labor market without establishing controversial migration policies. The cultural, and recently economic, opposition of society to foreign labor in Japan and the opposition of unions in Korea are steep hurdles for politicians to face. On the other hand, the laissez-faire approach with increasing ad-hoc provisions adopted in Malaysia and Thailand has served the same purpose. It has allowed the entry and engagement in the labor market, often without proper documentation, of a large number of migrants (perhaps two million in Malaysia and more than one million in Thailand, according to traditional estimates), while leaving the governments with a free hand in case foreign labor needed to be reduced. The events of the recent crisis, where perhaps 400,000 migrants were repatriated from Malaysia and 300,000 from Thailand are a case in point (Battistella and Asis, 1999).

A consequence of surreptitious or ad-hoc policies has been the widespread presence of irregular migration in all East and Southeast Asian countries. Irregular migration has taken two major forms in the region. In East Asia, migrants become irregular mostly by overstaying their visa or engaging in employment without the work permit. This is particularly the case of Japan, where overstayers numbered 251,697 at the end of 1999, and Korea, where runaways from the trainee system are approximately 149,000 (AMN, May 31, 2000). Both countries have attempted to reduce the number irregular migrants. Korea succeeded during the crisis to repatriate some 50,000 irregular migrants through an amnesty, but they have returned already. In Japan the number of overstayers has decreased in recent years, also thanks to the amendments of the immigration law allowing prosecution of overstayers beyond the three year statute limitation, but its impact is not fully known. Taiwan also experiences irregular migration, specifically in the form of workers who run away from employers to avoid mandatory return after three years or to escape difficult working conditions. Irregular migration to Hong Kong is mostly an issue between the Mainland and the former British colony, particularly for those engaged in the dispute on the right of abode.

On the other hand irregular migration in Southeast Asia consists largely of migrants who enter Malaysia and Thailand without proper documentation (IOM, 1999). Because of the long borders that these countries share with neighboring nations, as well as because of historical and cultural reasons, it took only a few years for Indonesians to become a significant presence in the Malaysian economy and even less for Burmese to find employment in pre-crisis Thailand. The difficulty to revert migration trends, once established, was proven once again in these nations, where repatriation programs did not have the expected impact or were overturned by the

economic recovery. In fact, even in the middle of the crisis, with many local workers laid off, employers pleaded with governments for the retention of irregular migrants.

Labor migration is generally regulated as a strictly temporary phenomenon. Thus, migrants are admitted for a limited time; contracts can be renewed, although not in all cases, but after prior return to the homeland; the emphasis on work implies long working hours, with little rest and sometimes no day off during the week, as in the case of many domestic workers; workmen's compensation for injury on the job is not granted in all cases, while access to health benefit is rather restricted; migrants are not supposed to fall ill and migrant women are not supposed to become pregnant; possibilities for integration in the local society are practically non-existent as migrants are not supposed to remain. In addition, labor migration is generally organized with the participation of recruitment agencies, who advertise for job openings and find placement for workers seeking to go abroad. Unfortunately, the stiff competition among agencies and between agencies of various countries of origin has levitated the cost of migration and placed migrants in a binding situation, where they have to suffer abuse to repay migration costs.

The absorption of women in the formal sector of rapidly developing economies has created the demand for employment of women in the domestic sector and in some cases also in the health and entertainment sectors. This has resulted in an increasing participation of women in migration. Although regulated by traditions and cultures (female migration from Pakistan and Bangladesh is practically non-existent), female migration has emerged as an important component of overseas labor particularly in the Philippines, Indonesia and Sri Lanka, while women are largely employed in Hong Kong, Singapore, Japan, Taiwan and Malaysia. Because of the working conditions deriving mainly from the occupations in which they are involved, migrant women are the most vulnerable migrant group. The social impact of female migration consistently points to problematic consequences also in the society of origin, although analysis of costs and benefits is often dependent on personal perspectives.

Although labor migration constitutes the most prominent migratory feature in Asia, three other flows of population movement must also be mentioned. First is migration from Asia to countries of permanent or long-term migration. This movement involves approximately 500,000 persons a year, heading mostly to North America and Canada, but also to Europe. Second is migration of highly skilled personnel, often within the transnational corporations labor market. There are no good estimates of the size of this movement, which is much smaller than labor movement and less problematic, but significant for some implications, including the return to Asia of children of Asian migrants after completing their studies abroad. Finally, the movement of refugees in the region must be considered. Although less prominent than 25 years ago, at the onset of the Indo-Chinese crisis, the circulation of refugees still continues in East and Southeast Asia, particularly in the movement of ethnic groups between Burma and Thailand and between Burma and Bangladesh.

However, the issue that has acquired greatest relevance in the circulation of people within and from Asia is the traffic of migrants. The death of 56 Chinese in the truck heading for Great Britain in June is but one of countless episodes in which migrants become entangled in shady deals and risky travel in a desperate search for a better life at great personal and family costs. Many other cases are reported in the newspapers of migrants, often Chinese or from other Asian countries, left on the coasts of Canada or Europe and Australia. The many others who end up as prostitutes in India or Japan or as camel jockeys in the Middle East often go unreported.

The vulnerability of migrants in Asia

Migrants deserve specific attention from a human rights perspective, which applies indistinctively to every person, because their situation as migrants renders them vulnerable. Vulnerability is originated first of all by their condition as foreigners in the state in which they live and work. Such condition does not imply a diminution of entitlements in regards to fundamental human rights, but a difficulty in obtaining access to protection. Other factors derive from the specific living and working conditions they are subjected throughout the migratory process, from recruitment to return. But the most fundamental origin of vulnerability is the condition of necessity which motivates their decision to migrate and which the migratory process often accentuates rather than diminishing. Without expecting to be exhaustive, the following is a brief list of specific abuses that migrants, particularly migrant workers, experience (Battistella, 2000).

During recruitment the migrants' need to secure a job abroad often leads them to undertake shortcuts in the process or to neglect normal precautions. Consequently they engage the services of unlicensed recruiters, or are led to accepting to participate in forgery of documents, particularly concerning age, when age is limited, or identity. They are convinced into signing substandard contracts, or contracts that are not valid. They have to pay fees in excess of what is regulated and to enter the country of destination through irregular routes.

During employment, migrants are tied to a specific job and a specific employer. Normally they have no voice in discussing working conditions (hours of work, weekly rest, labor relations), and living conditions (lodging and social relations), also because they are not familiar with the laws, the customs and the language of the place. There are cases of delayed payment of wages, wage retention, or non-payment of wages. Working insurance to cover for accidents on job is not always available and medical insurance is not provided for. Throughout all this, migrants do not have many alternatives since in the back of their mind is the need to accumulate some earnings and, first of all, to pay the debt incurred to obtain the job abroad.

The strict temporary nature of employment carries some consequences for the enjoyment of civil liberties. Migrant workers are not supposed to integrate and remain in the territory. The prohibition to integrate goes insofar as not being allowed to marry a local person. Women in some countries have to go through periodical pregnancy tests. Facilitations to learn the language are limited, thus diminishing the possibility to seek access to courts and to find redress for torts or abuse. Migrants associations are not in a position of strength to advocate for their protection and local NGOs can be as effective as the organization of civil society is allowed in the receiving countries.

Vulnerability is higher in the case of migrant women. In addition to discriminatory practices because they are women and because they are migrants, they also suffer the consequences attached to the occupations they are mostly involved. Domestic work is often non-regulated in receiving societies; labor conditions and labor relations are left to the discretion of the employers. Women employed in the entertainment industry are often victimized, and they have problems in seeking redress or escape because of the heavy involvement of the underworld in this sector.

Migrants apprehended for violation of immigration laws are confined in retention camps or in prison, often in the company of persons convicted for a crime, where conditions are lamentable and where they often languish for a long time.

In times of economic recession, migrants are easily turned into scapegoats and made to leave. Action for expulsion can be accompanied by arbitrariness, particularly through collusion between employers and officials.

Instruments for the protection of migrants

The protection to migrants consists largely on the applicable measures that each specific country has adopted. In fact, even in an age of globalization such as the one we are traversing, migration remains a subject restricted to the domain of each nation state, a jealous expression of national sovereignty. Even countries of the European Union - the region that has most advanced in adopting common policies concerning migration, particularly after placing migration within the realm of the so-called "first pillar" with the Treaty of Amsterdam - are still managing migration within the parameters of the respective self-interest.

This is not to deny that elements exist toward a so-called international migration regime, similar to the regimes regulating the circulation of capital and trade. Such elements consist of international conventions, adopted by the United Nations or its specialized agencies¹. However, the limitations inherent in the system are such that the efficacy of those conventions is questionable.

The first agency to provide protection to migrant workers was the International Labor Organizations, which has adopted, in its typical tripartite form engaging governments, employers and workers representatives, a wide range of standards applicable to all workers and to specific categories of workers. In addition to general standards, such as those concerning wages, hours of work, minimum age requirements, safety and health - which are considered of universal applicability - freedom of association and the right to collective bargaining (Convention 87), freedom from forced or compulsory labor (Convention 29 and 105), and from child labor (Convention 138), and the right to equal opportunity and treatment in employment (Convention 100 and 111) are very important for migrants. Unfortunately, Convention 111 does not prohibit discrimination on the basis of nationality, and thus migrants can be treated differently than nationals. Nevertheless, a substantive body of international standards, with significant ratification by Asian nations, is available for the protection of migrants (Cholewinski, 1999). However, migrants are often employed in occupations (such as domestic work) or in conditions (such as small factories or factories in Export Processing Zones) in which the applicability of ILO standards is not available or not encouraged.

In addition to general standards, migrants have been the object of specific ILO attention through Convention 97 and Convention 143. The first (ratified by 42 countries) was adopted in 1949 and is dedicated to the protection of migrants in general, while the second, adopted in 1975 and ratified by 18 countries, addresses specifically the issue of irregular migrants. However, both conventions have little relevance for migrants in the region, as they have not been ratified by Asian countries, except for Convention 97 ratified by Malaysia, limited to Sabah, in 1964.

In the absence of specific international treaties to invoke, multilateral treaties at the regional level could provide the overall framework for migrant protection. Regional cooperation on migrant issues was often attempted in the past, as in the case of the Andean Pact in Latin America or in the various regional groupings in Africa in the 1960s and 1970s. However, results were less than encouraging. A better success was experienced in Europe, first with the instruments of the European Council and then with the various treaties of the European Union. Recent regional

¹ For a comprehensive discussion of migrants rights instruments see Cholewinski, 1997.

treaties of economic cooperation, such as NAFTA and MERCOSUR, have not included the movement of workers among the member countries. The two major groupings in East and Southeast Asia (the Association of Southeast Asian Nations (ASEAN) and the Asia-Pacific Economic Cooperation (APEC)) also have left migration out of common concerns. APEC has devoted attention to human resource development and to facilitating the movement of professionals and highly skilled workers, while ASEAN was not a forum for discussion on migration even in times in which migration was cause for diplomatic strain among member countries.

To overcome shortage of protection because specific international standards are not ratified and regional conventions are not provided for, humanitarian law can be utilized. Human rights are available to all simply because he or she is a human person. Restrictions on the basis of nationality are not allowed, except when explicitly provided for. As human rights law has been growing since the Universal Declaration was adopted in 1948, the instruments are protecting migrants in a variety of situations or conditions. From the general provisions of the Covenants to the specific Conventions on racial discrimination (ICERD), on discrimination against women (CEDAW), on trafficking (CSTPEPO), on refugees (CSR) and on the rights of the child (CRC), migrants have an overall set of standards they can claim for their protection.

Increasing episodes of abuse, new trends toward irregular migration and the concerns of governments over the management of migration, particularly in irregular conditions, brought the United Nations to adopt the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC) on 18 December 1990. The Convention intended to provide protection from a human rights perspective because of the limited adherence obtained by the ILO conventions on the protection of migrants. It also intended to ensure basic protection to undocumented migrants, who, because of their legal status, are not despoiled of all rights. Substantive provisions in the conventions are listed in part III (the human rights of migrants), in part IV (additional rights for migrants in a regular situation) and in part V (rights for specific categories of migrants). Part VI contains recommendations on the promotion of sound, safe, lawful and equitable conditions for migration, specifically with the objective of curbing irregular migration (IMR, 1991).

The MWC is an overall instrument, which could be considered the foundation block for a migration regime. Unfortunately, the convention is not without limitations. In addition to the fact that rapid economic developments always present situation that were not envisaged at the time of codification, the MWC is gender blind in a time in which the participation of women in migration is increasing. The MWC also reflects the more restrictive immigration policies that became prevalent toward the end of the 1980s, when the drafting was completed, compared to the early 1980s, when the drafting started. Such restrictions are particularly evident in provisions concerning unionization, where standards were lowered compared to the ILO conventions, and the failure to make progress in facilitating family reunification.

However, the major problem for the MWC to function as an instrument for the protection of migrant is the lack of ratification. Twenty ratifications are needed for the convention to enter into force. Ten years after its adoption, only 12 countries have ratified it. Of them, only four (Philippines, Sri Lanka, Bangladesh and Azerbaijan) are Asian countries. In addition, all countries that have ratified the convention are traditional countries of origin of migration. Therefore, the possibilities that the convention will make an impact on the issue of protection of migrants are rather slim. In spite of NGO campaigns to increase the number of ratifications, the MWC remains ignored by governments unwilling to decrease their sovereignty in favor of international rules on a subject which is so sensitive to local constituencies. Without going to the

extent of analyzing the situation from the perspective of republican liberalism (which contends that adherence to human rights instruments is advocated by young democracies attempting to prevent future governments from reverting to old systems, while it is opposed by mature democracies, which do not experience such threats and are less willing to renounce their sovereignty – Moravcsik, 2000), it is rather clear that Asian nations are not very eager to embrace an international convention to manage migration.

Policies toward the protection of migrants²

Recent migration policies adopted in Asian countries only partially or indirectly favor the protection of migrants.

The most common concern, particularly among receiving countries, has been to restrict immigration and specifically to combat irregular migration. A new law entered into force in Japan last February, authorizing the arrest and repatriation of foreigners who have entered Japan without visa or overstayed their visa even after three years of violating the law. Those who reported their irregular status before the deadline (13,500) were repatriated without penalties and allowed to return to Japan after five years. On the other hand, a more lenient interpretation of the law was utilized in cases concerning foreigners in an irregular situation who are married to Japanese and have to raise children. Korea also toughened in April its policy to reduce the number of irregular workers. Apparently 63.2 percent of 243,330 migrants in Korea are in an irregular situation. The concern of Hong Kong on irregular migrants is mostly aimed at settling the issue of Chinese from the mainland with a right of abode. The implementation of the policy settled last year by Beijing is going through difficult stages, as those denied residence object to returning to the mainland and stage protests. At the same time, authorities in Hong Kong were confronted with the use of its port by smugglers trafficking Chinese migrants toward North America and took measures to increase surveillance. China, which has become the major country of origin for the trafficking of migrants, was asked to cooperate by various governments of receiving nations, where Chinese ultimately enter or apply for refugee status. In this regard it initiated campaigns to undermine the operations of “snakeheads”. The issue received dramatic notoriety after 56 Chinese migrants were found dead in a truck in Dover, UK. However, rings of smugglers react to police campaigns by changing routes and methods, trying to exploit loopholes in the immigration laws of receiving countries. Singapore continued its drive against irregular migration by implementing the provision which mandates incarceration for those who harbor, even unwittingly, irregular migrants. In Malaysia the concern over irregular migrants is an ongoing issue, with campaigns to catch and repatriate them, while many more continue to enter. Various cases of trafficking, in which migrants were promised jobs as waitresses or receptionists and then forced into prostitution, were uncovered. The minimum salary for a family to hire a Filipina domestic worker was lowered to RM5,000 and RM3,000 for an Indonesian domestic worker, as measures to decrease irregular migration. Thailand is at cross of a variety of flows dealing with irregular migration. Thai migrants are in an irregular situation abroad (perhaps 50,000 in Japan), probably one million Burmese are irregularly in Thailand, and Thailand is used as a transit country for traffickers of migrants. The government has tried to decrease the number of irregular migrants in Thailand with various repatriation programs since 1998. However, such programs regularly fail because migrants, with the help of smugglers, find their way back into Thailand and because Thai workers do not replace Burmese workers, thus maintaining a demand for irregular jobs. On the issue of protection against trafficking the Philippine government and the United Nations Center for International Crime Prevention have formed an alliance of government departments and agencies to carry out the UN’s campaign against human trafficking.

² Various issues of *Asian Migration News* are the source for this section.

Policies against irregular migration protect migrants when targeted at the perpetrators of illegalities, such as illegal recruiters, smugglers and traffickers, of whom migrants are often victims. Unfortunately, in most cases the intermediaries are not apprehended while migrants are the ones caught and repatriated. In many cases, repatriation is simply a means to decrease the number of foreign workers during times of economic downturn, as illustrated by deportation during the crisis, or for other political reasons. Some Filipino migrants in Sabah became the object of political conflicts between Filipino and Malaysian governments and were deported from Sabah officially because in an irregular situation or involved in illegal activities, but according to Filipino authorities in retaliation for the kidnapping of Malaysian in Sulu. Restrictive policies do not just impact migrants in an irregular situation, but also diminish the rights of regular migrants. For instance, in reaction to the rising of the number of foreign workers beyond the 300,000 limit and the rising of unemployment beyond 3 percent, Taiwan discussed the possibility of excluding migrants from the entitlement to minimum wages and adopted a temporary ban to hiring Filipino workers in the manufacturing and construction sectors allegedly because of the tendency of Filipino workers to complain for violations of their rights.

Against general restrictive tendencies some specific openings have been registered recently. While bringing down irregular migrants (251,697 at the end of 1999, a decline of 6.2 percent over the previous year) Japan is also looking at new openings for regular migrants, particularly as nurses for its increasing elderly population expected to double by the year 2025. Korea has been discussing the adoption of a labor immigration policy that would replace the current trainee system. Formal openings in migration policies normally decrease irregular migration and increase the level of protection for migrants. In fact, employers associations in Korea have been opposing explicit labor import as it increases labor costs over the current employment of trainees.

Some policy improvements have been registered in regards to the welfare of migrants. In Korea, insurance benefits for work-related injuries were granted foreign workers in May. Singapore made improvements in ensuring protection to foreign workers by banning contractors with poor safety records from hiring foreign workers. In the Philippines the President approved expanding the benefits available to migrants by setting up a pension fund for overseas Filipino workers (OFWs), offering special hospital and counseling services for their families and dependents, and also integration services in terms of housing and livelihood assistance. The Philippine Overseas Workers Administration has announced its plan to build a medical facility in Manila for overseas Filipino workers and their families.

As particularly subject to abuse, domestic workers are in need of specific protection. Some improvements were registered recently, but with mixed results. A law was amended in Singapore to increase penalties to employers for abusing their domestic workers. Employers are obliged to look after their foreign workers' welfare and ensure that their medical and social needs are met. In Malaysia, non-Muslim employers hiring Muslim domestic workers are required to sign a letter authorizing the domestic worker to fulfill their religious obligations. No similar letter was required in the opposite case. A salary increase was suggested for Filipina and Sri Lankan maids, but deductions were suggested for days off taken by Filipina maids, while Sri Lankan maids are not allowed any day off. An overall revision of policies to increase protection for domestic workers was announced several times, but has not yet materialized.

Refugees are in a particularly vulnerable situation even when given asylum in refugee camps. The situation has been particularly difficult in Indonesia, where various conflicts first in East Timor and then in Aceh and Ambon have created many internally displaced persons. Local populations have been demanding the return of refugees, particularly from West to East Timor, as the camps

are posing strain to the local territory. In June the government revealed that there were 765,071 refugees in Indonesia as a result of the various conflicts. However, government's policies and action on the various conflicts were not perceived as timely and decisive to ensure safety and peaceful coexistence. Thailand also has to contend with refugees, in particular Karen refugees at the border with Burma. In this regard the Human Rights Watch (HRW) denounced the Thai government's forced repatriation of 116 Burmese refugees from Don Yang camp, Kanchanaburi. The group accused the Thai authorities of expelling the ethnic Karen refugees without a proper hearing on whether the refugees should be repatriated.

In some cases migrants have received recognition. In Singapore, for instance, May 1 was utilized as foreign workers recognition day. In the Philippines the President has declared the year 2000 as the Year of the Overseas Filipino Workers. However, recognition also requires adequate policies. In the Philippines considerable effort was devoted by the various sectors to amend the Migrant Workers and Overseas Filipinos Act of 1995. The results of the debate have remained controversial, as the sectors do not agree on some key aspects. However, amendments have yet to be taken up by the House and the Senate. Some civil rights issues have also emerged in some countries of the region. For instance, Koreans in Osaka, who have been in Japan since the war, have demanded the right to participate in the election of the governor while authorities in Malaysia have advised Malaysians not to marry foreigners, considering the difficulties they will encounter.

The international nature of migration often exposes the inadequacy of separate and uncoordinated national approaches. This is particularly evident in cases involving criminal activities, such as trafficking of persons. For this reason, the region has embarked in the past few years in various initiatives, including the Manila Process, which has served as a platform for informal discussion, mostly on irregular migration, for more than a dozen countries in East Asia and Oceania; and the Asia Pacific Consultations (APC), organized in cooperation with UNHCR, with a broader participation of countries and issues. The highest moment of such regional dialogue took place in Bangkok in April 1999, where ministerial delegations concluded with the Bangkok Declaration and the possibility to establish a Regional Migration Arrangement. Not much development was heard since then. However, at the initiative of the US and Philippine government, the Asian Regional Initiative Against Trafficking (ARIAT) took place in Manila in March 2000 with the objective to provide a forum for intergovernmental dialogue and suggest practical initiatives to combat trafficking of persons. Again, no spectacular results were reached. However, awareness on the gravity and urgency of some aspects concerning migration, and most of all the need to integrate national policies with a regional dialogue have progressed.

Trying to evaluate the issue of the human rights of migrants in the region, it appears that there are international instruments available, but governments in the region have not been eager to adopt them. It is also apparent that in line with the general approach of Asian countries to human rights (it is a region without a human right charter) there are also no regional instruments available for the protection of migrants. As for national policies, although some signs of improvement have been registered in recent years, migration remains mostly outside of the human rights concerns. Considering the weak tradition of the human right movement in Asia, one could argue whether such approach will generate improvement in the protection of migrants. On the other hand, the protection of migrants can be utilized to further the issue of human rights in general. In fact, migrants constitute an issue for by many countries, the abuse they suffer are common throughout the region and the visibility of the problem, particularly in the case of trafficking of persons, has raised worries among governments not only in the region but throughout the world. The fast tracked convention on transnational crime being discussed in Vienna testifies to it.

As migrants are in need of protection because they have been rendered vulnerable, they also can contribute to society, not just in economic terms. The problems and aspirations of migrants are exposing the deficiencies in the development system prevalent in the region. The increasing utilization of labor migration, with its characteristics of low pay, long work, no social benefits and no possibility for integration, indicates that the system is favoring structural discrimination. Moreover, the basic recognition of migrants as labor force but the neglect of their other dimensions as human persons point to a structural deprivation of human dignity. Protection of the human rights of migrants should not be confined to specific conditions of abuse, but should also question the system that perpetuates those conditions.

The role of media

Media has already been implementing its function as perhaps the most effective instrument to raise awareness on the issues of migration in Asia. As mentioned at the beginning of this paper, our daily reading of Asian newspapers confirms that there are regular stories and reports on migration and that migration is being perceived as a relevant topic. We are not aware of an adequate content analysis on this aspect, similar to what has been done, elsewhere, for instance in Italy (*Studi Emigrazione*, 1999). However, some reflections can be provided as well.

1. Since media tend to focus on problematic aspects, stories concerning migrants almost inevitably focus on problematic situations: migrants who have been victimized, conflicts involving migrants, schemes adopted by migrants in their migration process. In this regard, it can be said that issues concerning irregular migration (particularly migrants arrested for entering another country in an irregular way or recruiters, traffickers and smugglers caught in the facilitating entry of or harboring irregular migrants) make up perhaps 80 percent of the stories. Obviously, this reveals how crucial irregular migration has become. It also reveals that other situations do not obtain the same attention.
2. Although it is difficult to assess the accuracy of reporting in case of specific stories, it is lamentable that when quoting figures on the flow and stock of migrants newspapers do not make a sufficient attempt to check their sources. Therefore, different figures of the same flow or stock of migrants can be found in comparing newspapers, or even in following articles in the same newspaper. It is to be recognized that official figures on migration are hardly accurate in the first place and that some countries do not provide figures as a matter of policy; however, more effort in checking the source of information is to be expected.
3. As it has been revealed in other analysis of the reporting of media on issue of migration and ethnicity that derives from it, newspapers do not just report, but also "contribute to create images of 'the other' and – by contrast – of 'us'". Often, with a strategy of anticipation, newspapers produce pre-formed images of foreigners much before the people could have a direct experience of them" (*Studi Emigrazione*, 1999:496). Such tendency is certainly present also in the Asian region, particularly in the situations involving crimes committed by migrants, where their foreign nationality is always specified and where the end result consists in attributing a particularly high rate of participation in criminal activities among migrants, while suggesting a low level of criminality among nationals.
4. For the lack of specific content analysis, it is not possible to conclude on the actual contribution of media for the protection of the rights of migrants. In general it can be said that media are sympathetic to situations concerning migrants abroad, and less sympathetic in situations concerning foreigners in the country. However, there are not many instances in which in the reporting of situations of abuse there is specific reference to human rights instruments and provisions.
5. Finally, it is not possible to conclude without making a reference to the Internet revolution and its relevance also for migration. First of all the Internet contributes to provide migrants

with access to national newspapers and radio stations, thus keeping them in touch with their motherland, even with their specific area of origin. The Internet also give media access to migrants abroad and there are examples in the Philippines of specific services provided by media for them. Therefore, the Internet certainly contributes to the right of migrants to information and to maintaining their language and culture. The Internet also contributes to the exercise of political rights for the migrants who can vote while abroad, as they are better informed about issues and candidates. And the Internet contributes to pluralism and participation as it provides small or alternative organizations, such as NGOs, to present their point of view or organization of migrants to facilitate their operations and make known the point of view of migrants.

The possibilities for media to play a role in educating migrants, exposing the abuses they encounter and furthering their rights are increasingly vast. However, what is more encouraging is that migrants themselves have increasing possibilities to be active in the defense of their rights and in their contribution to advancing the protection of the rights of all.

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APPENDIX

INTERNATIONAL HUMAN RIGHTS CONVENTIONS
STATUS OF RATIFICATION BY ASIAN COUNTRIES
June 1999

	Economic and Social Rights	Civil and Political Rights	Elimination of Rac'l Disc.	Discrimination Agst women	Traffic of Persons	Rights of the Child	Status of Refugees	Rights of Migrants
Afghanistan	•	•	•	s	•	•		
Bangladesh	•		•	•	•	•		s
Bhutan			s	•		•		
Brunei						•		
Cambodia	•	•	•	•		•	•	
China	•	s	•	•		•	•	
D.P.R. Korea	•	•				•		
India	•	•	•	•	•	•		
Indonesia			•	•		•		
Japan	•	•	•	•	•	•	•	
Lao P.D.R.				•	•	•	•	
Malaysia				•		•		
Mongolia	•	•	•	•		•		
Myanmar				•	s	•		
Nepal	•	•	•	•		•		
Pakistan			•	•	•	•		
Philippines	•	•	•	•	•	•	•	•
Rep. of Korea	•	•	•	•	•	•	•	
Singapore				•	•	•		
Sri Lanka	•	•	•	•	•	•		•
Thailand		•		•		•		
Vietnam	•	•	•	•		•		

ILO CONVENTIONS
STATUS OF RATIFICATION BY ASIAN COUNTRIES

	29	87	97	98	100	105	111	118	138	143	157	181
Afghanistan					*	*	*					
Bangladesh	*	*		*	*	*	*	*				
Cambodia	*	*		*	*	*	*					
China					*				*			
India	*				*		*	*				
Indonesia	*	*		*	*	*	*		*			
Japan	*	*		*	*							
Laos	*											
Malaysia	*		*	*	*	*			*			
Mongolia		*		*	*		*					
Myanmar	*	*										
Nepal				*	*		*		*			
Pakistan	*	*		*		*	*	*				
Papua New Guinea	*			*		*						
Philippines		*		*	*	*	*	*	*		*	
Republic of Korea					*		*		*			
Singapore	*			*		*						
Sri Lanka	*	*		*	*		*					
Thailand	*				*	*						
Vietnam					*		*					

C. 29: Forced Labor Convention (1930); C. 87: Freedom of Association and Protection of the Right to Organize Convention (1948); C. 97: Migration for Employment Convention (Revised) (1949); C. 98: Right to Organize and Collective Bargaining Convention (1949); C. 100: Equal Remuneration Convention (1951); C. 105: Abolition of Forced Labor Convention (1957); C. 111: Discrimination (Employment and Occupation) Convention (1958); C. 118: Equality of Treatment (Social Security) Convention (1962); C. 138: Minimum Age Convention (1973); C. 143: Migrant Workers (Supplementary Provisions) Convention (1975); C. 157: Maintenance of Social Security Rights Convention (1982); C. 181: Private Employment Agencies Convention (1997).