

**Migration,
Human Trafficking,
and the Asian Diaspora in the
Arabian Gulf Countries**

Report of the
Asia Regional Consultation on

11 – 15 November, 2018
Bangkok, Thailand

Migration, Human Trafficking, and the Asian Diaspora
in the Arabian Gulf Countries

Report of the Asia Regional Consultation - 2018

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Introduction

Millions of Asians are on the move both within and beyond their national boundaries, and are at risk of being trafficked as migrant workers. Human trafficking in general and human trafficking of women and children in particular are grave concerns in Asia.

According to the Global Slavery Index (GSI), India, China, Pakistan, Indonesia, Bangladesh, and Thailand rank among the top 10 countries with the highest number of trafficked victims in the world. Individuals may be trafficked and exploited in a variety of ways. The trafficking of women and children for sexual exploitation has been the most commonly recognized form of trafficking. However, many more men, women and children are trafficked for various forms of labour exploitation, such as work in factories, in agriculture, construction, fisheries, textile and mining industries, and for domestic servitude and care services. Traffickers frequently target children for begging, domestic servitude, adoption, removal of organs and petty street theft. Poverty, unemployment, war, natural disasters, gender inequalities, discrimination, gender-based violence, desperation, cultural and social frameworks are good predictors of vulnerability to being trafficked. Nonetheless, those who fall prey to traffickers may also be relatively wealthy, relatively educated and from urban centres. While international trafficking is often in the spotlight, people who are trafficked may be transported internationally, regionally or, as is the case with many trafficked persons, within their own national borders.

Of the 22 million migrants who currently live in the six Arabian Gulf (GCC) countries, a large number of them are from various Asian countries. South Asian workers have been the primary contributors to the region's pell-mell development since the second oil boom of the 1970s and subsequently a large number of Filipino workers also have been added. In the UAE, up to 90 per cent of its nine million residents are migrants; "low-skilled" workers from India make up the largest population (between 2.2 and 2.8 million), followed by workers from Pakistan, Bangladesh, and the Philippines.

The number of migrant workers spiked notably after the speculative real estate boom began in 2002 when the Gulf's investors returned to the region following 9/11 and a decade-long steep escalation of crude oil prices. Dubai, which hosted a number of international mega real estate projects aimed at global elite investors, became an icon for the region's growth. The region's appetite for cheap labour during this period was insatiable. The 2008 financial crisis and the bursting of the Gulf's real estate bubble took its worst toll on migrant workers: 5 million lost their jobs overnight and were sent home. Throughout this decade of boom and bust, working conditions and wages for an already precarious and indebted workforce deteriorated significantly. The involvement of South Asian and Southeast Asian middlemen in the Gulf's visa trading system speaks to the sharp racial and class hierarchies even within migrant groups. A large number of migrant workers live in inhumane conditions in the labour camps. Although many Asian churches are active in serving migrant worker congregations, vulnerable workers, especially those who live in labour camps, often do not have their pastoral needs taken care of.

The ecumenical family has been engaged in global advocacy on uprooted people for a long time. CCA, knowing its theological conviction based on the principle of love of Christ for the stranger and vulnerable, acts on its prophetic call. However, in the Asian context, the issue of labour migration and human trafficking in the Arabian Gulf region has not been addressed adequately through ecumenical platforms. Two consultations organized by CCA in 2015 and in 2016 shared the work and experiences of churches in combating and eliminating this modern day slavery. The churches are called to discover the plan God pursues for victims of human trafficking and forced migration. Churches need coordinated action to create public awareness and build the capacity of vulnerable groups and professionals working in the field of anti-trafficking; provide support and assistance; and advocate among civil society organizations, faith based organization, policy makers, and legislatures to address the concerns and issues related to human trafficking, forced migrations, and people lured to migration leading to human trafficking. Asian churches

are also not adequately involved in any advocacy on the ratification of existing and relevant international instruments by their respective governments. These instruments and their contextual practical application need to be made aware among the public, for which Asian churches can play a major role in several countries. It is in this context that the CCA will initiate concerted efforts to address the concerns of human trafficking through regional and national programs, focusing on building the capacity of Asian churches to combat human trafficking and create awareness among Asian churches on the issues of human trafficking and forced migrations, and assist the churches in providing support to the victims of human trafficking.

The Christian Conference of Asia has taken the initiative of learning more about the situation of the migrant workers in the Arabian Gulf region. An exploratory study visit to the UAE was initiated in 2017 and a pastoral solidarity team visit to the UAE by Asian ecumenical leaders was organised in June 2018. Those two visits gave opportunities to initiate a process of engaging Asian Churches together with representatives of the Asian Diaspora in the Arabian countries.

As part of sensitizing the churches to be concerned on the situation of migrant workers in the Arabian Gulf region, CCA organized an international consultation on ‘Labour Migration, Trafficking in Persons and Asian Diaspora in the Arabian Gulf’ which was held in Bangkok, Thailand from 11 to 15 November, 2018. Fifty participants from Asian countries and representatives of the Asian diaspora from the Arabian Gulf states, such as Abu Dhabi, Bahrain, Dubai, Kuwait, Oman, Ras Al Khaimah, Saudi Arabia, and Sharjah attended the consultation.

The deliberations of the Consultation focused on issues related to labour migration and human trafficking within and beyond Asia and emphasized the situation of labour migration in the Arabian Gulf states. The thematic presentations and panel discussions reminded us of the pastoral and social commitments, and Christian witness to accompany the migrant

workers and the trafficked persons in their struggle as well as to advocate for upholding the dignity and human rights of them.

The papers and documents included in this publication were originally shared at the Bangkok consultation. We hope that this volume will be helpful for further reference as we move forward with our common agenda of ecumenical advocacy on the rights and dignity of the migrants and trafficked people, especially the Asian Diaspora in the Arabian Gulf region.

Communiqué of the Consultation on

Migration, Human Trafficking, and the Asian Diaspora in the Arabian Gulf Countries

The participants of the Asia Regional Consultation on ‘Migration, Human Trafficking, and the Asian Diaspora, held at the headquarters of the Church of Christ in Thailand from 11 to 15 November 2018 and organised by the Christian Conference of Asia (CCA) with the participation of representatives from churches, national ecumenical councils, ecumenical organisations, theological institutions, and grassroots level migrant-serving organizations adopt and disseminate this communiqué for further follow-up. More than fifty participants attended the Regional Consultation including representatives of the Asian diaspora churches and ecumenical organizations from the Arabian Gulf states, such as Abu Dhabi, Bahrain, Dubai, Kuwait, Sultanate of Oman, Ras Al Khaimah, Saudi Arabia, and Sharjah. This consultation was a follow-up of earlier initiatives and dialogues of CCA about migrant workers and the contemporary challenges.

The deliberations of the Consultation focussed on a wide array of issues related to labour migration and trafficking in persons within and beyond Asia. Special emphasis was given to labour migration in the Arabian Gulf states and the Asian diaspora as well as churches’ mission to the Asian diaspora in the Gulf region. The thematic presentations and panel discussions reminded us of the pastoral and social commitments and Christian witness to accompany the migrant workers and the trafficked persons in their struggle as well as to advocate for upholding the dignity and human rights of them. As Paul urges believers to welcome one another just as Christ has welcomed us (Rom. 15:7), we are then further compelled that, being a faith community in various parts of the world, we need to revisit the theme “hospitality towards stranger” as it is a command of God from God’s community. Jesus who lived both as an international and internal migrant teaches the importance of hospitality.

Our Concerns

Human history replete with a saga of migration has now entered the “Global Nomadic Age.” About 258 million people all over the world are migrants and expected to be 405 million by 2050. There are documented and undocumented migrants, asylum seekers, and victims of human trafficking. Of these millions of migrants, women outnumber men except in Asia and Africa forming 48.4%. A majority go as domestic workers, which is a sector that is very difficult to regulate as the provisions of international labour laws do not govern this sector in many countries where they work. This exodus increasingly becomes the cause of abuse and exploitation. In many countries, the domestic workers do not come under the purview of the labour laws, leaving them vulnerable. The flow of migration within a developing nation has thrown up a whole plethora of challenges. The sending countries and the receiving countries both profit from this. Many a time in the current scenario, a clear demarcation between these categories has merged. Many of the former sending countries themselves have become receivers or are now transit points of migration.

It is our firm convictions that Asian governments must uphold their national laws pertaining to the protection of the rights of migrant workers, and also for prevention of and combating human trafficking practice, for which reason, we affirm our commitment to campaign for the inclusion of provisions that would protect and uphold the dignity and rights of all migrant workers, especially the domestic workers.

We recognize the immediate need for all governments in the Asian region to ratify and uphold the spirit of the international legal frameworks especially the International Conventions adopted by the United Nations (UN), and the International Labour Organisation (ILO) such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the UN Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, as well as the International

Labour Organization (ILO) C-189 Domestic Workers Convention. It is with great dismay we note that most Asian countries have not ratified these Conventions thus binding these important international treaties.

After having carefully listened and analysed the plight of the migrant workers and the trafficked persons in different situations the participants of the Asia Regional Consultation express their concern at the increased cases of exploitation of job seekers by unscrupulous recruiting agencies, urging the governments of both labour exporting and receiving countries to take more drastic actions to stop this menace. The increasing number of suicide cases involving migrant workers, particularly in the Gulf countries, which underlines the need for extending counselling services to migrant workers. Sexual abuse of women, especially domestic workers, for which reason women seeking domestic and low paid jobs should attend pre-departure orientation programmes that provide guidance for safeguarding, promoting, and protecting their dignity and rights.

Proposed Actions

The participants of the Asia Regional Consultation request CCA to facilitate, and strengthen the Asian ecumenical network to protect the rights of migrant workers at all levels starting from the period of recruitment in the country of origin and in the receiving country as well as returning to the country of origin.

It is important that CCA take initiatives to sensitize member churches about the need to join in solidarity with the global struggle to protect the rights and dignity of migrant workers and to combat human trafficking. The participants appeal member churches to cooperate closely with stakeholders in the receiving countries to gain access to information, health care, and protect the rights of migrant workers. It is also crucial that the churches and national ecumenical councils in Asia recognize, affirm, and uphold all International Conventions and national legislation pertaining to the protection of the rights of migrant workers including the domestic

workers, and combat human trafficking. The civil society organizations and faith-based groups in Asia should come forward to urge governments in migrant worker sending countries to designate special staff in respective diplomatic missions with a mandate to address the concerns of the migrant workers. A network of collaboration between the churches in Asia and migrant worker service centres in order to learn about models of best practices be initiated.

The need for a renewal and resourcing of healing ministries to serve the needs of traumatized migrant workers and trafficked persons must be considered as a priority. Churches in Asia should not forget their commitment to articulate a “Theology of the Human Family” and remember the ecumenical affirmation that “the Church is a sign of the coming unity of the whole human family”.

The migrant workers in the Arabian Gulf must be encouraged to initiate 'Save and Invest' schemes that will help them build a more secure future for themselves and their loved ones upon return after their overseas work.

As the representatives of Asian diaspora, we urge CCA to help provide an umbrella organization or an ecumenical platform for the Asian diaspora churches in the Arabian Gulf region to initiate an ‘Asian Diaspora Church Arabian Gulf Regional Council,’ to help integrate and unify the work of the different Asian diaspora churches

Transnational Labour Migration, Human Trafficking, and Asian Diaspora in the Arabian Gulf Countries: Responses of Churches

*Mathews George Chunakara**

Migration has been an important human activity ever since the beginning of human history. It has been recognised as a universal phenomenon continuing for centuries. However, there are various reasons for migration. Migration normally takes place at two levels: migration within the borders of a country and migration beyond the borders of a country. The second category is transnational migration. The influx of transnational migration has increased tremendously during the past three decades. This trend will continue to increase in the 21st century. Every year, millions of people leave their home countries in search of jobs and better prospects. This movement of people has been described as “global nomadic age”. There are now an estimated 258 million people living in a country other than their country of birth, which is an increase of 49% since 2000. The new figures released by the United Nations Department of Economic and Social Affairs (UN DESA) in its 2017 report indicate that about 3.4% of the world’s inhabitants today are international migrants.

United Nations Human Development report highlighted on ‘Human Mobility and Development’, which states: “Migration contributes to human development and it is a motive power, and it increases individuals’ finance, health, and education.” This trend of migration has impacts at various levels on most countries in the world, as it remains as migrant sending, transit or receiving country or any of these two or all three categories. International Migration Report-2017 highlighted the trends that high-income countries hosted 64% or nearly 165 million of the total num-

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ber of international migrants worldwide. Moreover, most of the growth in the global population of international migrants has been caused by movements toward high-income countries, which host 64 million migrants. The number of international migrants includes 26 million refugees or asylum seekers, or about 10% of the total. Although a majority of the world's transnational migrants live in high-income countries, low- and middle-income countries host nearly 22 million, or 84%, of all refugees and asylum seekers. In 2017, 48.4% of international migrants were women. Female migrants outnumber males in all regions except Africa and Asia; in some countries of Asia, male migrants outnumber females by about three to one. More than six of every ten international migrants reside in Asia or Europe (80 and 78 million, respectively). Northern America hosts the third largest number (58 million), followed by Africa (25 million), Latin America and the Caribbean (9.5 million) and Oceania (8.4 million). These migration patterns are consistent with the growth seen during the period 2000 – 2017, when Asia added some 30 million migrants, followed by Europe, which added 22 million, Northern America, 17 million, and Africa, 10 million. Most countries in Europe, Northern America and Oceania, international migrants comprised more than 10% of the total population in 2017.

In 2017, Asia and Europe were the regions of origin for the largest numbers of international migrants — 106 million and 61 million, respectively. India has the largest number of persons born in the country who are now living outside its borders. The number of Indian-born persons residing abroad numbered 17 million in 2017, ahead of the number of Mexican-born persons living outside Mexico with 13 million migrants. The Russian Federation, China, Bangladesh, Syrian Arab Republic, Pakistan, Ukraine, and the Philippines also have large migrant populations living abroad, ranging from 5 to 11 million each.

Migrant workers, those who migrate for employment, and their families account for about 90 percent of transnational migrants. Transnational migrants today are a very mixed group, including seasonal workers,

temporary contract workers, skilled migrant workers, unskilled workers, students, asylum seekers, and refugees, workers with irregular status and victims of trafficking and forced labour. These developments pose important challenges to the four pillars of labour migration policy: governance, protection, development and cooperation. The challenge is to govern migration so that it creates growth and prosperity in both origin and destination countries while protecting and benefiting migrant workers themselves. The transnational migration flows currently are becoming more complex and diverse, with changes in the form, status, direction, and duration of the migration experience. In contrast to earlier permanent and settler movements, temporary migration for work in overseas countries is more popular.

There are various factors that contribute to labour related transnational migration. The increasing trend of transnational migration is also due to a consequence of globalization, which is not only characterized by liberalization of trade, services, investment, and capital, but also by transnational movements of people in search of better lives and employment opportunities in other countries. The economies of the migrant labour receiving countries also demand labour forces to cater needs of their domestic labour demands in various sectors. Transnational migration of people helps contribute financially to the development of almost all migrant labour receiving countries in the world. At the same time, it also helps a large number of migrant workers to improve their economic conditions back home. The higher wage a migrant worker gets in a foreign country attracts more and more people to move beyond their borders. It has been a fact that the wage of transnational migrant workers in most economically developed countries is higher than in their home countries. However, in recent times the variations are not that high as economies of several of the sending countries also have been improved substantially. This is particularly relevant in the context of the wage conditions of most migrant workers in the Gulf and their sending countries in South and South East Asia. It is also an increasing trend that there is substantial reduction in wages of migrant workers in several countries, especially those

who are working in the service and construction sectors. Large numbers of migrant workers live and work in deplorable conditions. They live in a situation where they constantly face violations of human rights and human dignity.

Migrant workers are first and foremost human beings, and they also hold their unequivocal human rights and human dignity. Their rights and security require specific and special protection in all circumstances. However, these groups of transnational migrant workers are often denied of legal protection of their home countries, and they continue to face exploitation and denial of their right to decent labour and human rights. Legal protections to ensure their labour rights are not adequately established in many countries where they work. These migrant workers are too often seen as exploitable and expendable, a source of cheap, docile and flexible labour, constrained to “3-D” work or working conditions: Dirty, Dangerous and Degrading, that nationals are unavailable for and / or unwilling to accept. As a result, basic human rights of migrant workers are too easily violated or denied.^[1] Many governments simply do not have in place the adequate legislation, policies, and structures to manage regular migration, reduce irregular migration, ensure decent work for migrant workers and reinforce social cohesion in today’s expendable context of increasing cross-border mobility.^[2]

In most Arabian Gulf countries, up to 80% of the labour force is filled with migrant workers, and most of them come from the developing or least developed countries. The major Asian migrant labour force sending countries to the Arabian Gulf region are from India, Pakistan, Philippines, Indonesia, Sri Lanka, Nepal and Bangladesh. Some of these countries also supply labour forces in Hong Kong, Malaysia, and Singapore. In many countries undocumented migrants live in daily fear of round-ups by police and immigration authorities. They live in fear of abusive treatment in detention centres and subsequent deportation. This is not only the situation of the migrant workers in the Gulf region, but in other countries too. Two million migrants from Myanmar live and work in Thailand. They

arrive with dreams of overcoming the crushing poverty of their homeland but are easy prey for exploitation and discrimination. Whether documented or not, these two million Burmese can expect no favours from the authorities in Thailand. It was reported that Indonesian migrant workers in Malaysia face periodic clamp-downs by the state.

Saga of transnational Migrant Workers

Fleeing extreme poverty and harsh economic conditions back home is what compels millions of migrant workers from across Asia and Africa to flock to the oil-rich Persian Gulf. In contexts of most Asian and African countries, a job abroad is considered a way to escape from poverty. Arabian Gulf countries are seen as dreamlands for these people. When these people try to reach the “paradise” they dream of, they often have to sell everything that they or their families own. Often, they borrow heavily to pay for visas and tickets through labour brokers and recruitment agencies. Once they reach the destination, most of them realise that they are trapped and they will have to be in that trap for years in debt bondage because of excessive fees and bribes. There is no effective government regulation of the recruitment process. On arrival in the host countries, the workers' freedom of movement might be restricted because employers or brokers withhold their passports and wages. Many of them work and live in sub-standard conditions. They are not allowed to form or join trade unions. They have no voice and no vote as foreigners. Sometimes they are physically abused or sexually exploited and can end up being trafficked into slave-like situations. Access to justice for those who face such abuses is rarely available or affordable. The wages they earn abroad often come at a high cost in human rights abuses and labour violations. Their lives are symbols of modern slavery. Stories of many transnational migrant workers reveal the sad situation of blatant denial of their human rights and human dignity. In most contexts, a transnational migrant worker's life depicts the saga of slavery as it ends up in a bonded labour system.

The current transnational migration flows are becoming more complex and diverse, with changes in the form, status, direction and duration of the migration experience. In contrast to earlier permanent and settler movements, temporary migration for work in overseas countries is more prevalent. Transnational migration of people helped contribute to the development of almost all migrant labour receiving countries in the world. It helps a large number of migrant workers to improve their economic conditions back home. Large numbers of migrant workers live and work in deplorable conditions. They live in a situation where they constantly face violations of human rights and human dignity.

Human trafficking and migration nexus

Migrant smugglers contribute to this increasing demand, plundering people in their vulnerable situations for profit. Trafficking of people starts with recruitment or movement and leads to exploitation. The increase in human trafficking is linked to migration, especially irregular migration. Human trafficking is unfortunately still thriving in many parts of the world today. Trafficking in persons ultimately results in violations of human rights and denial of human dignity. It remains the fastest growing criminal activity in the world today. The magnitude of this heinous crime is very difficult to quantify. Its impact is underestimated because of the insidious and complex nature of this crime. Trafficking in persons occurs within and across national boundaries. In most other contexts, victims often transit through several countries to reach the final destination. This is what is commonly described, “Trafficking knows no borders and no country is immune to it”. Today, human trafficking poses an increasingly serious challenge to humanity. Girls, boys, women, men, and persons with disability are trafficked within and across national boundaries, for commercial sexual exploitation, for the purpose of labour exploitation, forced labour or services, begging, domestic work, slavery or practices similar to slavery. Human trafficking usually involves moving a person from one place to another with the promise of employment, education or marriage by using coercion, fraud, deception or force. Once moved to

another place or country, the trafficked person is typically forced to work under harsh conditions or for negligible wages.

As transnational migration increases, the world today witnesses an alarming trend of migrant smuggling and human trafficking. Human trafficking is thus intimately linked to the undercurrents of global migration. Migrant smuggling is a complex crime that takes different forms in different parts of the world. Smuggling of migrants is defined as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.” (Article 3 of the Smuggling of Migrants Protocol). The criminals who are involved in smuggling of migrants operate at different levels. They operate in mafia style, hierarchically structured organized criminal groups and also connected with networks of criminals. They are all involved in smuggling of migrants, playing their own specific part at different levels in the smuggling process. In this particular context, the United Nations Convention against Transnational Organized Crime, which the Smuggling of Migrants Protocol supplements, defines “organized criminal group” as “a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit”.

While emphasizing the significance of an international framework for action to implement the Smuggling of Migrants Protocol, the UN observes: “Although the vast majority of the Member States of the United Nations have ratified the Smuggling of Migrants Protocol, most do not have dedicated action plans or strategies to respond to the issue. Responses to migrant smuggling should be evidence-based and comprehensive. Where migrants are simply detained and returned to countries of origin without investigating the actors involved in smuggling those migrants, the criminal processes at work continue unchallenged.” It is further elaborated that “where border controls are strengthened without addressing the root

causes of irregular migration and demand for smuggling services, the modus operandi of smugglers will simply be adapted. Where opportunities to migrate safely and regularly are not provided as part of a holistic response to migrant smuggling alongside measures to address the root causes of irregular migration, the demand for migrant smuggling services may only increase”.

Migration and Migrant Workers in the Arabian Gulf

The discovery of oil in the Persian Gulf has transformed this part of the world from desert ‘sheikdoms’ into modern states. The States that were earlier known as the Persian Gulf and are now part of the Gulf Cooperative Council (GCC) and states such as Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates / UAE were the first to attract foreigners to work. The population in this particular geographical area has grown more than eight times during the past 50 years. It was reported that the population was increased from 4 million in 1950 to 53 million in 2016. More than fifty per cent of them are non-nationals of these countries.^[3] This is marked as one of the highest rates of the population growth in the world.^[4] This was not because of natural growth, but mainly due to the influx of foreign workers. Although labour migration to these countries had started as early as the 1950s, the oil price hike in early 1970s boomed the economies of these States which attracted more labour forces. The economic boom and the subsequent development required in the capital rich States provided more opportunities for migrant labourers from the neighbouring poor Arab countries initially such as, South Yemen, Egypt, and Sudan. There were Palestinians who began immigrating to the Gulf very early, after the Arab-Israeli War of 1948 and the occupation of Palestine. Subsequently, the fast economic growth and development in these oil-rich countries required more labour forces which paved way for the massive migration of labour from the South Asian countries as the demand for labour forces outstripped the capacity of poor Arab states to provide. Although the labour forces were invited mostly from the South Asian countries (India, Pakistan, Bangladesh and

Sri Lanka), subsequently more labour forces were added from South East Asian countries mainly from the Philippines and Indonesia. The demand for workers in the Gulf countries emphasised three aspects of labour supply from both South and South East Asian countries. The migrant labour forces that moved to GCC countries were for three categories of jobs. The first group of labourers comprised of 'contract migrant labourers' and they were regulated by the provision of job visas. Their contracts were time-bound and most were of a duration of two or three years. The second category of labour supply from Asian countries consisted of predominantly the unskilled or semi-skilled workers who were recruited to work in the construction and service sectors. The third category of migrant workers comprised of mostly female workers who served as domestic workers.

The rapid developments in the Arabian countries have been exceeding expectations over the past four decades, which resulted in the massive influx of migrant workers to these destinations mainly from Asia. At the same time, the migrant workers in these countries have been facing vulnerable situations, especially those who are working in construction, service sectors and domestic work. Since the early 1980s, demand for female migrant workers has grown, mostly for domestic services. Almost half of all domestic migrant workers are women, often leaving their children and families behind. Since a job visa depends on a 'sponsor', the Gulf worker is always at the mercy of the sponsor. Those who go with a visit visa and then 'go missing' cannot hope for decent treatment or prompt payment of wages from their employers.

Given the situation of fewer workforces, rich countries are increasingly looking outside their borders for low-skilled workers. They are needed mainly in areas such as construction, manufacturing, and low-wage services such as domestic work. Migrant workers and irregular migrants from poorer countries have stepped in to fill the demand. In several of the receiving countries, labour market is more flexible which helps employers to exploit migrant workers at the expense of formal employment and human rights protections. In this context, protecting all workers and

particularly migrant workers, both those who are legal residents and those in an irregular situation is becoming paramount. However, due to the absence of sufficient international legal framework, migrant workers lack the protection they need.

Transnational Migrant Workers: Modern Slaves

An award-winning novel in Malayalam by Benyamin “Aadu Jeevitham” (A Sheep-like Life) narrates a true life story of a migrant worker in an Arabian Gulf country. The protagonist of the novel, Najeeb, is held as a slave labourer on a sheep farm in a faraway desert in Saudi Arabia. For three years, he is forced to do hard work. He is kept half-hungry and is denied water to wash. The farm's supervisor, who keeps Najeeb in control with a gun and binoculars, frequently beats him with a belt. One night, he escapes with his friend Hakeem and wanders across the desert for days. Hakeem dies of thirst and fatigue, but Najeeb manages to find his way to a city where he gets himself arrested by the police in order to get deported. He is kept in prison for several months before being deported to Kerala in a plane by the Saudi authorities. There are many more Najeebs in the Arabian Gulf countries from various Asian and African countries who are experiencing the same kinds of persecutions. Their life situations and sad stories are not known to many. When we think of Arabian Gulf, we see only one side of the story of people who are engaged in comparatively better job situations.

This bonded labour mechanism is eventually accepted by authorities in destination countries as well as the home countries of the migrant workers. The receiving countries often extend only minimum protection. Weak labour laws in most Arabian Gulf countries encourage unscrupulous recruitment agencies and employers to withhold wages, confiscate identity documents and deny reasonable time off work. No adequate mechanisms exist for them to even complain to their own country or their own embassies.

‘Gaddamas’: Migrant Female Domestic Workers

Migrant female domestic workers are another group of people who are forced to work and live in vulnerable conditions in the Arabian Gulf. Their main complaints revolve around wages and working hours, the sponsorship system which legally ties foreign workers to their employer; the system leaves the door open for abuse and exploitation which the workers face on a daily basis. Saudi Arabia is the biggest host of foreign workers in the Arabian Gulf region, with 1.5 million migrant domestic workers. Despite being drawn by financial incentives, foreign workers often face human rights abuses and labour violations. The myriad and vastly grim shades of life of the female domestic migrant worker is depicted in a film ‘Gaddama’. ‘Gaddama’ is slang for the Arabic word ‘Khadima’, meaning maid-servant. This film seeks to faithfully document the endless miseries and deprivations of maid-servants in the Arabian Gulf. ‘Gaddama’ tells the story of Aswathy, a young woman who reaches Saudi Arabia to work as a housemaid. A widowed village woman, Aswathy is forced by circumstances to earn a menial job in the Gulf. Since her arrival in the Gulf, she faces a series of cultural shocks, starting from being asked to wear a ‘hijab’ at the airport on arrival. At her employer's house, her passport is impounded. The gullible maid in her late 20s suffers sexual assault. Aswathy’s life is not easy in the Gulf but she endures it all as she has a family to support back home in Kerala. It was after her husband’s death, shortly after her marriage, that she was forced to take to the Gulf.

The life of this young émigré in bonded household labour in Saudi Arabia, a country known for its harsh and draconian rules, is never one of peace and prosperity. While she works with another domestic worker from Indonesia in the same house, an affair between the household’s driver Usman, her compatriot, and an Indonesian housemaid is discovered. Usman is sent away and the Indonesian girl gets locked up and beaten by the employer. On being requested by Usman over the phone, Aswathy helps the girl escape. Aswathy’s problems begin there and at a stage when it all becomes unbearable, she escapes from the house. Then begins a

new ordeal for this domestic maid. The movie attempts to catalogue the brutality meted out to female domestic workers and their suffering, and the human rights violations they experience in the Arabian Gulf. However, going by the accounts of several Gulf deportees, what is shown is just the tip of the iceberg as far as the agonies of the migrant workers in the Gulf are concerned. The United Arab Emirates banned the screening of ‘Gaddama,’ on the ground that the film showed a Muslim country like Saudi Arabia in poor light. Although the protagonist of this film is a foreign domestic worker from India, this resembles the life situations of many domestic workers from Asia or Africa working in Saudi Arabia. The largest number of domestic workers in the Arabian Gulf countries comes from the Philippines. In 2008, 300,000 job orders for Filipinos were issued in Saudi Arabia.

II Rights of Migrant Workers and International Legal Protection Mechanisms

Migrant workers have human and labour rights as any other workers or employees. This principle was recognised as early as 1919 when the International Labour Organisation (ILO) emphasised in the preamble to its Constitution the need to protect the rights of workers employed in countries other than their own. The Preamble to the 1919 Constitution of the International Labour Organization sets among its objectives the “protection of the interests of workers when employed in countries other than their own.” Since the 1930s, the ILO has pioneered international instruments for the protection of migrant workers. This has been reinforced by the 1944 Philadelphia Declaration and the 1998 Declaration on Fundamental Principles and Rights at Work. Furthermore, the Resolution on a fair deal for migrant workers adopted by the 92nd Session of the International Labour Conference in 2004 stated that “a fair deal for all migrant workers requires a rights-based approach, in accordance with existing international labour standards and ILO principles.” The two ILO Conventions – Migration for Employment Convention (Revised), 1949 (C.97),

and the Migrant Workers (Supplementary Provisions) Convention, 1975 (C.143), and the two related Recommendations are milestones in the international protection framework for migrant workers. The ILO Multilateral Framework on Labour Migration endorsed by the ILO Governing Body in March 2006 spells out in detail the principles and guidelines for a rights-based approach to labour migration to be used by constituents in formulating policies and measures to protect migrant workers. All ILO labour standards apply to all migrant workers in the workplace irrespective of their status unless specifically stated otherwise in the instruments. At the same time, all migrant workers are covered by ILO core Conventions relating to freedom of association, forced labour, child labour, and discrimination as enshrined in the 1998 ILO Declaration ^[5].

By ratifying ILO conventions, member States agree to implement their provisions in national law and policy. In addition to this, the two ILO Conventions dealing specifically with labour migration provide a framework for the basic components of a comprehensive labour migration policy and the protection of migrant workers. The provisions in these Conventions also emphasise the need for regulating the conditions conducive for migrant employees, controlling the irregular migration and trafficking of labour, providing minimum standards of protection for all migrant workers, irrespective of their migration status, etc. Convention 97, which applies to the whole labour migration continuum from entry to return, covers the conditions governing the orderly recruitment of migrant workers. It also articulates the principle of their equal treatment with national workers regarding working conditions, trade union membership, and enjoyment of the benefits of collective bargaining, accommodation, social security, employment taxes and legal proceedings relating to matters outlined in the convention. The scope of Convention 143 is broader. Adopted at a time when particular migration abuses such as the smuggling and trafficking of migrant workers were attracting the attention of the international community (which remains the case even today), this instrument devotes a whole section to irregular migration and to interstate collaborative measures considered necessary to prevent it. It also imposes an obligation on

states "to respect the basic human rights of all migrant workers," confirming its applicability to irregular migrant workers.^[6]

The ILO played a major role in the promotion of a rights-based approach to migration. ILO emphasised migrant workers' rights in line with the organisation's decision, in the late 1990s, to more overtly recognise the work that it does in terms of human rights promotion with the launching of its Declaration of Fundamental Principles and Rights at Work (1998). The approach ILO developed since 1998 to labour rights, the Core Labour Standards (CLS) related to basic trade union rights, helped to emphasise a human rights-based approach. At the 92nd session of the International Labour conference in 2004, a rights-based approach framework was endorsed which drew upon informal sources of labour law - "best practice in countries engaged in international labour migration", national laws/policies, and international labour standards in particular, the CLS and other ILO Conventions of relevance to migrant workers.^[7] The ILO's backings for a rights-based approach to migration has effectively acted to revive campaigns for migrant worker rights.^[8]

In addition, the United Nations, which has a broad mandate to protect human rights, adopted the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (ICMW) in 1990, which came into force in July 2003. Like the ILO instruments, it covers the entire migration process.

U.N Convention on Rights of All Migrant Workers and Members of their Families

The first World Conference to Combat Racism and Racial Discrimination held in Geneva in 1978 recommended an international Convention on the protection of the rights of migrant workers. The U.N. General Assembly also made a similar recommendation in 1978 in a Resolution (33/163) which requested the Secretary-General to explore with Member States and in cooperation with the UN agencies particularly the ILO, the possi-

bility of drawing up an international Convention on the rights of migrant workers in order to address “measures to improve the situation and ensure the human rights and dignity of all migrant workers”. A Working Group open to all Member States was established in 1980 to elaborate a Convention and several UN-related organs such as Commission on Human Rights, Commission for Social Development, ILO, UNESCO and WHO were invited to contribute to the task. The Working Group completed its task of drafting the Convention in 1990 and finally on 18 December 1990, the U.N General Assembly adopted the ‘International Convention on the Protection of the Rights of All Migrant Workers and members of Their Families’ and opened for signature by all Member States of the U.N. The adoption of the Convention opened another new initiative to establish the rights of migrant workers and to ensure that those rights are protected and respected by the Member States of U.N. It is a comprehensive international treaty inspired by existing legally binding agreements by United Nations human rights studies, by the conclusions and recommendations of meetings of experts, and by the debates and resolutions on the migrant worker question in United Nations bodies over the past two decades.^[9] The Convention, like all other international human rights agreements, sets standards which create a model for the laws and the judicial and administrative procedures of individual States. Governments of States which ratify or accede to the Convention undertake to apply its provisions by adopting the necessary measures. They undertake to ensure that migrant workers whose rights have been violated may seek a judicial remedy.

The main thrust of the Convention is that persons who qualify as migrant workers under its provisions are entitled to enjoy their human rights regardless of their legal status. The Convention takes into account the relevant international labour standards, as well as the Slavery Conventions. It also refers to UNESCO's Convention against Discrimination in Education; the International Convention on the Elimination of All Forms of Racial Discrimination; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural

Rights; the Code of Conduct for Law Enforcement Officials; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; and the Declaration of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The Convention first expresses the rights in question in ways which relate directly to the situation of migration for employment. It reflects an up-to-date understanding of migratory trends as seen from the point of view of both States of origin and host States of migrant workers and their families. It distills more than half a century of expert opinion on the problems of migrant workers and takes into account the requirements of a wide range of international and national legal instruments. ^[10]

The Convention breaks new ground in defining those rights which apply to certain categories of migrant workers and their families including: "frontier workers" who reside in a neighbouring State to which they return daily or at least once a week; seasonal workers; seafarers employed on vessels registered in a State other than their own; workers on offshore installations which are under the jurisdiction of a State other than their own; itinerant workers; migrants employed for a specific project; self-employed workers. Part VI of the Convention stipulates a series of obligations on States parties in the interest of promoting "sound, equitable, humane and lawful conditions" for the international migration of workers and members of their families. These requirements include the establishment of policies on migration; the exchange of information with other States parties; the provision of information to employers, workers, and their organizations on policies, laws and regulations; and assistance to migrant workers and their families. The Convention also establishes rules for the recruitment of migrant workers and for their return to their States of origin. It also details the steps to be taken to combat illegal or clandestine migration. ^[11]

Under article 72 of the Convention, the Committee on the Protection of

the Rights of All Migrant Workers and Members of Their Families is to be established to review the application of the Convention once it has entered into force, i.e. after ratification by 20 States. The Committee is to consist of 10 impartial experts, rising to 14 when 41 ratifications have been registered. Members of the Committee are to be elected by States parties in a secret ballot, with due regard to fair geographical distribution, including both States of origin and States of employment of migrant workers, and to a representation of the world's main legal systems. Members will serve in their personal capacity for a term of four years. States parties accept the obligation to report on the steps they have taken to implement the Convention within a year of its entry into force for the State concerned, and thereafter every five years. The reports are expected to indicate problems encountered in implementing the Convention and to provide information on migration flows. After examining the reports, the Committee will transmit such comments as it may consider appropriate to the State party concerned. Close cooperation between the Committee and international agencies, in particular the International Labour Organization, is also foreseen in the Convention.

Under article 76, a State party may recognize the competence of the Committee to receive and consider communications from one State party alleging that another State party is not fulfilling its obligations under the Convention. Such communications may be received only from States parties which have so recognized the competence of the Committee. The Committee will deal with a matter referred to it in this way only after all available domestic remedies have been exhausted, and may then propose its good offices in an effort to reach a friendly solution. Under article 77, a State party may recognize the competence of the Committee to receive and consider communications from or on behalf of individuals within that State's jurisdiction who claim that their rights under the Convention have been violated. Such communications may be received only if they concern a State party which has so recognized the competence of the Committee. If the Committee is satisfied that the matter has not been, and is not being, examined in another international context and that all

domestic remedies have been exhausted, it may call for explanations and express its views.

Salient Features of the Convention on Rights of Migrant Workers

The Convention on Migrant Workers, while reaffirming and complementing existing human rights instruments, has forged new grounds and placed human rights in the specific context of migrant rights. The salient feature of the Convention is that it protects all migrant workers and members of their families, irrespective of their legal status. However, the rights granted to documented and undocumented workers are not identical. Accordingly, the human rights of migrant workers and members of their families are set forth in the Convention under two main divisions: those applicable to all migrant workers irrespective of their legal status (part III) and rights applicable to migrant workers and members of their families who are documented or in a regular situation (part IV).

For example, the rights covered in part III under Human Rights of Migrant Workers and Members of their Families are:- Basic Freedoms: Right to freedom of movement to and from their countries of origin (article 8); Right to life (article 9); Right to freedom from torture or cruel, inhuman or degrading treatment or punishment (article 10); Right to freedom from slavery, servitude or forced compulsory labour (article 11); Right to freedom of thought, expression, conscience and religion (articles 12 and 13); Right to privacy (article 14); Right to property (article 15); Due process: Right to a fair and public hearing with all the guarantees of a due process (articles 16-20); Right to be provided with necessary legal assistance, interpreters and information in an understood language (article 16); Right to liberty and security and freedom from arbitrary arrest or detention (article 16); Right to be presumed innocent until proved guilty (article 19); Prohibition to be subject to measures of collective expulsion (article 22); Right to have recourse to diplomatic or consular assistance and protection (article 23); Right to recognition everywhere as a person before the law (article 24); Right to equality with the nationals of State concerned

before the courts and tribunals (article 18); Employment: Right of equal treatment with nationals of the State of employment in respect of remuneration and other conditions of work such as overtime, holidays with pay, safety, health, termination of employment, and other conditions of work, etc. (article 25); Right to join freely any trade union and other associations as such (article 26); Right to enjoy the same treatment granted to nationals regarding social security benefits in so far as they fulfil the legislation requirements (articles 27); Right to emergency medical care for migrant workers and their families (article 28); Family and Children of Migrant Workers: Right to a name, registration of birth and nationality (article 29); Right of access to education (article 30); Cultural and Economic Rights: Right to preserve a cultural identity (article 31); Right to transfer earnings and savings upon the termination of their stay in the State of employment (article 32); Information: Right to information by the State of origin, State of employment, or the State of transit of their rights arising from the present Convention, the conditions of their admission, and their rights and obligations in those States (article 33).

Those rights covered under Part IV “Other Rights of Migrant Workers and Members of their Families Who Are Documented or in a Regular Situation” stipulates that Migrant workers and members of their families who are documented or in a regular situation shall enjoy the rights set forth below in addition to those already mentioned. In such a way, the Convention seeks to discourage illegal migration. Those provisions include:- Temporary Absences: Right to be temporarily absent, for reasons of family needs and obligations, without effect on their authorization to stay or work (article 38); Freedom of Movement: Right to liberty of movement in the territory of the State of employment (article 39); Employment: Right to form associations and trade unions in the State of employment for the promotion and protection of their economic, social, cultural and other interests (article 40); The right to equality of treatment with nationals in respect of protection against dismissal, unemployment benefits and access to alternative employment (article 54); Political Rights: Right to participate in the public affairs of the State of origin, in

accordance with its legislation (article 41); Right to vote and to be elected in the State of origin, in accordance with its legislation (article 41); Cultural and Economic Rights: Right to enjoy from export and import taxes (article 46); The right to equality of treatment with nationals of the State of employment, including access to educational, vocational and social services (article 43); Information: Right to information, including all conditions concerning their stay and their remunerated activities (article 37).

In addition to underlining many of the traditional civil and political rights found in other, more general human rights instruments that apply to all persons, including migrant workers and their families, the ICMW clarifies that basic economic, social, and cultural rights apply to both regular and irregular migrant workers. However, the ICMW permits states to limit the rights of certain specific categories of temporary migrants, such as seasonal workers, project-tied workers, or specified-employment workers. Despite their comprehensive nature, these instruments provide inadequate protection because the labour migration landscape has changed since they were first adopted. These changes include the decreasing significance of the state in recruiting migrant labour and the increasing importance of private agents and intermediaries.

The ICRMW constitutes the broadest framework in international law for the protection of the rights of migrant workers and members of their families and for the guidance of States on how to develop labour migration policies while respecting the rights of migrant workers. In addition to this, other most significant features also covered such as the Convention seeks to establish minimum standards of protection civil, political, social and cultural rights of all migrant workers; the Convention approaches migrant workers as more than labourers or economic commodities; The Convention provides standards to make these rights actionable and enforceable under respective national laws; it recognises the vulnerability in which migrant workers and members of their families find themselves and the consequent need for appropriate protection; the Convention is inclusive of all migrant workers regardless of their legal status, regular

or irregular; it provides an internationally agreed definition of a migrant worker; and the Convention establishes the Committee on the protection of the Rights of Migrant Workers.

Rights of Migrants: Ratification of Process and Standards

The decision of the UN to draft and adopt the U.N Convention was a strong statement of international consensus concerning the need for greater protection of the rights of migrants. The most important need now is for the decision to be implemented through ratification of the Convention by U.N Member States and national legislation. Twenty-seven years have passed since the Convention was adopted by the U.N in 1990 December. The number of ratifications of the ICRMW continues to be relatively low compared to the other core UN human rights conventions. So far, only 54 countries have ratified or acceded to the Migrant Workers Convention; another 13 countries have "signed" as an indicator or possible ratification or accession. Although the US was one of the nations involved in the original drafting of the document, it continues to withhold support as do all major migrant-receiving countries around the world. In this context, most governments need to be convinced that ratification of the Convention is necessary. This can be achieved only by building awareness about the Convention with government officials, diplomats, politicians, NGOs, and the public-at-large, nationally and internationally. While there exist several "protection gaps" in terms of the practical applications of ILO instruments of migrant workers or the UN ICMW, states have been unwilling to sign legally binding, multilateral instruments regulating international labour migration and protecting the rights of migrant workers. Sending countries normally fear that ratification would result in a loss of labour markets in destination countries to their non-ratifying competitors. In conducting its General Survey on the main ILO instruments on migrant workers, the ILO's Committee of Experts identified the following principal obstacles to their ratification: the incompatibility of national legislation with the instruments' provisions in many sending and receiving countries; national labour administrations' lack of financial

resources to implement the instruments; the specific conditions of labour markets in certain countries (for example, the high proportion of foreigners in the labour force in countries such as Bahrain and Luxembourg); the view of some major sending countries (e.g., Mexico and Pakistan) that the instruments are primarily concerned with addressing labour shortages in countries of employment rather than the needs of sending countries.

Some of these obstacles also apply to the non-ratification of the ICMW, such as its incompatibility with national legislation in many countries and the technical challenges it poses for domestic administrations to implement it given the ambitious text and its complexity. Other obstacles relate to the general lack of awareness and knowledge of the ICMW, the absence of adequate promotional activity, and, most importantly, lack of political will. In a UNESCO-sponsored study in 2003, on why seven countries in the Asia-Pacific region were not willing to sign the ICMW, two major hurdles were identified ^[12]: one applicable to sending countries and the other to receiving countries. First, sending countries (Bangladesh and Indonesia) feared that ratification would result in a loss of labour markets in destination countries to their non-ratifying competitors. Second, receiving countries (New Zealand, Malaysia, Singapore, Japan and Korea) in the region faced sensitive political obstacles because of the protections the ICMW would give to irregular migrants and the perception that it would require the admission of migrant workers' family members. Combined interests (among recruitment agencies, employers, governmental officials) that go against the granting of rights to foreign workers are a huge force that is not easily counter-acted by NGOs and sympathetic individuals within the government structure. At the NGO level, a big problem is the lack of resources available to campaign for this Convention. The Convention is often seen as too far removed with little hope for success, especially in receiving countries. NGOs feel that the pressure to compel receiving countries to ratify has to come more from the outside. Unless it comes from the UN, it will not come about easily as no western receiving country has ratified the ICMR.

International law on trafficking

International law is a powerful conduit for combating human trafficking. The most reputed and recent instruments of international law that have set the course for how to define, prevent, and prosecute human trafficking are the United Nations Convention against Transnational Organized Crime and its two related protocols: the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, and the United Nations Protocol against the Smuggling of Migrants by Land, Sea, and Air, which entered into force in 2003-2004. The UN Convention on the Rights of the Child (CRC) which is almost universally ratified provides the main reference for the situation of trafficked children. The CRC's Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography draws attention to these serious violations of children's rights and emphasizes the importance of fostering increased public awareness and international cooperation in efforts to combat them.

There were instruments that dealt with human trafficking dating back to the abolition of slavery. They include provisions within the Slavery Convention (1926) and the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (1956). Additional tools of international law that include segments against the trafficking of persons include: the Universal Declaration of Human Rights (1948), the International Covenants on Civil and Political Rights (1966), the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949), and the Convention on the Elimination of all Forms of Discrimination Against Women (1979). These instruments laid the foundation for the contemporary conventions and efforts to eliminating trafficking.

There exist various instruments and mechanisms to address the issue of combatting trafficking. However, one of the most problematic issues of eliminating trafficking is compliance with international law. Measures for

compliance with international treaties include signature, ratification, and enforcement of international agreements. Once a state signs and ratifies a treaty, it is subject to monitoring by UN committees which receive input from non-governmental organizations (NGOs). Additionally, states are expected to submit regular reports regarding their level of compliance with the treaty. The United Nations Human Rights Council also issues mandates to thematic working groups, special rapporteurs, and country rapporteurs, which help to monitor compliance with or abuses of certain treaties.

The issues of compliance and enforcement of anti-trafficking laws are problematic, but not impossible to overcome. Although human trafficking is a complex issue, the international legal instruments have been implemented to aid trafficking victims and to combat this epidemic. Even states that are not a party to the United Nations Convention against Transnational Organized Crime and its two related protocols are obligated to protect the rights of trafficked persons under provisions in the Universal Declaration of Human Rights, which comprises customary international law. Initiatives through the UN can obtain supplemental funds to states to combat the issue of trafficking, but states cannot rely solely on UN programs to combat human trafficking. States must recognize their role in combating this worldwide epidemic because trafficking continues to negatively impact millions of people every year.

The impacts of human trafficking on human rights are multifaceted. It is everyone's problem in this world today and it requires a collective effort to abolish the practice of human trafficking, which is considered as a modern slavery. When Mary Robinson was the UN High Commissioner for Human Rights, she emphasized to governments that anti-trafficking measures should not "adversely affect" human rights. She started with the principle that "the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims". Nevertheless, the priority for governments around the world in their efforts to stop human trafficking has been to

arrest, prosecute and punish traffickers, rather than to protect the human rights of people who have been trafficked.

Another problem is the allegedly high level of collusion between government circles and those involved in the export business (recruitment agencies). The creation of an environment of ‘good governance’ is needed and this requires broad level reforms. NGOs in both countries are campaigning on behalf of the ICMR and also for national legislation but problems are posed by the lack of resources. The lack of awareness on the part of many migrants about their basic human rights and the negative impacts of strong interests involved in the ‘migration business’ all pose major problems that need to be addressed. While analysing all these trends, the UNESCO study concluded that efforts should focus on changing receiving countries' domestic laws and policies, which could then be complemented by the drafting of a non-binding recommendation or declaration.^[13]

III

“Erga Migrantes Caristas Christi” – Our Prophetic Witness

Our theological and biblical basis and the motivating factor for our prophetic witness to protect the rights and dignity of the migrant workers and trafficked persons should be based on the principle of love of Christ for the stranger, alien and the suffering one in our midst. With regard to the foreigner living in the country, the Law enjoins the same commandment on Israel as applies to “the children of your people” (Lv 19:18), that is, “you must ... love him as yourself” (Lv 19:34). In other words, this is what Pope John Paul’s had stated in his ‘Instruction’: “Erga Migrantes Caristas Christi,” (“The love of Christ towards migrants”). Pope John Paul had stated in 2004 “... foreign workers are not to be considered merchandise or merely manpower. Therefore they should not be treated just like any other factor of production. Every migrant enjoys inalienable fundamental rights which must be respected in all cases.”^[14] The Church has always contemplated the image of Christ who said, “I was a stranger and you made me welcome” (Mt 25:35). The condition of these strangers

in our midst is, therefore, a challenge to the faith and love of all believers, who are called on to heal the evils caused by migration and discover the plan God pursues through it even when caused by obvious injustices. The situation of the migrant workers we see today in our midst is replete with injustices. The Church has articulated quite well its theology of migration. The Church from its very beginnings took advantage of this achievement and considered itself as the "wandering people of God" (Hebrews 13, 14). Still this is being reflected and articulated in the contexts of new migrants arriving from the global South to the North, where these new migrants are changing the ecclesial landscape, which is a major concern for Churches these days.

A great deal of transnational advocacy or rights of migrant workers has its roots in campaigns initiated in 1998 with an aim of advocating for States to ratify the ICRMW of 1990. In 1999, a U.N Special Rapporteur on the Human Rights of Migrants was appointed. Asian civil society organisations have played a key role in the campaign for the ratification of the Migrant Workers Convention and continue to play a role in promoting the migrant rights agenda.^[15] The concept of human rights of migrant workers is neither given much attention nor sympathy among the churches, especially those churches in the sending and receiving countries. Churches also lack experts who can provide guidance and assistance to the exploited migrant workers as well as those who can be engaged in effective advocacy. The Central Committee of the World Council of Churches in its meeting in February 2011 stated that: "in light of the consistent biblical invitation to create communities of hospitality and care for the sojourners and the strangers who reside in our lands; and in remembrance of Christ's story that the righteous would care for strangers with the same respect that they would extend to Christ himself (cf. Matthew 25), the churches need to care for the plight of migrants and migrant workers in our world". The Central Committee encouraged the churches and the ecumenical movement to initiate more coordinated advocacy initiatives and urged churches to develop an advocacy strategy in their respective countries to address the Protection of the Rights of All Migrant Workers

and Members of their Families.

Churches and the ecumenical movement have a major role to play in their respective contexts. A more coordinated action for advocacy on the rights of migrant workers and victims of trafficked is needed among civil society organisations, faith-based organisations, policy makers of governments, and legislatures. More public opinions should be mobilised and networks need to be created at the national level to support action by governments and parliaments to introduce national legislation. The prophetic witness of churches needs to be focussed towards these directions which will aim at protection of the rights and dignity of millions of migrant workers in this world.

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1. *“Guide on Ratification, The International Steering Committee for the Campaign for Ratification of the Migrants Rights Convention”, the International Steering Committee for the Campaign for Ratification of the Migrants Rights Convention, p.3.*
 2. *ibid.*
 3. *Gulf Labour Markets and Migration Research Centre Statistics.*
 4. *Andrezj Kapiszewski, “Arab Versus Asian Migrant Workers in the GCC Countries”, U.N Expert Group Meeting on International Migration and Development in the Arab Region, 15-17, May 2006.*
 5. *John Craig and Michael Lynk(ed.), “Globalization and the Future of Labour Law”, Cambridge: Cambridge University Press, 2006*
 6. *ibid*
 7. *Juanita Elias, “Transnational Migration, Gender, and Rights: Advocacy and Activism in the Malaysian Context”, International Migration, Vol.48 (6) December 2010, p.47.*
 8. *Ibid.*
 9. *“General Comments and UN Fact Sheet No. 24; The Rights of Migrant Workers”, Icelandic Human Rights Centre, Iceland.*
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 11. *ibid*
 12. *Nicola Piper and Robyn Iredale, “Identification of the Obstacles to the Signing and Ratification of the UN Convention on the Protection of the Rights of All Migrant Workers”, UNESCO, October 2003*
 13. *ibid*
 14. *“Erga Migrantes Caritas Christi,” Pontifical Council for the Pastoral Care of Migrants and Itinerant People, 2004*
 15. *Juanita Elias, op.cited, pp, 47*

The Process of Reconciliation, of Healing and Wholeness

Bishop Philip Huggins

Introduction

I have spent many years trying to help people who have come to Australia as migrants or refugees. It really started when I worked in factories as an Industrial Chaplain around 1980. I soon found out that God was already in the factories. I wasn't bringing God there. It was the quiet courage of the migrants and refugees that opened my heart.

One of my first tasks was to take news of a husband's death at work to a woman originally from Russia. She shrank back as she saw my clerical collar and sad face, knowing instantly why I was there: so far from home, victim of Cold War cruelty. There were women working in a factory full of fumes, producing ancillary goods for the car industry. Dressed in drab factory wear, I would see these women leave later after changing, looking like magazine models. Such indomitable courage and dignity! They would speak to me of how they knew they were sacrificing much of their lives to give opportunity to their children. They would speak proudly to me of their children, now studying law, medicine, business.

There was a man I found crying behind a large concrete pipe in a cement factory. He's just heard that his father had died in Vietnam. Grief is so difficult at such a distance. He was the one who later explained to me that, for migrants and refugees, two generations must suffer for the sake of the third. The first generation never forgets the home of their childhood. It is heartfelt. The second generation tries to find themselves as they move between their parents (who want to retain original culture and traditions) and the new country in which they must try to find a place. By the third generation, maybe, there is settlement. So, I have learned much over these years from migrants and refugees, as perhaps these few cameos convey. More recently, including through involvement in the 2015 and

2016 Christian Conference of Asia meetings, I have learned more about the matters of this consultation.

These meetings and the CCA Pastoral Visit to Pakistan gave vivid insight into the terrible suffering that is the result of labour migration and trafficking in persons.

Having looked into faces lined with this suffering, people who hope we might be able to assist, motivates us now to gather and improve our co-operative programs.

As a contribution, may I offer a personal and Australian historical note, then proceed, especially, to a focus on a Christian spirituality that will sustain us. As we know, much work is needed to ease suffering and prevent more suffering of those vulnerable people impacted by human trafficking and labour migration in the Arabian Gulf Region.

Personal and Australian historical context

On my father's side I have forebears who were trafficked to Australia as convicts in the early 19th century. This involved a child of 15 and, later, his father who probably had himself transported as a convict to try and find his son after his wife had died.

It is a story full of pathos. As best our family historians can ascertain, the father and son never met again. What is known is that they both faced much brutality and cruelty from those with power. My historian cousin is of the view that a motivating reason for why the English Establishment transported many poor people to Australia for very minor 'crimes' was that they had been spooked by the French Revolution, the uprising of poor people against the ruling elites. His father's fate is unknown, but my 15 year old forebear Thomas Napier, after much punishment escaped from Tasmania (then known as Van Diemen's Land) to the mainland of Australia and in time, became a farmer and a father. Hence my grandmother was born and raised in this little house, standing (just) where some of my family are still farming today in northern Victoria, in better housing thankfully! This farm is where I did some of my growing up,

chasing sheep and putting the family story together.

As one aside, the ruling elites which treated poor convicts in colonial Australia very badly, obviously meted out similar treatment to the Indigenous people who were dispossessed and massacred in large numbers.

The Church of England, as the State Religion of “God, Queen and Country” had many fine clergy and laity. However, by dint of privileged access to power, the Church was also used and allowed itself to be used as a social control agent of the State. The ‘Gospel’ was imposed on convicts and Indigenous people alike by the Church of England. The Irish and Roman Catholic Church was more the Church of the poor and dispossessed as the sectarian rivalries of 18th and 19th century Europe were also transported to these new colonies.

Of relevance for this Consultation are three learnings from this (very summary) account. The first relates to the risks that Gospel-bearers and church leaders face in ministry to the poor when the power elites are exploitative, merciless and cruel.

From what I know of the Church’s role amidst the Asian Diaspora in the Arabian Gulf Region this is a real issue for searching conversation. Are we close enough to be listened to? Far enough away so as not to be co-opted? The place of the Church and of Christian workers in a predominantly Muslim setting is generally problematic.

I have listened to Christian pastors who have ministered in the Emirates. As everywhere, if it is possible to cultivate personal relationships of warmth and integrity with the political, legal and religious leaders there is the possibility of influencing a more civilised outcome. That is as long as one’s focus is on those who have been trafficked into miserable working and living conditions and who face these unspeakable new forms of exploitation – sexual abuse, organ harvesting, forced marriages and conversions.

However, the human capacity for rationalising can be completely bottom-

less. It is possible that Christian pastors and leaders can rationalise their failure to confront brutal and cruel regimes by overstating the benefits of their access to elites and by overlooking what goes on day after day.

Certainly, often it is the case that our best work is done privately and quietly in terms of being a “voice for the voiceless”. Certainly it is easy to make big, bold statements at conferences and consultations in relative anonymity, leaving others to deal with the consequences. Always these matters must be under review.

Are we close enough, have we built relationships so that we are listened to and influential amongst elites, on behalf of the vulnerable? Have we come so close that we are actually now thoroughly co-opted and compromised?

As in all things, the Holy Spirit is our guide as we seek proper discernment for our role. Returning to the Australian context, resentment towards the Church because of its compromised relationship to power has sat unresolved in the culture for the generations since colonial times. The Word and Spirit of Jesus has transcended these institutional failings so that the nation is still predominantly seen as Christian.

But recent revelations to the Royal Commission into Institutional Child Abuse have highlighted how some clergy and lay workers have misused their privileged place of trust to abuse children. These have been shameful revelations and have re-focused resentment towards the Church.

It is always a matter of power and how this is utilised, under God who, in Jesus, gives us clear teaching as in Matthew 25. “Insofar as you did it to the least of these, you did it to me”. That is, cared for people with life-giving compassion, in the grace of Jesus. The divine Creator of heaven and earth is so utterly at-one with those most vulnerable. As I say, these are matters for searching conversation amongst us all.

Second, as I know from my family, recovering from violence, trafficking, dispossession, betrayal and dislocation involves a process that crosses

generations. That is assuming that forbears can reach a place of freedom where they have dignity of work and a living wage with civilised protection of basic rights.

The “healing of memories” takes some time and very skilled listening, as people come to understand the narrative of their life in a way that gives clarity for the immediate future. In the Australian context, I think of our island now as a very large therapy centre. Many, many people are in need of deep listening to overcome the consequences of violence. Certainly the Indigenous people but also those who have come as refugees since World War II.

First the Jewish people, getting as far away from the place of holocaust as possible, to the recent refugees from Syria and Iraq, fleeing ISIS as well as those coming from Africa such as the South Sudanese.

Recently the National Council of Churches in Australia had a Roundtable of South Sudanese Christian leaders. We planned many initiatives for improvement. A real need articulated was this need for deep listening. One woman spoke of how she sought this out. When she found someone who was a skilled listener she says she spoke for three months. “Finally, I had it all out. Finally, the pieces of my life were understood ... there was some coherence.” After three months, she stopped speaking about the past. The narrative of her life was coherent and she could see where the light fell upon next steps.

My wife, a psychologist, reminds me that very few people feel well listened to by anyone. There is a big task ahead to create safe places where people of the Asian diaspora who have suffered from human trafficking and labour migration can be healed.

Third, for there to be some healing of what is now past and renewed energy to prevent more such suffering, there must be, for those who would help and lead, a very resilient spiritual practice which is biblically and theologically coherent.

From my many mistakes and my many experiences, I have some hard-won learnings about what is needed as spiritual practice. It is these learnings which I would like to offer now.

A Spiritual Practice and its Biblical and Theological Basis- Three Reflections:

1. Care about our thoughts and words

The importance of care about our thoughts is because of how they shape our words and actions. We need to be attentive to the pattern of our thinking because of how it shapes our character and destiny over time. The importance of attention to our thoughts and words is evident in James 3:5-10,

5 So also the tongue is a small member, yet it boasts of great exploits. How great a forest is set ablaze by a small fire! 6 And the tongue is a fire. The tongue is placed among our members as a world of iniquity; it stains the whole body, sets on fire the cycle of nature, and is itself set on fire by hell. 7 For every species of beast and bird, of reptile and sea creature, can be tamed and has been tamed by the human species, 8 but no one can tame the tongue—a restless evil, full of deadly poison. 9 With it we bless the Lord and Father, and with it we curse those who are made in the likeness of God. 10 From the same mouth come blessing and cursing. My brothers and sisters, this ought not to be so.

For many years, my spiritual practice has included the Jesus Prayer shaped in the Orthodox tradition. It is called the “Prayer of the Heart” because of how, through repetition, the prayer descends from the head to the heart and prays in us as much as we pray consciously “Jesus have mercy”. The importance of the Jesus Prayer is that when we are aware our thoughts are travelling in the wrong direction, returning to “Jesus have mercy” allows us to choose afresh the direction of our thoughts. There is such power and beauty in the Name of Jesus. He saves us in daily life and helps us find “the glorious freedom of the children of God”.

2. Looking at the world through the eyes of children, including as regards social policy

Mark 9:33-37

33 Then they came to Capernaum; and when he was in the house he asked them, ‘What were you arguing about on the way?’ 34 But they were silent, for on the way they had argued with one another about who was the greatest. 35 He sat down, called the twelve, and said to them, ‘Whoever wants to be first must be last of all and servant of all.’ 36 Then he took a little child and put it among them; and taking it in his arms, he said to them, 37 ‘Whoever welcomes one such child in my name welcomes me, and whoever welcomes me welcomes not me but the one who sent me.’

Again, Matthew 18:1-5, 10

At that time the disciples came to Jesus and asked, ‘Who is the greatest in the kingdom of heaven?’ 2 He called a child, whom he put among them, 3 and said, ‘Truly I tell you, unless you change and become like children, you will never enter the kingdom of heaven. 4 Whoever becomes humble like this child is the greatest in the kingdom of heaven. 5 Whoever welcomes one such child in my name welcomes me.

10 ‘Take care that you do not despise one of these little ones; for, I tell you, in heaven their angels continually see the face of my Father in heaven.

The teaching is clear both about our Saviour’s complete identification with the most vulnerable and about our call to humble, innocent, enchanted servant leadership.

Earlier in the year, I had an opportunity to reflect on this important matter when invited to speak on ‘Fidelity of Religion and Fidelity of History’ at the 9th Jerusalem International Conference in Ramallah, Palestine. What I offered was a perspective on peace-making from a disciple of Jesus: the necessity of ending reciprocal violence for the sake of all God’s children.

What I said of relevance to this Consultation is as follows: This Conference obviously has a political context. From the program, it is clear many speakers will offer their perspective on the political context,

especially after President Trump's recent statements. However, my calling and vocation is to the life of the spirit – religious leadership. What I can offer comes from this vocation, including from many years of inter-religious co-operation. I am the Past President of the Jewish Christian Muslim Association of Australia (JCMA). I have sought to support both the Muslim and the Jewish communities in their various times of difficulty. I am grateful for deep friendships resulting from our work together for the common good. What I have to offer may be a little unexpected, but I hope it is helpful.

I would like to talk about children. When I was a child, I would imagine a world without war and other violence. It seemed so obvious. My father had been at World War II, not long before. He was so upset. Later I would have other words for what happens when a young man leaves the family farm in Australia and ends up under falling bombs on the Greek Island of Crete. He was evacuated to Palestine and always grateful for the kindness of the Palestinian people. I have a Prayer Book he sent from there, back to his father on the family farm near the Mallee in 1943.

1943! I remember my father, his courage and war-trauma, coming here today. Yes, to this place of much courage and further war-trauma. When I became a parent, we also lived on a little farm. We wanted to give our children space, clean air, peace, good food. We grew vegetables. I milked a cow. Our olive trees were slow growing. One night when I prayed over our sleeping first-born, I had an epiphany. The media was full of war, threats of war, just as had been the case when I was a little boy. Now it was the language of nuclear war.

My epiphany moment was quite simple. I couldn't be a good parent just by these domestic activities, albeit soaked in prayer. I had to engage the place where private and public meet in advocacy, policy, resource allocation and in politics. So the years have gone by with this emphasis on peace-making, hoping all children will have peaceful lives. I have done many things but the same simple dream remains: of one human family on a tiny planet in a vast universe, all wanting peace for their children and finding this peace together. That peace, which is a divine gift and

intention, then encompasses our whole being and is also just, fair and generous.

The peace of Jerusalem is our symbol and goal. Now we have grandchildren and I am much older. I have learned, slowly, to see the world more and more through the eyes of children as I personally look across the valley into eternity. Like St John when he was quite old and had had much time to ponder what he had seen in Jesus, I say ‘let us love one another for love is of God and those who live in love, live in God, and God lives in them’.(1 John 4:16)

So I am no further advanced than I was as a child, except that I know better how complex this peace-making is, given historical context. Notwithstanding the difficulties produced by history’s failures, what is also obvious is that we have to end the patterns of reciprocal violence. In my view, this is the primary purpose of religion today. Religions have provided many of the justifications for reciprocal violence and still do today. Religions must now reach common purpose in bringing this to an end. This common purpose is given to us by the innocence in our children and grandchildren’s faces, is it not?

It is also given by the reality of the contemporary arms race. For example, political leaders have their fingers near buttons that can release new nuclear weapons multiple times more powerful than those which destroyed Hiroshima’s people, that summer morning around breakfast time. These are leaders who have barely met, if ever. The most basic learnings of humankind about building healthy relationships and about reconciling broken relationships are set aside as the politics of fear, hatred and greed put us all at risk. We might all be killed by a mistaken or misconstrued tweet. Can the children of Abraham and Sarah be the leaders in ending reciprocal violence, making peace in the family of nations?

It seems most unlikely, just as did the Creator’s original promises to our forebears in faith! Can we have faith together to overcome all the obstacles? What might help us make a new beginning on this journey of faith? Let me make these three suggestions:

1. We need a sober recognition of humankind's learnings about reconciliation. Here is a summary of some learnings:

- The process of reconciliation, of healing and wholeness, is always complex, but somebody has to take the initiative! Preferably the one most aggrieved, as an act of grace, takes the initiative. My model is the Risen Jesus' three-fold initiative with Peter who had betrayed him, in John 21. Jesus gives Peter space, then initiates reconciliation and then creates a future pathway of common purpose.
- Claims of superiority and supremacy based on religion can cause great harm. Extremists of different religions are currently threatening minorities in a whole range of countries, as you well know. A Melbourne Priest recently went to an Anglican Interreligious meeting in Cairo. Everywhere he was guarded by soldiers with machine guns. Originally from Sri Lanka, he returned via the wedding of a school friend's daughter in a Kandy Mosque. The Mosque was attacked by religious extremists. Listening was another Melbourne Priest originally from India. He had just returned and recounted stories of rising religious extremists in India. When religions cease to be a faith-journey, open to one another and God, they become an ideology. Trouble follows.
'God is on our side' language often is then a gloss for a pursuit of power and control. Especially as regards State Religions. Imperialist Christianity has been complicit in this abuse as well.
- We are all responsible for reconciliation
Reconciliation is about a process that includes:
Listening carefully; living with kind actions, and imagining a future that is different together. Healthy relationships are the key. My wife is a psychologist and says, as do others: "Very few people feel well-listened to by anyone." Interrupted conversations seldom end well. Patience and a generosity of spirit is needed.
- History matters
We cannot avoid the wounds of our history, nor do we want to betray those who have made sacrifices in the past. But a history of division just can't continue. In March, as above, fuelled by hate-

speech on social media, there was that mob violence in Kandy Sri Lanka. The previous history had not yet been reconciled and so it only took a few lies and rants on social media for mobs to go crazy.

- Peace can offend

Why? Because some people will always remember the pain of past wounds and actively not want a new day. People can become so accustomed to a current identity that they can't let a new day dawn. Their identity becomes habituated to 'Us' versus 'Them'. The narrative of their life can be challenged by the possibilities of peace. Yet, somehow we have to keep creating opportunities, keep forgiving, keep absorbing the pain and not pass it on. That is what I see in Jesus on the Cross. The Way of the Cross, through to new life; trusting in Resurrection energy. The humility of the Crucified God is not the end. Always there is a redemptive narrative in the divine love, for each person, for all of us together.

Can this Conference create a redemptive narrative out of the current crisis? Can we do this together? Jerusalem, our symbol and goal – “the city of peace”.

- Reconciliation is elusive

It will always seem temporary and fragile. The only way to sustain a reconciling new beginning is through creative effort, attentive and grace-filled, taking every opportunity to deepen relationships and create friendships.

2. The careful, intentional cultivation of friendship across the religions and cultures

Australia is a fortunate nation and has become home to many refugees fleeing violence. This includes Jews after the cruelty of the Nazis and the Holocaust; Muslims and Christians from many places, including Palestine. It is possible and relatively simple to cultivate friendships amongst us all. All it takes is, grounded in one's own faith, to be open to what one can learn from the other. This is receptive inter-religious dialogue. It goes beyond telling the other about my faith and clarifying our differences. Rather, one seeks to receive from the other what might assist, in my case, a better discipleship of Jesus. I have learned much from friends who are

Muslims, Jews, Buddhists, Hindus, and Sikhs. The cultivation of friendship means being open so that common initiatives in peace-making can emerge. As relationships deepen they provide a reservoir of good-will to manage crisis moments when they emerge, as they do. The poets say “each friend is a world”. That is, of meals shared, gifts offered, stories of each other’s families with all our hopes and dreams. We are all made of many such worlds.

I once listened to a Cardinal respond when he was asked as to why he travelled so much and how he handled it. His work was to create new beginnings where there were barriers. He said he travelled because it is necessary to go to where people are for the cultivation of friendship.

This is true, yes? It is certainly my motivation in coming here for this Conference. No doubt it is yours as well. There’s nothing like shared meals and informal conversations together as we try to make our world a little kinder and calmer. The more we understand about one another, the more readily grace can abound. Yes?

3. Prayer and meditation

In our country recently we have noticed a new phenomenon. There are individuals being drawn to more solitary lives in order to pray deeply for peace in the world. We see other historic eras when there has been this phenomenon in times of crisis including the 3rd and 4th Centuries’ emergence of the Desert Fathers and Mothers, stretching from Syria to the Sudan. Saint Anthony of Egypt is seen as the inspiration and founder, in Holy Spirit. He sought to live with a pure heart, praying to see God. To live with a pure heart, without malice, is itself a long journey as we all know. It involves sustained spiritual practice and discipline.

This interior journey toward holiness of being is crucial to the ending of reciprocal violence. Our hearts do not lie. If our immediate reaction – if the movement of our heart – upon hearing of some sadness is an ideological one rather than a human one, then our heart has been corrupted. We should go straight away on pilgrimage, until our heart is cleansed. This

is our shared spiritual wisdom about pilgrimage. The truth is, as a United Nations' declaration says "wars begin in human minds". We become what we think. Therefore we have to attend to what we think. It shapes what we say and do. The pattern then shapes character and destiny. If our thinking is endlessly full of enmity, what will ever change? This fact is amplified in the new world of social media. Hate speech and cruel comments cause bullied young people in our country to suicide; they cause nations to explode.

In Melbourne around UN Peace Day, leaders of all the different faith traditions meet near dawn for silent meditation and prayer together. We can do more of this, as religious leaders. We need to do more of this together, particularly emphasising how our spiritual practice helps us to live with a pure heart, free of enmity or any desire for revenge. Imagine if all the Rabbis, Imams and Bishops of Israel and Palestine were to meditate and pray silently together, somewhere neutral that is safe for all? Imagine that! What a witness that would be to the compassion and yearning for peace that is the deepest truth of each tradition! What a sign of hope this would be to a world full of tears!

Our youngest grandchild was born last year on St Francis of Assisi's Feast Day. When I look at her I pray, with St Francis:
"Make me a channel, an instrument of your peace".
Lord, make me an instrument of your peace.
Where there is hatred, let me bring love.
Where there is offense, let me bring pardon.
Where there is discord, let me bring union.
Where there is error, let me bring truth.
Where there is doubt, let me bring faith.
Where there is despair, let me bring hope.
Where there is darkness, let me bring your light.
Where there is sadness, let me bring joy.
O Master, let me not seek as much
to be consoled as to console,
to be understood as to understand,
to be loved as to love,

for it is in giving that one receives,
it is in self-forgetting that one finds,
it is in pardoning that one is pardoned,
it is in dying that one is raised to eternal life.

Dear friends, many of you will have been to the grave of Abraham and Sarah in Hebron. It was a tense place when I visited; a sad place. Can a better day come? I pray so. For now, please accept these few reflections of mine, forgiving any error or unintended offence. I have much to learn from you all and look forward to listening to you. I hope together we can build peace, as we look at the world through the eyes of our children and grandchildren, “God’s little people”. As we pray and work for the peace of Jerusalem.

A third and final suggestion for our spiritual practice?

3. A spirituality of uncluttering – getting rid of things that don’t help.

‘If any of you put a stumbling-block before one of these little ones who believe in me, it would be better for you if a great millstone were hung around your neck and you were thrown into the sea. If your hand causes you to stumble, cut it off; it is better for you to enter life maimed than to have two hands and to go to hell, to the unquenchable fire. And if your foot causes you to stumble, cut it off; it is better for you to enter life lame than to have two feet and to be thrown into hell. And if your eye causes you to stumble, tear it out; it is better for you to enter the kingdom of God with one eye than to have two eyes and to be thrown into hell, where their worm never dies, and the fire is never quenched.

‘For everyone will be salted with fire. Salt is good; but if salt has lost its saltiness, how can you season it? Have salt in yourselves, and be at peace with one another.

How important this is! Jesus’ language is pictorial but we see, if we are to live at Peace, we must let go of things that aren’t helpful – old envies, resentments, bitterness, and enmities.

On the Camino pilgrim routes through Spain, one finds markers (with the

shell of St James) and little mounds of stones around them. The tradition is that, as people walk along they remember those matters sitting in their soul which are best let go of, so they place a stone near a marker, leaving behind some heaviness of negativity. Travel light, love much, is the pilgrimage of life in the grace of Jesus.

As St Irenaeus once reflected: “God will always have more to teach us. We will always have more to learn from God.” We decide where we plateau out on the Spiritual life. God always has more to share.

Conclusion.

In this paper I have sought to briefly convey the wounding in the human family which are the result of human trafficking and forced migration, taking account of the wounding in my own nation and family. I have sought to convey some learnings as regards spiritual practice, for the long journey of healing and advocacy that lies ahead. I pray the grace and peace of Jesus with you all.

Labour Migration of Asians Within and Beyond Asia

Rev. Lee Sun Ae and Joshua Rho

From early 1900 to 1945, i.e. during the World War II, while going through the Japanese colonial era, many Koreans moved to China, Russian, North America and even South America. Soon after, the Korea peninsula was divided into two parts, and Korean War broke out which left people in poverty and suffering.

In the early 1960s, Korea's GNP was only about \$80 which was very less compared to the Philippines (\$170) and Thailand (\$260). After the Korean War, even North Korean's GNP was \$325 nearly four times higher than that of South Korea. In early 1960, the unemployment rate in Korea reached 40%. Thousands of Korean workers went to Germany as miners and nurses. From 1963 to 1977, the number of miners who went to Germany was 7,932 and the amount of money that they sent was about 50 million dollars a year which helped the economic growth of Korea, boosting 2% of the GNP.

In the 1970s, large Korean construction companies and Korean workers were heading for the Middle East. Korean economy was growing rapidly from early 1970 to late 1990s. Various industries had developed and the rate of economic growth averaged more than 10%. From 1995, some Koreans suggested that we accept foreign workers. Since then, foreign workers have come to Korea.

Second type is foreign migrants who have come to South Korea. Some of these are themselves part of the Korean Diaspora who have lived in China, Russia and Central Asia long enough to have become foreigners by culture, language, and citizenship. Most migrants are not of Korean descent but have migrated for work, education, marriage to a Korean, or some other reasons.¹

In the early 1990s, during a time of significant Korean industrialization, a number of manufacturing factories emerged that depended heavily on employing migrant workers as the local Koreans were not interested to work in those factories due to the poor working conditions and low wages. The influx of such workers and other migrants has continued to the point where today Korea is home to over 2.2 million foreigners, or about almost 4.5% of South Korea's total population of 50.8 million.² The Korean society which had been racially homogeneous is now rapidly becoming a multi-cultural society as the number is increasing by 150,000 migrants every year.

The foreign workers who entered Korea to work in the factories, as well as other immigrants, have naturally brought their own culture with them. Many Koreans, however, have not been ready for an intercultural coexistence which has led to a host of cultural conflicts in Korea society.

1) Difficulties of Migrant workers

Comparing with the previous years, the minimum wage, compensation and benefits, dormitories, and provision of help centers against abuses of human rights have all been upgraded for foreign workers. Nevertheless, some factory owners still take advantage of migrant workers using the loop-holes in migrant work laws.

Also, these workers often find it difficult, experience certain extent of trauma, which is more severe for some than for others. Loneliness, insecurity and fear are common feelings among migrants. Yet, we native Koreans are often slow to understand, and even slower to sympathize with them.

Language is another difficulty in sharing of safety instructions, directions or information. Although migrant workers receive language training both before and after their arrival in South Korea, the classes they take are relatively short and, in most cases, virtually useless for communicating

in detail about their expected work responsibilities. These deficiencies in preparation explain the high level of stress migrant workers often feel, as well as the significant number of workplace accidents.

Chon Eung Park of the An-san³ Immigration Center has reported that significant percentages of the foreign workers in An-san have suffered human rights violations including discrimination, withholding of identification credentials, violence, and forced labour etc.⁴

Above all, prejudice is the biggest challenge that foreign workers face during their stay and work in Korea. As Park's study points out, Korean workers are highly prejudiced against their foreign co-workers, with their differences in language, religion, and culture due to the lack of experience of living harmoniously with foreigners.

All the above difficulties like the fear of living in a new society, prejudice, and poor working conditions, exhausting physical labour, lack of harmonious working relationships with fellow Korean workers and abuses etc. contribute to the high levels of stress and increases their desire to give up staying in Korea and heartedness towards Koreans.

2) Missions for Foreign Workers in Korea

Since the 1990s, many churches and mission organizations have begun ministering to foreign workers in South Korea. At present, about 600 organizations are doing migrant mission. Out of about 55,000 churches in Korea, only about less than 1% of them are involved in migrant ministry mostly because of the lack of knowledge of the needs of these foreign workers and of ways they could be involved in mission.

Some of the social organizations that work with migrants in Korea focus mainly on trying to address human rights violations. In contrast, evangelical churches and mission organizations focus their ministry to foreign

workers on the Gospel, because their ultimate goal is to see them become disciples of Christ. Only few mission organizations that work with foreign workers have realized the importance of pursuing a more holistic ministry, aiming to meet both social (primarily regarding human rights) and the spiritual needs of the workers. Onnuri Church's M-center⁵, Nason community⁶, Friends of All nations (FAN)⁷ are examples of centers engaging in church holistic ministry.

The Presbyterian Church in Korea (PCK)'s Migrant Missions

There are about 9,000 churches in the PCK at present among which about 150 churches and organizations of the PCK are doing the migrant ministry serving migrant workers, international marriage migrants, multicultural families, and foreign students.

The PCK supports them to have worship services in their native language providing space and facilities. In many cases, we also invite pastors from their country to effectively meet their needs.

Secondly, we run Korean language courses for foreigners to equip them to learn the local language and cultural aspects in order to effectively communicate and live with their co-workers. The government also provides Korean language education through the immigration centers, but it is not enough.

Thirdly, we provide advocacy and counselling for undocumented migrant workers in labour field especially for delayed payment of wages, violence, protection of rights, and discuss the difficulties in married migrant women's life in Korea, marital problems and divorce issues etc.

Fourthly, we provide shelter when immigrants, especially married immigrant women, have no place to live as the result of domestic violence or divorce.

Fifthly, many of our churches are organizing cultural and sports festivals for immigrants with respect to their countries. In addition, we hold cooking classes for foreigners and Koreans together to learn about each other's cultures. Sometimes we go together on a cultural experience trip to introduce Korean traditional culture and region. As a result, migrants are relieved of their stress, develop fellowship in themselves and also with Korean people. These activities are fully supported by the churches that are doing migrant mission.

In addition to the above ministries, we are also strategically planning for the effective ministry in future for the migrants in Korea.

- All the 67 presbytery members of the Presbyterian church of Korea (PCK) are encouraged to form a “Multicultural Ministry Support Committee” each for married immigrant women, multi-cultural families, migrant workers and other immigrant ministries.
- We are preparing and sending worship materials and statistical data once a year to each presbytery in order to effectively work among migrants.
- We also commemorate “Foreign Workers' Missions Sunday” every year on the third Sunday of September.
- We are building a network among the churches and centers that are engaged in migrant ministry to organize regional meetings and provide some financial support so that they can better handle activities and missions ministries. We currently have three regional councils, and support workshop costs that go on every year.
- To improve the awareness of Korean society and the multi-cultural society of Korean churches and immigrant missions, we are publishing and distributing Bible study materials called "Reading the Bible in a Multi-cultural Society" for Korean church members trying to eradicate prejudice of immigrants and sharing the love of God to them.

- We are organizing workshops and seminars among churches of PCK to help understand migrant missions; we provide religious information (about Buddhism, Hinduism and Islam) and country's immigrant policies to churches and centers of PCK, which can help migrant ministries.
- We are training the next generation of multi-cultural ministers in PCK seminary because many ministers, who are currently doing the mission for migrants, are retiring.

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1. Akli Hadid, "South Korea Redefines Multiculturalism" *The Diplomat* July 18, 2014, <http://thediplomat.com/2014/07/korea-redefines-multiculturalism/> (accessed November 8, 2018).
 2. https://en.wikipedia.org/wiki/Foreigners_in_Korea (accessed November 8, 2018).
 3. An-san city is located in the southwest of the greater Seoul metropolitan area, An-san City in particular is where hundreds of immigrants have come for work in factories and small businesses such as restaurants and supermarkets. An-san's foreign residents number almost 54,000, approximately 7% of the total of 761,631. Within An-san's "Borderless Village" or "special multicultural district" in Won-gok-dong, about 70% of residents are foreigners.
 4. Chon Eung Park, *The Present Reality of Foreign Workers and Multicultural Policy Agenda*, (in Korean) (Paper presented at the Shin-chon Forum 22, Seoul, May 2008), 36-37.
 5. <http://www.onnurimcenter.org>, <http://www.facebook.com/pages/Onnuri-M-Center/412428265470584>
 6. <http://www.nasom.or.kr>
 7. <http://www.fankorea.org>

Japanese Experiences: “Immigrants” or “Foreign Residents”?

Rev. Michiko Nishinosono

I. “Immigrants” or “Foreign residents”?

The Japanese Government doesn't want to use the term “移民” (immigrants). The government uses the term “在留外国人”(foreign residents in Japan) or “外国人労働者”(foreign workers). Though some of the foreign residents have permission for permanent residence, they are still foreigners and not immigrants for the government and most Japanese people. The characteristic thinking way of Japanese people derives from that Japan is an island country and used to adopt a policy of seclusion. Furthermore, most Japanese people think they are a single race but that is an illusion. (For example, Ainu people in Hokkaido and Ryukyu people in Okinawa came from different roots.) People who came from overseas become foreign residents or naturalized Japanese, but not immigrants in Japan.

Recently we see many foreigners at stations, the checkout counters of convenience stores, tourist sites and everywhere in Japan. They are tourists, foreign workers, overseas students, technical interns, spouse of Japanese citizens and so on. A wave of globalization is beating on Japan now. Japanese people need to change their thinking, open to the outside world and find the way to live together, working on a lot of problem for foreigners in Japan such as human rights, hate speech, discrimination, a language barrier, health insurance, school, and mutual understanding.

Let us look back at the history of foreign residents in Japan briefly.

II. Koreans in Japan

- South Korea = the Republic of Korea = POK,
- North Korea = the Democratic People's Republic of Korea

Old Comers -- “Zainichi”

- The Koreans who came to Japan before the Treaty of San Francisco in 1952, and their descendants. They are called “Zainichi” and refer in general to foreign citizens residing in Japan. The term Zainichi Korean refers only to long-term Korean residents of Japan who trace their roots to Korea under Japanese rule, distinguishing them from the later wave of Korean migrants who came mostly in the 1980s.
- They came to Japan of their own will to look for a job and to seek a better life or were forced to be brought against their will before and during the World War II (as a military man of the Imperial Japanese Army, a coal miner or a comfort woman).
- After World War II, some of them went back to Korea and others remained in Japan.
- Special permanent residents.
- Some of them became a Japanese citizen through naturalization.
- A commonly used name

Usually, Koreans in Japan don't use their real names and they use Japanese ones as commonly used names. Some of them suit their names (Japanese or Korean) to the occasion.

History

- 1965 Legal position agreement between Japan & (South) Korea;
By this agreement, the first and second generations of Koreans in Japan were allowed to stay in Japan without a residency status. After 25 years, it would be talked about Zainichi Koreans after three generations.
- 1991 Permission for special permanent residence --- for South & North Koreans and Taiwanese

Special permanent residents regulated in the Special Exemption Law concerning the Immigration Control of Those Who Have

Renounced Japanese Citizenship and Others under the Peace Treaty with Japan (Immigration Control Law) are allowed to stay in Japan without a residency status. This privilege was given to Koreans and Taiwanese residing in Japan before the Treaty of San Francisco in 1952.

III. 1980's - 1990's

a. **“Japa-yuki-san”**

“Japa-yuki-san” refers to a woman who came to Japan from Southeast Asia (especially from Filipin) to work.

- Problems: prostitution (under coercion),
housing problem (many people lived in a small room),
working under gangs, unpaid, etc.
- **HELP (House in Emergency of Love and Peace)**

HELP was founded in 1986 on the 100th anniversary of the Japan Christian Women's Organization ‘Kyofukai’. HELP provides support for women and their children in need without question of nationality or residency status. Telephone consultation services in Japanese, English and Tagalog are also provided. Since its establishment in 1886, Kyofukai has endeavored to fulfill its goals of both protecting women’s and children’s human rights and contributing to an improvement of their welfare based on the Christian Spirit. Some churches, clergies and congregations of the UCCJ cooperate with it.

A pastor of Higashi Omiya Church where I was baptized was a chairwoman of Kyofukai.

b. **“Plan to Accept 100,000 Foreign Students”**

The "Plan to Accept 100,000 Foreign Students" is a plan formulated in 1983 by the Nakasone Administration with the aim of accepting 100,000 college students by the beginning of the 21st

century. The number of international students accepted in Japan reached the goal presented in the plan 115 thousand in 2003, and the number exceeded 120 thousand in 2005.

- Illegal stay troubles --- After they come to Japan, some of the students disappear somewhere to get a job and send money to their families.
- Though international students in Japan can work with their student visa, the working hours are limited less than 28 hours a week.

c. **“Japanese descent workers”**

- The bursting of Japan's bubble economy --- shortage of workers in Japan
- The revised Immigration Act was enacted in 1989 and took effect in June 1990, at a time when the labor force had been diminishing somewhat in Japan. This was largely influenced by the rapid increase in the influx of foreigners of Japanese descent from South America and other countries into Japan.
- Japanese descent workers
 - Some of them looked like domestic Japanese, and could speak or understand Japanese a little.
 - In those days, many Japanese-Brazilian came to Japan.

For example, when I served at Shimizu Church in Shizuoka, the Church provided a place in the sanctuary for Brazilian residents in Shizuoka area who were Christians. They were migrant workers, and most of them were Japanese Brazilian. A missionary came from Brazil for them.

d. **“Brides for farming families”**

- Shortage of Brides for farming families
 - Japanese farming families have taken wives from Asian Countries such as Philippine, Thai, Vietnam, Korea and China since 1985.

- Marriage fraud problem
After getting and sending money to her own family, the bride went back to her country and never came back.

IV. Today

- The Japanese descent workers decreased because the economic situation changed after the collapse of the bubble economy in 1991.
- The foreign residents in Japan have been increasing since 2012.
- Shortage of workers:
Because of an aging society with a low birthrate of Japanese, and the Tokyo Olympics in 2020, we need foreign workers in the areas of hotel employees, nursing, farming, and so on.

- ◆ The foreign workers in Japan (number of workers except Special Permanent Residents) in the end of October, 2017

The foreign workers in Japan in the end of Oct. 2017 with working visa

• professional & technical	238,412	18.6%
with other kinds of visa which don't aim at working		
• Japanese descents, spouses of them, spouse of Japanese citizens	459,132	35.9%
• technical interns	257,778	20.2%
• International students	259,604	20.3%
• others	26,270	2.1%
•		

※ <https://www.nippon.com/ja/in-depth/a06002/> --- Nov.9, 2018

※ International student workers (most of them came from Asian countries)

Issue:

- Low income --- because limits of working time (less than 28 hours a week)

- Requirement of Japanese ability --- some of them must pay for a Japanese school.
- The school fees are expensive for them. --- the hardships of life. (They can't get enough money to live in Japan.)

V. An Amendment to the Law in 2019

Prime Minister Shinzo Abe said Japan wants to start accepting more foreign workers from April 2019 by introducing a new status of residence, as the country grapples with a serious labour crunch across a little over 10 industries, including construction, farming, shipbuilding, hotel and nursing care.

Prime Minister Abe said, “They are not immigrants”, “Permanent resident status will not be immediately granted to foreigners even if they are allowed to stay and work in the country based on proposed law revisions.”

Problems:

- This amendment to the law is rough. There are a lot of problems; we should discuss more. We need enough time to prepare to amend the law for foreign workers.
- These workers aren't allowed to bring their families from their country.
- They will not be able to stay in Japan beyond 5 (or 10) years.
- They are not permitted to get Japanese nationality.
- About their health insurance and the budget for it, etc.

VI. The United Church of Christ in Japan (UCCJ)

Reference: English pages are provided in these web sites.

The UCCJ the United Church of Christ in Japan
<http://uccj-e.org/>

KYOFUKAI Japan Christian Women's Organization Kyofukai
<http://en.kyofukai.jp/>

CMIM the Center for Minority Issues and Mission
<http://www.cmim.jp/eng/index.php>

>> The United Church of Christ in Japan (UCCJ=Kyodan)<<

- **HISTORY**

- 1859 The first Protestant missionaries arrived in Japan (13 years earlier in Okinawa).
- 1872 The first church, Nihon Kirisuto Kokai was established as an ecumenical church, when Christianity was still illegal.
- 1941 In response to Japan's "Religious Bodies Law", 34 Christian groups formed the Nihon Kirisuto Kyodan (The United Church of Christ in Japan).
- 1967 The Confession of Responsibility during the World War II was issued.
- 1967 A covenant was ratified between the Kyodan and three churches in Korea the Korean Methodist Church, the Presbyterian Church in the Republic of Korea, and the Presbyterian Church of Korea.
- 1985 The covenant between the Kyodan and the Presbyterian Church in Taiwan was revised.
- 1988 A covenant was ratified between the Kyodan and the Federation of Swiss Protestant Churches.
- 1992 The covenant between the Kyodan and the three churches in Korea was revised.
- 2008 Covenants were ratified between the Kyodan and the Presbyterian Church (U.S.A.) and the Reformed Church in America.
- 2018 The covenant between the Kyodan and the Minahasa.

- **STATISTICS**

Churches	1,711
Members	171,690
Pastor (Active Ministers) Ordained 1,790, Licensed 252,	
Total	2,042

- **Relationships with Asian Churches in Japan**

i. **Korea:** The UCCJ is in partnership with the Korean Christian Churches in Japan (KCCJ).

- * Special committees under the Executive Council Meeting of the UCCJ

- Committee on Kyodan-KCCJ Cooperative Ministries

- Special Committee on Korean Living Japan

1883 The KCCJ has been in Japan since 1883.

1941 In response to Japan's "Religious Bodies Law," 34 Christian groups including the KCCJ formed the Nihon Kirisuto Kyodan (The UCCJ).

1945 The KCCJ left from the UCCJ.

1984 A Covenant was ratified between the UCCJ and the KCCJ.

ii. **Taiwan:** There are some Taiwanese Christian Churches in Japan that belong to the UCCJ.

- Tokyo Taiwan Church since 1925

- Takadanobaba Taiwan Church since 1978

- Ikebukuro Taiwan Church since 1981

- Chiba Taiwan Church, since 1992

iii. **Indonesia:** The UCCJ and the Christian Evangelical Church in Minahasa (Gereja Masehi Injili di Minahasa – [GMIM]) entered into mutual mission agreement during the 41st General Assembly of the UCCJ held in Tokyo, Japan from 23 to 26 October 2018. This agreement was the result of past ten years of dialogue and cooperation. There are 4 GMIM

churches in Japan now. Most of these church congregations are “Nikkei” Indonesians. “Nikkei(日系) Indonesians” means Japanese migrants in Indonesia and their descendants. Indonesians from the Minahasa region started working in Japan mainly in the fishing industries for more than 90 years. The UCCJ has been sending missionaries to work in the area of the medical mission in the Minahasa region in the post-war period.

- **Center for Minority Issues and Mission (CMIM)**

The UCCJ is a member church of the CMIM

CMIM ACTIVITIES - OUR 4 PILLARS

Struggle Against Racism

Youth Programs

Spirituality of Reconciliation and Peace

Communications

Site: <http://www.cmim.jp/eng/index.php>

- **“GAIKI-KYO”**

GAIKI-KYO” is a Christian Liaison Council in Japan which demand to establish for a Residents Basic Law for Foreigners. They hope to create an environment that is hospitable to foreigners.

The UCCJ is a member of the council.

- **Reference Data**

Statistics on foreign residents by The Japanese Government on Dec.1, 2017.

The total number of foreign residents in Japan	3,179,313
from Asia	2,599,543
from Europe	122,788
from Africa	18,588
from North America	129,418
from South America	258,477
from Oceania	49,843
stateless	656

including for business, religion, medical work, study, profession, sports,
international marriage, etc. ---- Cf. the population of Japan in 2017 =
126,800,000

(a hundred twenty-six million and eight hundred thousand)

Conditions of Foreign Workers in Taiwan

Chang-Jung Chien

A.) History of PCTLCC

In September 1989, PCT established “The Presbyterian Church in Taiwan Labor Concern Center”. From the very beginning, local workers were the main subjects for caring. PCTLCC in 1998 transformed institutions to care for the foreign labourers’ situation and needs of service agencies and problems encountered by foreign workers in Taiwan, provided counseling and emergency shelter placement assistance service.

In 2009 the Centre found cases of labour exploitation and conditions of the victims of anti-trafficking law, but the limitation was that Act could not protect the interests of victims. Today, it has incorporated the spirit of this law in the world for the prevention of illicit trafficking and violation of human rights.

B.) Conditions of Foreign workers in Taiwan

- 1.) Taiwan government passed Employment Services Act to introduce migrant workers since 1992.
- 2.) Migrant workers are employed as manufacturing workers, construction workers, caretakers, domestic helpers, fisher people.
- 3.) In 2018, over 699,379 migrant workers from Thailand, Philippines, Indonesia, Vietnam, Malaysia and others are employed in Taiwan.

C.) Issues/Challenges Migrant workers face

- 1) Overtime work (12-14 hours/1 day) & no day off
- 2) Unreasonable reduction of wages
- 3) Overcharge brokerage fees (3000~6000 U.S.)
- 4) Illegal control & limited personal freedom
- 5) Employers or brokers detain workers’ credential (ex: passport, A.R.C, salary)

- 6) Sexual assault & abuse (household workers especially)
- 7) Unjustified repatriation

D.) Demand /Goals

1. Abolish the broker system and implement country-to-country direct hiring
2. Allow free transfer between employers
3. Eliminate the time limit
4. Include household workers under the Labor Standard Law

E.) How we support

The Presbyterian Church in Taiwan Labor Concern Center provides counseling and emergency shelter placement assistance service as follows:

- | | |
|--------------------------|-------------------------|
| 1) Consultation | 5) Education & Training |
| 2) Labour Relation | 6) Cultural Activity |
| 3) Legal Service | 7) Tour & Entertainment |
| 4) Medicine & Health Car | 8) Shelter & Settlement |

Labour Migration in the Arabian Gulf: Some Experiences

Solomon David, Dubai

International migration is one of the most ubiquitous realities in the Gulf states nowadays. In many ways, the inexhaustible availability of a foreign labour force has allowed the Gulf nations to become what they are today. Migration has been instrumental in nation-building processes in the Gulf. At the same time, the sheer scale of the phenomenon with foreign majorities in the workforce, as well as in total population of several states, is regarded as a challenge to nationhood.

At the other end of the migratory routes, for many countries of origin in South Asia, the Arab world and East Africa, migration to the Gulf is an integral part of the lives of tens of millions and a constitutive element of economies and societies.

Migration to Gulf countries (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and United Arab Emirates), and, to a lesser extent Jordan and Lebanon has provided countless jobs and generated billions of dollars in remittances for migrant workers and their families.

Around USD 109 billion was remitted from the Arab States region in 2017. By helping to solve the large labour shortages in countries particularly in the Gulf, migration can be a win-win for workers, employers and both countries of origin as well as countries of destination.

However, cases of exploitation by recruitment agents and employers often create considerable hardship for workers, and threaten to cause reputational damage to employers and countries of destination.

Policies on Inward Migration

Saving wages in order to remit money to families in the home country is the strongest and often sole motivation for expatriation. For this to happen, wages must be paid in full and on time. This is not always the case, however. Paying lower wages than mentioned in the contract and withholding wages are not uncommon practices among private employers in the Gulf.

With a view to counteracting such practices and protecting employees, several governments in the Gulf have taken measures to establish a Wage Protection System (WPS), requesting employers to pay employees by means of bank transfers. Assessing WPS programs recently put in place in five GCC states. While a WPS makes it possible to detect late payments, it is not yet adapted to counteract other fraudulent practices such as payments lesser than what the contract stipulates.

The sponsorship institution (kafala), which characterizes migration systems in the GCC and a few other Arab states, has for long been the subject of harsh criticism from human rights activists and labour rights defenders. More recently, it has also become a much-debated issue in GCC economic and political spheres, and reforming the kafala is now on the agenda of governments across the region.

Policies on Outward Migration

The Gulf countries receive a majority of migrants from two broad regions: Asia (including South and Southeast Asia) and several Arab countries, with a clear and persistent predominance of the former. Most of their emigrants are relatively low-skilled workers, and males constitute the bulk in all cases, except for Indonesia and the Philippines where more than half of all emigrants are female. They all perceive Gulf migration as an important solution to the problems of poverty, unemployment and

over-population in the home country, some defining it as “survival migration” for the families.

Among all the countries with migrants in the Gulf, India has the largest number. The expatriate Indians in the Gulf numbered about 8 million in 2016, accounting for about 40 per cent of the region’s labour force. Despite this visible presence in the Gulf, India does not have any exclusive policy for migrants going there, unlike some of the other Asian countries

The Philippines is another country with large numbers of workers in the Gulf, about 55 per cent being females in domestic service. The Philippines presents a contrast to other Asian countries in terms of having exceptionally vocal policies to protect their workers, especially the ones in domestic work. In addition to their stated policies, one mechanism of protection is the placement of civil servants in the Gulf countries to ensure the welfare of such workers.

Policies Assessment

One puzzling example is nationalization policies. Though a variety of policy measures have been put in place to increase the share of nationals in the workforce since the early 1990s, not only have these policies not curbed the dependency on migrant labour but the proportion of foreign nationals has continuously increased in all GCC labour markets. Differentials in wages favoring nationals over foreigners have been put forward as an important cause of the failure of such policies.

Moreover, policies on migration do not work in isolation but in combination with other policies in various sectors. On the one hand, legislations on the entry and stay of foreigners allow family reunification only above a given level of income, filtering migrants eligible to stay in the country on economic criteria de facto linked to education and skills. On the other hand, education policies have successfully fostered an extremely fast development of secondary and tertiary education among Gulf nationals. As

a result of these two policies, a particular segmentation of Gulf societies has emerged in which the working class has temporary residence while middle and upper classes, comprising both nationals and foreign nationals, are long-term or permanent residents.

Consequences in the Labour Importing States

Four major consequences of this flow to the eight Arab oil producers can be identified. The first follows from the fact that oil in itself generates almost no employment. The employment which these migrants take up is not in the oil industry.

The second consequence of these migrant flows for the oil producers follows from this; the boom is bound to be temporary, since oil is a limited resource and the activities encouraged by oil revenues are reliant upon the transient benefit of such funds.

The third consequence of the migration flow, which is the most immediate and striking, is the very high proportions of the work force and even of the total population made up by migrants. In Kuwait, Qatar and UAE, the migrants comprise more than half of the total population, immigrants make up over one third of the labor force.

Consequences in the Labour-Exporting Countries

The consequences of migration have been more serious, especially for the labour exporting states.

First, the oil states have succeeded in attracting skilled personnel who are in short supply in their own countries; these include teachers, doctors, building craftsmen, managers and engineers. The “brain drain” from Third World to First World economies applies even more devastatingly here for a wide range of skills called for by the oil-producing countries.

Second, serious consequence for the labor-exporting states is that the inflow of remittances helps to depress rather than promote their local production, by encouraging the importation of foreign goods and, more specifically, the importation of food over produce from home agriculture.

Third, by stimulating demand for limited supplies of land and by raising wages, remittances have provoked widespread inflation in some of the labor-exporting states. The overall effect of labor export has therefore been to depress local production, to reduce—through the loss of large numbers of skilled personnel—the countries' capacities to develop their own economies, and to increase dependency on external sources of finance, sources which are, at best, fluctuating and impossible to sustain.

Highly-Skilled Professionals in GCC: Migration Policies

Acquisition of oil wealth paved the way for large-scale socio-economic development projects in the GCC nations. These developments required a large workforce and resulted in a substantial influx of foreign workers. As these countries have increasingly embarked on more advanced development projects, the emphasis has shifted from low-skilled labour to a more medium- to highly-skilled foreign workforce.

Years of oil price boom enabled these countries to follow their allocated state model, whereby nationals performed mostly mediocre roles in the economy, largely occupying positions in the public sector, while the state relied excessively on foreign worker imports in both the skilled and unskilled sectors to support its economy. However, over the last few years, economic developments in this region, accelerated by the impact of falling oil prices, has forced these countries to put their labour force plans under scrutiny and re-evaluate their models so that they are in line with national economic diversification portfolios.

For several decades, highly-skilled migrants have contributed significantly to development in the GCC countries, yet there have not been many

analyses of this migrant community, and their relatively low numbers have further limited research. In recent years, the GCC countries have, however, adopted policies to reduce the influx of low-skilled and semi-skilled migrants and have instead shifted their focus towards attracting the highly-skilled. This is evident through the national visions of most GCC nations, which explicitly state that while they wish to reduce the numbers of low-skilled migrants, they wish to attract a sizeable portion of skilled foreigners and retain those who are most useful.

At the other end of the spectrum, these countries have also been tasked with promoting indigenous labour force participation and training the citizens to occupy positions currently occupied by foreigners. In the presence of such contradictory objectives, what remains unclear is the perspective the GCC countries will adopt towards these highly-skilled professionals in reality.

Irregular Migrants

There are different categories of irregular migrants in the UAE. The first category contains people who were illegally smuggled into the country. The second category contains people who entered the country on false passports. This could be someone else's passport or a newly faked one. The third category of irregular migrants includes those who overstayed their visa for different reasons:

- They overstayed their original visa term and have been unable to extend it
- They entered the country on visit or tourist visa and started to work without proper documents
- They changed employer without proper authorization or resigned from the job (changing employment without consent of original sponsor and authorities is illegal)

Social Obligations

Presently, most of the embassies, consular offices of different countries offer legal and immediate assistance to the distressed community. Several community associations are also extending some assistance to these workers at minimum possible level.

These helps are limited to not more than 5% of the problems. Government of India has established a welfare house in Dubai to meet the emergencies. Similar but not large scale is also initiated by Pakistan and Bangladesh consulates. Government of Dubai is also considering establishing strict procedures in enforcing and maintaining the wage protection system and camps in a livable conditions.

Christian Community's Role

Although some of the churches are very well established in UAE, only limited activities and assistance are offered to the labor migrant workers in UAE. Some of the churches and their organizations extend occasional assistance.

Unified efforts should be done by the Christian community to address the serious situation in the country. The possible assistance should be given to all irrespective of nationality, color and faith.

Community Centers should be established to address the immediate problems of the migrant workers spread in the camps.

Churches shall open a cell at the premises to console and assist these workers.

Conclusion

Facing growing pressure from international human rights organizations,

media and other groups, all GCC states have attempted to reform their kafala system. All these attempts were not only for improving the living and working conditions of migrant workers in the Gulf countries, but also to appease international critics' concerns about migrant workers' labour rights and human rights violations. The persistent and growing criticism and calls from these organizations to safeguard the rights of all migrant workers. In Dubai, many initiatives were launched for workers' support. In 2008, the Executive Council in Dubai established the Permanent Committee of Labour Affairs (hereon PCLA), under the Executive Council Resolution (3) for the year 2011. PCLA is a unique Dubai-based government entity comprising high ranking government officials from various departments including the General Directorate of Residency and Foreign Affairs in Dubai, Dubai Police, and Dubai Courts, among others. Its main focus is foreign workers' related issues, and its duties include: inspection of workplace and accommodation health and safety, investigation of company's contractual compliance, responding to and investigating labour complaints, launching humanitarian and healthcare programs for low-income workers, and promoting awareness and educational initiatives among workers and employers in Dubai.

Measures taken to Combat Discrimination in Bahrain

Soman Baby

1. The Government of Bahrain is committed to combat discrimination in the labour market. The Constitution of Bahrain affirms the equality and fair treatment of all people regardless of their sex, origin, language, religion or creed. Moreover, all labour legislations ensure equal treatment between males and females as well as between Bahraini and expatriate workers. There is no single clause which applies to one group of workers.
2. It is important to clarify that the four comments raised by the Committee of Experts (CEACR) are similar to those presented in previous reviews. CEACR's comments concern the effectiveness of legislation to provide the necessary protection for workers against discrimination, protection for expatriate workers, equality in the employment of women and the prohibition of sexual harassment in the Labour Law. However, it is important to note that CEACR does not explicitly state that discrimination is apparent in Bahrain.
3. Bahrain undertook a series of measures and initiatives to combat discrimination, including:
 - a. Expatriate workers have free mobility in Bahrain, they are able to change their employer, in accordance with the law.
 - b. Recently, Bahrain introduced the flexible work permit scheme, granting foreigners work permits without a sponsor, preserving labour rights and further protecting workers from any attempts of exploitation and trafficking, guaranteeing the worker's right to access to all forms of care and legal protection.
 - c. Bahrain adopted the national referral system to combat human trafficking. The system ensures that victims of human trafficking are identified and provided with all forms of support and protection, including shelter, medical treatment and legal advice.

- d. Bahrain allows all workers to benefit from the non-discriminatory unemployment insurance scheme. The purpose of the scheme is to provide a safety net in the form of financial assistance to workers during periods of unemployment.
- e. Bahrain protects the freedom of association and trade unionists. All workers, irrespective of their nationalities, have the right of representation in trade unions, to go on strike, defend their legitimate interests and to work full-time as a trade unionist. The law protects trade unionists from dismissal for reasons related to their trade union activities.
- f. The main provisions of the Labour Law apply to domestic workers, including the employment contract, protection of wages, annual leave, end of service indemnity and exemption from litigation fees.
- g. Bahrain offers a number of mechanisms to defend workers interests and rights at the workplace in both the private and public sector. These mechanisms include the access to file a complaint within the competent authority, the labour dispute settlement procedure and other easily accessible judicial processes. Along with that, the labour inspectorate at the Ministry of Labour and Social Development and the Labour Market Regulatory Authority (LMRA) are working on further enforcing labour legislations to protect labour rights.

4. CEASR recalled its concerns regarding the measures taken to raise awareness within the expatriate workers community. Multiple efforts were carried out in collaboration with the embassies of foreign sending countries. For example, the amnesty periods held regularly in Bahrain allow any worker in an irregular state to legalize his or hers status without any punitive actions. These amnesties have allowed for more than 50,000 workers to become regular workers and to be able to legally stay and work in Bahrain. Also, the LMRA provide a direct Call Centre with operators speaking more than six languages to receive complaints. The LMRA also allows expatriate workers to check their status through online

services, providing them with all the necessary details concerning their work permits. Furthermore, 200,000 leaflets were circulated among expatriates, outlining procedural guidelines and information about the labour system in Bahrain in 14 foreign languages. The LMRA also launched a program in collaboration with the police that was broadcasted on local radio to educate workers of their legal rights.

5. Regarding the prohibition of sexual harassment, CEASR stated the necessity of a definition and to explicitly prohibit such acts in the Labour Law. CEASR suggests that the current measures taken by Bahrain are enough to protect workers. Bahrain addressed sexual harassment in numerous pieces of legislation; notably the Labour Law and the Civil Service Law outlining the corresponding punitive actions. Sexual harassment is not a phenomenon in Bahrain. However, the Government is very keen to address such issue by providing strict measures.

6. CEASR included a comment regarding the status of women in Bahrain's labour market. It took positive note of all the efforts done by the Government to ensure equal opportunities and fair treatment. Currently, women share approximately 39% of the workforce in the private and the public sectors. In addition, 39% of the commercial establishments are owned by women. Women are also represented in the National Council (the Parliament) by 12%.

Oman is a destination and transit country for men and women, primarily from India, Pakistan, Bangladesh, Sri Lanka, the Philippines, and Indonesia, some of whom are subjected to trafficking in persons, specifically conditions indicative of forced labour. Most of these South and Southeast Asian migrants travel willingly to Oman with the expectation of employment in domestic service or as low-skilled workers in the country's construction, agriculture, or service sectors. Some of them subsequently face conditions indicative of forced labour, such as the withholding of passports and other restrictions on movement, non-payment of wages, long working hours without food or rest, threats, and physical or sexual abuse.

Protection

The Government of Oman made some progress protecting victims of human trafficking. Overall, the government continued to lack formal procedures to proactively identify victims of trafficking among all vulnerable groups, including migrants detained for immigration violations and women in prostitution. Omani authorities made some efforts, however, to identify victims among particular groups. For example, Ministry of Manpower (MOM) representatives interviewed all employees who ran away from sponsors to determine if they experienced a labour violation, and the MOM had a mechanism in place to identify trafficking victims as part of inspections of private companies. Immigration officials also interviewed all migrant workers leaving Oman to determine if there were outstanding labour complaints. However, it is unknown how many victims were identified using these methods.[1] Trafficking in Persons Report 2010 U.S. Department of State (June 14, 2010)

Trafficking Profile

As reported over the past five years, Oman is a destination and transit country for men and women, primarily from South and East Asia and East and North Africa, subjected to forced labour and, to a lesser extent, sex trafficking. Expatriate workers migrate to Oman willingly and legally with the expectation of employment in domestic service or in the construction, agricultural, and service sectors; some are subjected to conditions of forced labour, including excessive work hours, passport confiscation, and non-payment of wages, food deprivation, and psychological and sexual abuse. Oman's migrant worker community hails primarily from Bangladesh, India, Pakistan, Sri Lanka, and the Philippines. Male labourers transit Oman en route to the United Arab Emirates, where some are subjected to forced labour. Oman is a destination and transit country for some women from South Asia, North Africa, and East Africa who are exploited in sex trafficking, often by nationals of their own countries. Unscrupulous labour recruitment agencies in Oman and their sub-agents in

labour-sending countries, as well as labour brokers in neighboring countries, deceive some workers into accepting work that constitutes forced labour. Such dishonest agencies provide fraudulent employment contracts with fictitious wage rates and charge workers exorbitant recruitment fees with high interest rates. Employers sometimes compel the foreign worker to repay the hiring costs, such as recruitment fees, and are reluctant to release them until such costs are recouped. These practices can render workers vulnerable to trafficking. There have been anecdotal reports that female domestic workers from countries without a diplomatic presence in Oman are especially vulnerable to sex trafficking. Some Tanzanian women are susceptible to exploitative conditions working for Omani extended family members of Zanzibar-Tanzanian origin. Domestic workers who flee their employers are also vulnerable to forced prostitution.

Nationwide Campaign

“In the last 10 years, there has been an unprecedented rise in human trafficking globally, particularly sexual exploitation and forced labour. This represents a serious drawback in human progression,” said Hussein bin Ali Al Hilali, the Attorney General and Deputy Chairman of the NCCHT.

The campaign titled ‘Ehsan’ aims to raise awareness among the general public and seek their engagement in the government’s efforts to combat this heinous crime.

Headed by Sayyid Badr bin Hamed bin Humood Al Busaidi, Secretary General of the Ministry of Foreign Affairs, the campaign was launched on 16th October by Al Hilali.

The human trafficking campaign will be active for three months during which different communications tools will be used such as posters in different languages Arabic, English, Hindi, Bangla, Urdu, and Bahasa across Muscat, Muscat International Airport, and ROP centres, to help raise public awareness, targeting all nationalities and segments of the society, particularly the most vulnerable.

“We seek to educate the society about this crime and the wrong practices that may lead to criminal accountability and on the other hand, motivate people to play effective roles in combating human trafficking if and when they encounter it,” said Nasser Abdullah Al Riyami, Assistant Attorney General.

The campaign will contribute to the three Ps of combating trafficking in people: Prevention, Protection, and Prosecution.

‘Ehsan’* also targets various law enforcement personnel and first responders dealing with trafficking cases, through a number of workshops and briefing sessions.

“The Sultanate is not exempted from what is happening worldwide and that the eradication of this heinous crime is not only by criminalising it but by supporting the victims, providing them with psychological and social care, rehabilitating them to help restore trust in themselves and their communities as well as protecting them against any future vulnerability,” Al Hilali added.

Situation in Sultanate of Oman

Rev. Sambathini Sudhakar

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Trafficking Profile

As reported over the past five years, Oman is a destination and transit

country for men and women, primarily from South and East Asia and East and North Africa, subjected to forced labour and, to a lesser extent, sex trafficking. Expatriate workers migrate to Oman willingly and legally with the expectation of employment in domestic service or in the construction, agricultural, and service sectors; some are subjected to conditions of forced labour, including excessive work hours, passport confiscation, and non-payment of wages, food deprivation, and psychological and sexual abuse. Oman's migrant worker community hails primarily from Bangladesh, India, Pakistan, Sri Lanka, and the Philippines. Male labourers transit in Oman en route to the United Arab Emirates, where some are subjected to forced labour. Oman is a destination and transit country for some women from South Asia, North Africa, and East Africa who are exploited in sex trafficking, often by nationals of their own countries. Unscrupulous labour recruitment agencies in Oman and their sub-agents in labour-sending countries, as well as labour brokers in neighboring countries, deceive some workers into accepting work that constitutes forced labour. Such dishonest agencies provide fraudulent employment contracts with fictitious wage rates and charge workers exorbitant recruitment fees with high interest rates. Employers sometimes compel the foreign worker to repay the hiring costs, such as recruitment fees, and are reluctant to release them until such costs are recouped. These practices can render workers vulnerable to trafficking. There have been anecdotal reports that female domestic workers from countries without a diplomatic presence in Oman are especially vulnerable to sex trafficking. Some Tanzanian women are susceptible to exploitative conditions working for Omani extended family members of Zanzibar-Tanzanian origin. Domestic workers who flee their employers are also vulnerable to forced prostitution.

<https://www.state.gov/j/tip/rls/tiprpt/countries/2017/271257.htm>

A nationwide campaign to combat the global rise in human trafficking has been launched by the National Committee for Combating Human Trafficking (NCCHT).

“In the last 10 years, there has been an unprecedented rise in human traf-

ficking globally, particularly sexual exploitation and forced labour. This represents a serious drawback in human progression,” said Hussein bin Ali Al Hilali, the Attorney General and Deputy Chairman of the NCCHT.

The campaign titled ‘Ehsan’ aims to raise awareness among the general public and seek their engagement in the government’s efforts to combat this heinous crime.

Headed by Sayyid Badr bin Hamed bin Humood Al Busaidi, Secretary General of the Ministry of Foreign Affairs, the campaign was launched on 16th October by Al Hilali.

The human trafficking campaign will be active for three months during which different communications tools will be used such as posters in different languages Arabic, English, Hindi, Bangla, Urdu, and Bahasa across Muscat, Muscat International Airport, and ROP centres, to help raise public awareness, targeting all nationalities and segments of the society, particularly the most vulnerable.

“We seek to educate the society about this crime and the wrong practices that may lead to criminal accountability and on the other hand, motivate people to play effective roles in combating human trafficking if and when they encounter it,” said Nasser Abdullah Al Riyami, Assistant Attorney General.

The campaign will contribute to the three Ps of combating trafficking in people: Prevention, Protection, and Prosecution.

‘Ehsan’* also targets various law enforcement personnel and first responders dealing with trafficking cases, through a number of workshops and briefing sessions.

“The Sultanate is not exempted from what is happening worldwide and that the eradication of this heinous crime is not only by criminalising it

but by supporting the victims, providing them with psychological and social care, rehabilitating them to help restore trust in themselves and their communities as well as protecting them against any future vulnerability,” Al Hilali added.

<https://timesofoman.com/article/119519>

** Arabic term “” Perfection” or “ Excellence”” It is a matter of taking one’s inner faith and showing it in both deed and action, a sense of social responsibility borne from religious convictions*

Migration and Asian Diaspora in Saudi Arabia

Jiji Varghese

Saudi Arabia is branded as an ultra-conservative country by global as well as domestic media. However, Saudi Arabia hosts the largest number of migrants in the Gulf region. The Saudi labour market is considered the fourth largest in the world, where the number of domestic workers is about 2.3 million workers.

Trafficking, migration and labour exploitation are each related and dissimilar concepts. This creates some sort of conceptual confusion regarding the interrelation of labour migration.

Trafficking becomes even more confusing when issues of exploitation, migrant smuggling and consent are involved. Human trafficking often occurs within the context of migration—whether it is internal migration or international.

Since the time Saudi Arabia's economy started to grow in 1960's because of oil revenue, nationals of different countries flocked from all directions of the world to these states and continue to do so. Significant numbers of both those who enter in to the oil rich kingdom in regular and in an irregular way, equally face discrimination, exploitation, inhuman treatment and sometimes violence and even death.

A Glance on the Trafficking profile

As reported over the past few years, Saudi Arabia is a destination country for men and women subjected to forced labour and, to a lesser extent, forced prostitution. Men and women—primarily from South and South-east Asia and Africa—voluntarily migrate to Saudi Arabia to work in a variety of sectors, such as construction and domestic work, including

men who work in private residences as gardeners, handymen, and cleaners, or low-skilled laborers; some of these workers are subjected to forced labour. Some migrants are illegally recruited to work in Saudi Arabia and subsequently forced into domestic servitude and debt bondage.

The foreign worker population is the most vulnerable to trafficking in Saudi Arabia, particularly female domestic workers, due to their isolation inside private residences. An international organization estimated in 2013 that Saudi Arabia is one of the largest employers of domestic workers in the world, a sector with the highest average working hours.

Some domestic workers experience severe mental, physical, and sexual abuse by their employers. Non-payment of wages is the most common complaint from foreign workers in the Kingdom, while employers withholding workers' passports remains a significant problem.

Due to Saudi Arabia's requirement under its sponsorship, or kafala, system that foreign workers obtain permission from their employers for an exit visa to leave the country legally, some are forced to work for months or years beyond their contract term because their employers will not grant them permission for the visa. Although many migrant workers sign contracts with their employers, some report work conditions substantially different from those described in the contract; other workers never see a work contract at all. Some migrant workers voluntarily enter into illegal arrangements and pay a Saudi citizen to sponsor their residence permit while they seek freelance work, thus becoming vulnerable to possible extortion by their sponsors.

In previous years, criminal gangs subjected children from Yemen to forced labour as beggars and street vendors. Some migrants from Yemen and other parts of Africa entering Saudi Arabia illegally—sometimes with the help of smugglers—via the Yemeni border may be trafficking victims. Smuggling and trafficking operations, often involving organized crime networks of persons, from source, transit and destination states.

The Tiers classified as

Tier 1: Countries whose governments fully meet the Trafficking Victims Protection Act's (TVPA) minimum standards.

Tier 2: Countries whose governments do not fully meet the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards.

Tier 2 Watch List: Countries whose governments do not fully meet the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards AND:

- a) The absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- b) There is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or
- c) The determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.

Tier 3: Countries whose governments do not fully meet the minimum standards and are not making significant efforts to do so.

Saudi Arabia is in Tier 2 Watch List: Reasons

The Government of Saudi Arabia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so.

The government demonstrated significant efforts during the reporting period by adopting a written national anti-trafficking action plan for 2017-2020, and substantially increasing the budget for the permanent com-

mittee on combating trafficking in persons. The government convicted an increased number of traffickers compared to the previous reporting period, and it continued efforts to prevent trafficking. The government also continued to operate an anti-trafficking hotline, opened an improved “guest house” for female domestic workers to replace the previous facility in Riyadh, and conducted labour inspections across the country. However, the government did not demonstrate increasing efforts compared to the previous reporting period. Although the government identified at least 264 victims during the course of investigations in 2016, a decrease from the previous reporting period, capturing victim identification data continued to be a challenge for the government.

While the government continued to operate shelters for some vulnerable populations, its efforts to proactively identify and protect victims among illegal foreign migrants, female and male domestic workers, and women in prostitution remained uneven.

Because the government has devoted sufficient resources to a written plan that, if implemented, would constitute significant efforts to meet the minimum standards, Saudi Arabia was granted a waiver per the Trafficking Victims Protection Act from an otherwise required downgrade to Tier 3. Therefore, Saudi Arabia remained on the Tier 2 Watch List for a third consecutive year.

Recommendations for Saudi Arabia to be in Tire 2 or Tire 1

Continue efforts to prosecute, convict, punish, and stringently sentence trafficking offenders, including abusive employers, under the anti-trafficking law; reform the sponsorship system and ensure trafficking victims are able to pursue criminal cases against their employers in practice; vigorously investigate for potential trafficking crimes employers who withhold workers’ passports and wages and restrict workers’ movement, and adequately punish these employers under the anti-trafficking law; significantly improve efforts to ensure victims among vulnerable populations,

including domestic workers, illegal foreign migrants, male victims, and persons in prostitution, are not punished for acts committed as a direct result of being subjected to human trafficking; ensure victims of all forms of trafficking can seek assistance and protection services; implement an expanded formal victim identification mechanism to proactively identify trafficking victims among vulnerable populations; amend the law to provide extraterritorial authority to prosecute Saudi citizens engaged in sex tourism abroad; train government officials on identifying cases of sex trafficking; investigate, prosecute, and convict those who purchase commercial sex from children; and conduct country-wide public awareness campaigns on all forms of trafficking.

Prosecution Laws introduced in Saudi Arabia

The government has maintained its law enforcement efforts. The 2009 Anti-Trafficking in Persons Law establishes a system for combating human trafficking by defining and criminalizing all forms of human trafficking. The act prescribes punishments of up to 15 years imprisonment and financial penalties of up to one million Saudi Arabian riyal (SAR) (\$266,670), which may be increased under certain circumstances, including trafficking committed by an organized criminal group or against a woman, child, or person with disabilities. These penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The Council of Ministers' Decision 166, adopted in 2000, prohibits withholding workers' passports as a separate, lesser offense.

The government reported investigating through the bureau of investigations and public prosecution 264 human trafficking cases in 2016, which involved forced labour, practices "similar to slavery," sexual exploitation, and forced begging. Of these, it convicted 254 defendants under the anti-trafficking law, compared to 243 prosecutions and convictions in the previous reporting period. The government did not report the penalties imposed on the convicted traffickers or how many received prison sentences. The government did not report investigating potential trafficking

crimes involving employers or recruiters withholding foreign workers' wages or passports; however, anecdotal evidence suggested the government investigated and prosecuted allegations of such crimes as labour violations. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses. Because Saudi jurisprudence limits the jurisdiction of sharia law to Saudi Arabian territory, authorities did not investigate, prosecute, or convict Saudi nationals for crimes of commercial sex acts committed abroad, or report cooperating with law enforcement officials in countries, where alleged sexual exploitation occurred in 2016. The public security administration conducted several anti-trafficking trainings for officials in 2016.

Prevention/Pro-Active Measures by Saudi Arabia

The government increased efforts to prevent trafficking. The government continued to allocate substantial resources for its interagency anti-trafficking working group, and in January 2017, the government finalized a national anti-trafficking action plan, which outlined several anti-trafficking activities from 2017-2020. The government allocated 36 million SAR (\$9.6 million) to implement the action plan, a substantial increase from four million SAR (\$1.07 million) in 2015. The government continued to implement the wage protection system, which required employers to pay foreign workers through bank transfers, thereby allowing the MOLSD to ensure workers were paid appropriately. The MOLSD did not, however, effectively use this system to flag potential trafficking cases among foreign workers. The government did not take action to reduce the demand for commercial sex acts, but it made efforts to reduce the demand for forced labor. MOLSD continued to employ 1,000 labour inspectors, and during the reporting period, it canceled the licenses of seven recruitment companies, did not renew the licenses of six, and ordered 126 recruitment offices to cease the recruitment of domestic workers. MOLSD imposed fines on 829 work places violating the government's mid-day work ban during the summer months. The police continued to operate an

emergency number, which could refer potential trafficking victims to protection services.

The government reported that from September 2015 to September 2016, the hotline received 2,151 complaints; 1,411 of the complaints were resolved through mediation, investigation, or prosecution, and 740 were still in process in September 2016. MOLSD continued to operate a hotline to receive labour dispute complaints with operators that spoke a variety of migrant worker languages. The government did not report if any trafficking victims were identified through this hotline. MOLSD continued to distribute a guidebook to all migrant workers entering the country, which contained MOLSD's hotline number. The government continued to operate an online portal providing domestic workers and employers with information about their legal rights. During the reporting period, the government finalized domestic worker agreements with several countries, which aimed to protect workers' contracts with their employers. The government conducted multiple anti-trafficking public awareness campaigns in 2016. The government provided anti-trafficking training for its diplomatic personnel. The government did not have extraterritorial authority to prosecute Saudi citizens engaged in sex tourism abroad, and the government did not make efforts to discourage their citizens from engaging in child sex tourism.

Conclusion

Saudi Arabia is one of the largest labour markets in the world with 11 million foreign workers from more than 100 countries represented in many sectors and fields of work. Under Saudi Vision 2030, efforts were being aimed at making the labour market more attractive to foreign workers. The ministry has been working in coordination with the International Labour Organization (ILO) and other relevant bodies to develop laws that protect the rights of employers and workers and to curtail violations against migrant workers.

The MUSANED scheme is being introduced where foreign recruitments are processed through an electronic platform providing a variety of services, including e-contracting and e-Visas. The program facilitates recruitment procedures and safeguards the rights of concerned parties. Saudi Arabia is an active member of the ILO and its systems comply with the provisions of the international organization.

Considering the limitations in that land, the Body of Christ (CHURCH) should pray and get the guidance of Holy Spirit and act as guided by the Spirit of God. Stand united and work for the betterment of the aliens in trouble without any barriers. CCA should have a presence in the Gulf Countries and pass on information received from world media to the CCA in GCC as we have restricted media information.

Transnational Migration and Diaspora Congregations of the Indian Churches

Rev. Dr. Abraham Mathew

Migration - A closer look

Migration is commonly understood as movement of people from one place to another. All of human history has seen such movement across the world. The description of this movement as 'border crossing' or emigration is a relatively recent development. The word migration is widely used based on the concept of modern idea of nation- state which sets its premises within a geographical entity with territorial boundaries. In the world today, international migration is a restricted movement where the host country can dictate the quality and the quantity of migrants. The early attempt to address the issue of migration brought out many theories which mainly centered on economic aspect of migration. Ernest Ravenstein, a German- English geographer who is regarded as one of the earliest migration theorists, developed his "Laws of Migration" in 1889 seeing the movement of the people across the terrain as part of a single phenomenon of movement from country to town and from poorer to richer. For him "Migration means life and progress; a sedentary population stagnation."¹ His theory was eventually developed affirming migration as a process governed by a "push-pull" phenomenon that is, unfavorable conditions in one place (oppressive laws, heavy taxation, etc.) "push" people out, and favorable conditions in an external location "pull" them out.² The later developed segmented labour-market theory³ explains another nature of migration affirming migration as a required process for maintaining the structured nature of the first world economy. This theory primarily emerged as part of a critical stance to human capital theory. This analysis brings out the fact that migration is a necessary process by which the receiving nation and its economy will also benefit. Though these theories reduce migrant man as an 'economic man', these two early

views still influence both the migrants and the people of host countries in their value judgment of the other.

In today's globalized world where market has got an upper hand in the economical structures above even the nation state, we see market sponsored immigration. The recruitment of large numbers of skilled personnel from India in IT and Banking sectors is an example. The market is managed from a few urban cities in which banking, finance, professional service and high-tech productions are concentrated. These urban cities are considered as global cities where there is a huge demand for both educated, highly skilled workers and unskilled workers. This situation attracts people to leave their home country to the globalized urban cities for more than one reason. Along with monetary benefits they seek better opportunities to excel in their career. Modern living associated with endless supply of new goods coupled with a greater emphasis of 'personality' and presentation of self, attracts many to relocate themselves from their own country of origin.⁴ For some, an ambition to keep their children, who they consider as capital, in pace with the 'standard of global community', functions as a motivating factor of migration. Some others seek migration for their better livelihood. The ideological and cultural connectivity which is already established as part of marketing process through mass communication net-working gives enormous confidence to people even from remote villages to take the risk of leaving their homeland as part of constructing their own new identities. This process of dismantling one's own identity in the process of assembling new identities is observed by Zygmunt Bauman, a social thinker, as a characteristic of 'liquid society'.⁵

Liquid Life and Migrants.

According to Bauman the present-day society is 'liquid like'. It cannot stay on course because the modern society cannot keep its shape for long.⁶ It is consuming life by objectifying the world and all its animate and inanimate fragments.⁷ By giving a false hope of satisfaction through consumption, consumer society manages to render permanent 'non-satis-

faction.’⁸ However, the ‘liquid society’ exposes the possibility of dismantling their old identity to construct another through consumption. This option leads people to move away from their homeland in search of more money through which they think they can attain more purchasing power in the market. Since the consumer society offers multiple identities⁹, the choice to change identities depend upon the purchasing power of individuals. Many of the immigrants are caught up with this trend and hence try to achieve purchasing power to demonstrate their new identity in their home land or in their common gathering place. Those who fail to achieve this purchasing capacity will automatically be excluded even from the migrant society. This kind of exclusion from their homeland as well as from the land of work brings more disgrace to a migrant worker.

The globalized market, as transnational in nature, predicted the demise of nation state viewing the past as static and the present as fluid; the past contained homogenous cultures while we now live in a world of hybridity and complexity.¹⁰ Contrary to this prediction, we are witnessing the growing tendency to be more ‘ethno centric national’ in the wake of the failures of globalization proposals for better future. One of its expressions can be seen in the move to offer jobs only for the natives. After September 11, 2001 immigrants are described as potential security risks. The recent recession and job losses have caused a fear psychosis among the so called developed countries especially among the working class that they are in crisis mainly due to the immigrants. The political decisions taken by many of the developed nations to implement a cap on immigration can be seen in this background. If one senses that he or she can contribute to the continuation of some narratives of a social system or otherwise have a part to play within the given situation, then the innate human desire for significance can be satisfied. If that will not happen then we may continue to live within the given situation with grumbling, pampering our ‘nostalgic homesickness’.¹¹ This tension between being significant in the given situation and frustration with the situation shapes the identity of a migrant. They remain ‘in-between people’ as called by Homi K. Bhabha, an Indian English critical theorist.

Migration to Arabian Countries

The Arab State region is one of the main destination regions globally for migrants. India and the Gulf Cooperation Council (GCC that includes Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates) countries have age old relations. Indians going to those countries for business, work and other purposes have been a very old phenomenon. However, the flow of migrant workers to GCC countries is a post -1973 phenomena. The massive inflow of oil revenues consequent to the high rise in global oil price saw unprecedented level of economic development in these countries. In order to support such a development enormous man power was required. Since GCC countries could not find out their own labour force they welcomed the support of labour force from India and other surrounding countries. As Indians were not new to these lands, Indian workers also started migrating to these countries in search of employment and better life. Today Indians are present in each sector of economies of GCC countries. Millions of Indian migrant workers abound the GCC countries and contribute their bit in building those economies. However, this benefits them as well as the Indian economy.

Although GCC countries normally do not grant citizenship for people from other countries, the migrants continue to live in those countries mainly for their livelihood. There is a significant number of migrants who concentrate on business and other skilled labours; yet it is a fact that the majority are unskilled labourers and domestic workers mainly women. Both the skilled as well as the unskilled configure the faith communities in GCC countries. Many of the victims of class distinction in their home land used the purchasing capacity that they attained through their money power to dismantle their earlier identity and accepted new identities, and began to act as elites. Those who fail to achieve the purchasing capacity remain marginalized. This new class configuration brings lot of confusion within the migrant social system in which the unsatisfied migrant workers grumble silently or loudly against the systems which the elite interpret as rebellion.

Churches and Migrants

It is a fact that migrant Christian communities were eager to establish their own congregations in a foreign land. In Muslim dominated countries, they took extra risk to organize church members and mobilize their resources to build their own church buildings. Sociological reasons such as ‘nostalgic homesickness’ could be seen as a cause of establishing churches. In an alien land their churches became their centre for socialization process. It mainly gives a platform for people to link with each other. Apart from their socialization process, they find a sense of belonging in that country through their churches. Yet many are grumbling within their churches, either complaining against the elites within their churches who take control of the administration of their church or against the ecclesiastical authorities who make use of the exchange value as a source of income for different projects. With this introduction I would like to move to the mission of the church.

What is mission?

Defining mission is not an easy task due to its expressions in different forms in history and also with certain disgraces attached to this term. However, there is consent in the ecumenical circle that mission belongs to God and hence we are participants in mission in terms of the nature of mission which is now described as mission from ‘everywhere to everywhere’. Both these concepts in fact de-construct our traditional understanding of mission. Therefore, we understand that migrants have a specific mission mandate while we think about mission to migrants especially in the Arabian context.

The churches in Arabian countries are also not a so called ‘settled church’. They can be taken over or closed down by the authorities at any time. This temporary existence of churches in Arabian countries in fact provides ample opportunity for the mission of God. David J. Bosch, a missiologist rightly pointed out that mission emerges in a context where Church

faces crisis. An unsettled church with unsettled people is a typical biblical imagery in which the Biblical God journeyed with them. Celebrating our journey with an unsettled God is something that we need to achieve in these countries.

1. Re-drawing the boundaries of the church

The biblical Church is a migrant church which spreads from one place to another, expanding its scope from Jews to gentiles, men to women and Jerusalem to Judea and to the entire nation. This understanding does not minimize the reality that there are local cultures and their ethos influence the shape and nature of the Church. In order to counter local influences it is easy for us to be more ethnic or to be more regional in nature. Over-emphasis on ethnic character of the Church makes it more parochial in nature. Instead of being parochial and more ethnic we need to re-draw our boundaries. This will enable the Church to take up the issues of migrants irrespective of their religious, regional or racial affinities.

For example: there are different language speaking priests appointed by the same Church to take care of their members. It is definitely a good model yet the problem with this language centred Church groups is that they will only be interested to take care of the matters of ‘their own people’ that are more practical and relevant. While we appreciate the possibility of ethnic churches as a deterrent against many of the global virtues it will remain as a self centred club. Here the priests and parishioners have a responsibility to re-draw its boundaries to enable others to come in.

2. Church Becomes a place of Hospitality

Hospitality is proposed by many as a way to engage with Christian mission. Hospitality is not a harmless word as far as Jacques Derrida, a French philosopher and a critical theorist, is concerned. Interrogating the concept of hospitality, Derrida exposes the presence of hostility within

the word and concept of hospitality. By highlighting the etymological study of Benveniste (1969) who analysed 'hospitality' as being from a Latin root but derived from two proto Indo-European words that have the meanings of 'stranger', 'guest' and 'power' Derrida observed a little hostility in all hosting and hospitality. Therefore he coined the word 'hostipitality' saying that within any hospitality the host is showing off how much they own their guest without renouncing their mastery.¹² Derrida defined hospitality as inviting and welcoming the 'stranger'. This takes place on different levels: the personal level where the 'stranger' is welcomed into the home, and at the level of individual countries.¹³ In his discussions Derrida makes a distinction between unconditional hospitality and conditional hospitality. While the former is considered impossible the latter is easy and is the existing model.¹⁴

Therefore, achieving absolute hospitality is impossible for Derrida. In trying to imagine the extremes of hospitality to which no conditions are set, there is a realisation that unconditional hospitality can never be accomplished. There it remains not so much an ideal but an impossible ideal. The 'absolute hospitality' necessarily contains the concept of the other or foreigner within it because hospitality requires it. Derrida argues that hospitality is always conditional in the sense that the outsider or foreigner has to meet the criteria of the priori 'other'. Hospitality is not given to a guest who is absolutely unknown, because the host has no idea of how they would respond.

Absolute hospitality requires that I open up my home and that I give not only to the foreigner (provided with a family name, with the social status of being a foreigner, etc.), but to the absolute, unknown, anonymous other, and that I give place to them, that I let them come, that I let them arrive, and take place in the place I offer them, without asking of them either reciprocity (entering into a pact) or even their names. The law of absolute hospitality commands a break with hospitality by right, with law or justice as rights.¹⁵

Derrida observes that absolute hospitality requires the host to allow the guest to behave as they wish; there must be no pressure or obligation to behave in any particular manner. Absolute hospitality does not make a demand of the guest that would force them to reciprocate by imposing an obligation. What Derrida says could be held to imply that making a guest conform to any rules or norms is not good.

Within this juncture we need to evaluate how it is possible to extend hospitality in a context of Arabian Churches. Who are the hosts there? Since there are no settled Churches there the early immigrants are acting as settlers and as hosts where the late comers are always guests. As part of our mission expression the challenge before us is how we are able to extend genuine hospitality.

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 3. As an example see Michael J. Piore, *Birds of Passage: Migrant Labor and Industrial Societies*. (Cambridge: Cambridge University Press, 1979)
 4. Mike Featherstone, xviii
 5. Zygmunt Bauman, *Liquid Life*, (Cambridge: Polity, 2005)
 6. Zygmunt Bauman, *Liquid Life*, pp. 1-2
 7. Zygmunt Bauman, *Liquid Life*, p.9
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 13. Jacques Derrida, 'Hospitality', *Angelaki: Journal of the Theoretical Humanities*, Vol. 5 No. 3, 2000, pp 3-18.
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Filipino Migrant Workers in the Arabian Gulf

Alvaro Senturias

Introduction

A great majority of Filipinos have either close family members who are residing/working abroad or are related with families classified as Overseas Filipino Workers (OFW). Filipinos now work in practically all the countries of the world. There is a story that when the first spaceship landed on the moon there were Filipinos manning the moon station!

My involvement in work for migrants began in early 1990s when, as a resident of Geneva to accompany my wife who was working with the World Council of Churches, I was involved with the Commission for Filipino Migrant Workers based in the Netherlands. In Switzerland, through the Geneva Forum for Philippine Concerns, we helped Filipina domestic servants having escaped from their Arab employers vacationing in Switzerland. Naturally, these Filipino women lived in constant fear of the authorities and at one time while having a party with fellow Filipinos, they were raided by the police. Some jumped out of the two-level apartment and the rest were arrested. One of the ladies that jumped was treated at the hospital.

We had to negotiate with the Philippine embassy to work for the release of the others. One of them was detained longer and I visited him in a prison cell which nobody, I thought, could ever escape from!

Before my present assignment, I was Associate Pastor of the UCCP Cosmopolitan Church, where we related with and helped a number of our church goers who were either waiting for their assignments in the ships or for their departures for the Middle East and elsewhere or had just returned for a vacation with their families.

My latest engagement was an urgent request from someone who was hired to work as a manager in Kuwait. When she arrived in Kuwait, she was told there was no such job and was forced to do another work. She later got very sick so I intervened with the Philippine Secretary of Labour for the Embassy in Kuwait to help her. She was eventually treated at no cost to her and repatriated.

Responses of the Churches: Auspicious Beginnings

One of my tasks this afternoon is to report on responses of the churches particularly my church, the United Church of Christ in the Philippines or UCCP to the Asian Diaspora in the Arabian Gulf Region. It is enough though to say our church has responded in many ways through individual efforts but also formally and organizationally by sending pastors to Korea and Japan, for example, to do work not only among Filipino migrants but with all migrants in general. In Abu Dhabi we sent two UCCP pastors to do work among our members and other Christians who are desirous to enter into a relationship with us. In addition, the UCCP Bishop assigned to Southern Luzon and their local church leaders embarked on an ecumenical program to help departing and returning overseas Filipino workers. The UCCP also cooperates and works closely with Migrante International represented here by Mr. Lawrence Castillo as well as with the National Union of People's Lawyers in lobbying and providing legal assistance for specific cases of violations of the rights of migrant workers.

Gratitude for Help to Filipino Migrants

We thank all the host countries that provided and continue to provide work and relative comfort to our workers from the Philippines. Their collective contribution has kept the Philippine economy afloat and many lucky Filipinos live relatively good lives after paying for travel-related debts. The others were not lucky enough. We hope that working conditions in the receiving countries can continue to get better as were indicated in yesterday's reports. In the meantime, labour exporting countries

must try to resolve deep-seated root causes to our economic ills that drive our workers to work overseas in the first place.

Should migration continue? Should this be made a permanent policy?

The question we must ask is, when will this phenomenon of sending workers abroad end? Under martial law in the Philippines in the 1970s, it seemed the late President Marcos deliberately exported people to get rid of potential trouble makers for his dictatorial regime. But over time, the number of foreign workers grew and it seems they now play a most crucial role in the economy. Should this be the plight of underdeveloped countries for all time?

No development without peace and no peace without development;

In our country, a major reason for our underdevelopment is the state of rebellion which began in the middle of the last century and intensified in the late 60s. The peoples' democratic revolution waged by the Communist Party of the Philippines, the New People's Army and the National Democratic Front of the Philippines (CPP-NPA-NDFP) against the Government of the Republic of the Philippines (GRP) has lasted nearly 60 years now. In fact, it is the longest running communist rebellion in the world! Before the scrapping of the peace talks by President Duterte, the GRP and the NDFP were poised to sign an interim peace agreement which would have addressed issues such as genuine agrarian reform including the free distribution of land and nationalist industrialization. Perhaps one sure way of improving our economy is to put an end to this rebellion of the poor by solving the roots of the conflict.

In the Philippines and in other Asian countries perhaps, our first task is to do something about the unjust economic structures that prevent the development of peoples.

I venture to suggest that underdevelopment and abject poverty should not be our lot. We must liberate ourselves from the structures that oppress us.

We export human power because of the state of economic development of any country. We have underdevelopment because of the unjust economic structures that firmly put a grip on people's development. The Council of Bishops of the United Church of Christ in the Philippines reminds us that "Genuine peace comes when justice is served. For as long as peasants remain landless, for as long as labourers do not receive just wages, for as long as we are politically and economically dominated by foreign nations, for as long as we channel more money to the military than to basic social services, for as long as the causes of social unrest remain untouched, there can be no peace."

This statement by the UCCP Council of Bishops was issued in 1986. Nothing much has happened since then since the roots of the conflict remained un-addressed.

Building a Just and Peaceful Society: Key to End Unnecessary Migration.

In the recent Peace Summit of Ecumenical Church Leaders held in Cebu City from November 7 to 9, 2018 there was a call once again for peace talks to be resumed without pre-conditions. We pray that a planned meeting with ecumenical church leaders with President Rodrigo Roa Duterte will materialize soon or at least before the year ends so that the peace talks can continue and finally put an end to a long and grinding people's war.

I submit that one great step to solve the 'brain and brawn drain' (it is estimated that 5000 Filipinos leave for work abroad every day!!!) we have to resolve the long-running civil conflict that dissipates resources which can best be allocated for the building of schools and training and equipping of quality teachers to sharpen their intellect and those of their students. With the intended signing of the Comprehensive Agreement on Socio-Economic Reforms (CASER) between the GRP and the CPP-NPA-NDFP when the talks resume, followed by the unilateral and later

bilateral declaration of ceasefires, more resources can be devoted to social and economic services to improve the lives of the people and hopefully prevent the further hemorrhage of 'brain and brawn' from the Philippines. Therefore, the peace agreement coupled by other structural and political changes can bring about more justice, human development and an enduring peace for all.

List of Participants

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9	Chang-Jung Chien, Rev.
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11	Daniel Joseiah Joseph, Rev.
12	David Saerang, Mr.
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14	Faith Justice Sanchez, Ms.
15	G. John Roland, Rev.
16	Georgie Varghese, Rev.
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31	Melzar Labuntog, Bishop
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36	Renny Varghese, Rev.
37	Repelita Tambunan, Ms.
38	Rex Nathan, Rev.
39	Sambathini Sudhakar, Rev.
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42	Solomon David, Mr.
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