

**International Conference on Human Rights of Migrants
and Multicultural Society**
Dignity and Justice for All Migrants

Seoul, Korea
10–12 November 2008

Seoul Statement

The International Conference on Human Rights of Migrants and Multicultural Society—*Dignity and Justice for All Migrants* held in Seoul, Korea, 10-12 November 2008, was organized by the National Human Rights Commission of Korea (NHRCK) in consultation with the International Coordinating Committee (ICC) of National Institutions for the Promotion and Protection of Human Rights, the Asia Pacific Forum of National Human Rights Institutions (APF), and the Office of the United Nations High Commissioner for Human Rights (OHCHR) in commemoration of the 60th anniversary of the Universal Declaration of Human Rights.

As 2008 also marks the 60th anniversary of the founding of the Republic of Korea, the NHRCK is proud to have had this opportunity to bring together the participants at this special time. The Conference was devoted to the exchange of information, experiences, and good practices related to the promotion and protection of the rights of migrants in the emerging and established multicultural societies of Asia, including Korea.

The Conference brought together commissioners and senior staff members of eight NHRIs in Asia, human rights experts from Asia, Europe and the Americas, as well representatives from migrant communities and NGOs in Asia. The NHRIs represented included Indonesia, Korea, Malaysia, the Maldives, Mongolia, Nepal, the Philippines and Thailand. The participants held active discussions on issues related to human rights and multicultural society as those topics relate specifically to migrant issues and the challenges faced by NHRIs in developing good practices related to these issues.

These discussions took place in a Panel Format organized under the following topics: International Processes on the Rights of Migrants and NHRIs, Experiences of Migration and Multicultural Policy, Concepts and Policies on Migration and Multicultural Society, Migration and Multicultural Policy in Korea, and Practices and Lessons Learned for NHRIs in Asia. A main outcome of the Conference was the adoption of the *Seoul Guidelines on the Cooperation of NHRIs for the Promotion and Protection of Human Rights of Migrants in Asia*.

The key issues identified in the course of the deliberations of the Conference are as follows:

1. Migration is a global phenomenon shaped by wider economic, social and political processes. Hence, policy discussions about migration must be located within a normative framework that recognizes the full range of all human rights of all people.
2. Regional and sub-regional cooperation arrangements are vital in promoting human rights in advancing dignity and justice for all migrants. At the same time, it is also vital that all countries move toward ratifying the Convention on the Protection of the Rights of all Migrant Workers and their Families to ensure that national and regional policies are consistent with international standards. Countries of origin, transit and destination all have significant obligations toward the protection of rights of all migrants.
3. In Asia, cross-border mobility and migration have greatly increased. Across the region men, women and children migrate in search of livelihood and opportunities to escape impoverishment and all forms of deprivation. A large number of migrants are extremely vulnerable to human rights violations owing to their irregular status, whether they migrate in connection with employment, marriage or otherwise.
4. While several international forums have addressed the issue of the human rights of migrants, they are ultimately realized at the national level. NHRIs thus have a key role to play with respect to protecting and promoting the rights of migrants not only in terms of filling the domestic protection gaps but also in terms of serving as a critical link between migrant communities, the state and international human rights mechanisms. There have been many processes and initiatives across Asia on this subject but the challenges remain significant. Thus, a renewed commitment is required.
5. Migration gives rise to a range of civil, cultural, economic, political and social rights concerns of particular relevance not only to migrant communities themselves but also to the wider society in countries of origin, transit and destination.
6. Migrant communities; national, regional and international human rights mechanisms; governments and public authorities in countries of origin, transit and destination; private and public sector employers in the formal and non-formal sectors; and civil society organizations are important stakeholders in the process of securing migrant rights.
7. It is vital that the discourses around migration, including in forums such as the Global Forum on Migration and Development, are reoriented to ensure that they are more than just a negotiation between countries of origin and destination on the most effective global arrangements to meet market demands for supply of human resources. Such discourses lead to commoditization of migrant workers and pave the way for a range of human rights violations.

8. Migration as a phenomenon is intricately connected to patterns of economic development and availability of social opportunities in both countries of origin and destination. A very large number of migrant workers, owing to their poverty and disenfranchisement, and the gap in protection in countries of origin and destination, are often not subject to the protection of fair labour standards and are vulnerable to several forms of exploitation.
9. In many countries across Asia, contrary to international law, the immigration status of people tends to result in the denial of basic human rights. In particular, the criminalization of irregular workers including their arrest, detention and deportation without due process is widely prevalent. The situation of women migrants, including those who migrate as a result of transnational marriage, and children deserve particular attention in terms of their special vulnerability to discrimination and violence. Migrant workers are also vulnerable to high levels of discrimination and xenophobia due to prejudices, ignorance and other attitudes intolerant of difference and plurality.
10. Notwithstanding ASEAN initiatives, existing intergovernmental processes within Asia have failed thus far to effectively protect most migrant workers, especially irregular and women domestic workers, as they continue to lie outside of any effective human rights protection system. Migration policies of states need to be reoriented toward enabling protection of all migrant workers in order that they can contribute more effectively to society and the economy.
11. In many Asian countries, irregular migrant workers are criminalized, subjected to prolonged administrative detention and denied due process especially in determining whether they have been victims of human smuggling or trafficking. This makes it near impossible for irregular migrants to access basic health and welfare services.
12. Notwithstanding the near universal ratification of the UN Convention on the Rights of the Child in Asia, the dominant practice in many countries is to keep children of arrested migrants in overcrowded detention centers. The failure of host countries to register and issue birth certificates to the children of migrant workers creates a vicious cycle of stateless children living in a state of limbo.
13. The increasing spread of transnational crime, including the trafficking and smuggling of persons, poses a range of further challenges to migrants who are often victims of such organized crime. Trafficking and smuggling in persons poses significant challenges to states, national and international human rights actors, and civil society organizations.
14. The presence of conflicts and various forms of persecution have resulted in an increased flow of refugees and asylum seekers. Notwithstanding their distinct status in international human rights and humanitarian law, refugees and asylum seekers may face many of the same problems as other migrants do in terms of

accessing economic and social opportunities, as well as securing the protection of their civil, cultural and political rights.

15. International human rights law, particularly international human rights treaties, declarations, and standards set by treaty bodies and the work of special procedures, must be the fundamental starting point for addressing the challenges of the future, including the challenge of securing the protection of dignity and justice for all in the context of migration and its social and cultural impacts. These impacts are significant not just in countries of destination but also in countries of origin, which often witness important demographic changes that call for informed and concerted action to protect migrants and their families.
16. There is no “one size fits all” solution for managing the cultural diversity resulting from migration, a highly contested and evolving reality. Human rights and culture are not mutually exclusive. All actors, state and non-state, have a responsibility to give due recognition to all migrants as bearers of both culture and rights. To the extent that culture embodies similarities and difference, all societies embody diversity and pluralism. Cultural change is constant and migration contributes to cultural change and transformation in both countries of origin and destination.
17. Nevertheless, a human rights approach requires recognition of cultural diversity within the context of internationally recognized standards. The non-recognition of cultural difference and plurality, and demands for assimilation, can result in significant human rights violations. Prejudice and ignorance often fuel intolerance and acts of hate toward migrants. While legislative and policy measures are important to counter-act such attitudes, education and awareness-building to change attitudes are vital to achieving inclusion and acceptance.
18. The continued development of national human rights standards and the consistent application of human rights law by the state in a context of competing cultural identities can directly contribute to the expansion of national identity as experienced by local stakeholders. This expanded identity brings within its scope all ethno-cultural groups within the state’s jurisdiction, thereby contributing to the development of social and political cohesion in emerging multicultural societies. This expansion supports policies of cultural, economic and political justice not only between ethno-cultural groups but also within them.
19. A comprehensive, integrated and multi-treaty approach, applying the highest possible standards of human rights for migrant workers, including those in an irregular situation and women migrant domestic workers, is necessary to ensure the effective promotion and protection of the human rights of all migrants.
20. The further development of cooperative arrangements among the peoples, governments and institutions of the Asia-Pacific to protect the rights of all

migrants would further advance the realization of the vision of the Universal Declaration of Human Rights. To this end, the Conference adopted the **Seoul Guidelines on the Cooperation of NHRIs for the Promotion and Protection of Human Rights of Migrants in Asia.**

- End -