

SDG16 research project

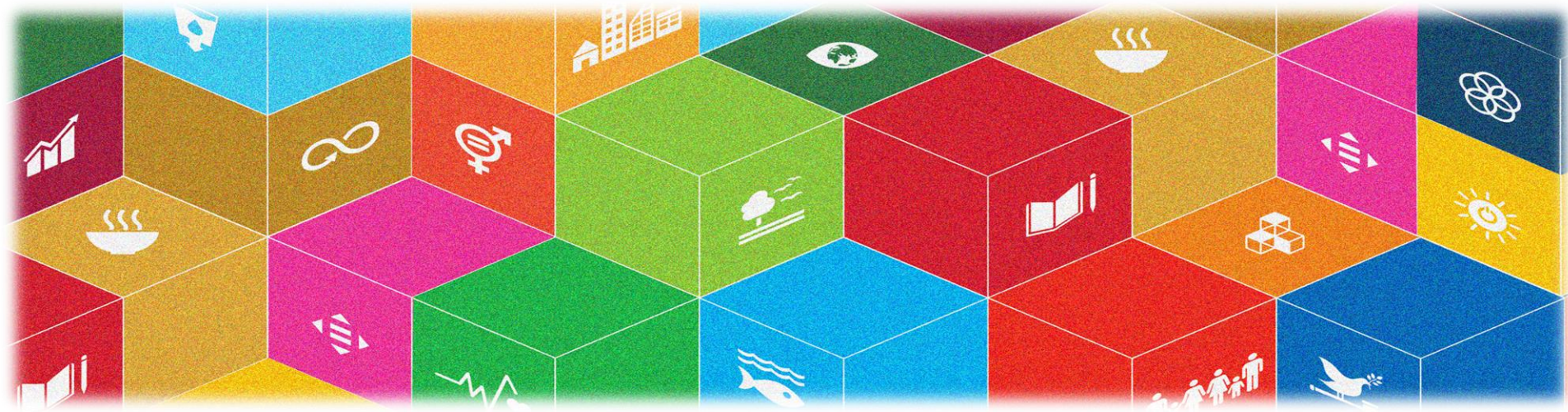
# Migrant Workers' Rights & Housing Justice for All

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# abstract

In the context where people on the move are increasing due to contemporary globalization, this study concerns migrant workers' right to adequate housing in Taiwan. The study uses the documentary research method, which begins with the evolution of migrant worker policy by reviewing the state and NGOs' parallel reports on the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). This is followed by an examination of the implementation of the policies through critiques and comments from relevant stakeholders, such as NGOs in Taiwan. In conclusion, this study recommends that the Taiwanese government amend the guest-worker program, fully commit to realizing its human rights obligations, provide effective remedies, and promote migrant workers' participation in decision-making. Doing so will enable Taiwan to further achieve relevant targets of Sustainable Development Goal 16 as well.





inadequate housing for migrant workers in Taiwan exposed during the COVID-19 pandemic time...



linking migrant workers' rights with SDG 16



**Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels**



# targeted stakeholders

## direct impact

Migrant workers  
Taiwanese government  
Employers  
Recruitment agencies

## indirect impact

Taiwanese local labors  
Migrant workers' national governments  
Migrant workers' families



# research method

This study reviews all documents regarding the implementation of the ICCPR and ICESCR, respectively, in 2013, 2017, and 2022:

- State reports
- NGOs' parallel/shadow reports
- International Review Committees' (IRC) lists of issues
- Replies from the government
- Parallel replies from NGOs
- IRC' s concluding observation and recommendations

This study also systematically covers the commentaries and critiques written and published by relevant NGOs through searches on their official websites:

- Covenants Watch (CW)
- Taiwan International Workers Alliance (TIWA)
- Amnesty International Taiwan

# research method

1

A search of keywords/phrases from the human rights reports and other NGO documents (2005 – 2022):

- “alien worker”
- “foreign worker”
- “migrant worker”
- “foreign labor”
- “housing”
- “accommodation”



Content analysis:

- 53 places in relevant reports
- 175 NGO documents

2

Contextual analysis – 2 major criteria for inclusion for review:

- It discusses migrant workers’ rights in Taiwan.
- It refers to one of the aspects of the right to adequate housing, defined by the UN Committee on Economic, Social and Cultural Rights (CESCR)



Findings:

- 11 places in relevant reports
- 39 NGO documents

# aspects of the right (CESCR GC No. 4)

In its GC No. 4, the CESCR identifies 7 aspects for consideration when a state respecting, protecting, and fulfilling the right to adequate housing in any particular context, including:

- Legal security of tenure
- Availability of services, materials, facilities, and infrastructure
- Affordability
- Habitability
- Accessibility
- Location
- Cultural adequacy





# findings

## Policies regarding migrant workers' right to adequate housing

Aspect of the right	State reports	Replies from the government
(a) Legal security of tenure tenure	<ol style="list-style-type: none"> <li>1. Implementation of the ICCPR, Initial Report, para 116</li> <li>2. Implementation of the ICESCR, Initial Report, paras. 98</li> <li>3-4. 2nd Report, paras 75, 77</li> <li>5-7. 3rd Report, paras 75, 77, 79</li> </ol>	<ol style="list-style-type: none"> <li>1. Replies to second list of issues from 3rd 3rd report of ICESCR, para 5</li> </ol>
(b) Availability of services, services, materials, facilities facilities & infrastructure	<ol style="list-style-type: none"> <li>1. Implementation of the ICESCR, Initial Report, para 98</li> <li>2. Implementation of the ICESCR, 2nd Report, para 77</li> <li>3. Implementation of the ICESCR, 3rd Report, para 75</li> </ol>	
(c) Affordability	<ol style="list-style-type: none"> <li>1. Implementation of the ICESCR, Initial Report, para 97</li> <li>2. Implementation of the ICESCR, 2nd Report, para 76</li> </ol>	
(d) Habitability	<ol style="list-style-type: none"> <li>1. Implementation of the ICESCR, Initial Report, para 98</li> <li>2. Implementation of the ICESCR, 2nd Report, para 77</li> <li>3. Implementation of the ICESCR, 3rd Report, para 75</li> </ol>	<ol style="list-style-type: none"> <li>2. Amnesty International Taiwan (2021).</li> </ol>
(e) Accessibility		
(f) Location		
(g) Cultural adequacy		

# findings

## NGO' s advocacy for migrant workers' right to adequate housing

Aspect of the right	NGO' s replies & parallel report	NGO documents
(a) Legal security of tenure	<ol style="list-style-type: none"> <li>1. 2021 Replies of Taiwan NGOs to ICCPR and ICESCR LOIs Q8.1</li> <li>2. 2021 Replies of Taiwan NGOs to ICCPR and ICESCR LOIs Q8.3</li> <li>3. 2020 Parallel Report, Para 569</li> <li>4. 2020 Parallel Report, Para 571</li> </ol>	<ol style="list-style-type: none"> <li>1. CW (2017) Press releases</li> <li>2. TIWA (2005) Foreign Labor Policy Symposium Paper Paper</li> <li>3. TIWA (2018a) Joint press release</li> <li>4. TIWA (2018b) MENT news</li> <li>5. TIWA (2018c) MENT news</li> <li>6. TIWA (2018d) News</li> <li>7. TIWA (2021) Press releases</li> </ol>
(b) Availability of services, materials, facilities & infrastructure infrastructure	<ol style="list-style-type: none"> <li>1. 2021 Replies of Taiwan NGOs to ICCPR and ICESCR LOIs Q8.2</li> </ol>	<ol style="list-style-type: none"> <li>1. TIWA (2005)</li> <li>2. TIWA (2017) News</li> <li>3-4. TIWA (2018a ; 2018e) Joint press release</li> <li>5. TIWA (2020) MENT press release</li> <li>6. TIWA (2021)</li> </ol>
(c) Affordability	<ol style="list-style-type: none"> <li>1. 2020 Parallel Report, Para 570</li> </ol>	<ol style="list-style-type: none"> <li>1. TIWA (2017)</li> </ol>
(d) Habitability	<ol style="list-style-type: none"> <li>1. 2021 Replies of Taiwan NGOs to ICCPR and ICESCR LOIs Q8.2</li> </ol>	<ol style="list-style-type: none"> <li>1. Amnesty International Taiwan (2021)</li> <li>2-3. TIWA (2005 ; 2017)</li> <li>4-7. TIWA (2018b ; 2018c ; 2018d ; 2018e)</li> <li>8. TIWA (2020 ; 2021)</li> </ol>
(e) Accessibility		
(f) Location		<ol style="list-style-type: none"> <li>1.-2. TIWA (2005 、 2017)</li> <li>3.-7. TIWA (2018a ; 2018b ; 2018c ; 2018d ; 2018e)</li> <li>8. TIWA (2020)</li> </ol>
(g) Cultural adequacy		

# summary of analysis

- NGOs pay much attention to the aspect of location, whereas the government doesn't, although it is legally obligated to.
- Compared to local and white-collar foreign workers, blue-collar migrant workers' right to adequate housing is largely unprotected.
- However, the Taiwanese government and NGOs have neglected the aspects of accessibility and cultural adequacy regarding migrant workers' right to housing.





# application & implications of SDG 16

**TARGET**

**16·6**



**DEVELOP EFFECTIVE,  
ACCOUNTABLE AND  
TRANSPARENT  
INSTITUTIONS**

**TARGET**

**16·7**



**ENSURE RESPONSIVE,  
INCLUSIVE AND  
REPRESENTATIVE  
DECISION-MAKING**

**TARGET**

**16·B**



**PROMOTE AND  
ENFORCE  
NON-DISCRIMINATORY  
LAWS AND POLICIES**

# conclusions

## Policy options & recommendations:

### • Legislation:

- Revise the “guest-worker” ideology and program in migrant worker policies.
- Clarify the legal status and significance of both ICCPR and ICESCR in Taiwan.
- Adopt a coherent, single instrument for equality and anti-discrimination law.

### • Policy implementation:

- Promote migrant workers’ participation and representation in the policymaking processes in which their rights and interests are affected.
- Actively address migrant workers’ rights concerns and provide effective remedies.
- Provide educational resources for employers and recruitment agencies.



# conclusions

## For Migrant workers:

- Enhancing the possibility of long-term settlement in Taiwan

## For Taiwanese government:

- A more active role at the institutional level
- Clearly defining the equality in rights and non-discrimination
- Addressing the societal problem of labor shortage

## For employers & Recruitment agencies:

- Preventing and reducing the violations of workers' rights.
- Avoiding tension with workers
- Better accountability

## For Taiwanese local labors:

- Increasing possibility of cooperation with migrant workers
- Solidarity between all blue-collar workers for better rights protection

## For migrant workers' national governments:

- Improving Taiwan's international image and friendship
- Reducing tension and potential dispute between states
- Strengthening diplomatic ties and bilateral collaboration

## For migrant workers' families:

- More reassuring and motivated to develop careers in Taiwan



# documentary data sources

## CW & AI TW

- (2016) **【新聞稿】** 給下一任新政府的人權備忘錄：國家人權行動計畫
- (2017) **【新聞稿】** 兩公約國家人權報告第二次國際審查《結論性意見與建議》發表會後記者會

## TIWA & MENT

- (2005) 外勞政策研討會論文《客工：移工處境的根源
- (2017) **【看見】** 被迫住在炸彈上的人們
- (2018a) 新聞稿 | 廠住分離毫無作為 移工性命岌岌可危
- (2018b) MENT新聞稿 | 移工廠住要分離 保命資訊要多語
- (2018c) MENT新聞稿 | 移工廠住未分離 執法怠惰無保障
- (2018d) **【看見】** 惡火的教訓——廠住要分離、資訊要多語
- (2018e) 聯合新聞稿 | 只求發展拚經濟，耗損環境賠人命：敬鵬大火聯合遊行新聞稿
- (2020) MENT新聞稿 | 廠住不分又三死 勞動部間接殺人
- (2021) 新聞稿 | 反對苗栗縣政府限制移工外出一線上記者會



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- Kim, Mason M.S. (2020). Governing at a Distance or at Arm' s Length: The Divergence of Labor Migration Policy in Taiwan and South Korea. *Taiwan Political Science Review*, 24(2): pp. 199-248.
- Lin, Liang-Jung (2014). The Rights and Social Security of “Foreign Labors (Guest Workers)” : Examination of Applications of Labor laws [我國「外勞(客工)」的勞動人權與社會保障：兼論勞保條例之適用與檢討]. *Taiwan International Law Quarterly*, 11(2): pp. 51-86.

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