



Draft Resolution
on
The Role of Parliamentarians on the Protection and Promotion of the
Rights of Migrant Workers in ASEAN

The Thirty Second General Assembly:

Reaffirming the Universal Declaration of Human Rights¹, the Convention on the Elimination of All Forms of Discrimination Against Women² and the UN Convention of all Migrant Workers;

Reaffirming further the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers adopted at the 12th ASEAN Summit on 13th January 2007 in Cebu, the Philippines and the Vientiane Action Programme (VAP) endorsed at the 10th ASEAN Summit in Vientiane, Lao PDR on 29 November 2004;

Recalling its Previous Resolutions on Protection on the Rights of Migrant Workers adopted by AIPO and AIPA General Assembly in 1994³, 1995⁴, 2003⁵, 2006⁶ 2007⁷ and 2009⁸ respectively have not been effectively implemented;

Acknowledging that migrant workers are an essential and inevitable component of the economic and social life of ASEAN Member States, and that orderly and properly managed migrant workers could be beneficial for both individuals and societies;

Bearing in mind that policies and initiatives on the issues of migrant workers in respective ASEAN Member States with the regard to providing more effective protection and promotion of the rights of migrant workers;

Reminding that the International Labor Organization (ILO) has placed standards stipulating the rights of migrant workers as fundamental principles and securing workers' rights, including that for migrant workers laid down in international labor instruments at all stages of the migration process, from pre-departure, during the journey, on arrival, during employment, on return, repatriation and reintegration;

¹ Resolution 217 A (III)

² United Nations, Treaty Series, Vol. 1249, No.20378

³ Res. 15GA/94/Res-S-6

⁴ Res. 16GA/95/34

⁵ Res.24GA/2003/Soc/04

⁶ Res.27GA/06/Soc/05

⁷ Res.28GA/2007/Soc/06

⁸ Res.30GA/2009/Soc/02

Recognizing that the said standards on migrant workers' rights promote opportunities for all men and women of working age to obtain decent and productive works in conditions of freedom, equity, security, and human dignity, with "decent work" meaning that they should be entitled to fundamental human rights, including the right to be protected against discrimination on the basis of sex, race, ethnicity, social origin, and religion;

Recognizing that migrant workers, particularly women and children are vulnerable to all forms of exploitation including sexual abuses, rapes and trafficking;

Being aware that despite the common concern shared by all parties (the sending, transit and the receiving countries) involved in the migration of workers, the problems emanating from the lack of ability to protect and to promote their rights among ASEAN Member States could amount to a larger scale of unresolved problems, which may affect the process of realization of the ASEAN Community by 2015;

Hereby Resolves to:

Encourage respective governments of ASEAN Member States to place adequate policies that promote safe migration and ensure migrant workers are being protected against all forms of exploitation;

Commit to work closely with governments and all relevant stakeholders to curb illegal recruitment and illegal placement of migrant workers, particularly through the passage of tougher measures to halt illegal acts by fraudulent recruitment agencies;

Commit further to enhance law enforcement that promote and protect the rights of migrant workers, and to improve the capacity of the authorities and legal agencies;

Call for the establishment of an AIPA Expert Working Group as an Ad-hoc committee that deals with the protection and promotion of the rights of migrant workers, which shall consist of parliamentarians. This Committee is authorized to seek for support and collaboration from international organizations, agencies, academics, catering to migrant worker issues and the representatives of migrant workers.

Entrust the AIPA Secretariat to establish the information center on migrant workers which will function as the sources of information on legal situation or policies on migrant workers of each country in the region and to enhance collaboration with the ASEAN Secretariat in the purpose of providing better understanding and knowledge on the aforementioned issues.

Encourage to speed up the establishment of ASEAN legal framework during the ASEAN Committee on Migrant Workers (ACMW) meeting that will be held in Jakarta 11-12 April 2011 on Protection and Promotion of the Rights of Migrant Workers as mandated by the Cebu Declaration on the Protection and Promotion of the Rights of Migrant Workers;

Recommend for adoption on the 23rd of September 2011 during the 32nd AIPA General Assembly, held in Phnom Penh, the Capital City of the Kingdom of Cambodia.

Endorsement of Resolution to AIPA by the
Asian Inter-Parliamentary Caucus on Labour Migration

Leading up to this year's meeting of the ASEAN Inter-Parliamentary Assembly in Phnom Penh, Cambodia, we, the Asian Inter-Parliamentary Caucus on Labour Migration commend the Cambodian delegation for taking the initiative to meet and formulate the draft resolution to be submitted to the AIPA, and we fully endorse the attached submission of the Cambodian delegation to the AIPA Committee on Social Matters.

Signed at Phnom Penh by:



Her Excellency Ms. Ho Naum
Cambodia



Her Excellency Mrs. Chuonh Sochhay
Cambodia



MP Ms. Sri Rahayu
Indonesia



MP Mrs. Bouaphanh Likaya
Lao



Professor Dr. Som Ock Kingsada
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Hon. Charles A. Santiago
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Senator S. Ramakrishnan
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Congressman Carlos M. Padilla
Philippines

Dr. Mayong Aguja
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Hon. Bui Sy Loi
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MP Shri Rudranarayan Pany
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Ms. Binda Pandey
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Mr. Padam Lal Bishwokarma
Nepal

17 September 2011