

Regional Workshop on
PARLIAMENTS, MIGRATION AND LABOR MARKETS IN ASEAN

1-2 August 2009
Siam City Hotel, Bangkok

RESOLUTION

WHEREAS migrant labor mobility is evident in globalization and economic integration, and Southeast Asia is one of the world's fastest growing regions with substantial flows of migrant workers both within and outside its regional borders;

WHEREAS mobility of migrant workers in the region have social, economic and development ramifications for the region;

WHEREAS labor migration has been perceived as a measure to alleviate poverty while it also provides a continuous flow of cheaper and flexible labour to fuel the expansion of economic activities;

WHEREAS labor laws and regulations in ASEAN countries may be inadequate or implemented inadequately to promote and protect the rights of all migrant workers and their families;

WHEREAS the lack of adequate protection of migrant workers has resulted in trafficking, exploitation, maltreatment, physical abuse, sexual harassment, rape, torture, or in worst cases, death; as well as sub-standard wages, forced overtime, inhuman working conditions, and living in fear of employers and local enforcement authorities;

WHEREAS there is an increasing feminization of migration – where more than half of all unskilled migrant workers are women; where migrant women have become breadwinners of families; where migrant women earn less than men but send a larger share of their earnings to their families; where unskilled migrant women face specific problems as a result of their gender; and where eighty per cent of the victims of human trafficking are women;

WHEREAS the lack of political will and the ambiguity in addressing migrant workers issues in both countries of origin and destination have undermined the interests and welfare of migrant workers and their families and communities;

WHEREAS we welcome the drafting of an ASEAN Framework Instrument that will greatly strengthen the existing migration infrastructure to ensure the protection and promotion of the rights of migrant workers and their families, and we recognize the

urgency to put the right to development at the heart of the migration and development discourse;

WHEREAS the ASEAN vision of an integrated, vibrant economic community by 2015 requires the removal of barriers to trade and mobility, which can negatively affect national labor markets in terms of wage pressures, increased flexibilization, employment losses and other such challenges to Governments;

WHEREAS, there is a need for ASEAN to adopt a development approach in creating a migration regime that successfully combines mobility and flexibility with social and human rights protection;

WHEREAS, further, we recall and build on the resolutions and principles adopted during the previous regional informal workshops,

THEREFORE, WE, THE MEMBERS OF PARLIAMENT PARTICIPATING IN THE “REGIONAL WORKSHOP ON PARLIAMENTS, MIGRATION AND LABOR MARKETS IN ASEAN,” HELD IN BANGKOK ON 1-2 AUGUST 2009, DO HEREBY RESOLVE:

1. To recommend to the ASEAN Inter-Parliamentary Assembly (AIPA) meeting in Pattaya on 3-5 August 2009 as well as the ASEAN member states the following:
 - a. To urge the fast-tracking of the process of drafting the ASEAN Instrument for the protection and promotion of the rights of migrants and their families such that a draft is submitted to the 15th ASEAN Summit in October 2009;
 - b. To ask the Drafting Committee to include the right to development and to take into consideration the conclusions of the World Commission on the Social Dimension of Globalization;
 - c. To put forward to the ASEAN Committee on Migrant Workers the following resolutions:
 - That the same Instrument, as well as Memoranda of Understandings (MOUs), should embody international standards that will create an enabling environment for the protection and promotion of migrants’ rights;
 - That the Instrument should have review and redress mechanisms, such as an annual report on the implementation of the Instrument, with a format and structure to include key issues and areas, mechanics of reporting and multiple sources of information;
 - That the Instrument be submitted to Parliaments for consideration.
 - d. To resolve that the ASEAN Intergovernmental Commission on Human Rights shall actively promote the Instrument;
 - e. To urge AIPA to request ASEAN to submit a status report on the progress made in the drafting of the ASEAN Instrument.

2. To create an ASEAN Inter-Parliamentary Caucus on Labor Migration which will:
 - a. Raise awareness among ourselves and our respective Parliaments on the potentials and possibilities of our roles at the regional level;
 - b. Conduct inter-parliamentarian visits as part of our oversight function, and in coordination with relevant line agencies of both countries of origin and destination in the implementation of the Instrument to monitor and call attention to the situation of migrant workers;
 - c. Conduct and/or commission exploratory research or studies on areas that directly impact the lives of migrant workers and their families in the region, such as but not limited to:
 - (Portable) social security;
 - Bilateral agreements, more specifically the Memorandum of Understandings (MoUs) that our governments enter into;
 - The role of employment agencies and labor brokers and their recruitment practices, such as Outsourcing and other arrangements;
 - The Harmonization of national regulatory frameworks on labor migration.
3. To continue dialogue and collaboration with civil society stakeholders including migrant workers and their families and media towards sharing of information and evidence-based advocacy, e.g., an overview of existing migration issues and policies within the region.

Participating Members of Parliament/ Representative of Congress

Indonesia	Mrs. Hetifah Sjaifudian, Member of Parliament, DPR
Laos	Dr. Bang On Sayarath MD, Member of Parliament The Lao National Assembly of Lao PDR
Laos	Prof. Dr. Som Ock Kingsada, Member of Parliament The Lao National Assembly of Lao PDR
Malaysia	Mr. Charles Santiago, Member of Parliament
Malaysia	Mr. Tian Chua, Member of Parliament
Philippines	Rep. Maria Isabelle Climaco, Congresswoman House of Representatives
Philippines	Rep. Magtanggol Gunigundo, Congressman Chairman Committee on Labor and Employment, House of Representatives
Philippines	Rep. Carlos Padilla, Congressman House of Representatives
Vietnam	Mr. Dang Nhu LOI, Member of Parliament, Deputy Head, Commission for Social Affairs, National Assembly