

PRESS STATEMENT

ASIAN INTER-PARLIAMENTARY CAUCUS ON LABOUR MIGRATION

“Advancing the Protection and Promotion of the Rights of Migrant Workers in Key Inter-Governmental Regional Processes: The Triple win for migrant workers”

8-9 November 2014, Kathmandu, Nepal

We, the members of the Asian Inter-Parliamentary Caucus on Labour Migration representing Bangladesh, Cambodia, India, Indonesia, Malaysia, Myanmar, Nepal, Pakistan, Philippines met on 8-9 November 2014 in Kathmandu, Nepal, for our 4th Annual Assembly.

Having recognized that South Asian Association Regional Cooperation (SAARC) countries have approximately 36 million South Asians currently living outside the region of their birth, and that migrant workers contribute to the growing economies of the region as well as to the curtailment of unemployment, reduction of poverty, and earning US\$ 118 billion in foreign exchange, **we call upon the SAARC governments to include labour migration in the SAARC Summit agenda.**

Specifically, we call the SAARC Summit to take into account the following issues which are a result of ongoing consultations among Members of Parliament, civil society, trade unions and other social movements to ensure that migrant workers are afforded with decent work, decent wages and decent life.

- 1. Establish regional mechanisms and agreements to further strengthen collaboration and governance on labour migration**

Recognizing that their citizens are often exploited at all stages of the migration process in the country of origin, transit and destination, the governments in the region have pursued bilateral agreements and Memorandums of Understanding (MoUs) to strengthen regulation and coordination of international labour migration. While these initiatives often represent an improvement over existing frameworks, the uneven bargaining power between labour-sending and labour-receiving countries has meant that such agreements are generally weak and do not guarantee key protection.

Oftentimes, bilateral agreements and negotiations even have led to unhealthy competition with employers and recruiters in the destination countries simply seeking workers from countries without such protections. In order to create a more equitable balance of bargaining power among governments and to avoid market pressures to maximize protection, there is a need for SAARC member countries to create a common framework in establishing regional standards on labour migration, to recognition of skills qualifications and competency standards, mainstream gender issues in policies, to develop mechanisms and programmes relating to migration, and prevent discrimination of rights for all workers, including migrant workers.

- 2. Expand the understanding of trafficking in the SAARC Convention on Preventing and Combating Trafficking of Women and Children for Prostitution, 2002 to include the increasing trend of labour trafficking from the region.**

SAARC should uphold Article II of the UN Convention to promote cooperation among Member States to effectively deal with various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking and prevent the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit as well as destination.

- 3. Strengthen legal mechanisms and measures to regulate and reform the recruitment industry.**

Governments should establish and promote investigative processes, legal mechanisms and prosecute violators including the State and to regulate recruitment of migrant workers and adopt mechanisms to eliminate recruitment malpractices through legal and valid contract, regulation and accreditation of recruitment agencies and employers, and blacklisting of negligent and unlawful agencies. Legal aid should also be readily available to the workers in the sending, transit, and receiving countries.

- 4. Allocate sufficient resources to strengthen the work of the missions in the destination countries and enhance the delivery of their programmes and services to migrant workers.**

In many cases, Missions in destination countries, can serve as the first line of contact for distressed migrant workers. Although their political mandate has yet to explicitly outline their duties to migrant workers in destination countries, they continue to serve as an important entity for migrant workers who require access to services, support, and in particular to get access to justice in times of distress. In the process of performing their duties and responsibilities, Missions encounter setbacks such as institutional and individual capacity, and human, and financial resources. These setbacks hinder the proper execution of their mandates and the sustainable implementation of programmes and services for migrant workers and members of their families, hence, the need to seriously look into this issue. Sending countries should initiate 'Post-Arrival Awareness Programmes', to create awareness among migrant workers of their rights in destination states, provide 24-hour hotlines, shelters, holistic repatriation programs & further enhance the capacity of the Mission staff.

- 5. Agree minimum standard for decent work employment including standardised contracts for migrant domestic workers.**

A standardised employment contract for migrant domestic workers is one tool for advocating for the protection of the rights and welfare of migrant domestic workers. The need to establish a model contract of employment for domestic work was made explicit in ILO Recommendation 201 on Decent Work for Domestic Workers; paragraph 6, no.3, 2011. A Standardised contract would reinforce the universal language of domestic workers; challenging the inherent social constructions of other titles that undermine the value of the worker and person.

- 6. Enhance transparency of Bilateral Labour Agreements (BLAs), Memorandums Of Understanding (MoUs) and relevant documents.** BLAs and MoUs signed with destination countries should be transparent and made public; statistics on movement of workers from sending and receiving countries should be made available. This process should involve Parliamentary Standing Committees at the national level. Stakeholders should be consulted in the formulation of MoUs, which should stipulate decent international labour standards with basic human rights including political rights of migrant workers, social protection, health services, and best practices in the governance of migrant labour. Information of the movement of workers should be made available to Parliamentarians, Civil Society Organisations (CSOs) and Non-Governmental Organisations (NGOs), media, researchers, and trade unions.

- 7. Call on the ASEAN Member States to include protection of migrant workers in its regional integration process of the ASEAN Economic Community (AEC).** In 2015, the ASEAN Economic Community will come into effect. In line with this, ASEAN Member States must involve labour migration and protection of workers in the AEC agenda, and include a social aspect for the rights of workers. In liberalising standards for economic cooperation, labour protection should be strengthened to prevent abuse of migrant workers and further institutionalise their socio-economic and political rights.

The ASEAN member states should strengthen their national legal mechanisms to provide protection for migrant workers.

The ASEAN member states must comply with the action plan under the “protection of the rights of migrant workers” and is contained in the roadmap for an ASEAN Community in 2009 – 2015.

- 8. The protection of workers’ rights should be the responsibility of all stakeholders.**

SAARC, ASEAN, and Gulf Cooperation Council (GCC) countries should be responsible and accountable to their workers and take the initiative every step of the way, to guard the rights of their workers as origin states, throughout the process until their workers are at the respective destination states. Migrant labor national policies should be coordinated with all member states of SAARC, neighboring countries and destination countries to guarantee workplace safety by upholding the fundamental rights of workers through the elimination of modern slavery.

- 9. Inclusion of civil society and trade unions in future SAARC Summit.**

Social dialogue with civil society and trade unions will help to ensure that policymakers are more informed on the realities on the ground and that governments and civil society groups exchange information on innovative programmes and services. Deeper consultation will assist governments to be more responsive to the concerns and priorities of migrants. Convenors of the SAARC Summit should increase opportunities for meaningful and regular social dialogue with migrants and migrants’ groups.

Signed by:

Hon. Israfil Alam, Bangladesh National Parliament

Hon. Mu Sochua, Cambodian National Assembly

Hon. Keo Phirum, Cambodia National Assembly

Hon. Rieke Pitaloka, Indonesia Parliament

Hon. Nihayatul Wafiroh, Indonesia Parliament

Hon. Rama Chandra Khuntia, Former Member of the Indian Parliament

Mr. Jay Jay Denis on behalf of Mr. Charles Santiago, Malaysia

Hon. Khin Saw Wai (F), Union Parliament of Myanmar

Hon. U Soe Win (M), Union Parliament of Myanmar

Hon. U Maung Maung Soe (M), Union Parliament of Myanmar

Hon. Nang Wah Nu, Union Parliament of Myanmar

Hon. Shanti Adhikari, Nepal Constituent Assembly

Hon. Surendra Prasad Chaudhary, Constituent Assembly of Nepal

Hon. Amir Magsi, National Assembly of Pakistan

Hon. Sabiha Nazir, National Assembly of Pakistan

Hon. Mian Imtiaz Ahmed, National Assembly of Pakistan

Mr. Carlo Angelo M. Vargas on behalf of Rep. Walden Bello, Philippines