



ASEAN TRADE UNION COUNCIL (ATUC)

TRADE UNION STATEMENT TO THE ASEAN FORUM ON MIGRANT LABOR

The ASEAN Trade Union Council (ATUC), the apex body of 18 national trade union centers and confederations in 9 ASEAN states, except Brunei, representing five million members, namely:

- Cambodia- Cambodia Confederation of Labour (CCL)
Cambodia Confederation of Trade Unions (CCTU)
Cambodia Union Federation (CUF)

- Indonesia - Confederation of Indonesian Trade Union (K-SPI/CITU)
Confederation of All Indonesian Trade Union (K-SPSI)
Confederation of Indonesia Prosperity Trade Union (K-SBSI)

- Lao PDR - Lao Federation of Trade Unions (LFTU)

- Malaysia - Malaysian Trades Union Congress (MTUC)

- Philippines - Trade Union Congress of the Philippines (TUCP)
Federation of Free Workers (FFW)

- Singapore - Singapore National Trades Union Congress (NTUC)

- Thailand - Labour Confederation of Thailand (LCT);
Thai Trade Union Congress (TTUC)
State Enterprises Workers' Relations Confederation (SERC)
National Congress of Private Industrial Employees (NCPE)

- Vietnam - Vietnam General Confederation of Labor (VGCL)

- Burma - Federation of Trade Unions-Burma (FTUB); and,

- Timor Leste - Timor Leste Trade Union Council (TLTUC)

- AWARE** That an ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers adopted in January 2007 strengthens the fundamental rights and basic freedoms of migrant workers in the ASEAN region;
- ELATED** At the adoption at the 100th International Labor Conference in June 2011 of the ILO Convention 189 on Decent Work for Domestic Workers and accompanying Recommendation No. 201;
- APPRECIATES** That the aforesaid ASEAN Declaration, together with the ASEAN Charter, provides a realistic and progressive focus to safeguard and protect migrant workers in the region;
- RECOGNIZES** That an ASEAN labor market characterized by strong flows of migrant workers and diversity in nationality composition and skills is developing in the region where, according to ILO estimates in 2007, about 40 per cent (approximately 5.3 million) of the 13.5 million ASEAN migrants, were “circulating” within the region;
- NOTES** That along with strong flows of migrant labor an increasing feminization of migration within the region exists as pointed out by ESCAP (2009) that women constitute majority of the “official labor outflows” – 83 percent of migrants from Indonesia and 60 per cent from the Philippines and if “irregular migrants” are factored in majority of migrant workers from Cambodia, Laos, Burma and Vietnam are female migrants;
- BELIEVES** That despite the existence ASEAN decisions such as the ASEAN Declaration and ASEAN Charter, on strengthening of migrant workers rights in the region, a big number of migrant workers continue to be victims of abuse, exploitation and conflict within the region not to mention the challenges faced by “irregular” or “undocumented” workers which does not bode well with the ASEAN’s vision of “ a caring and sharing community”;
- CONCERNED** That the lack of regional standards and clear rules extending uniform protection to migrants has become the formula for a “race to the bottom”, increases the vulnerability of migrants, is a bad basis for economic integration as it veers away from

ASEAN's program of community building, has a destabilizing effect on the prevailing industrial relations and economic system, job security and union stability and collective bargaining in ASEAN Member States;

LAMENTS

The absence of a substantive report on the implementation and enforcement of the ASEAN Declaration on the Rights of Migrant Workers and the continued inaction on the development of an "ASEAN Instrument on the Protection and Promotion of Migrant Workers' Rights " which is one of the important provisions of the Declaration;

INSISTS

That without the ASEAN Instrument on the Protection of Migrant Workers, the Declaration will be among the many statements that the ASEAN has adopted that have remained empty, not implemented and not properly adhered to by the Member States;

MAINTAINS

That trade unions play a key role in campaigning for good international standards and national legislation that respect human rights and to ensure that migrant workers' rights are universally protected. In some ASEAN countries, trade unions have facilitated integration and access to public services for migrant workers and their families; they have promoted decent work, unionization, equal treatment between local and migrant workers and work toward the elimination of all forms of discrimination;

APPALLED

At the continuing non-participation of trade unions in ASEAN mechanisms and processes;

STRONGLY PROPOSES

Immediate and speedy adoption of the ASEAN Instrument which should contain the following provisions:

- UN Declaration on Human Rights, UN Convention on the Elimination of All Forms of Discrimination Against Women and the UN Convention on the Rights of the Child.
- ILO Conventions dealing specifically with migrant rights – ILO Convention Nos. 97 --Migration for Employment Convention, 1949) and 143 --Migrant Workers (Supplementary) Convention, 1975.
- The creation of an ASEAN migrant information and data base with its hub in the ASEAN Headquarters in Jakarta

and with internet links with the different ASEAN labor ministries.

- Appointment of one of the ranking ASEAN officials, for example the ASEAN Secretary-General or one of his/her deputies, as the Lead Official in the ASEAN Programme on Migrant Rights, including the campaign against illegal recruitment and trafficking of migrants, the documentation and orderly repatriation/relocation of undocumented workers, and the necessary cooperative mechanisms between and among labor-receiving and labor-sending countries, including the setting up of counseling centers and halfway houses for the victims of trafficking, illegal recruitment and employer abuses.
- Reiterating the obligations of both labor-receiving and labor-sending countries as outlined in the Declaration and requiring member states to provide the ASEAN Secretariat and the general public information on their compliance regarding these obligations.
- Specify the duty of member states and their national Ministries of Labor to develop the appropriate binding instruments ‘on the protection and promotion of the rights of migrant workers’ as called for in paragraph 22 of the Declaration.
- ASEAN Member States should establish appropriate and accessible offices to handle migrant workers’ concerns and queries.
- Establish an ASEAN capacity-building program to assist member states in concluding bilateral cooperation programs on how to deal with migrant issues and concerns, in combating illegal recruitment, in promoting best practices in the management of migrant concerns, etc.
- the duty of the ASEAN Secretary-General to prepare an annual report to the ASEAN Leaders’ Summit as provided in the Declaration.

CALLS ON

The ASEAN to take immediate action on the following:

1. The recognition and accreditation of the ASEAN Trade Union Council (ATUC) as a dialogue partner in ASEAN related processes, programs and activities.
2. To constitute an ASEAN Tripartite Mechanism for the

preparation and development of the ASEAN Instrument on Migrant Workers, as well as other labor-related instruments and policies.

3. To ensure meaningful participation of trade unions, particularly ATUC, in the development of an ASEAN instrument on migration and in ASEAN mechanisms and processes
4. The ratification by the ASEAN governments of all the core ILO Conventions as well as migration-related Conventions and Recommendations, including ILO Convention 189, and ensure that their national labour laws, especially laws governing migrant workers, are harmonized with the standards contained in these ILO Conventions and Recommendations.
5. To urge member states to give priority focus to migrant workers concerns in Decent Work Country Programs.
6. The ASEAN Member States should establish appropriate and accessible offices to handle migrant workers' concerns and queries.
7. An ASEAN data base on migration should be set up by the ASEAN Secretariat immediately and should have internet links with the different ASEAN labor ministries and the public.
8. An "ASEAN Hotline" on Migrant Workers should also be set up, in conjunction with the ASEAN Declaration and the Foreign Ministers' Guidelines on Assistance to ASEAN nationals in crisis situations.

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Manila, Philippines