



Global Alliance Against Traffic in Women

The ASEAN Declaration makes a first step towards better protection for migrant workers

Bangkok, January 31, 2007

The *ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers* recognises the valuable contribution of migrant workers in the region and sets out basic human rights protections. GAATW is concerned, however, at its limited scope in effectively protecting migrant workers from exploitation and trafficking.

Among the documents agreed at the 12th Summit of the ten leaders of the Association of South East Asian Nations (ASEAN), held in Cebu (the Philippines) on January 13, 2007 is the Declaration on the Protection and Promotion of the Rights of Migrant Workers.

GAATW, whose partners and members advocating for migrants rights were involved in lobbying for the Declaration, commends ASEAN on achieving a document, which formally recognizes the contribution of migrant workers to the society and economy of both receiving and sending states. The Declaration makes strong statements on human rights and emphasizes the duty of origin states to provide economic opportunities and to protect their citizens (Article 12), and for destination countries to protect the labor rights of migrant workers (Article 5-10).

Closer reading of the Declaration reveals though that it is a statement of intent, rather than of legal substance. The Declaration is non-binding and any existing laws take priority over its terms (even, presumably if such laws violate human rights). It is also limited in scope - it covers only documented workers and only workers traveling within ASEAN countries. Undocumented workers and workers traveling to any other country in the world are explicitly not protected. The Declaration also avoids all mention of the 1990 Convention on the Rights of Migrant Workers and their Families (MWC).

GAATW is concerned that the Declaration is of very limited use when it comes to protecting women migrant workers from being trafficked. The only provision related to trafficking requires imposing harsher penalties on traffickers. To avoid women being forced into irregular channels and exploitation, the opening up of regular channels, the recognition of the human rights of workers in informal industries (where most women migrant workers are employed) and labour protection for undocumented migrant workers should be addressed.

However, GAATW still sees cause for hope. Any statement of principles, which includes non-discrimination, access to services and access to justice, labour protection and support of migrant workers by consulates, can be a basis for setting norms in the region. Even getting a human-rights based statement from ASEAN governments on such a thorny issue as migrant workers is an achievement. We urge governments now to bring these norms into their domestic legislation, and for NGOs to work together to utilize the reporting mechanism and continue to draw violations of migrant workers' rights to governments' attention.

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