

**Regional Civil Society Statement
on the Adoption of an ASEAN Instrument on the Protection and Promotion of the
Rights of Migrant Workers**

- I. We, representatives of the civil society, trade unions, and people's organizations of Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam, have gathered here today in Jakarta on the eighteenth of July two thousand and seventeen for the purpose of strengthening our common ground with a view towards the adoption of an ASEAN instrument on the protection and promotion of the rights of migrant workers;
- II. **Taking** the momentum of fifty years anniversary of ASEAN, ten years anniversary of ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (**Cebu Declaration**) and the upcoming 31st ASEAN Summit in November 2017 in the Philippines;
- III. **Applauding** the intention of ASEAN Member States through Cebu Declaration, has made a political commitment to protect migrant workers' rights and to promote decent, humane, productive, dignified and remunerative employment;
- IV. **Remembering** Article 4 of the ASEAN Human Rights Declaration on the rights of migrant workers and Article 22 of the Cebu Declaration that calls for the development of an ASEAN instrument to fully implement the principles of the Cebu Declaration;
- V. **Encouraged** by the Joint Communique of ASEAN leaders as the result of the 30th Summit in Manila, the Philippines on 29 April 2017 that tasked Labour Ministers of ASEAN member states to finalize an instrument on migrant workers to be adopted at the 31st ASEAN Summit in November 2017;
- VI. **Believing** that an ASEAN instrument on migrant workers is key to strengthen ASEAN political, economic, and social pillars of the ASEAN Community by promoting the full potential and dignity of migrant workers and their family members in a climate of freedom, equality, and stability;
- VII. **Recognizing** the United Nations Convention on the Elimination on Discrimination against Women (**CEDAW**), the United Nations Convention on the Rights of the Child (**CRC**), the United Nations Convention on the Rights of Persons with Disabilities;
- VIII. **Emphasizing** the need for the ASEAN instrument to be guided by international norms and standards embodied in the Universal Declaration of Human Rights and other international instruments including international human rights treaties, international humanitarian law treaties, and the International Labour Organization (**ILO**) core labour standards;
- IX. **Trusting** that the inclusion of and engagement with civil society, trade unions, and people's organizations is integral to the adherence to the purpose of ASEAN as stipulated in Article 1.13 of the ASEAN Charter 'to promote a people-oriented ASEAN, in which all sectors of the society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building';
- X. **Reiterating** the Philippines Chairman's Statement of the 30th ASEAN Summit on 29 April 2017 that defines 'a people-oriented and people-centered ASEAN' as one of the six

thematic priorities echoing Malaysia Chairman's Statement of the 27th ASEAN Summit on 21 November 2015;

- XI. We hereby submit and call upon ASEAN Member States to consider and adopt the following recommendations:
1. Adopt an agreement that protects migrant workers and their family members entitled '**ASEAN Instrument on the Protection and Promotion of the Rights of All Migrant Workers**' to ensure consistency with paragraph 22 of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers;
 2. Endow a legally binding nature over the aforementioned instrument in view of fully realizing the Cebu Declaration and implementing the General Principles articulated in the Cebu Declaration;
 3. Uphold full labour protection and human rights for all migrant workers regardless of their legal status;
 4. Uphold full labour protection and human rights for migrant youths between the age of 15 to 18 years old;
 5. Include family members of migrant workers within the ambit of the instrument;
 6. Include specific provisions to address the human rights of women migrant workers and domestic workers that are in line with CEDAW and the ILO Convention Number 189;
 7. Ensure that the plan of action is linked with the Sustainable Development Goals (SDGs), time-bound, measurable with clear goals, targets, and indicators, including mechanism for tracking monitoring and evaluation with a process that is transparent and inclusive of the civil society, trade unions, and people's organizations;
 8. Include the following items in the plan of action:
 - a. Programs for the realization of decent work for migrant workers especially migrant domestic workers, low-skilled migrant workers, and those in informal sectors as guaranteed under the four ILO pillars; (1) full and productive employment, (2) rights at work, (3) social protection, and (4) the promotion of social dialogue.
 - b. The implementation of the rights guaranteed under the eight core ILO conventions;
 - c. The implementation of the rights of migrant workers and their rights to all matters relating to marriage and family relations under Article 16(1) of CEDAW and the CRC on the rights of family members;
 - d. Meaningful and substantive participation of civil society, trade unions, and people's organizations in policy dialogue;
 - e. Sharing of information through various means of communications, providing consultations with the civil society, multiple stakeholders, and the public;
 - f. Measures for the protection of women and girl children, migrant workers from discrimination and gender-based violence.
 9. Include a mandate of formulating a peer-review mechanism among the ASEAN member states;

Done in Jakarta, Indonesia on this eighteenth day of July of two thousand and seventeen.

Endorsed by the following civil society:

1. Human Rights Working Group (HRWG), Indonesia
2. Solidaritas Perempuan (Women's Solidarity for Human Rights), Indonesia
3. Serikat Buruh Migran Indonesia (SBMI – Indonesian Migrant Workers Union), Indonesia
4. Jaringan Buruh Migran (Migrant Workers Network), Indonesia
5. Konfederasi Serikat Buruh Sejahtera Indonesia (KSBSI), Indonesia
6. LBH Jakarta (Jakarta Legal Aid), Indonesia
7. Migrant Care, Indonesia
8. Institute for Women's Empowerment (IWE), Indonesia
9. Brunei Council on Social Welfare, Brunei Darussalam
10. Center for Alliance of Labor and Human Rights (CENTRAL), Cambodia
11. Bar Council Migrants, Refugees and Immigration Affairs Committee, Malaysia
12. Migration Working Group, Malaysia
13. North South Initiative, Malaysia
14. Public Legal Aid Network (PLAN), Myanmar
15. Women's Legal and Human Rights Bureau, Philippines
16. Center for Migrant Advocacy, Philippines
17. Think Centre, Singapore
18. UNI Apro, Singapore
19. Human Rights and Development Foundation (HRDF), Thailand
20. Migrant Working Group, Thailand
21. Foundation for Women, Thailand
22. Task Force on ASEAN Migrant Workers
23. ASEAN Services Trade Union Council (ASETUC)