

Cambodia Working Group on ASEAN Migrant Workers

STATEMENT ON INTERNATIONAL MIGRANTS' DAY 18 December 2011

The United Nations' (UN) International Migrants Day is annually held on December 18 to recognize the efforts, contributions and rights of migrant workers. The IOM Annual report "estimated one billion people, a seventh of the world's population, have been on the move this year."

As we celebrate International Migrants Day, Cambodia Working Group on ASEAN Migrant Workers (CWG-AMW) invites the Royal Government of Cambodia and ASEAN Member States (AMS) to uphold the rights of all migrant workers.

Migrant workers contribute to the growth and development of ASEAN Member States (AMS). Yet Migrant Workers often suffer from poor working and living conditions, physical and psychological abuse, discrimination and racism, and some are even sold as a commodity to traffickers. Cambodian workers cheated by brokers are sold onto fishing boats.

The 23 November 2011 CWG-AMW Workshop on the Implementation of the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ADMW) involved over 80 participants including **31** civil society organisations (CSOs) working with migrant workers decided to celebrate this International Migrants Day.

We highlight key findings of the Workshop for the Royal Government of Cambodia that require response. Key areas and challenges for the protection and promotion of the rights of migrant workers from Cambodia:

Pre-Departure

Create more awareness on safe migration and protection against trafficking through:

- more effective dissemination of "Safe Migration" messages through mass media (television, radio, newspaper, posters, etc)
- provision of relevant technical skills training to potential migrants
- inclusion of knowledge of rights and protection mechanisms in pre-departure training in Cambodia and post-arrival orientation session in destination countries.

Recruitment practices

Ensure effective monitoring of recruitment agencies and recruitment practices to overcome:

- false and misleading advertisement
- private recruitment companies making potential workers sign contracts without the workers knowing the charges and fees that they will incur (leading to debt bondage)
- corrupt practices among recruitment agencies and inspecting officials.

Post-Arrival situations

Provide better government protection mechanisms in receiving country by:

- establishing labour attaché at the Cambodian Embassy in receiving countries to protect and provide services for migrant workers facing difficulties
- preventing migrant workers' passports from being taken away by employers

- ensuring that migrant workers are not forced to work more than 8-hours a day or 48 hours a week, and have rights to leave their working/living place on days off
- ensuring that migrant worker is entitled to 24 consecutive hours weekly time off
- providing complaint and redress mechanism

Policy and legislative frameworks

Provide Domestic Workers with recognition and protection under the Labour Laws of both countries of origin and destinations to overcome:

- limited capacity to enforce laws
- loopholes in existing laws and policies
- lack of political commitment and responsibility
- lack of health care
- lack of standard employment contracts
- lack of social security
- lack of protection for victims of trafficking

Better protect and promote the rights of the migrant workers

Cambodia should deliver comprehensive pre-departure education, not only on culture and social norms, but also on working and living conditions, laws and procedures, rights and responsibilities of migrant workers. The government should also take steps to effectively promote safe migration by using the following tools:

- Organising Training of Trainers, including recruitment agencies, to disseminate safe migration information
- Promoting safe migration based on real findings to the general public through TV, radio and social media

Civil society in Cambodia (trade unions, NGOs, workers' groups) should engage the government to implement legislation and policies, particularly to:

- conduct effective pre-departure training
- monitor, investigate and follow-up complaints on irregular recruitment practices
- suspend, punish, withdraw licence of recruitment agencies
- establish watchdog community groups
- bring legal cases to courts
- respect and observe ACRA's code of conduct
- review and update legislation
- better collaborate with CSO
- establish hotlines and inspection committee

Capacity Building of CSO

There is limited awareness of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and its related implementation process among CSOs in Cambodia. The CWG-AMW together with the Task Force on ASEAN Migrant Workers (TF-AMW) will build the capacity of CSOs to better engage with the MoLVT in protecting the rights of migrant workers by effectively implementing the civil society proposal on the ASEAN Framework Instrument on the protection and promotion of the rights of the migrant workers.

Engaging ACMW Cambodian Representative (MoLVT)

The Cambodian Working Group on ASEAN Migrant Workers will *engage* the ASEAN

Committee on Migrant Workers (ACMW) Cambodia Representative (MoLVT) on the drafting of the ASEAN Framework Instrument on the protection and promotion of the rights of migrant workers.

The Cambodian Working Group on ASEAN Migrant Workers will ***support and provide recommendations*** to MoLVT/ACMW on the drafting of the ASEAN Framework Instrument on the protection and promotion of the rights of the migrant workers.

Key principles of the TF-AMW Civil Society proposal:

1. ASEAN Framework Instrument shall be a legally binding agreement among all ASEAN states
2. All migrants in ASEAN shall be covered by the Framework Instrument, regardless of legal status
3. The protection of the rights of migrant workers is a joint responsibility of both sending and receiving states, and migration should benefit both receiving and sending countries
4. Non-discrimination and “national treatment” for migrant workers, and reduction of all forms of stigma faced by migrant workers and their families
5. Gender-sensitive policies, processes and practices on migration
6. Ratify all eight ILO Core Labour Standards (CLS), and ensure that their national labour laws, especially those laws governing migrant workers, are harmonized with the standards contained in those core ILO Conventions
7. Ratify key ILO conventions related to migration, specifically ILO Conventions 97 and 143, and the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
8. Cooperation with civil society in ASEAN

Migrants Workers' Rights

Today we call upon Cambodia and the ASEAN community to uphold ILO Core Labour Standards for all workers including migrant workers to form trade unions or join associations, to organize for collective bargaining, to be free from discrimination and forced labour. Migrant Workers could make positive contribution to development in countries of origin and countries of destination if they are protected by labour standards and rights. We call on all ASEAN Member Countries to ratify, uphold, and effectively implement the ILO Declaration Fundamental Principles and Rights at Work, and those ILO Conventions relevant to protect and provide decent work for migrant workers.

Protecting the Rights of Foreign Domestic Workers

Foreign domestic workers (FDWs) face a wide range of abuses including physical and sexual abuse, forced confinement, non-payment of wages, withholding of passports and other essential documents, denial of food and health care and excessive working hours with no rest days. Domestic workers must be recognized as workers under National Labour Law and provided with decent working and living conditions. Most ASEAN Member States (AMS) see domestic workers as informal sector workers. Domestic workers suffer from unfair and discriminatory policies. They are abused by employers and recruitment agencies.

Promoting the Positive Image of Migrant Workers: International Migrant Day

The 4th ASEAN Forum on Migrant Labour was held on 24-25 October 2011 in Bali, Indonesia. The Forum provided a platform for information sharing and exchange of views on the two enduring challenges identified in the ASEAN Declaration of the Protection and Promotion of the Rights of Migrant Workers: promoting understanding, rights and dignity of migrant workers in destination countries; and, increasing return and reintegration support, as well as development of sustainable alternatives to migrant workers in the countries of origin.

The Cambodian Working Group on ASEAN Migrant Workers will implement the positive image, rights and dignity of migrant workers through:

- disseminating factual information through the media and other channels on the contributions of migrant workers to the economy and society in destination countries (e.g. individual stories, economic and employment data, statistics on social impact) with the long term objective of promoting a positive image of migrant workers;
- joint efforts in ASEAN Member States to present a positive image of migrant workers with various stakeholders; e.g. migrant workers and their associations, academia, youth and student groups, tripartite parties, by using various means such as TV, commercials, exhibitions, radio talk shows, cultural performances, and the commemoration of International Migrants Day
- production of documents
- awareness raising for people in rural area
- information on radio & TV
- gathering of important information on migrant workers

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- CWDA
- SILAKA
- CCTU
- HCC
- CHRAC
- World Vision
- CLC_IDEA
- ADHOC
- CRS

- SACRED
- CLEC
- CLC_CFSWF
- Open Institute
- LSCW
- CWCC
- ACILS
- PCC
- Ponleu
- PSOD
- CWMO
- CCIM/VoD
- CCPCR
- HERKS
- Caritas Cambodia
- HAGAR