

JOINT STATEMENT

On

The Protection and Promotion of the Rights of Cambodian Women Migrant Workers

Phnom Penh, September 17, 2010

We, the representatives of an NGO coalition of more than 20 NGOs and associations working on migration, human rights, women's and children's rights in the Kingdom of Cambodia, hereby congratulate the Royal Government of Cambodia and the Association of Southeast Asian Nations (ASEAN) on having adopted the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers passed by the Heads of State/Government of the Member Countries of ASEAN on January 13, 2007 in Cebu, Philippines and on establishing the ASEAN Committee on Migrant Workers to develop ASEAN instruments for implementing this ASEAN Declaration. Cambodian civil society organizations would also like to praise the Royal Government of Cambodia for paying attention on the protection and promotion of the rights of migrant workers, developing migration policies and establishing an inter-ministerial working group on migration as well as for the amendment of the Subdecree No. 57 on the sending of Cambodian workers to work overseas, particularly for the recent crackdown on the recruitment agencies, which illegally detained workers.

However, the civil society organizations working on the fields of migration, human rights, women's and children's rights, remain greatly concerned over continued abuses against migrant workers, particularly women prior to the departure, after arrival and reintegration such as public document forgery, illegal confinement, creating the condition of being indebted to the recruitment agencies, making ambiguous and dishonest employment contracts or employment contracts inapplicable in the receiving country, lack of information on safe migration, involuntary HIV tests, discrimination against pregnant women, unreasonable withholding of salary, extreme working conditions (working long hours without break...), nonexistence of health and work insurance, restriction of freedom, lack of access to legal aid and other social services, deprivation of passport and other legal documents, language barriers, violence and discrimination of other forms etc.

Therefore, on the occasion of the ASEAN People's Forum, which will be held from September 24-26, 2010 in Hanoi, Vietnam, we, the civil society organizations, would like to present to the Royal Government of Cambodia as well as the ASEAN leaders the following recommendations:

Recommendations for the Royal Government of Cambodia

1. Expedite the amendment of the Subdecree No. 57 on the sending of migrant workers to work overseas in consultation with the civil society and implement migration policies effectively.
2. Negotiate with the governments of the receiving countries for the formulation of a standard employment contract applicable in the receiving country with clear provisions on working conditions (such as public holidays, maternity leave, annual leave etc.) and ensure basic workers' rights, and particularly incorporate the work of domestic helpers into the Labor Law.
3. Eliminate involuntary HIV/AIDS tests and discrimination against pregnancy.
4. Strengthen mechanisms to monitor policies, employment contracts, and procedures of the recruitment companies or agencies for recruiting Cambodian migrant workers to work overseas by clearly defining obligations and responsibilities of those recruitment agencies, which must be officially recognized by the Royal Government of Cambodia, particularly the Ministry of Labor and Vocational Training before they are allowed to implement any activities.
5. Set affordable fees for the preparation of travel documents for the departure to the receiving country.
6. Promote and create more local investment, and, particularly, create job opportunities for women to reduce migration and promote national economic development.
7. Provide pre-departure training to migrant workers, especially women, on basic labor rights and information on safe migration in collaboration with the civil society and other relevant institutions.
8. Genuinely punish any migrant worker recruitment agents who commit criminal acts such as confinement, causing injuries, physical and sexual abuses against women.
9. Establish a labor attaché at the Cambodian embassy in any receiving country and provide labor attaché officials and other government officials with training on migration and gender in order to protect and promote the rights of women migrant workers.

Recommendations for ASEAN and ASEAN member states

1. Fully implement the obligations to eliminate all forms of discrimination against women and formulate national laws and policies in conformity with the International Convention on the Elimination of All Forms of Discrimination against Women as well as the General Recommendation No. 26 of the Convention because all ASEAN member countries have already ratified the convention.
2. Develop an ASEAN legal instrument on the protection and promotion of the rights of migrant workers, particularly women working in various sectors such as domestic work and other informal work etc. without regard to their types of work.
3. Promote effective and full performance of the various committees established under the ASEAN framework, particularly ASEAN Committee on Migrant Workers and ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.
4. Establish a mechanism to receive and resolve complaints from migrant workers working the ASEAN region, especially when the regional economic integration comes in 2015.
5. Consider formulating an agreement on *“standard health insurance package”* to be provided by the receiving country (in collaboration with the sending country) in order to provide health insurance to migrant workers who are working in the receiving country, particularly women, which covers public health services such as prevention and treatment services, reproductive health and pregnancy medical checkups etc.
6. Stop the deprivation of passport or other official personal identification papers of legal migrant workers by the private company or receiver in the receiving country. If deprivation is necessary, the authorities must issue a card or other official personal ID papers to the workers for their free and uninterrupted movement.

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