



Resolution on Protection and Promotion of the Rights of Migrant Workers in Asia

10 December 2015

Resolution 201513

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We, members of the Asian Parliamentary Assembly,

Acknowledging that the development of migrant workers and the protection of their rights are in line with the principles of human rights and contribute to the development and promotion of friendly relations among countries;

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other relevant international instruments;

Noting that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Convention 97 on Migration for Employment, ILO Convention 143 on Migrant Workers (Supplementary Provision), established a broad legal framework for the protection of migrant workers;

Emphasizing the importance of ASEAN Declaration on the Protection and the Promotion of the Rights of Migrant Workers;

Acknowledging that the ratification of 8 ILO conventions, namely: Convention No 29, Convention No 87, Convention No 98, Convention No 100, Convention No 105, Convention No 111, Convention No 138, and Convention No 182 shall promote the protection of human rights of Asian Migrant Workers in various aspects, including the rights to work for migrants without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status;

Welcoming the adoption of ILO Convention Concerning Decent Work for Domestic Workers at the 100th International Labour Organization (ILO) Conference in Geneva, 2011 as a global recognition on the existence of domestic workers where many of them are migrants;

Underlining the importance of establishing a national legal framework as well as a broad legal framework for the protection of migrant workers and noting the legal and illegal status of different cases;

Deeply concerned with the precarious conditions faced by migrant workers such as human rights abuse, harassment and violence, discrimination, low pay and low status jobs, unpaid jobs, ignored labour and overwork;

Underlining the challenges that women migrant workers are facing such as forced confinement, low paying , non- payment, excessive working hours, physical limitations, and sexual harassment and abuse which can be the target of human trafficking and prostitution ;

Recognizing that unsettled status of immigrants prevents the establishment of conditions for full scale and comprehensive protection of their right by governments of destination countries;

Emphasizing that adaptation of labour immigrants to local conditions and working activity in destination states as well as integration into recipient society are important factors which contribute to more effective exercise of the rights of labour immigrants;

Acknowledging the contribution of migrant workers to the society and economy of both receiving and sending states and their share to the development and prosperity of the region;

Bearing in mind the importance of friendly relationships and cooperation among governments, parliaments and the peoples of Asia in solving the problems relating to Asian migrant workers; and in particular, providing repatriation assistance services such as coordination with families, airport assistance, domestic transport, temporary shelter, medical and rehabilitation services;

Recognizing the significant role of parliaments both in strengthening social and human rights policies, and in harmonizing an Asian approach for respecting fundamental human rights, and protecting the rights of migrant workers in Asia;

Confirming that providing enough measures on the protection and promotion of the rights of migrant workers in Asia is part of a shared responsibility among Asian Countries toward a common vision for security and prosperity which focused on the improvement of the quality of life of its people;

Call upon APA Member Parliaments to advise their respective governments, who have not yet done so, to consider accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families to stress Asian commitment on the protection of the rights of migrant workers and humanitarian issues in Asia;

Advise APA Member Parliaments to engage in the ratification process of the ILO Convention Concerning Decent Work in order to promote equal treatment and equal opportunity, and to protect the rights of domestic workers, where many of them are also migrants;

Call upon APA Member Parliaments to promote comprehensive legislative review and parliamentary role to enhance the protection of the rights of migrant workers as well as to harmonize actions to a better protection of migrant workers, especially women, made at the global and regional level into national legislation;

Request APA sending countries to provide migrant workers with adequate skills and knowledge in order to be able to fulfil their task and understand the culture, prevailing laws and regulation in the receiving countries;

Urge APA Member Parliaments to ensure that their domestic laws shall be fair and just, equally applicable to both migrant workers and citizens who violate the laws;

Encourage the promotion of bilateral and regional cooperation among countries in all areas and issues of migrant workers to maximize the potential benefits and minimize the negative impacts of migration;

Urge the respective States of the APA Member Parliaments to conduct bilateral, or regional agreements including Mandatory Consular Notification Agreement under the spirit of Vienna Convention on Consular Relations; whereby the sending countries are well informed on the legal problems faced by their migrant workers;

Emphasize the importance of involving civil society, non-government organizations, and increasing their opportunity for participation and interaction with stakeholders to develop better policies and supervise the implementation of regulations on migrant workers issues;

Recommend APA Member Parliaments to provide adequate information on regulation, legislation and policies related to migrant workers in their respective countries, and to share information and best practices as well as opportunities and challenges encountered by Asian countries in relation to the protection and promotion of migrant workers' rights and welfare;

Request the Secretary-General to coordinate with APA Member Parliaments on the progress to implement this resolution and submit a report thereon to the meeting of the Standing committee on Social and Cultural Affairs

