Asean Charter Skirts Rights for Migrant Workers

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A charter signed by the leaders of the Association of South East Asian Nations on Tuesday reiterates "commitment to community-building," but appears to have ignored some of the most vulnerable people in the region: migrant workers.

"We are most disappointed with the Asean Charter," Alexander Chandra, research associate of the Jakarta-based Institute for Global Justice told IPS.

"Burma is getting special attention and it is deflecting the broader issue of human rights in the region," added Jenina Joy Chavez, Philippines Programmes Coordinator of the Focus on the Global South.

"Asean (which groups Singapore, Malaysia, Thailand, Burma, Cambodia, Laos, Vietnam, Brunei, the Philppines and Indonesia) needs to be open about the treatment of their own migrant workers across borders," noted William Gois from Migrant Forum Asia.

Several Asean member countries are among the top exporters of unskilled labour. The Philippines tops the list with over five million of its people working overseas. Indonesia has over two million, Vietnam about 1.2 million, Thailand about half a million and Vietnam about the same.

Thailand, on the other hand, hosts well over 1.6 million unskilled migrant workers who have mainly crossed the border from Burma, Laos or Cambodia. Malaysia has about 1.5 million mostly from Indonesia and Thailand, and Singapore hosts over 600,000 unskilled labourers, with a significant number of them coming from the Philippines, Indonesia, Thailand and Burma.

While millions of fellow Asean citizens cross the borders to work as unskilled labour in such areas as construction, street cleaning, domestic work and as farm hands, the local labour laws usually do not cover them. Thus, they become vulnerable to exploitation by unscrupulous employers and employment agencies.

The Asean Charter signed by all the ten leaders of the regional grouping, has 13 chapters, 55 articles and 4 annexes, and it was drafted by a high level task force consisting of one member from each country.

Article 14 of the Charter provides for the establishment of an Asean human rights body as a new organ of the organisation. The terms of reference of this new body, will be decided by an Asean Foreign Ministers Meeting at a later date.

"Asean is moving from being State-centric to be more people-oriented. At least 10 of the 15 stated purposes of Asean in Chapter 1 concern the livelihood and well-being of peoples in Asean" noted the Asean Secretariat in a statement issued here.

"One of the biggest disappointments (of the Charter) is there's nothing at all in recognising the rights of migrant labour," laments Chavez. "Charter talks about freer movement of labour but not

their rights".

While unskilled migrant labour constitutes the bulk of labour flows in the region, she believes that when Asean leaders talk about free movement of labour they are usually referring to professionals not (unskilled) migrant labour.

When asked why the Philippines has not pushed for a specific reference to migrant labour rights in the human rights article of the Asean Charter, Ignacio Bunye, press secretary to President Gloria Arroyo told IPS that the "Charter is a general document (and) it is not expected to have all details; otherwise you will have a very large document". However he expected that the Charter will provide the framework for discussions of these issues later.

Chandra says that when it comes to tackling the exploitation and vulnerability of migrant labourers in the region, even Indonesia makes similar arguments. "Migrant labour is a major contributor to our economy. We get their money (remittances) but no protection is given to them. When problems come up, it is taken on a bilateral basis and this is no good. We need a strong regional governance mechanism to protect the rights of migrant workers," he argues.

Gois says that the recent cases of harassment of Indonesian migrant workers in Malaysia made a mockery of the Asean Charter's stated commitment to the wellbeing of its people. "Take Malaysia, you have RELA (Malaysia's controversial baton-wielding volunteer reserve force) which is cracking down on migrant workers. They were paid for each migrant worker rounded up, which became an excuse for these peoples' volunteer corps to go around to areas where migrant workers were and ransack their houses and property, indiscriminately taking away their documents," he noted.

Gois also added that his organisation had similar reports from Thailand, where in13 provinces migrant workers have become a security issue. "They are not allowed to use mobile phones and have curfew on them at nights as if they are such a threat to the population, which is not true," he told IPS.

Charm Tong, a Burmese who works with the Shan Women's Action Network across the border in Thailand says that there's about 158,000 Burmese refugees in Thailand and at least 1.5 million—mostly undocumented—migrant workers are engaged in all sort of work.

"The Charter has nothing in it to protect these people," she notes, adding that the Thai government recently introduced registration for migrant workers from Burma and Cambodia to register and work legally, but it costs about 4,000 Bahts (100 US dollars) to do so. "Most migrants get very little pay for their work, so they can't pay that".

"We have called for some kind of protection for migrant worker rights" said Gois. "Domestic work is not recognised as work, the excuse is that it falls under private domain of household. Therefore it doesn't fall under common labour laws".

"Withholding of passports and pay (of domestic migrant workers) are what the ILO (International Labour Organisation) calls new forms of slavery and this is practiced within the region" claims Gois. "Asean need to be open about this—especially when it starts calling itself a caring and sharing community".

P.S.

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http://www.irrawaddy.org/article.php?art_id=9376

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