



## **Draft Resolution on Protection and Promotion of the Rights of Migrant Workers in Asia (Deferred)**

SC- Social/ Draft Res/2018/Def  
5 October, 2018

Members of the Asian Parliamentary Assembly representing signatory states who are parties to the relevant international conventions and agreements;

**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 to which the States members of the Asian Parliamentary Assembly are parties;

**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; (Russia)

**Taking note** of the importance of ASEAN Declaration on the Protection and the Promotion of the Rights of Migrant Workers;

**Acknowledging** the significance of ILO Conventions concerning the protection of the rights of migrant workers as well as UN Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime – 2000 in promoting human rights of Asian migrant workers without prejudice to their sex, race, language, religion, nationality, or ethnic origin;

**Noting** 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, and overwork;

*Underlining* the challenges that women migrant workers are facing such as forced confinement, low pay, non-payment, excessive working hours, physically strenuous activities and sexual harassment and abuse, human trafficking and migrant smuggling, 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 sending and receiving 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 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 input 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 on protecting the human rights of migrant workers in Asia;

*Confirming* that providing adequate measures on the protection and promotion of the rights of migrant workers in Asia ~~is part of a shared responsibility among Asian Countries~~ **(is of critical importance for Asian countries)** toward a common vision for security and prosperity, which focused on the improvement of the quality of life of its people; **(Russia)**

*Concerned* with the mass exodus of people who have tried to flee from their homelands in Asia to some European countries, due to lack or deficiency of security, food, health service, accommodation, employment and so forth; many of whom are young migrant workers;

~~Noting with great concern that ethnic and other forms of intolerance are the major causes of forced migration;(India)~~

1. **Encourage** APA Member Parliaments 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;

2. **Call upon** APA Member Parliaments to enhance and harmonize their actions towards a better protection of migrant workers, especially women and children;
3. **Request** APA sending countries to provide migrant workers with adequate skills and knowledge in order to be able to fulfill their task and understand the culture, prevailing laws and regulation in the receiving countries;
4. **Emphasizing that the APA Member States should facilitate education, (~~Emphasizing that Urge the APA Member States should to facilitate – India~~)(Encourage the APA Member States to consider facilitation of education – Russia) vocational training for migrant labor forces so that those migrant workers can integrate into the receiving country, ensuring their life and contributing to socio-economic development, stability and security in every country; (Viet Nam)**
5. **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;
6. **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;
7. **Encourage** the respective States of the APA Member Parliaments to consider bilateral, or regional agreements ~~including Mandatory Consular Notification Agreement~~ **providing mandatory consular notification obligation** 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; **(Russia)**
8. **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;
9. **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;
10. **Urge** the APA relevant member countries to promote fair and proper working conditions, proper minimum wages, and adequate access to decent living conditions for migrant workers.

11. **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.