**CSO Forum on the Protection of the Rights of Migrant Workers in the**

**Context of Labour Migration**

18 December 2015, Sunway Hotel

Phnom Penh, Cambodia

**REPORT**

**Background**

Cambodia plays a very significant role as a country of origin and destination in terms of migration. Cambodia is a key destination country for Vietnamese migrant workers on the other hand; Thailand, Malaysia, and Korea are the countries in the region that Cambodian MWs migrate looking for work.

Migration has become a popular survival strategy among many Cambodian citizens, who can’t find work in the country. In some cases the migrant workers are documented, while most of the time, they opt to the irregular channels because of excessive fees, protectionist policies and other reasons resulting for them to move irregularly.

Cambodian migrant workers face many challenges while working abroad – including physical and mental abuse, and exploitation but are not addressed properly in courts and legal proceedings. Despite the recent measures of the government in adopting more regulations and policies to increase protection for Cambodian migrant workers, Cambodian migrant workers are still suffering and are operating largely in the shadows.

Cambodia has been a signatory to the UN Convention on the Protection of the Rights of Migrant Workers and Members of the Families since September 2004. Cambodia, as a signatory to this convention, means that the Cambodian government recognizes the importance of this convention to its people. However, it does not have effect in Cambodia unless the government ratifies it, and takes steps to implement its provisions in Cambodian legislation.

**Summary**

Legal Support for Children and Women (LSCW) and Migrant Forum in Asia with support from Migration and Development Civil Society Network (MADE) and European Commission organized a one day forum for CSOs on the protection of the rights of migrant workers in the context of labour migration. The forum was also organized to celebrate the 25th anniversary of the Convention of Migrant Workers. The forum aims the following three main objectives:

• Increase awareness raising on the UN Convention 1990 On The Protection The Rights Of Migrant Workers And Members Of Their Families, the ILO Convention On Migrant Worker and the ASEAN Declaration On The Promotion And Protection The Right Of Migrant Workers

• To understanding existing mechanisms that protect the right of Cambodian migrant workers

• To foster collaboration and cooperation among CSOs, Trade Unions, Government Agencies and other stakeholders in protecting the rights of Cambodian migrant workers in the context of labour migration.

The program was attended by approximately 60 participants from NGOs, Trade Unions, Students, Recruitment agencies and migrant workers in Cambodia. The forum was held on December 18, 2015 in Sunway Hotel.

**Understanding the International and Regional Framework for the Protection of Migrant Workers**

The session was meant to know the different kinds of regional and international mechanisms that vouch protection to migrant workers. The organizers identified 3 important mechanisms in addressing protection for MW: *1. UN Convention 1990, 2. ASEAN Forum on Migration and Development, 3. CEDAW and General recommendation 26.*

The UN Convention 1990 or the Convention on Migrant Workers was discussed by Mr. Raxiey Adolfo from the Migrant Forum in Asia Secretariat. He gave the participants the overview of the convention including its history, importance, updates on ratification and what are inside the said convention talking about the articles that can be found in the document.

Furthermore, he discussed that only 4 countries has ratified the convention in Asia (Indonesia, Philippines, Sri Lanka and Bangladesh) and that there is a big role that CSOs should play in this advocacy. In his discussion, he shared some of the gains and challenges that the four countries has had after the ratification of the convention. He mainly focused on the Philippines and shared the positive outcomes of the country after its ratification. He also shared to the participants some reasons why countries should ratify the convention, inter alia:

**Twelve reasons to ratify Conventions**

1. To put in place the legal foundation essential for national migration policy to regulate labour migration and ensure social cohesion.
2. To uphold and strengthen the rule of law by ensuring that legal norms define the basis of labour migration policy, its implementation, and its supervision.
3. To contribute to ensuring that legal parameters define treatment of all persons on the territory of a country by setting the extent and limits of human rights of migrant workers and members of their families.
4. To signal that origin countries demand respect for the human rights of their nationals abroad and are accountable for the same standards as destination countries.
5. To reinforce the sovereign exercise of a State’s prerogative to determine labour migration policy by affirming conformity with universal legal and ethical norms.
6. To obtain public support for and compliance with labour migration policy and practice by demonstrating legal soundness and conformity with internationally accepted principles of social justice and human rights.
7. To strengthen social cohesion by establishing that all persons must be treated with respect by virtue of legal recognition and protection of their rights.
8. To explicitly discourage the ‘commodification’ and consequent abuse of migrant workers by legally asserting their human rights.
9. To reduce irregular migration by eliminating incentives for labour exploitation, work in abusive conditions and unauthorised employment that fuel trafficking in persons and smuggling of migrants.
10. To facilitate the establishment of effective national policy by calling on advisory services as well as good practice examples provided by the relevant standards-based international organisations.
11. To obtain clear guidance for bilateral and multilateral cooperation for lawful, humane, and equitable labour migration.
12. To obtain international guidance on implementation of legal norms through the reporting obligations and periodic review by independent expert bodies.

Also, he challenged the CSOs present in the convention that they play a very big role in the ratification of the convention in Cambodia as the country already signed the convention and that closer to realizing the advocacy of ratification. He lastly reminded them that, if Cambodia ratifies, the real work starts as we (CSOs) should look after its proper implementation.

Mr. Sokchar Mon of LSCW presented the ASEAN Forum on Labour Migration (AFML). He said that AFML was formed as the platform to implement the ASEAN declaration on the protection the Right of Migrant Workers (CEBU Declaration) that is works in a tripartite platform which consist government representative, Trade Unions, employers and CSOs. He also gave updates on the recent AFML held in Malaysia on 26 – 27 October 2015.

Socheath Heng of UN Women Cambodia discussed about the CEDAW and General recommendation 26. He said that Cambodia ratified CEDAW on 15 October 1992 and that obliges the Royal Government of Cambodia to implement all the provisions stipulated in the Convention and to report on its implementation to the Secretary-General of the United Nations (UN). However, Cambodian government has an issue on the implementation of the convention as mentioned by the speaker, Cambodia has not been able to fully implement the provisions stipulated in the convention since violations towards women workers prevails in the country.

**Role of Stakeholders in Protecting Cambodian Migrant Workers**

There are three speakers that spoke on this session. One is from the Trade Union, Second is from the Association of Recruitment Agencies in Cambodia and the third is from the ILO. All of them were asked to share what are their roles in the migration process in the country and what best practices they have done in their fields.

The representative from the Association of Cambodian Recruitment Agencies explained their role in the process of migration cycle. He said that in the first phase of the recruitment stage, he said that recruitment agencies are the ones who are scouting for people that are willing and able to work for the job orders that they have abroad. They conduct pre-departure orientation and trainings that are beneficial for them in preparation for their deployment. They also make sure that rights and welfare of the migrant workers are protected and recognized.

The representative from Trade Union of Cambodia shared how they engage with governments and other stakeholders in making sure that rights of all workers in the country are heard and protected. He said that they conduct activities that cover the protection and the promotion of Migrant workers’ rights, as they recognized that there are a lot of Cambodian migrant workers who works abroad.

A representative from ILO Cambodia shared best practices and challenges on the complaint mechanism in the country. She said that in December 2013, the MOLVT launched Prakas No. 249 Prakas which establishes that Ministry of Labour and Vocational Training (MOLVT) and the PDOLVTs will receive and resolve complaints lodged by documented or undocumented migrant workers or their families. Acknowledging that the mechanism per se is good, she mentioned that there are issues underlying it. She said that some of the issues include; less awareness of women in communes of where to go to lodge a complaint; Lack of knowledge about existence of complaints process and sufficient evidence needed to lodge a complaints; some migrant workers do not lodge complaints for fear of repercussion from authorities. Thus, making it difficult for MW to lodge a complaint to MOLVT.

**Moving Forward**

The LSCW drafted a document developing the recommendations from the whole day forum of CSOs that will be submitted to the government for appropriate action. The draft CSO statement was shared to all the participants and was asked to go through it and make some revisions as necessary. The message that was significant in the document was about the urge of the CSOs to the Cambodian government to ratify the CMW and be serious in the protection of the rights and welfare of all migrant workers.