
how to use a transit instrument ASEAN and Migrant Workers

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Draft deadlocked over key issues Mustaqim Adamrah , The Jakarta Post , Jakarta | Thu, 01/28/2010 10:15 AM | World, <http://www.thejakartapost.com/news/2010/01/28/draft-deadlocked-over-k...> Negotiations on the draft of the ASEAN Framework Instrument on the Protection and Promotion of the Rights of Migrant Workers are in deadlock, with Malaysia refusing to agree on key points. An official at the Indonesian Foreign Ministry, Ben Perkasa Drajat, said Wednesday the draft was now going nowhere, after deadlock at the last meeting in Kuala Lumpur, Malaysia, in December last year. "In fact, there was a contending draft to the one we had made based on the results of the Manila meeting," he said at a discussion on the draft deliberations set up by independent organizations the Human Rights Working Group, the ASEAN People's Center and the Task Force on ASEAN Migrant Workers. On March 30, 2009, the Manila meeting agreed on some contentious key points to be included in the draft. Ben said the contending draft was proposed by a migrant worker-receiving country. Singapore and Malaysia are the region's two biggest worker-receiving countries. "As a result, the draft is now hanging by a thread," he said. The first draft was worked on by the governments of both Indonesia and the Philippines — the two largest migrant worker providers in the region — and had taken submissions from countries receiving migrant workers into consideration, he said. All country participants at the Manila meeting agreed the instrument would be legally binding. "But the contending draft said it should not be legally binding and undocumented migrant workers should not be included," Ben said. He said the Manila meeting had agreed to use the International Labour Organization's definition of migrant workers, to include documented and undocumented migrant workers, and to include migrant workers' families in the instrument. The whole process from the sending of migrant workers to their transit points and on to their final destinations would be regulated and laws in migrant worker-sending and receiving countries must be abided by, he said. Deputy director for international cooperation at the Manpower and Transmigration Ministry Roostiawati said Malaysia had been the only stumbling block in the negotiation. "But there has been some progress... after we began temporarily halting the sending of our migrant workers to Malaysia," she said. Roostiawati said the Malaysian home affairs minister visited a shelter for migrant workers at the Indonesian Embassy in Malaysia last week and asked Indonesia to lift the suspension. Asian Forum for Human Rights and Development official Yap Swee Seng said it "doesn't make sense" for Malaysia to refuse to accept that the instrument be legally binding. He said all ASEAN countries, including Malaysia, must ratify the draft to protect migrant workers, like the conventions on child protection and elimination of discrimination against women. Indonesian Migrant Workers Union secretary-general Chairul Hadi said an undocumented migrant worker should not be seen merely as someone who went overseas to improve his life. Ben said the draft team had set options to find a way forward, as the ASEAN sociocultural community blueprint stipulated the instrument must be in place by 2015. Indonesia urged to ratify UN convention on migrant workers Friday, February 12, 2010 10:36 WIB | National | <http://www.antara.co.id/en/news/1265945800/indonesia-urged-to-ratify-...> Bandung, W Java (ANTARA News) - The ASEAN Human Rights Committee renewed Thursday its call for Indonesia to immediately ratify the UN convention on the protection of migrant workers and their families. Indonesian migrant workers have so far not received adequate protection so they have often been treated arbitrarily, Indonesian representative to the committee Rafendi Djamin said. If Indonesia ratified the convention it would get much benefit in that and it could pressure the governments of the countries where Indonesian migrant workers were employed to ratify the convention, he said. We can argue with them. If all of us respect human rights and democracy they must ratify the UN convention too, he said. Meanwhile, Roostiawati of the Directorate of Overseas Manpower Placement at the Manpower and Transmigration Ministry said the ministry was still analyzing the pluses and minuses of ratifying the convention. We cannot determine when we will ratify the convention because we must be careful, she said. One of the considerations why Indonesia had not as yet ratified the convention was that none of the 42 countries employing Indonesian migrant workers had ratified it, she said. If we ratify it can we be sure that our migrant workers will be protected? she asked.

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