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CARAM Asia is a network of organizations working with Asian migrants and their communities globally through the promotion and protection of their rights and creating an enabling environment at all stages of migration to reduce HIV/AIDS vulnerability.

Members of the CARAM Asia Network welcome the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. Despite its shortcomings, we view the declaration as a significant move in the right direction towards recognising the fundamental rights of migrant workers and their families.

While the Declaration is not legally binding, we are encouraged by the commitments to develop an ASEAN instrument to protect and promote migrant workers and their families and to submit annually a report on the progress of the implementation of the Declaration to the Summit through the ASEAN Ministerial Meeting.

We noted with concern however that the Declaration failed to address the health rights of migrants and other mobile populations. Article 25 of the International Convention on the Protection of the Rights of All Migrants Workers and Members of their Families clearly states the need to recognise that migrants should have equal access to health information and services in host countries.

States should not be denying health treatment, benefits and health rights to mobile communities because of budgetary constraints. They should be accorded the same enjoyment of the highest attainable standard of health conducive to living a life in dignity as laid out in International Covenant on Economic, Social and Cultural Rights.

Recognition of the right to health of mobile populations will lead to better public health outcomes for both sending and receiving countries.

The development paradigm recognises that the environment creates situations that can result in certain populations being more vulnerable. In the case of mobile communities, their struggle in transitioning to a new environment, limited social support and their elevated susceptibility to disease and injury due to poor living and working conditions with no formal protections, diminish their health status considerably.

Access to health services, including sexual and reproductive services, and health information to mobile populations in all stages of migration are all critical elements for reducing their vulnerability to HIV and providing them control over their health. However, National AIDS Action plans formulated in the region continues to exclude mobile communities in their stated interventions.

The next step for ASEAN States to make this Declaration a reality is through reviewing and drafting new laws, policies and bilateral agreements that are in line with the Declaration and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. CARAM Asia also urges receiving countries within Asia to also ratify the Convention as a crucial expression of their commitment to the spirit and intent of the declaration.

In this light, we call upon the States to meet the commitments in the Declaration to develop an ASEAN instrument on the protection and promotion of the rights of migrant workers and Progress on human rights as laid out in the Vientiane Action Programme (VAP) 2004-2010 has indeed been slow. Despite this evident lateness, we urge ASEAN member States to take concrete steps in moving forward to establish the ASEAN Human Rights Mechanism. We urge Civil Society and Heads of States to hold a midterm review of the VAP to assist States in developing instruments and mechanisms to protect and promote the rights of all ASEAN people.

CARAM Asia is an open network of organizations, consisting of 22 member partners covering 14 countries in Asia. The CARAM network works with Asian migrants globally and with the aim of creating an enabling environment to empower migrants, their families and communities.