

Economic and Social Rights in ASEAN countries: SOLIDAR's input into EU – SOUTHEAST ASIA CIVIL SOCIETY SEMINAR, Brussels, 26 November 2019

1 | Introduction

SOLIDAR Network is active in East and South-East Asia ¹ to enhance the progressive implementation of Economic and Social Rights namely freedom of association, the right to social protection and decent work for all. Our work in the area is coordinated by our member SOLIDAR Suisse Hong Kong.

Between November 12th and 13th in Bangkok (Thailand), our network met to discuss the current situation of Economic and Social Rights (ESR) in the different countries of the area and to define how the EU can be a strong partner in promoting these rights.

This input paper brings together the main outcomes of this meeting and reflects SOLIDAR members' and partners' contribution to the EU – SOUTHEAST ASIA CIVIL SOCIETY SEMINAR hosted by the European External Action Service (Brussels, 26 November 2019) as well as to the revision of the 2015-2019 EU Action Plan on Democracy and Human Rights².

The paper is structured along four priority areas:

- 1) Lack of democratic space and freedom of association
- 2) Informal economy and social protection
- 3) Occupational and environmental safety and health
- 4) Migration

¹ SOLIDAR is active in 6 countries: Burma, Pakistan, the Philippines, Thailand, China and Cambodia.

² www.consilium.europa.eu/en/documents-publications/publications/eu-action-plan-on-human-rights-democracy



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2 | Lack of democratic space and freedom of association

Economic and Social Rights (ESR), and in particular labour rights, are coming under an ever growing pressure all across Asia. The shrinking democratic space, or complete lack thereof, is making it increasingly difficult for the civil society in Asia to defend the existing ESR - let alone further developing them.

The democratic space is being deliberately reduced by authoritarian and increasingly colluded states. The restrictions on democratic space are carried out to curb not only the people's political rights, but also and more importantly people's economic and social rights. This is done in order to further the economic interests of the elite and transnational corporations, most of which are now of Asian origin.

When it comes to labour rights **there is an ongoing 'race to the bottom'**. At first sight, it may appear that labour rights are developing, as some countries are signing on to International Labour Organisation (ILO) conventions they had not signed before and ratifying them (like Thailand did with the Convention on Workers in the Fishing Industry, ratified in January 2019³). But this is mostly only happening on paper. As the ILO observes, many countries don't even comply with their obligations under the core labour standards they have ratified. For instance, some countries are undermining their commitments under the C081 "Labour Inspection Convention", by dismantling their labour inspection and stripping these authorities of the means and competencies that are necessary for their action. This is not happening because governments lack financial funds. As can be seen in India and Pakistan, the purpose is to 'ease business' and to create an 'investment-friendly climate'. **The competition for investments is carried out at workers' expense.**

In addition, in many countries (e.g. Cambodia, Bangladesh), labour laws have been changed in a way as to make it almost impossible to organize new factory-level trade unions. Moreover, the

³ https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_666581/lang--en/index.htm



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existing union federations are hassled with so much bureaucracy that they find almost no time to work effectively on the issues in the factories.

SOLIDAR Network in Asia considers that the EU should increase pressure to try to reverse this trend. In this respect, the 'Everything but Arms' (EBA) withdrawal threat on Cambodia⁴ - while not leading to significant changes - it has kept the government from further eroding labour rights and has caused it to drop unjustified charges against some independent trade union leaders.

3 | Informal economy and social protection

As a result of the 'race to the bottom' and the ongoing economic transformation, the formal sector is slowly disappearing in many countries. More and more workers are forced to work in the **informal sector**, where they have much less access to social protection schemes. Women are particularly affected by this, as they often work as domestic workers, where they face even greater risks of being exploited due to their isolation. Even in the formal sector social protection schemes remain patchwork, being often limited to a very small proportion of the work force. In addition to this, newly introduced schemes are often poorly managed. Workers struggle to understand what happens with their contributions (which are often invested in the capital markets, and thus often even working against their interests). There are cases where people included in new social protection schemes receive poorer services, such as in Cambodia, which undermines the reputation of the entire concept of social protection. In China, the state-controlled social security system has amassed huge amounts of funds but there is a huge lack of transparency on if, where and how these funds are invested.

⁴ The *Everything But Arms* arrangement is one pillar of the EU's Generalised Scheme of Preferences, which unilaterally grants duty-free and quota-free access to the European market for all products (except arms and ammunition) from the world's Least Developed Countries, as defined by the United Nations. These trade preferences may be suspended in case of "serious and systematic violation of principles" laid down in the human rights and labour rights Conventions listed in Annex VIII of the GSP Regulation. Cambodia is one of nearly 50 developing countries that enjoy duty-free access to EU markets under the Everything but Arms scheme. In response to the country's deteriorating human rights situation, the EU is now considering whether to withdraw trade preferences.



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A big problem with social protection in Asia is that it is often wrongly understood as some form of charity given out by the state, while it is a human right. SOLIDAR Network in Asia considers that the EU should promote a Human Rights Based approach to Social Protection.

4 | Occupational and environmental safety and health

The 'race to the bottom' is also making it very difficult to progress with regards to occupational and environmental safety and health (OESH). OESH must also be addressed much more through a rights-based approach. Occupational Safety and Health is a basic labour right and human right and should be non-negotiable.

It is estimated that in Asia, **millions of people die every year of occupational diseases**. It is also likely that millions more succumb to damages done by businesses to the environment, such as exposure of the population to toxic chemicals and waste (e.g. people living along the river in Dhaka polluted by the tannery industry). Companies have a responsibility to ensure safety and health not only for their employees, but also for anyone that could be affected by the environmental consequences of their economic activity.

Box 1 – Asbestos keeps killing

When it comes to OESH, asbestos has been and remains the biggest cause of occupational health issues in Asia. Significantly few Asian countries have ratified the 1986 ILO Asbestos Convention, compared to the global average. In this regards:

- 1) The EU should support the final ban all forms of asbestos, and particularly chrysotile asbestos⁵.
- 2) The governments should also ban the International Financial Institutions (IFIs) from financing any projects where chrysotile asbestos could be applied, as this is a time-bomb.

⁵ Asbestos is the term used for a group of six naturally occurring mineral fibres. Chrysotile is the most encountered version of asbestos. It has properties that make it valuable in building materials, but can be deadly when dispersed into air as it favours the occurrence of lung cancer when inhaled. Source : https://www.asbestossafety.gov.au/sites/asea/files/documents/2019-04/CHRYSTILE%20KEY%20FACTS_180419%20final_0.pdf



3) The EU could support the ASEAN in developing a common approach to the use of chemicals, like the EU has (through the REACH directive).

5 | Migrants: an exploited and underpaid labour force

There are huge flows of migrants, internal and external, across the ASEAN region. This is happening at a scale which we cannot imagine in Europe. Addressing the rights of migrant workers has thus emerged as a very central issue for this region.

According to SOLIDAR Network in Asia, restricting the rights of migrants is used by the governments as a tool to increase their competitiveness, as it allows employers to pay migrants very low wages and to basically exploit them. A good example of a business model built on the exploitation of migrant workers is the Malaysian one, with workers coming from Indonesia, Philippines, Bangladesh, Nepal, etc.

The ASEAN countries often sets migrant issues on their agenda. However, the rights of migrant workers remain unprotected. Improving labour rights for migrant workers is in our view absolutely fundamental.

Box 2 - Exploited and Illegalized: The Lives of Palm Oil Migrant Workers in Sabah

Palm oil plantations' practices are one of the most tragic examples. Palm oil is the most used vegetable oil in the world. It is found in 10 to 20% of our consumer goods⁶, such as food but also cosmetics and cleaning products. In addition to raising questions about its consequences on consumers' health and on the environment, palm oil is also the root of disastrous working conditions. Illegal migrants make the majority of the labour force; they are trapped in a situation of extreme poverty which makes them vulnerable to exploitation and forced labour. Our member SOLIDAR Suisse just recently published a research on working conditions on palm oil plantations

⁶ https://sehen-und-handeln.ch/content/uploads/2017/08/Bfa_Factsheets-Palm%C3%B6l_8-17_D_Verbrauch.pdf



in the Malaysian state of Sabah. In this paper, they discuss the responsibility of Nestlé as one of the largest buyers of the commodity. Read the full version here: [\[ENG\]](#) [\[FRE\]](#)

6 | Conclusions

The 2030 Agenda for Sustainable Development is built upon States' human rights obligations. The respect and the progressive realisation of ESR is an indispensable path towards sustainability. In this regards, SOLIDAR Network will keep monitoring the implementation of the 2030 Agenda and supporting a strong focus on ESR to be included in the next Action Plan on Democracy and Human Rights, as well as in any future commitment between the EU and the ASEAN.

Furthermore, SOLIDAR contends that without a strong civil society movement no meaningful improvement can occur. So, at a time when the space for civil society is under heavy pressure in Asia, we believe that the EU should stand firm and keep engaging with CSO.



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1. Asia Monitor Resource Centre (AMRC) - Hong Kong
2. Mekong Migration Network (MMN) - Thailand
3. Center for Alliance of Labor and Human Rights (CENTRAL), Cambodia
4. Labour Action China - Hong Kong
5. Building and Wood Workers Trade Union Federation of Cambodia (BWTUC)
6. Cambodia Women Crisis Center (CWCC)
7. Coalition of Cambodian Apparel Workers Democratic Union (CCAWDU)
8. Labour Education Foundation (LEF), Pakistan
9. Occupational Safety-Health and Environment Foundation (OSHE), Bangladesh
10. Labour Information Institute Indonesia (LIPS)
11. Solidar Suisse Switzerland
12. Solidar Suisse Hong Kong
13. Solidar Suisse Bangladesh

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