

2008 ASEAN COMMITTEE ON THE IMPLEMENTATION OF THE ASEAN DECLARATION ON THE PROTECTION AND PROMOTION OF THE RIGHTS OF MIGRANT WORKERS WORK PLAN

Adopted in Singapore on 16 September 2008

BACKGROUND

1. The ASEAN Leaders signed an ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (hereinafter referred to as the "Declaration") on 13 January 2007 during the 12th ASEAN Summit held in Cebu, Philippines. In the Declaration, the Leaders directed their officials to develop effective mechanisms to safeguard migrant workers.
2. The ASEAN Ministers of Foreign Affairs in their Statement adopted on 30 July 2007 during the 40th ASEAN Ministerial Meeting in Manila, Philippines, called for the establishment of an ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers, which reports to the Senior Labour Officials Meeting (SLOM).
3. The first Meeting of the formal the ASEAN Committee on the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW), held on 15-16 September 2008 in Singapore, marked the formal establishment of the Committee. At the Meeting, the ACMW adopted its Terms of Reference and Work Plan.

THRUSTS OF THE WORK PLAN

4. At the ASEAN Forum on Migrant Labour in 24-25 April 2008 in Manila, Philippines, the ASEAN Secretariat tabled a discussion paper "*Follow-up to the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers – A Way Forward to Operationalising the Declaration*", which identified three themes summarising the obligations and commitments of the Declaration. These were (i) protection of migrant workers against exploitation, discrimination, and violence; (ii) labour migration governance; and (iii) fight against trafficking in persons.
5. The ACMW Work Plan prioritises and groups the work of the Committee along the three themes of the Declaration, as well as an additional track dedicated to the development of the ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers. The ACMW agreed to undertake projects under each of these thrusts as listed below:

Thrust 1: Step up protection and promotion of the rights of migrant workers against exploitation and mistreatment

- a. **Policy Repository to promote best practices in migrant worker management policies.** The repository will serve as a repository of best practices on migrant worker related policies in ASEAN, including those adopted by both labour sending and receiving countries. The information which could be included in the repository includes, inter alia, the (i) regulation of recruitment agencies, (ii) provision of basic information services to migrant

workers, (iii) resolution of employment disputes, and (iv) repatriation and reintegration of migrant workers. The specific areas to be included in this repository could be further discussed by the Committee. The repository would raise the awareness of ASEAN countries on one another's migrant worker related policies, and serves as a convenient platform for interested countries to learn and adopt best practices domestically. The repository could also serve as a basis to identify policy gaps for discussion at subsequent workshops and the ASEAN Forum on Migrant Labour. This project could begin immediately with a target completion date of end-2010.

- b. **Strengthen information services to educate migrant workers about their rights, access to services and immigration requirements.** Leveraging on the policy repository in paragraph 4(a), ASEAN could strengthen information services for migrant workers by producing collaterals such as brochures, pamphlets, and posters, to reach out to migrant workers in both labour sending and receiving countries. The information services offered could cover areas such as (i) preemployment and pre-departure information on channels, procedures and requirements for documented migration and access to overseas labour markets for skilled and unskilled workers, (ii) the hazards of undocumented migration and human trafficking, and (iii) the avenues for further information and assistance. This project can build on the policy repository.

Thrust 2: Strengthen protection and promotion of the rights of migrant workers by enhancing labour migration governance in ASEAN Countries

- c. **Workshops on Best Practices in Protecting Migrant Workers.** A series of workshops could be organized for labour sending and receiving countries to share experiences on and generate best practices in protecting migrant workers, as well as on how to promote those best practices. The theme of each workshop would be according to the broad areas identified under the policy repository in paragraph 4(a), and the workshop's key objective is to select the best practices to be included in the policy repository. The series could start with a workshop on "Eliminating Recruitment Malpractices", which would focus on regulating recruitment agents, tackling common recruitment malpractices, and documenting best practices targeted at addressing these malpractices. A second workshop could be organized on the provision of information services to migrant workers, which could kick off the efforts of the project in paragraph 4(b). Other workshops could be similarly organized based on the broad areas to be included in the policy repository. This series of workshops should be completed at least 6 months before the launch of the policy repository in end-2010.
- d. **Improve Overseas Employment Administration.** There is an existing SLOM project, which is led by the Philippines, on "Improving Overseas Employment Administration". This is however limited to CLMV countries. In view of the Philippines's extensive experience and expertise in this area, the Philippines could expand on this project to include other labour sending countries in ASEAN. Doing so would help strengthen the capacity of these countries in handling migration flows. The Philippines could do so by conducting a series of workshops and documenting learning points and best practices in this area.

Thrust 3: Regional cooperation to fight human trafficking in ASEAN

- e. As the Senior Officials Meeting on Transnational Crime (SOMTC) currently oversees this area, it is recommended that the Committee not duplicate the SOMTC's efforts with separate initiatives to address the same issues. This is particularly so when there is a separate ASEAN Declaration on Transnational Crime, ASEAN Plan of Action to Combat Transnational Crime, and Work Programme to Implement the ASEAN Plan of Action to Combat Transnational Crime, all of which are driven by the SOMTC. Nonetheless, this Committee should work closely with the SOMTC to coordinate and complement each other's work as far as possible. Hence, it is proposed that ASEC provide the Committee with regular SOMTC updates at each subsequent meeting, and consider possibilities for joint activities, which the Committee could recommend to SOMTC.

Thrust 4: Development of an ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers

- f. The Committee could, as a first step, organize a workshop to reach a common understanding on principles behind the rights of migrant workers. The workshop should discuss and agree on the key principles which should be incorporated within the Instrument, and submit its results to the 6th SLOM in Vientiane in May 2009.
 - g. Thereafter, four of the ASEAN member states, comprising two labour sending and two labour receiving country, could work together to flesh out these principles for consideration at a suitable Committee meeting. Once the Committee has agreed on them, it can discuss the form in which the Instrument should take and submit its recommendations to the ASEAN Labour Ministers Meeting for endorsement. We could work towards the endorsement of such an Instrument when the policy repository in paragraph 4(a) is launched.
6. The Work Plan with activities as agreed by the ACMW and endorsed by SLOM (November 2008) appears in the matrix below.

