

2023 ASEAN DECLARATION ON THE PROTECTION OF MIGRANT WORKERS AND FAMILY MEMBERS IN CRISIS SITUATIONS

Adopted in Labuan Bajo, Indonesia on 10 May 2023

WE, the Member States of the Association of Southeast Asian Nations (ASEAN) on the occasion of the 42nd ASEAN Summit chaired by the Republic of Indonesia;

NOTING the significant progress made by ASEAN Member States in achieving the ASEAN Community Vision 2025, including an ASEAN Socio-Cultural Community which engages and benefits the people and is inclusive, sustainable, resilient and dynamic;

RECALLING the purposes of ASEAN, as enshrined in the ASEAN Charter, which are to enhance regional resilience, promote and protect human rights and fundamental freedoms as well as enhance the well-being and livelihood of the peoples of ASEAN for the strengthening of ASEAN Community;

ACKNOWLEDGING that the rights of migrant workers are an inalienable, integral and indivisible part of human rights and fundamental freedoms as enshrined in the ASEAN Human Rights Declaration;

RECALLING the guiding principles of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration) and the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (hereinafter referred to “ASEAN Consensus”) which establish rights for migrant workers and the members of their families already residing with them and recognise the shared and balanced responsibilities of the Receiving and Sending States of ASEAN to promote their full potential, dignity, fundamental rights, and fair treatment;

COGNISANT of International Labour Organizations (ILO) labour standards, the Global Compact on Safe, Orderly and Regular Migration and United Nations human rights instruments that call on the protection and promotion of the rights of migrant workers and their family members already residing with them, and frameworks to facilitate orderly, safe, regular and responsible migration throughout the cycle;

REAFFIRMING the commitments in the ASEAN Consensus and Cebu Declaration that Sending and Receiving States will cooperate and coordinate to extend full assistance to migrant workers who are caught in conflict or crisis situations in accordance with the respective national laws, regulations and policies;

FURTHER REAFFIRMING the collective commitments of ASEAN towards equitable access to social protection for all through the implementation of the ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers in ASEAN, ASEAN Declaration on the Rights of Children in the Context of Migration, and ASEAN Declaration on Strengthening Social Protection;

FURTHER REAFFIRMING the commitments of ASEAN for better preparedness of policies and the resilience and agility of ASEAN workforce for the potential outbreak or recurring of crises in the future as stipulated in relevant ASEAN commitments and in accordance with ASEAN Member States’ respective capacities, laws and regulations;

NOTING the recommendations adopted at 13th, 14th and 15th ASEAN Forums on Migrant Labour (AFMLs) on protection of migrant workers during the COVID-19 crisis and recovery and resumption of labour migration after the pandemic, and acknowledging the applicability of these recommendations to other types of crisis situations;

MINDFUL of the ASEAN risk landscape that is increasingly complex due to the layered compounding natural hazards and interconnected economies which are exacerbated by the impact of growing ageing population, rapid urbanisation, climate change and mobility of people;

UNDERLINING the need for greater inclusion of migrant workers in the crisis response measures across the region which are rights-based, inclusive, gender responsive and fair;

NOTING that for the purpose of this Declaration, “crisis situations” refer to public health emergencies, natural disasters, and other crises as determined by ASEAN Member States where the crises occurred.

DO HEREBY DECLARE our joint commitment to take the following actions in crisis situations and in anticipation of future possible crisis in accordance with the respective ASEAN Member States’ national laws, regulations and policies:

1. **ADAPT** policies to include assistance to migrant workers across occupational areas at all stages of crisis preparedness, response and recovery for the specific needs of migrant workers, especially women, and their families already residing with them in crisis situations;
2. **MAINSTREAM** the protection and promotion of the rights of migrant workers caught in crisis situations and their family members left behind in the policies, programmes and mechanisms of Sending States;
3. **FACILITATE** access of migrant workers to timely and relevant information and support services in time of crises;
4. **SUPPORT** access to justice, grievance mechanisms and referral and support mechanisms to address various forms of harm and exploitation experienced by migrant workers in crisis situations;
5. **FACILITATE**, where relevant, timely access of all migrant workers affected by crises to sustained safety, health care, psychosocial support, social protection, livelihood support in time of furlough, sickness or injury, and return and reintegration to their countries of origin;
6. **STRENGTHEN** bilateral and/or multilateral cross-border coordination between countries of origin, transit and destination authorities in assisting and protecting migrant workers and their family members already residing with them in crisis and preventing them from becoming undocumented or being the victims of trafficking in persons;
7. **STRENGTHEN** cooperation to extend assistance to migrant workers of ASEAN Member States who are caught in crisis situations outside ASEAN in the event of need, based on the capacities and resources of the Embassies and Consular Offices of the relevant ASEAN Member States and based on bilateral consultations and arrangements;
8. **PROMOTE** whole-of-society and whole-of-government collaboration and partnership between ASEAN Member States and ASEAN’s External Partners, international organisations, and other relevant international entities to better protect migrant workers and their family members already residing with them in crisis situations throughout entire migration process;
9. **COOPERATE AND COORDINATE** among ASEAN Member States to extend humanitarian assistance to migrant workers, irrespective of their legal status, and their family members who are already residing with them in the States where the crisis occurred; and

10. **WE** tasked the ASEAN Labour Ministers Meeting (ALMM) with the support of the ASEAN Senior Labour Officials Meeting (SLOM) and in cooperation with other relevant ASEAN sectoral bodies and organs, as necessary, to mobilise resources for the implementation of this Declaration and develop an ASEAN Guidelines on the Protection of Migrant Workers in Crisis Situations;

Adopted in Labuan Bajo, the Republic of Indonesia, on this Tenth Day of May in the Year Two Thousand and Twenty-Three, in a single original copy in the English language.