

Concept Paper

The 7th ASEAN FORUM ON MIGRANT LABOUR

**Towards the ASEAN Community by 2015 with enhanced measures to protect and promote the
rights of migrant workers**

November 20-21, 2014

Nai Pyi Taw

Myanmar

The 7th ASEAN FORUM ON MIGRANT LABOUR

A. Background

1. The launch of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in 2007 and subsequent establishment of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) in 2008 affirm the ASEAN's commitments to protect the rights of migrant workers.
2. The ASEAN Forum on Migrant Labour (AFML) provides an open platform for review, discussion and exchange of best practices and ideas between governments, workers' and employers' organizations, and civil society stake-holders on key issues in labour migration in the ASEAN. Each year, the AFML adopts Recommendations to advance the implementation of the principles of the ASEAN Declaration on Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration).
3. The AFML was created by the virtue of:
 - i. The 1st meeting of the Committee on the Implementation of the ACMW held on 15-16 September 2008 in Singapore, which adopted the ACMW Work Plan with 4 areas of cooperation, including "Protection and promotion of the rights of migrant workers by enhancing labour migration governance in ASEAN Countries." Under Thrust 2 of the ACMW work plan, the regular convening of the "ASEAN Forum on Migrant Labour" was recommended.
 - ii. The ASEAN Socio-Cultural Community (ASCC) Blueprint 2010-2015, Section C2.ii, which calls for: institutionalize and convene on a regular basis the ASEAN Forum on Migrant Labour as a platform for broad-based discussions on migrant labour issues under the auspices of the ACMW.
 - iii. The 1st Meeting of Senior Labour Officials Working Group on Progressive Labour Practices to Enhance Competitiveness of ASEAN (SLOM-WG) was held on 30 – 31 March 2009 in Bangkok. The Meeting agreed to institutionalize the Forum as a regular activity under the ACMW Work Plan.
4. The Royal Government of Thailand convened the 2nd AFML on 30 – 31 July 2009, Bangkok, Thailand with the theme "ASEAN Declaration on Migrant Workers: Achieving its Commitment". The Recommendations of the 2nd AFML were communicated to the ACMW and included the Civil Society Proposal of the Task Force on ASEAN Migrant Workers' (TFAMW).
5. The Government of Vietnam convened the 3rd AFML on 19 – 20 July 2010 in Hanoi, Viet Nam with the theme "Enhancing Awareness and Information Services to Protect the Rights of Migrant Workers". Six recommendations were made which included enhancing awareness and information services to protect the rights of migrant workers (see Annex 1).
6. The Government of Indonesia hosted the 4th AFML from 24 – 25 October 2011 in Bali, Indonesia with the theme "Development of a public campaign to promote understanding, rights and dignity of migrant workers in countries of destination; Return and reintegration

and development of sustainable alternatives in countries of origin”. Recommendations were made on the promotion of a positive image, the rights and dignity of migrant workers; and the promotion of strategies for their effective return and reintegration, as well as sustainable alternatives for migrant workers (see Annex 2).

7. The Royal Government of Cambodia convened the 5th AFML from 9 – 10 October 2012 at Angkor Paradise Hotel, Siem Reap, Cambodia with the theme “Protection and Promotion of the Rights of Migrant Workers: Regulation of Recruitment.” Recommendations were made to (a) Promote universal human rights and fundamental principles and rights at work; (b) Promote transparency, accountability and affordability; (c) Promote information sharing and awareness of the public; (d) Promote effective monitoring and complaint mechanisms; and to (e) Promote meaningful involvement of multi-stakeholders (see Annex 3).
8. The Government of Brunei Darussalam convened the 6th AFML on the 26-27 November 2013 in Bandar Seri Begawan, Brunei Darussalam with the theme “Enhancing policy and protection of migrant workers through data sharing, and adequate access to the legal and judicial system during employment, including effective complaints mechanisms”. A total of 20 Recommendations were drafted in line with the two themes (Annex 4).

B. Forum themes and objectives

9. The 7th AFML is being organized in the context of national and regional preparations for the launch of the ASEAN Community in 2015, finalization of the ASEAN Instrument to give life to the Cebu Declaration and development of the post-2015 work priorities for the ACMW.
10. The AFML will take stock of progress to date in the implementation of the Recommendations made at past AFMLs and will examine in detail Articles 8 and 13 of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.
11. The meeting will carry the **overall theme:** Towards the ASEAN Community by 2015 with enhanced measures to protect and promote the rights of migrant workers
12. The meeting will have two thematic session:
 - i. **Theme 1:** Promotion of fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers.
 - ii. **Theme 2:** Coordination and role of key stakeholders to set up and implement policies and procedures to facilitate aspects of migration of workers, including recruitment, preparation, protection abroad, and return and reintegration
13. The objectives of the 7th ASEAN Forum on Migrant Labour are:
 - a. To share stakeholder experiences, challenges and good practices in implementation of the Recommendations of the 3rd, 4th, 5th and 6th AFML.
 - b. To share experiences and good practices in the promotion of fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers.

- c. To strengthen coordination and role of key stakeholders to set up and implement policies and procedures to facilitate aspects of migration of workers, including recruitment, preparation, protection abroad, and return and reintegration
- d. To draft and agree on Recommendations on the two thematic areas.

C. Agenda items

14. The theme of the 7th ASEAN Forum on Migrant Labour will be “Towards the ASEAN Community by 2015 with enhanced measures to protect and promote the rights of migrant workers”
15. The meeting will consist of a Review Session, two Thematic Sessions, Simultaneous Workshops, Presentation of break-out discussions and Consideration of Recommendations
 - i. **Review Session:** The meeting will commence by taking stock of progress so far in the implementation of recommendations made in previous forums. The ILO will present a background paper on the progress towards implementing past AFML Recommendations. The background paper will be shared in advance with the ACMW for their feedback. A panel of employers’ and workers’ organizations, CSOs and the host government will respond to the findings of the background paper. Following this presentation, time will be allocated for voluntary sharing by AMS to report on the progress of implementing past AFML recommendations. National tripartite preparatory workshops may be organized by ASEAN Members States to facilitate information sharing.
 - ii. **Thematic Session 1:** Promotion of fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers. This session will consist of four presentations with time for questions and answer from participants.
 - i. **Thematic Session 2:** Coordination and role of key stakeholders to set up and implement policies and procedures to facilitate aspects of migration of workers, including recruitment, preparation, protection abroad, and return and reintegration. This session will consist of a presentation of a Background Issues Paper prepared by a resource persons, with four panelists, representing the key stakeholders, responding to the issues raised.
 - iii. **Simultaneous workshops:** Meeting participants will move to two simultaneous workshops to develop recommendations on the two thematic sessions
 - iv. **Presentation of break-out discussions:** This session will serve to present the outcomes of the discussion within each break-out sessions of Day One and recommendations proposed by each group for the forum’s consideration, further input, comments or changes.
 - v. **Consideration of Recommendations:** This session will serve to present the draft recommendations which summarize the outcome of the discussions and group recommendations from Day One of the Forum for the forum’s consideration, further input, comments or changes.

D. Date and venue

16. The Forum will be held for one and-a-half-days on the 20 – 21st November in Nai Pyi Taw, Myanmar. The venue will be Horizon Lake View Resort Hotel.

E. Participants

17. Participants will consist of ranking officials from government, employers' and workers' organizations, migrant associations, non-governmental organizations and international organizations working on migrant workers issues in ASEAN. Participants will include:
 - a. Twenty (20) government representatives not lower than Director in rank: two (02) officials from each AMS coming from ministries and agencies responsible for migrant labour.
 - b. Ten (10) from national Employers' Organizations: one (1) from each AMS and one (1) Regional organization of employers representatives working on migrant labour in AMS.
 - c. Ten (10) from national Workers' Organizations / Trade Unions from each AMS and two (2) Regional trade unions / organizations of workers representatives who are working on migrant labour in ASEAN.
 - d. Ten (10) representatives from national civil society organizations: one (1) from each AMS; and up to three (3) regional civil society organizations representatives who are working on migrant labour issues or representative of migrant workers groups based in ASEAN countries.
 - e. Additional representatives from Myanmar from national employers' and workers' organizations, and civil society organizations who are working on migrant labour issues (up to three organizations and representatives each for workers, employers and CSOs). Additional representatives from related Ministries of the Myanmar government (up to 10).
 - f. ASEAN Secretariat (3), ILO (3), IOM (2), UN Women (1) and Taskforce for ASEAN Migrant Workers (3)
 - g. Selected resource persons and experts

F. Financial Support

18. As with other ASEAN events, the Forum will be conducted on a cost sharing basis.
 - a. The government of Myanmar, as the host of the Forum, will arrange the conference venue, reception and airport transfer.
 - b. The host country will cover the 2 (two) nights' accommodation costs for each head of delegation of 10 ASEAN Member States starting from 19 November 2014 (check in) – 21 November 2014 (check out). The sending country will shoulder the airfare travel tickets for the head of their delegations.
 - c. The costs of air travel tickets and accommodation (stay) of the ILO Governing Body recommended employers' and workers' organizations will be shouldered by the ILO.

- d. The costs of air travel tickets and accommodations (stay) of the recommended national civil society organizations will be shouldered by the Task Force for ASEAN Migrant Workers (TFAMW), IOM or UN Women. Invited regional civil society organizations will provide for their own travel and accommodation.
- e. Travel of government representatives and accommodation of the second delegate will be covered by the concerned government.
- f. In case of a funding gap regarding (e), ILO, IOM and UN Women will consider meeting the short-fall.

G. Output of the 7th AFML

19. The Forum will develop and adopt an output document called “Recommendations of the 7th ASEAN Forum on Migrant Labour” consistent with the practice in the previous AFML meetings. The Recommendations will contain concrete activities which ASEAN MS, Social Partners and CSO may choose to pursue to strengthen the implementation of the Cebu Declaration. The Recommendations are based on discussions held during the 7th AFML. The adopted Recommendations will be communicated to the SLOM and ACMW for possible actions to contribute and realize the objectives of the ASEAN Community.

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G. Annexes

21. Please see recommendations from the 3rd 4th, 5th and 6th Forum in Annex one, two, three and four
22. Please see agenda of the 6th Forum in Annex five