



SUMMARY RECORD OF THE 2ND ASEAN FORUM ON MIGRANT LABOUR

30-31 July 2009, Bangkok

INTRODUCTION

1. The 2nd ASEAN Forum on Migrant Labour was conducted on 30-31 July 2009 in Bangkok. It was attended by government representatives from Indonesia, Lao PDR, Malaysia, Myanmar, The Philippines, Singapore, Thailand, Viet Nam and the ASEAN Secretariat (ASEC). Representatives from various international organisations including International Labour Organisation (ILO) and International Organisation for Migration (IOM), non-governmental organisations (NGOs), trade unions, and employers' organisations were also in attendance. The list of participants appears as **ANNEX A**.

OPENING REMARKS

2. The Meeting began with welcoming remarks by Dr. Donald Tambunan, Head of Social Welfare, Women, Labour and Migrant Workers Division, ASEAN Secretariat. He thanked the government of Thailand for hosting the forum where various stakeholders can discuss best practices and issues relating to the protection and promotion of the rights of migrant workers. He highlighted that the Southeast Asian region has been impacted by the financial crisis leading to many factory closing and lay-offs and therefore much discussion needs to be initiated on possible cooperation on migrant mobility. He emphasised the need for ASEAN to have the support of civil society to achieve the goal of people oriented ASEAN. He also informed on the progress of the ASEAN Intergovernmental Commission on Human Rights and the ASEAN Commission on the Protection and Promotion of the Rights of Women and Children. He encouraged the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) to take into account the views of civil society and therefore looks forward to receiving inputs for consideration of the ACMW.

3. The Forum was officially opened by Mr. Phaitoon Kaeothong, Minister of Labour of Thailand. In his Remarks, he highlighted that ASEAN is a major area for cross-border movement of labour and therefore needs

to establish an orderly and systematic labour migration management within the region. He also highlighted the Forum's theme on "*ASEAN Declaration on Migrant Workers: Achieving its Commitment*" which reflects the Member States strong commitment in achieving the ASEAN Declaration objectives and the realization of stakeholders' roles in working together. He also expressed his hopes that the Forum will strengthen networking for agencies working for migrant workers in Southeast Asia and that the Forum can come up with a set of recommendations that benefits both migrant workers and Member States.

4. The full text of the Welcoming Remarks of Dr. Tambunan and Opening Remarks of the Thai Minister of Labour appear together as **ANNEX B**.

CHAIRING OF THE FORUM

5. The Forum was chaired by Ms. Jirapon Kesornsutjarit, Chief of the Inspector-General, Ministry of Labour of Thailand.

OVERVIEW OF ASEAN MIGRATION

6. The Meeting noted the presentation made by Ms. Thetis Mangahas, Senior Migration Specialist, International Labour Organisation. The presentation materials appear as **ANNEX C**.

7. Ms. Mangahas explained that migration involving ASEAN countries represents 9% of global migration. She underlined that in ASEAN region all the countries is are all sending, receiving, and transit countries. There has been a drastic increase in migration between countries in ASEAN region since the past 15 years where income disparities between the countries and population imbalances in ASEAN are the main factors for migration. The major benefits of the migration include remittance accounting for about USD 29 billion in 2006 and a proportion of GDP in several countries. Ms. Mangahas also underlined that the high level of irregular migrations remain as a major problem in ASEAN.

8. Ms. Mangahas further highlighted that the financial crisis has impacted the region severely with many job-losses in many industries such as the manufacturing, construction, and tourism industries. Many migrant workers have been affected with the worsening of working and living conditions. She underlined the need to have a shared vision on the future of ASEAN migration and expressed hopes for the forum to allow for constructive dialogue on the challenges for migrant labour.

UPDATE ON THE ASEAN COMMITTEE ON THE IMPLEMENTATION OF THE ASEAN DECLARATION ON THE PROTECTION AND PROMOTION OF THE RIGHTS OF MIGRANT WORKERS (ACMW)

9. Dr. Donald Tambunan, ASEAN Secretariat, gave a brief introduction of the background of ACMW. His presentation appears as **ANNEX D**. He highlighted the four main thrusts of the ACMW Work Plan, namely:

- Step up protection and promotion of the rights of migrant workers against exploitation and mistreatment;
- Strengthening protection and promotion of the rights of migrant workers by enhancing labour migration governance in ASEAN countries;
- Regional cooperation to fight human trafficking in ASEAN; and
- Development of an ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers.

10. As the Chair of the ACMW, Ms. Jirapon Kesornsutjarit, provided updates on the ACMW's work in progress. She highlighted that the drafting of the ASEAN instrument on the protection and promotion of the rights of migrant workers is currently underway and the project on an ASEAN Migrant Workers Document Repository is in progress. She also provided a background to the ASEAN Forum on Migrant Labour. Her update appears as **ANNEX E**.

WORKING GROUP DISCUSSIONS

11. The Forum was divided into two working group discussions. The group list appears as **ANNEX F**.

Panel Discussion 1

12. Panel Discussion 1 focused on the roles of different ASEAN stakeholders in the promotion and protection of migrant workers. Ms. Jacqueline Pollock of the Migrant Assistance Programme (MAP) Foundation opened the session by giving a presentation highlighting who the possible stakeholders that can somehow influence the policies. These include a wide range of stakeholders from the migrant workers themselves to community based organisations (CBOs) and recruitment agencies. She highlighted the advantages of the inclusion of different stakeholders in working towards achieving social cohesion and stability in the society. She mentioned that particular role of CSOs in implementing the ASEAN Declaration; that is to identify policy gaps with grassroots implementation. She argued that trade unions would not be enough to represent the complex issue on migrant workers, hence the need of other CSOs to also

be involved when tackling these issues. She further identified the possible mechanisms to strengthen cooperation between stakeholders, namely (i) regular regional meetings; (ii) CSOs to organize representation at the regional and national level; (iii) space be given for other stakeholders in ACMW; and (iv) joint comparative studies with other regions. Ms. Pollock's presentation appears as **ANNEX G**.

13. Christopher Ng of UNI-APRO, made a presentation informing the panel participants of the work UNI Apro and ASETUC has been doing to support migrant workers in ASEAN, in particular services provided to migrant workers through helpdesks. He also identified areas which global unions can do for migrant workers, such as serving as a resource center for the purpose of accessing important data and analysis on migration issues and trends and serving as a help center for migrant workers especially for legal and counseling needs. He expressed that more involvement of trade union is much needed on the substance of the ASEAN instrument being drafted by the ACMW. Concerning the crisis, he reminded that migrant workers are often the first to be affected through termination. He also highlighted the economic crisis that women are particularly affected and pushed into greater poverty. Mr. Ng's talking points note appears as **ANNEX H**.

14. Following the two presentations, Panel Discussion I had a question and answer session, the result of which was presented as Findings of Panel I. There was consensus among the group on the importance of the gender aspect of migration and in particular the need for the recognition women's work as work otherwise it will be continued to be seen as a women's duty and thus not protected by labour laws. The group acknowledged the following stakeholders: government, employers, trade unions, migrants, recruitment agencies, NGOs, international organizations, religious leaders, financial institutions, and academic institutions. Findings of Panel 1 appear in **ANNEX I**.

Panel Discussion 2

15. Panel 2 consulted on two key areas of interest in current discussions of the ASEAN Committee of Migrant Workers relating to the drafting of the Regional Instrument on the Protection of Rights of Migrant Workers: (a) the content and legal status of the regional instrument; and (b) the consultative processes with civil society organizations in the formulation of the regional instrument.

16. A presentation was made by Mr. Sinapan Samydorai of the Task Force on ASEAN Migrant Workers on the civil society proposals on the the ASEAN Framework Instrument on the promotion and protection of the Rights of Migrant Workers. Reiterating the value of a human rights approach and respect for ILO core labor standards in the treatment of

documented and undocumented migrant workers, he urged the ACMW to acknowledge, extensively use the CSO proposal for a comprehensive legally binding instrument. Mr. Samydorai further urged the needed harmonization of national laws to correspond to UN and ILO standards. He also highlighted the need to give attention to specific groups of workers, including domestic workers, to be recognized under national laws. Mr. Sinapan urged the ACMW to consider civil society as partners in the drafting process, to recognize the value of CSO in supporting and monitoring the implementation of the framework instrument. Transparent and inclusive processes further understanding on the value of ASEAN cooperation.

17. Panel Discussion 2 further discussed two topics relating to the ASEAN instrument being drafted by the ACMW Drafting Team, namely: (i) the scope and coverage of the ASEAN regional instrument; and (ii) the needed Processes and timelines to develop a regional instrument.

18. The summary of discussions and recommendations of Panel Discussion 2 appear in **ANNEX J**.

PLENARY SESSION

19. The two panels reported the results of their discussion to the Forum's plenary as they appear as ANNEX I and J.

CLOSING

20. The Chairperson concluded the session 2nd ASEAN Forum for Migrant Workers by thanking the delegates of the Forum for their active participation during the discussion. She also thanked ILO and the ASEAN Secretariat for the support provided for during the Forum.

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Prepared by the ASEAN Secretariat on 20 August 2009