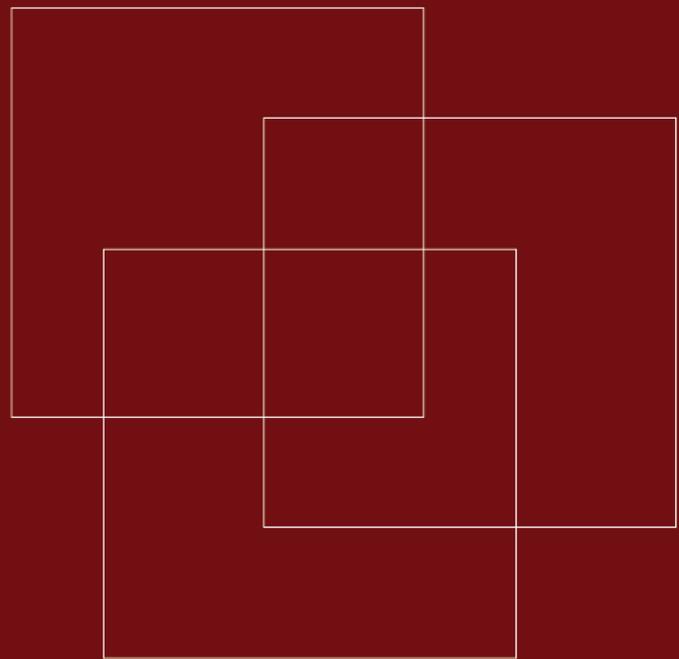




Background paper: Progress on the implementation of the recommendations adopted at the 3rd and 4th ASEAN Forum on Migrant Labour



5th ASEAN Forum on Migrant
Labour 9-10 October 2012
Siem Reap Kingdom of Cambodia



Agence canadienne de
développement international
Canadian International
Development Agency

Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region

Copyright © International Labour Organization 2013

First published 2013

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to ILO Publications (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland, or by email: pubdroit@ilo.org. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered with reproduction rights organizations may make copies in accordance with the licences issued to them for this purpose. Visit www.ifro.org to find the reproduction rights organization in your country.

Larga, Robert; Tunon, Max; Baruah, Nilim

Background paper : Progress on the implementation of the recommendations adopted at the 3rd and 4th ASEAN Forum on Migrant Labour / Robert Larga, Max Tunon, Nilim Baruah ; ILO Regional Office for Asia and the Pacific.- Bangkok: ILO, 2013

vi,59 p.

ISBN: 9789221275930; 9789221275947 (web pdf)

ILO Regional Office for Asia and the Pacific; ASEAN Forum on Migrant Labour (5th : 2012 : Siem Reap, Cambodia).

migrant worker / labour migration / workers rights / recommendation / ASEAN

14.09.2

ILO Cataloguing in Publication Data

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications and electronic products can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland, or ILO Regional Office for Asia and the Pacific, 11th Floor, United Nations Building, Rajdamnern Nok Avenue, Bangkok 10200, Thailand, or by email: BANGKOK@ilo.org. Catalogues or lists of new publications are available free of charge from the above address, or by email: pubvente@ilo.org

Visit our website: www.ilo.org/publns or www.ilo.org/asia

Printed in Thailand

Table of contents

Acronyms.....	v
I. Introduction.....	1
Brief description of labour migration in the ASEAN region.....	1
ASEAN labour migration framework	1
Objectives, scope and focus, and methodology in preparing the report.....	3
II. Progress on the implementation of the AFML Hanoi and Bali Recommendations	4
Provision of quality information and services in countries of origin and destination	4
Promotion of positive image, rights and dignity of migrant workers	19
Promotion of strategies for effective return and reintegration, as well as sustainable alternatives for migrant workers.....	27
III. Summary and conclusions.....	37
Bibliography.....	44
Annex A. Recommendations from the 3rd ASEAN Forum on Migrant Labour	48
Annex B. Recommendations from the 4th ASEAN Forum on Migrant Labour	50
Annex C. Ratification of selected international instruments in the ASEAN region.....	53
Annex D. Summary of pre-departure orientation in countries of origin	55
Annex E. Template for reporting follow-up.....	57
Annex F - Technical cooperation projects in labour migration in the ASEAN region of the international organizations participating in the AFML	58

Acknowledgments

This paper has been prepared by Robert Larga, ILO consultant; Max Tunon, Senior Programme Officer/Project Coordinator and Nilim Baruah, Regional Migration Specialist. The preparation and completion of this Background Paper would not have been possible without the support of the ASEAN Member States and the contribution of the following organizations and persons engaged in promoting and protecting the rights of migrant workers in the region:

- The ASEAN Member States
- The ASEAN Secretariat
- The ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW)
- The ACMW Focal Persons in each Member State
- The Task Force on ASEAN Migrant Workers
- The key agencies and focal persons in ASEAN Member States designated for gathering and sharing information on country progress and updates in the implementation of the recommendations at the 3rd and 4th ASEAN Forum on Migrant Labour
- The participants of the national preparatory meetings in Cambodia, Indonesia, Myanmar, Singapore and Viet Nam, from the government, trade unions, employers' associations, recruitment agencies, non-government organizations, civil society groups, international organizations and dialogue partners, and the other national migration stakeholders

Special thanks go to Ms Mega Irena of the ASEAN Secretariat, Mr Sinapan Samydorai, Convenor of the Task Force on ASEAN Migrant Workers, for ably facilitating workgroup discussions during the national preparatory meetings; Yuko Hamada of the International Organization for Migration (IOM) in Thailand and Deepa Bharathi of the United Nations Entity for Gender Equality and the Empowerment of Women (UN Women) - East and South-East Asia Region for contributing to the report; the ILO country migration focal points and ILO TRIANGLE national project coordinators for their inputs and following-up on request for information from the government; and the staff of the ILO Regional Office for Asia and the Pacific for the administrative support in the processes leading to the finalization of this Paper.

It is timely to take stock and map progress of implementation of the highly relevant and tripartite recommendations on the protection and promotion of the rights of migrant workers in the ASEAN region made in the AFLM in 2010 and 2011, and the sharing of information has made this possible.

Acronyms

ACMW	ASEAN Committee on the Implementation of the Declaration on the Protection and Promotion of the Rights of Migrant Workers
ACRA	Association of Cambodian Recruitment Agencies
ADHOC	The Cambodian Human Rights & Development Association
AFML	ASEAN Forum on Migrant Labour
AIR	Anti-illegal recruitment campaign
ASEAN	Association of Southeast Asian Nations
ASPEK	Indonesian Workers Association
ATN	Assistance-to-Nationals (Philippines)
AusAID	Australian Government Agency for International Development
BNP2TKI	National Board for the Placement and Protection of Indonesian Overseas Workers
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CFO	Commission on Filipinos Overseas
CIDA	Canadian International Development Agency
CLEC	Cambodian Legal Education Centre
CLMV	Cambodia, Lao PDR, Myanmar and Viet Nam
COC	Code of Conduct
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
CWCC	Cambodian Women's Crisis Centre
CWPD	Cambodian Women for Peace and Development
DBP	Development Bank of the Philippines
DFA	Department of Foreign Affairs, Philippines
DOE	Department of Employment (Ministry of Labour, Thailand)
DOLAB	Department for Overseas Labour of Vietnam
DOLE	Department of Labor and Employment, Philippines
DOLISA	Department of Labor, War Invalids and Social Affairs, Viet Nam
DSWD	Department of Social Welfare and Development, Philippines
DTI	Department of Trade and Industry, Philippines
FDWs	Foreign Domestic Workers
GDP	Gross Domestic Product
HCC	Healthcare Centre for Children
HOME	Humanitarian Organization for Migration Economics
HRD Korea	Human Resources Development Service of Korea
HSW	Household Service Workers
ILO	International Labour Organization
IOM	International Organization for Migration
KSBSI	Indonesian Trade Union Confederation
LBP	Land Bank of the Philippines
LFTU	Lao Federation of Trade Unions
LSCW	Legal Support for Children and Women
LNCCI	Lao National Chamber of Commerce and Industry
MDT	Multi-disciplinary Team
MFA	Ministry of Foreign Affairs, Thailand
MOFA	Ministry of Foreign Affairs, Lao PDR
MOFYA	Model OFW Family of the Year Award
MOHR	Ministry of Human Resources, Malaysia
MOI	Ministry of Information, Lao PDR
MOL	Ministry of Labour, Thailand
MoLISA	Ministry of Labor, Invalids and Social Affairs, Viet Nam
MoLSW	Ministry of Labour and Social Welfare, Lao PDR
MoLVT	Ministry of Labour and Vocational Training, Cambodia

MOM	Ministry of Manpower, Singapore
MOMT	Ministry of Manpower and Transmigration, Indonesia
MOU	Memorandum of Understanding
MRC	Migrant Workers Resource Centre
MTUC	Malaysian Trades Union Congress
NAP	National Action Plan
NGO	Non-Government Organization
NLRC	National Labor Relations Commission, Philippines
NRCO	National Reintegration Centre for Overseas Filipino Workers
NTUC	Singapore National Trades Union Congress
OESC	Overseas Employment Supervisory Committee, Myanmar
OFW	Overseas Filipino Workers
OFW-RP	OFW Reintegration Program
OWWA	Overseas Workers Welfare Administration, Philippines
PDEP	Pre-Departure Education Program for Household Service Workers
PDOS	Pre-Departure Orientation Seminar
PEOS	Pre-Employment Orientation Seminars
PESO	Public Employment Service Offices (Philippines)
POEA	Philippine Overseas Employment Administration
POLO	Philippine Overseas Labor Office
PSOD	Phnom Srey Organization for Development
SLOM	Senior Labour Officials Meeting
SNEF	Singapore National Employers Federation
TFAMW	Task Force for ASEAN Migrant Workers
TOEA	Thai Overseas Employment Agency
TREE	Training for Rural Economic Empowerment
TWC2	Transient Workers Count Too
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
VAMAS	Viet Nam Association of Manpower Supply
VGCL	Viet Nam General Confederation of Labour

I. Introduction

Brief description of labour migration in the ASEAN region

1. The International Labour Organization (ILO) has estimated the world's stock of migrant workers at 105.5 million in 2010, out of which a little over 30 million (or almost 30 per cent) were in Asia.¹ The directions of migration flows in the ASEAN are mainly three-fold: Labour migration flows from South-East Asia to Gulf Cooperation Council (GCC) countries; Labour migration flows to and within the ASEAN region; Labour migration to East Asia which is mainly from countries in South-East Asia. Labour migration flows in this region with strong economic growth are intra-regional as well as within Asia and the Middle East. Over 5 million migrants from the ASEAN work within the region. This flow is estimated to have generated US\$39.5 billion in remittances.² Some ASEAN Member States have more women than men in their migrant workforces – in Indonesia, women constituted 83 per cent of outgoing migrants in 2009,³ and in Lao People's Democratic Republic, they represent 70 per cent of the migrant workforce.⁴ The growth of migration in the region is accompanied by several challenges. These include irregular migration and the resulting security and vulnerability problems; recruitment abuses that lead to indebtedness among migrant workers; the exploitation of labour migrants, particularly those in occupations usually excluded from labour protection laws; and the social costs, such as brain drain, children and families left-behind, over dependence on remittances,⁵ and the “care crisis” resulting from women's migration.
2. Malaysia, Thailand, Singapore and Brunei Darussalam are and remain the major host countries in the region; the Philippines, Indonesia, Cambodia, Lao PDR, Myanmar and Viet Nam are the major origin countries. A significant number of Thai workers also migrate for overseas employment. In terms of movement within the region, workers from Cambodia, Lao PDR, Myanmar and Viet Nam (CLMV) primarily migrate for work in Thailand and Malaysia, while workers from Indonesia and the Philippines mostly move to Singapore, Malaysia and Brunei. Significant flows of ASEAN migrants are also found in Republic of Korea, Taiwan (China), Hong Kong (China) and the Middle East, among other countries and regions. Migrant workers from ASEAN are predominantly employed in low-wage and low-skilled jobs in sectors including domestic and care work, construction, manufacturing, agriculture, fishing and forestry.

ASEAN labour migration framework

3. The ASEAN community has recognized the importance of labour migration in the region. It is included in two of the three ASEAN Blueprints: The Economic Community Blueprint and the Social-Cultural Community Blueprint. The economic blueprint calls for the free flow of skilled labour while the socio-cultural blueprint provides for the protection and promotion of the rights of migrant workers including women, children, older persons and persons with disabilities. In January 2007, the heads of states of the ten-member ASEAN adopted, during the ASEAN Summit in Cebu (Philippines), the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The adoption of the Declaration proceeded from the Vientiane Action Program, which called for the “elaboration of an ASEAN instrument for the protection and promotion of the rights of migrant workers”.

¹ ILO: *International labour migration: A rights-based approach*, 2010, p. 17.

² Hing Vutha and Lun Pide, *Enhancing the Protection and Promotion of Migrant Workers' Rights in ASEAN* (CDRI Policy Brief No.8, 2011).

³ IOM and MPI *Labor Migration from Colombo Process Countries*, 2011, p. 24.

⁴ UN Women *Lao PDR: Factsheet*, <http://www.unwomeneseasia.org/docs/factsheets/04%20Lao%20PDR%20factsheet.pdf> [accessed 28 May 2013].

⁵ Vutha and Pide *op. cit.*

4. The Declaration promotes the full potential and dignity of migrant workers in a climate of freedom, equity, and stability in accordance with the laws, regulations, and policies of respective ASEAN Member States. It also defines the obligations of the sending and receiving states and the commitments of the entire ASEAN community in protecting and promoting the rights of migrant workers.
5. Six months after the Cebu Declaration, the ASEAN Ministers of Foreign Affairs, in their statement adopted on 30 July 2007 during the 40th ASEAN Ministerial Meeting in Manila, 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 (ACMW). The ACMW reports to the Senior Labour Officials Meeting (SLOM). The ACMW was formally established in September 2008 in Singapore and adopted its terms of reference and work program. The ACMW Work Plan prioritises and groups the work of the Committee along the three themes⁶ of the Declaration, as well as an additional track dedicated to the development of the ASEAN Agreement on the Protection and Promotion of the Rights of Migrant Workers. Thrust 2 of the Work Plan pertains to strengthening protection and promotion of the rights of migrant workers by enhancing labour migration governance.
6. One of the activities under said thrust is the ASEAN Forum on Migrant Labour (AFML). The AFML is an annual event of the ACMW, participated by the member states, workers' and employers' organizations and civil society organizations.
7. The first AFML was held in Manila on 24-25 April 2008, hosted by the Philippine Department of Labor and Employment (DOLE). The event allowed the exchange on the situation of migrant workers in the region, the existing national legal frameworks for migrants and labour migration issues such as social security, cross-border management, upgrading workers' skills, placement and protection. The Forum concluded with several Recommendations including the regular convening of the Forum; putting into operations the work of the ACMW and formulating a work plan (which was subsequently adopted in Singapore in September 2008); and developing an instrument to implement the ASEAN Declaration.
8. The 2nd AFML was convened by the Ministry of Labour (MOL) of Thailand on 30-31 July 2009 in Bangkok. The Forum discussed the roles of different ASEAN stakeholders in the promotion and protection of migrant workers such as community-based organizations, recruitment agencies, civil society organizations and trade unions, and the need to strengthen cooperation between and among them. The consultative processes with civil society organizations in the formulation of a regional instrument were considered. The scope and coverage of the regional instrument as well as timelines on its development were deliberated upon.
9. With a focus on enhancing awareness and ensuring access to information and services for the protection of the rights of migrant workers, the 3rd AFML was held on 19-20 July 2012 in Hanoi, Viet Nam organized by the Ministry of Labour, Invalids and Social Affairs (MoLISA). The meeting ended with key recommendations⁷ in the areas of information and services for women and men migrant workers, such as access to information services; use of varied delivery channels for pre-employment, pre-departure and on-site information; access to complaint mechanisms to redress violations of rights and employment conditions; and visibility of labour attaches to collect information and

⁶ At the ASEAN Forum on Migrant Labour in 24 - 25 Apr. 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. (<http://www.aseansec.org/23062.pdf>)

⁷ See Annex A for the complete text of the Recommendations.

to respond to rights violations. Part of the recommendations was the engagement of, and the need to consult with, stakeholders from the government, employers' and workers' organizations, and civil society organizations in developing and implementing information campaign and services.

10. The Ministry of Manpower and Transmigration (MoMT) of Indonesia hosted the 4th AFML on 24-25 October 2011 in Bali, Indonesia. The Forum came up with a number of recommendations⁸ under the two themes of the meeting: Promotion of positive image, rights and dignity of migrant workers; and the Promotion of strategies for effective return and reintegration as well as sustainable alternatives for migrant workers. The roles and responsibilities of the sending and receiving countries with respect to return and reintegration and sustainable alternatives for migrant workers were likewise identified. It was agreed that all recommended concerted actions to promote and protect the rights of migrant workers would be gender sensitive, implemented in close cooperation among tripartite partners and civil society organizations, and applied to all migrant workers.
11. It was during the 4th AFML that the participants agreed to share information and reflect in the next Forum the progress on the implementation of the recommendations.

Objectives, scope and focus, and methodology in preparing the report

12. The 5th AFML in Siem Reap, hosted by the Ministry of Labour and Vocational training (MoLVT) of the Royal Government of Cambodia, will take stock of progress to date in implementing the Recommendations made at previous forums, and address issues of concern to the stakeholders on the regulation of recruitment. The Forum will provide an opportunity for participants to share progress made in relation to the Recommendations made at the 3rd and 4th Forums in Hanoi 2010 and Bali 2011, as well as the progress made in drafting the ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers.
13. The purpose of this report, therefore, is to consolidate and summarize the activities, experiences, good practices and challenges of various stakeholders in implementing the Hanoi 2010 and Bali 2011 AFML Recommendations. This serves as a marker as to what has been done, and what still needs to be carried out. This report describes the activities to implement the Recommendations, whether undertaken in receiving and/or sending countries. It is hoped that the experiences of the ASEAN Member States as contained in the report will mutually assist countries in responding to the Recommendations.
14. As will be noted, this report covers only the recommendations at the 3rd and 4th Forums as the first two dealt mainly on: a) administrative matters and technical details of the work of the ACMW; and b) the scope and coverage and the drafting processes of an ASEAN instrument or agreement on the promotion and protection of the rights of migrant workers. This report does not attempt to present exhaustively all relevant efforts of the ASEAN Member States vis-à-vis the AFML Recommendations. It is likewise not the intention of this report to assess policies, programs and activities. Tables 2 and Tables 3.1-2 contain a summary of the progress made against Recommendations.
15. It bears stressing that given their migration profile not all AFML Recommendations are relevant to all ASEAN Member States. The Recommendations pertain either to sending or receiving states, or to both. Some Recommendations require joint efforts with other ASEAN Member States or should be undertaken on a regional basis. The report includes obstacles or challenges in implementation as seen by Member States and social partners, and are discussed when provided. This report also considers the involvement of migrant communities in the implementation and whether the activities focused on their specific

⁸ See Annex B for the complete text of the Recommendations.

needs including the aspects of gender differences and age-differences, among others. The report concludes with a summary of implementation across countries and identifies some areas that governments and migration stakeholders in the region may consider to strengthen regional and national efforts.

16. This report has been prepared based on the responses of governments, primarily of labour ministries, to the template “Sharing of experiences on follow-up activities” which was developed to achieve this objective (See template in Annex E). The Philippine Overseas Workers Administration (POEA) and the Overseas Workers Welfare Administration (OWWA) of the Philippines, as well as the Ministry of Manpower and Transmigration (MoMT) of Indonesia and the Ministry of Human Resources (MOHR) of Malaysia, submitted the duly completed template. Prior to the 5th AFML, the labour ministries of Cambodia, Myanmar and Viet Nam convened national preparatory meetings, with multi-stakeholder participation and support from the International Labour Organization (ILO) and ASEAN Task-force on Migrant Workers to, inter-alia, review the activities to implement the Recommendations and facilitate the completion of the template. Similar meetings took place in Singapore and Indonesia for trade unions, NGOs and civil society organizations. A desk review of relevant ASEAN documents and reports, studies or research was also undertaken. This report, therefore, is limited by the extent of the information obtained from or provided by each ASEAN Member State and the availability of secondary sources of information gathered.
17. The report also reflects some of the pertinent initiatives of international organizations and dialogue partners in the region, including those of the ILO, IOM UN Women and other UN agencies. Coordination has been made as well with the ASEAN Secretariat, the ASEAN Committee on the Promotion and Protection of the Rights of Migrant Workers (ACMW) and the Task Force on ASEAN Migrant Workers (TFAMW) in the conduct of national preparatory meetings, the completion of the template by ASEAN Member States and the preparation of this report. Annex F contains a list of technical cooperation projects in labour migration of the international organizations participating in the AFML.

II. Progress on the implementation of the AFML Hanoi and Bali Recommendations

A. Provision of quality information and services in countries of origin and destination

Strengthen information and services to better protect women and men migrant workers and ensure decent and productive work in conditions of freedom, equity, security and human dignity. Provide opportunities for migrants to realize their labour rights in line with legislation of the ASEAN Member States, the ILO Fundamental Principles and Rights at Work, and their basic human rights protected by the UN and international conventions, particularly CEDAW and CRC, and in the spirit of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (Hanoi Recommendation 1).

18. Ratification of ILO eight fundamental conventions in the ASEAN is high: Forced Labour Convention, 1930 (No.29) (nine States), Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (eight States), Minimum Age Convention, 1973 (No. 138) and Worst Forms of Child Labour Convention, 1999 (No. 182) (nine States). In addition, it may be mentioned that Equality of Treatment (Accident Compensation) Convention, 192 (No. 19) is ratified by five countries⁹ in the ASEAN. Three countries have ratified and five countries have acceded to¹⁰ the Palermo Protocol on combating

⁹ These countries are Indonesia, Myanmar, Philippines, Singapore and Thailand (Source: ILO: *Database of international labour standards* at <http://www.ilo.org/ilolex/english/newratframeE.html> [accessed 25 Oct. 2012].

¹⁰ Cambodia, Indonesia and the Philippines ratified the Palermo Protocol. Lao PDR, Malaysia, Myanmar and Viet Nam acceded. Source: United Nations Treaty Collection http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en [accessed 25

trafficking. Only the Philippines and Indonesia¹¹ have ratified the International Convention on the Promotion of the Rights of All Migrant Workers and Members of their Families (1990). The Philippines became the second country in the world to ratify the most recent ILO Convention – Domestic Workers Convention, 2011 (No.189). The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC) have been ratified or acceded to by all ASEAN Member States. Ratification of remaining ILO core conventions remains a priority. A table of the ratifications of selected international instruments is included in Annex C.

19. Recent efforts have been undertaken in some ASEAN Member States to adjust national migration policy frameworks to ensure more effective governance of labour migration and greater alignment with international standards. Reforms in existing legislation were made or are underway and national policy framework and action plans were updated. This is an important process to be completed.
20. In August 2011, the Royal Government of Cambodia promulgated Sub-Decree 190 on the management of sending Cambodian workers abroad through private recruitment agencies. The Sub-decree mandates the issuance of additional measures to better regulate recruitment processes and protect migrants and potential migrant workers. Specific *Prakas* (Ministerial Orders) are being drafted on the procedures for granting private recruitment agencies to undertake recruitment activities and job placements; internal rules for training centres; and standard employment and job placement contracts. The Sub-decree further instructs MoLVT to issue a record book to recruitment agencies that will contain all information and pertinent data of the workers deployed for overseas employment.
21. The process of drafting *Prakas* to supplement Sub-Decree 190 has involved tripartite constituents, stakeholders from other Government departments and CSOs. Regulations will be issued on the following: a) definitions; b) registration and licensing of recruitment agencies, and the use of the guarantee deposit; c) recruitment processes and pre-departure orientation; d) job placement service contract and employment contract; e) fees and costs; and f) complaints mechanisms, reports and monitoring, inspection, sanctions and recognition for recruitment agencies. This process is supported technically by ILO and UN Women.
22. The Lao Ministry of Labour and Social Welfare (MoLSW) is developing an Operations Manual on Emigration Procedures. The Manual aims to ensure uniform information on migration is provided by the MoLSW, the Ministry of Information (MOI) and the Ministry of Foreign Affairs (MOFA) to outbound and inbound migrant workers. This manual will increase the reliability and coherence of the services provided and will streamline the procedures, leading to a greater use of legal migration channels.
23. The Government of Myanmar is in the process of drafting the National Action Plan (NAP) on the Management of International Labour Migration for 2013-2017. The goal of the NAP is to maximize the development potential of migration, through an integrated labour migration management system that guarantees the protection of Myanmar migrant workers throughout the migration cycle. The IOM has provided assistance in this process, and a consultation was organized in September 2012. The NAP template largely follows the Cambodia Labour Migration Policy Plan adopted in 2010.
24. The protection of the Filipino migrant workers and the promotion of their welfare, in particular, and the protection of the dignity and fundamental rights and freedoms of Filipino citizens abroad, in general, is the highest priority concern of the Secretary

Oct. 2012].

¹¹ Source: United Nations Treaty Collection: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-13&chapter=4&lang=en [accessed on 25 Oct. 2012].

of Foreign Affairs and the Philippine Foreign Service Posts. Concerned over the protection of its migrant workers, the Philippine Government strengthened the standards of protection for migrant workers, amending Republic Act No. 8042 (Migrant Workers and Overseas Filipinos Act of 1995). Republic Act No. 10022, the amendatory law which took effect in August 2010, requires the existence of certain guarantees of protection in receiving countries before deployment of Filipino workers is made. A receiving country must either have labour and social laws protecting the rights of workers, including migrant workers; or be a signatory to and/or has ratified multilateral conventions, declarations or resolutions relating to the protection of workers, including migrant workers; or has concluded a bilateral agreement or arrangement with the Government of the Philippines on the protection of the rights of overseas Filipino workers. It is not sufficient that the country to which Filipino migrant workers will be deployed has complied with any of the above-mentioned guarantees. It must be shown as well that the receiving country is taking positive, concrete measures to protect the rights of migrant workers. Otherwise, no deployment permit shall be issued by the Philippine Government.

25. On assumption to office in June 2010, the President of the Philippines has declared its 22-point agenda on labour and employment, 11 of which pertain to the promotion of the welfare and protection of the rights of migrant workers. Subsequently, the Philippine Labor and Employment Plan 2011-2016, a sectoral plan annexed to the overall Philippine Development Plan, was formulated, recognizing the contribution of migrant workers' remittances in the economy, and identifying measures to enhance protection of migrant workers and maximize development potentials of migration, while creating local employment opportunities.
26. Singapore has amended its 1959 Employment of Foreign Manpower Act in 2011. The purpose is not only to create sustainable and inclusive growth and ensure that Singaporeans remain at the core of its workforce, but stem the worst abuses against foreign workers.¹²
27. The Thai Ministry of Labour (MOL) has drafted ministerial regulations to extend additional protection to two sectors of work that are currently not covered by the Labour Protection Act: domestic work and work in fishing. These are two sectors in which significant numbers of women and men migrants are employed. The MOL has consulted with key stakeholders in the drafting process, and requested technical comments from the ILO, which drew on the principles of Work in Fishing Convention, 2007 (No. 188), and the accompanying Recommendation, 2007 (No.199); and the Domestic Workers Convention, 2011 (No.189) and the accompanying Recommendation No. 201. (The new ministerial regulations on domestic work have since been adopted in the beginning of November 2012).
28. The Ministry of Labour, Invalids and Social Affairs (MoLISA) of Viet Nam intends to review its migration policies towards strengthening protection and services to Vietnamese migrant workers with the assistance of ILO. These include the aspects of standard labour supply and guest worker contracts; ceiling for the deposit fund of recruitment agencies; and utilization of the overseas employment fund. MoLISA has been consulting social partners and other migration stakeholders. In addition, the Department of Overseas Labour (DOLAB) of MoLISA, together with UN Women, has commissioned a review of government policy on labour migration and gender.¹³

¹² Ministry of Manpower: *Amendments to the Employment of Foreign Manpower Act, 2012*, <http://www.mom.gov.sg/foreign-manpower/amendments-to-the-efma/Pages/default.aspx> [accessed 30 May 2013].

¹³ UN Women and the Department of Overseas Labour, Ministry of Labour, Invalids, and Social Affairs, Viet Nam: *Women in International Labour Migration from Viet Nam: A Situation Analysis*, 2012, p. 60.

Ensure that information services are more accessible to women and men migrants and reflect their specific and diverse needs. Pursue the use of varied delivery channels for pre-employment, pre-departure and on-site information, including schools and training institutions, migrant community representatives, the media and public information campaigns. Continually assess the quality and reach of information services for migrant workers and the capacity of service providers to meet these needs (Hanoi Recommendation 2).

29. Steps have been taken in countries of origin to step up pre-employment information services and pre-departure orientation. In some countries (for example Viet Nam and the Philippines), such services are being provided on a financially sustainable basis (i.e. State budget or Migrant Welfare Fund). Viet Nam has integrated domestic and international labour market information services under the Job Centres. In Cambodia, as in Thailand, CSOs have been active in information provision including through innovative means (such as the MAP community radio in Chiang Mai Province of Thailand). In Malaysia and Thailand, Migrant Worker Resource Centres (MRCs) have been established by trade unions and CSOs. In Singapore, the national workers' and employers' organizations (SNEF and NTUC) jointly run the Migrant Workers' Centre. Annex D summarizes the pre-departure orientation available in the countries of origin.
30. The challenge that remains is quality assurance of services provided and its monitoring. In this regard, ILO has undertaken base-line surveys (on knowledge, attitude and practice) to measure the impact of such services supported by it, and is working with partners in countries of origin on the development of MRC Operations Manuals.
31. Standard pre-departure training materials are currently under development in Cambodia, Lao PDR and Viet Nam in collaboration with governments, recruitment agencies, NGOs and other international organizations with the assistance of ILO. Inputs are sought from Thailand and Malaysia, the main countries of destination, to ensure the accuracy and relevance of the training. The content covers rights at work, workplace practices, culture and traditions in the host country, guidance on saving and sending remittances and accessing rights. In addition to a participant's manual, a facilitators' guide outlines each module in a lesson plan format – with time allotted and step-by-step instructions. The training includes dynamic activities to better suit the learning profile of the migrant workers and to stimulate the overall learning process. The challenges that remain in the concerned countries are: ensuring quality of training delivered and assessing learning levels and effectiveness. The sustainability model in these countries, unlike in the Philippines and Thailand, where PDOS is covered by the Migrant Welfare Fund, is recruitment agency based. Pre-employment information is also provided by CSOs in Cambodia. CARAM Cambodia, for instance, conducts community level safe migration awareness building. UN Women is also supporting the development of a gender-responsive pre-departure orientation curriculum in Viet Nam.
32. In Lao PDR, Cambodia and Viet Nam, MRCs have been established, and are being run by a mix of Government agencies, trade unions and civil society organizations. The purpose of these centres is to provide information, counselling and legal assistance to visitors; and to conduct outreach to schools, training institutions, communities, etc. Activities reach potential migrant workers, their family members and community leaders. Under the scope of an ILO project, there are currently five MRCs in Viet Nam, three in Lao PDR and three in Cambodia. In each of these countries, there are MRCs that are linked with the provincial employment service or job centres, promoting greater integration of safe migration into the employment services.
33. Civil society organizations (CSOs) in Cambodia have advocated with local governments for the inclusion of safe migration into the Commune Investment Plan. A 'Safe Commune' policy has been adopted to reduce crime and exploitation. Community focal points for migration information have been identified and trained to extend information and assistance to migrants. Many of these are undertaken by non-government

organizations and civil society organizations.¹⁴ The MoLVT and civil society partners in Cambodia have been conducting awareness campaigns on safe migration, targeting prospective migrants, return migrants, migrants' family members, the community, the public in general, and other migration stakeholders and networks in Cambodia.

34. In Cambodia, the Asia Foundation and the ILO jointly supported the development of a film on safe migration, titled *My Name is Saray*. This drama tells the story of a young Cambodian who migrates to be employed as a domestic worker. The film aims to empower individuals and families, particularly women, considering labour migration to make informed decisions; inform them of the risks and realities of migrating as domestic workers and point to the support services available to them, in Cambodia and abroad. The film will be launched on International Migrants Day (18 December 2012).
35. The MoMT of Indonesia, in coordination with local employment offices, conducts seminars, community meetings and dissemination of information materials to prepare migrant workers for labour migration and equip them with accurate information on the recruitment and placement processes. Local employment service officers are tapped to share information on available employment opportunities and assist in the meeting between the job seekers and the prospective employers. As there are a limited number of employment service officers, volunteer liaison officers are designated. These volunteers usually have college degrees and perform work with a minimal allowance.
36. Information services for Indonesian migrant workers are also available online and during job fairs. Public service announcements were produced and have been airing on TV and radio stations, especially at the local level. Leaflets and brochures were developed and disseminated. As many migrant-sending communities in Indonesia have limited access to new technologies, the district or city employment officers and liaison officers are trained to provide information on labour migration. Community education sessions are conducted in communities, in coordination with the local school authorities.
37. Various media activities were implemented in Indonesia to raise awareness of the public on issues affecting migrant domestic workers. These include: a) interactive radio programs on migrant workers and gender issues with SMART FM, airing twice a week since 2009; b) discussion of four different topics about the protection of migrant domestic workers with Female Radio Jakarta; c) media input in electronic and written form for international media campaigns and international broadcasters; and d) production of film documentaries on domestic workers to support national and international debates on migrant domestic workers and the processes towards developing a convention on the rights of domestic workers.
38. In Lao PDR, information on safe and legal migration is disseminated during job fairs. In April 2012, a job fair was held in Champasack Province, organized by the Department of Employment and Skills Development and the Provincial Employment Promotion Division, in close cooperation with Lao National Chamber of Commerce and Industry (LNCCI) and the Lao Federation of Trade Unions (LFTU), information about employment opportunities at home and abroad and how to migrate in a safe and legal way was promoted.
39. In Myanmar, pamphlets, brochures and other similar printed materials containing relevant information on migration have been produced and disseminated. Public service announcements have been aired on television and radio. Migration information is also available in newspapers, journals and other similar materials. Hotlines have been

¹⁴ They include: CARAM; HCC; NGO-CEDAW; PSOD; ADHOC; LSCW; CWCC; CLEC; CWPD.

designated to receive inquiries from migrants and their families. Nationality Verification Centres also provide information on labour rights and regularization procedures.

40. The Philippine Overseas Employment Administration (POEA) has undertaken an aggressive campaign against illegal recruitment and enhanced information dissemination on labour migration especially on pre-recruitment, recruitment and deployment aspects. It signed an agreement with the Government's Bureau of Broadcast Services for the airing of POEA's programs and services to make information more accessible to the people especially at the grassroots level. The program, which has been airing since 2010, tackles various issues and concerns affecting the deployment of overseas Filipino workers (OFWs) worldwide, promotes the Government's anti-illegal recruitment (AIR) campaign, workers education programs and more. The POEA website also provides information on job orders; a list of accredited or licensed recruitment agencies; advisories for migrant workers and their families on situations in destination country; updates on regulations affecting recruitment and deployment of workers; and other practical information migrant workers need to know. POEA has also opened a Facebook account to facilitate exchange and sharing of information with migrants, and in the process, receive feedback from them.
41. In the Philippines, pre-employment orientation seminars (PEOS) are also conducted at the local/community level by the local Public Employment Services Office of provinces, cities and municipalities. The PEOS tackles issues on labour migration and information on preparing for overseas employment.
42. Pre-departure orientation seminars (PDOS) in the Philippines are managed by the Overseas Workers Welfare Administration (OWWA). OWWA accredits PDOS providers (i.e., recruitment agencies and non-government organizations) and prescribes the standard modules for PDOS which accredited organizations must use fully. PDOS modules are country specific. OWWA also conducts PDOS in its central office. OWWA also has a website that contains information on its pre-departure, on-site and return and reintegration programs and services. Information on PDOS advisories, providers and materials can also be accessed online.
43. To protect Thai workers from being deceived by private recruitment agencies and brokers and to suppress illegal recruitment activities, the Government of Thailand has launched an information campaign to inform job seekers of the proper procedures for working overseas through broadcast and print media and the development, production and dissemination of printed materials such as brochures and leaflets at the village level, especially those identified as origin communities of Thai migrants. Job seekers may check provincial employment office notice boards for announcements, or the website of MOL. The MOL launched its Labour Volunteer Project and the "Door-Knock Project", aiming to raise awareness and provide information on trafficking and illegal recruitment. Local or village leaders are also informed of the legal channels of working overseas to assist in disseminating information or providing advice to the community as well as in monitoring and reporting recruitment activities at the local level.¹⁵
44. The Department of Employment (DOE), an office under the MOL in Thailand, has established 18 labour checkpoints in 14 provinces with international airports and in provinces with borders with neighbouring countries to look after Thai workers who will work overseas.¹⁶ The DOE has also set up the Overseas Job Seekers Registration Centres in Bangkok and in the 75 provinces of Thailand. The centres are located at the provincial employment office and administered by a special working group chaired by the Vice-Governor and composed of relevant government agencies. A member of the provincial

¹⁵ Lumyong, Pairat, Deputy Director General, Department of Employment, Ministry of Labour, Thailand: *Thailand: The Management of Labour Migration*, a paper presented in Manila on 24-25 Apr. 2008.

¹⁶ *Ibid.*

parliament serves as counsellor. The centres serve to protect Thai migrant workers and suppress illegal recruitment activities. These centres are likewise responsible for disseminating information on overseas work as well as for receiving complaints from job seekers.

45. In Viet Nam, an MRC has opened in Hanoi as part of the partnership between DOLAB and IOM. Information services, counselling and other services, pre-departure orientation, psychosocial assistance and legal counselling are available at the centre. MRC will also facilitate referrals between relevant stakeholders such as state agencies, non-government organizations and businesses.
46. Relevant information on migration, migration policies and regulations are also available on the Vietnamese Government's website, and will soon be available on the website of the Viet Nam General Confederation of Labour (VGCL). Leaflets and pre-departure information guides were produced and disseminated to migrant workers. A training workshop on international economic reintegration was conducted for the staff of the labour authorities at various levels, recruitment agencies, civil society organizations and the media.
47. Pre-departure information guides on 12 country destinations for Vietnamese migrant workers are being prepared. Training materials for provincial core trainers on safe and legal migration have been produced. Capacity building activities for the staff of relevant Government agencies and trade unions were held.

Provide accessible channels for women and men migrant workers to report and seek redress for violations of rights and terms and conditions of employment, and promote the implementation of the national legislation and international commitments (Hanoi Recommendation 3).

48. There are complaints mechanisms now in most countries and support services to avail of complaint mechanisms have been recently established or are in the process of being established. Their coverage and effectiveness particularly with regard to isolated work-sites such as fishing and domestic work need to be assessed and enhanced. The gender-responsiveness of these legal and judicial mechanisms should be taken into account, especially in countries deploying or receiving large numbers of women migrant workers.
49. In Thailand and Malaysia, MRCs and drop-in centres have been established, with the support of trade unions and civil society organizations in the framework of ILO technical cooperation. The purpose of these centres is to provide information, counselling and legal assistance to visitors; and to conduct outreach to migrant workers in their communities, churches, dormitories, workplaces, etc. These centres are assisting women and men migrants in resolving disputes with employers and lodging complaints with the authorities. They are also training leaders from the migrant community to provide paralegal assistance to migrants. Migrants are also being empowered as members of associations, networks and trade unions.
50. In Brunei Darussalam, illegal activities of recruitment agencies or issues against them may be brought to the attention of the Employment Agency Unit, Labour Standards and Employment Agency Section of the Department of Labour.
51. Cambodian migrant workers may report and redress violation of rights, either in Cambodia or in countries of destination. The MoLVT has a desk to receive complaints of migrants and/or their families. A number of Government and non-government hotlines exist to report abuses, accidents, or cases of trafficking or exploitation of migrants. At destination, reports may be made at the Cambodian Embassy, where present. Complaints may also be lodged through the Association of Cambodian Recruitment Agencies (ACRA) which in turn will provide assistance and legal aid services. Violations could also be reported to NGOs.

52. The MoMT has established a call centre facility housed at the BNP2TKI office where Indonesian migrant workers and their families can complain or seek assistance, both in Indonesia and overseas, either through a toll free number, a hotline number, or an SMS facility. An email may also be sent. All reports are verified. Follow-up is made by relevant institutions such as, for example, by the Indonesian Police in case an investigation is needed for the purpose of instituting a criminal action. The BNP2TKI may summon private employment agencies, insurance company or any other institutions as may be necessary to give light on the verified complaint.
53. In Lao PDR, legal provisions exist as basis for migrants to institute complaints or claims for violation of rights. Directive 2417 further mandates the MoLSW to coordinate with concerned organizations to settle disputes. The Department of Skills Development and Employment and the Department of Labour Management are primarily responsible for conciliation and resolution. When no settlement or decision is reached, the matter will be elevated to a higher competent authority.¹⁷
54. A foreign employee in Malaysia who is being discriminated against in relation to a local employee by his employer in respect of the terms and conditions of employment may file a complaint with the Director-General of Labour pursuant to Article 60 [I] of the Employment Act of 1955. Article 69 of the Employment Act also provides authority to the Director-General to investigate and issue orders based on terms and conditions of contracts, wages, and provisions of the Employment Act. Complaints for unfair dismissal are filed under the Industrial Relations Act.
55. Foreign women and men migrant workers in Malaysia may seek assistance from NGOs and trade unions in filing complaints concerning non-payment of wages, late or partial payment (especially related to overtime premium pay and unauthorized deductions), excessive working hours, refusal to provide paid leave (annual and sick leave), lack of medical benefits or assistance, failure to provide support and compensation in cases of occupational accidents, etc. The Malaysian Trade Union Congress (MTUC), Tenaganita, Talian Nur and a number of church based organizations are providing services and referrals.
56. Migrant workers from Myanmar can report and redress violation or seek assistance from the labour attachés, consular services and the recruitment agencies through the Embassy. Other avenues include writing through the President's mailbox or the National Human Rights Commission.
57. There are various channels for Filipino migrant workers to report and redress violations. At destination, migrants can report to and/or seek assistance from the Philippine Embassy or Consulate. In the Embassy or Consulate, there are several officials assigned to handle specific cases but they operate a one-country team approach¹⁸. These officers include the Assistance-to-Nationals (ATN) officer of the Embassy or Consulate; or the Philippine Overseas Labor Office (POLO)¹⁹ which is headed by a labour attaché; or an OWWA Welfare Officer; or a DSWD Social Welfare Attaché.
58. At the national level, OWWA maintains a 24/7 operations centre, with facilities for receiving and responding to complaints such as hotline phone numbers, SMS numbers

¹⁷ *Migrant Labour Overview Lao PDR*, presented by the Department of Skills Development and Employment during the ASEAN Forum on Migrant Labour in Manila, 24-25 Apr. 2008.

¹⁸ Under the country-team approach all officers, representatives and personnel of the Philippine government posted abroad regardless of their mother agencies shall, on a per country basis, act as one country-team with a mission under the leadership of the Ambassador. In this regard, the Ambassador may recommend to the Secretary of the Department of Foreign Affairs the recall of officers, representatives and personnel of the Philippine government posted abroad for acts inimical to the national interest such as, but not limited to, failure to provide the necessary services to protect the rights of overseas Filipinos.

¹⁹ POLO acts as the operating arm of the Department of Labor and Employment of the Philippines for the administration and enforcement of DOLE policies and programmes, rules and regulations applicable to overseas workers.

and an email address. The centre provides timely interventions/assistance to clients as well as facilitative services to OFWs in distress overseas; follow-up requests for assistance; global developments on workers' migration; and coordination with OWWA regional welfare offices (at sub-national levels) on OFW concerns. It has welfare offices in practically all regional centres in the Philippines where requests for assistance or complaints may also be taken. OWWA also deploys welfare officers in countries where there is a large concentration of migrant workers to provide workers assistance and on-site services.²⁰ Hotline numbers are available in OWWA Welfare Offices abroad, other than those of the Philippine Embassy or Consulate.

59. The POEA in the Philippines also has mechanisms for reporting and acting on complaints against recruiters. It has an adjudication office that takes cognizance of cases against licensed recruitment agencies for recruitment violations including collection of excessive fees and violation of conditions for the issuance of license to recruit; cases involving disciplinary action against foreign principals and employers; and cases involving disciplinary action against the workers. The proceedings are administrative in nature and may result in the suspension or cancellation of license (for recruitment agencies); and suspension or disqualification to participate in overseas employment (for employers and migrant workers). Illegal recruitment may be reported to POEA, or to the Presidential Task Force Against Illegal Recruitment or to any law enforcement agency. Labour claims and damages for labour contract violations may also be instituted before the National Labour Relations Commission (NLRC).
60. In Singapore, conciliation and adjudication are available for non-unionized disputes with a view to promote harmonious labour management relations. Employment disputes that cannot be settled amicably through conciliation may be referred to the Labour Court for adjudication.
61. Aggrieved workers in Singapore can submit complaints through a Government-run toll-free helpline and through feedback forms with pre-paid envelopes. Complaints are also received through NGOs and embassies.²¹ Some women migrant domestic workers, known as Foreign Domestic Workers (FDWs) in Singapore, have been reporting their concerns through social media. Created for the Humanitarian Organization for Migration Economics (HOME), two Facebook pages for FDWs had, as of July 2012 over 9,000 Filipino domestic workers connected to "HOME Gabriela", and over 2,000 Indonesian domestic workers connected to "HOME Kartini".²²
62. In Thailand, complaints for violations relating to overseas employment (Thai workers going abroad) may be brought before the DOE. It can decide on recovery of compensation and damages as well as rule on the liability of recruitment agencies including suspension or revocation of licenses. If dissatisfied with the decision of DOE, parties may bring the case to the regular court system.
63. To institute criminal action for recruitment-related offenses, a registered complaint with corroborating testimony of a witness to the illegal act(s) may be filed before the DOE, which in turn will endorse the complaint to the local police. The police will decide whether to take the case to the court or not, depending on the evidence available. In

²⁰ These services include: a. representation with employers, agents and host government authorities; b. locating OFW's whereabouts; c. providing information and guidance; d. counselling and conciliation services; e. medical and legal assistance; f. community organization; g. workplace and hospital visitation; h. outreach missions; and i. repatriation which includes negotiation with employers and agents, repatriation of distressed workers, human remains and belongings, airport assistance, OWWA Halfway House accommodation, and coordination with families through the OWWA regional Welfare Offices (RWOs).

²¹ UN Women *et al*: *Draft report of the regional conference on human rights instruments, international labour standards and women migrant workers' rights*, 4-5 Sep. 2012, Phnom Penh, Cambodia.

²² International Domestic Workers Network: *A voice for domestic workers in Singapore*, 24 July 2012: <http://www.idwn.info/news/voice-domestic-workers-singapore-myvoice-newsletter> [accessed 30 May 2013].

some instances (i.e., deception or fraud only and no injury or death has resulted), the police will encourage the two parties (the recruitment agency and the worker) to agree on an out-of-court settlement.²³

64. The DOE conducted a study on the existing complaint mechanism for jobseekers toward improving case management and response. The study included the review of existing complaint-taking mechanism and practices, problems and lessons learned; interviews with job seekers; and the review of case monitoring and follow-up. As a result, an online facility for accessing services including a platform for reporting complaints was developed and completed in March 2012. The facility is linked to the website of the Ministry of Labour (MOL). The online system will help reduce information gaps between jobseekers and the officials recording complaints as well as among officials themselves. Information on complaints and redress will be updated and accessed in a timely manner. In addition, information on overseas jobs, guides for those who want to work abroad as well as a practical guide on complaint taking procedures are provided online. A series of training-workshops on the Practical Guide for Complaint Taking Procedures and Online Services were conducted for 99 officials responsible for taking complaints. The ILO supported these initiatives.
65. For migrant workers coming into Thailand, the Ministry of Labour in 2012 announced its intention to work more closely with civil society on resolving cases of abuse. Translators have been recruited in certain offices, and community volunteers have been engaged. However, there is less access to complaint mechanisms to address grievances in the recruitment process. A study was carried out by the ILO and DOE in 2012 to assess this issue, looking at the law and practice, and identifying gaps. A consultation will be held with a range of stakeholders to discuss the findings on this study, and to strategize on how to strengthen the complaint mechanisms through operational and legislative solutions. IOM has continued facilitating the development of strong referral networks for migrants so that the needs of migrants can be appropriately addressed and attended. These networks include migrants, CSOs, international organizations and relevant government agencies.
66. The effectiveness of the complaint mechanisms in Viet Nam will be assessed by the National Assembly as part of the review process on the implementation of the Law on Contract-Based Overseas Workers. The said Law recognizes the right of migrant workers to complain against those who send migrant workers abroad illegally. Disputes between workers and enterprises sending workers abroad shall be settled on the basis of the agreement signed between the parties and the legal provisions of Vietnamese laws. Disputes between workers and the foreign employer shall be settled on the basis of the agreement signed between the parties and the laws of the host countries.
67. Administrative charges against service enterprises may be pursued for recruitment malpractices or violation of their obligations under the law (Decree No. 144/ND-CP, 2007). Such charges could result in the imposition of fines, prohibition to recruit for three to six months, suspension of contracts to provide labourers for one to six months, an order for compulsory repatriation of workers, and/or payment of compensation to victims for the injury resulting from the violation. These penalties may be imposed by the presidents of provincial/municipal People's Committees, the chief inspector of MoLISA, chief inspectors of provincial/municipal labour authorities and specialized independent inspectors and the director of the Department for Management of Contract Based Workers. The revocation of license to undertake recruitment activities, however, is only within the power of MoLISA.

Strengthen and raise the visibility of labour attachés and consular staff in collecting and providing information, and responding to rights violations against women and men

²³ ILO Triangle: *Project baseline desk review on policy and practice*, 2010, (unpublished).

migrant workers. This should be achieved through close engagement with the migrant community and employers, and in cooperation with authorities of the host countries (Hanoi Recommendation 4).

68. Relatively comprehensive consular and labour attaché services are provided by the Philippines, Indonesia, Thailand and Viet Nam. Myanmar has labour attaches in two countries while Cambodia and Lao PDR have not yet established these services due to resource constraints.

Table 1. ASEAN countries with Labour Attachés appointed to certain destinations

Country	Number of Labour Attachés	Countries / Territories of assignment
Indonesia	11	Japan; Jordan; Saudi Arabia; Kuwait; Malaysia; Qatar; Singapore; Republic of Korea; Syrian Arab Republic; Taiwan (China); and the United Arab Emirates.
Myanmar	2	Republic of Korea and Thailand.
Philippines	37	<p>Asia (12): Hong Kong (China) (2); Singapore (2); Japan; Republic of Korea; Malaysia; Brunei Darussalam; Taiwan (China) (Taipei; Kaohsiung; Taichung); Macau (China); Thailand (vacant).</p> <p>Middle East and Africa (17): Saudi Arabia (Riyadh; Al-Khobar; Unaizah/CRO; Jeddah [2]); UAE (Abu Dhabi; Dubai); Bahrain; Qatar (2); Oman; Kuwait (2); Israel; Lebanon; The Syrian Arab Republic ; Libya Jordan (vacant).</p> <p>Europe, Americas & Trust Territories (8): Italy (Rome; Milan); Spain; Cyprus; United Kingdom and Ireland; United States; Canada (Vancouver; Toronto; Ottawa [vacant]); Saipan, CMNI (vacant).</p>
Thailand	13	Brunei Darussalam; Germany; Hong Kong (China); Israel; Japan; Republic of Korea; Malaysia; Saudi Arabia (2 offices); Singapore; Taiwan (China) (2 offices); and Switzerland.
Viet Nam	9	Malaysia, Japan, Republic of Korea, Taiwan (China), Czech Republic, United Arab Emirates, Libya, Qatar and Kingdom of Saudi Arabia.

69. The Cambodian Government has not yet appointed labour attachés in any of the destination countries. The MoLVT has discussed with the foreign affairs ministry about the possibility of appointing labour attaches to the Republic of Korea, Malaysia and Thailand but there are challenges in terms of the resources required in maintaining such posts. The consular services of the Embassy respond to migrant workers issues as part of its mandate under Sub-decree 190 to monitor Cambodians working abroad. The Embassies, however, cannot provide temporary shelter to distressed migrants as Embassy premises are inadequate to accommodate the number of migrants seeking assistance.
70. Sub-decree 190 requires recruitment agencies to cover the travel costs of officials sent to monitor workplace situation in countries of destination. The agencies are likewise under obligation to intervene in labour disputes between migrant workers they have deployed and the foreign employers. The agencies should inform the Embassy in case of non-settlement. ACRA has designated representatives in Malaysia to provide services to migrant workers facing difficulties.
71. Indonesia has deployed labour attachés in the 11 top destinations for Indonesian migrant workers. In other destination countries without labour attachés, the concerns of migrant workers are attended to by consular officials of the Indonesian Embassy. An annual meeting among labour attachés and consular officers who deal with migrant workers' issues is held to discuss their work, the challenges they face and the measures they have adopted or will adopt to overcome the challenges. The meetings are also used to update both the labour attachés and consular officers on recent policies and practices in dealing with the protection of migrants.
72. To improve the protection services for Indonesian labour migrants mandated by Presidential Instruction No. 6/2006, the Ministry of Foreign Affairs issued Ministerial Regulation No. 4/2008 on delivery of services for citizens at Indonesian diplomatic missions overseas. This regulation stipulates that services for Indonesian citizens are

part of an integrated service system that aims to improve the protection of all Indonesian citizens, including Indonesian labour migrants. These services are registration, protection, counselling and temporary accommodation, among others.²⁴

73. The Government of Lao PDR has not yet assigned labour attachés to any destination countries. The Department of Labour Protection has indicated plans to create such a post in Thailand and in the future in Malaysia, Kuwait and the Republic of Korea. The Lao Embassy in Thailand and in other countries could also take complaints from the workers. A small office was set up in Thailand to receive complaints and claims from Lao migrant workers.²⁵
74. In 2012, the Government of Myanmar has appointed labour attachés to Thailand and the Republic Korea to address migrants' rights issues. The labour attaché in Thailand is increasingly engaged with the labour authorities and civil society organizations in providing assistance to Myanmar migrant workers.
75. The Philippines has labour attachés in 37 destinations for Filipino migrant workers. Labour attachés handle complaints and disputes arising from the employer-employee relationship, usually contractual violations; provide counselling and conciliation services; undertake workplace monitoring visits; provide medical or hospital assistance; and undertake special operations such as relief and repatriation in case of emergencies. DOLE has adopted guidelines providing for stricter criteria on the selection, qualifications, appointment and training/immersion requirements for deployment of labour attachés including of OWWA Welfare Officers, administrative staff and local hires. DOLE and OWWA also assess areas with high concentration of OFWs to rationalize the deployment of overseas personnel.
76. The MOL and the Ministry of Foreign Affairs (MFA) of Thailand are responsible for providing assistance to workers abroad. The MOL has 13 representative offices in 11 countries and territories. There has been no deployment as yet to the "new markets". The Labour Office handles assistance to Thai workers, while the diplomatic mission – i.e. the nearest consular office – receives the initial contacts and complaints.²⁶
77. Where no Labour Office has been established, the Thailand's consular offices handle the complaints. The Protection of Thai Nationals Division, Department of Consular Affairs, MFA, collects data on the type of assistance delivered to migrants working in different sectors – or most commonly, to victims of sex trafficking. The recruitment agencies must notify in writing the Labour Office or Consulate in the country of employment, the names of the intending migrant workers 15 days prior to their departure date. Within 15 days from arrival, the recruitment agency in Thailand or the workers themselves must return the form received at the DOE's labour checkpoint (at the airport in Thailand) to the Labour Office, Embassy or Consulate in the country of employment.²⁷ Labour offices mainly supervise documented workers. Most undocumented workers that experience difficulties abroad are reluctant to turn to them. In most cases, arbitration with related parties will be the first course of action. If that fails, the Welfare Fund or the MFA fund can be accessed for repatriation costs.²⁸
78. The Vietnamese Government, through MoLISA and the Ministry of Foreign Affairs, has set up and maintained nine Labour Sections in Embassies and Consulates in countries and territories with high numbers of Vietnamese workers. Each Labour Section is headed by a labour attaché. Vietnamese diplomatic missions, including labour attachés,

²⁴ IOM: *Labour migration from Indonesia: An overview of Indonesian migration to selected destinations in Asia and the Middle East*, Jakarta, 2010, p. 34.

²⁵ ILO Triangle *op. cit.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

have the responsibility to protect the rights of Vietnamese workers; research and inquire into foreign labour markets, labour policies and modes in receiving workers; supply information and guide enterprises on labour market information, labour supply contracts and assessment of conditions and feasibility of sending workers; among others. Labour attachés, in particular, negotiate signing of MOUs; attest to labour supply contracts; determine legal status of employers; and resolve complaints or problems of migrant workers.

Actively engage and consult stakeholders from government, employers' and workers' organizations, and civil society organizations in developing and implementing information campaigns and services for women and men migrant workers at all stages of the migration cycle (Hanoi Recommendation 5).

79. In Cambodia, broad stakeholder cooperation and consultation are increasing, including in the areas of information dissemination and providing support services to migrants – prior to departure and on return. The Government, employers' groups and trade unions as well as civil society organizations are consulted in developing information materials. The Forum to Address Exploitative Labour Recruitment and Trafficking is chaired on a rotating basis among members. The Forum is attended by representatives from civil society partners and international organizations working on labour migration and trafficking.
80. The MoMT (Indonesia) coordinates with other stakeholders in developing information materials. For instance, it collaborated with IOM in preparing the Handbook for Enhancing Protection of Migrant Workers. It also partnered with ILO in commemorating International Migrants Day celebrations.
81. While not solely focused on developing and implementing information campaign, the membership of non-government organizations and private individuals in the overseas employment committees in Myanmar allows greater participation and involvement in policy making and coordination from non-government stakeholders.
82. The Migrant Workers' Centre, an initiative of the Singapore National Employers Federation and the National Trade Union Congress, organized a series of roadshows with the theme "Embracing Differences". The roadshows featured a number of recreational activities for migrant workers' entertainment, as well as an exhibition on Singapore's history, customs and social norms.
83. In recent years the ILO has facilitated the development of relationships between CSOs in Thailand and Europe, in providing return and reintegration support to migrants. Specifically, a platform was created for Thai authorities (from Labour and Foreign Affairs) to communicate and collaborate with Thai migrants' associations, trade unions, employers and service providers in Europe, and in particular, in Sweden and Poland.
84. MoLISA has been cooperating with several stakeholders in developing and implementing information campaigns in Viet Nam. In particular, it cooperated with mass media groups and civil society organizations including farmers' associations, veterans' association and youth organizations, in disseminating information about HRD Korea's Happy Return Program.

The ASEAN Secretariat, national and regional stakeholders and international organizations should facilitate the sharing of good practices in the provision of information and services, promote the development and use of user-friendly information materials between and among ASEAN states and increase migrant workers' ease of access to and understanding of publicly available information on laws, guidelines and other information materials produced by governments of sending and receiving states. The ASEAN Member States, the ASEAN Secretariat, stakeholders, the UN and international organizations should continue to cooperate in providing opportunities for capacity building and confidence building of stakeholders at national and regional levels (Hanoi Recommendation 6).

85. The ASEAN Secretariat has organized with Member States and host governments and in collaboration with ILO, the Task Force on ASEAN Migrant Workers, IOM and (in 2012) UN Women, the AFML meeting in Bali in 2011 and the current deliberations.
86. ILO Tripartite Action to Protect and Promote the Rights of Migrant Workers in the ASEAN Region (ASEAN TRIANGLE project) (2012-2016) supports regional approaches to shared concerns, aims to make regionalism more effective, and enhances the capacity of institutions in ASEAN. The project works in close cooperation with ASEAN Member States, regional confederations of workers' and employers' organizations, and civil society organizations. The ASEAN TRIANGLE project is funded by the Canadian International Development Agency (CIDA).
87. The ILO GMS TRIANGLE project (2010-2015), is active in five ASEAN countries: Cambodia, Lao PDR, Malaysia, Thailand and Viet Nam. Tripartite constituents and CSOs are engaged on each of the project's objectives on strengthening legislation, enhancing capacity, and increasing women and men migrants' access to support services. The project's support to legislative review, migrant worker resource centres, pre-departure training, and information dissemination is referred to above. Under the scope of the project, there is a sharing of experiences and lessons learned in carrying out these activities. Bilateral cooperation is promoted, particularly between trade unions, with MOUs being drafted to strengthen cooperation on protecting migrant workers. The GMS TRIANGLE project is funded by the Australian Government Aid Program (AusAID).
88. The Task Force on ASEAN Migrant Workers (TFAMW) provides information to the civil society national working groups and focal points, calling on them to further promote information services through various channels including brochures, radio, TV, media, and websites in the local languages. The TFAMW and associated national migrant workers' organizations cooperate with the relevant ministries to provide information services and hotline information for migrant workers in abusive situations. The TFAMW conducts various national and regional capacity building workshops together with stakeholders in Southeast Asia, and the agenda includes information on the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers; and reporting of follow-up activities based on the recommendations from the 2010 and 2011 ASEAN Forum on Migrant Labour.
89. IOM conducts various programmes, including developing information materials, producing best practices analysis reports, and establishing MRCs to share best practices in promoting safe migration. Furthermore, IOM has conducted a number of capacity building programmes in managing labour migration in the region in collaboration with different stakeholders. Through collaboration among IOM, the Ministry of Labour of Thailand and the ASEAN Secretariat, a forum on the freer mobility of labour as envisioned in the ASEAN Economic Community (AEC) by 2015 was organized. While the event focused on liberalizing seven priority professions, the Forum recognized that lower skilled migration will be affected by the realization of the AEC in the close future; hence, the need to ensure coordination and cross-fertilization between on-going migration debates under the different AEC pillars.
90. UN Women has been working with ASEAN Member States to promote gender concerns in migration management. It has been supporting ASEAN Member States in developing a gender responsive framework into the Framework Instrument being developed to implement the ASEAN Declaration. Towards this, UN Women has commissioned studies and shared the findings in various forums and promoted multi-stakeholder dialogues. It has been conducting and supporting capacity enhancement sessions on gender responsive migration laws, policies and management. It has been actively working to promote and support multi-ministerial approaches and responses to gender responsive migration management. Specific programme support goes towards establishing laws and practices that protect women migrants' human rights, drawing

connections to national poverty reduction strategies, strengthening migrants' organizations, and brokering exchanges between source and destination countries to advance labour rights.

91. An ILO project in Indonesia has supported the development and dissemination of information, education and communication (IEC) materials and other resources to national stakeholders and counterparts in Indonesia, Malaysia, Singapore and Hong Kong (China). Trade unions in Indonesia and their counterparts in Malaysia and Singapore were provided with technical and financial assistance to improve their services for migrant workers. The Indonesian Trade Union Confederation (KSBSI) and ASPEK were assisted in establishing help lines in its local offices. The Malaysian Trade Union Congress (MTUC) and National Trade Union Congress (NTUC) Singapore were assisted in advocating migrant workers' rights through national consultations and conferences, as well as direct assistance through help-desks and help-lines and trainings for service providers and legal practitioners.
92. The Philippine Government hosted the ASEAN Forum on Improving Overseas Employment Administration from 16 to 17 December 2010 in Manila. The Forum was part of its commitment to the ACMW in 2008. The Forum aimed to increase the capacity of ASEAN Member States to manage migration flows. It was attended by government representatives from Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Thailand, Viet Nam, the Philippines and the ASEAN Secretariat.
93. MoLISA has shared Viet Nam's legislative framework through the ASEAN Database and disseminated the ASEAN Labour Ministers Action Plan 2010-2015 and Recommendations in Viet Nam's 63 provinces as well as with the private recruitment agencies. MoLISA and the ILO have also organized a Decent Work for Migrant Workers seminar in September this year for ASEAN MS senior officials.

B. Promotion of positive image, rights and dignity of migrant workers

Deliver comprehensive pre-departure education in sending countries, not only about culture and social norms, but also working and living conditions, reality of migration including financial implication, laws and procedures, rights of migrant workers, among others (Bali Recommendation 1).

94. This Recommendation overlaps to some extent with the one made in Hanoi on information services. Annex D summarizes the pre-departure orientation available in the countries of origin.
95. As mentioned earlier, standard pre-departure training materials are currently under development in Cambodia, Lao PDR and Viet Nam in collaboration with governments, recruitment agencies, NGOs and other international organizations. Inputs are sought from Thailand and Malaysia, the main countries of destination, to ensure the accuracy and relevance of the training. The content covers rights at work, workplace practices, culture and traditions in the host country, guidance on saving and sending remittances and accessing rights. In addition to a participant's manual, a facilitators' guide outlines each module in a lesson plan format – with time allotted and step-by-step instructions. The training includes dynamic activities to better suit the learning profile of the migrant workers and to stimulate the overall learning process.
96. In Cambodia, pre-departure orientation or training is primarily an obligation of private recruitment agencies. Pre-departure information is also provided by CSOs. CARAM Cambodia, for instance, conducts pre-departure training for migrant workers. ACRA has included in its Code of Conduct the setting-up of a pre-departure training committee in cooperation with MoLVT and NGOs to ensure that workers receive basic information prior to leaving for work.
97. Cambodian migrant workers are educated on various aspects of labour migration including migration realities; labour laws, culture and tradition, and the working and

living conditions in destination countries; and prevention of diseases such as HIV (as per *Prakas* 108). Departing migrants likewise go through a basic language course and skills training on the work to be performed at destination. They are informed on how and where to seek assistance in case of need or emergencies; how to communicate with their families; and how to send remittances.

98. A pre-departure training program has been developed by the National Board on Placement and Protection of Indonesian Overseas Workers or the BNP2TKI. It is implemented by the local office of BNP2TKI and the local government office that deals with manpower issues at provincial level. The training programme includes regulations on migrant workers, immigration and manpower laws, relevant topics about employment agreement, as well as information about destination countries. The ILO also supported the delivery of pre-departure trainings in 14 known origin communities of Indonesian migrant workers. Trainers' training and trainings for community level counterparts on pre-departure orientation were delivered, resulting in quality pre-departure services for migrant workers.
99. In Lao PDR, Decree No. 68 and Directive No. 2417 require recruitment agencies to organize pre-departure trainings. UN Women ran a project to build up MoLSW's capacity at provincial level in this regard, and developed a one-day and a five-day pre-departure training programme for migrants (Safe Migration Training Module). The recruitment agencies agreed to absorb the costs for the one-day training.²⁹ UN Women also supported community-based women's groups and the Lao Women's Union, on "safe migration" initiatives which provide knowledge and information sharing for women migrant workers on topics like financial literacy training and human rights.³⁰
100. The Malaysian National Vocational Training Council, an office under the MOHR, has developed a ten-day course to be completed prior to departure. The course modules address workplace communication, Malaysian customs and social practices, relevant laws pertaining to the employment of migrant workers and dispute settlement procedures.
101. In Myanmar, pre-departure orientation activities are conducted by the Ministry of Labour, private agencies and community-based organizations. There is, however, no standard pre-departure orientation package. Some use the curriculum provided by receiving countries. There are an insufficient number of certified trainers. Language training courses are also available to meet the demand of destination country for proficiency in the national language, such as Korean. The Ministry of Labour conducts language training for migrant workers bound for the Republic of Korea under the Employment Permit System (EPS). Private recruitment agencies and a few monasteries also conduct language training.³¹
102. In line with the requirements of Malaysia, the second largest foreign labour market for Myanmar workers, the Ministry of Labour of Myanmar collaborated with Malaysian training providers to conduct an Induction Training Course. This course provides workplace communication skills and essential aspects of Malaysian culture, laws and regulations.
103. By law, the Supervisory Committee on Overseas Employment of Myanmar is tasked to coordinate and correlate job proficiency training for overseas employment conducted by

²⁹ *Ibid.*

³⁰ UN Women: *Lao PDR: Factsheet*: <http://www.unwomeneseasia.org/docs/factsheets/04%20Lao%20PDR%20factsheet.pdf> [accessed 21 May 2012].

³¹ PowerPoint presentation of Director Daw San San and Assistant Director Daw Shwe Yin Mar Saw of the Ministry of Labour: *Services trade liberalization and labour migration policies in ASEAN*, obtained from <http://www.adbi.org/files/2008.09.25.cpp.myanmar.presentation.pdf> [accessed 21 May 2013].

Government departments and organizations or any Service Agent and if necessary conducts such training under arrangements of the Department of Labour.

104. The Philippine Government has been implementing the Pre-Departure Education Programme (PDEP). PDEP is a mandatory training for all departing Filipino migrant workers to help build skill sets and familiarize would-be migrants with the culture and practices of their host countries. It has two components, as follows:
 - a) Comprehensive Pre-Departure Education Programme (PDEP) for Household Service Workers (HSWs) where classes on language training, culture familiarization and stress management for the would-be OFWs are conducted to prepare them for new life overseas.
 - b) Country-specific Pre-Departure Orientation Seminar (PDOS) for Filipino workers departing to certain countries to include Hong Kong (China) and the Middle East. Participants are presented with a comprehensive module with sessions on contract familiarization, profile of the country of destination, stages of the OFW's life, health and safety, airport procedures and government programmes. For Filipinos migrating to certain countries, such as the United States and Canada, and those leaving the country as "Au Pairs", the training is conducted by the Commission on Overseas Filipinos (CFO) as they are not classified as labour migrants.
105. The Programme is managed by the Overseas Workers Welfare Administration (OWWA). Pre-departure training programmes are delivered by OWWA itself, or by OWWA-accredited PDOS providers, private recruitment agencies and non-government organizations. Recruitment agencies usually conduct PDOS for agency-hired workers, while NGOs deliver the seminar for HSWs, for a minimal, OWWA-regulated fee of 100 Philippine Peso (more or less US\$2.40). An assessment of existing pre-departure programme was undertaken by the Institute for Labour Studies of DOLE. OWWA is revisiting the modules of the PDEP and PDOS to make them more effective and helpful for migrant workers, in line with the results of the assessment.
106. The DOE of Thailand organizes pre-departure orientations to brief outgoing workers about their employment contracts and relevant rules and regulations, including the laws and customs of the country of employment. Attendance is free of charge and is required by law.
107. Vietnamese service enterprises (recruitment agencies) are mandated by law to organize the provision of necessary knowledge, or associate with vocational training establishments or training institutions in teaching jobs and foreign languages for workers in accordance with the requirements of each labour market, before sending migrant workers abroad. In support of this, an administrative policy was issued by MoLISA (Decision 18, dated 18 July 2007) requiring a 74-hour pre-departure orientation programme (58 hours for theory and 16 hours for practice), with prescribed number of hours for mandatory subject areas. These subject areas include, among others, the culture and traditions of Viet Nam and the receiving states; the labour, criminal, civil, and administrative laws of Viet Nam and host countries; life skills in destination; and problems to be avoided while living and working abroad.
108. Pre-departure orientation is delivered largely by DOLAB, DOLISAs, the Viet Nam Association of Manpower Supply (VAMAS), individual enterprises and training centres. VAMAS has developed a set of lecture plans for workers to be deployed to Taiwan (China), Japan, Malaysia, UAE, Arab States and Libya. The lecture plans come in CDs and are provided free for the recruitment agencies. A training course was organized for enterprises with the end of improving the quality of information shared to migrants and the manner of delivering the pre-departure orientation/training. The training modules were assessed and developing new or enhanced modules is underway. Trainers training will be conducted thereafter to upgrade the skills of service providers delivering pre-departure orientation or training. MoLISA has developed labour information packages

on safe migration and recruitment in 12 major destinations for Vietnamese workers. Guidelines on the development of training programmes have been recently issued.

Conduct post-arrival orientation programmes in receiving countries, performed by the government, employers, trade unions, civil society, that adopts a rights based approach in orientating both migrant workers, employers and government – to understand what their rights and responsibilities are (Bali Recommendation 2).

109. The Indonesian Consulate General in Hong Kong (China), and the Indonesian Chamber of Commerce in Taiwan (China) implement the ‘Welcoming Programme’ in these two destinations for Indonesian migrants. Newly arrived migrants are provided with information on Hong Kong’s and Taiwan’s situation during a one-day interaction session.
110. The Philippine embassies and consulates, together with POLO and OWWA, regularly conduct post-arrival orientation services (PAOS) to newly-arrived Filipino migrant workers. PAOS is an outreach programme of the Embassy or Consulate designed to provide information on rights, privileges and responsibilities in the country of destination as well as on the services and assistance that the workers could expect from the Embassy or the Consulate, including important contact details in case of emergencies. The orientation sometimes includes financial management, saving schemes and remittances. The Embassy or Consulate collaborates with migrants’ associations, church groups, companies employing Filipinos, private sector associations and other local partners in organizing the orientation.
111. On arriving in Singapore, all first-time workers are required to attend a one-day ‘Settling in Programme’. The course covers basic knowledge about living and working safely in Singapore; their rights, responsibilities and conditions of employment; relationship and stress management; and where they can turn for assistance. The course is conducted in English or in the native language, and uses a combination of lectures, videos and practical sessions.³²
112. The Ministry of Manpower (MOM) of Singapore conducts outreach activities to FDWs. Information kits, public posters and newsletters have been produced and disseminated to educate workers on their rights and responsibilities. Random interviews with first-time FDWs are undertaken. Migrant workers in the construction and marine sectors are required to undergo the Safety Orientation Course and take a test after completion of the course. Outreach activities are also held such as dormitory road shows to educate migrant workers on workplace safety and their employment rights and responsibilities. Posters are also found in bus stops. First time employers are also required to undergo a compulsory FDW Employers’ Orientation Programme. Employers who change FDWs four or more times a year are required to undergo the same programme.

Raise awareness and build capacity of public and private recruitment agencies, local authorities and all stakeholders in sending and receiving countries in the delivery and monitoring of recruitment and placement services, and different forms of direct hiring of migrant workers to ensure greater protection of migrant workers’ rights (Bali Recommendation 3).

113. In Cambodia, the MoLVT, in collaboration with IOM, has developed a safe migration manual and intends to train key local government officials on it. In a number of provinces and communes, local authorities and local leaders are being trained on the laws and their responsibilities, and are strengthening their cooperation with CSOs.
114. Ministerial Orders (*Prakas*) regulating recruitment practices are currently being drafted, with inputs from several government departments, social partners, recruitment agencies

³² Draft report of the Regional Conference on Human Rights Instruments, International Labour Standards and Women Migrant Workers’ Rights, 4-5 Sep. 2012, Phnom Penh, Cambodia.

and CSOs. In addition, the Association of Cambodian Recruitment Agencies (ACRA) is receiving assistance in developing a set of tools to monitor the implementation of their Code of Conduct.

115. In Indonesia, the MoMT entered into a memorandum of understanding (MOU) with the Indonesian Police on the conduct of joint investigation by police officers and labour inspectors on cases of illegal recruitment and other unlawful recruitment practices. Task forces were likewise established in 14 embarkation areas for migrants including in Batam, Polonia, Tanjung and Pinang through a local government decree. These task forces are composed of representatives of the local government offices for social affairs, for manpower, etc.
116. The Indonesian Government conducts regular briefing sessions for private recruitment agencies to update them on labour migration regulations. Four sessions are conducted each year, mainly in Jakarta, Surabaya, Makassar and Medan for recruitment agencies in those four areas and their neighbouring areas. In 2011, the MoMT commissioned an independent survey to assess the performance of randomly selected private recruitment agencies. The survey results were presented to each private recruitment agency to make the appropriate remedial measures or adjustments.
117. Local governments and non-governmental counterparts in Indonesia were assisted in drafting and issuing local regulations on labour migration and the development of local action plans to strengthen local protection mechanisms (i.e., registration, monitoring of recruitment agencies, provision of assistance and services, local awareness-raising, etc.).
118. In Lao PDR, private recruitment agencies have indicated an interest in forming an association. In 2011, a workshop was held with the agencies, sharing experience of the association in Viet Nam, and the international principles and regional good practices related to recruitment. An Employment Decree is currently being drafted, which will include measures to regulate recruitment practices.
119. Myanmar's Overseas Employment Supervisory Committee (OESC) undertakes training workshops for migration stakeholders on existing laws, rules and regulations. For instance, OESC and the Administration Programme and Workers Protection and Care Committee held a training seminar for government officials, overseas employment agencies and non-government organizations. During the workshop, a committee was created to look into existing bilateral agreements and the issues affecting Myanmar workers overseas.³³
120. In the Philippines, the POEA launched the Best Partner in Anti-Illegal Recruitment (Best PAIR) Award. This recognizes the contribution of local government units; their public employment services (PESOs) and other programme partners on their accomplishments and contributions on the campaign against illegal recruitment. POEA also conducts training on illegal recruitment and human trafficking, in collaboration with local authorities. During the training, prospective migrants are educated on the procedures for applying for overseas work as well as the laws pertaining to labour migration, including trafficking in persons. Existing services are also explained.
121. The DOLE, POEA, OWWA, CFO and some local government units have entered into a Memorandum of Understanding on the Convergence of Anti-Illegal Recruitment Campaign Programme. Under the MOU, the parties will collaborate to facilitate convergence of services to protect migrant workers, such as on providing information to migrants, capacity building for local authorities and their constituents on migration issues, and setting-up of local mechanisms against illegal recruitment, among others.

³³News about Myanmar: *Myanmar to improve its labour condition in Thailand*, 2012, <http://www.betweenonline.com/2012/08/14/myanmar-to-improve-its-labour-condition/> [accessed 21 May 2013].

122. The POEA also implements the Continuing (Recruitment) Agency Education Programme. The programme involves the conduct of seminars for the officers and staff of licensed recruitment agencies (both for land-based and sea-based workers) increase their capacity to better manage and operate the agency and ensure that deployed workers are secure and gainfully employed. This also serves as a venue to update them on overseas employment policies and regulations. Attendance is a requirement for the renewal of license to recruit.
123. The MOM in Singapore conducts campaigns and issues press releases to educate the public on employment-related abuses and the serious penalties for violations. Brochures are distributed and posters are displayed in public areas.³⁴
124. The DOE and TOEA of Thailand trained private employment agencies on enhancing recruitment standards on overseas employment. The workshops oriented recruitment agencies on international standards and good practices in sending workers which eventually led to the drafting of a Code of Conduct for labour recruitment agencies sending workers for overseas employment.
125. Thailand's DOE has created multi-disciplinary teams (MDT) at the provincial, district and sub-district levels in Petchabun province with the assistance of an ILO-EU project. The MDTs are composed of police officers, social workers, labour officers, and staff of non- formal education, among others. The Provincial Social Development and Human Security organized an orientation for the MDT members to better understand labour migration, trafficking, and safe migration. The work of the MDT has led to the criminal and civil prosecution of recruitment agencies and brokers for deceiving and defrauding several migrant workers, the first in the province of Petchabun. The DOE is considering the replication of the MDT in other provinces.
126. In 2010, VAMAS, with the cooperation of and technical assistance from MoLISA and ILO, developed and adopted a Code of Conduct (COC) for Vietnamese enterprises sending workers for overseas employment. The COC outlines the principles governing the various aspects of overseas employment – from recruitment to return and reintegration, following the relevant principles of the international legal framework and national legislation. More than a hundred enterprises have committed to implement the COC on a voluntary basis. Mechanisms and tools for monitoring and evaluating implementation of the COC have been developed and approved. VAMAS will aim at signing an agreement with the MTUC on cooperation and sharing of information for monitoring and evaluating Vietnamese enterprises sending workers to Malaysia.
127. Capacity building for local authorities in Viet Nam has been undertaken to engage them on issues of labour migration and generate support to migration-related programmes and initiatives with the assistance of ILO. For instance, a comprehensive training-of-trainers on legal and safe labour migration was conducted for resource persons from five provinces, drawn from DOLISA, trade unions and the women's and youth unions. Those trained will be responsible for outreach and information dissemination, deliver further trainings on safe and legal migration to build local capacity, and act as resource persons in supporting local activities in the provinces.
128. DOLAB is developing a learner-centred and rights-based standard pre-departure orientation curriculum for use by labour sending agencies. The training curriculum includes gender-sensitive contents. Trainings will be provided to DOLAB and the Vietnamese Women's Union to increase their capacity in providing integrated migrant support services and relevant information to migrants, prospective migrants and

³⁴ Presentation by Singapore Ministry of Manpower on the *Management of migrant workers in Singapore*, at the ILO/Korea Destination countries Meeting on the Effective Governance of Labour Migration, 12 Dec. 2011.

returning migrants. The ILO, UN Women and IOM are extending technical assistance to DOLAB in this process.

129. In Cambodia, Lao PDR and Viet Nam, the trade unions federations have developed and are implementing action plans on their role in protecting outbound migrant workers. The activities include delivering training for trade unions at provincial levels, networking with trade unions federations in destination countries, disseminating information, and feeding into policy dialogue.

Collect and disseminate factual information through the media and other channels on the contributions of migrant workers to the economy and society in host countries (e.g. individual stories, economic and employment data, statistics on social impact) with the long term objective of promoting a positive image of migrant workers (Bali Recommendation 4).

130. In late 2010, the ILO conducted a study on public attitudes to migration and migrant workers in Malaysia, Republic of Korea, Singapore and Thailand – based on a sample of 1,000 respondents in each country. The findings varied across the four countries, but found that a key factor in influencing public attitudes to migrant workers in all the countries studied was personal experience of the host country public.

131. In the Philippines, stories from successful migrants are collected and compiled but are not designed for dissemination in host countries, but to recognize their contribution to the country and their communities. For instance, each year OWWA holds a Model OFW Family of the Year Award (MOFYA). It is a regional (sub-national) search for OFW families with exemplary livelihood, community and social achievements. It culminates in a national awards night for the seventeen regional winners. The MOFYA honours the sacrifices and contribution of the Filipino migrants. It aims to give the proper recognition to the OFW families, their close knit relations despite the distance, their spiritual and social commitment and their entrepreneurial spirit. The stories of the regional and national winners are documented, compiled and published to showcase their drive to succeed with the support of their families despite of adversities to be an inspiration to others. MOFYA is undertaken in partnership with OFW Family Circles, non-government organizations, church groups, and the private sector.

132. Several studies have been carried out by the ILO, Thai Development Research Institute, and the World Bank on the impact of migrants on the Thai economy. All studies have shown that migrant workers make a net positive contribution to the economy. Some of the benefits include the supply of relatively low-wage labour in key sectors, the contribution to GDP, and help in keeping inflation low. These benefits were seen to outweigh the downward pressure put on wages of Thais, and other costs associated with immigration.

Carry out joint efforts in ASEAN Member States to present a positive image of migrant workers with various stakeholders, e.g. migrant workers and their associations, academia, youth and student groups, tripartite parties, by using various means such as TV, commercials, exhibitions, radio talk shows, cultural performances, and the commemoration of International Migrants Day (Bali Recommendation 5).

133. NGOs in Cambodia have been documenting stories of migrant workers, but most were negative migration experiences. LSCW hosts a radio talk show featuring both the positive and negative experiences of migrants, especially of those from the provinces of Kampong Cham, Prey Veng and Kampot. International Migrants' Day has been regularly commemorated, but principally to highlight the risks involved in migration and the vulnerability of migrant workers.

134. The MoMT and the BNP2KTI opened a photo exhibition about the life and the journey of Indonesian migrant workers in Singapore. The exhibition aimed to help the public to better appreciate the situation of Indonesian migrant workers and create a positive image of migrant workers among the Indonesian public.

135. A number of NGOs and the ILO are convening to design a campaign in Malaysia to promote a more positive image of migrant workers. The campaign is expected to launch in December to coincide with International Migrants Day 2012.
136. The Migrant Workers' Centre, an initiative of the Singapore National Employers Federation and the National Trade Union Congress, organized a series of roadshows with the theme "Embracing Differences". The roadshows featured a number of recreational activities for migrant workers' entertainment, as well as an exhibition on Singapore's history, customs and social norms.
137. There are various civil society initiatives in Singapore that promote a positive image of migrant workers such as those carried out by HOME, Transient Workers Count Too (TWC2), Health Serve and Migrant Voices. These activities include recreational and sporting activities and cultural events.
138. The *Saphan Siang* (Bridge of Voices) campaign in Thailand was launched in July 2010. It aims to promote a positive image of migrants, in line with their contribution to the Thai economy and society – and promote understanding between Thais and migrants. Although the campaign will reach out to youth and the general public, the project has noted the need to also influence government and trade union partners. Activities have included the dissemination of a flyer countering some of the misconceptions surrounding migration and migrant workers, a website with short 'vox-pops' from Thais and migrants, outreach to school and university students. In July 2012, a photo exhibition was held and opened by the Ministry of Labour. This campaign is supported by the ILO, IOM, UNESCAP and World Vision.
139. The Ministry of Foreign Affairs and the Department of Overseas Labour in Viet Nam, in partnership with key stakeholders in receiving countries celebrate International Migrants' Day with competitions (art, poems, etc.) among Vietnamese migrant workers.

C. Promotion of strategies for effective return and reintegration as well as sustainable alternatives for migrant workers

Undertake a regional study on the programmes of skills trainings, pre-departure and post-arrival orientations, and return and/or reintegration support offered by ASEAN Member States (Bali Recommendation 6).

140. There is no known information on a regional study on skills trainings, pre-departure and post arrival orientations, and return and/or reintegration support offered by ASEAN Member States. Country- and occupation-specific research has been undertaken in ASEAN Member States. For instance, on invitation of the Supreme National Economic Council, the World Bank completed an analysis of the emerging imbalance of skills facing Cambodia's economy. Research on the Philippine reintegration programme is being undertaken. An assessment was conducted of the pre-departure training delivered in Cambodia, Lao PDR and Viet Nam by ILO. The World Bank has conducted research on return and reintegration in Viet Nam.

Improve the availability of employment services to the returned migrant workers, including voluntary psychosocial counselling (before and upon return), gender sensitive reintegration, access to resources, and legal aid. Such services should also include information, advice, training, loans, placement, health, and interpretation/ translation service. These services should be made available/extended to the family members of migrant workers left behind (Bali Recommendation 7).

141. Cambodia's Sub-decree 190 declares a policy on return, imposing certain obligations upon the recruitment agencies such as notifying the Cambodian foreign mission abroad and the MoLVT of the termination of contracts of migrant workers, facilitating the safe return of workers and the issuance of a certification that the migrant worker has worked abroad. A national reintegration programme, however, has yet to be developed to support economic and social reintegration of returning migrants in Cambodia. A few non-government institutions have existing but limited services for returning migrants; many are focused on assisting victims of trafficking. For example, Healthcare Centre for Children (HCC) targets men who have been in labour exploitative situations, but have limited services to offer return migrants.

142. In Indonesia, a comprehensive reintegration programme has not been developed yet, though various services are available. These include entrepreneurship trainings, voluntary psychosocial counselling, and a soft-loan facility for returning migrant workers. The Start and Improve Your Business (SIYB) training-of-trainers programme was delivered for staff of national and local governments, trade unions, NGOs, and migrant workers' organizations. Assistance was also provided on productivity and community development training courses run by the MoMT, utilizing the ILO Modules on Training for Rural Economic Empowerment (TREE).

143. Training modules for trainers on para-legal, psychosocial and referral services to facilitate delivery of reintegration services for migrants were developed in Indonesia with the participation of national and community stakeholders. The Ministry of Foreign Affairs (MoFA) trained foreign service officials on providing psychosocial counselling and other forms of assistance to migrant workers based on modules specifically designed for them. Trade unions and other service providers in Malaysia and Hong Kong, China (i.e., MTUC, HKTCU, HOME, SMS, etc.) were likewise trained and encouraged to provide para-legal, counselling and referral services as part of their help desks and shelters.

144. In Myanmar, some services for returning migrants are available, such as psychosocial support, livelihood trainings and micro-finance assistance; however, as with other countries, there is no comprehensive policy and plan yet on reintegration of return migrants. By law, the OESC should facilitate the systematic utilization of the experience, knowledge and skills gained during the period of overseas employment.

Services are provided by the Ministry of Labour in collaboration with other government agencies, including the Ministry of Social Welfare, Ministry of Home Affairs and the Ministry of Foreign Affairs. Some employment agencies support the return of migrant workers. The Government also partners with international organizations, civil society groups and the private sector.

145. The Philippines has more defined reintegration programmes and mechanisms. OWWA and NRCO manage the government's national reintegration programmes. OWWA's reintegration programme covers two major components: the psycho-social and the economic components. The psycho-social component includes the organizing of OFW family circles and the provision of services like family counseling, stress debriefing, and training on capacity building. The economic component, on the other hand, includes social preparation programmes for livelihood projects or community-based income generating projects, skills training, and credit facilitation and lending.³⁵
146. In addition, the NRCO implements the National Reintegration Programme, with a budget of PHP50 million (approximately US\$1.173 million) from the National Government of the Philippines. The programme promotes the delivery of responsive, productive and sustainable reintegration services to OFWs, to mitigate the social costs of migration and cushion the impact of forced repatriation due to unexpected events. The Programme has the following components:
 - a. Counselling on: values formation, family support, and the importance of preparing for their eventual return and realization of their family goals as an offshoot of overseas employment; re-entry options such as wage employment, livelihood, entrepreneurship and business options; savings, financial planning, money management and investment options;
 - b. Training and capability building: skills training, retooling and upgrading; financial literacy/money management; entrepreneurship training;
 - c. Wage employment: job search assistance for local or overseas employment;
 - d. Entrepreneurship/micro-enterprise development: assistance for business capital (or starter kits); assistance to obtain business loans and other credit facilities; assistance for technology and product development and marketing; and
 - e. Reintegration programme components for distressed OFW returnees: rescue and temporary shelter assistance; legal assistance; legal assistance; medical assistance; repatriation assistance (airport assistance and transfer assistance to residence); economic assistance.
147. One of the projects NRCO implements under the National Reintegration Programme is 'Balik Pinay, Balik-hanapbuhay', a reintegration assistance facility for distressed returning women migrants. The beneficiaries receive a package of entrepreneurial or business development assistance in the form of built-in training provided by TESDA, the Department of Trade and Industry (DTI), or a private, TESDA-accredited training institution. After the training, participants receive a sizeable capital or a starter kit of approximately the same value to start a home-based business such as reflexology, cosmetology, production of bath soap, scented oils, herbal medication and health skin treatment, manicure/pedicure, fashion accessories, cell phone repair and food processing.
148. The NRCO likewise manages and implements the Government's special loan programme fund for OFWs. Known as the '2 Billion'³⁶ OFW Reintegration Programme' (OFW-RP), the fund is a joint venture of the Department of Labor and Employment

³⁵ *Ibid.*

³⁶ Approximately US\$47 million.

(DOLE), OWWA, Land Bank of the Philippines (LBP), and the Development Bank of the Philippines (DBP). OWWA contributed PHP 1 billion to the programme, while the LBP and DBP gave PHP 500 million each. The fund is intended to support enterprise development among OFWs and their families.

149. Services are available in Thailand; however, there seems to be no comprehensive mechanism or system yet that has been put in place to ensure that return migrants receive services when needed. Existing systematic, comprehensive reintegration programmes cover victims of trafficking. The DOE piloted economic reintegration support through a multi-disciplinary team approach in Petchabun for returned migrants who have suffered labour exploitation.
150. It is a stated policy in Viet Nam that migrant workers shall be assisted upon their return. The law mandates provincial/municipal services of MoLISA to inform return migrants of domestic employment opportunities, and guide and introduce them to find appropriate jobs. Employment services and other psychosocial interventions are available but limited. Some of these services include business counselling, job introduction, low interest loans and redeployment for overseas employment. Enterprises are also encouraged to recruit former migrant workers. Returning migrants are also encouraged to invest in job-creating enterprises or production activities. The VAMAS Code of Conduct also states that the recruitment agency should help workers get access to information about job vacancies and to seek suitable jobs as soon as possible in Viet Nam or to work overseas under another contract.

Provide incentives to the returned migrant workers, e.g. the absence of penalty for the irregular migrants, tax exemption of import duties for tools and equipment to be used by migrant workers (Bali Recommendation 8).

151. Indonesia, as with some ASEAN countries like the Philippines, does not impose penalty or any sanction on returning irregular migrants.
152. Returning Myanmar migrant workers are exempt from income taxes.
153. Filipino migrant workers are also exempt from payment of income taxes for income earned abroad and from payment of documentary stamp tax on remittances.

Ensure as much as possible that mass/group deportation will not take place (Bali Recommendation 9).

154. There is no information gathered or reported on this Recommendation so far.

In case of mass returns of migrant workers in emergencies, contingency plans should be prepared at company and embassy levels with the participation of migrant workers. For this purpose, assistance/contingency funds which cover repatriation costs need to be set up at national level. Formulation of national disaster preparedness plans shall be in consultation with and with the participation of migrant workers and migrant organisations (Bali Recommendation 10).

155. Cambodia has reportedly not experienced mass, emergency returns of migrant workers, and no contingency plan has been set up as yet. Sub-decree 190, however, mentions that the guarantee deposited by recruitment agencies can be used to cover costs for specific cases that include force majeure, wars, unrest, and epidemics in the receiving country or at workplaces that require the movement of workers to safe places or the repatriation of workers. The funds withdrawn from the guarantee deposits shall be replenished by State funds or other relief funds, or by the recruitment agencies should they fail to comply with the conditions of contract. The terms dictating the use of the guarantee fund will be detailed further in a Ministerial Order (*Prakas*). Repatriation services are coordinated with NGOs and civil society groups with relevant services for migrants, especially for returning migrant workers.

156. Indonesia has established a contingency fund to cover costs for repatriating migrant workers in case of mass return due to emergencies.
157. Myanmar has no national contingency plan yet, but has had experience on managing migrants returning in groups (i.e. displacements as a result of the widespread flooding in Thailand in 2011). There is no funding allocated specifically for mass returns, but services are provided by relevant Government agencies.
158. The Philippine Government has long established mutual cooperation with some labour-receiving countries that employ Filipino workers on contingency plans in times of emergency crisis and safe repatriation of nationals.³⁷ The plan is carried out in cooperation with counterpart authorities abroad and employers as well. A national plan of action is said to have been prepared to guide relevant national agencies in implementing integrated measures to ensure the safety and welfare of Filipino overseas workers.
159. The Migrant Workers and Overseas Filipinos Act of 1995, as amended, mandates OWWA, in coordination with appropriate international agencies, to undertake the repatriation of workers in cases of war, epidemic, disasters or calamities, natural or man-made, and other similar events without prejudice to reimbursement by the responsible principal or agency. However, in cases where the principal or recruitment agency cannot be identified, all costs attendant to repatriation shall be borne by OWWA.
160. An emergency repatriation fund has been created and established by the law under the administrative control and supervision of OWWA, to consist of one hundred million pesos (PHP100,000,000.00), inclusive of outstanding balances. During the Libyan Crisis, the OWWA, working jointly with the Department of Foreign Affairs (DFA), has earmarked a total amount of PHP600 million for the emergency repatriation and related services for Filipino migrants from Libya. Additional funds were appropriated from national coffers to fast-track repatriation services.
161. The Government of Thailand has implemented a mass evacuation and repatriation plan for Thai workers in Libya. Under the Government's plan, planes were chartered to bring workers back home. Before that, workers were moved out from Benghazi and Tripoli and made their way to Tunisia. Thousands of Thai workers were repatriated in coordination with and cooperation between the Ministry of Labour, Ministry of Foreign Affairs and job placement companies.³⁸ The Government has also provided an amount of money to returned migrants to help in the transition back to their families and communities.
162. There exist contingency plans on mass return/repatriation in Viet Nam. For instance, the Government and the enterprises (recruitment agencies) were able to repatriate more than 10,000 workers during the Libyan crisis. Low-interest loans were made available to those who faced economic difficulties upon return.
163. The IOM has a long standing distinctive competence in the area of arranging transportation in case of humanitarian returns and have provided assistance to returnees from the Philippines and Viet Nam in the Middle East.

Ensure that sustainable economic reintegration policies and strategies are evidence-based, market-demand/need based and gender sensitive (Bali Recommendation 11).

³⁷ Philippine Information Agency: *Protection of women workers, cooperation in emergency crisis, constitute PH major input to ADD*, 2012, available at <http://www.pia.gov.ph/news/index.php?article=261334976123> [accessed 30 May 2013].

³⁸ Disaster Alert Network: *First batch of 360 Thai workers return home from Libya*, 2011, <http://www.ubalert.com/a/45612> [accessed 30 May 2013].

164. Under the Philippines' Two Billion Peso Reintegration Project, loan assistance to migrant workers is approved after assessment of the business proposal. The proposal must show proof of its viability, such as market or purchase orders to ensure sustainability not only in supporting the needs of the family but also in generating jobs and contributing to community development. The reintegration programme supports viable businesses in agribusiness, tourism, education, and healthcare. The migrant workers who wish to avail of the programme must undergo an orientation on financial and business management; on various business and income generating livelihood undertakings; and other pertinent information needed in setting up and sustaining an enterprise. Nevertheless, more information is needed as to women and men beneficiary coverage and effectiveness of the scheme in terms of repayment, returns and sustainability.

Ensure that return and repatriation programmes are effective, sustainable, and rights based, and with the involvement of tripartite partners and civil society organisations (Bali Recommendation 12).

165. Sub-decree 190 in Cambodia imposes an obligation upon recruitment agencies to provide appropriate services to ensure the safe return of migrant workers. However, little additional information or guidance has been provided to date.

166. The Indonesian Government has designated a special airport terminal at Soekarno-Hatta International Airport for returning Indonesian migrant workers. This has been the policy since 1999 by virtue of Ministry of Labour Decree No. 204/1999, designating the terminal for handling the return of Indonesian labour migrants. This is in recognition that returning labour migrants have certain requirements and needs that have to be addressed upon their return. Among these include transportation arrangement, medical assistance, legal aid, and in some cases, financial support or psychological intervention. These needs are assessed and provided by special services personnel at Terminal IV upon arrival of migrants.³⁹

167. In Lao PDR, Directive No. 2417 established an insurance fund paid by recruitment agencies to cover repatriation costs.⁴⁰

168. Myanmar has yet to formulate a comprehensive return and repatriation policy or programme. However, the bilateral agreement on employment of workers between Thailand and Myanmar (Myanmar and Thailand) in 2006 provides for policies on return and repatriation. Specifically, the agreement calls for both parties to apply measures for the effective repatriation of workers, who have completed terms and conditions of employment or are deported by relevant authorities.

169. The return and repatriation policy of the Government of the Philippines is found in the law. The primary responsibility for repatriating a migrant worker and covering the cost for such repatriation rests upon the recruitment agency. OWWA, with the assistance of DFA, arranges the repatriation should the recruitment agency default on its obligation, subject to reimbursement when proper. DFA assumes the repatriation cost for undocumented Filipinos. There is also a mandatory repatriation policy for children found working below the age of 18. Pre-return services such as counselling are available either at the Embassy or Consulate, or the POLO, or at the Filipino Workers Resource Centres.

170. In Singapore, the law imposes upon employers the obligation for the repatriation of the foreign worker upon completion or termination of employment. They are also held responsible for the full cost of repatriation, and to ensure all outstanding salaries or monies due to the worker have been paid before repatriation. Failure on the part of

³⁹ IOM, 2010.

⁴⁰ ILO Triangle: *Project baseline desk review on policy and practice*, 2010 (Unpublished).

employers to comply with these obligations is considered a breach of work permit conditions and employers are liable to fines and/or a jail term.

171. The Recruitment and Job-Seekers Act of Thailand imposes the obligation to return or repatriate a worker upon the recruitment agency in cases where the worker reaches the country of employment but the worker has no job as stipulated in the employment contract, or finds the wage, position or other benefits different from what was stipulated in the employment contract. This obligation ceases when the worker does not want to return and accepts the employment with inferior stipulation compared to the original employment contract. In every case, the recruitment agency shall notify the Thai Labour Office overseas or the Embassy or consulate in the absence of the former.
172. The same law also regulates the financing, management and use of the Overseas Workers Welfare Fund to assist overseas Thai workers in distress. A Committee at TOEA oversees the Fund. The Fund can only be accessed by Thai workers that have paid into the fund – primarily those who migrate through a licensed recruitment agency. If the employer is not willing to contribute to the Fund, the employment agencies are required to pay (Section 37). Those who go on their own for work overseas, or those hired directly by their employers are not eligible to receive assistance from the Fund, unless they join voluntarily (Section 48/1). If a worker is not a member of the fund (including irregular migrants), he or she can access a loan from other Government funds such as the Repatriation Fund run by the Department of Consular Affairs, MFA.
173. In some instances, the Thai Embassy or Consulate partners with service providers and migrants' organizations in destination countries in the provision of pre-return and return services. For instance, the provision of counselling and other services prior to the return of Thai migrant workers from Sweden and Poland was carried out in close collaboration with or through the Thai Women Network Europe and Thai Embassies in Stockholm and Warsaw.

Encourage a speedy development of an ASEAN instrument on the protection and promotion of the rights of migrant workers that includes the family members of all migrant workers in its coverage. The instrument shall comply with the international human rights and labour standards and be legally binding (Bali Recommendation 13).

174. The Instrument or Agreement is still in the drafting process. It was agreed by Member States in September 2011 to establish a phased approach to the drafting process, examining in turn: Phase 1 (2012) on regular migrant workers; Phase 2 (2013) on undocumented workers and migrant workers' families; and the third and final phase (2014) on whether the Agreement will be legally binding or not. The intention is to have an Instrument or Agreement by 2015.

Set up ASEAN guidelines on effective return and reintegration (Bali Recommendation 14).

175. No information has been gathered on any initiative or proposal to develop these guidelines so far.

Develop bilateral and multilateral agreements for portability of the social security benefits and better implementation of existing schemes (Bali Recommendation 15).

176. Many of the ASEAN Member States have entered into bilateral agreements but none has been concluded on the portability of social security benefits, except the Philippines.
177. Cambodia's Sub-decree 190 orders the recruitment agencies to be responsible for making arrangements to ensure that workers who are sent abroad will receive appropriate social security coverage in accordance with the applicable laws and regulations of the receiving country.
178. The Indonesian Government has entered into bilateral agreements through memorandum of understanding with Taiwan (China), Malaysia, Republic of Korea, Japan, UAE,

Kuwait, Jordan, Australia, Qatar, and Turkey. None of these pertains to, or at least mentions, portability of social security benefits.

179. According to the POEA website, the Philippines has entered into 43 bilateral labour agreements with 21 countries and territories. The agreements pertain to manpower and labour cooperation, human resource deployment and development, recruitment of workers, sending and receiving of workers, specific guidelines on special hiring of workers, among others. Five other agreements were signed with other countries on labour agreements for sea-based workers. Portability of social security benefits have also been signed in addition.
180. Thailand's bilateral MOUs on employment cooperation with neighbouring Cambodia, Lao PDR and Myanmar do not provide for the portability of social security benefits. However, migrant workers that have come through the MOU or completed the NV process are entitled to the same social security coverage as Thais.
181. Particular attention should be drawn, however, on the agreement between Myanmar and Thailand where a savings fund has been established. Workers are required to make a monthly contribution to the fund, equivalent to 15 per cent of their monthly salary. Workers who have completed their employment contract and returned home shall be entitled to a full refund of their accumulated contribution to the savings fund and the interest. The disbursement shall be made to workers within seven days after the completion of employment. In the case of workers whose services are terminated prior to completion of employment and have to return to their permanent addresses, the refund of their accumulated contribution and the interest shall also be made within seven days after termination of employment. The status of implementation of this programme is unknown.
182. Thailand has signed employment MOUs with several countries and territories that receive Thai workers, including Taiwan (China), Japan, Republic of Korea, Israel and UAE. There is no indication that any of these agreements have provisions on the portability of social security benefits.
183. No bilateral or multilateral agreement on portability of social security benefits exists yet to which Viet Nam is a party.

Provide access to legal support and essential services, including consular services, for migrant workers and members of their families (Bali Recommendation 16).

184. The legal support available to migrant workers and the services provided by labour attachés and consular officials is detailed under Hanoi Recommendations 3 and 4 above.
185. In Cambodia, a Ministerial Order is currently under-development to govern the establishment of complaint mechanisms and facilitate access to the guarantee deposits of recruitment agencies for legal support and essential services.
186. In Malaysia, the MTUC and several CSOs, including faith-based organizations, are providing legal assistance and counselling to migrant workers. Many are serving as a bridge, and helping migrants to lodge complaints with the local authorities. Increasingly, the MTUC and CSOs are responding to referrals made by CSOs and government departments in countries of origin, including Cambodia and Viet Nam.
187. Myanmar's labour attachés have cooperated with migrants' associations and CSOs in host countries in providing legal services to migrant workers and pursuing legal claims on their behalf.
188. In the Philippines, the Legal Assistance Fund was created by law to be used exclusively for legal services to migrant workers and overseas Filipinos in distress. Such services include the fees for the foreign lawyers hired to represent migrant workers facing charges or in filing cases against erring or abusive employers abroad, bail bonds to

secure temporary release and other litigation expenses. The fund is managed by the DFA.

189. The Assistance-to-Nationals (ATN) section of the Philippine Embassy or Consulate coordinates consular efforts in responding to urgent requests for assistance made by Filipino individuals or groups, mainly involving the police, immigration and local authorities. Requests of such nature are handled on a case-by-case basis. Actions taken by the ATN Section include, but are not limited to: a) monitoring of cases in court; b) prison visitation; c) representation with authorities; d) facilitating repatriation; and e) coordination with next-of-kin or relatives on police and immigration cases.
190. The POEA extends legal services and conciliation facilities for migrant workers who seek to bring criminal or administrative charges, or labour claims against recruitment agencies in the Philippines. The POEA is also mandated by law to create a mechanism for free legal assistance for victims of illegal recruitment. Such a mechanism shall include coordination and cooperation with the Department of Justice, the Integrated Bar of the Philippines, and other NGOs and volunteer groups. OWWA also extends legal or conciliation services upon the return of migrant workers.
191. In Singapore, access to legal support from the Government is available in criminal cases. Legal support on other cases may be obtained from organizations working on migrants' issues in Singapore such as the HOME Legal Helpdesk. The helpdesk provides consultation and conciliation services. It has a legal team that extends legal representation and litigation services.
192. In Thailand, legal support may be obtained from several CSOs and volunteer lawyers. For instance, the Thai Labour Campaign (TLC) and a volunteer lawyer cooperated to sue and successfully recover fees and damages from recruitment agencies that sent Thai migrants to Sweden and Poland.
193. Legal services are available in Viet Nam but not specifically designed for or targeting migrants. Consular services are present in host countries to protect the rights and interests of Vietnamese workers, among others. The sending enterprises (recruitment agencies) and the Embassy are mutually responsible for extending legal assistance to the workers.

There are some cases of NGOs, governments and international organizations cooperating in providing assistance to migrants and trafficked persons. For example, from August to December 2011, Legal Support for Children and Women (LSCW), IOM, UNIAP and the Cambodian Embassy in Indonesia, helped to repatriate 66 Cambodian men who had escaped from Thai fishing vessels while docked in Ambon, Indonesia. The men were provided with psycho-social counselling and vocational training as part of their reintegration support.

Recommend the following specific responsibilities and roles with respect to return and reintegration and sustainable alternatives for migrant workers (Bali Recommendation 17a – Sending States):

a. Responsibilities of sending countries:

- ***Policies and strategies should be established to look after the return of migrant workers, e.g. “State Policy on the Reintegration of Migrant Workers”;***
- ***Provide comprehensive training to migrant workers for preparation before return as a part of pre-departure orientation; and***
- ***Follow up/monitoring system of the returnees, particularly on their livelihood and reintegration.***

194. In Cambodia, existing and pipeline national policies call on employment services to provide alternatives to labour migration or options for returning migrants. These include

the Cambodian Labour Policy that decrees to harness development through return and reintegration services; the draft National Policy on Employment (under consultation) and MDG Acceleration Process that includes the provision of employment and training services as an alternative to migration or option for returning migrants; and the National Youth Employment Policy on alternatives to migration. These policies, however, have yet to be translated into actual programmes and services that will benefit returning migrant workers in their economic and social reintegration.

195. The setting-up of the Labour Migration Information System at the MoLVT, with assistance from IOM is a good start to collect information on departing migrant workers migration database. Additional support is needed to upgrade the system to include information on returning migrants and the provision of reintegration services to them.
196. The Indonesian Consulate in Hong Kong, China, and the Indonesian Chamber of Commerce in Taiwan (Province of China) undertake the 'Exit Programme'. The programme is implemented for groups of migrant workers who are about to return to Indonesia and includes sessions on remittances and entrepreneurship back home. Advice on managing income earned from migrating and how to safely bring savings home is given as well. The session is only a few hours long.
197. The Philippine Government's reintegration programme follows all phases of the overseas employment cycle from pre-departure, on-site, and upon return (Manzala, 2009). It works under the premise that planning for eventual reintegration should begin even before the OFW leaves the Philippines.⁴¹
198. During the pre-departure phase, the Philippines' reintegration programme is directed towards guiding the OFW and the family in setting a common goal to be achieved while the worker is abroad. It also guides them in defining the role of each family member in mitigating the negative effects of separation, establishing a support system and optimizing the migrants' earnings.⁴² While on-site, OFWs are provided access to programmes that will help them not only to adjust to life in the country of destination, but also to prepare them for their eventual return to the Philippines. Reintegration preparedness activities such as skills training classes and business forums are also conducted among overseas Filipino workers at the worksite. Upon return, the Government's reintegration programme aims at encouraging migrants and their families to undertake productive and sustainable economic activities that emphasize wealth creation and help stimulate economic activities in their local communities. The programme also wants to promote skills and technology transfer to local industries and the creation of right climate for investments and business development.⁴³ The families that are left behind are given opportunities to acquire skills on financial management as well as livelihood and business development.⁴⁴
199. In support of the above reintegration programme strategy, the law created the National Reintegration Centre for Overseas Filipino Workers (NRCO) as a "One Stop Centre" for all reintegration services for OFWs and their families. It was also intended as a "Service Networking Hub" that will coordinate and facilitate the delivery of services by all cooperating stakeholders and service providers to OFWs and their families, which are attuned to their communities' needs. NRCO functions are to: a) develop and support programmes for livelihood, entrepreneurship, savings, investments and financial literacy; b) promote, develop and utilize to the fullest the potentials of returning workers; c) institute a computer-based information system for returning migrants; d)

⁴¹ ILO: *The Philippines and return migration: A rapid appraisal of the return and reintegration policies and service delivery*, 2012, p. 19.

⁴² ILO: *Op. cit.*

⁴³ *Ibid.*

⁴⁴ *Ibid.*

undertake periodic study and assessment of job opportunities for returning migrants; and e) conduct studies for policy formation and programme development; among others.

200. The Thai Overseas Employment Agency (TOEA) implemented return projects for Thai workers who worked in Japan and the Republic of Korea. In the Japan project, Thai trainees were sent to Japan by the Public Foundation for International Manpower Development of Medium and Small Enterprise, Japan. After the training, the DOE will provide them job placement services. Under the EPS, the Government of Korea assists workers to find jobs at home with a local Korean company.

Recommend the following specific responsibilities and roles with respect to return and reintegration and sustainable alternatives for migrant workers (Bali Recommendation 17b – Receiving states):

- ***Prior to the return of migrant workers, receiving countries should have specific programmes for the returnee, e.g. training and introduction of entrepreneurship to migrant workers who are interested, counselling, among others;***
- ***Provision of proof of employment by the employers; and***
- ***Ensure that migrant workers receive decent wage and no unlawful wage deduction, decent and safe working condition and workplace environment, and compliance with international human rights and labour standards.***

201. In Malaysia, the rights of migrant workers are covered by several laws which generally apply to all workers. These include: a) The Employment Act of 1995; b) Sabah Labour Ordinance; c) Sarawak Labour Ordinance; d) Workmen Compensation Act of 1952; e) Wages Council Act of 1947; f) Industrial Relations Act of 1967; g) Trade Union Act of 1959; h) Occupational Safety and Health Act of 1994; i) Children and Young Persons Act of 1966; and j) Workers' Minimum Standard of Housing and Amenities Act of 1990. Only foreign workers with a valid Temporary Visit (Employment) Pass are covered by these labour laws.⁴⁵ In addition, many of the rights of migrants are outlined in bilateral agreements, and these vary depending on the country of origin.

202. Awareness campaigns for Malaysian employers have been undertaken to enlighten them on their legal and social responsibility towards foreign workers through regular visits to workplaces and regular inspections of workplaces where large number of foreign workers are employed.⁴⁶

203. Singapore's workplace safety and health are guaranteed, with available compensation and insurance schemes. Under the Workmen's Compensation Act, workers governed by the law and earn below \$1,600 can claim compensation for work related accidents. FDWs are covered by personal accident insurance with a minimum coverage of \$40,000 for accidents and health care. Employers are also required to obtain medical insurance for foreign workers and FDW, with minimum coverage of \$5000 over two years. Policy also exists against unlawful deductions of wages.

204. At the Sixth Senior Officials' Meeting on the implementation of the Thai-Lao MOU on Employment in late 2010, it was agreed that Thai employers will issue a Certificate of Employment for Lao migrants who have completed their employment contracts. The certificate will help migrants in applying for other jobs in the future. Labour authorities of Thailand will publicize this information among employers, and request the employers' cooperation in issuing the COE for Lao workers who have completed NV or are brought into Thailand under the MOU.⁴⁷

⁴⁵ Powerpoint presentation, Malaysia, ASEAN Forum on Improving Overseas Employment Administration: *Labour migration policy and management*, 16-17 Dec. 2010, Manila, Philippines.

⁴⁶ *Ibid.*

⁴⁷ ILO Triangle: *Project baseline desk review on policy and practice*, 2010, (Unpublished).

205. The Labour Protection Act B.E.2541 (1998) of Thailand affords the same labour protection standards to Thai workers and migrant workers, regardless of their legal status. The law provides for minimum wages, maximum work hours, occupational health and safety, regulations on working conditions for women and children. The Labour Protection Act currently excludes some sectors from its application; however Ministerial Regulations on Domestic Work and Work in Fishing have been drafted.⁴⁸

III. Summary and conclusions

206. This report, as emphasized in the introduction, seeks to document and assess the progress made in the ASEAN region in implementing the Recommendations from the ASEAN Forum of Migrant Labour in 2010 (Hanoi) and 2011 (Bali). It aims to highlight some significant and innovative initiatives that could provide inspiration for governments, social partners and CSOs to replicate in their own countries. This is by no means an exhaustive description of all the initiatives that have been undertaken, but rather reflects the information collected by the authors as a result of a questionnaire survey, literature review and national preparatory meetings for the fifth AFML.

In the area of information and services:

207. As can be seen from the report, ASEAN Member States have made progress as well as are undertaking new initiatives in implementing the Hanoi Recommendations. Of the six recommendations made in 2010, it can be seen that there is substantial progress against three, and partial progress against the remaining 3. More recent national policy frameworks and actions plans adopted in some Member States have also contributed to the regional objective of protecting and promoting the rights of migrant workers in the ASEAN.

⁴⁸ Ibid.

Table 2. Summary of progress against Recommendations from the 3rd ASEAN Forum in Hanoi

Rec #	Recommendation summary	Eligible countries	Progress	Remarks
<i>Information and services in countries of origin and destination</i>				
1	Strengthen information and services; provide opportunities for migrants to realize their labour rights	All countries	Yes	Migrants' need for information and services is recognized in countries of origin and destination, and addressing this need is part new legislation and policy measures in several countries in the region.
2	Ensure that information services are more accessible and reflect their specific and diverse needs. Continually assess the quality and reach of information services, and the capacity of service providers to meet these needs	All countries	Partial	Conventional and innovative methods have been adopted to provide information to migrants prior to departure and on site. However, there have been limited efforts to assess these methods and the capacity of service providers to deliver them.
3	Provide accessible channels for migrant workers to report and seek redress for violations, and promote the implementation of the national legislation and international commitments	All countries	Partial	Migrants have greater access to channels to seek redress, particularly with the assistance of CSOs. There is scope for trade unions and migrant associations to play a bigger role. However, migrants are sometimes dissuaded from filing complaints for fear of retribution, and the length of time and complexity involved.
4	Strengthen and raise the visibility of labour attachés and consular staff, through close engagement with the migrant community and employers, and in cooperation with authorities of the host countries	Countries of origin	Partial	In countries that deploy larger numbers of migrants, the labour attachés are active; However, certain consular offices could do more to provide services and engage with the stakeholders in host countries.
5	Actively engage and consult stakeholders in developing and implementing information campaigns and services for migrant workers at all stages of the migration cycle	All countries	Yes	There is increased consultation between governments, social partners and CSOs – within countries and between countries.
6	Share good practices in the provision of information and services; and continue cooperation with international organizations to enhance capacity	All countries	Yes	There are an increased number of platforms through which to share developments bilaterally and multilaterally. These are supported by Member States, the ACMW and international organizations.

208. The ratification record by ASEAN Member States of the ILO fundamental conventions is somewhat mixed (a high ratification rate in four out of eight core convention). ILO Convention on occupational accident, 1925 (No.19) is widely ratified. The anti-trafficking protocol has been ratified by a majority of the ASEAN countries and CEDAW and CRC ratified by all countries. Only two countries, however, have ratified the 1990 UN Convention on migrant workers. To date, only the Philippines among ASEAN Member States have ratified ILO Convention 189 (Domestic Workers). Ratification of the most relevant ILO Conventions and UN Convention (1990) remains a priority.

209. Recent efforts have been undertaken within the ASEAN to adjust national migration policy frameworks to ensure more effective governance of labour migration and greater alignment with international standards. Reforms in existing legislation were made or are underway and national policy framework and action plans were updated. This is an important process to be completed.

213. There appears to have been no effort to assess or evaluate the effectiveness, quality and reach of information services for migrants on a continuous, periodic basis as recommended in Hanoi. Increased measures to gauge the impact of such services should be considered, such as baseline surveys or pre- and post-testing. To enhance the quality of information and services, government officers and other service providers should be provided with and trained on operational guidelines. In terms of reach, the use of broadcast media such as radio and television needs to be further explored and maximized.
214. Steps have been taken in countries of origin to step up pre-employment information services and pre-departure orientation. It is important to examine the sustainability model for delivering quality pre-departure training. Other challenges that remain in certain countries include: ensuring quality of training delivered, assessing learning levels and effectiveness. Additional suggestions for strengthening pre-departure training are noted below, in Paragraph 219.
215. In line with the Hanoi Recommendations, cooperation in promoting sharing of good practices in the provision of information and services within the ASEAN should be pursued, perhaps by staging a virtual platform for learning and inspiring others. While there are existing initiatives to make relevant policies and regulations available online, it is important that those are easily accessed and understood by migrant workers. The language used in regulations is often too technical to be easily understood by most migrant workers.
216. While there is an increasing trend towards broad stakeholder cooperation in the ASEAN, such cooperation being evident in migration policy development, there appears to be limited cooperation in developing and implementing information campaigns. The expertise of employers' organizations, trade unions and CSOs, especially migrants' groups and women's organizations could be tapped further in developing such materials and disseminating information.
217. The establishment of MRCs in Lao PDR, Viet Nam, Cambodia, Thailand and Malaysia, complete with facilities, services and trained staff, is a promising initiative. It is important, though, that migrants and other stakeholders are made aware of their existence, referral networks are established and functional, and are delivered timely by trained, gender-sensitive staff; hence, the operations manual currently being drafted is an imperative. Viet Nam's piloting of integrating domestic and international labour market information services under their job centres could be considered in other countries.
218. There are complaints mechanisms now in most countries and support services to avail of complaint mechanisms have been recently established or are in the process of being established. Their coverage and effectiveness particularly with regard to isolated work-sites such as fishing and domestic work needs to be assessed and enhanced. It is likewise important that migrant workers are made aware of these mechanisms and the other legal options they could pursue to seek justice; be they within the realm of labour, civil, criminal or administrative law. The length of the legal process is always an issue, and therefore, it is imperative that migrant workers are informed of the periods within which cases are resolved, as well as the possible delays, while authorities seek to shorten the entire legal proceedings. The availability of legal aid and support services, including translation while cases are litigated should be enhanced.

In the area of promoting positive image, rights and dignity of migrants

219. While there are initiatives in most Member States to implement the Bali Recommendations, there appears to be partial or limited progress so far. Of the 18 recommendations, there is substantial progress against two, partial progress against seven, however limited or no progress against eight of the recommendations. There is no information on one of the recommendations on prevention of mass deportation. This is understandable as only a year has passed since the recommendations were made in Bali.

Moreover, the recommendations are more numerous compared to those adopted in Hanoi and implementation thereof would require huge resources. It would be valuable to evaluate the progress of implementation of the Bali Recommendations two years after they were made. It is notable, nonetheless that national legal frameworks on return and reintegration exist in most ASEAN countries which will provide sufficient legal basis for developing more concrete programmes and services to facilitate economic and social reintegration of return migrants, including pre-return services at destination. A more comprehensive, integrated and well-defined national reintegration programme needs to be put in place. Greater cooperation between origin and receiving states is likewise needed to bridge pre-return services at destination with reintegration services at origin.

Table 3.1 Summary of progress against recommendations from the 4th ASEAN Forum in Bali

Rec #	Recommendation summary	Eligible countries	Progress	Remarks
<i>Promoting positive image, rights and dignity of migrant workers</i>				
1	Deliver comprehensive pre-departure education	Countries of origin	Yes	A number of countries have committed to developing standardized training curricula. Challenges exist in terms of the limited literacy of migrants from certain countries, and the limited capacity of the trainers.
2	Conduct post-arrival orientation programmes in receiving countries, performed by the government, employers, trade unions, civil society	Countries of destination	No / limited	An orientation is delivered in Singapore, but not in Brunei Darussalam, Malaysia or Thailand. There is scope for greater cooperation with employers' and workers' organizations to provide such a briefing.
3	Raise awareness and build capacity on the delivery and monitoring of recruitment and placement services, and different forms of direct hiring of migrant workers	All countries	Partial	Most sending countries have identified the need to strengthen legislation and/or monitoring procedures. However, there is limited regulation of recruitment practices in some receiving countries.
4	Collect and disseminate factual information through the media and other channels on the contributions of migrant workers to the economy and society in host countries	All countries	No / limited	With the exception of a couple of countries, there is still considerable scope for progress in this area, for both sending and receiving countries.
5	Carry out joint efforts with various stakeholders to present a positive image of migrant workers	All countries	Partial	In most countries, these efforts have been led by civil society or international organizations, and greater engagement from government and social partners is required in order to increase the reach of such campaigns.

220. Pre-departure education is undertaken in many ASEAN Member States, by many stakeholders. Standard training modules that take into consideration the different situations and conditions across country destinations and the level of understanding of the intended audience are being put in place. It may also make a difference if compliance with pre-departure orientation is made as a mandatory requirement for deployment. As mentioned above, challenges remain in ensuring quality of training delivered and assessing learning levels and effectiveness. The sustainability model in CLMV countries, unlike in the Philippines and Thailand where PDOS is covered by the Migrant Welfare Fund is recruitment agency based.

221. In developing pre-departure training modules, the timing and length, methodology, the competency of providers and regularity in the delivery of the programmes need to be carefully looked into. The literacy levels of migrants should also be closely considered.

The inputs of relevant authorities in host countries should be obtained to prevent gaps in delivering messages.

222. Not many countries have instituted post-arrival orientation programmes. These programmes are crucial for migrants to understand fully the situation; their rights, privileges and responsibilities; and important contacts needed while in the host country. The cooperation of local authorities or of the embassies and consulates, trade unions, employers' groups and civil society organizations in delivering the programme could be obtained.
223. There has not been a concerted effort to promote a more positive of migrant workers in the host countries. However a survey on public attitudes has been done and a campaign initiated in Thailand, and actions undertaken in Singapore. This could be further carried out on a regional or country basis. The cooperation of governments, trade unions, employers, civil society groups, migrants associations, women's organizations and other key stakeholders must be obtained in planning and implementing related activities.

Table 3.2 Summary of progress against recommendations from the 4th ASEAN Forum in Bali

Rec #	Recommendation summary	Eligible countries	Progress	Remarks
<i>Promoting effective return and reintegration, and sustainable alternatives to migration</i>				
6	Undertake a regional study on the programmes of skills trainings, pre-departure and post-arrival orientations, and return and/or reintegration support offered	All countries	No / limited	Studies have been carried out at the individual country level, but no regional study has been undertaken.
7	Improve the availability of employment services to returned migrant workers, including voluntary psychosocial counselling, gender sensitive reintegration, access to resources, and legal aid	Countries of origin	No / limited	Services for returned migrant workers are stated policy aims in several countries, but the actual provision of services does not appear to be available on a systematic basis in most countries of origin.
8	Provide incentives to returned migrant workers, e.g. no penalties for irregular migrants, exemption of import duties for tools and equipment to be used by migrant workers	Countries of origin	No / limited	Such measures exist in some countries, but little information has been provided on the impact of these policies.
9	Ensure as much as possible that mass/group deportation will not take place	Countries of destination	—	No information has been provided or collected on this Recommendation so far.
10	Draw up contingency plans and make funds available in case of mass returns of migrant workers in emergencies	Countries of origin	Yes	Several (but not all) countries of origin have funds and plans in place, which were utilized in repatriating workers from the recent unrest in several Middle East and North African countries.
11	Ensure that sustainable economic reintegration policies and strategies are evidence-based, market-demand/need based and gender sensitive	Countries of origin	No / limited	As yet, only information from Philippines has been provided under this Recommendation.
12	Ensure that return and repatriation programmes are effective, sustainable, and rights based, and with the involvement of tripartite partners and civil society organizations	All countries	Partial	The laws in several countries lay out the obligations of recruitment agencies and the services to be provided by the government, but there appears to have been limited assessment of the effectiveness of such programmes.
13	Encourage a speedy development of an ASEAN instrument on the protection and promotion of the rights of migrant workers that includes the family members of all migrant workers in its coverage	All countries	Partial	A timeline for completing the Agreement has been agreed on, and the drafting committee meets on a regular basis.
14	Set up ASEAN guidelines on effective return and reintegration	All countries	No / limited	No information has been gathered on any initiative or proposal to develop these guidelines so far.
15	Develop bilateral and multilateral agreements for portability of the social security benefits and better implementation of existing schemes	All countries	No / limited	While there are numerous bilateral agreements between countries within ASEAN, and with countries outside of ASEAN, little progress has been made in increasing the portability of social security
16	Provide access to legal support and essential services, including consular services, for migrant workers and members of their families	All countries	Partial	Refer to Hanoi Recommendations 3 and 4 above.
17a	Establish specific responsibilities and roles with respect to return and reintegration and sustainable alternatives for migrant workers	Countries of origin	Partial	A number of countries have developed policies that identify specific roles related to the provision of reintegration services, as well as innovative programmes. However, there is clearly a lot more that can be done.

17b	Establish specific responsibilities and roles with respect to return and reintegration and sustainable alternatives for migrant workers	Countries of destination	No / limited	There appears to have been little progress made on the establishment of programmes to facilitate reintegration as specified under this Recommendation. Most of the progress reported relates to the broader point that migrant workers' rights are covered under the labour protection laws in destination countries.
-----	---	--------------------------	--------------	---

In the area of return and reintegration

223. There is indeed a need for a regional and/or country study on return and reintegration of migrants to better understand the dynamics of return, their causes, and the needs of migrant workers upon return towards developing comprehensive and, gender-responsive reintegration programmes and services. Studies have been undertaken or are underway with regard to Viet Nam and the Philippines. The development of regional guidelines or standards on return and reintegration as recommended in Bali is likewise worth pursuing.
224. Some countries with large numbers of migrant workers now have contingency plans and resources during mass repatriation. It is also crucial that migrant returns are linked to a reintegration process that looks into both the economic and social reintegration needs of the return migrants. The wider cooperation of migration stakeholders on this area, including those in destination countries, is needed.
225. There are overall policies to assist returning workers in some countries, but there appears to be few specific policies and mechanisms to facilitate access to services such as low-interest loans to return migrants who may be interested in venturing into production and business activities that generate jobs for themselves and for others. Overseas employment funds may have to be expanded to implement reintegration programmes; however, an assessment first needs to take place on the current effectiveness of such programmes.
226. It is important that the migrants' needs and the labour market situation should be considered in developing comprehensive reintegration policies. The collaboration of all agencies collecting and generating data and information must be attained to bring policies into coherence. Local authorities should be involved or provided with information, including sex-disaggregated data on return flows, and engage them for monitoring or extending reintegration assistance.
227. Confidence building measures need to be undertaken to facilitate sustainable cooperation and mutual trust between the government and civil society actors in the provision of services to migrants. Clear lines of coordination between national and local authorities need to be addressed as well to aid smooth reporting and sharing of data of departing and returning migrants. Mechanisms for bilateral and regional cooperation on return and reintegration should be identified.

Bibliography

Anh, D.N. 2008. *Labour migration from Viet Nam: Issues of policy and practice* (Bangkok, ILO Regional Office for Asia and the Pacific).

Cambodia. 2008. Presentation at the ASEAN Forum on Migrant Labour (Manila).

Cambodia. 2012. *Implementation of ASEAN declaration on protection and promotion of rights of migrant workers follow-up on recommendations stemming from 3rd and 4th ASEAN Forum on Migrant Labour Sharing of Experiences (Guide) Format* (Phnom Penh, National Preparatory Meeting).

CARAM Asia. 2011. *Reality check rights and legislation for migrant domestic workers across Asia*. (Malaysia).

Hing, V. and Lun, P. 2011. *Enhancing the protection and promotion of migrant workers' rights in ASEAN*, Phnom Penh, CDRI.

Humanitarian Organization for Migration Economics (HOME). "Helpdesks". Available at: <http://home.org.sg/services/helpdesks.html> [31 May 2013].

Humanitarian Organization for Migration Economics (HOME). 24-25 Apr. 2008. "Shelters". <http://home.org.sg/services/shelters.html> Indonesia, *Overseas Employment in Indonesia* (Manila, the ASEAN Forum on Migrant Labour).

Indonesia. 2010. *Policies and programs on the placement and protection for Indonesian overseas workers* (Manila, ASEAN Forum in Improving Overseas Employment Administration).

Indonesia. 2012. *Implementation of ASEAN declaration on protection and promotion of rights of migrant workers follow-up on recommendations stemming from 3rd and 4th ASEAN Forum on Migrant Labour Sharing of Experiences (Guide) Format* (Ministry of Manpower and Transmigration [MOMT]).

Indonesia. 2012. *Implementation of ASEAN declaration on protection and promotion of rights of migrant workers follow-up on recommendations stemming from 3rd and 4th ASEAN Forum on Migrant Labour Sharing of Experiences (Guide) Format* (Jakarta, National Preparatory Meeting [Civil Society groups]).

International Domestic Workers Network. 2012. "A voice for domestic workers in Singapore". Available at: <http://www.idwn.info/news/voice-domestic-workers-singapore-myvoice-newsletter> [21 May 2013]

International Labour Organization (ILO). 2012. *The Philippines and return migration: A rapid appraisal of the return and reintegration policies and service delivery* (Manila, ILO).

ILO. 2010. *Triangle project baseline desk review on policy and practice* (Unpublished).

ILO. 2012. Triangle project, *Quarterly Briefing Notes*.

ILO. 2012. Triangle Project, *Technical Cooperation Progress, Report*.

International Labour Organization (ILO). *Combating forced labour and trafficking of Indonesian migrant workers, phase II*, final report.

International Organization for Migration (IOM). 2006. *Review of Labor Migration Dynamics in Cambodia*, (Phnom Penh, IOM).

International Organization for Migration (IOM). 2010. *Deriving benefit from international migration: Best practices from the region*, final report.

International Organization for Migration (IOM). 2010. *Labor migration from Indonesia: An overview of Indonesian migration to selected destinations in Asia and the Middle East*. (Indonesia, IOM).

International Organization for Migration (IOM). 2009. *Migrant resource centres: An initial assessment*. Available at: http://publications.iom.int/bookstore/free/MRS_40.pdf [31 May 2013].

International Organization for Migration (IOM) and Migration Policy Institute (MPI). 2011. *Labor migration from Colombo process countries*.

Kawar, M. 2004. *Towards gender-sensitive migration management*, International Labour Organization (ILO) paper prepared for the Ninth International Metropolis Conference. (Geneva).

Lao PDR. 2008. *Migrant labour overview*, presented at the ASEAN Forum on Migrant Labour. (Manila).

Malaysia. *Implementation of ASEAN declaration on protection and promotion of rights of migrant workers follow-up on recommendations stemming from 3rd and 4th ASEAN Forum on Migrant Labour Sharing of Experiences (Guide) Format* (Ministry of Human Resources [MOHR]).

Malaysia. 2010. *Labor migration policy and management in Malaysia* (Manila, ASEAN Forum in Improving Overseas Employment Administration).

Malaysia. 2008. *Management of foreign workers in Malaysia* (Manila, ASEAN Forum on Migrant Labour).

Ministry of Labour and Vocational Training (MOLVT). 2010. *Policy on labour migration for Cambodia*. Available at: [http://www.ilo.org/asia/whatwedo/publications/WCMS_145704/lang--en/index.htm](http://www.ilo.org/asia/whatwedo/publications/WCMS_145704/lang-en/index.htm)

Myanmar. 2008. Country presentation at the ASEAN Forum on Migrant Labour (Manila).

Myanmar. 2010. Country presentation at the ASEAN Forum in Improving Overseas Employment Administration (Manila).

Myanmar. 2012. *Implementation of ASEAN declaration on protection and promotion of rights of migrant workers follow-up on recommendations stemming from 3rd and 4th ASEAN Forum on Migrant Labour Sharing of Experiences (Guide) Format* (Yangon, National Preparatory Meeting).

Philippines. *Implementation of ASEAN declaration on protection and promotion of rights of migrant workers follow-up on recommendations stemming from 3rd and 4th ASEAN Forum on Migrant Labour Sharing of Experiences (Guide) Format* (Overseas Workers Welfare Administration [OWWA]).

Philippines. *Implementation of ASEAN declaration on protection and promotion of rights of migrant workers follow-up on recommendations stemming from 3rd and 4th ASEAN Forum on Migrant Labour Sharing of Experiences (Guide) Format* (Philippine Overseas Employment Administration [POEA]).

Philippine Overseas Employment Administration (POEA). 2010. *Annual report*. Available at: <http://www.poea.gov.ph/ar/ar2010.pdf> [30 May 2013].

Philippines. 2008. *Philippine migration policy: Strengthening protection for migrant workers*, (Manila, ASEAN Forum on Migrant Labour).

Philippines. 2010. *Best practices in Philippine migration policy*. (Manila, ASEAN Forum in Improving Overseas Employment Administration).

Philippines, Republic Act No. 10022. An act amending Republic Act No. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995, as amended. Available at: http://www.lawphil.net/statutes/repacts/ra2010/ra_10022_2010.html [30 May 2013].

Daw San San and Daw Shwe Yin Mar Saw. PowerPoint presentation “Services trade liberalization and labour migration policies in ASEAN”. Available at: <http://www.adbi.org/files/2008.09.25.cpp.myanmar.presentation.pdf> [30 May 2013].

“Protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress and for other purposes”. Available at: http://www.lawphil.net/statutes/repacts/ra2010/ra_10022_2010.html [30 may 2013].

Singapore. 2008. *Foreign Manpower Management in Singapore* (Manila, ASEAN Forum on Migrant Labour).

Singapore. 2012. *Implementation of ASEAN declaration on protection and promotion of rights of migrant workers follow-up on recommendations stemming from 3rd and 4th ASEAN Forum on Migrant Labour Sharing of Experiences (Guide) Format* (Civil Society Groups Transmigration [MOMT]).

Task Force on ASEAN Migrant Workers website, Migrant Workers Connection. Available at: <http://www.workersconnection.org/articles.php?more=145> [7 Oct. 2012].

Task Force on ASEAN Migrant Workers website, Migrant Workers Connection. Available at: <http://www.workersconnection.org/articles.php?more=135> [7 Oct. 2012].

Thailand. 2010. Country presentation at the ASEAN Forum in Improving Overseas Employment Administration (Manila).

Thailand. 1985. Employment and Job Seekers Protection Act, B.E. 2528 (1985). Available at: http://thailaws.com/law/t_laws/tlaw0071_3.pdf [30 May 2013].

Thailand. 2010. *The management of labour migration*. (Manila, ASEAN Forum in Improving Overseas Employment Administration).

Thailand. 2012. *Regularization of status for migrant workers, including women migrant workers*. (Phnom Penh, Cambodia. Presentation delivered at the Regional Conference on Human Rights Instruments, International Labour Standards, and Women Migrant Workers’ Rights, UN Women and the Royal Government of Cambodia, in collaboration with the ILO.

The Asia Foundation. 2011. *Cambodia’s labour migration analysis of the legal framework*. Available at: <http://asiafoundation.org/resources/pdfs/LegalFrameworkLabourTrafficking.pdf> [30 May 2013].

UN Women. 2012. *Gender-sensitive legal mechanisms and access to justice for women migrant workers* (Phnom Penh, Cambodia. Presentation delivered at the Regional Conference on Human Rights Instruments, International Labour Standards and Women Migrant Workers' Rights, UN Women and the Royal Government of Cambodia, in collaboration with the ILO).

UN Women and the Department of Overseas Labour, Ministry of Labour, Invalids, and Social Affairs, Viet Nam. 2012. *Women in international labour migration from Viet Nam: A situation analysis* (Hanoi).

UN Women *et al.* 2012. *The Phnom Penh conclusions and recommendations*, Outcome Document of the Regional Conference on Human Rights Instruments, International Labour Standards and Women Migrant Workers' Rights (Cambodia, UN Women and the Royal Government of Cambodia, in collaboration with the ILO). Available at: http://migration-unifem-apas.org/docs/Final_Outcome_Document_Phnom_PenhConclusions_Regional_Conference_14_9_2012.pdf [30 May 2013].

Viet Nam. 2010. *Improving protection for Vietnamese migrant workers*, presented at the ASEAN Forum in Improving Overseas Employment Administration on 16-17 Dec. 2010 in Manila.

Viet Nam. 2012. *Implementation of ASEAN declaration on protection and promotion of rights of migrant workers follow-up on recommendations stemming from 3rd and 4th ASEAN Forum on Migrant Labour Sharing of Experiences (Guide) Format* (Hanoi, National Preparatory Meeting).

Annex A. Recommendations from the 3rd ASEAN Forum on Migrant Labour

3rd ASEAN Forum on Migrant Labour Enhancing Awareness and Information Services to Protect the Rights of Migrant Workers 19-20 July 2010 – Ha Noi RECOMMENDATIONS

Further to the Joint Communiqué of the 21st ASEAN Labour Ministers' Meeting on 24 May 2010, the 3rd ASEAN Forum on Migrant Labour put forward the following recommendations are in support of the Implementation of the Declaration on the Protection and the Promotion of the Rights of Migrant Workers, and the ASEAN Labour Ministers' Work Programme (2010-2015).

PROMOTION AND PROTECTION OF THE RIGHTS OF MIGRANT WORKERS

1. Strengthen information and services to better protect women and men migrant workers and ensure decent and productive work in conditions of freedom, equity, security and human dignity. Provide opportunities for migrants to realize their labour rights in line with legislation of the ASEAN Member States, the ILO Fundamental Principles and Rights at Work, and their basic human rights protected by the UN and international conventions, particularly CEDAW and CRC, and in the spirit of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

INFORMATION AND SERVICES

2. Ensure that information services are more accessible to women and men migrants and reflect their specific and diverse needs. Pursue the use of varied delivery channels for pre-employment, pre-departure and on-site information, including schools and training institutions, migrant community representatives, the media and public information campaigns. Continually assess the quality and reach of information services for migrant workers and the capacity of service providers to meet these needs.
3. Provide accessible channels for women and men migrant workers to report and seek redress for violations of rights and terms and conditions of employment, and promote the implementation of the national legislation and international commitments.

THE ROLE OF SENDING COUNTRY REPRESENTATIVES IN RECEIVING COUNTRIES

4. Strengthen and raise the visibility of labour attachés and consular staff in collecting and providing information, and responding to rights violations against women and men migrant workers. This should be achieved through close engagement with the migrant community and employers, and in cooperation with authorities of the host countries.

BROAD STAKEHOLDER COOPERATION

5. Actively engage and consult stakeholders from government, employers' and workers' organizations, and civil society organizations in developing and implementing information

campaigns and services for women and men migrant workers at all stages of the migration cycle.

PARTNERSHIPS OF ASEAN, STAKEHOLDERS AND INTERNATIONAL ORGANIZATIONS

6. The ASEAN Secretariat, national and regional stakeholders and international organizations should facilitate the sharing of good practices in the provision of information and services, promote the development and use of user-friendly information materials between and among ASEAN states and increase migrant workers' ease of access to and understanding of publicly available information on laws, guidelines and other information materials produced by governments of sending and receiving states. The ASEAN Member States, the ASEAN Secretariat, stakeholders, the UN and international organizations should continue to cooperate in providing opportunities for capacity building and confidence building of stakeholders at national and regional levels.

Annex B. Recommendations from the 4th ASEAN Forum on Migrant Labour

THE 4th ASEAN FORUM ON MIGRANT LABOUR 24-25 OCTOBER 2011, BALI, INDONESIA

The 4th ASEAN Forum on Migrant Labour was held on 24-25 October 2011 in Bali, Indonesia. Representatives of the governments, employers' and workers' organisations, and civil society organisations of ASEAN Member States, the ASEAN Secretariat, International Labour Organization (ILO), International Organization for Migration (IOM), UN Women, and the Task Force on ASEAN Migrant Workers (TFAMW) participated in the Forum.

The Forum provided a platform for information sharing and exchange of views on two enduring challenges identified in the ASEAN Declaration of the Protection and Promotion of the Rights of Migrant Workers, i.e. promoting understanding, rights and dignity of migrant workers in the receiving countries, and increasing return and reintegration support, as well as development of sustainable alternatives for migrant workers in the sending countries. Towards this end, the Forum also reviewed the implementation of the Recommendations of the 3rd ASEAN Forum on Migrant Labour held on 19-20 July 2010 in Ha Noi, Viet Nam.

The 4th ASEAN Forum on Migrant Labour was convened as an implementation of the ASEAN Labour Ministers' Work Programme 2010-2015 and the ASEAN Socio-Cultural Community (ASCC) Blueprint (Action Line C.2.ii) which called for a regular ASEAN Forum on Migrant Labour as a platform for broad-based discussions on migrant labour issues under the auspices of the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW) which reports to the ASEAN Senior Labour Officials Meeting (SLOM).

The participants agreed to recommend concerted actions to promote and protect the rights of migrant workers in the sending, transit, and receiving countries, which shall be gender sensitive, implemented in close cooperation among tripartite partners and civil society organisations, and applied to all migrant workers, as follows:

(a) Promotion of positive image, rights and dignity of migrant workers

1. Deliver comprehensive pre-departure education in sending countries, not only about culture and social norms, but also working and living conditions, reality of migration including financial implication, laws and procedures, rights of migrant workers, among others;
2. Conduct post-arrival orientation programmes in receiving countries, performed by the government, employers, trade unions, civil society, that adopts a rights based approach in orientating both migrant workers, employers and government – to understand what their rights and responsibilities are;
3. Raise awareness and build capacity of public and private recruitment agencies, local authorities and all stakeholders in sending and receiving countries in the delivery and monitoring of recruitment and placement services, and different forms of direct hiring of migrant workers to ensure greater protection of migrant workers' rights;
4. Collect and disseminate factual information through the media and other channels on the contributions of migrant workers to the economy and society in host countries (e.g. individual stories, economic and employment data, statistics on social impact) with the long term objective of promoting a positive image of migrant workers;
5. Carry out joint efforts in ASEAN Member States to present a positive image of migrant workers with various stakeholders e.g. migrant workers and their associations, academia, youth and student

groups, tripartite parties, by using various means such as TV, commercials, exhibitions, radio talk shows, cultural performances, and the commemoration of International Migrants Day;

(b) Promotion of strategies for effective return and reintegration, as well as sustainable alternatives for migrant workers

6. Undertake a regional study on the programmes of skills trainings, pre-departure and post-arrival orientations, and return and/or reintegration support offered by ASEAN Member States;

7. Improve the availability of employment services to the returned migrant workers, including voluntary psychosocial counselling (before and upon return), gender sensitive reintegration, access to resources, and legal aid. Such services should also include information, advice, training, loans, placement, health, and interpretation/ translation service. These services should be made available/ extended to the family members of migrant workers left behind;

8. Provide incentives to the returned migrant workers, e.g. the absence of penalty for the irregular migrants, tax exemption of import duties for tools and equipment to be used by migrant workers;

9. Ensure as much as possible that mass/group deportation will not take place;

10. In case of mass returns of migrant workers in emergencies, contingency plans should be prepared at company and embassy levels with the participation of migrant workers. For this purpose, assistance/contingency funds which cover repatriation costs need to be set up at national level. Formulation of national disaster preparedness plans shall be in consultation with and with the participation of migrant workers and migrant organisations;

11. Ensure that sustainable economic reintegration policies and strategies are evidence-based, market demand/need based and gender sensitive;

12. Ensure that return and repatriation programmes are effective, sustainable, and rights based, and with the involvement of tripartite partners and civil society organisations;

13. Encourage a speedy development of an ASEAN instrument on the protection and promotion of the rights of migrant workers that includes the family members of all migrant workers in its coverage. The instrument shall comply with the international human rights and labour standards and be legally binding;

14. Set up of ASEAN Guidelines on Effective Return and Reintegration;

15. Develop bilateral and multilateral agreements for portability of the social security benefits and better implementation of existing schemes;

16. Provide access to legal support and essential services, including consular services, for migrant workers and members of their families;

17. Recommend the following specific responsibilities and roles with respect to return and reintegration and sustainable alternatives for migrant workers:

(a) Responsibilities of sending countries:

- Policies and strategies should be established to look after the return of migrant workers, e.g. “State Policy on the Reintegration of Migrant Workers”;
- Provide comprehensive training to migrant workers for preparation before return as a part of pre-departure orientation; and

- Follow up/monitoring system of the returnees, particularly on their livelihood and reintegration.

(b) Responsibilities of receiving countries:

- Prior to the return of migrant workers, receiving countries should have specific programmes for the returnee, e.g. training and introduction of entrepreneurship to migrant workers who are interested, counselling, among others;
- Provision of proof of employment by the employers; and
- Ensure that migrant workers receive decent wage and no unlawful wage deduction, decent and safe working condition and workplace environment, and compliance with international human rights and labour standards.

The participants agreed that the progress of implementation of these recommendations will be reported to the 5th ASEAN Forum on Migrant Labour in 2012. For this purpose, the tripartite partners and civil society organisations from each ASEAN Member State should make preparation for the reporting prior to the Forum.

The participants extended their appreciation to the Government of Indonesia for the excellent arrangements of the Forum and warm hospitality accorded to them.

The participants also congratulated the Government of Cambodia for its role as the incoming ASEAN Chair for 2012 and host of the 5th ASEAN Forum on Migrant Labour in 2012

Annex C. Ratification of selected international instruments in the ASEAN region

	Brunei	Cambodia	Indonesia	Lao PDR	Malaysia	Myanmar	Philippines	Singapore	Thailand	Viet Nam
UN MWC		2004(s)	2012					1995		
ILO C.29		1969	1950	1964	1957	1955	2005	1965	1969	2007
ILO C.87		1999	1998			1955	1953			
ILO C.97					1964*		2009			
ILO C.98		1999	1957		1961		1953	1965		
ILO C.100		1999	1958	2008	1997		1953	2002	1999	1997
ILO C.105		1999	1999		1958(d)		1960	1965(d)	1969	
ILO C.111		1999	1999	2008			1960			1997
ILO C.138	2011	1999	1999	2005	1997		1998	2005	2004	2003
ILO C.143							2006			
ILO C.181										
ILO C.182	2008	2006	2000	2005	2000		2000	2001	2001	2000
ILO C.189							2012			
PALERMO PROTOCOL		2007	2009	2003 (a)	2009(a)	2004(a)	2002		2001 (s)	2012(a)
CEDAW	2006 (a)	1992 (a)	1984	1981	1995 (a)	1997 (a)	1981	1995 (a)	1985 (a)	1982
CRC	1995 (a)	1992 (a)	1990	1991 (a)	1995 (a)	1991 (a)	1990	1995 (a)	1992 (a)	1990

UN Convention on the Rights of All Migrants and Members of Their Families, 1990 / s=signed, a=ratified
ILO Forced Labour Convention, 1930 (C.29)
ILO Labour Inspection Convention, 1947 (C.81)

ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (C.87)

ILO Migration for Employment Convention (Revised), 1949 (C.97)

* denotes ratification by Sabah

ILO Right to Organise and Collective Bargaining Convention, 1949 (C.98)

ILO Equal Remuneration Convention, 1951 (C.100)

ILO Discrimination (Employment and Occupation) Convention, 1958 (C.111)

ILO Abolition of Forced Labour Convention, 1957 / d=denounced (C.105)

ILO Minimum Age Convention, 1973 (C.138)

ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (C.143)

ILO Private Employment Agencies Convention, 1997 (C.181)

ILO Worst Forms of Child Labour Convention, 1999 (C.182)

ILO Domestic Workers Convention, 2011 (C.189)

Palermo Protocol on Trafficking 2000 / s=signed, a=ratified

CEDAW: Convention on the Elimination of all forms of Discrimination against Women / a = ratified/accession

Source: http://cedaw-seasia.org/by_region.html#bruneianchor [accessed 31 May 2013].

http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en

CRC: Convention on the Rights of the Child / a = ratified/accession

Source: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en

Annex D. Summary of pre-departure orientation in countries of origin

Country	Conducted by	Status	Features	Funding source
Cambodia	Recruitment agencies are responsible for delivering the pre-departure orientation training; trainers are mostly returned migrant workers	Standardized curricula in development	Proposed length: 3-5 days Proposed Standard Curriculum covers: <ul style="list-style-type: none"> - Overview of labour migration - Country profiles Thailand/Malaysia, host country laws, migrant worker rights and responsibilities - Travel Tips - Life Abroad – health, developing relationship with employers, employees, work contract, what to do in case of violation - Managing earnings, saving, budgets and how to remit money home - Returning home 	Part of recruitment agency fees
Indonesia	National Board on Placement and Protection of Indonesian Overseas Workers (BNP2KTI) Providers: BNP2TKI, BP3TKI (in 16 provinces) Trainers are usually government personnel or retirees.	Launched in 2003	Length of Programme: 8 hours Attendance is mandatory Curriculum features: <ul style="list-style-type: none"> - Terms of deployment and work contracts - Laws (including criminal laws), regulations and customs of destination countries - Arrival and departure procedures - The role of Indonesian diplomatic missions vis-à-vis Indonesian labour migrants, and how to access assistance - Insurance claims - Safe banking and remittance channels - Health tips - Raising awareness of issues such as human and drug trafficking - Self-confidence coaching to deal with culture 	Free of charge to migrant workers
Lao PDR	Recruitment agencies (as per Decree No. 68 and Directive No. 2417)	Standardized curricula in development	UN Women and MoLSW have developed a draft curriculum, which is currently being reviewed by ILO	Recruitment Agencies (for 1 day training)
Myanmar	Ministry of Labour, private agencies and community-based organizations.			
Philippines	Implementing Agency: OWWA (since	Launched in	Length of Programme: 8 hours	Workers Welfare Fund

	2003; previously POEA)	1983	<p>Curriculum covers:</p> <ul style="list-style-type: none"> - Migration realities - Country profile - Employment contract – rights and responsibilities of OFWs per contract, what to do in case of contract violations - Health and safety – HIV and AIDS education - Financial literacy -OWWA programmes and services and other government programmes, such as the Social Security System (SSS) and PhilHealth -Travel procedures and tips. 	(OWWA) State funds (POEA) Accredited PDOS Provider (minimal fee regulated by OWWA, PHP 100, US\$2.30)
Thailand	Department of Employment		<p>Length of Programme: 6 hours</p> <p>Curriculum covers:</p> <ul style="list-style-type: none"> - Employment contracts and relevant rules and regulations, including the laws and customs of the country of employment. 	Attendance is free of charge and is required by law.
Viet Nam	Department of Labour (DOLAB); local Department of Labour, Invalids and Social Affairs (DOLISAs); Viet Nam Association of Manpower Supply (VAMAS), individual enterprises (recruitment agencies) and training centers	Standardized curricula in development	<p>Current curriculum is 74-hour pre-departure orientation programme (58 hours for theory and 16 hours for practice).</p> <p>Curriculum includes: the culture and traditions of Viet Nam and the receiving states; the labour, criminal, civil, and administrative laws of Viet Nam and host countries; life skills in destination; and problems to be avoided while living and working abroad</p>	

Source: Information on Cambodia, Lao PDR, Myanmar, Thailand and Viet Nam was provided by the ILO; Information on Indonesia and the Philippines was drawn from IOM-MPI Issue in Brief No. 5 - *Strengthening Pre-Departure Orientation Programmes in Indonesia, Nepal and the Philippines*, Sept. 2012: http://publications.iom.int/bookstore/index.php?main_page=product_info&cPath=49&products_id=840&zenid=0626a232b423efc8d82b17432de4b5fe [accessed 31 May 2013].

Annex E. Template for reporting follow-up on recommendations stemming from 3rd and 4th ASEAN Forum on Migrant Labour

	Activities	Responsible	Partners	Where	Bottlenecks
Recommendations from 3rd AFML (Hanoi) & 4th AFML (Bali)	Proposed answer format: Yes/No/Some aspects Brief description of activities	Identify stakeholder(s) responsible for implementation OR stakeholders who are currently implementing action	Identify collaborating stakeholders involved in activities/action taken	National level/Regional level Identify whether activity is conducted in receiving country and/or sending country	Identify and describe any obstacles or challenges met and suggest, if any, ways to overcome
3rd AFML RECOMMENDATIONS					
Recommendation 1...					
Recommendation 2...					
...					
3rd AFML RECOMMENDATIONS					
Recommendation 1...					
Recommendation 2...					
...					

Annex F - Technical cooperation projects in labour migration in the ASEAN Region of the international organizations participating in the AFML

Executing agency	Title of project	Geographic Coverage	Project duration	Donor
ILO	Tripartite Action to Protect Migrants within and from the Greater Mekong Sub-Region from Labour Exploitation (GMS TRIANGLE Project)	Cambodia, Laos, Malaysia, Myanmar, Thailand, Viet Nam	2010-15	Australian International Development Agency (AusAID)
ILO	Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the Association of South-East Asian Region (ASEAN TRIANGLE project)	Cambodia, Indonesia, Laos, Myanmar, The Philippines, Thailand, Viet Nam	2012-16	Canadian International Development Agency (CIDA)
ILO	Increased Protection of Women and Men Migrant Workers and more Effective Governance of Labour Migration	Asia and the Pacific	2012-13	ILO Core Funding
ILO	Decent Work Across Borders	Philippines, Viet Nam ⁴⁹	2011-14	European Union
ILO	Improving Policies and Employment Conditions of migrant Workers	Cambodia, Indonesia, Myanmar, the Philippines, Thailand, and Viet Nam ⁵⁰	2012-13	Republic of Korea
IOM	Technical Assistance to the Global Italian Program on International Labour Mobility	Regional	12 months	Ministry of Labour Italy
IOM	Strengthening Labour Migration Management Capacities in Bangladesh, Indonesia, Nepal and the Philippines for Replication in other Colombo Process Member States	Regional	24 months	European Commission, Asian Development Bank
IOM	Addressing the Risks and Needs of Vulnerable Migrants and Reducing the Vulnerabilities of Migrants through Community Outreach and Increasing their Access to Social and Health Services in the Greater Mekong Sub region and Malaysia	Regional	12 months	United States of America
IOM	Assessing Potential Changes in the Migration Patterns of Myanmar Migrants and their Impacts on Thailand	Regional	9 months	IOM Development Fund
IOM	Study on Trafficking, Exploitation and Abuse in the Mekong Sub-Region, Thailand	Regional	12 months	IOM
IOM	Support for Regional Multisector Investment Framework for Greater Mekong Sub-region Development - GMS Cooperation on Labour Migration	Regional	3 months	Asian Development Bank

⁴⁹ Also India

⁵⁰ Also Bangladesh, China, East Timor, Kyrgyzstan, Mongolia, Nepal, Pakistan, Sri Lanka, Uzbekistan

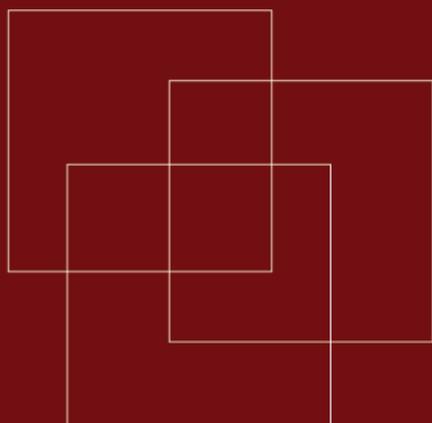
IOM	Frontline Officers' Awareness Training on People Smuggling for Indonesia	Indonesia	14 months	Ministry of Foreign Affairs Canada
IOM	Promoting Safe Labour Migration from Viet Nam through the Establishment of a Migrant Resource Centre	Viet Nam	24 months	IOM
IOM	Advising and Assisting Frontline Officers in Immigration, Border and Identity Management through the Document Examination Support Centre, Thailand	Thailand	15 months	Ministry of Foreign Affairs Canada
IOM	Strengthening Border Management and Intelligence Capacity of Thai Government Officials	Thailand	14 months	Ministry of Foreign Affairs Canada
Regional Thematic Working Group on International Migration, including Human Trafficking	Asia Pacific Preparatory High Level Dialogue on Migration and Development (leading in RT on Gender and Migration)	Regional	2012-2013	
UN Women	Empowering Women Migrant Workers in Asia	Regional	2011-2014	Spain and UN women core

Background paper: Progress on the implementation of the recommendations adopted at the 3rd and 4th ASEAN Forum on Migrant Labour

The ASEAN Forum on Migrant Labour is an open platform for the review, discussion and exchange of best practices and ideas between governments, workers' and employers' organizations, and civil society stakeholders on key issues facing migrant workers in South-East Asia, and to develop recommendations to advance the implementation of the principles of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. This paper consolidates and summarizes the activities, experiences, good practices and challenges of key stakeholders in implementing the recommendations from the 3rd and 4th ASEAN Forum on Migrant Labour. The paper serves as a marker as to what has been done, and what still needs to be carried out. It is hoped that the experiences of the ASEAN Member States as contained in the report will mutually assist countries in responding to the recommendations and implementing the ASEAN Declaration.

This is part of a series of online papers being published by the Tripartite Action for the Protection and Promotion of the Rights of Migrant Workers in the ASEAN Region (ASEAN TRIANGLE) project, ILO Regional Office for Asia and the Pacific.

ILO Regional Office for Asia and the Pacific
United Nations Building
Rajdamnern Nok Avenue, Bangkok 10200, Thailand
Tel: +66 2 288 1234 | Fax: +66 2 288 3062
Email: BANGKOK@ilo.org



DECENT WORK

A better world starts here.

ISBN: 9789221275930
9789221275947 (web pdf)