



SEARCH strengthens legal and institutional mechanisms for the promotion and the protection of the rights of children, ethnic minorities and migrant workers in Southeast Asia. Working with three regional partners, as well as national civil society organizations, the project encompasses seven countries: Thailand, Vietnam, Cambodia, Indonesia, Philippines, Laos and Timor Leste.

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PROMOTING A PROCESS OF CHANGE: THE TASK FORCE ON ASEAN MIGRANT WORKERS

Migrant Workers in Southeast Asia

The rights of migrant workers have become one of the defining human rights issues in Southeast Asia, as the number of workers on the move has risen dramatically in recent decades. In 2005, the total number of migrant workers originating from ASEAN was estimated at about 13.5 million. Of these workers, a total of 39 percent, or 5.3 million people, are working in other ASEAN Member countries.¹ ASEAN member states continue to face challenges in protecting and promoting the rights of migrant workers. Progress has been made on government efforts to strengthen basic labour and social protection standards contained in core ILO Conventions and the 1990 UN Convention on the Protection of Migrant Workers and Members of their Families. Still, there is the need to further efforts in this area.

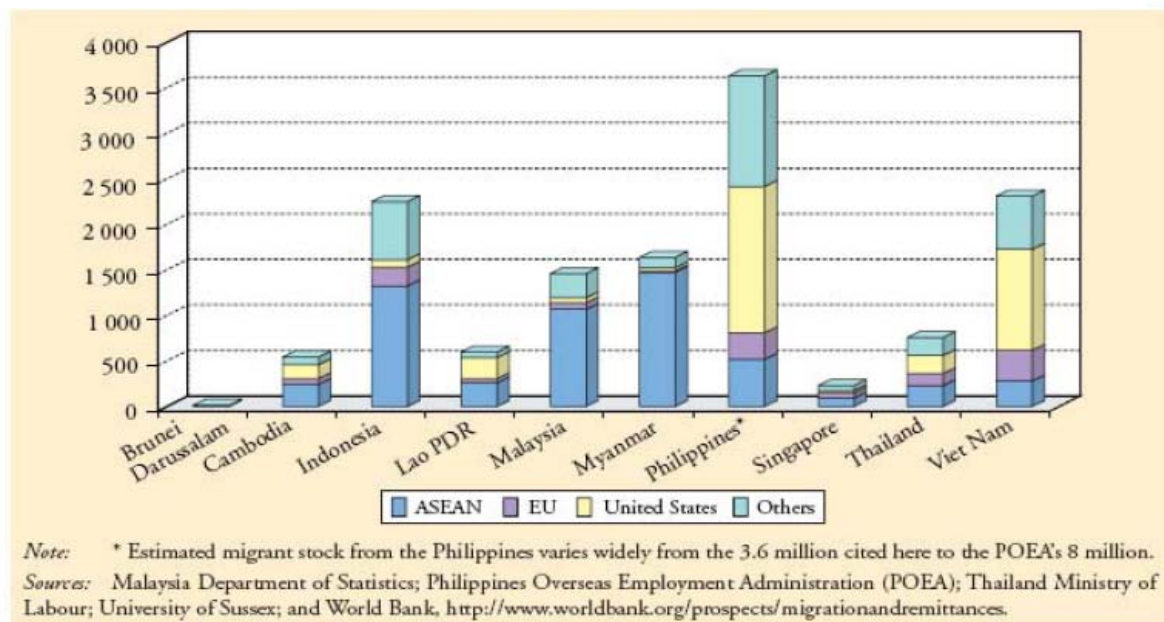
Migrant worker issues cut across those affecting the rights of SEARCH's other target groups – women, children and ethnic minorities. For example, flows of female migrant workers are strongly concentrated in a limited number of female-dominated occupations associated with traditional gender roles such as domestic workers or care-givers. Also, many of the migrant workers from surrounding countries in Thailand are from ethnic minority communities. A significant number of these migrants come as families, meaning circumstances frequently compel their children to work.

¹ **Major sending countries:** Philippines: 3.6 million; Indonesia: 2.3 million; Myanmar: 1.6 million. **Major receiving countries:** Malaysia: 1.9 million; Thailand: 1.9 million; Singapore: 1.2 million.

Poverty and the lack of opportunity for employment are the key factors in cross-border migration. In 2006, about 56.5% of the workers in the ASEAN region lived with their families on less than US\$2 per day. A total of approximately 28 million workers lived with their families on less than US\$1 a day. More than 60% of ASEAN’s workforce is working in the informal sector, with little or no social protection against ill health, family emergencies and other types of financial uncertainty. An estimated 30-40% of total migration flows in Southeast Asia take place via unregulated recruitment channels.

Migrant workers, whether they are documented or undocumented, are vulnerable to poor working and living conditions. Mobility-related risks include poverty, vulnerability to sexual abuse and exploitation, dangerous working environments, under payment or non-payment of wages, inability to access basic preventative health or education services, and separation from social support structures. As part of ASEAN’s commitment to safeguard the rights of migrant workers, member states signed the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in July 2007. ASEAN is preparing to implement the Declaration as a legally binding instrument for the protection and promotion of the rights of all migrant workers, as the region moves to accelerate economic integration by 2015.

Migrants from ASEAN Countries by Destination



The Task Force on ASEAN Migrant Workers

The Task Force on ASEAN Migrant Workers (TF-AMW) is a regional platform comprised of key regional and national civil society organizations, trade unions, human rights and migrant rights NGOs, and migrant worker associations. The Task Force is engaged in both regional and national consultation processes that are “bottom-up” and aimed at forging cooperation and common ground among key stakeholders to protect and

promote the rights of migrant workers in the region. TF-AMW activities have been supported by SEARCH since early 2006, through provision of funding and technical assistance for policy development and advocacy for the protection of migrant workers. The Task Force has been supported by SEARCH in its cooperative efforts to draft and ratify a civil society position paper as a parallel document to the ASEAN Declaration, to strengthen consultation and maintain the momentum in advancing the rights of ASEAN migrant workers.

History of the Task Force on ASEAN Migrant Workers

At the 10th ASEAN Summit in November 2004, the ASEAN heads of state adopted the Vientiane Action Programme 2004 – 2010 (VAP), which had an emphasis on human rights and obligations. The VAP has a specific provision under the goal of promoting human rights dedicated to the "elaboration of an instrument for the protection and promotion of the rights of migrant workers." In July 2005, ASEAN requested the Working Group for an ASEAN Human Rights Mechanism to provide assistance in implementing the human rights provisions of the VAP, including the elaboration of an ASEAN instrument on the protection and promotion of the rights of migrant workers. ASEAN Secretary-General Ong Keng Yong advised the Singapore focal point of the Working Group to take the initiative forward.

In February 2005, the Solidarity for Asian Peoples Advocacies (SAPA), comprising all the major regional civil society organizations, was formed in response to the encouragement of the then ASEAN Secretary-General Ong Keng Yong. Following the formation of the SAPA, the TF-AMW was established as a civil society initiative at the Singapore regional consultation process. This consultation was organized in April 2006 to develop recommendations on methods to draft the civil society proposal for the ASEAN Framework Instrument for the Protection and Promotion of the Rights of Migrant Workers.

The TF-AMW is composed of the following SAPA regional networks of civil society organizations and related trade unions:

- Asian Forum for Human Rights and Development (FORUM-ASIA)
- Migrant Forum in Asia (MFA)
- Mekong Migration Network (MMN)
- Asia-Pacific Forum on Women, Law and Development (APWLD)
- Coordination of Action Research on AIDS and Mobility in Asia (CARAM-Asia)
- Union Network International – Asia Pacific Regional Organization (UNI APRO)
- Southeast Asia Migrant Workers' Initiative (Secretariat, Think Centre Singapore)



Indonesian Migrant Workers

Milestones for the Task Force on ASEAN Migrant Workers

April 2006: The TF-AMW held a regional conference in Singapore to gauge interest from regional NGO and trade union partners in future TF-AMW efforts and set goals and plans for the work of TF-AMW. The highly successful meeting results in the formal launch of the TF-AMW effort with regional partners.

November 2006: The TF-AMW proposed the Civil Society Position Paper on an ASEAN Instrument on the Promotion and Protection of the Rights of Migrant Workers. The Position Paper was launched at Workshop during the 2nd ASEAN Civil Society Conference, which was organized in the Philippines by the SAPA Working Group on ASEAN.

January 2007: During the 12th ASEAN summit in Cebu, Philippines, the ASEAN Heads of State adopted the *ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers*. The Declaration included several recommendations made in the TF-AMW Position Paper. Though technically considered to be a declarative, legally non-binding statement, the Declaration was clearly a milestone in the struggle for the rights of migrant workers in the region based on which further advocacy efforts for migrant rights could be organized.

February 2007: ASEAN Secretary-General Ong Keng Yong encouraged the TF-AMW Convenor to directly submit reports and collaborate closely with the ASEAN Bureau of Resources Development /ASEAN Human Resources Development Unit on the progress of civil society efforts to organize participatory processes to implement the Declaration.

May 2007: TF-AMW organized the first Indonesian National Consultation on the ASEAN Declaration, with the aim of drafting recommendations for the civil society proposal for

an ASEAN framework instrument. More than fifty civil society organization representatives from all over Indonesia engaged officials from the Ministry of Foreign Affairs, Ministry of Manpower and Transmigration, and National Agency for Placement of Migrant Workers, and the civil society participants develop and issue an Indonesia National Statement. The Ministries and Agency received the TF-AMW's recommendations and agreed to work on follow-up initiatives. The Indonesian National Statement was also formally presented to the ASEAN Secretariat and the 2007 ASEAN SLOM (Senior Labour officials Meeting) by the TF-AMW and national co-organizers of the consultation.

February 2007 to March 2008: The Task Force organized seven more national consultations (Thailand, Malaysia, Cambodia, Lao PDR, Vietnam, Singapore, and the Philippines) to bring together key civil society stakeholders. In each instance, the national consultation developed and agreed to a national statement through an open discussion process in plenary.

The TF-AMW also conducted seven regional consultations at which regional partners were able to review the national inputs, provide guidance and ideas to TF-AMW, and review the drafting process for the Civil Society Framework Instrument on the Protection and Promotion of the Rights of Migrant Workers. National recommendations were moulded by the TF-AMW with the support of the TF-AMW's Technical Advisor (provided with direct support from SEARCH) into draft text for a Framework Instrument.

May 2009: National and regional consultations resulted in unanimous agreement by the TF-AMW's civil society partners to support the TF-AMW Civil Society Proposal on the ASEAN Framework Instrument for the Protection and Promotion of the Rights of Migrant Workers. This proposal was presented to the ASEAN Secretariat and the ASEAN Senior Labour Officials Meeting on 12 May 2009 in Vientiane, Lao PDR. In the cover letter accompanying the Framework Instrument, the Task Force called on the ASEAN member states to ensure that the final ASEAN agreement covers all migrant workers, regardless of their status or origin, and is legally binding on all ASEAN nations. The TF-AMW also called for greater participation of civil society in ASEAN's process on the implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers including the inter-governmental drafting process.

July 2009: The proposal was used by the Thai Ministry of Labor at the 2nd Annual ASEAN Forum on Migrant Labor. At this Forum, recommendations on migrant worker policies and a timeline for the development of the Government's draft were made and subsequently forwarded to ASEAN decision makers by the Thai Ministry of Labour. The ASEAN Forum on Migrant Labour has now been institutionalized as a regular activity under the ACMW Work Plan.

December 2009: The TF-AMW published in book form its proposal for the ASEAN Civil Society Framework Instrument, the National Statements, and key documents submitted to ASEAN Secretariat. This book serves as a guide for common advocacy, formalizing for national level advocates the provisions that were agreed to as a joint position of the ASEAN civil society movement. The book also helps promote awareness and understanding about the rights of migrant workers among national and regional organizations. The document can be downloaded at:

http://www.workersconnection.org/resources/Resources_72/book_tf-amw_feb2010.pdf

February 2010: The TF-AMW launched national advocacy campaigns to achieve a legally binding ASEAN Framework Instrument, involving consultations and public discussions on the Civil Society Framework Instrument proposal. The TF-AMW book and accompanying poster are being widely distributed to support NGOs' efforts to talk and persuade their government officials to accept civil society's proposals for specific policies and measures to protect migrant workers' rights.

Future Actions for the Task Force

The goal of the TF-AMW is to work with the ten members of ASEAN to adopt a legally binding ASEAN Instrument on the Protection and Promotion of the Rights of the Migrant Workers. The TF-AMW civil society proposal recommends that fair and comprehensive migration policies and adequate protection be extended for all migrant workers.

The TF-AMW will continue to work with ASEAN Member States to ensure the effective and complete implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The TF-AMW will also actively engage the ACMW as it works to develop a legally binding ASEAN Framework Instrument among the ten governments of ASEAN.

The TF-AMW also plans to expand its efforts to implement capacity building activities and the process of consultation that is required for both national government officials and civil society groups, including NGOs and trade unions, to advocate on behalf of migrant workers.

To achieve these objectives by 2015, the Task Force will work intensively with its national members to engage their governments to harmonize their national labour laws and policies on migrant workers with ILO standards and ensure the development and implementation of a rights-based, comprehensive, and effective ASEAN Framework Instrument on the Protection and Promotion of the Rights of Migrant Workers.

Enhancing the Protection of Migrant Workers

Building a successful model for consultation: The success of the first national consultation in Jakarta in May 2007 set the model for wide-ranging participatory processes into the future. Since then, the Task Force has been actively conducting consultations with its civil society members at the national and regional level in order to develop proposals for the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The Civil Society Framework Instrument consultation process involved a total of 1,355 NGO and civil society activists. National forums provide an open platform for discussion and exchanging of views and ideas among stakeholders (civil society organizations, trade unions, employers, and the governments) on labour migration issues.

Developing a Comprehensive Framework Instrument: The Framework Instrument has 192 recommendations on policies and practices aimed at both national governments and ASEAN, making it by far the most comprehensive proposal made to ASEAN by civil society. Importantly, the Framework Instrument is drafted in a form of an agreement with constructive and clear language, meaning that provisions and sections can be cut and pasted by national government officials into their own proposals.

Timing Interventions Effectively: The Framework Instrument became the primary source document for three out of the four government delegations represented on the Drafting Committee of the ASEAN Committee on Migrant Workers, tasked with presenting the first draft of the future ASEAN regional agreement on migrant workers. As the Drafting Committee started its work, the only proposal on the table was that from the TF-AMW. Not surprisingly, Indonesia and the Philippines reviewed and adopted approximately 60% of the TF-AMW's proposals into their initial bargaining positions.

Implementing an Inclusive Approach: Each statement had two parts – first, recommendations directed to the national government in the country in question, and second – recommendations to ASEAN as a whole. After every national consultation, the organizers then went with the TF-AMW to meet senior officials of the national government in advocacy meetings to hand over the statement and explain the TF-AMW's role and views.

Expanding networks: From its beginnings, the TF-AMW has continued to strengthen its networks, becoming a founding member and remaining an active partner of the SAPA Working Group on ASEAN, which has a membership of more than 100 organizations including the major regional organizations and their national members in Southeast Asia. The TF-AMW has been strengthened by new national members to the existing national and regional process through the ASEAN Civil Society Conference (ACSC) and the ASEAN Peoples' Forum (APF). This year the SAPA Working Group on ASEAN and TF-AMW will play key roles in bringing together more than 500 participants for the annual APF in Hanoi, Vietnam. The APF is organized in parallel with the annual ASEAN Summit.

TF-AMW has also built up an informal advisory network, the Migrant Technical Assistance Group (M-TAG), which is composed of volunteers among officials at the regional level in UN agencies such as the ILO Bangkok office, the UNIFEM Southeast Asia office, the UN Inter-Agency Project on Human Trafficking (UNIAP), the UN Office of the High Commission for Refugees (OHCHR) Bangkok, and the International Office of Migration in Bangkok. M-TAG is tapped by TF-AMW for technical inputs to its work.

Actively Engaging ASEAN: The TF-AMW plays an active role in engaging the ASEAN member states and the ASEAN Secretariat and facilitates the participation of civil society organizations from both the national and regional levels in the annual ASEAN Forum on Migrant Labour. The Civil Society Proposal on the ASEAN Framework Instrument serves as the key reference document for the ASEAN Committee on Migrant Workers and its Drafting Committee.

The introduction to the TF-AMW resource book, written by senior ASEAN official Donald Tambunan, states that “the development and publication of this document is yet more evidence of the strong interest of ASEAN civil society to promote the ASEAN Community building process. The ASEAN Secretariat therefore congratulates the TF-AMW for this effort. We would like to encourage the TF-AMW to continue its engagement with ASEAN through the consultation process on the protection and promotion of the rights of migrant workers at the national and regional levels.”