

Task Force on ASEAN Migrant Workers CSO Information Brief on the 10th AFML

The 10th ASEAN FORUM ON MIGRANT LABOUR

Theme: “Towards Achieving Decent Work for Domestic Workers in ASEAN.”

25-26 October 2017, Manila, Philippines

The 10th ASEAN Forum on Migrant Labour will be held on the 25-26th October 2017 and hosted by the Government of Philippines as current chair of ASEAN and the ACMW for the 2017.

The ASEAN Forum on Migrant Labor (AFML) is one of the activities under the ACMW Work Plan pertaining to strengthening protection and promotion of the rights of migrant workers. The AFML is annual event of the ACMW and is participated by governments of member states, workers’ and employers’ organizations and civil society organizations. It provides an open platform for discussion, exchange of best practices and review of the recommendations adopted. The protection of migrant workers is stated as one of the objectives of the ASEAN Socio-cultural Community Blueprint and is in line with the thrusts of the ACMW Work Plan.

As domestic workers were considered as the most vulnerable among the categories of migrant workers, and therefore, must be provided with at least minimum standards of protection in ensuring decent work for them, the Philippines propose to hold the 10th AFML with focus on ensuring decent work for Domestic Workers in the ASEAN region.

The 10th AFML with a theme “Towards Achieving Decent Work for Domestic Workers in ASEAN,” is being organized within the context of national and regional efforts in relation to the development of ASEAN Instrument on Migrant Workers and the adoption of the ILO Convention 189 (Convention Concerning Decent Work for Domestic Workers).

The ASEAN Forum on Migrant Labour (AFML) has been coordinated and supported by the ACMW, ASEAN Secretariat, International Labour Organization, International Organization for Migration, the Taskforce for ASEAN Migrant Workers and UN Women, and remains unique among ASEAN events in providing social partners and civil society a platform to engage with ASEAN Member States. The AFML 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. Each year the commitment and willingness of governments and tripartite constituents and CSOs to work together has increased.

Previous AFMLs have focused their discussion around the ASEAN Declaration, carrying themes such as:

- 2nd AFML: “ASEAN Declaration on Migrant Workers: Achieving its Commitment”
- 3rd AFML: “Enhancing Awareness and Information Services to Protect the Rights of Migrant Workers”
- 4th AFML: “Development of a public campaign to promote understanding, rights and dignity of migrant workers in countries of destination; Return and reintegration and development of sustainable alternatives in countries of origin”
- 5th AFML: “Protection and Promotion of the Rights of Migrant Workers: Regulation of Recruitment”
- 6th AFML: “Enhancing Policy and Protection of Migrant Workers Through Data Sharing, and Adequate Access to the Legal and Judicial System During Employment, Including Effective Complaints Mechanisms”
- 7th AFML: “Towards the ASEAN Community by 2015 with Enhanced Measures to Protect and Promote the Rights of Migrant Workers”
- 8th AFML: Empowering the ASEAN Community through Protection and Promotion of the Rights of Migrant Workers”
- 9th AFML: “Better Quality of Life for ASEAN Migrant Workers through Strengthened Social Protection”

Each of the forums developed a set of recommendations on these themes.

National CSO Preparatory Meetings

TFAMW will facilitate the National CSO Preparatory Meetings to ensure effective participation in the National Tripartite Preparatory Meetings.

1. To facilitate the preparation of National CSO report on the implementation of the relevant clusters of past AFML recommendations
2. To provide information on existing “Decent work for Domestic Workers” protection measures, policies, laws, and support services.
3. To prepare recommendation for 10th AFML theme: Decent work for Domestic Workers.
4. To submit CSO reports and recommendation at the National Tripartite Preparatory Meetings and AFML proper.

National Tripartite Preparatory Meetings

National Tripartite Preparatory Meetings for the 10th ASEAN Forum on Migrant Labour will be held in Cambodia, Indonesia, Laos PDR, Myanmar, Philippines, Thailand, and Viet Nam. The ILO’s ASEAN TRIANGLE II Projects will support the organization of these national level preparatory workshops. The objectives of the National Tripartite Preparatory Meetings are:

- To take stock on progress to date and implementation of previous forums’ recommendations at the national level;
- To discuss the 10th AFML’s themes;
- To prepare recommendations for the 10th ASEAN Forum on Migrant Labour.

10th ASEAN Forum on Migrant Labour:

The Government of Philippines as current chair of the ACMW, will convene the 10th ASEAN Forum on Migrant Labour on the 25 – 26 October 2017 in Manila, Philippines. The 10th ASEAN Forum on Migrant Labour will take stock of progress to date in implementation of the Recommendations made during the 3rd to 9th AFML.

The Forum provides opportunity to share stakeholder activities in implementing clusters of recommendations from past forums (3rd to 9th AFML) in Hanoi 2010, Bali 2011, Siem Reap 2012, Bandar Seri Begawan 2013, Nay Pyi Taw 2014, Kuala Lumpur in 2015 and Vientiane 2016, as well as the experience of developing the draft ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers.

Objectives of the 10th ASEAN Forum on Migrant Labour are:

- 1, To share stakeholder experiences, challenges and good practices in implementation of the Cluster of Recommendations of the 3rd to 9th AFML, with an emphasis on documenting the successful efforts as well as the remaining gaps.
2. To exchange information on relevant experiences and practice of social protection for migrant workers
3. To propose and agreed to recommendations on the 10th AFML theme on achieving Decent Work for Domestic workers.

2017 AFML and TFAMW CSO Proposal on foreign domestic workers.

The theme of the 10th ASEAN Forum on Migrant Labour is “**Towards Achieving Decent Work for Domestic Workers in ASEAN.**”

The 2006 TFAMW Civil Society Position Paper on an ASEAN Instrument on the Protection and of the Rights of Migrant workers (10 December 2006):

No. 6. Recognizing and protecting migrant domestic workers

ASEAN member States should recognize, in law and practice, domestic work (household work) as work, and accord migrant domestic workers the protection of the law as provided in international labour and human rights standards. Without legal recognition and protection, domestic workers are vulnerable to exploitation and discrimination.

Governments should ensure fulfillments of the specific needs of women migrant domestic workers, including: the right to integrity of their body and soul, free from all forms of physical, psychological, and sexual violence in their workplace and residence; the right to obtain reproductive health services and the right to obtain aid, assistance, and empowerment when they experience violence.

The **2009 TFAMW CSO Proposal on the ASEAN Framework Instrument on the Protection and Promotion of the Rights of the Migrant Workers** for the consideration of the ACMW Drafting Team of the ASEAN Framework Instrument on the rights of Migrant Workers includes the following recommendation on foreign domestic workers:

Special challenges facing foreign domestic workers and caregivers

42. Governments shall address key problems faced by domestic workers, who are especially vulnerable because they frequently face isolation and a lack of support mechanisms because their worksites are in private homes. Among these problems are: lack of employment contracts, prevalence of sexual harassment as well as other physical and psychological abuse, failure to provide any holiday leave or over-time pay, payment of sub-minimum wages, forced working of long hours, seizure of worker's identification documents, restrictions on movement and association, and existence of child labourers working in domestic service. Governments shall consider appropriate programs with civil society organizations working with migrant workers to conduct outreach to domestic workers and build effective protection systems for these vulnerable workers.

43. Both sending and receiving Governments of ASEAN shall amend their labour laws and regulations to ensure that domestic workers are specifically included as a recognized category of worker covered by the national labour law, and shall ensure their rights to freedom of association and assembly are protected.

44. Receiving and sending Governments shall agree that due to the special nature of domestic work, it is important that migrant domestic workers shall receive, at a minimum, one day of paid leave in each 7 day period and be allowed off days for public holidays or festivals celebrated by them; or substitute days off for these. All ASEAN states shall incorporate this requirement in their labour laws and regulations.

10th ASEAN Forum on Migrant Labour

The AFML Coordinating Committee decided on the Theme, Participants and the Financial Support as follows:

Theme: Towards Achieving Decent Work for Domestic Workers in ASEAN

Sub themes:

- a) **International and national standards for the protection of migrant domestic workers.**
- b) **Implementation of policies and support services for the protection of migrant domestic workers.**

The Participants: Participants will consist of officials from government, employers' and workers' organizations, migrant associations, non-governmental organizations and international organizations working on migrant workers issues in ASEAN.

CSO National and Regional Organization participation: Ten (10) representatives from national: one (1) from each ASEAN Member States. Maximum of five (3) regional civil society organizations representatives based in ASEAN Member States. Both national and regional organizations should be working on the promotion and protection of the rights of migrant workers in ASEAN countries.

CSO Additional Host Country Participants: Philippines civil society organizations nominate up to 3 additional CSO representatives.

Financial Support:

National CSO: The costs of air travel tickets and accommodations (stay) of the recommended national civil societies will be coordinated by the TFAMW. The TFAMW will co-ordinate with ILO, IOM, UN WOMEN and partner organizations to facilitate support for CSO participants.

Regional CSO: The invited regional civil society organizations as a practice will provide for their own travel and accommodation cost.

Annex 1: CSO reporting Template for National Preparatory Meeting and AFML Proper

Date of National Preparatory Meeting	
Country of National Preparatory Meeting	
A. 3 key steps taken or achievements made by national CSOs in advocating for / contributing towards implementation of past AFML Recommendations, especially recommendations of the 9th AFML on social protection for migrant workers.	1. 2. 3.
B. 3 key challenges to national CSOs in implementing past AFML recommendations, especially recommendations of the 9th AFML on social protection for migrant workers.	1. 2. 3.
C. 3 key CSO recommendations to the 10th AFML theme: <i>Achieving Decent Work for Domestic Workers</i>	1. 2. 3.
D. 3 priority CSO action points to achieve decent work for domestic workers	1. 2. 3.
List of CSO participants who contributed to the formulation of the sectoral recommendations	

Annex 2: Updated schedule of the workshops:

Country	Tentative Schedule	Confirmation
1. Siem Reap, Cambodia	29 August	confirmed with MOLVT
2. Manila, Philippines	7 September	confirmed with DOLE
3. Bangkok, Thailand	5 September	confirmed with MOL
5. Vientiane, Lao PDR	20 September	confirmed with MOLSW
6. NPT, Myanmar	28 September	confirmed with MOLIP
7. Jakarta, Indonesia	2 – 6 October	TBD
8. Hanoi, Viet Nam	9 October	confirmed with MOLISA
Receiving Countries		
July	Brunei Darussalam, TBC	
August	Singapore, TBC	
September	Malaysia, TBC	
Post 10th AFML Regional Consultation (Dates to be confirmed)		
November	Manila, Philippines (back to back with ACSC/APF)	

Annex 3: Brief Review on the implementation of the past AFML recommendations

Review by Clusters: AFML Recommendations (3rd – 9th AFML)

Cluster 1	Information sharing, dissemination and public information campaigns regarding overseas work, including costs at all stages and working conditions information for sending countries and positive perception of migrant workers
Cluster 2	Collection, sharing and analysis of data regarding migrant workers for both sending and receiving countries
Cluster 3	Effective return and reintegration strategies including sustainable alternatives for migrant work
Cluster 4	Facilitative access for complaints and grievance mechanisms for both sending and receiving countries.
Cluster 5	Promotion of cooperation, partnerships, information exchanges and meaningful involvement among all stakeholders in both sending and receiving countries
Cluster 6	Regulation of overseas recruitment
Cluster 7	Labour Inspections (Minimum Standards of Employment and Workplace Safety (OSH)
Cluster 8	Social Protection for migrant workers