

CONFERENCE STATEMENT¹

ASEAN Regional Conference of Senior Officials on Strengthening the Protection and Empowerment of Women Migrant Workers

13-14 November 2014, Quezon City, Philippines

The ASEAN Regional Conference of Senior Officials on Strengthening the Protection and Empowerment of Women Migrant Workers was held on 13-14 November 2014, at Crowne Plaza Manila Galleria in Quezon City, Philippines.

Focal points of the ASEAN Committee on Women (ACW) in each ASEAN Member State (AMS, except Singapore), the representatives of the ASEAN Commission on the Promotion and the Protection of the Rights of Women and Children (ACWC, women sector), the ACWC Chair, representatives of the labour ministries responsible for the concerns of migrants, the International Labour Organization (ILO), the ASEAN Confederation of Employers (ACE), ASEAN Trade Union Council (ATUC), the Task Force for ASEAN Migrant Workers (TFAMW), UN Women, International Organization for Migration (IOM), civil society organizations working with migrants from AMS, the ASEAN Secretariat, and women migrant workers, participated in the Conference.

The Conference was convened as one of the priority activities of the ACW Work Plan 2011-2015 and the ACWC Work Plan 2012-2016 under the ASEAN Socio-Cultural Community (ASCC) Blueprint and is in support of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The Conference was a joint project of the ACW and the ACWC and it was hosted by the Government of the Philippines with technical and financial support from the ILO. The Conference focused on the protection and empowerment of women migrant workers, especially those in vulnerable situations, such as domestic workers, victims of forced labour and trafficking in persons and female migrants in crisis situations. It exchanged information on programs and experiences in addressing the concerns of these groups, and recommended concrete actions to promote and protect the rights of women migrant workers in AMS, for consideration by relevant ASEAN bodies.

In its discussions, the Conference took into account, the rights based and gender equality perspectives and principles embodied in the following:

- The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) together with General Recommendation No. 26 (on Women Migrant Workers);
- The Declaration on the Elimination of Violence Against Women and Elimination of Violence Against Children in ASEAN;
- The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers;

Similarly, the Conference recognized the importance of ratifying ILO Convention 189 (C189) and its relevance to ASEAN as sending and receiving countries.

Pursuant to the above and in line with the objectives of the Conference, the participants came up with the following recommendations for incorporation in the Instrument being crafted by the ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW):

¹ As finalized during the 14 November 2014 plenary deliberations. Official copy will be transmitted formally to ACW and ACWC.

I. ON PROTECTION OF WOMEN MIGRANT WORKERS

A. Policy recommendations

- 1) Ensure that the Instrument to implement the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers is a binding instrument among all AMS;
- 2) Ensure that all the provisions of the Instrument are gender responsive, where gender responsive means that the policies, actions or measures in the Instrument consider and address gender-related issues and concerns of migrants;
- 3) Promote decent work and fundamental principles and rights at work through the ratification and implementation of core labour standards;
- 4) Promote the ratification of C189 and other relevant human and labour rights instruments related to migrant workers' concerns;
- 5) Enhance the implementation and monitoring of existing laws and policies related to migrant workers' rights;
- 6) Mainstream gender equality in labour, migration and social protection policies and programs of stakeholders including government, private sector and civil society organizations;
- 7) Collect reliable sex-disaggregated data and maintain databases that can easily be updated to determine the situation of migrant workers, and use these for policy formulation and program development to address their concerns;
- 8) Pursue gender responsive bilateral and multilateral agreements between and among sending and destination countries;
- 9) Adopt measures to strengthen the capacity and promote accountability of government, migrant support groups, and CSOs to address gender issues specific to migrant workers.
- 10) Ensure that the Instrument for the ASEAN Declaration on migrant workers' rights should promote the adoption of standard employment contracts for all migrant workers, and that the minimum terms and conditions of employment should be clearly provided;
- 11) Respect, protect and ensure migrants' freedom to associate, communicate and seek assistance from government, family, community and other support groups;
- 12) Promote non-discriminatory and ethical policies and practices for women migrant workers, particularly domestic workers throughout the migration and employment cycles;
- 13) Promote convergence, collaboration and partnerships of initiatives among stakeholders in migration including the active engagement and involvement of CSOs and migrant workers' communities.
- 14) Promote information sharing and collaboration activities on migrant workers' concerns between and among men and women, embassies, social groups, migrant groups or diaspora groups, trade unions and CSOs in countries of destinations;

B. Ethical recruitment and practices

- 1) Make monitoring and evaluation mechanism for recruitment agencies an essential element of gender-responsive and ethical recruitment. Consider the results of monitoring in accreditation, license renewal and building the reputation of recruitment agencies;
- 2) Regulate fees pertaining to migration which shall be transparent and in accordance with the laws, rules and regulations of the country of origin and country of destination, with the goal of zero placement fee policy;
- 3) Reduce remittance cost according to the World Bank standard of 5% of total transaction cost.

C. Complaints Mechanisms

- 1) For destination countries to institutionalize mechanisms for migrant workers' access to justice in case of violation of their human rights;
- 2) Recognize and encourage monitoring and complaints mechanisms established by governments, trade unions, CSOs and employers' association in the spirit of tripartism.

D. Women migrant workers in crisis situations (forced labour, trafficking, armed conflict, disasters)

- 1) Establish a comprehensive program that will ensure the rights and protection of migrant workers during and after crisis situations such as in armed conflict and natural disasters;
- 2) For sending countries to provide for the productive reintegration of returning migrant workers especially after the crisis situation;
- 3) Provide gender responsive comprehensive services such as shelter, counselling services, and facilitation to court and legal proceedings for victims of human trafficking and for other women migrant workers in difficult situation.

II. ON EMPOWERMENT OF WOMEN MIGRANT WORKERS

A. Regional skills development and certification

- 1) Endeavour to enhance workers' capacities as their source of empowerment and protection;
- 2) For AMS to accelerate the mutual recognition of skills to promote labour mobility and protect and promote the welfare of vulnerable migrant workers;
- 3) Develop and implement competency assessment and certification equivalency program among AMS and with other countries of destination.

B. Pre-departure services for women migrant workers

- 1) Ensure access to necessary and adequate information for all potential migrant workers particularly on legal and safe migration;

- 2) Promote training of migrants including on personal conduct, cross-culture, skills, language competence, and the use of computer technology;
- 3) Enhance the gender responsiveness, culture sensitivity and country specificity of pre-departure orientation programs.

C. On-site services

- 1) Provide gender responsive access to justice services for all migrant workers who are in difficult situations;
- 2) Conduct orientation for employers on hiring of foreign workers, including on labour laws and regulations, and the need for them to adopt good employment practices, harmonious working relationships and mutual respect;
- 3) Improve the conduct of post-arrival orientation of migrant workers;
- 4) Encourage the use of social media by migrant workers and ensure that all migrant workers have the right to own communication gadgets such as mobile phones and retain their right to use these technologies for private communications during their free time and days off. Make the right to communicate as sacrosanct as passport.

D. Reintegration services for women migrant workers

- 1) Ensure availability of social and economic programs such as gender sensitive financial education, savings, investment and job creation for migrant workers and families left behind;
- 2) Explore provision of windows of investment and business development opportunities for migrant workers and their families;
- 3) Develop training needs analysis tools and accordingly design and implement competency building and upskilling activities in preparation for their return, and integrate value formation and empowerment of workers and families in these activities;
- 4) Sustain multi-stakeholder consultation of NGOs, cooperatives and micro finance institutions working on migration and development in Southeast Asian countries.

The Conference resolved to continue and sustain the collaboration and partnership between ACW, ACWC and ILO and other partners in developing regional programs on women migrant workers.