

PROJECT REPORT

**“Regional Consultation on the  
Civil Society Advocacy to the ASEAN Instrument on Migrant Workers”**

Gran Mahakam Hotel, Jakarta, Indonesia, 17-19 July 2017



Prepared by:



Indonesia NGO Coalition  
for International Human Rights Advocacy - HRWG

## 1. Introduction

This report was prepared by Indonesia's NGO Coalition for International Human Rights Advocacy (or the Human Rights Working Group – HRWG). This report is divided into four sections, with the introduction first. The second part deals with the background description and the objective of the project. This is followed by the third section of the report, which highlights the points of discussion and recommendations as the result of the expert meeting. The fourth section is the debriefing and next step for advocacy.

## 2. Background

This year (2017), the Philippines—a country that committed to protect and promote the rights of migrant workers by adopting the Cebu Declaration<sup>1</sup> in its chairmanship a decade ago—is chairing ASEAN. It would be recalled that this year is the 10th Anniversary of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, which was adopted in Cebu on the 13th of January 2007 when ASEAN Member States made a commitment to protect migrant workers' rights and to promote decent, humane, productive, dignified, and remunerative employment. Furthermore, Article 22 of the Declaration called for the development of an ASEAN Instrument to advance the principles of the Declaration.<sup>2</sup>

Leaders of ASEAN, through the current Joint Communique as the result of the 30th Summit in Manila the Philippines, 29 April 2017, were tasked by the Labour Ministers to finalise the instrument in time for its signing at the 31st ASEAN Summit in November 2017.<sup>3</sup>

Again, the chairmanship of the Philippines is a window of opportunity for civil societies to engage and give the recommendation to ASEAN in order to have an instrument of migrant workers based on the international human rights standard.

After stagnating for years, the Drafting Team of ASEAN Committee on Migrant Workers (ACMW-DT) has finally made some progress. There are still remaining contentious issues that need to be solved and consensus must be sought among the ASEAN Member States. These issues are mainly regarding the nature of the workers' documentation (legal or not), the coverage of human rights obligations to include all migrant workers regardless of their status (both documented and undocumented), and how to include the family members of migrant workers.

An ASEAN Framework Instrument on Migrant Workers will be a key instrument to ASEAN in order to provide better governance and protection to migrant workers and their families members. It is the continuation after one decade of the Cebu Declaration that is a political commitment from the ASEAN Leaders to protect and promote the rights of migrant workers in ASEAN.

There are at least six million migrant workers in ASEAN who remain the victims of many human rights abuses. There is an expected continuing increase of labour migrants in the region seeking decent work and better living standards. They are stigmatised and discriminated against, becoming the target of corruption and exploitation. This vulnerability is becoming more dangerous with the implementation of the death penalty in some member states. However, ASEAN still has no commitment in protecting migrant workers' rights by having a legally binding instrument to protect the rights of migrant workers and their family members.

In respond to the current negotiation process, the civil societies in ASEAN have to have a clear stand point,. Regional consultation on the advocacy to the ASEAN Instrument on Migrant Workers is very timely and strategic venue to uniting and voicing the CSO concerns.

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<sup>1</sup> [http://asean.org/?static\\_post=asean-declaration-on-the-protection-and-promotion-of-the-rights-of-migrant-workers-3](http://asean.org/?static_post=asean-declaration-on-the-protection-and-promotion-of-the-rights-of-migrant-workers-3)

<sup>2</sup> Ibid.

<sup>3</sup> <http://asean.org/chairmans-statement-30th-asean-summit/>

### 3. Objective

1. Ensure civil society voices and participation are heard and included on engagement process in developing framework instrument on migrant workers and their member families in ASEAN.
2. Come up with a civil society submission toward the instrument on the protection of migrant workers and their families in ASEAN.
3. Have an engagement between regional civil society initiative with the ASEAN government.
4. Have campaign strategy paper
5. Disseminate to the press

### 4. Review of Process

The program is designed to have a combination of various type of activities: a workshop to come up with a document, a press conference, and an engagement through the lobbying process (see: annex 1).

Attended by 35 participants representing civil societies (see: annex 2) from all ASEAN Member States (AMS), the regional CSO consultation is a very successful project. It resulted with the **Regional Civil Society Statement on the Adoption of an ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers** (the "statement" see: annex 3).

To make a two-day process of consultation run effectively, HRWG asked participants to fill a questionnaire on their positions and arguments in regard to the 8 contentious issues in the ASEAN Instrument of Migrant Workers prior to their departure to Jakarta. These issues are: the title, the nature, regarding undocumented migrant workers, regarding family members, regarding women and domestic workers, the action plan, the review mechanism, and the amendment (see: annex 4).

**Mr. J.S. George Lantu**, Director of ASEAN Functional Cooperation, MOFA, the Republic of Indonesia, opened the meeting by stressing the importance of the migrant workers issue. Ten years after Cebu in 2007 and we still have not been able to come to a consensus between the sending and receiving countries on implementation. We hope that under the current chairmanship of the Philippines we will come to an agreement. ASEAN is changing its outlook on the issue.

According to Lantu, the most difficult issues include documented v. undocumented workers, skilled v. unskilled, legal v. illegal. For Indonesia, the current challenge is the issue of extending the rights to families of migrant workers. He has very high hopes for this meeting. This is an opportunity to have clearer views on the issues. The government will of course look at the issue from the political, financial and stability perspectives.

"Your perspective can play a good role, not only to find a solution but also to give alternative options," Lantu said. He underlined the fact that Indonesia supports the Philippines so that the instrument can be accepted by the ASEAN summit in November. Indonesia promises to leave no one behind.

**Mr. Muhammad Hafidz**, the Acting Director of the Human Rights Working Group Indonesia, stressed that ASEAN should continue to adopt a legally binding regional instrument to protect migrant workers in the region. There are a lot of challenges, such as huge numbers of migrant workers and the many standards for protection, but we need to convince receiving countries to adopt the instruments

regardless. The strategy is to start on the national level, to convince the national government, and then use the results to convince other governments.

**Daniel Awigra** opened session 2 with a proposal to not base the instrument on the best interest of states but the best interests of the MW. The ASEAN documents mention “migrants” many times, but ASEAN only mentions “migrant workers” once in the Social Cultural Blue Print and Political Security Blue Print and not once in the Economic Blue Print.

He prefers not to use the title of “position paper” as it sounds too academic. Rather, he suggested using the title of “CSO Submission”. “It’s very important to have our submission based mainly on ASEAN documents, UN Human Rights Documents, and ILO Conventions in order for our document to be acceptable and hopefully adoptable,” he said.

He also suggested having a brand new document instead of only repeating the same old recommendations.

He stressed that we must push now because the ASEAN is under the chairmanship of the Philippines, who are the champions for the Cebu Declaration; we now have ACTIP, which deals mostly with migrant workers; and we hope that the era of the ASEAN community spirit can help break the tension between sending and receiving countries.

He stressed the main advocacy points to push for AIMW: 1) It must be for the best interest of migrant workers; 2) it must be a feasible and doable plan, not only calling for Highest Position; 3) to share common agenda and produce strategic campaign paper.

He then described the challenges to the advocacy: 1) We are outsiders and the process is not participative; 2) there is the gap in democracy and economic development between AMS; 3) MW is a sensitive issue for AMS; 3) we haven’t been clear on who the allies are and who the opponents are; 4) time constraints, as we only have 2 months to truly work until the submission must be made before the summit in November.

**Ms Patriani Mitha Mulia** explained that we will be drafting a Regional CS Statement. We will have 8 items, as mentioned in the questionnaire. We will divide participants into 2 working groups:

- 1) on substance—whether or not to include undocumented workers, families of MW and women/domestic works). The responses of participants on this were similar, but we were able to work on the context and the wording;
- 2) on enforceability—whether we want to have the word “agreement” or “consensus”, morally or legally binding, what kind of action plans we want (including how long and how specific), peer- or multi-stakeholders review mechanisms between AMS, and whether we want to be in the review mechanism itself. We also wanted to speak about amendment: how do we amend, and how often do we have reviews for the amendment?

“We hope to amend The Zero Draft by using input from the two working groups. We have prepared a matrix that shows the questions and the arguments that we have collected to help you with your discussion. We must also discuss and agree on the title,” Paramitha said.

### **Engagement Process to the Government, CPR, and ASEAN Secretariat**

The statement has been submitted directly through the constructive engagement process to Indonesia’s Minister of Manpower, **H.E. Hanif Dhakiri**, as one of the leaders of the Senior Officials Meeting (SOM) on Labour in ASEAN. Representatives of CSOs from all AMS were invited by the Minister to have a dinner reception and discussion in his residence (18/7). The statement also has been submitted directly to several Committee of Permanent Representatives (CPRs) of the ASEAN, namely the Philippines, Indonesia, Thailand, and Singapore. The statement, as well, has been submitted to the ASEAN Secretariat.

The Indonesian Minister of Manpower first and foremost agreed that the migrant issue is one of the most relevant in ASEAN right now. Speaking on behalf of Indonesia, he recognises the relevance of this issue for Indonesia as a sending country, and he acknowledges the large incentive for migrants to contribute to the labor market in other ASEAN countries. As a diplomatic, multi-governmental organisation, the ASEAN member states should ensure that their citizens are protected and can move safely around ASEAN countries. He also remarks that, in principle, Indonesia agrees that there should be more opportunities and better programs for people to become legal migrants, specifically to adjust their illegal status to a legal one or their undocumented status to a documented one. Indonesia supports these types of programs, but the problem, according to the Ministry of Manpower, lies in the way the program is designed; he believes such a program should be accessible for migrants, simple, and cheaper than the ones currently implemented in the status quo. In terms of the issue with being a skilled versus unskilled migrant, Indonesia takes a stance in favour of skilled migrants, as the minister even goes as far as to say that all migrants should be skilled migrants. According to him, it is the states responsibility to make sure that the migrants they send abroad are skilled. In Indonesia specifically, around 20% of the national budget is allocated for education, but not a lot of this is used to increase access to vocational training, which could provide potential migrants with necessary skills.

Upon meeting **H.E. Ambassador Andri Djufri Said**, the permanent representative of Indonesia to ASEAN, he concluded that Indonesia already has a strong commitment to achieve a legally binding instrument to protect migrant worker rights. This narrative, as Amb. Said understands, is already in line with Indonesia's national policy and is one of Indonesian President Jokowi's highest priorities, as Indonesia is a highly relevant origin country in terms of migrant workers in ASEAN. Currently, Indonesia has an ongoing bilateral agreement with Malaysia and has been in contact with Brunei to set up a similar agreement on migrant workers. On the other hand, Amb. Said believes that Indonesia's persistence on this issue cannot be dealt with effectively due to the differing levels of progress in the other ASEAN member states, such as Myanmar, who has just begun the process of discussing the issue of migrant worker rights. Similarly, despite the fact that all ten ASEAN member states share a similar vision of integration and on protecting the rights of cross-border migrant workers, a consensus for a legally binding declaration protecting these rights has not been achieved due to the varying national interests that member countries have. As a final suggestion, Amb. Said urges CSOs to initiate engagement with the already existing ASEAN Intergovernmental Commission on Human Rights (AICHR) by approaching local representatives of AICHR. At the same time, Amb. Said has agreed to forward the CSO statement to the ASEAN headquarters, confer with Indonesia's Ministry of Foreign Affairs, and discuss the CSO statement bilaterally.

**Her Excellency Ambassador Elizabeth P. Buensuceso**, the permanent representative of the Philippines to ASEAN, notifies CSOs that she personally cannot interrupt the negotiation process for the ASEAN Instrument directly, as she is neither a senior labor minister nor part of the ASEAN Committee on Migrant Workers (ACMW). Instead, she informs CSOs of her main responsibilities as a CPR, such as budget approval for activities by ASEAN bodies including AICHR, ACWC, and ACMW. Despite this, as a CPR, she constantly promotes the prioritisation of migrant workers among ASEAN bodies in order to mainstream the issue. This has proven quite successful, as she also encourages ASEAN partners to include migrant worker protection in their Memorandums of Understanding (MoU) with ASEAN bodies. Norway and Japan are a couple ASEAN partners that Amb. Buensuceso exemplifies regarding the mainstreaming of migrant worker rights in their MoU. Moreover, she suggests CSOs to send their statement and recommendations to the Chair of the ACMW in order to ensure that the document can be circulated among ACMW representatives and possibly considered during the drafting of the ASEAN Instrument. She also suggests CSOs to submit their proposals to other ASEAN bodies or partners for consideration.

**Deputy Ambassador Stephen Quick**, while only six weeks into his new position as the permanent representative of Singapore to ASEAN, provided several recommendations in response to the presented CSO statement, as well. Namely, he encourages CSOs to focus on longer-term objectives as he highlights the fact that processes such as this are long intergenerational processes. The successive generation will continue on the work of the current generation, further improving current laws and instruments. Encouraging CSOs to carry on with their work with other local NGOs, think

tanks, or people groups, Mr. Quick also promises that Singapore will be engaging, especially during their future chairmanship in 2018, but he also states that Singapore's timetable will have to be in line with that of the current ASEAN.

Furthermore, **Her Excellency Ambassador Phasporn Sangasubana**, the permanent representative of Thailand to ASEAN, personally supports a legally binding document to protect migrant worker rights but is confident that the Thai government does not share her support. She is not convinced that the CSO statement presented will be enacted this year, especially as she claims ASEAN Joint Committee meetings have not been working well at the moment. She is, however, hopeful that all ASEAN member states can come together to create a proper instrument to protect migrant worker rights before the 2025 deadline. H. E. Amb. Sangasubana encourages CSOs to prioritise based on short-term, mid-term, and long-term goals and deliver stronger and sharper demands, being specific with their engagement with the public sector, which she mentions is extremely important. At the moment, she reminds CSOs that everything mentioned in the CSO statement, with the exception of the demand for a legally binding document, is already being agreed upon by ASEAN. The main concern with a legally binding document, though, is the issue of national security in regard to cross-boundary migration, which H. E. Amb. Sangasubana believes is the reason the proposal at hand is unlikely to be imposed.

Lastly, suggestions were also provided during the meeting with **Ms. Mega Irena**, Assistant Director of the Head of Labour and Civil Service Division in the ASEAN Socio-Cultural Community (ASCC) Department. She revealed the ASEAN Instrument is in its final stages of editing, and while it is almost complete, she admits it will not be perfect due to the varying levels of readiness from each country. In addition, she highlights the possible implications of having a legally binding document—including possible issues between the regional document and existing national labor laws, the need for a mechanism to ensure harmonious enforcement of the document, and the need for mutual trust between ASEAN member states for the implementation of the instrument. To follow, Ms. Irena reminds CSOs that many migrant cases in the status quo are bilateral legal issues that are already being resolved using national laws. Ergo, she suggests CSOs to continue focusing on local or national advocacy. With the case of Indonesia, she suggests proposing recommendations for updated national labor laws to adapt to the shift Indonesia faces from a sending state to now also a receiving state. At the end of the meeting, she reiterates the importance of proving the added value of a legally binding document to current labor laws and the multiple existing bilateral MoU.

## 5. Press Conference

To increase public awareness, a press conference was conducted. The press conference was held on the 18th of July 2017 with a panel comprising of Mr. Daniel Awigra from the Human Rights Working Group, Ms. Sumitha Shaanthinni Kishna from the Migration Working Group Malaysia, Mr. Soe Min Than from Think Centre Singapore, and Mr. Ridwan Wahyudi from Serikat Buruh Migran Indonesia.

Mr. Awigra started the press conference by providing a background of what the gathering of CSOs hopes to achieve: a legally binding document in place of the current political commitment created ten years ago in Cebu, Philippines for the protection of migrant worker rights. This update towards a stronger instrument for decent and dignified work for migrant workers also corresponds with Article 22 of the Cebu Declaration. This group of CSOs aim to accelerate their advocacy in Jakarta, where the ASEAN Headquarters are located, and they hope the results of their meeting will be taken into consideration and adopted during the 31st ASEAN Summit this November 2017.

Ms. Kishna emphasises the elaborate nature of the CSO statement, which includes the reasons why they are pushing for the implementation of a legally binding instrument. She also highlights the regional and national advocacy that continues to be done by CSOs, including:

- Cooperating with relevant agencies within their own countries
- Presenting the CSO document to national ministers and governments
- Reaching out to representatives to the ASEAN

- Engaging with trade unions, national human rights commissions, and other people's organisations

Mr. Soe Min Than urges organisations, especially in Indonesia as a major sending country, to ask important questions regarding the ways in which a legally binding document will affect a migrant worker being exploited by his/her employer or a migrant worker's family.

Mr. Wahyudi closes the press conference by reiterating how the ILO convention has not been ratified by several ASEAN member states and there still remains many issues regarding undocumented workers—issues including but not limited to the costs of deportation, the inhumane conditions of detention centres, and the forced migration by migration agencies. He hopes that the input from CSOs will make way for the implementation of a clearer mechanism to deal with said migration issues.

There are 6 news sources that published this initiative, with one of them being the Jakarta Post(see: annex 4).

## **6. Debrief and Next Steps**

- Continue engaging the national process mainly the SLOM

## Annexes

### Annex 1. Program

TIME	ACTIVITY
16 July	Arrival
	Dinner preparation meeting
17 July	<b>(Day 1)</b>
08:30-09:00	Registration
09:00-09:20	Welcoming remarks <ul style="list-style-type: none"><li>- Muhammad Hafiz, Executive Director HRWG</li><li>- Mr. J.S. George Lantu, Director of ASEAN Functional Cooperation, MOFA, Republic of Indonesia</li></ul>
09:20-11:00	Session 1 Update the current negotiation & analysis <ul style="list-style-type: none"><li>- Mrs. Erwina, Alternate of the Director of Labor Market Development, Ministry of Manpower, Republic of Indonesia</li><li>- Dinda Nisa Women Solidarity</li></ul>
11:00-11:30	Coffee Break
11:30-12:30	Proposal Regional CSO Submission on Migrant Workers <ul style="list-style-type: none"><li>- Discussion on the draft of CSO Submission on some contentious issues toward the ASEAN instrument on migrant workers</li><li>- Presented by Daniel Awigra &amp; Patriani Mulia (Rapporteur)</li></ul>
12:30-13:30	Lunch
13:30-15:00	Working Group <ul style="list-style-type: none"><li>- Facilitated by Sumitha and Jelen</li></ul>
15:30-16:00	Coffee Break
16:00-17:30	Group presentation
18 July	<b>(Day 2)</b>
09:00-11:00	Plenary and adoption (I)
11:30-12:30	Press Conference
12:30-13:30	Lunch
13:30-14:00	Plenary and adoption (II)
14:00-15:30	Coffee Break
15:30-16:00	Plenary and adoption (III)
16:00-17:30	Final adoption
19:30-22:00	Welcome Dinner Hosted by Indonesian Ministry of Manpower, <b>H.E Hanif Dhakiri</b> followed by discussion and direct submission on the Regional CSO Statement on the ASEAN Instrument of Migrant Workers as the result of two days conference

<b>19 July</b>	<b>(Day 3)</b>
<b>08:30-09:00</b>	Travel to CPR Indonesia
<b>09:00-10:30</b>	Meeting with CPR Indonesia
<b>10:30-11:00</b>	Travel to CPR Philippines & Singapore
<b>11:00-12:30</b>	Meeting with CPR Philippines & Singapore
<b>12:30-13:30</b>	Lunch
<b>13:30-14:00</b>	Travel to CPR Thailand
<b>14:00-15:30</b>	Meeting with CPR Thailand
<b>15:30-16:00</b>	De-briefing and Closing
<b>20 July</b>	Departure

## Annex 2. List of Participants

No	Country	Name	Organizations
1.	Indonesia	Mrs. Erwina	Ministry of Manpower
2.	Indonesia	Mr. Iwan P	Ministry of Manpower
3.	Indonesia	Mr. Ibrahim C	Ministry of Foreign Affairs
4.	Indonesia	Mr. J.S George Lantu	Ministry of Foreign Affairs
5.	Indonesia	Mr. Muhammad Hafiz	HRWG
6.	Indonesia	Mr. Daniel Awigra	HRWG
7.	Indonesia	Mr. Rafendi Djamin	HRWG
8.	Indonesia	Ms. Patriani Mulia	HRWG
9.	Indonesia	Ms. Wike Devi	HRWG
10.	Indonesia	Ms. Indah Saura	HRWG
11.	Indonesia	Ms. Hindun Basyirah	HRWG
12.	Indonesia	Ms. Vallerie Xu	HRWG
13.	Indonesia	Ms. Nurul Aini	HRWG
14.	Indonesia	Mr. Ridwan Wahyudi	SBMI
15.	Indonesia	Mr. Bobi AM	SBMI
16.	Indonesia	Ms. Savitri	JBM
17.	Indonesia	Mrs. Enny Rofiatul	LBH Jakarta
18.	Indonesia	Mrs. Marhaini	IWE
19.	Indonesia	Mrs. Yatini Sulistyowati	KSBSI
20.	Indonesia	Mrs. Nova	TIFA Foundation
21.	Indonesia	Mr. Ken Ndaru	Note Taker
22.	Brunei Darussalam	Mrs. Juhana Jaya	Social Welfare Council Brunei
23.	Cambodia	Mr. Dy Thehoya	Central
24.	Lao PDR	Ms. Sonnaly	ADWLE
25.	Malaysia	Ms. Chong Yin Xin	Malaysia Bar Council
26.	Malaysia	Ms. Sumitha Shaanthinni Kishna	Migration Working Group
27.	Malaysia	Mr. Adrian Pareira	North South Initiative
28.	Myanmar	Ms. Thyn Zar Oo	PLAN (Public Legal Aid Network)
29.	Thailand	Mrs. Usa Lerdsrisuntad	Foundation for Women
30.	Thailand	Ms. Chontica Tangwoka	HRDF
31.	Philippines	Mrs. Jelen Paclarin	Women's Legal and Human Rights Bureau
32.	Philippines	Mrs. Ellene A. Sana	CMA
33.	Singapore	Mr. Ted Tan	ASETUC
34.	Singapore	Mr. Soe Min Than	TFAMW/Think Centre
35.	Viet Nam	Mr. Vu Ngoc Binh	IFPCS

### Annex 3. Regional Statements on the Instrument of Migrant Workers in ASEAN

#### Regional Civil Society Statement

#### on the Adoption of an ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers

- I. We, representatives of the civil society, trade unions, and people's organizations of Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam, have gathered here today in Jakarta on the eighteenth of July two thousand and seventeen for the purpose of strengthening our common ground with a view towards the adoption of an ASEAN instrument on the protection and promotion of the rights of migrant workers;
- II. **Taking** the momentum of fifty years anniversary of ASEAN, ten years anniversary of ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (**Cebu Declaration**) and the upcoming 31<sup>st</sup> ASEAN Summit in November 2017 in the Philippines;
- III. **Applauding** the intention of ASEAN Member States through Cebu Declaration, has made a political commitment to protect migrant workers' rights and to promote decent, humane, productive, dignified and remunerative employment;
- IV. **Remembering** Article 4 of the ASEAN Human Rights Declaration on the rights of migrant workers and Article 22 of the Cebu Declaration that calls for the development of an ASEAN instrument to fully implement the principles of the Cebu Declaration;
- V. **Encouraged** by the Joint Communique of ASEAN leaders as the result of the 30<sup>th</sup> Summit in Manila, the Philippines on 29 April 2017 that tasked Labour Ministers of ASEAN member states to finalize an instrument on migrant workers to be adopted at the 31<sup>st</sup> ASEAN Summit in November 2017;
- VI. **Believing** that an ASEAN instrument on migrant workers is key to strengthen ASEAN political, economic, and social pillars of the ASEAN Community by promoting the full potential and dignity of migrant workers and their family members in a climate of freedom, equality, and stability;
- VII. **Recognizing** the United Nations Convention on the Elimination on Discrimination against Women (**CEDAW**), the United Nations Convention on the Rights of the Child (**CRC**), the United Nations Convention on the Rights of Persons with Disabilities;
- VIII. **Emphasizing** the need for the ASEAN instrument to be guided by international norms and standards embodied in the Universal Declaration of Human Rights and other international instruments including international human rights treaties, international humanitarian law treaties, and the International Labour Organization (**ILO**) core labour standards;
- IX. **Trusting** that the inclusion of and engagement with civil society, trade unions, and people's organizations is integral to the adherence to the purpose of ASEAN as stipulated in Article 1.13 of the ASEAN Charter 'to promote a people-oriented ASEAN, in which all sectors of the society are encouraged to participate in, and benefit from, the process of ASEAN integration and community building';
- X. **Reiterating** the Philippines Chairman's Statement of the 30<sup>th</sup> ASEAN Summit on 29 April 2017 that defines 'a people-oriented and people-centered ASEAN' as one of the six thematic priorities echoing Malaysia Chairman's Statement of the 27<sup>th</sup> ASEAN Summit on 21 November 2015;

XI. We hereby submit and call upon ASEAN Member States to consider and adopt the following recommendations:

1. Adopt an agreement that protects migrant workers and their family members entitled '**ASEAN Instrument on the Protection and Promotion of the Rights of All Migrant Workers**' to ensure consistency with paragraph 22 of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers;
2. Endow a legally binding nature over the aforementioned instrument in view of fully realizing the Cebu Declaration and implementing the General Principles articulated in the Cebu Declaration;
3. Uphold full labour protection and human rights for all migrant workers regardless of their legal status;
4. Uphold full labour protection and human rights for migrant youths between the age of 15 to 18 years old;
5. Include family members of migrant workers within the ambit of the instrument;
6. Include specific provisions to address the human rights of women migrant workers and domestic workers that are in line with CEDAW and the ILO Convention Number 189;
7. Ensure that the plan of action is linked with the Sustainable Development Goals (SDGs), time-bound, measurable with clear goals, targets, and indicators, including mechanism for tracking monitoring and evaluation with a process that is transparent and inclusive of the civil society, trade unions, and people's organizations;
8. Include the following items in the plan of action:
  - a. Programs for the realization of decent work for migrant workers especially migrant domestic workers, low-skilled migrant workers, and those in informal sectors as guaranteed under the four ILO pillars; (1) full and productive employment, (2) rights at work, (3) social protection, and (4) the promotion of social dialogue.
  - b. The implementation of the rights guaranteed under the eight core ILO conventions;
  - c. The implementation of the rights of migrant workers and their rights to all matters relating to marriage and family relations under Article 16(1) of CEDAW and the CRC on the rights of family members;
  - d. Meaningful and substantive participation of civil society, trade unions, and people's organizations in policy dialogue;
  - e. Sharing of information through various means of communications, providing consultations with the civil society, multiple stakeholders, and the public;
  - f. Measures for the protection of women and girl children, migrant workers from discrimination and gender-based violence.
9. Include a mandate of formulating a peer-review mechanism among the ASEAN member states;

Done in Jakarta, Indonesia on this eighteenth day of July of two thousand and seventeen.

**Endorsed by the following civil society:**

1. Human Rights Working Group (HRWG), Indonesia
2. Solidaritas Perempuan (Women's Solidarity for Human Rights), Indonesia
3. Serikat Buruh Migran Indonesia (SBMI – Indonesian Migrant Workers Union), Indonesia
4. Jaringan Buruh Migran (Migrant Workers Network), Indonesia
5. Konfederasi Serikat Buruh Sejahtera Indonesia (KSBSI), Indonesia

6. LBH Jakarta (Jakarta Legal Aid), Indonesia
7. Migrant Care, Indonesia
8. Institute for Women's Empowerment (IWE), Indonesia
9. Brunei Council on Social Welfare, Brunei Darussalam
10. Center for Alliance of Labor and Human Rights (CENTRAL), Cambodia
11. Bar Council Migrants, Refugees and Immigration Affairs Committee, Malaysia
12. Migration Working Group, Malaysia
13. North South Initiative, Malaysia
14. Public Legal Aid Network (PLAN), Myanmar
15. Women's Legal and Human Rights Bureau, Philippines
16. Center for Migrant Advocacy, Philippines
17. Think Centre, Singapore
18. UNI Apro, Singapore
19. Human Rights and Development Foundation (HRDF), Thailand
20. Migrant Working Group, Thailand
21. Foundation for Women, Thailand
22. Task Force on ASEAN Migrant Workers
23. ASEAN Services Trade Union Council (ASETUC)

#### Annex 4. Questionnaires

1. Working Document on CSO  
Submission: <https://drive.google.com/open?id=0B0VP70J4nSZ4OWhxMWdtVEJVeGc>
2. Working Document on Draft of Campaign  
Strategy: <https://drive.google.com/open?id=0B0VP70J4nSZ4ZmM5Zk5KU0VSQ0k>

## Annex 5. Published Articles

1. NGOs call for better protection of migrant workers' rights: <http://www.thejakartapost.com/news/2017/07/19/ngos-call-better-protection-migrant-workers-rights.html>



2. ASEAN Gagal Lindungi Buruh Migran: <http://mediaindonesia.com/news/read/113531/asean-gagal-lindungi-buruh-migran/2017-07-19>

### ASEAN Gagal Lindungi Buruh Migran

SEPULUH organisasi nonpemerintah (NGO) dari 10 negara anggota ASEAN yang mengadvokasi isu dan permasalahan pekerja migran sepakat bahwa ASEAN gagal dan tidak efektif dalam memberikan perlindungan hak asasi kepada jutaan buruh migran di kawasan Asia Tenggara. Manager Program Human Rights Working Group (HRWG) mengatakan kegagalan itu disebabkan belum adanya instrumen regional perlindungan pekerja migran yang mengikat secara hukum sebagai payung perlindungan buruh migran di antara negara anggota ASEAN.

"Padahal, pembentukan instrumen perlindungan dan pemenuhan hak-hak pekerja migran ialah amanat penting Deklarasi ASEAN yang dihasilkan di Cebu, Filipina, pada 2007," ujar Manager Program HRWG, Daniel Awigra, di Jakarta, Selasa (18/7). "Sudah 10 tahun berlalu tapi belum mencapai konsensus. Di sisi lain, ada sekitar 6 juta pekerja migran Asia Tenggara yang bermigrasi mencari penghidupan lebih baik di kawasan ini. Mereka butuh perlindungan dan jaminan hukum," sindir aktivis yang akrab disapa Awi itu. Malaysia menjadi negara tujuan utama dengan buruh migran dari lingkup Asia Tenggara, disusul Singapura dan Brunei. Sementara itu, Indonesia menjadi penyumbang terbesar, diikuti Filipina.

Sebanyak 10 NGO dari 10 negara anggota ASEAN berembuk di salah satu hotel di Jakarta Selatan pada Senin-Selasa (17-18 Juli) untuk merumuskan instrumen perlindungan buruh migran yang akan diserahkan kepada ASEAN dan negara-negara anggota. Mereka menyeru ASEAN untuk mengadopsi instrumen perlindungan buruh migran yang mengikat secara hukum

setidaknya tahun ini bertepatan dengan pertemuan puncak November mendatang. Direktur Eksekutif Center for Migrant Advocacy di Filipina, Ellene A Sana, melihat tahun ini sebagai momentum untuk mengadopsi instrumen perlindungan buruh migran yang mengikat secara hukum karena ASEAN di bawah kepemimpinan Filipina.

“Ya, ini momentum emas karena Deklarasi Cebu 10 tahun lalu dihasilkan ketika Filipina menjadi ketua ASEAN, dan terobosan untuk mengesahkan instrumen yang mengikat bisa dibuat karena sekarang ASEAN di bawah kepemimpinan Filipina,” kata Ellene. Empat hambatan Awi menambahkan, ada empat hambatan dalam mencapai konsensus di antara anggota ASEAN dalam mengadopsi instrumen perlindungan buruh migran yang mengikat secara hukum. Pertama, terkait dengan sifat dokumen tersebut. Dalam hal ini kesepakatan sulit diraih karena negara-negara pengirim buruh migran didorong untuk mengadopsi instrumen tersebut pada taraf yang mengikat secara hukum, sesuatu yang tidak diterima negara penerima.

Kedua, terkait dengan pekerja migran tanpa keterangan (undocumented migrant worker). “Jadi ada negara-negara yang hanya mau melindungi pekerja migran yang sah atau berdokumen,” kata Awi. Ketiga, negara-negara ASEAN gagal mencapai konsensus berkaitan dengan pelibatan anggota keluarga pekerja migran. Keempat, terkait dengan paradigma. “Beberapa negara mendorong pendekatan hak asasi manusia, sementara negara-negara lain ingin berbasis pada pembangunan saja,” ujarnya. (Hym/I-1)

3. Menaker Dorong ASEAN Sepakati Perlindungan Pekerja Migran: <http://news.liputan6.com/read/3031060/menaker-dorong-asean-sepakati-perlindungan-pekerja-migran>

#### Menaker Dorong ASEAN Sepakati Perlindungan Pekerja Migran

Liputan6.com, Jakarta Menteri Ketenagakerjaan M Hanif Dhakiri meminta kepada perwakilan organisasi masyarakat sipil (Civil Society Organisation/CSO) dari negara-negara ASEAN ikut mendesak negaranya untuk mendukung upaya perlindungan pekerja migran yang bersifat mengikat (legally binding) sebagaimana yang perjuangkan Indonesia pada forum ASEAN Committee on the Protection and the Promotion of the Rights of Migrant Workers (ACMW).

“Indonesia konsisten pada posisinya, memperjuangkan instrument perlindungan pekerja migran yang bersifat legally binding, bukan sekadar morally binding,” kata Menteri Hanif pada jamuan makan malam dengan perwakilan CSO dari negara-negara ASEAN di rumah dinas Menaker, kemarin.

Hanya dengan kesepakatan yang mengikat, perlindungan kepada pekerja migran dan keluarganya bisa diberikan secara maksimal. “Saya berharap para NGO dan CSO di ASEAN dapat pula menyampaikan kepada pemerintah di negaranya untuk mendukung legally binding perlindungan dan HAM bagi pekerja migran,” tambah Menaker.

Perlindungan tak hanya kepada pekerja migran yang documented (legal) maupun yang undocumented (illegal), mengingat terdapat pekerja migran yang menjadi undocumented bukan karena kesalahannya.

Hampir seluruh perwakilan CSO yang hadir pada acara tersebut mendukung upaya legally binding bagi perlindungan pekerja migran sebagaimana yang diperjuangkan Indonesia selaman ini.

Salah satu perwakilan CSO Malaysia, Sumitha Shaanthinni Kishna pada acara tersebut menyampaikan bahwa isu legal instrument tingkat ASEAN dalam perlindungan pekerja migran menjadi perhatian internasional. “Kami mendukung adanya legal instrument tingkat regional. Kesepakatan legally binding juga bisa untuk menolong pekerja migran yang undocumented,” ujarnya.

Hal senada disampaikan oleh perwakilan dari Filipina, Jelen Paclarin. Selain itu, ia meminta kepada Indonesia untuk terus melakukan pendekatan kepada anggota ASEAN lainnya agar memberikan dukungan.

Menteri Hanif sengaja mengundang jamuan makan malam kepada para perwakilan CSO dari negara-negara ASEAN yang sedang menghadiri acara Regional Consultation on the Civil Society Advocacy to the ASEAN Instrument on Migrant Workers yang diselenggarakan HRWG (Human Rights Working Group) di Jakarta.

Sejak 2009, Indonesia konsisten memperjuangkan legally binding perlindungan bagi pekerja migran pada forum ASEAN. Namun, hingga saat ini negara-negara ASEAN belum mencapai konsensus. Diharapkan organisasi masyarakat sipil di tiap negara ASEAN mendorong negaranya untuk mendukung konses perlindungan pekerja migran yang mengikat dan tertulis, bukan sekadar kesepakatan moral.

4. Koalisi Masyarakat Sipil ASEAN Desak Perlindungan Buruh Migran: <http://nasional.republika.co.id/berita/nasional/umum/17/07/18/otaf55-koalisi-masyarakat-sipil-asean-desak-perlindungan-buruh-migran>

#### Koalisi Masyarakat Sipil ASEAN Desak Perlindungan Buruh Migran

REPUBLIKA.CO.ID, JAKARTA -- Koalisi Masyarakat Sipil ASEAN mendesak pemerintah untuk meningkatkan perlindungan buruh migran dengan mengadopsi Deklarasi Cebu ke dalam peraturan yang mengikat secara hukum di negara masing-masing.

"Kami mendorong pemerintah membangun satu instrumen yang kuat dan mengikat secara hukum. Kami akan berikan masukan ke Menteri Ketenagakerjaan dan duta-duta besar negara ASEAN untuk diperhatikan dan diadopsi di ASEAN Summit pada November 2017," papar Program Manager Advokasi ASEAN dari Human Rights Working Group (HRWG) Indonesia Daniel Awigra di Jakarta, Selasa (18/7).

Organisasi masyarakat sipil dari delapan negara ASEAN mengadakan konsultasi regional untuk membahas langkah advokasi yang akan diberikan kepada pemerintah masing-masing di Jakarta, Selasa. Pernyataan Koalisi Masyarakat Sipil Regional tentang Adopsi Instrumen ASEAN mengenai Perlindungan dan Promosi Hak-hak Buruh Migran itu ditandatangani oleh perwakilan delapan negara yakni Indonesia, Laos, Malaysia, Myanmar, Filipina, Singapura, Thailand dan Vietnam.

Daniel mengatakan saat ini banyak negara yang belum mengadopsi Deklarasi Cebu tentang buruh migran ke dalam aturan hukum negaranya. Karena itu, Koalisi Masyarakat Sipil ASEAN itu akan mendesak para pemimpin negara yang akan berkumpul pada ASEAN Summit untuk dapat memberi komitmennya demi peningkatan perlindungan bagi buruh migran.

Beberapa rekomendasi yang diberikan adalah bagi aturan perlindungan mengenai buruh migran dapat juga mencakup keluarga mereka. Selain itu, juga mendesak perlindungan bagi seluruh buruh migran terlepas dari status kepegawaiannya yang legal maupun yang ilegal.

Rekomendasi juga diberikan agar ada ketentuan khusus mengenai buruh migran perempuan dan pekerja domestik seperti pembantu rumah tangga yang mayoritas perempuan, sesuai dengan Deklarai CEDAW dan Konvensi ILO Nomor 189. "Kami menginginkan agar diskriminasi terhadap pekerja migran perempuan dihilangkan," ujar perwakilan koalisi dari Filipina, Ellene Esana, dari Centre for Migrant Filipina.

5. Prospects fade for ASEAN migrant worker deal: <http://asia.nikkei.com/Politics-Economy/International-Relations/Prospects-fade-for-ASEAN-migrant-worker-deal?page=2>

Prospects fade for ASEAN migrant worker deal

JAKARTA -- Official crackdowns on emigrants in Malaysia and Thailand have cast further doubt on over prospects that member countries of the Association of Southeast Asian Nations can finalize a long discussed deal on migrant workers' rights.

In June and July around 100,000 mostly Myanmar migrant workers fled Thailand after the military government in Bangkok announced hefty new fines for undocumented workers and their employers. Then, starting July 1, Malaysia made a series of arrests of alleged undocumented migrant workers, affecting more than 3,000 workers and around 60 employers accused of giving work to illegals.

These tough actions -- though a reprise of previous years' crackdowns -- come as the region's governments mull proposed enhancements to the 2007 ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, signed in Cebu in the central Philippines during one of Manila's past tenures as the group's chair.

Two years after the Cebu declaration, ASEAN countries started moves toward a set of region-wide legal norms, but progress has been slow. With Manila again chairing ASEAN this year, there has been a renewed push to address migrant rights -- an important social and political issue in the Philippines. Around 10% of the country's population has travelled overseas to find work.

Myanmar migrants discussing their struggles with people smugglers and traffickers on the outskirts of the Thai capital Bangkok (Photo by Simon Roughneen)

But there are disagreements between member states over whether the proposed code should be legally binding and, if so, how such a deal would work. Wealthier destination countries for migrant workers -- such as Brunei, Malaysia, Singapore and Thailand -- do not want a legally binding regional code that would entail rights for undocumented workers and their families.

However, worker-source countries such as Cambodia, Indonesia, Myanmar and the Philippines want to better enshrine protections for their expatriate workers.

"The 'divide' between sending and receiving countries is over the enforceability of the instrument's provisions were it to be legally binding, which would require domestic ratification and compliance. The sticky issues, as I understand, continue to be over the inclusion of undocumented workers and also families of migrant workers in the coverage," said Moe Thuzar, lead researcher on socio-cultural affairs at the ISEAS-Yusof Ishak Institute, a Singapore-based research organization.

The 10 ASEAN member states are collectively both a source and destination for migrant workers. Of a total population of over 620 million, more than 20 million Southeast Asians are emigrants, according to World Bank calculations published in 2015. Of the over 10.2 million migrant workers in Southeast Asia, nearly 7 million had migrated within the region.

Of the main source countries, almost 800,000 Cambodians, 1.2 million Indonesians, 900,000 Laotians, 2 million Myanmar and almost half a million Filipinos had emigrated to other Southeast Asian countries.

Malaysia, with nearly 2 million migrants from within Southeast Asia, and Thailand with over 3.5 million, are the main draws. Singapore is third with almost 1.3 million foreign-born workers from around the region.

Many of these figures under-represent the reality, given that undocumented migration is significant. This is one of the issues that the proposed ASEAN deal would address.

A street lined with Myanmar restaurants and shops in downtown Kuala Lumpur, a major destination for overseas Myanmar (Photo by Simon Roughneen)  
The most vulnerable have sometimes had their passports or other identification documents confiscated by employers, in turn leaving them vulnerable to crackdowns such as those in Malaysia and Thailand.

"Sometimes they lose their documents because their boss, or the recruitment agency hijack the documents," said Daniel Awigra, ASEAN advocacy program manager at the Jakarta-based Human Rights Working Group.

Host countries such as Malaysia and Thailand also feature significant emigration, with just over 1 million Malaysians and 200,000 Thais living elsewhere in the region -- a fifth of the total of around 1 million Thais who work overseas.

### Economic disparities

The demographics of migration within the bloc reflect its wide economic disparities. Singapore's gross domestic product per capita was \$52,961 in 2016 -- the ninth-highest in the world and the highest in ASEAN, according to International Monetary Fund figures. Brunei's per capita GDP was second on \$26,424, with Malaysia next on just under \$10,000.

Much lower are countries such as Cambodia on \$1,230, the Philippines on \$2,924, and Indonesia on \$3,604. Thailand, mostly a receiver country, had 2016 GDP per capita of just under \$6,000. This is low compared with Malaysia and Singapore but enough to make the country an attractive proposition for migrants from Cambodia and Myanmar, the latter with a GDP per head of \$1,275, according to the World Bank.

Singapore and Thailand need migrant labor in sectors where their own nationals are reluctant to work -- such as domestic service and fisheries -- and people working in those sectors would benefit most from a region-wide code.

"Migrant workers and nationals are generally not treated differently under the labor and employment laws and regulations. However, migrants are often filling jobs that locals do not want and which nationals find low-paying or unattractive. Some of these, like in domestic work, mainly done by women, [and] agriculture and fishing are not afforded some or much of the protections of the labor law. Domestic workers for example are amongst the lowest paid, coupled with long hours, as they are not covered by minimum wage provisions," said Nilim Baruah, senior migration specialist at the International Labor Organization.

Recent years have seen harrowing revelations of abuse of migrant workers in Thailand's massive fishing industry, where many have been kept at sea as slaves for years at a time, while Singapore's courts sometimes deal with domestic helpers' allegations of abuse against homeowners.

But migrants are vital to host country economies. In the recent Malaysian crackdown, construction companies have complained to local media that they have been left short-staffed as foreign workers avoid showing up for work, fearing arrest.

Of the estimated 4 million migrant workers in Malaysia, around half are thought to be working illegally, with Myanmar and Indonesian migrants making up a significant proportion.

Such numbers, along with the accounts of abuse, and a lack of oversight of the networks of brokers, recruiters and traffickers profiting from migration in the region, all suggest a pressing need for an ASEAN deal on the issue rather than the current set of bilateral arrangements between various states.

Service with a smile at Myanmar restaurant in Kuala Lumpur, where staff and customers are mostly Myanmar emigrants (Photo by Simon Roughneen)

While receiver countries have an economic interest in cheap migrant labor, source countries also benefit. During Myanmar's five decades of military rule, emigration meant that millions of young people, who otherwise might have stayed to become disaffected by a lack of local job opportunities, left for neighboring Malaysia and Thailand.

#### Job creation

Myanmar's economic growth since 2011 has spurred hopes that the country can facilitate job creation at home and curb emigration -- a less attractive option now given the crackdowns overseas.

"The 'pull' factor that drew Burmese people outside Myanmar's borders has likewise diminished. Thailand is a most uncertain place these days, while closing borders broadly does not augur well," said Sean Turnell, an economic advisor to the Myanmar government.

The Philippines has facilitated emigration as a means not only of helping surplus labor find employment, but as a supplement to the domestic economy. Huge remittances -- equal to 10.2% of Philippine GDP in 2015 according to the World Bank -- have long been sent back to the country by overseas Filipino workers, or OFWs.

In 2016 remittances to the Philippines amounted to almost \$27 billion, according to the country's central bank. Most of the money came from Filipinos working outside ASEAN, with only Singapore appearing on the central bank's listing of the top 10 source countries for remittances in 2016.

Manila is nonetheless keen to sort out a deal ahead of the mid-November ASEAN summit, which will mark the conclusion of its chairmanship.

But after the failure to agree terms at the ASEAN summit held in April, the Philippines has come around to the idea of a non-enforceable code, in the hopes of marking the upcoming summit with a deal. "I think the Philippines, as ASEAN chair presiding over ASEAN's 50th anniversary, would like to push for the regional instrument's adoption under their watch," said Thuzar.

"[The] Philippines as chair wants a feel good photo op," said Sinapan Samydorai, an advocate for migrant worker rights and director of Southeast Asian affairs at Think Center, a NGO in Singapore.

However Indonesia, by far the biggest country and economy in ASEAN, is holding out for a more robust deal that would help the 1.2 million Indonesians working mostly in Malaysia and Singapore.

"The lack of coordinated action among ASEAN governments to protect human rights in the context of migration is contributing to this problem and giving free rein to employers, recruitment agents, and authorities to abuse migrant workers," said Eva Kusuma Sundari, an Indonesian MP, in a recent statement by ASEAN Parliamentarians for Human Rights, a non-government group.

6. "Ditunggu, Instrumen Perlindungan Buruh Migran ASEAN": <http://www.hukumonline.com/berita/baca/lt5976bf19d65d4/ditunggu--instrumen-perlindungan-buruh-migran-asean>

Ditunggu, Instrumen Perlindungan Buruh Migran ASEAN  
Organisasi masyarakat ingin perlindungan juga diberikan kepada buruh yang tak berdokumen lengkap.

Perlintasan buruh migran antar negara di Asia Tenggara tergolong tinggi. Namun, mobilitas para pekerja lintas negara itu tidak diikuti perlindungan yang memadai. Akibatnya, banyak buruh migran yang haknya tidak terlindungi.

Sejak 2007 ASEAN telah menerbitkan Deklarasi Cebu yang memandatkan negara di Asia Tenggara untuk menerbitkan instrumen regional yang melindungi buruh migran. Sampai saat ini pembentukan instrumen itu masih berproses, paling lambat harus selesai pada pertemuan ASEAN November 2017 di Manila, Filipina.

Program Manajer Advokasi HAM ASEAN HRWG, Daniel Awigra, mengatakan proses pembentukan draft instrumen itu sangat tertutup. Pemerintah di setiap negara ASEAN tidak memberikan naskah draft tersebut kepada masyarakat sipil. Padahal dokumen itu nanti akan diterapkan untuk publik khususnya perlindungan bagi buruh migran dan keluarganya.

Walau tidak mendapat draft, pria yang disapa Awi itu mengatakan koalisi organisasi masyarakat sipil di ASEAN menekankan agar ketentuan yang diatur dalam instrumen tersebut melindungi buruh migran dan keluarganya, baik buruh migran yang berdokumen lengkap atau tidak.

Awi menjelaskan sedikitnya ada 4 hal yang menjadi perdebatan antar negara Asia Tenggara dalam membahas instrumen perlindungan buruh migran. Pertama, negara asal buruh migran berharap instrumen itu mengikat (legally binding), tapi negara penerima seperti Malaysia dan Singapura tidak menyetujuinya. Kedua, negara penerima hanya mau memberi perlindungan terhadap buruh migran berdokumen.

Ketiga, negara penerima hanya mau melindungi buruh migran, tidak beserta keluarganya. Keempat, sebagian negara hanya mau menggunakan pendekatan pembangunan, padahal yang perlu dijalankan perspektif HAM. "Kami sebagai perwakilan masyarakat sipil di Asia Tenggara mengusulkan agar instrumen itu bersifat mengikat bagi negara Asean dalam melindungi buruh migran dan keluarganya. Perlindungan itu harus diberikan kepada seluruh buruh migran baik yang berdokumen lengkap atau tidak," kata Awi.

Masyarakat sipil Filipina yang diwakili Centre for Migrant Advocacy Philippines, Ellene S Anna, mengatakan tahun ini genap 50 tahun berdirinya Asean. Oleh karenanya saat ini merupakan momentum penting bagi Asean untuk memiliki instrumen yang melindungi buruh migran. "Pemerintah Filipina harus mendorong diselesaikannya instrumen tersebut sejak 10 tahun lalu berhasil mengawali dengan terbitnya Deklarasi Cebu 2007 silam," tegasnya.

Koordinator Migration Working Group Malaysia, Sumitha Saanthinni Kishna, menekankan pentingnya implementasi setelah instrumen itu diterbitkan. Perlu dibentuk rencana aksi, dengan tujuan dan batas waktu yang jelas. "Instrumen itu harus mengikat negara Asean. Selain kepada buruh migran asal Asia Tenggara perlindungan juga perlu diberikan kepada buruh migran yang berasal dari negara lain seperti Nepal, Srilangka dan India," tukasnya.