

“Co-creating Inclusive and Sustainable Migration Governance: Lessons from Multi-Stakeholder Collaboration across East and Southeast Asia”

Sharing Norms and Policy Developments for the protection of migrant workers in East and Southeast Asia

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1. Sharing norms and policy development for the protection of migrant workers in Southeast Asia

Newly emerged attention since 1990s

- the first ASEAN Conference on Transnational Crime, Manila, Dec.1997
- the Bangkok Declaration on Irregular Migration, Bangkok, April 1999
- The Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime, a multilateral forum of 45 states in Asia-Pacific, since in 2002, co-chaired by Australia and Indonesia.

Background factors behind the growing attention to Human Rights issues since the late 1990s

- Increase in CSOs/ NGOs' Regional networking
Bangkok NGO Declaration on Human Rights (1993)
- rapid spread of ICT
- democratization in Post-Suharto Indonesia

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(1) from Norm-Setting to a Regional Forum

ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration), Jan. 2007

- **ASEAN Forum on Migrant Labour (AFML)** set up in 2008 to facilitate the implementation of the Cebu Declaration, with the initiative of CSOs
- ◆ **Annual Tripartite-Plus meetings:** Governments, Employers associations, Trade Unions, CSOs on behalf of migrant workers, ILO, IOM, UN Women, Task Force on ASEAN Migrant Workers (TFAMW), ASEAN Secretariat (ACMW)
- ◆ First held in 2008, a key platform for exchanging ideas
Multiple-Stakeholders at the national/regional levels
Submit Recommendations to the ACMW ⇒ SLOM ⇒ ASEAN Labour Ministers' Meetings ⇒ ASEAN Summit for notation
- **ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN Consensus)**, November 2017

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the ASEAN Consensus (2017)

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- Specific Rights of Migrant Workers (No.13–No.20)
e.g. No.13 (migrant worker's right to access information)
- Obligations of Sending States (No.21–No.29)
e.g. No.21 (pre-departure orientation)
- Obligations of Receiving States (No.30–No.43)
e.g. No.34 (post-arrival orientation)
- Commitment of ASEAN Member States (No.44–No.60)
e.g. No.50 (Enforce laws, regulations and policies)

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【Table 1】 149 AFML Recommendations during the 3rd and 11th AFML meetings (2010–2018) by Category

Categories	BR	CA	ID	LA	MA	MY	PH	SI	TH	VN
1. Education/ Information (45)	28	10	31	26	34	33	39	39	23	27
2. Protection (92)	11	9	32	19	45	23	53	72	30	39
3. Enforcement (6)	3	2	4	1	2	3	6	6	3	3
4. Recourse (23)	5	1	5	2	12	9	13	6	6	2
5. Reintegration (6)	1	1	2	1	1	2	2	1	2	4
Total (172) *	48	23	74	49	94	70	113	124	64	75

* 23 recommendations are referred to in the template twice.

(Source: made by M. Shuto based on the ACMW's Self-Assessment of the AFML Recommendations conducted in 2019 –2020, and submitted to the ACMW in April 2021)

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(1) –1. Education/Information

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- all AMS made positive assessments of implementation on
 - No.13 (migrant worker's right to access information)
 - No.21 & No.34 (information dissemination, pre-departure/post-arrival orientations)
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- Pre-departure Orientations in collaboration with Multi-Stakeholders Migrant Resource Centers (MRCs) to support the whole migration process in cooperation with local governments, labor unions, local NGOs, and ILO, etc.
 - ⇒ a new integrated pattern of MRC in Indonesia since 2021: multi-stakeholder collaboration to provide pre & post-employment consultations, counselling and legal aid services
- MOUs between Thailand and Cambodia/Viet Nam(2015), Myanmar/Lao PDR (2016) for pre-departure orientation courses
 - ⇒ Coup in Myanmar 2021
 - ⇒ Cambodia-Thailand border conflict/check-points closures since June 2025

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(1) –2. Protection

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- “the legal framework of protection has been established” in all AMS
 - Placement/Recruitment fees (the 7th AFML-Recommendation) reasonable, transparent and standardized fees for passport issuance” and “to prohibit overcharging of placement or recruitment fees”
- (Indonesia) Law No.18/2017 “the placement cost is not imposed on migrant workers” (Art. 30)
- (Thailand) recruitment agency cannot request more than one-month salary as service fee and “not exceed 3 months of salary” (2017)
- (Viet Nam) Revision of the Law on Contract-Based Vietnamese Overseas Workers (2020/2022)
- Fair treatment to migrant workers on Occupational Safety and Health (OSH)
- Receiving States ensure medical/health care by laws that do not differentiate based on nationality

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(2) Key Features and Achievements

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A. toward Standardization of Norms with Multi-Stakeholders on the whole migration process

- Regular feedback for information-sharing on the developments
- repeat similar (revised) recommendations based on the feedback
- Developments in making new laws/policies at the national and bilateral levels esp. in Indonesia, Viet Nam, Malaysia and Thailand
- Portability of Social Security benefits of migrant workers
 - initially proposed by labor unions at the 9th AFML recommendation (2016)
 - ⇒ ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers in ASEAN (Nov. 2022)
 - ⇒ ASEAN Guidelines on Portability of Social Security benefits for Migrant workers in ASEAN (Oct. 2024)
 - ⇒ discussions have been suspended due to the Cambodia-Thailand border conflict/ check-points closures since June 2025

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B. Expansion to hard-to-reach sectors of migrant workers

- The extension of social security coverage, Employee Injury Protection, to migrant domestic workers in 2021 in Malaysia
- CSOs and IOM-Indonesia submitted a draft Declaration on the protection of migrant fishers to the SLOM ⇒ the ASEAN Declaration on the Placement and Protection of Migrant Fishers was adopted at the 42nd ASEAN Summit in 2023 ⇒ the ASEAN Guidelines in Oct. 2024
- ◆ Bottom-up Approach with multi-stakeholders

C. Externalization

ASEAN Intergovernmental Commission on Human Rights (AICHR) conducted studies on migration and trafficking in person: held a Regional Dialogue on Responsible Business and Migration in ASEAN, July 2025 in Bangkok, Thailand. etc.

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(3) Challenges for implementation

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- No legal binding force. The implementation depends on each government in accordance with “the national laws, regulations, and policies”
- Shared norms, but unshared definition of key contents such as “pre-departure orientation” “recruitment/placement fees”
- Staff shortage for effective monitoring and inspection
- a system of sharing best practices models, particularly of monitoring/inspection
- Easily affected by the worsening relations between AMS

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2. Patterns of introducing migrant workers in East Asia

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(1) Structural similarities in East Asia

- No norm-setting forum/ No policy coordination in East Asia
- policy measures were taken by urgent needs of workers at the same period in the early 1990s (see the next slide)
- Industry-driven policy measures
- From the same countries in Southeast Asia*
- G-G scheme (Japan & South Korea) , leaving Information/ Education and Protection to private sectors or NPOs
- Lack of long-term policies to create win-win relationship by creating upskilling development pathway

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(2) Policy developments in Japan and East Asia in comparison

(Japan) a new “work” visa as “Trainee” was introduced in June 1990

- revised to the Technical Internship Program in 1993
- revised to the Technical Intern in Training Program (TITP) in 2020
- revised to the Employment for Skill Development Program in 2024 (scheduled to start in April 2027)

(South Korea) the Industrial Trainee system started in 1993

- revised to the Employment Permit System (EPS) in 2004, to help SMEs of labor-intensive sectors to fill labor shortages

* 8 AMS out of 17 MOUs

(Taiwan) The Act on Migrant Workers Permit and Management in 1992

* 5 AMS (Indonesia, Viet Nam, Philippines, Thailand, Malaysia) by Bilateral Agreements (BAs)

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【Table 2】 Foreign Worker Population & Status in Japan by Nationality Oct.2025

	Total	(1) Specialists & SSW 1.2 ①	Specialist/Int'l Services	SSW 1.2 ①	(2) Designated Activities②	(3) Technical Intern Training (TIT) ③	(4) Permission to Engage in Activity (Foreign Students)
Viet Nam	605,906	229,983	112,301	109,967	31,080	218,600	102,475 (77,509)
PRC (HK, Macao)	431,949	185,337	136,474	15,697	5,768	30,521	63,944 (50,496)
Philippines	260,869	46,262	11,419	26,634	6,414	47,019	3,751 (2,344)
Nepal	235,874	62,625	43,249	10,271	3,843	4,414	157,546 (114,259)
Indonesia	228,118	83,053	9,887	69,465	10,677	119,980	6,646 (5,875)
Myanmar	163,311	55,093	15,835	37,619	31,882	36,986	34,809 (33,436)
Others	645,010	203,235	138,903	16,572	21,410	41,874	80,153 (68,372)

(Source: Ministry of Health, Labor and Welfare, Employment Condition of Foreign workers, 2025.)

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【Notes】① Specified Skilled Worker ② includes candidates of nurses & care-workers by EPA
③ It is changed to the Employment for Skill Development program in April 2027.

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【Table 3】 Comparison of Patterns

	Southeast Asia	East Asia (Japan, South Korea, Taiwan)
Patterns of setting Norms	Multilateral Multi-Stakeholders Participatory consultation bilateral MOUs	Bilateral Demand-driven by domestic industrial/private sectors bilateral MOUs (G-to-G) or BAs
Managing the labor migration process	Multi-Stakeholders Participatory Private agencies	managed by Governments (Japan) Government-registered organizations/NPOs

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3. Summary: Common agendas in East and Southeast Asia

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MOUs/BAs concern the procedures for sending/receiving migrant workers, referring to the obligations and responsibilities of the sending/receiving governments, but do not guarantee its performance.

Its implementation is left to government-authorized Supervising Organizations in Japan, on employers' Integrity and fairness in South Korea and Taiwan.

CSOs can contribute to narrowing the gap between norms and reality in this cross-border process of labor migration from Southeast to East Asia to materialize the basic norms as are mentioned in the ASEAN Consensus:

- Enhancement of information provision and education/training in the sending countries, if necessary, in cooperation with the receiving organizations
- Urge the governments of sending countries to gather information regularly, and to collect information data from returnees
- Build various networks with migrant workers esp. those working in hard-to-reach sectors in East Asia and local NGOs that support them, and make regional policy recommendations for better work environment and their long-term career development

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