



**INTERNATIONAL LABOUR ORGANIZATION
TECHNICAL COOPERATION**

XB - Symbol:

Title: **Tripartite Action to Protect Migrants within and from the GMS from Labour Exploitation (TRIANGLE)**

Country/sub-region/region: Cambodia, China, Lao PDR, Malaysia, Thailand and Viet Nam

Lead Office: ILO Regional Office for Asia and the Pacific (ROAP)

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External Implementing Partners:

Cambodia: Ministry of Labour and Vocational Training (MOLVT), Cambodian Labour Confederation (CLC), Cambodian Federation of Employers and Business Associations (CAMFEBA)

China: Ministry of Human Resources and Social Security (MOHRSS), Ministry of Commerce (MOFCOM), All-China Federation of Trade Unions (ACFTU), China Enterprise Confederation (CEC), All-China Women's Federation (ACWF)

Lao PDR: Ministry of Labour and Social Welfare (MOLSW), Lao Federation of Trade Unions (LFTU), Lao National Chamber of Commerce and Industry (LNCCI), Lao Women's Union (LWU)

Malaysia: Ministry of Human Resources (MOHR), Anti-Trafficking in Persons Council, Malaysian Trade Union Congress (MTUC), Malaysia Employers' Federation (MEF)

Thailand: Ministry of Labour (MOL), State Enterprise Workers' Relations Confederation (SERC), Labour Congress of Thailand (LCT), Employers Confederation of Thailand (ECOT)

Viet Nam: Ministry of Labour, Invalids and Social Affairs (MOLISA), Viet Nam General Confederation of Labour (VGCL), Viet Nam Chamber of Commerce and Industry (VCCI), Viet Nam Women's Union (VWU)

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List of Acronyms

ACFTU	All-China Federation of Trade Unions
ACMW	ASEAN Committee on Migrant Workers
ACRA	Association of Cambodian Recruitment Agencies
ASEAN	Association of South East Asian Nations
CBT	Computer Based Training
CEC	China Enterprise Confederation
COMMIT	Coordinated Ministerial Mekong Initiative against Human Trafficking
CP-TING	China Project to Prevent Trafficking in Girls and Young Women
CLC	Cambodian Labour Confederation
CSO	Civil Society Organization
ECOT	Employers' Confederation of Thailand
GDP	Gross Domestic Product
GMS	Greater Mekong Sub-region
ILO	International Labour Organization
IOM	International Organization for Migration
IPEC	(ILO) International Programme on the Elimination of Child Labour
LFTU	Lao Federation of Trade Unions
LNCCI	Lao National Chamber of Commerce and Industry
MOFCOM	Ministry of Commerce (China)
MOHR	Ministry of Human Resources (Malaysia)
MOHRSS	Ministry of Human Resources and Social Security (China)
MOL	Ministry of Labour (Thailand)
MOLISA	Ministry of Labour, Invalids and Social Affairs (Viet Nam)
MOLSW	Ministry of Labour and Social Welfare (Lao PDR)
MOLVT	Ministry of Labour and Vocational Training (Cambodia)
MPS	Ministry of Public Security (China, Viet Nam, Lao PDR)
MTUC	Malaysian Trade Union Congress
NGO	Non-Governmental Organization
NPA	National Plan of Action
ROAP	(ILO) Regional Office for Asia and the Pacific
SAP-FL	(ILO) Special Action Programme to Combat Forced Labour
SPA	Sub-regional Plan of Action
SOM	Senior Officials Meeting
SURAC	(ILO) Sub-regional Advisory Committee on Migration and Anti-Trafficking
TF-AMW	Task Force on ASEAN Migrant Workers
TICW	(ILO) Project to Combat Trafficking in Children and Women in the Greater Mekong Sub-region
TIP	Trafficking in Persons
UN	United Nations
UNCT	UN Country Team
UNIAP	United National Inter-Agency Project on Human Trafficking
UNIFEM	United Nations Development Fund for Women
UNODC	United Nations Office on Drugs and Crime
USD	United States Dollar
VAMAS	Viet Nam Association of Manpower Supply
VCCI	Viet Nam Chamber of Commerce and Industry
VGCL	Viet Nam General Confederation of Labour

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1. Executive Summary

The Greater Mekong Sub-region and neighbouring countries comprise one of the world's most dynamic migration hubs. There are well over two million migrants in both Thailand and Malaysia, and the traditional sending countries of China, Lao PDR and Viet Nam have also recently begun receiving low-skilled labour from abroad. Most experts predict that intra-regional migration will continue to rise. The structure of the economies and demographic evolution is driving the need for low-skilled workers in labour-intensive jobs; and established chain migration links match this demand with a steady supply of migrants attracted by the wage differential.

As the number of women and men migrants within and from the GMS grows, so do the opportunities for unscrupulous job brokers and employers to take advantage of them. Studies into the living and working conditions of low-skilled migrants in the region reveal indicators of abuse commonly associated with labour exploitation are widespread. These indicators include deception about wages, type of work and legal status; withheld wages; retained passports or identity documents; physical confinement; substandard working conditions, and threats of denunciation to the authorities. Insufficient regulation of the recruitment process and inadequate workplace protection practices are increasing the vulnerability of labour migrants to trafficking and exploitation.

There is mounting evidence that in a sound policy and governance context, labour migration can deliver significant development dividends not only to the country of destination, but also the migrant and their origin country. However, the potential development gains of labour migration in the region are being diluted by major inequities, inefficiencies, consumption and excessive rent-taking, as well as poor governance in the migration and labour protection systems.¹

In recent years, the legal frameworks for addressing the exploitation of labour migrants have been strengthened, to varying degrees, in all six countries and at the regional level. Though gaps and inconsistencies in laws and policies remain, most countries have adopted or are expected to shortly adopt anti-human trafficking legislation that incorporates the labour dimensions of trafficking, and highlights the centrality of migration to trafficking vulnerability. More of the ILO core conventions and relevant international conventions have been ratified.² In 2007, the ASEAN countries signed the Declaration on the Protection and Promotion of the Rights of Migrant Workers, and the GMS governments continue to strengthen cross-border cooperation through the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT).

Despite a more robust policy framework, there is a failure in implementation. For example, the Thai Government has signed MOUs on employment cooperation with Cambodia, Lao PDR and Myanmar, but only a fraction of workers migrate through licensed recruitment channels. Once in Thailand, the estimated proportion of women and men migrants that went through the 'regularization' process dropped from 85% in 2004 to 28% in 2008.

¹ Hugo and Young (eds), *Labour Mobility in the Asia-Pacific Region: Dynamics, Issues and a New APEC Agenda*, Institute of Southeast Asian Studies (ISEAS), Singapore (2008).

² Of the core conventions, ratification of C87 on the Freedom of Association and the Right to Organize and C98 on the Right to Organize and Collective Bargaining is still low in the region (Annex F).

There are several disincentives that make licensed recruitment or regularization unattractive to low-skilled women and men migrants. Information is not easily accessible, procedures are more lengthy and complicated, and even documented workers' rights are routinely violated. However, the main reason why legal channels cannot compete with irregular channels is the cost involved. Migrants usually have to borrow money and many never really know the level of interest, especially when the loans are arranged between brokers and employers, and when payments are automatically deducted from their wages. It could take a worker eight months to pay off the debts, assuming that they earn the minimum wage – which is highly unlikely in most sectors.

In addition to recruitment policy, labour protection laws are also inadequately applied and enforced, and migrants have limited access to justice through the legal system or collective action. The labour inspectorate has limited capacity, particularly in monitoring the often isolated conditions where migrants work – within a home, locked behind factory gates, on a boat, etc. Moreover, labour inspectors are under considerable pressure not to perform their tasks properly because of the threat they appear to represent to important economic interests.

Few aggrieved migrant workers complain about their brokers or employers because they are afraid to lose their jobs and their work permits. Documented migrants usually have to accept the conditions or 'run away' to look for better remuneration (i.e. no wage deductions) as an undocumented worker. Undocumented women and men migrants are even more vulnerable and more reluctant to complain even under the most abusive circumstances because of their illegal status.

Tripartite Action to Protect Migrants within and from the Greater Mekong Sub-region from Labour Exploitation (the TRIANGLE project) aims to significantly reduce the exploitation of labour migrants through increased legal and safe migration and improved labour protection. In the six participating countries³ (Cambodia, China (primarily Yunnan and Guangxi provinces), Lao PDR, Malaysia, Thailand and Viet Nam), the project will address a number of factors that contribute to the limited implementation of migrant recruitment and protection policies. Each of the following objectives relates to a specific target group: policy makers, practitioners and migrants themselves.

Immediate Objective 1: Migrant recruitment and labour protection policies and practices strengthened, reflecting the interests of tripartite constituents and gender-specific concerns.

In some cases, migration-related policies need to be revised – because they are ambiguous or even contradictory; because they contain discriminatory 'protective' measures for women; or because they need to provide more specific guidance to facilitate implementation. In formulating these policies and practices, it is essential that workers' and employers' organizations are consulted, as well as civil society organizations working directly with women and men migrants and potential migrants. The TRIANGLE project will also support policy advocacy by conducting research and campaigns, and sharing technical expertise and international comparative experience. This process will ensure that the

³ The TRIANGLE project will not carry out activities in Myanmar, but will work to better protect the rights of the vulnerable Burmese migrant worker population in Thailand and Malaysia. The current activities of the ILO in Myanmar are governed by a 2002 Understanding between the Government of the Union of Myanmar and the International Labour Office concerning the appointment of an ILO Liaison Officer in Myanmar and its Supplementary Agreement reached in February 2007. According to this understanding, the ILO mandate in the country is restricted to activities related to assisting in the elimination of forced labour.

national regulations, bilateral MOUs and regional processes reflect the real needs of women and men migrants, recruitment agencies and employers – and all sides are incentivized to support implementation.

Immediate Objective 2: Capacity of tripartite constituents enhanced to improve implementation of national policy, bilateral agreements and regional commitments related to the recruitment and protection of women and men migrant workers.

Effective implementation largely depends on the capacity of tripartite constituents at all levels. The TRIANGLE project will support the development of tools and deliver training to enable partners to carry out their responsibilities. For example, the labour authorities will receive training on inspecting conditions in the seafood processing sector, and employers in the manufacturing sector will be better informed on the application of new regulations, etc. Effective responses can not be carried out unilaterally, and the stakeholders in the different countries face common challenges; therefore, cooperation and dialogue, experience sharing and training will also be conducted at the regional level – such as a Peer Review of Recruitment Agency Codes of Conduct to help those at different stages of developing, implementing and monitoring codes of conduct to learn from each other. The project will also support regional processes, including activities under the proposed ASEAN Labour Ministers' Work Program, 2010-2015, the ASEAN Committee on Migrant Workers, and the recruitment and labour protection elements of the COMMIT Sub-regional Plan of Action.⁴

Immediate Objective 3: The rights of women and men migrants and potential migrants are protected through increased access to support services.

Implementation suffers as a result of migrant workers' limited capacity to protect themselves and hold duty bearers (recruitment agencies, employers, service welfare officers, etc.) accountable. The type of direct assistance supported by the project can be divided into two categories. The first is to prevent exploitation by empowering migrants through information campaigns; pre-departure training; strengthening migrant associations to represent their rights and interests in the workplace, in society and in policy dialogue; etc. The second is to 'withdraw' women, men and children already in exploitative conditions through improved labour inspection, legal assistance and support services, and negotiation with employers.

Rather than support activities to postpone migration or provide alternative livelihood strategies, the interventions focus on reaching women, men and children who have migrated or are expecting to migrate. However, links will be established and referrals provided to supply-side interventions that can empower potential migrants or support the reintegration of return migrants (e.g. education, vocational/skills training, employment services).

Project Target Groups

The TRIANGLE project will have two target groups: the direct recipients (tripartite constituents, recruitment agencies, CSOs); and ultimate beneficiaries. As a direct result of project interventions, 20,000 documented and undocumented migrant women, men and children will be prevented from entering or withdrawn from exploitative working conditions. The policies, practices and replicable models developed under the project will benefit many

⁴ ASEAN and the ILO signed a Cooperation Agreement in March 2007, the details of which are outlined in the section on Project Management.

more over time. Tools will be developed to track the number of beneficiaries throughout the project and disaggregate the target groups by sex, age and risk sector.

The project will primarily target migrants working in sectors of work that are considered high-risk because of endemic practices that violate their rights. These include domestic work, construction, manufacturing, plantations, fishing and seafood processing. While recognizing that migrants are also commonly exploited in the entertainment industry, the tripartite constituents are not well-positioned to make much of an impact in this sector. Nevertheless, the TRIANGLE project will not exclude women, men and children in this sector from any direct assistance interventions and provide referrals wherever possible.

The majority of the beneficiaries will be women and men – but children will participate in youth forums, and be withdrawn from exploitative conditions. In certain cases, the project will be able to facilitate the negotiation of better conditions for children of working age (e.g. shorter hours or non-hazardous conditions). The information and education campaigns in sending areas will also target children, but licensed channels require migrants to be at least 18, so they will not be eligible for pre-departure training.

Project Approaches

With its **unique tripartite structure, experience and expertise**, the ILO is ideally placed to enable partners in countries of origin and destination to better manage migration and protect migrant workers. Technical guidance will be provided by the International Migration Programme (MIGRANT) in ILO headquarters, with additional expertise from other units and specialists, including the Special Action Programme on Forced Labour, International Programme on the Elimination of Child Labour, gender, labour standards, workers' and employers' activities, etc. The TRIANGLE project will **build on established relationships, institutional mechanisms, good practices and lessons learned** from past and ongoing ILO activities in the six countries. Although this project focuses on the GMS region, it is connected to a number of initiatives pursued under the broader suite of the ILO's regional migration strategy.

The TRIANGLE project attests the ILO principle of **tripartism**, with governments, workers' and employers' organizations bringing their individual and collective strengths to bear on each of the project objectives. As promoted in the ILO Multilateral Framework on Labour Migration and the ASEAN Social-Cultural Community Plan of Action, civil society organizations (CSOs), including women's and youth groups with frontline experience will also be engaged in project activities. Women and men migrants' participation will be sought in the design, implementation and monitoring of project interventions. The ILO will work with CSOs to engage and organize migrants, and develop strategies and spaces for their input, such as focus groups, forums, and where possible, through migrant associations' participation on multi-disciplinary working groups.

Rather than working in isolation, the TRIANGLE project will actively engage with various other government partners, NGOs and international organizations to ensure that it contributes to the broader migrant protection and anti-trafficking strategy. The ILO will continue to actively participate in inter-agency working groups on trafficking and migration – at the national and regional levels. The TRIANGLE project will contribute to specific activity areas and targets under the COMMIT Sub-Regional Plan of Action, and support the work of the ASEAN Migrant Workers Committee. Reciprocally, regional partners will be invited to the SURAC (Sub-regional Advisory Committee) – an ILO mechanism that serves as a platform for

tripartite constituents to share information, experiences and provide guidance on anti-trafficking and migration management.

The TRIANGLE project will actively work towards integrating **gender equality** concerns into migration policies and management practices. Gender will be mainstreamed through the various training materials and training programmes. In order to ensure a gender-sensitive approach, the project will prioritize sex-disaggregated data collection when conducting research or monitoring direct assistance. Where gender inequalities are identified through research, gender specific measures will be designed and implemented.

A **rights-based approach** will be adopted in formulating policies and designing protection measures. Reference will be made to the international labour conventions and other relevant standards to which the countries are already signatories. These include the fundamental principles and rights at work, as embodied in the ILO Core Conventions, which apply to all workers without exception, including migrant workers. The project will also build the capacity of migrants as rights holders, and local authorities as duty bearers in order to reduce severe abuses and exploitation.

The **regular, streamlined monitoring and evaluation** of the policy advocacy work, capacity building efforts and direct assistance is a project priority. This will ensure that amendments can be made throughout the project life, and lessons learned can be shared at national and regional levels. To the extent possible, the TRIANGLE project's M&E will be integrated with local M&E capacities and systems, though capacity-building sessions will be included in the project workplan to ensure that stakeholders are adequately prepared to use the tools and have an overall understanding of the purpose and value of M&E. To ensure evaluation independence, at mid-term and project end, ILO and AusAID will jointly select the evaluation teams and co-organize the field visits.

There is broad recognition of the problems and a commitment to improve migration management from the governments of the GMS countries, China and Malaysia. The TRIANGLE project's objectives tie in closely with national development priorities, the Decent Work Country Programmes, as well as the UN Development Assistance Framework (UNDAF). At the regional level, there is a clear need for the TRIANGLE project to support the COMMIT Process and the ASEAN Migrant Workers Committee. The timing is right for the TRIANGLE project to capitalize on this opportunity to develop and implement policies, practices, approaches and interventions that will contribute to the significant reduction in the exploitation of labour migrants in this region.

2. Background and Justification

Problem Analysis

For the past two decades the GMS has been one of the world's most dynamic migration hubs because of its long, porous borders, socio-economic disparity and, in the case of Myanmar, political and economic instability that has displaced hundreds of thousands of people (Annex J). In recent years, migration flows within the GMS and the neighbouring countries of Malaysia and China have grown in volume and complexity. The documented and undocumented migrant population is currently well over two million in both Thailand

and Malaysia, and the traditional sending countries of China, Lao PDR and Viet Nam have also recently begun receiving low-skilled labour from abroad.⁵

Because much of the migration is not registered, there is limited sex-disaggregated data available. However, in line with Asian regional and global trends, there is some evidence of a feminization of migration in the GMS. The proportion of registered female migrants in Thailand from Cambodia, Lao PDR and Myanmar increased from 29% in 1998, to 44% in 2004 and 46% in 2009.⁶ Women make up 87% of all regular migration from Cambodia to Malaysia over the past decade, with 100% of the share of domestic workers, and a 53%, and growing, share of factory workers (Table 3, Annex J).⁷

While receiving-country governments are exploring strategies to limit or reduce the number of migrant workers, most experts predict that intra-regional migration will continue to rise. There is a continuing demand for low-skilled workers in labour-intensive jobs, a steady supply from the neighbouring countries, and well-established chain migration links to match the two. In addition, the 'economic corridors' being built to facilitate cross-border trade are making migration easier than ever.

In addition to economic development and geographical proximity, demographic evolution is also a key contextual factor. Economic growth is generally accompanied by a sharp decline in fertility – which is more evident in Thailand than in Malaysia.⁸ The proportion of the population under the age of 15 is 39.8 % in Lao PDR and 37.6% in Cambodia – compared to 21.7% in Thailand. As the working age population grows (Table 2, Annex J), young people in sending communities will continue to be either 'pushed' by the limited opportunities in a competitive domestic labour market or 'pulled' by the wage differential and lifestyle believed to be on offer in receiving countries.

Scale of the Problem of Labour Exploitation

A number of governments in the GMS countries acknowledge that the trafficking and exploitation of labour migrants is on the rise and is an increasingly complex phenomenon.⁹

⁵ Different countries use different terms to describe migrant workers, such as 'foreign worker' in Malaysia or 'contract-based overseas worker' in Viet Nam. In this project, the term 'migrant worker' is defined according to the ILO Migration for Employment Convention, 1949 (No. 97) and Migrant Workers Convention, 1975 (No. 143): "a person who migrates from one country to another with a view to being employed otherwise than on his own account and includes any person regularly admitted as a migrant for employment". The United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) defines 'migrant worker' as "a person who is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national". The UN Convention definition is broader than that of the ILO Conventions, as it covers frontier workers, seafarers and the self-employed.

⁶ IOM data cited in *GMS: Gender-Related Impacts of the Global Economic Slowdown-Preliminary Overview Highlights*, Gender and Development News, ADB Southeast Asia Department (SEAGEN Waves), Volume 3 Issue 1, (October 2009).

⁷ Statistics on Migrant Workers to Malaysia, Department of Employment and Manpower, Ministry of Labour and Vocational Training, Royal Government of Cambodia (June 2009).

⁸ Skeldon, R. *Managing Irregular Migration as a Negative Factor in the Development of Eastern Asia*, Working Paper No. 18 for the ILO Asian Regional Programme on Governance of Labour Migration (2009).

⁹ The TRIANGLE project aims to reduce the exploitation of labour migrants, but references are made throughout this document to the related issue of trafficking. The exploitation endured by labour migrants can take many forms – and trafficking is only one end of the exploitation spectrum. For migrant women and men over 18 years of age, the key factor when distinguishing between trafficking and other forms of exploitation is 'consent'. Men and women often enter voluntarily into extremely

According to the International Organization for Migration (IOM), the number of women and men trafficked from and within the region is estimated at between 200,000 and 450,000. In 2008, a UNIAP small sample survey of 50 undocumented Cambodian migrants (mostly men) deported through Poipet border checkpoint found that half had experienced exploitative conditions. But because of the clandestine nature of these abuses, widely accepted figures on the extent of the problem do not exist.

In 2005, the ILO commissioned the Institute for Population and Social Research at Mahidol University to conduct research into the living and working conditions of young migrants in risk sectors in Thailand.¹⁰ Although the sample size is relatively small, this report contains some of the most in-depth data available, and is cited throughout this document. It revealed that indicators of abuse commonly associated with labour exploitation are endemic in the recruitment and employment of low-skilled migrants in these sectors. These indicators include deception about wages, type of work and legal status; withheld wages; retained passports or identity documents; physical confinement; substandard working conditions (long hours, extreme temperatures etc.), and threats of denunciation to the authorities.

According to the Mahidol study, more than 90% of workers surveyed in agriculture, fishing and manufacturing **did not have written contracts**; and 82% of domestic workers, 45% of fishers and 19% of manufacturing workers **toiled more than 12 hours per day**. In terms of work without freedom, 20% of men working on fishing boats stated they were **'forced to work'**; 60% of domestic workers revealed their employers **did not allow them to leave the house** or receive visitors; and about half of employers across all sectors agreed with the statement that **'we should lock migrants in at night to make sure they don't escape'**. More children (under 18 years old) were found working in fishing and domestic work than in agriculture and manufacturing, and boys aged 15-17 working on fishing boats were the most likely to be in a **worst form of child labour**.

These risk sectors are not particular to one country or even to the region. The sectoral breakdown of registered migrant workers is similar in Thailand and Malaysia (Figure 1, Annex J). Most of these sectors are highly gendered, and although men and women work in the manufacturing jobs, women tend to be concentrated in the lower-skilled positions, poorly or not covered by labour protection and therefore at increased risk of abuse and exploitation. Severe rights abuses are endured by documented and undocumented workers alike.

Conditions within each of these risk sectors are outlined in Annex G. Table 6 in Annex J uses data from the Mahidol study to compare conditions across sectors.

The Impact of the Global Economic Crisis

poor working conditions, usually because the income is still higher than that available in their home communities. In recent years, efforts to combat human trafficking in the GMS have been strengthened through improved anti-trafficking legislation, and improved coordination within and across borders. Strategies for addressing trafficking are increasingly moving in the direction of migration management and labour protection, as it is the deficiencies in these systems that create the opportunity for labour and human rights abuses. The TRIANGLE project will therefore support and benefit from linkages to these efforts.

¹⁰ *Underpaid, Overworked and Overlooked: The Realities of Young Migrant Workers in Thailand*, Institute for Population and Social Research, Mahidol University. Part of an ILO Series on Human Trafficking and Labour Migration in the Greater Mekong Sub-region (2006).

The global economic crisis has most affected men migrants in construction and women migrants in manufacturing.¹¹ South Korea, a major destination country for migrants from the GMS, also announced cuts in job quotas from 100,000 in 2008 to 34,000 in 2009. In January 2009, following predictions that 45,000 people could be laid-off, the Malaysian Government put a freeze on hiring new foreign workers in the manufacturing and service sectors, and also cancelled the work visas of about 55,000 Bangladeshis, some of whom were already en route. In Malaysia, foreign workers are not allowed to transfer from one employer to another; so **retrenchment means deportation**. Viet Nam's MOLISA reported that 10,000 female migrant workers were returning home from outside the GMS.¹² **Migrants that return home prematurely are usually laden with debts** that they took on for the opportunity to migrate.

The crisis may have led to increase in the number of migrants from Cambodia. There the manufacturing sector has seen a 27% drop in exports that led to over 30,000 people, primarily young women, being laid-off.¹³ Many of these retrenched workers and their family members who were dependent on these factory incomes will be looking for opportunities abroad.

However, the biggest impact of the global economic downturn may not necessarily be the job losses or restrictions on new admissions. Many employers are instead lowering their labour costs by recruiting irregular migrants and **eroding rights and working conditions**. In the construction sector, for example, more migrants are being employed through sub-contractors on casual terms. In a small ILO-funded study of Laotian migrant returnees in March 2009, 15% had their wages lowered, 13% worked longer hours, and 11% observed fewer job opportunities to augment their incomes.¹⁴

The Legal and Policy Framework

In recent years, the legal and policy frameworks for addressing the exploitation of labour migrants have been strengthened in all six countries and at the regional level (country-specific policies, gaps and recommendations are summarized in a table at the end of Annex H). Most countries have adopted or are expected to shortly adopt anti-human trafficking legislation that incorporates the labour dimensions of trafficking, and highlights the centrality of migration to trafficking vulnerability. The governments have also signed on to the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (does not cover China), and the Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT) process (does not cover Malaysia). Many of the relevant international labour standards have been ratified (Annex F).

Despite a stronger policy framework, there is a failure in implementation. To demonstrate this shortcoming, since the MOUs on employment cooperation between Thailand and its neighbouring countries came into effect in the past five years, fewer than five percent of Laotians and Cambodians in Thailand migrated through licensed recruitment channels. Once in the country, a small and dwindling proportion of women and men migrants have gone through the 'regularization' process (Table 4, Annex J). There are several disincentives that make regular recruitment or regularization unattractive to low-skilled women and men

¹¹ *GMS: Gender-Related Impacts of the Global Economic Slowdown-Preliminary Overview Highlights*.

¹² *ibid.*

¹³ Gibb, H., *Impacts of the Economic Crisis: Women Migrant Workers in Asia*, (July 2009).

¹⁴ *The Economic Crisis and Return Migration in Lao PDR: Rapid Assessment in Savannakhet and Champasack Provinces*, ILO/Japan Project, Provincial Labour and Social Welfare Office of Champasack, and Lao Federation of Trade Unions, unpublished report, (2009).

migrants; namely the lack of accountability, the complicated procedures and high costs, and the inability to guarantee decent working conditions.

The failure in implementation can be attributed to several factors. To begin with, there is limited consultation in the policy formulation process, and therefore national regulations and bilateral MOUs on migration do not always adequately reflect the real needs of women and men migrants or their employers. For example, employers' organizations in Thailand and Malaysia have expressed concern that they have not been sufficiently consulted on the development of new laws or policies, at the national level as well as within the ASEAN community.

Secondly, some stakeholders believe that the policies need to be clarified further – because they are ambiguous or even contradictory; because they are too broad and require more specific guidance or tools to facilitate implementation; or because they contain discriminatory 'protective' measures for women that restrict migration on grounds of age, country, occupation, etc.

Thirdly, implementation suffers as a result of limited awareness of the laws and regulations related to migration management and anti-trafficking. In all of the countries, stakeholders recommended more training for various government bodies, especially at local levels; employers and workers' organizations; and women and men migrant workers and potential migrant workers.

But as in receiving countries around the world, there is limited public pressure for governments to improve policies to better protect migrants. On the contrary, migrants are scapegoats for all of society's ills: rising crime rates, spreading disease, overwhelming the social service infrastructure, etc. A 2006 poll in Thailand supported by ILO and UNIFEM¹⁵ underscored the role that the media plays in shaping public attitudes to migrant workers: respondents were twice as likely to recall media reports about migrants who had committed serious crimes, than recall reports where migrants had been cheated or abused by employers in the industrial and agricultural sectors; and fewer still could recall abuses against domestic workers.

However, a number of developments have highlighted the shortcomings in the migration management system, and put migration high on the agenda in both sending and receiving countries across the region. In each country, there have been recent high-profile cases of documented and undocumented migrants being exploited. Moreover, it is increasingly acknowledged that women and men migrant workers make a substantial contribution to receiving economies – an estimated 1.25% to Thailand's GDP in 2005, equivalent to USD 2 billion at current prices¹⁶ – and not providing them with the same labour protections makes migrants more attractive to employers and suppresses wages and conditions for the local population.

The Cost of Licensed Recruitment Channels

In order to legally migrate to and stay in the receiving country, migrant workers must navigate procedures that are costly, slow and complicated. They have to pay for passports, visas, medical exams, skills tests, training, travel, accommodation and service charges. Ad

¹⁵ *Thai Attitudes to Migrant Workers*, ABAC Poll Research Centre, Assumption University. Study commissioned by ILO and UNIFEM (2006).

¹⁶ *The Contribution of Migrant Workers to Thailand: Towards Policy Development*, prepared by Prof. Philip Martin for the ILO (2007).

hoc fees are sometimes exacted by the recruitment agencies at both ends, employers, police, criminal gangs, and even local authorities on return.

Compared to the minimal cost of irregular migration, the estimated average cost paid by a Cambodian or Laotian to migrate to work in Thailand is USD 630, though this depends on the sector into which they are recruited.¹⁷ It would take that worker eight months to pay this off, assuming that they earn the minimum wage – which is highly unlikely in most sectors, except construction. Some migrants receive little or nothing for the first few months of work. Because of high job mobility, the employer often wants to immediately recover the costs for recruitment or registration.

To finance the recruitment and migration, legal or irregular, migrants usually sell their land or borrow money from relatives, acquaintances or money lenders. Women tend to face more difficulties in taking out loans or using land as collateral. Interest rates for these loans can range from low annual rates of 4% to as much as 30% - 60% per year. Many never really know how much interest they pay, especially when the loans are arranged between brokers and employers, and payments are automatically deducted from their wages. The level of debt explains why many migrants opt to stay on in jobs even under exploitative working conditions; why many 'run away' to look for better remuneration as an undocumented worker; and why women and men migrants who return home – either voluntarily or involuntarily – are eager to find another job abroad as quickly as possible.

The Regulation of Recruitment Agencies

There is insufficient monitoring of recruitment practices in all of the six countries. In sending communities, it is difficult to distinguish between brokers sub-contracted by legal and illegal recruitment agencies. They are paid on commission for each migrant they enlist (USD 20 -30 in Cambodia), which offers a clear incentive for them to exaggerate or lie about future earning potential and working conditions. Agents operating under Malaysia's Outsourcing System are not regulated even though it is often the agent, rather than the actual employer, that signs the employment contract with the worker. Recruitment agencies and outsourcing agencies have been found to bring migrant workers to Malaysia even without any pre-arranged employment for them.

From October 2006 to September 2007, the Control and Protection of Workers Division under Thailand's Ministry of Labour received complaints against recruitment agencies from 1,277 return migrants, with claims totalling THB 70.7m (USD 2.14m). Of these return migrants, 1,061 were men and 261 were women – although the countries and sectors in which they were working are not reported. During the same period, the MOL provided assistance to 1,026 migrant workers (813 men and 213 women) and was able to recover damages totalling THB 39.8m (USD 1.2m) from recruitment agencies.

Labour Protection for Migrant Workers

The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers states that Governments shall "promote fair and appropriate employment protection, payment of wages, and adequate access to decent working and living conditions for migrant workers." However, national labour and social protection laws to protect women and men migrants in risk sectors are either vague, gender-blind, or inadequately applied and enforced. Domestic work is not even legally recognized as work, so these migrants have

¹⁷ *An Honest Broker – Improving Cross-Border Recruitment Practices for the Benefit of Government, Workers and Employers*. Part of an ILO Series on Human Trafficking and Labour Migration in the Greater Mekong Sub-region (2008).

even fewer protections. The MOUs contain very few labour protection measures as this is not a priority for receiving countries that typically set the agenda at the MOU discussions. And yet the biggest incentive to licensed migration channels and registration is the perceived protection.

In Malaysia, work permits are tied to one employer; and in Thailand, a migrant worker can only request a change in employer in certain conditions (e.g. death of employer, close of business, exploitation).¹⁸ Therefore, documented migrants usually have to accept the exploitative conditions or 'run away'. Employers can circumvent the protection offered by the registration system by holding onto workers' identity documents – thus restricting their movement.

The fear of losing their jobs prevents documented migrants from reporting abuse or joining a trade union to take collective action. In fact, many migrants have specific clauses in their contracts that prohibit them from becoming members of trade unions. Their access to justice is further hampered by the fact that lodging a complaint is costly, complicated and time-consuming, and does not necessarily result in a positive outcome. In case of a dispute in Malaysia, for example, the foreign worker is not allowed to work but has to pay a monthly fee to stay in the country until the case comes to court – which usually takes a minimum of six months.

Workers with illegal status are even more vulnerable, and unscrupulous employers can use a variety of practices to limit their mobility and extract excessive working hours. They are reluctant to complain even under the most abusive circumstances. Women in particular fear further victimization and criminalization by the authorities and usually tend not to report abuses. When they return home, victims of trafficking and exploitation still do not complain because of the stigma attached to coming back with no money, or even in debt.

In most developing countries, the labour inspectorate does not have the capacity to monitor conditions in the formal sector, and is even more limited in monitoring risk sectors that are especially difficult to access, particularly domestic work. Many migrants live on-site and are isolated from the wider community – either within a home, locked behind factory gates, or on a boat. Moreover, labour inspectors are under considerable pressure not to perform their tasks properly because of the threat they appear to represent to important economic interests, whether corporate or local.

The system punishes documented or undocumented migrant workers, not the employers who exploit them. Despite tough laws, employers caught hiring irregular migrants are rarely punished. In Malaysia, 112 employers were caught hiring irregular migrants between mid-2002 and mid-2004, but none had been convicted as of December 2006, because of a lack of evidence and constant postponement of trials.¹⁹

Project Preparatory and Design Phase

In mid-2009, AusAID provided the ILO Sub-regional Office for East Asia with funds for a four-month preparatory and design phase. Week-long consultations were held in each of the six countries and included meetings with a broad range of stakeholders from government, civil society and international organizations (Annex I). The objective of these meetings was to

¹⁸ *Policy Brief and Recommendations on Undocumented Labour Migration in Thailand*, Asian Institute of Technology (AIT), University of Leeds and MAP Foundation (January, 2010).

¹⁹ Kanapathy, Vijayakumari, *Migrant Workers in Malaysia: An Overview*, prepared for the Workshop on East Asian Cooperation Framework for Migrant Labour, December 2006.

update the situation analysis, identify national priorities and needs, re-establish links with the major players, and build project ownership from the start. In a few cases, additional research was commissioned to collect new information on migration trends.²⁰

At the regional level, the Sixth Session of the Sub-regional Advisory Committee (SURAC) meeting was organized with tripartite constituents and other key stakeholders from the six countries to provide feedback on the project design and further develop the sectoral and regional strategies.

Consultations were also held with all of the major international organizations and projects working on regional migration and trafficking programmes and projects, including IOM, UNIFEM, UNODC, SEARCH, UNIAP, ARTIP, TF-AMW, World Vision, SCUUK, etc. ILO programme officers, chief technical advisors and specialists – with expertise on migration, gender, international labour standards, workers’ and employers’ activities – provided inputs on regional and country-specific strategies, and sought to make links to their ongoing and future activities under the Decent Work Country Programmes and regional objectives.

Based on all of these discussions, it was decided not to include certain elements proposed in the original concept note in this project design. The concept note laid out a more comprehensive project that covered a broad range of interventions prior to migration and for the reintegration of exploited migrants. The principal concern with this approach was that it would spread project funds and focus too thin.

The TRIANGLE project focuses on those who have migrated or are most likely to migrate. Providing alternatives to migration – for potential migrants and return migrants – are projects within themselves, and the ILO already has a range of activities ongoing in this area (career counselling, vocational skills training, job placement, micro-finance programmes, etc.). Moreover, the final evaluation of the Project to Combat Trafficking in Children and Women (more information on TICW below) concluded that the beneficiaries of some of these activities, particularly the micro-finance programmes, tend to be people who are less likely to migrate. It is therefore not necessarily an appropriate migrant protection strategy. Additional lessons learned on developing alternative livelihood strategies are outlined in Annex K.

The concept note also implied that the project would target internal as well as cross-border migrants. The ILO already has projects in several GMS countries that are addressing the key vulnerabilities of internal migrants. In addition, cross-border migrants are more vulnerable, and the challenges are far more complicated and deserving of the full attention of this project.

In both cases, the project will foster links and provide referrals to relevant interventions at other stages of the migration cycle that are being supported by the ILO and other government partners, mass organizations and NGOs (Annex N).

²⁰ Two studies were conducted with project design funds: (1) *An Assessment of Recruitment and Labour Protection Experiences of Return Migrant Workers in Northern Thailand*; and (2) *A Rapid Assessment on Irregular Labour Migration and Human Trafficking across the Viet Nam – China Border*. Key findings of these studies are included in the Country Situation Analysis (Annex H) and will be used in the design of specific country activities.

Building on ILO Experience

The ILO is a unique, tripartite organization that represents governments, workers' and employers' organizations. It is therefore ideally placed to help build consensus among the partners in countries of origin and destination, and to develop the policies and programmes that will allow them to better govern labour migration and protect migrant workers.

The TRIANGLE project will benefit from the ILO's long experience and expertise in the area of migration management and combating trafficking and labour exploitation. The project will build on established relationships, institutional mechanisms, capacity building tools, a solid knowledge base, and good practices. Annex K contains a number of lessons learned that were gleaned from a broad range of ILO past and ongoing activities – and will be applied to TRIANGLE project activities. Although this project focuses on the GMS region, it is connected to a number of initiatives pursued under the broader suite of the ILO's regional migration strategy. This is elaborated upon further in the section on 'Links to ILO Global, Regional and DWCP Priorities and Outcomes'.

From 2000-2008, the Project to Combat Trafficking in Children and Women (TICW) played a leading role in the effort against trafficking and labour exploitation in the GMS. From 2005-2008, the (CP-TING) Project to Prevent Trafficking in Girls and Young Women for Labour Exploitation within China built on lessons learned from the TICW project. These two projects underwent thorough and independent processes of evaluation as well as documenting learning. The TICW project produced a set of 29 good practices that cover a range of strategies and approaches to tackling the vulnerability of girls and young women at each stage of the migration process. In some cases, particularly the demand-side interventions, the TRIANGLE project will offer 'emerging' good practices more time and support to mature into effective and sustainable models.

Other relevant ILO projects include the Asian Programme on the Governance of Labour Migration (2006 to 2009) and Managing Cross-Border Movement of Labour in Southeast Asia (2006-2010), which operated in Cambodia, Indonesia, Lao PDR and Thailand. These projects have promoted dialogue, strengthened the knowledge base on migration issues for policy makers, and built up the capacity of governments to manage orderly labour migration.

The TRIANGLE project will also link with other activities and initiatives to address the supply side vulnerabilities of migrants. For example, the ILO has ongoing and pipelined activities in the several countries in the Sub-region on skills training, employment services, micro-finance, etc. The project will also link up with the strategies developed under the ILO return and reintegration project for Thai and Filipino workers returning from the EU (Annex N).

Four of the participating countries in the TRIANGLE project have long engaged the ILO on work on cross-border migration and trafficking prevention, particularly with a focus on supply-side interventions for women and children. In China, the ILO's focus has primarily been on internal migration – however, migration to the GMS, East Asia and the rest of the world is an emerging issue. Although Malaysia was not part of the previous multi-country projects, the ILO Jakarta Office has been working with the MTUC and NGOs on initiatives to protect migrant domestic workers in particular. The Standards, Gender, Workers' and Employers' specialists in the ILO Sub-regional Office for East Asia have also worked with MOHR, MTUC and MEF on a range of other ILO activities.

Building on and Working with other Projects

In the project formulation phase, the design team consulted with the main international organizations and CSOs in all six countries and at the regional level that are working in this field. None are taking such a comprehensive approach to developing and implementing policies and practices on recruitment and labour protection. However, there are certainly several relevant activities on pre-departure training, research activities and information systems, legal assistance, etc. Through regular and open communication, the TRIANGLE project team, at national and regional level, will share information, promote co-benefits and prevent duplication of activities, and ensure the project fits into the broader migrant protection and anti-trafficking strategy.

UNIAP:

The ILO has and will continue to support the Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT) process and specific activities under the Sub-regional Plan of Action. The project will work with the UNIAP (the secretariat of the COMMIT process) teams at national and regional level to ensure that the work on recruitment agencies and labour protection is incorporated into the COMMIT workplans and discussed at the SOM. UNIAP will also participate in the SURAC meetings to ensure that the project's work fits in within the broader GMS anti-trafficking strategy. The Director of the ILO Sub-regional Office for East Asia sits on the management board of UNIAP.

UNIFEM:

In recent years, the ILO has worked closely with UNIFEM on a number of relevant initiatives. For example, a survey on public attitudes to migrant workers in Thailand, multi-stakeholder dialogues in South Asia and Southeast Asia on the specific impacts of the economic crisis on women migrant workers, and national consultations on migrant domestic workers. As the protection of migrant domestic workers continues to be a priority for UNIFEM and ILO, collaboration on certain activities will continue.

IOM:

The project will look to work more closely with the IOM at national and regional levels, particularly on the activities that are linked to the TRIANGLE project objectives. For example, in Cambodia the IOM is supporting the development of a migration database that collects sex-disaggregated information on outgoing migrants, and a comprehensive pre-departure training manual for the recruitment agencies. In Thailand's Tak province, the IOM has a project to support capacity building and improve multi-disciplinary action to protect migrant workers.

UNODC:

The ILO will consult UNODC on elements of the labour inspection activities, as it will certainly involve law enforcement officials. In addition, one of the proposed capacity building strategies under the project will draw on UNODC's long running computer-based training programme. Although the target groups are different, this experience will be vital in terms of programme development and implementation (Annex K).

ARTIP:

The TRIANGLE project, and particularly the activities under Output 3.2, will benefit from the work of the Australian Government funded Asia Regional Trafficking in Persons Project (ARTIP) on the criminal justice response to trafficking, with a special emphasis on securing justice for victims and ending impunity for traffickers. ARTIP works specifically on strengthening law enforcement, and judicial and prosecutorial responses to trafficking. The

ARTIP project also works in four of the same countries and cooperates closely with the ASEAN (as part of the Declaration on Transnational Organized Crime and the Declaration on TIP) and COMMIT processes.

Civil Society:

In all of the participating countries, the civil society movement to protect the rights of migrant workers is getting stronger. The ILO has worked closely with a number of these organizations in the past, and will continue to work with them to pilot initiatives, share information and serve as a bridge to policy makers.

3. Programme Description

Description of the Project Strategy

The TRIANGLE project will reduce the exploitation of labour migrants in the Greater Mekong Sub-region and Malaysia by contributing to the development of legal, safe and orderly recruitment channels and improved labour protection mechanisms.

In the area of protecting migrants' rights, each of the ILO tripartite constituents has their own vital role to play. Therefore, government partners, workers' organizations and employers' organizations will participate individually and jointly in each of the project objectives: strengthening policy, building the capacity of the tripartite constituents to support the implementation of national policy and regional frameworks, and delivering direct assistance to women and men migrants. As promoted in the ILO Multilateral Framework on Labour Migration and the ASEAN Social-Cultural Community Plan of Action, CSOs, including women and youth groups with valuable frontline experience will also be engaged in the project activities.

The project will primarily target women and men migrants working in **domestic work, manufacturing, construction, plantations, fishing and seafood processing**. Migrants working in the entertainment industry are also commonly exploited, but because of the nature of the work, the tripartite constituents are not well-positioned to make much of an impact. Nevertheless, the TRIANGLE project will not exclude women and men in the entertainment industry from any direct assistance interventions (in origin or at destination), and the broader capacity building and policy development will also provide them with more protection. Annex G contains specific information about conditions in all of these sectors.

Because of the complexities and vested interests in maintaining the status quo, policy development will require sustained **advocacy**, through lobbying influential change agents, conducting cutting-edge research, carrying out social awareness campaigns, sharing developments in other countries, linking up with CSOs and other UN agencies on common advocacy goals, etc. This will **create an environment for change** in which a broad range of stakeholders will be consulted to put forward recommendations for improved policy and practices.

To ensure the effective implementation of these policies and practices, the project will link, where possible, with existing **multi-disciplinary working groups** with shared objectives. Additional tools will be developed with partners; for example, the Code of Conduct with the association of recruitment agencies, and sector-specific guidelines with the labour inspectorate. **Training will then be delivered to key stakeholders at all levels**; including

advising employers on the application of new legislation, or empowering migrant associations to provide better support to their members.

The type of direct assistance can be divided into two categories. The first is to ‘prevent’ exploitation by empowering migrants through training, organizing and social inclusion. These interventions will improve migrants’ **self-protection capacity as rights holders**, and **hold local authorities more accountable as duty bearers**. The second is to ‘withdraw’ those already in exploitative conditions. These demand-side interventions include improved labour inspection, legal assistance and support services, and negotiation with employers.

The project will prioritize **regular, streamlined monitoring and evaluation** of the policy advocacy work, direct assistance, and capacity building efforts and strategies to ensure that amendments can be made throughout the project life, and lessons learned can be shared at national and regional levels.

Target Groups and Partners

Direct Recipients

The TRIANGLE project will work with the following partners in formulating and implementing policies and practices, and enhance their capacity through training, tools and collaborative processes. The roles and motivations for each partner are outlined in the Stakeholder Incentive Table in Annex L.

- Government officials – primarily from the labour and social welfare ministries, but also from law enforcement and other bodies responsible for migration management and anti-trafficking in persons;
- Employers’ organizations and employers, particularly in risk sectors;
- Recruitment agencies and their associations, in sending and receiving countries;
- Workers’ organizations in sending and receiving countries, including trade unions and migrant associations;
- Civil society organizations in sending and receiving countries, including national and international NGOs, mass organizations, women’s groups, the media, etc.

Ultimate Beneficiaries

As a direct result of project interventions, 20,000 documented and undocumented migrant women, men and children will be prevented from entering or withdrawn from exploitative working conditions. The policies, practices and replicable models developed under the project will benefit many more over time.

The target of 20,000 is based on the expected number of beneficiaries that the project can feasibly track and demonstrate an impact on their lives. In addition to checking that the interventions have had a positive bearing on project beneficiaries, tracking them is critical to ensuring that any unintended consequences can be addressed. The number of ultimate beneficiaries will be disaggregated by sex, age and risk sector.

More specifically, the ultimate beneficiaries will include:

- Women, men and children who are withdrawn from work in exploitative conditions;
- Migrant women and men who were in work with conditions ‘indicative of exploitation’ (e.g. withheld wages or identity documents), which were made acceptable through negotiation.

- Female and male migrant children of legal working age were engaged in hazardous work, which was made acceptable through negotiation (e.g. shorter hours or safer conditions);
- Migrant women, men and children working in exploitative conditions that receive legal assistance ; and
- Women and men migrants deemed most at risk of labour exploitation who receive thorough pre-departure training that results in safe migration and decent work.

In workplaces where women, men and child migrants are working in slavery or slavery-like conditions, or involved in illicit activities, negotiation is not an option and ‘withdrawal’ will follow the measures established for rescuing victims of human trafficking, such as those detailed in the Thai Government’s *Operational Guidelines on the Prevention and Suppression of Trafficking for Labour Purposes, and Assistance and Protection for Trafficked Persons* (Annex K).

During the Pre-Implementation Phase, specific criteria will be established with implementing partners to identify the most vulnerable groups in specific geographical areas – in countries of origin and destination. Much of the risk analysis is already available, although more specific data may be required on conditions within a specific work sector, legal status, access to support structures, different experiences for age, gender, etc. For example, nationality is also an important factor: from 2004-2009, 60% of calls made to Tenaganita’s Domestic Workers Action Hotline came from Indonesian workers, and only 5% of calls came from Filipino workers. That being said, Indonesians do comprise 90% of domestic workers in Malaysia.

A Gender Sensitive Approach

The policies and practices developed under this project will address the specific needs of male and female migrants and potential migrants. Work sectors are highly-gendered, with women overwhelmingly in domestic work, and mostly men in construction and fishing. Both men and women work in manufacturing – although the lower skilled jobs tend to be carried out by women because of disparities in access to skills training and pervasive discriminatory attitudes that undervalue women in the workforce. In seafood processing, female workers are generally paid less than males, despite working longer hours.²¹

It is also important to consider the specific gender vulnerabilities of men. Men in the fishing sector, for example, are extremely hard to reach and often in dire need of assistance. However, because of the stigma of being labelled a ‘failure’ or a ‘victim’, men are often reluctant to acknowledge that they have been exploited or trafficked, and therefore may not be inclined to seek out or accept support services. Moreover, in several countries, the current anti-trafficking legislation does not cover adult men as potential victims.

In delivering direct assistance, it is essential to consider when, where and how to reach out to young men and women at origin, in transit and in destination. For example, differences in the educational attainment and literacy levels may have a direct impact on the design and delivery of the pre-departure training curriculum. Also, because of their isolated working conditions, domestic workers will have limited access to legal assistance drop-in centres. Therefore, the training materials and direct assistance interventions will be developed in a participatory way to ensure they meet user needs. The ILO has extensive relevant

²¹ *Underpaid, Overworked and Overlooked: The Realities of Young Migrant Workers in Thailand.*

experience, such as the ILO Decent Work for Domestic Work Campaign, which has collaborated closely with NGOs and migrant domestic workers in a number of countries to explore how associations can be applied to this sector; develop information booklets for domestic workers and materials to educate the general public about the rights of domestic workers; and promote better legislation – including inputs into a proposed international labour standard on domestic work that can guide national policy and services.

The TRIANGLE project will actively work towards integrating gender equality concerns into migration policies and management practices. Gender will be mainstreamed through the various training materials and training programmes. In order to ensure a gender-sensitive approach, the project will prioritize sex-disaggregated data collection when conducting research or monitoring direct assistance (M&E Framework, Annex A). Where gender inequalities are identified through the project's research and M&E efforts, as well as additional information that comes to light from other sources, gender specific measures will be designed and implemented. The annual reporting (Schedule of Reports, Annex E) will provide the opportunity to review and analyze project approaches, and amend them so that gender inequalities can be addressed more effectively. Depending on the adjustments required, these will be made clear in either the Annual Workplan, or in the action programmes to deliver direct assistance to beneficiaries, train direct recipients, develop complaints channels, etc.

Efforts will be made to ensure that women benefit from capacity building efforts under the project in equal number with men, and a gender balance will be sought in working groups, migrant associations and other project-related forums. The project will promote women's groups participation in policy dialogue and in delivering direct assistance.

A Participatory Approach

The project implementation phase will follow the example of the design and preparatory phase and actively involve a broad range of stakeholders. The role of the tripartite constituents and CSOs is described above in the Project Strategy. Women and men migrants will participate in the design, implementation and monitoring of project interventions. The ILO has experience in this area, and will continue to work with NGOs to engage and organize migrants to develop strategies and spaces for their input, such as focus groups, forums, and where possible, through migrant associations' participation on multi-disciplinary working groups.

In all of the participating countries, there is little public consultation on how to make migration more safe, legal and orderly – and protect migrants from exploitative conditions. The project will build on the experience of the youth forums that were held at local, national and at the sub-regional level. The Mekong Youth Forum in 2007 was co-organized by the ILO, SCUK, UNIAP and World Vision, and resulted in a series of recommendations that were presented to national government officials and at the 2007 COMMIT Senior Officials Meeting. As a result, the governments signed a measure to consult with affected groups in the formulation of future policy. It was the first such formal acknowledgement to consult with vulnerable groups to fight trafficking and labour exploitation.

A Rights-Based Approach

The conditions endured by many migrants in the GMS and Malaysia constitute a serious violation of human and labour rights. The project will adopt a rights-based approach to

formulating policies and designing protection measures. The project will regularly refer to the statement in the 1944 ILO Declaration of Philadelphia: labour is not a commodity. Changing attitudes and behaviour can begin with changing language: the project will encourage more rights-based terminology over terms such as 'labour export', 'illegal migrants' and 'victims'.

Reference will be made to the international labour conventions and other relevant standards to which the countries are already signatories – including the fundamental principles and rights at work (Annex F). These fundamental rights, as embodied in the ILO Core Conventions, apply to all workers without exception, including migrant workers. The project will also build the capacity of migrants as rights holders, and local authorities as duty bearers in order to reduce severe abuses and exploitation.

Logframe Matrix

Project Title:	Tripartite Action to Protect Migrants within and from the GMS from Labour Exploitation (TRIANGLE)		
Target Groups:	The target groups cover both direct recipients and ultimate beneficiaries. Direct recipients include officials from government, employers' and workers' organizations, recruitment agencies and CSOs. The project will target approximately 20,000 ultimate beneficiaries for prevention and withdrawal from labour exploitation, disaggregated by age, sex and sector.	Project Duration:	2010-2015 – five years
Development Objective:	Indicator(s):	Means of verification:	Assumptions:
DEVELOPMENT OBJECTIVE: To increase labour rights protection and decent work opportunities for women and men migrant workers in the GMS and Malaysia.			Economic and political stability in the target countries.
PROJECT PURPOSE: To reduce the labour exploitation of women and men migrants in the GMS and Malaysia.	The number of women and men labour migrants exploited in the GMS and Malaysia.	Government and independent reports monitoring migration trends and the working conditions for migrant women, men and children in the GMS and Malaysia.	Continued commitment of governments in the GMS and Malaysia to improve policies and practices relating to the recruitment and protection of migrant labour, and fulfilling regional commitments. The problem analysis is accurate, and the project strategies are appropriate and continue to be an appropriate response to the challenge.

Immediate Objective 1	Indicators:	Means of Verification:	Assumptions:
Migrant recruitment and labour protection policies strengthened, reflecting the interests of tripartite constituents and gender-specific concerns.	Extent to which national migration and labour laws and policies are coherent, rights-based, gender-sensitive and reflect the interests of the tripartite constituents.	National labour and migration laws and policies.	Government acknowledges the value in engaging workers' and employers' organizations and CSOs in policy dialogue and implementation.
Output 1.1 Advocacy campaign conducted among policy makers and public to influence improved recruitment and labour protection policies and practices.	Research and analysis supported by the project is quoted by the Government and tripartite constituents in policy formulation and evaluation exercises. Change in public opinion relating to the status of women and men migrant workers, and their right to fair treatment.	Policy pronouncements from key government bodies. Pre- and post-campaign sample survey gauging public opinion. Stakeholder Tool 1 (Annex D).	Government is willing to authorize research, and accept and disseminate the findings.
Indicative Activities:			
1.1.1 Carry out research and develop sex- and age-disaggregated data on migration trends and working conditions in risk sectors for use in formulating policy and developing direct assistance interventions, and to compare across countries and over time.			
1.1.2 Conduct an awareness campaign and build relationships with media to influence public perception on the right of women and men migrant workers to fair treatment and the value they add to the economy.			
Output 1.2 Tripartite constituents take on prominent roles in strengthening recruitment and labour protection policies and practices.	Quality of roles assigned in national action plans for tripartite constituents and civil society, including women's groups. Quality of engagement of tripartite constituents and migrants in interdisciplinary working groups on migration management and anti-trafficking at all levels.	National action plans on anti-trafficking or migration management Reports and minutes from the interdisciplinary working groups	Government acknowledges the value of engaging workers' and employers' organizations and CSOs in policy dialogue and implementation.
Indicative Activities:			
1.2.1 Promote the engagement of tripartite constituents and NGOs, including women's groups, in policy dialogue by highlighting the value of responding to these different			

interests and the resulting increased chance of successful implementation.			
1.2.2 Conduct a tripartite review of recruitment and labour protection policies and practices, and put forward recommendations to policy decision makers on better protecting the rights of women and men migrant workers in risk sectors.			
Immediate Objective 2	Indicators:	Means of Verification:	Assumptions:
Capacity of tripartite constituents enhanced to close the gap between intention and implementation of national policy, bilateral agreements and regional commitments related to the recruitment and protection of women and men migrant workers.	<p>Quality of recruitment services available are consistent with standards set out in policy.</p> <p>Quality of labour protection services available are consistent with standards set out in policy.</p>	<p>Qualitative feedback from CSOs and women and men migrants.</p>	<p>Tripartite constituents are convinced of the value of participating in the capacity building exercises, and can commit the resources to fulfilling their relevant responsibilities.</p>
Output 2.1 Mechanisms developed and promoted to improve regulation, transparency and accountability in the recruitment process for women and men migrants.	<p>Usage of complaints channels, and follow-up action taken against recruitment agencies.</p> <p>The number of women and men that migrate through legal channels [primarily influenced by the balance of incentives and disincentives, i.e. costs, complexity of procedures, and the extent to which rights are protected].</p>	<p>Report on level of use of complaint channels and follow-up action taken.</p> <p>Stakeholder Tool 2 (Annex D).</p> <p>Sex-disaggregated figures and estimates from sending and receiving countries on legal and irregular migration flows.</p>	<p>Continued collaboration of recruitment agencies and employers and/or their representative bodies.</p> <p>Procedures and costs for regular migration can be sufficiently streamlined and a 'price point' can be found that makes regular migration channels more appealing.</p>
Indicative Activities:			
2.1.1 Develop, promote and monitor a Code of Conduct for recruitment agencies.			
2.1.2 Develop, promote and monitor channels for handling and following up on complaints against licensed and illegal brokers and recruitment agencies.			
Output 2.2 Mechanisms developed and training delivered to improve the labour protection of women, men and children migrants.	<p>Number of labour monitoring and inspection activities carried out in risk sectors by trained officials and partners, and the resulting number of women, men and children that are withdrawn from exploitative conditions.</p>	<p>Reports from labour inspectorate, law enforcement and CSOs.</p> <p>Stakeholder Tool 3 (Annex D)</p>	<p>Sustained commitment to tougher enforcement and stronger penalties for employers that violate the relevant laws.</p>

	Change in employers' application of relevant labour laws, as a result of training, information campaigns and social dialogue.	Pre- and post-testing of employers and the women and men migrants they employ.	
Indicative Activities:			
2.2.1 Develop and deliver training to labour authorities on sector-specific labour inspection guidelines and practices for investigating conditions in risk sectors.			
2.2.2 Develop and deliver training to tripartite constituents on procedures for negotiating for improved working conditions or for early termination of contract.			
2.2.3 Deliver training to employers on laws and regulations for recruiting and employing women and men migrants, and how they can affect change in the sector.			
Output 2.3 Regional tripartite cooperation and influence increased to support implementation of bilateral and multilateral commitments.	Number of joint activities carried out among constituent groups in different countries. Extent to which ASEAN and COMMIT SPA reports make reference to the project activities in contributing to regional objectives on recruitment and labour protection of migrants.	Reports from SURAC meetings and additional meetings between and among constituent groups. ASEAN and COMMIT SPA Annual Reports	
Indicative Activities:			
2.3.1 Design and deliver regional level training and promote experience sharing within and among tripartite constituent partners to develop responses to common challenges in migration management and protection.			
2.3.2 Share information and establish regular communication to ensure that the TRIANGLE project contributes to the COMMIT process and ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.			
Immediate Objective 3	Indicators:	Means of Verification:	Assumptions:
The rights of women and men migrants and potential migrants are protected through increased access to support services.	Numbers of migrant women and men seeking and receiving advice and support through government and NGOs (exact services to be identified in each target country).	Annual reports of government and NGO support services relating to migrants' rights at work.	Local authorities respond to the need to better protect migrant workers from labour exploitation.
Output 3.1 Women and men migrants and potential migrants are empowered through improved safe migration and rights awareness, and increased representation and social	Women and men's safe migration and rights awareness levels.	Pre- and post-testing, and tracking, of women and men migrants that received pre-departure training sessions and were exposed to	Governments in receiving countries allow migrant associations to operate as self-help groups.

inclusion.	Proportion of migrants in selected risk sectors or high-risk geographical areas that consider themselves members of a migrant association or trade union (disaggregated by sex, age and sector)	information campaigns Stakeholder Tool 4 (Annex D). Surveys in migrant communities and among migrant associations and associated trade unions, NGOs and women's groups.	
Indicative Activities:			
3.1.1 Deliver thorough and sustainable pre-departure training for women and men migrant workers through recruitment agencies and other institutions.			
3.1.2 Carry out campaigns to provide information to women and men migrants and would-be migrants on the challenges and risks involved in the migration process.			
3.1.3 Support trade unions and migrant associations to empower women and men migrant workers through collective bargaining agreements, migrant forums, service provision, etc.			
Output 3.2 Legal assistance made available to migrant women, men and children working in or withdrawn from exploitative conditions.	Number of migrant women, men and children that are withdrawn from exploitative conditions, or are in the process of exiting exploitation, as a result of project-related legal assistance.	Monitoring tools to track the number of migrants that receive legal support and the outcomes.	Governments and NGOs collect timely and disaggregated data on the migrant workers and type of support sought. Disputes and cases can be resolved within the life of the project.
Indicative Activities:			
3.2.1 Provide legal assistance and age- and gender-specific support to migrant workers through government and non-government run drop-in centres,			
3.2.2 Develop radio shows and hotlines to provide legal information and referrals to women and men migrant workers who cannot easily access other forms of support.			
3.2.3 Pursue, document and publicize model cases to demonstrate the accessible remedies for women and men migrants whose rights have been violated, the exploitative abuses they endure, and the penalties employers can face for such practices.			

Immediate Objectives and Outputs

The purpose of the TRIANGLE project is to significantly reduce the exploitation of migrants in the GMS and Malaysia through the development of legal, safe and orderly recruitment channels and improved labour protection mechanisms. The project will support the development and effective implementation of sector-specific regulations, national legislation and regional commitments. The three immediate objectives and seven outputs of the project will contribute to this goal.

Each country has distinct circumstances, but there are resounding commonalities in the challenges faced and the shortcomings in systems across the GMS and Malaysia. The following strategies and major activities apply to most sending or receiving country contexts. Country-specific problem analyses and national project priorities are outlined in Annex H.

Immediate Objective 1:

Migrant recruitment and labour protection policies and practices strengthened, reflecting the interests of tripartite constituents.

A robust legal and regulatory framework is a vital underpinning to other efforts to combat the exploitation of labour migrants.

Output 1.1: Advocacy campaign conducted to influence improved recruitment and labour protection policies and practices.

Regular labour and human rights violations carried out against migrant workers point to systemic deficiencies in migration management and labour protection systems. Though legal and policy frameworks have been strengthened in recent years, a number of gaps remain (these gaps are identified in the table in Annex H). Revisions, amendments or clarifications to migration policy would facilitate implementation. However, the issues affect the divergent interests of a number of government bodies, including the ministries responsible for national security, labour, health, education, etc. Varied advocacy strategies are required to achieve buy-in from a range of partners, particularly from those with vested interests who are in positions to preserve the status quo.

The project will therefore:

- Carry out research and develop sex-, age- and sector-disaggregated information systems in a field notorious for data limitations. Research, including baseline and end-line surveys, will be conducted in representative sending and receiving areas for policy advocacy, project monitoring purposes, and designing direct assistance interventions.

Data will be collected from migrants in destination and on return, as those who are surveyed in workplaces are not the most exploited or free to be completely open in their responses. UNIAP have recently carried out 'sentinel surveillance surveys' to interview migrants that have been deported from Thailand, or return from China to Viet Nam. Importantly, they do distinguish between trafficked persons and exploited persons, and explore the recruitment process and conditions of work. Research projects will be discussed with an inter-agency working group chaired by the UNESCO regional office on promoting, expanding and consolidating high quality research on issues related to migration and exploitation.

To the extent possible, tripartite constituents will support the development of research methodologies, so that the findings are more widely accepted. Moreover, the ILO regional migration strategy includes capacity building for the Laotian and Cambodian governments on the collection of data on regular migration, through the Migration Information System in Asia (MISA), based in the Scalabrini Migration Centre (Lessons Learned, Annex K). The recently developed Operational Indicators for characterizing the various elements of trafficking for labour exploitation (Lessons Learned, Annex K) will also be promoted as a means to harmonize data among the participating countries and over time.

- Conduct a sustained, multi-media campaign to influence public opinion by highlighting migrants' right to fair treatment and how treating migrants equitably creates better labour protection for all workers – foreign and national, women and men. The protection of rights is the primary incentive for migrants to use licensed channels or enter the regularization process – and it is therefore in the interest of any government looking to address irregular migration. The campaign will also point out the economic contribution migrant workers bring to receiving economies. Given the limited budget, the campaign will have to be targeted effectively. The media, as a change agent that influences public attitudes to migration and migrant workers, will be a key partner. The ILO has extensive experience in cooperating with the media on similar advocacy campaigns including soap operas and radio shows, (Lessons Learned, Annex K) and on delivering training to media on victim-centred approaches. Pre- and post-campaign sample surveys will be conducted to demonstrate the effectiveness of the interventions.

Output 1.2: Tripartite constituents take on prominent roles in strengthening recruitment and labour protection policies and practices.

Migration in the GMS is an economic and labour issue, yet concerns over national security or social service provision take precedence when setting migration policy. As a result, there is a large gap between policy intention and policy implementation. Social dialogue is critical to effective policy formulation at the national, bilateral and regional levels. However, the tripartite constituents are not always in positions to influence policy on recruitment and employment of migrants. Employers, who drive the demand for labour, must respond to ad-hoc policies that they feel do not reflect the realities of the labour market. Trade unions also have unique views, as they do not always support the employment of migrant workers in certain sectors, but they cannot remain silent when they are exploited.

The project will therefore:

- Promote the role of tripartite constituents and NGOs on inter-disciplinary working groups that debate and provide direction on migration management and anti-trafficking issues. The labour authorities will be encouraged to become leading members in these committees, and also on the COMMIT National Task Force. Employers' and workers' organizations will be encouraged to bring their valuable perspectives, and strategies for involving representatives of migrants and potential migrants will be explored. The roles of tripartite constituents will be strengthened through the enhanced capacities that result from active participation in this project. Some of these committees are still based on individuals' commitment and personal relationships, and need to be institutionalized and supported by high-level decision makers.

- Engage tripartite constituents, women’s groups and CSOs in an analysis of past policy shortcomings and put forward recommendations that are rights-based, gender sensitive, reflect and respond to their different interests and have a greater chance of successful implementation. More specifically, these recommendations will aim to better regulate the recruitment process and make licensed channels more competitive, and strengthen labour regulations to better protect the rights of documented and undocumented migrant workers. Regulations on recruitment and employment in the various sectors may require different measures on fees, verification of working conditions, standard contracts, pre-departure training, follow-up services, labour monitoring requirements, etc. Overviews of some of the relevant international conventions are outlined in Annex F and country-specific policy gaps have been identified in the table in Annex H.

Immediate Objective 2:

Capacity of tripartite constituents enhanced to improve implementation of national policy, bilateral agreements and regional commitments related to the recruitment and protection of women and men migrant workers.

As the legal and policy framework governing labour migration and anti-trafficking efforts continues to change, it is essential that these laws and policies are communicated from central to local levels, and authorities and social partners can fulfill their roles and responsibilities. This requires the development of tools, the delivery of training and more effective coordination of the various stakeholders, particularly the tripartite constituents. Computer-based training will be considered as a possible means for delivering training. The project will draw lessons from the UNODC’s extensive experience in using this approach to build the capacity of frontline law enforcement officials in the GMS (Lessons Learned, Annex K).

Output 2.1: Mechanisms developed and promoted to regulate the recruitment process for women and men migrants.

At present, the disincentives for migrating through legal channels outweigh the incentives. The procedures are lengthy, complicated and not transparent. The high costs involved lead migrants into debt or debt bondage. Legal channels are supposed to ensure the protection of the migrant worker, but even documented workers are not guaranteed decent working conditions. As a result, only a fraction of migrants use licensed recruitment agencies. The contribution of intermediaries in the migration processes can be positive, provided that these brokers and agents are regulated.

The project will therefore:

- Develop, publicize and monitor a Code of Conduct for recruitment agencies. VAMAS and ILO are currently developing a Code of Conduct in Viet Nam, and ACRA and UNIFEM already developed one in Cambodia – though the latter requires more detail. This Code of Conduct will first serve as a tool for self-regulation, but after a period the relevant stakeholders will evaluate which measures should be enshrined in national law and operationalized in bilateral MOUs. The Code of Conduct must be based on national circumstances, but it should also reflect the principles of the Mekong Sub-regional Recruitment Guidelines, the ASEAN Declaration on the

Protection and Promotion of Migrant Workers, and the spirit of ILO Convention 181 on Private Employment Agencies (Annex F).

Advance the Code of Conduct through national associations of recruitment agencies. Where associations do not already exist, they will be promoted as a means to more effectively represent agencies' interests in policy formulation, but also a way to self-regulate the industry. The project will lobby for the recognition and inclusion of recruitment agency associations in employers' federations, provide them with technical advice and international comparative experience, and invite them to participate in national, bilateral and regional meetings.

- Increase transparency and accountability by supporting the development of government-run complaints mechanisms against legal and illegal brokers and recruitment agencies. Elements of the strategy in the Philippines to 'Stop Illegal Recruitment' will be replicated where appropriate (Lessons Learned, Annex K). Complaints channels should be accessible and publicized at all stages of the migration process: at origin/pre-departure, at destination and on return. Information collected on the types of complaints and follow-up action taken should be continually reviewed to monitor trends, improve monitoring mechanisms and influence further regulatory policy. It is important to inform the public of the details of a broker or agency that is fined or blacklisted, in order to better protect other potential migrants and follow-up on other migrants who have used the same agency. As recommended by the Multilateral Framework on Labour Migration, governments should consider providing incentives for recruitment agencies that meet recognized criteria for good performance.
- The project will explore the costs involved in using licensed channels – and identify inefficiencies in the recruitment and migration process that can be addressed to bring down the costs. These inefficiencies are most apparent when comparing how much migrant workers pay to go to Korea as part of the government-to-government Employment Permit System. South Asians pay between USD 1,200 and USD 1,600, while East Asians pay between USD 400 and USD 800. Airfare is only one factor, and others include the costs involved in gaining government clearance, processing documents, decentralized employment services, training, etc. It is important that any anticipated costs are transparent and agreed to from the outset.

Output 2.2: Mechanisms developed and training delivered to improve the labour protection of women, men and children migrants.

Severe labour rights abuses are widespread in risk sectors. Proactive labour protection mechanisms are needed to withdraw those working in the most exploitative conditions. But given the limited human and financial resources available to the labour inspectorate, protection strategies must go further and encourage duty-holder cooperation and stimulate sustainable improvements in compliance. The project will therefore deliver training on the laws, conduct information campaigns, advocate for tough enforcement and stronger penalties for employers, foster social dialogue, etc. This will have a multiplier effect, influencing even those employers who have not been visited by an inspector.

The project will therefore:

- Develop and deliver training on labour inspection guidelines and practices to combat specific abuses, sectors and geographical areas. Guidelines will be developed and

training delivered for labour inspection teams. The guidelines will address particular sensitivities related to work-sector, age, gender and legal status of migrants. For example, specific consideration will be given to monitoring conditions for domestic workers because of the laws that prevent inspection of individuals' households; and how to deal with undocumented workers who have been exploited, but are not identified as trafficked persons; and for migrant children of working age in hazardous conditions, etc.

- Provide information and training to support government-led raids to withdraw migrant men, women and children from exploitative conditions. A recent example of this type of intervention in the Thai fishing industry is described in Annex K, and experiences can be drawn from ILO models in other countries e.g. the mobile labour inspection units in Brazil and the joint labour inspection and police task force in Italy. The project will support community-based watchdogs – made up of migrants, residents, the media and NGOs. In Thailand, for example, the Ministry of Labour is looking to revitalize a system of labour volunteers modelled on the successful health volunteers' network, and NGOs have also set up parallel mechanisms to varying degrees of success. The watchdogs will provide information to multi-disciplinary inspection teams that are led by government officers (from the labour inspectorate, law enforcement and social welfare departments) and supported by local NGOs. The project will work to strengthen the relationship between the watchdogs and the authorities, and to develop the procedures for reporting and validating abuses before raids are carried out.
- Develop procedures for negotiating for improved working conditions or for early termination of contract, and deliver training to labour officials, labour attachés, trade union representatives, migrant associations, etc. The project will work with employers to support gradual improvements in compliance, and address potentially exploitative conditions, such as withheld wages, excessive working hours, hazardous working conditions, etc. However, no such negotiations can take place where migrants are working in slavery or slavery-like conditions, or involved in illicit activities.

In addition, negotiation procedures are required to facilitate movement from one employer to another, particularly if they have been laid-off during the contract period. Such arrangements would ensure migrants' freedoms and allow them to pay back debts while retaining their legal status. At the same time, it would not penalize good employers who do not want to violate the labour laws, but have paid a levy to recruit the migrant worker.

It is important to consider that labour inspection interventions may intensify efforts to detect and immediately deport irregular women and men migrants, without the proper procedures to determine whether they may be trafficked persons. Moreover, many undocumented workers may be reluctant to be 'withdrawn', as it may result in deportation. The project will monitor the effect of these activities on the migrant women and men, to ensure that they 'do no harm'. In addition, the training materials will follow the principle that the functions of the labour inspectorate should be distinct from those of an immigration officer. Combining the two compromises the core function of a labour inspector, as the worker is not able to expose or resist abusive conditions in the workplace. The project will promote the potential conciliatory role of labour inspectors in providing early warning before

indicators of forced labour become entrenched practices of abuse. Where the labour inspectorate is not able to fulfil that role, NGOs and migrant associations will, where possible, facilitate in negotiating for improved conditions for undocumented women and men migrant workers.

- Deliver training to employers on laws and regulations for recruiting and employing women and men migrants. The project will conduct advocacy work within risk sectors to align employer interests with the provision of fair and decent treatment of women and men migrant workers. It will highlight the benefits of meeting increasingly stringent buyer requirements, creating business opportunities whilst protecting the image of the company and industry, and raising productivity from a more motivated and stable workforce. The project will also encourage employers to engage with migrant associations and involve women and men migrants in any enterprise-based welfare committee. However, the most compelling incentive for employer buy-in is legislation and the penalties for non-compliance. Civil society organizations in Thailand and Malaysia have reported that the Anti-Trafficking in Persons Act has been a valuable tool in encouraging employers to stop practices which could be deemed exploitative. In Malaysia, where the contract is often signed between the worker and the outsourcing agency, this type of training is particularly important.
- The project will also explore ways through which good employers can also affect change by promoting compliance throughout their supply chains, exploring solutions to better engage unresponsive employers, or even collaborating with inspectors to identify likely offenders in their industry. Exploitative practices and sub-minimum wages and conditions can give an unscrupulous employer an unfair competitive advantage, and negative images of specific sectors might bring trade sanctions or negatively influence export markets.

Output 2.3: Regional tripartite cooperation and influence increased to support implementation of bilateral and multilateral commitments.

Strengthening migration management processes and tackling the exploitation of labour migrants cannot be addressed unilaterally. In addition to a number of bilateral MOUs on migration, the project will also support the implementation of two regional frameworks: the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, and the Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT). Both of these processes have significant buy-in from governments, but do not sufficiently engage workers' and employers' organizations.

The project will therefore:

- Design and deliver regional level training and promote experience sharing among separate tripartite constituent partners (e.g. between trade unions from the participating countries) to develop responses to common challenges in migration management and protection. In the six countries, there are resounding commonalities in the challenges faced, and an eagerness to work together and learn from each other. This is especially true as traditional sending countries increasingly also become receiving countries.

The SURAC (Sub-Regional Advisory Committee) is an existing platform for fostering bilateral and multilateral cooperation among ILO tripartite constituents on work

related to trafficking and migration. Since 2001, regular meetings have been held to share information, experiences and positions on shared concerns. In addition to SURAC, there are other instances of this type of cooperation in the region. For example, the Viet Nam Chamber of Commerce and Industry (VCCI) and the Malaysian Employers' Federation (MEF) recently co-organized a workshop to discuss the process of sending workers to Malaysia, the laws and customs, dispute settlement procedures, and forced labour and trafficking issues. MOUs exist between workers' organizations in origin and destination countries, but these could be strengthened; for example, the ILO Multilateral Framework on Labour Migration promotes the exchange of information and transfer of membership. Another likely regional activity is a Peer Review of Recruitment Agency Codes of Conduct – which will help agency associations at different stages of developing, implementing and monitoring CoCs to learn from each other.

- Establish links between the TRIANGLE project and the COMMIT and ASEAN processes. Recruitment and labour protection are key components under the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and the COMMIT Sub-regional Plan of Action.²² SURAC reports will be submitted to the COMMIT Senior Officials Meeting and the ASEAN Migrant Workers Committee. These reports will outline tripartite positions, as well as directions taken and progress made by the project. In addition, the secretariats of COMMIT and ACMW will be invited to participate in SURAC meetings. The tripartite constituents will also raise awareness in their countries of the ASEAN Declaration and use it as the grounds for action on the protection of women and men migrants' rights.

The national, bilateral and multilateral activities as well as the approaches adopted under the TRIANGLE project will contribute to the implementation of these regional accords. Moreover, support will be provided to the ASEAN Forum on Migrant Labour and the ASEAN Migrant Workers Committee in carrying out their workplan. The plan includes activities related to the three main themes of the Declaration (a) protection of migrant workers against exploitation, discrimination and violence; (b) labour migration governance; and (c) fight against trafficking in persons. Under each of these 'thrusts', the TRIANGLE project will be able to contribute to initiatives including developing a policy repository to promote good practices in migrant worker management; sharing lessons from the Philippines with GMS countries on overseas employment administration; and working towards the endorsement of the Framework Instrument on the Protection and Promotion of the Rights of Migrant Workers.

Immediate Objective 3:

The rights of women and men migrants and potential migrants are protected through increased access to support services.

Women and men migrants, and particularly the most vulnerable migrants, are not in a position to secure their legitimate rights and interests. Even in countries where recruitment

²² The COMMIT SPA's key activity area on preventive measures includes the following targets: (1) development and implementation of national operational guidelines and mechanisms for labour recruitment and migrant protection; (2) training on and systematic monitoring of compliance with regional and national guidelines; and (3) direct measures to accurately target and reduce vulnerabilities in the migration and recruitment processes, and in workplaces.

and labour protection policies are strong on paper, application and enforcement is weak and the recruitment agencies, employers, service providers, etc. are not held accountable. In addition to building the capacity of these stakeholders to fulfil their responsibilities, addressing the inadequate implementation also requires that women and men migrants are empowered – through training, legal assistance, representation, social inclusion, etc. Certain support services must be provided to a wider group of migrants that are at risk of exploitation, and others to migrants already working in exploitative conditions.

Output 3.1: Women and men migrants and potential migrants are empowered through improved safe migration and rights awareness, and increased representation and social inclusion.

Because of the circumstances in which low-skilled workers migrate, a significant proportion of them are at risk of exploitation. Therefore, it is essential that measures are taken to empower all women and men migrants, and not just those in exploitative situations. Most migrants and potential migrants have a very limited understanding of how to migrate safely, their rights at work and how to protect those rights. Their vulnerability is compounded by a lack of bargaining power with employers, their marginalisation in communities, and no voice in the decisions that affect their lives.

The project will therefore:

- Deliver pre-departure training in a thorough, yet time and cost-effective way. Most women and men who migrate through licensed channels receive some form of training – which varies from a receiving a leaflet, and anything between six hours and ten days of classroom-based training. But the longer the training, the higher the costs passed on to the migrant. In most countries, the key messages for this training have already been developed by the ILO or by other partners. However, with the as the regulations governing migration and the services available to migrants change, it is important to update the curriculum on a regular basis. The challenge remains how to deliver pre-departure training in a targeted, effective and sustainable way. In communities with high migrant populations, safe-migration training delivered to children in schools and young women in vocational training institutions (as part of a life-skill training curriculum) has proved effective (Lessons Learned, Annex K).
- Adopt new strategies for targeting the most vulnerable with key messaging on rights awareness. Changing attitudes is not easy and requires a sustained, multi-prong campaign - one size does not fit all. User-friendly booklets (such as the ILO's *Travel Smart - Work Smart*, Lessons Learned, Annex K), radio and television spots, the internet and mobile phone text messages should be considered for specific audiences. The project will work with NGOs, trade unions, migrant associations and the media to deliver information campaigns. In sending areas, the campaigns and the training will explicitly highlight the dangers and challenges involved in the migration process, so that potential migrants can make more informed decisions. In receiving areas, information on new policies and protection mechanisms will be available in the various languages of the migrant community. More than just knowing the channels for safe migration and their rights at work, migrants have to know how they can use the law to protect themselves.
- Form new and empower existing migrant associations. Migrant associations are not registered institutions, but can be a useful means of reaching women and men with information and assistance, and representing their rights and interests in the

workplace, in society and in policy dialogue. There are different models for organizing migrants: along country of origin, sectoral, geographical or gender lines. The project will provide support by building capacity in areas such as leadership development, negotiation, participation, etc. The project will also provide opportunities for migrant associations to meet and carry out activities at local levels, but to also represent women and men migrants' voices in policy dialogue. For example, the Mekong Youth Forum is a platform through which the ILO – together with UNIAP, Save the Children and World Vision – has helped young migrants to put forward their recommendations to government officials. The TRIANGLE project will continue to support such interventions and the commitment made at the COMMIT Senior Officials Meeting in 2007 to consult with affected groups in the formulation of future trafficking-related policy.

The terms of their employment contracts usually prevent women and men migrants from becoming members of registered trade unions, but there are a number of examples of migrants being covered under collective bargaining agreements set up by trade unions, or by trade unions successfully lobbying on behalf of migrant worker associations. Campaigns will be carried out to raise awareness among trade union members about migrants' right to fair treatment, and how providing migrants with the same protections under the labour law is also in their best interests.

Output 3.2: Women and men migrants working in or withdrawn from exploitative conditions benefit from legal assistance.

In many cases, unscrupulous employers try to control migrants by withholding wages or identity documents, or by physical confinement. Wage deductions are also the main reason leading to documented migrant workers to 'run away' to find better conditions as undocumented workers. But undocumented migrant workers have no legal recourse and are the most vulnerable to abuses. Documented migrant workers face language barriers in countries of destination, are intimidated by government service providers, or cannot reach services due to working hours or their remote location, etc. Even where there is strong case to be made against the employer, the process is lengthy, complicated and costly, and there is no guarantee of a favourable ruling.

Women and men withdrawn from exploitative working conditions will be referred to partner organizations – both government and non-government, in countries of origin and destination. These organizations specialize in providing shelter, psycho-social counselling, legal assistance, screening and case management, as well as longer-term social and economic empowerment activities. Annex N contains a list of possible partner organizations, which will be amended according to the selected target sites and further screening.

The project will therefore:

- Support drop-in centres run by frontline NGOs and migrant associations to receive and report labour rights abuses from women and men migrants, provide them with information and legal assistance, and serve as an accessible bridge to the authorities. In Samut Sakhorn and Mae Sot, some of the ILO partner organizations are already well-established. For example, the Labour Rights Protection Network (LPN) works closely with the migrant community as well as the local Department of Labour Protection and Welfare. In the last year they have received approximately 1,000 complaints from women and men migrant workers. The project will look to

replicate such models of direct assistance in other parts of the country where migrants have less access to support.

- Run radio phone-in shows to reach a large number of women and men migrants, particularly those who are isolated and have limited access to information, such as domestic workers. The MAP Foundation runs such community radio programmes in Chiang Mai and Mae Sot, which could be replicated in other areas with large migrant populations. Likewise, hotlines will be supported to provide migrants with legal information and referrals to other services. The hotlines could also be used to report grievances and abuses, and link to the watchdog mechanism. Hotlines have been used for years, with mixed results. In the past five years, Tenaganita's 24-hour Domestic Workers Action Line has received more than 350 calls, which has led to 265 cases being filed. A more in-depth review of the successes and failings of hotlines is required, but too often the operators do not speak the language of the migrant workers or cannot provide adequate referral information. The ubiquity of mobile telephones and falling communication costs has led to renewed interest in this approach. The radio shows and hotlines could even be linked to trade union representatives, lawyers and NGOs in the country of origin.
- Defending the interests of migrants in selected court cases. Pursuing, documenting and publicising model cases will demonstrate the remedies available to women and men migrants whose rights have been violated, and encourage others to come forward. The publicity will also raise awareness among employers about their obligations and the threat of enforcement, and draw attention from the public and decision makers. Because of the length and cost of these trials, the type of support must be carefully considered – but the impact can be significant. However, the ILO-TICW project did some work in its final to with the Federation of Trade Unions – Burma (FTUB) and the Lawyers Council of Thailand to bring cases against employers on behalf of Burmese women and men migrant workers. The ILO/Japan project also worked with the Human Rights and Development Foundation (HRDF) to develop a paralegal training guide on promoting migrant workers' rights to equality before the law and access to justice (Lessons Learned, Annex K). These cases will also benefit from the extensive work that the ARTIP project, UNODC and the Asia Foundation have carried out in the region on training for judges, prosecutors, police, etc.

Links to ILO Global, Regional and DWCP Priorities and Outcomes

The TRIANGLE project will link to the ILO Strategic Framework and Results for 2010-2011, primarily under Outcome 7 on Labour Migration: *more migrant workers are protected and more migrant workers have access to productive employment and decent work*. The ILO will support the selected participating countries to adopt gender-sensitive labour migration policies to protect migrant workers that reflect the ILO Multilateral Framework (a) and the provisions of relevant international labour standards; and (b) with a view to promoting productive employment and decent work for migrant workers. The project will also contribute to Outcome 15 on the elimination of forced labour, by implementing specific policies, programmes or actions leading to improved application of Conventions, principles and rights on the elimination of forced labour.

Based on the Multilateral Framework for Labour Migration, the ILO Regional Office for Asia and the Pacific (ILO ROAP) has the following regional outcome on migration: “improved capacities of governments and social partners to manage labour migration”. The regional migration strategy has interweaving twin policy goals: (a) the inclusion of migration policy concerns in national development planning; and (b) the protection of migrant workers’ rights and their social protection. The strategy is accompanied by an internal ILO Asian Action Plan with four priority areas of action that link with the TRIANGLE project objectives: Policy research with emphasis on labour market complementation; increased tripartite engagement; fair and ethical recruitment policy and practices; and advocacy for better social protection of women and men migrants from abuse and exploitation, including human trafficking.

The regional migration strategy identifies the ASEAN, SAARC (South Asian Association for Regional Cooperation) and COMMIT as key regional platforms for advocating ILO fundamental principles and rights at work and international labour standards. It also calls for intensified country-specific efforts to place migration policy discussions in the context of national development, gender and employment strategies and to give special attention to those groups of workers in the most precarious situations. This includes women and men in domestic and informal work, as well as young migrants, who are often trapped in work outside of national labour and social protection laws in both sending and receiving countries.

The ILO Global Decent Work Agenda and in particular the Asian Decent Work Decade (2006-2015) further provides a unique platform to address the exploitation of labour migrants in the region. During the 14th Asian Regional Meeting of the ILO - worker, employer and government leaders concluded by launching an ‘Asian Decent Work Decade’ aimed at linking the goal of decent work for men and women with the global poverty reduction agenda. The Decent Work Decade will contribute to the achievement of the Millennium Development Goals²³, and promote the ILO Decent Work Agenda, which stands on the pillars of labour standards, employment promotion, social protection and social dialogue. The ILO’s work on migration cuts across these four strategic objectives.

²³ MDG Target 1A is to “achieve full and productive employment and decent work for all, including women and young people”. Migration is not featured as a MDG and does not figure directly or indirectly in the various targets that will be used to judge progress towards the MDGs themselves. However, migration can have a direct or indirect impact on all of the MDGs as it is an essential element of the globalization process and represents a livelihood option for many people (www.migrationdevelopment.org).

Because of migration flows into and out from the six participating countries, it is important to position TRIANGLE within the broader ILO regional migration strategy. For example, Malaysia is a major receiving country for migrants outside of the GMS, and the ILO has relevant ongoing labour migration activities in South Asia (Bangladesh and Nepal) and South-east Asia (Indonesia and the Philippines). The TRIANGLE project will also contribute to and benefit from a number of the initiatives outside the direct scope of the project, including the contribution to the ASEAN discussions on migrant labour, various regional level training programmes, the efforts to improve migration information systems (MISA – Lessons Learned, Annex K), promotion of ratification of international labour standards, web-based community of practice on migration, etc.

ILO Global Programme and Budget 2010-11 Outcomes

Employment	Protection	Dialogue	Standards
<input checked="" type="checkbox"/> Outcome 1 Employment Promotion: More women and men have access to productive employment, decent work and income opportunities <input type="checkbox"/> Outcome 2 Skills Development: Skills development increases the employability of workers, the competitiveness of enterprises, and the inclusiveness of growth <input type="checkbox"/> Outcome 3 Sustainable Enterprises: Sustainable enterprises create productive and decent jobs	<input type="checkbox"/> Outcome 4 Social Security: More people have access to better managed and more gender equitable social security benefits <input checked="" type="checkbox"/> Outcome 5 Working Conditions: Women and men have better and more equitable working conditions <input type="checkbox"/> Outcome 6 Occupational Safety and Health: Workers and enterprises benefit from improved safety and health conditions at work <input checked="" type="checkbox"/> Outcome 7 Labour Migration: More migrant workers are protected and more migrant workers have access to productive employment and decent work <input type="checkbox"/> Outcome 8 HIV/AIDS: The world of work responds effectively to the HIV/AIDS epidemic	<input type="checkbox"/> Outcome 9 Employers' Organizations: Employers have strong, independent and representative organizations <input checked="" type="checkbox"/> Outcome 10 Workers' Organizations: Workers have strong, independent and representative organizations <input checked="" type="checkbox"/> Outcome 11 Labour Administration and Labour Law: Labour administrations apply up to date labour legislation and provide effective services <input checked="" type="checkbox"/> Outcome 12 Social Dialogue and Industrial Relations: Tripartism and strengthened labour market governance contribute to effective social dialogue and sound industrial relations* <input checked="" type="checkbox"/> Outcome 13 Decent Work in Economic Sectors: A sector-specific approach to decent work is applied	<input checked="" type="checkbox"/> Outcome 14 Freedom of Association and the Right to Collective Bargaining: The right to freedom of association and collective bargaining is widely known and exercised <input checked="" type="checkbox"/> Outcome 15 Forced Labour: Forced labour is eliminated <input checked="" type="checkbox"/> Outcome 16 Child Labour: Child labour is eliminated, with priority being given to the worst forms <input type="checkbox"/> Outcome 17 Discrimination at Work: Discrimination in employment and occupation is eliminated <input checked="" type="checkbox"/> Outcome 18 International Labour Standards: International labour standards are ratified and applied

Policy coherence
<input checked="" type="checkbox"/> Outcome 19 Mainstreaming Decent Work: Member States place an integrated approach to decent work at the heart of their economic and social policies, supported by key UN and other multilateral agencies

At the national level, the TRIANGLE project's objectives tie in closely with national development priorities (Country Situation Analysis and Project Priorities, Annex H), the **Decent Work Country Programmes (DWCPs)**, as well as the UN Development Assistance Framework (UNDAF).

Country programme outcomes (CPOs) that fit under global Outcome 7 on Labour Migration include: *Governments and social partners develop and implement policies to manage migration and combat human trafficking in line with ILO principles* (Malaysia CPO 827, Cambodia CPO 159, Thailand CPO 176, Lao PDR CPO 154); and *Migration management and anti trafficking mechanisms/institutions are strengthened* (Viet Nam CPO 105).

The TRIANGLE project also will contribute to CPOs under the Forced Labour and Child Labour Outcomes (15 and 16): *Reduced trafficking for labour exploitation of women, children, and youths in China* (CHN 902); and *Policies, capacities and networks as national, provincial and local levels established and enhanced to eliminate child labour, and in particular its worst forms, in Thailand* (THA 201).

Moreover, the project objectives tie up with CPOs under Outcome 12: *Tripartism and strengthened labour market governance contribute to effective social dialogue and sound industrial relations*.

Thailand CPO 128	Improved working conditions and expanded legal protection and enforcement for workers without clearly defined employment or in atypical employment through social dialogue
Lao PDR CPO 803	Increased capacities of employers' and workers' organisations to participate effectively in the development of social and labour policy
Lao PDR CPO 126	Strengthened social dialogue and labour market governance contribute to effective industrial relations
Malaysia CPO 151	Improved capacities of the tripartite constituents to implement labour policies and programmes
China CPO 152	Tripartite social dialogue strengthened
Cambodia CPO 156	Improved rule of law, more effective labour laws, and labour market institutions and practices that comply with international labour standards.
Viet Nam CPO 101	Effective social dialogue and sound industrial relations promoting competitiveness and better working conditions

Rationale for AusAID Involvement

The draft Asia Regional Engagement Strategy (2009 – 2015) recognises that economic integration will increase both legal and illegal labour migration. The draft reaffirms the previous Asia Regional Strategy (2005 – 2009) by continuing the focus of aid engagement to address transboundary development challenges, including emerging infectious diseases, trafficking in persons, and labour issues. The Australian Government and AusAID also have a policy to strengthen regional organisations such as ASEAN to better response to transboundary challenges. Already a pressing concern, the global financial crisis has added to the likelihood of increased trafficking and labour exploitation of migrant workers in the region.

The Australian Government is committed to the United Nations Millennium Development Goals (MDGs) through assisting developing countries to reduce poverty, achieve sustainable development and protect vulnerable persons in line with its national interests. The exploitation of migrant workers poses a significant challenge to the achievement of MDG 1 which aims to eradicate extreme poverty and hunger, and has a target of achieving full and productive employment and decent work for all, including women and young people.

The TRIANGLE project coincides with the Partnership Agreement between the Australian Government and the ILO (2010-2015) that will deepen the relationship and cooperation. The Asia-Pacific region is the priority for action under this Partnership. Although funding for this new project is not part of A\$15 million that was provided to the ILO under the Australia/ILO Partnership, labour migration is one of the six thematic project areas identified in the Agreement, and there are several overlapping shared objectives.

The TRIANGLE project will deliver on a number of Partnership Commitments outlined in the Agreement, including the encouragement of tripartite constituents to be equal participants in labour, employment and social protection dialogue (Shared Objective 1). The Australian Government acknowledges the unique structure of the ILO within the UN system, and recognizes that a large part of the strength and legitimacy of ILO action comes from tripartism.

In addition, because of the level of interest in issues pertaining to the protection of migrant workers, many of the project activities will have high visibility on the national and international stage. The Australian Government and the ILO will actively seek out opportunities to build public awareness of the activities and the achievements of the TRIANGLE project and the Partnership (Shared Objective 3).

4. Implementation Arrangements

Project Management

The Project Management Team will be led by a Chief Technical Advisor (P5), responsible for the overall management of the project, and supported by a Technical Officer (P3) to provide technical backstopping in the design, monitoring and evaluation, and reporting of project initiatives (Job Descriptions, Annex M). Two assistants will provide administrative and financial support. The full regional team will be based in the Regional Office for Asia and Pacific in Bangkok, Thailand, and will work under the administrative supervision of the Regional Office Director and technical supervision of the Senior Regional Migration Specialist.

The project will also receive technical guidance from the International Migration Programme (MIGRANT) in ILO headquarters, and additional expertise will be sought from other technical departments (Special Action Programme on Forced Labour, International Programme on the Elimination of Child Labour, etc.). The ILO specialists in the region on gender, labour standards, workers' and employers' activities will provide ongoing support throughout project implementation. In addition to ILO specialists, the project will bring in gender and communications advisors to support specific activities.

At the country level, a National Project Coordinator (NPC) (at National Officer A level) will be responsible for day-to-day management of the project, including providing technical support, overseeing implementation, and maintaining strong relations with project partners. An assistant will provide support to the NPC on all administrative matters, including internal financial reporting, organization of meetings, etc. Depending on the intensity of activities at the country, these may not be full-time positions. In some cases, it may be preferable for project staff to be situated in the offices of constituents to support the mentoring and capacity building process, though this will have to be decided on a country-by-country basis.

National Level Networks

In most cases, the main partner in the government will be the ministry of labour, which will coordinate with other line ministries and social partners in defining a common strategy and coordinating project implementation. The lead ministry will ensure linkages, coordination and tripartite participation with other national level mechanisms, such as National Committees or Working Groups on Trafficking or Migration Management, depending on country specific structures. In some cases it may be necessary to establish new working groups for relevant government agencies and social partners. The project will promote NGO participation in these meetings, to ensure that the interests of women and men migrants are represented. Donor representatives will be invited to certain meetings in an observer/consultative capacity.

The project will also cooperate with the national networks of trade unions and NGOs working to protect the right of migrant workers. These national networks will be further strengthened by systematic exchange of information and experiences.

SURAC

Since 2001, the SURAC (Sub-regional Advisory Committee) meeting has served as a platform for tripartite constituents to share information, experiences and provide guidance on anti-trafficking and migration management. Under the TRIANGLE project, SURAC will continue to serve this function, but will also play more of a project governance role in terms of commissioning cross-country comparable research, proposing interventions, and taking an active role in monitoring and evaluation.

ASEAN

In January 2007, the 10 member states signed the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, which outlines obligations for countries of origin and countries of destination, as well as the ASEAN secretariat. It includes several broad principles on recruitment and labour protection. Later that year, the ASEAN Committee on Migrant Workers was formed to ensure that the commitments made under the Declaration are met, and to draft a Framework Instrument to guide the implementation of the Declaration. The ILO will continue to support the ACMW in fulfilling the activities in their workplan.

ASEAN and the ILO signed a cooperation agreement in March 2007, the purpose of which is to facilitate collaboration in areas of common interest, such as information exchange; cooperation in the implementation of programmes and projects, including labour migration; conducting research and data collection on matters of mutual interest. The ASEAN Secretariat and ILO agreed to further dialogue through participation in meetings such as the ASEAN Senior Labour Officials' Meeting (SLOM) and in workshops convened by the ILO on employment and labour issues, including the SURAC meeting.

In addition to working with the ASEAN governments and secretariat, the project will work with the Task Force on ASEAN Migrant Workers - a regional trade union-NGO alliance that has put forward a draft Framework Instrument for the ASEAN Committee on Migrant Workers to consider. The draft builds on recommendations put forward from trade union and civil society consultations at the country level. THE TF-AMW proposal is based on 4 principles: (1) cover all migrants, regardless of legal status (as stated in Bangkok Declaration on Irregular Migration in 1999); (2) Joint responsibility of sending and receiving countries; (3) non-discrimination – equal access to treatment and services (including freedom of

movement and freedom of association); (4) Guided by gender sensitive policies, processes and practices on migration.

COMMIT

The countries in the GMS are signatories to the Coordinated Mekong Ministerial Initiative against Human Trafficking (COMMIT), which was initiated in 2004 to improve cross-border cooperation and collaboration. COMMIT is looking to bring in ASEAN and Malaysia as regional partners – and will invite the ASEAN Secretariat, and representatives from the Malaysian Government and the Human Rights Commission to participate as observers at the COMMIT Senior Officials Meeting (SOM) in Myanmar in 2010.

The COMMIT Sub-regional Plan of Action (SPA) for 2008-2010 contains key activity areas and targets on recruitment and labour protection. According to the Annual Report, some progress has been made on the “the development and implementation of national operational guidelines and mechanisms for labour recruitment and migrant protection”, but little has been done on “training on and systematic monitoring of compliance with regional and national guidelines”.

The project will work closely with the COMMIT sub-regional process through collaboration with the secretariat, the UN Inter-Agency Project against Human Trafficking (UNIAP). Since 2006, the ILO has been a member of the UNIAP Management Board.

Regional Thematic Working Group on International Migration, including Human Trafficking

This Working Group was established in 2005 and includes 16 regional offices of the UN agencies, programmes and relevant intergovernmental organizations in the Asia-Pacific Region. It is currently co-chaired by Economic and Social Commission for Asia and the Pacific (ESCAP) and IOM. The aim of the Working Group is to explore the complex inter-linkages between international migration and the process of economic, demographic and social development within the region. As an active member of the Regional Working Group, the ILO – and the TRIANGLE project – will continue to contribute to sub-regional events and initiatives.

Estimated Project Budget and Timing

The budget for the project is AUD10 million, and will be implemented over five years - 2010 to 2015. In other ILO technical cooperation projects, national counterparts have provided in-kind contributions of staff time and office space, but these specific contributions will be determined during the Pre-Implementation Phase. A detailed budget is attached in Annex E.

Overview of Project Phases

I	Preparatory Phase (August 2009 – March 2010)	Conduct consultations with stakeholders at national and regional level. Commission additional research where necessary. Prepare Project Design Document and submit for ILO and AusAID appraisal.
II	Pre-Implementation Phase (April – May 2010)	Meet with project partners to begin planning major activities for 2010: e.g. Mekong Youth Forum, ASEAN Forum of Migrant Labour, three country study on attitudes to migrant workers, etc. Review existing baseline data and develop baseline survey tools and questionnaires for additional (a) sex-, age- or sector-disaggregated data; (b) updated data; (c) data that is comparable across countries; and/or (d) data that is endorsed by constituents. Recruit national and regional project staff and hold discussions with governments on national project offices. Consult with tripartite constituents on the development of national workplans. Consult with implementing agencies on the M&E tools, and design guidelines for use.
III	Full Implementation (May 2010 – February 2015)	Project implementation; rolling review with stakeholders, especially on annual basis. Building capacity, implementing direct assistance interventions in risk sectors, continuous monitoring and evaluation, documenting and sharing good practices. Extensive mid-term evaluation and project re-alignment as needed in July 2012.
IV	Consolidation Phase (December 2014 – March 2015)	Wrap up, knowledge sharing and transfer, close action programmes and complete final evaluation.
V	Closing Phase (February 2015 - April 2015)	Key lessons learned from final evaluation and strategies for future replication shared by key stakeholders at national and regional levels.

Intervention Strategy for Project Phases III-V

YEAR 1				YEAR 2				YEAR 3				YEAR 4				YEAR 5			
POLICY ADVOCACY: Research, Social Awareness Campaigns, Mobilization																			
POLICY AND PRACTICE FORMULATION: Broad Consultation at National and Regional Level																			
								Mid Term Eval.											
DIRECT ASSISTANCE: Training, Organizing, Legal Assistance																			
														WRAP UP					

Monitoring and Evaluation Arrangements

The M&E Framework in Annex A breaks down the details of the process by indicators at immediate objective and output levels. It specifies *who* will measure *what* and *when*. The M&E will not only track the performance of the TRIANGLE project, but will also identify constraints that are encountered during implementation that can shape future interventions.

Monitoring is an ongoing process throughout the life of the project that allows for checks on progress, informs actions, and demonstrates accountability to stakeholders. Such monitoring is envisaged at a central (regional office) and national (country office) level and at stakeholder level.

A concise annual report will be prepared in line with the format for AusAID Quality at Implementation reports. The report will address whether the project objectives and targets are being met, and provide evidence to support this assessment – including key results, feedback from the M&E tools and secondary sources. A summary of implementation progress (as described below) and a risk management update will also be included.

Performance-based central-level monitoring, focusing on efficiency, quality and effectiveness, will cover implementation progress:

- Adherence to deadlines;
- Use of allocated budget;
- Stakeholder engagement;
- Gender sensitivity of processes and outputs;
- Information flows;
- Outputs against workplan.

These will be monitored against a checklist which will be reviewed in the Pre-Implementation Phase. In addition to quarterly application of the checklist at regional level, the checklist will be used monthly by national offices to report country-level progress to the regional office.

At national and sub-national levels information will be collected from a variety of sources and stakeholders, as outlined in Annex A. In line with the ILO's emphasis on participatory approaches to M&E, **participatory monitoring** will take the form of stakeholder-generated verification using a box of simple tools (Annex D). Migrants will participate in the monitoring process through qualitative surveys and focus group discussions. These will be reviewed in the Pre-Implementation Phase, in consultation with stakeholder representatives.

They will cover:

- Appropriateness of actions (including cultural and gender sensitivity);
- Consultation and collaborative processes;
- Indications of change as a result of project actions;
- Observed obstacles to success;
- Unanticipated achievements/problems.
- Sustainability of project activities

The tools will allow for a numeric value to be applied to essentially qualitative results that can be measured against set quantitative indicators. These will at mid-term and final

evaluation be fed into the logframe as part of measurement of achievement against objectives.

To the extent possible, the project's M&E will be integrated with local M&E capacities and systems. Sustainability also requires that sufficient resources are allocated to M&E and approaches are institutionalized. National project coordinators will run capacity-building sessions at the outset and with regular refresher courses throughout the project to ensure that stakeholders and implementing agencies are adequately prepared to use the tools and have an overall understanding of the purpose and value of M&E. These sessions will also provide implementing agencies with an opportunity to provide feedback on how the monitoring process can be streamlined and otherwise improved.

Evaluation is a stock action that is undertaken at specific intervals in order to check interim progress or final achievements and to contribute to the overall lessons from the project. It will be logframe-based, incorporating both 'standard' Means of Verification and the quantitative stakeholder-generated MoV.

At the start of the project, an independent baseline assessment will be conducted, and changes to the project design and the M&E arrangements will be made accordingly. This independent assessment will be reviewed at the mid-term and final evaluations, to determine whether or not there has been an improvement in the situation of migrant workers in the various subgroups.

To ensure evaluation independence, at mid-term and project end, ILO and AusAID will jointly select the evaluation teams and co-organize the field visits.

The programme logic, as articulated in the logframe and M&E framework, will form the basis of a mid-term evaluation (29th and 30th months) that will in particular generate interim lessons to be used in a review of project strategy and actions in subsequent months. The mid-term evaluation will be undertaken by an independent team, and carried out in cooperation with the project team and in consultation with the stakeholder representative group (SURAC). It will cover national and regional activities and outputs. The independent evaluation team will recommend steps that may need to be taken to modify project activities in order to achieve desired outcomes, and will also assess the continuing relevance/applicability of M&E arrangements. The evaluation team will additionally document interim lessons learned from the project, including those that relate to desirable actions outside the scope of project activity and that may be of broader value to the ILO and/or donor.

An independent final evaluation will be conducted in the 57th – 59th months of the project and will include assessment against the project logframe and baseline assessment, consideration of all stakeholder reporting using the tools developed and other project-generated reports, and taking into account recommendations and lessons learned from the mid-term evaluation.

Annual Reports and Plans submitted to AusAID will reflect the outcomes of regional and country-level monitoring and will describe and justify shifts in project activity, time and budget allocation (within agreed parameters, having been previously discussed and agreed with the donor), and management of key risks. Annual plans will be designed by the tripartite constituents in each country, together with project staff. Reports will be in line

with the guidelines and criteria of the AusAID Quality at Implementation Report, a concise, self-rated assessment conducted at regular intervals over the life of the project.

Given differences in the status of legal and policy frameworks, engagement of stakeholders and initiatives already undertaken or in progress in the participating countries (Cambodia, China, Lao PDR, Malaysia, Thailand and Viet Nam), national specificities will be integrated into the logframe matrix during the Pre-Implementation Phase. Country-specific baselines and interim and project-end targets will be determined in consultation with national stakeholders. Where necessary, baseline surveys will be conducted to collect up-to-date sex- and age-disaggregated data that is comparable across countries and supported by constituents.

The M&E arrangements outlined above will also be reviewed and modified as necessary, taking into account also specific reporting requirements of the donor. The participatory monitoring tools will be focus-group tested by women and men migrants during the Pre-Implementation Phase and revised if necessary to take into account applicability and ease of use as well as other relevant concerns that arise.

Critical Risk and Risk Management Strategies

A complete list of risks and mitigation strategies is provided in the Risk Matrix in Annex C.

The biggest risk is that the protection of migrant workers' rights slips down the priority list. In case of further economic decline, in the region or globally, sending country governments would prioritize employment promotion over protection, and receiving country governments would favour protectionism over migrant protection. This would only increase the need for additional advocacy and direct assistance under the project. Major natural disasters or political complications would not only shift attention, but also interrupt project activity. In this case, the project interventions would, after a review by key stakeholders, shift to countries not affected.

A related risk is that the analysis and strategies outlined in this document are deemed ineffectual or inappropriate. Although there is currently buy-in from the governments, social partners and independent observers, the factors influencing the recruitment and protection of migrant workers could change. The approach will be adjusted according to the findings of the baseline assessment conducted at the project outset. From then onwards, mitigating the impact of this risk and responding requires a continuous monitoring of project activities and external events and activities, and being open and flexible to strategic changes.

Moreover, the project also needs to always keep in mind that the status quo is protected by well-connected people with vested economic interests. A lot of people are making money from the current recruitment process and exploitative working conditions. Certain decision makers may be resistant to the revision of migration-related laws and policies. The project will mitigate this situation through the sustained policy advocacy campaign, building on the perceived momentum for change and targeting key change agents. In addition, the project will empower civil society groups, the media and women and men migrants themselves to speak out on the need for greater transparency. Pressure from the other ASEAN countries, as well as the broader international community, will also be leveraged to keep to the commitments in the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

Sustainability

The sustainability of the project's impact is founded on the ownership and participation of local governments, social partners, and key stakeholders, including women and men migrants. The project objectives fit with national and regional priorities. These partners have been thoroughly consulted in the design and preparatory phase, and will continue to play a role in guiding the direction of the project through national level working groups and the SURAC mechanism. Wherever possible, the project will integrate with, and build on, local and existing management structures rather than establish new or parallel structures. Project staff will work very closely with national counterparts to ensure more effective transfer of advice, skills and information.

The tripartite approach, the policies and practices developed, the capacity building tools and capacities enhanced – all of these will continue to protect migrant women and men long into the future. The project will give substantial attention to monitoring and evaluation of the direct assistance, and the documentation of good practices and lessons learned. As part of a phase-out strategy that will be developed well before the end of the project, the project outcomes and major achievements will be disseminated among national counterparts for possible adjustment and replication and further mainstreaming into the policy framework. This will include the drafting of a post-completion advocacy strategy that will take into account the results of the social awareness campaign (as demonstrated by changed attitudes regarding the fair treatment migrants), as well as the project's influence on policy makers. The advocacy strategy, both during implementation and post-completion, will also need to consider the position of partners and the inter-agency working groups, at national and regional levels.

Anti-Corruption

Around the world, corruption is a contributing factor to human trafficking and the exploitation of migrants. In most cases involving migration related corruption, migrants or would be migrants pay local authorities – either directly or indirectly – to enter or stay in the destination country.²⁴

The TRIANGLE project will increase levels of transparency and accountability in the labour migration process by strengthening regulation and complaints mechanisms, and empowering migrants and partner CSOs. High-level ownership of these efforts for increased transparency is crucial. This will be fostered through dialogue and raising awareness about the cost of corruption. Additional strategies will be considered in line with the governance environment and socio-political factors in each country, as well as their broader anti-corruption strategies.

Child Protection

The TRIANGLE project will act in accordance with the AusAID child protection policy, which provides a framework for managing and reducing risks of child abuse by persons engaged in delivering aid programme activities. The policy's overall goal is to protect children from abuse of all kinds in the delivery of Australia's overseas aid programme, and it follows four guiding principles: (1) zero tolerance of child abuse; (2) recognition of children's interests; (3) sharing responsibility for child protection; and (4) use of a risk management approach.

²⁴ Corrupt Practices Investigation Bureau, Government of Singapore (2006).
http://app.cpib.gov.sg/cpib_new/user/default.aspx?pgID=1045

To ensure that TRIANGLE partners implementing direct assistance interventions with children understand and act on their obligations for managing risks to children, they must abide by AusAID's mandatory child protection compliance standards for contractors and NGOs. AusAID will not fund organisations or individuals without appropriate policies and procedures to promote the safety and wellbeing of all children accessing their services and programs. ILO and AusAID will monitor compliance with the standards through performance assessments and reviews.

The ILO is alert to child protection issues and has the capacity to manage them effectively. Child protection approaches and tools are part of the ILO's institutional memory in this area because of the ILO International Programme on the Elimination of Child Labour (IPEC) time-bound programmes (in Thailand, Cambodia and Viet Nam) and the Mekong Sub-regional Initiative on Trafficking in Children and Women (TICW) and China Project to Prevent Trafficking in Girls and Young Women from Labour Exploitation (CP-TING). For example, the TRIANGLE project will use the child participation guidelines that were developed with Save the Children for the Mekong Youth Forum in future activities. The project will also deliver training for labour inspectors on the *Operational Guidelines on the Prevention and Suppression of Trafficking for Labour Purposes* - which contains specific measures on how to deal with trafficked children from Thailand and abroad. The TRIANGLE project will continue to work closely with IPEC at the global, regional and country levels in the design, implementation and monitoring of child protection processes and interventions.

5. List of Annexes

Selected annexes are available upon request.

1. M&E Framework
2. Schedule of Reports
3. Risk Matrix
4. Stakeholder M&E Tools
5. Budget
6. Relevant Conventions
7. Conditions in Risk Sectors
8. Country Situation Analysis and Project Priorities
9. Project Design Consultations at National Level
10. Tables and Figures
11. Lessons Learned
12. Stakeholder Incentive Table
13. Non-Government Partner Organizations in the Migration Cycle