

DRAFT TERMS OF REFERENCE (TOR)

Project Title	Follow-up Analysis of the ACMW Self-Assessment of the ASEAN Forum on Migrant Labour (AFML) Recommendations
Countries	ASEAN Member States
Technical field	Labour and Migration / ASEAN Committee to Implement the Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW)
Technical backstopping unit	ASEAN Secretariat and ACMW
Place of Work	Home-based
Duration	February 2022 – February 2023 (12 months)

I. Introduction

The ASEAN Forum on Migrant Labour (AFML) is a unique event among ASEAN activities as it brings together key stakeholders in labour migration in ASEAN, notably the governments, employers' organisations, workers' organisations, and civil society organisations. Supported by the ASEAN Secretariat (ASEC), International Labour Organization (ILO), International Organization for Migration (IOM), and UN Women, it gathers annually to share experiences, challenges and good practices and exchange views on various issues of migration committed to under the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration)¹, and to build consensus on issues arising from the thematic sessions which results in the recommendations. The AFML had been convened for fourteen times since its Inaugural Forum in 2008 and had generated more than 100 recommendations for the ACMW and social partners covering a broad range of policies and intervention areas.²

Over the years, there has been evolving practices during and surrounding the AFML which provided platforms for reviewing the AFML recommendations, notably: i) national tripartite preparatory meetings of AFML convened in most ASEAN Member States (AMS) since 2012; ii) voluntary information sharing by AMS on achievements or progress of implementation of the previous AFML recommendations during the AFML; and iii) ILO's biennial assessment on the implementation of the AFML recommendations in a published paper presented at the AFML. The findings of these review mechanisms indicated both areas of good progress and areas where further attention is required to fully implement recommendations of past AFMLs.

While the ILO collects information from AMS to contribute to its biennial progress review report, the proposed study aims to provide at what extent AMS and the region have implemented national and regional initiatives to realise the AFML recommendations vis-à-vis the actionable provisions in the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (ASEAN Consensus).³ Moreover, ASEC attempted to provide a general overview of the 1st

¹ <https://www.ilo.org/dyn/migpractice/docs/117/Declaration.pdf>

² The AFML recommendations are uploaded here: <https://asean.org/our-communities/asean-socio-cultural-community/labour/>

³ <https://asean.org/wp-content/uploads/2017/11/ASEAN-Consensus-on-the-Protection-and-Promotion-of-the-Rights-of-Migrant-Workers1.pdf>

self-assessment results of the AFML recommendations that were received from the 10 AMS as presented during the 14th ACMW Meeting on 27-28 April 2021.⁴ However, an in-depth analysis, with technical support of an external consultant, can provide more meaningful and useful feedback to ACMW particularly in reviewing and strengthening its regional measures to implement the ASEAN Consensus. Furthermore, the envisaged analysis could possibly be combined with an analysis of the self-assessment results of the ASEAN Consensus since the two self-assessment results may complement one another.

The Study will be administered by ASEC with the support of the ASEAN-Japan Fund for Building Social Safety Nets (SSN Fund) under the guidance of ACMW. The proposed study will examine coordination mechanisms across AMS to identify and establish what successful coordination across the ASEAN Consensus framework looks like and how to replicate it. Part of the analysis will also analyse ILO's recommendations in their biennial progress review reports, on their feasibility for implementation on the ACMW platform. Lastly, this will also supplement the ACMW review mechanism of AFML recommendations, which regularly takes place at ACMW Meetings.

Data collected and the study produced will be consulted with ACMW for validation and endorsement. Consultations will be done through workshop and ad-referendum consultations facilitated by ASEC. The study report shall incorporate inputs from ACMW and be finalised for endorsement by ACMW.

II. Objective of the Consultancy

This TOR will guide the hiring of a consultant that will support ASEC in developing the aforementioned study which aims to examine the best practices of AMS in terms of regional and national initiatives to implement the AFML recommendations, identify gaps where initiatives are lacking or absence thereof, and provide practical recommendations for AMS to implement on a voluntary basis into the five areas of concern: (i) education/information; (ii) protection; (iii) enforcement; (iv) recourse; and (v) reintegration.

The expected findings will facilitate policy dialogues in key labour migration governance issues for the upcoming AFMLs as well as identify follow-up actions that can be part of the Action Plan 2018-2025 to Implement the ASEAN Consensus. Further attention is also needed to make the policies right-based and gender responsive. Further discussions will also be needed addressing the vulnerabilities of migrant workers magnified by the COVID-19 pandemic to build back better and to ensure protection of migrant workers in the post-crisis labour markets.

Specifically, the consultant will:

- a. Develop and finalise the inception report that would incorporate inputs/views of the ACMW and ASEC;
- b. Collect and analyse information and data obtained from the self-assessments of the AFML Recommendations and ASEAN Consensus as submitted by ASEAN Member States , as well secondary data to supplement information

⁴ The ACMW Work Plan 2016-2020 called for the development of a review mechanism of the AFML recommendations which will be implemented regularly at the ACMW Meeting. In this regard, a common template was developed as a tool for AMS to self-assess its follow-up actions to and achievements or progress against the AFML. The information is to be voluntarily shared during the ACMW Meetings and compiled by ASEAN Secretariat.

- gap in the aforementioned self-assessment results, such as but not limited to: ILO Background Papers and Thematic Papers of AFML, other ILO reports; literature review of surveys, studies, and country data and information of ASEAN Member States from ministries' websites or official documents; information retrieved from the websites of ASEAN stakeholders; and outcome documents and presentations from labour-migration related events, particularly from the AFML preparatory meetings and ASEAN conferences;
- c. Conduct online interviews and/or surveys with relevant government agencies in AMS as deemed necessary to supplement gap of information in the self-assessment results of ASEAN Member States;
 - d. Develop the draft study report;
 - e. Review and finalise the study report that would incorporate inputs/views of the ACMW and ASEC;
 - f. Participate at the validation workshop as a resource person to present the interim findings, facilitate discussions, and gather inputs from ACMW and other delegates. The summary record of the workshop shall be prepared by the consultant and finalise based on inputs from AMS; and
 - g. Participate at f the 15th ACMW Meeting and the 15th ASEAN Forum on Migrant Labour (AFML) in October 2022 as a resource person to disseminate the final findings and facilitate discussions.

III. Expected Deliverables

The following deliverables are expected from the consultant with the timeline agreed by ACMW:

1. Draft and final Inception Report, which outlines literature review, scope, methodology and timeline, among others;
2. Information and data gathered from reliable secondary sources and online interviews and/or survey, if deemed necessary;
3. Draft and final Study Report on the in-depth analysis of the AFML recommendations self-assessment results;
4. Well facilitated validation workshop by the consultant including: preparation of agenda, acting as a resource person during the workshop, and preparation of its summary record; and
5. Well facilitated session at the 15th ACMW and 15th AFML by the consultant acting as a resource person.

IV. Timeline of Implementation

Preparatory Activities (December 2021 -February 2022)	
Development and finalisation of the Inception Report (February-May 2022)	
• Consultation meeting of the consultant with ASEC (video conference) on preparation for the study	February 2022
• Review of the AFML Recommendations, self-assessment results of AFML Recommendations, self-assessment results of ASEAN Consensus • Writing of the inception report	February – March 2022
• Submission of the draft inception report to ASEC • Revision of the draft inception report based on comments, if any, from ASEC	31 March 2022 15 April 2022
• <i>Note: Consultation of the draft inception report with ACMW to be facilitated by ASEC</i> • Revision and finalisation of the draft inception report,	15 April – 15 May 2022

- integrating inputs and comments from ACMW and ASEC <i>Note: Endorsement of the inception report by ACMW to be facilitated by ASEC</i>	
Development and finalisation of the Study Report (May - October 2022)	
Writing of the study report (including literature reviews and online interviews with AMS if necessary)	15 May – 31 August 2022
- Submission of the draft study report to ASEC - Revision of the draft study report based on comments, if any, from ASEC	31 August 2022 15 September 2022
<i>Note: Consultation of the draft study report with ACMW to be facilitated by ASEC</i> - Revision and finalisation of the draft study report, integrating inputs and comments from ACMW and ASEC <i>Note: Endorsement of the study report by ACMW to be facilitated by ASEC</i>	15 September – 31 October 2022
Preparation and conduct of a validation workshop with AMS to be facilitated by the consultant	September-October 2022
Dissemination of the Study Report (October 2022 – February 2023)	
Presentation of the findings at the 15th AFML to be hosted by Cambodia	October 2022 (TBC)

Note: Please be mindful that the above indicative timeline may be changed due to the COVID-19 pandemic at no additional fee. The project timeframe is February 2022 – February 2023.

V. Outline of the Study

The Study Report is proposed to be divided into four chapters:

1. The first chapter will look into the overview on the conduct of the AFML and its Recommendations that have been produced by the annual AFML for over a decade. Consultant could compartmentalize the recommendations based on areas of interventions (e.g. policy development, capacity building, data collection, etc.) and stages of migration (e.g. deployment process including pre-departure and post-arrival, employment, return and reintegration). Those alternative clusters could provide further clarity and supplement the five clusters of self-assessment results of ASEAN Member States (i.e. information/education, protection, enforcement, recourse, reintegration). Subsequently, the chapter will provide the scope and methodology of analysis, among others.
2. The second chapter will provide an overview of the self-assessment results of ASEAN Member States and identify the areas of achievements and challenges in the implementation of the AFML recommendations based on the self-assessment results and literature reviews of supplementary information and data. Consultant to also identify the gaps where initiatives are lacking or absence thereof vis-à-vis the actionable provisions in the ASEAN Consensus. This may include case studies among ASEAN Member States. Consultant to also identify the limitations of the self-assessment result of each Member State where information is not available or requires further explanation for improvement in the next self-assessments.

3. The third chapter will cross-examine the analysis made in the ILO biennial progress review reports and determine those recommendations that are feasible to be implemented by AMS based on the gaps identified against the actionable provisions in the ASEAN Consensus framework. The Consultant may highlight those successful coordination mechanisms that could address the vulnerabilities of migrant workers magnified by the COVID-19 pandemic. Such practical recommendations could be offered at both national and regional levels that are rights-based and gender responsive which could serve as inputs in strengthening the implementation of the Action Plan of the ASEAN Consensus' areas of concerns.

VI. Management Arrangements

Technical backstopping for the study is provided by ASEC and ACMW. The project is financially supported by SSN Fund.

The project and its deliverables shall be consulted with ACMW for consideration and inputs. The inception report and the final study report shall be endorsed by ACMW. These consultations will be facilitated by ASEC.

All deliverables will be produced in English. The outcome of such analysis is to be made internal to ACMW only, unless AMS would decide otherwise in the future. Key stakeholders can make appropriate use of the study in line with its original purpose and with appropriate acknowledgement.

VII. Competency Requirements

- Postgraduate Degree in Social Sciences or other appropriate discipline related to the areas of work of the Project;
- At least 15 years of work experience in the field of labour migration and proven in-depth understanding in the field including but not limited to issues pertaining to the social protection and work conditions of migrant workers, return and reintegration of migrant workers, governance of labour mobility, as well as international standards and laws and regulation in the ASEAN region pertaining to the aforementioned issues;
- Strong record of research experience in the aforementioned fields. Samples of written work (publications, etc.) in the fields will be required as basis of consideration;
- Sound knowledge of ASEAN particularly on labour migration issues and preferably with experience working in some AMS;
- Proven ability to conduct research and develop comprehensive and evidence-based analysis and practical policy recommendations;
- Ability to work cooperatively with government officials of AMS and ASEC to deliver results;
- Experience working with workers and employers' organizations and/or migrant workers' associations, especially those of AMS;
- Ability to deliver quality outputs within the timeframe stipulated;

- Excellent English writing skills and communication skills including facilitation of discussions;
 - Demonstration of openness to change and ability to manage complexities.
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