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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

**ANNEX IV**

of the Commission Implementing Decision on the financing of the multiannual action plan in favour of Asia-Pacific region for 2023-2024 for migration, forced displacement and mobility

**Action Document for “Migration, business and human rights in Asia: Promoting corporate responsibility and migrant worker’s rights in supply chains”**

**ANNUAL PLAN**

This document constitutes the annual work programme within the meaning of Article 110(2) of the Financial Regulation, within the meaning of Article 23 of the NDICI-Global Europe Regulation.

**1 SYNOPSIS**

**1.1 Action Summary Table**

<b>1. Title CRIS/OPSYS business reference Basic Act</b>	Migration, business and human rights in Asia: Promoting corporate responsibility and migrant worker’s rights in supply chains OPSYS number: ACT-62213 Financed under the Neighbourhood, Development and International Cooperation Instrument ( <u>NDICI-Global Europe</u> )
<b>2. Team Europe Initiative</b>	No
<b>3. Zone benefiting from the action</b>	The regional action shall be carried out in Asia, including South-East and South Asia. Migration corridors within Southeast Asia will be the primary focus.
<b>4. Programming document</b>	Regional Multi-annual Indicative Programme (RIP) for Asia and the Pacific - 2021-2027 <sup>1</sup>
<b>5. Link with relevant MIP(s) objectives / expected results</b>	This action responds to the priority area 3 “Migration, forced displacement and mobility” of the Regional Multiannual Indicative Programme (RIP) for Asia and the Pacific.  Specific Objective 2 “Contribute to strengthening migration governance and management, to enable orderly, safe, regular, and responsible migration (including labour migration) and mobility of people”.
<b>PRIORITY AREAS AND SECTOR INFORMATION</b>	
<b>6. Priority Area(s), sectors</b>	151 - Government & Civil Society-general 160 - Other Social Infrastructure & Services

<sup>1</sup> C(2021) 9251 of 15.12.2021.

<b>7. Sustainable Development Goals (SDGs)</b>	<p>Main SDG (1 only): 10.7.: Facilitate orderly, safe, regular, and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.</p> <p>Other significant SDGs (up to 9) and where appropriate, targets: SDG 1 – No Poverty SDG 5 – Gender Equality (Target 5.1 to end discrimination against women and girls; Target 5.2: End all violence against and exploitation of women and girls; Target 5.9 to adopt and strengthen policies and enforceable legislation for gender equality) SDG 8 – Decent Work and Economic Growth: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; (Target 8.7 to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms; Target 8.8 to protect labour rights and promote safe and secure working environments for all workers, including migrant workers, in particular women migrants, and those in precarious employment.) SDG 12 – Responsible Consumption and Production (Target 12.6 on Encouraging Companies to Adopt Sustainable Practices and Sustainability Reporting) SDG 16 Peace, justice and strong institutions SDG 17 – Partnerships for the Goals (Target 17.H to encourage effective partnerships)</p>			
<b>8 a) DAC code(s)</b>	15160 Human Rights (30%) 15190 Facilitation of orderly, safe and regular migration and mobility (40%) 25040 Responsible business conduct (30%)			
<b>8 b) Main Delivery Channel</b>	40000 – Multilateral organisation			
<b>9. Targets</b>	<input checked="" type="checkbox"/> Migration <input type="checkbox"/> Climate <input checked="" type="checkbox"/> Social inclusion and Human Development <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Biodiversity <input type="checkbox"/> Education <input checked="" type="checkbox"/> Human Rights, Democracy and Governance			
<b>10. Markers (from DAC form)</b>	<b>General policy objective @</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Participation development/good governance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Aid to environment @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Gender equality and women’s and girl’s empowerment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Trade development	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Reproductive, maternal, new-born and child health	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Disaster Risk Reduction @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Inclusion of persons with Disabilities @	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Nutrition @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<b>RIO Convention markers</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Biological diversity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Combat desertification @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change mitigation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Climate change adaptation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. Internal markers and Tags</b>	<b>Policy objectives</b>	<b>Not targeted</b>	<b>Significant objective</b>	<b>Principal objective</b>
	Digitalisation @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	digital connectivity digital governance digital entrepreneurship digital skills/literacy digital services	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
	Connectivity @	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	digital connectivity energy transport health education and research	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	
	Migration @ (methodology for tagging under development)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Reduction of Inequalities @ (methodology for marker and tagging under development)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Covid-19	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<b>BUDGET INFORMATION</b>			
<b>12. Amounts concerned</b>	Budget line(s) (article, item): 14.020131 South and Southeast Asia Total estimated cost: EUR 12 000 000 Total amount of EU budget contribution EUR 5 000 000 This action is co-financed in joint co-financing by: - Sweden for an amount of EUR 7 000 000			
<b>MANAGEMENT AND IMPLEMENTATION</b>				
<b>13. Type of financing</b>	Indirect management with the International Organization for Migration (IOM)			

## 1.2 Summary of the Action

The UN's Sustainable Development Agenda recognises **migration as an important driver for development**. Labour migration is a means for policymakers at destination countries to offset demographic changes and increasing labour shortages. In countries of origin, it contributes to poverty reduction and community-development. Labour migration also plays a key role in the socio-economic recovery from COVID-19. The majority of Southeast Asia's 10 million migrant workers are employed in global supply chains in agriculture, construction, fisheries, food-processing, manufacturing, services and tourism. The 2022 Estimates on Modern Slavery by Walkfree Foundation, ILO and IOM indicate that Asia and the Pacific hosts over 29 million victims with over 15.1 million cases of forced labour, more than half of the global total. The private sector is responsible for 86% of forced labour. Migrants experience instances of forced labour three times more likely in comparison to non-migrant workers.

IOM proposes a 5-year regional multi-donor programme that will promote full respect for the human and labour rights of migrant workers, especially women and migrants in situations of vulnerability within supply chains. As such, IOM recognises the need for close engagement with the private sector alongside governments and civil society to enhance commitments and collaboration to fulfil corporate human rights responsibilities that are outlined in the **UN Guiding Principles on Business and Human Rights (UNGPs)**.

This proposed action will be part of **IOM's regional Migration, Business and Human Rights Programme (MBHR)** and therefore closely build on the results, partnerships and resources of IOM's projects in this area, including Corporate Responsibility in Eliminating Slavery and Trafficking (CREST), CREST Fashion and partnership projects with companies, among others. As such, the action closely follows the intervention logic, implementation strategy and approach these IOM projects. It will also respond to the learnings and recommendations from the external evaluations carried out under these projects, including CREST, CREST Fashion.

The proposed action will focus on key regional labour migration corridors leading to Malaysia and Thailand, the primary countries of destination in the region. Major Asian countries of origin within these corridors to be involved in this Action may include Cambodia, Indonesia, Myanmar<sup>2</sup>, Nepal, the Philippines and Viet Nam.

IOM will further develop a **comprehensive regional component** in this action, involving Southeast and South Asia as a region, possibly through collaboration with relevant ASEAN bodies, regional consultative processes, multilateral public-private policy dialogue and capacity building, research and thought leadership as well as partnerships with regional civil society and private sector networks and groups.

IOM will select **key sectors and supply chains** that employ large number of migrant workers where migrant workers are at heightened risks of exploitation and with potential for meaningful stakeholder engagement. As such IOM will continue to work in **direct collaboration with companies** who provide their own resources, such as done previously with Adidas, Apple, IKEA, Panasonic and others. Cross-cutting topics, such as **human rights, gender equality, climate change and disability** will be mainstreamed in the action. Importantly, the final design of the action will be informed through close engagement and consultation with main stakeholders from government, private sector, civil society and IOM's partners during the project design stage in 2023. IOM is therefore in the process of developing its MBHR Theory of Change which will also guide the design and implementation of this action.

The action will help advance the implementation of the **"Protect, Respect and Remedy" framework of the UNGPs** and help advance the **Global Compact for Safe, Orderly, and Regular Migration (GCM)**, the forthcoming **EU Corporate Sustainability Due Diligence Directive (EU CS3D)**, **Plan of Action to Implement**

<sup>2</sup> Engagement in Myanmar will be in line with the official principles of engagement established by the UN. Myanmar is the main country of origin of migrant workers going to Thailand (approx. 70%) and a major country of origin for migrant workers going to Malaysia. As such, due to the strong focus on interventions in destination countries, Myanmar will be expected to be among the main ultimate beneficiaries of the action. During the inception phase, IOM will further explore the feasibility of additional direct interventions in Myanmar, for example on ethical recruitment or pre-departure orientations, while at the same time recognizes that there are certain limitations and risks that are associated with direct project implementation in Myanmar under the current circumstances.

**the ASEAN-EU Strategic Partnership (2023-2027), and the Multipurpose Indicative Framework Asia and the Pacific.**

The overall objective of this programme is to contribute to the full respect for the human and labour rights of migrant workers, especially women and migrants in situations of vulnerability within supply chains:

- **Protect: Strengthened labour migration governance, protection and inclusion of migrant workers, of all ages and genders, in key migration corridors and sectors of employment**

This will be done through strategic advocacy with the governments in countries of origin and destination to identify opportunities for evidence-based policy reforms. The new EU law requirements, but also ageing societies and labour shortages in countries of destination are important incentives. IOM will support this through conducting action-oriented research initiatives to inform policy makers, providing policy papers, facilitating public-private policy dialogue in the region including at the ASEAN level, improving migrant worker support services, and supporting civil society, especially migrant-led networks in the region. Building on IOM's existing initiatives on climate change, the programme would also create more linkages at the policy level between climate change and labour migration governance.

- **Respect: Improved identification, prevention and mitigation by the private sector of human and labour rights risks experienced by migrant workers of all ages and genders, in supply chains**

Under this outcome, IOM will build on existing partnerships with the private sector and its resources to advance corporate sustainability due diligence practices, ethical recruitment and decent working conditions for migrant workers, and also help companies to better engage with migrant workers to strengthen workers' voice and inclusive workplaces. While IOM will continue to forge strategic partnerships with multinational enterprises, it is important to put more emphasis on supporting local small and medium businesses and strengthen multi-stakeholder and industry-based initiatives to drive systemic change.

- **Remedy: Enhanced access to effective grievance and remediation mechanisms for migrant workers of all ages and gender and during all stages of migration**

In the UNGPs addressing harm is a shared responsibility by the state and businesses. To this end, IOM has mapped out existing state-based and non-state based, judicial and non-judicial grievance mechanisms in the region; explored the feasibility of industry-wide alternative dispute resolution mechanisms; developed a flagship remediation guideline for businesses and supported civil society networks in their role to assist migrant workers in accessing existing grievance mechanisms. In the proposed action, IOM will increase the investment and impact in this area and continue to work with all stakeholders to overcome existing barriers that prevent migrant workers from more effective access to remedy.

## 2 RATIONALE

### 2.1 Context

The UN's Sustainable Development Agenda recognises migration as an important driver for development. Labour migration is a means for policymakers at destination countries to offset demographic changes and increasing labour shortages, especially in lower-wage occupations. A recent study has shown that every additional one per cent of in-migration has the potential to boost GDP growth by two per cent in destination countries. This is in addition to supporting economies and boosting GDP of countries of origin through remittances and other mechanisms<sup>3</sup>. Migrant workers are integrated into the global economy in various sectors, such as agriculture, construction, food-processing, manufacturing, services and hospitality. Migrant workers are also present throughout the supply chains in sectors such as logistics, warehousing, security, transport, and janitorial, among others. As a region, Southeast Asia continues to attract large-scale foreign direct investment while providing significant productive input to these globalised supply chains and economic sectors. Prior to COVID-19, the region hosted 10 million international

<sup>3</sup> <https://www.imf.org/en/Publications/WEO/Issues/2020/04/14/weo-april-2020>

migrants, most of whom had moved in search of gainful employment. Labour migration in the region is primarily temporary and for elementary occupations and lower-wage segments of the labour markets.

Thailand and Malaysia, besides Brunei Darussalam and Singapore are the primary destination countries for temporary migrant workers from Southeast Asia. Primary sectors are agriculture, construction, fisheries, domestic work, manufacturing, services among others who often have strong linkages with global supply chains. Thailand hosts 2.1 million regular migrant workers from Myanmar, Cambodia and Lao People's Democratic Republic, while it is estimated that another 2 million are migrant workers employed without documentation. Thailand is also a country of origin of Thai workers going abroad. Another two million migrant workers are employed in Malaysia, primarily from Bangladesh, Indonesia, Nepal and Myanmar as well as other countries from Asia. In Malaysia, it is estimated that 1.4 million workers are undocumented. The Philippines and Viet Nam are major countries of origin with a more diversified access to overseas labour markets. In this context, Japan, the Republic of Korea and Taiwan have become attractive destinations due to relatively high wage levels. Outside of Asia, the countries with the Gulf Cooperation Council remain primary destinations for migrant workers from Asia. In view of demographic changes in Europe, North America and Australia, there is an emerging trend to recruit migrant workers from Asia to address growing labour shortages in multiple sectors, such as care and elderly work, construction, agriculture and manufacturing.

Notwithstanding the importance of labour migration for the globalised economy and in Southeast Asia for countries of origin and destination, migrant workers remain disproportionately exposed to exploitation and abuse. The 2022 Global Estimates on Modern Slavery indicate that Asia and the Pacific hosts over 29 million victims with over 15.1 million cases of forced labour, exceeding more than half of the global total. Both internal and international migrants generally experience instances of forced labour three times more likely in comparison to non-migrant workers.

The private sector is responsible for 86 per cent of forced labour. Irresponsible business practices leave migrant workers at increased risk of exploitation at all stages of migration: recruitment and deployment, employment and life abroad, return or onward migration. During recruitment, migrant workers continue having to pay recruitment fees and related costs in order to find employment while lacking access to transparent information on the terms and conditions of employment. During employment, migrant workers are commonly subjected to decent work deficits, such as non-payment of wages and benefits, excessive working hours, fear of deportation and restrictions to freedom of movements among others. These risks can be exacerbated by restrictive and discriminatory migration and labour laws and regulations which are against the principle of equality of treatment and gender equality. Recruitment fees and related costs can be legally passed on to migrant workers, rights to freedom of association, change of employment and women's reproductive rights are restricted and justice mechanisms are often not accessible to migrant workers. Furthermore, the region experiences high proportions of irregular migration, both due to insufficient pathways available for regular labour migration and high risks of loss of legal status during migration. Irregularity of status tends to further increase the vulnerability of migrant workers to rights violations and discrimination. The pandemic has shown migrant workers to be among the most vulnerable in society, often the first to lose their employment and social protections, suffering from inadequate housing and living conditions as well as facing a marked increase in stigmatisation and marginalisation.

The United Nations Guiding Principles on Business and Human Rights (UNGPs) present the first international standard on the issue of human rights and business enterprises. Considering the impact of corporate practices on labour migration and migrant workers, the UNGPs "Protect, Respect and Remedy" framework has proven to be relevant and applicable to promote migrant workers' human and labour rights and to address widespread exploitation of migrant workers. As the primary duty bearers, Governments have the obligation to protect everyone within their territory and jurisdiction from human rights abuses committed by business enterprises, including migrant workers. All businesses have the responsibility to respect the human and labour rights of all people impacted by their business operations. Where harm has occurred, providing effective remediation is a responsibility shared by governments and businesses. Key concepts underpinning the UNGPs include human rights due diligence, further developed by the OECDs' Guidelines for Multinational Enterprises and meaningful stakeholder engagement, including with rights holders, civil society and trade unions and addressing harm.

After its adoption of the UNGPs by the UN in 2012, several countries have adopted legislations to advance the implementation of the UNGPs in international supply chains. This ranges from the California Transparency in

Supply Chain Law (2015) to Modern Slavery Acts such as in the United Kingdom (2016) and Australia (2018). More recently, several Member States of the European Union, such as France, the Netherlands and Germany have enacted laws to require businesses to carry out mandatory human rights and environmental due diligence within their global supply/ value chains. Such due diligence laws were considered to address some of the shortcomings around the UNGPs by obligating businesses to identify and mitigate negative human rights and environmental impacts in their global supply/ value chains.

To this end, the forthcoming EU Corporate Sustainability Due Diligence Directive (EU CS3D) has been a welcome development to raise the bar globally for wider positive corporate human rights impact across global value chains. With the Association of Southeast Asian Nations (ASEAN) being the EU's third-largest external trading partner, accounting for more than EUR 189 billion of trade in goods in 2020 – of which over EUR 120 billion were imports from ASEAN, the EU CS3D will directly apply to enterprises that generate certain amounts of revenue in the EU and impact on business partners and enterprises within ASEAN. Failure to comply may attract sanctions, fines, or loss of businesses, which already happened in recent years through a number of Withhold and Release Orders imposed by the US Custom and Border Protection to ban the import of goods associated with forced labour. For several sectors affected, such as rubber gloves and palm oil, human rights violations, including debt bondage experienced by migrant workers, were at the core of these violations. While these have severe implications for international buyers, local suppliers will likely be facing increased scrutiny and oversight in order to meet relevant international human rights standards, including on labour migration. Furthermore, the EU's Generalized Scheme of Preferences (GSP+) that promotes sustainable development and good governance may have the potential to further incentive well-managed labour migration and responsible business conduct.

Carrying out effective human rights due diligence will require businesses to account for how labour migration processes affect their operations and supply chains in Southeast Asia and develop a systems-based approaches to mitigating the human rights risks experienced by migrant workers at all stages of migration. The latest global estimates on modern slavery, especially in relation to exploitation and abuse of migrant workers as one of the most salient risk areas illustrate that there is still a long way to go for all types of businesses, including multinational enterprises, local employers and labour recruiters. When facing mandatory human rights due diligence laws from its key trading partners, policy makers and regulators from Asia will need to further harmonise domestic and regional policies, laws and regulations on labour migration, including on fair and ethical recruitment, bilateral labour migration agreements and labour laws in line with relevant international standards and the UNGPs.

The Action will help advance the implementation of the forthcoming EU Corporate Sustainability Due Diligence Directive (EU CS3D) and the Plan of Action to Implement the ASEAN-EU Strategic Partnership (2023-2027).

In line with the 'policy first' approach, it will contribute to implementing EU policy priorities, in particular the EU Pact on Migration and Asylum. The Action has a strong gender focus in line with the EU Gender Action Plan III (GAP III<sup>4</sup>), especially the priority 'strengthening economic and social rights and the empowerment of girls and women'. It will furthermore contribute to the Decent work agenda, the implementation of the EU strategy for the rights of the child (2022-2027) and the EU Strategy on Combatting Trafficking in Human Beings (2021-2025).

## 2.2 Problem Analysis

The central issue guiding the design of the proposed action are the **adverse human and labour rights impacts commonly experienced by women and men migrant workers at all stages of migration**, during recruitment and deployment, employment abroad, return or onward migration.

More specifically, the following underlying challenges will be addressed at the national, bilateral and regional level:

<sup>4</sup> The Gender Action Plan III (GAPIII) is a Joint communication by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy which was welcomed through EU Presidency Conclusions of 16 December 2020. Drafting was led by European Commission in close consultation with EU Member States, EEAS, civil society organisations, partner governments, and international organisations (UN entities, International Finance Institutions among others). The different parties contributed to the drafting of the document through meetings and through responses to a survey conducted during the process.

### **Labour migration governance**

Existing regular labour migration pathways fail to accommodate the overall demand for migrant workers in countries of destination and the need for gainful opportunities for workers from countries of origin. This results in high proportions of irregular labour migration and the presence of large undocumented populations in countries of destination with increased risks of exploitation. Regular labour migration and recruitment processes have been described as too complicated, lengthy and costly for migrant workers. Where bilateral agreements exist between countries of origin and destination, these are generally not adequately consulted with social partners and sometimes not made public. The lack of consultation and transparency around these agreements are an important factor that can lead to gaps in protections afforded to migrant workers and limited effectiveness in implementation overall.

### **Protection of migrant workers' rights**

Despite some progress over time, gaps in existing laws and regulations in the region tend to exacerbate the vulnerabilities of migrant workers in the region. In countries of origin, effective regulation of recruitment remains a challenge as migrant workers can legally be charged recruitment fees and related costs, weak pre-departure orientation systems and lack of oversight of labour recruiters, lack of effective penalties and sanctions. In destination countries, migrant workers' fundamental rights to changing employers and freedom of association are restricted. Labour inspectorates are not adequate and are not sufficiently capacitated to monitor working conditions in sectors where migrant workers are commonly present. Existing grievance mechanisms are often not accessible to migrant workers at the various stages of migration. Protections of undocumented migrant workers are further limited due to their lack of legal status, creating heightened risks for exploitation.

### **Gender and age-specific vulnerabilities**

Almost half of Southeast Asia's international migrant workers are women. However, women migrant workers often have limited options in terms of the roles or sectors available to them when working abroad. For example, large proportion of women migrant workers in Asia are employed as domestic workers. Women often work with limited legal or social protections and face a disproportionate risk of exploitation and discrimination, including gender-based violence. While some countries seek to protect women migrant workers through gender-based restrictions and labour bans, in practice, these measures can make it more difficult for women migrant workers to access safe and regular migration channels and contribute to gender discriminations. There is also a need to better understand the situation of migrants with diverse sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) who are often at risk of facing multiple types of discrimination and abuse. It is estimated that youth (ages 12 to 24) make up about one-third of the migrant flow from all developing countries. This includes children under 18 who migrate with or without parents. Though migration can be a positive experience for children, child migrants are susceptible to serious protection risks such as exploitation including child labour. In addition, the risks of migration are influenced by gender aspects that impact on migration choices and the perception of the migration experience. Discrimination is often already entrenched in conditions before the migration takes places, such as existing rural gender divisions of labour which results in a gender segregated migrant labour force that is further enforced by employers in urban areas.

### **Access to migrant-services and inclusion of migrant workers**

Migrant workers commonly experience various forms of discrimination during the migration journey. Services, such as related to health, finance and information are often not accessible to migrant workers due to legal restrictions, language barriers, discrimination in practice and lack of awareness and trust by migrants. Migrant-specific services concerning the issuance of identity documents, renewals of visas and work permits, or the registration of undocumented migrant workers can often not be navigated by migrants themselves and require facilitation of informal service providers, which tends to increase risks for exploitation and costs for migrants. Furthermore, the quality and accessibility of services can vary significantly across provincial and local levels.

### **Business impact on labour migration and migrant workers**

Most challenges experienced by migrant workers are directly caused by private sector actors. Often times, exploitation is exacerbated by policy gaps that allow private sector actors to place the entire financial cost of placing workers on the migrants themselves. Labour recruiters commonly charge recruitment fees and related costs to migrant workers. This has created a system where getting a job is based on the migrant's ability to pay while it also increases risks for inadequate information, deception and other exploitative practices during recruitment. Key challenges experienced by migrant workers during their employment relate to decent work deficits, such as non-

payment of wages and benefits, unlawful salary deductions, excessive working hours, occupational health and safety risks, and the provision of inadequate accommodations. The retention of passports and documents and restriction of movement beyond workplace by employers have been common in some sectors, despite of these practices being prohibited by laws.

### **Responsible purchasing, transparency and accountability in supply chains**

Irresponsible purchasing practices by multinational enterprises can create pressures for local suppliers from Southeast Asia to cut down costs to remain competitive. This can lower social and environmental standards and increases risks for exploitative and unethical practices. While there has been an increasing number of multinational enterprises (MNEs) engaging in initiatives to promote fair and ethical recruitment of migrant workers (e.g. Leadership Group for Responsible Recruitment) and human rights due diligence in supply chains, this has been an uneven development with many sectors and MNEs still lagging behind. Many MNEs lack resources and capacities to effectively carry ongoing due diligence in the context of labour migration. This means that they may not understand where migrants are present in their supply chain and where they come from. Traditional supply chain monitoring practices are not effective in identifying risks specific to migrant workers. Public reporting by companies, which is an important due diligence criterion frequently fails to clearly describe results about how risks relating to migrant workers were identified, prevented or mitigated.

### **Access to justice**

Justice mechanisms to address rights violations are often non-existent, ineffective, inaccessible, or unavailable to migrants. This applies to all stages for migration, including during recruitment, employment and upon return at the country of origin. Migrants, especially those in irregular situations continue to face several barriers to accessing state-based or judicial grievance mechanisms, such as related to language, limited, geographical isolation, lack of means to attend interviews and hearings as well as fears of dismissal, deportation or detention, among others. Migrant workers who have returned home with outstanding grievances, such as unpaid wages and benefits are in most cases unable to pursue their cases. Non state-based grievance mechanisms, for instance those implemented by companies or industry bodies, are also not fully effective for migrant workers, particularly for issues relating to lack of commitment, fear of retaliation, confidentiality and oversight, among others.

### **Role of civil society and human rights defenders**

Civil society, including human rights defenders and trade unions play a central to help organise migrant communities and ensure that the voices of migrants as rights holders are included in the design and implementation of migration policies. Civil society, especially grass-root and migrant-led organisations provide essential assistance to migrant communities in origin and destination, including enhancing access to rights-based information, available services and justice mechanisms. Where migrants face restrictions of their freedom of association, civil society organisation often address legal gaps to organise migrant communities. However, in recent years the region has witnessed a shrinking space for human rights defenders. This means that they have faced various forms of repression, including legal prosecutions, such as defamations cases as well as intimidation, threats and violence. For the defenders of migrant-rights who are often migrants themselves this typically leads to complications with legal migration status, such as detention, loss of status and deportation. Trade unions represent the workers' rights and will play an important role in destination countries to identify labour rights abuses.

### **Protection of migrant and their families during situations of crisis**

As experienced during COVID-19 and other situations of crisis, such as natural disasters or economic crises, migrants are amongst the most vulnerable. For example, COVID-19 has shown that migrant workers, especially women and those in undocumented situations and informal sectors, remain amongst the most vulnerable populations and were often the first to lose their employment and social protections while having their human and labour rights violated. When the virus spread quickly among migrant worker populations, at dormitories and workplaces, especially when access to health services and adequate information was limited.

### **Climate change and migration**

Asia-Pacific is the region most affected by disaster displacement worldwide, with Southeast Asia accounting for 30.7% of the regional total, second only to East Asia (33.7%). Climate challenges are likely to worsen in the context of a changing climate, with countries across Southeast Asia ranking as some of the most hazard prone globally, including because of their size, populations, geography and significant urbanisation, amongst other issues. Human mobility in the context of climate change takes many forms, from disaster displacement, labour

migration and planned relocation. Evidence shows acute natural disasters like draught and floods are increasingly creating protracted displacement and driving human mobility. With this changing environment, migrants need to be able to stay in their communities of origin, as well as safe options to move to places where livelihoods are possible. The private sector will be at the forefront of creating new jobs as part of the green transition and climate change adaptation measures and needs to be included in future climate mobility discussions.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action:

### **Primary target group**

Migrant workers in Southeast Asia are the central rights holders of the proposed action. Most migrant workers in the region are employed in temporary and contractual arrangements, where they are legally required to return to their country of origin upon completion of their first or second employment term. It is important that the proposed action will address migrant workers at all stages of labour migration through targeted intervention during recruitment, employment and return. Women account for almost half of the migrant workers in Southeast Asia. Migrant workers in the region are typically present in lower-wage occupations and sectors that are characterized by more difficult and dangerous migration and working conditions. Specific consideration will be given the migrant workers in vulnerable situations, undocumented migrants, women migrant and migrants with diverse SOGIESC, among others.

### **National state and regional actors**

**In countries of destination**, multiple government entities, including ministries labour, interior, social development and welfare, and justice are responsible for the overall regulation of the labour migration process and the protection and inclusion of migrant workers. This typically entails the development of labour market policies, approval of employer requests for recruitment of migrant workers, setting of administrative costs such as visa, provision of migrant worker orientations upon arrival, development, dissemination and enforcement of labour laws in line with the principle of equality of treatment and decent work standards, providing social protection and effective state-based grievance mechanisms to migrant workers among others.

**In countries of origin**, government responsibilities on migration include securing access to labour markets abroad, the regulation of recruitment, setting of recruitment fees and related costs, approval of employment contracts and provision of pre-departure orientations, medical examinations and exit visas. During employment, consular services provide protection assistance at destination countries, including support to issuance of identity documents, grievance handling and assistance to identified victims of trafficking. Safe and dignified return and gender-responsive and sustainable reintegration also presents an important policy area in countries of origin.

Under the proposed action, government leadership to realise positive policy level changes will be a key enabling factor. Through a **whole-of-government approach**, This action will strengthen the evidence-base and data collection on migration to inform policymakers and concerted and sustained advocacy in coordination with the private sector, civil society including trade unions and human right defenders, UN agencies and others. Technical assistance to help state actors strengthen policies, regulations and enforcement mechanisms on labour migration, migrant protection and responsible business conduct will be provided under this action, while international and multi-stakeholder dialogue, international collaboration and public-private partnerships. These engagements will build on existing policy level initiatives, such as Thailand National Action Plan on Business and Human Rights, Malaysia's National Action Plan on Forced Labour will be facilitated. Advocacy will also target regional fora such as the Colombo Process and the Bali Process' Government and Business Forum.

**The Association of Southeast Asia Nations (ASEAN)**, in 2007 adopted the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers. The ASEAN Declaration, which was complemented by a renewed ASEAN Consensus in 2017 aims to establish a non-binding framework for closer cooperation among member states on addressing migrant workers issues in the region. The ASEAN Committee on the Implementation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (ACMW), established in 2008 was tasked to develop an action plan to promote the implementation and progress monitoring of the Consensus. The ASEAN Forum on Migrant Labour (AFML) is organised on an annual basis. It is a regional

platform for information sharing and exchange of views among representatives of governments, and employers, workers and civil society in ASEAN. The AFML is co-organised by ILO, IOM and UN Women. IOM is actively engaging the ASEAN Senior Labour Officials' Meeting and the ASEAN Intergovernmental Commission on Human Rights (AIHCR). The ASEAN Declaration on the Protection of the Rights of Migrant Workers in Situations of Crisis and the ASEAN Declaration on the Protection of Migrant Workers in the Fishing Sector adopted in May 2023 under the Government of Indonesia as ASEAN Chair, were developed with close technical assistance from both, IOM and ILO. Furthermore, IOM supports the implementation of the ASEAN Declaration Against Trafficking in Persons Particularly Women and Children.

The **European Union's** trade relationship with Southeast Asia has grown steadily over the past ten years. ASEAN has become the EU's third largest trading partner after the US and China, while European businesses expect this trend will continue. In this context, it is important to note that the EU together with other important trade powers, such as Canada and the US have increasingly embedded human and labour-rights provisions in their new trade agreements. In addition, the EU has emerged as a leading region to legislate mandatory human rights due diligence laws affecting global supply chains. Several EU Member States, such as France, Germany and the Netherlands have already adopted such laws. The European Union has proposed a Directive on Corporate Sustainability Reporting, Directive on Corporate Sustainability Due Diligence and a regulation to ban the import of goods. This growing body of legislation, while at its relative infancy, is expected to create a positive momentum for the EU's commitment to promoting and respecting human rights and democracy through its external action. Furthermore, IOM has been closely coordinating with the ASEAN-Australia Counter-Trafficking (ASEANACT) partnership through its existing protection programming and will continue to do so under the proposed action.

Under the proposed action, relevant above mentioned ASEAN bodies will play a key role in promoting regional collaboration and policy coherence and provide strategic direction, as appropriate to the programme. This would be achieved by providing technical and financial support to existing platforms such as the AFML as well initiating specific initiatives in line with the ACMW's workplan and the priorities of ASEAN Member States. IOM can support the EU in its engagement with relevant stakeholders in Southeast Asia to create a practical understanding on the promotion of human and labour rights through free trade agreements and forthcoming EU legislations on corporate sustainability initiatives.

Most countries in Southeast Asia have adopted the **Global Compact for Safe, Orderly and Regular Migration (GCM)**<sup>5</sup>. With the exception of Singapore, all ASEAN Member States voted for the adoption of the GCM Declaration. Several ASEAN countries, such as Cambodia, Indonesia, the Philippines, Thailand and Viet Nam have since become Champion Countries to lead the implementation of the objectives of the GCM. In this context the proposed action will seek to leverage these strong existing commitments of the ASEAN Members States to advance the GCM objectives 3,4,5,6,7,10,14,15,16,17 and 23.

### **Private sector actors**

**Multinational enterprises (MNEs)** with supply chains and operations in Southeast Asia have a responsibility to respect human rights, carry out ongoing human rights due diligence and provide remedy where harm has occurred. In context of labour migration, this means that MNEs need to assess the impact of their business operations, including through all of their business relationship on migrant workers. Considering the vulnerabilities of migrant workers and the gaps in legal protections in existing regulatory frameworks, it is likely that adverse impacts on migrant workers are among the most salient risks. In recent years, an increasing number of MNEs has taken important action, such as to implement and promote ethical recruitment standards in their own operations and supply chains. Due to their size and buying power, MNEs can have significant leverage with their business partners to drive positive and sustainable changes, such requiring their business partners to follow codes of conducts international recruitment and labour standards.

Under the proposed action, MNEs will be supported to enhance transparency in supply chains, develop strategies to identify and address risks, leverage supply chain relationships, build knowledge on migration, support impact assessments and public reporting, and promote sectoral and multi-stakeholder collaboration. To promote more collective action across industry-level, IOM will build on its existing relationship with business groups that have

<sup>5</sup> <https://www.iom.int/global-compact-migration>

ongoing human and labour rights initiatives, such as **the Responsible Business Alliance, the Consumer Goods Forum, Sustainable Hospitality Forum, the Fair Labour Association, the Leadership Group for Responsible Recruitment, Amfori Initiative<sup>6</sup>, AIM Progress, Chambers of Commerce**, among others.

**Employers** either have a direct or sub-contracted employment relationship with migrant workers. Small and medium sized enterprises employ the majority of the workforces in Southeast Asia, including migrant workers. During recruitment, employers of migrant workers are responsible for hiring migrant workers lawfully and fairly in the country of origin, by engaging a responsible and ethical recruitment service providers or effective state-based hiring mechanism. During employment, employers are responsible for ensuring decent working and living conditions. In the context of human rights due diligence, employers need to understand the direct and indirect impacts of their operations on employees, including migrant workers. Based on this they should take appropriate actions to prevent or mitigate any risks for migrant workers at all stages of migration. **Employer associations** play a key role in representing the interest of employers within public policy dialogue and the negotiation of relevant labour rules and regulations with social partners. They also serve their members through specific services such as counselling, capacity building among other services.

Under the proposed action, local employers of migrant workers will be supported in carrying out migrant-centred human rights due diligence, helping strengthen policies and management systems, providing practical training and tools and supporting engagement with migrant workers, civil society, recruiters and multinational enterprises. These employers are suppliers or business partners of MNEs and will mostly be small and medium-sized enterprises, noting that some of the local companies can also be larger scale or multinational. Micro-enterprises, such as smallholders in the agricultural sector collectively also employ high number of migrant workers, including with irregular status. Employer associations will be provided with trainings on migrant recruitment and employment, enhance supply chains transparency through effective due diligence, and jointly advocate for positive policy changes and facilitate public-private partnerships on labour migration.

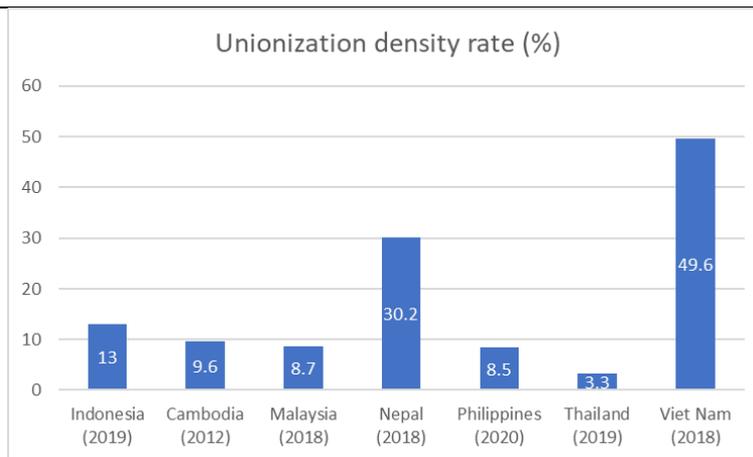
**Trade Unions** represent the interests of all workers in social dialogue. This includes supporting migrant workers in collective agreements to provide the same rights and duties as national workers. Trade Unions work to increase migrant workers' knowledge of and possibility to exercise their freedom of association. This responsibility extends through migrant communities, workplaces, and at a sector, national and international level to ensure that the processes addressing labour rights develop multi-stakeholder and migrant worker-centric solutions. However, regulations in destination countries tend to restrict migrant workers' rights to freedom of association. While migrant workers are allowed to join unions in principle, they cannot form unions or hold official functions. In practice therefore, proportions of unionised migrant workers in the region remain low.

Trade unions can play an important role in the implementation of effective corporate sustainability due diligence. Under the proposed action, engagement with trade unions will be advanced to understand needs and challenges and their awareness on due diligence practices will be strengthened. Multi-stakeholder dialogue will be facilitated involving trade unions and support capacity building for union representatives on labour migration topics as needed and their involvement during negotiations, design and implementation of labour migration policies promoted.

Cognizant of the social partnership shared between migrant workers and employer organizations and in line with the UNGPs, this action will work to promote conditions that foster partnership and equality between the two partners. Recognizing relatively low unionization rates across the target countries, and migrant workers' barriers to accessing unions, this action will work closely with civil society organizations to increase the participation of migrant workers in the intervention.

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<sup>6</sup> <https://www.amfori.org/>



Source: [ILO Stat](#)

### Civil society

**Civil Society Organisations (CSOs)** play a vital role in bringing migrant workers' voices to the dialogue on labour migration, help migrant communities organise themselves and provide critical assistance and supports services to migrant communities at origin, transit and destination countries. They provide critical access to information to migrant worker communities on their rights and their obligations during recruitment and employment. As human rights defenders they advocate on behalf of workers and can operate grievance mechanisms. They provide critical assistance to migrant communities to access legal aid and remediation support.

Under the proposed action, leadership and capacities of civil society organisations and networks both regionally and nationally will be strengthened, civil society organisations involved in human rights due diligence, ethical recruitment and employment practices, and access to justice and remedy; direct assistance to migrant populations and structured feedback from migrant workers will be supported.

### Other Private Sector Actors

**Labour recruiters** in countries of origin and destination are an important stakeholder group that is needed to facilitate international labour migration. They identify potential migrant workers and link them with work abroad, manage the recruitment, migration, transporting, onboarding processes, and grievance mechanisms. Labour recruiters often have a direct link to migrant worker communities, sometimes through **informal sub-agents** or other intermediaries. When using sub-agents, labour recruiters must ensure they act responsibly on their behalf. **Recruitment associations** can help facilitate the engagement with labour recruiters to promote ethical standards across the region.

Under the proposed action, labour recruiters will be supported in raising awareness about ethical recruitment practices, providing practical training and tools to support them improve management systems in compliance with applicable national laws and international standards, such as the IRIS Standard<sup>7</sup>.

**Investors** set the direction for a brand to follow international standards on ethical recruitment through their investment requirements. Allocating sufficient funds, applying their influence and giving direction to brand-decisions on ethical recruitment are important responsibilities. It is important that human rights due diligence processes are embedded into the decision-making of investors.

Under the proposed action, a mapping of relevant investor groups will be carried out to deepen its engagement with relevant actors to create a better understanding on challenges and opportunities related to international labour migration and the protection of migrant workers.

<sup>7</sup> <https://iris.iom.int/iris-standard>

## UN agencies and international organisations

**International Labour Organization (ILO)** is devoted to promoting social justice and internationally recognized human and labour rights, pursuing its founding mission that social justice is essential to universal and lasting peace. Underlying the ILO's work is the importance of cooperation between governments and employers' and workers' organizations in fostering social and economic progress. The ILO is the only tripartite UN agency that sets international labour standards, develops policies and devises programmes promoting decent work for all. The organization's decent work agenda helps advance economic and working conditions that give all workers, employers and governments a stake in lasting peace, prosperity and progress.

The ILO Declaration on Fundamental Principles and Rights at Work, as amended in 2022, identified freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; the elimination of discrimination in respect of employment and occupation; and a safe and healthy working environment as fundamental, which are recognised as human rights. These are underpinned by ten fundamental conventions. The ILO had also adopted numerous other standards that are closely linked to the protection of migrant workers.

The ILO and IOM together are the main UN agencies working on labour migration. IOM follows and promotes ILO normative framework and standards. IOM and ILO are working closely together in the region on labour migration based on a joint workplan that was adopted in 2021. This includes collaboration on labour migration governance, fair and ethical recruitment, business and human rights, skills development, migrant services among others. Following from the success of the EU-funded Ship to Shore Rights Thailand project delivered by the ILO, the ILO, UNDP and IOM partner under the EU funded Ship to Shore Rights Southeast Asia programme<sup>8</sup> to advance human and labour rights standard in the fishing sector in Southeast Asia. Joint projects have also been implemented in the Philippines and Viet Nam with support from the Global Fund to End Modern Slavery. The organisation of the annual ASEAN Forum on Migrant Labour (AFML) is jointly supported by ILO, IOM and UN Women. ILO, IOM and UN Women jointly implement the Swiss-funded GOALS programme which supports the Colombo Process, a regional consultative process among countries of origin on labour migration. Close coordination takes place with ILO's Triangle in ASEAN and Safe and Fair programmes.

With **UNDP**, close coordination relevant for the proposed action takes place through UNDP's Regional Business and Human Rights programme that is also supported by the EU and Sweden. As such, IOM has been a co-organizing agency of the Asia-Pacific Responsible Business and Human Rights Forum, which has been led by UNDP. IOM provides technical input to the development processes of National Action Plans on Business and Human Rights which are supported by UNDP. In Thailand, IOM and UNDP have been partnering on a series of capacity building programmes for Thai businesses on fair and ethical recruitment, in collaboration with the Ministry of Justice and Ministry of Labour.

IOM has begun discussing potential collaboration with **UN Working Group on Business and Human Rights** which has the mandate to exchange and promote good practices and lessons learned on the implementation of the UNGPs. Under the proposed this may include inviting the Working Group to sit on the Project Advisory Board, help provide strategic direction, support stakeholder consultations, research projects and stakeholder engagement among others.

IOM is working with OHCHR in Asia to promote the human rights of migrants, including on alternatives to detention, migrant children etc. Under the proposed action, IOM will explore possibilities to strengthen collaboration with OHCHR on labour migration and business and human rights.

With the **OECD**, IOM has been coordinating closely to align all resources, tools and methodologies addressing the role of private sector actors with the OECD Guidelines for Multinational Enterprises and the OECD Due Diligence Guidance for Responsible Business Conduct. To this end OECD has also reviewed the IOM Responsible Recruitment Due Diligence Toolkit. IOM has also provided extensive input during the OECD's scoping mission to set up the EU-funded Responsible Supply Chains in Asia programme which also involves the ILO. At the

<sup>8</sup> South East Asia regional programme on labour migration in the fishing sector (Ship to Shore Rights), EUR 10,000,000

OECD's Due Diligence in the Garments Sector annual conference in 2019 and 2021, IOM helped organise panel discussions on migrant workers, supply chain mappings in the rubber sector and access to remedy.

Under the proposed action, close coordinate and exchange good practices with ILO and UNDP across relevant programmes will be ensured, especially for interventions at the policy-level and for joint advocacy. Concrete collaboration across programmes such as those mentioned above can be explored during design and implementation of this action. Formal project coordination mechanisms, such as an Advisory Committee will be established in close coordination with relevant UN agencies, UN Working Groups and international organisations.

In Asia, the **International Organization for Migration (IOM)** implements a regional portfolio of Migration, Business and Human Rights (MBHR) such as the Corporate Responsibility in Eliminating Slavery and Trafficking (CREST)<sup>9</sup> and global programmes such as IOM's IRIS Ethical Recruitment<sup>10</sup> initiative which has a strong footprint in Asia. In addition, IOM has implemented projects with companies, such as Apple, IKEA, VF Corporation and others to address the risks experienced by migrant workers within the supply chains of these companies. These projects are directly funded by these companies and contribute to IOM objectives on MBHR. In partnership with the EU and ILO (Ship to Shore Rights), Responsible Business Alliance (RBA) and Consumer Goods Forum (CGF), IOM is part of sector-based initiatives in the Thai fishing sector and Malaysia's electronics and palm oil sectors. The sub-regional programme on Poverty Reduction through Safe Migration, Skills Development and Enhanced Job Placement (PROMISE)<sup>11</sup> funded by the Swiss Development and Cooperation Agency is another important IOM regional project that works extensively with local SMEs, employers and recruiters to advance migrants' rights, ethical recruitment and skills development of migrant workers. IOM's counter trafficking programmes in the region provide constant direct assistance to victims of trafficking, many of whom are victims of labour trafficking. This gives us a unique insight on the specific issues faced by migrants in situations of vulnerability as well as preferred solutions from the beneficiaries.

### 3 DESCRIPTION OF THE ACTION

#### 3.1 Objectives and Expected Outputs

The Overall Objective (Impact) of this action is to promote full respect for the human and labour rights of migrant workers, especially women and migrants in situations of vulnerability within supply chains.

The Specific(s) Objective(s) (Outcomes) of this action are to

- 1 **PROTECT:** Strengthen labour migration governance, protection, and inclusion of migrant workers, of all ages and genders, in key migration corridors and employment sectors.
- 2 **RESPECT:** Improve identification, prevention and mitigation by the private sector of human and labour rights risks experienced by migrant workers of all ages and genders, in supply chains.
- 3 **REMEDY:** Enhance access to effective grievance and remediation mechanisms for migrant workers of all ages and gender and during all stages of migration.

The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are:

- 1.1 **Policy dialogue:** Improved capacity of states to develop, coordinate and collaborate on migration, business and human rights policy frameworks.
- 1.2 **Regional Cooperation:** Increased regional and bilateral cooperation on labour migration, migrant protection and responsible business conduct.
- 1.3 **Research, migration data and thought leadership:** Strengthened evidence base is available on labour migration and responsible business conduct to support informed decision making (gender and human rights sensitive) by policy makers, private sector and civil society.

<sup>9</sup> <https://crest.iom.int/en>

<sup>10</sup> <https://iris.iom.int>

<sup>11</sup> <https://thailand.iom.int/promise-programme>

- 1.4 Migrant-inclusion and services:** Improved accessibility of rights-based, gender-responsive and inclusive services and access to information for migrant workers at all stages of migration.
- 1.5 Migrant-worker voice:** Enhanced capacity among regional and national civil society networks including trade unions to organise and represent migrant workers of all ages and genders.
- 2.1 Private sector engagement:** Enhanced understanding of businesses of social commitments and management of labour migration in a responsible and sustainable manner.
- 2.2 Human rights due diligence:** Businesses have demonstrated the implementation of effective, ongoing, and migrant-inclusive human rights due diligence at all stages of labour migration.
- 2.3 Fair and ethical recruitment:** Increased capacity of businesses to follow ethical recruitment principles and support fair recruitment markets.
- 2.4 Supply chain collaboration and multi-stakeholder initiatives:** Increased sector-wide and multi-stakeholder collaboration on migration, business and human rights.
- 3.1 State-based grievance mechanisms:** Increased capacity of state actors to identify and effectively remediate rights violations and abuse experienced by migrant workers.
- 3.2 Operational-level grievance mechanisms:** Enhanced capacity of the private sector to detect and address human rights abuses in their operations and supply chains.
- 3.3 Civil society leadership:** Enhanced capabilities and resources for civil society including trade unions and migrant-driven organisations to promote migrant workers' access to justice.

## 3.2 Indicative Activities

Activities related to Output 1.1: Engaging with government stakeholders and advocating for positive policy changes; facilitating multi-stakeholder dialogue; providing technical assistance and capacity building.

Activities related to Output 1.2: Providing technical assistance to international and multilateral consultative processes; engaging and supporting regional actors, such as ASEAN and European Union; facilitating bilateral dialogue and collaboration between countries of origin and destination.

Activities related to Output 1.3: Conducting research to address knowledge gaps and inform policy dialogue; supporting governments, academia and civil society with the collection and analysis of migration data; developing and disseminating policy papers and good practices guides as well as gender sectoral analysis on migration.

Activities related to Output 1.4: Mapping of migrant support services; building capacity of service providers; supporting digital and community-based information platforms and other relevant services for migrants.

Activities related to Output 1.5: Supporting regional and local civil society networks and organisations including trade unions; facilitating exchange with civil society networks and human rights defenders working on gender equality, climate change and the environment among others.

Activities related to Output 2.1: Engaging and networking with private sector actors to raise awareness and draw commitments on safe labour migration and responsible business conduct; providing guidance, tools and training to with private sector actors; forging strategic and operational private sector partnerships.

Activities related to Output 2.2: Supporting businesses through policy advice, due diligence assessments, engagement with migrant workers, improvement plans and supply chain monitoring (this will be partially funded by the private sector<sup>12</sup>).

Activities related to Output 2.3: Building capacity of labour recruiters to follow IOM's IRIS standard on ethical recruitment; supporting the matching and networking of ethical recruiters and employers of migrant workers.

Activities related to Output 2.4: Supporting engagement between local enterprises, business associations, international buyers, civil society, academia and media; providing capacity building and normative, policy and

<sup>12</sup> Participating companies are expected to fund their due diligence activities.

operational support to multi-stakeholder initiatives; supporting multi-stakeholder advocacy for positive policy changes.

Activities related to Output 3.1: Providing technical assistance to governments to improve state-based grievance mechanisms; developing and delivering training to labour inspectors (including on detection of victims of trafficking), provincial labour departments and other relevant state actors; facilitating regional and bilateral dialogue to establish cross-border justice mechanisms for migrant workers.

Activities related to Output 3.2: Strengthening civil society organisations' (including trade unions') role to support migrant workers in accessing and navigating judicial and non-judicial grievance mechanisms; raising awareness in migrant communities on migrant-rights and available grievance mechanisms.

Activities related to Output 3.3: Providing awareness raising, trainings, technical assistance and tools to private sector actors.

### 3.3 Mainstreaming

#### **Environmental Protection & Climate Change**

**Outcomes of the SEA screening** (relevant for budget support and strategic-level interventions)

The Strategic Environmental Assessment (SEA) screening concluded that no further action was required.

**Outcomes of the EIA (Environmental Impact Assessment) screening** (relevant for projects and/or specific interventions within a project)

The EIA (Environment Impact Assessment) screening classified the action as Category B (not requiring an EIA, but for which environment aspects will be addressed during design)

**Outcome of the CRA (Climate Risk Assessment) screening** (relevant for projects and/or specific interventions within a project)

The Climate Risk Assessment (CRA) screening concluded that this action is no or low risk (no need for further assessment).

The relationship between climate change and human mobility is complex and varied. However, it is increasingly understood that one of the main pathways for climate-induced migration is through deteriorating economic conditions and livelihoods, creating particular implications in the context of labour migration as more and more people are likely to move in order to sustain their livelihoods in a changing climate.

In the development and implementation of this Proposed action, IOM will integrate environmental protection and climate change considerations in the following contexts:

- Exploring the role of climate and environmental factors as drivers of migration. Core elements of the project design, including the project strategy, sector analysis and other components will consider the role of climatic and environmental factors as drivers of mobility.
- Understanding the impacts of climate change on migrants' needs and vulnerabilities as growing evidence suggests that climate change is leading to worsening working conditions.
- Promoting the role of labour migration as an important adaptation strategy for climate change. Safe labour mobility as the key objective of this action is also an important means of increasing resilience to climate change.
- Advocating for the inclusion of migrant populations in the transition to the green economies.
- Assessing the environmental impacts of labour migration: While migration is most commonly perceived as a result of climate and environmental changes, it can also have an impact on the environment.

#### **Gender equality and empowerment of women and girls**

As per the OECD Gender DAC codes identified in section 1.1, this action is labelled as G1.

Labour migration often occurs within a context of gender inequalities, unequal power relations and patriarchal norms and practices which all collude to impact men, women, boys and girls and people with diverse SOGIESC differently. It is estimated that almost half of the international migrant workers hosted within Southeast Asia were women, employed across all relevant sectors, such as manufacturing, services and hospitality, agriculture, construction and domestic work. Women migrant workers often face discriminatory labour migration policies and are more likely to find themselves in vulnerable situations without documentation or subject to discrimination and harassment. In addition, the situation of migrants with diverse SOGIESC remains largely unexplored and there is a need to further strengthen the understanding the knowledge base on this group.

In the development and implementation of this proposed action, IOM will integrate gender equality and empowerment of disadvantaged groups in the following contexts:

- Emphasising a human rights approach to gender equality and integrate a non-binary gender analysis in all programme initiatives and activities and not treat gender as a stand-alone separate element.
- Identifying the legal, social, political and economic barriers and inequalities that impact gender dimensions of migration experiences.
- Engaging the governments, private sector and civil society on gender equality in labour migration through advocacy and capacity building components.
- Strengthening corporate human rights policies, human rights due diligence and remediation framework to better address the gender dimensions of migrant workers in company operations and supply chains.
- Empowering women migrant workers and other marginalised groups through targeted interventions, partnerships and affirmative action.

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### **Human Rights**

The main objective of the action entails to contribute to enhance the protection of the human rights, including labour rights, of migrant workers in Southeast Asia. As such the proposed action will apply a human-rights based approach that aims at empower rights-holders to enjoy and claim their rights, and strengthen the capacity of duty-bearers in their obligations to respect, protect, and fulfil those rights. The design and implementation of the action will give attention to those women, men, children migrants living in the most difficult situations, excluded, or discriminated. This action will apply a human rights-based approach encompassing all human rights, whether civil and political or economic, social and cultural in order to integrate human right principles in the private sector. The approach will be guided by the principle of “leaving no one behind”, equality and non-discrimination on any grounds.

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### **Disability**

As per OECD Disability DAC codes identified in section 1.1, this action is labelled as D1.

Disabilities can be a consequence of labour migration, such as through workplace accidents, health crisis (e.g. COVID-19) and similar events. Therefore, the proposed action will further explore and, if possible address the linkage between disability and labour migration through interventions targeting bilateral and international cooperation on labour migration, promoting access to social protection for migrant workers and enhancing private sector policies in this area, among others.

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### **Reduction of inequalities**

Recognizing the positive impact that well-managed labour migration can have on reducing inequalities and sustainable development, this action will contribute to meeting targets for SDG 5 (Gender Equality) and 10 (Reduced Inequalities). Specifically, this action will 1) contribute to addressing violence against and exploitation of women and girls during all stages labour migration; and 2) promoting safe, orderly regular and responsible migration in policy and practice, including through helping reduce recruitment costs to migrant workers in line with SDG Target 10.7.2.

Recognizing the importance of intersectionality in migration and in line with IOM’s Essentials on Migration Management, IOM will look at assessing and addressing the primary macro-level drivers of migration – economics, demographics, social, political and environment in the context of this proposed action.

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### **Democracy**

The action will provide strong support for regional civil society networks and grass-roots organisations to promote the voices and empowerment of migrant communities. This will include the facilitation of multi-stakeholder dialogue, support for civil society organisations through grants-based modalities and capacity building. As such, transparency in supply chains, the rule of law and access to justice in line with Protect, Respect and Remedy Framework of the UN Guiding Principles on Business and Human Rights will be central themes of this action.

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### **Conflict sensitivity, peace and resilience**

Where conflicts affect the mobility of populations, the action will examine the nexus between conflict, migration and the business and human rights agenda. For example, with the Thailand-Myanmar labour migration corridor, IOM is already implementing programmes that address this nexus. In the context of this action, IOM will continue to promote safe labour migration and responsible business conduct to build the resilience of vulnerable migrants affected by conflict.

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### **Disaster Risk Reduction**

In addition to the guiding considerations related to climate change and labour migration outlined above, disaster risk reduction is not considered an overall or specific objective of this action. However, drawing from recent experiences of multiple forms of crisis, IOM has the ability to incorporate specific responses to strengthen the resilience of migrant workers and provide guidance to companies to uphold human rights of migrant workers in situations of crisis. For example, in July 2021 IOM launched a COVID-19 response<sup>13</sup> under the umbrella of the ongoing CREST project.

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### **Other considerations if relevant**

#### **Responsible investment and labour migration**

Environmental, social, and governance (ESG) indicators have become a key metrics to measure business performance. ESG investing has seen a sharp increase in recent years, with 10 per cent of worldwide assets<sup>14</sup> currently invested in ESG-labelled funds and ESG assets on track to exceed USD 50 trillion by 2025. However, according to the Business and Human Rights Center there is a need for ESG framework to better capture harms to people or guide decisions that take human rights into account. The proposed action will engage with the financial and investment sector to raise awareness on how businesses are affected by migration as well as the human rights risks experienced by migrant workers. This could be done by incorporating relevant migration-related indicators into ESG frameworks.

## **3.4 Risks and Lessons Learnt**

<b>Category</b>	<b>Risks</b>	<b>Likelihood (High/ Medium/ Low)</b>	<b>Impact (High/ Medium/ Low)</b>	<b>Mitigating measures</b>

<sup>13</sup> <https://crest.iom.int/en/news/iom-launches-regional-project-enhancing-protection-migrant-workers-asia-impacted-covid-19>

<sup>14</sup> <https://www.reuters.com/markets/us/how-2021-became-year-esg-investing-2021-12-23>

1-Related to the external environment 2- Related to planning, process and systems	Limited political buy-in hampers or delays project implementation and sustainability of results	<b>Medium</b>	<b>High</b>	<ul style="list-style-type: none"> <li>- Allocate sufficient time and resources for consultations and political buy-in;</li> <li>- Promote government leadership by leveraging existing regional or national policy commitments such as National Action Plans as relevant;</li> <li>- Consider the establishment of national and regional project advisory committees to promote ownership.</li> </ul>
1-Related to the external environment 2- Related to planning, process and systems	Limited private sector engagement or commitment hampers or delays project implementation	<b>Medium</b>	<b>High</b>	<ul style="list-style-type: none"> <li>- Allocate sufficient time and resources for bilateral and industry-wide consultations to map and respond to concrete needs of private sector actors, particularly suppliers, and ensure buy-in;</li> <li>- Address concerns by proposing tailored solutions or build on existing industry-wide mechanisms;</li> <li>- Seek support from government entities to provide additional incentives for action to the private sector.</li> </ul>
3-Related to people and the organisation	Direct engagement with private sector has adverse impacts on migrant workers or leads to reputational damage for EU	<b>Low</b>	<b>High</b>	<ul style="list-style-type: none"> <li>- Carry out an obligatory internal risk assessment (due diligence) prior to and during any relevant engagement with private sector partners;</li> <li>- Ensure that all partners follow IOM’s Data Protection Principles;</li> <li>- Establish “do no harm”, non-retaliation and remediation principles as part of every private sector partnership.</li> </ul>
4- Related to legality and regularity aspects	Involving undocumented migrant workers in project interventions is sensitive for governments	<b>Medium</b>	<b>Medium</b>	<ul style="list-style-type: none"> <li>- Establish project parameters of engagement through consultative process with government and other stakeholders;</li> <li>- Carry out dedicated risk assessment;</li> <li>- Close coordination with civil society organisations on engagement with undocumented migrant workers.</li> </ul>
2- Related to planning, process and systems 5-Related to communication and information	Duplication of efforts with similar interventions from other actors results in inefficient use of resources and directly impacts results	<b>Medium</b>	<b>Medium</b>	<ul style="list-style-type: none"> <li>- Establish a knowledge management and external communication strategy to promote information sharing and coordination;</li> <li>- Invest in the set-up and strengthening of partnerships to ensure regular communication and coordination;</li> <li>- Consider joint planning, action plans and initiatives to build synergies and avoid duplication.</li> </ul>
<b>Lessons Learnt:</b>				

**1. Importance of whole-of-government and whole-of-society approach:** Experience shows that private sector actors can play an important role to drive positive change to improve the migration, working and living conditions of migrant workers in supply chains. While an increasing number of multinational enterprises have matured systems to carry out effective human rights due diligence, it will remain critical that labour migration and business and human rights policies in countries of operation will be harmonised, small and medium enterprises are better supported in changing their practices and voices of rights-holders are included throughout the design, implementation and monitoring of policies.

**2. Strategic engagement and development of trusted partnership with private sector actors:** At the beginning of the partnership, it is essential to discuss roles, responsibilities and expected results. Private sector actors might for instance be interested in engaging with IOM for “blue-washing” which, in addition to representing a potential reputational risk for IOM, also hinders the achievement of sustainable and positive results. Private sector actors’ commitment is key and can be exemplified for instance by their formal endorsement of the UNGPs; or, their willingness to engage on the topic of (temporary) Non-Disclosure Agreements (NDAs), whereby it could be agreed that IOM would have permission to publish/circulate the data collected through the engagements in an aggregated form, thus contributing to evidence-based policymaking while protecting private sector’s legitimate concerns of data protection.

**3. Practical and customized tools that are responsive of private sector needs:** Among the different modalities of engagement, it is essential to provide private sector actors with practical and customized tools that are responsive of the needs on the ground. For instance, a training module on ethical recruitment would need to be complemented by more practical tools, like a guide on the repayment of recruitment fees. Open-source, standardised tools benefit larger actors as well as smaller stakeholders such as SMEs which might not have access to sufficient resources to develop such tools themselves.

**4. Hybrid funding model:** The hybrid funding model used by IOM in the CREST programme has proven innovative and catalytic. Private sector funding has ensured that while donor funds do not subsidise any specific industry player, companies are part of a partnership through which they have access to technical expertise, customized tools, and regional best practices.

### 3.5 The Intervention Logic

The underlying intervention logic for this action is that:

**IF** a strengthened evidence-base gender sensitive on labour migration and migrant workers is available to inform multi-stakeholder policy dialogue at national and international level (Output 1.3) **AND** governments demonstrate improved capacity to develop and implement policy frameworks on migration business and human rights (Output 1.1) **AND** government foster regional cooperation on labour migration (Output 1.2) **AND** civil society has the resources and capacities to engage, organise and represent migrant worker communities (Output 1.5) **AND** migrant-services are accessible, effective, gender-responsive and rights-based (Output 1.4) **THEN** migrant workers will have improved access to regular migration channels and enjoy greater protection of their rights at all stages of labour migration and have their voices included in migration governance (Outcome 1), **BECAUSE** the government is open to engage in dialogue and consider evidence-based policy reforms to improve labour migration governance, protection and inclusion. **IF** businesses, including MNEs, employers and labour recruiters demonstrate increased understanding of responsible business practices (Output 2.1) **AND** businesses work in partnerships on sector-wide approaches and joint advocacy campaigns on positive labour migration policy changes (Output 2.4) **AND** have improved knowledge, strategies and resources to establish effective migrant-inclusive, gender-responsive due diligence frameworks (Output 2.2) **AND** business, including labour recruiters have increased capacity to follow ethical recruitment principles and support fair recruitment markets (Output 2.3) **THEN** business will be able to effectively respect and uphold the rights of migrant workers in supply chains (Outcome 2). **BECAUSE** companies, including multinational enterprises and local small and medium businesses are willing to engage in responsible business conduct and recognise the long-term benefits of adopting ethical practices on recruitment and employment of migrant workers and adopt responsible business practices in line with IOM's Migration Worker Guidelines for Employers.

**IF** governments have increased capacities to operate judicial and non-judicial grievance mechanisms that are inclusive of migrant workers (Output 3.1) **AND** businesses increasingly understand and realize the potential of operational grievance mechanisms as an effective tool to address issues early and directly (Output 3.2) **AND** civil society organisations have increased resources and capacities to assist migrant workers in accessing available justice mechanisms (Output 3.3) **THEN** migrant workers of all ages and genders will have improved access to effective and adequate remediation mechanisms at all stages of migration (Outcome 3) **BECAUSE** all stakeholders will cooperate and communicate effectively to overcome barriers and enhance access to remedy for migrant workers.

**IF** governments strengthen labour migration governance, protection and inclusion of migrant workers in key migration corridors and employment sectors (Outcome 1) **AND** businesses integrate sustainable responsible business practices in their operations and supply chains to identify, prevent and mitigate human and labour rights risks experienced by migrant workers of all ages and genders (Outcome 2) **AND** justice mechanisms are more effective and accessible to migrant workers (Outcome 3) **THEN** migrant workers will enjoy greater respect for their human and labour rights within supply chains(Overall Objective).

*\*Note: This is a preliminary draft intervention logic for the proposed action that will need to be further developed through stakeholder consultations during the programme design progress.*

### 3.6 Logical Framework Matrix

This indicative logframe constitutes the basis for the monitoring, reporting and evaluation of the intervention.

On the basis of this logframe matrix, a more detailed logframe (or several) may be developed at contracting stage. In case baselines and targets are not available for the action, they should be informed for each indicator at signature of the contract(s) linked to this AD, or in the first progress report at the latest.

New columns may be added to set intermediary targets (milestones) for the Output and Outcome indicators whenever it is relevant.

- At inception, the first progress report should include the complete logframe (e.g. including baselines/targets).
- Progress reports should provide an updated logframe with current values for each indicator.
- The final report should enclose the logframe with baseline and final values for each indicator.

The indicative logical framework matrix may evolve during the lifetime of the action depending on the different implementation modalities of this action.

The activities, the expected Outputs and related indicators, targets and baselines included in the logframe matrix may be updated during the implementation of the action, no amendment being required to the Financing Decision.

PROJECT MODALITY (3 levels of results / indicators / Source of Data / Assumptions - no activities)

Results	Results chain (@): Main expected results (maximum 10)	Indicators (@): (at least one indicator per expected result)	Baseline values (to be defined at inception phase) Baseline year (2023)	Target values (to be defined at inception phase) Target year (2028)	Sources of data	Assumptions
<b>Impact</b>	To promote full respect for the human and labour rights of migrant workers, especially women and migrants in situations of vulnerability within supply chains	<p>A. Number of national, bilateral or regional policies on migration, business and human rights adopted within the intervention timeframe</p> <p>B. Number of businesses that incorporate migration inclusive, gender responsive due diligence frameworks in their corporate policies within the intervention timeframe.</p>	<p>A:0</p> <p>B:0</p>	<p>A: TBC in the inception phase</p> <p>B2: TBC in the inception phase</p>	<p>A: Policy review</p> <p>B: Policy review</p>	<i>Not applicable</i>
<b>Outcome 1 PROTECT</b>	1.1 Strengthened labour migration governance, protection, and inclusion of migrant workers, of all ages and genders, in key migration corridors and employment sectors.	<p>1.1.1 Number of government policies developed or revised with civil society organisation participation through EU support (GERF 2.29 )</p> <p>1.1.2 Extent to which EU funded interventions have contributed to policy-level improvements on migration, business and human rights</p>	<p>1.1.1: 0</p> <p>1.1.2: 0</p>	<p>1.1.1: TBC in the inception phase</p> <p>1.1.2: TBC in the inception phase</p>	<p>1.1.1 Progress reports for the EU-funded intervention</p> <p>1.1.2 Policy review</p>	<p>All stakeholder groups benefit from safe, orderly and regular migration.</p> <p>Governments in countries of origin and destination are open to engage in dialogue and consider evidence-based policy reforms to improve labour migration governance, protection, and inclusion.</p> <p>International norms on migration, business and human rights lead to increasing policy coherence at national and regional levels.</p> <p>Ageing societies and labour shortages in destination countries, along with new supply chain requirements, will serve as important incentives for governments</p>

						<p>and businesses to adopt improved policies and practices.</p> <p>Civil society, particularly migrant-led networks, will be able to participate actively in the process, providing valuable insights and input for policy reforms.</p> <p>The focus on labour migration governance and protection will remain a priority for stakeholders despite potential competing issues or crises.</p> <p>Stakeholders involved in climate change and labour migration governance will recognise the interconnectedness of these issues and collaborate to create effective linkages at the policy level.</p>
<p><b>Outcome 2</b></p> <p><b>RESPECT</b></p>	<p>2.1 Improved identification, prevention and mitigation by the private sector of human and labour rights risks experienced by migrant workers of all ages and genders, in supply chains</p>	<p>2.1.1 Percentage of businesses supported by the EU funded intervention adopting responsible business practices to manage labour migration processes responsibly in line with IOM's Migrant Worker Guidelines for Employer</p> <p>2.1.2 number of migrant workers benefitting from more responsible business practices adopted by businesses supported by the EU funded intervention</p>	<p>2.1.1: 0</p> <p>2.1.2: TBC in inception phase</p>	<p>2.1.1: TBC in inception phase.</p> <p>2.1.2: TBC in inception phase.</p>	<p>2.1.1: Progress Report for EU funded intervention</p> <p>2.1.2: Progress Report for EU funded intervention</p>	<p>Companies, including multinational enterprises and local small and medium businesses, are willing to improve their corporate sustainability due diligence practices to address human and labour rights risks faced by migrant workers.</p> <p>Companies recognise the long-term benefits of adopting ethical and sustainable practices, including improved reputation, reduced legal risks, and increased competitiveness.</p> <p>IOM's partnerships and resources can effectively support companies in advancing due diligence practices within their supply chains, ethical recruitment, and decent working conditions for migrant workers.</p> <p>Multi-stakeholder and industry-based initiatives will be successful in fostering collaboration and driving systemic change in corporate sustainability due diligence practices.</p> <p>Small and medium businesses can adapt to and benefit from improved corporate sustainability due diligence practices without experiencing significant negative impacts on their operations or competitiveness.</p>

<b>Outcome 3</b>  <b>REMEDY</b>	3. Enhanced access to effective grievance and remediation mechanisms for migrant workers of all ages and gender and during all stages of migration.	3.1.1 Extent to which state and businesses provide migrant workers with effective access to effective remedy and justice, disaggregated by the type of entity: state, business.  3.1.2 Percentage of migrant workers supported by the EU-funded intervention who have accessed grievance mechanisms that receive adequate remediation disaggregated by age and sex.	3.1.1: scale 2 some access  3.1.2: 0	3.1.1: TBC at inception phase  3.1.2: TBC at inception phase	3.1.1 Policy rreview  3.1.2 reports for the EU funded intervention	Migrant workers will be willing to access grievance and remediation mechanisms if they are aware of their existence and perceive them as effective and safe.  Stakeholders, including civil society organisations, will cooperate and communicate effectively to overcome barriers and enhance access to remedy for migrant workers.  Efforts to raise awareness and provide support for migrant workers to access grievance and remediation mechanisms will be successful in increasing their utilisation.  Grievance and remediation mechanisms will be able to address the harm experienced by migrant workers in a timely and effective manner, building trust and confidence in the system.  IOM can effectively support stakeholders in developing, implementing, and monitoring grievance and remediation mechanisms for migrant workers.
<b>Output 1</b>  <b>relating to Outcome 1</b>	1.1 Improved capacity of states to develop, coordinate and collaborate on migration, business and human rights policy frameworks	1.1.1 Number of migration management strategies developed with the support of the EU funded intervention (GERF 2.21)	1.1.1: 0	1.1.1: TBC at inception phase	1.1.1 Meeting minutes and reports	Willingness and commitment of government stakeholders and civil society organisations to engage in policy dialogue;  Availability of resources to support engagement and capacity building
<b>Output 2</b>  <b>relating to Outcome 1</b>	1.2 Increased regional and bilateral cooperation on labour migration, migrant protection and responsible business conduct	1.2.1 Number of bilateral and regional dialogue and cooperation initiatives to enhance policy coherence and effectiveness on migration, business and human rights organised with the support of the EU-Funded intervention	1.2.1: 0	1.2.1: TBC at inception phase	1.2.1 Records and reports of regional and bilateral meetings and agreements	Willingness of countries to participate and collaborate; political stability in the region; availability of resources for technical assistance
<b>Output 3</b>	1.3 Strengthened evidence base is available on labour migration and responsible	1.3.1 Number of research studies conducted with the	1.3.1: 0	1.3.1: TBC at	1.3.1 Research reports	Willingness of stakeholders to engage in research activities

<b>relating to Outcome 1</b>	business conduct to support informed decision making (gender and human rights sensitive) by policy makers, private sector and civil society	support of the EU funded intervention		inception phase		Availability of reliable data sources
<b>Output 4 relating to Outcome 1</b>	1.4 Improved accessibility of rights-based, gender-responsive and inclusive services and access to information for migrant workers at all stages of migration	1.4.1 Number of migrant-services and service providers supported	1.4.1: 0	1.4.1: TBC at inception phase	1.4.1 Progress reports for the EU funded intervention	Willingness of service providers to participate collaborate
<b>Output 5 relating to Outcome 1</b>	1.5 Enhanced capacity among regional and national civil society networks to organise and represent migrant workers	1.5.1 Number of CSOs or migrant worker associations that organise and represent migrant workers with support of the EU-funded intervention.  1.5.2 Number of migrant workers benefitting from support provided by CSOs or migrant worker associations with support of the EU-funded intervention.	1.5.1: 0  1.5.2: 0	1.5.1: TBC at inception phase  1.5.2: TBC at inception phase	1.5.1 Progress reports for the EU funded intervention  1.5.2 Progress reports for the EU funded intervention	Presence of civil society networks that engage with migrant worker communities on an ongoing basis
<b>Output 1 relating to Outcome 2</b>	2.1 Enhanced understanding of businesses of social commitments and engagement of labour migration processes in a responsible and sustainable manner	2.1.1  Number of private sector entity representatives trained by the EU-funded intervention in social commitments and responsible labour migration management, disaggregated by sex  2.1.2 Number of strategic and operational private sector partnerships created	2.1.1: 0  2.1.2: 0	2.1.1: TBC at inception phase  2.1.2: TBC at inception phase	2.1.1 Private Sector Partnership (PSP) tracking tool  Pre-and post-training test reports  2.1.2 Private	Private sector actors are willing to collaborate and commit to responsible business conduct  Businesses are receptive to capacity building initiatives

		with support of the EU-funded intervention.			Sector Partnership (PSP) tracking tool	
<b>Output 2</b> relating to <b>Outcome 2</b>	2.2 Businesses have demonstrated the implementation of effective, ongoing, and migrant-inclusive human rights due diligence at all stages of labour migration	2.2.1 Number of companies supported with policy advice, capacity building, due diligence and engagement with migrant workers through the EU funded intervention	2.2.1: TBC at inception phase	2.2.1: TBC at inception phase	2.2.1 Private Sector Partnership (PSP) tracking tool	Businesses are receptive to policy advice, due diligence assessments, and engagement with migrant workers  Private sector is willing to partially fund supply chain monitoring
<b>Output 3</b> relating to <b>Outcome 2</b>	2.3 Increased capacity of businesses to follow ethical recruitment principles and support fair recruitment markets	2.3.1 Percentage of labour recruiters engaged who demonstrate increased ethical recruitment capacity based on the IOM IRIS Standard as a result of the EU funded intervention	2.3.1: TBC at inception phase	2.3.1: TBC at inception phase	2.3.1 Pre and Post test training reports	Labour recruiters are receptive to training and willing to adopt ethical recruitment principles  Employers are supportive of ethical recruitment practices
<b>Output 4</b> relating to <b>Outcome 2</b>	2.4 Increased sector-wide and multi-stakeholder collaboration on migration, business and human rights	2.4.1 Number of stakeholders who participate in joint advocacy campaigns to promote positive labour migration policy changes, conducted through the EU funded initiative	2.4.1: TBC at inception phase	2.4.1: TBC at inception phase	2.4.1 Progress Reports for the EU funded intervention	Stakeholders are willing to collaborate and engage in dialogue to achieve positive policy changes.
<b>Output 1</b> relating to <b>Outcome 3</b>	3.1 Increased capacity of state actors to identify and effectively remediate rights violations and abuses experienced by migrant workers	3.1.1 Percentage of state entity representatives trained by the EU-funded intervention who increase their knowledge on identification and remediation of migrants rights violations and abuses, disaggregated by sex	3.1.1: TBC at inception phase	3.1.1: TBC at inception phase	3.1.1 Event database/Attendance sheet  Pre- and post-training test reports	State actors are willing and able to engage in capacity-building activities.  Adequate resources are available to support the improvement of state-based grievance mechanisms.  Regional and bilateral dialogue will result in the establishment of effective cross-border justice mechanisms.

<b>Output 2</b> relating to <b>Outcome 3</b>	3.2 Enhanced capacity of the private sector to detect and address human rights abuses in their operations and supply chains	3.2.1 Percentage of private sector entity representatives trained by the EU-funded intervention who increase their knowledge on grievance mechanisms and remediation practices, disaggregated by sex	3.2.1: 0	3.2.1: TBC at inception phase	3.2.1 Event database/Attendance sheet  Pre- and post-training test reports  3.2.2 Project monitoring and partnership reviews	Private sector actors are willing to participate in trainings and implement changes  Availability of adequate resources and technical expertise to deliver trainings and support
<b>Output 3</b> relating to <b>Outcome 3</b>	3.3 Enhanced capabilities and resources for civil society and migrant-driven organisations to promote migrant workers' access to justice	3.3.1 Percentage of individuals from civil society organisations trained by the EU-funded intervention who increase their knowledge on grievance mechanisms and remediation practices, disaggregated by sex  3.3.2 Extent of participation by women and by women's rights organisations in social dialogue (GAP III)	3.3.1: 0  3.3.2: TBC at inception phase	3.3.1: TBC at inception phase  3.3.2: TBC at inception phase	3.2.1 Reports of partners  3.3.2 Attendance lists	Civil society and migrant-driven organisations are willing and able to engage in capacity-building activities.  Migrant communities are receptive to awareness-raising activities.  Women are able to safely participate in all social dialog activities

## 4 IMPLEMENTATION ARRANGEMENTS

### 4.1 Financing Agreement

In order to implement this action, it is not envisaged to conclude a financing agreement with the partner countries.

### 4.2 Indicative Implementation Period

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 72 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

### 4.3 Implementation Modalities

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>15</sup>.

#### 4.3.1 Indirect Management with a pillar assessed entity

This action may be implemented in indirect management with the International Organisation for Migration (IOM). This implementation entails the execution of the activities in section 3.2 in order to achieve all the outcomes and related outputs as described in section 3.1 above.

The envisaged entity has been selected using the following criteria:

- Knowledge of the context in Asia at regional, sub-regional and countries' levels;
- Expertise on migration issues in Asia at regional, sub-regional and countries' levels;
- Successful experience in working with departments and key bodies of the countries' administrations, including policy dialogue;
- Expertise in providing advisory services, capacity building and technical assistance to public and private sector;
- Capability to ensure coordination and operating coherently at all levels with public institutions as well as other organisations and stakeholders and donors dealing with the sectors covered by this action (including civil society, associations, media, etc.);
- Experience in promoting alignment with international standards and with EU interests, policies and values in partner countries.

This action will build on the results, partnerships and resources of IOM's projects in the area of Migration, Business and Human Rights (MBHR), particularly the Corporate Responsibility in Eliminating Slavery and Trafficking (CREST) project funded by Sweden and CREST Fashion funded by Laudes Foundation. IOM is the leading International Organisation in the field of migration, and is dedicated to promoting humane and orderly migration benefits migrants and society. In Asia, IOM has a strong footprint with its unique operational capacity in implementing a regional portfolio of MBHR. IOM works with governments to improve labour migration governance and the protection of migrant workers including through corporate responsibility due diligence frameworks, supports private sector in upholding its responsibility to respect the human and labour rights of migrant workers through management system approaches and direct engagement with migrant workers, and enables civil society to better organize migrant worker communities and to facilitate access to justice across the region.

<sup>15</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu). Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.

IOM and ILO, as a labour standard-setting, tripartite organization, represent the main UN agencies working on labour migration. IOM and ILO are working closely together on labour laws and rights through the ILO-IOM Global Workplan for the period 2021 to 2023, as well as through the Regional Workplan for Asia and the Pacific 2022-2023. Under this action, IOM's work on labour laws and labour rights will be closely coordinated with ILO, as per the next regional workplan. IOM's priority will be to strengthen labour migration governance frameworks in order to hold private sector actors accountable to protect the rights of migrant workers, of all ages and genders, in key migration corridors and employment sectors. This will build on IOM's existing work and expertise demonstrated in the provision of input to several notable business and human rights policy-level outcomes in the region and globally, which include EU's Corporate Sustainability Due Diligence Directive<sup>16</sup>, Australia's Modern Slavery Act, Japan's Guidelines on Respecting Human Rights in Responsible Supply Chains, Malaysia's National Action Plan on Forced Labour (NAPFL) 2021-2025, Thailand's National Action Plan on Business and Human Rights, the Philippines Migrant Workers Bill, and Viet Nam's Law on Vietnamese Guest Workers no. 69/2020/QH14.

IOM has a unique ability to engage directly with businesses, including a number of European companies through joint projects. IOM implements projects with companies to address the risks experienced by migrant workers within the supply chains of these companies. By December 2022, over 600,000 migrant workers (220,472 through CREST solely) migrant workers and their families had benefitted from IOM through CREST, CREST Fashion and related projects. These include migrant workers who are employed by IOM's private sector partners as well as those migrant workers who were reached through information, education and communication activities and through direct service provision in response to the COVID-19 pandemic.

In total, IOM engaged 2,875 private sector actors (including lead companies, business associations, private sector foundations, brands, suppliers, recruitment agencies and sub-agents) through its tailored approach which includes labour migration process mapping, policy development and training related to the ethical recruitment and rights-based employment of migrant workers. As a result, IOM implemented project partnerships with 18 private sector stakeholders (including Adidas, Apple, IKEA, Fast Retailing, Delta Galil, Panasonic, Walmart, VF Corporation, Responsible Business Alliance, and the Consumer Goods Forum), surpassing its private sector financial contributions target of USD 5 million under CREST and EUR 100,000 under CREST Fashion, by achieving USD 10.5 million in private sector contributions (as of August 2023). These financial contributions reflect a strong commitment from private sector partners to strengthen the management system of recruitment and employment of migrant workers, as well as remediation, to ensure respect for human and labour rights in line with UNGPs. Notable progress among partners included the VF Corporation publishing its modern slavery statement which outlined IOM's contribution to its updated Facility Standards and guidelines for the ethical and responsible recruitment of migrant workers. Fast Retailing launched workplace monitoring focused on foreign migrant workers' recruitment and employment. The monitoring aligns with the *Fast Retailing Standards and Guidelines on Responsible Recruitment of Migrant Workers for Production Partners* which were developed in partnership with IOM through CREST. In addition, Panasonic released its Human Rights and Labor Policy, publicly disclosing its partnership with IOM and its suppliers hiring migrant workers in Malaysia.

In previous years, IOM has expanded its working relationships with the private sector, ranging from international and national associations to multinational enterprises, local employers and SMEs and labour recruiters. This underlines IOM's convening ability in the MBHR space. This action will build on IOM's strength and its ability to bring private sector partners, including MNEs, into the multi-stakeholder discussions, as concluded in the final evaluation of CREST Fashion programme. For example, following a partnership with IKEA, the Thailand Overseas Employment Administration (TOEA) of the Thai Ministry of Labour confirmed that it would begin using a pre-departure orientation video developed for IKEA in their compulsory pre-departure orientation sessions for up to 5,000 Thai workers who go to Sweden to work as berry pickers every year.

Apart from its expertise and experiences, the important added value of IOM is the effective synergies with its sub-regional, regional, and global programmes. This will ensure regional coherence of migrant rights issues and would fill in a regional gap on commitment to dialogue and collaboration between Governments in countries of origin and destination.

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<sup>16</sup> (EU) 2019/1937

In case the envisaged entity would need to be replaced, the Commission's services may select a replacement entity using the same criteria. If the entity is replaced, the decision to replace it needs to be justified.

#### 4.3.2 Changes from indirect to direct management mode (and vice versa) due to exceptional circumstances (one alternative second option)

In case of exceptional circumstances outside of the Commission's control, the implementation modality described in section 4.3.1 could be changed from indirect management with a pillar assessed entity to direct management through (procurement and/or grants) for the full amount indicated in section 4.5:

**- Procurement (direct management):**

Procurement would contribute to the achievement of the outcomes 1 (outputs 1.1, 1.2, and 1.3) and 3 (output 3.1) specified in section 3.1 with an indicative global budgetary amount of EUR 2,000,000.

**- Grants (direct management):**

**(a) purpose of the grant(s)**

To support the partner countries in addressing the issues related to rights of labour migrant workers, especially women and vulnerable groups. Specifically, to strengthen rights, improve diligence practices and enhance access to mechanisms in support of migrant workers. Grants would contribute to the achievement of outcomes 1 (outputs 1.4 and 1.5) 2 (all outputs), and 3 (outputs 3.2 and 3.3). Indicative global budgetary amount: EUR 3,000,000.

**(b) Type of applicants targeted**

Public bodies, NGOs, pillar and non-pillar assessed national and international organisations with experience and capacities in the sectors targeted by this action.

#### 4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

#### 4.5 Indicative Budget

<b>Indicative Budget components</b>	<b>EU contribution (amount in EUR)</b>	<b>Third-party contribution, in currency identified (EUR)</b>
<b>Implementation modalities</b> – cf. section 4.3		
<i>Indirect management with the International Organisation for Migration - cf. section 4.3.1</i>	<i>5 000 000</i>	<i>7 000 000</i>
<b>Evaluation</b> – cf. section 5.2 <b>Audit</b> – cf. section 5.3	may be covered by another Decision	N.A.
<b>Totals</b>	<b>5 000 000</b>	<b>7 000 000</b>

#### 4.6 Organisational Set-up and Responsibilities

The Organisational set-up foresees the following elements:

- The regional multi-donor initiative implemented by IOM on Migration, Business and Human Rights in Asia will remain open for additional development partners and donors including from the private sector.
- A regional multi-stakeholder advisory board will be established at the regional level in order to provide strategic and policy guidance to the project team. Regional advisory board will meet at least once a year and will validate the annual work plans, monitor project output and achievements and provide advice on how to address challenges.
- At the country-level, meaningful coordination mechanisms will be identified to guide project implementation in a similar way. However, this may also entail collaboration with existing steering mechanisms to avoid duplication.
- These consultative fora will ensure meaningful participation of public, private and civil society stakeholders. Special attention will be given to representation of migrant workers, especially women and vulnerable sub-groups.

The final organisational set up will be confirmed and further detailed during the inception of the project.

The IOM will be responsible for project management as well as for the organisation of the meetings of the advisory boards and coordination mechanisms, monitoring of deliverables and drafting reports.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action and may sign or enter into joint declarations or statements, for the purpose of enhancing the visibility of the EU and its contribution to this action and ensuring effective coordination.

## 5 PERFORMANCE MEASUREMENT

### 5.1 Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix.

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews).

Roles and responsibilities for data collection, analysis and monitoring: performance and result monitoring will be emphasised during contract preparation period to ensure that the important elements of baselines and data collection (including timeline and budget allocation) will be included in the action. The implementing partner will fully coordinate and monitor the activities on a country-by-country basis and at regional level, and report to the Commission in an aggregated and regular basis.

The implementing partner will be responsible for conducting any necessary baseline and final surveys as well as regular monitoring and evaluation (M&E) and reporting of all project activities. In addition to its regular M&E functions, and when applicable, the entrusted entity will also be responsible for M&E, including financial monitoring and management of grants (if applicable), as well as any sub-contracting that might be envisaged, and will include relevant details in the reports referred to above.

All monitoring and reporting shall assess how the action is considering the principle of gender equality, human rights-based approach, and rights of persons with disabilities including inclusion and diversity indicators shall be disaggregated at least by sex.

## 5.2 Evaluation

Having regard to the importance and nature of the action, a mid-term and a final evaluation may be carried out for this action or its components through a joint mission or via independent consultants contracted by the Commission or via an implementing partner.

The mid-term evaluation will be carried out for problem solving and learning purposes, in particular with respect to possible adjustments/reorientation of certain activities, if necessary, in order to achieve the objectives at the end of the implementation.

The final evaluation will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the fact that there is a potential for follow-up programmes.

In case an evaluation is to be contracted by the Commission, the Commission shall inform the implementing partner at least 60 days in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

In the case where the evaluation is contracted by the Commission, the latter shall inform the implementing partner at least 60 days in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports may be shared with the partners and other key stakeholders following the best practice of evaluation dissemination. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, apply the necessary adjustments.

The financing of the evaluation may be covered by another measure constituting a Financing Decision.

## 5.3 Audit and Verifications

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

# 6 STRATEGIC COMMUNICATION AND PUBLIC DIPLOMACY

The 2021-2027 programming cycle will adopt a new approach to pooling, programming and deploying strategic communication and public diplomacy resources.

In line with the 2022 “[Communicating and Raising EU Visibility: Guidance for External Actions](#)”, it will remain a contractual obligation for all entities implementing EU-funded external actions to inform the relevant audiences of the Union’s support for their work by displaying the EU emblem and a short funding statement as appropriate on all communication materials related to the actions concerned. This obligation will continue to apply equally, regardless of whether the actions concerned are implemented by the Commission, partner countries, service providers, grant beneficiaries or entrusted or delegated entities such as UN agencies, international financial institutions and agencies of EU member states.

However, action documents for specific sector programmes are in principle no longer required to include a provision for communication and visibility actions promoting the programmes concerned. These resources will instead be consolidated in Cooperation Facilities established by support measure action documents, allowing Delegations to plan and execute multiannual strategic communication and public diplomacy actions with sufficient critical mass to be effective on a national scale.