



ASEAN DECLARATION ON THE PLACEMENT AND PROTECTION OF MIGRANT FISHERS

WE, the Member States of the Association of Southeast Asian Nations (ASEAN) on the occasion of the 42nd ASEAN Summit chaired by the Republic of Indonesia;

GUIDED BY the ASEAN Charter, which notes that one of the key purposes of ASEAN is to enhance the well-being of the peoples of ASEAN by providing them with equitable access to opportunities for human development, social welfare and justice for the strengthening of the ASEAN Community;

REAFFIRMING our commitment to the ASEAN Community Vision 2025 to build an inclusive, sustainable, resilient and dynamic ASEAN Community which promotes equitable access to social protection and greater access to basic social services for all;

REITERATING our commitments in the guiding principles of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers and the guiding principles of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers (Cebu Declaration) to promote decent, humane, productive, dignified and remunerative employment for migrant workers;

FURTHER REITERATING our commitments in the ASEAN Convention Against Trafficking in Persons Especially Women and Children, ASEAN Declaration on the Rights of Children in the Context of Migration, ASEAN Declaration on Strengthening Social Protection, ASEAN Declaration on Portability of Social Security Benefits for Migrant Workers in ASEAN, ASEAN Declaration on Protection of Migrant Workers in Crisis Situations and ASEAN Roadmap on the Elimination of Worst Forms of Child Labour by 2025;

NOTING the Universal Declaration of Human Rights, fundamental ILO Conventions, ILO Declaration on Fundamental Principles and Rights at Work, 2030 Agenda for Sustainable Development, Global Compact for Safe, Orderly and Regular Migration, UN Guiding Principles on Business and Human Rights and other relevant international instruments which support the protection and promotion of the human rights and fundamental freedom of migrant fishers and their safe and regular migration;

CONSIDERING the recommendations of the Eighth ASEAN Labour Inspection Conference and the Seventh, Eighth and Twelfth ASEAN Forum on Migrant Labour (AFML) for enhanced measures and dedicated resources to ensure decent work of migrant fishers and address violation of labour and human rights faced by migrant workers in fishing;

RECOGNISING the importance of migrant workers and their positive contribution to the economies of ASEAN Member States;

MINDFUL that ASEAN Member States are among the world's top producers and exporters of fish and seafood products as well as the top origin countries of migrant fishers;

RECOGNISING that fishing is a hard-to-reach sector and could be a hazardous occupation which aggravates the vulnerabilities of migrant fishers to the risk of decent work deficits including but not limited to unacceptable working and living conditions on board fishing vessels, abusive recruitment practices and inadequate labour inspection;

ACKNOWLEDGING that the migrant fishers are migrant workers whose rights are an inalienable, integral and indivisible part of human rights and fundamental freedoms as enshrined in the ASEAN Human Rights Declaration and that they are entitled to the same rights and protection as other migrant workers as provided for in the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers;

FURTHER RECOGNISING the shared responsibility of ASEAN Member States to protect and fulfill the rights of migrant fishers in the entire migration cycle and to prevent and combat forced labour, child labour and trafficking in persons in fishing vessels considering the proximity and connecting borders of ASEAN Member States;

NOTING that for the purpose of this Declaration, "migrant fishers" refer to migrant workers who are employed in any capacity or carrying out an occupation on board commercial fishing vessels flying the flag of a country other than their own nationality.

DO HEREBY:

Resolve to undertake the following actions, in accordance with the respective ASEAN Member States' national laws, regulations and policies, to enhance the well-being and protection of the migrant fishers:

1. **CONSIDER MAINSTREAMING** the protection of migrant fishers in all relevant migration policies, mechanisms and processes of ASEAN and its Member

States, including with those of ASEAN's External Partners, international organisations, and other relevant international entities;

2. **ENDEAVOUR**, where appropriate, to strengthen measures, in cooperation with the private entities, employers and other partners and dedicate resources to enhance the labour conditions of migrant fishers and ensure their labour rights protection, including but not limited to decent working and living conditions, occupational health and safety, risk evaluation, access to justice, access to social protection with special attention to the workers who are sick, injured or dead, including humanitarian assistance in case of health emergencies and crisis situations for fishers on board;
3. **FURTHER ENDEAVOUR** to take appropriate and gender responsive measures to identify, address and punish all forms of violence, abuses and exploitation against migrant fishers, including strengthening the institutional capacities and systems of labour inspections and referral systems, occupational safety and health, accident prevention, workplace injury, grievance mechanisms, and to improve inter-agency coordination and labour inspection to effectively protect migrant fishers;
4. **IMPROVE** the entire migration process of migrant fishers through improvement in ethical and fair recruitment and placement; pre-employment, pre-departure and post-arrival orientations; and access to employment contract or proper documentation in the language they understand;
5. **IMPROVE** the protection of migrant fishers and their families left behind by ensuring their access to communications, access to information on migration policies, job risks and their rights, and right to any modes of transfer of wages and employment benefits to their families;
6. **ENCOURAGE** ASEAN Member States to initiate or conclude bilateral agreements among each other and with countries outside the region to facilitate safe and regular migration of migrant fishers especially in recruitment and placement processes, safe repatriation and reintegration, and access to justice and remedies;
7. **EXPLORE** cooperation among ASEAN Member States on data collection and sharing on, but not limited to, case management, recruitment and repatriation of migrant fishers in and outside of ASEAN, and sharing of best practices and lessons learned in the migration process of migrant fishers;
8. **PROMOTE** collaboration and partnerships between ASEAN Member States and with relevant ASEAN External Partners, international organisations and other regional and national stakeholders for more effective law enforcement and in protecting ASEAN migrant fishers in the entire migration process;
9. **WE** tasked the ASEAN Labour Ministers' Meeting (ALMM), with the support of the Senior Labour Officials Meeting (SLOM) and other relevant ASEAN sectoral bodies and organs, as necessary, to mobilise resources for the implementation

of this Declaration and develop an ASEAN Guidelines on the Placement and Protection of Migrant Fishers.

Adopted in Labuan Bajo, the Republic of Indonesia, on this Tenth Day of May in the Year Two Thousand and Twenty-Three, in a single original copy in the English language.