

**Questionnaire for MFA's Contribution to the Committee on Migrant Workers
Day of General Discussion 2005**

1. In the context of globalization and increasing cross-border movements, how does the protection of human rights of migrant workers foster their capacity to obtain decent work and contribute to the economic and social development of both country of origin and employment?

(Indonesia) The protection of human rights of migrant workers will take the migrant workers in proper position and their rights will be met:

- They will not be working for long hour without compensation, it means that they could save their energy and prevent them from being stressed out, thus exploitation could be prevented.
- They will have the freedom of practicing their religions.
- They are given holiday, it means they are able to socialize with their friends, relatives and enjoy some times to relax.
- Right to involve in an organization, in order to increase their capacity and to strengthen solidarity.
- Country of employment can take benefit from the migrant workers especially when labor demand of the respective country is met. The country of origin can take benefit in the form of remittance they send which help increase the development of the families / local / national economic.

(India) The Laissez-fair market economy is gradually taking over all the labour standards established over the years and a filthy casualisation of the work environment is emerging. In this free market economic environment not only the rights of the workers remain unprotected, the safety and the security of workers have become a big challenge. The mental agony and the physical torture the domestic workers and the vulnerable sections of workers experience in the host countries is beyond limits. A new group of exploiters in the name of recruiting is emerging, who enjoy the blessings of both the host country as well as the sending countries. To uphold the dignity of work and the workers and to give a human face to the work human rights dimension has to be the guiding principle around which migration policy has to be woven. The principles of trade and commerce must be woven around the principles of Human Rights which have to be jointly protected by both the sending countries as well as the receiving countries that the movement of persons (migration) becomes an enriching experience.

(Nepal) Right to live with dignity is another right to be considered when we talk about the migration itself. Being the skill labour is always having greater respect than unskilled. Due to the globalization, it is easy to have a information on the labour market. So to fulfill the demand of the labour market as a skilled labour,

there should have an opportunity to build up their capacity accordingly. So the country of origin should provide the opportunities to strengthen one's capacity.

Besides that migrant worker should realize them as a person who is also contributing strongly to economy of the country of destination as well. The migrant workers are there to fulfill the labour demand of destination country.

(India) If the human rights of migrant workers are secured, no employers will try to give them the wage, working conditions and their entitlements below the stipulated rule. This situation will lead them to get decent and dignified work, as workers will have confidence to negotiate for better deals. Legally secured and confident workers will give better output in their work, on the other hand decent wage will lead to greater savings and greater remittances and investment in their home country which will ultimately lead to the economic and social development of both country.

(Indonesia) The protection of human rights of migrant workers actually will give many advantages to employer and migrant worker. Migrant worker will work well if they get the protection of human rights. On the contrary, they will not give a maximal contribution to the economic and social development, if they don't get the protection of human rights. So giving the protection of human rights of migrant workers is the basic requirement to fulfill the economic and social development of both country of origin and employment.

(Bangladesh) Migration of labor is an integral part of today's global economy. Both sending and receiving states benefit immensely from this trade. Migrant workers play a vital and indispensable role in the economic growth of the country of employment. They also ease the pressure of employment creation on the government of their country of origin and their remittance provide much needed resource for import and for meeting international financial obligations, such as debt servicing. In spite of impressive contribution of migrant workers to the economy of their state of origin and to the state of employment, they are the most vulnerable section of the world labor force. Nowadays the migrant workers are more aware by various migrant workers organizations throughout the world. Beside this, various NGOs and developing agencies like WARBE are working to uphold the rights of the migrant workers by making them aware before departure to the country of employment. They are providing awareness initiatives to the migrant workers and at the same time taking necessary steps to affect the systems of migration. Whenever a migrant worker falls as a victim, he/she goes to those organizations and get necessary assistances. Again, when a potential migrant worker takes initiative to go for another country he takes all including legal and health support from them. All these create the favorable atmosphere to that migrant worker. Became aware of the illegal possibilities, he then go for decent works for the sake of himself and their family members and contribute to the economic and social development of both the country of origin and employment.

(Philippines) HR protection enables MWs to choose decent work, to work and earn better (as they are not physically, socially, emotionally, psychologically suffering from inhuman/indecent work) and thus contribute to his/her host economy/society – they not only bring profits, they also pay taxes - and be able to send more money home. When they work and live decently, they are also in a better position to socially involve themselves to contribute to social development at home and on-site.

(Taiwan) The protection of human rights of migrant workers fosters their capacity to obtain decent work that provides them with a just wage; safe and healthy working conditions; time for rest and leisure etc. Without their human rights being protected they are vulnerable to endless number of abuses in the work place. By receiving a just wage they are able to save their money and contribute to the economic development of their country of origin by beginning their own business on their return home. They are able to send remittances home to their families and this money flows into the economy of their country of origin. Their remittances pay for the education of their family members which contributes to the social development of their country. By receiving a just wage they are able to buy the necessary consumer items for their own personal needs and this money flows into the economy of the country of employment. With time for rest and leisure they have opportunities to meet and socialize with the local people in the country of employment. This healthy interaction of people from different cultures contributes to social development.

(Bangladesh) There is a need to come up/pus for bilateral agreements for policies tat world carry real/responsive laws for the protection of women migrant workers. Women migrant workers could come up with documentation of their experiences to push for policies.

One of the key instruments to protect rights of migrant workers is the UN Convention on the Protection of all Migrant Workers and their Families, 1990. It is to be noted that Migrant Workers CoSnvention, 1990 came into force after being ratified by 20 countries and all of these countries were basically countries of origin. This fact clearly indicates the lack of commitment on the part of countries of destination to upholding of migrant workers' rights. We believe that ratification of this convention and its implementation will go a long way in ensuring decent work condition for migrant workers. This in tern will contribute to economical, social development of both countries of origin and employment.

(Burma) The protection of migrant workers, in accordance with ILO core standards on migrants rights, freedom of association, the right to bargain collectively, prohibitions against child and forced labor, and minimum wages and of the enforcement occupational and safety standards. By extending the rights and protections to migrant workers as well as workers from the host country, workers are not pitted against each other to drive down wages and working conditions for both groups. Additionally, the both the skills acquired and the wages received by

the migrants can be used to help the families and the economy in the country of origin, now and in the future.

(Philippines) Due to stunted economic growth caused by neoliberal globalization, migrant workers from poor countries are very much vulnerable to abuse and exploitation. In the Philippines, many migrant workers believe that finding decent work at home is almost impossible, so that there is great pressure to migrate. Even if they know of many rights violations against migrants, they just hope that “fate” will be kind to them. Thus, even if they know that the working and living conditions abroad would not be so good, and even if they know that the employment contract submitted to the government for approval is only “for show” and that it would later be substituted for another, the lack of viable options pushes them to accept any employment.

If migrant workers rights are protected, migrants can get decent working and living conditions. If they earn more, then they can send more for their loved ones at home. If the worker is afforded the basic wages and benefits, then he/she can spend this in the country of employment to avail of social services such as health, insurance, etc and for other needs such as communication (telephone calls) and recreation. Migrant workers are also consumers in the country of employment. If they earn more, they can spend more. And if they are consciously planning for their eventual return, then they can save more.

2. How can a better recognition and protection of the human rights of all migrant workers discourage irregular and clandestine migration in abusive conditions and lead to increased benefits for both countries of origin and countries of destination?

(Indonesia) To properly protect and respect the migrant workers will eliminate the migrant workers exploitation practices, it means that recruitment / placement / agency fee is regular, the salary is proper, and everybody understands that movement (going to one place to another) to make a living is a human right. False documents used to give permit to enter to a country hence can be avoided; this usually leads to irregular migrant.

(India) Protection of Rights of Migrant workers implies setting standards for the Movement of Persons and providing dignified living conditions and other provisions of workers rights enshrined in the Un Conventions and the ILO declarations. Once the above rights are ensured other inhuman conditions would vanish.

(Pramita) The better recognition and protection of human rights of migrant workers always empowers people through realizing one's strength and getting respect for that strength. The strength for which one is demanded in the global labour market and contributing to global development if one feels oneself a part of that society, the responsibility towards the society also comes together. It will

certainly is contributing to the global development it of course contribute to one's country's development as well. I think if we materialize it in practically, irregular migration will be extinguished.

(Indonesia) The status of irregular and clandestine worker will appear violation of the human rights of all migrant workers. Some of migrant workers realize this risk but some of them don't realize it. So a better recognition and protection of the human rights will decrease their wish to be irregular and clandestine worker. On the other hand, the status of legal migrant worker will give guarantee for their rights as a worker. In this condition, they will give advantages for both countries of origin and countries of destination.

(Bangladesh) Better recognition and protection of human rights can play an effective role to the well-being of migrant workers to lead increased benefits for both the countries origin and destination. Awareness makes one more hopeful and forceful towards his achievement and every migrant worker should be provided awareness on their possible risks before departure and in the country of employment. He should know about the recognition and protection of human rights on migration worldwide. In Bangladesh, some NGOs and developing agencies like WARBE, ASK, RMMRU are taking initiatives with the help of AMC and MFA to prepare a migrant worker before leaving for the country of employment. By going through all these procedures they become aware about human rights of migrant workers and thus they are discouraged about irregular and clandestine migration. The sending countries are yet to develop a formal strategy through which they could secure the interests of their citizens, the migrant workers, in foreign territories. Unfortunately, most of them have not been able to ensure a fair deal for the migrant workers within their own boundaries. Along with the issue of moral obligation and duty of the sending and receiving countries one may argue that both sides need to look after the migrants' interests for their own national gain.

(Philippines) Such recognition and protection remove reasons for MWs to go irregular. Unscrupulous recruitment agencies or individuals will be exposed for what they are and will be shunned and arrested – for MWs will be informed of their crime and will have access to legal recruiters. The public will be aware/watchful against these unscrupulous recruiters. With only regular MWs, migrants do not have to compete with lower-paid irregulars, can send more to their family, will not have to work to death/illness, and will pay their taxes. Local workers will no longer complain because they do not have to compete with lower paid foreign migrants. MWs will also be happier/satisfied workers, working better and contributing not only to more profits but also taxes to host countries. Origin countries can receive more remittances and will no longer have to spend a lot into addressing migrant problems, repatriating them, providing legal support etc. Regular MWs will come home when contracts end and governments will provide reintegration programs.

(Taiwan) If the migrant workers' human rights are protected then there is little reason for them to become irregular. Irregular migrant workers are extremely vulnerable and open to all kinds of abuses. It is usually at a last resort that documented workers become irregular. Irregular workers normally remain hidden in their place of work out of fear of being arrested by the police. As a consequence they do not contribute much to the local economy. Irregular workers tend to spend long years away from their families at home. This is not healthy in developing family relationships. Healthy families contribute to a healthy society. When workers are documented they can legally move in and out of their country of destination. Returning home on a regular basis helps to maintain healthier relationships with the family. It may contribute to the worker remaining more focused on their life goals to eventually go home for good and begin a business which will contribute to their countries local economy.

(Bangladesh) If the exploitative and abusive working conditions are exposed, more employers/brokers would think twice before doing such illegal acts. The media could be mobilized to do the exposing of such evil acts; filing of cases against perpetrators so the abusive acts would not continue and that the victim would get justice.

Weak institutional arrangements in both sending countries and receiving countries are responsible for irregular migration. When the migration policies of receiving countries are not congruent with their economic needs, this can also contribute to irregular migration. This lack of congruence normally reflects a condition in which the informal economy can prosper without major risks. The condition in which employers can offer jobs to unauthorized migrants without serious risks of penalties, works as an incentive for irregular migration. Therefore, a strong commitment of both sending and receiving countries to upholding of migrant workers' rights and an orderly migration regime can eliminate the conditions responsible for irregular migration.

(Burma) In order to extend to migrant workers their rights and protections under the both domestic law their existence and the existence of their indelible rights must be recognized first.

(Philippines) *In the case of the Philippines, many migrant workers end up as undocumented migrants workers. They are either deployed by illegal recruiters or illegally deployed by licensed recruitment agencies. Others are victims of trafficking syndicates.*

Those workers, documented or undocumented, who find themselves in conditions of abuse and extreme exploitation have no recourse but to run away. In Kuwait in 2002, the Department of Foreign Affairs (Philippines) revealed that 8-10 domestic workers run away from their abusive employers. The run-aways then become undocumented migrant workers and are often treated by host country as immigration criminals when in fact, they are abused laborers. They are

persecuted by the host government. This policy of persecuting run-aways render them again vulnerable to the unscrupulous labour brokers and trafficking syndicates. Many run-aways also seek the assistance of Philippine embassies. In Kuwait, there are times when workers in the embassy shelter even reach up to 300 and the government has to charter a plane for mass repatriation. The fund for shelter, and other welfare services, repatriation and legal assistance grows yearly.

Better recognition of the rights of migrant workers would afford them legal protection as victims of unscrupulous labor brokers and trafficking syndicates. This would lessen their vulnerability to abuse. If sending countries put in protective mechanisms at the pre-departure level, then the problem of run-aways would be lessened and the fund that goes to welfare assistance for those seeking repatriation because of bad working and living conditions would be better used for other programs to uphold the welfare of migrant workers.

3. How can compliance with the State's obligation to inform properly the migrant worker enhance the chances of successful migration and thus reinforce its positive effect on the development of the migrant worker and consequently of the communities of which he/she is a member?

(Indonesia) If government properly facilitates all of the need and rights of migrant worker (situation of working condition, salary, culture, regulation, and other information concerning the destination country), thus the migrant workers could foresee and anticipate of the coming situation they may face in the destination country. They will work safely and able to manage their salary for daily needs and for saving, so they will contribute well to development of their family, and society.

(India) Country specific policies for the safe migration of people have to be evolved at the sending country's level. Also there must be proper predeparture trainings for the labourers migrating to other countries. The Institutions in support of the migrant workers both in the sending countries as well as in the receiving countries have to be tuned people friendly.

Opportunities for the workers to assemble, discuss and redress grievances related employment has to be ensured. Service centers of the migrant workers have to be instituted and their services have to made known to the migrant workers.

(Nepal) Practically country like Nepal has still accepted the migration as good source to get good remittance and reduce the unemployment. The cost of migration to the country as well as the migrant is always higher that what they got as remittance. The remittance has contributed more than 40 % in Nepal. Besides that migrant workers also bring the skill to their national as well as to their own community.

The successful migrant does not mean to bring good remittance in, it also include the recognition and insurance of their right at the country of origin as well as the country of destination. The issue of the migrants as pre employment, pre departure, post arrival and reintegration should be recognized as the issue of

migration and should be address properly. So the mechanism to made them realized the issue minutely and mechanism to addressed all of them.

(India) Proper and updated information by state on various aspects on migration process, such as on culture, visa regulation, employment law – labour law, money transfer procedure, welfare law and systems will give prospective migrant workers various options and situation to decide for better opportunities. It will lead to the successful migration and its consequential effect on migrant workers and their family and society.

(Indonesia) Some of Indonesia migrant workers problems are they don't know their rights well. They get the information from recruiter or agency. When they get the problems in the country of destination, they don't know how to solve the problem.

The government have obligation to inform properly to migrant worker candidate. The information includes all of the migrant worker rights and the problem solving for migrant workers. This good information actually will support them enhance the chances of successful migration and thus reinforce its positive effect on the development.

(Bangladesh) It is widely observed that, people from the country of origin are totally unaware about the information on the country of employment. This information may include the law and order situation, living conditions (expense and facilities), legal system, lifestyle, culture, language etc. Besides, a migrant worker should have sufficient knowledge on the migration laws of the country of employment. The migrant workers should be provided the information properly by the state or network set up by the state with the NGOs to enhance the chances of successful migration. Thus it may reinforce positive effect on the development of the migrant workers and the community where the migrant workers live. WARBE and other NGOs are working on this issue to sensitize the community by providing awareness information to the migrant people.

(Philippines) Ideally, sufficiently informed MWs will go only the regular way and will assert their rights. Thus, they will earn what locals earn and will be able to send more money home. They will also have planned even before they leave how to get the most out of their temporary migration and will push government to provide for reintegration programs that he will tap when he return. Then he won't go eternally migrating for work for the reintegration program should have provided alternatives for him/her to work here or open a business and generate jobs as well as to share what he learned abroad in knowledge and skills (knowledge and skill share) and including better citizenship. Supposedly, this should have multiplier effect.

(Taiwan) If migrant workers are properly informed on the procedures of migration and their rights in the migration process they are aware as to when they are being cheated and abused. Migrant workers can then report to government authorities when they know they are being cheated and abused. When migrant

workers are educated on their rights they become more empowered to stand up for their rights.

(Bangladesh) If the state really does its obligation to inform its migrant workers of their rights, welfare, etc., there would be less cases of sufferings/violation of women migrants' rights. These migrant workers would go to the right channels / processes and not underground.

In this age of globalization, information is a very important factor. A person with sufficient information is more secured than a person who does not have the same. As far as migration is concerned, when potential migrant workers are provided with sufficient information with regard to her/his country of destination, s/he can decide well in advance how to act and behave in the new environment in the country of destination. Thus, s/he can remain secured abroad and can contribute to the betterment of the society of which s/he is a member.

(Burma) By complying with their obligation to properly inform the migrants of their rights, the state provides migrant workers the knowledge that is the essential first tool in their asserting and/or defending their rights.

(Philippines) *If the State's comply to their obligation to inform properly the migrant worker, families and communities, then the vulnerability to victimization is lessened. However, in the case of the Philippines which is aggressively pushing a labor export program (annual target of overseas deployment is one million), there is a lack of information dissemination and even the government personnel, especially at the local level are ignorant of the laws regarding migration and trafficking. The national law regarding Migrant Workers has been effect from 1995 and the Anti-trafficking law was passed 2003 and yet these have not been widely disseminated. Kanlungan has been doing community outreach since 1996 and has taken on this task. We have mobilized the government agencies to be with us in our community outreach. We try to go to the communities of our clients who have been victimized and give seminars not only to the people in the communities but also to the local government authorities, including the police and the government social workers. Governments of sending countries should be obligated to disseminate information.*

4. How can States facilitate the right of all migrant workers to transfer their earnings and savings from the State of employment to their State of origin in order to improve their capacity to send remittances back home and so contribute to the development of their family and their community in the country of origin?

(Indoneisa) The Government (especially sending country) must conduct the training for migrant worker and their family on good financial management (money transfer, how to manage the migrant worker salary for their consumption and saving, etc). They must facilitate the reintegration program in order to make

save and useful migration, so the migrant workers are able to contribute to the development of their family and their community in the country of origin.

(India) As the free flow of capital is established by the neo-liberal economic policy and the tariffs on trade to the MNC's is allowed. Cost effective open channels of the transfer of money in support of the domestic workers and the vulnerable sections has to be established. Certain percentage of the remittances has to be year marked for productive activities such as income generation activities which will gradually benefit the returnee migrants.

(Nepal) The state should develop good and very much practical channel to bring the remittance to their country. The channel they could send the money right after they received payments (if possible they could transfer the salary to the bank directly). The bilateral agreement of the country of origin and county of destination could develop this channel and encourage the migrants to use channel that strengthen their country.

Besides that the good pre departure program could facilitate the migrant to analysis the cost of their migration. So migration could be utilizing maximum possible to have the good economic strength and enhance the skill.

(India) The concerned states, both sending and receiving can enter into bilateral agreements on creating proper institutions and agencies to safely transfer the remittances. Less transaction fees as well as states facilitated/ created financial institution at migrant workers reach for the purpose of transferring money will lead to greater flow of remittances. Greater flow of remittances will definitely lead to the development of their family and community. The development of their family will reflect in terms of better economic consumptions, better schooling to their children, better health care and so on. A better community development is also secured if bigger amounts in remittances are coming in particular village and locality.

(Indonesia) The government has to suggest transferring their earnings and savings through the government banks. It's to give guarantee that their earnings and savings will be received by their family. On the other hand, the bank management has to give easy procedure for transferring their earnings and savings. For example, the bank management opens their services in holiday. Because some of migrant workers can transfer their earnings and savings in holiday only. The bank management has also to give information if the earnings and savings have been received by their family.

(Bangladesh) A state can help a migrant worker by providing necessary support through nationalized or private financial organizations for sending the remittance to the country of origin. It may be through various effective channels and gathering all the financial organizations upholding the rights of the migrant workers. A state can utilize the best of their remittance by investing the valuable

foreign currency to create new more fields of employment in the country of origin. The state can also ensure the proper flow of remittance in accountable and transparent way. This will be a great contribution to the migrant workers and their families as well as the community in the country of origin. The NGOs and the other development organizations can take part of the cooperation with the government in proper utilization of the money by making aware the migrant people and their families regarding false promises by the middleman to collect the remittance from financial institutions. It is seen that in most of the areas where migrant people and the families are living, the middlemen (*dalal*) are active to make false promises to them taking the chance of their ignorance regarding collection of money from the financial institutions. The NGOs and the developing agencies are working to aware the migrant workers before departure and their families regarding sending remittance in a proper and legalize way.

Migrant Savings for Alternative Investments (MSAI) program is designed to confront several realities experienced by migrant workers. Governments, employers and brokers focus on maximizing profits or economic returns even at the expenses of the well-being and human rights of the migrants. This means that the fundamental workers' rights, human rights and social protections are often trimmed to keep migrant labor cheaper and more flexible than local labor. The basic objectives of the MSAI program are: 1) to help migrants prepare economically for their return and reintegration back home; 2) to develop the capacity of migrants and their families to build, mobilize and wisely use their savings; and 3) to assist them in making alternative investments in social enterprises in their home countries, which can be an additional source of livelihood as well as contribute to community and national development. By mobilizing their large economic potential and creating viable, productive enterprise in their home countries, migrants and their communities are able to regain control of economic production and generate social value-added products, services, jobs and income for the local community.

(Philippines) States should require bank and remittance channels to charge lower service fees for remittance services so that MWs will be encouraged to use these channels. Forging bilateral social security agreements with host countries with provisions for continuous enjoyment of pensions and other retirement benefits. Sending States can explore possibilities of supporting the formation of a migrants bank that is owned by migrants themselves. The OFW Bank will service the migrant sector.

(Taiwan) The most common way of transferring money internationally is through banks. This system is normally safe and secure. However, in most States of employment banks are not open on Sundays when the majority of migrant workers have their day off. States of employment should consider offering special services to migrant workers so that they can more readily remit their money home. Using remittance agencies can be risky. These are normally not licensed and the workers have no security if their money is stolen.

(Bangladesh) The states could provide alternative and more responsive outlets that does not charge heavy service fees/charges. But the states should also consider how the “illegal workers” could channel their remittances, since they don’t want to expose themselves using the legal channels such as the bank. Another thing, remittances should go to development of sustainable development programs for migrant workers and their families back home.

A state should formulate pro-migrant remittance policy. Such policy may vary from country to country. In Bangladesh, the government can take new and innovative initiatives so that the rural people (from where most of the remittance-sending migrant workers hail) can easily have an access to remittance facility. The government must reconsider its policy of reducing the number of branches of nationalised commercial banks in rural areas on grounds of financial sustainability. The Bangladesh Bank’s policy prohibiting private banks operating branches abroad, in cities where nationalized banks have branches, must also be reconsidered. Given the constraints of opening new branches of nationalised commercial and private banks, and considering the existence of 1,200 of both Grameen Bank and Bangladesh Rural Advancement Committee (BRAC) offices, the latter two may be encouraged to engage in the process of remittance transfers. Besides, bank officials should be regularly trained, updated and motivated about the importance of migrant remittances and the importance of being customer friendly.

(Burma) By making their status legal thereby giving them the opportunity to open bank accounts which affords them the opportunity to transfer funds via formal, legal, transparent and economical means.

(Philippines) State should encourage lower remittance fees. State should also put up a fund for the health and psycho-social assistance to returning distressed workers. Kanlungan has handled a lot of cases where the earnings of migrant workers are not even enough to answer for the medical needs when they return home. Whatever savings they have are wiped out and the families are mired in debt because of debilitating sicknesses acquired abroad. We have a lot of mental health cases.

5. How can the facilitation of the reintegration of returning migrant workers and members of their families maximize the benefits for society from their experience and acquired knowledge and skills?

(Indonesia) The migrant worker returnees will share their experiences of culture, working condition, law, language, skill and or knowledge during working period in the employment country e.g., how to make snack, bake cakes or special meals people usually cook in the respective country. To some extent the ‘skills’ they get from the employment country can be made useful like running their own small business in order to help improve their family economic sustainability, or they are prepared as agent of information for other potential migrant workers.

(Nepal) There should be mechanism to welcome the migrant workers and provide greater social respect for their economic contribution. There should be good program in which one could put one's hands together. Besides that there should be the program to absorb the expertise that one develops from abroad. The migrant should have the knowledge of reintegration and develop the possible risk and develop once to face the possible disturbances.

(India) By facilitating their reintegration, their experience and acquired knowledge and skills can be used in various economic and developmental activities. In India numerous returnee migrants have established activities in industrial, service and social sector which are beneficial to the society. Non utilization of their skills and experience will go waste against the interest of the society.

(Indonesia) One of government obligation is planning for the reintegration of returning migrant workers programs. The program is not only for economic program but also for education program. It means, not all migrant workers will use their earnings just for economic program, but some of them will use their earnings to continue their education.

(Bangladesh) It is widely observed in Bangladesh that, most of the migrant workers are going abroad having no hope to do any fruitful business or doing job here. Corruption (both in govt. and private sector), nepotism, grouping, terrorism, law and order situation and many more are the reasons for huge migration to another country. Besides this, ignorance of the migrant workers regarding human rights and migration laws also make them the easy victim of any trafficking. If they get the proper facilitation they would take important part to the development of their native country. NGOs and the developing agencies like WARBE give emphasis on this issue and working on reintegration of those migrant workers. The migrant workers are sending remittances to the country of origin which has no proper planning and guidance. This valuable foreign remittance is going useless. Thus it cannot do any benefit to the society. WARBE is helping the migrant workers to start new projects to rural areas with the help of their money they sent. To develop its reintegration program, WARBE has embarked on training and skills development activities. Awareness – rising is given to potential migrants and their guardians on the importance of saving while working abroad. The families on the other hand are sensitized on the proper and productive use of the remittance. Skills and capacity-building training are given to members in every *thana*. Besides this, their experience in working abroad and skills can be utilized in different profitable sectors like fishery, growing vegetables and many more small industries. The migrants also contribute to the development of their countries of origin by bringing home needed skills acquired overseas through virtual and actual, permanent and temporary return migration.

(Philippines) Good reintegration program enables MWs to have gainful employment or to start up his/her own business that would generate jobs for locals

and sufficient profit for him/herself so as not to go back into the migration cycle. Such a program will also enable hi/her to knowledge/skill-share with peers in his/her future occupation or business. With such a gainful employment or business, he/she would be satisfied to remain in the country and participate in society, with his/her exposure to better governance abroad that supposedly will make him/her a more active citizen at home that hopefully will better our local governance.

(Taiwan) It is of paramount importance that migrant workers and members of their families are assisted by governments to reintegrate back into their country of origin. The workers return home with savings to invest into their local economy. In many instances the workers have acquired new knowledge and skills while working abroad. If properly channeled, the knowledge and skills can be used to help develop the local economy and society.

(Bangladesh) States/governments could come up with sustainable development programs where the knowledge and skills of these migrant workers could be tapped. These migrant workers could serve as consultants / resource persons so there would be the transfer of technology, etc.

Generally speaking, the reintegration of returning migrant workers can yield benefits for the country of origin in some major ways. One of them is human capital. The component of human capital of migrant workers consists of skills and knowledge that they acquire in foreign lands. These new skills and ideas can have positive impact upon their return in the home country. The return migrants can act as positive change agents in the home country. Moreover, this migration yields a special kind of benefits to the traditional closed societies in which women are marginalized. Through migration in which women take part actively help them realize their potentiality as an agent. The experience of women migrant worker helps other marginalized woman folk of their home country realize their potentiality as agents.

(Burma) If the reintegration takes place under the appropriate circumstances, for example where the push factors, such as political and human rights violations in the country of origin have ceased, then and only then can a reintegration strategy be successfully employed. If the push factors have indeed been removed and or ameliorated, then the returning migrants can represent a pool of returning human capital and skills that will be an asset in the development of the local capacities upon their return.

(Philippines) *Successful returning migrant workers are generally generous and philanthropic. The government should have a clear development agenda where investment areas for returning migrant workers are clearly outlined. The government should have a registry of skills of returning migrant workers that it can tap.*

(Indonesia) Migrant workers make up one of the sectors that contribute most revenue for the State. They possess potentials of knowledge and skills that can be used for the State's economic interest, both in the national and local level. A wide-ranging variety of skills and expertise are possessed by former migrant workers, among them: cooking, sewing and embroidery, construction knowledge, gardening and planting, etc. In view of this huge potential, the government should have been able to create opportunities by opening up work vacancies or establish centres for the transfer of skills for migrant workers.

To do this, the government can begin by gathering data on returning migrant workers, what kind of jobs that they have taken up, what skills they possess, where they reside. When data is already collected and compiled, reintegration programmes can be introduced. These programmes can be held in cooperation with local NGOs with the State's National Budget as financial support. Examples of small businesses that can be promoted: cake-shop/bakery, automobile workshop, souvenir and hand-crafts, planting nurseries and botanical consultation (for those who formerly worked in plantations). If reintegration programmes are really at work, business opportunities will surely open up and working abroad thus does not appear as the only option for people in improving their lives/economic condition.

6. How will the respect for the rights enumerated in the Convention enhance the integration of migrant workers and members of their family in the State of employment and how as a consequence will the country of employment benefit from their increased contribution to the society?

(India) Added skills and the exposure of the returnee migrants have to be capitalized to generate income through involving in effective entrepreneurships. Proper atmosphere have to be created to support and facilitate the returnees through appropriate reintegration programme that the returnees become assets to the families and the society.

(Nepal) The migrant convention has given the strong weight to the social nature of the human being. The insurance of that right always provides the positive motivation. This positive motivation definitely gives the positive impacts to work efficiency and commitments toward the work. This will certainly benefits the country of employments. Non integration to family of migrant workers always increase the vulnerability of health risk like HIV, unwanted pregnancy, force abortion , alcoholic etc. Besides that another risk of being irregular migration, increase of bad practices, robbery and crime to earn more in short period may be reduced through the convention.

(India) The respect for the rights enumerated in the Convention, in another word the ratification of the Convention 1990 will lead to the fair treatment of migrant workers in destination countries. In the state of protection and enjoyment of their rights, migrant workers will take part in various positive activities in extra times

to the destination countries. Sense of equality and non-discrimination with the citizen of destination country, such feeling of equality will lead to higher productivity and development. On the other hand migrant workers will remain less alienated to the culture and social set up which can help in avoiding major disruption of the whole community in destination country.

(Bangladesh) Migrants play a key role in building and sustaining important economic and human links between their country of origin and the country of employment. On December 18, 1990 the United Nations has proclaimed convention on human rights of migrant workers through a resolution on preserving the rights of migrant workers and their families. The convention proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, color or national origin, taking into account the large and increasing number of migrants in the world.

This international convention has been already ratified by thirty three countries. Through this UN charter fundamental right of migrant workers has been ensured all over the world. In the state of employment this convention should be implemented for ensuring the rights of migrant workers. On the economic side, migrants help promote development and help alleviate poverty both in country of origin and country of employment. Migrants in advanced economies regularly send money to their families in the developing world. Migrants also contribute to the development of their countries of origin by bringing home needed skills acquired overseas through virtual and actual, permanent and temporary return migration.

(Philippines) Hosts country will no longer discriminate against them so MW will work and participate better in host society e.g. will better contribute to diversify the host society culturally, etc. Respect for rights paves the way for creation of an enabling environment that in turn can facilitate the reintegration of the MW and the family members.

(Taiwan) “The Convention provides that all migrant workers are entitled to equal rights and equal protection of their human rights regardless of their sex, race, color, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.” In the Convention “migrant workers and members of their families have the same rights as all other persons under the generally accepted principles of human rights recognized by most receiving countries which are democratic States.” (Rights of Migrant Workers: A Primer on the UN Convention on the Protection of the Rights of All Migrant Workers and members of Their Families.) If the rights enumerated in the Convention are respected then this will help to eradicate prejudices against migrant workers and assist the workers to become integrated into the local society. As humans when all aspects of our humanity are respected and treated with dignity then we feel appreciated and are willing to contribute of our humanity to the development of society.

When migrant workers feel respected they are empowered to share their cultural values and identity leading to the development of the local society.

(Bangladesh) These migrant workers should be treated as partners in development; partners in boosting one's economy and not foreign workers looking for work to improve their own economic situation. Given these, migrant workers would have better production, higher quality output, rather than do the work to receive enough salaries. They have to be given equal pay for equal work.

When the country of destination can successfully integrate the migrant workers through recognizing the rights of migrant workers and members of their family, the migrant community will not feel alienated and there will be no social unrest. They will not form any ghetto or engage in any subversive activities. Rather, they will contribute to the enrichment of culture of that country through diversification. Moreover, this integration will lead to increase in productivity level of the migrant workers from which the economy of that country will be benefited.

(Burma) By diminishing the disparities and thereby the competition between native born and migrant workers both groups are more likely to come together to advance their common interests as workers.

(Philippines) Families of migrant workers who have benefited from remittances may have availed of better education and training. When they migrate and reunite with the migrant worker in the State of employment, that State gets to benefit from that social investment in terms of having a skilled or educated work force which it can tap.

In the case of nurses and caregivers from the Philippines, the sending country's health system is suffering from being "bled" by the exodus of its health professionals and workers many of whom are products of the public school system. In this case, the State of employment has greatly benefited from the social investment on education made by the sending country. This is an ethical question. In this case, Kanlungan is advocating for a form of compensation by the State of employment.

(Indonesia) Indonesian migrant workers working in Malaysia are mostly found in following sectors: plantation, factories and domestic households. The majority of them work as rough labours and are vulnerable to violence. Directly, they really foster the process of development and help improve Malaysia's economy. In this regard, it is thus very reasonable to argue that Indonesian migrant workers should be given their rights in the fullest sense.

Many businessmen or employers employ Indonesian migrant workers with very low pay, without ensuring health care and legal protection; indirectly, this

condition help to perpetuate the flows of undocumented migrant workers and in turn, deportation is conducted continuously on regular basis.

7. How does the equal treatment of all migrant workers in respect of remuneration and conditions of work

(Bangladesh) “The UN convention- 1990” gives emphasize on human rights questions including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms. The value of migration today and in future depends, in large measures, on the policies and climates created by governments. For developed countries, policies to attract and more effectively utilize the skills of foreign workers can ensure targeted economic benefits to the domestic economy and help offset the anticipated negative effects of ageing and declining populations. Migrant workers have the same rights as all other persons under the generally – accepted principles of human rights recognized by the United Nations and the international community. Human rights are the basic, universal, inalienable, indivisible rights inherent to a person to ensure his/her as a human being.

(Burma) By treating them the same as workers in the host country, labor cost disparities between native and migrant workers are diminished.

(Indonesia) Protection of migrant workers should be conducted comprehensively; that is, through the signing of a Memorandum of Understanding between the sending and receiving countries that ensure legal policies based on human rights in both countries. This framework should also benefit domestic workers that work in informal sector (households). Migrant workers are entitled to receive payment accordingly to the contract and to enjoy the same working situation experienced by migrant workers coming from other countries. There should be no discrimination with regard to race, colour, and religious beliefs.

a. discourage the employment of irregular workers?

(Indonesia)

- Equal treatment will enforce equal pay equal work regardless the country of origin.
- Eliminate stereotype, for example the women migrant worker from Indonesia are considered uneducated workers, because they can't speak English that's why they are paid lower than the Philippines.
- No false documents and undocumented migrant workers because they will be easy to be exploited due to the fear of being reported to the police.

(India) Equal salary for equal work means common standards are used for rewarding workers in the same category. This implies non-discrimination

on the basis of colour, race, creed, caste, language, nationality etc. which in turn would curb the irregularisation.

(Nepal) The equal treatment of the migrant workers ensure the transparency to the remuneration and conditions of work.. This will discourage the unfair practices of using cheaper labor in the market. This provides the opportunity to provide correct information to migrant workers. So that migrant worker have information of grounded and plan their own. It will help them to limit their expectation with the reality and certainly discourage irregular employment.

(India) In absence of equal treatment either in absence of relevant law or non-implementations, normally migrant workers forced or chose to irregular method of migration and get irregular and 3Ds jobs. Absence of equal treatment will lead to undocumented migration. Unequal treatment to migrant workers makes the undocumented migration profitable for unscrupulous recruiting agencies.

(Bangladesh) The equal treatment of all migrant workers in respect of remuneration and conditions of work has been emphasized by the UN convention – 1990. When a migrant worker is aware about his fundamental rights, equal treatment regarding remuneration, condition of work, naturally he will not proceed for any irregular jobs. Various NGOs like WARBE are working to make them aware about their rights and steps towards a regular work. Certainly these steps will discourage them from irregular employment.

(Philippines) In general, Irregular migrants get less than regular MW and local workers because they are willing to settle for less. States implementation of an equal treatment-equal remuneration policy will therefore discourage employment of irregular workers. Supposedly, employers will need to pay the same remuneration and provide the same work conditions to all MWs, regular or not.

(Taiwan) If migrant workers are treated the same as local workers they are less inclined to be forced to become irregular. All migrant workers want to be protected by the law. States have to make sure that laws are enforced so that the workers' rights are protected.

(Bangladesh) It would lessen number of workers running away from their employers to look for another job that gives higher pay.

When there will be no lax on the part of government in enforcing equal treatment of all the migrant workers especially when government will be successful in penalizing the unscrupulous employers who recruit

irregular migrant workers for economic benefit, there will be no incentive for the employers to hire irregular workers.

(Indonesia) (1) efforts to reduce the number of illegal migrant workers could not be separated from the policies of sending and receiving countries. Passports held by migrant workers should not be kept by employers (thus weaken their position);(2) Sending country should conduct census, data-collection and management of documents for free and without bureaucratic difficulties. Corruption in the bureaucracy should be eliminated; (3) Diplomats abroad should provide better functions, progressively assisting and serving to protect, to respect and to fulfill.

b. prevent the perceived negative consequences of migration?

(Indonesia) Negative notion that the migrant workers are slaves, so they treat the migrant workers as they wish, they could be raped, abused which could bring consequences of unwanted pregnancy/birth, target of exploitation, termination, and be deported.

(India) Discrimination always leads to ill-feeling, infighting, negative work environment, which will further divide the migrants to cluster themselves into language based, country based etc.

(Nepal) We should analyze that why migrant want to go for overstay, why areas of migrant workers have weak security? They have seen the possibility to earn more than they got and they want to earn more possible. If they are equally treated for the remuneration as well as for the working condition, they do go for that bad practices. Besides equal treatment means motivates the people be part of that. Isolation and discrimination always break the harmony and chances of revolt and bad practices.

(India) It become non beneficial due to discrimination and unequal treatment whereby beneficial if equal treatment.

(Bangladesh) The proper implementation of the rights of migrant workers can easily prevent negative consequences. So both the country of origin and country of employment should show the respect to the fundamental rights of the migrant workers. Especially the country of employment should implement positive scopes for the migrant people to avoid the negative effects on them.

(Philippines) Can also improve / forge better relations between local and MW. Local workers will no longer view Mws as cheaper competitors edging them out of employment while families should no receive sufficient remittances and will be interacting with happy, contented MWs able to focus on holistic family needs.

(Taiwan) If migrant workers are treated equally, then their rights will not be abused and this will prevent the perceived negative consequences of migration.

(Bangladesh) It will lessen the cases of abuses of migrant workers. If the migrant workers are treated with dignity they will have very little reason to be engaged in activities that are generally perceived as negative by the host country.

(Indonesia) To avoid negative perception about migration, the following should be addressed:(1) providing information through mass media (electronic), that migration is an alternative to improve family's economy;(2) ensuring government efforts to increase legal protection for migrant workers with human rights perspectives. Migrant workers should be given privileges and access to legal advocacy and fulfillment of their rights (such as right to have day(s)-off, vacation, freedom to communicate and socialise, to get extra-payment when working overtime and have their tax amnesty while working in the receiving country);(3) protection efforts through Government to Government (MoU), working agreements that favour migrant workers

- c. maximize the benefit of the contribution of migrant workers to the society of the country of employment?

(Indonesia) Excess of labor force in the sending country gives contribution toward the labor demand in the destination country.

(India) Healthy mental and physical environment of the migrants workers make the more productive, healthier etc. which in turn would create a healthy atmosphere for the employment environment to capitalize more results.

(Bangladesh) When the migrant workers get equal treatment in respect of remuneration and conditions of work, it will also maximize the benefit of the contribution to the society of the country of employment. It will also help them to go for regular migration. The country of employment should provide appropriate environment respecting the rights of the migrants including remuneration and good condition of working environment and receive the greater contribution to its society.

(Philippines) Maximize the benefits to host society? I think nasagutan na ito above?

MWs will work better and thus make their factories/companies more profitable.

MWs will pay their taxes to host government.

MWs will contribute to diversify host society, host culture.

(Bangladesh) If migrant workers are given their due treatment, the country may attract better migrant worker with greater productivity who will meet the labour demand in that country. These migrant workers may also contribute to the enrichment of culture of that country.

(Indonesia) Migrant workers are national assets that foster economic revenue for the State. They are able to develop businesses according to the skills and expertise that they possess. Benefits from these businesses are enjoyed directly by themselves, their families and local governments.

8. To what extent is the capacity of migrant workers to contribute to the benefit of the society where they live and work determined by measures taken by States – including considering the possibility of regularizing their situation – to ensure that the situation of irregularity of migrant workers does not persist?

(India) There are cases of Countries such as South Korea, which have stipulated conditions for the workers from their country to be met with standards in employing their men abroad. Similar regulations would be beneficial to both the sending as well as the receiving country and the migrants in the long run.

(India) Constant threat of enforcement agencies, unequal rights at the place of work express at the matter of policy of state can lead migrant workers to remain in constant fear and uncertainty.

(Indonesia) The key of migrant worker contribution to the benefit of the society is giving protection of human rights of migrant workers. They can work well and fulfill their obligation.

(Bangladesh) The migrants are the assets of the society. They can contribute both in the country of origin and employment by investing their savings earned from abroad. They have the responsibility to the society as a member of it. Migrant workers earn money by blood but do not know where to invest their valuable remittance. NGOs like WARBE are working for the proper utilization of the money under their project on Migrant Savings for Alternative Investment (MSAI). For this, WARBE is taking initiatives to make projects and small industries for the migrant workers.

Beside this, the migrant workers can play a vital role for the state by respecting migrant laws of the country of employment and the country of origin. They should know about the migrant rights for their smooth migration. By avoiding irregular migration they can safe from any unlawful situations.

(Philippines) Migrant workers' level and extent of “otherness” abroad in terms of immigration status, citizenship and nationality, gender, religion set the parameters for their enjoyment or non-enjoyment of rights and privileges as migrant workers.

By providing an enabling environment by the Host country in terms of relaxed immigration policies, policy of equal treatment, respect for human rights regardless of immigration status and nationality etc. can inspire MWs to reach their full potential as individuals and as members of the communities.

Informing MWs, protecting and promoting their rights and welfare, stamping out irregular recruitment/trafficking, ensure migrant and gender sensitive and rights-based agencies, programs and personnel – these will affect what kind of MWs there will be. If states regularize them, then there will no longer be problems arising from their irregularity.

(Taiwan) A State that bases its principles of governance on justice and morality will ensure that all migrant workers have the right to be regularized and thus be protected by the laws of the State. It is the obligation of the State to ensure that the rights of migrant workers are protected and upheld.

(Bangladesh) Migrant workers would be willing to contribute much as long as their rights and welfare are ensured by their own states and that of the receiving countries.

The states are still the key actors of the international system. They are the protector as well as violator of (human) rights. Due to this state-centrism, the enjoyment of rights by migrant worker which is the corner stone of the services they render to the society is subject to state's policies. If a host country adopts pro-migrant policies such as conferring equal treatment to them, protecting their rights enshrined in the legal instruments, the migrant workers may contribute to that society to a great extent both economically and culturally. All these will lead to reduction of flow through irregular channel.

(Burma) Clearly the onus is on the state to regularize and recognize both the rights and existence of the migrant workers. Migrants are making an economic contribution that employers seek out and profit from. Government policies that permit the entry of migrants into the country for the benefit of employers in the host country carries with it the responsibility to recognize these policies as just that: government policies. As such the government also must recognize that such policies that benefit certain interests in the host country carry with them duties and obligations for both the employers and the government as well.

(Indonesia) The conditions faced by undocumented or illegal migrant workers are as the following: inability to access health care, underpayment, lack of rights to individual freedom, absence of legal protection. At any time, they can be deported by immigration officers (such as the case of Indonesian migrant workers in Malaysia).