



ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC

Committee on Emerging Social Issues

Second session
1-3 November 2005
Bangkok

**SOCIALLY VULNERABLE GROUPS: SELECTED ISSUES: TACKLING
EMERGING ISSUES IN INTERNATIONAL MIGRATION**

(Item 5 (b) of the provisional agenda)

**INTERNATIONAL MIGRATION IN THE ESCAP REGION:
KEY POLICY IMPLICATIONS**

Note by the secretariat

SUMMARY

Migration patterns and systems in Asia and the Pacific are growing in scope and complexity. Worldwide, an estimated 175 million people live outside their home countries. Of these, about 56 million, or one third of all international migrants, live in the Asian and Pacific region. While Asians continue to be the major source of permanent immigration to the West, cross-border movements of people within Asia have risen significantly.

International migration is emerging as a global priority issue. Efforts aimed at achieving internationally agreed development goals increasingly embrace migration as a development force. The contribution of international migration towards poverty alleviation and overall socio-economic development has been duly recognized. While the economic benefits of remittances are apparent, the social costs of migration remain an area of great concern. The consequences of the brain drain and the impact of migration on family structures and gender roles require careful investigation. The impact of migration on public health and the protection of migrants' human rights and their access to social services, especially for victims of trafficking and those in irregular status, continue to be sources of concern.

Addressing the challenges of international migration requires a high degree of cooperation, both regionally and internationally. Many Governments in the Asian and Pacific region are participating in regional consultative processes that focus on migration management and policy coherence in selected aspects of international migration, specifically irregular migration and trafficking. Being non-binding and informal in nature, regional consultative processes hold the promise of providing a regional-level response to the challenges of international migration.

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INTRODUCTION

1. Globalization is accelerating international migration. Spurred by persistent income disparities, below-replacement fertility and population ageing, international migration has taken on increased significance. Economic growth in major destination countries continues to attract workers from abroad. The emergence of governmental and private agencies dedicated to the deployment of migrant workers will also keep entrenching international migration in the global economy.

2. Migration patterns and systems in Asia and the Pacific are growing in scope and complexity. More countries are affected by migration than in the past. While a few countries can be characterized as either labour-importers or labour-exporters, a growing number have become both receiving and sending countries. There were 175 million people living outside their home countries in 2000 (United Nations, 2002). Of these, about 56 million, or one third of the world's international migrants, lived in the Asian and Pacific region.

3. A major proportion of the Asian and the Pacific migration occurs within the region. While Asians continue to be the major source of permanent immigration to the West, cross-border movements of people within Asia have risen significantly. The Middle East and the newly industrialized economies of East and South-East Asia continue to be the hubs of labour migration. With few significant exceptions, migration in Asia and the Pacific is primarily intended to fill labour gaps rather than for settlement. Migrants are allowed into destination countries to fulfil some specific task of work and are expected to return to their countries of origin upon the completion of that task.

4. The issue of the impact of migration has received considerable attention. Research on the development consequences of migration indicates that there are indeed benefits. International migration is increasingly being viewed as a development force that can contribute to the achievement of internationally agreed development goals, including the Millennium Development Goals. While the economic benefits of migration are apparent, its social costs remain a source of great concern. The consequences of the brain drain and the impact of migration on family structures and gender roles within the family require careful investigation. Family separation exacts social costs on the spouses and children left behind. The human dimension of migration often receives marginal focus in the migration debate and in existing policy frameworks. Social policy needs to be designed with this reality in mind.

5. International migration is emerging as a global priority issue. The international community, through the United Nations system, has focused on finding solutions for migration pressures and the development gap between origin and destination countries. Aiming to provide a framework for the formulation of a coherent, comprehensive and global response to migration issues, the Global Commission on International Migration was launched in 2003. The Commission on Population and Development plans to deliberate on international migration as its theme topic in 2006. Moreover, the

General Assembly, in its resolution 58/208 of 23 December 2003, decided to hold a high-level dialogue in 2006 on international migration and development, and requested regional organizations to coordinate their activities on international migration, within the broader context of the implementation of internationally agreed economic and social development goals and respect for all human rights.

6. Concomitant with the burgeoning international dialogue on migration issues, regional consultative processes have also focused on migration management and policy coherence in selected aspects of international migration, specifically irregular migration and trafficking. The Asian and Pacific region is very diverse in terms of demography and socio-economic development. Therefore, achieving consensus and cooperation is a complicated affair. Nonetheless, being non-binding and informal in nature, regional consultative processes hold the promise of providing a regional-level response to the challenges of international migration.

I. THE MIGRATION-DEVELOPMENT NEXUS

7. It has generally been recognized that international migration and development are closely interconnected. This linkage attained prominence in 1994 when the International Conference on Population and Development gave recognition to the migration-development nexus. The contemporary development agenda has given the utmost priority to eradicating extreme poverty and hunger. In this respect, the contribution of international migration towards poverty alleviation and overall socio-economic development has been duly recognized. Migration can be either the cause or the effect of poverty. Likewise, poverty may be alleviated or exacerbated by migration. The achievement of several internationally agreed development goals, particularly the Millennium Development Goals, both has an impact on, and is impacted by, the effective management of international migration.

8. The most direct link between migration and poverty reduction is through remittances, which are having a profound impact on the quality of life of millions of poor households in developing countries. At the household level, remittances enhance the well-being and economic security of the poor by providing critical resources for spending on immediate subsistence needs, such as food and housing as well as improved health care and education. Remittances also provide income for investment, savings and entrepreneurial activities, which in turn have a stimulating effect on local and national economies. Host country economies also partake of the benefit of international migration. Migration benefits the economic development of host countries by allowing their economies to expand rather than be constrained by labour shortages in such key industries as agriculture, construction and manufacturing. Migrant domestic workers also benefit the host economy by freeing its national workforce to engage in more productive employment.

A. Remittances

9. According to the International Monetary Fund (IMF), global migrant remittances exceeded \$150 billion¹ in 2003, although the actual figure is probably significantly higher due to the remittances made through informal channels. Remittances have become a structural element of the economy in the Asian and Pacific region. In 2003, these constituted 39.4 per cent of GDP in Tonga, 13.4 per cent in Nepal, 9.8 per cent in the Philippines, 9.4 per cent in Tajikistan, 8.3 per cent in Sri Lanka and 5.7 per cent in Bangladesh. With remittance flows to many developing countries now exceeding official development assistance and catching up with foreign direct investment (FDI), they are fast becoming a critical form of financing the balance of payments and increasing foreign exchange receipts. Moreover, remittances manifest several characteristics that make them useful as a development tool.

10. Compared with other profit-induced capital flows, remittances are more stable and less cyclical. FDI, portfolio investment and bank credit tend to rise when the host country is doing well and there is a general bullishness about a country's prospects (Ratha, 2003). Remittances, on the other hand, tend to be steady and are seen as a bulwark for developing countries in the sense that overseas diaspora increase transfers during periods of economic crisis or natural disasters. Moreover, remittances are expected to grow in tandem with the growing size of migration. Unlike foreign aid, remittances are well targeted and go directly to the people who need them.

11. On the other side of the migration debate, there is concern that the benefits of migration may not go to the poorest of the poor. Most of the labour migration in the region takes place with the involvement of various intermediaries such as labour recruiters, brokers, travel agents and government officials. The involvement of the private sector in facilitating migration implies that migration is an expensive enterprise. Owing to the financial cost involved (recruitment fee, skills certification, visa, travel), most international migrants may not come from the poorest segments of society. This observation militates against a deterministic link between poverty and migration, at least at the household level.

12. Harnessing the development impact of migration calls for policy that aims at improving the financial infrastructure underlying remittances. Among the critical issues are enhancing remittances by regularizing informal remittance channels, improving regulatory and institutional frameworks, harmonizing payment systems, and enhancing competition among remittance service providers (World Bank, 2004). One policy issue that is specific to remittances concerns the fees charged by money transfer agents, which appear high compared with the actual cost of technology, labour and currency exchange commissions. It is not uncommon to find remittance costs of 20 per cent for

¹ In the IMF Balance of Payments Framework, total migrant remittances include workers' remittances, compensation of employees and migrants' transfer. The data were obtained from the Balance of Payments Office, International Monetary Fund in June 2005.

making small transfers (World Bank, 2004). There is some scope for government intervention to bring down remittance transfer costs, particularly by establishing partnerships between retail banks and government post office networks (Ratha, 2003).

13. Migrants face challenges in accessing formal financial institutions. Stringent identification and documentation requirements for opening bank accounts compel migrants to divert a larger share of remittance transfers into informal channels. Remitting through formal channels is critically important. Using formal channels, migrants can better manage their assets and thus increase their savings and productive activities. In order to maximize the benefits of remitting through formal channels, government regulations must ease constraints for “unbanked” migrants. Partnerships between the financial sector, government and non-governmental community organizations should enhance outreach to migrants, ease constraints and restrictions and educate migrants on good banking habits.

B. Migration of the skilled

14. The international dialogue on the migration-development nexus has identified both the positive and negative development impacts of migration. The negative social and economic consequences of international migration include the brain drain, the emigration of skilled human capital. In 2004, about 93,000 professional and technical workers, mostly nurses and health-care assistants, migrated from the Philippines (Philippines Overseas Employment Administration, 2004). The loss of scarce skilled personnel in developing countries threatens to widen the development gap between origin and destination countries. A shortage of human capital in key sectors such as health, communication and industry depresses productivity, slows economic growth and can increase inequality as the earnings of the remaining highly skilled workers rise and those of the less skilled fall. Moreover, the establishment of a highly skilled diaspora may give rise to a vicious cycle of human capital flight by constituting a pole of attraction for other highly skilled workers, motivating them to migrate (UNFPA and IMP, 2004).

15. Whether and to what extent the beneficial effects of migration outweigh its negative effects is still a subject of controversy. Some studies indicate that the brain drain may have redemptive impacts. The emigration of highly skilled persons may generate benefits if migrants return to the community of their origin. Return migrants can enhance the transfer of skills, knowledge, technology and capital to their countries of origin; they can be instrumental in creating business networks and increasing trade, FDI and access to markets in receiving countries.

16. Balancing the costs and benefits from the brain drain and “brain gain” poses a difficulty for policy formulation. Many government interventions aimed at reversing the consequences of the brain drain have pursued a two-pronged approach, retention and return. Such interventions are difficult to implement successfully because both require addressing the underlying causes of human capital flight and creating attractive opportunities at home, which may be costly and impractical. Other

Governments are seeking to enhance diaspora-related contributions to their domestic economy. Principally, they have sought to cultivate ties with their migrant diaspora by liberalizing dual citizenship, facilitating diaspora investments and financial linkages with the home country. The focus of such strategies is on mobilizing the diaspora, where the emphasis is on transferring knowledge, skills and technology.

17. Maintaining ties to the diaspora can boost these transfers. Diaspora entrepreneurs and investors can play a critical role in bringing new ideas and ways of doing business to their countries. By sharing new knowledge and fusing it with local customs they can speed the adoption and acceptance of positive change. The stunning growth of India's software industry is a successful model for mobilizing the diaspora. Such an approach generated 400,000 new software jobs and revenues in excess of \$6 billion in 2002 for India (Asian Development Bank, 2004). Nineteen of the top 20 Indian software businesses were founded by and managed by professionals from the Indian diaspora.

18. Most of the labour migration in the ESCAP region is circular in nature. The vast majority of migrants are expected to return to their countries of origin. There are important policy implications relevant to return migration. Those who engage in migration tend to be better-motivated and better-educated adults. They are precisely the people who might be expected to contribute significantly to the development of their countries. They are likely to be the ones with capital and innovative ideas who could be expected to provide leadership at the community level. If utilized by government and non-governmental programmes, return migrants could be leaders who spread ideas ranging from small family norms to small business entrepreneurship (ESCAP, 2001).

II. SOCIAL IMPACTS OF MIGRATION

19. The human dimension of migration often receives marginal focus in the migration debate and in existing policy frameworks. The economic benefits of migration have been clouded by concerns over social costs that have largely remained unquantifiable. The impact of migration on family structures and gender roles within the family requires careful investigation. Family separation as a result of international migration may place those left behind in a vulnerable situation as dependent members confront social and emotional consequences. An extended period of separation may result in marital instability, emotional and psychological stress, child delinquency and abandonment of the elderly.

20. Temporary labour migration, and not settlement migration, is the predominant form of migration within Asia and the Pacific. Most international migrants in the region are brought in to fulfil some specific task of work and then are expected to return to their countries of origin upon expiration of their terms. Many of them migrate on their own without accompanying family members. Therefore, the present document focuses mainly on the social impact on the migrants themselves and on family members left behind. The social issues arising from permanent settlement in host countries due to insufficient integration and assimilation in a multicultural society are not discussed.

A. Feminization of migration

21. Female migration has become prominent, in terms of both absolute numbers and proportions of the migrant population. Women constitute almost half of the migrant population worldwide (United Nations, 2004). However, in some countries women make up between 70 and 80 per cent of the migrant population. The high percentage of women in migration is a reflection of the labour market that demands a female workforce. The service sector, especially in the form of domestic services and the health and entertainment industries, continues to draw migrant women, producing an irreversible trend towards the feminization of migration.

22. Migrant women are more exposed to forced labour and sexual exploitation than men, and are also more likely to accept precarious working conditions and poorly paid work in gender-segregated and unregulated sectors of the economy. Female migrants recruited as domestic workers, by the nature of the work, may face social isolation. Exploitation and abuse are more likely to occur in an isolated and dispersed community. The concentration of women in vulnerable sectors place them at a much higher risk of gender discrimination, violence and sexual abuse. Women make up the majority of trafficking victims.

23. The gender aspects of migration are not given the attention they deserve. Addressing the special concerns of migrant women calls for policy that aims at reducing and eliminating gender-based discrimination, violence and trafficking, and providing assistance to meet the reproductive health needs of women in vulnerable situations, including emergency and refugee situations. Gender analysis in migration is hampered by insufficient migration data that are disaggregated by sex, and by inadequate data on irregular migration.

24. Despite these gender-specific concerns, international migration has the potential to improve the status and autonomy of women. When women migrate and become the major income-earners for their families, their status is enhanced; when other family members migrate, the responsibility and decision-making authority of women increases. Besides economic empowerment, the survival and coping skills developed by women during the migration process is a potential source of change and development. The heightened self-esteem associated with employment, education and knowledge empowers female migrants (International Organization for Migration, 2004a). This empowerment has a potential effect on the next generation, providing children with female role models.

25. International migration is allowing migrant women to play increasingly important roles as family providers and development agents. Gender equality and empowerment constitute an essential ingredient in achieving many internationally agreed development goals, including the Millennium Development Goals, particularly Goal 3, on promoting gender equality and empowering women. Migration can contribute to the empowerment of women and hence promote gender equality. However, migration processes and structures that place women in vulnerable situations could pose a challenge to achieving gender equality.

B. Family cohesion and child-rearing

26. Separation of the family due to migration could be detrimental to family cohesion and marital stability. Some migrants who are separated from their families are concerned about whether their spouses are being faithful back in the home village. Such concerns transmitted to them through letters or social networks could lead to psychological stress and even to marital breakdown and divorce (ESCAP, 2001). However, it has been observed that some families have adopted more modern ways of living and have strengthened their families by making good use of remittances.

27. The impact of migration on the spouse left behind will vary depending on whether the migrant is male or female. When men migrate, the impact on the women left behind can be considerable, especially in those societies where women traditionally have limited roles outside the household. This may involve being put in decision-making positions traditionally reserved for men, an increased workload combining responsibilities inside and outside the household, and spending and investing the remittances. Female migration can put considerable stress on the family and traditional social systems. When men are left behind, as is common in the Philippines, the husbands may start drinking as they feel diminished in self-worth, or start new liaisons during the absence of the wife. These developments may give rise to problems affecting the welfare of the children left behind.

28. The growth of migration in the ESCAP region has affected the welfare of a significant number of children. It is estimated that between 3 and 6 million children have been left behind by Filipino parents working overseas; the equivalent figure for Indonesia is one million, while for Thailand it is half a million (Bryant, 2005). The magnitude of the number of children affected by international migration warrants investigation of the problems and opportunities faced by children of migrants and the policies towards them. A literature survey by Bryant (2005) of the social cost of separation on children left behind cited various difficulties, including neglect, poor performance in school, delinquency and psychological and relationship problems. Additional problems cited include claims of children being estranged from their parents and seeing them only as sources of gifts and money and children blaming problems of delinquency, drug abuse and premarital sex on their parents' absence.

29. These social concerns and their policy implications deserve serious attention. Some studies conducted in the Philippines, Indonesia and Thailand comparing children of migrants with those from non-migrant households using selected standardized measures, however, produced no significant substantiation. In fact, despite these social concerns, several studies from the Philippines indicate that the migration of parents does improve the material condition of children left behind (Bryant, 2005). Migrant households have higher incomes than households without migrants. Remittances boost household finances and help to improve children's education and health. Extended family support is also found to have mitigated the social cost on children. A range of services (information, advocacy, counselling, reintegration, legal advice, microfinance) provided by governmental and non-governmental organizations seems to have helped families of migrants to cope with separation.

30. Migrant children and children brought along by irregular migrants may face greater challenges than children of migrants left behind. Although they may be with their parents, who mostly occupy marginal positions in the destination country, such children may have limited access to schooling and public health services. In Thailand, over 93,000 children of irregular migrants from Cambodia, Myanmar and the Lao People's Democratic Republic were registered in 2004 (Huguet and Punpuing, 2005). While children of registered migrants have the right to attend Thai public schools, only a small percentage (about 14 per cent) is actually receiving formal education. However, the efforts begun in 2004 by the Ministry of Interior of Thailand to register foreign workers and their dependants may yield improved access to social services for migrant children.

31. The information available on the social impact of migration on migrant children and children brought along by migrant families is limited. The registration campaign in Thailand represents an important policy experiment. Whether it will lead to an actual improvement in access will depend on how much information migrants possess about their entitlements and the resource constraints of social service providers. The provision of services to children of irregular migrants can be politically and economically difficult because of the possibility that it will attract new migrants or encourage existing migrants to settle permanently (Bryant, 2005). Interventions by NGOs and others could be useful to ensure that entitlements are used. The registration of undocumented migrants and their children may confer important advantages, such as improved chances of avoiding deportation and the opportunity to attend school and receive public health care.

C. Public health impact of migration

32. As the recent SARS outbreaks in Asia have demonstrated, human mobility and international migration have repercussions on public health. The impact of SARS went beyond health concerns; it had consequences for the economy, international relations and tourism. This demonstrates the importance of integrating migration into local and global public health management.

33. Migrants, especially irregular migrants and trafficking victims, face difficulties in accessing health-care services as a result of legal, procedural, linguistic, cultural and other barriers. Undocumented migrants may be reluctant to seek medical attention for fear of deportation. They also tend to seek medical services later, when the disease is very advanced or is life-threatening. These vulnerabilities expose migrants to health risks, including long-term physical and psychological afflictions.

34. There is a close association between population mobility and the spread of HIV/AIDS. Migrants often become vulnerable to contracting HIV during transit and after they arrive at their destinations. The link between migration and HIV/AIDS emanates from the conditions and structure of the migration process itself as it may involve exploitation, separation from spouse and family, and socio-cultural norms that guide behaviour in stable societies (International Organization for Migration, 2004b). Migrants who move from a traditional society to a more open society may have

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problems dealing with social norms and sexual freedom and may not know how to protect themselves against sexual risks. Moreover, migrants may have a different level of risk for some illnesses than the host community. They may face higher risks because of differences in disease prevalence, and the psychological and physical stress of moving to a new environment.

35. While migrants in both regular and irregular status are susceptible to HIV infection, there are reasons to conclude that those in irregular status are more vulnerable (Huguet and Punpuing, 2005). Migrants who have been trafficked and others in exploitative situations may have less access to curative and preventive health care. Migrant women in general, and women trafficked for sexual exploitation in particular, face specific health risks in terms of reproductive health issues such as unwanted pregnancies, abortion, sexually transmitted diseases and HIV/AIDS as well as mental and emotional disorders.

36. Policy considerations in both sending and receiving countries should promote public health without impinging on human rights. Policy intervention in origin countries must aim at reducing the health risks of migrants by providing them with comprehensive pre-departure services, including information on potential health risks at the destination and treatment of communicable diseases prior to departure. However, destination countries should abide by a rights-based approach to migrant health. Inclusive policies that provide protection to migrants and avoid discrimination against them will go a long way in promoting public health interests. Ensuring equal access to health information and services for undocumented migrants is also crucial, as is providing health and sexual information in a manner that is sensitive to cultural and linguistic differences.

37. NGOs and migrant communities could play an important role in ensuring that irregular migrants have access to health information and services. Even when migrants are entitled to health services, they may not assert these rights owing to a lack of information, language barriers or discrimination. The provision of health services to migrants could impose a financial burden on host countries. Therefore, there is a need to develop innovative mechanisms to finance the cost of health care for migrants. In this regard, one instance of good practice is the health scheme provided by the Government of Thailand to over 800,000 irregular migrants who registered with the Ministry of Interior. These migrants were permitted to enrol (at a total cost of 1,900 baht) in a health insurance scheme with the entitlement to obtain medical care at local government hospitals and be treated as if they were enrolled in the Government's 30 baht health scheme (Huguet and Punpuing, 2005).

D. Social perception of migration

38. In countries of destination, migrants are generally regarded negatively. Migrants have been blamed for or feared to cause various social problems: a rise in crime, the spread of diseases, taking jobs away from locals or driving down the local wage. The media's tendency to focus on migrants arrested for violation of migration regulations, the criminal activities of traffickers and problems of integration add to the perception of migration as a problem-ridden issue (ESCAP, 2002).

39. However, studies suggest a different reality. In Singapore, without the inflow of foreign workers the high rates of economic growth in the 1990s would not have been possible (ESCAP, 2002). In Malaysia, labour market studies indicate that the presence of foreign workers has not had a depressing impact on local wages (ESCAP, 2002). The evidence of the impact of migration in host countries is more mixed when examined at the sector level. There are some findings to show that in the construction and manufacturing sectors, foreign workers have increased the unemployment rate of the local labour force. Further research-based information is needed to clarify the various impacts of migration in host countries, which could then serve as the basis for more realistic policies.

40. Policies designed to deal with migration are, with several significant exceptions, overwhelmingly those of control and restriction rather than of facilitation and accommodation (ESCAP, 2001). Such policies are based on the negative social perception associated with migration. The public's perception of migration is an important factor determining the policy choices available to Governments. Policymakers need to assess the current and projected demand for labour as accurately as possible for the successful management of migration in countries where the demand for labour is strong. These requirements need to be communicated to the local community. When migrants are seen within the context of their economic contribution to society, acceptance may be easier to achieve. Governments need to spearhead efforts to promote a culture of tolerance and respect for human rights in an increasingly culturally diverse environment.

E. Social protection and human rights of migrants

41. The well-being of international migrants largely rests on the availability of decent work, secure legal status and access to social services and protection. A temporary residence permit or work contract is normally sufficient to give a sense of security to short-term migrants. However, as migration controls are tightened in a number of host countries, the flow of undocumented migrants is likely to increase, raising concerns of protection. Since such migrants have entered countries illegally or stayed after the expiration of their visa, they lack recourse to legal protection and legal means of improving their wages, working conditions and living standards and access to social services. This renders such migrants, especially women, vulnerable to exploitation and abuse.

42. Despite the positive experiences of many migrant workers, a significant number face hardships that erode the gains from migration. Less-skilled migrant workers commonly face deception, discrimination, exploitation and abuse in employment-related situations. Whereas prevailing xenophobic sentiments and negative perception of migration provide for some of the explanation, it is also due to the position of migrants in the labour market and the lack of application and enforcement of labour standards in host countries. Emerging trends towards informal work arrangements entail more disadvantages for migrant workers, including low wages, poor working conditions and lack of social protection and workers' rights.

43. Trafficking is a pernicious form of irregular migration that involves elements of deception, coercion, exploitation, abuse and violence and, though not exclusively, it targets women and children. The economic vulnerability of trafficking victims is compounded by physical and psychological abuse, exposure to life-threatening conditions, including sexually transmitted diseases and HIV/AIDS, and abuse at the hands of authorities. Trafficking has become entrenched in the ESCAP region and requires effective counter-trafficking policies and programmes. Such measures must address critical aspects in areas of both origin and destination.

44. To tackle trafficking in areas of origin, development and poverty alleviation efforts must be intensified. However, studies have tended to show that outmigration increases with rising levels of development; hence, such efforts may be unlikely to reduce the volume of migration in the short run (ESCAP, 2001). Therefore, prevention approaches must involve education campaigns. In the destination areas, policies need to be directed at demand. Where the demand for trafficked migrants is large, as in the tourism sector in some countries, considerable political will is required. Measures directed at reducing demand may have to include the criminalization of trafficking. Traffickers must be brought to justice on a much more swift and consistent basis, and assistance and services must be extended for the rehabilitation of victims of trafficking. All these policies must be designed with the ultimate intention of reducing exploitation and protecting the migrants, irrespective of whether their status is legal or undocumented.

45. Protecting the rights of migrants encompasses ensuring that they are equally treated under the law in the receiving country. Respect for a migrant's human rights is one of the most basic determinants of migrant's well-being and essential to the achievement of greater social and economic development. It is important that migrants of all ages have access to affordable basic social and health services, including reproductive health care. While it is the sovereign right of States to make laws and regulations concerning the entry of aliens and the terms and conditions of their stay, international human rights instruments call on States to abide by international human rights principles when designing regulations and policies that affect the welfare of migrants.

46. A significant step towards this objective is for countries to ratify the various international conventions pertaining to the protection of migrants. Among the most prominent United Nations conventions and protocols for the protection of migrants, including refugees, are: the 1951 Convention relating to the Status of Refugees (ratified by 23 ESCAP member States); the 1967 Protocol relating to the Status of Refugees (ratified by 23 member States); the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which entered into force in 2003 (ratified by 7 and signed by 3 members); and the two protocols adopted in 2000, namely, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (ratified by 13 and signed by 10 members), and the Protocol Against

Smuggling of Migrants by Land, Air and Sea (ratified by 13 and signed by 10 members).² The pace of ratification of the 1990 Convention has been relatively slow in Asia and the Pacific, enjoying support mostly from origin countries of migrant workers.

III. REGIONAL COOPERATION FOR MIGRATION MANAGEMENT

47. Although migration policy has long remained a matter of countries' sovereign prerogative or bilateral concern, Governments are increasingly involved in regional consultative processes to address migration issues. Because such forums usually are non-binding, flexible, informal and efficient in functioning parallel to more formal structures of international organizations, Governments participate in them freely (UNFPA and IMP, 2004).

48. Over the past decade, several regional consultative processes have emerged in the ESCAP region. The Manila Process of IOM, initiated in 1996, focuses primarily on combating and reducing irregular migration and trafficking in the region. The Intergovernmental Asia-Pacific Consultation on Refugees and Displaced Persons (APC), also launched in 1996, functions as an advisory body to Governments in the region while also serving as an informal forum for discussions on refugees and displaced persons. Some effort is under way in coalescing APC and the Manila Process, as there is significant overlap in both membership and the migration issues addressed. Proposals have been made to integrate the Manila Process into APC and make it the irregular migration and trafficking arm of APC.

49. The Bangkok Declaration on Irregular Migration, though not a regional consultative process per se, was endorsed by 18 participating States in 1999. It called for new anti-trafficking legislation. The Declaration represents a significant step towards regional cooperation for combating irregular migration while protecting the human rights of irregular migrants (International Organization for Migration, 2001). The Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, known as the Bali Process, was launched in 2002 as a voluntary non-binding grouping of 38 source, transit and destination countries from throughout the region. Its various targeted workshops have been instrumental in the capacity-building of operational-level officials representing law enforcement and other key agencies involved in combating trafficking and related transnational crimes.

50. The South Asian Association for Regional Cooperation, an association of seven South Asian countries, adopted the first regional legally binding anti-trafficking treaty in 2002. The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution promotes regional cooperation for the prevention, interdiction and suppression of trafficking by international prostitution networks, and the repatriation and rehabilitation of victims.

² Source: United Nations Treaty Collection. Data accessed on 15 September 2005 at <<http://untreaty.un.org>>.

51. The Coordinated Mekong Ministerial Initiative against Trafficking, an initiative supported by IOM and the United Nations Inter-agency Project, involves six Greater Mekong Subregion countries with long and porous borders that have been hot spots for human trafficking. Determined to combat human trafficking, these Governments signed a memorandum of understanding in 2004 based on international standards that incorporate relevant conventions and principles. This subregional agreement lays down a framework for a systematic response to human trafficking and a three-year subregional Plan of Action for collaborative efforts to protect victims of human trafficking, promote cooperation in investigating and prosecuting traffickers and undertake protective efforts to address vulnerability to trafficking.

52. Because regional consultative processes are not necessarily directed at immediate, concrete outcomes, but place a great deal of emphasis on long-term goals such as increasing cooperation and dialogue, they emphasize information exchange and technical cooperation (IOM, 2001). These interactions are crucial for developing links between States and laying the groundwork for future bilateral and multilateral agreements. These processes have been credited with enhancing regional coordination on migration, building trust and a better common understanding of migration issues and providing an alternative to global migration management forums.

53. Complementing these informal regional consultative processes, ESCAP has been actively engaged in regional discussions on migration issues. The Fifth Asian and Pacific Population Conference, held in Bangkok in 2002, included a number of recommendations on international migration in its Plan of Action on Population and Poverty. The Plan of Action urged Governments to incorporate various desirable aspects of international migration into national economic and social planning by both sending and receiving countries. It called on Governments to combat trafficking, especially of women and children. It also urged strengthened regional cooperation to better manage the flow of all types of migration for the benefit of sending and receiving countries and the migrants themselves.

54. Based on the recommendation of the Conference that regional dialogue on international migration should be enhanced, ESCAP organized, jointly with the United Nations Population Fund, IOM, and the Asian Forum of Parliamentarians on Population and Development, the Regional Seminar on the Social Implications of International Migration. The Seminar, which was held in Bangkok from 24 to 26 August 2005, discussed recent trends and patterns in international migration in Asia and the Pacific, analysed the implications of those trends for development and reviewed labour migration policies and programmes. It also assessed migrant health, the gender dimensions of migration, the situation of children of migrants, as well as trafficking, particularly of women and children. The Seminar, in its recommendations, called for the establishment of a regional consultative process to facilitate a regular dialogue on issues related to labour migration and development, and the explicit integration of migration into development strategies, including Poverty Reduction Strategy

Papers and those for achieving the Millennium Development Goals. The Seminar also called for the preparation of studies on international migration in Asia and the Pacific, reflecting the state of knowledge of the levels and trends of migration on which to base the formulation of policies and programmes. The outcome of the Seminar is expected to constitute an input into the high-level dialogue on international migration and development scheduled to be held during the sixty-first session of the General Assembly in New York in 2006.

IV. CONCLUSIONS

55. The widening impact of migration is forcing greater attention to be focused on migration policy development. The involvement of a greater number of actors and the growing recognition of its interlinkages with other issues are shaping policy developments. Addressing the challenges of international migration requires a high degree of coordination, both regionally and internationally. It requires an understanding and awareness of the social and economic implications of migration and the political will to manage migration flows and to address its consequences. Institutional capacity and trained staff and resources are also crucial for addressing the challenges of migration.

56. Regional trends show that the demand for migrant workers, both highly skilled and less skilled, will continue despite attempts by some countries to phase out dependence on migrant labour. To determine sustainable policy options, policymakers have to weigh economic efficiency, the implications for local wages and human rights, and other cross-cutting social issues. Given the multifaceted nature of the migration process, policy design and intervention must be in several dimensions. Three principal areas of concern are the migrants themselves, their families and the impact of migrants on the broader society and economy. Understanding the important relationship between migration, poverty and development will enable countries to better address the challenges of international migration and maximize its benefits for both sending and receiving countries.

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