

# Stakeholder Consultation on the Asia-Pacific Regional Review of Implementation of the Global Compact on Migration – Objectives 2, 5, 6, 12, 18

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**United Nations  
Network on Migration**  
*Working Better Together*



United Nations  
Educational, Scientific and  
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Bangkok Office  
Asia and Pacific Regional Bureau  
for Education



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# Ensuring that migration is voluntary, orderly and regular

(addressing GCM objectives 2, 5, 6, 12 and 18)

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# Introductory remarks

- This presentation is drawn from Chapter 2 of the APMR 2020
- Countries in the region have been working on regular pathways, decent work, fair recruitment, and skills recognition and SDGs in recent years, and GCM has provided added momentum to these initiatives.
- The slides aim to briefly depict the baseline situation & progress of the selected objectives, and some pointers on the way forward.

## Obj. 2: Minimising adverse drivers

- Disparities in growth and incomes, poverty and unemployment , and demographic developments across Asia-Pacific countries act as major drivers of labour migration, including unsafe and irregular movements.
- Conflicts, human rights violations, food insecurity, corruption, and political persecution also act as drivers of population movements in the form of mixed migration flows involving refugees and asylum seekers as well as migrants seeking improved life chances, safety and dignity.
- Sudden and slow-onset disasters, climate change and environmental degradation are major manifestations of environmental drivers affecting the Asia-Pacific region.

## Obj. 2: Areas for Possible action

- Intensify efforts to achieve SDGs, particularly SDGs 1 (No hunger), 2 (Zero poverty), 8 (Economic growth and decent work) and 10 (Reduced inequalities), involving all stakeholders to make migration a choice.
- Address environmental drivers of migration by meeting commitments under various frameworks and agreements on climate action and environment.
- Mainstream migration and mobility into development agendas and climate resilience and adaptation plans of action.

## Obj. 5: Legal and flexible pathways for migration

- Throughout the region, there are pathways for regular labour migration across different skill levels.
  - These pathways are often costly and cumbersome particularly for workers in elementary occupations, encouraging migration under irregular situation in some corridors.
  - Legal channels are limited in relation to employer demand for workers or the size of the labour pool seeking employment.
- There are limited safe, regular and accessible pathways for other categories of migrants including those moving for child protection, family unity, academic purposes, and humanitarian grounds.

## Obj. 5: Areas for possible action

- Address existing barriers to labour mobility, especially for women workers, including cumbersome migration regulations, high migration and recruitment costs, gender discrimination, and non-recognition of skills including through flexible visa and work permit systems.
- Promote labour mobility for women & men workers with different skills within regional communities (ASEAN, EEU, Pacific).
- Ensure access to safe, transparent and affordable regular channels for migration addressing needs of different skills, family reunification, academic needs and human rights protection.

## Obj. 6: Fair recruitment

- Fair recruitment has been on the agendas of policy makers, social partners and civil society agendas and international organizations in the region well before GCM.
- Several positive developments can be noted.
  - Emerging practice of prohibition of recruitment fees by destination and origin countries
  - Private sector, TU/CSO and ILO & IOM initiatives
  - Improved knowledge base
- Yet recruitment costs generally remain high, and regulation of private employment agencies is a continuing challenge.



## Obj. 6: Decent Work

- Deficits in decent work are a major issue in countries of destination and include:
  - Low or unpaid wages, passport confiscation, limited mobility, unsafe and hazardous work environments, dense & unhygienic living conditions, and limited access to social protection.
  - Impact of the COVID-19 pandemic
- Women migrants continue to face particular risks:
  - Violence, abuse and exploitation in several specific situations, including in the workplace and particularly in domestic work, given its isolated nature.
- Some positive developments
  - 2017 ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers (though rights often subject to national laws)
  - New laws or improvement of laws – on migration, migrant fishers, recruitment
  - Decent work promotion for migrant workers by migrant associations, trade unions, employers' federations and civil society.
  - Improved complaints and dispute resolution mechanisms
  - Support to all migrant workers through MRCs

## Obj. 6: Areas for possible action

- Ratification of key migrant worker related Conventions (ILO and UN)
- Effective regulation of private employment agencies guided by the ILO General Principles and Operational Guidelines and Definition of Recruitment Fees and Related Costs.
- Promote international initiatives to address fair recruitment - ILO Fair Recruitment Initiative, the IOM IRIS, Recruitment Advisor Platform, Responsible rec. initiatives
- More effective enforcement of labour and migration laws - speedy adoption of implementing regulations, effective labour inspection systems, relaxing mobility restrictions on workers and effective dispute resolution and ensuring access to justice.
- Ensure protection of women migrant workers, especially migrant domestic workers, through: extension of labour law , removing gender-based discriminations in admission and post admission policies, gender responsive support services
- Pandemic response – address structural issues in existing temporary migration systems (rights deficits) and immediate needs (health and humanitarian).

## Obj. 18: Skill development and recognition

- Migrant workers face obstacles in getting their qualifications and skills recognized in countries of destination and on return to their countries of origin after acquiring skills abroad – leads to brain waste and deskilling.
- It affects the bulk of migrant workers who have developed their skills through informal and non-formal systems of learning.
- Positive developments
  - Promotion of regional qualification frameworks (ASEAN; Pacific)
  - Increasing action by countries to recognise prior learning (RPL): Online systems (Philippines); Skills passport (Sri Lanka).
  - Skills recognition in agenda of RCPs (Colombo Process, Abu Dhabi Dialogue).
  - Skills Partnerships – global

## Obj. 18: Areas for possible action

- Ratify the Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education (Tokyo Convention) and implement its provisions.
- Extension of mutual recognition of skills to lower and middle skilled occupations in the ASEAN region, and removing obstacles practically impeding mutual recognition in the designated high skill occupations.
- Expand promotion of recognition of prior learning systems based on existing good practice examples in the region.

## Obj. 12: Screening and referral procedures for migrants in vulnerable situations

- Within the Asia Pacific region, irregular migration, smuggling of migrants, human trafficking and forced labour are significant challenges.
- Migrants in vulnerable situations may not meet the refugee definition contained in the 1951 Refugee Convention, but they all are entitled to protection under the international human rights framework.
- Existing procedures for screening, assessment and referral of victims of trafficking in persons, migrants in situations of vulnerability, including children are often slow and inadequate, and marked by fragmentation and overlap in service delivery.



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## Obj. 12: Areas for possible action

- Ensure prompt and individualised screening, assessment and referral procedures for all migrants including children that can identify those in vulnerable situations and provide timely and adequate assistance through coordinated efforts.
- Develop or improve migration, social protection and labour policies to benefit migrants in vulnerable situations
- Strengthen child protection systems and ensure they are accessible to all children affected by migration.
  - Promote and implement their obligations under the UN Convention on the Rights of the Child, in particular the principle of the best interests of the child, and the ASEAN Declaration on the Rights of Children in the Context of Migration.

# Ensuring that migration is voluntary, orderly and regular

## Guiding questions for the working groups:

1. To take stock of the baseline situation related to the objective and overall progress of implementation so far. What are some of the highlights?
2. To identify some key challenges and gaps with respect to progress under the objective.
3. To identify some good practices that have emerged with respect to stakeholder collaboration.
4. To formulate a few key recommendations to accelerate implementation of the objective, keeping in mind also the COVID-19 pandemic.

# Thank you

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