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### **Economic and Social Commission for Asia and the Pacific**

Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration

Bangkok, 10-12 March 2021

Items 2 and 3 of the provisional agenda\*

**Review of progress and challenges with regard to implementing the Global Compact for Safe, Orderly and Regular Migration in Asia and the Pacific, including the implications of the coronavirus disease pandemic**

**Thematic discussions on progress and challenges with regard to implementing the Global Compact at all levels, with due respect to the cross-cutting and interdependent guiding principles of the Global Compact**

## **Implementing the Global Compact for Safe, Regular and Orderly Migration: summary of stakeholder consultations for Asia and the Pacific\*\***

### *Summary*

The present document contains a summary of the outcomes of four stakeholder consultations that were organized in preparation for the Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Regular and Orderly Migration, to be held in Bangkok from 10 to 12 March 2021. It reflects a non-exhaustive summary of stakeholder views on the status of implementation of the Global Compact and contains recommendations for further implementation and examples of good practice.

In General Assembly resolution 73/195, United Nations Member States committed to a whole-of-government and whole-of-society approach to the implementation and review of the Global Compact at the national, regional and global levels. In keeping with this resolution, the Economic and Social Commission for Asia and the Pacific and the Regional United Nations Network on Migration for Asia and the Pacific facilitated meaningful, diverse and inclusive stakeholder engagement with regard to the Asia-Pacific Regional Review process.

The present document serves to inform deliberations of member States during the 2021 Asia-Pacific Regional Review.

\* ESCAP/GCM/2021/L.1.

\*\* The present document is being issued without formal editing.

## I. Introduction

1. On 10 December 2018, United Nations Member States adopted the Global Compact for Safe, Orderly and Regular Migration in Marrakesh, Morocco; it was formally endorsed by the General Assembly on 19 December 2018.<sup>1</sup> The Global Compact is the first intergovernmentally-adopted framework prepared under the auspices of the United Nations to cover all dimensions of international migration in a holistic and comprehensive manner. It is a 360-degree vision of international migration, based upon the core purposes and principles of the United Nations, as covered by its Charter, international human rights law, international labour law and the 2030 Agenda for Sustainable Development, among others.

2. In paragraph 15 (j) of the Global Compact, Member States committed to a whole-of-society approach, promoting broad multi-stakeholder partnerships to address migration in all its dimensions. In paragraphs 41 and 44, Member States also committed to implementing the Global Compact at the national, regional and global levels in cooperation with all relevant stakeholders, including migrants, civil society, migrant and diaspora organizations, faith-based organizations, local authorities and communities, the private sector, trade unions, parliamentarians, national human rights institutions, the International Red Cross and Red Crescent Movement, academia, the media and other relevant stakeholders.

3. In keeping with this whole-of-society approach, the Economic and Social Commission for Asia and the Pacific (ESCAP) and the United Nations Regional Network on Migration for Asia and the Pacific<sup>2</sup> sought to enable meaningful, diverse and inclusive engagement by relevant stakeholders regarding the Asia-Pacific Regional Review of the Global Compact for Migration.

4. The present document summarizes four stakeholder consultations held between October 2020 and February 2021 that were part of the preparatory process of and leading up to the intergovernmental Asia-Pacific Regional Review of Implementation of the Global Compact for Migration. Reports of these consultations are available on the Asia-Pacific Regional Review website at [www.unescap.org/intergovernmental-meetings/asia-pacific-regional-review-implementation-global-compact-safe-orderly](http://www.unescap.org/intergovernmental-meetings/asia-pacific-regional-review-implementation-global-compact-safe-orderly) as well as on the Migration Network Hub at: <https://migrationnetwork.un.org/country-regional->

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<sup>1</sup> General Assembly 73/326.

<sup>2</sup> The following United Nations entities in Asia and the Pacific are members of the Regional Network: ESCAP, International Labour Organization (ILO), International Organization for Migration (IOM), Joint United Nations Programme on HIV/AIDS, Office for the Coordination of Humanitarian Affairs (OCHA), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), United Nations Environment Programme, Secretariat of the United Nations Framework Convention on Climate Change, United Nations Human Settlements Programme, Office of the United Nations High Commissioner for Refugees, United Nations Office for Disaster Risk Reduction, Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Office on Drugs and Crime (UNODC), United Nations Population Fund, World Bank and World Food Programme. See also: [https://migrationnetwork.un.org/sites/default/files/docs/ap\\_regional\\_migration\\_nw\\_t\\_or\\_march\\_2020.pdf](https://migrationnetwork.un.org/sites/default/files/docs/ap_regional_migration_nw_t_or_march_2020.pdf).

[network/asia-pacific](#) as part of the contributions to the Migration Network Hub which are called for in the Global Compact.<sup>3</sup>

## II. Process of stakeholder engagement

5. In engaging with relevant stakeholders, it was important to ensure balanced geographic representation, sectoral/thematic representation and gender composition; the 360-degree vision of the Global Compact was reflected through the scope of mandates of the stakeholders' groups invited to the stakeholder consultations.<sup>4,5</sup> In reviewing the different groups of stakeholders which participated in the four consultations, all groups, according to the ones listed in paragraph 44 of the Global Compact for Migration, participated, except for representatives from the media. There was a balanced geographical representation, with the exception of North and Central Asia.

6. The following principles were followed to ensure a whole-of-society approach within the review of the Global Compact in Asia and the Pacific:

(a) Transparency: generating an open call for engagement to all relevant stakeholders and providing open and equal channels to receive inputs;

(b) Inclusivity: creating room for the widest possible access to all relevant stakeholders through different forms of engagement, including an open call to stakeholders to co-organize consultations, draft minutes of consultations, review and provide input to reports of consultations, encourage stakeholders to post information related to the Global Compact on the Migration Network Hub,<sup>6</sup> self-select speakers for the intergovernmental meeting and jointly draft statements to be presented at the regional review meeting and formally submitted them to the meeting;

(c) Diversity: ensuring non-discriminatory access to participate in the consultations, with particular attention to under-represented voices and to migrants in situations of vulnerability;

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<sup>3</sup> In accordance with General Assembly resolution 73/326, the United Nations Network on Migration, in preparation for the International Migration Review Forum will collect all inputs received from local, national and regional and global levels on a dedicated website, featuring inputs submitted by Member States and other relevant stakeholders to the forums, as part of the global knowledge platform called for in the Global Compact.

<sup>4</sup> Stakeholders were identified based on lists of stakeholders who had attended the Asia-Pacific Regional Preparatory Meeting for the Global Compact, held from 6 to 8 November 2017; the annual meetings of the Asia-Pacific Forum for Sustainable Development and whose work focused on migration issues; the preparatory meetings leading up to the adoption of the Global Compact, including those attending the Intergovernmental Conference to Adopt the Global Compact held in Marrakech, Morocco from 10 to 11 December 2018 and whose work focused on Asia and the Pacific, and the consultation of the Regional United Nations Network on Migration for Asia and the Pacific with civil society and other stakeholders held on 19 February 2020. Through holding stakeholder consultations in preparation of the Asia-Pacific Regional Review of the Global Compact, starting in October 2020, additional stakeholders were identified and vetted by members of the Regional United Nations Network on Migration for Asia and the Pacific.

<sup>5</sup> ESCAP and OHCHR collaborated in engaging a dedicated stakeholder liaison consultant, who, with overall guidance and support from ESCAP and OHCHR, provided support in engaging with stakeholders for the Asia-Pacific Regional Review.

<sup>6</sup> <https://migrationnetwork.un.org/hub>.

(d) Meaningful participation: providing effective access to all preparatory and follow-up regional review processes and encouraging the mobilization of resources to enable participation by relevant stakeholders.

7. In line with the above, the following activities were implemented:

(a) Four (virtual) stakeholder consultations were held between October 2020 and February 2021, organized along the four indicative clusters of Global Compact objectives identified in General Assembly resolution 73/326 and planned for the Asia-Pacific Regional Review roundtables:

- i. Ensuring that migration is voluntary, orderly and regular (addressing objectives 2, 5, 6, 12 and 18), held on 28 October 2020;
- ii. Protecting migrants through rights-based border governance measures (addressing objectives 4, 8, 9, 10, 11, 13 and 21), held on 19 November 2020;
- iii. Supporting integration of migrants and their contribution to development (addressing objectives 14, 15, 16, 19, 20 and 22), held on 16 December 2020;
- iv. Improving value-driven and evidence-based policymaking and public debate, and enhancing cooperation on migration (addressing objectives 1, 3, 7, 17 and 23), held on 3 February 2021;

(b) Two (virtual) briefings of stakeholders were organized on 26 August 2020 and on 10 February 2021 to provide an overview of the process of the Asia-Pacific Regional Review, including organizational and logistical aspects and information on the documents prepared for it. The briefings also featured open question and answer sessions, and enabled stakeholders to request information and identify entry points for possible engagement in the regional review process.

(c) A final consultation on 2 and 4 March was planned and run by stakeholders; this consultation provided an opportunity for stakeholders to self-organize and draft joint statements to be presented at the regional review meeting. Stakeholders also self-selected five speakers to present the statements and make interventions at the regional review meeting. In addition, members of the Regional United Nations Network facilitated access for stakeholders to participate as panellist in the four round table discussions of the second day of the regional review, and stakeholders were asked to identify four speakers to intervene from the floor (virtually) during the question and answer period

(d) In addition, stakeholders were invited to submit proposals for side events to be organized on the side lines of the Regional Review meeting. All proposals for side events were approved by ESCAP and the Regional United Nations Network on Migration, and seven out of eight side events were either organized solely by stakeholders or co-organized with Governments and United Nations entities.<sup>7</sup>

8. The purpose of the four preparatory stakeholder consultations was to elicit stakeholders' experiences, views, expertise and recommendations to inform the Asia-Pacific Regional Review, namely:

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<sup>7</sup> For more information on the side events, see also [www.unescap.org/intergovernmental-meetings/asia-pacific-regional-review-implementation-global-compact-safe-orderly](http://www.unescap.org/intergovernmental-meetings/asia-pacific-regional-review-implementation-global-compact-safe-orderly).

- Take stock of the overall progress of implementation of objectives to date
- Identify key challenges, opportunities, gaps and emerging issues
- Identify established and emerging good practices and lessons learned
- Identify resource requirements and capacity building needs
- Formulate recommendations

9. A cross-cutting topic throughout the consultations was the impact of the ongoing coronavirus disease (COVID-19) pandemic on migrants and migration and on implementation of the Global Compact.

10. The stakeholder consultations were facilitated by the following members of the Regional United Nations Network on Migration for Asia and the Pacific: ILO, IOM, OHCHR, OCHA, UNDP, UNESCO, UNICEF, UN-Women with ESCAP and OHCHR providing overall guidance and support. All consultations were organized similarly, meaning at a minimum, a call to volunteer to be a co-organizer of the particular consultation was sent in advance to the broader stakeholder group, the stakeholder co-organizers, which represented different entities of the group of stakeholders, then jointly drafted concept notes and agendas along with the United Nations focal points for each consultation. A total of 24 representatives of stakeholder groups became co-organizers, working together with members of the Regional United Nations Network on the consultations. The co-organizers also identified and facilitated access to keynote speakers and led and/or moderated discussions during the consultations themselves. Minutes of the consultations, which were drafted by the co-organizers, were the basis for the four informal and non-exhaustive summary reports issued after each consultation. These were posted on the website of the Asia-Pacific Regional Review at [www.unescap.org/intergovernmental-meetings/asia-pacific-regional-review-implementation-global-compact-safe-orderly](http://www.unescap.org/intergovernmental-meetings/asia-pacific-regional-review-implementation-global-compact-safe-orderly). The following summary is based on these non-exhaustive summary reports.

### **III. Outcomes of stakeholder engagement**

11. In each of the consultations, stakeholders concluded that progress in implementing the objectives of the Global Compact had been mixed in Asia and the Pacific. Progress had been made, but challenges remained. The COVID-19 pandemic had exacerbated existing vulnerabilities. Stakeholders also opined that commitment to the implementation of some Global Compact objectives had been limited in some countries. They noted that countries in the region needed to better coordinate the implementation of the Global Compact with more robust consultation and engagement between stakeholders and Governments on follow-up. Stakeholders also noted that countries of origin tended to acknowledge, and support obligations related to the implementation of the Global Compact objectives when they concerned their own nationals abroad but were less concerned with the same objectives with regard to immigrants in their own countries. It was noted that Member States of the United Nations had acknowledged in the Global Compact a shared responsibility to address one another's needs and concerns regarding migration, and an overarching obligation to respect, protect and fulfil the human rights of all migrants, regardless of their migration status, while promoting the security and prosperity of all their communities.<sup>8</sup> Moreover,

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<sup>8</sup> See paragraph 11 of General Assembly resolution 73/195.

member States should recognize the experiences and agency of stakeholders in supporting the implementation of the objectives of the Global Compact.

12. The following summarizes the challenges, good practices and recommendations determined by each of the consultations and reflects stakeholder inputs.

**A. Ensuring that migration is voluntary, orderly and regular (addressing objectives 2, 5, 6, 12 and 18)**

13. The first stakeholder consultation was held on 28 October 2020 and was co-organized by the Pacific Islands Association of Non-governmental Organizations, Fiji; Migrant Forum Asia, Philippines; Solidarity Center, Sri Lanka; South Asian Regional Trade Union Council, Nepal; Tabaco City Government, Philippines; and United Nations Major Group for Children and Youth, Malaysia and Australia, with support from ILO and UNESCO.

14. About 90 stakeholders from around 20 countries in Asia and the Pacific attended the consultation. Participants came from a broad range of sectors, including trade unions, civil society, migrant and diaspora organizations, national human rights institutions, local authorities and communities, the private sector, the International Red Cross and Red Crescent Movement, and academia. About 45 per cent of all participants represented civil society organizations and about 10 per cent each came from academia, migrant and diaspora organizations and trade unions. There was balanced gender representation among participants.

15. Participants identified, among others, the following challenges in the implementation of the Global Compact:

(a) Poverty, unemployment, low wages, limited economic growth prospects, inequality of opportunities, domestic violence, as well as climate change and natural disasters, were drivers of migration;

(b) Several countries in the region had not ratified existing key international human rights and labour law frame

(c) works;

(d) Resulting from limited regular migration pathways, as well as limited information and communication on existing regular pathways, irregular migration was common, creating vulnerable situations for migrants. Because of gender-specific barriers and limitations, women migrant workers were often pushed into irregular migration;

(e) The involvement of private recruitment agencies, including with multiple actors, such as brokers and sub-agents, and at times with limited supervision, was connected with rights violations. In some countries, migrant workers were prohibited from joining unions which affected decent work conditions;

(f) The protection of migrants in the context of mixed migration movements remained a challenge and was not fully addressed in existing protection measures;

(g) The lack of uniform skills-based assessment frameworks and of mutual skill recognition schemes, as well as the costs of formal recognition and translation of documents, were barriers to skills development, the recognition of skills and their transferability.

16. Stakeholders also pointed out that the region had developed the following good practices that supported the objectives of the Global Compact:

(a) The various voluntary regional dialogue processes, such as the Association of Southeast Asian Nations (ASEAN) Forum on Migrant Labour, the Colombo Process and the Abu Dhabi Dialogue, which were supported by United Nations agencies, were welcomed, as they helped raise the voices of stakeholders;

(b) Employment permit systems, where governments cooperated directly with governments of countries of origin of migrant workers, had contributed to fair recruitment practices, decent work and low migration costs;

(c) Examples of bilateral cooperation between countries of origin and destination were highlighted. Often, these agreements promoted the use of technology to enhance the labour migration process, including job applications, registering all private recruitment agencies and closely engaging relevant ministries in both origin and destination countries;

(d) Commitment to recruitment reform, forging bilateral agreements and other partnerships by the private sector were also highlighted as good practices.

17. Participants at the stakeholder consultation recommended the following actions:

(a) More research on the drivers of migration should be undertaken, including on the effects of climate change and natural disasters on migration, as well as on the intersectionality of vulnerabilities;

(b) There was a need to address the vulnerabilities created by high recruitment fees and to create mechanisms to lodge complaints and grievances against employers;

(c) More opportunities for regular migration needed to be created, particularly for labour migration in job categories with labour shortages. This should include a proactive approach to support the rights of migrants, such as more inclusive dialogues to discuss safe and regular migration pathways and reducing the costs of migration;

(d) Governments should focus on how to improve basic social protection and social welfare of migrant workers in countries of destination and origin, and make provisions so that entitlements could be transferred;

(e) Transparent recruitment processes with regulation of private recruitment agencies, which protect migrant workers, as well as increasing data and information on occupations with labour shortages, should be in place;

(f) Skill-certification programmes should be established and include prior recognition of skills of workers and their certifications, and tools should be developed and officially recognized to ensure their portability;

(g) A whole-of-society-approach with stakeholder involvement in developing memorandums of understanding and bilateral agreements regulating migration should be adopted.

**B. Protecting migrants through rights-based border governance and border management measures (addressing objectives 4, 8, 9, 10, 11, 13 and 21)**

18. The second stakeholder consultation was held on 19 November 2020 and was co-organized by the Lord's Universal College of Education,

University of Mumbai, India; Udyama, India; Asian Pacific Refugee Rights Network, Thailand; Asia Pacific Mission for Migrants, Hong Kong, China; Help-Hilfe zur Selbsthilfe, Afghanistan; and International Detention Coalition, Australia; and Bonigi, Australia, with support from OHCHR, UNICEF and UNODC.

19. About 60 stakeholders from about 15 countries in Asia and the Pacific attended the consultation. Participants came from a broad range of sectors, including trade unions, civil society, migrant and diaspora organizations, national human rights institutions, local authorities and communities, the private sector, the International Red Cross and Red Crescent Movement, and academia. About 50 per cent of all participants represented civil society organizations. There was balanced gender representation among participants.

20. Participants identified, among others, the following challenges in the implementation of the Global Compact:

(a) Lack of birth registration and documentation undermined a person's ability to earn a livelihood and to access services. It put migrants at risk of statelessness, with children of migrants in irregular status particularly affected. Where women were not formally able to pass on their nationality to their children, the children also risked statelessness. The lack of legal status increased the risk of migrants being subjected to discrimination and abuse;

(b) Current legal frameworks did not include provisions on migrants who migrated because of climate change and, therefore, these migrants lacked protection under existing legal frameworks;

(c) The lack of effective monitoring and coordination systems to support migrants in need and save lives was a key challenge in host communities. It was noted that digital technologies to locate and inform migrants in times of crisis could be useful, with adequate respect for human rights standards on data protection;

(d) Dignified return of migrants, particularly of women migrants and migrant children, was a relevant challenge, with a call for cooperation and coordination in countries to support return migrants, including the provision of reorientation programmes and access to social protection upon return;

(e) There was limited knowledge sharing on trafficking in persons and migrant smuggling within and among countries, which hampered dialogue, coordination and the development of policies and practices. While some countries had developed policies to address trafficking in persons and migrant smuggling, their implementation remained a challenge. There was also limited knowledge-sharing on these issues among countries, including with civil society organizations which were active on the ground.

21. Stakeholders also pointed out that the region had developed the following good practices that supported implementation of the objectives of the Global Compact:

(a) Cooperation of government officials with national human rights commissions on pathways to resolve issues related to undocumented and stateless persons was recognized as a fruitful collaboration;

(b) Relaxation of regulations in some countries tying migrant status to a specific employer had enabled greater protection of the rights of and mobility among migrant workers, particularly during the pandemic;

(c) Cooperation between governments at central and local levels had contributed to developing strategies to support dignified and safe return of migrants;

(d) Initiatives focused on rights-based training of border officials in the region, including with an emphasis on gender-responsive and child-sensitive law enforcement, had proven helpful. In some countries, government entities were working on building local capacity, including with law enforcement agencies, civil society organizations, lawyers and judges, to support victims of trafficking;

(e) A global campaign dedicated to identifying people missing in connection with conflicts, natural disasters or migration had proven helpful;

(f) Bilateral memorandums of understanding on the protection of child migrants were being drafted and could contribute to the establishment of cross-border child protection mechanisms and standard operating procedures.

22. Participants at the stakeholder consultation recommended the following actions:

(a) There should be coordinated international efforts, including with the involvement of local authorities, to ensure that migrants had proof of legal identity and adequate documentation. There was a need to focus on women and girls in irregular situations, since they were at an increased risk of suffering violence and abuse in such situations;

(b) In addition to birth registration for all under Sustainable Development Goal target 16.9 on legal identity,<sup>9</sup> other means of providing legal identity for all groups should be explored;

(c) There should also be a complaint mechanism when documentation was denied, and embassies of countries of origin should prevent migrant workers from being forced to relinquish their identity documents upon arrival in destination countries;

(d) Effective gender-sensitive and multi-language communication between government authorities and migrants regarding border management measures should be ensured, including through social media, especially in times of crisis;

(e) National and local authorities in countries of origin, transit and destination should collaborate to ensure migrants' ability to return home in a safe, orderly and regular way. The principles of the "Migrants in Countries in Crisis" initiative<sup>10</sup> (MICIC) should be employed to ensure dignified return of migrants;

(f) Partnerships and initiatives would be required to ensure the reintegration of return migrants, including effective reorientation and information on entitlements; this should also include training of officials to understand the specific vulnerabilities of returning women and children;

(g) Countries should address the root causes of trafficking in persons and migrant smuggling, including poverty reduction;

(h) Research and documentation of experiences of victims of trafficking and dissemination of this experience would be important to ensure

<sup>9</sup> Sustainable Development Goal 16.9: By 2030 provide legal identity for all including free birth registrations. Available at <https://unstats.un.org/sdgs/indicators/indicators-list/>.

<sup>10</sup> Available at <https://micicinitiative.iom.int/>.

that the voices of victims of trafficking were heard. National and local authorities should collect and exchange data on victims of trafficking and migrant smuggling;

(i) Mechanisms, policies and practices already in place to combat trafficking in persons and migrant smuggling, including through regional consultative processes in Asia and the Pacific and beyond, should be strengthened. States should ratify related conventions and protocols, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and the Protocol against the Smuggling by Land, Sea and Air;<sup>11</sup>

(j) Officials should employ a gender-sensitive and child-centred approach when dealing with victims of trafficking. People who had been trafficked should not be criminalized and should be entitled to the full protection and access to services; reporting mechanisms for victims of trafficking should be established;

(k) Digital technologies should be used effectively, respecting privacy concerns, to locate and support migrants in times of crisis;

(l) Concrete national and regional frameworks, including action plans on border governance and border management measures, should be developed in cooperation with civil society organizations, including measures on search and rescue operations at sea. These measures should be transparent and human rights-based; such mechanisms could be supported by human rights-based capacity-building of border officials;

(m) The detention of migrants, including children in irregular situations was frequent in countries of the region. Governments should end the detention of all children because of their or their parents' migration status. The detention of adult migrants should be used as a measure of last resort and Governments must first consider community, rights-based alternatives in a more comprehensive way.

**C. Supporting the integration of migrants and their contribution to development (addressing Global Compact for Migration objectives 14, 15, 16, 19, 20 and 22)**

23. The third stakeholder consultation was held on 16 December 2020 and was co-organized by the Awaj Foundation, HOST International, India Migration Now and People's Empowerment Foundation, with support from UNDP and UN Women.

24. About 60 stakeholders from around 20 countries in Asia and the Pacific attended the consultation. Participants came from a broad range of sectors, including trade unions, civil society, migrant and diaspora organizations, national human rights institutions, local authorities and communities, the private sector, the International Red Cross and Red Crescent Movement, and academia. About 50 per cent of all participants represented civil society organizations and about 10 per cent each came from local authorities and

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<sup>11</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime Adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000. Available at [www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOC\\_ebook-e.pdf](http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOC_ebook-e.pdf).

communities and migrant and diaspora organizations There was balanced gender representation among participants.

25. Participants identified, among others, the following challenges in the implementation of the Global Compact:

(a) The lack of coordination between consular representatives and authorities of countries of destination was often a barrier to providing effective support and protection to migrants; in addition, many consulates had limited resources and staff were not adequately trained to deliver services, including in a gender-sensitive way;

(b) Data on migrants' contributions to countries of origin and destination were limited; stakeholders were often not involved in any data collection efforts or analysis of this kind;

(c) Restrictions in freedom of association; inability to contribute to and obtain social security, even when having paid into to it; limited access to affordable and safe housing; independent and unbiased legal aid; and overall assistance were identified as barriers to migrants' integration and contribution to countries of origin and destination;

(d) The absence of comprehensive and holistic planning, coordination and collaboration on migration and development by local, national and regional level governments, and with the inclusion of relevant stakeholders in countries of origin and destination, was listed as a key barrier for migrants to contribute to development;

(e) In some countries of destination, migrants had limited access to affordable health care, in particular migrants living with HIV;

(f) In spite of improvements, barriers for the smooth, safe and inexpensive transfer of remittances remained.

26. Stakeholders also pointed out that the region had developed the following good practices that supported implementation of the objectives of the Global Compact:

(a) Some countries in the region had adopted legislation on overseas workers, which had instituted policies of overseas employment and established a higher standard of protection and promotion of the welfare of migrant workers and their families. The relevant acts required foreign service missions to regularly submit comprehensive reports on the situation of migrant workers under their jurisdiction, including recommendations for policy reforms in countries of destination. Another example was a project with a "model consulate" to extend consular services and ensure cross-border justice to migrants through innovative service delivery and partnership approaches at embassies;

(b) Some destination countries in the region had allowed migrant children, irrespective of their status, to enrol in public schools; this decision was informed by the recognition of the universal right to education. Other countries had established systems for early childhood education for children of migrants and migrant children;

(c) Several good practices involved local governments supporting migrants by, for example, establishing migration and development councils allowing migrants and their families to be included in local development and integration of policies, practices and planning. It was reported that in one country, the national statistics authority was working with local governments to establish development indicators with a focus on the contribution of

migrants to development. Moreover, a Community-Based Monitoring Working System was introduced as a diagnostic tool to assess poverty at municipal, city and provincial levels to help identify people, including migrants, living in poverty in the community.

27. Participants at the stakeholder consultation recommended the following actions:

(a) Where appropriate, consular assistance for the protection of migrants should be improved; this should include the strengthening of cooperation between embassies, consulates, the private sector, civil society, governments in destination countries, and recruitment agencies and the private sector. Consulates should facilitate and support civil registration processes and protect the rights of migrants and their families. Consular staff should be trained on migration-related issues, including on the human rights of migrants and their families. However, countries of destination should not force migrants to seek protection from their consulates;

(b) National and local authorities, in close collaboration with stakeholders, should cooperate in facilitating the inclusion and integration of migrants in destination communities. This could include, among others, the provision of courses, including those online, on language and local culture and simplified banking solutions. Local governments should engage with migrant networks to ascertain needs, concerns and agency before developing strategies and plans;

(c) There should be more cooperation between governments and employers in countries of destination to ensure migrant worker access to basic services, including decent, safe and affordable accommodation and health services;

(d) Child migrants should have access to education, irrespective of their or their parents' migration status. Moreover, women and child migrants should be fully recognized in development of strategies, plans and actions related to education, health and access to information;

(e) More data collection and studies should be initiated, in collaboration with academia, to study the contribution of migrants, including their children, to host communities and the educational performance of migrant children;

(f) Countries, in collaboration with the private sector and stakeholders, should work toward effective, inexpensive, accessible, fast and safe transfer of remittances between origin and destination countries;

(g) All migrants, irrespective of status, should be included in and have access to social protection measures, such as social insurance schemes, livelihood programmes, and cash or in-kind support, where feasible. Where this was not feasible – which had been the case during the pandemic, and often in extreme weather events – States should facilitate actions by humanitarian actors to fill gaps;

(h) Migrants should have access to social security benefits, such as health insurance or unemployment benefits, and be entitled to receive the benefits if they had paid into social security systems in countries of origin and destination.

**D. Improving value-driven and evidence-based policymaking and public debate, and enhancing cooperation on migration (addressing Global Compact for Migration objectives 1, 3, 7, 17 and 23)**

28. The fourth stakeholder consultation was held on 3 February 2021 and was co-organized by the Civil Society for Global Commitments on Migration, and the International Committee of the Red Cross and International Federation of Red Cross and Red Crescent Societies, with support from IOM and OHCHR.

29. About 70 stakeholders from around 20 countries in Asia and the Pacific attended the consultation. Participants came from a broad range of sectors, including trade unions, civil society, migrant and diaspora organizations, national human rights institutions, local authorities and communities, the private sector, the International Red Cross and Red Crescent Movement, and academia. About 60 per cent of all participants represented civil society organizations, migrant and diaspora organizations and trade unions. There was balanced gender representation among participants.

30. Participants identified, among others, the following challenges in the implementation of the Global Compact:

(a) Data collection on migrants and migration was challenging, particularly on undocumented migrants. The absence of a common definition of data and criteria on which to collect and analyse data on migration flows, needs and concerns of migrants, including their contributions to local economies and societies, was a major challenge. Lack of cooperation and coordination on data collection, analysis and sharing of data between origin and destination countries was listed as a key barrier, as were the limitations concerning effective domestic cooperation and coordination among government agencies, civil society, United Nations entities, migrants and other actors;

(b) Limited connectivity and infrastructure, as well as challenges in transferring data and information from community level to central government level, prevented the establishment of comprehensive central databases;

(c) Social science forecasts were not adequately linked to scientific evidence; therefore, potential migration due to climate change was not adequately reflected in long-term planning;

(d) Very few migrants used official government sources for information and relied on other sources, such as social media channels and information provided by brokers. The lack of user-friendly digital and reliable information channels was listed as a key barrier to the wide dissemination of accurate and timely data and information for migrants. There was a risk that misinformation was spread via some social media channels, which had been the case in the context of the COVID-19 pandemic;

(e) Several social protection gaps that led to the vulnerability of migrants were highlighted, ranging from those due to limited regular migration pathways or knowledge of them. Mixed migration movements were prevalent in Asia and the Pacific and needed attention, in particular when they involved migrants in irregular status who required special protection;

(f) Women migrant domestic workers faced specific vulnerabilities because in many countries they were not protected under domestic labour law;

(g) Limited access to mental health services for migrants was a challenge, particularly in times of crisis;

(h) Stigma and prejudice including targeted by “hate speech” against migrant workers, particularly women migrant workers, in host countries, as well as in their communities of origin, was often a key challenge, leading to increased vulnerability of migrants;

(i) Limited global partnerships of governments and other stakeholders between countries of destination and origin was listed as a major challenge to ensuring safe, regular and orderly migration;

(j) In some countries, the private sector had not assumed its role and responsibility in ensuring that human and labour rights of all migrants were promoted and protected;

(k) Underutilization of experiences of migrants and lack of recognition of their agency was highlighted as a key challenge. Their needs, concerns and recommendations regarding the implementation of the five objectives discussed in the consultation had often not been taken into consideration. Participants reported that at times, grievances filed through complaints procedures were not always accurately reported nor responded to in a timely manner.

31. Stakeholders also pointed out that the region had developed the following good practices that supported implementation of the objectives of the Global Compact:

(a) Help desks had been established at local government levels with the objective of providing current information to relevant constituents on all processes and aspects of overseas employment. These local level initiatives had been well received;

(b) Some countries were conducting campaigns on the regularization of undocumented migrant workers. Some countries had automatically extended work permits during the COVID-19 pandemic and allowed migrant workers to stay even when their visas and work permits had expired. Some countries had also extended unemployment insurance to registered migrants;

(c) Technology was being used increasingly to protect migrant workers; in some countries, bilateral agreements had been implemented through which women migrant workers were allowed to have smartphones in countries of destination, allowing them to obtain timely and up-to-date information on migration related issues;

(d) Several initiatives had been taken forward to provide adequate services to migrant workers, such as a project to provide legal assistance to or a loan scheme for migrant workers;

(e) National human rights commissions in various countries were collaborating in monitoring the situation of undocumented migrants within their respective countries;

(f) In some countries, advocacy by migrant organizations, as well as return migrants, had helped change perceptions of Governments regarding the contributions of migrants to countries of destination and contributing to the extension of social protection to migrants;

(g) Inter-state consultation mechanisms on migration through regional consultative processes provided platforms for States to cooperate on migration and related areas. The recent Global Forum on Migration and Development was a good example of inclusivity, as the Forum did not only engage governments; civil society organizations, employers, migrants and other stakeholders were also included. In addition, the ASEAN Forum on Migrant Labour<sup>12</sup> provided a valuable platform for exchange of experiences;

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<sup>12</sup> The ASEAN Forum on Migrant Labour is a regional tripartite platform to discuss issues faced by migrant workers from and within ASEAN. More information available at [www.ilo.org/asia/WCMS\\_416365/lang--en/index.htm](http://www.ilo.org/asia/WCMS_416365/lang--en/index.htm).

(h) Bilateral memorandums of understanding between countries had often proven very useful since specific needs of governments and migrants could be addressed and agreed upon.

32. Participants at the stakeholder consultation recommended the following actions:

(a) Data collection on migrants and migration in origin, transit and destination countries should be improved, applying common definitions of migrants and migration. To this end, partnerships between the respective entities in countries of origin and destination should be enhanced, with a focus on improving data collection, verification and harmonization. Moreover, mechanisms for inter-ministerial data collection and data collection by local authorities should be established. Employers, migrant brokers and recruitment agencies should provide information and be part of data collection initiatives. Migrant networks should be an integral part of data collection and research studies;

(b) Information and communications technology for data collection and storage should be strengthened, including by developing user-friendly and multilanguage data collection systems with tools tailored to the needs of migrants, including vulnerable migrants with limited access to digital user platforms

(c) Data collection, preservation and sharing should respect and be sensitive to privacy and safety concerns and based on a human rights framework for its applicability and relevance;

(d) Information for migrants in multiple languages should be provided at all stages of the migration process, from pre-decision to post-arrival and on return, including in countries of origin and destination, as well as during migratory transitions. In disseminating information, user profiles should be taken into consideration and user-friendly digital tools should be developed. Efforts should also be made to target and counter disinformation;

(e) Existing legislation on migration governance should be reviewed to ensure vulnerabilities of migrants were not exacerbated. Migrant workers should enjoy their rights to join and form trade unions; migrants should be consulted in the formulation of policies on migrants and migration. Access to unbiased legal services and facilitation towards a more secure status for vulnerable migrants should be improved and domestic work should be recognized as work;

(f) Migrants and other relevant stakeholders should be involved in the identification, referral and assistance of migrants in situations of vulnerability;

(g) While there were redress mechanisms in origin and destination countries, there was a need, especially in countries of destination, to establish enabling legal and social mechanisms to effectively access redress mechanisms, which included translation and interpretation assistance;

(h) Effective strategies to combating discrimination and stigmatization of migrants should be developed and strengthened, while developing anti-discrimination laws, policies and practices. The public perception of migrant workers in countries of origin and destination should be fact-based; media and research should contribute to evidence-based information-sharing on the contribution of migrants. Government leaders should refrain from engaging in hate speech speak out against hate speech directed at migrants and engage with organizations and stakeholders trying to

address this rhetoric. Social media platforms needed to be more proactive in identifying and regulating hate speech in line with international standards;

(i) Cooperation between all countries and all stakeholders on international migration, including the private sector, should be strengthened. Existing regional and intra-regional consultative processes, such as the Abu Dhabi Dialogue and the Colombo Process should be strengthened. There should also be a mechanism to monitor compliance with local, national and international laws regarding labour and human rights violations committed against migrants and their families. In this regard.

**E. Specific challenges for migrants resulting from the coronavirus disease pandemic and examples of good practice**

33. Over the course of the four consultations, stakeholders identified specific challenges faced by migrants due to the COVID-19 pandemic. They also highlighted a few examples of good practice.

34. Overall, migrants had been especially affected by the pandemic, due to personal, social, situational and structural factors extending beyond their health to further affect their socioeconomic situation and protection in complex and interconnected ways. COVID-19 had impacted all the objectives of the Global Compact.

35. Pre-existing vulnerabilities of migrants had been exacerbated and new ones had emerged. Thousands of migrant workers had either lost their jobs, not been paid for work already performed, or both. Some migrant workers had been forced to return to their country of origin, while others had been stranded in countries of origin or transit – without income, access to affordable services or housing – putting them in vulnerable situations. Others had paid recruitment fees but were not able to migrate to the country of destination and had incurred large debts.

36. Migrants willing to return to their countries of origin faced barriers such as the requirements to obtain exit visas; moreover, these were very difficult to obtain during government shutdowns. Consular services were not always accessible to provide services and protection.

37. In some countries, migrants had come forward to be tested for COVID-19 but were then detained, and cases were rising in detention centres. As a consequence, other migrants were afraid and refused to come forward even if they had symptoms, potentially putting their and others' lives at risk. Due to high costs for testing, migrants did not volunteer to be tested, even if they were working in at-risk occupations.

38. When returning, and due to the difficulties of crossing borders and lack of financial resources, migrants were taking more dangerous routes to move or return, relying on smugglers. Limited coordination at national and local levels in countries of origin in granting social protection to returning migrants, including access to health care was a challenge to many returning migrants. Thus, due to a lack of reintegration measures, many had fallen further into poverty upon return.

39. Negative attitudes against migrants, in particular undocumented migrants, had increased, and migrants were targeted by additional negative stereotypes related to COVID-19. As a result, social marginalization and xenophobia regarding migrants in destination countries had increased.

40. There was limited updated and reliable information related to the pandemic available to migrants in destination countries, in particular information on visa and permit renewal, healthcare and other services. While efforts by governments to maximize digital platforms and social media to inform migrants was recognized, a significant number of migrants remained unable to access and understand the information provided, due to accessibility problems and language barriers. Many migrants in detention centres had no access to accurate and timely information about COVID-relevant issues.

41. Smuggling of migrants, fraudulent recruitment practices, and trafficking in persons would likely increase when countries would start to open their borders again. Many migrants who had returned home due to COVID-19 would be desperate for jobs and at risk of falling into the hands of unscrupulous recruiters, smugglers and traffickers.

42. Despite these challenges, some countries had established policies that entitled all migrant workers, irrespective of their status, to have access to free testing and medical treatment. Other countries had extended work permits and visas for migrants and also offered to regularize migrant workers without adequate documentation.

43. In some countries, civil society organizations had undertaken effective advocacy to counter negative narratives related to COVID-19. As a result, governments had changed their practices and included migrants in COVID-19 related social protection schemes.

44. The COVID-19 crisis had demonstrated that information and communication technology could be an effective tool for migrants, for example, to ensure the portability, transfer and recognition of skills through an electronic skills passport for returning migrants.

45. Some countries had developed a return and reintegration policy for returning citizens that included local authorities, which had been well received.

#### **IV. Conclusions and recommendations**

46. Participants in all four stakeholder consultations noted that migration in the Asia-Pacific region was vast, varied, and highly complex, involving many actors. These factors underscored the need for continuous, open and inclusive dialogue with all stakeholders on the implementation of the Global Compact. The Global Compact offered a unique opportunity for the Asia-Pacific region to align migration with sustainable development and respect for human and labour rights.

47. Despite progress in implementing the objectives of the Global Compact, many challenges remained. While the COVID-19 pandemic had exacerbated migrant vulnerabilities, migrants often played a key role in recovery and rebuilding efforts in Asia and the Pacific and beyond. Implementation of the Global Compact required better regional coordination, with more robust and inclusive consultation and engagement between stakeholders and Governments.

48. In keeping with the cross-cutting and interdependent guiding principles of the Global Compact, the consultations affirmed the following:

(a) People-centred approach: when formulating policies that affect the lives and well-being of migrants and their families, their contributions, challenges, vulnerabilities, needs, and special circumstances must be

recognized. The human and labour rights of migrants must be respected and fulfilled, and vulnerabilities must be mitigated;

(b) Human rights: countries that had not yet ratified relevant international human rights standards, including as reflected in international labour, criminal, and humanitarian law, as well as the law of the sea, should ratify, accede to, and apply them to international migration. Migration-related policies and laws of countries in the region should be consistent with these obligations;

(c) Gender-responsiveness: all policies related to migration should recognize and build upon the independence, agency and leadership of migrant women and girls, and empower and protect the rights of all migrants, regardless of sex or gender;

(d) Child-sensitivity: the best interests of the child must be a primary consideration at all times and in all policies and practices related to migration, including for unaccompanied and separated children, and regardless of their or their parents' migration status. Migration policies should seek to ensure access of migrant children to national systems, including protection, education, health, justice, and social protection systems, and should respect and promote the right to life and family unity;

(e) Whole-of-government approach: governments should ensure that all government entities at central and local levels address migrant concerns when formulating, implementing, reviewing, and revising policies to achieve sustainable development for all;

(f) Whole-of-society approach: stakeholders should be recognized for their voice and agency on migration issues. Working with the growing group of stakeholders at the regional, subregional, national and subnational levels benefited all, as did collaboration among stakeholders;

(g) Rule of law and due process: all procedures relating to international migrants and migration, including irregular migration, must be based on laws promulgated through regular processes and in line with international standards, subject to judicial review and appeal; implemented equally, without discrimination; and explicitly aligned with principles of due process.

49. The present document presents a non-exhaustive summary of the outcomes of four stakeholder consultations organized in preparation for the Asia-Pacific Regional Review. It is intended to provide background information for the deliberations among member States taking part in the 2021 Asia-Pacific Regional Review of Implementation of the Global Compact for Migration.