



## **Stakeholder Consultations to inform the Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration**

3 February 2021, 11:00-14:30 hrs. (Bangkok time) - Virtual

### **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)

## **SUMMARY REPORT**

### **I. Background**

1. In accordance with General Assembly resolution 73/195,<sup>1</sup> the Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration (GCM) in Asia and the Pacific will be organized from 10 to 12 March 2021 by ESCAP along with the Regional United Nations Network on Migration for Asia and the Pacific.

2. In the GCM, member States committed to a whole-of-society approach in GCM implementation, promoting broad multi-stakeholder partnerships to address migration in all its dimensions by including migrants, diasporas, local communities, civil society, academia, the private sector, parliamentarians, trade unions, national human rights institutions, the media and other relevant stakeholders in migration governance (para 15 (j)).

3. They also committed to implementing the GCM 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 (para 41 and 44).

4. ESCAP along with the Regional United Nations Network on Migration for Asia and the Pacific<sup>2</sup> are committed to facilitating the meaningful engagement of stakeholders with the Asia-Pacific regional review process, in line with the principles underpinning a whole-of-society approach:

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<sup>1</sup> General Assembly Resolution 73/195 of 19 December 2018. At: [https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A\\_RES\\_73\\_195.pdf](https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_73_195.pdf)

<sup>2</sup> The Regional Network is comprised of all United Nations agencies at Asia and the Pacific regional level wishing to join. The Regional Office of IOM, Asia-Pacific serves as the Coordinator and Secretariat of the Regional Network. The Executive Committee of the Regional Network comprises of ESCAP, ILO, IOM, OHCHR, UNAIDS, UNDP, UN DRR, UNFPA, UNHCR, UNICEF, UNODC, and UN Women.

- ✓ **Transparency:** Generating an open call for engagement to all relevant stakeholders and providing an open and equal channel to receive inputs;
- ✓ **Inclusivity:** Creating room for the widest possible access to all relevant stakeholders through different forms of engagement;
- ✓ **Diversity:** Ensuring non-discriminatory access to all, with particular attention to underrepresented voices and to migrants in situations of vulnerability;
- ✓ **Meaningful participation:** Providing effective access to all preparatory and follow-up processes within the context of the regional review and encouraging the mobilization of resources to enable participation of stakeholders.<sup>3</sup>

## II. Objectives, Organization and Attendance

5. It is in this context that ESCAP along with the Regional United Nations Network on Migration for Asia and the Pacific are facilitating stakeholder consultations to inform the Regional Review in Asia and the Pacific. The consultations are being held in line with the indicative clusters of the GCM objectives envisaged for the roundtables of the International Migration Review Forum in 2022, according to General Assembly resolution 73/326.

6. The fourth consultation was held on 3 February 2021 and focused on the following five GCM objectives:

1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies
3. Provide accurate and timely information at all stages of migration
7. Address and reduce vulnerabilities in migration
17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration
23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration

7. The purpose of the stakeholder consultation was to elicit stakeholders' experiences, views, expertise and recommendations to inform the Asia-Pacific Regional GCM Review namely:

- 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 learnt;
- Identify resource requirements and capacity building needs; and
- Formulate recommendations.

8. Four stakeholders (Civil Society for Global Commitments on Migration (CGCM), Bangladesh, the International Committee of the Red Cross (ICRC), the International Federation of Red Cross and Red Crescent Societies (IFRC), and Australian Red Cross) and two members of the Regional United Nations Network on Migration for Asia and the Pacific (IOM and OHCHR) co-organized the consultation, with overall guidance and support from ESCAP and OHCHR.

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<sup>3</sup> For more information on the overall approach to stakeholder engagement in the GCM process in Asia and the Pacific, please see: *Engagement of civil society organizations and other stakeholders in the Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration*. At: [https://www.unescap.org/sites/default/files/Stakeholders\\_engagement\\_20200819.pdf](https://www.unescap.org/sites/default/files/Stakeholders_engagement_20200819.pdf)

9. About 70 stakeholders from 20 countries in Asia and the Pacific attended the consultation<sup>4</sup>. Participants came from a broad range of sectors and included parliamentarians, academia, the International Red Cross and Red Crescent Movement, migrants, migrant and diaspora organizations, local authorities, civil society, national human rights institutions, and trade unions. 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.

10. In preparation for the consultation, an open call for participants, including co-organizers, had been sent to a list of stakeholders which had been compiled with input from the United Nations Network on Migration, the Regional United Nations Network on Migration for Asia and the Pacific, the Asia-Pacific Forum on Sustainable Development, and stakeholders.

11. This report aims to be a non-exhaustive summary of the key points raised in the consultation, and it is structured around the five GCM objectives which were discussed during working groups. A set of guiding questions, in line with the consultation objectives, were prepared for the working group discussions. In addition, specific challenges created by COVID-19 were raised and discussed. Good practices towards GCM implementation were also highlighted. The meeting was conducted under the Chatham House rule.

### III. Opening

12. Mr. Felipe González Morales, United Nations Special Rapporteur on the Human Rights of Migrants and Ms. Fathimath Himya, Secretary General of the Maldivian Red Crescent, provided opening remarks.<sup>5</sup> Mr. Klaus Dik Nielsen, Stakeholder Liaison for the Regional Review moderated the opening session. Mr. Morales emphasized that the GCM was a key instrument for the development of a multilateral approach to migration. Regional processes, such as the Asia-Pacific GCM review, with the participation of multiple stakeholders, was of utmost importance to ensure adequate implementation and follow up of the GCM. Mr. Morales' mandate actively promoted regional and bilateral agreements and initiatives across the world.

13. Regularising the situation of migrants in destination countries was a key measure to prevent discrimination and xenophobia. During the pandemic, a number of states had regularized the status of migrants in irregular situation. Such measures, however, were mostly of a temporary nature.

14. Mr. Morales called for permanent solutions which were indispensable in order to reduce the vulnerabilities of migrants. The pandemic, with its grave effects, would continue to produce a negative impact on the human rights of migrants, in particular in the social and economic spheres. To avoid further discrimination of migrants, once the pandemic was over, it was key that regularisation processes be conducted.

15. Ms. Himya highlighted that the International Red Cross and Red Crescent Movement had witnessed the enormous suffering that many migrants faced - before departure, during transit, while abroad and upon return. The organization had engaged with the GCM negotiations at the

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<sup>4</sup> Not including 14 representatives from United Nations entities.

<sup>5</sup> A pre-recorded video message from the Special Rapporteur is available at: <https://drive.google.com/file/d/1IXvTANYUe0sfiopcHB3mXiAB8vTJNFJe/view>

national, regional and global levels, and the GCM could not succeed in fostering safe, orderly and regular migration without outlining basic minimum standards of human dignity that must be afforded to all migrants, irrespective of their status. The organization had called on States to respect their obligations under international and domestic law.

16. She recognised that the GCM provided an opportunity to foster engagement between governments and stakeholders and to coordinate efforts to ensure that multiple actors had the necessary space and access to protect and assist all people in need, particularly during the COVID-19 pandemic.

17. Ms. Himaya outlined four advocacy priorities which were well captured in the text of the GCM, namely that (1) migrants must be protected throughout their full migratory experience from violence, abuse and other violations of their fundamental rights; (2) migrants, irrespective of legal status, must have effective access to essential services and humanitarian assistance; (3) the rights and needs of the most vulnerable, especially children, must be prioritized, and (4) detention should only be used as a measure of last resort. The organization was urging States to turn their commitments into reality.

18. Many national Red Cross and Red Crescent Societies were cooperating with local authorities to help identify and understand the vulnerabilities and risks faced by migrants. This provided the evidence base for humanitarian diplomacy and informed policymaking, which was particularly important during COVID-19. Often citizens were prioritized over non-citizens in COVID-19 responses.

#### **IV. Outcomes of the consultation**

##### **A. Overall progress in implementation of the five GCM objectives**

19. Participants reported that there had been progress in implementing the five GCM objectives, but that a significant number of challenges remained. Underutilization of experiences of migrants and lack of recognition of their agency was listed as a key challenge. There were calls for migrants to be meaningfully involved in the full implementation of all five GCM objectives. Their needs, concerns and recommendations must be taken into consideration from the outset.

20. Addressing vulnerabilities of women migrants, many domestic workers were often not protected under domestic labour law as they were not recognised as workers. Many domestic women migrants were exploited and abused and had their rights violated. Women migrants, particularly domestic workers, faced social stigma in countries of origin and destination, from their families, communities, and, in many cases, government officials. Returning women migrants faced significant barriers to re-integration and social inclusion.

21. A number of good practices were shared among participants, including on enhanced international cooperation. For example, an MoU between the governments of the Philippines and Qatar had been signed which ensured that Filipino migrant workers' contracts remained unchanged upon arrival in Qatar. Qatar had established a visa system based on the contract which meant that the contract could not be changed by employers after the migrants had arrived in the country. There was a project in Nepal which had led to legal assistance being provided to more than 21,000 migrant workers in the country<sup>6</sup>, and an initiative in Bangladesh, where local

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<sup>6</sup> The project is being undertaken by People Forum for Human Rights, Nepal. At: <https://peopleforum.org.np/>

CSOs undertook effective advocacy to counter negative narratives related to COVID-19 and, as a result, the government had changed its policy and practice and included returning migrants in social protection schemes.

**B. GCM Objective 1: Collect and utilize accurate and disaggregated data as a basis for evidence-based policies**

**i. Key Challenges**

22. Participants reported that data collection on migrants and migration was difficult and that the absence of a common definition of data and criteria on which to collect and analyze data on migration flows, needs and concerns of migrants, and their contributions to local economies and societies, was a major challenge for all countries in the region. In addition, undocumented migrants would sometimes be reluctant to provide data for fear of lack of data protection and not having their right to privacy upheld.

23. Lack of consistency, cooperation and coordination on data collection and analysis between countries of origin, transit and destination was listed as a key barrier, as was the absence of effective domestic cooperation and coordination among migrants, government agencies, civil society, UN agencies and other actors. A participant reported an instance when data, which should have been identical and was shared among multiple government agencies in a country, in a manner that was differentiated and inconsistent.

24. A participant remarked that the lack of connectivity and infrastructure prevented the establishment of comprehensive central databases. In some countries, there were challenges in transferring data and information from community level to central government level on migration and migrants. A participant noted that a lot of data was collected individually, but not utilized and disseminated, because data collectors did not know where and who to bring the data to.

25. Migrants coming from rural areas where digital tools were not widely used, sometimes faced challenges when taking part in online surveys.

26. A participant noted that on climate migration there was a lack of linking scientific evidence with social science forecasts on demographic trends influenced by climate change. If combined, this information would support long-term planning at national and regional levels in the region.

**ii. Good practices**

27. In the Philippines, local government had the authority to collect data, which would support national data collection. The Republic Act No. 11315<sup>7</sup> - an Act establishing a community-based monitoring system (CBMS) - generated updated and disaggregated data to target beneficiaries, including migrants; and to conduct more comprehensive poverty analysis and needs prioritization; design appropriate policies and intervention, and to monitor impact. CBMS

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<sup>7</sup> REPUBLIC ACT NO. 11315: An act establishing a community-based monitoring system and appropriating funds therefor. 2018. Philippines. At: <https://www.officialgazette.gov.ph/downloads/2019/04apr/20190417-RA-11315-RRD.pdf>

was an economic and social tool to be instituted in every city or municipality towards the formulation and implementation of poverty alleviation and development programmes, including for migrants.

### **iii. Recommendations**

28. Data on migrants should be collected in origin, transit, and destination countries. Partnerships should be established with immigration offices of origin, transit and destination countries to harmonize and verify data. Employers, migrant brokers and recruitment agencies should provide information and be part of data collection initiatives.

29. Inter-ministerial data collection and coordination should be instituted, and local authorities should have the tools and means necessary to undertake data collection on their migrant constituents.

30. Migrants should be leading and participating in community-based research. Migrant leaders should be able to voice their concerns and must be given access and space to do so.

31. Common definitions of data on migrants were needed, as civil society and governments understood data differently.

32. Data collection systems should be user- friendly in terms of user interface and language, enabling all persons, regardless of literacy level, to be engaged. Digital surveys and data collection tools should be tailored to the needs of migrants, including vulnerable migrants, who had limited digital tools and/or limited or no connectivity.

33. There should be a common platform/source of data depository where stakeholders could access and collect data without compromising the privacy and safety of personal information.

34. United Nations development partners should expand the usage of technology and develop easily accessible public digital data platforms.

35. Qualitative and quantitative data and information on migrants and their families should be collected in order to better understand their situation and inform policy making

36. Personal data protection issues must always be respected in data collection, preservation and sharing.

## **C. GCM Objective 3: Provide accurate and timely information at all stages of migration**

### **i. Key Challenges**

37. Participants highlighted lack of coordination between countries of destination and origin, and lack of inter-ministerial coordination as key challenges. Very few migrants used official government sources for information and relied on other sources, such as that provided by brokers.

38. There was lack of knowledge centers with easy information access for migrants and partners. Lack of proper channels for dissemination of online information which were easily accessible by migrants was listed as a key barrier, including lack of user-friendly digital

information channels and tools, including tailored to migrants with limited access to digital tools. A participant noted the absence of information available in relevant languages for migrants.

39. Participants reported on misinformation which was being shared on social media platforms and on information overload.

40. Delayed responses on complaints lodged by migrant workers, lack of access to complaint mechanisms by vulnerable female domestic workers and lack of accurate and timely information to migrants in detention centers, was also highlighted. Participants reported that complaints' procedures were not always accurate and timely, referencing a situation where a filed complaint took four months before receiving a response, and after the grieved migrant workers had been deported.

41. Participants reported the need for accurate, timely, and gender disaggregated data on migrants, intermediaries and employers.

#### **ii. Specific challenges created by COVID-19**

42. Participants cited the lack of updated and reliable information related to the pandemic, in particular information on visa/permit renewal, healthcare and other support services during lockdown as a key challenge. Access to accurate and timely information was critical, and while efforts by governments to maximise digital platforms and social media to inform migrants was recognized, a significant number of migrants remained unable to access information because of erratic, limited or non-existent connectivity, and/or viewing, because most migrants used mobile phones only. Many migrants in detention centers had not had access to accurate and timely information about COVID-relevant issues.

43. There had been cases of misinformation targeted at migrants during COVID-19, and an increase in negative narratives on migrants and migration, both in countries of origin and destination.

#### **iii. Good practices**

44. In the Philippines, help desks had been established at local government levels with the objective of providing current information to constituents on all processes and aspects of overseas employment. Such desks would be fully computerized and linked to a database of all concerned government agencies and included updated lists of overseas job orders and licensed agencies in good standing.<sup>8</sup>

#### **iv. Recommendations**

45. Access to information must be available in multiple languages at all stages of the migration process from pre-decision to post-arrival and on return, including in the countries of origin and destination, and during migratory transitions.

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<sup>8</sup> REPUBLIC ACT No. 10022. An act amending REPUBLIC ACT NO. 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995. At: <http://hrlibrary.umn.edu/research/Philippines/RA%2010022-%20Migrant%20Workers%20Act.pdf>

46. Governments should make efforts to ensure the broadest reach of official information to migrants. The profile of migrants as consumers of information should be analyzed and, as necessary, information should be reviewed by stakeholders and migrants for both authenticity and user friendliness, training should be offered to migrants on using and retrieving official digital information. This would result in building trust between governments and migrants and raise awareness and usage of official sources of information.

47. Digital tools and apps should be made user-friendly and based on the needs of migrants. For offline information dissemination, employers, civil society and faith-based groups in countries of destination should be mobilized and involved.

48. Disinformation and misinformation shared on social media should be targeted and countered with evidence-based narratives.

#### **D. GCM Objective 7: Address and reduce vulnerabilities in migration**

##### **i. Key Challenges**

49. Protection gaps due to the absence of regular pathways and Asia-Pacific regional dynamics around mixed migration movements, especially regarding irregular migrants in vulnerable situations, were highlighted as a key challenge.

50. A participant noted that countries of origins tended to interpret obligations and GCM objectives towards their own nationals abroad only and did not address GCM objectives comprehensively and inclusively for migrants on their own territories.

51. Migrant workers not being aware of or knowing legal processes and justice systems in countries of origins, transit and destination were listed as key barriers, as were gaps in social protection for migrants. Current social protection schemes were inadequate or non-existent for undocumented persons and those who worked in the informal sectors.

52. Participants highlighted vulnerabilities of women migrant domestic workers who, in many countries, were not protected under domestic labour law as they were not recognised as workers. As a consequence, they were at risk of exploitation and abuse and their health rights violated. There were MoAs and bilateral agreements between some States to protect women migrant workers. However, monitoring implementation - especially in upholding the rights of women migrant workers in countries of destination - was complicated and direct monitoring from the local government level to the country of origin proved to be difficult.

53. Lack of attention to the mental health condition of migrants was listed as a key challenge. States gave less priority to providing access to mental health services, which would reduce migrants' vulnerabilities significantly, including returnee migrant workers. A participant remarked that it was problematic that many States' commitment to ensure access to psychosocial and health care services was only made towards children and migrant women. All migrants in a vulnerable situation needed access to such services to cope with difficult situations.

##### **ii. Specific challenges created by COVID-19**

54. A participant remarked that fraudulent recruitment and trafficking in persons, when countries would start to open their borders again, was a major challenge. Many migrants who



had returned home due to COVID-19 would be desperate for jobs and were at risk of falling into the hands of unscrupulous recruiters and traffickers.

55. Migrants' lack of access to and difficulties with covering costs for COVID-19 testing was highlighted as a challenge.

### **iii. Good practices**

56. The Thai government was working towards regularisation of undocumented migrants. The government recently announced that those who were undocumented could stay in the country up to two years. The government had also begun to offer unemployment insurance to those who were registered. However, there were still concerns, such as those related to the costs of COVID-19 tests.

57. Indonesia's Ministry of Women Empowerment and Child Protection had drafted a protocol on protection of children during COVID-19, including migrant children. The protocol, however, needed to be mainstreamed at local levels and efforts had to be made to ensure provisions were sustainable beyond the pandemic response.

58. The National Human Rights Commissions of Indonesia, Malaysia and the Philippines had a formal agreement to monitor the situation of undocumented and irregular Filipino and Indonesian migrants in Sabah, Malaysia.

59. The Bangladeshi and Saudi Arabian governments had made preliminary provisions for allowing all women migrant workers to have a smart phone before departure for Saudi Arabia.

60. Legal assistance had been provided by the People Forum for Human Rights to more than 21,000 migrant workers in Nepal. The project was supported by the Nepalese Government and the Swiss Agency for Development and Cooperation. Legal assistance was provided in cases of wage theft and low paid salaries

61. The Government of Bangladesh had launched a loan scheme for returnee migrants and their family members. with a low interest rate of four per cent.

62. In the Philippines, returning migrant workers had access to an anti-trafficking app. There was effective collaboration between government agencies, local Migrant Resource Centers and help desks to provide services to returnee migrants and their families. The services included repatriation assistance, transport, counselling and skills training. The government worked with the Philippines Red Cross to monitor entry and exit facilities for migrants and had established welfare services to provide food and non-food items.

### **iv. Recommendations**

63. States should be reminded to look at migration comprehensively and inclusively, leading by example through treatment and legal protections for migrants in their territories. Indicators and reporting on GCM implementation should include aspects of emigration and immigration.

64. Existing laws, policies and practices on migration governance should be reviewed, with a view to eliminating those that created or exacerbated migrants' vulnerabilities. There was a need for predictable and trustworthy policies which migrants could rely on.

65. Migrant workers should be able to enjoy their right to form and/or join trade unions, to share perspectives and conduct advocacy. Migrant workers and trade union groups should be consulted in the formulation of labour migration policies and local labour law in relation to migrants. Migrants' perspectives should be utilized in policy responses.
66. Migrants and other relevant stakeholders should be involved in the identification, referral and assistance of migrants in situations of vulnerability.
67. Access to legal services and facilitation towards a more secure status for vulnerable migrants should be improved.
68. Access to COVID-19 vaccines for all migrants should be provided, free of charge.
69. Employers should assume responsibilities in the reintegration of returnee migrants. Governments and employers should be vigilant towards unscrupulous recruiters and traffickers and prevent them from exploiting migrants who had returned because of the pandemic.
70. 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.
71. Domestic work should be recognised as work to ensure that domestic migrant workers had their labour rights protected.
72. Relationships between local workers and migrant workers needed support and encouragement to foster social cohesion within communities.

**E. GCM Objective 17: Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration**

**i. Key Challenges**

73. As a key challenge, participants listed the absence of national and regional complaint mechanisms in South Asia, in particular for women migrants. There was limited cooperation on migration issues between multiple stakeholders in countries of origin and destination.
74. Women migrants, particularly domestic workers, faced extreme social stigma, ranging from having a bad character to being a prostitute, in countries of origin and destination. The stigma came from their families, communities and, in many cases, government officials. When women migrants returned, they faced significant barriers to re-integration and social inclusion.
75. Participants reported that one major prejudice migrant workers experienced from their communities in countries of origin, was that migrant workers deserved less financial support since they 'earned more' while being overseas. However, the COVID-19 pandemic highlighted that migrant workers, including returnees, were also in need of support.
76. Political othering and hate speech against migrants, both internal and external, was significant in South Asia, and used in political rhetoric. The increased use of digital platforms had amplified the reach and influence. A participant noted that there had been many laws in the region to address 'hate speech', but that these laws should be abandoned, and comprehensive anti-discrimination laws promoted.

## ii. Specific challenges created by COVID-19

77. Participants noted that the pandemic had exacerbated risks that migrants faced. There had been a rise in hate speech and xenophobia against migrants in many countries, particularly undocumented migrants, due to COVID-19 infections found among migrant worker communities.

## iii. Good practices

78. In Bangladesh, local CSOs undertook effective advocacy to counter negative narratives related to COVID-19. As a result, the government changed its policy and practice and included returning migrants in social protection schemes

79. The Indonesia Presidential Regulation 125<sup>9</sup> established in 2016, led to migrants no longer being labelled “illegal migrants” in media and authority statements. The Regulation also mandated local government to ensure safe shelter, thereby reducing statements and action by some local governments who, in the past, waned to expel foreigners with unclear legal status from their territory.

80. In some countries, returning migrants provided first-hand accounts of their lived migration experiences during community dialogues and outreach. This had contributed to changing the perception of migration at the community level as “trusted” sources of information. A participant, however, emphasised that the purpose of community dialogues and outreach should be clear and cautioned against practices where “showcasing” ill-treatment and vulnerability of migrants were being used as a way of deterring people from migrating irregularly.

## iv. Recommendations

81. Combating discrimination and de-stigmatizing migrants needed effective strategies and focused efforts by governments; sources of negative narratives on migrants, including and misinformation should be addressed, while building and strengthening anti-discrimination laws, policies and practices.

82. There should be full autonomy for potential women migrants to make their own decisions on migration. Restrictions and discriminatory practices for prospective women migrants, such as approval to travel from their husband or father, should be removed.

83. Hate speech laws should address root causes of hate speech and States should adopt comprehensive anti-discrimination legislation and national action plans to combat hate speech in line with existing human rights standards such as Human Rights Council Resolution 16/18<sup>10</sup> and the Rabat Plan of Action<sup>11</sup>.

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<sup>9</sup> Regulation of the President of the Republic of Indonesia Number 125 year 2016 concerning the handling of foreign refugees. Unofficial translation. At <https://www.refworld.org/docid/58aeee374.html>

<sup>10</sup> General Assembly Resolution 16/18 of 24 March 2011. At: [https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.RES.16.18\\_en.pdf](https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A.HRC.RES.16.18_en.pdf)

<sup>11</sup> Annual report of the United Nations High Commissioner for Human Rights. Addendum Report of the United Nations High Commissioner for Human Rights on the expert workshops on the prohibition of incitement to national, racial or religious hatred. A/HRC/22/17/Add.4. 11 January 2013. At: [https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat\\_draft\\_outcome.pdf](https://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf)

84. Governments should counter narratives on migration by promoting inclusion and recognizing the contributions that migrants brought to the economies and enforcing regulations against propagation of hate speech on social media.
85. Government leaders should refrain from engaging in hate speech and speak out against hate speech directed at migrants and engage with organisations and stakeholders trying to address hate speech.
86. Social media platforms needed to be more proactive in identifying hate speech against migrants and working with migrant groups.
87. Employers should be active in creating positive public discourse on migration and speak to the contributions that migrants bring to economies and communities, in counties of destination and origin,
88. National education curriculum should include migration related lessons to shape the perception of migration and migrants' rights.
89. Migrants, irrespective of their status, should have full access to COVID-19 testing, treatment, information and vaccine.
90. Mandatory HIV testing should be free of charge for all migrant workers, irrespective of their status.

**F. GCM Objective 23: Strengthen international cooperation and global partnerships for safe, orderly and regular migration**

**i. Key Challenges**

91. Participants reflected that international cooperation needed to be improved significantly. Failure to utilize global partnerships of governments and other stakeholders between countries of destination and origin was listed as a key challenge. A participant called for countries to move away from bilateral to multilateral approaches and agreements to ensure comprehensive and sustainable solutions to migration governance, while respecting the human rights of all migrants. This included the ratification of relevant treaties and conventions by migrant receiving countries.
92. Lack of systematically sharing information and data on migrants and migration at all stages of the migration process, was listed as a key challenge. For example, governments and other stakeholders did not share information about the skill sets and experiences of migrants that were moving between countries.

**ii. Good practices**

93. An MoU between the Governments of the Philippines and Qatar had ensured that Filipino migrant workers' contracts remained unchanged when they arrived in Qatar. Qatar had established a visa system based on the contract which meant that the contract could not be

changed by employers. A Filipino desk in Qatar, operated by Filipinos and funded by the Qatar government, was established to resolve issues for Filipino migrants.

94. Inter-state consultation mechanisms on migration such as the Colombo Process<sup>12</sup> and the Abu Dhabi Dialogue (ADD)<sup>13</sup> provided platforms for States to cooperate on migration and related areas. Engagement of non-State stakeholders in these platforms should be encouraged and enhanced. The recent Global Forum on Migration and Development was a good example of inclusivity as the Forum did not only engage governments, but CSOs, employers, migrants themselves and other stakeholders.

95. The ASEAN Forum on Migrant Labour<sup>14</sup> provided a valuable platform for exchange. However, meeting only once a year, put in question the Forum's commitment to migration and to which degree it was able to implement and monitor migration related actions.

### **iii. Recommendations**

96. Governments could not work on international cooperation alone to implement the GCM objectives. Cooperation across countries with non-governmental stakeholders, including the private sector, needed to be strengthened. More and stronger bilateral agreements and collaboration should be pursued, as should multilateral cooperation and coordination.

97. Partnerships and collaboration between origin, transit and destination countries needed to be strengthened, including on uniform and systematic data collection, to comprehensively address the complexities of migratory experiences and protect migrants' rights. An increase in North-South and South-South cooperation among sending countries should be pursued for better coordination, advocacy and sharing of best practices.

98. A regional "watchdog network" to monitor compliance with local, national and international law regarding potential abuse and strengthen partnerships, should be established. Existing regional and intra-regional mechanisms such as the ADD and the Colombo Process could also be entrusted and strengthened for this. Once institutionalized, early signs of human trafficking or migrants facing human rights issues, could be more effectively and swiftly addressed and resolved.

## **V. Closing and next steps**

99. Mr. Charles Santiago, Member of Parliament, Malaysia and Chair, ASEAN Parliamentarians for Human Rights (APHR), noted that the stakeholder consultation demonstrated the importance of having a whole-of-society approach. By inviting a broad range

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<sup>12</sup> Regional Consultative Process on Overseas Employment and Contractual Labour for Countries of Origin in Asia (Colombo Process). More information at: <https://www.iom.int/regional-consultative-process-overseas-employment-and-contractual-labour-countries-origin-asia>

<sup>13</sup>The Abu Dhabi Dialogue (ADD) was established in 2008 as a forum for dialogue and cooperation between Asian countries of labour origin and destination. More information at: <http://abudhabidialogue.org.ae/about-abu-dhabi-dialogue>

<sup>14</sup> The ASEAN Forum on Migrant Labour (AFML) is a regional tripartite platform to discuss issues faced by migrant workers from and within ASEAN. More information at: [https://www.ilo.org/asia/WCMS\\_416365/lang-en/index.htm](https://www.ilo.org/asia/WCMS_416365/lang-en/index.htm)

of stakeholders, participants were able to address and discuss all the complexities and challenges of migration.

100. With population ageing and severe labour market shortages prevalent in Asia and the Pacific, the region benefitted from migration, and would not survive without the contributions that migrants brought to national economies. The pandemic and its economic impacts, however, had amplified the many vulnerabilities of migrants, and highlighted the poor conditions that they lived and worked in, which made physical distancing and maintaining proper hygiene very difficult.

101. Mr. Santiago reflected that before the pandemic, migrants were facing discrimination, exploitation and exclusion from access to services and equal wages. During the pandemic, many had lost their jobs and were facing harassment and threats on- and offline. Women and girls were experiencing increased instances of gender-based violence, and those in irregular situations were most at risk of being arrested, detained or deported. There were some good practices in the region, such as allowing migrants and refugees to access healthcare and COVID-19 tests.

102. Often, migrants were blamed for spreading COVID-19, committing crimes, and threatening cultures and heritages. There was much to be done to change these negative attitudes and perceptions, especially in the media and on social media platforms, because discrimination, stigma and xenophobia were at the root of discriminatory policies and legislations.

103. Mr. Santiago argued that to prevent incidents of intolerance and xenophobia, inclusion must be promoted, social norms shifted, and shared values highlighted. This could be done by providing accurate and positive information about migrants, advocating for their rights and inclusion, and speaking out against discriminatory language and stereotypes. As societies in the region were becoming increasingly polarized, it was especially important to reach out to and engage those who held anti-migrant beliefs. Effective cooperation was needed between all to promote positive migration narratives, respect for human rights and non-discrimination.

104. Nnette Motus, IOM, and Sabine Henning, ESCAP, thanked all participants for attending the fourth consultation. They also thanked the speakers and co-hosts, in particular the stakeholders, and the United Nations entities for organizing the meeting. The consultation was the fourth in a series of four stakeholder consultations of the Regional Review.<sup>15</sup>

105. In accordance with General Assembly resolution 73/326, regional reviews were convened by regional commissions and their respective regional partners to take stock of the implementation of the Global Compact. The outcomes of the regional reviews would inform the International Migration Review Forum in 2022. The Regional Review in Asia and the Pacific would be state-led and follow a whole-of-society and whole-of-government approach.

106. The Regional Review would take place from 10 to 12 March 2021, likely as a hybrid virtual. Invitees would include representatives of ESCAP members and associated members; intergovernmental organizations; United Nations bodies, specialized agencies and funds; and other relevant stakeholders. A report of this fourth consultation, together with reports from the three previous, would serve as the basis for a conference room paper, which would inform the Regional Review meeting in March.

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<sup>15</sup> The Regional United Nations Network on Migration, with support from OHCHR and IOM, had organized a consultation with stakeholders in February 2020 to preview the regional review process and discuss the workplan of the Regional Network.

107. Ms. Henning announced that an additional stakeholder consultation would be held on 2 and 4 March. This was to provide a space for stakeholders to engage one final time and to discuss strategies and prepare interventions for the Regional Review. ESCAP and the Regional United Nations Network on Migration would take a step back and stakeholders would be in full charge of running the consultation. She encouraged all stakeholders to engage in the 2 and 4 March consultation and requested that follow-up questions be directed to Mr. Klaus Dik Nielsen, stakeholder Liaison for the Regional Review in Asia and the Pacific ([Klaus.nielsen@un.org](mailto:Klaus.nielsen@un.org)). She then closed the meeting.

## TENTATIVE PROGRAMME

Time	Details
10:30 – 11:00	<i>Participants join Zoom meeting</i>
11:00 – 11:30	<p><b>Welcome and opening session</b></p> <p><b>Moderator:</b> Klaus Dik Nielsen, Stakeholder Liaison, Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration</p> <p><b>Keynote Speakers:</b></p> <ul style="list-style-type: none"> <li>• Felipe González Morales, Special Rapporteur on the human rights of migrants</li> <li>• Fathimath Himya, Secretary General of the Maldivian Red Crescent</li> </ul> <p><i>Participants will be transferred to their working groups of choice</i></p>
11:30 – 12:15	<p><b>Working groups – Round 1<sup>16</sup></b></p> <p><b><u>Working group 1</u></b></p> <p><b>GCM Objectives 1, 3, 23</b></p> <div style="background-color: #e6f2ff; padding: 5px;"> <p>1. Collect and utilize accurate and disaggregated data as a basis for evidence-based policies</p> <p>3. Provide accurate and timely information at all stages of migration</p> <p>23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration</p> </div> <p><i>Co-hosts:</i></p> <ul style="list-style-type: none"> <li>• Syeed Ahamed, Civil Society for Global Commitments on Migration (CGCM)</li> <li>• UN focal point: Nyaradzo Chari-Imbayago IOM</li> </ul> <p><b><u>Working group 2</u></b></p> <p><b>GCM Objective 7, 17 23</b></p> <div style="background-color: #e6f2ff; padding: 5px;"> <p>7. Address and reduce vulnerabilities in migration</p> <p>17. Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration</p> <p>23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration</p> </div> <p><i>Co-hosts:</i></p> <ul style="list-style-type: none"> <li>• Jessica van Son, International Federation of Red Cross and Red Crescent Societies (ICRC)</li> <li>• UN focal point: Pia Oberoi OHCHR</li> </ul>
12:15 – 12:45	<i>30-minute break</i>
12:45 – 13:30	<p><b>Working groups – Round 2<sup>17</sup></b></p> <p><b><u>Working group 1</u></b></p>

<sup>16</sup> The same clusters of objectives will be discussed in round 1 and 2 of the consultation.

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13:30 – 14:00	<p>1. <b>Highlights, challenges, and recommendations from the working groups</b></p> <p>2. <b>Moderator:</b> Mike Mabugnon, Philippines Red Cross</p> <p>Recap of the Working group discussions</p> <ul style="list-style-type: none"> <li>• Working group 1 - Objectives 1, 3, 23</li> <li>• Working group 2 - Objectives 7, 17, 23</li> </ul>
14:00 – 14:15	<b>Q &amp; A</b>
14:15 – 14:30	<p><b>Closing and next steps</b></p> <p><b>Moderator:</b> Nenette Motus, IOM</p> <ul style="list-style-type: none"> <li>• Closing remarks: Charles Santiago, Member of Parliament, Malaysia and Chair, ASEAN Parliamentarians for Human Rights (APHR)</li> <li>• Next steps: Sabine Henning, ESCAP</li> </ul>