

Session 4: Respecting the Human Rights of All Migrants, Especially the Most Vulnerable

Background note

Introduction

The fourth session of the GCM Regional Review for the Member States of the League of Arab States will offer space for discussion of progress made in the implementation of objectives 7, 13, 15, and 17 of the Global Compact for Safe, Orderly and Regular Migration (GCM).

This background note provides examples of progress and challenges in regional, sub-regional and intraregional collaboration towards the implementation of the GCM by Arab Member States drawn from inputs from the Regional Network on Migration; voluntary GCM reports and pledges submitted to the International Migration Review Forum (IMRF); the IMRF Progress Declaration; reports from relevant human rights mechanisms such as the Treaty Bodies and the Universal Periodic Review; consultations with stakeholders; and practices and information available on the Migration Network Hub.

The grouped objectives under discussion in this roundtable hold particular relevance for the Arab region, characterized by intricate migration dynamics, where Arab states simultaneously function as countries of origin, transit, and destination. A priority indicated by Arab States at the Regional Review Conference of the GCM in 2021 is respecting the human rights of all migrants, especially those in vulnerable situations. Member States prioritize ensuring the human rights of all migrants, irrespective of their migration status. This includes promoting equality before the law, ensuring access to justice, combating hate speech, xenophobia, and discrimination against migrants, and strengthening national protection systems to include migrant children and women. These principles are implemented through the objectives outlined in the GCM.¹ The GCM offers inclusive opportunities to prevent and address the situations of vulnerability faced by migrants throughout their journey and to guarantee the full respect, protection, and realization of migrants' human rights.

The Arab region is susceptible to major challenges as it includes numerous migratory routes. Moreover, the region has been undergoing exceptional circumstances over the last decade which range from the negative implications of regional conflict, poor governance, economic instability and lack of enjoyment of economic and social rights, and climate change to the advancements of socio-economic development and technological evolution, leading to increasing job opportunities.

These have led to a rise in irregular migration, a decrease in regular migration, and an increase in the population of refugees and internally displaced persons within Arab nations and neighboring countries. According to ILO, there are 6.6 million domestic workers in the Mashreq and GCC countries, among them 4.2 million are women. Migrants consist of the majority of domestic workers in these countries.² Migrant domestic workers in many Arab countries face heightened vulnerabilities as they often lack full coverage under national labor laws, while migrant workers in general face major barriers to the enjoyment of their fundamental principles and rights at work.

Migrants in vulnerable situations are persons who are not able to enjoy their full human rights and are at risk of violations and abuse.³ The GCM and the Office of the High Commissioner for Human Rights acknowledge three factors of vulnerability, which are the situations that compel

¹ [Arab States Regional Review Conference of the GCM, paragraph 10 of the Outcome Report 2021](#)

² [ILO: Making decent work a reality for domestic workers in the Middle East \(2021\)](#)

³ [Principles and guidelines on the human rights protection of migrants in vulnerable situations](#)

migrants to leave their country of origin, the circumstances they face during transit and in the country of destination, and their personal circumstances or identity, for example, pregnant or nursing women, children, religious and ethnic minorities, indigenous peoples, victims of violence, persons with disabilities, older persons, and those facing exploitation and abuse. Vulnerability can arise from both personal and situational factors, which will often intersect or exist simultaneously, but in no instance is it an innate characteristic of a particular person or group of people. Therefore, migration policies are very significant because they have the potential to either exacerbate or reduce these situations of vulnerability, and ideally prevent them from arising in the first place.

The lack of regular migration pathways compels migrants to undertake perilous and often irregular journeys and exposes them to loss of life, abuse and trauma. While in transit, many migrants find themselves in irregular and precarious conditions, at risk of gender-based violence, exploitation and abuse, and unable to access services or justice. At land, sea and air borders, migrants experience human rights protection gaps, including unlawful profiling, dangerous interception practices, and pushbacks. In transit or at destination, many migrants find themselves enduring prolonged or arbitrary detention in substandard conditions due to the lack of effective alternatives. It is crucial to offer support aimed at aligning best practices regarding alternatives to detention with regional specificities.⁴

Adding to the existing vulnerabilities, amid unprecedented flows of international migrants arriving in and transiting through numerous Arab countries, the capacity of some States, especially low-income countries, to receive migrants has been stretched to its limits. Migrants in vulnerable situations in the Arab region, particularly those in irregular situations, are susceptible to lack of access to basic services like healthcare and education. Signatory States have pledged to integrate the health needs of migrants into national and local healthcare policies, a crucial step given the strain on inclusive medical systems in Arab countries due to significant population movements. While immediate reactions may restrict access to services for nationals only, as the COVID-19 pandemic demonstrated, such actions can lead to public health crises and worsen the plight of displaced populations.⁵

Migrants in the Arab region can be susceptible to structural, direct or indirect racial discrimination due to their exclusion from protection laws, especially labor laws. The sponsorship “Kafala” system, applied mostly in the Middle East countries, puts migrants in vulnerable situations with high risk of falling victim to exploitative treatment. Despite some reforms being made in that regard, some migrant workers express experiencing delayed payment of wages or non-payment, confiscation of identity documents, and retaliatory measures by their employers in case they seek justice.⁶ In addition, racism narratives and xenophobic attitudes towards migrants, refugees, asylum seekers, or people on the move in general, manifests in various forms and can lead to marginalization and exclusion.

Given the above, upholding the human rights of migrants and people on the move in vulnerable situations is a relevant priority for the Arab region, which, as of 2020, hosts more than 40 million migrants,⁷ including 24.1 million migrant workers in just 12 Arab countries (2019 figures).⁸

Overview of progress

⁴ [Situation Report on International Migration 2019 The Global Compact for Safe, Orderly and Regular Migration in the Context of the Arab Region](#)

⁵ [Situation Report on International Migration 2019 The Global Compact for Safe, Orderly and Regular Migration in the Context of the Arab Region](#)

⁶ [CERD/C/OAT/CO/22-23](#)

⁷ [United Nations Network on Migration in the Arab region celebrates International Migrants Day - “Migration and development go hand in hand”](#)

⁸ [Situation Report on International Migration 2021: Building Forward Better for Migrants and Refugees in the Arab region](#)

In the 2022 IMRF Progress Declaration, Member States have made several commitments concerning Objectives 7, 13, 15, and 17 of the GCM. Some of these commitments are rights articulated in the Universal Declaration of Human Rights and several international conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Member States committed to fostering inclusive societies by promoting migrants' meaningful contributions to policy development, delivery, and reviews, and strengthening the provision of information, support, and services to facilitate their integration⁹; to eradicating all forms of discrimination against migrants, including racism, xenophobia, hate speech, and hate crimes¹⁰; to respecting, protecting and fulfilling the human rights and fundamental freedoms of all migrants, including those of women and children, regardless of their migration status¹¹; and to enhance and diversify the availability of pathways for safe, orderly and regular migration for migrants in vulnerable situations.¹²

Considerable efforts have been made by the Arab States to implement the GCM and to realize the goal of advancing safe, orderly and regular migration through a rights-based approach. There are three GCM Champion Countries in the MENA region, which are Egypt, Iraq, and Morocco, and a number of pledges have been made by states and stakeholders, within the GCM's principle of Human Rights and the above objectives. Although the COVID-19 crisis did not result in major changes to protection policies, in North Africa it did prompt an increased level of temporary inclusion of migrants which if expanded and sustained rights of migrants during future emergencies. These efforts aligned closely with the principles outlined in the GCM to promoting safe and orderly migration, while protecting the vulnerable migrant population during times of crisis¹³.

Morocco has taken steps to regularize the status of undocumented migrants living within its borders and has implemented policies to promote their integration into society.¹⁴ It has adopted several institutional and policy measures that protect the human rights of migrants, such as the adoption of the 2023-2030 National Plan for Combatting and Preventing Human Trafficking and the National Referral Mechanism for victims of human trafficking in 2023; and the adoption of the 2021-2025 health-immigration plan.¹⁵

Overall, Morocco's approach underscores the need for comprehensive and rights-based strategies to manage migration effectively while upholding the dignity and rights of all individuals involved. Arab states have also undertaken policy and legislative reform to reduce migrant vulnerabilities in the workplace, such as promoting fair recruitment in Jordan and Qatar.¹⁶ Similarly, efforts have continued to ensure that some of the migrants in most vulnerable situations such as victims of trafficking or children access their specific sets of rights. There is a renewed emphasis on developing national strategies to aid migrant children, collaborating with UN agencies, and

⁹ IMRF Progress Declaration, paragraph 53, [A/RES/76/266](#)

¹⁰ IMRF Progress Declaration, paragraph 54, [A/RES/76/266](#)

¹¹ IMRF Progress Declaration, paragraph 55, [A/RES/76/266](#)

¹² IMRF Progress Declaration, paragraph 59, [A/RES/76/266](#)

¹³ [Mapping of good and innovative protection practices for migrants, and lessons learned during COVID-19 pandemic in North Africa](#). International Organization for Migration (IOM) Regional Office for the Middle East and North Africa, Cairo (2023). Based on consultation with government and civil society from respective countries, this [report](#) provides an overview of the "good and innovative" protection practices and policies implemented in Algeria, Egypt, Morocco, and Tunisia.

¹⁴ [Global Forum on Migration and Development – Morocco](#)

¹⁵ CMW/C/MAR/CO/2

¹⁶ [Piloting fair recruitment from Bangladesh to Qatar in the construction sector \(un.org\)](#); [Zero recruitment fee policy for \(migrant\) workers in Jordan \(un.org\)](#).

supporting civil society organizations assisting these children. In North Africa, States have reinforced their collaboration with UN agencies on integrated child protection systems and cross border continuum of care which are essential elements of upholding rights of migrant children throughout their journey. States such as Morocco, Tunisia and Egypt are also taking steps to reinforce access to rights and availability of protection for victims of trafficking.¹⁷

More engagement has been seen with the GCM and its mechanisms. In May 2023, UN Network on Migration's Workstream on Alternatives to Detention co-organized a GCM Talk which consisted of a global peer learning exchange on working to end child detention in the context of international migration. From the Arab States Region, the talk highlighted legislation enabling migrant and refugee children to access essential services and support for integration into the host community. This encompasses healthcare, child protection, and language translation services. UNICEF and OHCHR have established a new workstream focusing on alternatives to detention and liberty deprivation in the Arab States Region. The Regional Workstream further organized an Arab States Regional GCM Talk in September 2023 about protecting persons on the move and their right to liberty. Progress was highlighted during this GCM talk, notably achievements done by Egypt. Egypt has successfully included the GCM objectives in national laws and is working with migrants on implementing a rights-based approach, providing them with basic rights and services, and carried out an 'out of camp' policy to mitigate immigration detention. The Egyptian state has created committees within the government, which works on the governmental and societal approaches to ease the process of integrating migrants, eventually decreasing the levels of migrants trafficking and involvement of migrants with drugs and other substances.¹⁸ It also claimed that it has enhanced its efforts to uphold migrants' rights, ensure their protection, and combat discrimination against them. Recognizing their valuable social, economic, and cultural contributions, Egypt stressed on the importance of establishing coordination mechanisms among government institutions to implement the GCM and enhance legislative frameworks.

The Outcome Report of the Regional Review Conference of the GCM in 2021 highlighted the existence of plans and strategies for migration in many countries within the region. However, a significant gap persists between the formulation of these policies and their practical implementation, emphasizing the need to bridge this divide. While progress has been made in crafting public policies, there is a crucial necessity for assessing their impact comprehensively. This evaluation is essential for understanding how policies directly affect migrants, including by exacerbating situations of vulnerability, and for addressing issues related to discrimination and xenophobia. Facilitating access to data, conducting studies, and independently monitoring how migrants are enjoying human rights are vital steps toward monitoring progress and implementing GCM recommendations effectively.

Regional consultations have shown promise but expanding these discussions to the local level is imperative for fostering a more inclusive dialogue on migration policies and practices, ultimately ensuring the protection of migrants' human rights and promoting anti-racism initiatives.¹⁹

Guiding questions

- Has your government developed a GCM national implementation plan or integrated the GCM and its guiding principles into existing frameworks, plans and policies? If so, please elaborate

¹⁷ Including access to protection services and awareness and exchanges through tripartite roundtables on 4Ps

¹⁸ [Arab States Regional GCM Talk: Protecting Persons on the Move and Their Right to Liberty – Summary report](#)

¹⁹ [Arab States Regional Review Conference of the GCM, Annex I of the Outcome Report 2021](#)

on the process. If not, please indicate if your government has plans to do so, and what the envisaged process is.

- How is your government ensuring that the implementation of GMC is driven by the guiding principle on human rights?
- What are the main gaps and challenges to existing inter- and cross-regional collaboration on the implementation of the GCM, particularly when it comes to the execution of Objectives 7, 13, 15 and 17?
- How is your government reviewing relevant policies and practices to ensure that they do not create, exacerbate or unintentionally increase vulnerabilities of migrants, including by applying a human rights-based, gender- and disability-responsive, as well as age- and child-sensitive approach (Objective 7(a))?
- Can you share examples of successful initiatives or policies aimed at promoting the right to liberty for migrants and respecting their rights and dignity?
- How is your government addressing issues of racism, xenophobia, and discrimination against migrants, and what initiatives or programs have been established to promote a positive narrative on migration, anti-racism, and inclusivity?
- Outline areas (GCM objectives and/or guiding principles) where the region would benefit from strengthened cooperation in terms of finance, capacity-building, policy advice, data gathering and analysis, technology, multi-stakeholder partnerships, etc.