

ESCAP input to the Secretary-General's Report on the Global Compact for Safe, Orderly and Regular Migration

International migration is one of the key factors shaping the Asia-Pacific region. The United Nations estimated that there were 59.3 million international migrants in the countries and areas of Asia and the Pacific in 2015.¹

Meanwhile, over 98.4 million migrants in the world originated from countries of the region.² Most migrants are South-South migrants, as they move to neighbouring countries, or countries in the same subregion. For example, most migrants from North and Central Asia, especially from Armenia, Kyrgyzstan, Tajikistan and Uzbekistan remain within this subregion, particularly the Russian Federation, while most migrants from Cambodia, Lao People's Democratic Republic and Myanmar are found in Thailand.

Temporary labour migration, regulated and processed by Governments, dominates migration in Asia and the Pacific. For example, almost 750,000 migrant workers left Bangladesh in 2016,³ while in 2015 almost 2.4 million contracts were processed by authorities.⁴ This migration involves mostly men and increasing numbers of women, with most migrant workers being in low-skilled jobs. Jobs are highly gendered, with men working in manual labour in construction and agriculture, while women are often engaged in domestic work and services.

In addition, the region hosted over 6.5 million refugees and persons in a refugee-like situation in 2016. Three countries host almost three quarters of the refugees in the Asia-Pacific region, namely Turkey (about 2.9 million), Pakistan (about 1.4 million) and Islamic Republic of Iran (nearly 1 million).⁵ Other drivers of international migration include migration in response to environmental degradation and mixed migration.

These migration flows have important consequences for safe, orderly and regular migration, which must be addressed to ensure that migration is safe, orderly and regular. The global compact for safe, orderly and regular migration is therefore a timely initiative, which can serve as a focus for promoting cooperation between States, civil society, the private sector and the United Nations system on the basis of a set of agreed principles and procedures that can serve common work towards a shared goal.

In considering the focus of the Global Compact for Safe, Orderly and Regular Migration, the following commitments would be of relevance to countries of the Asia-Pacific region

¹ United Nations, Department of Economic and Social Affairs (2015). Trends in International Migrant Stock: Migrants by Destination and Origin (United Nations database, POP/DB/MIG/Stock/Rev.2015).

² United Nations database, *Trends in International Migrant Stock: Migrants by Destination and Origin*.

³ : Bangladesh Bureau of Manpower, Employment and Training, Category-wise Overseas Employment from 1976 to 2016, available from <http://www.bmet.org.bd/BMET/viewStatReport.action?reportnumber=35> Accessed 7 September 2017

⁴ Philippine Overseas Employment Administration, Overseas Employment Statistics: Deployed Overseas Filipino Workers 2014-2015, available from <http://www.poea.gov.ph/ofwstat/compendium/2015.pdf> Accessed 18 September 2017

⁵ Office of the United Nations High Commissioner for Human Rights, *UNHCR Global Trends Forced Displacement in 2016* (Geneva, 2017). Available from <http://www.unhcr.org/5943e8a34>.

Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance

Addressing human rights concerns in the context of international migration in the Asia-Pacific region should include:

- Ratification of all core human rights conventions, as well as relevant ILO conventions (notably 97, 143 on migrant workers, 181 on private recruitment agencies and 189 on domestic workers), as there are low levels of ratification
- Inclusion of all sectors of work, including domestic work and agricultural work, in labour law protections where these are not already
- Strengthening complaints mechanisms for migrant workers and mechanisms for providing migrants with comprehensive and accurate information, prior to their departure, upon arrival in the host country, and on their return to their country of origin, as relevant. Consideration should be given to alternate methods of oversight that provide greater access to remedy for domestic workers. These could include specific training for employers of domestic workers.
- Migrants should have the right to travel home and return during a period of leave.
- To help protect migrant workers against unscrupulous employers, States may wish to consider establishing sector-based work permits, which link a worker to a sector rather than an individual employer, enabling greater labour force mobility and bargaining power for migrant workers.
- Working with the private sector and civil society to strengthen monitoring of supply chains could be of benefit in addressing abuse and exploitation, as well as providing certification schemes to reward employers who offer migrant workers decent work
- Streamline formal recruitment and deployment processes to increase incentives to move via regular channels and avoid exploitative irregular migration. Governments could also provide more information about recruitment and deployment procedures. Governments could consider initiatives to regularize migrant workers in an irregular status in line with effective experiences in such countries as Malaysia and Thailand.

Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures

Addressing labour migration should include:

- Measures to help prospective migrants to secure financing at non-exploitative rates;
- Aligning national laws, policies and regulations, bilateral and multilateral agreements, and voluntary codes of conduct with ILO principles and guidelines;
- Monitoring and enforcing compliance with recruitment regulations; and
- Promoting consolidation and professionalization in the recruitment industry.
- Ensuring coherence at the national level between bilateral and regional agreements, national labour market policies and other relevant policy areas;
- Forming a global alliance of labour-sending States to advance shared priorities;
- Working towards a global framework for managing labour migration;
- Creating a multi-agency support structure to facilitate labour mobility and advance consensus building; and
- Establishing a global multi-stakeholder platform on skills and mobility for employment.

- Governments could consider allowing employers to recruit workers directly with appropriate Government oversight where that is not currently permitted. Governments could also set up offices to recruit workers directly for overseas employment
- To ensure fair recruitment processes, countries should ensure that regulation of labour recruiters draws from existing international instruments, notably ILO Convention 181 on Private Employment Agencies (1997), further elaborated in ILO's General Principles and Operational Guidelines for Fair Recruitment (2016).
- Countries could give greater attention to the employers of irregular migrants and to the networks that recruit and find employment for them.
- Governments, through bilateral agreements and subregional associations, could create the machinery for the portability of the earned social security benefits of migrant workers, especially accident insurance and pensions. Subregional associations could consider ways to expand and deepen their agreements on the mutual recognition of credentials. These intergovernmental organizations have the potential to establish rules addressing some of the gaps noted above, particularly the complexity of recruitment procedures, high recruitment costs, lack of labour protection for workers in the informal sector and the portability of benefits.

International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration

Priorities in this area include:

- Pursuing dialogue, capacity-building and agreement on labour migration through multiple levels, including regional consultative processes such as the Bali Process, Colombo Process and Abu Dhabi Dialogue;
- Liberalising labour migration through subregional regional economic cooperation and integration organizations such as the Association of South-East Asian Nations and the Eurasian Economic Union
- Revision of bilateral memoranda of understanding in consultation with workers' and employers' organizations and in line with the recommendations of ILO recommendation 86
- Agreement on standard operating procedures for addressing migration crises based on international best practice and human rights norms contained in international human rights conventions.

Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits

- Migration policies could be mainstreamed in national development strategies to ensure their alignment with wider objectives. Labour migration could be taken into account in sectoral planning, especially education, vocational and skills training, and manpower planning. Labour market information systems could be strengthened with a specific focus on migration.
- Countries of origin could focus on upskilling migrant workers and ensuring the international recognition of their qualifications through reform of technical and vocational education schemes in coordination with authorities in countries of destination;

- Governments, in cooperation with employers, trade unions and civil society organizations, should inform the public about the benefits of labour migration, including through supporting the regional implementation of the global United Nations “Together” initiative and the IOM “I am a Migrant” campaign.

Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution

ESCAP agrees that achievement of the 2030 Agenda will play a significant role in helping to address the drivers of unsafe and disorderly migration, allowing people to make free choices with regards to international migration.

With regards to climate change, much climate change-related migration is likely to manifest as labour migration; thus measures to strengthen labour migration management frameworks are likely to support environmentally-induced migration. However, specific measures to develop durable solutions in line with the Nansen Initiative for internally displaced populations or those at-risk of displacement, which:

- provide options for well-planned internal relocation which is protection-centred, community-driven, and address multi-dimensional recovery needs relating to issues including health, education, infrastructure, livelihoods, security of land tenure;
- support return and reintegration of displaced populations following disaster and local integration where people have sought refuge or been evacuated, where appropriate and in consultation with host communities;
- strengthen internal migration management and develop durable solutions for people living in informal settlements and stateless people;

In addition, it is important to establish integrated regional frameworks, national, sub-national and local plans to mainstream mobility considerations into disaster risk reduction and adaptation, and which:

- establish emergency response centres and coordination structures, (e.g. cluster systems and early warning systems which are frequently monitored);
- promote climate and disaster-resilient land-use planning, including multi-hazards mapping and integrated vulnerability assessments using participatory methods to ensure multi-hazards data underpins infrastructure, rural and urban planning;
- strengthen disaster-resilient building codes and compliance, and “climate- and disaster-proof” critical infrastructure and services (e.g. water, health, education, energy, biomass, waste management, food and telecommunications);

Communities should be equipped with skills and capacities to adapt to changing environments, including with regards to traditional and local knowledge, income diversification opportunities, development of social protection, infrastructure investment and ecosystem management.

To ensure that emergency displacement takes place under safe conditions, countries should establish protocols with neighbouring countries to address such displacement; and establish

national institutional structures implement the Warsaw International Mechanism Loss and Damage, including insurance mechanisms and risk pooling solutions.

Addressing drivers in countries of destination is crucial to enhance regular migration channels and protect the rights of migrants. Governments, trade unions, employers and civil society should work together towards effective governance of labour markets in the form of harmonized labour policies, strengthened human rights protection for all migrant workers, existing diaspora, or family links without discrimination through intergovernmental conventions, bilateral agreements, treaties, declarations and frameworks. These vary from legally-binding conventions, to more general international norms, to statements of principle without monitoring or implementation mechanisms.

Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims

To address smuggling and trafficking, the following recommendations could be considered:

- Adopt an explicit, rights-based approach to exploitation in migration. Such an approach is focused squarely on the victim, explicitly recognizing and advancing the rights of trafficked persons to protection, support, remedies and a safe, supported return. A human rights-based approach to migrant smuggling demands a similarly victim-centred approach, requiring States to put in place laws, policies and practices to ensure that the rights of persons who have been smuggled are respected and protected. This includes the right to basic assistance and protection from violence, exploitation and return to persecution.
- Build an evidence base on smuggling and trafficking through research partnerships and capacity development
- Strengthen investigation, prosecution and operational cooperation, especially with regards to smuggling and trafficking networks
- Prevent trafficking including through liberalising labour migration procedures, addressing underlying vulnerabilities and addressing demand for trafficking in collaboration with civil society and the private sector.

Means of implementation and follow-up

- Migration has important regional dimensions. Almost three-quarters of migrants in the ESCAP region are from countries of this region. Therefore regional follow-up, using the regional commissions as a platform for dialogue and review of implementation of the global compact for safe, orderly and regular migration, would be important for helping ensure its success.