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Asia-Pacific Regional Preparatory Meeting for the Global
Compact for Safe, Orderly and Regular Migration

Bangkok, 6-8 November 2017

Item 4 of the provisional agenda*

Chair's Summary

**Asia-Pacific Regional Preparatory Meeting for the Global Compact
for Safe, Orderly and Regular Migration**

Chair's Summary

In response to General Assembly resolution 71/280, the Asia-Pacific Regional Preparatory Meeting for the Global Compact for Safe, Orderly and Regular Migration was convened from 6-8 November 2017 in Bangkok. Information on format and participation is contained in the report of the meeting (E/ESCAP/GCM/PREP/6).

The following summary serves as the Asia-Pacific regional input to the consultation and stocktaking processes of the Global Compact for Safe, Orderly and Regular Migration, including the global preparatory meeting to be held in Puerto Vallarta, Mexico from 4-6 December 2017.

General key issues on international migration and the Global Compact for Safe, Orderly and Regular Migration

The Asia-Pacific Regional Preparatory Meeting for the Global Compact for Safe, Orderly and Regular Migration demonstrated commitment to examining the relationship and synergies between international migration and sustainable development, which required opportunities for safe, orderly, and regular migration. There was a general consensus that regional preparatory meetings provided an important forum for regional dialogue on international migration and ways to enhance its benefits, while addressing its potential pitfalls and negative impacts for all stakeholders, including countries of origin, transit, and destination, as well as migrants and their families.

The Meeting further highlighted its support for the initiative to develop the Global Compact for Safe, Orderly and Regular Migration as a tool to contribute to global governance of migration and to enhance coordination on international migration by presenting a framework for comprehensive international cooperation on migrants and human mobility, in recognition of the reality that no country could manage migration alone. Representatives

* E/ESCAP/GCM/PREP/L.1/Rev.1

outlined their recognition of the historic nature of the process, noting that it would influence migration policy-making and practice over the coming decades.

The Meeting highlighted that the Global Compact for Safe, Orderly and Regular Migration should be a forward-looking document, emphasising common endeavours to deal with migration issues in an integrated manner. Some representatives underscored the principle of shared responsibility of sending, transit, and receiving States in protecting the human rights of migrants.

The meeting recognized that while States are the primary duty-bearers with regard to the protection of migrants, other stakeholders such as civil society, the private sector, trade unions, and migrants themselves are important contributors in the discussion and implementation of migration governance. The Meeting emphasized that the global compact should aim to promote win-win-win outcomes for all stakeholders through practical and realistic measures.

Many representatives suggested that the Global Compact for Safe, Orderly and Regular Migration should focus on policy coherence and whole-of government, whole-of-society, and whole-of-United Nations system approaches in all dimensions of migration throughout the migration cycle, from pre-departure to return, and should be centred around the rights of all migrants, regardless of status.

Many representatives further suggested that the Global Compact for Safe, Orderly and Regular Migration should recognize migrants as agents of development, seek to enhance their contributions through their empowerment, and emphasize the shared responsibilities of actors as regards the management of migration throughout the migration cycle. Representatives further recommended that it should draw on existing international instruments.

Several representatives noted the need for the Global Compact for Safe, Orderly and Regular Migration to set up a review and monitoring mechanism that will oversee the implementation of the principles adopted and actionable commitments made by member States.

Representatives underscored the importance of ensuring that the Global Compact for Safe, Orderly and Regular Migration be gender-responsive, recognizing and addressing the specific vulnerabilities of women migrants, including domestic workers in particular. Several representatives also highlighted the need to focus on other vulnerable groups, such as children and persons with disabilities, to ensure their access to services regardless of status.

Several representatives reiterated the sovereign right of States to determine who enters and remains in their territory in line with their laws and circumstances, and with due regard for and consistent with applicable international laws such as international and regional human rights conventions.

Importance of migration for the Asia-Pacific region in the context of the 2030 Agenda

Representatives acknowledged the scale and multidimensional nature of migration in the contemporary Asia-Pacific, noting that it was primarily intra-regional and South-South in orientation; involved both men and women; and was a key feature of a globalized region.

The meeting noted that the region contained both major countries of origin and destination and several intra-regional and inter-regional migration systems with distinct characteristics.

Representatives noted that migration was driven primarily by economic motivations.

It was observed that other causes of migration include conflict, human rights violations, natural disasters, and the impacts of climate change.

It was also observed that migrant and refugee movements are distinct and different phenomena, with separate sets of challenges and issues, hence requiring different sets of solutions and compacts consistent with the spirit of the New York Declaration for Refugees and Migrants.

There was a consensus to improve collection and analysis of disaggregated data and information, including on age and gender, on all dimensions of international migration.

Policies to facilitate safe, orderly and regular migration

Representatives noted that while progress has been made in facilitating safe, orderly and regular migration, challenges and gaps remain. These include: enhancing cooperation with civil society, international organizations, and the private sector to improve the management of migration flows; ensuring policy coherence; and focusing on issues such as skills recognition and portability of earned benefits.

Discussions covered the six thematic areas of the consultation phase of the Global Compact for Safe, Orderly and Regular Migration

- a) Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance;
- b) Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures;
- c) International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration;
- d) Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits;
- e) 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;
- f) Smuggling of migrants, trafficking in persons, and contemporary forms of slavery, including appropriate identification, protection, and assistance to migrants and trafficking victims.

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

Many representatives emphasized that the Global Compact for Safe, Orderly and Regular Migration should be centred on migrants and the protection of their human rights, regardless of status.

Several representatives suggested implementing regularization and firewall policies as means to protect human rights, promote inclusion, and build trust between migrants and local authorities.

It was noted that while migrants in an irregular situation were more vulnerable to human rights abuses, people migrating through regular channels were also at risk due to inadequate legal frameworks for protection. In this regard, the importance of protection through consular access was emphasized.

Several representatives highlighted the need to address abuses in migrant labour recruitment.

Representatives recognized that adherence to decent work standards, such as equal treatment in employment, fair recruitment, written contracts, wages reflecting skill levels, access to effective remedy and to grievance mechanisms/dispute resolution, and worker voice/representation would play a key role in protecting migrants' rights.

Several representatives also stressed that many migrants, particularly female migrants, worked in the informal sector, where existing social and labour legislations were often not extended. A suggestion was made to ensure that domestic work be included in labour laws of all countries.

The need to counter all forms of discrimination in law and practice by all actors was emphasized. The need to promote integration of migrants and promote positive interactions between migrants and host communities was also underscored.

Measures to engage the private sectors and other social partners to initiate reforms in supply chains and work conditions involving migrants were proposed, such as in the context of the Bali Process Government and Business Forum.

Several representatives noted the importance of ensuring migrants' rights to health and to education, regardless of status, including their access to health and education services as elements of the for Safe, Orderly and Regular Migration.

Some representatives also emphasized the need to ensure access to birth certificates and other civil registry documents to all migrants to prevent and address, among others, childhood statelessness. The importance of ensuring that migrants retain control of their travel documents was also stressed.

In line with the New York Declaration, some representatives noted the need to strengthen alternatives to detention of children. They also recognized the efforts of several States to move towards ending immigration detention of children.

The importance of human rights in guiding responses to mixed migration flows was highlighted, including through processes such as the Migrants in Countries in Crisis (MICIC) Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster.

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

Many representatives expressed the view that migrants should move through regular channels, ensuring that migration contributed to national development. Towards this end, multiple vulnerabilities of migrants should be addressed with policies, laws, and capacity building to protect migrants, including positive integration between migrants and the local population.

Many representatives also emphasized that regular pathways for migration should be expanded and improved, including for family reunification. In this connection, irregularity was recognized as a factor contributing to the vulnerability of migrants and as such, should be addressed in accordance with applicable national legislation and international and regional human rights law.

Several representatives noted the potential for cooperation on labour migration processes between countries of origin, destination, and transit as a means of addressing the issue of irregular migration. Representatives provided examples such as schemes to develop bilateral agreements, to promote regulation of and cooperation with recruitment agencies, to ensure portability of social protection benefits, and to regularize migrants, taking into consideration State sovereignty, labour market needs, and protection of migrants' rights.

Representatives of both countries of origin and destination stressed the need for better skill development, harmonization, and recognition to enhance the contribution of labour migration to sustainable development in all its dimensions.

Several representatives acknowledged that migration was important to sustainable development. Towards this end, it was recognized that better skills development would improve access to decent job opportunities that would benefit the development of both origin and destination countries. Applicable instruments would include harmonization of skills qualification reference frameworks.

The Meeting discussed the importance of workers' education in the entire migration cycle. The conduct of pre-departure and post-arrival orientation was highlighted as good practice.

Some representatives also noted that addressing irregular migration also requires an increased focus on mechanisms to allow return of those with no entitlement to remain,

consistent with international human rights obligations, and the same should also be addressed in the for Safe, Orderly and Regular Migration in order to effectively respond to mixed and irregular migration.

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

The Meeting stressed that migration governance was a matter of national, bilateral, regional and international dialogue and cooperation. In this regard, the longstanding regional experience of cooperation on migration in the Asia-Pacific represented a rich source of inspiration for the Global Compact for Safe, Orderly and Regular Migration and provided a wide range of experiences and lessons learned that could guide action.

The need for cooperation among countries to ensure the return of migrants in an irregular situation was emphasized by several representatives. In this regard, the return of migrants should be done in a manner that protects their dignity and human rights, while the best interests of children should be considered in return processes. Towards this end, the need to specifically strengthen inter-state and inter-regional cooperation on child protection was underscored.

Progress on addressing international migration through regional associations such as the Association of South East Asian Nations (ASEAN) and the Eurasian Economic Union were discussed, including initiatives such as the ASEAN Convention Against Trafficking in Persons, Especially Women and Children and its plan of action; the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and its follow-up processes such as the ASEAN Committee on Migrant Workers and the ASEAN Forum on Migrant Labour; the adoption of mutual recognition agreements for professionals in specific fields; and the forthcoming adoption of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers. In the context of the Eurasian Economic Union, it was noted that headway was made towards labour market integration based on freedom of movement of workers, with guarantees of social protection, education of the children of migrant workers, and progress towards cooperation on pensions.

The work of regional, sub-regional and inter-regional consultative processes on migration, such as the Colombo Process, the Abu Dhabi Dialogue, the Coordinated Mekong Ministerial Initiative Against Trafficking, and the Bali Process contributed to building trust among States and developed collaborative programmes across the migration cycle. Building upon this progress, continued dialogue and cooperation at the global level would strengthen existing initiatives and address remaining gaps and challenges. Cooperation on cross-border crisis management, including repatriation of migrant workers, was also emphasized.

Some representatives also mentioned that ensuring safe routes along border areas is an important condition that could facilitate cross-border movement, prevent illegal activities such as smuggling of migrants and other transnational crimes, and promote regular migration.

The role of civil society in supporting regional migration governance was also reiterated. The potential for civil society networking and regional and inter-regional cooperation for protection of migrant workers throughout the migration cycle was stressed, including cooperation between and among Governments, civil society organizations, and the private sector, including employers and trade unions.

Several representatives recognized the need for governance mechanism for implementation of the Global Compact for Safe, Orderly and Regular Migration. Use of existing regional intergovernmental processes for follow up and review of the Global Compact for Safe, Orderly and Regular Migration, including through the regional economic commissions of the United Nations, was highlighted.

Several representatives also recognized the role of the IOM, leveraging its entry into the United Nations and as the lead migration agency, and of other specialized agencies of United

Nations such as the ILO, UNICEF, FAO, OHCHR, and UNHCR, in assisting the member States in the implementation of the Global Compact for Safe, Orderly and Regular Migration. Some representatives pointed out the need to support countries particularly those suffering climate-induced migration and those facing and/or hosting large movements brought about by conflicts.

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

The Meeting acknowledged that migration and migrants provided many contributions to sustainable development. These included contributions to poverty reduction through sending of remittances; development of skills; meeting skills shortages; entrepreneurship; and building transnational networks.

Because of its importance to sustainable development, several representatives called for mainstreaming of migration into development strategies as a priority action. They also called for the effective communication of these contributions to the wider public as a means of countering rising xenophobia, racism and anti-migrant sentiments, and of facilitating social inclusion of migrants.

Several representatives stressed that the provision of opportunities for legal and orderly labour migration, whether temporary or permanent, provided an important opportunity to achieve sustainable development for countries of origin and destination, as well as for migrants themselves.

Many representatives underscored that migration was an important livelihood strategy to escape poverty and improve economic conditions. Through remittances, many families were lifted out of poverty and provided better access to health care and education. Moreover, remittances have become an important tool in building resilience against economic and other crises and natural and other disasters. Some country representatives highlighted initiatives to channel the use of remittances towards entrepreneurial initiatives, infrastructure development and financial inclusion.

Several representatives also emphasized that the contribution of migrants to development went far beyond financial remittances, thus, policies and programmes should be developed and advocated to facilitate not only financial but also social remittances.

Representatives stressed the need to reduce remittances costs and to promote faster, safer and more affordable transfers. They also noted that the remittance cost in some sub-regions were high due to de-risking in the context of anti-money laundering initiatives. The role of technology in facilitating sending of remittance was also underlined.

Some representatives mentioned the importance of the diaspora for development noting that it was important to adopt formal policies and consultation mechanisms for the diaspora.

(e) 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

The Meeting emphasized that migration should be a choice for migrants, rather than a necessity; thus, the need for countries to work towards more inclusive development and to provide access to decent employment for all.

The Meeting also noted that addressing the drivers of migration included narrowing development gaps, such as through the pursuit of Agenda 2030 and the Addis Ababa Action Agenda on Financing for Development; and addressing other root causes including the reduction of carbon emissions that cause climate change, under the UN Framework Convention on Climate Change and its Paris Agreement.

It was noted that addressing the drivers of migration was about looking at ways of reducing the adverse factors that motivate people to move out of necessity in unsafe, dangerous, and irregular situations and maximizing the benefits of migration for migrants and their families, and for communities in countries of origin and destination.

Several representatives emphasized the interrelations between peace, development, and human rights and noted the importance of an integrated approach to conflict prevention and resolution, highlighting the role of diplomacy and mediation.

Some representatives also highlighted the need to recognize sector specific drivers and push factors of migration such as those that are child-specific, including violence at home, forced marriages, under-age recruitment, and child trafficking.

Given the multifaceted and varied drivers of migration within and between countries of origin, and between men and women, mixed flows of migrants with multiple categories and vulnerabilities had emerged in several countries. In this context, it was important to refer to international frameworks concerning climate change such as the UN Framework Convention on Climate Change and its Paris Agreement.

Several representatives from small-island developing states noted that while migration should be recognized as a climate change adaptation strategy, building climate change resilience should be prioritized to ensure that affected populations were not compelled or forced to move away from their islands. As such, from the perspective of small island developing states, the Global Compact for Safe, Orderly and Regular Migration must also include references to the right to development; to the nexus between development, climate migration and building climate resilience to mitigate forced migration; and to gender equality and equity, noting that women and girls were at high risk of rights abuses during migration.

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

The Meeting emphasized that the Global Compact for Safe, Orderly and Regular Migration should address issues of smuggling of migrants and trafficking in persons as forms of transnational organized crime. Several representatives also noted the link between labour migration and trafficking, and smuggling and trafficking.

Representatives noted that efforts to address these issues should not be limited to law enforcement but must include regional cooperation through existing regional intergovernmental organizations and other partners; identification and protection of victims through provision of services; and means to enable victims to remain in countries of destination if required. In particular, representatives reaffirmed that the trafficking of migrants constituted a violation of human rights.

The Meeting noted that cooperation with all stakeholders, including civil society organizations, private sector, academia, and national human rights institutions, was crucial in addressing trafficking in persons and smuggling of migrants.

Several representatives stressed that the protection of migrants should be assured regardless of status, and recommended that criminalization of migrants should be avoided and that “firewalls” between law enforcement and service providers should be established

Representatives also stated that in addition to government efforts, the private sector should play a key role in tackling trafficking and contemporary forms of slavery. Alliance 8.7 and the Inter-Agency Coordination Group Against Trafficking in Persons (ICAT) were important vehicles to accelerate action and to coordinate global, regional and national efforts to address contemporary forms of slavery.

Robust data was noted as driving effective policy responses by governments, business and international organizations.

Measures to respond to trafficking in line with international legal conventions and the four “P”s of prevention, prosecution, protection, and partnerships were also highlighted, including development and review of policies on trafficking; creation of inter-ministerial and inter-agency working groups on trafficking and people smuggling; furnishing of accurate and empowering information to migrants; provision of and access to services, including health and shelter, to victims of trafficking; training of service providers and law enforcement officers to identify victims and respond to trafficking cases; and voluntary return and alternatives to return, including the ability to remain in countries of destination.

Regional processes and initiatives such as the Bali Process and ASEAN Convention Against Trafficking in Persons, Especially Women and Children were cited as good practices.

Civil society input

During the Meeting, civil society reported that its consultations addressed several key issues. These include: social costs of migration, ethical recruitment, the employer pays principle, and the need for access to justice and social services for all migrants. It also included a call for stronger partnerships between all stakeholders and for a strong Pacific voice in all discussions, citing the importance of climate change on migration for all societies in the Pacific.
