Informal Multi-stakeholder Consultation Regional Review of the Global Compact for Safe, Orderly and Regular Migration in the UNECE region
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Summary Report from Rapporteur Ms. Michele LeVoy, Director, Platform for the International Cooperation on Undocumented Migrants (PICUM)

I. Intro

- The UNECE region is geographically quite wide (covering North America, Europe, and Central Asia). There are also some sub-regions (Central Asia, South Caucus and Western Balkans) where we haven't heard from diverse stakeholders in global gatherings on migration until now.
- Many countries in the UNECE region see themselves as countries of destination with high levels of social policies. Some have tended to see themselves as champions of immigration policies.
- The UNECE region also has countries of origin, and many of these stakeholders emphasized that countries of destination in the region should not make their rules on migration so stringent.
- Strikingly – despite such a wide geographical scope, there were many issues that stakeholders identified as similar throughout the UNECE region.

II. Implementation of specific GCM objectives

Objective 11 - borders

- Across the broad UNECE region, stakeholders noted that there were multiple violations of Objective 11. One word that summarizes this: violence.
- This included collective or summary expulsions, forced returns, pushbacks - at sea or land borders and without due process - as well as the criminalization of human rights defenders and individuals who provide humanitarian assistance to undocumented migrants.
- We need more accountability and to end abuses at the border – we need to end impunity. Nothing justifies violence and pushbacks.
- Recommendations:
    - More transparent governance and independent monitoring at borders, including by national human rights institutions. States should properly resource these monitors.

- Access to individual and fair procedures at the borders, and reception conditions complying with international human rights standards. This is also linked to states non-refoulement obligations towards migrants in situations of vulnerability (Objective 7) and decisions about return (Objective 21).

Children:

- Best interests of the child is a guiding principle of the GCM but implementation at the national level needs to factor in concrete ways to make it operational.
  - **Objective 21 (returns)**: A best interests procedure should be carried out to determine whether return is indeed in the child's best interest.
- <u>Recommendations:</u>
  - Introduce safeguards in asylum and border procedures so that children can access pathways for international protection or regularisation on other grounds (including protection of family and private life).
  - Importance of multistakeholder cooperation: civil society in the EU as well as in the CIS region (concerning the Chisinau Agreement) are working with governments and UN bodies to develop durable solutions for children in return procedures.

Objective 13 – Use migration detention only as a measure of last resort and work towards alternatives

- Deprivation of liberty should be a measure of last resort. Deprivation of liberty of children who are alone or with their parents should be prohibited.
- Yet children continue to be detained across the UNECE region. Detention is always a child rights violation, and never in their best interests.
- The new EU Pact on Migration and Asylum, which was launched by the European Commission in September 2020, would make this situation worse.
- Children aged 12-18 and accompanied by their parents are included in the new proposed border procedures and could be detained for up to 10 months.
- <u>Recommendations</u>:
  - Exclusively use alternatives to detention (ATDS).
  - More explicit reference should be made of UN member states' obligation to especially prioritize ATDs for all children.

Labour rights: Objectives 6 (decent work); 7 (reduce vulnerabilities in migration)

- Key input from trade unions and civil society organsiations in Central Asia region: Covid-19 pandemic has exposed structural and institutional flaws in the way migration is managed in the region.
- Global standards on migrant workers' rights that are in the GCM as well as in various ILO conventions should apply to migrant workers, regardless of their status.
- There should be a push across the UNECE region to include migrant voices in labour movement.
- Recommendations:
    - Migrant workers should have the freedom of association and to join and form trade unions.
    - Amend legislation to ensure migrants are free from discrimination, including the right to fair and safe working conditions.
    - Provide migrant workers with occupational safety protections, regardless of status.
    - There should be concrete ways to tackle corruption amongst governmental officials, especially law enforcement. Employers should be held accountable for violating migrant workers' rights. Migrants should be ensured access to justice, regardless of status.
    - Increased attention should be paid to protect migrants in situations of vulnerability, including due to irregular status, which is often associated with exploitative employment practices; doing so would greatly reduce the risk of arbitrary expulsions.

Objective 15: Access to services (Highlighted by COVID-19 Impact):

- The Covid-19 pandemic has heightened pre-existing inequalities across the UNECE region. Many migrants lost their jobs and could not access unemployment benefits or other support because of irregular migration status. Those who continued working were often essential workers but didn't have the necessary protections to do their jobs safely. Migrant children had difficulties in attending school remotely.
- Some governmental responses were positive including Ireland which put in place firewalls for undocumented migrants to access services and justice during the pandemic.

- Cities provided basic support (such as food and cash assistance) to undocumented migrants who could not access any official governmental support during the pandemic.
- Migrant workers also provide services: migrant health workers have organized within trade unions in the U.S. and Europe where they have secured high standards for the sector but where they also face difficulties.
- Recommendations:
    - Ensure that children have access to education, regardless of migration status, as well as access to mental health and psychosocial support.
    - Ensure that migrants have access to health and medical care, regardless of status.
    - Guarantee all migrant women, regardless of status, access to sexual and reproductive healthcare, including methods of contraception, prenatal, birth and postnatal care.
    - Ensure that migrants' personal data are not shared with immigration authorities if they try to access services and justice.

Objective 5: Regular pathways

- Our discussion included three key aspects of regular pathways:
- Labor migration:
    - There is shared interest and common ground for action amongst governments, employers and other actors.
    - Recommendation: Expand regular pathways, with regulatory frameworks for mobility of workers across skills levels, based on migration policies that reflect demographic realities and labour market needs, including skills shortages.
- Family reunification:
    - Administrative barriers such as complicated and costly procedures to prove a family relation (e.g. required DNA testing), as well as high income requirements and short deadlines to apply often mean that children and families struggle to access family reunification.
    - Recommendation: Eliminate the many barriers and obstacles for children to be reunited with their families.
- Regularisation:
    - Regularisation is far from being taboo in the EU. In 2020 alone, both Italy and Portugal undertook regularisations during the Covid pandemic.

- Upcoming research from the OSCE will look more in depth at regularisation as a policy measure with many different facets.
- Recommendation The role of regularisation in facilitating regular pathways should not be overlooked.

III. Going forward

Multilateral cooperation

- **Objective 2: Drivers of migration**
  - Work in partnership and make stronger links to the Global Compact on Refugees and the Paris Climate agreement. Governments should address climate crisis and people on the move by following the steps outlined in Objective 2 to support analysis, preparedness, adaptation and resilience, and by including pathways for people affected by climate change in the implementation of Objective 5.
  - Nudge governments to take bold steps – such as adopting the GCM in countries in the UNECE region that did not initially adopt it in December 2018.

Multi-stakeholder partnerships

- Multistakeholder partnerships were a key element of some of the promising practices to achieve the various objectives. Some have been mentioned previously, and the following are some examples of others.
- **Objective 15: Access to services**
  - Digititalization: civil society organisations working with local, regional and national administrations to help migrants to access to health care and other services during the pandemic
- **Objective 20: Remittances**
  - Remittance Community Task Force – 40 stakeholders involved in the field of remittances who came together to respond to the challenges posted by the pandemic on the remittance flux.
- **Youth**
  - 1 out of 3 migrants are young people under the age of 30.
  - Impressive mobilization of youth in the GCM review (more than 2,000 youth mobilized nationally in Europe)
  - Youth building relations with local communities and working with a wide range of professionals to work on Objective 7 (vulnerable

populations); Objective 15 (access to services); and Objective 18 (internships and skills)

- **Cities**
  - Local level help with the inclusion of migrants and transition as newcomers.
  - Municipal services are offered through various public-private partnerships.
- **Whole of government and whole of society approach**
  - Multistakeholder partnerships are crucial but how are different stakeholders working together on implementation of the GCM?
  - How can we improve equal participation as a key feature of the multistakeholder input process?
  - There is a clear need to promote more migrant perspectives and more inclusive spaces, in the analysis of implementation needs, the drawing up of national plans, and the follow-up process.
  - Some of this is already happening at stakeholder level (e.g., among civil society networks, among cities, among the private sector), but there should be more conscious efforts to bring these various stakeholder groups together – dissemination of outcomes from the regional reviews could be a vehicle for this.
  - Are we challenging assumptions? How do we promote alternative way of doing/thinking? What siloes are we breaking? How can we become more effective in linking the discussion about promising practices with policy development?