



# Regional Review of the Global Compact for Safe, Orderly and Regular Migration in the Arab region

Day 2 – Thursday, 25 February 2021

## Roundtable 2

<b>GCM objective 4:</b> Ensure that all migrants have proof of legal identity and adequate documentation	<b>GCM objective 8:</b> Save lives and establish coordinated international efforts on missing migrants	<b>GCM objective 9:</b> Strengthen the transnational response to smuggling of migrants
<b>GCM objective 10:</b> Prevent, combat and eradicate trafficking in persons in the context of international migration	<b>GCM objective 11:</b> Manage borders in an integrated, secure and coordinated manner	<b>GCM objective 13:</b> Use migration detention only as a measure of last resort and work towards alternatives
<b>GCM objective 21:</b> Cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration		

### 1. Brief overview on the Objectives clustered under the respective Roundtable

The Global Compact for Safe, Orderly and Regular Migration (GCM) promotes regulating and facilitating migration in a humane and rights-based manner, along the mobility continuum. From ensuring access to proof of legal identity to strengthening international coordination in migrant search, rescue and tracking of those missing, the GCM calls on member states to enhance execution of their obligations to uphold human rights. Concerted efforts in countering transnational organized crimes including trafficking in persons and smuggling of migrants further underline the nexus between law-enforcement and migrant protection and human rights. In addition, enhancing the integrity of borders, including through better inter-agency cooperation and introduction of new technologies will ensure fast and seamless regular cross-border mobility, while preventing and managing irregular movements, and addressing the needs of migrants in vulnerable situations, including children, in full compliance with international human rights law. Ensuring that detention is only used as a measure of last resort and working towards alternatives

puts the rights-based approach at the centre of immigration law enforcement. All the above are underpinned by exploring increased and balanced international cooperation in return, readmission and reintegration – key to effective rights-based return and migration governance.

## **2. Short Background on why and how the objectives are relevant to the Arab region with evidence base**

A number of challenges still impede migrants' ability to obtain valid travel documents in some countries, including technical and financial challenges, as well as additional issues arising for female migrants traveling without the authorization of male guardians. Furthermore, the unlawful confiscation by employers of migrant workers' passports and other personal documents remains a significant challenge notably in the case of low-skilled and domestic workers. In many countries across the Arab Region, women face legal restrictions in registering births of their children and conferring their nationality. Migrant women may face disproportionate legal and practical challenges, resulting in increased vulnerability of their children – lack of registration and subsequent difficulties accessing services, as well as potential statelessness. The lack of valid documents significantly increases migrants' vulnerabilities to trafficking. Given that they are unprotected and are often stuck in limbo, they are at high risk of falling in the hands of criminal networks and being subjected to violence and exploitation, with the primary form of trafficking within the Arab region being forced labour, including domestic servitude and debt bondage, followed by forced and early marriage and sexual exploitation. Objective 4 is therefore of particular relevance as it seeks to ensure all migrants have proof of legal identity and adequate documentation. The COVID-19 pandemic has also demonstrated the importance of adequate documentation to access health care and other services, including COVID-19 testing and treatment. Furthermore, Objectives 9 and 10 call for strengthening the transnational response in countering the smuggling of migrants and for increased measures to prevent, combat and eradicate trafficking in persons in the context of international migration. In addition, Objective 11 recommends managing borders in an integrated, secure and coordinated manner, promoting bilateral and regional cooperation, ensuring security for States, communities and migrants, and

facilitating safe and regular cross-border movements of people while preventing irregular migration. Objective 11 is also a commitment to implement border management policies with respect of national sovereignty, the rule of law, obligations under international law, and the human rights of all migrants, regardless of their migration status, and are non-discriminatory, gender-responsive and child-sensitive. These objectives are of great importance to the region given the complexity of human mobility trends and routes, including in the context of mixed movements. Integrated and rights-based border management does not only ensure the safety of the populations within a given territory, but also ensures facilitation of regular movement of goods and persons required for trade, commerce and economic growth, as well as ensuring that countries abide by international laws and convention, notably the International Health Regulation 2005. On top of transnational crimes that endanger migrants during their journey, additional challenges make some of the migratory routes originating, crossing or ending in the Arab region very deadly. This is particularly the case of the Central, Western and Eastern Mediterranean routes to Europe, the trans-Saharan route from sub-Saharan Africa to the Mediterranean shore across Libya and other North African countries, and the Gulf of Aden route from the Horn of Africa to the Arabian Peninsula. Every year, thousands of migrants die at sea or in the desert during their migration journey. In 2020, IOM's Missing Migrant Project reported 700 deaths in the Central Mediterranean corridor. UNICEF's recent studies, relying on interviews with migrant children in the North and Horn of Africa indicate high exposure of children to various protection risks, lack of trust in protective services and high reliance on smugglers to facilitate their migration. The commitment made in Objective 8 to save lives and establish coordinated international efforts on search and rescue as well as missing migrants addresses a major concern of Arab States and other relevant stakeholders in the region. Objective 21 promotes increased partnerships in facilitating safe and dignified return and readmission, as well as sustainable reintegration, which is crucial as the region includes countries of origin, transit and destination. This objective recognizes the need for countries along the entire return migrant continuum – origin, transit and destination – to cooperate to ensure return, readmission and reintegration are safe, dignified and in full compliance with international human rights law. Sustainable reintegration of returning migrants requires equal access to social protection and services, justice,

psychosocial assistance, vocational training, employment opportunities and decent work, recognition of skills acquired abroad, and financial services. The ongoing pandemic has further demonstrated the criticality of bilateral, regional and multilateral cooperation as well as gender-responsive and child-sensitive return and reintegration programmes. Objective 13 calls countries to use migration detention only as a measure of last resort and work towards alternatives. Further efforts are required to align best practices on alternatives to detention with regional specificities, and to develop context-specific approaches that can assist countries in receiving and hosting migrants in a safe and secure environment that respects countries' sovereignty and legitimate security concerns, as well as protection of migrants' human rights. The GCM calls for protecting and respecting the rights and best interests of the child at all times, regardless of migration status, by ensuring availability and accessibility of a viable range of alternatives to detention in non-custodial contexts, respect the right to family life and family unity, and by working to end the practice of child detention in the context of international migration.

### **3. Guiding questions**

All guiding questions should be assessed through the prism of the GCM's guiding principles, particularly through the whole-of-government, whole-of-society approach, whilst also being gender-responsive and child-sensitive.

- What measures have states used to ensure that would-be migrants have adequate legal documentation before beginning their journey, especially to address the challenges and needs of women? Are there any specific measures that support birth registration and other adequate legal documentation of child migrants or children of migrant workers? (GCM objective 4)
- Have states intensified joint efforts to prevent and counter smuggling of migrants by strengthening capacities and international cooperation to prevent, investigate, prosecute and penalize the smuggling of migrants in order to end the impunity of smuggling networks? (GCM objective 9)
- What are examples of regional cooperation to investigate, prosecute and penalize trafficking in persons, discouraging demand that fosters labour, sexual and other forms

of exploitation leading to trafficking, and ending impunity of trafficking networks? What means are used to identify and prosecute perpetrators? (GCM objective 10)

- What inter-state and inter-ministerial arrangements exist to track and record migration flows? What inter-state and inter-ministerial (inter-agency) efforts are in place to identify, assess and address the situation of women and migrant children, especially unaccompanied and separated children? (GCM objective 11)
- How can states best apply the GCM's guiding principles on human rights, whole-of-government and whole-of-society approaches with respect to ensuring assistance (and referrals) to vulnerable migrants at border crossing points? (GCM 11)
- What means can be used as alternatives to detention? What specific measures can be put in place to ensure a quick action towards ending child immigration detention? (GCM objective 13)
- What is the current status of inter-state cooperation in the field of return, readmission and reintegration? Have the cooperation mechanisms been responsive and useful to address the challenges posed by the global pandemic, such as suspension of forced returns, release of migrant detainees, decongesting of detention facilities, regularization of migrants in irregular and vulnerable situations, continuity of healthcare in the context of voluntary return, addressing absorption capacities in countries of origin? (Objective 21)
- What are the most urgent needs and opportunities, good practices and lessons learned that States and stakeholders can learn from each other in improving inter-state cooperation in return, readmission and reintegration?

## Resources

[Video](#): The Global Compact for Migration in a Nutshell

[UN Secretary-General Policy Brief](#): COVID-19 and People on the Move

[UN Network on Migration Statement](#): COVID-19 Does Not Discriminate; Nor Should Our Response

[ILO Common interests, shared goals](#): Promoting decent work from Asia and Africa to the Middle East Background Paper to the Interregional Consultation on Labour Migration and Mobility from Asia and Africa to the Middle East

[ILO Labour mobility between Asia and the Arab States](#): Sharing of Experiences and Progress under the Bali Declaration with specific focus on women migrant workers

ILO Protecting migrant workers during the COVID-19 pandemic, [Policy Brief](#), April 2020

[IOM International Migration Law N°32](#) - Glossary on Migration (Arabic)

[IOM Fatal Journeys Volume 4](#): Missing Migrant Children

[IOM Key Migration terms Arabic](#)

[IOM UNESCWA Situation Report on International Migration in the Arab Region 2019](#)

[Policy Brief](#): The Impact of COVID-19 on the Arab Region An Opportunity to Build Back Better

[UN Women](#) The impact of Covid 19 on Violence against Women and Girls in the Arab Region through the Lens of Women's Civil Society Organizations

[UNESCWA](#) COVID-19 Economic Cost to the Arab Region

[UNICEF Child-Sensitive Return](#) - Upholding the best interests of migrant and refugee children in return and reintegration decisions and processes in selected European countries (Germany, the Netherlands, Sweden and the United Kingdom): A comparative analysis

[UNICEF Technical Note](#): Migratory regularization as an essential condition for the comprehensive protection of the rights of children in the context of human mobility

[UNICEF Working paper](#): Family unity in the context of migration:

[WFP-IOM's joint publication 'Populations at Risk](#): Implications of COVID-19 for Hunger, Migration and Displacement'