

Asian Outlook

MIGRATION DYNAMICS AND PROSPECTS FOR OUT OF COUNTRY VOTING

[From SDGs 16 and COVID19 Pandemic Perspectives]



Tokyo Democracy Forum-February 2022

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Disclaimer and Background Notes

1. *This desk research on migration and out of country voting unveils the problematic as well as opportune prospects of electoral legislation of external voting. It furthermore examines conditions for entitlement to vote by overseas migrant workers and diaspora community as well as prerequisites in elections.*
2. *It outlines both obligations, financial, technical, institutional and other practical process of implementation of external voting and considers host country issues such as their roles and responsibilities.*
3. *It summarizes the political rights of overseas migrant workers with respect to enfranchisement and participation together with those of refugees and displaced persons related to external voting. The topic area also focuses on the question around logistics arrangements of external voting and looks into problematic of e-voting in the context of OCV.*
4. *This research does not cover the aspect of internal migration, but it is important to note such patterns in Asia as international movements are often linked to internal migration.*
5. *The study is based on the information, data and graphs extracted through desk review of all available relevant materials primarily from the Ace Electoral Knowledge Network and International IDEA.*
6. *Some of the contents around electoral engineering in Asia have been cited from the author's original research presented during the first Tokyo Democracy Forum; however, new content has been updated accordingly.*
7. *It provides readers with comparative review of various countries relating to external voting also by examining the migration policy of 10 selected countries in Asia representing all four sub-continent.*
8. *Finally, it provides structured recommendations from both the policy and operational perspectives about dealing with migration and arranging steps towards ensuring the overseas voting.*

Executive Summary

Scene Setting

Universal suffrage (also called universal franchise, general suffrage, and common suffrage of the common man) gives the right to vote to all adult citizens, regardless of wealth, income, gender, social status, race, ethnicity, political stance, or any other restriction, subject only to relatively minor exceptions. In other words, the universal Adult Franchise refers that all citizens who are 18 years and above irrespective of their caste or education, religion, colour, race and economic conditions are free to vote. In a democracy, a universal adult franchise is important, as it is based on the idea of equality. It states that every adult in a country, irrespective of their wealth and the communities she/he belongs to, has one vote.

The right to vote for migrants, including forced migrants such as refugees, overseas contractual migrant laborers and diaspora, has become increasingly important over the last decades. The drivers of this development are twofold. On one hand, we observe an ever-growing number of citizens living outside their home country. On the other hand, countries have extended the rights of expatriates/migrants to participate in national elections. Despite this, little is known about expatriate/migrants voters. Who are they? How many of them are using their right to vote? Which mechanisms explain their electoral decisions? And what is the most viable way to include them in the electoral process as out of country voting (OCV) endeavor?¹

The term "franchise" refers to the people's right to vote and elect their representatives. The term "franchise" comes from the French word "franc," which meaning "free." It entails the unrestricted exercise of one's right to select one's own representatives. Adult franchise indicates that all adult citizens should have the right to vote, regardless of caste, class, color, religion, or sex. It is founded on equality, which is a fundamental democratic principle. It asks that everyone have equal access to the right to vote. Denying any group of people the freedom to exercise this right is a violation of their equality.² The spirit of democracy can only be preserved if everyone is given the opportunity to vote without discrimination. Individuals' self-respect, dignity, sense of responsibility, and political and civic education are all enhanced by using their right to vote. In other words, the adult franchise system is the foundation of a democratic system. People are referred to as political sovereigns because they have the ability to vote a government into power or out of power. As a result, democracy has been referred to as a method of electing, controlling, and dismissing governments by the people.³

A large section of population from Asian home countries are out of country as diaspora, high skill migrants, students, overseas contractual laborers, refugees and others. The major chunk of the remittance generated for a given country is largely based on the money sent back to their home countries with their hard-earned labor especially by migrant workers who also include, in some instances, asylum-seekers and refugees. Over the past decades, an increasing number of countries allowed their citizens residing abroad, including refugees to participate in national elections.⁴ Particularly through relatively recent changes in electoral laws, today almost three-quarter of the world's countries have implemented

1 Andreas C. Goldberg & Simon Lanz, 'Living abroad, voting as if at home? Electoral motivations of expatriates', *Migration Studies*, June 2021, p.279–310.

2 Universal Adult Franchise and the Methods of Representation, available at: <https://nios.ac.in/media/documents/srsec317newE/317EL17.pdf>.

3 Ibid.

4 Armend Bekaj & Lina Antara, 'Political Participation of Refugees: Bridging the Gaps', *International IDEA*, 2018.

some form of external voting.⁵ The burgeoning migration contributes to the growing importance of the phenomenon. Even in net immigration countries, expatriates/migrants form a sizeable group of electors. The share of voters participating in national elections from abroad is ever growing.⁶ Despite this, migrants constitute one of the most understudied groups of electors. Some existing analyses have shown that expatriates support different parties than voters residing at home. However, the reasons for this effect remain in the dark.⁷

Concept of Citizenship

In the last few decades, the number of nations that have enacted legislation permitting emigrants to vote in home country elections from abroad has risen dramatically. Enfranchisement of non-resident citizens in home country elections is controversial, however, because it gives political power to people who are unlikely to be influenced by the election's outcome. Despite a lively debate among political theorists about external voting rights, little is known about what citizens think of the practice.⁸

Traditionally, citizenship has been associated with the nation-state as an essentially geographical entity. These states are thought to have geographical jurisdiction and sovereignty, and the people who live in the geopolitical sphere are considered their citizens. They are given a set of rights and responsibilities as citizens, which entitle them to communal well-being. The complete exercise of political rights, such as national suffrage, the right to hold public office, and the right to unconditional recognition as a resident of that state, are among the privileges reserved for national citizens.⁹

Citizenship is a highly contentious issue in terms of enfranchisement. A dominant narrative in deciding who can vote in elections is related to the concept of citizenship and how each country legally defines that citizenship. Nevertheless, despite fulfilling the citizenship criteria, the extension of the franchise to the migrants/diaspora is not legally provided for in some Asian countries. In that regard, the extension of voting rights to the migrants/diaspora has always been, and remains, an important choice for home countries to consider. To this end, a direct and important question needs to be answered:¹⁰ Does the migrants/diaspora community reserve a universal right to partake, from wherever they are, in elections taking place in their home countries? Even though answering such a question necessitates a consideration of other factors (such as resources that are required for implementation of such a policy, the numbers of citizens within a particular region, the feasibility of such an exercise, the legal framework, and the bilateral relations between the host and the home country), the right per se remains an independent issue.¹¹

The dream project of attaining SDG16 and 2030 Agenda can not be realised without considering external voting which is a still new but significant phenomenon from the perspective of attaining the SDG 16 plus. Thus, it's gradually being onboard currently in the agenda of many countries. This has been a response to the advancing worldwide democratization agenda, as well as massive globalization of economic, social and cultural components. OCV is currently practised in 115 countries around the world.¹² In the

6 N (1).

7 Ibid.

8 Staffan Himmelroos, Johanna Peltoniemi, 'External Voting Rights from a Citizen Perspective – Comparing Resident and Non-resident Citizens', June 2021.

9 Ibid.

10 International IDEA, 'Voting from Abroad: The International IDEA Handbook', 2007.

11 Ibid.

12 Ibid.

contemporary sphere, external voting seems to be a post-WW-II phenomenon (started as an acknowledgement of citizen's active participation in the wars). Of late, it has intensified because of pressure not only from the concerned citizens, but political parties as well.¹³

Option, Choice or Right?

Should someone who is not affected by the decisions have the right to participate in decision-making? It's also far from the sole reason against allowing non-citizens to vote in domestic elections. According to Walter et al. (2013), permanent residence requires people to meet three important preconditions for voting rights. For starters, residence ensures that only individuals who are qualified to vote incur the repercussions of their own votes. Second, residence gives information based on personal experience. Only a resident can observe daily life, evaluate political accomplishments, and choose whether elected officials should be retained or replaced.¹⁴ Third, residents' desire to be a part of the community is ensured by their domicile. Concern for the community and a sense of solidarity with the demos are required for the legitimacy of democracy to be stable, as according to Bauböck 2018, democracy requires a sense of 'ownership' and belonging to the polity.¹⁵

The argument on legality blended with constitutional right is vital. Having established the background to external voting, and before proceeding to look at how this phenomenon plays itself out in Asia, one needs to interrogate the question of whether the right to vote in general is dependent on the legal or constitutional provisions of a country, or whether it should be viewed as a universal right that exists prior to, or even without, a legal framework that recognizes it. Further to this should be the determination of whether or not the meaning of the right to vote remains the same for those migrants and diaspora. Additionally, it is important to look at how the ratification of various international human rights instruments generates obligations to the state to ensure out of country voting as a true realization of political rights by every citizens regardless of the place of domicile and other status.

A correct balance must be stricken to respect the overseas voters and their contribution. If voting can be defined as the exercise of choice by citizens in a given political setup, about how their political economy should be run or the outer expression of representative governance, then there is no doubt that the above scenarios constituted the exclusion of the majority from democratic participation.¹⁶ The right to vote is essentially a civil and a political right. It is the right to express a political thought arising from and accruing to a person as a reflection of civil duty. The negation of this right suggests to the persons concerned that they do not form part of society. If these individuals want to be part of the country, and if they are of the opinion that that country is theirs, this negation will likely trigger them into political action.

The credibility of a democratic election depends on the degree of inclusion. The right to vote, as universal suffrage, has been constitutionalized in many new societies, born from political agitation. The fact that, at some point in history, a particular racial group or class was not permitted to vote, does not nullify the fact that such a community had a right to vote then: rather, the right was not being fulfilled.¹⁷ Rights do not cease to be rights simply because they have not yet been confirmed by legal processes. Following the same line of argument, if every citizen of a country has a right to vote, and therefore self-determination, that right must not be revoked simply because that citizen now resides in another country.

13 Abdurashid Solijonov, 'Voter Turnout Trends around the World', International IDEA, 2016.

14 Ibid.

15 Ibid.

16 Functions of elections, available at: <https://www.britannica.com/topic/election-political-science/Functions-of-elections>.

17 Donald Ratcliffe, 'The Right to Vote and the Rise of Democracy', *Journal of the Early Republic*, 2013, p. 219-254.

Surely, a universal right should be extended to every citizen without discrimination. If citizens in the overseas contractual and labor and the diaspora still continue to engage in the socio-economic well-being of their country, they should enjoy all rights owed to the country's citizens without any room for exclusion and discrimination.¹⁸

Economic Nexus

Many Asian countries are largely dependent on remittances as their primary source of survival and development. While especially the diaspora does not directly pay tax to the state, remittances sent to relatives at home (which get taxed through value-added tax when these relatives purchase commodities) still contribute massively to the economies of such countries. Remittances are indeed a major source of foreign exchange. At least 10 countries in Asia are sustaining due to migrants' remittances that serves as a life-saving treatment to the ailing economy. Nepal, Philippines, Bangladesh, Indonesia are ample examples to support this claim. Thus, the Asian migrants and diaspora should be given the opportunity to vote because there are strategic and instrumental reasons to do so. Some countries use voting rights as a way to gain trust and loyalty especially in post conflict situations. When citizens are allowed to vote, they feel they belong; it is, after all, an exercise of citizenship and civil duty. It is also a way to make sure that such citizens, especially students and professionals, who are assets to the wellbeing of the country, are not lost to other countries.¹⁹

This reasoning is also related to the inclusion of the overseas migrants and the diaspora in broader political processes, such as nation-building. The importance of political factors in the adoption and design of external voting provisions was accentuated during the democratic transitions of the 1990s. The inclusion of citizens abroad was often seen as a key element in the process of nation-building.²⁰ Overseas voting is important because it enhances the legitimacy of the regime and its democratic image. The fact that all citizens are afforded the right to vote, regardless of where they reside, brings such citizens into the national agenda. Because the migrants/diaspora bring in a substantial foreign exchange through remittances, affording these citizens the right to vote symbolically integrates a key economic group into the public affairs of a nation.²¹

Cost of Exclusion

A strong political will is necessary to welcome the OCV drive since the absence of OCV completely disenfranchises the migrants/diaspora and denies them their democratic right to play their part in determining the future for their country. The migrants/diaspora are as much stakeholders in any country as anybody else and therefore deserve the right to choose the leadership of their country. Their remittances to their families and friends are a big source of foreign exchange as well as a critical source of income for many households.²² Their representation of their nation's identity abroad is a great source of pride for the home country. They must not be relegated to the spectator's gallery while it is evident that they play such a critical role in our economy.

There are number of excuses emerging to disallow the OCP process. Opponents who argue against diaspora voting, based on accessibility, clearly present a flawed and fallacious argument. The current

18 Ministry of Labour, Employment and Social Security, 'Nepal Labor Migration Report', 2020.

19 Dilip Rathasupriyo & Dekirsten Schuettler, 'Why taxing remittances is a bad idea', March 2017.

20 Johanna Peltoniemi, 'Political Regimes and External Voting Rights: A Cross-National Comparison', March 2021.

21 N (4).

22 Migration Data Portal, 'Remittances', available at: <https://www.migrationdataportal.org/themes/remittances>.

phenomenon of multi-lateral relations amongst countries (regional and global cooperation expressed in conventions and declarations such as the Universal Declaration of Human Rights), combined with modern technological advancements, should make one's domicile a non-issue in the determination of whether they should exercise the right to vote or not. In any event, it is precisely the responsibility of the state to ensure that universal rights (including the right to vote) are protected and realized.

Methods of Voting

The question remains: How can this right be exercised by the migrants/diaspora? There are a number of ways in which people in the such a setting can exercise their right to vote if the authorities really want to ensure the enablement of that right. Currently, four methods are being used by different countries throughout the world:

Personal voting: This is when a voter must go to a designated place and cast his or her vote there as a person. In most countries, this is usually at the country's embassy or consulate, or any other polling station that would have been set up by the electoral authorities.

Postal voting: In using this method, the voter fills out the ballot paper at a place he or she chooses, or at a designated place in the presence of witnesses to confirm the identity of the voter and that the voter has exercised the right without interference or coercion. Thereafter, the votes are transmitted by ordinary or diplomatic mail to the home country.

The proxy vote: Here, a voter living outside of the country may be enabled to vote by choosing a proxy living in the home country to cast a vote on his or her behalf on the day of the election.

Electronic means or e-voting: Here, the voter may use the internet, personal digital assistants (PDAs), telephones or mobile phones to cast his or her vote. Some countries permit the use of the fax to cast votes. Despite its current susceptibility to manipulation, e-voting is likely to become more common in future as it is cheaper to conduct and does not require voters to travel long distances to a designated polling station.²³

Understanding Globalization

Human mobility is a natural phenomenon but remaining out of country does not mean that one's fundamental rights, including constitutional, political and economic rights are automatically stripped. The increased globalization of political, social, professional, and cultural life, as well as the spread of democracy, has contributed towards a massive increase in migration and the ballooning of the overseas contractual laborers and diaspora. According to estimates from a study by the International Organization for Migration (IOM) in 2021, in Asia, 114,911,484 of people lived in a country different from the one in which they were born. This represented a considerable percentage of the world's population. This number should be considered a very conservative figure considering the level of globalization at the present moment.

The International IDEA Handbook identifies four categories of people who stay abroad who are entitled to vote. These groups are: (a) migrant workers; (b) refugees; (c) individuals in certain professional groups, such as military personnel, public service officials or diplomatic staff (and their families); and (d) all the

23 Ace electoral knowledge network, available at: www.aceproject.org.

other country's citizens living or staying abroad, temporarily or permanently within the restrictions of legislation.²⁴

By 2021, there were 20 countries in Asia where external voting was exercised in one form or the other. Some countries have extended the right to vote only to people that are outside of the country in the service of the state, such as diplomats and armed forces. Other countries have restricted entitlement according to the length of the period one has resided outside of its borders. There are countries that have restricted the right to vote according to the activity one is doing outside the country, including restricted entitlement according to length of time outside the country. Clearly, this kind of selection - based on political and military office - will strip some deserving individuals of the ability to exercise their right to vote. Such disenfranchisement is often hidden behind the veneer of resource shortages, as well as lack of information on the whereabouts of citizens that are in the diaspora. Of course, if no systems have been put in place to keep a database of citizens that are in the diaspora, such information on their location will never exist.

Conclusion

There is a sign of hope and progress. While the legal frameworks of many countries in Asia (and throughout the world) permit the right to vote for all citizens, in reality, migrants/diaspora citizens are disenfranchised. This is because of a lack of willingness on the part of the authorities that organize elections and procedures that will ensure the fulfillment of that right. Even though many Asian countries do provide the right to vote from outside the country, in one form or another, that right is reserved mainly for people who are in the service of the state.²⁵

Finally, the state and its relevant institutions cannot legitimately justify this act of exclusion. For those few countries that have managed to extend the right to vote to all interested and properly registered citizens in the labor market of the destination countries and the diaspora, have achieved this with a strong political will and doctrine of inclusive democracy in line with the SDG16.²⁶ The true model of inclusive democracy is possible if the Asian countries fare in their endeavor to realize the right to vote for the migrants and diaspora. Furthermore, now based on the spirit of the SDGs and 2030 Agenda attainment, it is recommended to properly utilize the opportunity to enshrine the universal right to vote to ensure ownership of the entire population in the political process and democratic development.²⁷

Acknowledgement

This cursory reflection of Migration Dynamics and Prospects for Out of Country Voting from SDGs 16 and C'19 pandemic perspectives categorically reflects on the overall regional situation and practice in general from securing overseas voting right to migrants and diaspora community in particular. We have attempted to unveil dynamics, challenges, instruments, obligations and future course of direction in addressing the

24 N(10).

25 Scott Ferguson et al. 'Study Guide: The Right to Vote'.

26 Policy Brief No.4, Migration and Inclusive Democracy: Impact of COVID-19 in Asia.

27 Ibid.

ever-challenging issue of restoring culture of democracy, safe, orderly and regulated migration in which the rights of migrants are respected in terms of unconditionally ensuring their electoral rights.

The JANIC commissioned this report along with a number of other partners, including Asian Democracy Network (ADN) other partners in an attempt to build on the research conducted in connection with the virtual Tokyo democracy Forum held in mid-February 2021. We are truly grateful to JANIC especially for recognizing “migration and out of country voting” as one of the major issues of critical concern in the region--an integral component of the collaborative research. We are thankful to the competently relentless mentoring from Prof. Anselmo Lee and Aoi Horiuchi who provided continuous guidance and direction to make the research report a coherent, authentic and realistic product.

The lead author, the associate researcher and INHURED gratefully acknowledge the colleagues at International IDEA, IFES, NDI, MFA and members of global migration and electoral community for their deep insight with instant availability of relevant literature to harmonize the final product as per the prescribed table of content. Informants and experts in the region who took time to remotely share their perspectives and expertise for this report, as well as those who provided feedback and comments also deserve our due appreciation and recognition.

The expert contributor migration and election expert Ms. Shreejana Pokhrel and advocate Ms. Sabina Dhakal, along with INHURED family deserve my deep apperception for their immense support in bringing this study in a timely manner. Thanks also goes to all JANIC-associated national and international thematic researchers from the region whose insight and information sharing throughout the research endeavor have added an enormous value to this work. It will be an injustice if I do not attribute the contribution of various migration and OCV portals for archiving freely usable data source and narratives in connection with the theme of the study.

Acronyms and Abbreviations

ADN	Asia Democracy Network
ANFREL	Asian Network for Free Elections
APHR	ASEAN Parliamentarians for Human Rights
APRRN	Asia Pacific Refugee Rights Network
ASEAN	Association of South East Asian Nations
C-19	COVID-19
CA	Constituent Assembly
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CERD	Convention on the Elimination of All Forms of Racial Discrimination
CMEV	Centre for Monitoring Election Violence
CMW	Convention on Protection of the Rights of All Migrant Workers and Members of Their Families
CoD	Community of Democracy
CPP	Cambodian People's Party
CPRW	Convention on the Political Rights of Women
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organizations
DP	Democratic Party
DRI	Democracy Reporting International
ECE	Economic Commission for Europe
ECN	Election Commission, Nepal
EDR	Electoral Dispute Resolution
EMBs	Election Management Bodies
EPG	Eminent Persons Group
ERA	Election Reform Alliance
EU	European Union
FCRA	Foreign Contribution (Regulation) Act
FCRA	Foreign Contribution (Regulation) Act
FEMBOSA	Forum of the Election Management Bodies of South Asia
FIR	First Information Report
FPTP	First Past the Post
FUNCINPEC	Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia
GBV	Gender-Based Violence
GDI	Gender Development Index
GoN	Government of Nepal
GRC	Governance, Risk and Compliance
HDI	Human Development Index
HDR	Human Development Report
HLPF	High-level Political Forum on Sustainable Development
HoR	House of Representatives
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ICNL	International Centre for Non-Profit Law
ICT	Information and Communication Technology
ICW	Indonesia Corruption Watch
IDEA	International Institute for Democracy and Electoral Assistance
IDPs	Internally Displaced Persons
IECC	Independent Election Complaints Commission
IFES	International Foundation for Electoral Systems
IOM	International Organization for Migration
ITE	Electronic Information and Transactions
JANIC	Japan NGO Center for International Cooperation
LEMNA	Law on the Election of Members of the National Assembly
LGBTI	Lesbian Gay Bisexual Transgender Intersexual

LGBTIQ	Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning
MERS	Middle East Respiratory Syndrome
MMM	Mixed-Member Majoritarian
MPP	Mongolian People's Party
MPs	Members of Parliament
NA	National Assembly
NCPO	National Council for Peace and Order
NEOC	National Election Observation Committee
NLD	National League for Democracy
OFW	Overseas Filipino Workers
PAP	People's Action Party
PDD	Platform on Disaster Displacement
PPE	Personal Protective Equipment
PR	Proportional Representation
SAARC	South Asian Association for Regional Cooperation
SADRRM	South Asian Declaration on Refugee and Migratory Movements in South Asia
SAR	Special Administrative Region
SCDD	Sub-Committee on Detention and Deportation
SDGs	Sustainable Development Goals
SMC	School Management Committee
SNAP	Statelessness Network Asia Pacific
SNTV	Single Non-Transferable Vote
SPECA	Special Program for the Economies of Central Asia
STV	Single Transferable Vote
TAF	The Asia Foundation
TDF	Tokyo Democracy Forum
UDHR	Universal Declaration of Human Rights
UEC	Union Election Commission
UMNO	United Malays National Organization
UN ESCAP	Economic and Social Commission for Asia and the Pacific
UNCAC	United Nations Convention against Corruption
UNCT	United Nations Country Team
UNDP	United Nations Development Program
UNESCAP	United Nations Economic and Social Commission for Asia and the Pacific
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	United Nations High Commissioner for Refugees
UNHLPF	UN High-level Political Forum on Sustainable Development
UNICEF	United Nations Children's Fund
UNOHCHR	Office of the United Nations High Commissioner for Human Rights
UNSDCF	UN Strategic Development Cooperation Framework
UNSDG	United Nations Sustainable Development Group
UNSR	United Nations Special Rapporteur
UNTAC	United Nations Transitional Authority for Cambodia
UPR	Universal Periodic Review
USDP	Union Solidarity and Development Party
VNR	Voluntary National Report
WDC	Women's Development Committee
WHO	World Health Organization

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A. DEMOCRACY AND ELECTORAL NEXUS IN ASIA

1. Reflection of Democratic Order

East Asian Outlook: Around the world, C'19 has tested democracies and accelerated trends toward populism and authoritarianism. Nevertheless, the region's democracies have bucked global trends by handling C'19 capably and keeping their economies afloat — and, in the process, bolstering their public's faith in democratic systems. The three consolidated democracies in East Asia, namely Japan, South Korea, and Taiwan, emerged from the C'19 pandemic largely unscathed. All three countries have reached a new era of post high-growth and mature democracy, leading to new social anxieties and increasing normative diversity, which have direct repercussions on the relationship between the state and civil society.²⁸ All three political systems managed to flatten the curve within a reasonable time span while having avoided imposing draconian social lockdowns.²⁹

East Asia is defined by developed countries that have placed a high priority on economic growth and collaborated closely with commercial interests to establish the world's most active economic area. Because of fast industrialization, the region's rapid economic progress has come at a tremendous environmental and social cost. Citizens in each place have mobilized and successfully demanded relief, first in Japan, then in the 'Asian Tigers' of South Korea and Taiwan, and most recently in the far bigger China. Whether they are in China, Japan, South Korea, or Taiwan now, they are all part of East Asia.³⁰

According to Prof. Yun Han-Chu,³¹ four factors explain the resiliency of the three East Asian democracies. Over the last few decades, Seoul, Taipei, and Tokyo have been continuously upgrading and investing in the state's capacity to tackle their countries' long-term socioeconomic challenges as well as short-term shocks such as financial crises, earthquakes, typhoons, or disease.³² The government had drawn a heartening lesson from combating the outbreak of severe acute respiratory syndrome (SARS) in 2002-2004 and since established the Central Epidemic Command Center (CECC) to coordinate cross-ministry efforts in handling future epidemics. During a public health emergency, the minister of public health serves as the commanding officer of the CECC and enjoys sweeping czar-like emergency powers, including rationing of facial masks.³³

Second, in all three countries there is a norm-conforming citizenry conscientious of their moral obligation to sacrifice individual freedom for the sake of social wellbeing and a concomitant reservoir of popular trust in public authorities, especially during a national crisis. These widely shared social norms and predispositions stem from East Asian cultural genes that prioritize collective welfare over individual rights while keenly recognizing the imperative to regulate externalities of individual behaviors in a resource-scarce and densely populated society.³⁴

28 Chiavacci et al., 'Civil Society and the State in Democratic East Asia, Between Entanglement and Contention in Post High Growth', 2020.

29 Yun-han Chu et al., 'The State of Democracy in Asia', available at: <http://www.asianbarometer.org/pdf/State-of-Democracy-in-Asia.pdf>.

30 Mary Alice Haddad, 'Working with and around Strong States Environmental Networks in East Asia', p. 59-84, available at: <https://doi.org/10.2307/j.ctv12sdvj.5>.

31 A distinguished research fellow of the Institute of Political Science, Academia Sinica, and professor of political science at National Taiwan University

35 Ibid.

36 Ibid.

37 Ibid.

Third, all three countries have built up a highly efficient and responsive health care service that fulfills many of the socially desirable objectives — universal coverage, affordability, quality service, and easy and equal access. The ratio of health related expenditure, either out of public or private pockets, to GDP was 8.1 percent and 6.4 percent in South Korea and Taiwan in 2018, substantially lower than the OECD average of 8.8 percent.³⁵ It is very difficult for ordinary East Asian citizens to understand why the British National Health System is always plagued by long waits and why the American health system is notorious for its intrinsic inequality and outrageous medical bills due to the underlying collusion with rent-seeking special interests. Resourceful health care systems provide the public health authorities in the three democracies with critical and strong support during the pandemic.³⁶

Around-the-clock news coverage of the unfolding of the original outbreak in their giant neighbor immediately heightened public awareness about the danger of this unknown virus and prompted government officials to take necessary containment measures. For instance, in February the Chinese authorities constructed two temporary hospitals on the outskirts of Wuhan with all prefabricated components and parts and added 2,600 modular isolation rooms (which is 40 percent more than the total number of isolation rooms in all of Japan) in less than two weeks.³⁷ Six weeks later, South Korea's Kolon Group commissioned a contractor in Shenzhen to deliver a prefabricated hospital with isolated wards to be assembled at the site of the Seoul National University Hospital's training institute in Mungyeong to prepare for a sudden surge of cases.³⁸

In all three countries, the mechanism of democratic accountability has handsomely rewarded the incumbents for their successful handling of the C'19 pandemic. One cautionary note: In a post-C'19 era, the opposition in all three places might be too fragmented and too fragile to exert meaningful checks on the entrenched ruling party while the state has newly acquired a vast array of surveillance and regulatory power, not a good mix even for a well-functioning liberal democracy.³⁹

Southeast Asian Scenario: Southeast Asia has had a long and tumultuous connection with democracy. The objective of ASEAN was established on democratic values and the sacredness of people's and individuals' rights. With the adoption of the ASEAN Charter, the ASEAN Declaration on Human Rights, and the establishment of the ASEAN Community in recent years, this original commitment has become formally institutionalized, with ASEAN officially embracing and upholding universal human rights, democratic principles, and good governance.⁴⁰

Purists would argue that none of the 10 states of the ASEAN are fully functioning democracies. In almost all the countries, the evils of elite political bargaining, resulting social inequality, and chronic impunity have eroded the benefits of having any democratic form of government. As a result, more mature democratic transitions in Indonesia, Malaysia, Thailand, and the Philippines have generally experienced a deterioration of civil rights and political freedom.⁴¹ Meanwhile, throughout Southeast Asia, religious, political, and ethnic identities are routinely used to foment conflict, disseminate prejudice and hate

35 OECD, '12 ways Korea is changing the world: Achieving better jobs, health and opportunities for all', October 2021.

36 Ibid.

37 Michael Tobias, 'Prefabrication: How China Built Two Coronavirus Hospitals in Two Weeks', June 2021.

38 Ibid.

39 Ibid.

40 Kofi Anan Foundation, 'Democracy in Southeast Asia: Achievements, Challenges and Prospects', 2015.

41 Michael Vatikiotis, 'Blood and Silk: Power and Conflict in Modern Southeast Asia'.

speech, and advance ultra-nationalist, ethno-nationalist, and extreme religious agendas. The richness of the region's societies is part of its richness, which is essential for future economic development.⁴²

Recent democratic reforms in Cambodia and Myanmar have faltered, although the region's two ideologically authoritarian regimes, communist-ruled Laos and Vietnam, have proven to be resilient. Despite the fact that Brunei is still a strict Islamic Sultanate, Singapore, the region's most lasting soft authoritarian state, has gone through a massive political transformation, heralding a minor democratic opening. As shocking as it was to see Mahathir Mohammad lead the opposition onslaught against the United Malays National Organization (UMNO), which had effectively ruled Malaysia since independence in 1957, his rainbow coalition easily beat them in the polls.⁴³

UMNO's vengeance emerged in the form of an internal coup that deposed Mahathir and returned Malaysian politics to elite haggling, despite public backing. Thailand's 2019 elections saw the emergence of a hybrid administration, which was born of a military coup in 2014 but was then elected on the back of a constitution aimed at choking populist political parties' support. When the main opposition party, Future Forward, was banned in early 2020, underlying anger surfaced in the shape of a young protest movement demanding a return to democracy and, more daringly, reform of the monarchy, which was regarded as a barrier to modern forms of representative administration.⁴⁴

Despite restrictions on freedoms, the deaths of dozens of journalists, and as many as 12,000 people, largely impoverished slum dwellers accused by police of being drug dealers, President Rodrigo Duterte's popularity in the Philippines remains astonishingly high. President Joko Widodo is accused of weakening the country's vigilant anti-corruption agency, outlawing an Islamic organization that was conservative but not violently extremist, and allowing tough security measures in the country's eastern region of Papua to continue killing people.⁴⁵ Resurgent popular sovereignty during municipal elections in Cambodia in 2017 and a notably free and fair election in Myanmar in 2015 had raised hopes for democracy in both of these problematic countries. Instead, the banning of Cambodia's biggest opposition party before of national elections in 2018 showed that strongman leader Hun Sen was unwilling to risk losing power.⁴⁶

In relative terms, the 2020 election in Singapore was a political tsunami: It saw the ruling People's Action party lose 30 percent of its vote share and opposition parties win an unprecedented number of seats. Whichever way the democratic winds have been blowing, the C'19 pandemic will determine political trends in the coming year. Intensifying geopolitical rivalry between the U.S. and China in the region will complicate the situation because in a bid to shore up alliances, both superpowers will be more interested in alliance and loyalty than governance and human security.⁴⁷

South Asian Setting: 2021 Was a Bad Year for Democracy in South Asia. The pandemic made it easier for governments to justify authoritarian measures, including crackdowns on the media and excessive surveillance, including discriminatory restrictions on civil liberties, excessive surveillance, and crackdowns on media.⁴⁸ Democracy in South Asia seems to have decided to put on the same majoritarian

42 N (40).

43 Joshua Kurlantzick, 'Working Paper: Southeast Asia's Regression From Democracy and Its Implications', May 2014.

44 N (29).

45 Ibid.

46 Luke Hunt, 'Hun Sen Hopes Talks in Myanmar Will End Bloodshed' January 2022 .

47 Ibid.

48 Niha Dagia, 'The Diplomat', January 05, 2022.

adornment, weaponized through WhatsApp organized lynchings, political banishments through unproven corruption allegations, outright religious bigotry, and a public discourse that rewards the coarsest and most asinine characters with the most outsized influence. South Asia's biggest countries are in conflict with each other and with themselves, perpetuating the Orientalist zeal with which the region is described by foreigners, and pouring cold water over the dreams of a South Asian century shared by many peaceniks in the region.⁴⁹

The continued targeting of religious and sectarian minorities using Pakistan's blasphemy laws, to the resurgence of the Bodu Bala Sena-backed Rajapaksa brothers in Sri Lanka — majoritarian narratives may only be espoused by a thin sliver of South Asia's Hindus, Muslims, and Buddhists but they seem to generate weaker and weaker resistance every passing day. 2021 saw the Modi government and his state-level allies stoke sectarian tensions, harass critics and journalists, and hound non-profits. Hate speech and attacks against minorities and their places of worship also increased.⁵⁰ The muscular nationalism that is fueling these majoritarian trends, much like the C'19 virus, is irresistible, and has infected the same struggling middle and lower-middle class in India, Pakistan, Sri Lanka, and even Bangladesh as it has in Western Europe and the United States. There is broad elite consensus in the region that it will not cede any more resources or power to the teeming hundreds of millions in the region than it already does. The resulting public discourse has normalized whatever majoritarian disaster zone the powers- that-be wish to impose on audiences — just witness the doubling down of India's repression in the disputed territory of Kashmir.

To varying degrees of legitimacy, electoral processes underwrite the authoritarian instincts of majoritarian leaders: January 2018 in Bangladesh, July 2018 in Pakistan, May 2019 in India, and November 2019 in Sri Lanka. The rise emergence of Talibans in Afghanistan, contrary to the spirit of the Doha peace process is going to produce a serious compromise between the Islamic Emirate represented by the Taliban — as authoritarian as they come — and the Islamic Republic — as feckless and corrupt as they make them. In many ways, the Afghan situation mirrors the wider changes to democracy in the South Asia region at large. The dichotomy between the dynastic (and often corrupt) oligarchs of South Asia and its majoritarian hardliners (who are reputedly non-corrupt) are growing starker and starker.

In India, the Rahul Gandhi-led Indian National Congress is completely at sea as it tries to espouse the moth-eaten Nehruvian secularism it stands for in the face of a Modi-backed mass media onslaught of Hindutva propaganda. In Pakistan, an opposition made of traditional politicians meekly protest against Imran Khan's Pakistan Tehreek-e-Insaf (PTI) government, which enjoys unprecedented support from Pakistan's dominant military establishment — with little hope of dislodging it anytime in the near future although the Imran Khan government, which is often described as a hybrid regime given its civilian-military nature, was buffeted by multiple mass demonstrations in 2021.⁵¹ Rapid urbanization, even more rapidly growing access to 4G connectivity, and an almost never-ending supply of outrage-prompting "news" has created a permanent critical mass of rage against all political "tradition." In the Maldives, infighting in the ruling Maldivian Democratic Party could undermine its electoral chances in future elections, possibly paving the way for the return of the autocratic Abdulla Yameen. In Bhutan, a top general and two judges were arrested over an alleged plot to overthrow the country's top judge and

49 Mosharraf Zaidi, 'a newspaper columnist and currently works for Tabadlab, a policy think tank'.

50 N (48).

51 Ibid.

military man. As for Nepal, President and former Prime Minister K. P. Sharma Oli dealt several blows to democracy by acted in utter disregard for constitutional norms, principles, and procedures. The ugly struggle for power among Nepali political parties in 2021 and ongoing undermined public faith in democratic processes and institutions.⁵²

In sum, the majoritarian tendencies of South Asian democracies portend an even more profound erosion of pluralist values than we saw in 2020. This won't matter to the vast majorities in India, Pakistan, and beyond, but it will be life altering for minorities in the entire region.⁵³

Central Asian Context: In Central Asia, democracy has never flourished. In the midst of a turbulent 2020, with a pandemic and consequent economic turmoil, democracy in Central Asia remains largely a charade. The governments of the region have long dressed up in democratic garb, but a quick look at the realities of political life in the region reveals the truth: despotism dressed up in democratic garb. Look no further than Tajikistan's recent presidential election.⁵⁴ Despite the fact that his government delayed, for more than a month, admitting the presence of the coronavirus this spring and that the country's economic condition remains precarious given that the more than a million Tajiks who usually travel to Russia for seasonal work each year were barred from doing so, long-time President Emomali Rahmon managed to capture 90.92 percent of the vote. If democracy is a government of the people and an autocracy is a government in which all power flows from a single person, it's not hard to determine which Tajikistan is. The same goes for Turkmenistan, whose President Gurbanguly Berdimuhamedov spent time doing donuts in a new racecar at an empty track in Ashgabat.⁵⁵

As Catherine Putz rightly mentions Kassym-Jomart Tokayev, Kazakhstan's president, completed a year in office this summer. In June 2019, he was elected in a hastily arranged presidential election a month after First President Nursultan Nazarbayev resigned, giving opposition factions no time to field their own candidates. In the "Republic of Kazakhstan" dropdown menu, Nazarbayev — Kazakhstan's First President - Elbasy (meaning "Leader of the Nation") — is placed first, ahead of the country's current president. She further argues that in Uzbekistan, Shavkat Mirziyoyev rose to power in 2016 after the death of Islam Karimov with a small side-stepping of constitutional procedure. The speaker of the parliament at the time, Nigmatilla Yuldashev, declined to take on the acting presidency as the constitution dictates and passed the office to Mirziyoyev, who had been Karimov's prime minister for 13 years running. In the December 2019 parliamentary elections there was new energy and a few new faces, but the Uzbek parliament remains largely a unanimously- voting rubber stamp on the president's initiatives.⁵⁶

The day following its parliamentary elections, Central Asia's "island of democracy" erupted in protests. Last month, a lot happened in Kyrgyzstan's political arena: an election, protests and riots, jail breaks, annulment of election results, the president's resignation, the shockingly rapid rise of a new leader from prison to parliament to the presidency, and new elections scheduled for December and then unscheduled. Kazakhstan, Kyrgyzstan, and Uzbekistan, which attempted to take the coronavirus seriously, did so by reverting to autocratic forms of population control enforced by the security services' heavy hand, investing in or taking advantage of existing digital surveillance systems, and punishing critics with new laws

52 Catherine Putz is Managing Editor of The Diplomat.

53 Ibid.

54 Ibid.

55 Ibid.

56 N (29).

branded as countering false information and combating panic.⁵⁷ The social and economic conditions with which the people of Central Asia must contend have invariably worsened, but people in most of the region continue to have few or no avenues — like free and fair elections — to influence a change of policy or leadership.⁵⁸

The United States, Russia, and China have all heightened their geopolitical attention to the five Central Asian countries. Both Dushanbe and Tashkent have been in regular contact with the US government about the future of security cooperation and the possibility of establishing an outpost for operations in Afghanistan. Uzbekistan and Tajikistan are receiving military training from Russia. According to reports, China maintains a military base on Tajikistan's territory. Other international players are also eager in assisting in the development of a more efficient military reaction to possible Afghan border incursions.⁵⁹ Kazakhstan and Uzbekistan have more resources and political determination to bring their people out of poverty and improve educational chances. The Tajik administration does not share these sentiments. Tajik migrants send nearly a third of its GDP in remittances, making Tajikistan one of the world's most migrant-dependent economies. Rakhmon did little to halt this trend throughout his presidency. Increased drug trafficking, which normally corrupts security officers and drives organized crime, is another concern facing the region.⁶⁰

2. State of Electoral Freedom in Asia

The crisis conditions engendered by the pandemic risk additional entrenching and/or heightening the negative democratic trends evident within the region before the C'19 pandemic.⁶¹ Across the region, some governments are indulged in creating the conditions under the excuse of the pandemic to expand their power and curtail individual rights. Observed is the considerably propagated anti-pandemic measures in severing the exercise of basic rights notably freedom of assembly and free speech. This is often notably regarding in new and fragile democracies that risk additional erosion of their already fragile democratic bases. In an exceedingly number of nations, for instance, ministries, EMBs, legislators, health officers and civil society have developed innovative new on-line tools for keeping the public informed regarding national efforts to combat the pandemic.⁶² The colossal disruption ignited by the pandemic may be a unique chance for democratic learning, adaptation and restoration of democratic order in the region. Non-democratic countries like China, Singapore and Vietnam (now Myanmar)—all of that have, as of now, successfully prevented large-scale deaths from C'19. Whereas these countries have all to this point managed to contain the virus with fewer fatalities than within the remainder of the world, but at a high human rights cost. Strengthening democratic establishments and processes across the region must go hand in hand with curbing the pandemic.⁶³

Elections in South Asia: South Asia as a regional entity presents multiple challenges: the disparate levels of democracy and development between South Asian nations; and therefore the disparities among South Asian nations. The prospects for human-rights friendly society governed through democratically elected government is rapidly eroding in the name of tackling terrorism and anti-social elements. A

57 Ibid.

58 Ibid.

59 Erica Marat, 'All eyes on Central Asia', IPS, 2021.

60 Ibid.

61 International IDEA, 'Taking Stock of Regional Democratic Trends in Asia and The Pacific Before and During the COVID-19 Pandemic', December 2020.

62 Ibid.

63 Ibid.

second set of challenges involves piecemeal democratic transition that results in an inadequate development of the institutions of formal democracy. The third set of challenges involves the failure of establishments to fulfill their democratic mandates, the functioning of judicial systems everywhere South Asia, abuse of power by state authorities, and so on.

Sri Lanka has ensured reasonable electoral democracy and a good quantity of political balance with a free press and an independent judiciary, however the switch of power to the people has now no longer been deep enough. The establishments of democracy that had been intended to serve voters have in several instances turn out to be contraptions of mis-governance. Pakistan had a wandering direction to democracy where in periods of formal democracy, the doctrine of governance is usually decided through the military.

Nepal's constitutional monarchy for several decades was entirely self-centred grossly ignoring the common good but even after ousting of the monarchy, the decades-long aspiration of republic, which materialized few years back, is still quite fragile. The project for the political leadership of those countries is to consolidate democratic gains via constitutional and institutional safeguards and to make sure that the legitimate pursuits of traditionally marginalized segments of the population are effectively realized. Pakistan, Bangladesh, the Maldives and, Afghanistan (now zero space for democratic elections and norms) face their existential threats from violent entities and radicalism spearheaded by fundamentalists. The undue 'investment' in elections in the name of campaign financing is the most important factor of spike in corruption and mis-governance. More worrisome is the absence of internal democracy in most of the political parties, which severely undermines the bedrock of democracy.⁶⁴

In a nutshell, South Asia region is witnessing reasonably progressive democratic expansion through relatively periodic elections. Yet, democratic transitions are filled with uncertainties and instability. Issues with violence, corruption, ill governance, the role of money, muscle and clan-politics appear to have eroded the fundamental democratic ingredients in most of the countries in the region. Most nations in the sub-region perform poorly in relation to democratic election strategies and the representation character. Illicit money in politics has performed an overarching position in influencing people's electoral will and the outcome of elections.

Elections in East and Southeast Asia: Only in the last two decades or so has electoral quality improved in some countries, such as Korea and Thailand. In both these countries, institutional reforms to combat fraud and irregularities and to uphold the integrity of the electoral process turned out to be relatively successful, whereas in other countries, such as Cambodia, Indonesia and the Philippines, low electoral quality is still a root cause of cronyism and corruption as well as a reason for the lack of professionalism and ethics in parliamentary politics.⁶⁵ The result is an increasing evolution of the region's electoral and party system constellations toward more majoritarian elections and, in some cases, nascent two-party systems.⁶⁶

64 Dr. Ananya Mukherjee, 'Prospects for Democratic Development in South Asia and the European Union's Role in Democracy Building'.

65 Benjamin Reilly, 'Electoral Politics in Southeast and East Asia: A Comparative Perspective', *Journal of East Asian Studies*, Vol. 7, No. 2, Special Issue: Party Choice and Partisanship in East Asia (May–August 2007).

66 COVID-19 and lessons from East and Southeast Asia: A new normal in elections?, September 2020; Crawford School of Public Policy, ANU College of Asia & the Pacific.

70 Ibid.

Especially, South Korea and Singapore have placed in situ several financial recuperation guidelines and packages to effectively navigate the post-pandemic economy with convincing public pledges. President Moon Jae-in's political party and its affiliates won a landslide, increasing from 120 seats to a 180-seat within the 300-seat assembly. Meanwhile, Singapore's July 10 parliamentary elections saw the incumbent government under the People's Action Party took 83 of the 93 electoral seats within the assembly with 61.2 per cent turn out. The largest opposition, the Workers' Party, took 10 seats. This contrasts against the previous 2015 elections, where the PAP won 83 seats with 60.95 per cent of the votes and therefore the WP took just six seats. South Korea and Singapore share variety of commonalities, as well as robust economic performance. The two nations were thought of undefeated in containing the pandemic, with similar ways of travel bans, contact tracing, and intensive testing that underpinned their success.⁶⁷ Meanwhile, Singapore earned initial wide praise for its prompt enactment of border screening, contact-tracing and extensive testing. Myanmar remains the epic of gross non-compliance with electoral democracy marred by dictatorial military regime which came in power through a violent coup.

Elections in Central Asia: In the political development of post-communist Central Asia, the role of elections has been of particular interest. Using the rhetoric of consultation, leaders in the region have held a series of elections, plebiscites and referendums, yet it is clear that in none of these were democratic norms fully adhered to and that in many the results were predetermined. Given that they have failed to offer the people adequate representation, or create salient political institutions, the purpose of these exercises can be seen in terms of affirming the positions of elites, recruiting 'talented political entrepreneurs', and anaesthetizing the population. These features are explained by the various constraints on political development in Central Asia, including elite concerns over stability, perceived developmental needs, the weakness of a 'modern' civil society with its particular values, and international factors.

The October protests stemmed from parliamentary elections that were viewed largely as fraudulent and marred by widespread accusations of vote-buying. Kyrgyz citizens took to the streets and stormed government buildings. During this turmoil, demonstrators a longtime Kyrgyz politician named Sadyr Japarov from prison.⁶⁸ A few days after the protests broke out, Jeenbekov bowed to protesters' demands and annulled the legislative election results. Jeenbekov resigned shortly thereafter, Japarov stepped into power as an interim president. Japarov was also backed by members of the Kyrgyz cabinet and parliament and throngs of supporters in the streets of Kyrgyzstan's capital. Japarov had been serving a 10-year prison sentence stemming from a 2013 rally in support of nationalizing the Kumtor gold mine, during which his supporters held a government official hostage in a gasoline-soaked car for several hours. Japarov claims the charges are baseless and politically motivated.⁶⁹

Since mid-October, he has ruled as de facto president and only briefly appointed an ally as stand-in so that he would be eligible to run in January's elections. Despite running against 17 other candidates, Japarov swept the election, winning 80 percent of all votes. Rayimbek Matraimov, a criminal kingpin who was a supporter of ex-president Jeenbekov's party, was widely viewed as responsible for the corruption of October's disputed parliamentary elections. Japarov's interim

68 Emma Svoboda, 'Central Asian Elections Update', January 2021.

69 Former Kyrgyz Lawmaker Japarov Goes On Trial, RFE/RL's Kyrgyz Service, June 06, 2017, 08:19 GMT.

government arrested Matraimov but quietly released him the same day. This easy treatment of the «most notorious man in Kyrgyzstan» perhaps signals that Japarov's government is not willing to crack down harshly on corruption and organized crime.⁷⁰ The new government also has to decide whether or not it will press charges against Jeenbekov. Kazakhstan's Jan. The small number of protests against this most recent election were met with police retribution.

Videos posted to Twitter show groups of police ganging up on protesters using a controversial «kettling» tactic. In Almaty, Kazakhstan's largest city, small groups of protesters were surrounded by rings of armed police officers and prevented from moving or dispersing.⁷¹ Some protesters reported being restricted for up to six hours in freezing temperatures, prevented from moving to obtain water or use a restroom. These arrests come in the context of a general crackdown on public demonstrations in Kazakhstan. Despite government promises to give greater legal protections to protesters, a new law on peaceful assembly, passed in May 2020, created obstacles to protesting legally and was widely criticized by international observers. Widespread protests also marked the 2019 election to choose Nazarbayev's successor. In the streets of Almaty and Nur-Sultan, 500 demonstrators protesting the election were arrested. She returned to politics in this election, however, and was elected as a delegate from the Nur-Otan party.⁷²

A series of amendments addressing the promised political reforms were initiated by President Tokayev in 2020. These amendments tackled, among other things, articles in the Criminal Code on libel and incitement of hatred, election and party registration procedures, and introduced the notion of a «parliamentary opposition.» All of the reform legislation, however, was assessed by civil society as «declarative» in nature, lacking any substantive democratic changes. The law was criticized as «cosmetic» and «fundamentally contrary to Kazakhstan's human rights obligations.»⁷³ Thousands of angry protesters have taken to the streets of Kazakhstan in recent days, the biggest crisis to shake the autocratic country in decades. The events are a stark challenge to President Kassym-Jomart Tokayev less than three years into his rule and are destabilizing an already volatile region where Russia and the United States compete for influence.⁷⁴

3. State of Civic Space in Elections

Regional Reflection

International Center for Non-profit Law (ICNL) has counted 29 declarations of a state of emergency, national health emergency, or national disaster in 21 countries. Recorded are 37 other executive measures not arising to a state of emergency. As expected due to the nature of the public

70 AyzirekImanaliyeva, 'Kyrgyzstan: Japarov, last hope or populist menace?', January 2021.

71 Ibid.

72 Ibid.

73 Ibid.

74 Emma Svoboda, 'Central Asian Elections Update', January 2021, available at: <https://www.lawfareblog.com/central-asian-elections-update>.

health crisis around C'19, many of these measures heavily curb free movement and peaceful assembly, either outright banning all gatherings, or limiting gatherings to smaller crowds.⁷⁵

Below are general observable trends arising from governments' responses to the pandemic, which are likely to unduly affect the work of civil society and other stakeholders.⁷⁶

- Limited oversight on scope and use of emergency measures
- Securitization and abuse of force
- Free expression and disinformation restrictions
- Increased harassment of vulnerable communities, minorities, journalists, and activists
- Surveillance and privacy concerns
- Limits on public participation
- Administrative barriers, shifting narratives

A worrisome trend across the region in the past few years has been the uptick in new legislation limiting individual and civil liberties, placing restrictions on freedom of assembly, civil society organizations, religious institutions, and the freedom of the press. Reporters without Borders details⁷⁷ a deteriorating media environment within the region, pointing to increased censorship laws, banning of independent media organizations, and police violence against reporters. An analysis⁷⁸ of civil society sustainability across nine Asian democracies shows similar trends, pointing to new NGO registration laws, arrests of local activists, and tighter controls on free speech. In many cases, these developments are less of a new trend than a reversion to the mean, with governments turning to familiar illiberal tools and practices in a bid to stifle unrest and prop up their own positions in a more volatile domestic political environment. Yet, a once “highly networked and vibrant public sphere” such as existed in the Philippines has become increasingly fragile, fragmented, and ineffective in placing guardrails around the impulses of political leaders.⁷⁹

The C'19 outbreak has accelerated illiberal trends in many countries in the region. Widespread lockdowns, restrictions on freedom of speech and movement, and expanding policing authorities have been employed by countries across the region as elements of their efforts to curb the spread of the pandemic. Nicole Curato has coined the term “securitization of social issues” to describe this trend. Curato observes that by painting the fight against the pandemic as a national “war,” leaders such as Duterte have been able to more easily justify a range of authoritarian practices. The result, she notes, is that Duterte at one point of time enjoyed a staggering 91% approval rating despite a relatively abysmal response to the C'19 crisis.⁸⁰

Response to C'19 in Terms of Democracy and Civic Space: Stakeholder Response:

Positive Government Practices: Despite the multitude of concerning measures implemented by governments in Asia-Pacific, a number of states have stood out not only in the region but also globally for implementing positive regulatory measures around civic space during C'19. These include:

- Reducing barriers to funding or project approval

75 Coronavirus and Civic Space, COVID-19 Civic Freedom Tracker, ICNL, 2021.

76 Ibid.

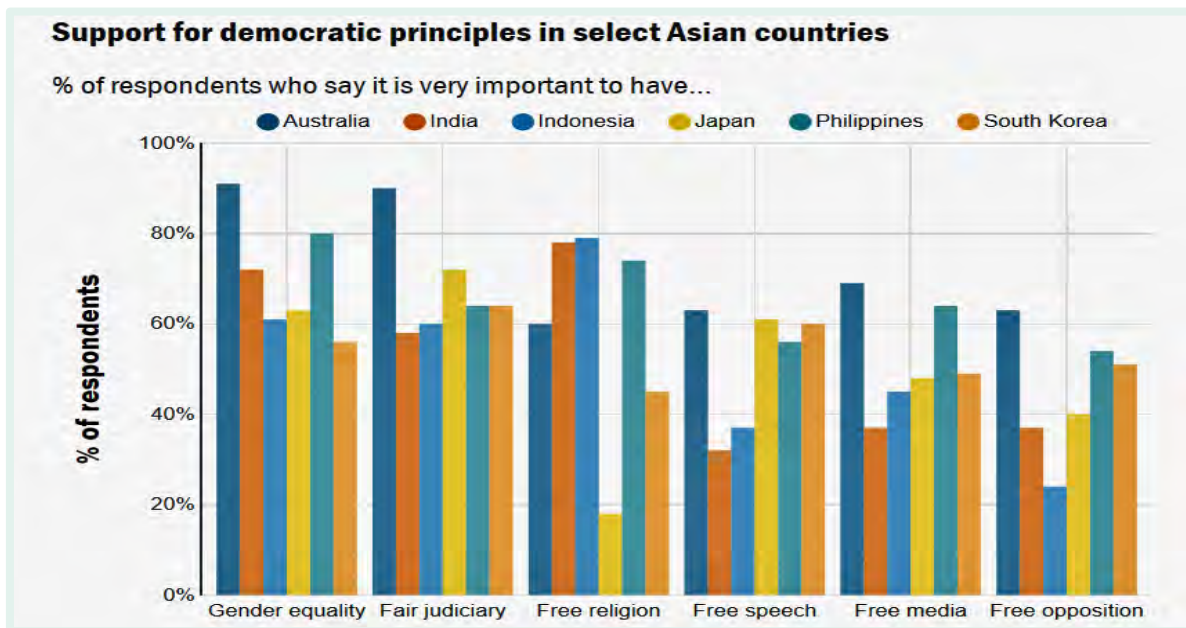
77 Civil Society Organization Sustainability Index for Asia, 5th Edition, 2020.

78 Ibid.

79 Ibid.

80 Democracy in Asia, available at: <https://www.brookings.edu/articles/democracy-in-asia/>.

- Providing for government oversight
- Transparency and access to information
- Minimizing government detention of persons
- Safeguarding free and fair elections



Source: *Democracy in Asia*, Lindsey W. Ford and Ryan Hass, January 2021

CSO response: Amidst closures of civic space, including extensive bans on gatherings and assembly, CSOs have been actively engaged, not only not only in providing essential services and support in the fight against C'19 but in continuing to advocate for civic freedoms. Below are some examples of CSO responses and strategies to C'19 regulatory measures: a) Monitoring and tracking threats b) Awareness-raising c) Domestic advocacy d) International advocacy e) Counter-narratives f) Litigation

While much attention has fallen on the actions of states, positive and negative, there has been far less acknowledgement of the vital role played by civil society. Even in difficult conditions of restricted civic space, there was a rapid and vital civil society response. Civil society met needs, defended rights and forged new paths for civic action. In country after country, a diverse range of civil society groups scrambled to meet the needs of communities most affected by the crisis. Often civil society stepped in where others failed to act, working to fill gaps left by states and businesses.⁸¹ Much of civil society's responses focused on mitigating the impacts of state policies that imposed lockdowns and halted many aspects of daily life, which affected vulnerable and excluded groups first and worst. Lockdowns, curfews and other emergency restrictions were often imposed hurriedly, with little preparation and mostly with no consultation with civil society, and consequently had unforeseen impacts. While many states offered support in response to the dramatic slowdown of economic activity, schemes were often inadequate, leaving many people still struggling. They often failed to take into account the needs of particular excluded groups. For example, many people working in the informal economy could not access support measures that only recognised formal labour; people lacking official identity documents, including undocumented migrants, often did not qualify for assistance; women, among others, were marginalized by support schemes that targeted men as heads of households.⁸²

81 Russel Hargrave, 'Globally civil society stepped up during the pandemic, but often unrecognized', 2020.

82 Ibid.

Civil society worked to compensate for these deficits by providing vital support and information. Alongside responses to meet essential needs, civil society worked to defend the rights of those whose access to rights was further hampered. Among people affected were women who became much more exposed to gender-based violence (GBV) while locked down at home, ethnic, racial and religious minorities and LGBTIQ+ people who were slurred as sources of contagion, and people living on the streets or in informal settlements, who were most at risk of both contagion and punishment for violating emergency regulations. Civil society worked to monitor and expose rights violations and campaign and advocate for policies that better served excluded groups. Civil society also sought to hold states accountable for decisions made in responding to the pandemic, including major but often opaque decisions on procurement and the use of resources.⁸³

Many states worked to restrict the ability of CSOs to act, while privileging private sector allies. Nevertheless, repeatedly, in the face of these challenges, civil society adopted a can-do mindset, mounting a positive response characterized by flexibility, creativity and innovation. CSOs redeployed staff and financial resources to serve urgent needs. CSOs that normally prioritize advocacy for rights rapidly reoriented to providing essential supplies and services, including food, healthcare and cash support, to help sustain communities. CSOs that normally work closely with communities found other ways of serving people who could no longer be physically reached. Everywhere, CSOs became trusted sources of information and enemies of misinformation. Alongside the redeployment of existing CSOs, numerous new neighborhood-level mutual help groups quickly formed, tapping into and enabling local resilience. Protests for rights went online or found alternate ways of gathering that respected physical distancing and embraced creative means of expressing dissent.⁸⁴

Fines and Prison Terms

Country	Law	Fine Amount (US\$)	Prison Term (months)
Brunei	Section 34, Chapter 148 of the Public Order Act	US\$2,100 (Fake news)	36 months
Cambodia	Fake News Law (proposed)	US\$123,000 (Fake news)	72 months
Indonesia	2008 Electronic Information and Transactions Law	US\$52,000 (Defamation, frightening information, Fake news)	48 months
Laos	I. Article 59 of the Criminal Code II. Decree 327	I. US\$1,100 (Government criticism) II. Unspecified	60 months
Malaysia	Section 223 of the Communications and Multimedia Act of 1998	US\$11,100 (Offensive/annoying information)	12 months

83 CIVICUS, 'Solidarity in the Time Of COVID-19 Civil society responses to the pandemic', 2020.

84 Ibid.

Myanmar	I. Article 66(d) of the Telecommunication Law	I. Unspecified	I. 36 months
	II. Article 506 (b) of the Penal Code	II. Unspecified	II 24 months
Philippines	Anti-False Content Act (Proposed)	US\$6,100 (Fake news)	72 months
Timor-Leste	Criminal Defamation Law (Proposed)	Unspecified	12 months
Singapore	Protection from Online Falsehoods and Manipulation Act	US\$14,000 (Fake news)	12 months
Thailand	Computer Crime Act of 2007	US\$3,100 (Fake news)	60 months
Vietnam	Fake News Decree	US\$900 (Fake news, defamation)	Unspecified

Source: C'19 and Democracy in Southeast Asia, Building Resilience, Fighting Authoritarianism

Response from UN and Multilateral Resources

- UN experts warn of closing digital space amid C'19 pandemic, UN Human Rights Office of the High Commissioner (July 30, 2020)
- UNDP: Secondary impacts of COVID-19: Closing civic space in fragile contexts, JULY 6, 2021
- UNDP: In defense of civic space: Promoting a public sphere that is fit for today's world, DECEMBER 6, 2021
- ICNL: The Civic Space Initiative, Impact of Coronavirus Pandemic, 2021
- Defending Civic Space: Is the International Community Stuck? Saskia Brechenmacher, Thomas Carothers, October 22, 2019, Paper
- Statement on C'19 Emergency Derogations, UN Human Rights Committee Statement (April 30, 2020)
- Joint statement on safety of journalists and access to information during the C'19 crisis, Groups of Friends (April 17, 2020)
- State responses to C'19 threat should not halt freedoms of assembly and association, UNSR Clément Voule (April 14, 2020)
- UN Human Rights Treaty Bodies call for human rights approach in fighting C'19 (March 24, 2020)
- C'19: States should not abuse emergency measures to suppress human rights (March 16, 2020)
- Human Rights Council discusses the situation of Human Rights in the Democratic People's Republic of Korea and South Sudan, and the United Nations' involvement in Myanmar (March 09, 2020)
- "Thailand: NGO law would strike 'severe blow' to human rights" Statements signed, and submitted by Amnesty International, Article 19, ASEAN Parliamentarians for Human Rights, Asian Forum for Human Rights and Development (FORUM-ASIA), CIVICUS: World Alliance for Citizen Participation, Human Rights Watch, International Commission of Jurists (April 02, 2021)
- Forum Asia: Joint Statement- India Should Stop Using Abusive Foreign Funding Law – End Harassment Against People's Watch, Other Rights Groups, (January 19, 2022)
- Forum Asia: Joint Statement: Rights Groups in Indonesia stand in solidarity with the People of Myanmar, January 14, 2022)

- Migrants Forum Asia: International Human Rights Day – Migrant Women Forum’s Statement on equal treatment of all migrants irrespective of origin, race and status (December 10, 2021)
- ANFREL: Joint Statement on the Humanitarian Situation in Afghanistan, expressing concern about the rapidly unfolding developments occurring in Afghanistan, August 03, 2021)⁸⁵
- **Response from the Governments: Case Study 1:**

Myanmar Elections: Persistent Discriminatory Policies

Most egregiously, though, the Myanmar government is preventing people from voting or from standing for election altogether. It has systematically and deliberately disenfranchised voters from ethnic minorities, using the discriminatory 1982 Citizenship Law and the Election Law to prevent Rohingya candidates from running for office, even though most Rohingya families have lived in Myanmar for generations. They include Abdul Rasheed, a Yangon resident whose father was a civil servant and who was born and has lived his whole life in Myanmar. Kyaw Min, the chairperson of the Democracy and Human Rights party, has also been barred despite having run in the 1990 election and spending years as a political prisoner alongside thousands of NLD activists and others. The authorities have barred an estimated 600,000 Rohingya from registering to vote in the election. None of the million Rohingya who fled genocide in Myanmar for neighbouring Bangladesh will be allowed to vote. This adds yet another layer of repression and discrimination on a community that has experienced ethnic cleansing and a systematic denial of their rights in recent years.

Voting has been suspended or cancelled in various constituencies in Kachin, Karen, Mon, Rakhine, and Shan States, and the Bago Region, with the election commission citing security concerns. As a result, over 1.5 million people will not be able to vote. It is a common feature of would-be autocrats to attempt to suppress the votes of those who disagree with, or are negatively impacted by, their policies. Myanmar is not the only country to attempt to do so; it is not even the only country to have done so this week. But for a country where optimism for change and freedom shone so brightly five years ago, this represents a bleak failure of democratic progress. The two elections, five years apart, have bookended a downward spiral into gross human rights violations, attacks against dissenters, and a curtailment of democratic freedoms. While some countries have spoken up and stood by human rights defenders and victims of violations, other countries, particularly in the Southeast Asian region, have failed miserably to call out Myanmar on its actions. Whatever the outcome of this elections – marred already by acts of censorship, racist voter suppression and other restrictions – we all must redouble our efforts to support civil society and activists to reverse the democratic regression we have witnessed since the 2015 elections. Source: <https://www.civicus.org>

Other Key Government Policy and Practices

- Emergency measures are shifting power to the executive branch, eroding democratic checks and balances: Some C’19 emergency measures are not only empowering the executive branch of government—an understandable response to a crisis—but are weakening the other branches. As a result, civil society organizations in many countries are unable to bring lawsuits to challenge COVID-inspired laws and practices that infringe rights.
- Governments are declaring “war” on C’19, securitizing the response to justify measures that restrict civic freedoms: Many countries referred to the “global war” against the C’19 pandemic. Some leaders are presenting themselves as wartime presidents; others have deployed the military to enforce emergency measures. As was the case with post-9/11 “war on terror” rhetoric, casting C’19 as a national security threat makes it easier to defend extraordinary government measures that infringe rights and freedoms, and undermines civil society’s ability to push back.

⁸⁵ Excerpt from various emblematic statements issued by multi-stakeholders on the alarmingly shrinking civic space in Asia.

- Governments are using C'19 responses to justify authoritarian rule, undermining democratic norms: Some governments claim that an authoritarian approach is the best way to defeat the pandemic. Some governments portray their authoritarian response as appropriate, and have likewise touted a strict, top-down and tech-enabled approach as not only necessary, but ideal for protecting public health—even at the cost of individual rights.
- Case Study 2:

No democracy, only Sharia law in Afghanistan amid Climate of Fear

A senior member of the Taliban, Waheedullah Hashimi, told news agency Reuters that the group is still finalising how they will govern the country. As the group is planning governance like that of its earlier regime, the member explained that there will be no democratic system at all because it does not have any base in the country. "We will not discuss what type of political system should we apply in Afghanistan because it is clear. It is sharia law and that is it," Hashimi told Reuters. Many issues regarding how the Taliban would run Afghanistan have yet to be finalised, Waheedullah Hashimi, who has access to the group's decision-making, said in an interview. But Afghanistan would not be a democracy, he added.

Attacks on human rights defenders have been reported on a near-daily basis since 15 August. The Taliban are conducting door-to-door searches for human rights defenders, forcing many into hiding. Researchers spoke to Mahmud, an Afghan human rights defender who managed to get out of the country. Mahmud described how, on the day the Taliban entered Kabul, he received a call asking him to hand over his organizations' vehicles, equipment and money. The caller knew his name and warned him he had no choice but to cooperate. Over the following days, Mahmud received further phone calls and WhatsApp messages, asking for his home address and requesting to meet him at designated locations. Two colleagues at his NGO had been beaten by the Taliban. Images shared by one of his co-workers and verified by Amnesty International and a forensic pathologist show classical assaultive 'whipmarks' to the back and yellowing bruising to the victim's left arm. "The threat faced by human rights defenders stranded in Afghanistan is real. They are under attack on all fronts as they are seen as enemies of the Taliban. Their offices and homes have been raided. Their colleagues have been beaten. They are forced into permanent hiding. They live under the constant threat of arrest, torture or worse. Those who managed to leave the country are now stranded in military camps or in neighbouring countries, not knowing their final destination nor how they will be able to rebuild their lives that have been shattered overnight," said Delphine Reculeau, Human Rights Defenders Programme Director at the World Organisation Against Torture (OMCT).

Legislative and Executive Measures Affecting NGOs/CSOs

a) Limited Oversight on Emergency Measures: Many emergency measures that have been instituted in Asia lack sunset clauses, or clear limitations of power in line with international standards requiring a proportionate, necessary, non-discriminatory, and time-limited approach to any derogations from fundamental rights in times of emergency. b) Securitization and Abuse of Force: Governments have seized upon the crisis to further securitize their response, including by deploying military forces and weapons technology to control civilian populations. c) Free Expression and Disinformation Restriction: Instead of harnessing the power of technology to strengthen the response to the pandemic, at least 14 governments in the region have cracked down on speech and dissent through "fake news" or disinformation charges, often applied to those critical of the government's response. d) Increased Harassment of Activists: Governments have seized upon the C'19 crisis to clamp down on human rights activists and journalists including arrests of a number of high-profile human rights activists e) Surveillance and Privacy Concerns: The development of various tracking and tracing technologies around C'19 has raised numerous issues including policies related to individuals' data and movements that raise privacy concerns. f) Limits on Public Participation: The C'19 crisis is shifting power away from the legislature

towards the executive branch, resulting in concerns around executive overreach. There are ongoing access to justice issues due to court closures and limitations, and a resulting lack of judicial oversight.



Source: *C'19 and Democracy in Southeast Asia, Building Resilience, Fighting Authoritarianism*

Other Regressive Moves

Situation in 2020 AD:

Analysis coordinated towards government and legislative pioneers for their fumble of C'19 was smothered all through 2020. 'Counterfeit News' laws were utilized to excuse analysis as deception; unclear dis- and mis-data laws prompted self-assertive capture of people for practicing their opportunities of articulation; laws and arrangements set up to address C'19 were utilized to sensor and breaking point the media's revealing of governments' inaction; all while nosy forces award specialists the capacity to obstruct sites and terrorizing strategies struck dread into protesters prompting self-restriction. Forcing counterfeit news laws as a way to dishonor analysis from common society has been a typical methodology in Southeast Asian states. Cambodia proposed counterfeit news laws in 2018 with enactment that specifies a discipline of up to US\$123,000 and jail term of as long as six years (Lamb, 2020). This enactment has been utilized, considerably, to pre-emptively smother government pundits and activists who contradict its absolutist administration in 2020 (Sochua, 2020).

Under the 2008 Electronic Information and Transactions Law (EIT) set up in Indonesia (Yudhoyono, H. Susilo Bambang, 2008), the spread of slanderous, startling or bogus data can be met with six (defamation) to twelve (frightening data) a prolonged imprisonment as well as a severe fine of US\$70,000 (criticism) to US\$130,000 (frightening data). The 2016 change of the law saw the spread of both types of data as mentioned above possibly bring about a most extreme long-term jail sentence as well as a fine of up to US\$52,000 (Molina, 2016). Most of analysis coordinated towards the public authority has been based on its helpless reaction to COVID-19, which has prompted Indonesia having the most elevated diseases and passing in the district (Laosana, 2020).

Such a reproach has not been met by much control from the state organs; anyway, one should consider the effect of these inordinate monetary outcomes, which have constrained the observers to restrict their assessment and self-restraint. In Laos, people who spread 'counterfeit news' through online media have been warned with "severe measures" when they cause false impressions and social unsettling (Kang, 2020). The subjectivity in these terms is in itself is troublesome as it very well may be applied to almost

any social communication outlets. The mix of 'Article 59 of the Criminal Code' (ICJ, 2001) and Decree 327 (LPDR, 2014) force a prison term of a maximum of five years as well as penalty or up to US\$1,100. Laws encompassing deceptive news have been applied in Myanmar as a way to contain the spread of deceptive information by arrest warnings. (Lintner, 2020).

In addition, the public authorities in Myanmar have curtailed the free dissemination of data by restricting web access in the Rakhine and Chin states in connection with spreads of C'19 data (OHCHR, 2020c). Following an identical action, the Philippines security force have randomly arrested opposition for getting down on deficient government activity as 'fake news' (Aspinwall, 2020b)—a common derogatory approach used by many regimes. Besides arrests, what is viewed as 'fake news' is totally in the prerogative interpretation of the public authority and no doubt –may change in accordance with the context (Aspinwall, 2020b). Government has additionally proposed the formation of the "Anti-False Content Act". The creation and spread of 'bogus' or 'misinfluencing' piece of information that creates havoc, will be met with a fine of up to US\$6,1000 or detainment of as long as six years (Babele, 2020). In Singapore, the Protection from Online Falsehoods and Manipulation Act (POFMA) has made a comparable problem that suffocates prospect of articulation and discourse (Singapore Legal Advice, 2020). Should an individual share or elevate data viewed as a lie, he/she might be punished with a fine of US\$14,000 or potentially 12 months detention.

An abrupt military takeover in the country was announced the same day Myanmar's Parliament was to convene with new members sworn in after the Nov elections. The military has claimed the election was tainted by fraud but an election board rejected those claims as lacking evidence. Leaders of the NLD and civil society activists have been arbitrarily detained. Phone lines have been severed and social media outlets are shuttered. The military's actions show utter disdain for the democratic elections held in Nov and the right of Myanmar's people to choose their own government. The concurrent arrests of prominent political activists and human rights defenders sends a chilling message that the military authorities will not tolerate any dissent.

For a Facebook post in which he shared false information about the operating hours of convenience stores, a Singaporean taxi driver was charged in April, and jailed for four months since May (Reuters, 2020f). As written, for 'non-individuals' a fine of up to US\$540,000 is applicable. In both events, claiming that sharing the misinformation was done unknowingly may void these penalties, although the Part 3 Directions can still be used to impose these penalties if it is in the public's interest. 'Fake news' fines have also been introduced in Vietnam following an influx in discontent amongst residents and citizens alike. Not only does the legislation cover fake news, but also slander. Spread of fake news and slanderous information can lead to a fine of US\$900 (Nguyen, Pearson, 2020), as seen by the fines given to two social media users in August who shared, unbeknownst to them, false information about a C'19infection (Tuoi Tre News, 2020). The government may also impose penalties on sharing banned publications.

The Vietnamese government has also expanded its censorship tactics to include social media companies. Since April 2020, the government has pressured Facebook to sensor antiestablishment social media posts, with which the company complied (Pearson, 2020). The government in Nov once again increased its demands from Facebook to increase its censorship, thereafter threatening to shut down its operations entirely, for not submitting. Legislation established pre-C'19has also become the government's censorship crutch. Concerning Malaysia, section 223 of the Communications and Multimedia Act of 1998 has a similar concept (The Commissioner of Law Revision, Malaysia, 2016).

Spreading information online that is “offensive” or “annoy[ing]” to anyone can lead to conviction and fines of up to US\$11,100 or a prison term of one year. A Malaysian taxi service businessperson, for his Facebook comments criticizing the government’s prosecution of movement restriction violators, was charged in May and had bail set at US\$ 3,300 or ten months imprisonment (Khairulrijal, 2020). This defamation law grants the government freedom from reprimand whilst censoring any- and virtually all those who criticize their actions.

In Myanmar, the ‘Telecommunication Law - Article 66(d)’ outlines three year’s imprisonment (Burma Campaign UK, 2013) and ‘Penal Code Article 506(b)’ two years imprisonment for defamatory actions (Union Attorney General’s Office, 2016). Whereas in Thailand, the government has relied on its legal frameworks that have pre-C’19 restricted criticism. Under the Computer Crime Act of 2007, dissemination of false information will be fined up to US\$3,300 and or imprisonment of up to five years (Chulanont, 2007). In June 2020, Timor-Leste’s Minister of Justice announced his intention to reintroduce defamation laws (International Federation of Journalists, 2020) similar to the country’s infamous 2014 Criminal Defamation Law (International Federation of Journalists, 2016). Article 187-A of the proposed law outlines that defamation of public officials and political parties will result in an unspecified fine amount and up to one year imprisonment (Nolan, 2020). The consequences of stating facts or opinions alike through social media, which offend a current/previous government member or any public official, can lead to three years in prison.

Various countries have criminal defamation laws. These overreaching laws, as seen in Malaysia as well, should not have severe consequences for simply offending someone with a factual statement, especially as these have been used to censor government’s critics. Concerning the financial and detainment ramifications resulting on outspoken and otherwise unknowing citizens, a trend has become apparent. In states with economic prosperity, financial fines tend to be higher in relation to the incarceration time (Singapore, Malaysia) whilst jail time in less economically prosperous states is more extended (Indonesia). Sedition laws have also been referenced from the governments of the Philippines, Thailand and Brunei whilst censoring their dissidents; whilst Malaysia, Myanmar and Singapore also have the legislation in place to protect itself should the need arise. In April, a group of activists unsatisfied with the C’19 relief provided by the government, travelled to the Bulacan province in Manilla to distribute food packages to those in need. Upon their arrival at the province’s checkpoint, followed by the inspection from police officers, resulted in a variety of charges. These individuals now stand accused of violating the C’19emergency laws, and incitement to commit sedition (ABS-CBN News, 2020). Thailand’s sedition charge further deters any forms of public dismay which may “raise unrest and disaffection” (Siam Legal, 1956), as used to prosecute Thai-youth pro-democracy protesters since August (Ratcliffe, 2020b). These effectively stall the possibility of future liberty in autocratic states.⁸⁶

Democracy at Stake in Philippines Election Circus

The political telenovela unfolding in the run-up to the 2022 Philippine presidential elections has shown so much of what has gone so wrong with the country that its best chance of emerging unscathed is to find a reboot. The gamble with autocratic populism has not paid off. After six years of turning policies and institutions upside down,

86 COVID-19 and Democracy in Southeast Asia, Building Resilience, Fighting Authoritarianism.

President Rodrigo Duterte will leave in his wake a carnival of confusion and trickery. The May elections will be a critical crossroads for a weary Filipino populace. As we is seen it evolving in the recent past, the winner, crowned like a king, gets to choose a party, not the other way around, as it should be. But it is often the case that the chosen party is either dormant or morally bankrupt and not one that will carry forward government programs.

If Marcos Jr. is to win, he will follow his father's playbook, reviving his ghost in the form of crony capitalism, military abuse, sanctions and censorship. It would carry over the shades of Duterte, who idolized the father and styled his presidency after him. Marcos Jr. will be the new kid in a regional network of autocratic regimes favored by China. In such a scenario, one would beg to ask why Filipinos are fixated on the past? Why were not the tools of democracy used to chart the way forward? How has our politics given life to systematic corruption from top to bottom, fostered the decay of our education system and civil service, created injustice and allowed economic hardship to flourish? There is something very wrong about the attitude of escapism that is becoming prevalent today, especially among Filipinos who are seduced by troll propaganda in the social media. Filipinos will either choose to dig themselves into a deeper hole or find a way out. The first step will be knowing the consequences of how they vote. Duterte out of power by 2022 will not change the landscape overnight. In fact, as one Supreme Court justice told me in confidence, he fears it might take a decade to repair the damage done. Once and for all, Filipinos with a nostalgia for the dictatorship need to understand that turning back time to a past they misbelieve to be safe and prosperous is not the answer to a future of miracles.

Source: Criselda Yabes, Nikkei Asia

Situation in 2021:

The 2021 saw massive erosion in the civic space in the region. From Myanmar to Cambodia and Vietnam, restrictions and attacks on activists have persisted across the Asian region, according to a new report released by CIVICUS. According to CIVICUS, out of 26 countries or territories in Asia, four – China, Laos, North Korea and Vietnam – were considered “closed”, while Myanmar was among the “repressed” states, following the February 1 military coup and crackdown. The decline in freedom is part of a worldwide trend, with CIVICUS’ data showing that 89 percent of the world’s population now live in “closed, repressed or obstructed” countries and governments sometimes using C’19 as a cover to extend their control. In all, 11 countries in Asia are rated as “repressed” and seven as “obstructed”, with Singapore downgraded to the “repressed” category following the passage of an “anti-fake news” law, according to the report called ‘People Power Under Attack 2021’. A staggering number of people in the Asia region are living in countries with closed or repressed civic space where their freedoms to speak up, organize or mobilize are severely restricted.

As authoritarian leaders in Asia seek to hold on to power, they have deployed restrictive laws to arrest and criminalize human rights defenders. Scores of activists and journalists are behind bars, facing trumped-up charges, and some have been tortured and ill-treated. Of particular concern was Myanmar, the report noted, where thousands of protesters were arbitrarily detained by the junta following the February 2021 military coup and some were even met with deadly force. At least 1,305 people have been killed due to the military crackdown on anti-coup protests as of Wednesday, according to the Assistance Association for Political Prisoners (AAPP), a rights group tracking deaths and detentions. At least 10,756 others have been arrested.

A rapid decline in fundamental freedoms is noted in Myanmar following the coup with the crackdown on protests, the arrest, detention and criminalization of hundreds of activists, the targeting of journalists, as well as the torture and ill-treatment of political prisoners. An earlier CIVICUS report published in November also noted a “wave of atrocity” allegedly committed by the military in Myanmar’s Chin State,

which borders India on the country's west. It had urged the UN Security Council to adopt a resolution "to consolidate international action" to stop the military's violent assault against the people of Myanmar. Instead of listening to peoples' demands, the authorities have also resorted to disrupting peaceful protests in numerous countries, at times under the guise of the pandemic, with excessive or deadly force. Amid the attacks, however, civil society has "not relented and are finding new ways to push back and to demand their rights.

In Vietnam, activists and bloggers are facing long sentences for "anti-state propaganda" and "abusing democratic freedoms", while in Cambodia, "incitement" laws are "systematically used to target dozens of activists". In the Philippines, CIVICUS noted some progress in the campaign to hold Philippine President Rodrigo Duterte accountable at the International Criminal Court.

In Asia, the top civic violation this year was the use of restrictive laws in 21 countries, as governments use legislation to muzzle dissent. Human rights defenders were detained under such laws in at least 19 countries, and in 11 countries they were prosecuted. CIVICUS downgraded the wealthy city-state of Singapore from "obstructed" to "repressed" because of attempts to "silence dissent". Journalists and bloggers also faced defamation charges with exorbitant fines imposed, while the country's "vaguely worded" contempt-of-court law has been used to prosecute activists for criticism of the courts "under the guise of protecting the judicial system". A foreign interference law passed in October has raised new concerns about the impact on the island's already tightly regulated media.

Civic space in Japan, Mongolia and South Korea was also "narrowed", whereas Taiwan was rated "open". In reality, this means that the basic freedoms of speech, peaceful assembly and association are not being respected in most countries in this region. China also continues to prosecute scores of human rights defenders under vaguely worded offences while in Hong Kong, the "draconian" National Security Law has been weaponized to target dozens of activists.⁸⁷

4. Electoral Engineering amid COVID 19

The C'19 has left a detrimental effect on electoral process in the region. Hong Kong introduced it would delay its Legislative Council elections with the aid of using a year, citing the impact of C'19. Health and protection concerns continued to be as dominant aspect in figuring out whether or not or not or no longer elections be carried out at some stage in the pandemic. As International IDEA's Global Overview on the influence of C'19 on elections shows, two in three nations scheduled to maintain elections in 2020 have decided to postpone them. Nevertheless, the Legislative Council election in Hong Kong, as a general election was held on 19 December 2021 for the 7th Legislative Council.⁸⁸

Among increased than 50 international locations that have long gone in advance to hold elections throughout the pandemic, 9 of them are in Asia. Mongolia, Malaysia, Japan, and Singapore are emblematic cases to present. While these elections are no longer the equal in scope, it is then again fascinating to have a look at them and observe how they had been conducted, given the comparable threats the pandemic poses for the health and safety of voters and election officers alike. The unfold of communicable disease has implications on the timing and administration of elections.⁸⁹

87 CIVICUS, 'Under attack': Report says repression of rights persists in Asia, At least 89 percent of the world's population now live in 'closed, repressed or obstructed' countries.

88 South China Morning Post, December 11, 2021.

89 International IDEA, 'Elections and COVID-19'.

Even although the vary of situations may additionally be low, the unfold of C'19is normally something to be cautious of given conditions of resurgence in a range of countries. Consequently, «electoral management bodies ought to select out and examine the feasibility of enforcing any new requirements barring compromising the integrity or legitimacy of an election.»⁹⁰ Therefore, any election, massive or small, taking neighborhood for the duration of the pandemic have to take preventive and mitigating measures to keep away from spreading the disorder in a similar way through the electoral process, which generally involves the interplay of lots or heaps of humans in restrained areas. The caveat that requires any C'19 election no longer to compromise the integrity or legitimacy of an election, as the Technical Paper suggested, is a key consideration for whether or not an election need to proceed or be postponed. As defined in my previous commentary on the lead-up to the Mongolian elections, the Mongolian government's Resolution #188, 2020 motivated conferences to be carried out online, but if on line conferences had been now not possible, the rules enforced measures and safeguards such as tightly closed distancing, physique temperature checks, strict ventilation, sanitization of the vicinity, and masks wearing that had to be ensured by way of capability of the marketing campaign organizers.⁹¹

A same strategy used to be as soon as taken by Singapore, main to the ruling party's preference to keep the usual «Fullerton Rally» online, which some say does now no longer have the equal flare.⁹² Unlike Mongolia, marketing campaign rallies have been banned altogether in Singapore and Malaysia. With very few active C'19cases in the course of the elections, Mongolia did no longer set up such polling stations, then again put in area a specific protocol in case a symptomatic voter used to be detected upon entry to a polling station, whereby they would isolated through health officers immediately. Malaysia had a related technique to Mongolia in place.⁹³

One superb lesson from the South Korean elections used to be the reality that nearly half of their distant locations voters were no longer in a position to vote due to restrictions on action imposed with the aid of their host international locations given the severity of the outbreak there. Voting used to be due to take place in 166 South Korean missions abroad, on the other hand it used to be as soon as suspended in 91 of them. For Singapore, however, even underneath regular circumstances, overseas balloting is solely carried out in 10 diplomatic missions abroad, so, this C'19election used to be no different. This obstacle led to some Singaporean residents dwelling foreign places to title for the need to furnish for greater polling stations and for the adoption of extra unique balloting arrangements, such as postal and/or on line voting.

Whatever the vary of disenfranchised far off locations voters is, this is now not a minor bother from the factor of view of guaranteeing the success of primary civil and political rights. International tour restrictions have averted full-scale election remark missions from being conducted. In the end, 23 of the polling stations relented and allowed observers to remain the complete time. In Malaysia, restrictions on observers do exist, however no longer so an awful lot on election day itself.⁹⁴ This is the volume of voters out of the complete range of registered voters that have come out to cast their votes. This has been one of the principal issues of elections held for the length of the pandemic, given the bodily distancing necessities and the questionable self assurance of voters in safely leaving their residences to go to polling stations. Additional balloting arrangements, such as postal vote casting and early voting, have been used

90 Helena Catt et al., 'Electoral Management Design Revised Edition', International IDEA.

91 Ibid.

92 Singapore GE2020: PM Lee to speak at Fullerton rally online today, Goh Yan Han, July 6, 2020, 5:00 AM SGT.

93 Ibid.

94 AdhyAman, 'Elections in a Pandemic: Lessons From Asia', August 2020.

in Queensland, Bavaria and South Korea to retain a excessive degree of voter turnout in contrast to previous elections.⁹⁵ However, no count number quantity where, the majority of voters are however casting their votes in personality at polling stations. There is no clear sample on voter turnout. An essential element to assume about is the severity of the pandemic in the us of a at the time of the election. One way of identifying that is via inspecting the structure of the «curve» at the time when the election took place. C'19 total cases format for 4 tremendous nations that held elections between February and April 2020.⁹⁶

South Korea has been cited as one of the most pivotal examples due to the fact turnout was once the excellent feasible for the purpose that 1992 and the US by the usage of then had the most comprehensive health and safety protocols in place. However, from the above charts, we can virtually take a look at that by way of the time the South Korean elections took place, the curve had already flattened. This is the opposite of Australia, France, and Iran, where at the time of their elections, the curve used to be on the rise. All these elections suffered appreciably decrease turnouts. These 4 elections had been held when the curve was as soon as flat and as such had much less of a terrible impact on voter self-assurance and willingness to go away their homes. It is therefore recommended to maintain away from retaining elections while the curve is on a steep rise, like what Japan and Australia are experiencing today. One can argue that the price of campaigning in C'19elections is much less due to lack of rallies, reduced face-to-face interactions, and the shift to on line campaigns. Australian mining magnate Clive Palmer famously spent larger than 50 million Australian dollars on media marketing for his private political get together – which consists of on the internet – in the route of the 2019 conventional elections.

Interface of Inclusive Election and SDG 16

Asia-Pacific has made some progress in implementing SDG 16 since 2015, although significant challenges remain. Most challenges relate to GSoD aspects of Personal Integrity and Security (related to target 16.1), or Civil Liberties (related to target 16.10). However, significant gains are discernible around GSoD aspects that complement SDG 16 targets 3, 5, 6 and 7.

SDG 16.7.2 is an effective approach to measuring people's perception of the extent to which public decision-making is inclusive and responsive (integrating people's voice in the measurement is essential to the concept being measured, i.e. people's feeling that their views can impact on the political processes). It will encourage NSOs to produce data on a concept that has high policy relevance at country-level: high levels of external efficacy correlated with 1) government trust and legitimacy, 2) levels of political participation, incl. voting in elections, and 3) people's overall life satisfaction.

Whether or no longer C'19 elections limit marketing campaign spending is relative to how a lot cash election contestants are willing to spend. One novel concept was once to invite voters to forge their votes in accordance with unique time slots at some point of the day, which, to the fine of my knowledge, used to be first proposed by the Election Commission of Malaysia in early May.⁹⁷ Such a trouble might also have been prevented had early vote casting some time prior to election day been afforded to all voters like in South Korea, for that reason decreasing the burden of election day, but this additionally comes at an extra cost. Asian EMBs are adapting to the «new normal» of conducting elections. While the

95 Erik Asplund et al., 'Elections and Covid-19: How special voting arrangements were expanded in 2020', International IDEA, February 2021.

96 International IDEA, 'Global overview of COVID-19: Impact on elections', January 2022.

97 Timing and Sequencing of Transitional Elections: Case studies Appendix to International IDEA's Policy Paper No. 18.

aforementioned examples exhibit that it is viable to keep elections, there are compromises to acquire and excessive fees to pay. Democracies prefer to continue to be vigilant in making sure that ordinary franchise, transparency, and legitimate.⁹⁸

98 Ibid.

B. DYNAMICS OF OVERSEAS MIGRATION

1. Migration Context and Trends

Many countries, popularly the under-developed/least developed in the region, are usually categorized as tradition "source countries" or "migrant senders." Bangladesh, Myanmar, Cambodia, Indonesia, Laos, Nepal, Pakistan, Philippines and Sri Lanka. Conversely, the most developed ones are typically treated as immigration countries: Japan, Singapore, South Korea and Taiwan.

Others, the medium-income nations 'export' both sizable inflows alongside tremendous outflows: India, China, Malaysia and Thailand. As is agreeably known, with increasing development, emigration abroad grow to be specifically migrant-receiving countries (e.g. South Korea, Japan and Malaysia) and flows have in reality reversed since the 1950s and sixties in numerous countries in Asia. 102 A case for example, nearly 500,000 Nepali migrant workers are employed in the State of Qatar and more than 600,000 in Malaysia, 31.8% of the total overseas workers and 29.4% respectively.⁹⁹

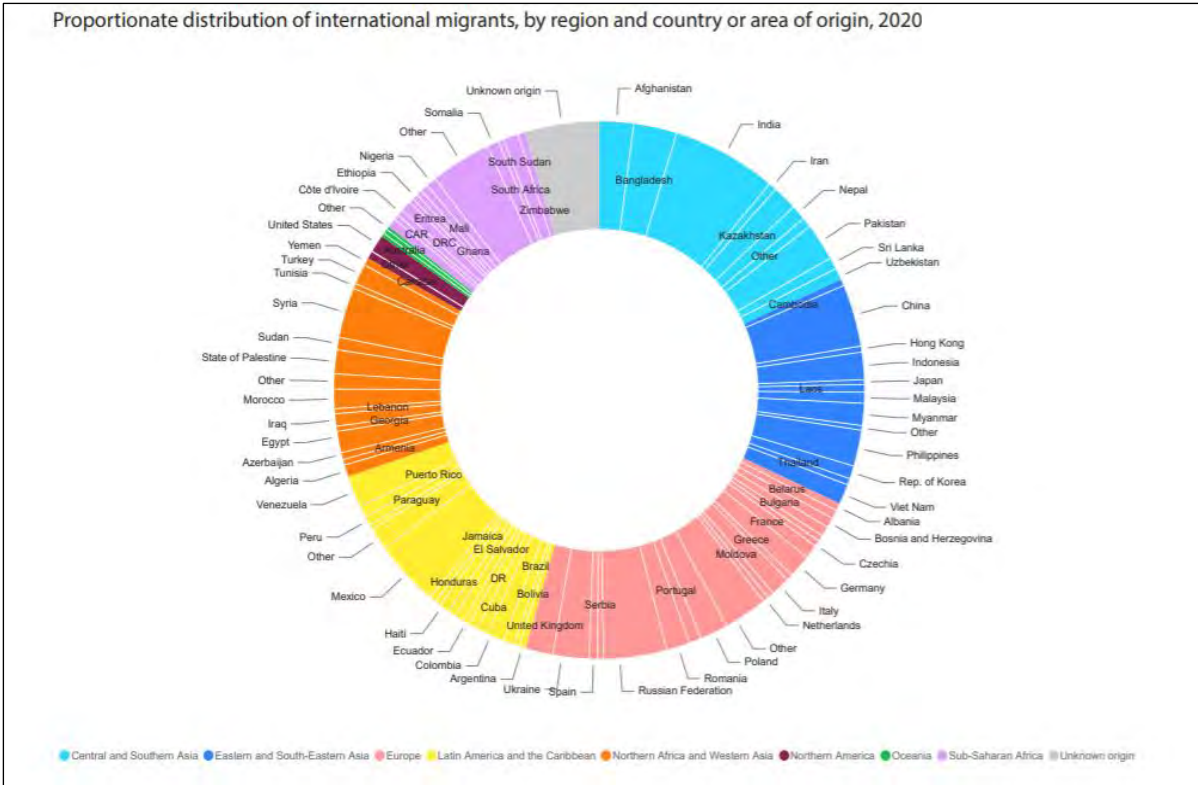
When global human mobility is taken into account, such as movement for skill training and mobility of the highly skilled, the map of human migration becomes even more intricate, with flows flowing in various directions and regional centers emerging. The global trend toward greater freedom of movement in sub-regional settings has reached Asia, where ASEAN is gradually implementing visa exemptions, and has long existed between neighboring nations such as India and Nepal, which have a special treaty of friendship and peace that allows people to freely move and reside on either side of the border.¹⁰⁰

Human migration is linked to economic cycles because it responds to socioeconomic possibilities. As in the instance of the 1997 economic crisis, which spurred a return flow of Thai people who had traveled to the United States and other destinations, certain flows, such as return migration, can occur in the short or medium term.¹⁰¹

99 Ministry of Labor and Social Security, 'Nepal Migration Report 2020'.

100 Big data, migration and human mobility, Last updated on 5 May 2021.

101 Nicola Piper et al., available at: <https://journals.openedition.org/remi/12439>.



Source: *Contemporary Migrations within and from the Asia Pacific Region*, Castles Stephen, de Hass Hein and Miller Mark J. (2014) *The Age of Migration*, Red Globe Press, 420 p. Conception: E. Opigez (IRD/CEPED).

**Annual labour migration outflows from selected Asia-Pacific countries,
latest available year**

COUNTRY	NUMBER (LATEST AVAILABLE YEAR)	NUMBER OF FEMALE MIGRANTS (PERCENTAGE)	MAIN COUNTRY OF DESTINATION (NUMBER)
Armenia	86 800 (2017)	5 100 (5.9)	..
Bangladesh	700 200 (2019)	104 800 (15.0)	Saudi Arabia (399 000)
Bhutan	7 100 (2018)	4 500 (62.9)	India (2 200)
Cambodia	96 200 (2019)	28 200 (29.3)	Thailand (82 800)
Fiji	26 800 (2017)	7 100 (26.4)	..
India	368 000 (2019)	..	Saudi Arabia (161 000)
Indonesia	261 800 (2017)	184 000 (70.1)	Malaysia (89 000)
Kyrgyzstan	263 400 (2018)	60 700 (23.0)	Russian Federation (254 600)
Lao People's Democratic Republic	49 400 (2017)	26 400 (53.5)	..
Mongolia	41 800 (2018)
Myanmar	161 900 (2017)	63 900 (39.4)	Thailand (149 000)
Nepal	354 000 (2016/17)	16 600 (4.7)	Qatar (113 500)
Pakistan	625 200 (2019)	4 100 (0.7)	Saudi Arabia (332 700)
Philippines	1 595 400 (2017)	..	Saudi Arabia (433 600)
Samoa	1 700 (2017)
Sri Lanka	211 500 (2018)	81 700 (38.6)	Qatar (5 600)
Thailand	115 200 (2017)	25 100 (21.8)	Taiwan Province of China (35 200)
Viet Nam	134 800 (2017)	53 300 (39.6)	Taiwan Province of China (67 000)

SOURCE: Armenia, Bhutan, Fiji, Kyrgyzstan, Mongolia, Samoa: ILOSTAT (n.d.a); Indonesia, Lao People's Democratic Republic, Thailand and Viet Nam: ILO (2018c); Bangladesh: Bangladesh Bureau of Manpower, Employment and Training (n.d.b), (n.d.c); Cambodia: Chuop Narath (2020); India: Ministry of External Affairs, Overseas Employment Division (n.d.); Nepal: Nepal, Ministry of Labour (2018); Pakistan: Pakistan Bureau of Emigration and Overseas Employment (n.d.a); Philippines: Levinson (2020); and Sri Lanka: Sri Lanka Bureau of Foreign Employment (n.d.).

NOTE: ".." indicates data not stated or not available.

Mobility has significant historical origins in some cases, frequently as a result of colonial ties, particularly in the case of British and Dutch imperialisms, with the recruitment of contract laborers (Indenture migration) or forced population movements. Forced migration as a result of imperialist objectives also played a role in the population displacement imposed by Japan from Korea and China in the 1930s. Politically motivated migration that results in refugee flows is also considered in Asia, such as the "boat people" phenomenon that arose as a result of the Vietnam War. These flows, which have caused concern among millions of people, have resulted in the establishment of diasporas around the world.¹⁰²

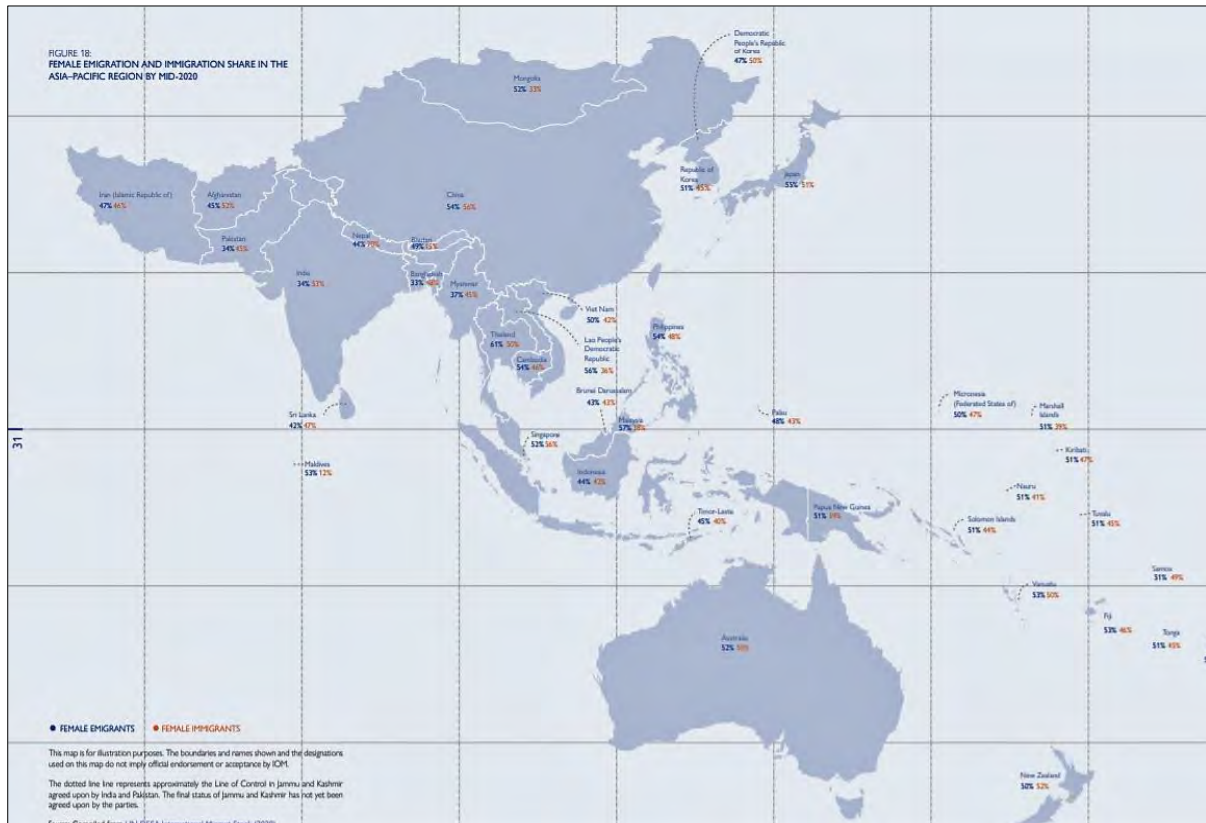
The impact of immigration policies in the countries receiving these flows on the size and directionality of flows should no longer be overlooked. Australia and New Zealand, in addition to North America, had been inhabited by immigrants. The latter countries have long favored family reunification and skilled migration, whereas others, particularly those in the Gulf region, who have relied on oil revenues since the 1970s, triggering rapid and massive development that necessitated a large pool of foreign workers due to being comparatively under-populated and facing skill shortages, have never had settlement immigration as a goal. Integration and non-discrimination have never been subjects in their civilizations as a result of their societies' lack of a "melting pot" or "salad bowl" mentality and a free market sway.¹⁰³

Given such a wide range of circumstances, it's understandable that migrants' characteristics would be diverse as well. Migration affects both men and women in their roles as primary movers and as those who are left behind; it affects low-skilled employees and those who are hired for their skills, the so-called

102 Indentured labour from South Asia (1834-1917), available at: <https://www.striking-women.org>.

103 UNESCO Digital Library, 'Skilled migration and the brain drain Corporate author: Max Planck Institute for the Study of Religious and Ethnic Diversity', (Germany).

"brain drain" or "brain gain"; and those who are expelled for political or religious reasons.¹⁰⁴At a very basic level, and strictly statistically, the presence of migrants varies significantly from one sub-region to the next, both in absolute numbers and as a percentage of the total population of the region. The simple quantitative comparison of Asia to the world's other major regions, Africa, North America, and Europe, is enlightening.¹⁰⁵

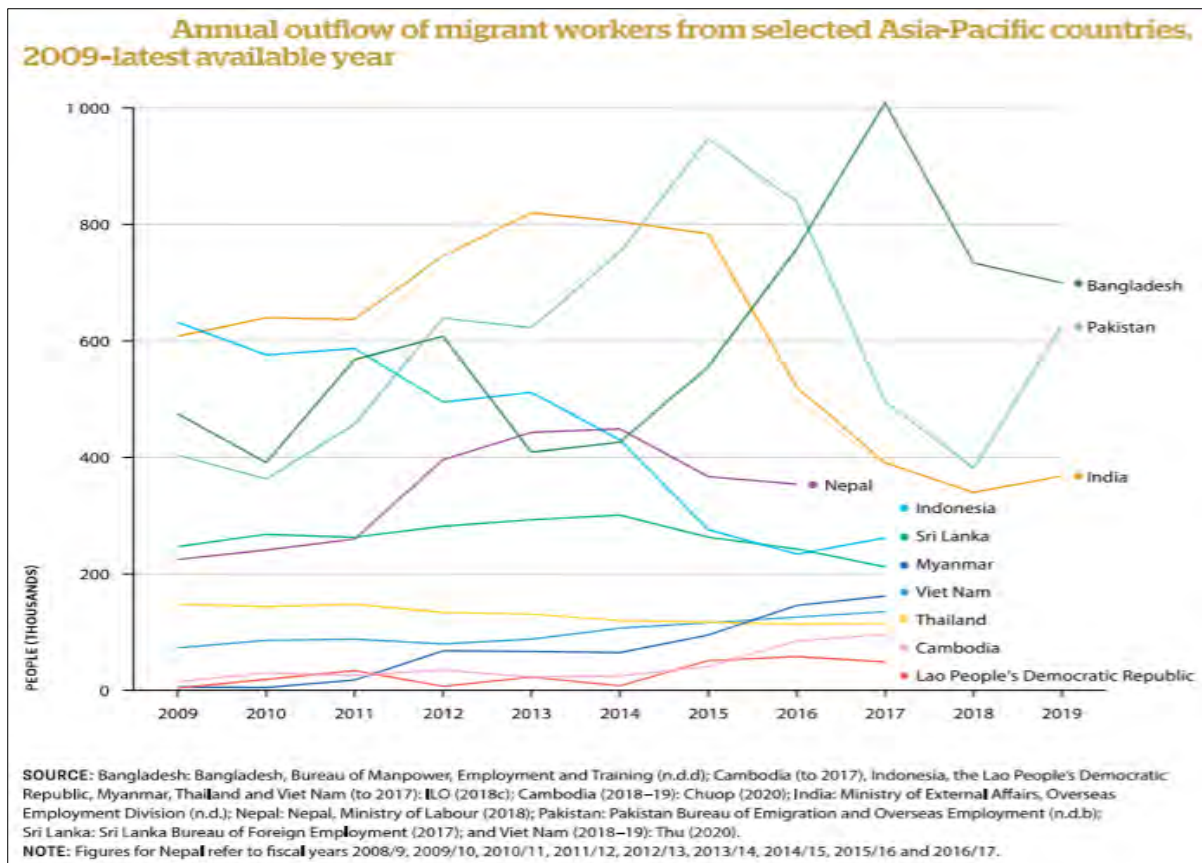


As Asian states develop to be higher affluent and host more and more economic centers, one can assume about that more professional migrants will have a better opportunity for employment in the coming years. There are a variety of tendencies opening the door to larger intra-regional migration. For example, the ASEAN Economic Community (AEC) envisions the free waft of skilled labor amongst the ten citizens of the ASEAN. Such an aspiration is slowly being realized through the granting of visas and work permits, and negotiation of mutual benefits in areas such as engineering, nursing, architecture, medicine, dentistry, and tourism.

The Pacific Labour Scheme, which began in July 2018, allows nationals of Kiribati, Nauru, Samoa, Solomon Islands, Tuvalu, and Vanuatu to work for up to three years in low and semi-skilled jobs in rural and regional Australia. Australia intends to solve labor deficits in the urban and rural sectors, as well as generate increased financial activity away from the core coastal population centers, by expanding the scheme to Pacific island nations. Starting in 2019, Japan intends to provide more than a quarter-million five-year visas to labor migrants in 14 industries with severe labor shortages, including caregiving, construction, agriculture, and shipbuilding.¹⁰⁶

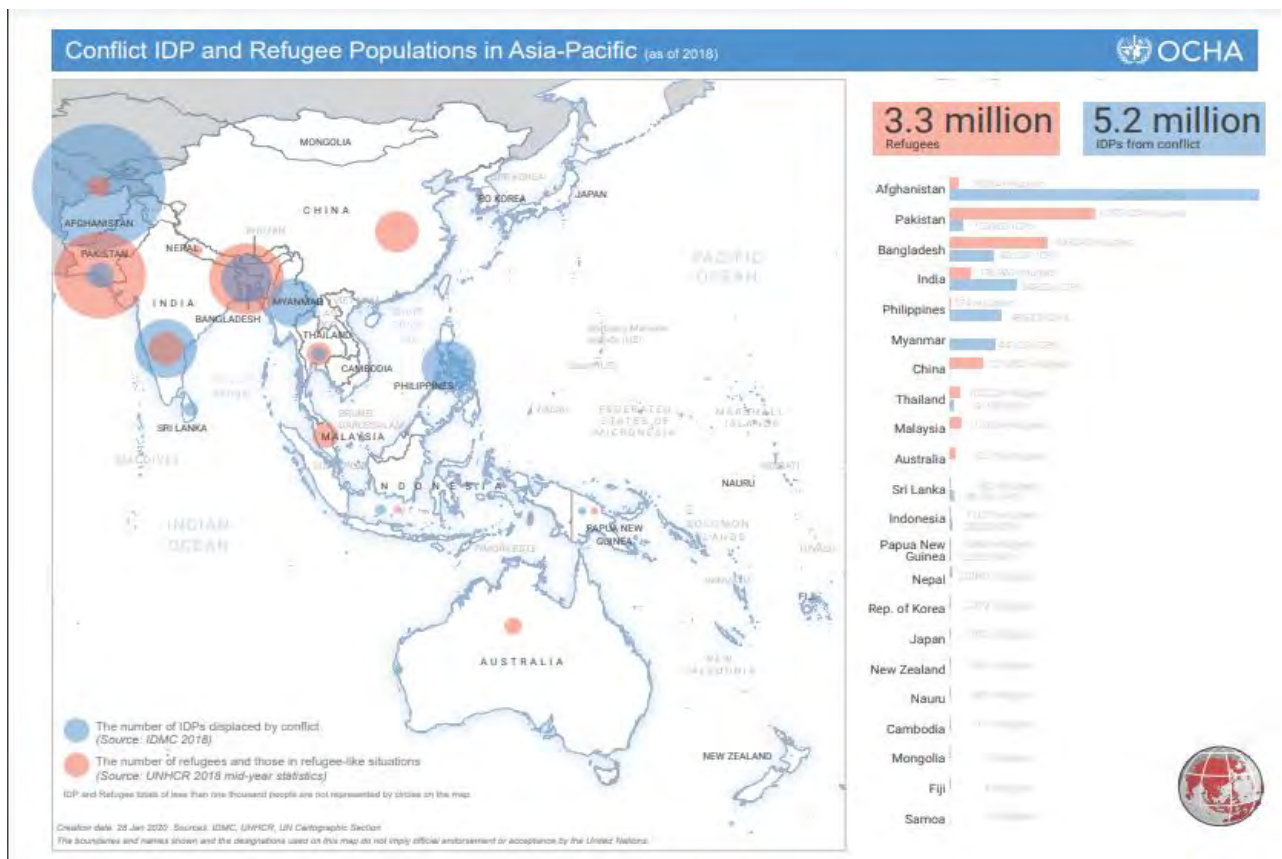
104 Ibid.
 105 N (101).
 106 Bart Édés, 'Migration in Asia: Where is Everybody Going?', ADB Blog, 2021.

A separate new visa classification for high-skilled migrants will grant permission for long-term stays. Australia and Japan are no longer the major destination countries requiring additional foreign human resources. The Economist has referred to that countries in East Asia will have to import 275 million human resources by 2030 to balance the share of the populace at working age steady.¹⁰⁷ Malaysia, Vietnam, Singapore, Thailand, and the PRC will be needing more workers. Countries with a surplus of human resources will be Bangladesh, India, Indonesia, Myanmar, and the Philippines. It is to be seen whether the emerging trends toward regional integration in areas such as trade, equity, and direct funding will be expanded in addition into the continent's labor markets.¹⁰⁸



107 Christopher R. Parsons et al., 'Working Papers Paper 104, November 2014 Conceptualizing International High-Skilled Migration'.

108 Ibid.



2. Demography of Migrants

Southeastern Asia's migration data: Since ancient times, large-scale population movements have defined South-eastern Asia. It is a key sub-region of origin for labor migrants, with a population of 669 million people and 11 nations – Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Timor-Leste, and Vietnam. While Northern America, Europe, and Western Asia are popular destinations, the majority of South-east Asia's 23.6 million migrants stay inside the continent, with roughly a third staying in the same sub-region. Rising demand for domestic and care work in Asia and worldwide has resulted in more female migrants than male migrants from various Asian countries.¹⁰⁹

Recent trends: COVID-19: With 114399900 C'19 cases and 1341000 deaths as of 25 February 2022¹¹⁰, in comparison to other regions, South-East Asia has fared well. However, the situation varies greatly from nation to country: Singapore, for example, has more than 10,000 cases per 1 million people, whilst rates in Cambodia, Vietnam, and the Lao People's Democratic Republic have stayed in the low double digits or even single digits. All of the sub-countries region's enacted temporary travel restrictions, including as the closure of border crossing points and increased border monitoring, the suspension of visas, the cancellation of international flights, and rigorous testing and quarantines. Internal measures, such as Myanmar's domestic flight ban and the Philippines' suspension of public transportation and use of roadblocks and checkpoints, were added to this.¹¹¹

109 N (100).

110 World Health Organization, 2022.

111 Philippine Department of Health, 2020.

C'19 has disproportionately affected migrants in Southeast Asia, often due to insufficient and tight housing conditions. In Singapore, for example, migrant workers housed in dormitories accounted for more than 90% of the total 59,800 instances as of mid-February 2021, a trend to which the government responded with movement limitations for foreign workers.¹¹² Other countries-imposed restrictions for their own workforce, for example, the Philippines banned overseas travel for Filipino nurses and medical workers for several months¹¹³.

While all migrants are affected by C'19's health concerns, insecurity, lockdowns, deteriorating working conditions, and economic decline, the implications for asylum seekers and refugees are especially severe. As a result of the epidemic, asylum processes in numerous countries have been scaled back and are now only partially operational or non-existent, as in Cambodia. Malaysia, Singapore, Thailand, Timor-Leste, and Vietnam have all refused entry to asylum seekers.¹¹⁴, which led to hundreds of Rohingya refugees being stuck on boats in the Bay of Bengal and the Andaman Sea¹¹⁵.

General trends

- *An estimated 23.6 million Southeast Asian migrants live outside their countries of origin. With more than six million emigrants, the Philippines is the country with the highest number of emigrants in the sub-region, as well as the ninth highest globally¹¹⁶.*
- *While Northern America and, to a lesser extent, Europe are relevant regions of destination, the majority of Southeast Asian migrants, close to 15 million, remain on their continent. 7.1 million – more than two thirds of the 10.6 million migrants in the region – even stay within the sub-region.*
- *The reasons for migration within and from South-eastern Asia are diverse and include issues such as escaping political or environmental instability, family reunion or access to education. By far the most important, however, is **labour migration**, which serves as a multigenerational poverty reduction strategy¹¹⁷. An estimated 19 per cent of all migrant workers living in South-Eastern Asia and the Pacific in 2013 were migrant domestic workers¹¹⁸.*
- *As of mid-year 2020, the sub-region was home to more than 290,000 refugees and asylum-seekers, mostly Rohingya from Myanmar. Malaysia (179,073), Thailand (98,525) and Indonesia (13,515) hosted more than 99 per cent of the refugees and asylum-seekers in the sub-region¹¹⁹.*
- *South-eastern Asia is particularly vulnerable to environmental disasters, including earthquakes, volcanic activity, tropical storms and flooding, as well as other consequences of global warming. In 2019, natural disasters led to 4.1 million new displacements in the Philippines, 463,000 in Indonesia and 270,000 in Myanmar¹²⁰.*
- *An estimated one-third of migrant workers in the Asia-Pacific region have an irregular status in their country of destination. Irregular cross-border movements are frequently facilitated by loose smuggling networks, who profit from porous borders, established migration routes, and the complex and costly processes often associated with legal migration and employment¹²¹.*

112 Biosafety, 'Who We Are', available at: moh.gov.sg.

113 POEA - Philippine Overseas Employment Administration.

114 UNHCR - The UN Refugee Agency.

115 UNHCR - The UN Refugee Agency.

116 UNDESA World Social Report 2020, DISD.

117 IOM, 'Global Report 2019 Operations and Emergencies'.

118 World Employment and Social Outlook, Trends 2015.

119 UNHCR - Refugee Statistics.

120 IDMC, 'Global Report on Internal Displacement 2020', GRID, 2020.

121 GAR 2020_web version 2.pdf (iom.int).

- *Almost half of the migrants of Southeast Asian origin – 11.7 million – are women. However, in some countries, the percentage is much higher: in Thailand, for example, it is 61 percent, and more than 55 per cent in Malaysia and the Lao People's Democratic Republic¹²².*
- *Migrants from and in the sub-region are victims of exploitation: almost half of the victims in Asia are exploited within Southeast Asia¹²³, and three quarters of all Asian victims are from South-eastern Asia¹²⁴. Female migrants are especially vulnerable to forced labour and physical, mental and sexual abuse¹²⁵, due to their prevalence in the precarious and largely informal sectors of domestic work, hospitality and the sex industry¹²⁶: more than 85 per cent of trafficking victims from Indonesia, the Lao People's Democratic Republic and the Philippines identified since 2002 are women¹²⁷.*
- *Dependence on remittances is high in all countries of the sub-region, but most pronounced in the Philippines, one of the world's top five remittance-receiving countries, where remittances amounted to USD 35.2 billion in 2019, nearly 10 per cent of GDP¹²⁸.*

Trends in migration: Beginning along traditional trade routes with China, Central and Western Asia, Europe, and along the coasts, population movements have always been a defining aspect of the sub-history. Region's Growing plantations and industries in the 16th century created a demand for extra labor, which was met by immigrants from other Asian nations, notably roughly 20 million Chinese and 30 million Indians who arrived between 1840 and 1940. Some of them settled in their new homes, resulting in today's multi-ethnic civilizations. After WWII, decolonization and the consolidation of South-east Asian governments' national independence went hand in hand with restricted immigration laws, resulting in a temporary drop in labor migration. At the same time, the formation of Malaysia resulted in a migration of roughly 270,000 people from Peninsular Malaysia, with about half of them settling in Singapore.¹²⁹

Thousands of Korean and Filipino laborers arrived in the region during the Vietnam War in the 1960s to work as construction and service workers for US military stations in former South Vietnam, Guam, and Thailand. During this decade, permanent long-distance migration to Australia, Canada, New Zealand, and the United States of America began, a trend that has continued to this day. The oil boom of the 1970s triggered a spike in temporary labor migration to Western Asia's oil-producing countries, resulting in massive cross-national population transfers in the region, including up to 30,000 persons from the Philippines alone.¹³⁰

After a downturn during the late 1990s economic crisis, migration has resumed, becoming more sophisticated and diverse as a result of globalization, greater education, and improved transportation infrastructure. Rural-urban migration is a significant trend within the region's different countries. Internal migration in the region is prevalent and includes both long-term and short-term (seasonal and repeat/temporary) movement.¹³¹ Another significant flow is refugee movements: over a million Rohingyas

122 UNDESA World Social Report 2020 | DISD.

123 Migration data in South-eastern Asia | Migration data portal.

124 Healthy People - Healthy People 2020 (cdc.gov).

125 ILO, 'Full report: World Employment and Social Outlook', 2015.

126 N (121).

127 CTDC Map, CTDC (ctdatacollaborative.org).

128 World Bank, 'World Development Report 2020: Trading for Development in the Age of Global Value Chains'.

129 United Nations For Youth, 'World Youth Report', 2003.

130 N (100).

131 World Social Science Report, 2016.

have fled Myanmar in successive waves of displacement since the early 1990s, with Bangladesh as the main destination¹³², and ongoing repatriation talks.

Labour migration, of high importance for the region, is driven by rural poverty and differences in wages and economic opportunities in the sub-region¹³³; existing social networks in host countries work as pull-factors, together with a well-established migration industry, comprising migration agents, recruiters, travel providers, immigration officials, etc. Within South-eastern Asia, the predominant countries of destination for domestic workers are Thailand, Singapore and Malaysia; the main countries of origin are Indonesia, the Philippines, Myanmar and Vietnam¹³⁴.

Hazardous migratory flows are large, for example, from the Mekong sub-region to Thailand and Malaysia, and from Indonesia to Malaysia¹³⁵, and many migrants have an irregular status in their destination country. This is true for an estimated ten percent of the overseas Filipino community, as well as migrants from Vietnam who are primarily headed for Europe, North America, and the Gulf region¹³⁶. While men dominate rural-rural and seasonal migration, as well as industries like construction, agriculture, heavy manufacturing, fishing, and taxi/motor-taxi driving, women make up the majority of rural-urban and long-term migrants, working as domestic workers, childminders, nurses, and doctors, in garment manufacturing, and in the sex and entertainment industries, for example.

Many nations in the sub-region have a higher-than-average percentage of women emigrating: Thailand leads with 61%, followed by Malaysia (56.7%) and the Lao People's Democratic Republic (56.7%). (55.9%). In terms of absolute numbers, the Philippines leads with over 3 million female migrants, followed by Indonesia with almost 2 million and Vietnam with 1.7 million.¹³⁷

Many come from impoverished rural areas and relocate for a variety of reasons, including economic chances and educational prospects. It's also important to break free from patriarchal control and gendered preconceptions regarding female duties. The fact that many migrants work in the sub-huge region's informal sector, typically in low-paying positions with little security, increases the likelihood of systemic exploitation and abuse. Social isolation and discrimination, long working hours and rigorous physical activity, as well as no or limited access to basic necessities and public services, such as education, healthcare, sanitation, shelter, drinking water, and food, are all examples of this.¹³⁸

In the Thai fishing industry, for example, an investigation uncovered not only fraudulent and coercive labor tactics, but also that 17% of the workers polled were working against their will and unable to leave. Hundreds of thousands of migrants will return to their home nations as a result of the C'19 pandemic in 2020. For example, the return of more than 300,000 Filipino migrants lowered remittances to the Philippines by almost 5% in 2020, to \$33.3 billion USD. Remittances in the entire sub-region fell by more than 8%, from around 76.9 billion USD in 2019 to an expected 70.4 billion USD in 2020.¹³⁹

132 UNHCR - UNHCR Global Trends, 2019.

133 N (131).

134 N (131).

135 N (125).

136 World Drug Report, 2018.

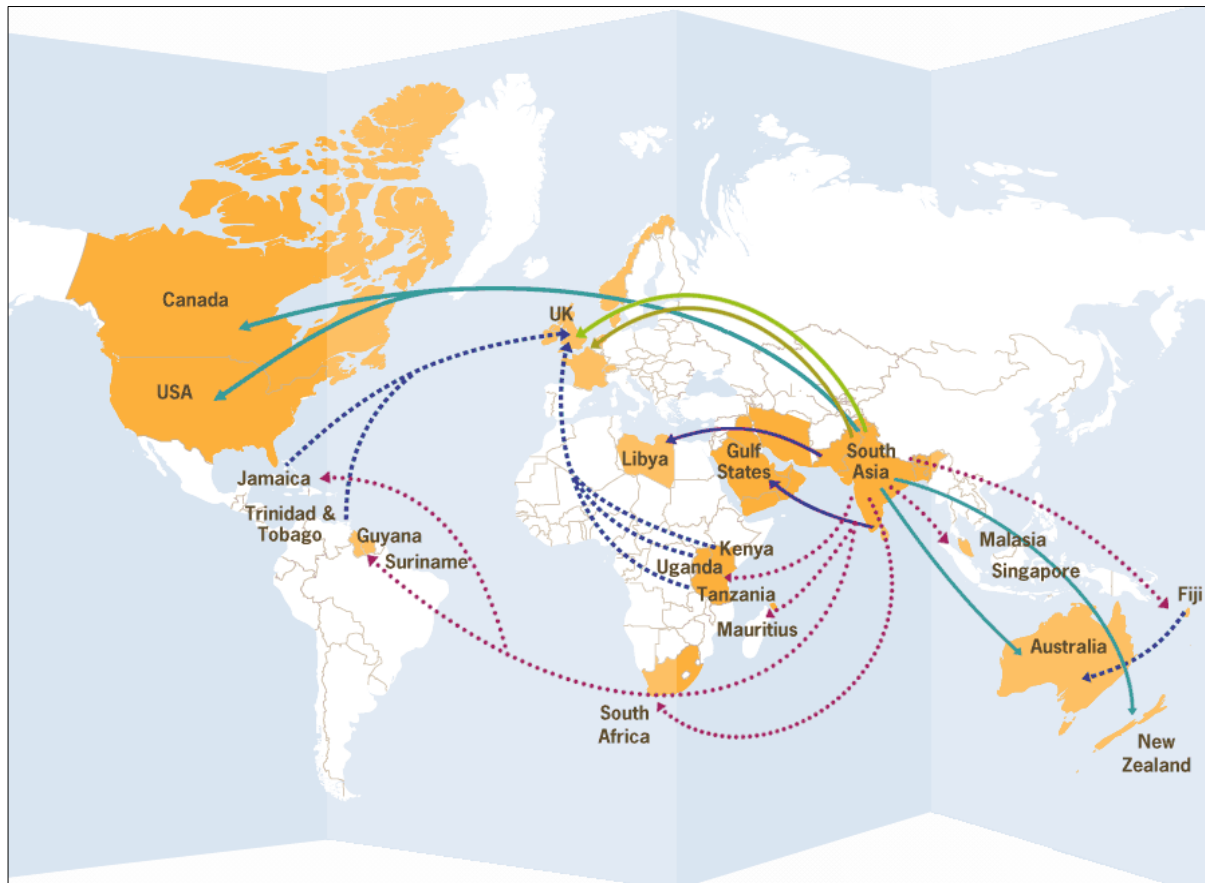
137 UNDESA World Social Report, DISD, 2020.

138 N (131).

139 N (128).

Out-Migration from South Asia

South Asian migrants to the UK after 1947 come from different countries and for different reasons - to escape civil war, to seek better economic opportunities and to join family members already settled here. In spite of facing discrimination in Britain, these migrants have settled in the UK, and through their struggles for workers' rights and civil rights many have contributed to the political, economic and social life of the UK.¹⁴⁰



Migration to the UK from Punjab, India

The ties between the British and the Punjab region of India go back a long way. From 1857 onwards many Punjabis served in the British army. Sikh soldiers who served in elite regiments, were often sent to other colonies of the British Empire, and saw active service in both world wars. There is a memorial in Sussex which honours the Sikh soldiers who died in WW1. Britain's labour shortages shaped the post-war migration patterns from the subcontinent. It was primarily men from middle-ranking peasant families in Punjab, particularly those who had been previously employed in the colonial army or the police force and their relatives, who took up this opportunity. These Punjabi migrants found work in the manufacturing, textile and the service sectors, including a significant number at Heathrow Airport in West London. After the Commonwealth Immigrants Act was passed in 1962 which restricted the free movement of workers

140 Striking Women, 'Post 1947 migration to the UK - from India, Bangladesh, Pakistan and Sri Lanka' available at: striking-women.org.

from the Commonwealth, most workers from South Asia decided to settle in the UK and were eventually joined by their families.¹⁴¹

Migration to the UK from Mirpur, Pakistan

A large majority of Pakistani migrants in the UK originate from Mirpur in Kashmir, which has a long history of out-migration. Sailors from Mirpur found work as engine-room stokers on British ships sailing out of Bombay and Karachi, some of whom settled in the UK in the late 19th and early 20th centuries. Pakistani migrants who came to Britain after the war found employment in the textile industries of Lancashire, Yorkshire, Manchester and Bradford, cars and engineering factories in the West Midlands, and Birmingham, and growing light industrial estates in places like Luton and Slough. After the Mangla dam was building 1966 which submerged large parts of the Mirpur district, emigration from that area accelerated. Other groups who migrated from Pakistan in the 1960s include Punjabis who mainly settled in Glasgow, Birmingham and Southall in London, and migrants from urban areas who were more likely to be professionals and who worked for the NHS.

Migration to the UK from Sylhet, Bangladesh

Bangladeshi migration to the United Kingdom is likewise well-documented. Sailors from Bangladesh's Sylhet district arrived on ships in the 18th and 19th centuries, with some settling in the United Kingdom. However, when compared to other South Asian communities,¹⁴² large-scale Bangladeshi settlement in the UK is a more recent development. When India obtained independence from British rule, it was partitioned, resulting in the creation of the Pakistani state. Pakistan was made up of two territories separated by a thousand miles: modern-day Pakistan, which was known as East Pakistan at the time, and modern-day Bangladesh, which was known as West Pakistan at the time. In 1970-71, there was a civil war between the East and the West, which resulted in the establishment of Bangladesh in 1971.¹⁴³

Most Bangladeshi families in the UK in the present time are the result of large scale migration in the early 1970s from the Sylhet region of Bangladesh, as people fled from the civil unrest in their homeland, to seek a better life in Britain¹⁴⁴. They settled in the East London boroughs, which had previously been home to waves of immigrants such as Jewish migrants from Eastern Europe escaping persecution before WWI, and others who fled Nazi Germany and Austria in the 1930s. Bangladeshi men initially found work in the steel and textile mills across England, but when these industries collapsed, they turned to small businesses including tailoring and catering. Many found work in the growing number of "Indian" restaurants and takeaways in the UK, most of which are actually owned by Bangladeshis.¹⁴⁵

Migration from Sri Lanka

Small numbers of professionals immigrated to the UK from Sri Lanka (known as Ceylon until 1972) in the 1960s and 1970s, finding work in the NHS and other white-collar jobs. These early migrants came from well-off families, were well-educated, and had established themselves in British society. During the civil war in Sri Lanka, the next significant wave of Sri Lankan migration to the UK occurred from the 1980s onwards. Many Tamil Sri Lankans applied for asylum in the United Kingdom. These migrants came from

141 Ibid.

142 Ibid.

143 Ibid.

144 The Separation of East Pakistan, 'Great setback to Pakistan in year 1970'.

145 Ibid.

less affluent homes, but they were far from the poorest portions of their society, as are most migrants who travel to the West. To flee state oppression, many Tamils from underprivileged families sought asylum in neighboring India. People of Sri Lankan descent make up 70% of the population in London, 20% in the Midlands, and the rest in other parts of the UK. Many Tamils in the UK have found work in small companies such as grocery stores and newsagents, with a rising number starting their own.¹⁴⁶

Countries	Migration Policies	Civic Space	Impact of COVID-19
South Asia			
Nepal	<p>Net migration rate (Source: Migration Policy Institute)</p> <p>Nepal: -4.12 migrants / 1,000 population (2021)</p> <p>Immigration rate: 487,564</p> <p>Emigration rate: 2,599,701</p> <p>Immigration Rank: 79</p> <p>Emigration Rank: 27</p> <p>Department of Immigration under the Ministry of Home Affairs is primarily responsible to execute and implement the immigration laws of Nepal.</p> <p>Existing legal frameworks: Non-Resident-Nepalese Act 2064, Foreign employment act 1985, Immigration Act 2049, Immigration Regulation 2051 and Immigration Procedure 2065. (DOI) is responsible to regulate the immigration in Nepal, starting from issuing of visa to issuing trekking permit, detaining and</p>	<p>Civil society played a critical role in the dismantling of the Hindu monarchy and the establishment of a democratic republic in 2008. But since around 2010, there have been sustained efforts to curtail civic space. Civic space is rapidly shrinking due to stricter regulations in connection with operation of NGOs.</p> <p>The updated Criminal Code of 2018, which stipulates that journalists could be fined or imprisoned for publishing “confidential information.” Despite freedom of conscience and faith guaranteed in the constitution, religious conversion remained a touchy subject Nepal, where proselytization is banned and NGOs receiving foreign funds are not allowed to engage in religious activities. In an alarming move, in 2019, Nepal’s International Development Cooperation Policy directed foreign NGOs to fund development work instead of religious and political institutions.</p> <p>According to ICNL, there have been sporadic threats against journalists by government actors in Nepal for their reporting on the C’19 pandemic. Police have detained reporters for the act of reporting during lockdown on multiple occasions. In at least some cases, the relevant reporters were covering the impact of the pandemic on Nepali society and the government’s handling thereof. Public health</p>	<p>Nepal, a landlocked country aspiring to graduate from a Least Developed Country status, stands highly vulnerable to the unfolding C’19 pandemic. Heedful of its vulnerabilities, the Government has enforced a nationwide lockdown and activated its federal, provincial and local level mechanisms to respond to the crisis. Nepal Government has reported over 261K C’19 cases as of 4 Jan 2021. Meanwhile, the secondary impact of the global pandemic is huge and it is already taking a serious toll on an economy that relies heavily on remittances, imports fueled by remittances, informal labor, and tourism revenues. The persistent drumbeat of positive tests and reported deaths in other countries due to novel coronavirus (C’19) has created widespread concerns. Nepal is starting to suffer the most abrupt and widespread cessation of economic activity due to outbreak of this virus. As per the analysis by the Asian Development Bank, the outbreak of this deadly disease will hit almost every sector of the Nepali economy, shaving up to 0.13 per cent off the gross domestic product and rendering up to 15,880 people jobless. The impact has already started to surface in number of sectors like tourism, trade and production linkages, supply and health. Especially the entire service industries: tourism, aviation and hospitality sector have been hit hard by the outbreak. With the launch of visit Nepal 2020 campaign in Jan , the country was in hope to attract two million visitors, but due the corona pandemic the campaign got cancelled which has shattered the hospitality and tourism related business sector. With this the tourist arrival rate has declined to below 10</p>

	<p>investigation on violation or breaching of immigration laws</p>	<p>workers have threatened a journalist for reporting on the smuggling of medical supplies. One reporter was beaten by soldiers for photographing a lockdown checkpoint. A parliamentarian threatened a bureau chief for reporting that the parliamentarian's wife had violated lockdown restrictions. Additionally, a leader of an opposition party was at one point phoned and threatened by a politician after reporting that the politician had not cooperated in quarantining someone suspected of carrying the virus.</p>	<p>percent, from 70 percent before the C'19 outbreak. Tourism sector, being one of the largest.</p>
India	<p>Net migration rate (Source: Migration Policy Institute)</p> <p>India: 0.04 migrants / 1,000 population (2021)</p> <p>Immigration rate: 4,878,704</p> <p>Emigration rate: 17,869,492</p> <p>Immigration Rank: 14</p> <p>Emigration Rank: 1</p> <p>Government of India has no clear policy of checking immigration or encouraging emigration.</p> <p>Legal frameworks: Passport (Entry in India) Act, 1920, The Foreigners Statute, 1946, The Foreigners Registration Act 1939</p>	<p>There has been an increased restriction of space for dissent, particularly after the reelection of PM Narendra Modi. The repressed rating for civic space means that democratic freedoms such as the freedoms of expression, peaceful assembly and association are significantly constrained. Attacks on activists and journalists, while also flagging the use of sedition and "other restrictive laws such as the National Security Act and Unlawful Activities Prevention Act" against students, academics and activists to "silence critics of the government.</p> <p>Indian-administered Kashmir, for instance, has been perilous for journalists in recent years, with several instances of physical attacks, including by security forces, assassinations of prominent media voices, and fabricated prosecution of critical journalists, invoking draconian anti-terror and preventive detention provisions too. Other parts of India too have witnessed such media hounding, most recently under the cover of the C'19 lockdown. Enacted changes in its tax laws-2020 that will have detrimental</p>	<p>On March 24, India's government announced a nationwide lockdown to contain the spread of C'19, closing schools and non-essential businesses, and suspending air and rail travel. India has been hit hard by C'19. The country currently has the second largest number of cases in the world after the United States.</p> <p>The economic impact of the 2020 corona virus pandemic in India has been largely disruptive. India's growth in the fourth quarter of the fiscal year 2020 went down to 3.1% according to the Ministry of Statistics.</p> <p>The Chief Economic Adviser to the Government said that this drop is mainly due to the corona virus pandemic effect on the Indian economy. Notably India had also been witnessing a pre-pandemic slowdown, and according to the World Bank, the current pandemic has "magnified pre-existing risks to India's economic outlook".</p> <p>Impact of C'19 has been multiple and not only limited to society at large. From the perspective of the economy both rural and urban have been impacted adversely. As India is recognized as land of diversity, so the impact of C'19 is diverse and countless. Amidst the lockdown in Indian</p>

	and its rules 1992.	effects on NGOs, albeit require to reregister every five years. The Foreign Contribution (Regulation) Act in 2010 has restrictive clauses have been further tightened and weaponized by the government, resulting in a situation where access to foreign funds is subject to periodic license renewals, caps on how the funds can be used, and, among other things, an undertaking not to engage in religious conversions. A further amendment earlier in Sept 2020 has made it even more difficult for groups to pursue human and minority rights work. ¹⁴⁷ In May 2020, the government made it mandatory for all central government officials to use the government-built Aarogya Setu app on their mobile phones. The app alerts users if a person in their vicinity has tested positive for C'19. The government has also made the app mandatory in virus "containment zones" throughout the country. The app lacks privacy protections, with the use of both Bluetooth and GPS, and with little transparency about how the data will be handled. ¹⁴⁸	society, multiple issues related to social, educational, economic, political, agricultural, psychological levels and many more have been noticed which has created the devastating impact on the lives of the people. ¹⁴⁹ India is likely to be worst affected among the world's major economies even after the pandemic wanes, with output 12% below pre-virus levels through the middle of the decade, according to Oxford Economics. Migrant workers during the C'19 pandemic have faced multiple hardships. With factories and workplaces shut down due to the lockdown imposed in the country, millions of migrant workers had to deal with the loss of income, food shortages and uncertainty about their future. Following this, many of them and their families went hungry. Thousands of them then began walking back home, with no means of transport. ¹⁵⁰
Afghanistan	Net migration rate (Source: Migration Policy Institute) Afghanistan: -0.1 migrants / 1,000 population (2021) Immigration rate: 144,098 Emigration rate: 5,853,838 Immigration Rank: 122 Emigration Rank: 10	CIVICUS, Afghanistan Human Rights Organization, Civil Society and Human Rights Network and People's Action for Change Organization explore the continued insecurity in Afghanistan, which has resulted in the closure of space for civil society, including through targeted attacks on humanitarian workers, protesters and journalists. There have been moves in recent years that hamper the freedom of association. In 2017, Afghanistan sought to introduce restrictions that could require all NGOs to re-register themselves every three years. Violence against women and the	While implementing activities to mitigate the spread of C'19, humanitarian actors in Afghanistan continue to respond to other ongoing and emerging humanitarian needs. Natural disasters and Taliban's take over across the country continue to displace thousands of families, compounding pre-existing vulnerabilities and making them potentially more susceptible to exposure to and transmission of C'19. Additionally, following Taliban's takeover, World Health Organization (WHO) has recently expressed its concerns over the situation of C'19 in Afghanistan and pace of vaccination therein. ¹⁵¹ Amid the political

147 The Caravana, 'South Asia State of Minorities Report', 2020.

148 COVID Tracker, available at: <https://www.icnl.org/covid19tracker>.

149 Abhishek Soni, 'COVID-19 and its impact on Indian society', October 2020.

150 Geeta Pandey, 'Coronavirus in India: Desperate migrant workers trapped in lockdown', available at: <https://www.bbc.com/news/world-asia-india-52360757>.

151 WHO, available at: <https://www.who.int/news-room/news-updates>.

	<p>To regulate the migration, the Government of Afghanistan introduces a 'work permit system' administered by the Department of Foreign Residents Employment within the Ministry of Labour, Social Affairs, Martyrs and Disabled.</p> <p>Following MoU between Afghanistan's Ministry of Refugees and Reparation (MoRR) and ICMPD in 2017, a Comprehensive Migration Policy was formulated to respond to the complex migration situation in four areas: return and reintegration, regular migration, prevention of irregular migration and migration and development.</p>	<p>desperate situation faced by women human rights defenders in who are subjected to a heightened level of persecution because of their gender and their human rights activism is a common phenomenon. The recent targeted killings of prominent figures including journalists and rights activists have prompted a public outcry accusing the government of failing to protect its citizens despite ongoing peace talks between the government and the Taliban. The Afghan Journalists' Safety Committee said at least seven media personnel have been killed this year, including two journalists killed in separate bombings last month and five journalists have been killed in the past two months. Since early Nov, a series of targeted armed attacks and bombings have claimed the lives of prominent journalists. Among others in civil society women's rights activist Freshta Kohistani, Executive Director of Free and Fair Election forum of Afghanistan Yousuf Rashid, the acting health director of the prison Nafezalbrahimi, and Deputy Governor of Kabul and his secretary were killed in the past three weeks. There are daily attacks against civilians where over 65 persons have lost their lives, including women and children in the capital Kabul in recent weeks including two assaults on educational centres and a rocket attack. At least 31 soldiers were killed in two separate suicide bombings that targeted a military base and a provincial chief. The armed group ISIS claimed three Kabul attacks and no one has claimed responsibility for the rest of the attacks.</p>	<p>turmoil, organization also anticipates rapid rise in the cases of C'19 in Afghanistan.</p> <p>According to World Bank, the C'19 crisis is having a devastating impact on the livelihoods of Afghans while undermining the government's revenue collection and its capacity to finance comprehensive programs to save lives, protect the poor, and jumpstart the economy.</p> <p>Economic activity plummeted in the first half of 2020 as lockdowns and social distancing measures to curb C'19 negatively affected the industry and service sectors. Despite continued robust growth in agriculture following the recovery from the 2018 drought, lower outputs in industry and services, as well as declining revenues due to trade disruptions and weaker tax compliance have put government finances under pressure.¹⁵²</p>
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152 World Bank.

North East Asia

<p>Japan</p>	<p>Net migration rate (Source: Migration Policy Institute)</p> <p>Japan: 0.76 migrants / 1,000 population (2021)</p> <p>Immigration rate: 2,770,996</p> <p>Emigration rate: 808,825</p> <p>Immigration Rank: 24</p> <p>Emigration Rank: 87</p> <p>A relatively new migration policy has been embarked by Japan in December 2019 allowing the inflows of two types of foreign workers:</p> <p>I. Low-skilled foreign workers who would reside in Japan for up to five year and work in 14 specific sectors.</p> <p>II. Foreign workers with a higher level of skills who would be allowed to bring their family members and could be allowed to live in Japan indefinitely. (https://www.knomad.org/publication/migration-and-development-brief-30)</p>	<p>Political rights and civil liberties are generally well respected. Outstanding challenges include ethnic and gender-based discrimination and claims of improperly close relations between government and the business sector. Freedom of religion is guaranteed by the constitution, and there are no substantial barriers to religious expression or the expression of non-belief. Academic freedom is constitutionally guaranteed and mostly respected in practice, but education and textbooks have long been a focus of public and political debate. While there is not a national curriculum or single official history text, the Ministry of Education's screening process has approved textbooks that downplay Japan's history of imperialism and war atrocities.¹⁵³</p> <p>On 7 April 2020, the PM declared a "state of emergency" in Tokyo and six other major metropolitan areas, under Article 32 of the Act on Special Measures. The declaration does not impose restrictions on movement, but allows governors to request that individuals remain home and recommend to organizers that they cancel events. Violators are not subject to penalty unless they fail to comply with orders related to storing and shipping medical supplies.</p> <p>The new declaration of state of emergency is not meant for restricting civic space but to preserve economy. Under the state of emergency, which comes into effect at midnight and will remain in place until at least Feb. 7, Tokyo is asking restaurants to close at 8 p.m., for citizens to stay at home, and for</p>	<p>The C'19 pandemic has had a severe impact on countries all over the world, and Japan is no exception. With the increasing number of confirmed cases, the Japanese government declared a state of emergency in April and implemented strict public health measures. As economic activity became significantly constrained, private consumption for April declined by about 20 percent from last year. New cases of infection decreased sharply thanks to the public health measures, and the state of emergency was lifted at the end of May. The total number of confirmed deaths is less than 1,000 in Japan, and economic activity has resumed gradually. That said, given the significant economic downturn, Japan's economy is likely to remain in a severe situation for the time being. Thereafter, as the impact of C'19 wanes globally in the second half of the year, Japan's economy is likely to improve, mainly on the back of pent-up demand and the effects of macroeconomic measures.¹⁵⁴</p> <p>There are significant uncertainties over the outlook for the economy. The C'19 pandemic continues on a global basis, and concern about a second wave of the virus has increased recently. Under these circumstances, there is a risk that the second-round effects of C'19 may push down the economy considerably.</p> <p>The measures, which will be in place for a month – but possibly longer – will be less strict than lockdowns seen in other countries, and unlike during Japan's first state of emergency in the spring, schools and non-essential businesses will not be asked to close. In addition, sports events will be allowed to go ahead, with the cap for spectators revised down to 5,000 people or 50% of capacity, whichever is smaller. Gyms, department stores and entertainment facilities will be asked to</p>
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153 Ibid.

154 Haruhiko Kuroda, 'The impact of COVID-19 on the Japanese economy and the Bank of Japan's response', available at: <https://www.bis.org/review/r200803b.htm>.

		<p>businesses to let staff work from home.</p> <p>The PM has called the restrictions “limited and concentrated,” as his government, like all others, struggles to balance protecting public health against maintaining the economy.</p>	<p>shorten their opening hours.¹⁵⁵</p> <p>An estimated 150,000 bars and restaurants in Tokyo and the three neighbouring prefectures of Kanagawa, Chiba and Saitama – which together account for about 30% of the country’s population of 126 million – will be asked to stop serving alcohol at 7pm and to close an hour later. People will be encouraged to avoid non-essential outings after 8pm. Companies will be asked to step up remote working provision with the aim of reducing commuter traffic by 70%.¹⁵⁶</p>
S. Korea	<p>Net migration rate (Source: Migration Policy Institute)</p> <p>South Korea: 2.65 migrants / 1,000 population (2021)</p> <p>Immigration rate: 1,728,182</p> <p>Emigration rate: 2,264,554</p> <p>Immigration Rank: 38</p> <p>Emigration Rank: 30</p> <p>Migration until the mid-2000s in Korea was managed on an ad hoc bases. In 1980s and 1990s, low0skilled labor migrants were recruited at company level to meet labor shortages in manufacturing and industrial sectors. Following the growth of migrant workers, Government of SK introduced the industrial skill trainee program (ITP) in 1993 which served small and</p>	<p>There are serious concerns that the authorities are intimidating activist groups that work on human rights issues in North Korea, with two organisations having their registration revoked while over 200 are facing reviews and inspections. The authorities also attempted to restrict protests due to the C’-19 pandemic. Two protest organisers have been charged. The government has displayed worryingly illiberal tendencies in its handling of groups that it views as standing in its way, such as North Korean human rights and escapee groups, who have faced increasing pressure to stay silent and cease their advocacy. The government has also moved to exercise ever more control over state prosecutors. The Minister of Justice has attacked prosecutors who dared to investigate charges of corruption and abuse of power against the government, claiming a conspiracy to undermine President Moon.¹⁵⁷ Another worrying trend is the populist tactic by ruling party politicians, notably lawmaker Lee Jae-jung, of using the internet to whip up supporters to engage in cyberbullying against reporters. The Infectious Disease Control and Prevention Act No. 14286 which was</p>	<p>The first national level C’19 election has conducted successfully in South Korea on 15th of April, 2020 that can be a model for an election during a pandemic. Drastic measures implemented in the polling stations to ensure the voter’s safety and contain the possibility of virus spread. Voters were required to stand at least one meter apart, cover their faces with a mask, hand sanitizer and disposable gloves were provided at the entrance while voting booths disinfected frequently. Temperature checks took place in each polling station and anyone higher than 37.5 Celsius was directed to special booths. The whole process was able to attract the public trust in a scale that 66.2% of the voters turned up to vote. Highest number of the voter turnout after 28 years in South Korean election history. The administration has been praised domestically and internationally for its handling of the outbreak. South Korea has managed to lower its daily number of new infections to around 50 and keep the fatality rate under 2% through steps such as widespread testing, effective quarantine policies and an emphasis on social distancing. Analysts say the government’s management of the pandemic has overshadowed other issues, such as failed economic policies, corruption scandals, and the lack of a breakthrough in talks with North Korea. The UFP, for its part, says that it is the</p>

155 The C’19 pandemic has had a severe impact on countries all over the world, and Japan is no exception. With the increasing number of confirmed cases, the Japanese government declared a state of emergency in April.

156 Japan’s PM declares state of emergency in Tokyo amid Covid crisis, available at: <https://www.theguardian.com/world/2021/jan/07/japans-pm-declares-state-of-emergency-in-tokyo-amid-covid-crisis>.

157 Ibid.

	<p>medium-sized enterprises (with 300 or less employees). As this couldn't sufficiently address the harsh working condition of workers, migrants themselves organized the Migrants Trade Union (MTU) and organized various sit-ins against the working condition. Later in 2003, ITP was replaced with Employment Permit System which provides greater legal protection to the foreign labourers.</p> <p>(https://keia.org/wp-content/uploads/2020/05/kei_aps_draught_191017.pdf)</p>	<p>amended following the MERS epidemic in 2016 and again in 2020, gives the minister of health extensive legal authority to collect private data, without a warrant, from individuals already confirmed or suspected of having an infectious disease. The Act also allows authorities to send the whereabouts of certain patients to all smart phones in the patients' vicinity via an emergency text. The Act also allows authorities to "restrict or prohibit performances, assemblies, religious ceremonies, or any other large gathering of people." Introduced on 4th March, 2010, the Amendments To Infectious Disease Control and Prevention Act No. 14286 Allows the government to criminally prosecute suspected patients who refuse to get tested for the virus with a fine of up to 3,000. The amendment also significantly increases the potential penalty for breaking quarantine to up to one year of imprisonment or a fine of \$10,000 for the offense.¹⁵⁸</p>	<p>public and health care workers who should get the credit for the deft handling of the pandemic, not the governing party. To ensure the election is conducted safely, infected patients will be allowed to vote at hospitals, treatment centers or from home. All 14,000 voting stations and overseas will be disinfected and equipped with hand sanitizers, and people will have their body temperatures checked.¹⁵⁹</p>
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South East Asia

<p>Philippines</p>	<p>Net migration rate (Source: Migration Policy Institute)</p> <p>Philippines: -1.75 migrants / 1,000 population (2021)</p> <p>Immigration rate: 225,525</p> <p>Emigration rate: 6,094,307</p> <p>Immigration Rank: 107</p> <p>Emigration Rank: 9</p> <p>Notably, Philippines migration policy allows and encourages emigrants.</p>	<p>CIVICUS Monitor, a global research collaboration that rates and tracks respect for fundamental freedoms in 196 countries, has downgraded the Philippines from "obstructed" to "repressed" in its People Power Under Attack report 2020. The Duterte government has incrementally chipped away at civic freedoms since it came to power in 2016 but this has further eroded over the last year. In 2020, we have seen systematic intimidation, attacks and vilification of civil society and activists, an increased crackdown on press freedoms and a pervasive culture of impunity take root.¹⁶⁰ The shutdown of a major outlet, ABS-CBN, is shocking, especially during a pandemic when information is critical</p>	<p>Due to its proximity to China, the Philippines is at a far greater risk of witnessing increased cases of the novel corona virus infection compared to other countries. It is also home to hundreds of workers from China working in the Philippine Offshore Gambling Operation. More than 230,000 migrant Filipinos often referred to as Overseas Filipino Workers are also working in China particularly Hong Kong and Macau as household workers. A temporary ban was imposed on the workers from travelling to China or its special administrative regions after the corona virus outbreak on 2 Feb. The ban was lifted on 18th Feb allowing OFWs to return to Hong Kong and Macau. Manila is among the top 30 global cities receiving airline passengers from 18 high-risk cities in China, according to WorldPop which</p>
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158 ICNL, 'COVID-19 Civic Freedom Tracker', available at: <https://www.icnl.org/covid19tracker/?location=&issue=24&date=&type=>

159 Jung Suk-ye, '14,000 Polling Stations Disinfected for April 15 General Elections', available at: <http://www.businesskorea.co.kr/news/articleView.html?idxno=44213>.

160 Camille Elemia, 'PH human rights status downgraded to 'repressed' as civic freedoms deteriorate', December 2020.

	<p>Legal Instrument: Migrant Workers and Overseas Filipinos Act, 1995. This act ensures higher standard of protection to the migrant workers and their families and overseas Filipinos in distress. (www.imf.org/external/pubs/ft/wp/2005/wp05111.pdf)</p>	<p>to saving lives. Threats and attacks against journalists have contributed to self-censorship and have had a chilling effect within the media sector. There are serious concerns that the new anti-terrorism law, which has few safeguards, will institutionalize and facilitate an abuse of power.¹⁶¹ Referring to "For the Nation to heal one, Act no. 11469 is introduced on 24 Mar 2020 which grants the president numerous broad and exceptional powers to deal with the pandemic. The law also provides in Section 6(6) that "spreading false information regarding the C'19 crisis on social media and other platforms" is punishable by up to two months in jail and fines of up to one million pesos (\$19,500). On 16 Mar 2020, under proclamation no. 929, State of Calamity, under Section 15(2) of the Constitution, was declared due to the corona virus for six months unless lifted or extended "as the circumstances may warrant." Two more stringent mechanisms namely, Inter-Agency Task Force For The Management of Emerging Infectious Diseases and, Proclamation No. 922 Declaring a State of Public Health Emergency were in place in the same month.¹⁶²</p>	<p>ranked Philippines 14th among the 30 high-risk countries. Chinese nationals account for the majority of the tourist population visiting the country as trade and cultural relations have increased between the two countries in the recent past. The Central Bank of the Philippines noted that the corona virus outbreak could have a major impact on Philippine economy over the next few months costing the economy \$600m or 0.8% of economic growth if it lasts for six months.¹⁶³</p>
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161 Ibid.

175 Ibid.

162 Ibid.

163 Pharmaceutical Technology, 'Coronavirus in Philippines: The COVID-19 risk, impact and measures', available at: <https://www.pharmaceutical-technology.com/features/coronavirus-affected-countries-philippines-measures-impact-tourism-economy/>.

<p>Indonesia</p>	<p>Net migration rate (Source: Migration Policy Institute)</p> <p>Indonesia: -0.72 migrants / 1,000 population (2021)</p> <p>Immigration rate: 355,505</p> <p>Emigration rate: 4,601,369</p> <p>Immigration Rank: 91</p> <p>Emigration Rank: 14</p> <p>The Indonesian Government is committed to facilitating safe, orderly, regular and responsible migration and mobility via implementation of proper migration policies. The country has incorporated the activities (including but not limited to) like labour reforms, reinforcing protection of overseas Indonesian citizens etc under its 2020-2024 National Mid-Term Development Plan.</p> <p>(https://www.unescap.org/sites/default/d8files/event-documents/Indonesia_Voluntary%20GCM%20Survey%20Report)</p>	<p>Quite apart from the economic challenges currently confronting Indonesia, the country's state of human rights is even more worrisome amid the ravages of the C'19pandemic. HROs warned about the deteriorating climate of democracy in Indonesia as it began the new year. But the manifold turns of events from the corona-virus pandemic accelerated what was already ripening. In the days following the large protest on Oct 8, cyber police squad arrested at least eight leaders of the Save Indonesia Coalition, a newly established opposition group consisting of Islamist and nationalist figures. The police charged the detainees with incitement under the 2008 Electronic Information and Transactions Law, accusing them of using social media to incite the jobs law protests that the government painted as riots. There was some arson during protests in Jakarta and other cities that was attributed to students without proof. The police also arrested seven administrators of a WhatsApp group, a FB page, and an Instagram account used to mobilize and organize the protests. The arrests, which attracted extensive media coverage, were seemingly designed to have a chilling impact on free speech. They also amplify the narrative that those taking part in the street protests against the omnibus law were duped by 'internet hoaxes' and hate speech. According to a recent survey, nearly 70 percent of Indonesians are now afraid to express their opinions. This is by no means a new phenomenon. This latest crackdown coincides with what scholars describe as the authoritarian and illiberal turn of the Widodo administration. The rapid expansion of the internet in Indonesia has led to the proliferation of online transgressions, such as fraud and hate speech, along with heightened politicization in the form</p>	<p>In the second week of March 2020, Indonesia reported its first case of COVID-19. Since then, the number of C'19cases in the country has been increasing sharply. On Oct 25, Indonesia reported 350,000 cases, the highest among Southeast Asian countries. The rapid spread of C'19in Indonesia has wreaked havoc on the economy. Most industrial sectors have been hit hard by the outbreak. Workers in both the formal and informal sectors are losing their jobs. The Government of Indonesia now has the enormous task of formulating policies to mitigate the economic impact of COVID-19.The outbreak, especially in hotspots like Jakarta and West Java, has also triggered waves of migration to other cities. People have been leaving Jakarta and other big cities in Java to return to their families elsewhere in the country. The decision to migrate is often motivated by job loss, coupled with high costs of living. Given that big cities like Jakarta are currently at the epicenter of the pandemic, migration also increases the risk of an outbreak in the migrants' destinations.</p> <p>Concerns about the spread of the virus are further exacerbated by not all Indonesians having sufficient knowledge about the virus or the recommended measures to prevent infection. Preventing the spread of the corona virus is of the highest concern to the Government of Indonesia, which is rapidly working to develop and implement the appropriate prevention policies. Considering the rapid spread of the virus and its evolving social and economic consequences, the situation in the field is changing continuously. While the pandemic has pushed the government to take quick and strategic decisions to reach all layers of society and address the crisis, optimal policymaking requires real-time information—which is currently limited. Access to real-time data on the impact of C'19on society and livelihoods will enhance the government's decision-</p>
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		<p>of online protests. This crucial development has provided the Widodo regime with the political rationale for building more elaborate IT infrastructure and weaponizing it to silence political dissent. The expansion of Indonesian cyberspace has not translated into a widening of civic space. In fact, government exploitation of IT infrastructure and problematic laws for regulating online civic discourse have brought back the specter of Suharto's New Order to haunt Indonesia. On 3 April, regulation of the minister of health no. 9 of 2020 was issued. This order empowers sub-national leaders of regions impacted by C'19 to impose mandatory school and work vacations, restrictions on religious activities, restrictions on activities in public places or facilities, restrictions on social and cultural activities, and restrictions on public transportation. This order also activates military for combatting C'19 domestically. Similarly, under the government regulation number 21, under certain circumstances, local authorities are empowered to impose "large scale social restrictions," which entail forced academic and work holidays, restrictions on religious activities, and "general" restrictions on other "activities".¹⁶⁴</p>	<p>making capabilities. C'19 hit employment hard. The survey informed us that as of Oct 2020, 63 percent of respondents lost their job during the pandemic. This number has been fairly consistent since the survey began and is even higher for those with less education. Moreover, job losses are affecting all sectors, and especially those working in agriculture and health. Food insecurity remains high since the first wave of the survey. As of Oct, only 24 percent of households reported eating as much as they should in the last week. However, food security for women, particularly those in rural areas of Kabupaten, is improving significantly. Many unemployed people have not yet received government assistance.¹⁶⁵</p>
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164 Isman Hamid & Ary Hermawan, 'Indonesia's Shrinking Civic Space for Protests and Digital Activism', 2020.

165 Colly Windya, 'Monitoring the social impact of the COVID-19 pandemic in Indonesia', November 2020.

<p>Myanmar</p>	<p>Net migration rate (Source: Migration Policy Institute) Myanmar: -1.38 migrants / 1000 population</p> <p>Immigration rate: 76,226</p> <p>Emigration rate: 3,711,751</p> <p>Immigration Rank: 146</p> <p>Emigration Rank: 19</p> <p>Myanmar ensures basic rights for migrants and attempts to reduce the transaction costs associated with migration.</p> <p>Primary Legal Frameworks: Labour Organization Law, 2011, The Settlement of Labour Dispute Law, 2012, Social Security Law, 2012, Employment and Skill Development Law, 2012, Shops and Establishments Law, 2016.</p>	<p>Civil society is gravely concerned about laws which unreasonably restrict the right to freedom of expression and assembly and which appear to be increasingly used to criminalize HRDs and censor journalists, as well as the use of reprisals and force against those who promote corporate respect for human rights or protest major development projects. This represents a significant backslide to the minimal progress made in transitioning to democracy. Human rights defenders continue to be repeatedly subject to arbitrary arrest and disproportionate sentencing under oppressive laws. Cases of unfounded charges have been reported. While the elections represent an important milestone in Myanmar's democratic transition, the civic space is still marred by continuing restrictions of the freedoms of opinion, expression and access to information, and the use of language that could amount to incitement to discrimination, hostility and violence.¹⁶⁶ Government and military leadership's intolerance towards¹⁶⁷ opposing views or criticism of its policies and actions, in the run up to voting was witnessed. Over the past two months before the elections, dozens of student activists had been charged – and four of them sentenced to over six years' imprisonment – under various laws after they called for an end to the conflicts in the northern Rakhine and Chin provinces and for reinstatement of mobile internet services in those areas, as well as for the release of other detained student activists. Myanmar's discriminatory citizenship and electoral laws confer different rights to different classes of citizens, most clearly affecting Muslim minorities</p>	<p>The economy continues to suffer from the C'19 pandemic, with growth estimated to have slowed sharply to 1.7 % in FY19/20, down from 6.8 % the previous year. The pandemic and associated containment measures have weakened consumption and investment, and disrupted businesses' operations and the supply of labor and inputs.¹⁶⁹ School closures resulting from the C'19 pandemic have affected millions of students. As a result of C'19, the poverty rate could increase from 22.4 percent in FY2018/19 to 27 percent in FY20/21 and return to pre-crisis level in FY21/22 at the earliest. The first wave already forced many poor households to adopt risky and unsustainable mechanisms to buffer the shock, including reducing their daily food consumption. Even before the second wave hit in late-August, many households were struggling to repay their debts. The ongoing restrictions under the second wave put more households at risk of entering poverty. Nov 2020 election campaigning was also prohibited in areas under a stay-at-home order. Compliance and enforcement of these guidelines were inadequate, which contributed to both a hazardous campaign environment and an unlevel playing field. According to the WHO, the number of confirmed cases of C'19 in Myanmar on election day, 8 Nov, was 60,348 and 1,396 deaths. After 14 days, the number of cases on 22 Nov was 77,848 and 1,722 deaths. This increase is, however, not directly attributable to the conduct of elections and there are numerous intervening factors that account for the spread of C'19.</p>
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166 Ravina Shamdasani, OHCHR-2020.

167 Ibid.

169 Ibid.

		<p>who are largely excluded from any citizenship rights, according to OHCHR. There has also been significant disenfranchisement resulting from the UEC's announcement on 16 Oct, that elections would not be taking place in 56 townships, including in Rakhine province. The Commission did not provide public justification for its decision – which curtails the right to political participation in areas with ethnic minority populations in a discriminatory fashion.¹⁶⁸ The February 1 military coup has gravely damaged the civil society space and democratic freedom.</p> <p>Thousands took to streets across Myanmar for several consecutive days as activists urge workers to stage a general strike and 'tear down military dictatorship'. Authorities in Myanmar have threatened to take "action" against protesters who break the law as police fired water cannon at peaceful demonstrators in Naypyidaw and thousands of people took to the streets of major cities for a third day to denounce last week's putsch. A statement read by an announcer on state-run MRTV on Monday said there had been violations of the law and threats of force by groups "using the excuse of democracy and human rights".</p>	
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168 Ibid.

Central Asia

Kazakhstan	<p>Net migration rate (Source: Migration Policy Institute)</p> <p>Not Available</p> <p>Immigration rate: 3,732,073</p> <p>Emigration rate: 4,203,899</p> <p>Immigration Rank: 15</p> <p>Emigration Rank: 15</p> <p>The Migration Policy Concept for 2017-2021 along with its implementation action plan are being exercised in Kazakhstan. (Resolution of the Government of Kazakhstan 09/29/2017 No. 662)</p> <p>Government has fit Migration Policy under the People and Prosperity program of its SDG targets. As per Article 8 of the law of the Republic of Kazakhstan on population Migration, obligation of drafting migration policy lies upon the Government. Ministry of Labour and Social Protection of the Population of the Country is an authorized body that overseas the migration issues.</p>	<p>The Kazakh leadership uses a myriad combination of tools to squeeze civil society. Legal and practical forms of repression are compounded by increasing restrictions to independent funding, gradually suffocating independent thinking and activism in Kazakh society. The west should open its eyes to the shrinking space in Kazakhstan and do more to support independent civil society as a counter-weight to the increasing state monopolisation of power.¹⁷⁰ CSOs in Kazakhstan are facing the 'shrinking space' phenomenon, where the activities of civic actors and groups are restricted and voices deemed to be in opposition, quietened. Despite significant criticism from civil society, the Parliament of Kazakhstan adopted the new Law on the Procedure of Organization and Conducting Peaceful Assemblies on May 20. The President signed the law on May 25. This law was developed by the Ministry of Information and Public Development to implement the president's order to introduce a notification-based procedure for peaceful assemblies. The new law replaced the current 1995 Law on Organization and Holding of Peaceful Assemblies, Meetings, Marches, Pickets and Demonstrations. The notification procedure in the law in fact represents a pre-approval requirement, as local authorities have the authority to reject the conduct of peaceful assemblies based on an extensive list of grounds. It appears that although, the government does crack down on some opposition groups and newspapers, the country has a strong basis on which it could move forward to democratisation of the</p>	<p>Economic activities weakened as commodity prices dropped, trade declined, and C'19 preventive measures slowed economic activity. Consumer demand showed moderate growth at 1.2 percent, reflecting growing concerns over C'19 and the restriction measures. C'19 has a negative impact on human capital development. Unequal access to quality education, especially during lockdown, can negatively affect human capital development for the poor. School closures could result in learning loss of more than one-third of a school year and the impact could mean a severe decline. During the pandemic, refugees too suffered from civil liberty and livelihood opportunities due to various restrictive measures adopted by the government. Health system has been stretched beyond the limit and poorest of the poor have been facing with difficulties in accessing required medical service.</p> <p>According to the Decree on the State of emergency of March 15, the capital of Kazakhstan, Nur-Sultan, and the largest commercial hub, Almaty, were put into quarantine and lockdown on March 16 due to the spread of the infection into Kazakhstan through these cities' borders. The Decree imposes substantial restrictions on movement of people and certain commercial activities.</p> <p>As of April 1, all international flights to Nur-Sultan and Almaty Airports were suspended indefinitely. This has led to the cancellation of scheduled flights from these airports. The President, in the Decree on the State of emergency, the special State Commission (created to deal with the public health emergency); the Chief Sanitary Inspector and local executive bodies have introduced a number of restrictive measures.</p>
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170 Aina Shormanbayeva, 'Kazakhstan: a showcase for shrinking civic space', June 2017.

		country. ¹⁷¹ One of the most obvious and unfair forms of restrictions on access to elections is the requirement to register a political party. Under the Political Party Act, in order to legally register a political party, it is necessary to collect 40,000 signatures representing all regions of the country (600 each). First one needs to register the organizing committee (10 people) and only after receiving confirmation from the Ministry of Justice to hold a constituent congress for people representing two thirds of the regions.	
Uzbekistan	<p>Net migration rate (Source: Migration Policy Institute)</p> <p>Not Available</p> <p>Immigration rate: 1,162,007</p> <p>Emigration rate: 2,027,823</p> <p>Immigration Rank: 49</p> <p>Emigration Rank: 35</p> <p>As per the Ministry of employment and labour relations of the Republic of Uzbekistan, more than 2 million citizens of the country (11% of the working age group) are engaged in temporary labor activities abroad and among these, majority of workers are in the Russian Federation. Research have noted inadequate legal frameworks for regulating external labor migration, absence of</p>		<p>C'19created an unprecedented impact in Uzbekistan. The first cases were reported in mid-march along with Kyrgyzstan. Government of Uzbekistan formulated policies to counter the pandemic as soon as WHO declared C'19as a public health concern. However, pandemic created both Social as well as economic impact in the country. According to IMF, gross domestic product in Uzbekistan fell to 1.5% in 2020 compared to the estimation of 6% before the outbreak of deadly virus. Gender based violence including domestic violence have also escalated amid pandemic. Ministry of Internal Affairs reported 176 appeals of GBV cases within a week in May 2020.</p> <p>Almost half million migrant workers from Uzbekistan returned to their homeland while some were stuck at the border along with their families due to lack of financial means.(UNICEF''s report: https://www.unicef.org/uzbekistan/en/childr-en-of-labor-migrants-during-COVID19)</p>

171 Mukesh Kumar Mishra, 'Democratisation Process in Kazakhstan: Gauging the Indicators, India Quarterly', Sage Publication, July-September 2009, p. 313-327.

	<p>intergovernmental agreements regarding protection of migrant workers, monopoly in the market and absence of reintegration programs for migrant workers as few main reasons for unorganized migration in Uzbekistan.</p> <p>Legal Frameworks: Resolution No. PP-3584 on the Measures to ensure safety of citizens of Uzbekistan during their departure by transport for temporary work abroad (2018), Resolution No. PP-3839 on additional measures to further improve the system of external labor migration of Uzbekistan (2018), Resolution No. PKM-713 on Additional measures to protect the rights and legitimate interests of citizens of Uzbekistan temporarily working abroad (2019).</p> <p>(https://migrationnetwork.un.org/sites/g/files/tmzbdl416/files/docs/uzbekistan_-_courtesy_unofficial_translation_in_english.pdf)</p>		
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3. Regional/International Mechanisms

Regional processes

- The **Association of South East Asian Nations (ASEAN)**, established in 1967 in Bangkok, is the most important forum for regional integration in South-East Asia. Its ten member states (Brunei Darussalam, Cambodia, Indonesia, the Lao People's Democratic Republic, Malaysia, Myanmar, the Philippines, Thailand, Singapore, and Vietnam) work towards the establishment of an Asian Community based on three pillars: the ASEAN Political-Security Community, the ASEAN Economic Community and the ASEAN Socio-Cultural Community. Its achievements include the ASEAN Human Rights Declaration, the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, the ASEAN Plan of Action for Cooperation on Immigration Matters, and, at the end of 2020, the signature of the Regional Comprehensive Economic Partnership (RCEP), a free trade agreement between ASEAN member states and Australia, China, India, Japan, the Republic of Korea and New Zealand.
- The **ASEAN Regional Forum (ARF)** - founded in 1994, is the only permanent multilateral body in the Asia-Pacific region dealing with security issues, including among others transnational crime, terrorism, piracy and disaster relief.
- ASEAN's annual East Asia Summit (EAS) brings together 16 countries from Asia and Oceania, plus Russia and the USA. Among other achievements, it led to the establishment of the Economic Research Institute for ASEAN and East Asia (ERIA), which also covers the topic of migration. All ASEAN member states participate in the **Asia-Europe Meeting (ASEM)**, an informal intergovernmental process fostering dialogue and cooperation between Asian and European countries, focusing on political, economic, financial, social, cultural, and educational issues. The topic of migration is, among others, addressed through the ASEM Conference of the Directors General of Immigration and Management of Migratory Flows¹⁷².
- **Asia Pacific Economic Cooperation (APEC)**, founded in 1989, aims at trade and investment liberalization, trade facilitation as well as economic and technical cooperation. Its 21 members include Brunei Darussalam, Indonesia, Malaysia, the Philippines, Singapore, Thailand and Vietnam, as well as Australia, Canada, USA and the Russian Federation.
- **COMMIT Process - the Coordinated Mekong Ministerial Initiative against Trafficking** - a high-level policy dialogue in the Greater-Mekong sub-region, focused on combatting human trafficking, migrant smuggling and forced labour through information exchange, coordination and joint activities. Its members are Cambodia, China, the Lao People's Democratic Republic, Myanmar, Thailand and Vietnam.
- **Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime** - a regional forum for policy dialogue, information sharing and practical cooperation, bringing together 49 member states and organizations, including the whole region of South-eastern Asia. It addresses practical issues related to smuggling, trafficking and related transnational crime, including information exchange, intelligence and best practices, law enforcement cooperation, protection and asylum issues, as well as awareness raising.
- Indonesia, Malaysia, Myanmar, the Philippines, Thailand and Vietnam also take part in the Bali Process' Ad-Hoc Group, which brings together the most-affected member countries and relevant international organizations to address specific irregular migration issues in the region through initiatives and specialized working groups.

172 ERIA: Economic Research Institute for ASEAN and East Asia.

- **Abu Dhabi Dialogue (ADD)** - officially the Ministerial Consultation on Overseas Employment and Contractual Labour for Countries of Origin and Destination in Asia, is a voluntary and non-binding inter-government consultative process on labour migration. It includes seven countries of destination and 11 countries of origin, the latter including Indonesia, the Philippines, Thailand and Vietnam¹⁷³.
- **Colombo Process** – The Regional Consultative Process on Overseas Employment and Contractual Labour for Countries of Origin in Asia - aims to foster safe, regular and managed migration. Its focus areas are protection and service provision to migrant workers, optimizing benefits of organized labour migration, capacity building, data collection and inter-state cooperation. Cambodia, Indonesia, the Philippines, Thailand and Vietnam are participants¹⁷⁴.
- **Global Forum on Migration and Development (GFMD)** - a voluntary, informal, non-binding and government-led process, which focuses on the multidimensional aspects of international migration and its inter-linkages with development. It is open to all UN Member States, as well as observer organisations. Indonesia, the Philippines and Thailand belong to the GFMD Steering Group.
- **Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)**- a regional organization comprising seven member states in the vicinity of the Bay of Bengal: Bangladesh, Bhutan, India, Nepal, Sri Lanka, Myanmar and Thailand. Founded in 1997, it aims to enhance cooperation in 14 sectors, ranging from economic to social issues, including among others public health, poverty evaluation, tourism and transport, and counter-terrorism and transnational crime, which includes a sub-group on human trafficking and illegal migration. A Convention on Mutual Legal Assistance in Criminal Matters has been drafted but not yet signed¹⁷⁵.
- **Regional UN Network on Migration for Asia and the Pacific** - supports its member states in implementing the 23 goals of the **Global Compact for Safe, Orderly and Regular Migration**. Cambodia, Indonesia, the Philippines and Thailand are “Champion countries” for GCM implementation, receiving additional support from the UN Network on Migration in the form of a tailor-made piloting process, and tasked with sharing good practices and lessons learned with other member states¹⁷⁶.
- **Asia – EU Dialogue on Labour Migration** - a platform for inter-and intra-regional exchange of ideas and strategies on facilitating managed and legal migration between Asia and the European Union. It focuses on key trends and issues, as well as common policy concerns, and aims to facilitate safe and legal labour migration between the two regions. Indonesia, the Philippines, Thailand and Vietnam are participants; Malaysia is an observer¹⁷⁷.

The countries of South-eastern Asia have concluded numerous bilateral agreements on migration within and beyond the sub-region, frequently with a focus on labour migration. Here the Philippines are in the lead, with 13 agreements, followed by Malaysia, which has signed Memoranda of Understanding (MOUs) with Bangladesh, China, Sri Lanka, Thailand, Pakistan, Vietnam and Indonesia, regulating recruitment processes and procedures. Cambodia, Indonesia, Myanmar, Philippines, Thailand, Timor-Leste and

173 Abu Dhabi Dialogue.

174 IOM Nepal, Colombo Process.

175 <https://bimstec.org>.

176 IOM, 'Global Compact for Migration'. UN Migration.

177 Asia - EU Dialogue on Labor Migration, International Organization for Migration.

Vietnam all have MoUs with the Republic of Korea, to facilitate the hiring of foreign workers¹⁷⁸. Thailand signed bilateral MoUs with Cambodia, Lao People's Democratic Republic and Myanmar on employment cooperation, and with Cambodia and the Lao People's Democratic Republic on cooperation to combat trafficking in persons¹⁷⁹.

(Source: <https://www.migrationdataportal.org/regional-data-overview/south-eastern-asia>)

4. Classification of Migratory Flows

The Asia-Pacific region is home to more than half of the world's population. According to the United Nations Department of Economic and Social Affairs, Asia housed 53 million of the world's 191 million migrants in 2005. The number of people migrating from Asia increased considerably in the 1970s and 1980s. North America, Australia, and the Middle Eastern oil economies have been the main destinations. Since the 1990s, migration to Asia has increased, particularly from LDCs with huge labor surpluses to fast-developing, newly industrializing countries. Indeed, every emigration and immigration—as well as normal transit migration—is celebrated in Asia.¹⁸⁰ However, it's significantly easier to distinguish between specifically tourism destinations (Brunei, Hong Kong, Japan, Singapore, South Korea, Taiwan), countries with significant immigration and emigration (Malaysia and Thailand), and specifically exporting nations (Malaysia and Thailand) (Bangladesh, Burma, Cambodia, China, India, Indonesia, Laos, Nepal, Pakistan, Philippines, Sri Lanka, and Vietnam). The majority of Asian migrants are recruited through migration recruiters and agencies, primarily to the Gulf and inside Asia. Receiving states' unwillingness to form bilateral agreements with exporting nations contributes to their dominance.¹⁸¹

Although some recruiters have engaged in the smuggling and trafficking of aspiring migrants, certain countries, such as the Philippines, have revised the plan to make migration more regular. Migrants' rights are continually constrained by Asian countries, who are often control-freaks when it comes to migration. Unethical recruiters are frequently let off the hook, allowing them to exploit migrants from the moment they are hired until they return, including salary theft.¹⁸² Mobility to Western countries, bilateral agreements with the Middle East, intra-Asian actions migration, mobility of 'brainpowers,' scholars' mobility, forced migrants, and refugee response should all be investigated. There is a lot of irregular movement in the majority of these situations. Overstaying guest visas is one example, but people are sometimes smuggled and trafficked for exploitative labor.¹⁸³

Asian migration is not a new phenomenon. In the colonial period, hundreds of thousands of indentured people have been recruited, regularly with the aid of using pressure. Chinese settlers in Southeast Asian nations and South Asians in Africa have become commodity minorities to nurture colonialism. This regularly brought about hostility — or even mass expulsions — after independence. However, it additionally helped create the ethnic networks that recommended extra current migrations. In the 19th century, huge migratory movement occurred from China and Japan to the US, Canada, and Australia.¹⁸⁴ Discriminatory legislation has been enacted in all three tourism destination countries. Due to such laws and the tight restrictions of colonial powers, migration from Asia became minimal in the early twentieth

178 N (123).

179 109th Session of the International Labour Conference, International Labour Conference.

180 Migration in the Asia-Pacific Region, available at: <https://www.migrationpolicy.org>.

181 Ibid.

182 Human trafficking and migrant smuggling, UNODC, Doha Declaration: Promoting a Culture of Lawfulness.

183 N (123).

184 Juliet Pietsch and Marshall Clark, 'Migration and Integration in Europe, Southeast Asia, and Australia A Comparative Perspective'.

century. Movements inside Asia remained, and they were frequently linked to political confrontations. Between 1921 and 1941, Japan recruited 40,000 people from its former territory, Korea. Between the 1890s and the 1930s, roughly 25 million people relocated to Manchuria from heavily populated Chinese regions; approximately 8 million remained to protect China against Japanese domination.¹⁸⁵

Following India's independence in 1947, around 5 million Hindus and Sikhs left Pakistan for India, and approximately 6 million Muslims moved to Pakistan. Discriminatory rules against Asian immigrants have been removed in Canada, the United States, and Australia. Increased international finance and change aided in the development of communication networks for migration. The presence of the United States navy in Korea, Vietnam, and other Asian countries led in many troops returning home with Asian spouses. In the aftermath of the Vietnam War, the west saw a large influx of refugees.¹⁸⁶

The huge infrastructure in the Gulf oil countries resulted in a flood of temporary foreign contractual labour. Rapid economic growth in several Asian countries has prompted them to embrace both skilled and unskilled migrants. Emigration for work from the nations of origin has increased at a rate of about 6% per year in recent years, with approximately 2.6 million seekers leaving their homeland each year in pursuit of a better living choice. Following World War II, significant Asian skilled migrations to Western Europe, North America, and Oceania, as well as other three European states, occurred.¹⁸⁷

The Dutch attracted people from the East Indies (Indonesia), Vietnam, and the Indian subcontinent and Hong Kong. There have also been a few minor movements, such as those from Goa, Macau, and East Timor to Portugal. The former Soviet Union, Czechoslovakia, and the German Democratic Republic all recruited Vietnamese migrants in the 1980s. The number of Asians migrating to Europe has skyrocketed. Italy, Hungary, and the United Kingdom are among the top European countries hosting Asian migrants. Major supply nations include China, India, Japan, the Philippines, Vietnam, and Thailand. As far as overseas-born people go, Indians were the most numerous; Pakistan was the fourth most common source country.¹⁸⁸

The bulk of Asian migrants seek a new home in countries like the United States, Canada, Australia, and New Zealand. The bulk of Asian immigrants come to the United States as part of family reunification programs, while the refugee settlement program has significantly boosted the foreign population. Immigrants from the Philippines were the second-largest group behind Mexicans, according to the US Census Bureau's American Community Survey. Indians were the third largest group of immigrants, followed by Chinese immigrants. Asian immigration to Australia increased after the White Australia Policy was repealed in 1973, supported by the Indo-Chinese refugee movement. Among Australia's top ten suppliers are China, India, the Philippines, Malaysia, Sri Lanka, and Hong Kong.¹⁸⁹ In 1976, nondiscriminatory choice guidelines were established in Canada, with a focus on family sponsorship and the refugee resettlement program. Since 1993, Asia has accounted for more than half of all immigration, primarily from China, India, and the Philippines. New Zealand has begun its operations. Chinese immigrants make up the second largest group in New Zealand after those from England, according to the census. Along with Samoa and Fiji, India and Korea were among the nine countries. Migration of contract

185 N (123).

186 Sarah Ansari, 'How the Partition of India happened – and why its effects are still felt today', August 2017.

187 Temporary Contract Labour in the Gulf States: Perspectives from two countries of origin, 2008.

188 Stephen Castles & Marl J. Miller, 'The Age of Migration, International Population Movements in the Modern World'.

189 Broenlee et al. 'Migration issues in the Asia Pacific', UNESCO Digital Library.

workers to the Middle East After the 1973 oil price increases, labor migration from Asia to the Middle East accelerated.¹⁹⁰

Saudi Arabia and the UAE, both oil-rich countries, began by importing workers from India and Pakistan, followed by the Philippines, Indonesia, Thailand, and Korea, and ultimately Bangladesh, Sri Lanka, and Nepal. India, Pakistan, and the Philippines all actively promoted their international potential and formed alliances with Gulf nations. Because permanent residency in Arab countries is forbidden, Korean contractors began working there.¹⁹¹ After the battle, gulf nations' recruitment of Asian people extended again, in part because of reconstruction, as they intended to replace "politically unreliable" Palestinians in Kuwait and Yemenis in Saudi Arabia. Israel commenced to recruit Thais and Filipinos for agriculture, infrastructure, domestic service, after blockage of access for Palestinians from the West Bank and Gaza.¹⁹²

Labor Migration: The Dynamics of Demand Side

The demand for domestic help, nurses, etc. surged, to a marked feminization of migrant flows, with Sri Lanka & Indonesia as the primary sources. In later years, Lebanon, Jordan, & Israel additionally have become supply side nations. While all migrants in the Middle East are deprived of rights, female domestic workers are especially at risk of exploitation & sexual abuse, & protection is a distant reality. The governments of Bangladesh, Iran, Nepal, the Philippines, & Pakistan banned a few forms of woman migration to the gulf however concluded that the ban was not viable due to unethical & clandestine recruitment. While many migrants continue to be low-professional laborers, others have semiskilled or professional jobs as drivers, mechanics, or infrastructure tradesmen. Others got here with expert or paraprofessional qualification (engineers, nurses, & medical practitioners). Asians fill many managerial & technical posts however every so often offer to senior employees recruited from Europe or North America. While present flows from nations like Bangladesh, Indonesia, & the Philippines have persisted, Vietnam, Cambodia, Laos, & Myanmar have emerged as new source nations. The Association of Southeast Asian Nations (ASEAN) has adopted a Plan of Action on Immigration Matters designed to inspire professional migration, prevent irregular mobility among ASEAN nations, & fight smuggling & trafficking-in-persons.

(Source: By Stephen Castles & Mark J. Miller, <https://www.migrationpolicy.org/article/migration-asia->)

5. Countries of Destination

Better economic prosperity, religious freedom and social unrest are just a few of the factors that drive immigration. These are major reasons the United States continues to be a popular destination for migrants. The United States leads the list of countries with the most immigrants. Half of the world's 272 million international migrants resided in only 10 countries. According to the UN's latest report on International Migration, the total number of migrants worldwide grew about 119 million since 1990. Most migrants landed in Europe and North America, but a growing number of immigrants are making Northern

190 N (188).

191 ILO & Organisation for Economic Co-operation and Development, 'Labor Migration in Asia: Building Effective Institutions, Asian Development Bank Institute', 2016.

192 Ibid.

Africa and Western Asia their homes. India has the largest number of migrants living abroad (17.5 million), followed by Mexico and China (11.8 million and 10.7 million respectively).

Countries with the Largest Migrant Population

RANK #5: United Kingdom: 10 million immigrants: 3.7% of total world's migrant population



The United Kingdom of Great Britain and Northern Ireland saw tremendous growth in its migrant population from 2000 to 2015, nearly doubling from 4.7 million to 8.5 million during the period. The increase coincides with the significant inflow of East European migrants following EU enlargement in 2004. India, Poland, and Pakistan are the top three countries of birth for the foreign-born residents of the UK.

RANK #4: Russia: 12 million immigrants: 4.4% of total world's migrant population



Russia is one of very few countries that actively encourages immigration. Despite that fact, the number of immigrants in Russia has actually decreased in the past few years. Local authorities have not embraced the prospect of single-ethnicity communities for Chinese, Uzbeks, Tajiks and other ethnic groups in Russia, and have even sought to ban them in some cases, hoping instead to promote integration into Russian society.

RANK #3 Saudi Arabia 13 million immigrants 4.7% of total world's migrant population



In the last decade, the number of immigrants in Saudi Arabia has risen more than most nations. That has led to nearly one-third of the country's population consisting of immigrants. Between 2010 and 2015, the number of foreign-born residents in Saudi Arabia rose a staggering 93%. The United Nations reporting suggests that the Saudi government is putting new restrictions in place to limit immigration.

RANK #2 Germany 13 million immigrants 4.8% of total world's migrant population



By virtue of its robust economy, Germany is one of the most popular destinations for immigrants. Factors that have influenced immigration to Germany include: a well-developed infrastructure, an elite education system and a floundering Eurozone. However, Germany also recruits highly-skilled workers to live and work in the country permanently.

RANK #1 United States of America 51 million immigrants 19% of total world's migrant population



The United States is far and away the most popular destination for the world's immigrants. With more than 51 million foreign-born residents living in the U.S., the country has nearly four times as many immigrants as any other nation in the world. The attraction to the United States is largely due to opportunity — economic and social. The U.S. is the world's largest economy and has one of the highest per capita GDPs in the world. The United States also offers well-developed infrastructure, financial markets, a solid education system, and religious freedoms.

Foreign Workers: Many migrants continue to send money back to their home country. In the last few years, high-income countries experienced a slight drop in migrant workers (from 112.3 million to 111.2 million). However, upper middle-income countries observed the biggest increase (from 17.5 million to 30.5 million). The United States remained the top remittance-sending country. Foreign workers in the U.S. sent \$68.0 billion to international destinations. Other top remittance-sending countries include the United Arab Emirates (\$44.4 billion) and Saudi Arabia (\$36.1 billion). About 26 percent of the money went to the top three remittance recipients: India (\$78.6 billion), China (\$67.4 billion) and Mexico (\$35.7 billion).

Trends for Countries with the Most Immigrants: Between 1990 and 2019, the number of international migrants increased in 169 countries. It decreased in 60 countries or areas. The United States of America recorded the largest increase in its immigrant population, adding 27.4 million between 1990 and 2019. Saudi Arabia experienced the second largest gain (8.1 million), followed by the United Arab Emirates (7.3 million), Germany (7.2 million), and the United Kingdom of Great Britain and Northern Ireland (5.9 million). By contrast, the immigrant population decreased in Pakistan by around 3.0 million between 1990 and 2019. Although the Trump administration has made efforts to limit immigration to the United States, the incoming Biden administration is expected to reverse that trend. Biden has stated an intention to be more accommodating to the world's refugees and migrant workers.

(Source: <https://citizenpath.com/countries-with-the-most-immigrants/>)

6. Triggering and Magnetic Factors

Reasons for Migration

People migrate for many different reasons. These reasons can be classified as economic, social, political or environmental:

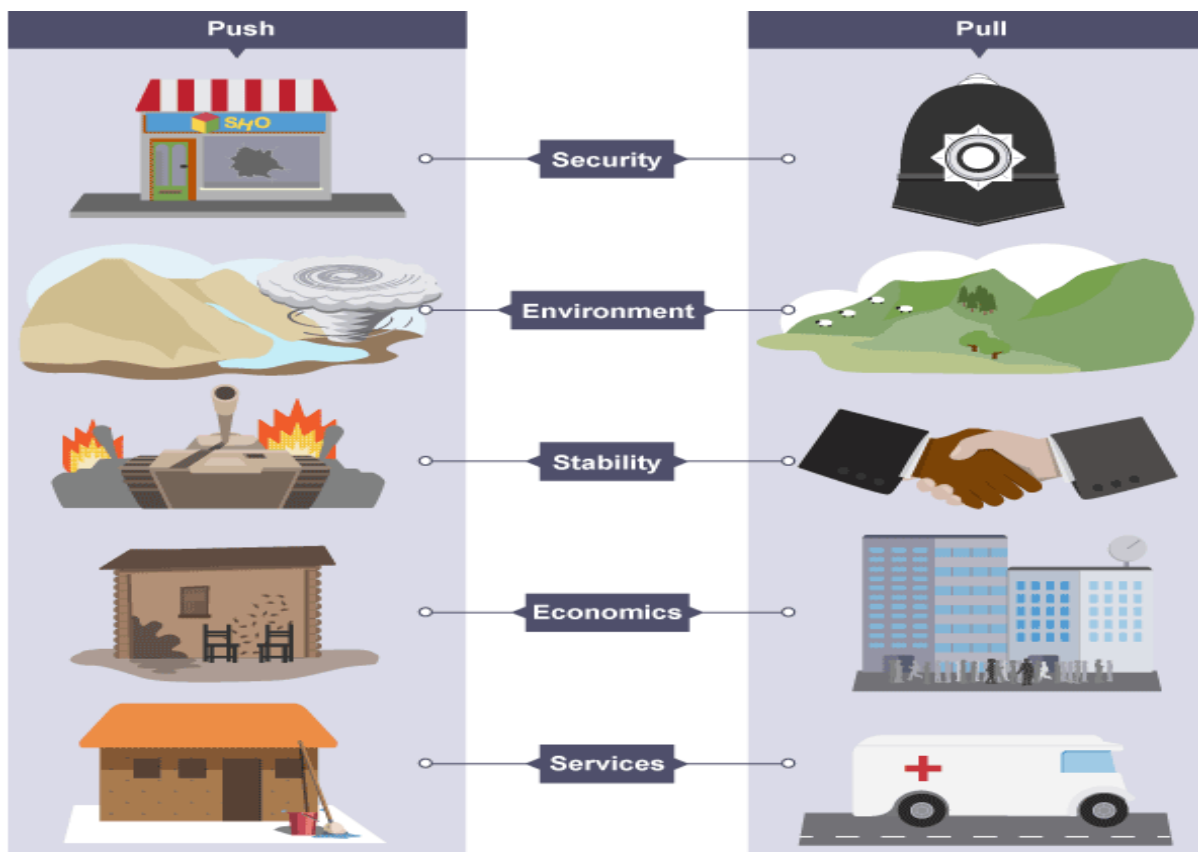
- economic migration - moving to find work or follow a particular career path
- social migration - moving somewhere for a better quality of life or to be closer to family or friends
- political migration - moving to escape political persecution or war
- environmental causes of migration include natural disasters such as flooding

Some people choose to migrate, e.g someone who moves to another country to enhance their career opportunities. Some people are forced to migrate, e.g someone who moves due to war or famine. A refugee is someone who has left their home and does not have a new home to go to. Often refugees do not carry many possessions with them and do not have a clear idea of where they may finally settle.

Push and Pull Factors

Push factors are the reasons why people leave an area. They include: lack of services, lack of safety, high crime, crop failure, drought, flooding, poverty and war etc. Pull factors are the reasons why people move to a particular area. They include: higher employment, more wealth, better services, good climate, safer, less crime, political stability, more fertile land and lower risk from natural hazards etc.

Migration usually happens because of a combination of these push and pull factors.



7. C'19 Pandemic and Migration

The C'19 pandemic and its socio-economic fallout pose great risks to migrants in the Asia, a new UN report reveals. They are more likely to be exposed to the virus, lack access to health care and other essential services, be stranded in countries without work or social protection and face rising xenophobia.¹⁹³ However, as essential workers and remittance providers, migrants are also key to recovering better. Unlike nationals, migrants have generally not been included in social security provisions like unemployment insurance or income support. Migrants have also been disproportionately affected by border closures and lockdowns, leaving many vulnerable to exploitation and abuse. This exclusion of migrants poses major threats to their human rights and well-being. Poverty reduction efforts in the region are likely to be affected too as will the effort to build stronger, more inclusive and resilient communities. Migrant remittances to the Asia-Pacific region, which rose from \$183 billion in 2009 to \$330

193 UNICEF, 'Migrants in Asia and the Pacific at higher risk of COVID-19 and its socioeconomic fallout', December 2020.

billion in 2019, have declined due to the C'19 outbreak, leaving many households of migrants without a major source of income.¹⁹⁴

These findings are among the key conclusions of the Asia-Pacific Migration Report 2020, released today on International Migrants Day. The report was produced by the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) and the Regional United Nations Network on Migration for Asia-Pacific in preparation for the first Asia-Pacific Regional Review of Implementation of the Global Compact for Safe, Orderly and Regular Migration scheduled to take place in March 2021. The Report was drafted by ESCAP, ILO, IOM and OHCHR, with inputs from UNAIDS, UNDP, UNEP, UNESCO, UNFPA, UN-Habitat, UNHCR, UNICEF, UNODC, UN-Women and WFP. Today, the number of international migrants, to, from and within the region, is at an all-time high. Safe, orderly and regular migration can reduce the vulnerability of migrants and societies to the negative impacts of C'19 and future pandemics and help build back better, more resilient communities, for which greater regional and sub-regional cooperation on migration would contribute to a more effective C'19 response and to maximize the benefits of migration for all.¹⁹⁵

Migrants have been at the forefront of the fight against COVID-19. On this International Migrants Day, we thank them for their contributions, and strongly advocate for a more inclusive response to the pandemic which does not leave them behind, particularly now as countries around the world start massive vaccination programmes.¹⁹⁶ The Report shows that international migration from, to and between Asia-Pacific countries has increased over the past 30 years. The number of migrants in the region has grown from 52 million in 1990 to 65 million in 2019. Almost 107 million people from Asia and the Pacific lived outside their countries of birth in 2019 – equivalent to 2.2 per cent of the region's total population, the largest single region of origin of migrants in the world.¹⁹⁷ Most recorded migrants are migrant workers, contributing to sustainable development in countries of origin and destination. C'19 will continue to have an impact on people and communities on the move in the near future. Even as vaccines are approved, the Report underlines that the inclusion of migrants in vaccination programs, including migrants in irregular situations, will be critical. The Report presents the first comprehensive assessment of the implementation of the Global Compact for Migration in the region. It provides a baseline assessment of achievements, gaps, lessons learned and remaining challenges to guide action to ensure safe, orderly and regular migration, for the benefit of all in the region.

(Source: *Asia-Pacific Migration Report 2020: Assessing Implementation of the Global Compact for Migration*, ESCAP, ILO, IOM, 18 Dec 2020)

C. STATUS OF OUT OF COUNTRY VOTING

194 IOM, ESCAP & ILO, 'Asia-Pacific Migration Report 2020: Assessing Implementation of the Global Compact for Migration', 18 December 2020.

195 Armida Salsiah Alisjahbana, 'United Nations Under-Secretary-General and Executive Secretary of ESCAP'.

196 Dr. Nnette Motus, Coordinator, 'Regional United Nations Network for Migration for Asia and the Pacific and Regional Director, International Organization for Migration (IOM) Regional Office for Asia and the Pacific.

197 N (194).

1. Rationale for OCV

The globalization of political, personal and professional life, the spread of democracy throughout the world and an increase in migration have all contributed to an increasing interest in voting rights for refugees, diplomats, members of the armed forces serving overseas and other people who are temporarily or permanently absent from their own country.¹⁹⁸

The ability of these people to exercise their right to vote when an election in their home country takes place has long been an issue in electoral design and management. As the number of countries holding democratic elections has increased, however, it has become much more salient. It is not only that many more people are travelling and working around the globe. As elections take place in countries in transition after authoritarian rule, and even more so after violent conflict, the rights of refugees and people living outside a country to participate in building its future are increasingly important.¹⁹⁹

The concepts of universal suffrage and citizenship in external voting: The right of citizens living abroad to vote in their home country's elections is known as external voting. External voting rights, according to International IDEA academics, are "provisions and processes that allow some or all electors of a country who are temporarily or permanently overseas to exercise their voting rights from beyond the national boundaries." Essentially, states enfranchise their residents living overseas by enacting external voting legislation. From one perspective, it is critical for modern democracies to implement OCV in order to uphold the notion of universal suffrage as a human right.²⁰⁰

Universal suffrage is inextricably linked to citizenship status, which serves as the foundation for voting rights. In this regard, it's crucial to remember that people might have official citizenship in a country without having any ties to the socio-political aspects of their home country (as may be the case of second or third generations of emigrants). Furthermore, while expats have voting rights as part of their citizenship, they are not usually bound by the same obligations as local residents (for instance with regard to taxation).²⁰¹

198 ACE Electoral Knowledge Network, 'Out of Country Voting'.

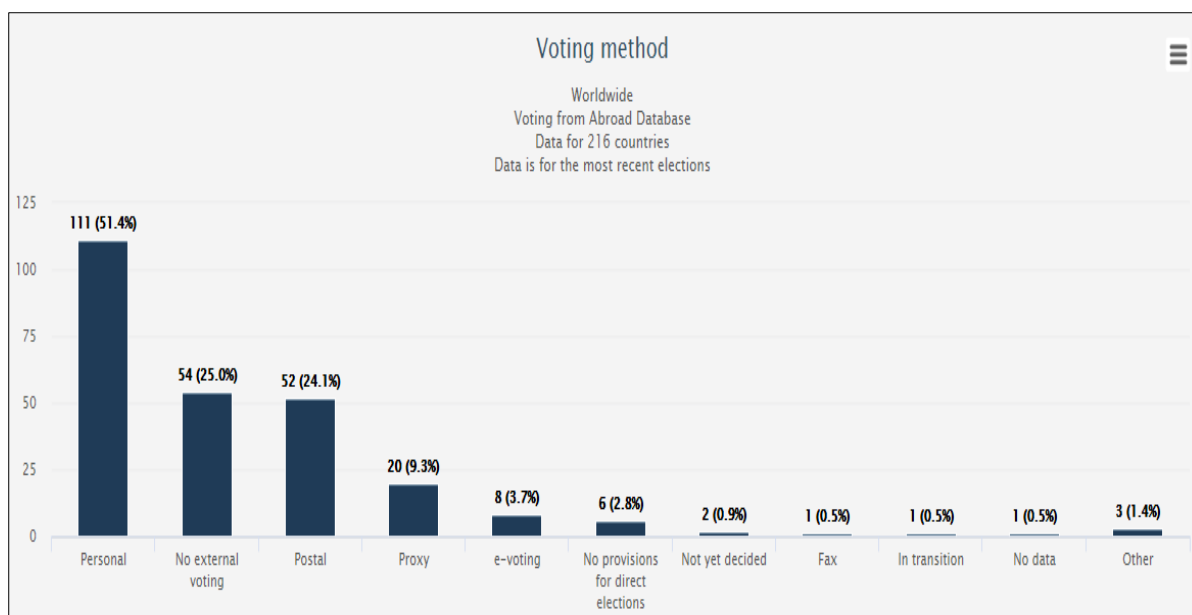
199 Ibid.

200 International IDEA, 'Voting From Abroad handbook, 2021.

201 GrotzF. & Nohlen D., 'The legal framework and an overview of electoral legislation', in 'Voting from Abroad: The International IDEA Handbook', edited by International IDEA Instituto Federal Electoral (IFE), AA.VV., Sweden, 2007, p. 67.

218 Lafleur J.M., 'The enfranchisement of citizens abroad: variations and explanations', Routledge Taylor & Francis Group, 2015, p. 840.

219 Bauböck R., 'The rights and duties of external citizenship, in Citizenship Studies', Routledge, 2009, p. 485-486.



In essence, external voting may be subject to different interpretations and it results to be a compound phenomenon that is in turn, based on the principles of universal suffrage and citizenship.

2. Understanding the Principle of Universal Suffrage

The rationale in favor of expatriate voting is simple and is based on the principle of universal suffrage: all adult citizens have the right to vote, and expatriates are citizens, thus they should be able to exercise their voting rights even if they live outside the national boundaries. Fundamentally, granting emigrants the right to vote is a significant step toward achieving universal suffrage and demonstrates a commitment to political liberties and civil rights. In this light, emigrant citizens' enfranchisement through the removal of residency-based restrictions can be viewed as one of the most recent historical breakthroughs in electoral rights. One of the key arguments in favor of enfranchising citizens overseas is, without a doubt, the desire for universal suffrage.²⁰²

In the protracted process of universal enfranchisement, there are various phases that can be distinguished. Until the 18th century, the right to vote was mostly awarded to males based on their wealth and property, implying that only a small social group was eligible to vote. Voting restrictions were also based on religious beliefs and ethnicity in some jurisdictions. Suffrage was extended to all adult males beginning with the French Revolutions and continuing until the early twentieth century. Women's enfranchisement was the next step in the expansion of voting rights.²⁰³ At the beginning of the 1900s only few states, such as Australia, Finland, Denmark, Norway and some others, had allowed women to take part in the electoral process. It was mainly during the interwar period and after World War II that women's suffrage became nearly universal. It is interesting to note that even in some European states, women were enfranchised only a few decades ago; for instance, in Switzerland they were allowed to vote at federal level in 1971; while in Liechtenstein women were denied the right to vote until 1984.²⁰⁴

For a long time, another barrier to the right to vote has been the age. Indeed, in most countries, before World War II, the minimum voting age was of 21 years or higher. While nowadays, the majority of states

²⁰² Voting Rights: A Short History, Carnegie Corporation of New York, November 18, 2019.

²⁰³ Ibid.

²⁰⁴ Ibid.

have set 18 years as the legal age for exercising the voting right. Finally, the granting of external voting is to be considered as the current and still ongoing phase of the universal enfranchisement. Certainly, the process of universal suffrage is not ended yet and a further expansion of voting rights depends on the commitment of states to enfranchise their non-resident citizens.²⁰⁵

Issues of Critical Concern

- A) External voting is influenced by political factors not only in terms of whether it takes place, but also in terms of how it is conducted. Electoral system design, another highly political facet of democratic reform and democratic transition, is linked to many decisions relating to external voting.²⁰⁶ The design of an electoral system is one of the most essential aspects of a country's institutional structure, impacting the political party system as it does. Electoral reform may be on the table as a result of a vision or motivation to better democracy, or it may be on the table for more immediate, sectoral, or even venal reasons on the side of some political participants.²⁰⁷
- B) This is mirrored by external voting, which may be placed on the democratic agenda by those who believe strongly in the equal right of all citizens to participate—or by political forces which see potential advantage in it. The desire to promote external voting may constrain the options for electoral system design. Conversely, the adoption of a particular electoral system may limit the options for external voting mechanisms. This can be illustrated by considering the three basic options for external voting—personal voting at an external polling site in a diplomatic mission, for example; remote voting by post, fax or some form of e-voting; and voting by proxy.²⁰⁸
- C) Personal voting at a polling station in-country is easy: all voters at the polling station will normally be voting in the same electoral district in the same election or elections, and will thus need to receive the same ballot papers. Minor exceptions (such as the small number of members of the UK House of Lords, who may not vote in legislative elections but may vote in local elections) can be accommodated. The same is not, however, necessarily true of a polling site in for example a diplomatic mission.²⁰⁹ The electors may originate from anywhere in the country that is holding the election. Where the same ballot paper is in use across the whole country, this is not a problem: for example, everyone receives the same ballot paper in a plurality or majority election for president. The same is true when electing legislators under a List proportional representation (List PR) system in which the whole country forms one electoral district, and even when closed List PR is used in smaller electoral districts using ballot papers which only carry party names and logos.²¹⁰ The position is very different when candidate-based systems or systems with smaller electoral districts are used to elect legislators, and ballot papers are not the same country-wide. First, the electoral authorities have to establish how many of each ballot paper to dispatch to each diplomatic mission. Then, the mission staff have to issue the right ballot paper to each external voter.²¹¹

205 Lafleur J.M., 'Why do states enfranchise citizens abroad? Comparative insights from Mexico, Italy and Belgium, in *Global Networks*', Blackwell Publishing Ltd & Global Networks Partnership, 2011.

206 N (200).

207 López-Guerra C., 'Should Expatriates Vote?', in *The Journal of Political Philosophy*, 2005, p. 222.

208 Beckman L., 'Who Should Vote? Conceptualizing Universal Suffrage in *Studies of Democracy*', *Journal of Historical Sociology*, 2015, p. 31-32.

209 Absentee Voting, available at: <https://aceproject.org>.

210 Ibid.

211 Ibid.

- D) Under plurality/majority systems, for example, First-Past-The-Post, the Two-Round System, Alternative Vote, Block Vote and Single Non-Transferable Vote, polling site officials will need to know in which district a voter is entitled to vote. The same is true under Single Transferable Vote. If open or free List PR are used, the individual candidate lists will be different in each district, even if the same selection of parties are contesting every district. With closed List PR, the same applies if it is thought that the voter has the right to know when voting the identity of the candidates on the list of each party. Mixed systems, whether Mixed Member Proportional (MMP) or Parallel, are the most problematic, posing the challenges of both of their components simultaneously. Problems are likely to be magnified further if a decision is taken to use external voting in regional and local elections.²¹²
- E) The task of determining which ballot paper each voter should receive may not then be simple, especially if the voter has left the home country a considerable time before. Neither voters nor polling site officials might be expected to have detailed knowledge of precise electoral boundaries. It may be possible to use the registration process to determine the correct location of each elector and record it in a form that is accessible at polling sites, although this is a task that can consume considerable time and resources. Alternatively, electoral system designers can design versions of their chosen system in which a specific external district with reserved seats is created—as in Croatia. Another option is to allocate all external voters to a small number of electoral districts—as in Indonesia, where the external votes cast in Malaysia and Singapore are included in one of the two electoral districts in the capital, Jakarta, and all other external votes to the second Jakarta district. Even when the most recent place of residence in the home country of each elector is known, logistical challenges remain. The polling site needs to receive ballot papers for every district from the central electoral administration, and the polling site officials then need to ensure that the correct ballot paper is issued to each voter. There may be considerable potential for error and confusion. The values of electoral inclusion, electoral system sustainability and electoral integrity may pull in different directions, and a balance must be achieved.
- F) While the design problems for external voting utilizing distant methods may not be as onerous as those for personal voting mechanisms, there are still significant issues. While the packaging and dispatch of correct ballot papers may be done under less time pressure, and the central election administration staff involved are likely to be better trained and less likely to make mistakes than officials at out-of-country polling sites, the risk of error and confusion remains.²¹³
- G) In some places of the world, postal service reliability is definitely a concern. Furthermore, the election schedule can be a significant effect. Ballot papers cannot be printed or sent out until nominations have been closed and confirmed, which takes time for international postal systems to operate in both ways. If the deadline for returning external postal ballot papers is set for polling day, the length of the campaign period may be compromised.²¹⁴ If it is set later than polling day, issues of partial results' credibility may arise, particularly in close elections when the external vote may be important. Timetable issues will be particularly difficult where a Two-Round System

212 Voter Registration, available at: <https://www.un.org/womenwatch/osagi/wps/publication/Chapter4.htm>.

213 Voting Operations, available at: <https://aceproject.org>.

214 International IDEA, 'International Electoral Standards Guidelines for reviewing the legal framework of elections, Guidelines Series', 2002.

is in use, as the ballot papers for the second round can only be printed and dispatched when the result of the first round is known.²¹⁵

- H) For election system designers, proxy votes are the least challenging of the three options for external voting mechanisms. Although there are still challenges with allocating external voters to election districts, if this can be done, the proxies can be considered the same as the actual voters. Voters are likely to select proxies who are present in the country and can vote at the same polling places as them. In either instance, it is the voter's responsibility to choose a proxy. A proxy voting system, on the other hand, may have a number of disadvantages, including worries about election integrity.²¹⁶
- I) OCV can be complicated, and it is always time-consuming. When new electoral arrangements are being constructed, however, it is well known from previous experience that political actors will use all available time to negotiate the design of a new election legislation. After all, it's standard negotiation practice to extract the most value from concessions by making them only when there's a deadline to meet. This means that electoral officials will almost certainly be working without enough time to achieve the ideal—or even a desirable—election. Simple solutions that will perform satisfactorily under pressure are therefore valuable when corners need to be cut. This may influence the method of external voting chosen.²¹⁷
- J) There are many distinct types of external electors in the globe, as well as diverse techniques of classifying them. Social, political, cultural, and ethnic factors all contribute to migration and, as a result, the emergence of groupings of prospective foreign voters. There are four primary kinds of people who are eligible to vote while remaining or residing overseas. These include (a) workers, (b) internally displaced persons, (c) members of specific professional groups, such as military personnel, public officials, or diplomatic staff (and their families), and (d) citizens of a country who live or work abroad, either temporarily or permanently.²¹⁸
- K) There are some restrictions on the entitlement to vote externally that certain countries apply. Restrictions are normally related to the time spent abroad or the activity carried out abroad. For practical reasons, a country may limit the availability of external voting to citizens living or staying in certain countries. Some countries make the option of external voting available only when a minimum number of external electors are registered in a host country. Entitlement to out of country voting is sometimes restricted to a specific type of election or referendum or, as another example, to voters who are assumed to have a connection with their home country. They may have to show an intent to return to their country of origin. Sometimes there are additional requirements, for example, that voters must not be abroad for longer than a specified number of years.

3. Out of Country Voting Methods and Matrix

Electors can cast their vote from abroad in several ways. Some countries offer alternative methods for out of country voting, while other countries limit their options to one, for logistical or financial reasons. Some options are more costly than others, while some offer a more secure or faster voting channel.

215 Ibid.

216 Implementing and Overseeing Electronic Voting and Counting Technologies, available at: www.ndi.org.

217 Alternative voting methods and arrangements, available at: www.osce.org.

218 International IDEA, 'Migrants and External Voting', 2008.

Four Main Voting Options

Personal voting: The voter must go to a specific place & cast his or her vote there in person. This can be a diplomatic mission or a polling place specially set up abroad. This is the procedure most widely used for casting an external vote.

Postal voting: The voter fills out the ballot paper at a place he or she chooses & the vote is then transmitted by ordinary post to the home country. Sometimes witnesses are required to confirm the identity of the voter & witness that he or she has filled in the ballot paper freely & without interference.

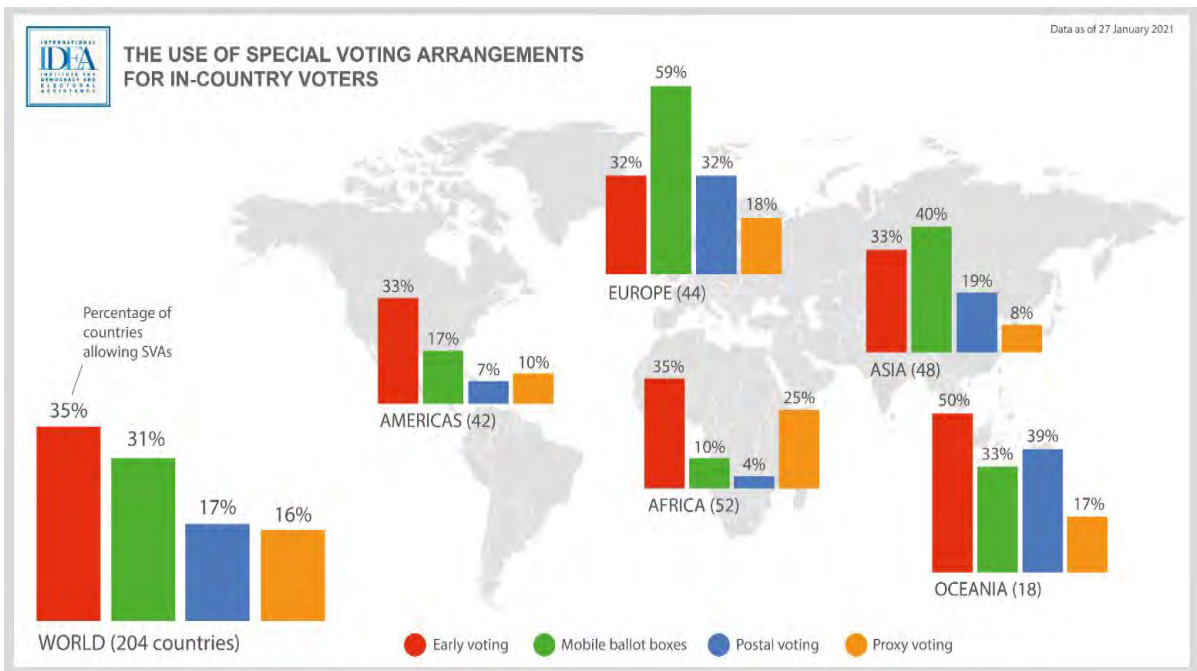
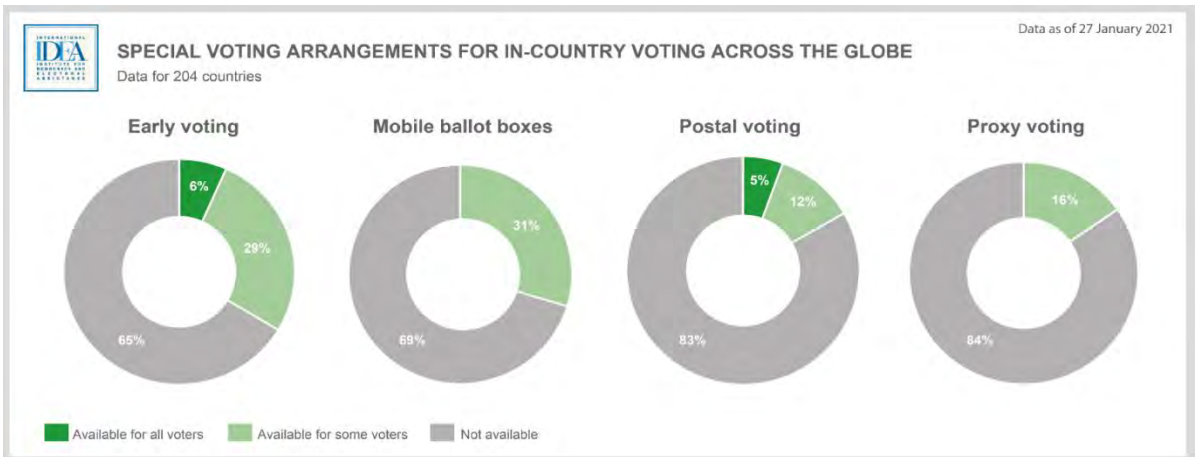
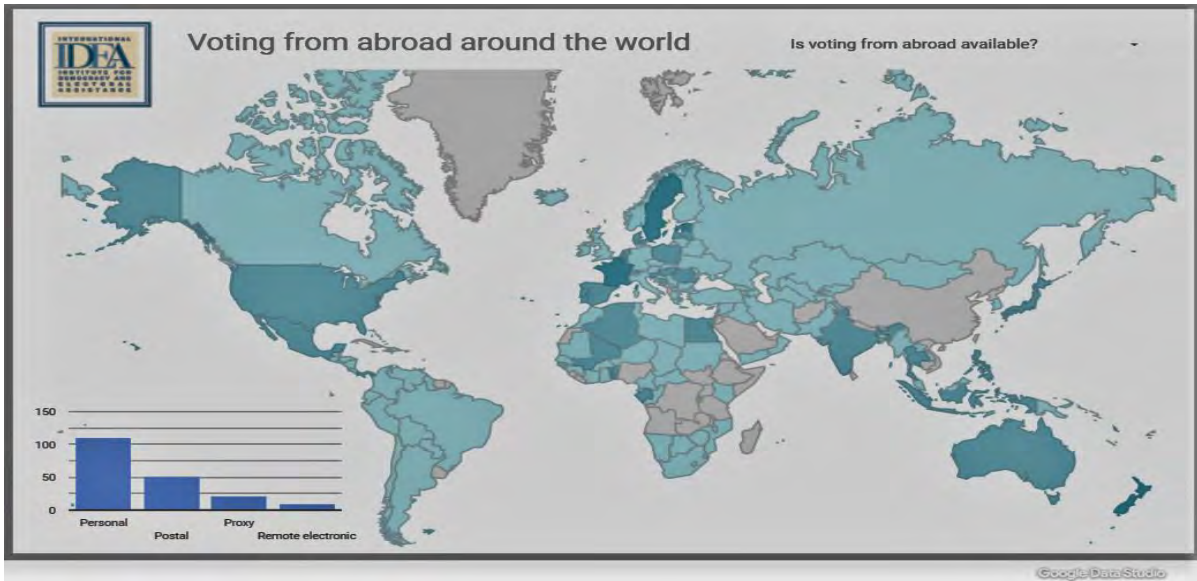
The proxy vote: A citizen living or staying abroad may be enabled to vote by choosing a proxy who casts the vote for the voter at a polling place in the home country, or abroad.

Electronic means: The voter may use the Internet, personal digital assistants (PDAs), telephones or a mobile phone to cast his or her vote. This type of electronic voting is most often referred to as remote electronic voting, or e-voting & may become more common in future.

Most countries with provisions for external voting organise it through their administrative settings, with assistance of mail services, the Ministry for Foreign Affairs etc. However, a smaller number of countries, typically those that have recently come out of a conflict, organise it with the assistance of international organisations, other countries or partners. Assistance of international partners may be necessary in some cases for a variety of reasons, including issues relating to trust, security or organisational settings.

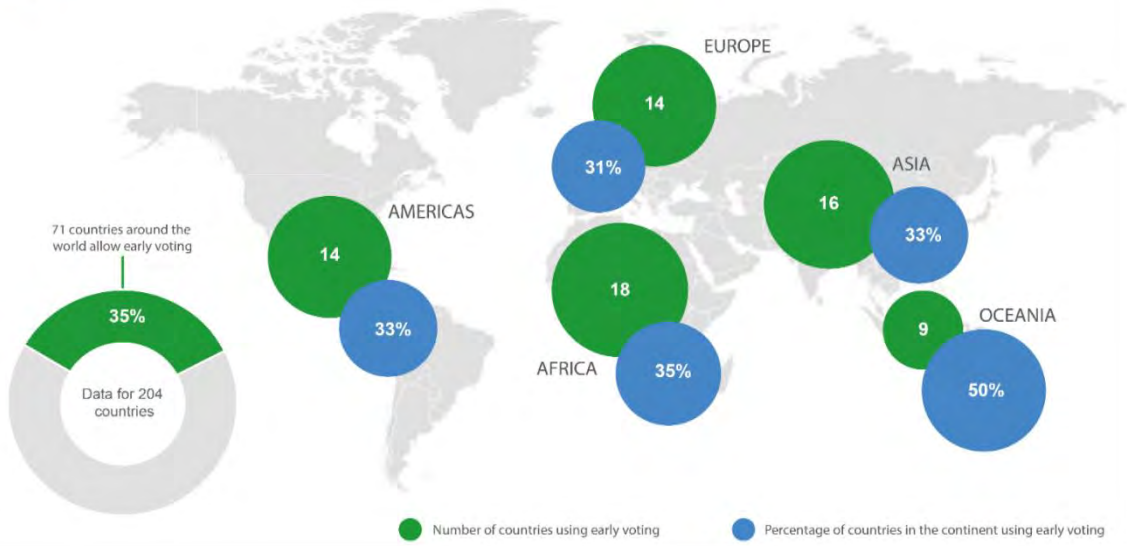
Source: *Out of Country Voting*, <https://aceproject.org/ace-en>

Overseas Voting: Map Matrix



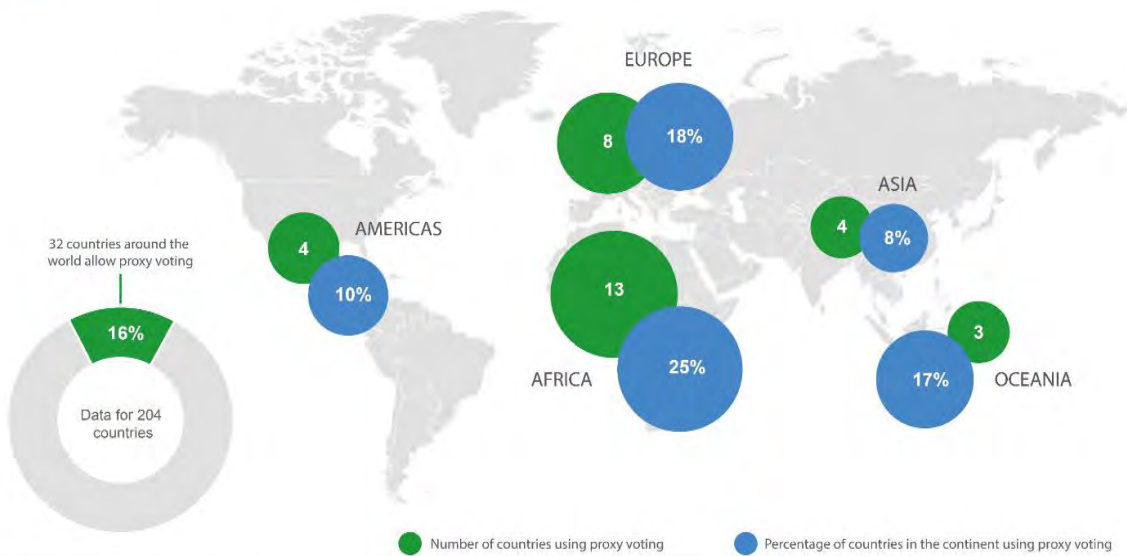
EARLY VOTING AROUND THE WORLD

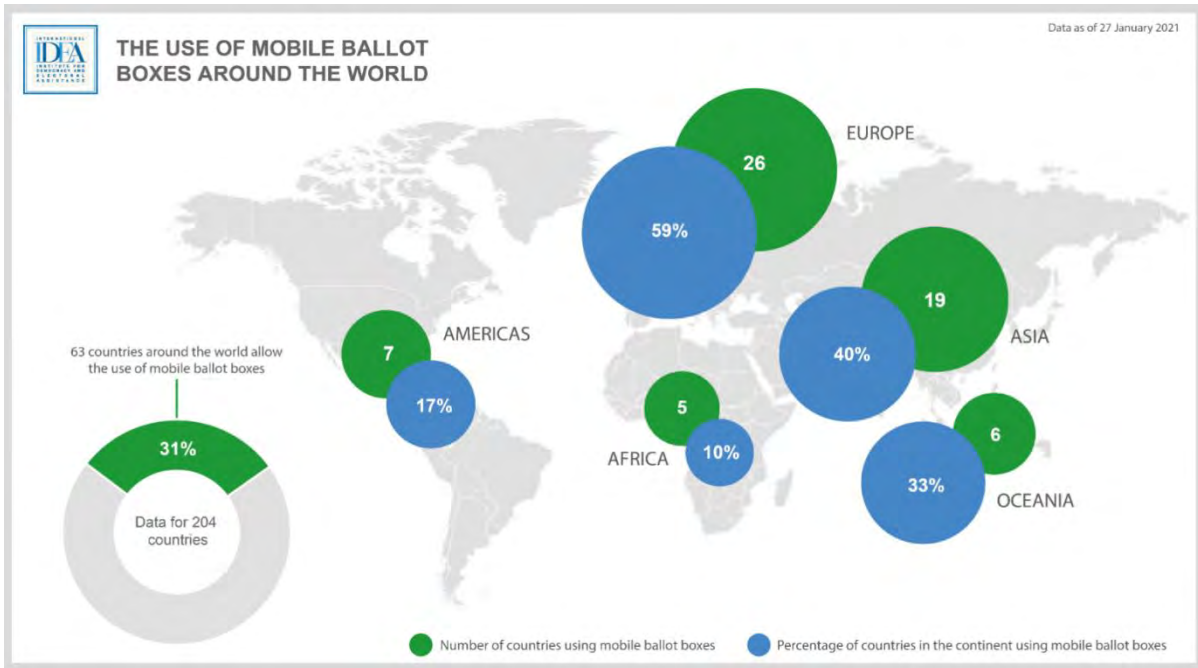
Data as of 27 January 2021



PROXY VOTING AROUND THE WORLD

Data as of 27 January 2021





4. Overseas Voting Approach

Countries that allow for external voting must guarantee that the voting mechanism meets security, transparency, and confidentiality criteria. It is also hoped that all voters would have the same chance to vote as many times as they like depending on the electoral system adopted by the respective country. Countries and regions, on the other hand, must adapt and innovate to deal with the specific obstacles of external voting, such as voter geographic location, ballot transit security, the high cost of external voting, and other logistics and administrative issues stated above. As a result, it is interesting—though probably not surprising—that the technique for voting from overseas is generally the same as that used at home since online voting is also becoming common in many countries.²¹⁹ It is unsurprising that in some circumstances, extra processes are used, such as providing various amenities within reach of all external voters and it is especially applicable in a country where there are overseas migrant workers with little access to the services and knowledge on voting.²²⁰

219 N (200).

220 Explainer: Free and Fair Elections, available at: www.facinghistory.org.

External Voting Procedures: Some Samples

Procedures	No. of cases	Countries
Personal voting only	54	Afghanistan, Angola, Argentina, Azerbaijan, Belarus, Botswana, Brazil, Bulgaria, Cape Verde, Central African Republic, Colombia, Côte d'Ivoire, Croatia, Czech Republic, Djibouti, Dominican Republic, Ecuador, Equatorial Guinea, Finland, Georgia, Ghana, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, Iran, Iraq, Israel, Kazakhstan, Kyrgyzstan, Laos, Moldova, Mozambique, Namibia, Niger, Peru, Pitcairn Islands, Poland, Romania, Russia, Rwanda, São Tomé and Príncipe, Senegal, Singapore, South Africa, Sudan, Syria, Tunisia, Turkey, Ukraine, Uzbekistan, Venezuela, Yemen
Postal voting only	25	Austria, Bangladesh, Bosnia and Herzegovina, Canada, Denmark, Falkland Islands, Fiji, Germany, Gibraltar, Guernsey, Ireland, Italy, Jersey, Lesotho, Liechtenstein, Luxembourg, Malaysia, Isle of Man, Marshall Islands, Mexico, Norway, Panama, Switzerland, Tajikistan, Zimbabwe
Proxy voting only	4	Mauritius, Nauru, Togo, Vanuatu
Mixed procedures	27	Algeria, Australia, Belgium, Benin, Chad, Cook Islands, Estonia, France, Gabon, Guinea, India, Indonesia, Japan, Latvia, Lithuania, Mali, Micronesia, Netherlands, New Zealand, Palau, Philippines, Portugal, Slovenia, Spain, Sweden, Thailand, United Kingdom
Not yet implemented or not available	4	Bolivia, Greece, Nicaragua, Oman
Total	114	

According to ACE Electoral Project, generally the votes cast abroad are counted by the diplomatic or consular networks of the home country around the world. There is no straight relationship between the number of official representations abroad and the coverage of prospective external voters. On the basis of technical or logistical reasons, specific legal measures are occasionally developed to install voting stations abroad. The Dominican Republic selected a group of cities from five different countries (Canada, Spain, Puerto Rico, the United States and Venezuela) Mozambique's initial external voting operation was limited to nine nations, seven of which were in Africa and two in Europe. Senegal's scope was slightly broader, as it was implemented in 15 countries, including four European nations. Tokelau's 2006 independence referendum was perhaps the most extreme example of this method, and it sparked controversy as a result. In the situations of Afghanistan and Honduras, the restrictions were also significant. Honduras opted to limit the registration of external electors for its pioneering external voting operation in the 2002 presidential elections.

Similarly, votes can also be cast at polling stations installed in head offices or premises of international or regional organizations, or in places specially set up or hired in the host country. During post-conflict transitions where the international community plays a key role, external voting operations may be assisted by international organizations. The other main procedure for external voting that can be used in an

exclusive way is postal voting. Some countries use only this method of external voting. It is most commonly found in Western Europe. Postal voting can be an efficient and low-cost method if the postal services operate well, efficiently and safely. However, postal services which do not live up to these standards can do damage to the electoral process for external voters. Several countries have a mixed system using two or more different voting procedures for external voting. Different methods may be available to external voters depending on where in the world they reside. These countries can be grouped according to five combinations of voting methods. The mix of personal and postal voting is the predominant one. Take-up will still depend to a great extent on the nature and features of the options available. For example, personal voting better fulfils the imperatives of security, confidentiality and reliability. But its coverage of the potential electorate can be far more limited than that of postal voting.²²¹

Mixed voting procedures	No. of cases	Countries
Personal voting and postal voting	12	Cook Islands, Indonesia, Japan, Latvia, Lithuania, Micronesia, Palau, Philippines, Portugal, Slovenia, Spain, Thailand
Personal voting and voting by proxy	7	Algeria, Benin, Chad, France, Gabon, Guinea, Mali
Postal voting and voting by proxy	2	India, United Kingdom
Personal voting, postal voting and voting by proxy	2	Belgium, Sweden
Other methods in addition to any of the above	4	Australia (personal, postal, fax), Estonia (personal, postal, e-voting), Netherlands (postal, proxy, e-voting), New Zealand (personal, postal, fax)

221 Out of Country Voting, available ta: <https://aceproject.org/ace-en>.

Countries with Mixed Procedures for External Voting

Mixed voting procedures	No. of cases	Countries
Personal voting and postal voting	12	Cook Islands, Indonesia, Japan, Latvia, Lithuania, Micronesia, Palau, Philippines, Portugal, Slovenia, Spain, Thailand
Personal voting and voting by proxy	7	Algeria, Benin, Chad, France, Gabon, Guinea, Mali
Postal voting and voting by proxy	2	India, United Kingdom
Personal voting, postal voting and voting by proxy	2	Belgium, Sweden
Other methods in addition to any of the above	4	Australia (personal, postal, fax), Estonia (personal, postal, e-voting), Netherlands (postal, proxy, e-voting), New Zealand (personal, postal, fax)

Australia, Belgium, Estonia, the Netherlands, New Zealand and Sweden are some of the countries where voters abroad can cast their ballots for president and prime minister. Other countries impose no additional requirements, such as a set period of time abroad or a set number of voters having to be abroad at the same time. Until recently, Belgium and Sweden were the only two countries that offered voters the opportunity to choose 'freely' between three procedures for external voting. Estonia and the Netherlands have since joined this group as well. In Belgium, the options are voting at the diplomatic missions where the external elector has been registered, through a representative or proxy at the same mission or in a national municipality.²²²

In Sweden, it is possible to vote by post or in person at diplomatic missions. The elector needs a special outer envelope which he/she can obtain from the election administration or collect at any available voting place. Postal voting was previously only available for Swedish voters residing in Germany and Switzerland. Australia and New Zealand make the personal vote and the postal vote generally available to overseas voters. Estonia and the Netherlands both offer postal voting, and Estonia offers personal voting and Dutch voting by proxy. However, what these countries have in common as a third method is e-voting, which has only been implemented recently.²²³

The United States allows up to three methods of casting an external vote - postal, fax or e-voting. In 2000, the U.S. was the first country to test a mechanism for external voting using electronic voting.²²⁴ The implications of the use of new technologies for the transmission of votes will be very promising in the near future. In Indonesia and Japan, the external voter can choose between personal voting at diplomatic

²²² Ibid.

²²³ Ibid.

²²⁴ Jordi Barrati Esteve et al., 'International Experience with E-Voting Norwegian E-Vote Project', June 2012.

missions and the postal vote. In France and a number of countries in Francophone Africa, personal voting exists for those registered at embassies and consulates.²²⁵ In Portugal, external electors can only vote by post in parliamentary elections and have to vote in person in presidential elections.

Asia: Comparative overview of external voting modalities:

Countries	Voting system/ requirement	Laws Governing Election	Electoral Law's Coverage	Out of country Voting
South Asia				
Nepal	Voluntary Voting system for Nepali citizen who has completed the age of 18 and register themselves in the voters list (Article 84(5), 176(5) and 222(5) of Constitution of Nepal)	Constitution of Nepal, Election Commission Act 2017, Voter Roll Act 2017, Law of the Elections of the House of Representatives 2017, Constituency Delimitation Act 2017, Election (Offence and Punishment Act 2017, State Assembly Member Electoral Act 2074 (2017), President and Vice-President Electoral Act 2074 (2017), National Assembly Member Electoral Ordinance 2074 (2018), Political Party Act 2073, Local Level Electoral Act 2073 (2017), Election Commission Rule 2073 (2017), Regulations Relating to Political Party 2074 (2017), National Assembly Member Electoral Rule 2074 (2018), House of Representative Member Electoral Rule 2074 (2017), State Assembly Member Electoral Regulation 2074 (2017), Local Level Electoral Rule 2073 (2017) Election Code of Conduct 2015.	Electoral Law covers: National, Regional and Local elections (Article 246 (1) of Constitution of Nepal)	Not Permitted . However, Supreme Court's in 2017 issued a landmark mandamus order asking to government to ensure the voting right of all Nepali citizens living abroad. Six point order: Make necessary arrangement to ensure right to vote by all citizens abroad, along with citizens residing abroad in the course of employment Regard the citizens who have not relinquished Nepali citizenship, and haven't acquired citizenship of any other country with all basic criteria met as eligible for external voting Decide appropriate, viable methods of voting by having consultation with political parties, CSOs, the petitioner and other stakeholders; organize pilot test, if necessary to ensure maximum number of voters; bearing in mind financial and managerial burden Take diplomatic initiatives with concerned governments and companies where Nepali citizens are engaged in for making available opportunity of casting votes Immediately submit a Bill to the Parliament to enact appropriate law having fulfilled applicable legislative procedures, make necessary, appropriate, preparations, necessary means, resources, technology, structure/ managerial preparations\ Immediately begin data

225 Ibid.

				<p>collection to create an atmosphere for enabling participation in the upcoming election</p> <p>To: Election Commission, Nepal</p> <p>Immediately initiate necessary study concerning legal provisions and other relevant arrangements to ensure overseas voting</p> <p>Report to the Parliamentary Committee of the progress in this connection as soon as possible.</p> <p>The verdict however, hasn't been implemented yet.</p>
India	Voluntary voting system is ensured for people above the age 18 Years (Article 326 of the Constitution of India and Section 19(a) of Representation of People Act 1950 respectively)	Constitution of India, Representation of the People Act 1950, Representation of the People Act 1951	Electoral Law covers: National. (Preamble of Representation of People Act, 1951 and 1951)	Out of country voting is permitted under Section 16 and Section 60 of Representation of the People Act, 1951). Citizens residing outside the country, members of the armed forces, students and Diplomatic staff could vote from outside the country by proxy or by mail.
Afghanistan	Voluntary voting system is ensured for the one who has completed the age of 18 years and have access to polling centre. (Article 5(3) and 13(1) of Afghan Election Law)	Electoral Law of Afghanistan 2014	Electoral Law covers: National, Regional, Local elections along with Referendums. (Article 21 to 39 of Afghanistan Electoral Law)	Permitted exceptionally to Afghan refugees in Iran and Pakistan. They can vote through special polling stations. (Article 14 and 15 of Afghan Electoral Law)
North East Asia				
Japan	Voluntary voting is ensured for the citizens above the age of 18 with three months of residence in Japan (Article 15 of the Constitution and Article 8 of Public Office Election Act respectively)	Public Offices Election Act, Order for Enforcement of the Public Offices Election Act, Ordinance for Enforcement of the Public Offices Election Act along with the Constitution of Japan.	Electoral Law covers: National, Regional and Local elections. (Article 2 and 3 of Public Offices Election Act)	Voting from outside the country is permitted for, Citizens residing outside the country, Members of the armed forces, Students, Diplomatic staff and others. (Article 49 of Public Offices Election Act). Qualified voters outside the country could vote from Embassies, Consulates, Special polling Stations or by mail (Article 49 of Public Offices Election Act)

S. Korea	Elections held on a national level to select President & Nat'l Assembly. Local elections held every 4 years. President directly elected for a single 5-year term by plurality vote. Nat'l Assembly has 300 members elected for a 4-year term, 253 in single-seat constituencies & 47 members by proportional representation.	-Public Official Election Act (Amended by Act No. 7681, Aug. 4, 2005) - Political Parties Act (Wholly Amended by Act No. 7683, Aug. 4, and clause-wise amended from 2005 till 2016 - Political Fund Act (Wholly Amended by Act No. 7682, Aug. 4, 2005)	Any South Korean citizen over the age of 25 is eligible to stand for election. And, under the terms of the Public Official Election Act, the active electoral right, that is, the right to vote is vested in every South Korean citizen who has reached the age of 18.	OCV permitted. "Absentee voters" are all South Korean citizens aged 18 and above... who have a South Korean ID number. Mostly Koreans who are temporarily working or studying abroad... or are traveling or on a business trip. It also applies to those who are currently in the country, but plan to leave before the "early voting" period... and won't return by election day.
South East Asia				
Indonesia	Voluntary voting is ensured for the Citizens who have acquired the age of 17 (Article 1 and Article 19 of Law 8/2012 on General Election of the Members of House of Representatives, People's Representatives Council and Regional House of Representatives)	Law 8/2012 on General Election of the Members of House of Representatives, People's Representatives Council and Regional House of Representatives.	Electoral Law covers: National and Regional elections.(Article 1(2) of Law 8/2012 on General Election of the Members of House of Representatives, People's Representatives Council and Regional House of Representatives.	Out of Country voting is permitted for the Citizens residing outside the country and the qualified voters could vote from Embassies, Consulates or by mail. (Article 158 of Law 8/2012 on General Election of the Members of House of Representatives, People's Representatives Council and Regional House of Representative)
Philippines	Compulsory voting is ensure for the Citizen who has attained the age of 18 and have resided in the Philippines for at least one year including six months of residence preceding the election in the place where they propose to vote (Section 117 of The Omnibus Election Code, Article V of Constitution of the country)	Constitution of the country, The Omnibus Election Code, The Voter's Registration Act, The Fair Election Act, An Act Providing For Mandatory Biometric Voter Registration.	Electoral Law Covers: National, Regional and Local elections along with the Referendums	Out of Country Voting is permitted to the Citizens residing outside the country including those on vacation. Qualified voters may vote from Embassies, Consulates or by mail. (Section 4, 16 and 17 of The Overseas Absentee Voting Act 2003)

Myanmar	Voluntary voting system is ensured to the Citizens who have attended the age of 18 and registered themselves in the Voter list.	Constitution of the Country, Amyotha Hluttaw Law DAPP (16-3-10) OAG-013 su, Union [of Myanmar] Election Commission Law; the People's Parliament Election Law; the National Parliament Election Law, and the State or Division Parliament Law.	New election laws issued in in March 2010 by the military regime, the SDPC "are designed to exclude the main opposition party and ensure a victory for the ruling military."	OCV system exists with many flaws. A total of 45 Myanmar embassies, missions and consulates worldwide are designated for overseas voting. These include South Korea, Thailand, Malaysia, UK, US, Australia, the Philippines and China.
Central Asia				
Kazakhstan	Voluntary voting is ensure for the Citizen who have attained the age of 18 (Article 3 and 4 of Constitution Law on Election of the Republic of Kazakhstan)	Constitution of Republic of Kazakhstan, Constitution Law on Election of the Republic of Kazakhstan.	Electoral Law Covers: National and Local elections. (Article 1 of Constitution Law on Election of the Republic of Kazakhstan)	Out of Country voting is permitted for Citizens residing outside the country (including those on vacation), Members of the armed forces, Students and Diplomatic staff. They may vote through Embassies or Consulates. (Article 23, 24 and 25 of Constitutional Law on Elections of the Republic of Kazakhstan)
Uzbekistan	Voluntary voting is ensured to the citizen who have attended the age of 18 (Article 117 of Constitution of Republic of Uzbekistan, Article 3 of Law on Election of the OliyMajlis of the Republic of Uzbekistan)	Constitution of the Republic of Uzbekistan, Law of the Republic of Uzbekistan on the Election of the President of the Republic of Uzbekistan, Law on Election of the OliyMajlis of the Republic of Uzbekistan, Law of the Republic of Uzbekistan on the election to provincial, district, city (town) Kengashes of people's deputies.	Electoral law Covers: National and Local election along with the Referendums.	Out of country is permitted for the Citizens residing outside the country and Members of the armed forces. The qualified voters may vote through Embassies or Consulates. (Article 8(2) and 32 of Law on Elections of the OliyMajlis of the Republic of Uzbekistan, Article 11 of Law of the Republic of Uzbekistan on the Election of the President of the Republic of Uzbekistan)

D. OBSTACLES PREVENTING OVERSEAS FRANCHISE

1. Political Will and Consensus

The right to vote in elections from outside the country can be an important aspect of a citizen's political rights. The topic of external voting brings up its own set of problems that must be addressed. To yet, there has been significantly less attention paid to the levels of voter involvement among foreign voters than there has been to the levels of voter participation within the country. The voting populace from outside the country may have a significant impact on election results. External voting was allowed in Italy's legislative elections in 2006, for example. External voters make up a minor percentage of overall turnout in the majority of circumstances. This effect may be more severe in countries where major population shifts have occurred.²²⁶ External voters from Pakistan and Iran made about 10% of the overall electorate in Afghanistan's 2004 elections. A large percentage of Iraqis living in other countries are undocumented migrants. Security concerns, voter indifference, and poor access to registration and voting facilities were further factors in low participation percentages. External voting is virtually always allowed, but the rates of registration and turnout are almost always lower than in-country voters.²²⁷ Brazil, Honduras, Italy, the Philippines, Senegal, Spain, Sweden, and Venezuela are among them. The registration rate for Mexico's newly announced external voting scheme for the 2006 elections was very low. As more citizens come home, the number of external electors voting in elections is decreasing.²²⁸ However, the percentage of registered external electors who actually vote remains very high. In Bosnia and Herzegovina, for example, the turnout has remained at approximately 80 per cent since the early 2000s.²²⁹ External voter turnout is low for a variety of reasons. Low voter turnout among both foreign and domestic voters can be attributed to a number of factors. External voting may have some characteristics that make it stand out, such as polling station locations. The number of voters who use this option may be influenced by the hours of operation of diplomatic embassies. Voter registration is the first step toward election participation, but it may also be a stumbling obstacle.²³⁰ Voting may be discouraged by requirements that specify a minimum or maximum number of eligible voters. Senegal, for example, conducts external voting if the country's total number of registered voters is 500 or higher. External voting was only available in a few areas in the United States during Cambodia's Constituent Assembly elections in 1993, and only if voters first traveled to Cambodia to register.²³¹

Depending on how, when, and where the election campaign is held, voters may be more or less likely to participate. Only a few candidates or parties may be represented in the campaign overseas due to political or financial considerations. Some states have decided to level the playing field by banning all campaign activity beyond their borders. The delicate nature of voter registration and the handling of personal information can deter would-be voters from registering and voting if the political situation is uncertain.²³² Immigrants, diaspora and overseas migrant workers those who are opposed to the regime in their home country, and permanent residents living abroad may not register to vote for fear of reprisal. Similarly, a number of European countries have increased foreign voter participation in European Parliament

226 Francisco Lupiáñez-Villanueva et al., 'Study on the Benefits and Drawbacks of Remote Voting', European Commission, 2018.

227 Susanne Schmeidl, "Going, Going ... Once Again Gone?" The Human Capital Outflow From Afghanistan Post 2014 Election.

228 Brazil: Compulsory Voting and Renewed Interest Among External Voters, available at: www.aceproject.org.

229 Ibid.

230 Henry Y. Brady & John E. McNulty, 'Turning Out to Vote: The Costs of Finding and Getting to the Polling Place', *The American Political Science Review*, February 2011.

231 Ibid.

232 Political Participation, available at: <https://www.un.org/womenwatch/osagi>.

elections by allowing permanent residents with a foreign citizenship to vote in subnational or European Parliament elections in their home constituency.²³³

The restrictions on voter turnout are exaggerated. In certain countries, seats in legislatures are designated for external electoral districts. If external voter turnout is low, fewer votes will impact the outcome of a parliamentary election. Some countries assess the number of external voters against the number of internal voters to decide how many seats can be assigned to represent external voters. The costs related with external voter turnout must also be considered.²³⁴ External voting is frequently more expensive than organizing voting within a country. Some say that participation is a right that should be exercised regardless of the monetary or political cost.²³⁵ The other school of thought claims that appropriate levels of participation must justify political effort and financial cost. Participation levels may have an impact on decision-making processes regarding the inclusion or removal of external voting. Voter registration provisions, voting procedures, and methods of assigning external votes to electoral districts can all be combined in a variety of ways.²³⁶

While considering the three major external voting challenges that are important to consider when developing the legal framework, as well as the normative criteria that may apply to them. Political representation of people who are neither residents or present in their nation of citizenship is an issue.

External Voting Fiasco: A Case Study from Indonesia

Problem with out-of-country voting that Indonesia experienced was the sheer number of voters. The Jakarta Post, as relayed by the Straits Times, reported that there have been unprecedented numbers of voters in Kuala Lumpur and Sydney, Australia. Judging from previous general elections where in 2014, voter turnout overseas was 33 per cent, the election organizers had not provided sufficient space for polling stations to accommodate tens of thousands of voters. In Kuala Lumpur's case, the Malaysian authorities had not responded to Indonesia's request set up polling stations outside Indonesian Embassy premises. Initially, 89 polling locations had been identified and announced only to be reduced the night before to only three. In Sydney, election organizers had not anticipated the number of voters and only rented the voting location until 19:00. Thousands of voters were still queuing at that time and had to be turned away. In both instances, the formal explanations have been that there were too many unregistered voters trying to vote. By law, unregistered Indonesian voters are allowed to vote with proper identification if they meet strict requirements. It appears that this was not specifically followed, but it has not been confirmed. Unmarked postal ballots were being tampered with. This presumably means these thousands of envelopes have not reached their recipients yet. An interception may have occurred along the way. This method is easier than other methods of fraud such as vote buying or ballot capturing. Another question then arise, wouldn't thousands of voters then complain of not having received their ballots? There haven't been any yet, but if tomorrow does not go well, these complaints, when they come, may add fuel to the fire—assuming these voters exist and that the ballots were authentic.

Organization of elections outside of national borders, which raises issues such as organizational issues, voting procedure transparency, party competition equality, and electoral fraud transparency; and resolving disputes if the results of elections held on foreign soil, outside the judicial territory, are brought in question for credibility litmus test.²³⁷ The democratic principle of universal suffrage is linked to the

233 Ibid.

234 Study on the benefits and drawbacks of remote voting solutions to support the preparation of a best practice guide for the use of digital tools to facilitate the exercise of EU citizens' political rights, available at: <https://ec.europa.eu>.

235 International IDEA, 'Voter Turnout Trends Around the World', 2016.

236 Securing the Vote: Protecting American Democracy, available at: www.nap.edu.

237 Three Structural Problem of External Voting, available at: <https://aceproject.org>.

arguments in favor of external voting as provided by major international and regional human rights instruments and principles around electoral integrity. The essential notion is that every person has the right to vote in any direct election to representative state institutions since law or the constitution in many countries guarantee the formal–judicial equality of all citizens with no room for discrimination.²³⁸

2. Citizenship and Residence Status

OCV is inextricably linked to citizenship, which is the bare minimum prerequisite for voting from outside the country.²³⁹ Citizenship entails a set of social, civic, and political responsibilities and obligations. External citizens, on the other hand, are exempt from civil and social obligations while maintaining their voting rights. Expatriates are subject to the laws of the nation of residence rather than the laws of the country of origin, according to the primacy of territorial jurisdiction.²⁴⁰ Non-residents, likewise, do not contribute to the payment of taxes, although domestic citizens and foreign residents must bear these burdens. The paradox of external voting is that expatriates have the right to elect a government whose laws will not apply to them that will rather affect individuals who live within the states boundaries.

External voting appears to be at odds with the idea of political representation, which states that the right to vote should be granted to those who would bear the consequences of their electoral choices and be subject to the laws imposed by the elected government. The situation becomes even more perplexing when resident non-citizens who are affected by government policy are barred from voting. Citizenship laws are vital in determining who is permitted full political membership in a state in this regard.²⁴¹ It is arguable that, in a modern world, characterized by trans-nationalism, citizenship qualification should no longer be determinant for the franchise. At the same time, if all expatriates are a priori disenfranchised, and they don't hold citizenship of the host country, they could be completely deprived of the right to vote.²⁴²

Increased trans-border mobility of people who choose to live in another country has resulted in a steady increase in migrant communities around the world. Even if migration is not a new phenomena, the democratization and globalization that defined global events during the twentieth century have called into question the conventional conditions of universal suffrage, which were based on citizenship, residence, and age. Indeed, if the residency requirement is maintained, people living abroad will be effectively disenfranchised and lose their political rights. At the same hand, relying solely on citizenship for external voting rights raises concerns about illegitimate political meddling in domestic affairs.²⁴³ All things considered, granting expatriates exterior voting rights at the national level in their country of origin and at the local level in their place of residency could be a comprehensive answer. This claim is based on what typically occurs within state borders, when persons have dual citizenship: «by birth right in their state and by domicile in their municipality».²⁴⁴

Such a condition should be reproduced at international level for external voting. If migrants are allowed to participate in local elections at their place of residence, and they can vote at national level in the country of citizenship, then the condition of equal political representation would be met. According to this

238 Study Guide: The Right to Vote, 2003 University of Minnesota Human Rights Center, 2003.

239 Green P., 'Entitlement to vote', p. 93.

240 Bauböck R., 'The rights and duties of external citizenship, in Citizenship Studies', Routledge, 2009, p. 488.

241 Ibid.

242 Ibid.

243 Observer Research Foundation, available at: <https://www.orfonline.org/>.

244 Extending Voting Rights to Foreigners: Reinforcing Equality or Reinventing Citizenship?, available at: <https://www.corteidh.or.cr>.

argument, nor residence, neither citizenship should be determinant in enfranchising electors. However, it does not imply that the requirements of residence and citizenship have to be completely removed.²⁴⁵ As sustained previously, a middle ground should be found between the principle of universal suffrage and the necessary limitation of illegitimate interference of expatriates. It is interesting to note that empirical evidence shows a trend in this direction, namely states tend to grant external voting rights at national level (legislative and presidential elections) and restrict them for local elections (municipal or regional elections).²⁴⁶

One normative criterion underlies this argument—political rights are human rights, the right to vote being one of them. This perspective regards universal suffrage exclusively as an individual right. There are also, however, two functional dimensions: (a) contribution the popular vote makes to the creation of state institutions; and (b) importance of electoral participation to the legitimacy of the elected institutions. It follows that it is desirable to guarantee the right to vote even where special circumstances, such as illness, disability, and so on, make it difficult for the citizen to vote. Temporary and perhaps involuntary residence abroad is considered another special circumstance.²⁴⁷

One of the classic prerequisites of universal suffrage has been residency in the country or even in the election district. The need of residency appears to have become immaterial in the present argument over external voting. Only those persons who bear the repercussions of their election actions should be allowed to vote in terms of political representation. The domestic public may regard votes cast by persons living outside the country as illegitimate.²⁴⁸ Out of country enfranchisement is likely to become substantial, if not vital, to the election's final outcome. The Cook Islands is a classic example of this, with more inhabitants living abroad than inside the country. In these tumultuous times, expert study of the political impacts of external voting is extremely important. The question of whether external voting will strengthen or weaken the legitimacy of a democratic system must be addressed. External voting drive should be built-up with inclusive consultation and participation of all major electoral stakeholders.²⁴⁹

3. Operational, Financial and Strategic Interest

Any electoral body's ability to withstand external voting is a crucial challenge. It is a titanic task. Elections performed outside of a country's borders are known to cause organizational issues, increased personal and financial costs, and logistical effort per voter. The preservation of the ideals of universal, equal, and secret suffrage, as well as the equality of electoral competition and the prevention of election law violations, is a critical issue. In foreign host nations, electoral management bodies are unable to carry out their tasks independently. They must work with institutions in the host nation and branches of the executive branch in the home country to organize the mode of registration abroad and to avoid duplicate registration and voting based on different papers.²⁵⁰

There is not adequate control by the host country's administrative agencies in the electoral campaigns should it take place among overseas electors due to physical proximity and absence of other effective oversight bodies. Some even fear that it may harm the prospect of political involvement heightening the risk of electoral party competitiveness. For this, it is important to ensure that electoral procedures are free of political interference since it may become an issue for countries struggling to hold genuine elections

245 Stakeholder Citizenship and Transnational Political Participation, available at: <https://ir.lawnet.fordham.edu>.

246 External voting and electoral rights. A comparative inquiry into an emerging constitutional trend, available at: [www. http://tesi.luiss.it](http://tesi.luiss.it).

247 Ibid.

248 Three Structural Problems of External Voting, available at: <https://aceproject.org>.

249 The Cook Islands: Seats for Overseas Voters Abolished, available at: <https://aceproject.org>.

250 N (200).

at home especially countries in democratic transition. Organizational issues similar to those observed in the practical difficulties of conducting external voting may arise in electoral dispute settlement since it becomes almost unattainable effort.²⁵¹ Relevant documents may not be readily available when abnormalities are suspected. Resources both (trained) human and financial could be major constraints. Hearings and summoning witnesses may provide physical challenges. As a result, judicial judgments may be of lower quality, and their execution may be more challenging. External voting's degree of fairness, openness, and electoral justice has an impact on the entire electoral process. Electoral fairness issues are crucial in informing the decision-making process. Electoral events may lose legitimacy if an external voting procedure is regarded as biased or chaotic in favor of particular political objectives.²⁵²

The importance of political factors in the adoption and design of external voting provisions was accentuated during the democratic transitions of the 1990s. The inclusion of citizens abroad was often seen as a key element in the process of nation-building, for example, in Namibia in 1989 and South Africa in 1994. Diaspora communities may be active in seeking a post-transition role, and may be particularly influential when they play a role in the domestic politics of major donor countries. However, such pressure is not always successful.²⁵³ The Oslo Agreement of 1993 and the Israeli–Palestinian Interim Agreement of 1995 were in place when elections were conducted in Palestine in 1996. The right of return of displaced Palestinians and their families was left up to the final-status negotiations under these agreements. Despite significant pressure from the Palestinian diaspora for voting rights, no mechanisms for external voting were implemented.²⁵⁴

The international community frequently plays a leading or significant role in mediating transitions and even in implementing transitional elections. Transition agreements may therefore contain important and sometimes controversial external voting provisions. The General Framework Agreement for Peace signed at Dayton in 1995 led to the most complex use of external voting thus far attempted in the 1996 elections in Bosnia and Herzegovina. The issue at stake was the extent to which the 'ethnic cleansing' that had taken place during the conflict would be recognized in the elections.²⁵⁵ Would people who had been displaced or become refugees be able, both as a question of principle and in practice, to vote in the locality which they had left, or in a locality where they now were or where they intended to make a future home? The agreement provided for both options. While the Organization for Security and Co-operation in Europe (OSCE) sought to implement the terms of the agreement, the political forces in Bosnia—many of which had been the major participants in the war—sought to encourage some versions of external voting, and to discourage others.

251 international-obligations-for-elections, available at: <https://www.idea.int>.

252 Ensuring the Integrity of Elections, available at: <https://www.nap.edu>.

253 Context of Voting from Abroad, available at: <https://aceproject.org>.

254 Ibid.

255 Ibid.

E. INTERNATIONAL HUMAN RIGHTS TREATIES

1. Exhorting Relevant Instruments and Treaties

Major internationally agreed normative frameworks related to participation in political and public affairs

- *Universal Declaration of Human Rights (UDHR) (1948) - Article 21. “(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (2) Everyone has the right of equal access to public service in his country.*
- *International Covenant on Civil and Political Rights (ICCPR) (1966) - Article 25. “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions*
- *United Nations Convention on the Rights of the Child (UNCRC) (1989) - Article 12. 1. “States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child. ▪ United Nations General Assembly Resolution A/ RES/70/127 (2016) - 15. “Recognizes that youth participation is important for development, and urges Member States and United Nations entities,, to explore and promote effective, structured and sustainable participation of young people and youth-led organizations in relevant decision-making processes*
- *Security Council Resolution 2250 on youth, peace and security (2015) - “Urging Member States to consider ways to give youth a greater voice in decision-making at the local, national, regional and international levels.”*

In the context of International Human Rights Law adopted by the UN General Assembly, we have considered the Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). None of them directly refers to voting rights from abroad. While, Art. 21 of the Declaration of Human Rights establishes the right of political participation through free and equal suffrage to all individuals; Art. 25 of the ICCPR establishes the right and the opportunity to vote, without unreasonable restrictions to all citizens.²⁵⁶ Interestingly enough, ICCPR specifically attaches voting rights to citizens and not to all individuals under State’s jurisdiction. In this respect, international practice confirms that almost all states (with the exception of New Zealand and some others) attach the right to vote to the status of citizenship. Given that each state is sovereign in defining its citizenship law and that IHRL makes no mention of external voting, states have full powers in deciding if enfranchise expatriates or not.²⁵⁷

At regional level, we have examined external voting provisions within the context of the Council of Europe. Similarly to IHRL of the UN, the European Convention of Human Rights makes no direct reference to external voting. However, through a number of case-laws the ECtHR has defined its approach as to voting rights of expatriates. On the one hand, it recognizes the principle of universal suffrage and the inclusive nature of the right to vote.³²⁸ On the other hand, the Court has acknowledged that voting rights are not absolute and may be subject to some limitations in accord with the electoral systems of each state. In particular, the ECtHR has traditionally ruled that minimum age, citizenship and residence are among the commonly accepted restrictions. If states are allowed to impose residence-based restrictions, then they could adopt restrictive external voting systems.²⁵⁸

²⁵⁶ International Covenant on Civil and Political Rights, United Nations General Assembly, resolution 2200A, 23 March 1996, Art. 25 a., b.

²⁵⁷ Green P., ‘Entitlement to vote’, p. 93.

²⁵⁸ Ibid.

2. Out of Country Voting: Instruments and Provisions

International Instrument	Provisions
<p>Universal Declaration of Human Rights (adopted in 1948)</p>	<p>Article 21</p> <ol style="list-style-type: none"> 1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. 2. Everyone has the right to equal access to public service in his country. 3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.
<p>International Covenant on Civil and Political Rights; (adopted in 1966)</p>	<p>Article 25:</p> <p>Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:</p> <ol style="list-style-type: none"> (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.
<p>International Convention on the Protection of the Rights of All Migrant Workers (adopted in 1990)</p>	<p>Article 41</p> <ol style="list-style-type: none"> 1. Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation. 2. The States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights.
<p>European Convention on Human Rights (adopted in 1950)</p>	<p>Article 3: Right to free elections</p> <p>The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the</p> <p>choice of the legislature.</p>
<p>African Charter on Human and Peoples' Rights (adopted in 1981)</p>	<p>Article 13</p> <ol style="list-style-type: none"> 1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.

OUT-OF-COUNTRY VOTING

International Instrument	Provisions
<p>Venice Commission, Code of Good Practice in Electoral Matters (adopted in 2002)</p>	<p>1. Universal suffrage; 1.1. Rule and exceptions; c; v.</p> <p>The right to vote and to be elected may be accorded to citizens residing abroad.</p> <p>39. However, postal voting can be used to enable hospital patients, persons in custody, persons with restricted mobility and electors resident abroad to vote, in so far as there is no risk of fraud or intimidation.</p>
<p>Parliamentary Assembly of Council of Europe, Resolution 1459 on Abolition of Restrictions on the Right to Vote (adopted in 2005)</p>	<p>7. Given the importance of the right to vote in a democratic society, the member countries of the Council of Europe should enable their citizens living abroad to vote during national elections bearing in mind the complexity of different electoral systems.</p> <p>They should take appropriate measures to facilitate the exercise of such voting rights as much as possible, in particular by considering absentee (postal), consular or e-voting, consistent with Recommendation Rec(2004)11 of the Committee of Ministers to member states on legal, operational and technical standards for e-voting.</p> <p>Member states should co-operate with one another for this purpose and refrain from placing unnecessary obstacles in the path of the effective exercise of the voting rights of foreign nationals residing on their territories.</p>

Source: *Out-of-Country Voting Policy Review and Practical Recommendations, Democracy for Development (D4D) Institute and Democracy Plus (D+), 2018*

TREATIES	STATUS OF RATIFICATION									
	Northeast Asia		Southeast Asia			South Asia			Central Asia	
	Japan	Korea	Philippines	Indonesia	Myanmar	Nepal	India	Afghanistan	Kazakhstan	Uzbekistan
International Covenant on Civil and Political Rights	R	R	R	R	NR	R	R	R	R	R
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	NR	NR	R	R	NR	NR	NR	NR	NR	NR
Convention on the Elimination of All Forms of Discrimination against Women	R	R	R	R	R	R	R	R	R	R
Convention Relating to the Status of Refugees	R	R	R	NR		NR	NR		R	NR

STATUS OF TREATY RATIFICATION OF SELECTED 10 COUNTRIES IN ASIA
(The treaties would generate obligations of inclusive electoral system, which also covers OCV)

TREATIES	REPORTING CYCLE									
	Northeast Asia		Southeast Asia			South Asia			Central Asia	
	Japan	Korea	Philippines	Indonesia	Myanmar	Nepal	India	Afghanistan	Kazakhstan	Uzbekistan
International Covenant on Civil and Political Rights	2017	2019	2020	2020	N/A	2021	2019	2019	2016	2020
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	N/A	N/A	2020	2017	N/A	N/A	N/A	N/A	N/A	2022
Convention on the Elimination of All Forms of Discrimination against Women	2020	2018	2016	2021	2019	2021	2014	2020	2019	N/A
Convention Relating to the Status of Refugees		N/A		N/A		N/A	N/A			N/A
OTHER IMPORTANT DOCUMENTS	RELEVANT PROVISIONS									
Global Compact for Safe, Orderly and Regular Migration, 2018	Under Objective 19 (g) of the compact, States have committed to enable political participation and engagement of migrants in their country of origin, <i>inter alia</i> , establishing voting registries for citizens abroad and letting them contribute to the sustainable development of the country.									
Global Compact on Refugees, 2018	<p>Noting predicament of the refugees as a common concern of Humankind, Global Compact on Refugees envisions easing pressure on the host countries, enhancement of refugee self-reliance, access to third country solutions along with supporting conditions in countries of origin for return in safety and dignity. Compact vests:</p> <p>1.3: Responsibility upon state to promote national integrated approaches protecting refugees and their human rights.</p> <p>1.4: Responsibility upon state to identify and register refugees and ensure their access to basic assistance and protection.</p> <p>2.8: Urge state to maintain Civil and birth registration which would help the country to have accurate information about the persons living on their territory.</p> <p>3: Urges state to work in the elimination of root cause in line with International law and the Charter of the United Nations, political and security cooperation, diplomacy, development and the promotion and protection of human rights in order to address the protracted refugee situation and to prevent the new crises.</p> <p>3.4: Urges state to promote local integration of refugees by providing them durable legal status and naturalization.</p>									

3. Assumptions and Conclusions

On safe, orderly and dignified migration: The Asia-Pacific serves as a crossroads for international migration, as it is home to some of the world's most populous and influential countries of origin and destination. Whether for economic reasons or to accommodate individuals who have been displaced, the region has welcomed migrants. It has adapted to shifting circumstances, and its dynamism has led countries of origin to function as destinations as well. If all international migrants in the Asia-Pacific area were included together, they would be the region's thirteenth most populous country, just behind Thailand

and surpassing Myanmar. If all of the migrants who have left their home nations in Asia and the Pacific were counted together, they would make up the world's ninth-largest population.²⁵⁹

Migrants are a separate population with immense potential, but they are also vulnerable to a variety of threats. They are underpaid, concentrated in low-skilled employment and the informal sector, where physical labor is difficult and occasionally dangerous. Female labor migrants are frequently hired as domestic workers, where they are vulnerable to exploitation and abuse by their employers.²⁶⁰ Many instances of human trafficking for exploitative labor are a common phenomenon. Despite the difficulties that many migrants encounter, they contribute significantly to both their nations of origin and destination. The wage gap between domestic and foreign workers is enormous, and most migrants, due to family obligations, end up remitting the majority of their earnings to their home countries, resulting in deplorable living conditions. The Asia-Pacific nations reap the benefits of a large influx of hard-earned remittances but their dignity is always in peril, including in the political/electoral spheres.²⁶¹

In under-developed or developing nations like Kyrgyzstan, Tajikistan, and Nepal, this amounted to more than a quarter of their GDP in 2019. Households have been able to use these monies to finance housing, education, and livelihoods in addition to serving as a balance of payments buffer.²⁶² In terms of addressing talent shortages, increased productivity, and returns on investment, destination countries benefit as well. Migrants play a role in sustainable development through boosting financing, consumption, and investment, as well as contributing to growth.²⁶³ Migration, in addition to lowering poverty rates, establishes new relationships with advantages that extend beyond areas and countries. People are under new pressures to migrate as the environment changes. Migration must be recognized as a strategy of reducing vulnerability to climate change. Given the region's economic dynamism and the fact that many nations' populations are aging, migrants can play an even bigger role in filling labor force gaps until host countries address the underlying concerns of aging.²⁶⁴

Bangladesh, India, Pakistan, the Philippines, and Sri Lanka, for example, have built considerable infrastructure to protect migrants throughout the migration process, from pre-departure to post-return. Kazakhstan, the Republic of Korea, and the Russian Federation, all of which receive substantial numbers of migrants, have taken pragmatic steps to provide normal labor migration routes with protections for migrants and their communities. Thailand has worked with migrants' home countries, enacted legislation to combat abuses against migrants, and supported the integration of migrants into the national health system.²⁶⁵ Across the region, under the aegis of the United Nations along with all stakeholders including civil society, there has been advocacy to prevent unilateral measures that might aggravate migrants' vulnerabilities. The 2030 Agenda has led the way, with many of its targets focusing specifically on migrants: ensuring their labour rights, especially those of migrant women; protecting them against trafficking in persons; reducing the costs of sending remittances; and ensuring that migration takes place in an orderly, safe, regular and responsible fashion.²⁶⁶ The September 2016 High-level Summit on Large Movements of Refugees and Migrants marked a watershed, with Member States setting forth a bold

259 United Nations, Economic and Social Commission for Asia and the Pacific (ESCAP) (2020). Asia Pacific Migration Report 2020: Assessing Implementation of the Global Compact for Migration (ST/ESCAP/2801).

260 Reclaiming Migrant Women's Narratives, available at: www.gaatw.org.

261 Ibid.

262 Drew Desilver, 'Remittances from abroad are major economic assets for some developing countries', 2018.

263 Bhubanesh Pant, Ph.D, 'Harnessing Remittances for Productive Use in Nepal', available at: <https://www.nrb.org.np>.

264 Accommodating Migration, available at: <https://www.preventionweb.net>.

265 Towards Safe, Orderly and Regular Migration in the Asia, available at: www.reliefweb.int.

266 Ibid.

commitment to negotiate and agree a Global Compact for Safe, Orderly and Regular Migration and a Global Compact on Refugees within two years in order to comprehensively address international migration in all its dimensions and at all stages, on a basis of cooperation and protection of human rights of migrants and refugees.²⁶⁷

External voting, known as OCV arrangements, refers to the right of expatriates to participate in the government of their home nation from afar. OCV refers to regulations and processes that allow part or all of a country's electors who are temporarily or permanently overseas to exercise their voting rights from outside the country's borders.²⁶⁸ Essentially, states enfranchise their residents living overseas by enacting external voting legislation. On the one hand, adopting OCV rules is critical for modern democracies to respect the human right premise of universal suffrage. On the other hand, it is vital to remember that voting rights are inextricably linked to citizenship status, which poses legitimacy concerns in this scenario. In reality, diaspora community may have no direct ties to their home country's socio-political landscape. However, as stated earlier, migrant workers do have an inalienable connection. It may be the actual case of second or third generations of emigrants. Furthermore, while expatriates have the same voting rights as citizens, they are not subject to the same civil and social obligations. Nevertheless, disenfranchisement from participation in the electoral democracy constitutes a violation of civil and political rights.²⁶⁹

Given these premises, it may be argued that citizens residing outside the national territory should not have a decisive role in electing representative organs, whose decisions will only be binding on those individuals who reside inside the country.²⁷⁰ In other words, according to the theory of political representation, only citizens who bear the consequences of their electoral choices should be granted the right to vote. At the same time, it is important to consider that in a globalized world, characterized by migrations, citizens should not be a priori excluded from the political community exclusively because of their residence. Consequently, the principle of universal external voting does not hold, but when subject to restrictions, they must be legitimate from the point of view of political representation.²⁷¹

When evaluating the implementation of OCV, decision-makers must examine the ideal of universal suffrage as well as the necessity to maintain the electoral process' transparency and integrity. The technological, financial, and logistical factors that accompany OCV processes must be weighed against these basic features of democracy. OCV poses a number of issues of principle and practical application, and it may have a political impact on the process's outcome. OCV rulings decide who is eligible to vote and so have a direct impact on election results. As a result, political actors may advocate for or against OCV based on their own personal interests, with little regard for the problems and hazards that this process entails.²⁷²

The order in which OCV and its modalities are discussed can have an impact on its perceived legitimacy. Inclusion is harmed by a hasty decision-making and legislative process, which limits possibilities for expert input. The more tumultuous the political situation, the more heated the argument and the greater the risk of controversy and challenged election results. An unstable political situation can be exacerbated

267 New York Declaration on Large Movement of People followed by the adoption of Global Compact for Migration and Global Compact for Refugees, September, 2016.

268 Voter Information, Communication & Education Network, Global Knowledge Network on Voter Education, available at: [www. http://voicenet.in](http://voicenet.in).

269 Migration, human rights and governance Handbook for Parliamentarians N° 24, United Nations Office of the High Commissioner for Human Rights/ Inter-Parliamentary Union, 2015.

270 Grotz F. and Nohlen D., 'The legal framework and an overview of electoral legislation', p. 72-73.

271 Beckman L, 'Citizenship and Voting Rights: Should Resident Aliens Vote?', *Citizenship Studies*, 2006, p. 153-154.

272 Ibid.

by OCV. As a result, it's critical to avoid conflicts by reaching out for consensus and making informed decisions ahead of time. Because the OCV process affects the entire electorate, it's critical that decisions on its adoption be as inclusive as possible. Representatives from the ruling and opposition political parties, the EMB, civil society organizations, including representatives from international communities, should participate in consultations.²⁷³

273 DRI briefing paper no. 12, Electoral Law Reform Processes: Key Elements for Success. Available at: http://www.democracyreporting.org/files/dri_briefing_paper_12_-_good_practices.pdf.

F. RECOMMENDATIONS FOR ACTION

1. On Migratory Movement—Policy Front

- Inclusion of migration-relevant questions in their census of the 2020 round and to ensure timely analysis and dissemination of results with recommended disaggregation and cross-tabulation in accordance with international recommendations;
- Leverage the use of administrative records to produce migration-related statistics, and systematically disseminate such data in accordance with international recommendations;
- Creation of partnerships by national statistical agencies with the private sector and other relevant stakeholders to leverage comprehensive data for measuring migration, understanding the drivers and consequences of migration and informing migration policy;
- Development of a comprehensive strategy to enhance national capacities for the collection and use of migration-related data and indicators to support evidence-based policymaking. The international community should support such strategies through capacity-building, financial support and technical assistance;
- Creating more and simpler regular pathways for labour migration of low-skilled migrant workers, in line with countries' identified needs and development strategies and international human rights norms;
- Ensuring the fair treatment of migrant workers in line with existing national labour regulations and human rights standards, including in informal sectors, such as domestic work;
- Ensuring ethical recruitment with fair and transparent costs to avoid exposing migrants to situations of additional vulnerability;
- Reducing remittance transaction costs and creating more regular remittance channels with low costs;
- Creating opportunities for regular migration for those choosing to migrate as a climate change adaption strategy or those who are forced to migrate as a result of natural disasters;
- Combating trafficking and smuggling of migrant workers through information campaigns, better law enforcement, regional and sub-regional cooperation, creating more opportunities for safe and regular migration, as well as through protection of victims of trafficking and smuggling;
- Increasing multilateral and multi-stakeholder cooperation on international migration to ensure policy coherence to address international migration in a comprehensive and balanced fashion;
- Ratification of 1990 Migration Convention, 1951 Refugee Convention, 1967 Refugee Additional Protocol, 2002 UN Protocol on Trafficking and Organised Crime;
- Establishment of a financing facility for migration to ensure that all States are equipped to fulfil the migration-related commitments emanating from the 2030 Agenda and Global Compact for Migration, a proposal that was endorsed by the Special Rapporteur on the human rights of migrants;

- The global migration management programme should provide dedicated training for government officials; address existing and explore new sources of migration-related data; promote disaggregation of data by migratory status; encourage international actors to collaborate in building national capacities; be aligned with broader efforts to promote a “development data revolution”; be consistent with the global compact for refugees; strengthen the role of actors at the regional level; and be reviewed by the United Nations Statistical Commission on a regular basis.

2. On Safer Migratory Movement— *Tripartite Obligations*

1. Obligations of Countries of Origin

- Respect and protect the human rights of nationals who migrate for purposes of work.
- Promote community awareness-raising concerning the costs and benefits of all forms of migration
- Encourage the media, information and communication sectors to contribute to awareness-raising on migration issues
- Ensure ethical recruitment to ensure that the recruiting agencies are accountable in the entire cycle of migration
- Lift discriminatory bans or restrictions on migration against women
- Enhance education, awareness-raising and training with standardized content
- Deliver or facilitate free or affordable gender- and rights-based pre-departure information and training programs
- Adopt regulations and design monitoring systems to ensure that recruiting agents and employment agencies respect the rights of all women migrant workers
- Properly train and supervise diplomatic and consular staff to ensure that they fulfill their role in protecting the rights of women migrant workers abroad.

Obligation of countries of transit

- Ensure that their territories are not used to facilitate the violation of the rights of migrant workers
- Adequately train, supervise and monitor the immigration and other public officials for gender-sensitivity and non-discriminatory practices when dealing with women migrants
- Take active measures to prevent, prosecute and punish all migration-related human rights violations that occur under their jurisdiction
- Provide or facilitate services and assistance in situations where women and men travelling with an agent or escort have been abandoned, make all attempts to trace perpetrators and take legal action against them.

2. Obligation of countries of destination

- Ensure that employers and recruiters do not confiscate or destroy travel or identity documents belonging to migrants.
- Ensure that family reunification schemes for migrant workers are not directly or indirectly discriminatory on the basis of sex
- Ensure that women migrant workers who are in detention do not suffer discrimination or gender-based violence
- Ensure access to legal remedies and justice to undocumented migrant workers in cases of risk to life and of cruel and degrading treatment, or if they are coerced into forced labour

- Take all appropriate measures to ensure non-discrimination and the equal rights of women migrant workers, including in their own communities.
- Repeal outright bans and discriminatory restrictions on women's immigration in terms of visa regime
- Ensure that constitutional and civil law and labour codes provide to women migrant workers the same rights and protection that are extended to all workers in the country.
- Ensure that all migrant workers have the ability to access remedies when their rights are violated.
- Provide temporary shelters for women migrant workers who wish to leave abusive employers, husbands or other relatives and provide facilities for safe accommodation during trial;
- Shared Obligations
- Enter into bilateral or sub-regional or regional agreements or memorandums of understanding protecting the rights of migrant workers
- Develop mutually agreed common minimum standards and pursue those while negotiating migration of workers.
- Formulate a comprehensive gender-sensitive and rights-based policy to ensure compliance with international legal standards and benchmarks.
- Enhance common standards of protection through learning from each other on issues like hotlines, shelter homes, legal assistance, signing of MOUs.

On Out-of-Country Voting—Normative Front

- The decision to opt for OCV should be the result of an inclusive and informed process. Timely consultative processes should always guide the introduction or expansion of out-of-country voting rights.
- Consultations should include representatives from the ruling and opposition political parties, the election management body (EMB), civil society organisations, including representatives from the communities abroad, and the media.
- In post-conflict and transitional elections, the importance of enfranchising refugee populations or migrants forced to move because of conflict should be taken into account
- When time is limited, given the risks involved, a cautious approach is recommended to take precedence over the goal of inclusion at all costs.
- In order to maintain the equality of the vote and the right to stand, equity between the in-country and OCV processes should be sought after. All electoral processes should meet the standards contained in the International Covenant on Civil and Political Right (ICCPR) and any other relevant regional instruments.
- OCV should be enshrined in domestic legislation, with clear principles and criteria established to limit the EMB's discretion; e.g., over the OCV implementation method, the choice of OCV host countries, the choice of registration method and polling station locations.
- The EMB should establish regulations on OCV that are easily and immediately made public in good time. It should also facilitate regular dialogue and consultation with stakeholders in host countries.
- Every effort should be made to provide for scrutiny by national and international observers, political candidates, party agents and the media (including host-country media).
- Data protection should be guaranteed and voters should not suffer consequences from participating.
- The various authorities involved in facilitating the process (the EMB, Ministry of Foreign Affairs, expatriate organisations, etc.) should extend full cooperation to one another.
- The role of host countries should be restricted to facilitating without interfering in the election process.

- Timely funding should be secured, with details made publicly available, as elections conducted abroad tend to add significant costs to the budget of an election.
- International assistance for OCV in post-conflict and transitional contexts may be considered when there is an explicit commitment to full implementation of electoral standards, as contained in the ICCPR and any other relevant regional instruments.

On Out-of-Country Voting—Procedural Front

- Establish an OCR/V Working Group to review and refine this proposal, set timelines, delegate tasks and manage the work to ensure timely completion of the OCR/V project.
- Conduct Options Analysis Study by commissioning a research and prepare an options analysis paper for the consideration of the EMBs by exploring the logistical, financial, legal and implications of OCR/V and its different options.
- Initiate statistics and problem identification exercise on i. How many potential voters are out of country? Which countries? ii. How great is the demand for OCV? iii. Is there also a need for voter registration? iv. Who should be able to register to vote?
- Review and assess legal requirements and possible methods such as online, in persons, mail-in registration and voting modalities as well as the specific elections that the OCV applies.
- Carry out cost estimates for different options/scenarios in terms of i. Staffing ii. Observation iii. Number of countries/locations iv. Voting only (in person at embassies) v. Registration (online) and Voting (in person)
- Consider planning on i. Changes to legal framework ii. Budget iii. Staffing needs iv. Phasing of elections v. Foreign Permissions (if outside of embassies) vi. Implementing agencies
- Prepare logistical considerations in terms of i. Numbers of ballot types depending on the system of elections such as National, Provincial, Gubernatorial, Municipal etc
- Commence on-line registration and recruit staff for reviewing and approving applications and centralize on-line registration approval or decentralize through embassies/consulates
- Develop mechanism for i) Delivery of ballots (paper or one-time link to printable ballot) ii) Protecting secrecy of marked ballots (double envelopes) iii) Ballots mailed to embassies or EMB directly iv) Voting period – one day-One week-How far ahead of actual election day v). removal of OCV voters from in-country voting list
- Prepare counting protocol by keeping in mind i) Same time/day as in-country election ii) Ballots must be received by set deadline iii) If ballots are counted centrally at EMB how will they be delivered to the EMB iv). If ballots are counted at embassies/consulates, how will counting be observed by agents and observers
- Prepare results publication strategy on how will OCV results be counted, whether separate OCV results to be published on line, how will OCV results be transmitted to Returning Officers, directly by scan, encryption, in-directly via EMB, and the timeline to add OCV results be added to in-country results
- Develop appropriate software with rigorous testing based on approved requirements and implementation needs to register voters and provide a ballot(s) to qualified voters living abroad.
- Launch voter registration campaign to educate voters living abroad and those who are about to travel for study/work about OCR/V.

G. ANNEX

1. Migration Convention-1990

Humans have migrated throughout history. People migrate for different reasons, such as reuniting with their families; seeking better economic opportunities; and escaping human rights abuses, including armed conflict, persecution, and torture. Migrants are generally entitled to the same human rights protections as all individuals, although States may limit migrants' rights in some ways, such as with regard to voting and political participation. Many human rights treaties explicitly prohibit discrimination on the basis of national origin and require States to ensure that migrants' human rights are equally protected. Additionally, like other particularly vulnerable groups, migrants have been given special protections under international law, to address situations where their rights are most at risk, such as in the workplace, in detention, or in transit. The protections afforded to a migrant, such as access to social security, will also depend on which treaties a State has ratified. While States retain discretion to manage migrants' exit and entry through their territory, human rights standards apply to this management. And, international legal principles limit who they can expel and under what circumstances. According to the principle of *non-refoulement*, States must not deport a migrant to a country where he or she is likely to face torture or serious human rights violations.

2. Refugee Convention-1951

The 1951 Convention relating to the Status of Refugees (commonly known as the Refugee Convention) is the main international treaty concerning refugee protection. It was adopted in July 1951 and was initially drafted to meet the needs of European refugees in the aftermath of World War II. It applied only to people who had been displaced as a result of events occurring before 1 January 1951. It was supplemented by the 1967 Protocol relating to the Status of Refugees (1967 Protocol), which removed the temporal and geographical limitations of the Refugee Convention, making it applicable to refugees all over the world. Countries that have ratified the Protocol agree to apply the provisions of the Convention as well. There are currently 148 States Parties to one or both of the Convention and the Protocol.

The 1951 Refugee Convention and 1967 Protocol are international legal instruments that countries voluntarily agree to be bound by. Through an act of ratification or accession, countries become a party to a treaty. The treaty obligations do not necessarily become part of domestic law, though. For instance, in Australia, the Parliament must first pass legislation to incorporate the terms of a treaty into national law. The Refugee Convention imposes several obligations on countries relating to the treatment and protection of asylum seekers and refugees. The principle of non-refoulement is one of the most important principles in the Refugee Convention. It requires that countries do not send refugees to a place where they will be at risk of persecution, nor to another other country that might then send them to such a place.

Article 1A(2) of the Refugee Convention sets out the international legal definition of a refugee. It defines a refugee as a person who:

- has a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion';
- 'is outside the country of [their] nationality'; and
- 'is unable or, owing to such fear, is unwilling to avail [themselves] of the protection of that country'.

The idea of 'persecution' is not defined in the Refugee Convention, but it has been understood as involving such things as threats to life or freedom, and other serious violations of human rights. It may

also include social, political or economic discrimination, and can be the result of a single incident or cumulative incidents and conditions.

Refugees are given a special status in international law in recognition of the fact that they have lost the protection of their own country. According to the Refugee Convention, refugees ought to be afforded a range of rights as soon as they arrive in a country seeking asylum. These rights include, but are not limited to, the right to non-discrimination (article 3), the right to work (article 17), freedom of religion (article 4), the right to housing (article 21), the right to not be penalised for illegal entry (article 31), the right not to be expelled from a country unless the refugee poses a threat to national security or public order (article 32), and the right not to be sent back to a country where their life or freedom would be threatened (i.e. the principle of non-refoulement) (article 33).

2. Bangkok Declaration on Free and Fair Elections-2012

The first Asian Charter Forum holding among ANFREL members in Pattaya, Thailand. The Bangkok Declaration would aim to put together “a regional electoral instrument/s,” in the form of a declaration to make stakeholders in the election management process in Asia more accountable and therefore more transparent. The Bangkok Declaration comes on the heels of the July 3, 2011 Thailand election for a number of reasons. Following the Thailand election there has been an expression of interest amongst many stakeholders in the electoral process in Asia on the need for a regional arrangement, which would complement the ‘Declaration of International Election Principles,’ and would also have its own character and applicability suited to the prevailing political and cultural conditions in Asia.

Thus, aspirations and concerns aired by election stakeholders, primarily election management bodies, civil society and election observer groups to use the post election space in Thailand to organize a series of post election dialogues were taken into consideration and factored into a proposal titled--A DECLARATION/REGIONAL INSTRUMENT TITLED-BANGKOK DECLARATION ON DEMOCRACY, FREE & FAIR ELECTIONS. In fact, discussion regarding the need for putting together an instrument that addresses specific concerns and also recognizes the cultural and customary practices in Asia has been ongoing for the last two years or more between ANFREL-Foundation and its members in Asia and also international partners. Key objectives: a) Promotion of Free and Fair elections as a regional agenda (all steps of the electoral cycle that makes up the electoral process) b) The declaration would be a key instrument in promoting democracy and human rights in Asia.

The signatories to the declaration would be invited to commit to supporting democracy in all its forms, and consider upholding cultural, traditional and customary practices while using laws and regulations (as prescribed by the electoral or constitutional laws) to manage the election process as one of the key instruments to achieve this goal. It would also stress on the need for recognizing election observation as one of the key instruments to achieve free and fair elections and smooth transition towards democratization. It would underscore the importance of deployment of international/regional observers to promote and consolidate shared universal (and Asian in this case) values, such as respect for human rights and open government. The declaration would be a way to promote a better understanding, by respecting human rights, of inviting observers in elections held across the Asian continent. It would aim to highlight the fact that election observation provides a mechanism to reinforce democracy and that countries which invite election observers demonstrate that they are open to constructive criticism. The declaration proposes to engage the Election management Bodies (EMBs), Governments, Electoral assistance and democracy support initiatives in order for these institutions to take more account of election observer recommendations.

3. Global Compact for Migration-2018

The global compact for migration is the first, inter-governmentally negotiated agreement, prepared under the auspices of the United Nations, to cover all dimensions of international migration in a holistic and comprehensive manner. Today, there are over 258 million migrants around the world living outside their country of birth. This figure is expected to grow for a number of reasons including population growth, increasing connectivity, trade, rising inequality, demographic imbalances and climate change. Migration provides immense opportunity and benefits – for the migrants, host communities and communities of origin. However, when poorly regulated it can create significant challenges. These challenges include overwhelming social infrastructures with the unexpected arrival of large numbers of people and the deaths of migrants undertaking dangerous journeys.

In September 2016, the General Assembly decided, through the adoption of the New York Declaration for Refugees and Migrants, to develop a global compact for safe, orderly and regular migration. The process to develop this global compact started in April 2017. The pages in this section detail 18 months of consultation and negotiation, and provide the relevant documentation for each of the events. On 13 July 2018 UN Member States finalized the text for the Global Compact for Safe, Orderly and Regular Migration (Text available in all official languages). The Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration will be held on 10 – 11 December in Marrakech, Morocco. The Global Compact for Migration is the first-ever UN global agreement on a common approach to international migration in all its dimensions. The global compact is non-legally binding. It is grounded in values of state sovereignty, responsibility-sharing, non-discrimination, and human rights, and recognizes that a cooperative approach is needed to optimize the overall benefits of migration, while addressing its risks and challenges for individuals and communities in countries of origin, transit and destination.

The global compact comprises 23 objectives for better managing migration at local, national, regional and global levels. The compact: aims to mitigate the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their countries of origin; intends to reduce the risks and vulnerabilities migrants face at different stages of migration by respecting, protecting and fulfilling their human rights and providing them with care and assistance; seeks to address the legitimate concerns of states and communities, while recognizing that societies are undergoing demographic, economic, social and environmental changes at different scales that may have implications for and result from migration; strives to create conducive conditions that enable all migrants to enrich our societies through their human, economic and social capacities, and thus facilitate their contributions to sustainable development at the local, national, regional and global levels.

4. Global Compact for Refugees-2018

On 17 December 2018, the United Nations General Assembly affirmed the Global Compact on Refugees, after two years of extensive consultations led by UNHCR with Member States, international organizations, refugees, civil society, the private sector, and experts. The Global Compact on Refugees is a framework for more predictable and equitable responsibility-sharing, recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation. It provides a blueprint for governments, international organizations, and other stakeholders to ensure that host communities get the support they need and that refugees can lead productive lives.

It constitutes a unique opportunity to transform the way the world responds to refugee situations, benefiting both refugees and the communities that host them. Its four key objectives are to:

- Ease the pressures on host countries;
- Enhance refugee self-reliance;
- Expand access to third-country solutions;
- Support conditions in countries of origin for return in safety and dignity.

To support periodic review, UNHCR will draw upon three distinct but interconnected initiatives referenced in the Global Compact on Refugees (GCR), namely, the Indicator Framework for the GCR, progress towards implementing pledges and initiatives announced at the Global Refugee Forum (GRF), and the exercise on measuring the impact of hosting, protecting and assisting refugees.