

A Dialogue On Global Migration Compact:

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Key points for the discussion for the Session on the Social Aspects of Global Compact

by

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Introduction

The Annex II of the New York Declaration for Refugees and Migrants adopted by the World Leaders following the 19 September Summit on Large Scale Movements, which is the Global Compact for ‘Safe, Orderly and Regular Migration’ correctly states that The Global Compact would “present a framework for comprehensive international cooperation on migration dealing with **all aspects of international migration**. In fact, the multidimensional character of international migration demands a holistic approach. Migration has been and still is for most people not an informed choice, but a necessity to overcome a variety of push factors and pull factors.

Migrants are key contributors to the economic development of countries of origin and it has been established that they do add to the growth and development of the host countries and countries in transit as well. Hence, migration is often looked through the prism of economics and development and in terms of the contribution to the Gross National Income (GNI) of the country of origin. However, as was stated in the keynote speech, it is also my view that if we are to address “all aspects of international migration”, within the Global Compact, then it needs to look beyond the economics, **(dollars, Euros and Franks or Rupees)**. The Social dimensions along with the legal aspects must also be key pillars of the Compact.

We talked about GNI. However, at the same time have we evaluated the social cost to societies or the social impact of not only irregular migration but also labour migration? Impact of women migration on the social unit of family, in particular to the wellbeing of the left-behind children, who are compelled to adjust to a single parent care or live with guardians ? The cost to health systems? Either by not having access to proper health care at destination or transit countries, or due to fake health assessments at country of origin in the pre-departure processes? What is the impact that

health screening not becoming a priority in most of the cases related to return and reintegration or repatriation of migrants back to their origins, unlike in the case of resettlement of refugees in a third country?

If we do not have answers to these questions, it is my view that we have to consider finding a pragmatic tool for **Socio-Cultural Impact Assessment regarding these crucial issues**. Addressing the social aspects of international migration through the Global Compact therefore is timely and also essential. This is primarily because human beings are inextricably attached to their socio-cultural roots, and one cannot simply talk about migration without paying attention to this fundamental fact. It is, therefore, paramount that we envisage an approach that is centered on the rights and overall well-being of the human-being', in developing the Global Compact on migration.

With over 244 Million people living outside their country of origin as of date, with legal status as refugees, asylum seekers, migrant workers, etc, there is one common point that is often being made in every migration fora, i.e. irrespective of their legal status rights of the migrants must be upheld. However, why do we still hesitate to fully acknowledge that migrants too are right holders?

Do we lack necessary legal or normative basis to support such a claim? If you consider the Human Rights Bill-(the Universal Declaration of Human Rights (UDHR) and the two Covenants, the ICCPR and ICESR), which have been in existence for the last five decades, you would see that all these instruments are premised on the notion that every Human Being is born equal, and are entitled to equal rights and should not be discriminated. In this context, **Migrants too need to be treated as 'Human Beings' first and foremost.**

However, for example, If we note carefully, the legally binding instrument of the Convention on the Rights of the Child, which is almost universal in ratifications and accessions, it is clear on the normative standards and legal framework on protection of the rights of the Child in the context of migration. Nevertheless, in reality we see thousands of separated and unaccompanied migrant Children or those who are left-behind in their own countries without parental care. Similarly, if you take the convention on the rights of the migrant workers, it has one of the lowest ratification rates with almost all Parties to the Convention being worker originating or sending countries. It is my view that we **may not need new laws or standards**, but a very focused drive on making the existing legally binding regimes implemented on the ground. If we can do that, then we will be able to establish beyond hollow rhetoric, that 'all Migrants are human beings'.

Therefore, a firm commitment to implement the existing legislations and application of international labour standards needs to be a key element in the Global Compact. (which will be discussed in detail during the day)

It will provide solid ground to address many socio-cultural issues such as Stereotyping of migrants, seeing them as a threat or a burden on national resources, racism and xenophobia. Who's responsibility is it to correct the misperceptions? What can the Global Compact add to make a difference in accepting migration as a natural phenomenon that is as old as the human race? I think it is as much a collective responsibility, as it is an individual responsibility.

Countries in their national capacity have taken many positive steps, and for example there are programmes that are aimed at orienting migrants and in particular the labour migrants prior to their departure. The Colombo Process- an Asian Regional Consultative process on labour migration, that Sri Lanka currently chairs, has a collective of 12 contractual labour sending countries, and we use this forum to share our experiences, best practices and capacity building on several key areas such as skills recognition, pre-departure orientation, reducing the cost of remittance transfers, ethical recruitment practices, migrant health etc. These collective approaches raise awareness and also help enhance the migration governance in our countries. I believe **harnessing the regional experiences in shaping up the Global Compact would be important**, because it helps in understanding the different socio-cultural challenges and in addressing them.

Secondly, the migrants themselves could make a difference in taking conscious efforts to assimilate into the local situation and becoming a contributor than a dependent, if they make considered decision on whether to migrate. There is a responsibility on the part of the migrant to make efforts to know and understand the socio-cultural and legal practices in the host country as well as to respect them.

However, to pave way for an approach aimed at shared responsibility, the host Governments willing to make available the necessary space, including access to basic services and consular facilities to all migrants irrespective of their status can help contribute to the protection and alleviate many psycho-social issues faced by migrants. The **contribution of Diaspora communities** to the economic development has been recognized, but the difference they could make **to address the psycho-social wellbeing of new migrants and in promoting social dialogue and engagement between the host society and the migrant is an untapped potential.** I believe in

the regional and bilateral agreements, in particular in readmission agreements, this is an aspect that probably could be considered, while respecting the national laws of the host countries, such as labor laws and privacy laws.

In this context, we also should pay attention to the issue of **migrant health** and we are pleased that it has got into the agenda of international discourse in various fora. I believe it **is an important social dimension** that needs to be considered in developing the framework of Global Compact. As a commitment on our part to this important issue the Government of Sri Lanka has offered to co-host the **Second Global Consultation on Migration Health in Colombo** in February next year. We hope the discussions would help broach the critical questions and pragmatic solutions on addressing the health and psycho-social wellbeing of migrants during the whole migration cycle.

Also, when we discuss the social aspects of migration, one key element that is often debated is the issue of **migrant women**. Once again as human beings women too should enjoy the rights, including that to be economically independent. Like men, they should have the right to leave the country for employment, and in some cases it is often attributed that migration was the “only viable option” to break the vicious cycle of poverty. In practice, countries would however make their own value judgments, especially in more conservative societies with patriarchal inclinations would tend to introduce certain limitations for women migrants. While I think this issue merits a separate discussion, nevertheless, to ensure a pragmatic and acceptable Global Compact, a purely women’s rights-based approach or a strict conservative approach of adhering to stereotyped gender roles must be avoided, when considering women as migrants.

In this context, we also must pay particular attention to **the welfare of the families left behind by the migrants**. The social impact of migration is much more severely felt when it is the mother who had to migrate. The needs of the children and the elderly parents to a certain extent, ranging from education, nutrition, psycho-social protection, physical health etc. are compromised in most of the cases, quite contrary to the expectations of the migrants, which ultimately force them to re-migrate. Possibility for shared gender responsibilities on caring for children and extended families is a critical aspect that must be considered during the decision making stage of migration. These are some of the critical issues that cannot be ignored, if we are to deal with all aspects of international migration, as Member States develop the framework of the Global Compact.

The Government of Sri Lanka, being mindful of these grave social issues, has put in place some remedial and protection mechanisms. For example, over 1000 unemployed university graduates were recruited and deployed as Migration Development Officers covering the entire country. They support the processing of family background reports especially for women migrant workers having children less than 5 years of age, visit left behind families, collect data, identify their specific needs with a view to connecting them with the relevant service providers to address those needs. They are expected to maintain regular contact with these families and constantly monitor their situation. It must be thankfully mentioned that ILO has supported Sri Lanka in developing 'safe migration guides and in building capacities of these Development Officers and in the next few years it is envisaged to cover 13 Districts in the country. IOM has agreed to assist Sri Lanka to build capacity of these Development Officers in the area of health of migrants.

Finally, if we are to ensure migration to be safe, orderly, and regular, as well as responsible, which is the final objective of the Global Compact of Migration, concerted efforts must be made to prevent **illegal migration including human trafficking, and smuggling in persons**. In Sri Lanka a multi-stakeholder national level Anti-Human Trafficking Task Force led by the Ministry of Justice which is implementing a strategic national action plan (2015-2019) based on the 4 Ps, Prevention, Protection, Prosecution and investigations and partnerships. An Anti-Trafficking Unit has been set-up in the Sri Lanka Foreign Employment Bureau to ensure great awareness and build capacity of partners. The legal aspects and the economic losses as well as the social impacts of these heinous crimes that are exploitative by-products of human mobility must be a key focus in the Global Compact, as the deep scars that they create in the lives of individuals and those of their families as well as in the social fabric of a society are enormous.

Thank you.