

**Global Forum on Migration and Development (GFMD) Common Space -
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GFMD Civil Society Chair's Report 2014

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- Your excellencies, ladies and gentlemen:
- Over the past days, and together this morning in small working sessions with a number of governments, civil society has been discussing crucial issues which we feel define the realities faced by migrants throughout the world and where changes are needed in policies in practices.
- Our discussions have been grounded – we have sought to identify promising practices where change has been possible in recent years - as well as targets and indicators of how we will measure progress in the coming years.
- I would like to highlight four key areas:

1. Migrants in distress

- There is increased attention and convergence between governments and civil society on the need to address the situation of migrants who are caught in difficult situations.
- However, there is lack of common terminology. Terms such as "migrants in crisis", "migrants in countries in crisis", "migrants in transit", "migrants stranded in distress", and "stranded migrants", mean different things to different actors.
- In addition to addressing the situation of migrants caught in countries experiencing disasters or war, states should also protect migrants in caught in or experiencing other difficult situations including death, disappearance, and physical abuses in transit and when in destination countries.
 - States and civil society could work together to monitor and gather data and information on deaths, disappearances and physical abuses.

Migrants in Irregular Situations

- States are increasingly turning to criminal approaches to address irregular migration. However, there has been some progressive action at national level.
 - For example, some states are exploring, developing and piloting alternatives to detention.

- Other states have adopted laws providing access to fundamental services such as health care and education for migrants, regardless of status.
- We need to position the human dignity of migrants at the forefront of migration management policies.
 - Action to effect this change could include:
 - More channels for regular migration and targeted mechanisms for the regularization of irregular migrants.
 - Empowerment of migrants – key theme of our discussions, particularly youth empowerment - through regular status
 - Repeal of laws and policies that prohibit or criminalize the provision of services and assistance to migrants, regardless of status.
 - Establishing a “firewall” to ensure that services providers are not required to carry out immigration enforcement by prohibiting sharing of personal data of undocumented migrants
 - Terminology that does not associate irregular migration with criminality – the use of “irregular” or “undocumented” rather than “illegal” migrants.

Protection at Borders

- The Office of the High Commissioner for Human Rights (OHCHR) has drafted a set of Principles and Recommendations on the Human Rights of Migrants at Borders, which are derived from existing international human rights law.
- The Principles and Recommendations should be used as a tool by civil society and states.
 - Civil society could educate and train state actors concerned with protecting migrants at borders and judicial bodies.

2. Labor

- We have seen progress emerging in new platforms of dialogue, networking and conversations between civil society in different regions and states in the multi-stakeholder context, also with recruitment agencies/industry.
- Some examples include:
 - new laws banning recruitment fees and passport retention in selected countries
 - new laws on promoting corporate social responsibility in the field of migrants’ rights in global supply chains
- Yet need for strong political will across different areas:
 - In ratification of relevant international instruments – including ILO Domestic Workers Convention as well as Migrant Workers’ Convention
 - Specific call for states to adopt a protocol to the ILO Forced Labor Convention
 - National law enforcement and implementation, alongside policy coherence across government departments.
 - Action at municipal and city levels – importance of this actor was underscored throughout all of our discussions.
- What are some targets and indicators by which we can start measuring progress?

1. Elimination of systemic policies and practices that create the conditions that enable employers to exploit and abuse migrant workers.
2. State policy recognition of the role of labour unions both nationally and internationally, including the right to collective bargaining.
3. Collection of comprehensive data globally on migrant workers including on working conditions, visas, worker benefits, labour law violations, complaints by migrant workers, sub-agents, levels of corruption and application of fair recruitment policies, with all data broken down by gender.

3. Children in the context of migration

- Increasing presence of children in the context of migration – remaining in countries of origin if their parents migrate; traveling alone to seek protection or a better life, or to be reunited with their parents in countries of destination.
- Every child in the context of international migration should be regarded, first and foremost, as a child.
- In 2013, the Committee on the Rights of the Child adopted 36 concrete recommendations for states parties to implement a comprehensive child-rights approach to migration.
- With near universal ratification of the CRC, we have a global legislative framework for children's rights in which to implement these recommendations.
 - How can we start measuring progress?
 - States parties reports to the CRC highlighting laws providing access to fundamental services for migrant children such as health care and education.
 - Upholding of the principle of family unity and non-separation of children from their parents, unless it is in the best interests of the child.
- CRC has stated that the administrative detention of children is never in their best interests and is always a violation of their rights – so alternatives to detention must always be found for children and their families.
- Ending the detention of children is an achievable priority:
 - A recent European Commission evaluation found that 7 EU Member States do not ever detain children for immigration purposes.
 - In the past 5 years, many positive developments have been made by countries across the world that have enacted laws ending the detention of children.

4. Post-2015

- Mr. Secretary General, in your September 2013 statement to the General Assembly, you said “leave no one behind.” You highlighted how important migration and migrants are to the post-2015 agenda.

- In terms of key moments in the coming months, can you also make a strong emphasis and bring migration forward in your next synthesis report to the GA which will come out in September 2014?
 - Civil society has drafted a series of targets and goals that reflect and correspond to the work of the Open Working Group (OWG), the Dhaka Recommendations, and build on the 2013 UN High Level Dialogue on Migration and Development summary statement.
 - We would like to underline that the dominant development paradigm produces inequalities that compel migration. We need to move towards a people and nature-centered, rights-based development, and corporate accountability. Policies should consider migration in its entire complexity.
1. National and international laws and obligations should guarantee **decent work** for all, including migrant workers regardless of status, and in countries of origin and destination.
 - a. Ensure portability of skills and benefits
 2. States should pursue publicly funded and delivered **social protection policies** in critical areas of community well-being.
 - a. Ensure that all migrants have access to adequate and quality health care for all, including migrant workers regardless of status, and in countries of origin and destination
 - b. Ensure migrants' access to education, particularly for migrant children
 3. Migrants' **remittances** are important contributors to family and community development when they are used as private transfers. However, they are not the answer to development policies and should not be used as national policy measures for poverty reduction.
 - a. GOAL - Reduce the cost of sending remittances
 4. Ensure **good governance and effective institutions**
 - a. Ensure that all migrants have access to justice and due process equal to nationals
 - b. End policies and programs that criminalize and detain migrants
 - c. Increase participation and contribution of migrants in public policy planning and implementation
 5. **Empower girls and women** and achieve gender equality.
 6. Create **stable and peaceful societies**
 - a. Increase public awareness of the contributions of cultural, social and economic contributions of migrants and diaspora
 - b. Institutionalize mechanisms that embrace and integrate or re-integrate migrants and their families into their countries of origin, heritage and destination
 7. Create a **global enabling environment for development** with new partnerships
 - a. Ensure that migrants and diaspora are engaged as partners in development
 - b. Promote collaboration on and access to migration and development data
- Civil society is increasingly being recognized by states as well as UN bodies as a key partner in dialogue on migration and development. We look forward to further recognition of how we can work in partnership with you, to ensure that human dignity as well as accountability are cornerstones to policies on migration and development in the next 15-year period.