



GFMD-GMG Side Event on Migrants

19 May 2016 (ILO, Geneva)

A panel discussion on the rights and welfare of migrants, challenges faced by women and children in the context of international migration, labour exploitation, and the importance of the international normative human rights framework, in particular, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Key Messages

Welcoming Statement by Ambassador Shameem Ahsan, Permanent Representative of Bangladesh to UNOG

- All discussions about migration must place the migrant, as an individual, at the centre. Any discussion on migration, in particular in the context of development, must not overlook the rights, wellbeing, safety and dignity of migrants.
- Migrants often suffer human rights abuses through trafficking in persons, labour exploitation, arbitrary detention and expulsion, and constraints in access to economic, social and cultural rights, including health and education. Women and children may become especially vulnerable subjects in the context of migration. The root causes of migration are often directly related to severe and massive violations of human rights.
- Migration can act as “agent of development”, enhancing the chance of leading a dignified life for many people, but there is a need to foster a safer and more transparent system of international mobility that protects migrants’ rights and serves shared economic interests of migrants and their host communities.

Opening Address by Ambassador Jose Brillantes, Chair of the Committee for the Protection of the Rights of All Migrants Workers and Members of Their Families

- International migration is a complex phenomenon dealing with overlapping issues relating to the human rights of migrants, mixed migration flows, international protection, smuggling and trafficking, as well as other push and pull factors affecting migration, which calls for a comprehensive approach placing the human rights of migrants at the forefront.
- There are more than 244 million migrants throughout the world of which half are women, and approximately 30 million are children. Migrants move for a number of reasons, responding to both push and pull factors. Many are forced to move, including children, and the number of children on the move is increasing. Migration is due to not only economic factors, but also due to poverty and lack of human development; gender inequalities; discrimination, abuse and neglect; conflict and violence, including gang violence; political instability; socio-ethnic tensions; bad governance; food insecurity; environmental degradation and climate change.
- Family reunification is one of the main causes of the increasing number of both regular and irregular international child migrants, including unaccompanied and separated migrant children.
- The situation of children in the context of international migration is of major concern, given their greater vulnerability to human rights violations. All children are at risk of being exposed to sickness, injury, violence, abuse and neglect, and exploitation. These risks are multiplied in cases of children on the move, and in particular unaccompanied children.
- The Committee on the Protection of the Rights of All Migrants Workers and Members of Their Families jointly with the Committee on the Rights of the Child is developing a general comment on

children in situations of international migration to provide guidance to States on how to strengthen their protection.

- While the GFMD had initially been reluctant to discuss the human rights of migrants, the current effort to integrate this important element in GFMD debates is most welcome.
- The number of ratifications to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) remains low despite its fundamental importance. The current migration crisis across the globe highlights the fundamental importance of the ICRMW, as a robust and agreed legal framework for the rights of all migrant workers and members of their families in countries of origin, transit and destination. Today's dramatic migration crisis underscores the urgent need to begin a more honest discussion about the obstacles to ratification of the Convention. Political leadership and commitment is needed to ensure that migration policies put the human rights of migrants are the forefront.
- Migration should be a choice. The factors which push people to risk their lives in search of safety and decent work must be addressed and long-term durable solutions must be found, including through the implementation of the post-2015 sustainable development agenda.

Intervention by Ms. Mariette Grange, Senior Researcher at Global Detention Project

- In presenting migration data, we need to make sure that statistics are accurate to ensure evidence-informed policies. According to UNDESA data, in 2015, international migrants comprised only 3.3% of the world population and that is only 1.1% more than in 1970. Likewise, terminology used with respect to undocumented migrants often uses euphemistic and negative stereotypes while immigration detention is blurred behind opaque language. This illustrates that often the terminology used with respect to migrants perpetuates negative stereotypes.
- All human beings, including documented and undocumented migrants, are entitled to the right to liberty and protection from arbitrary detention. According to international law, lawful detention must be prescribed by law, necessary and proportionate to a legitimate aim, imposed as a last resort, as short as possible and subject to administrative or judicial review. Criminalizing irregular entry into a country exceeds the legitimate interest of States parties to control and regulate irregular migration, and leads to unnecessary detention. While irregular entry and stay may constitute administrative offences, they are not crimes per se against persons, property or national security. It is, moreover, never in the best interest of the child to be detained because of their or their parent's immigration status. As such, States must look to alternatives to detention for children and families.
- The ICRMW includes provisions related to procedural standards and conditions of detention in equality with nationals. There is a protection gap that can be filled by ratifying and implementing the Convention. The Convention provides a coherent framework based on international human rights norms to protect migrants and their families.
- Current challenges in immigration detention include issues of extra-territoriality, privatization and securitization, mandatory detention and detention of children and asylum-seekers.

Intervention by Mr. Patrick Taran, President of Global Migration Policy Associates

- Rights-based governance of migration must be a priority today – meaning ensuring respect for and implementation of normative standards of protection of rights and guarantees, upholding dignity and ensuring basic wellbeing/welfare of all migrants, as well as preventing xenophobia, reinforcing social cohesion, and consequently enhancing economic viability.
- A comprehensive international framework for migration governance exists consisting of the ICRMW, ILO Conventions 97 and 143 and the 1951 Convention and 1967 Protocol on the Status of Refugees.
- Ensuring decent work and protection of rights at work must be a major focus of attention. Workplace and work-related deaths among migrant workers are likely to far outnumber the number of deaths of migrants at sea. It is imperative to apply, supervise and enforce international labour standards for employment and working conditions of all migrant workers irrespective of their status.
- Foreign born workers comprise 10% to 15% of labour forces in Western European countries, 30% in Switzerland, 18-22% in Canada and the United States, and 40 to over 90% in GCC countries.
- Within 15 years, the majority of world's countries and populations will be in serious work force decline. It is imperative to put in place now the right policies consistent with the international

normative framework in order to ensure effective, rights-based governance in a future of greater labour and skills mobility.

- The value of migrant labour to the global economy may be 3 trillion dollars annually - more than total annual global trade in petroleum, gas and derivatives – based on an extrapolation from the estimated annual total of 600 billion dollars in migrant remittances.
- Ratification of the Convention can only be achieved by engaging with Governments, and in particular, Parliaments in a focused, deliberate and sustained manner in order to undertake this activity. Dedicated resources are necessary to provide the requisite support for personnel and for follow-up to increase ratifications. We urge the concerned Governments to assist in providing needed resources.

Intervention by Mr. Ignacio Packer, Secretary-General, Terre des Hommes

- The “8 points, 5-year Action Plan for Collaboration” is civil society’s outcome and follow-up to the UN High Level Dialogue on International Migration and Development in 2013. Efforts have focused primarily on advocating for holistic approaches by governments.
- Regarding migrants stranded in distress and crisis, many of the actions being taken by governments are “crisis-minded” and lack attention to the complex interplay of factors that lead to these situations. The MICIC Initiative is a very positive step in bringing States to the table to discuss the challenges regarding migrants in countries and crisis.
- Regarding labour rights, there has been limited progress on the ratifications of the majority of migration instruments, with the exception of the Convention on Domestic Workers (ILO Convention No. 189).
- Civil society has also been working to expand the framework of women and migration beyond trafficking and domestic work to include other issues encountered by women to promote their empowerment.
- There is growing attention to the issue of children in the context of international migration. The CMW and CRC Committees are elaborating a general comment on children in the context of international migration.
- Civil society has broadened the discussion to capture the multitude of challenges facing children on the move, and Terre des Hommes is coordinating a campaign entitled “Destination Unknown” which articulates 10 demands with corresponding actions to enable civil society actors to develop context specific strategies. Important to mainstream a gender perspective in migration policies.
- Children are not being provided with adequate protection and there has been insufficient attention paid to durable solutions and supporting host communities. International cooperation and action must be strengthened and the reasons why people and children move must be addressed with both national and collective responses.

Intervention by Mr. Olivier Geissler, Director at the International Social Service (Swiss Foundation)

- The phenomenon of children on the move has always been present in societies but the European and American migration management crisis gives new visibility to children on the move and highlights the need to strengthen a rights-based protection of children on the move, including harmonized protection standards in line with the Convention on the Rights of the Child, and transnational case management for implementing and monitoring durable quality solutions for children on the move.
- Children on the move are, first and foremost, children, regardless of their migration status. The needs of children on the move are universal and consist of three pillars: protection, integration and durable solutions.
- Current responses have mostly a short term emergency and local focus, national protection systems are fragmented, protection measures do not sufficiently consider the individual child's long term development and prospects and there is absence of transnational cooperation in case management and monitoring. What we need is harmonized protection standards and transnational case management for implementing and monitoring durable quality solutions for children on the move.
- Unaccompanied children who arrive in the host country as minors and later turn 18 should still be considered as a vulnerable group as they mostly lose access to special protection measures with their transition to majority. In case of a return or resettlement decision, they should at least have the opportunity to finish the education or vocational training that they started.
- The West Africa Network for the protection of children (WAN), which involves 15 ECOWAS countries, can serve as a model with its system of joint protection and reintegration in professional and

social life of children who are on the move and in a vulnerable situation within the West Africa transnational context. Over the past 10 years, this regional mechanism of collaboration has reintegrated 6,000 children according to a common procedure based on harmonized standards of protection and reintegration.

Intervention by Ms. Emer Groarke, Advocacy and Communications Officer, ICMC-MADE (Migration and Development Civil Society Network)

- While the migration spotlight is currently on Europe, serious abuses of migrants intensify all around the world – taking Africa as a case in point where Southern African migrant workers are targets of xenophobic violence and Somali migrants are profiled as terrorists.
- As civil society has stated every year at the Civil Society Days of the Global Forum on Migration and Development and beyond, there is a protection gap that can be filled by the ratification and proper implementation of the UN Migrant Workers Convention. Migrant workers are a vulnerable group and they need a coherent international standard to protect them in ordinary times. Evidence has shown us time and again that if a proper framework is in place for migrants’ rights in ordinary times, they have a far greater capacity to protect themselves in times of crisis when they are especially vulnerable.
- The upcoming High Level Meeting to Address Large Movements of Refugees and Migrants and the Secretary General’s call for a Global Compact on Safe, Regular and Orderly Migration as an outcome, point to possible leaps forward for protection and should be highly relevant for the ICRMW.
- States who claim that ratification of ICRMW is not necessary because migrants are protected under other human rights conventions misunderstand the specific scope and aim of this Convention.
- There is a need to strengthen activities aimed at the promotion of ICRMW by all stakeholders -- the student campaign Migrants Matter, calling on EU countries to ratify the Convention, can serve as an example.
- Today, there is no country that is just a country of origin or just a country of destination for migrant workers.

Concluding Statement by Ambassador Shahidul Haque, Chair-in-office of the Global Forum on Migration and Development, Foreign Secretary of the Government of Bangladesh

- Bangladesh, along with partners such as Sweden, has championed the rights of migrants in various fora, including Rio+20 and Agenda 2030.
- In the GFMD process, Bangladesh is bringing the issue of migration governance within the broader context of human rights in large movements of refugees and migrants, within the framework of the ICRMW.
- The migration, human rights and development debate is a long-standing one, coming in and out of spotlight. Now it is back in the spotlight, especially with the current initiative of the Secretary General on addressing large movements of refugees and migrants.
- In his recent report, the SG highlights that people suffer and die in search of safety, only to have their rights further violated upon their arrival by detention and xenophobic reception -- xenophobic rhetoric is not only on the rise but is also becoming more socially acceptable.
- Mindful that it is important to talk not only about ‘migration crises’ but also regular and productive migration, Bangladesh along with partners such as the SRSG’s Office of Mr. Peter Sutherland, have suggested that there could be a Global Compact for safe, orderly and regular migration and the September 19 event will have a side event on this issue, focusing on 2030 and realization of all rights of migrants.

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**All texts of statements and submissions relating to the side event
are posted on the webpage of CMW at: <http://www2.ohchr.org/english/>
and GFMD web portal: www.gfmd.org**