

## **Contribution by Global Migrant Human Rights Organizations\***

### **Note on UN preparations for the 2013 United Nations General Assembly High Level Dialogue on Migration and Development September 6, 2012**

This note on preparations for the 2013 UN General Assembly High Level Dialogue on Migration and Development (HLD) is submitted to the President of the General Assembly, the UN Secretariat, UN agencies and member states as a contribution by non-governmental organizations, particularly migrant rights organizations that have been actively engaged in various global and international events and processes over the past several years.

We seek to be an integral part of the HLD process, including any preparatory meetings and the event itself, and we call on member states to support NGO participation through mobilization of resources; NGO participation on delegations; and member states' advocacy on behalf of NGO voices in the process. We want to work with the United Nations system to enable broad participation of interested NGOs with special attention to grassroots migrant organizations and to organizations from the Global South.

In preparing this note, we have drawn from a number of recent experiences in engaging civil society and governmental cooperation. Several of the endorsing organizations were represented at the 2004-2005 Global Commission on International Migration (GCIM) regional consultations, 2006 UN High Level Dialogue on Migration & Development, and participated actively in the 2010 Informal Thematic Debate on Migration and Development (ITD). Many of our organizations have been part of the UN debate on migration through the years leading up to the adoption of the UN Convention on the Rights of Migrant Workers; at the International Conference on Population and Development (ICPD) in Cairo; the World Conference Against Racism and Xenophobia (WCAR) in Durban; and at the annual ILO Conferences (ILCs), the UN Human Rights Council (HRC) and DESA's own annual Coordination Meetings on International Migration. We have been active in the Global Forum on Migration and Development (GFMD) since its inception, and have given leadership to its Civil Society Days (CSD). We have also engaged in a grassroots People's Global Action on Migration, Development and Human Rights (PGA), held annually since New York in 2006. Many of us are part of a new non-governmental Global Coalition on Migration (GCM) that brings together regional and international networks engaged in migration advocacy, especially around the GFMD and UN processes.

Migrant human rights organizations are already mobilizing for engagement in New York for the 2013 HLD. Discussions are underway to organize a week of

parallel civil society events as non-governmental organizations and where possible, in partnership with UN agencies and member states. In particular, we are committed to convening a *People's Global Action on Migration, Development and Human Rights (PGA)* in New York during the week of the HLD.

This note presents our suggestions for:

- I. Modalities for the HLD including Civil Society Participation
- II. HLD Programmatic Agenda
- III. Future of Global Migration Governance
- IV. HLD anticipated outcomes including ongoing UN work on global migration programmes and policy
- V. UN Partnership with Civil Society

We welcome opportunities for discussion with the UN Secretariat, the President of the General Assembly, the Global Migration Group and UN member states, and to engage with mechanisms/processes/persons regarding HLD preparations and outcomes.

## **I. Modalities for the HLD including Civil Society Participation**

- A. Format of the meeting
- B. Outcome document
- C. Preparatory meetings
- D. NGO participation

### **A. Format of the meeting**

We propose a three-day special session of the General Assembly that combines plenary speeches with round-table discussions in the first two days, followed by a final day to develop conclusions and outcomes. We would like to see member states, UN agencies, non-governmental organizations and the private sector represented on the round-tables with full participation. [Similar models include the 2006 High Level Dialogue on Migration & Development, and the Financing for Development process.] We seek a creative, interactive approach to the High Level Dialogue that enables real dialogue and engagement. A chair's report would summarize the round table discussions with a particular focus on outcomes, government policy and UN programmatic responses. Participants from each sector would be decided by that sector (see below).

### **B. Outcome document**

We propose that member states focus their time in round tables addressing the substantive SG's report and other inputs and developing specific outcomes rather than negotiating a political declaration or negotiated outcome document. Chairs' reports will synthesize these discussions as inputs for follow up by the UN system and member states. At the same time, formal resolutions are

necessary to set in place needed governance infrastructure and funds. If this comes as a recommendation from the HLD it can be referred back to the GA Second Committee for action.

### **C. NGO participation**

We propose the creation of a one-time NGO-HLD Steering Committee representing all global regions and diverse sectors that would work with the UN to select HLD round table and plenary participants from among NGOs. [Models for this include the Financing for Development process and the Commission on Sustainable Development process.] It is critical that decision-making on NGO participation be done in an open, transparent and inclusive way that draws on the input of each region through regional migrant/migration networks where they exist, or recognized organizations from the region.

The creation of an NGO HLD Steering Committee should incorporate the full spectrum of civil society, particularly grassroots migrant voices. Initial leadership for building the Steering Committee could come from members of the Global Coalition on Migration (GCM) which already has strong regional and some sectoral representation; a sub-committee of the existing International Advisory Committee (IAC) for Civil Society Days (CSD) of the GFMD; and representatives of migrant associations in and around New York City as local hosts. They would need to reach out to the broad spectrum of interested NGOs to assess interest in the HLD and create transparent processes for participation, including those who have actively participated in the People's Global Action on Migration, Development and Human Rights (PGA) and World Social Forum on Migration (WSFM) processes.

Regarding NGO participation we call on the General Assembly to:

- Create a roster system to accredit new NGOs that do not have ECOSOC or DPI status but are actively engaged in work on migration & development. [Such was the case for the IV World Conference on Women and the Earth Summit.]
- Accredite up to 20 people from each organization and allow them to be present in plenaries at the same time (not a single pass per organization as in recent events).
- Create a trust fund to enable NGOs to participate in the HLD, particularly from migrant communities in the global South.
- Urge member states to include and fully fund NGOs on their delegations to the HLD.
- Encourage member states to meet with nationals attending the HLD to brief them on the process and to involve national civil society organizations in the process.
- Include a Civil Society speaker in the HLD opening plenary, suggested democratically by civil society through the NGO HLD Steering Committee.

- Allow civil society to have interventions in the HLD plenary. These representatives would be chosen by the NGO HLD Steering Committee through an open and transparent process, prioritizing regional and global coalitions or thematic groups (such as gender, labor, domestic workers etc.) Plenaries should lock in time for civil society participation rather than squeezing them in based on available time after member states have spoken. The Informal Thematic Debate (ITD) of May 2011 offered a model for this, though we would like to see more civil society interventions.
- The opening plenary should include an eminent person from civil society. The NGO HLD Steering Committee should suggest that person.

We urge the Secretariat and the office of the President of the General Assembly to work with the United Nations Non-Governmental Liaison Service and with NGOs to develop these modalities, recognizing that *civil society is not only represented by NGO groups that are specifically UN-focused, but includes a broad array of local, national and regional groups that have been part of the UN and GFMD processes as well as engaged in local organizing.* **Any consultations with Civil Society MUST be open, transparent and regionally representative.**

#### **D. Preparatory meetings**

We encourage the General Assembly to organize regional inter-governmental meetings in the Spring of 2013 in preparation for the HLD (in accordance with the precedent set by the 2004-2005 GCIM regional consultations), following the same themes and format (round tables including civil society) for the 2013 HLD. Outcomes of these meetings will serve as inputs to the HLD.

We call on the UN system to fund NGO participation in these regional events in consultation with regional civil society organizations, guaranteeing broad and diverse representation.

## **II. HLD Programmatic Agenda**

Round-tables should address:

- a. **Labour migration** (including limitations to recruitment and guest worker programs)
- b. **Irregular migration** (including migration enforcement schemes such as migrant detentions and deportations)
- c. **Migrant Human Rights and Labor Rights** (including racism & xenophobia) with a focus on obligation to protect, promote and fulfill rights
- d. **Gender & Migration**

- e. **Migration & Development** (including push factors of migration and the right to development, not only diaspora and remittances)

In addition, both gender and human rights should be cross-cutting themes addressed in every round table.

### **Overall themes**

- **Post 2015 Development Agenda:** The UN is preparing for 2015 and the future of the global development agenda in the post-MDG era. Migration needs to be addressed and integrated into emerging sustainable development goals; migration is a cross-cutting concern that links human rights, sustainable development and peacemaking concerns of the United Nations. We hope that the High Level Dialogue will intentionally address intersections of these areas, exploring not only the outcomes of migration but also the causes that are linked to development, conflict and climate change among other factors.

The preparatory process and the HLD provide a key opportunity to do this kind of analytical work and to make concrete proposals that address migration in the context of development. While migration must continue to be a choice and migrants should be afforded their inherent human rights regardless of national origin or status, it is also essential that development, human security and livelihoods be addressed in sending countries so that people also have the choice to remain at home with decent work and secure futures. This includes developed nations' role in creating an enabling environment for development and fulfilling development commitments.

- **Linkages to other global commitments:** Issues of poverty, conflict, social development, gender & race inequalities, environment, climate change and other factors are central to the UN agenda but are not always part of the discussion on migration.

Too often the “development” side of the “migration & development” equation has been reduced to the role of migrants in sending resources back to home countries. Not enough has been done to connect the work of the UN on sustainable development; social development; economic, social and cultural rights; the Millennium Development Goals; and Human Security to crises that force millions of people to migrate with few alternatives. We urge the HLD process to make these connections, consider migrants' contributions to host countries, and to integrate migration into the new emerging development framework.

We further urge the UN System, and the High Level Dialogue, in particular, to make linkages to other global commitments and follow-up

processes, including the IV World Conference on Women and subsequent reviews; the World Conference Against Racism and subsequent reviews; Financing for Development and subsequent reviews, the Rio Earth Summit/Agenda 21 and follow-up; the IV UN Conference on the Least Developed Countries; outcomes of the Permanent Forum on Indigenous Peoples and the Millennium Development Goals.

- **Human Rights framework:** The *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* continues to be the most comprehensive framework for global and national migration policy. As such, it should serve as a framework and guide deliberations at the High Level Dialogue and future inter-governmental discussions.

We suggest that **an assessment of the current status of the human rights of migrants** be a theme of the High Level Dialogue. This should include specific attention to migrant women, youth and children; oppressed racial and ethnic groups; and irregular migrants. The recent report by the Special Rapporteur on the Human Rights of Migrants on the topic of Detention of Migrants in an Irregular Situation, submitted to the 20<sup>th</sup> Session of the HRC, should serve as a primary reference document, and the Special Rapporteur himself should offer key input on this theme, as he did during the 10<sup>th</sup> Coordination Meeting (CM10). In addition, the upcoming General Comment on the Rights of Migrant Workers in an Irregular Situation and Members of Their Families, being undertaken by the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC), should also serve as a guiding document on this issue. Similarly, the outcomes from the Committee on the Rights of the Child's (CRC's) upcoming Day of General Discussion (DGD) on the Rights of All Children in the Context of International Migration, should also be incorporated as key points for this assessment.

- **Gender and Race lens:** As global NGOs working with migrants in all regions of the world, our members and partners experience first-hand the causes of migration through the lack of food security, climate change, war, joblessness, poverty, land-grabbing and other factors. These realities have both race and gender dimensions that must be intentionally addressed. The global migration system is gendered and racialized. This is part of the commitment made by member states through the outcome document of the World Conference Against Racism in Durban, 2001. We urge the HLD to make this a priority in both dialogue and outcomes.

### III. Global Migration Governance

We seek a stronger linkage between the Global Forum on Migration & Development and the UN System, both because we want to see global

governance on migration within the normative framework of the UN and because we would like to see an operative Secretariat that can help to implement programs and initiatives that emerge from the HLD and the GFMD.

We propose the creation of a permanent Secretariat that would:

- Create synergies to strengthen UN work on global migration.
- Manage a joint fund for implementing programmes on migration & development with resources coming from the UN System and member states.
- Carry out programmes and policies emerging from both the General Assembly and from the GFMD. Provide the Secretariat with resources to staff and implement project ideas.
- Work with member states on collaborative initiatives on key areas in migration & development.
- Provide support to the GFMD to generate new ideas, host expert meetings, draft papers and provide continuity.

We propose that the mandate and funding for this Secretariat emerge from the UN-High Level Dialogue and be authorized through the General Assembly. We strongly recommend that civil society be engaged in the conception and development of this Secretariat's form, infra-structure and procedures, including where it is housed.

This Secretariat or subsequent iterations should incorporate members of civil society with permanent seats at the table. They would be chosen by civil society organizations in regions in a transparent and democratic process. The model of the UN Permanent Forum on Indigenous Peoples is an example of self-selected civil society organizations with a role in dialogue and deliberations.

#### **IV. HLD anticipated outcomes including ongoing UN work on global migration programmes and policy**

##### **A. Programmes to be implemented by the UN System:**

1. Through a partnership of DESA, the High Commissioner for Human Rights, the ILO and other relevant agencies and treaty bodies, put in place mechanisms to monitor national immigration/migration enforcement policies to assure that they adhere to basic civil liberties and human rights standards, including economic, cultural and social rights. Adopt measures of accountability for nations to come into compliance with a set of key human rights standards in the area of detention and deportation.
2. With DESA, UN Women, ILO and other relevant agencies, create an initiative to codify and monitor migrant women's access to human rights in the areas of a) labor rights; b) access to basic public services; c) redress from violence. Explore national examples of best practices (such as Spain's addenda to their violence against women law to address the

- needs of undocumented migrant women), and share these widely. Assist member states in putting into place mechanisms to protect migrant women's rights, including those of irregular migrants, and to guarantee basic services.
3. Regulate and monitor labour recruiters and their practices.
  4. Integrate family unification and protection of migrant workers' families into existing immigration laws, especially key protections for migrant children.
  5. Multilateral streamlining of migrant labour mobility according to existing trade agreements i.e. ensuring that the lifting of trade barriers also apply to migrant labour.
  6. Monitor the human right to development. This should include the right to migrate and need for sustainable development as keys to the right to remain.
  7. Put in place guiding principles to address the needs of stranded migrants focused not only on their immediate rescue/needs but also on the obligations and responsibilities of States in their commitments to uphold the human rights of all peoples.
  8. Advance policy for the "recognition of qualifications"—portability of diplomas and skills. Build on the work of UNESCO on regional agreements to eventually make this universal.
  9. Create programs to address compensation for "brain drain" by institutions and societies that benefit from the training of skilled workers (such as teachers, nurses and doctors).
  10. With member states and Civil Society, explore mechanisms to certify Fair Trade products regarding migrant labor, recruitment agencies and employers. Consider creating a global label that would monitor practices and certify compliance.

It is further recommended that the HLD begin to consider coordinating its outcomes with the Human Rights Council and national accountability on human rights accords relating to migration and development, including developing mechanisms to implement such accountability.

#### **B. Policy responses by member states:**

We urge that the UN System use the year from December 18, 2012 through the HLD in 2013 to urge ratification of the Migrant Rights Convention and all other relevant conventions. We would like to see the HLD host an opportunity for governments to sign the Convention in a public ceremony.

#### **V. UN Partnership with Civil Society:**

## **A. Preparatory:**

- a) We are eager to work with the UN System to prioritize International Migrants Day on **December 18, 2012**, setting a common theme within the UN System and Civil Society, while pushing for ratification of the Migrant Worker's Convention prior to the 2013 HLD. We suggest a focus on current enforcement policies as related to Migrant Rights.
- b) In addition, we see to join with the UN System in a year-long 2012-2013 campaign for ratification of key UN treaties related to migrant rights. The goal is to prepare member states to work over the next year on ratification and to sign at UN Headquarters during the HLD. Civil Society is very interested in joining the UN in a campaign for signatories and ratification.
- c) We are interested in working with the UN Secretariat and other entities to co-host preparatory symposiums or forums in New York in lead up to the HLD. Such events would point to concrete responses to critical migration issues, such as "brain drain compensation" in health care and other sectors; or effective measures to guarantee rights and due process in enforcement policy.

## **B. During the HLD:**

- d) We will explore opportunities to host side events with UN Secretariat and relevant agencies.
- e) We would like to co-organize a Film Forum on migrant workers at the HLD with the UN Secretariat and other agencies.
- f) We would like to explore with the UN Secretariat incorporating the arts and culture into events related to the HLD.

We look forward to active NGO engagement in the HLD process and productive outcomes regarding the rights of migrants around the world. We welcome opportunities for dialogue with the UN system.

\*Organizations endorsing this note include:

- *Centro de Estudios Legales y Sociales (CELS), Argentina*
- *Espacio Sin Fronteras (ESF), South America Regional based in Brazil*
- *Human Rights Center, University of Lanus, Argentina*
- *International Network on Migration & Development (INMD), International based in Mexico*
- *Migrant Forum in Asia (MFA), Asia Regional based in the Philippines*
- *Migrants Rights International (MRI), International based in Switzerland*
- *National Network for Immigrant & Refugee Rights (NNIRR), U.S.*

- *Pan African Network in Defense of Migrants Rights (PANiDMR), Africa Regional*
- *Platform for International Cooperation on Undocumented Migrants (PICUM), International based in Belgium*
- *United Methodist Women's Immigrant and Civil Rights Initiative (UMW), U.S.*
- *Women & Global Migration Working Group (WGMWG), International*
- *World Young Women's Christian Association (YWCA), International based in Switzerland*

More endorsements forthcoming.