

**Peoples' Global Action on Migration, Development & Human Rights  
Background Paper for Strategy Sessions 1A and 2A**

**Global Migration Governance**

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*In addition to the listed moderator, rapporteur and discussion starters, a number of participants have also been asked to serve as facilitators and rapporteurs for the table discussions, which will be focused on particular regional contexts.*

**Introduction and context.** We are convening in Bangladesh for this PGA at a moment when governments are paying increased attention to migration governance, and also at a moment when millions of migrants around the world face extreme risk and danger—in transit, in the countries where they are living, and on returning or being returned to countries of origin or third countries. The Global Compact negotiations demonstrate elevated world attention to migration governance, as does the ILO decision to devote the International Labor Conference 2017 General Discussion to migration governance and the Global Compact. The IOM has become a related organization of the UN, with uncertain implications for the roles of other UN agencies with migration mandates, in general and in relation to facilitating the Global Compact negotiations. At the same time, a rising tide of xenophobia has brought overtly anti-immigrant leaders into office in some countries, and they are on the threshold of power in others. These challenging and often contradictory streams require civil society and social justice organizations to act with a renewed sense of urgency and purpose. We need to gauge progress on existing goals and campaigns, while also updating and adapting our priorities to the changing governance landscape and broader context.

Improving migration governance or “doing governance better” must mean **protecting migrants better, giving women, men and children more mobility options, better options, and safer options.** Since the 2013 HLD, States’ responses to emerging as well as ongoing migration challenges have frequently fallen short of protecting migrants’ rights and well-being, and even their lives. The September 19 Summit aimed to respond to this situation. Via a negotiated Global Compact for Safe, Regular and Orderly Migration, the New York Declaration attempts to map a path to more effective and coherent multilateral governance of migration, in keeping with States’ 2015 commitment in the 2030 Agenda to “leave no one behind” and to “cooperate internationally to ensure safe, orderly and regular migration involving full respect for human rights and the humane treatment of migrants regardless of migration status, of refugees and of displaced persons” (Para. 29).

**Global Compact.** In the New York Declaration, States “reaffirm and will fully protect the human rights of all refugees and migrants, regardless of status; all are rights holders. [States’] response will demonstrate full respect for international law and international human rights law and, where applicable, international refugee law and international humanitarian law.” But they do not say *how* they will do so. Civil society has an important role to play in ensuring that this commitment can be effectively implemented. And as we discuss below, the use of firewalls between immigration enforcement on the one hand, and access to justice and to basic services on the other, is a critical mechanism to protect the rights of all migrants. Similarly, while the New York Declaration makes

reference to addressing the drivers of migration (and not only the drivers of forced migration), civil society has a role in ensuring that this commitment is fleshed out, and that the broad aim of SDG 10, to reduce inequality within and between states, is what informs negotiations and not simply Target 10.7, “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.” 10.6, for example, aims to “ensure enhanced representation and voice “for developing countries in decision-making in global international economic and financial institutions in order to deliver more effective, credible, accountable and legitimate institutions.” Along the same lines, the Addis Ababa Action Agenda aims to support national development efforts, committing to pursue “policy coherence and an enabling environment for sustainable development at all levels and by all actors, and to reinvigorating the global partnership for sustainable development” (Para. 9).

With respect to fully incorporating a gender perspective in the governance of migration, there is much to be done. Thus far, attention has focused too narrowly on women’s vulnerabilities. While all women—and all people—must be able to travel and live in safety, the New York Declaration, for example, focuses too narrowly on women as victims, on their vulnerabilities when travelling irregularly. Civil society should promote a broader approach, one that starts not with migration, but with progress toward equality, as expressed in Goal 5 of the 2030 Agenda, to “achieve gender equality and empower all women and girls.” Progress on Goal 5 in states of origin and destination would go far toward reducing women’s vulnerabilities in migration. The closer women and girls come to enjoying equal rights and opportunities— to education and training, to credit, to property, to inheritance, to mobility, to health services— the better their opportunities for decent work and the less likely they are to find themselves in a situation in which they are compelled to migrate— especially under circumstances that leave them particularly vulnerable to abuse and exploitation, whether sexual or gender-based violence or workplace exploitation. Destination states must address the particular needs of migrant women, who almost always face discrimination on the basis of their gender and migration status (and even more so if they are irregular), and who are more likely than men to work in sectors not covered by labour protection.

Migration—and therefore migration governance-- affects millions of children who migrate alone or with family members, and it also affects children whose family members migrate without them, as well as those at risk of separation from parents subject to detention and/or deportation due to irregular status. Both regular and irregular migration cause children to be separated from migrating family members. Multiple regions have experienced increases in numbers of unaccompanied and separated child migrants, and the protection of their rights continues to be a governance challenge. Despite authoritative guidance from the Committee on the Rights of the Child on detention never being in the best interests of the child, much weaker language ended up in the New York Declaration.

Migrant, migrant rights and allied social justice and civil society organizations should push to ensure that the Global Compact provides a future-oriented framework for rights-respecting governance *and improved implementation in policy and practice* on issues related to:

- Labor migration, including recruitment reform
- Gender and the empowerment of women
- Migrants in crisis, distress or precarious circumstances
- Border securitization, militarization and externalization
- Detention, including the detention of children and families
- Returns and deportations
- Effects on migration of international trade and trade agreements
- Racism and xenophobia toward migrants

**Urgent existing calls for action:**

1. **End detention of migrants** (children, pregnant women and families most urgently) for purposes of assessing migration status and implementing alternatives to detention, and recognize that international standards state clearly that **detention is never in the best interest of the child**;
2. **Ensure firewalls** between immigration enforcement authorities on the one hand, and other government agencies and services on the other, **enabling all migrants' access to social services and to the criminal justice system** to report crimes against them, without fear of being detained or deported;
3. **Respect the rights of all migrants, regardless of status**, at work and outside of work; provide access to healthcare, including reproductive health services for women; to accommodation, and to education for children;
4. **Improve transparency, accountability, and adequate standards** in labor agreements, preferably by involving the ILO and social dialogue partners;
5. **Reform temporary and circular migration programs** to enable workers to fully exercise their rights, including the right to organize and collectively bargain, to use visa portability to change employers and to access justice for protection from retaliation;
6. **Keep civil society spaces open**, defending human rights defenders—especially migrant rights defenders—and supporting migrants' rights to free association and especially migrant workers' right to join a union.

**Guiding questions.** This working session is aimed at linking global governance institutions and legal frameworks to the regional issues and contexts at which most civil society organizations operate. Recognizing that critical issues vary across regions, we invite participants in the regionally-organized discussion tables to identify the one or two most critical migration issues in their region in need of improvements in governance.

1. Where and how—what processes, what levels-- can civil society organizations intervene most effectively to improve respect for migrants' rights, access to justice, safety, and ability to lead decent lives?
2. In your region, what are the current priority issues for improving migration governance? These can be ongoing priority areas or issues that have emerged more recently.
3. What is the level (or what are the levels)—local, national, regional, global-- at which governance needs to be improved? Please pay special attention to
  - a. possible intersections with global governance and negotiation of the Global Compact; and
  - b. whether improvements are needed in law or in implementation (in policy and practice) of existing laws (and if there are international standards needing to be transposed into national law);
4. What should civil society recommend for actions that civil society and/or States, individually or collectively, can take to address these pressing issues and challenges? And, if appropriate, what benchmarks would be effective to measure progress in addressing these issues?