

First informal thematic session on

“Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance”

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Panel 1. Human rights of all migrants

Monami Maulik, International Coordinator, Global Coalition on Migration

Excellencies and colleagues, particularly migrant community members and civil society friends.

I welcome this opportunity to bring forward the messages of organized migrant communities who live with the realities and work to address the impacts of the policies discussed here. The **Global Coalition on Migration** (<http://gcmigration.org>) builds the central role of migrant-led organizations forming transnational and regional networks in Europe, Africa, Asia and the Americas, together with labor, policy, and faith-based organizations.

Our perspective from the ground is a clear one: *migrants are facing a human rights crisis exacerbated by increasing policies of criminalization, deterrence and externalization of borders*. The Global Compact on Safe, Orderly and Regular Migration must be the opportunity to center the rights and dignity of migrants rather than entrench this model. In order to do this, there must be bold leadership to reframe the debate so that practical measures and actionable commitments work to uphold and respect the human rights of migrants regardless of status rather than undermine them.

While many share the understanding that human mobility is nothing new and that many of us have benefited from our own migration journeys, current policies fall far short of recognizing that migration will only increase in a globalized world. This is particularly true for the ways in which language and policies view low-wage or ‘low-skilled’ migrant workers and irregular migrants. While it is important to shift the narrative to a positive one about the contribution of migrants, we must go beyond the framework of ‘harnessing’ economic benefits from migrants when a fundamental and often unacknowledged driver in the current model is the demand for cheap and exploitable labor. It is precisely due to the lack of adequate regular and safe channels that migrants are pushed into attempting dangerous journeys where they risk exploitation and violence from State and non-State actors. States militarize and externalize borders - deploying policies from push-backs and border closures, to detention (including of families and children), to expedited removal procedures that are punitive and disregard human rights. These deterrence policies are ineffective when the demands for low-wage labor remain in destination countries.

What deterrence and criminalization policies do succeed in is to render migrants even more vulnerable to abuse and exploitation. Millions of low-wage and irregular migrant workers and their families- domestic and care workers, farmworkers, service and construction workers- live precarious lives and in fear- preventing them from raising their voices, joining trade unions or accessing basic public services. ***This criminalization of low-wage migrants by policies compounded with growing xenophobia and racial discrimination allows*** migrants to continue to be used as scapegoats by nationalist and populist agendas as a diversion from deeper economic, social and political transitions within many receiving societies.

In working towards a Global Compact that will seek to achieve the lofty goals expressed in the New York Declaration, our members across regions stress the importance of ensuring that the ***human rights and labor rights of migrants are a cross-cutting concern in all consultations***, at multi-stakeholder hearings, in stock-taking and during negotiation of the Global Compact itself. Practical measures to make migration more “safe, regular and orderly” **alone will not be enough** to protect human rights and dignity in migration, but there are important ways in which protecting migrants’ human rights can contribute to making migration more “safe, regular and orderly”.

Specifically:

This Compact must be based in existing international human rights instruments and labor standards including the most widely ratified international human rights instruments. **It is incorrect** that there is no real international legal framework for protecting the human rights of migrants. The protection of the human rights of migrants is contained within the same instruments that protect the human rights of all—the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights as well as the core UN conventions. With their clauses prohibiting discrimination, these instruments are sources of states’ obligation to respect, protect and fulfill the rights of migrants on their territory;

Second, practical guidance means creating increased safe and regular channels including family-based immigration, access to identity documents and means of regularization including paths to citizenship for those in irregular status ***already within countries***;

Moreover, increased regular channels must protect labor rights:

- When most legal temporary labor migration programs violate rights, this is not sound development strategy – this includes most current guestworker programs and in kafala sponsorship system.
- Labor migration programs should allow visa portability, not tie work visas to a single employer, and they should allow full freedom of association.

- Bilateral labor migration agreements must be transparent and protect workplace rights rather than function as a race to the bottom for cheaper migrant labor from countries of origin. Instead governments and employers should gradually ratify and implement core conventions and multilateral agreements that require full protection for migrant workers' rights;

Third, all consultations and stocktaking must ensure that the rights of migrant women and girls are at the center. The UN Women 'Recommendations for addressing women's human rights in the Global Compact' provides specific, actionable recommendations to engender the compact.

Fourth, firewalls are one means of enabling migrants to access their economic, social and cultural rights (to obtain basic services like education, accommodation, and health care) as well as civil and political rights (such as access to justice and protection of the justice system). Firewalls enable migrants to access these services without fear that doing so will cause immigration enforcement agencies to detain or deport them. Firewalls are a concrete way to engender the compact since migrant women are often at the forefront of securing services for families and communities. Firewalls must be legally enforced.

We also applaud the **migrant-centered perspective of the Global Migration Group Principles & Guidelines on the human rights protections of migrants in vulnerable situations within large and/or mixed movements.** This migrant-centered perspective also offers practical measures and actionable commitments where civil society plays a role in monitoring and implementation at the national and local levels.

Finally, it is essential that the Global Compact process elevate genuine migrant participation. This means that, civil society and particularly **migrant-led organizations themselves must be engaged in a sustained and meaningful manner.** Migrant organizations, should be involved as central actors from the phases of design, development, implementation and monitoring of the Global Compact. **To this end, the Global Coalition on Migration and our civil society partners are actively mobilizing to ensure that the Global Compact respects and fulfills the human rights of all migrants with concrete goals, targets and indicators for accountability – and does so in a way that will bring real change to the lives of millions.**

Remarks for Discussion period:

The Human Rights Council could contribute to the process of development of the global compact by working with civil society, human rights mechanisms, National Human Rights Institutions in the consultation process on actionable commitments and how they can be implemented. The Council can also play a role in encouraging states to incorporate Principles and Guidelines into the Global Compact. Lastly, it is essential to specifically call attention to regularization programs – it is very welcome that regularization was included in list of measures to be explored in the Global Compact Process.

In keeping with the commitments of Member States' in the New York Declaration while recognizing the realities of current political climates at national and regional levels, it will be strategic to achieve a rights-respecting Global Compact as a foundation for longer-term and graduated timeline of outcomes. The success of the Global Compact process, and of the global migration governance processes it launches, will depend upon the inclusion and engagement of many sectors of civil society, including grassroots migrant-led and migrant organizations and communities. ***Understanding regional, national and local contexts and existing best practices will be key in identifying the distinct challenges, common issues and actionable solutions in practice.***