

JOINT CIVIL SOCIETY DECLARATION AND RECOMMENDATIONS ON MIGRATION, DEVELOPMENT AND HUMAN RIGHTS AND THE FUTURE OF THE GLOBAL FORUM ON MIGRATION AND DEVELOPMENT

**Submitted to Governments Attending
The 3rd Global Forum on Migration and Development (GFMD)
Athens, Greece -- November 4 - 5, 2009**

We, the undersigned participants of the People's Global Action on Migration, Development and Human Rights (PGA) and other organizations, submit this joint declaration to inform discussions on migration and development policy at the 3rd Global Forum on Migration and Development (GFMD). We also submit recommendations to contribute to the development of the civil society process and its constructive relationship to the intergovernmental process.

We represent a diverse cross-section of organizations including diaspora organizations, migrants' associations, migrants' rights NGOs, human rights NGOs, development organizations, trade unions and workers' organizations, women's groups, faith-based organizations, peasant organizations, anti-poverty groups, indigenous peoples and a variety of other social movements. We are joined by a commitment to the human rights of migrants and other vulnerable groups.

States have the obligation and responsibility to protect the fundamental rights of all human beings within their jurisdiction, including all migrants. As governments from all over the world meet in Athens to discuss migration and development policies, we urge governments to demonstrate their commitment to universal human rights, by affirming the human dignity of all migrants and ensuring that migrants' human rights are at the forefront of deliberations.

Civil society and migrants' organizations from around the world have displayed enormous ingenuity in increasing the scope available for their voices to be heard on issues concerning migration and development at the global level. Engaging in structured contributions since 2005 in consultations by the Global Commission on International Migration and subsequent UN High Level Dialogue in 2006, non-governmental organizations have dedicated valuable time and resources to participate in official fora, despite growing concern that much of their knowledge and expertise remains at the margin of the official debates.

Stepping up to this challenge, civil society groups are engaging in discussions that are centered on human and labor rights as the basis for development and are exploring the full range of issues involved in migration, including the underlying problems of poverty and injustice, fully recognizing and enriching the role of civil society organizations (CSOs) in addressing these issues.

The Realities of Migration

There are over 250 million migrants in the world today. By no means a new phenomenon, migration is a feature that has fundamentally shaped the world in which we live.

There are many root causes of migration, including armed conflict, persecution, discrimination, poverty, deficits in decent work, underdevelopment, forced displacement and environmental destruction. Migration also occurs due to marriage, a search for family unity, and a desire to seek a better life, educational opportunity, learning or personal growth. In recent decades, migration flows have intensified as a result of economic globalization, market deregulation and trade agreements developed to serve powerful multinational corporations; features which have consistently widened the gap between rich and poor, creating wealth for economic elites and deepening vulnerabilities of individuals and communities.

While profiting tremendously from migrant labor, many national governments have adopted xenophobic and discriminatory policies that scapegoat migrants for social ills and present them as a threat to national security. Policies that simultaneously “open” low-wage and poorly protected jobs but “close” possibilities for regularized migration or protection of fundamental rights, have increased migrants’ vulnerability to abuse and exploitation by employers, recruiters, organized criminals and corrupt officials. We are reminded of the plight of migrants by the example here in Greece, of the case of the seafarers from the boat, the M/V Aetia Sierra. They are waiting for their long-due salaries from their Greek employer, and are segregated on the boat while their families have little to eat. In addition, the right of migrant workers to join unions and benefit from collective agreements is routinely undermined, and attempts to unionize can place organizers in jeopardy, demonstrated by the familiar case of Konstantina Kuneva, a migrant trade unionist who has risked her life defending the right to decent work, and after eleven months, is still waiting for justice. Female migrants, including migrant domestic workers, are particularly at risk, as are the children of migrants.

States have tightened border controls and implemented harsh anti-immigrant policies in the name of state-centered national security, often in the context of the global “war on terror”. Some states have implemented regimes to detect and intercept “undesirable” migrants even before they reach borders. In this way, “developed” countries have sharpened territorial divisions, especially between the “North” and “South”, and further secured their economic privilege. The human rights situation of migrants is of equal concern regarding migration among developing countries. Many governments of countries experiencing both immigration and emigration maintain an ambiguous and contradictory discourse, calling for protection of their own nationals migrating abroad, while increasing control and repression of migrants in their own territory, often failing to provide sufficient protections for asylum seekers and refugees. These issues have fuelled tensions and divisions amongst workers across the globe, amplified racial discrimination and heightened insecurity for all migrants, especially those with a vulnerable migration status such as undocumented migrants, women on a spouse-dependent visa, various categories of migrant children as well as refugees and asylum seekers.

Migration, Development and Human Rights

The GFMD’s current “migration and development” paradigm does not squarely address the root causes of migration. Nor does it sufficiently affirm the human dignity of migrants and places their human rights concerns on the periphery of development processes. The failure to address the specific needs and entitlements of women risks aggravating existing gender inequalities, which increase their susceptibility to poverty and hunger, illiteracy, HIV/AIDS, maternal mortality, employment abuse and exclusion from the political domain.

Through participation in the GFMD, many states are seeking to develop an international migration regime that “manages” temporary workers for the benefit of global production and profit, while institutionalizing highly coercive and restrictive migration policies that penalize so-called “unskilled” migrants who are often times undocumented. Restrictive migration policies that criminalize migrants, combined with a failure to provide equal labor protections for migrant workers who sustain many national economies, perpetuate and increase vulnerability, abuse and exploitation of migrant workers.

The very limited opportunities available for civil society organizations (including diaspora groups, migrants’ organizations, trade unions, women’s organizations, and others) to contribute to debates and exchange with governments within the current structure of the GFMD present a major obstacle to the development of migration and development policies that adhere to international human rights principles. Their participation is severely restricted while the role of banks, financial intermediaries, private agencies and the corporate sector is steadily enhancing.

With regard to the governmental forum, the GFMD must ensure that *all* governments contribute to policy development with an equal voice. The GFMD must create an effective global system based on migration

and development policies that guarantee the human and labor rights of migrants. The GFMD must also provide for equitable participation of developed and developing countries both in the preparation of the Forum's agenda and the ensuing debates.

Our Recommendations to Governments:

Acknowledging the urgent need to address the myriad of factors which constitute the root causes of migration.

Concerned that the global financial crisis is exacerbating the underlying causes of migration, including unemployment and extreme poverty, as well as the emerging issue of displacement due to climate change.

Upholding the principles embodied in core UN and ILO instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and members of Their Families, the Convention on the Elimination of Discrimination against Women, the ILO Multilateral Framework on Labor Migration and ILO Conventions 97 and 143.

Recognizing that these treaties oblige governments to ensure that migrants enjoy equality of rights and non-discrimination in the places where they live and work.

Reaffirming that the principle of non-discrimination obliges governments to recognize and respect the rights of all migrants whether or not they are in 'regular' or 'irregular' status.

Encouraging states to cease the design and implementation of migration policies that constitute or cause violations of human rights.

Emphasizing that governments should not deviate from but rather should build upon the normative rights-based framework approach to development.

Encouraging governments to enable migrants' participation in policy making.

Realizing the important need for governments to protect and uphold the human rights of particularly vulnerable migrants including women, children and trafficked people.

Governments have the obligation to guarantee the fundamental rights of all migrants. Therefore, they must establish migration and development policies that respect, protect, fulfill and promote the human rights of migrants and promote sustainable, rights-based development.

Our Recommendations for organizers of the GFMD - Civil Society Days:

Recognizing that the GFMD is an evolving process which will reach completion with the 2013 UN High Level Dialogue on Migration and Development.

Appreciative that it is a state driven process, largely determined by the Friends of the Forum, the Steering Committee, and the Troika, and that the respective host countries and Foundations responsible for organizing the Civil Society Days (CSD) have many challenges to surmount in order to bring about progressive changes.

Considering that the GFMD provides a valuable opportunity to further the implementation of states human rights obligations towards migrants.

Concerned that while civil society organizations have played a proactive part in the process, their role remains relatively weak. The legitimacy and effectiveness of the GFMD relies on respecting the principles laid out in its declaration. It is urgent that the organizers increase communication with civil society organizations, commit to a genuine sharing of information and allow for clear and decisive input.

Further concerned that the GFMD receives support for the Civil Society Days from corporations that do harm to immigrants.

Convinced that in its present form, the GFMD cannot contribute to the development of policies which address the vulnerabilities of migrants and increase their protection, nor will it produce a coherent, effective international migration regime with a capacity to address the many complexities involved in the migration process.

We, the signatories of this declaration, call on governments and the organizers of the GFMD process to respond to these challenges and contribute to the creation of a global mechanism and process which is genuinely democratic, transparent and accountable, and which will meaningfully contribute to the human rights, fundamental freedoms and sustainable development for the most vulnerable populations of the globe.

We propose the following:

1. **That governments recommit their support to a UN Global Conference on Migration and Development;** this is a 1993 standing resolution of the UN General Assembly which has yet to come to fruition.
2. **The Civil Society Days become more 'process oriented' in order to ensure continuity of leadership and development,** just as the Friends of the Forum, the Steering Committee and the Troika have ensured continuity on the part of the States.
3. **National and regional consultations should be held in advance of the GFMD** to facilitate civil society deliberation, reinforce their participation and enable the self-selection of delegates. The deliberations of these events should form essential background and preparatory material for State and CSO representatives to the GFMD.
4. **The civil society days should be held at-least 4 days prior to the government deliberations** to enable civil society to gather and create the environment in which an organic process linked to the GFMD procedure could be developed. Representatives should be able to engage in a frank dialogue with the steering committee of the GFMD, the Troika and other governments who may wish to join.
5. **Government representatives who liaise with civil society groups should take co-responsibility for bringing these concerns,** insights and recommendations raised by these groups into the governmental plenary and roundtable sessions.
6. **Furthermore, civil society representatives should be granted access to governmental deliberations in the plenary and roundtable sessions,** thereby enabling viable participation.
7. **CSOs should be consulted in determining the core themes of the GFMD Roundtable discussions.**
8. **The International Advisory Committee (IAC)** should consist of members who have been involved in and committed to the GFMD process, and the selection of the IAC should be made by a consortium of equal partners for which sufficient resources are allocated. The selection of a Chair for the CSD should be made in consultation with the IAC, and the IAC should have a key role in determining the paper writers, resource persons as well as the moderators, chairs and facilitators of the round table sessions during the CSD. Finally, IAC members should be provided with the full list of applicants to the CSO days of the GFMD and should make a selection on the basis of selected criteria.

9. **Serious efforts need to be made to increase the participation of CSO representatives from typical migration flow regions** which are largely unrepresented in the GFMD process, including the Middle East, the Pacific and Central Asia.
10. GFMD and CSD sponsorships should be accepted based on corporate responsibility standards that protect migrants.