

## STATEMENT ON BEHALF OF PEOPLE ON THE MOVE

### *NGO Committee on Migration*

Many of the following recommendations made by the NGO Committee on Migration are based on resolutions passed by member States of the United Nations General Assembly in 2008, reports of the Special Rapporteur on the Human Rights of Migrants, and reports by agencies of the United Nations. These resolutions and reports are an official record of positions held by the United Nations in regard to migration. The NGO Committee on Migration recalls and reiterates these positions and urges that they become an essential component of the deliberations by agencies and Member States of the United Nations.

#### A. THE MIGRATION-DEVELOPMENT NEXUS AND THE MILLENNIUM DEVELOPMENT GOALS

Making the migration-development nexus work toward the achievement of the Millennium Development Goals (MDGs) requires urgent collaboration of the international community. As key stakeholders, States have the primary responsibility, in accordance with the stated goals and timetable of the MDGs, to take bold action to eradicate poverty, achieve improvements in health and education, promote gender equality, ensure environmental sustainability and develop a global partnership for development. This is the only way to ensure that families can enjoy productive lives at home, and migration becomes a choice, not a necessity.

##### *1. Addressing root causes of migration through development, in the context of the economic and financial crisis*

Reducing the root causes of migration requires the elimination of discriminatory trade and economic policies, including agricultural subsidies now in place, particularly in the developed countries, that prevent sustainable development in the sending countries, undermine economic stability, and exacerbate outward migration.

According to the report of the Special Rapporteur on the Human Rights of Migrants (A/64/213), in order to prevent the uneven impact of globalization, especially in the context of the present global economic crisis, States should avoid unreasonable restrictions on labour migration. Liberalizing and simplifying the channels that allow workers, primarily non-professionals, to seek work abroad are main avenues for maximizing the human development impacts of migration (United Nations Development Programme, 2009).

##### *2. Mainstreaming migration in development planning: the role of human rights*

People working on the migration-development nexus have not paid sufficient attention to the role played by migrants' rights in development, especially of the sending countries. Lack of recognition and guarantee of these rights severely curtails the development potential of migration, while human, economic, social, and political rights expand it (Boehning, 2009).

Following the report of the Special Rapporteur on the Human Rights of Migrants, States should effectively promote and protect the human rights and fundamental freedoms of all migrants, in particular those of women and children, regardless of their immigration status, in conformity with the Charter of the United Nations and international human rights standards.

According to resolution A/RES/63/184 on the protection of migrants, States, in particular in the developed world, should, without delay, ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. Also, States should work towards regularizing the status of immigrants and migrant workers and their families. The lack of recognition and guarantee of the political, social and economic rights of migrants prevents their full contribution to the society of the receiving State.

States must work for the effective implementation of the Convention on the Elimination of All Forms of Discrimination Against Women in matters of migration, especially General Recommendation No. 26 on women migrant workers (CEDAW/C/2009/WP.1/R). As noted in the resolution on the intensification of efforts to eliminate all forms of violence against women (A/RES/63/155), violence against women and girls is a major impediment to achieving internationally agreed development goals, in particular the MDGs.

Referring to the resolution on trafficking in women and girls (A/RES/63/156), Governments are urged to ratify and implement the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

As discussed at the meeting on Insure me: climate change, human migration and risk organized by the New York office of the United Nations University (UNU) and the UNU Institute for Environment and Human Security in Bonn, Germany on 24 September 2009,<sup>1</sup> the international community has to recognize that climate change, through destruction of the environment and forced population mobility has extreme negative consequences for development and the realization of the MDGs. Climate change disproportionately affects the most marginalized, especially women, who constitute the vast majority of the world's most impoverished people, with unequal access to resources such as land rights, credit and insurance systems, and decision-making power.

### *3. Transnational communities, migrants, and development: the role of Governments*

States should maximize the ability of transnational communities and individual migrants to contribute to development, especially the MDGs, by requiring the implementation of State policies which grant transnational communities and migrants within their borders a secure administrative status, access to health care, educational development, and opportunities for decent work.

States should engage transnational communities in promoting the human rights of migrant communities by developing alternatives to harsh and arbitrary detention, providing sensitivity training to law enforcement personnel, and actively seeking to integrate migrants into host communities.

## **B. MIGRANT INTEGRATION, REINTEGRATION, AND CIRCULATION FOR DEVELOPMENT**

According to the 2009 United Nations General Assembly resolution on international migration and development (A/RES/63/225), there is a need to analyze the impact of various forms of temporary migration, circular migration, and return migration on the development of countries of origin, transit and destination, as well as on the migrants themselves. As stated in the report of the Special Rapporteur on the Human Rights of Migrants (A/64/213) and

the 2009 Human Development Report, States must therefore liberalize the opportunities for legal migration, reverse the trend toward criminalizing migration, enable benefits from internal mobility, and make mobility an integral part of national development strategies.

In order to foster a secure, regular and orderly process of migration, States should recognize the important contribution to development made by migrants in countries of origin and destination and should acknowledge the need for international cooperation to address the challenge of irregular migration.<sup>2</sup>

States must ensure that victims of trafficking are not penalized for being trafficked and that they do not suffer from re-victimization as a result of Government actions. According to the 2009 General Assembly resolution on trafficking in women and girls (A/RES/63/156), Governments must prevent victims of trafficking in persons from being prosecuted for their undocumented entry or residence.

States must undertake fundamental reforms of temporary worker programmes, regardless of the immigrant status of such workers. Needed reforms should: (a) grant workers full rights under law equal to all other workers, (b) provide full access to courts and other systems of redress of grievances; (c) remove the requirement of employment of the worker to one sole employer, and (d) provide for a path to residency and citizenship for those workers who desire it.

States should consider expanding programmes for seasonal work in sectors such as agriculture and tourism. Such schemes have already proved successful in various countries. Good practice mandates that this intervention should involve unions and employers, together with the destination and source country Governments, particularly in designing and implementing basic wage guarantees, health and safety standards, and provisions for repeat visits.<sup>3</sup> According to the 2009 Human Development Report, States should consider the benefits of increasing the number of visas for migrant workers, making this conditional on local demand.

As stated during the UNU conference in Bonn, Germany, in September 2009, all States must recognize the importance of education in relation to the recognition and guarantee of civil and human rights, expectations and responsibilities of both receiving and sending countries. Furthermore, States must recognize their responsibility to protect migrants and should educate their law enforcement personnel and civil servants to understand and cope humanely with the particular condition and problems of migrants.

## C. POLICY AND INSTITUTIONAL COHERENCE AND PARTNERSHIPS

### 1. *Data collection, research, and assessment mechanisms*

All States must recognize the importance of systematic research and comprehensive data collection on migration as a basis for the creation of effective policies to assess and address the situation of migrants in various countries. In order to generate comparable and reliable data, countries should develop internationally consistent research on migration and all data should be disaggregated by sex and age. As stated in the 2009 General Assembly resolution on trafficking in women and girls (A/RES/63/156), all States should engage in collaborative and joint research and studies on trafficking, especially of women and girls, as well as enhanced information sharing and the systematic collection of sex- and age-disaggregated data to combat the trafficking problem.

## 2. Partnerships, processes, and forums

Multilateral dialogues on migration and development must include the full and equal partnership of civil society, United Nations entities and Governments, both with respect to the contents of the dialogue and the process of participation. Effective institutional and policy coherence, regarding migration and development, requires the systematic participation of migrants themselves and the organizations which speak for them.

The NGO Committee on Migration is of the opinion that the Global Forum on Migration and Development (GFMD) should be part of the United Nations. The Committee recommends a civil society voice in deliberations on migration and development within the United Nations system, together with the introduction of a formal mechanism of year to year accountability, in which civil society recommendations from prior meetings are measured for progress and are reported at the following sessions.

The Committee hopes that the implementation of these recommendations will bring about rational, coherent and humane policies for the management of international migration, ensure the human rights of all migrants and members of their families, and hasten the achievement of the MDGs.

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### NOTES

<sup>1</sup> For more information on the meeting, see <http://www.ony.unu.edu/events-forums/WWNY/2009/insure-me-the-cost-of-climate.html> (accessed 22 July 2010).

<sup>2</sup> See also, A/RES/63/225.

<sup>3</sup> See also, A/RES/63/184 and A/RES/63/225.

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