

16th Coordination Meeting on International Migration

The global compact for safe, orderly and regular migration: An overview

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“Towards the global compact: From taking stock to the zero-draft”

Statement by Monami Maulik, International Coordinator, Global Coalition on Migration

I would like to thank our friends at DESA, Moderator Ms. Thompson and panelists for your perspectives on the contributions of many that have led to the current moment in the Global Compact process. In particular, I would like to extend appreciation to Ambassador Lauber and Ambassador Gomez Camacho for your consistent inclusion of civil society’s perspectives throughout the process.

I welcome this opportunity to bring forward some of the thinking of civil society networks who have taken every opportunity to engage at global, regional and national levels and will continue to do so. Civil society’s strength is surely its diversity of constituencies- and so my remarks reflect findings within aspects of several civil society platforms for the Compact including:

- The **Global Coalition on Migration’s Platform for Action**
- The **Ten Acts for the Global Compact**
- **Labour’s Demands for the Global Compact on Migration**
- **Women in Migration Network on Gender in the Compact**
- **The Initiative for Child Rights in the Global Compact**
- **Among others..**

Specifically, I speak on behalf of the **Global Coalition on Migration** (<http://gcmigration.org>) and as a member of the **Civil Society Action Committee**. The Global Coalition on Migration builds the important role of migrant-led organizations forming transnational and regional networks in Africa, Europe, Asia, the Americas, together with labor, policy, and faith-based organizations. I’ll speak on the process and zero draft today particularly focusing on bringing the perspectives of regional and migrant-led civil society organizations.

(1) First, on some key findings from civil society during preparatory phase of compact:

Over the course of the last year, the organizations on the ground worked tirelessly to raise awareness about the Compact and brought to the discussions migrant-centered and rights-based proposals, based on our diverse regional, national and local expertise and direct understanding of the effects of migration policies.

In addition to participating in the six thematic and various national consultations, hundreds of civil society members mobilized in seven **Regional Civil Society Consultations** and related Regional Economic Commissions from August through October 2017 - in Asia, the MENA region, Africa, North America, Europe, Latin America and the Pacific.

The following are some of the **key findings from and synergized across regional discussions shared at the Civil Society Stock-taking meeting in Puerto Vallarta:**

First, are some glimpses of some key priorities of specific regions:

In the African consultation: Discussions focused on recommendations of the free movement of people within the region

In Latin America: Discussions centered on root causes and the rights of indigenous people- as well as access to justice with respect to borders and transit, particularly for disappeared migrants and victims of violence;

In Europe: Of importance are access rights and services for migrants regardless of status with existing good practices shared on firewalls between service providers and immigration authorities;

In the North Americas discussion: There was an emphasis on labor standards for all, freedom of association for migrant workers regardless of status, regularization and maintaining family unity;

For both Europe and North America: The need to protect human rights at border is central;

In the MENA region: Recommendations focused on ending worker tied visas, and discussions of mixed migration;

And in Asia: Discussions focused examples of joint stakeholder efforts to protect rights in labor migration programs and recommendations on the responsibility of the private sector;

In terms of regional synergies- Some of the key findings across ALL regional consultations included:

- ***The need to end the criminalization of migrants-*** including decriminalizing overstaying visas, undocumented entry and creating regular pathways and ways out of irregularity
- ***Assuring voluntary over forced returns-*** Findings in several regions are that “voluntary” often conceals compelled return and that to ensure meaningful choice, safeguards should be put in place to ensure that return is not compelled by the threat of detention or the lack of viable alternatives, including regularization.
- ***AND Lifting gender dimensions of migration*** across issues to lift the agency, rights and access for migrant women regardless of status

Finally, some findings shared across MOST regional discussion were:

- ***That mixed migration is the ground reality with synergies between refugees and migrants-*** Regions discussed state policies that affect who gets labeled as migrant and refugee, upholding non-refoulment, and adopting protection sensitive entry systems.
- ***That there is need to abolish administrative detention,*** of both children and adult migrants and invest in community-based alternatives to detention
- ***And that Regularization programs and family reunification*** are important for genuine integration- and have existing examples that show its sustainability and success

(2) This brings us to the current moment on how the zero draft of the global migration compact has responded to civil society’s key findings:

As we reflect on the political climates since we began the process and till now, we very much appreciate the leadership of the Co-facilitators in generating a document that reflects a common overall vision that dares to be people and migrant-centered- placing human rights and human dignity of migrants and their families at the center. Human rights and labour rights are used as foundational pillars of the twenty-two objectives developed in the draft. As discussions proceeds, we hope to see the strengthening of the document with a specific mention of ILO Conventions and recommendations to the ratification of human rights instruments.

Some of the areas where we see many synergies in the Zero Draft and ways to strengthen the Global compact include:

- ***Protecting the rights and access to public services for migrants regardless of status***, including access to services without discrimination and implementation of firewalls
- The ***non-criminalization*** of irregular entry
- Recommending that States use ***detention as a last resort***, work towards alternatives and use existing international and national human rights mechanisms to improve monitoring of migrant detention. This can be strengthened by identifying and putting into practice human-rights compliant, non-custodial and community-based alternatives to immigration detention.
- ***Promoting pathways for regular migration*** which emphasizes “global labour market realities” **but also** “optimizes education opportunities, reunites families, and facilitates access to protection in emergency situations”; and particularly needed are pathways ***to facilitate family reunification for migrants at all skills levels***.
- References to ***rights-based labour migration***, including reference to ending the practice of conditioning work authorizations or visas on one labor contract or one employer. From civil society’s perspective, the Compact would be greatly improved in shifting the focus largely on the economic or labor worth of migrants towards more emphasis on human, social and political contributions of migrant people. Greater inclusion will be needed on ***regular pathways other than temporary labor migration programs, freedom of association, access to justice in the context of labor violations and promoting ‘social dialogue’ and transparency of employers***
- ***We value the strong objectives on non-discrimination*** and obligation to rescue migrants’ whose lives are at risk, acknowledging the provision of humanitarian assistance.
- ***Children*** are referenced throughout the document- with application of best-interest determination and no detention of children. ***Family unification could be strengthened*** as part of protecting children’s rights.

- **As well, Gender** is addressed throughout the document, and particularly welcome in regard to independent status determinations for women; **Gender could be further integrated** into the document and beyond the important references within a labor migration context.
- Indeed, we welcome progressive models of **local level initiatives such as municipal level identification** documents to access services while there is a strong need to protect the right to privacy within data collection and intensification of data monitoring and information sharing.
- Finally, we support the recommendations to operationalize:
 - a. The Global Migration Group Principles and Guidelines on the Human Rights Protection of **Migrants in Vulnerable Situations**
 - b. The OHCHR Recommended Principles and Guidelines on **Human Rights at International Borders**, including for “oversight of procedures and due process at international borders, including individualized assessments”

(3) Lastly, civil society now looks forwards to contributing to the compact during the negotiations phase by:

- Continuing to raise the voices and solutions of migrants themselves and from regions realities, including in forming civil society ‘clusters’ of expertise to offer principles, good practices and policies across the 22 objectives and remaining gaps
- We will engage in our capitals, regions and sub-regions with the momentum built by the successful Regional Civil Society Consultations
- Lastly, we seek to support the formulation the mechanisms for implementation, follow-up and review:
 - Led by the Secretary General and within the UN system- one that includes roles for IOM, ILO, OHCHR, UNHCR, and UN Women among others
 - And with the proposed Global and Regional Migration Review Forums- that empowers and support the genuine and multi-sectoral participation of organized migrants including regional and grassroots networks, migrant workers’ centers, trade unions, migrant women’s organizations, and diaspora associations.

(4) In Closing,

Our perspective from the outset has been that migration - and thus migrants are too often being problematized, rather than viewed as an integral and increasing parts of a globalized world. If it is a 'crisis' that fueled the 2016 UN High Level Summit and both Compacts, it is much more so for migrants, refugees and mixed flows of people themselves. ***During this same period, the 'success' of reducing arrivals of people - with the same policies of excessive restrictions and controls- have only driven more people into pathways that are not safe, dignified or regular.*** Civil society and migrant communities on the ground continue to experience these urgencies- and look ahead to new approaches and solutions- ***Solutions that are grounded in international human rights and labor rights law*** that respond to migrants' needs- *that promote human security and safety, increased mobility options, and rights-based opportunities for decent work and family reunification.*

In the words of Delores Huerta, inspiring migrant farmworker and labor rights leader in the US:

"Every moment is an organizing opportunity, every person a potential activist, every minute a chance to change the world."