

CHAPTER

8

**NGO Committee on
Migration**



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The NGO Committee on Migration¹ is an outcome of the 2006 UN High-level Dialogue (HLD) on International Migration and Development, and was formed and accredited as a result of its contributions to this first HLD. From the start, its mission has been to advocate for the protection and enhancement of the human rights of migrants and their families worldwide, in accordance with the UN Charter. To this end, the Committee has engaged in partnerships with UN entities and agencies whose mandates include migration and development; supported all meetings of the Global Forum on Migration and Development (GFMD) since 2007; identified good practices, challenges, and global gaps in carrying out this work; and made recommendations in preparation for the 2013 HLD.

The Committee advocates for the protection of the human rights of migrants in countries of origin, transit and destination via such measures as the formulation and implementation of national, regional and international legal instruments; policies of social integration, especially those that seek to preserve and re-establish family unity; and effective protection regimes for migrants, particularly the most vulnerable, such as women, children, third-country migrants and mixed populations, regardless of their legal status. Procedurally, the Committee's activities have focused on gaining a place at the table with the other major stakeholders in these endeavours. It has sought to collaborate and partner with States, UN entities and agencies and NGO networks across the globe to provide momentum in reaching its advocacy goals on behalf of all migrants.

1. Migration and development activities since the 2006 High-level Dialogue

The Committee's recent collaboration with UN entities has included:

- (a) Delivery of a presentation on civil society perspectives on migration issues at the General Assembly Informal Thematic Debate on Migration and Development on 19 May 2011, at the invitation of the Office of the President of the UN General Assembly. Expressing concern about the overemphasis on the economic contributions of migrants, the Committee maintained that more focus should be devoted to tackling the root causes of migration, such as human rights violations, imbalanced trade policies, deleterious agricultural subsidies and environmental degradation.

¹ The Committee was created in 2006 as a member of the Conference of Non-governmental Organizations, in consultative relationship with the UN Economic and Social Council, and today represents over 40 organizations. The official website of the Committee is at www.ngo-migration.org.

- (b) Participation in the tenth Coordination Meeting on International Migration (2012), organized by the Population Division of the UN Department of Social and Economic Affairs (UN DESA), during which the Committee presented its research report on several successful modalities for the productive inclusion of civil society in major UN meetings, including the 2013 HLD, as, for example, the current mode of civil society participation in “Financing for Development” events. The Committee also submitted an invited paper, “Activities on behalf of migrants and their families: GFMD 2011, GFMD 2012, HLD 2013,” which also advocates for new initiatives in international migration, such as the ACP (African Caribbean and Pacific) Observatory on Migration; and “Project Destination Unknown, an international campaign to protect children on the move led by Terre des Hommes International Federation.”²
- (c) Participation in a meeting with NGOs called by the UN Economic and Social Council (ECOSOC), in preparation for the recent 2012 Annual Ministerial Review, to learn about NGO concerns. At the meeting, the Committee voiced its concerns about the impact of circular migration on migrants’ ability to change jobs and on their family fragmentation.
- (d) Participation in a teleconference meeting of EU experts between New York, Brussels and Geneva, in preparation for the 2013 HLD. At the meeting, a representative of the Committee presented its proposals for 2013 and commented briefly on the previously submitted suggestions for modalities for effective civil society participation.

Recent partnership activities with UN agencies belonging to the GMG have included:

- (a) The joint organization of, and participation in, the migration and development seminars commemorating International Migrants’ Day at the UN Headquarters, with the UN Institute for Training and Research (UNITAR), IOM and the UN Population Fund (UNFPA). The 2011 topic was “Migrants in Crisis Situations.”
- (b) Participation in the ECOSOC Breakfast Panel on July 9, 2012, organized by UN Women in preparation for the 2012 Annual Ministerial Review and which focused on the theme “Decent Work and Women’s Empowerment.” The panel followed up on the September 2011 thematic meeting in Jamaica on the situation of women migrant domestic workers (in which the Committee participated with the support of IOM), in preparation for the fifth GFMD, chaired by Switzerland.
- (c) Attainment of observer status with IOM in December 2011. The Committee’s partnership with IOM has given it a voice in forums like the April 2012 meeting organized jointly by IOM and the Center for Migration Studies, entitled “Mainstreaming Migration into Development Planning.” At this meeting, in

² The official project website is at www.destination-unknown.org.

response to the Committee's remarks, Mexico volunteered to sponsor informal State–NGO consultations to prepare for the 2013 HLD.

2. Support provided to the Global Forum on Migration and Development

The Committee has participated in the Civil Society Days (CSD) of all GFMD Forums from 2007 (Brussels) to 2012 (Mauritius). As part of the civil society process, the Committee has served as a member of the International Advisory Committee, as the organizer of the civil society segment of the GFMD (jointly with the Civil Society Coordinating Office in Geneva) and as a participant of the 70-plus-member Consultation Circle, providing input into CSD procedures and themes.

In preparation for the 2011 GFMD in Geneva, the Committee participated in three thematic meetings and a general discussion on migrant workers, namely: (a) the UNITAR seminar on migration profiles in June 2011, (b) the IOM–UN Women-supported workshop on domestic care workers in Kingston, Jamaica in September 2011 and (c) the Day of General Discussion, sponsored by the Monitoring Committee of the Migrant Worker Convention on the Protection of the Rights of Migrant Workers in an Irregular Situation, in Geneva in September 2011; and (d) the WARBE³ Foundation-supported meeting on “Lowering Migration Costs” in Dhaka, Bangladesh in October 2011.

The Committee prepared and circulated its recommendations for discussion and action at two of the abovementioned meetings: (a) in Kingston, for action to ensure the human rights of migrant domestic care workers, in concordance with the General Comment on Protection of the Rights of All Migrant Workers and Members of Their Families, CEDAW⁴ General Recommendation No. 26 on Women Migrant Workers and the ILO Convention concerning Decent Work for Domestic Workers; and (b) in Geneva, at the Day of General Discussion on protecting migrant workers in an irregular situation and their family members, in accord with the statement of the GMG, the International Catholic Migration Commission (ICMC) and other NGO partners and networks.

The Committee's presence and input at these meetings was facilitated by contacts with UN Women, IOM, the Swiss Government and the US Department of State. For example, on 22 July 2011, the Committee was invited to participate in a briefing by the Bureau of Population, Refugees and Migration (PRM) of the US Department of State in Washington, D.C. to share concerns and expectations regarding the GFMD. The Committee met again with PRM and the US Department of State in Geneva during the GFMD 2011 Civil Society Days (CSD), where the US delegation indicated its interest in staying in touch with the Committee in preparation for the Mauritius GFMD and the 2013 HLD.

³ The Welfare Association for the Rights of Bangladeshi Emigrants Development Foundation.

⁴ The Committee on the Elimination of Discrimination against Women.

The Committee was deeply involved in the preparations for the 2011 CSD, the first such meeting to be organized by civil society itself. The Swiss Government invited ICMC, a partner and member organization of the Committee, to be the organizing agency/ coordinating office for the CSD. For the first time in the history of the GFMD, civil society had the opportunity to organize itself. One of the Committee members was invited to join the twelve-member core group in charge of organizing the meeting; several members were invited to be in the global Consultation Circle; and two members were invited to be delegates at the CSD in Geneva.

The Committee's GFMD task force prepared, and its delegates in Geneva circulated, its recommendations for action on each theme of the four simultaneous working sessions of the 2011 CSD, namely: (a) rights-based policymaking for the benefit of migrant workers and their families; (b) improving the protection of migrants moving or working in irregular circumstances; (c) re-imagining labour mobility; and (d) investing in development alternatives to migration. These recommendations, as well as the oral interventions of the Committee delegates during the CSD proceedings, contributed to the calls for action contained in the Civil Society Outcome Statement presented to governments at the start of the GFMD proceedings during the GFMD Common Space session in 2011.

In preparation for the GFMD 2012 in Mauritius, the Committee submitted two preliminary recommendations – one substantive and one procedural – for consideration at the preparatory brainstorming meeting held in Mauritius in January 2012. On substance, the Committee urged – in accord with the 2011 Outcome Statement of the Civil Society Days – that the right of migrants to family unity and reunification must be the cornerstone of migration policy, and should therefore be mainstreamed into all round table discussions. On procedure, the Committee urged that the Common Space meetings be structured to permit meaningful dialogue and allow for a genuine exchange of information and views leading to agreed time- and place-specific outcomes.

Encouraged by recent statements of States favouring closer working relations with civil society, the Committee strongly urges governments to respond positively to the questions regarding the engagement of civil society in the GFMD. Questions prepared for consideration at the (closed) GFMD session on States' partnerships with NGOs included: (a) Should a joint working group be designated for considering arrangements to strengthen the GFMD relationship with civil society? (b) Should the GFMD expand the range of non-governmental observers in the governmental discussions to include civil society? (c) What are the most effective mechanisms for governments to consult with non-governmental actors prior to GFMD meetings, in order to bring their perspectives into the discussions? (d) How can these discussions best inform the agenda and organization platform of the 2013 HLD and future meetings of the GFMD? The Committee would welcome the opportunity to participate in such joint endeavours.

3. Identified good practices

In preparation for the round tables held at the 2010 GFMD in Mexico, the Committee's GFMD Task Force asked NGO members and their global networks to share their experiences in effective partnership practices that maximize the development benefits of migration for all. The results of the inquiry were circulated at the 2010 GFMD.

Responses from the field indicated a wide range of effective practices across the globe involving partnerships between NGOs and the following bodies: consulates, federal governments, local governments, local communities, UN agencies and the private sector. The practices included anti-trafficking efforts, provision of access to public services, counselling and capacity-building, language instruction, legal aid workshops and provision of portable justice.

The task force inquiry was particularly concerned with effective partnership practices responding to the needs of children affected by migration: as members of families left behind, as migrants themselves, whether unaccompanied or accompanied by their families, and as children born abroad. The Committee's report reiterated concerns for migrant children that have been voiced by UNICEF, and highlighted several types of partnership among governments, civil society, faith-based organizations and the private sector, which illustrate good practices serving migrant children. Among these are:

- (a) *Sabah, Malaysia*. Recent partnerships have worked to address the international migration of young people. Unable to make a decent living or cope with studies, youth (particularly girls) are at risk of being trafficked or exploited. Prevention programmes have been put in place to reach out and better prepare young people for the challenges of city living and equip them with knowledge of their rights as persons and employees.⁵
- (b) *United States of America*. The National Pro Bono Project for Children seeks to match unaccompanied children released from federal custody with pro bono legal service providers.⁶
- (c) *Republic of Korea*. A community-based library provides an education programme for children of the community to deepen understanding of multicultural societies and overcome prejudice against migrants.⁷

⁵ The prevention programmes were spearheaded by Pusat Kebajikan Good Shepherd.

⁶ The project is an initiative of CLINIC (Catholic Legal Immigration Network, Inc.).

⁷ The education programme is run by the Christian Life Community's migrant centre in Yongin.

- (d) *Japan–Philippines*. Abandoned Japanese–Filipino children are reunited with their Japanese fathers.⁸
- (e) *Germany*. Promotion programmes are provided for young migrants who, after finishing school, are prevented from working or learning a profession.⁹

4. Challenges identified in carrying out the Committee’s work

The challenges facing the Committee in carrying out its work mirror those facing civil society as a whole, especially with regard to the advocacy mission at the annual GFMDs. On the one hand, there has been significant progress, both procedurally and substantively, in civil society engagement with governments at the GFMD; on the other hand, many challenges remain.

Procedurally, NGOs and governments are no longer hermetically sealed off from each other. The United States of America, for instance, has invited active dialogue with NGOs such as the Committee. Since 2011, NGOs have had a voice in selecting their own participants and drawing up their own agenda for the GFMD. In addition, a Common Space has been introduced, and there is now opportunity for civil society participation in States’ meetings. On the other hand, NGOs still have very circumscribed access to GFMD meetings and very limited opportunity to participate in States’ programmes. Many governments still shy away from the United Nations as a venue for Forum meetings, precisely because of its human rights framework and the access of NGOs to the UN table. NGO advocacy opportunities are also curtailed because civil society is still prevented from engaging in many regional processes.

Substantively, there has been increasing convergence on several fronts, including migrants’ rights in relation to migration and development; development as a human, and not just an economic, construct; and the impact of migration on families. However, differing perspectives on other substantive issues remain challenging to NGOs. Such issues include the continuing emphasis of governments on the utility of migrants for economic development, rather than on States’ responsibilities to fulfill their MDG obligations; the pushback of a number of States on issues like human rights and irregular migration; the lack of political will of most governments, especially in the most industrialized societies, to ratify the 1990 Migrant Worker Convention; and the omission of refugees, internally displaced persons and mixed populations in migration and development discussions. All of these challenging issues count as top priorities in the Committee’s advocacy efforts.

⁸ The reunification programme is a joint effort of Development Action for Women Network (DAWN) and the Good Shepherd Sisters.

⁹ The promotion programmes are run by the German Province of Good Shepherd Sisters.

5. Gaps evident within the migration and development sphere

In the course of its recent advocacy activities, the Committee has encountered a number of gaps within the migration and development sphere. Attention to these would serve to promote a form of migration management which more fully benefits migrants, families, communities and States.

As current events spur diverse population movements across the globe, the fate of third-country migrants and mixed populations, especially victims of abuse in border crossings, requires much greater attention and action from the international community. Closely connected is the fate of child migrants, especially those migrating on their own, whose voices have been largely unheard, and whose safety and security now require much greater effort from all concerned.

Procedurally, a major gap has been the lack of reliable data, for example to measure South–South migration flows in ACP countries. Reliable data are imperative for policy formulation, so that policies are evidence- rather than ideology-based. Other gaps identified have been the lack of indicators to measure the impact of migration and development policies and the absence of monitoring procedures for the follow-up on policy recommendations, for example those made at the annual GFMDs, so that there is evidence of the actions taken and outcomes achieved.

A major concern of civil society has been the lack of systematic attention to structures for global migration and development governance – which have to be human rights-based, migrant- and community-centred, transparent and accountable – to ensure that civil society secures and productively occupies its proper place at the table where decisions are made. Civil society has also been unable to contribute fully to migration and development discussions because of lack of adequate resources for preparations between annual forums and dialogues.

6. Recommendations for the 2013 High-level Dialogue

The Committee offers two recommendations for the 2013 HLD – procedural and substantive – which would be helpful in furthering international migration governance that is beneficial to migrants, families, communities and States.

Procedurally, it is essential that the HLD take up, and reach an agreement on, a continuing structure within which the migration and development agenda will be carried out. Governments and civil society may jointly consider potential modalities for future governance, as well as the possibility of integrating the GFMD within a rights-based, accountable, transparent framework with binding engagements.

Substantively, the Committee urges the HLD to focus on the effective protection of migrants and their families, with particular attention to migrants trapped in and traumatized by situations of extreme violence. In the lead-up to the 2013 HLD, the Special Representative to the UN Secretary General for Migration and Development has emphasized this theme to increase the awareness of acute humanitarian situations and identify ways to address them. The HLD conversation could include other populations in dire need of effective protection, for example, migrant women, domestic workers and children on the move.

To provide this effective protection, the Committee urges that States ratify, implement and enforce relevant legal instruments of protection at the 2013 HLD, particularly the 1990 UN Convention on the Rights of Migrant Workers and Members of their Families, and the 2011 ILO Convention on Domestic Workers; provide migrants with access to services and redress; offer alternatives to detention; and encourage cooperation among media and business in creating a climate of public opinion which supports the integration of migrants and members of their families.

Regarding the post-HLD agenda, civil society could work with governments to place migration much higher on the international agenda and include a focus on protection and partnerships. The Committee strongly recommends such collaboration.