

**Civil Society Dialogue
Manila 2008**

220 delegates from all over the world, representing concerns for some 200 million migrants met at the second Global Forum on Migration and Development in Manila to consider the rights and protections of migrants, the expansion of legal avenues for migration and the challenge of coherence within nations and across borders.

Our deliberations took place at an extraordinarily challenging time: as the world's governments struggle for responses to the global financial crisis, and the threat of climate change, and as migration policies in many regions became more restrictive.

We see the challenge to develop global architecture for recognition, respect, rights and protections for migrants as the responsibility of the UN and no less urgent than the need for transparent global governance of the financial system or that required to reduce carbon emissions. The ILO predicts that some 20 million workers will lose their jobs as economic growth stalls, and the number of people who struggle to live on less than \$2US a day will grow by another 100 million. Many migrant workers will be affected, and their families will be amongst the newly impoverished.

We must work to see that all migration is by free and informed choice.

Voluntary migration can contribute in important ways to development, but we all realize that migration is not and cannot be used as a substitute for development policy. Governments have an obligation to create a framework of laws, policies and institutions that allows this positive potential to be realized. Above all, governments of migrant-origin countries must not allow the short-term financial benefits of emigration—remittances—to divert them from the imperative of pursuing sustainable development with, at its core, an empowered citizenry that migrates only out of choice. Governments of destination countries, on their part, should not use development policy—or development assistance—as a tool for enforcement. In an increasingly integrated world, migration can carry benefits for both origin and destination countries as well as for those who migrate out of choice.

Key Recommendations:

- All governments are urged to consider the benefits of migration and resist the temptation to cut migrant numbers in the current economic circumstances.
- Governments are asked to recognize the need for the development of global architecture to ensure a rights-based approach to migration. Further we ask that they urge the UN to bring the GFMD back within its formal mandate.
- Governments should re-affirm their commitment to development through realizing the MDGs, full employment and decent work as the priorities for development

The civil society delegation considered the very themes that the Governments themselves will discuss over the coming days. Our deliberations can't possibly be summarized in this report but a much more complete record can be found on the website [GFMD 2008.org](http://GFMD2008.org). This is a record of the key recommendations, with the contents of the regional workshops integrated, and we ask that you consider them in your deliberations.

Session 1.1 Protecting the Rights of Migrants – A Shared Responsibility

Key recommendations

Governments should:

- ratify and enforce core UN human rights treaties providing for equal treatment and the protection of migrants. This must include the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families and ILO conventions 97 and 143.
- harmonise national laws and migration policies with these existing human rights and international labour standards and ensure respect for a range of rights, including those to health, education, and freedom of association.
- recognise that freedom of association applies to all workers, including migrants irrespective of their status.
- reaffirm and reinforce protections for family unity, not only as a right itself but as a practical, proven, essential value for human development, integration, and social cohesion. Special attention, and remedies, are urgently needed to address:

1. the social costs that long-term migration-related separation exacts on families, especially the millions of children “left behind,” and
 2. the effects of immigration policies that de-unify families, including a growing recourse to family-blind enforcement approaches and inclinations to treat lesser-skilled migrants in particular only as “temporary” workers—denied family rights—even those who are, in fact, structurally needed and engaged in employment that is long-term.
- demonstrate concern for the unacceptable, often inhumane, circumstances of domestic workers and;
 1. ensure that national labour laws offer full protection to domestic workers
 2. establish a legal complaints framework for immediate action on grievances with swift and appropriate remedy
 3. support the ongoing work of the ILO and work to build consensus to see the adoption of a Domestic Workers Convention in 2011.
 - develop standard language concerning rights and protection of migrants for bilateral and multilateral agreements.
 - combat criminalization of undocumented migrants, and pay specific attention to the risks faced by women migrants, including but not limited to trafficking.
 - take the responsibility of investing in long-term development, including creating local opportunities for decent work, so that individuals can truly migrate out of choice and not necessity.
 - recognize the large numbers of children involved and;
 1. ensure that migrant children enjoy the full range of rights, including access to health and education services, irrespective of their status.
 2. implement a moratorium on the detention and deportation of child migrants, and
 3. ensure that all migrant children have access to birth registration and the right to a nationality.

Session 1.2 Empowering Migrants and Diaspora to contribute to Development

Key recommendations

All Governments should:

- recognize the voice and the contribution of migrant organisations and the diaspora in their development of policies as they are greatly contributing to the development of their homelands and their countries of destination.
- allocate appropriate funds to enable migrant organisations and diaspora to contribute more effectively.
- facilitate the transfer and reduce the cost of remittances of all migrants through formal channels.
- Increase access to information for countries of origin with regards to the skills distribution of its migrants and diaspora so as to facilitate and enhance the current level of contribution to the country of origin.
- revise immigration policies and laws in countries of destination in order to allow migrants to return temporarily to their countries of origin in order to use their skills to benefit both country of origin and country of destination.

2.1 and 2.2 Fostering More Opportunities for Legal Migration and Managing Migration and Minimizing the Negative Impacts of Irregular Migration

Key recommendations

- The migration and development agenda should be separated from national security issues, which not only criminalize migrants and their families (including children), but also permit discrimination, exploitation, and de-humanization of migrants. Instead, the agenda should re-centre on development issues and fundamental rights.
- Governments and society as a whole should recognize and promote the contributions of migrants to destination countries. This should imply that policies should be based on the principle of reciprocity between countries of origin and destination.
- Every person has the right to decent work. Government should expand channels for regular migration, recognizing their own workforce shortages and accommodating the demand of migrants desperately seeking employment opportunities.
- Ongoing regularization programs should be in place for undocumented citizens to become documented on the basis of fair and transparent criteria.
- All migration should lead to steps to full citizenship in destination countries, if desired. Choice should be the key component of citizenship, including the possibilities of dual citizenship. This must also be afforded to people who are stateless.

- All migrant workers have the right to labor law protections and should be able to access and seek redress to any transgression. Grievance procedure should suspend the execution of deportation or other administrative measures.

3.1 Strengthening Data and Research Tools on Migration and Development

Key recommendations

Governments should;

- accept their primary responsibility for data collection, but recognize the valuable role that civil society organizations can play in 1) filling in existing data gaps, and 2) offering constructive critiques of government data.
- recognize the importance of maintaining and sharing data in order to create a comprehensive pictures of migration and development issues.
- along with international organizations facilitate data collection in both countries of origin and destination including sex-disaggregated data.

Governments should:

- **Increase access to data**
 - ✓ To support access to micro data for research purposes
 - ✓ To increase North-South data sharing and access
 - ✓ To support a clearinghouse function of migration research and data
- **Ensure civil society is more engaged in data collection:**
 - ✓ To be more rigorous in how they collect and use data;
 - ✓ To strengthen linkages and partnerships with research networks and diaspora organizations
- **Address data gaps on “difficult” issues, including:**
 - ✓ Deaths at border, racism occurring at the border.
 - ✓ Specific groups of migrants: children, women, trafficked, forced and child labour and internal migrants.

3.2 Policy and Institutional Coherence in Migration and Development within Government

Key recommendations

Institutional coordination and coherence requires governments to:

- ensure structured dialogue between the government entities dealing with migration, including ministries of immigration, labor, foreign affairs, health, and justice, and between the law enforcement, executive, and policy-making branches of government.
- coordinate how best to structure dialogue and cooperation between relevant international agencies.
- Governments should ensure that national laws, bilateral agreements, and multilateral agreements are brought into accordance with human and labour rights standards.
- Governments should adopt policies aimed at extending social security and at ensuring the portability of entitlements of migrant workers through bilateral agreements.
- The European Union should reconsider provisions in the EU Return Directive that conflict with basic human rights of migrants and their children, particularly with respect to periods of detention, deportation and other repressive measures.
- All governments are asked to avoid detention of refugees, asylum seekers and migrants, to consider and pursue alternatives to detention and never place certain groups such as pregnant or lactating women, children, survivors of torture, abuse and trauma, elderly, disabled or persons with serious health conditions, in detention.
- Temporary labour migration programmes must be reformed to ensure they are framed in a rights based approach.

Governments should be alarmed by social dislocation and the all too frequent incidence of violation of the fundamental human and trade union rights of migrants in relation to temporary labour programmes. Temporary work schemes should only be used to respond to established temporary gaps in labor market needs, ensure protection for the rights of migrants and be based on genuine choice.

These programmes should not be used as a means of depriving workers of their rights and entitlements, replacing permanent employment or avoiding obligations in terms of social security and other protections.

Workers involved in temporary schemes should enjoy the rights to equal treatment and opportunity and wherever possible to longer-term employment opportunities and residency and/or citizenship options for those migrant workers.

3.3 Regional Consultative Processes (RCPs) at the interface of migration and development

Key recommendations

- We urge governments to work with CSOs to develop better models of participation in the RCPs; models that respect diversity.
- Likewise we urge governments to apply these models at the national and global levels. The challenge now is in how to link these different levels.

Business Practices: International migration for the benefit of workers and business: Best practices from the business and professional world

Key recommendations

- We urge governments to consider the structure of global governance in the shipping industry as a model for development in other sectors, such as for instance health, with particular reference to recruitment, workers rights, social security, safety and health, and global training standards.
- Governments should start by regulating the recruitment industry by licensing, meaningful sanctions and the prohibition of fees to migrant workers. Policy should also be in place mandating information sessions for migrant workers, which include cultural preparation, expectations, rights and protections.

Conclusion.

We recognise the leadership of the Philippine Government in shaping the interface between government representatives and the civil society delegates. We found this valuable and were heartened by the Governments commitments.

There were four significant innovations in this year's civil society program, including the 1) expansion from one to two days, 2) incorporation of constructive input from many civil society national and regional consultations involving thousands of migrants, NGOs, trade unions, and faith-based organizations, 3) the introduction of three workshops called "voices from the region," to surface regional perspectives, and 4) the new interface of state representatives with civil society at the close of the program.

Civil society found these innovations of solid value and hope they can be built upon. Participants noted the difficulty of funding the pre and post-forum activities that are so important to the civil society days.

We congratulate the Government of the Netherlands for setting the gold standard with their programme of engagement with civil society delegates in pre-planning,

a briefing from civil society on issues raised and the commitment to follow up in 2009.

It was heartening to hear a number of governments, including Norway France and Australia, indicate an interest in working with civil society representatives at the national level prior to next year's forum and we urge the national contact points to report on these processes, resulting action and progress in 2009.

The commitment of your chair, Mr. Esteban Conejos, to ensure that outcomes of the GFMD are monitored throughout 2009 gives us great heart that progress will be made.

Let me thank the Government representative of the UAE, a new participant, for his openness in sharing the optimism he feels in regard to the role that dialogue with sending countries can play in regard to the protection of migrant rights.

In this spirit we urge the governments to consider a full day of shared discussion on key themes at the GMFD in 2009.

Finally let me acknowledge the generosity of our hosts and the Ayala and MacArthur Foundations, the work of the IAC, the support and sheer hard work of the Government of the Philippines and your chair in particular.

Migrants and their families live in our neighbourhoods, care for our children, contribute to our economies, pay taxes and take responsibility for a role in supporting families in their home country.

We are proud to have had the opportunity to stand with and for migrant workers, to raise the veil on their invisibility and call for the respect recognition and rights that must underpin the guarantee of the choice to migrate and a confidence in equal treatment when they do.

We stand ready to work in partnership with government at all levels to drive coherence, find mechanisms to enhance rights and support the opening up of regular migration opportunities.