



Roundtable 1: Migration, Development and Human Rights

General Rapporteur: Patricia Sto. Tomas

Roundtable 1 had two sessions. The first one focused on the rights of migrants and the second on the empowerment of migrants. Both sessions sought to further the development of migrants and their families, as well as the countries they come from and the countries where they presently reside.

Let me give you a report on the first session.

Roundtable 1.1 : Protecting the rights of migrants – A shared responsibility

While the 1948 Universal Declaration of Human Rights of the UN covers all persons, migrants need to be covered by specific international conventions, many of them from the ILO, that focus on terms and conditions of work, access to host country services such as housing, family reunification and redress of grievances. While many of these conventions have already come into force, their application is a function of ratification by both source and destination countries.

In the absence of binding international protocols, many countries engage in bilateral agreements as well as regional and multilateral commitments that provide another layer of protection to migrants.

Migrants may also attain a certain level of protection when individuals and nations take a level of responsibility for the welfare and well-being. Workers should have access to relevant information and countries to best practices.

Countries like the Philippines provide protection by managing migration and providing a regulatory framework for actors in the migration process. Recruiters must follow the rules or face delisting if not imprisonment when they commit illegal acts. Workers undergo pre-departure orientation including cultural and language instruction. Host countries respect a model employment contract. Employers as countries may be banned or blacklisted for abuse or maltreatment. And, in addition to consular assistance,

protection on-site and in the home country is available through structures and mechanisms meant to ensure the continued wellbeing of nationals.

Countries like the United Arab Emirates and other host countries engage partner countries in dialogues to ensure that mutual responsibilities are continuously observed and areas of possible misunderstanding are minimized.

There was significant discussion on the need to ensure protection for women and child migrants and even migrants in irregular situations citing again the Universal Declaration of Human Rights. Similarly, refugees and stateless persons were also mentioned as among those who need protection in their new countries.

The need for the exercise of political will was repeatedly emphasized to make shared responsibility operational. Whether in the destination country or in the country of origin, political will is required to turn legal provisions into relevant policies and rules that will protect migrants.

The continuing need for international cooperation that will enhance and ensure protection was similarly underscored, particularly as regards international organizations like the UN and its family of agencies like ILO,WHO,UNIFEM and others as well as the International Organization for Migration.

Recommendations

1. Echoing the call of the President of the Philippines, many participants recommended the ratification of relevant conventions that will accord protection to migrants.
2. Setting up a compendium of best practices that may be replicated where these are necessary with possible assistance from relevant agencies and countries.
3. Continued forging of bilateral agreements where no binding protocols exist to ensure that countries may not suffer reputational risks for neglect or lack of concern for migrants.
4. Capacity building in both source and destination countries for ensuring welfare and protection of migrants through relevant institutions, structures and mechanisms.
5. Monitoring and evaluation of GFMD outcomes/proposals and recommendations
6. Explore closer linkages with UN Human Rights system

Roundtable 1.2 : Empowering migrants and diaspora to contribute to development

Empowering migrants and diasporas to contribute to development, like protection, is a function of all actors in the migration process, i.e., states, both origin and destination, the worker, the employer, intermediaries, civil society, and the international community.

During the discussions, it was underscored that for migrants to contribute to development, an enabling environment must obtain. Among other things, it helps if the migrant is on a legal status, that he or she has both incentives and tools to contribute to development and that there is partnership between source and destination country to ensure that this corridor is open and available.

It was also stressed that this contribution is not limited to remittances but includes technological contributions, social adaptations, new knowledge and ways of doing things. For this, a number of things would be helpful: a data base of the diaspora and their skills, political rights such as the right to vote and dual citizenships, continuing engagement of the diaspora so that they continue to feel a connection to their country of origin and to contribute to its advancement and well-being.

Cited in this discussion were programs of countries like Germany on capacity-building, information, and networking; the Philippine's national reintegration center, the Nigerian town unions, the cooperation between Ghana and Italy relative to the establishment of agricultural cooperatives, the immigration Council of Oslo that allow migrants to have a voice in local affairs and Chile's registry of nationals abroad.

Recommendations:

1. The establishment of a common lexicon or dictionary of terms that will cover the migration process so that there is commonality of understanding;
2. The option of issuing diaspora bonds so that what is tapped for development is the diaspora's wealth and not its income;
3. Support for programs such as the GB Global Remittance Working Group and the Africa Remittances Institute.
4. A review of border controls which, if examined, might show that on top of the fact that it does not help development also may not decrease irregular migration.
5. Encouragement of political rights and political participation such as voting and dual citizenship to ensure continued connection to the home country.
6. Respect for human dignity and rights, whatever the residential status might be.

I wish to end this report by saying that there is no tension between rights and responsibility or sovereignty and protection for workers. Those who take their responsibilities seriously may find that protecting their rights becomes easier. And that, for all of us, doing the right thing is just as important as doing things right. Thank you.