

GFMD Dialogue on the Global Compact for Safe, Orderly and Regular Migration

Palais des Nations, Geneva, 6 April, 2017

Working Session I:

GCM Cluster 1: Human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia and intolerance

Input Speaker: Mr. William Gois, Regional Coordinator, Migrant Forum in Asia (MFA)

Thank you Chair. Thank you also for having civil society present here to engage in this process. Civil society has accompanied this process from the very beginning and are keen to see how civil society can engage further in this process.

Let me begin by some quotes from Peter Sutherland's report. On page 6 article 12 of his report, this is what he hopes for the Compact; he says, *"This gives States two years to clarify their responsibilities to each other, and towards migrants, as they seek to implement the 2030 Agenda. If ambition carries the day, as I hope it will, they will use the compact to set standards in key areas of migration governance, which they would pledge to respect, and wherever possible surpass, in national policies and bilateral and regional agreements."* For us as civil society, it clearly is recognition of the rights of migrants and advancing the rights of migrant workers.

On article 14 of his report, in fact, he puts a challenge to the States in preparation for the Compact and this might be unsettling for some. He actually says, *"Above all, I urge all States, and indeed everyone with a role to play in migration processes, to not delay taking action, but to form coalitions now to advance shared priorities..."* This actually means something the civil society has been talking about for the past years that let's get down to working group mechanisms as multi-stakeholders. Peter Sutherland in his report actually says, *"By enlarging the circle of those who have an active stake, we better our chances of making the global compact the effective guiding framework for migration policy that it needs to be..."* It is very clear that the Sutherland report is very action oriented to the point of even challenging the GFMD. That is why it is important that we deliberate on his report and some of the areas he has shown us that we need to advance.

On the GFMD itself, he says, in recommendation 15, *"As migration is becoming more firmly anchored in the UN, the GFMD's membership will face inevitable questions regarding the Forum's continued purpose and added value..."* And he goes on to say how commitments be made in preparation for the Global Compact, in that mean working out the SDG 2030, the GFMD would be in that stage where it actually looks at action-oriented programs that are changing the lives of migrants and members of their families. I think it is important to keep that perspective as we work on towards the Global Compact. And I think it should be not of 16 months from now that we will have the Global Compact. I think we need already to have the vision at the end to have the commitment to go to these kind of working groups that will be able to work on a practical level what we as civil society mean when we keep calling for the rights and protection of migrants workers and how we see that as transformative and will guide practical actions for the global compact. That is the approach that we need to take and the approach which is very time- oriented as well.

So, at the immediate approach, 2 years from now, what do we want to see? 5 years from now, 12 years from now, what do we want to see that coincides with 2030 Sustainable Development Agenda? If we take that kind of approach and if we are going to take that kind of approach, I think we have a lot more courage than we currently pretend to have. And the courage will be to unbind ourselves from the political sensation of our current time and bringing all the best of our experiences, learnings and knowledge of the nine last years of the GFMD. Let us not pretend that we have learned nothing in this process that are practical and action oriented.

The two High Level Dialogues and the 9 GFMDs that have already been held, have been clearly a space of looking at the linkages of migration and development. This we have to make known to the wider international community. For that, a fundamental change will be required in our perspective. And that perspective has to and for the governments to change to whom were they committed to stem the flow and manage migration; and focusing and looking forward to how we can have a global governance of migration.

We have two approaches, in the sense of urgency in which in our perspective as civil society, we will not get this chance again. When we, as civil society are counting the number of meetings that some of us, a number of us and most of us will be engage in between now and November, we have found some 50 plus meetings. What can you say in 50 plus meetings that you have not said before already? So, I think it is important for us to see, that maybe the time we are talking is not so much about what we say but what we do in each of these meetings. How does each of the meetings that we will have, draw a practical programme that we will be working on to look at and unpack so that the international community can look at that and see how it could be replicated at the global level.

As civil society we are very open, committed organizing ourselves to engage with you as governments in whatever modalities you choose - in plenaries like this or in working groups where we could actually zero –in on particular issues and try to come up with action oriented programme. This is what civil society is willing to engage in and this is just a short list. It is not a long list but it shows you vigilant indicators where civil society is; where we would like to engage and where we do have practical programmes on the ground that we could all learn from.

So for example, let's say, for safe, regular, responsible migration, we have been talking about skills and skills and mobility in terms of migration. Yesterday, in the business mechanisms meeting with the private sector and governments present, one of the things we agreed in is we cannot cherry pick when it comes to skills and mobility. We have to look at skills and mobility across all sectors. Civil society has ideas on this. Civil society has practical solutions to this.

With regard to the recruitment process, it is important for us to move transition from the current practices that we see in recruitment towards fair recruitment. This is something the ILO with the Fair Migration programme and IOM's IRIS programme have actually got down to with civil society and the private sector. So, let's look at that and see what are some of the programmes that we have.

On irregular migration, I think it is time for states together across the different corridors to look at shared responsibility in addressing root causes that lead to irregular migration. On regularization of undocumented workers, again, the civil society has a lot of programmes on the ground that we could discuss and share you with you as member states which would change the whole environment for

migrant workers and bring a whole new perspective of migrant workers on the ground. We need to recognize and I think when we start looking on how we address irregular migration, we will have to be honest with ourselves as member states, as private sectors and as civil society that there are certain sectors of the economy where irregular migrant workers are bigger - sectors like domestic work, agriculture, manufacturing and mining.

In these sectors, there is a tendency to have a number of undocumented migrant workers in order to be competitive of the global economy. How can we work at regularization programmes in recognition of this fact? How can we work at transforming this space into a space of decent work? And one of the change in perspective which we will have to look at is to move away from and recognize that this work – this informal sector where so many migrant workers get pulled into is a larger area of precarious work. This needs to change. Again, together with UN institutions, civil society and we are working with some governments - I have just come from Jordan where we were looking at Jordan programmes of the ILO, and it has given examples of how precarious work can be turned into decent work. So, there are examples out there.

On return, the Special Rapporteur acknowledges return and in paragraph 13, he says, *“Return, Readmission, and Reintegration, are essential elements of a well ordered migration system...”* When I read that and for civil society perspective, I have questions marks there. But the questions marks there are basically to emphasize that return whether forced or voluntary, readmission, repatriation and reintegration - these are not synonyms. Civil society is willing to work at looking at how each of these concepts can uphold human rights principles. We have examples again of how these could be done.

On access to justice, it is another area where civil society is keen to work with you on in terms of governance is to go beyond stating what is in the law. We have done enough para-legal training/ civil society has enough training about the law. Our concern now is on implementation and enforcement of the law. Again, civil society has proposals on this of how to make the legal system accessible keeping in mind the need of low-skilled migrant workers to be able to navigate an access to justice mechanism. This is again very practical and can sit together to discuss this.

On alternatives to detention, it begin with a mindset that says, a non-detention programme - clearly calling for the end of children in detention. The Special Representative refers to the children and their families, they should never be detained. Looking at alternatives, there are examples out there that civil society keeps working on with governments in community based programmes such as diversification of actors at the borders, individual assessment and decriminalization of the migration. These are examples of what civil society has worked and continues to work with the governments in addressing and looking for alternatives to detention. So that this notion of migrants storming our borders, engaging of practice in destination countries, how do change that parallel?

On border management, if we are talking on change, can we look at border facilitation? Can we look at facilitation at the border so that borders become places of reception rather than places of screening who comes in and who goes out and gets deported?

In the area of women and migration, again the change in perspective is required as civil society has aspired which then allows us to look what are the practical programmes on the ground. The change in perspective is not to look at women as vulnerable victims but as social agents of change, exercising agency for the development of their families and society. If they put that thinking that is a starting point of looking at women in migration to be able to develop programmes in which we can see their contribution to development.

And then, children in migration, recognizing very specially the youth that they have very important role in our world today. As we engage in this Compact process, to be honest with ourselves as well that whatever we might devise as a Compact, knowing that this role will not come again, your responsibility to the youth and children; what we draw up in a migration compact, is a world that we will live leave behind. Let us make sure, for the sake of our own children and their friends, that we leave a Compact that is progressive, that is not afraid to talk about rights and is able to draw up programmes that are based on the fundamental rights and dignity of a human being.

I will end with the hope that the Special Representative, Peter Sutherland himself has and in the last paragraph of his report, where we says, *"Listening to each other, seeking tirelessly to identify shared goals and to agree on paths for reaching them, will —I am convinced— enable us to find solutions that hold out hope for us all."* Civil society is very open and eager for this vision. We will be willing at any time on any of the issues and other issues that will be of priority to the governments to actually work on smaller groups if necessary and come out with practical global solutions.

Thank you very much.