

GFMD Dialogue on the Global Compact on Migration

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

6 April 2017, 11:30-17:30
Palais des Nations R. XXIV and XVIII

1. The GFMD Dialogue on GCM Working Session 1 was presided by Ambassador Mehmet Samsar, Turkish Director General for Consular Affairs, who chaired the GFMD process in 2014-2015. The input speakers were Ambassador Rosemary McCarney, Permanent Representative of Canada to the UN Office in Geneva and Mr. William Gois, Regional Coordinator, Migrant Forum in Asia. Ms. Carolina Hernandez, Human Rights Officer from the OHCHR served as Rapporteur. Mr. Maurizio Busatti of the IOM presented the [briefing paper](#) on the Thematic Recollection of GFMD Discussions on the subject matter, and introduced the guiding questions for discussion.
2. In opening the session, **Amb. Samsar** expressed optimism that the Global Compact on migration (GCM) will provide the international community with the opportunity to create a more coherent, comprehensive and better coordinated approach to migration, as well as to strengthen international cooperation among all stakeholders. Through the years, GFMD has fostered the sharing of countless ideas, programs and policies that may feed into the GCM. The Chair, in the spirit of the Universal Declaration of Human Rights signed almost 70 years ago, called for a more comprehensive and human-rights based approach to migration. A successful approach to achieve this would be not only through a multi-stakeholder and a “whole of government” approach, but also a “whole of society” approach. He also mentioned the importance of the 2030 Agenda, as well as achievements of the Turkish GFMD 2014-2015 Chairmanship in sharpening the focus of GFMD debates on the human rights of migrants.
3. The Chair highlighted the growing populist rhetoric, discrimination, xenophobia and racism against migrants and refugees in today’s world. He called for a more forward-looking and positive understanding of migration, with protection of human rights at the center. He enjoined all states to adhere to the International Convention of the Protection of the Rights of All Migrant Workers as a comprehensive framework for creating a welcoming environment that migrant workers deserve. According to him, the promotion of the rights of all migrants requires combined efforts at the national and international level, and an honest and open discussion for which GFMD can provide the platform. He particularly emphasized the role of civil society and the private sector, the best practices that have been shared, and all the themes of the GCM that have been discussed in the framework of the GFMD as ways of providing meaningful input to the GCM.
4. **Mr. Gois** underlined several areas in which civil society may contribute concretely to the GCM. He made several references to the [Sutherland Report](#), which advocates strongly for the protection of the

human rights of migrants, particular those in crisis and other vulnerable situations. As explained by Mr. Gois, the civil society welcomes the SRSG's advice to have a multi-stakeholder and action-oriented approach, and agrees that the GFMD could continue playing its important role as a platform for discussions and exchange of knowledge and good practices. He challenged the governments to be more action-oriented, and to take timely action in partnership with the civil society. In his view, the civil society would like to focus its contributions to the GCM on several areas, including skills mobility, fair recruitment, irregular migration, return, access to justice, alternatives to detention, border management, and women and children in migration. He echoed Peter Sutherland's words, "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".

5. In her presentation, **Amb. McCarney** underscored the important links between the GCM and the achievement of the SDGs, and the common elements between the Global Compact on Migration and Global Compact on Refugees, particularly on protection and trafficking issues. Echoing the previous speakers, she praised the Sutherland report for its solid recommendations and timeliness. The GCM, she said, should not reinvent the wheel, inasmuch as a vast wealth of knowledge has already been gathered both within the GFMD and in other international processes. Rather, the GCM should bring about coherence and coordination in the disparate discussions on migration. While recognizing the GFMD as a state-led process, she underlined the importance of international organizations, civil society and the private sector in translating protection principles into action. She cited Canada's examples to show that a sovereign state's effort to ensure the safety of its citizens is not incompatible with upholding the human rights of migrants. But she underlined the significant role that individual citizens have played in promoting the integration and social inclusion of refugees and migrants in her country. She reminded the session that the real work will only begin after the 18-month GCM process, when the implementation period sets in. Citizens will need to have a role in this so they can share the ownership of the GCM outcomes. Going forward, she would like to use the term 'mobility' rather than 'migration', because the former implies a sense of dynamism, rather than movements with beginning and endpoints, as suggested by the latter. She ended her statement with a call for collective optimism that the international community, through the GCM, can deliver on the SDGs.
6. **Mr. Busatti** then provided a thematic recollection of the GFMD discussions over the past ten years on the topic of this cluster of the GCM. His presentation was based on the policy brief that was prepared by IOM prior to the meeting. He highlighted three main overarching areas of discussion within the GFMD framework in this respect. These were (1) knowledge and mutual understanding of the challenges and opportunities between countries of origin, transit and destination; (2) partnerships, particularly with inclusion of the local level; and (3) innovative approaches to promote the social inclusion of migrants.
7. During the session, participants underlined that migration has been a positive and empowering experience for countless individuals and communities, and has brought social, cultural and economic benefits to societies in countries of origin, transit and destination. However, the current state of migration in the world is increasingly witnessing along migratory routes, at borders and in precarious sectors within countries. This presents serious human rights concerns that must be addressed by the global community.
8. Participants reiterated the commitments made by Member States and all concerned actors under the New York Declaration to fully protect the human rights of all migrants as rights-holders, regardless of their status, in compliance with international human rights law and relevant standards, including

the principle of non-discrimination and the principle of non-refoulement. It was emphasized that international migration is a global issue, one that needs sharing of responsibility and a collective response consistent with international human rights law, and guided by the spirit of genuine solidarity and effective cooperation. As migration cuts across many policy areas, states must consider this transversal nature in designing and implementing policies to guarantee and safeguard migrants' human rights.

9. The discussion noted that other existing policy frameworks exist that could guide the global community. Many speakers quoted from former SRSG Sutherland's report which contains policy recommendations and certain elements that could be integrated in the Global Compact. These include managing crisis related movements and protecting migrants at risk, ensuring orderly migration, including return, fostering migrants' inclusion and development, and strengthening migration governance capacities. Another important reference mentioned was the Special Rapporteur on the Human Rights of Migrants' report to the General Assembly on how the GCM could be developed. The report suggests taking a long term strategic approach and proposes a 15-year agenda with successive benchmarks, indicating accountability mechanisms.

Promotion and protection of the human rights of all migrants, regardless of their status

10. The session highlighted that the debate has clearly moved beyond a discussion of whether or not human rights apply, to a discussion of how human rights are to be upheld. All human beings, including migrants, regardless of their status are born free and equal in dignity and rights. Thus, the Global Compact should foster a comprehensive human rights-based and gender-responsive approach to migration – one that is normatively based on international human rights and labour norms and standards, and operationally aimed at promoting and protecting the human rights of all migrants, regardless of their status, and with a particular focus on those who are in vulnerable situations.
11. There was a strong consensus that the Global Compact must be firmly based in the legal obligations of states and other stakeholders, using the international legal framework as a guide to develop meaningful and action-oriented commitments for action. This international legal framework is also vital for combating discrimination against migrants, including racism, xenophobia and intolerance in various forms.
12. In keeping with the overarching understanding of the 2030 Sustainable Development Agenda, the discussion underlined that the Global Compact on migration must explicitly ensure that “no one is left behind”. In this context, special attention was given to migrants in vulnerable situations, particularly women and unaccompanied minors, as well as to forcibly displaced and stateless persons. Several interveners stressed the need to work towards the development of alternatives to detention and to immediately end the detention of migrant children for their migration status.
13. One of the key steps towards ensuring migration policies that are grounded in human rights norms and standards is the ratification and implementation of all human rights and labour instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), the ILO Convention and the Convention against Elimination of Discrimination against Women (CEDAW). ILO's Fair Recruitment and IOM's Iris Initiative could contribute towards realizing the political commitment of the 2030 Agenda to end exploitation of

migrant workers and reduce recruitment costs. There was a recognition that the CMW provides for several rights that need to be applied to the broader spectrum of migrants.

14. Participants also made reference to the MIGOF and the MICIC mechanisms, as well as the GMG principles and guidelines on the human rights protection of migrants in vulnerable situations. The MIGOF has the essential elements for facilitating orderly, safe, regular and responsible migration and mobility. As its first principle, good migration governance requires adherence to international standards and the fulfilment of migrants' rights, including criminalizing forced labor, trafficking, smuggling and acknowledging that victims of these practices merit protection. On the other hand, the MICIC and GMG guidelines put forward principles that are applicable first on saving lives, second that all migrants are entitled to human rights regardless of their immigration status, and that migrants as rights holders are capable actors.
15. The open discussion highlighted certain elements that deserve serious consideration by the Global Compact, in regard to the human rights of migrants :

Countering public perceptions and all forms of discrimination

16. The session recognized the rising global trend of discrimination, xenophobia and intolerance against migrants, and expressed concern about the increasingly toxic public narratives about migrants and migration. Participants highlighted the need to avoid seeing migrants solely as 'commodities or factors of production' but as rights-holders. They underscored the importance of reinforcing efforts to collect disaggregated data in order to enable evidence-based policy making and promote the social inclusion of migrants. They also advocated for a multi-stakeholder effort - including with political leaders, the media, the private sector, and local authorities and communities and faith-based organisations in order to promote a positive and evidence-based understanding of migration that recognizes the contributions of migrants and counters the negative public perceptions against migrants.
17. Suggestions were made to compile and tell stories that prove migrants' net benefits to society and host country, as well as concrete multi-stakeholder efforts on the ground which demonstrate the understanding of the principles, rights and dignity of the human person. To this end, the private sector representative acknowledged that businesses can indeed play an active role in promoting positive stories and a positive narrative on migration.
18. Fighting xenophobia must involve a comprehensive approach and engage a broad section of authorities and civil society.

Facilitating safe, orderly and regular migration and addressing irregular migration

19. On the one side there was a general call to address the root causes of the current precarious situation of migration through effective cooperation between countries of origin, transit and destination, and, on the other side, to expand access to sufficient, safe and regular migration channels, including for low-skilled migrant workers, as well as for family reunification. These measures could provide migrants a choice to seek safety and dignity, rather than turning to the services of abusive smugglers. To this end, some participants called for smart and safe border management, regularization of irregular migrants and alternatives to detention.

20. Delegates held the view that international migration has become a permanent feature of a globalized world. As labour migration and human mobility continues to increase, it would be essential to go beyond a polarized view of migration and migrants, and design frameworks that will allow for orderly, safe and regular migration based on international law and human rights approaches. This can only be achieved through effective and strong international cooperation. In the specific context of labour migration, this would include measures for preventing exploitation and other abuses against migrant workers, imposing sanctions against abusive employers, safeguarding the right to organize for all workers, including migrant workers. Concurrently, conditions must be generated to ensure migrants' well-being in their countries of origin without restricting their freedom to migrate.
21. There was a call for states across different corridors to share in the responsibility of addressing the root causes that lead to irregular migration. It was underlined that certain sectors of the economy have a big presence of irregular migrant workers – like domestic work, agriculture, manufacturing and mining – in order to be competitive in the global economy. Consideration must be given on how to turn such sectors into decent work spaces and how to regularize undocumented workers. Migrants in irregular situations face legal and practical barriers that undermine their rights and freedoms, and make them disproportionately vulnerable to discrimination, marginalization and abuse at all stages of the migration process.

Integration and social inclusion

22. Participants highlighted the need to frame integration and social inclusion of migrants as a prerequisite for achieving the positive and developmental impact of migration which, in turn, could change the negative perception and politicisation of migration. There was a consensus that it is imperative for migrants to have equal access to fundamental human rights for all, including access to justice, education, universal health coverage and health care services (in line with SDG 3), and decent work, in particular for those migrants in the most precarious and marginalized sectors.
23. Within a global context of increasing urbanization and decentralization, migration and displacement are increasingly becoming an urban phenomenon. Cooperating with cities, local and regional authorities is critical to the inclusion and successful integration, which can prevent forms of discrimination and other human rights abuses. In similar vein, the importance of decentralized cooperation was also stressed.

Whole-of-government and whole-of-society approach to governance

24. To address the above issues, participants underscored the need of a whole-of-government, a whole-of-UN system, and a whole-of-society approach that effectively integrates norms and standards to ensure the effective protection and social inclusion of all migrants. This involves engagement of states at the national and local levels, the GMG agencies, UN human rights institutions and mechanisms, civil society organizations, trade unions, private sector entities, academic institutions, and the migrants themselves. A participatory and inclusive process cannot be about migrants, without migrants. The investment of all stakeholders is essential in the development of the Global Compact, as well as in its implementation after 2018.

The role of the GFMD

25. Many participants emphasized that a lot of consensus has already been built, upon which concrete elements for a successful Global Compact can be drawn in a non-contentious manner. Through the past 10 years, the GFMD has discussed, in a broad or focused manner, all the issues covered by the GCM thematic cluster 6. A lot of policy ground has already been covered, and hundreds of good practices have been shared that could be brought into the GCM. By continuing on this role and by providing practical recommendations, the GFMD can make an important contribution to the Global Compact process.
26. The GFMD's unique contribution is to serve as a space for trust-building and exchange of practices, and for increasingly addressing the human rights of migrants. This space, while remaining state-led, is shared with international organizations, civil society, and the private sector. Indeed, the GFMD has contributed to instilling a human rights lens in both the discourse and cooperation on migration and development, involving multiple actors and intersecting with other policy fields.

Political recommendations

- Consider the GCM in the broader framework of the 2030 SDGs.
- Promote coherence of GCM and GCR processes and identify commonalities and points of convergence that would be essential in achieving the 2030 Agenda.
- Adhere to international standards, including the UN CMW.
- Reaffirm in policy and practice the fundamental importance of respecting, protecting and fulfilling the human rights of all migrants, regardless of their status.
- Leaving no one behind in achieving the 2030 Agenda – includes stateless, forcibly displaced and the most vulnerable of people on the move, wherever they are and whatever their status.
- Implement existing guidelines (MIGOF, MICIC, and GMG principles and guidelines on the human rights protection of migrants in vulnerable situations).
- Practice international cooperation by translating the policy discourse into active programming on the ground.
- Ensure greater respect for the rules of international humanitarian law in situation of armed conflict and/or for international human rights law in other situations of violence, in order to prevent force displacement.
- Build thinner and smarter borders that are grounded on humanitarian principles and development commitments.
- The Vienna Treaty on consular rights needs to cover regularization and prevention of irregular migration.
- Abide by the principles of the New York Declaration, as well as in other regional initiatives such as the Valleta process and the Malta Declaration, in the promotion of the human rights of migrants

Practical recommendations

- Opening more regular pathways for migration.
- Private sector to promote positive narrative of migration.
- Engage social partners in welcoming migrants and celebrating cultural diversity.
- Effective engagement with and through the media.

- Provide comprehensive information, research and data to assist the public to understand better migrants and migration.
- Find alternatives to detention and end immediately the detention of migrant children on account of their migration status.
- Engaging local governments and cities in fostering social inclusion and integration
 - o Creation of a human mobility unit within the provincial government that promotes the mainstreaming of migration across other sectors like health and education, etc. for social inclusion, but also specifically has a budget and personnel and people that are trained to actually also promote.
- Engaging the civil society, trade unions, business and other social partners.
- Continue efforts to rescue people in distress at sea, and commit to intensifying international cooperation on the strengthening of search and rescue operations.
- Provide migrants with universal health coverage and access to health services.
- To address the issue of missing migrants, governments can establish trans-regional communication channels, as well as cooperation between forensic services to help facilitate and inform the families.
- Adopting a national action plan for implementing the UN guiding principles on business and human rights to support businesses in transforming these principles into concrete actions.