



## AVOIDING THE "TRAP":

Linking the Global with the National and  
the Non-Binding with the Binding

By Rodolfo Córdova Alcaraz





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# 1. Executive Summary

In the last two years the Migration and Development Civil Society Network (MADE) has encouraged various networks and organizations around the world to implement actions based on the agreements coming out of the Global Forum on Migration and Development (GFMD) and its Civil Society Days. An issue we came to recognize during this period is the lack of mechanisms associated with the GFMD that would oblige states to create or implement policies with the vision, criteria and best practices that are shared there. That is to say in colloquial terms, these mechanisms lack “teeth”. The main reason for this is the informal, voluntary and non-binding nature of the dialogue.

This compels us, as civil society networks and organizations, working within that space, to find new ways to integrate these discussions into our advocacy strategies. Firstly, to identify how these discussions relate to other multilateral and/or regional processes that debate issues relating to migration or the rights of migrants, families and communities or which provide findings that impact them. Secondly, to link these global and regional discussions with national advocacy processes. So, for example, to use the space for citizen participation to pressure the government to implement policies with a human rights approach, such as Citizen Advisory Councils; as well as the processes of dialogue with the legislative and judicial branches based on the attribution of each of them.

In September 2015 we leaded and co-convened a Regional Meeting to advance in this direction, resuming the debate we had a total of 253 people working in 22 countries in Latin America and the Caribbean in 2014. With the intention of grounding the discussions, five strategic areas of discussion were identified: 1) Structural causes of migration, 2) social inclusion of migrants, 3) undocumented migration and borders; and two cross-cutting approaches: 4) gender and women in migration and 5) migrant children. This report organizes these discussions, identifying major challenges migrants are facing, possible approaches or solutions, organizations that have an interest in promoting actions in this regard, other possible partners and relevant international and/or regional areas to expand this work.

This report contains the main agreements coming out of the Meeting, and indeed tries to go a step further: it shows how various networks have made progress in implementing some of the agreements of the Regional Meeting. This, by fostering an alliance with the UN Women office in Mexico to start linking the various commitments acquired by the States in the processes that are of a binding nature, such as the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) and the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) and those that are not, such as the GFMD. This kind of link is of special interest in the case of Mexico, which has been one of the main promoters of the GFMD and has signed and ratified international conventions that give rise to the Committees that follow up the implementation of above. Moreover, taking advantage of the window of opportunity that opens as the Mexican government must show progress to both committees in the period 2016-2017.

What we seek to show is how we can relate more clearly what is discussed in the non-binding dialogue processes that increasingly arise with those that are an obligation for ratifying states. Non-binding dialogues include those around the Sustainable Development Goals, the agreements achieved in the Regional Conference on Migration and the South American Conference on Migration as well as more recent ones that have emerged from the GFMD, such as the Migrants in Countries in Crisis Initiative (MICIC).<sup>1</sup> Binding obligations, on the other hand, include those towards UN Committees and the regional Human Rights Systems, among others. The long-term goal of this work is to propose new working methods that allow us to have more impact on the defence and protection of the rights of individuals, families and migrant communities in Mexico, the Americas, and the world.

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<sup>1</sup> This initiative is co-chaired by the governments of the United States and the Philippines. For more information on this see: MICIC FAQs: <http://micicinitiative.iom.int/about-micic/faqs> (Last seen April 11, 2016)

## 2. Introduction

The Migration and Development Civil Society Network (MADE) was born out of the concern of several civil society networks and coalitions and their discussions in the GFMD, particularly since 2011.<sup>2</sup> The three-year long project is coordinated by the International Catholic Migration Commission (ICMC) and was formally introduced in the Civil Society Days preceding the GFMD in Stockholm, 2014.<sup>3</sup>

MADE is comprised and mobilized by a diverse group of migrants and different actors of civil society that advocate for the rights of migrants, their families and communities at a local, national, regional and international level. The organizations that collaborate within this network “seek changes in policies and practices to protect migrants and families and to improve the conditions under which they live, move and work.”<sup>4</sup> In order to achieve this goal, MADE strives to “strengthen civil society’s capacity to work with governments (...) connecting regional and international networks and thematic working groups of civil society organizations around the world.”<sup>5</sup> In other words, the cornerstone for change is the strengthening of the joint work that is already happening between several networks and organizations, trying to avoid duplication of processes with similar objectives.

MADE abides by the *5-year 8-point Plan of Action*, which civil society adopted in 2013 as its Agenda for change and collaboration.<sup>6</sup> It was presented to governments in the High-level Dialogue on International Migration and Development held by the United Nations in October 2013. Its core programme revolves around the fight against the abuse of migrant workers, the protection of the human rights of migrants, the promotion of good governance on migration and the support of the participation of migrants and their organizations to development.<sup>7</sup>

The activities in Latin America and the Caribbean Region (LAC) are co-led by the International Network on Migration and Development (INMD) and the Scalabrini International Migration Network, who act in a coordinated and complementary way. This is the framework in which, in 2014, three regional meetings were organized; their conclusions and recommendations have been compiled in the report *Migration, development and human rights: the collaboration as basis for transforming social reality in Latin America and the Caribbean*.<sup>8</sup> A total of 253 people who defend the rights of migrant people and their families in 22 countries throughout the region participated in these meetings.

These discussions allowed the identification of the major issues for migrants, their families and communities, and the organizations that defend their rights. It

<sup>2</sup> For more information on MADE see: MADE, (2014), *About MADE*. Available at: <http://madenetwork.org> (Last seen April 11, 2016)

<sup>3</sup> MADE, (2014). *Launch Migration and Development Civil Society Network*. Available at: <https://www.youtube.com/watch?v=cT0JJJE4uso> (Last seen April 11, 2016)

<sup>4</sup> Elaine McGregor, (2014). *Movement: A Global Civil Society Report on Progress and Impact for Migrants’ Rights and Development*. International Catholic Migration Commission of Europe – MADE. 1st edition, p. 10. Available at: [http://madenetwork.org/sites/default/files/MADE%20Global%20CS%20Report\\_EN\\_final.pdf](http://madenetwork.org/sites/default/files/MADE%20Global%20CS%20Report_EN_final.pdf) (Last seen April 11, 2016)

<sup>5</sup> Loc. Cit.

<sup>6</sup> Civil Society Days of the Global Forum on Migration and Development, (2013). *Agenda for Change. 8-point 5-year Action Plan for Civil Society*. Available at: <http://gfmddcivilsociety.org/wp-content/uploads/2014/01/The-5-year-Action-Plan-EN.pdf> (Last seen April 11, 2016)

<sup>7</sup> Loc. Cit.

<sup>8</sup> Rodolfo Córdova Alcaraz and Paulina Castaño, (2015). *Migration, development and human rights: the articulation as basis for the transformation of social reality in Latin America and the Caribbean*. International Network on Migration and Development – Red Scalabrini de Migración Internacional – MADE, pp. 53. Available at: [http://madenetwork.org/sites/default/files/Informe%20Regional%20LAC%202015\\_final.pdf](http://madenetwork.org/sites/default/files/Informe%20Regional%20LAC%202015_final.pdf) (In Spanish) (Last seen April 11, 2016)



also allowed the drafting of possible cooperation plans and to identify the spaces in which discussions with governments could take place in order to promote change. The primary issues identified were: the structural causes of migration, human security, the need to generate actions targeted specifically to children and women, labour laws, and the migrants' contribution to both origin and destination countries.

We agree that the starting point for policy creation is the good governance on migration –one based on human rights– and not policies centred on a national security aspect.

In autumn 2015, within the MADE framework and after arduous preparation work with four close partners,<sup>9</sup> we organized the event *Migration in the Americas: collaborating to transform* (Annex 1). The meeting was planned in order to continue the discussions held in 2014 within the MADE framework to focus our efforts on certain issues that are enumerated in the Agenda for Change and that have been identified as critical by the organizations during the regional meetings of 2014. In other words, we used the global framework on which MADE –and other global networks, such as the Global Coalition on Migration<sup>10</sup>– works as a reference of the needs identified in the Latin America and Caribbean region.

The event had three simultaneous objectives:

- i) to continue the regional exchanges that allow us to identify the most urgent issues that we need to tackle on a regional level;
- ii) to design a joint work strategy that has, at least, these elements: issues to work on, organization(s) responsible for the coordination of efforts on a regional level, other organizations to be involved in such efforts and strategic areas of influence; and,
- iii) to agree on initial messages that can be taken to some of the influence processes, and to develop broadcasting actions for key messages.

The organizers identified 5 thematic axes that could guide the discussion, using the Agenda for Change and the 2014 report as reference. For each one of them we prepared base documents that would fuel the discussion; their central elements will be identified later in this report. The axes are: structural causes of migration, social inclusion of migrants, and undocumented migration and borders; there are also two transversal focus points: gender and women in migration, and migrant children. For each of these topics, we also prepared interviews with migrant leaders, recorded in the form of short videos that show concerns, reflections and suggestions.<sup>11</sup> In these interviews we also included the Dominican Republic case: a delicate situation due to the statelessness of Haitian migrants' descendants.<sup>12</sup>

This report collects the main discussions of the three-day meeting of September, 2015, for each one of the 5 axes. Moreover, it shows progress that has been made since then in the 'Women in Migration' agenda. It also includes a table with some additional examples on migrant children, borders and refugees. These examples try to showcase two elements: firstly, how the organizations that participated in the event can move the implementation of the agreements reached in the Regional Meeting forward. Secondly, how other organizations and networks of the region and the world can replicate what we are doing in LAC; more specifically, how they can use the 5-year Action Plan and the conclusions of the GFMD as strategic supplies for their work in other multilateral binding processes

<sup>9</sup> The institutions we worked with were the Centre for Legal and Social Studies (CELS), Comisión Argentina para los Refugiados y Migrantes (CAREF), Centro de Derechos Humanos de la Universidad de Lanús (UNLA), Centro de Derechos Humanos Fray Matías de Córdova

<sup>10</sup> For more information on the Coalition, see: *Global Coalition on Migration*. Available at: <https://www.GCMigration.com> (Last seen April 11, 2016)

<sup>11</sup> The videos are available at: MADE, (2015). *Rights, ideas and solutions*. Available at: <http://madenetwork.org/en/latest-news/rights-ideas-and-solutions> (Last seen April 11, 2016)

<sup>12</sup> For a concise explanation, see: International Amnesty, (2016). *No Nationality, no Rights: Stateless People in the Dominican Republic*. Available at: <https://www.youtube.com/watch?v=jw-TN0TJol&feature=youtu.be> (Last seen April 11, 2016)

that can help exert more pressure on states, to make them implement policies and practices that benefit migrant populations. In this case, we show the work of two of the UN Committees that monitor the International Conventions on Human Rights signed by the States: The Committee that monitors the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) and that which monitors the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>13</sup>

What is implicit in the second objective is to show how we can bridge the discussions in the informal, non-binding and voluntary multilateral and/or regional processes – that are quicker to appear– and other processes in which the States are compelled to report their progress in the implementation of Conventions or Committees’ recommendations. In other words, what we are trying to show is how networks and organizations strive to “break” the trap that would be focusing mainly on making a lot of progress on the first, non-binding and little on the second binding kind, though we have limited resources and personnel to actively follow every one of the multilateral and regional processes in which the States are involved. To name a few: the Sustainable Development Goals (ODSs, in Spanish); the regional Human Rights mechanisms, the agreements reached in the regional processes on migration, such as the Regional Conference on Migration (CRM, in Spanish) and the South American Conference on Migration (CSM, in Spanish), both in Latin America and the Caribbean; other agreements reached within the GFMD, such as the Migrants in Countries in Crisis Initiative (MICIC); and even some that are not specifically created to address migrants’ rights, such as the Central American Integration System (SICA, in Spanish), the Community of Latin American and Caribbean States or the Southern Common Market (MERCOSUR, in Spanish).

Lastly, the document poses a series of general reflections on how to move forward in the upcoming years. Our goal for these reflections and samples of how to link the global with the national and the non-binding with the binding is to make a contribution to the community of migrant networks and organizations and to those who defend their rights locally and globally. We do this with the purpose of being more strategic in our actions in order to force the governments to implement policies that provide well-being, instead of answering to electoral interests or to groups of people who base their claims in fear and discrimination.

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<sup>13</sup> For more information on the Treaty Bodies for the protection of Human Rights, see: United Nations Human Rights, Office of the High Commissioner, (2016). *Human Rights Treaty Bodies*. Available at: <http://www.ohchr.org/EN/HRBodies/Pages/TreatyBodies.aspx> (Last seen April 11, 2016)

# 3. The 2015 Regional Meeting

During the Regional Meeting<sup>14</sup> we tried to identify actions that we could carry out together using our expertise and experience in different international and regional areas. In the discussions, we realized that this was indeed much more practical than trying to articulate an action on a regional level –action that we initially tried to identify. One of the main reasons that led to the realization of how difficult it would be to start a new action is that the 75 networks and organizations of 16 countries of the region present<sup>15</sup> were all already implementing activities framed in specific projects that answered, mainly, to short and mid-term influence processes. In other words, to start an additional action implied reassigning institutional resources and energies into something that was not considered in each of the annual and strategic programmes.

The starting point was, therefore, to generate a discussion based on the concept documents on the 5 thematic axes that were identified as relevant: structural causes of migration, social inclusion of migrants, irregularity and borders, gender and women in migration, and migrant children. It is important to highlight that these axes were not chosen randomly, but are instead frameworks that allow us to integrate practically every critical agenda that we enumerated in the 2014 Regional Report. These documents enabled the participants to identify problems in each of the categories and some actions and possible approaches that could be translated into a strategy.

Afterwards, the participating organizations that would be interested in this line of work were identified. So were other allies, not present but that to our knowledge were already working in the field and could join. Lastly, we identified global or regional processes or areas that could be of use to base our efforts.

The following sections present tables with the main conclusions that were reached by each of the groups in those categories. As these tables show, there is usually a relationship between issue/problem and solution/action, but it is not always the case. Many of the issues require a complex approach that a matrix of this nature cannot show. Wherever there is an empty cell, there were no more elements to add. Lastly, we must emphasize that the discussions have not reached a definitive conclusion, so it is of paramount importance to continue them throughout 2016 and 2017.



<sup>14</sup> The content of this section, particularly that of the five axis is based on the position papers the five co-organizers of the meeting drafted to serve as discussion starters.

<sup>15</sup> The people that took part in the Meeting work in: Argentina, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, El Salvador, United States, Guatemala, Honduras, México, Peru, Dominican Republic, Uruguay and Venezuela.

## a) Structural Causes of Migration

Understanding the causes of migration is a key factor in the comprehension of the discussions on migration and development and in the inclusion of a human rights perspective in those discussions. We need to analyse the former, the growth of the asymmetries inside countries and among them, resulting in increasing economic – financial, technological and productive– and social gaps that, on their own, reflect a complex system of asymmetric power relations among regions, countries, and local spheres. Secondly, the growth of the social inequities, expressed in an unprecedented concentration of capital, power and wealth in a few hands while increasing numbers of people face poverty, exploitation and exclusion. This inequity manifests itself in a growing ethnic, gender and racial discrimination, fewer opportunities of access to production and employment, a heightened decline in living and working conditions and an increased dismantling and segmentation of social security systems.

The new architecture of globalization, driven by structural budget reduction programmes imposed in developing countries, within the framework of privatization, deregulation and liberalization is worrying. These programmes have been one of the main channels for the insertion of the underdeveloped economies in the globalization dynamic, dismantling their production systems, facilitating the arrival of foreign capital and creating a massive over-supply of workforce, which is particularly visible in Africa and Asia. Lastly, the demographic dynamics of ageing, low fertility rates and reduction of economically active population in almost all the developed world create a structural need of additional workforce.

We start from the fact that the concept of unequal development summarizes the current dynamics of the historical, economic, social and political processes of polarization among regions, countries and classes, derived from the dynamic of capital accumulation and the international division of work. The unequal development, the dominant asymmetries and the demographic dynamics are the main propellers of migration. The underdevelopment conditions are worsened when, in the Southern countries, structural budget reduction policies are implemented, the production, commercial and service systems are dismantled, speculative/financial capital is welcomed, new enclaves are created for the benefit of big multinational corporations, natural resources are privatized, and formal labour is made flexible. Every one of these factors increase low quality employment and informality, and they affect health and education resources in origin countries.

In the face of this scenario, it is imperative to recognize the contribution of migrants to the destination country. Migrants contribute to the development of the destination countries in conditions of growing precariousness and social exclusion. Developed countries demand enormous quantities of cheap workforce, both skilled and unskilled. If this workforce is also irregular, it is even more vulnerable and depreciated. For every migrant worker, the destination country not only covers a market necessity, it also acquires a huge benefit, considering it has not paid the training and social reproduction costs of these individuals.

To summarize, migration constitutes a two-fold transference between the origin and destination country: cheap workforce and the cost of social reproduction and training already paid by the origin country.

We now present the summary of the thematic axis discussions (Table 1).

**Table 1**  
**Agreements on the “Structural Causes of Migration” Axis**

| Issues   | Actions / Solutions / Approaches  | Global or regional processes or areas  |
|--|---|--|
| Common elements: Lack of food security, land deprivation, lack of decent work opportunities, generalized violence  | Opening up spaces of dialogue on the current economic model.  | Government and public opinion.   |
| Struggle for a social project: imposing governments; women or LGBTIQ migrating to have access to rights.   | Making governments recognize the positive benefits of migration, like increased diversity. Encouraging them to generate HR centred analysis, as basis of public policies, with the participation of migrant communities and with the inclusion of public databases.             |  |
| Land and territory: neoliberalism, megaprojects, mining causing internal movements. Uncontrolled foreign companies. With the energetic reform, everything is in the private sector, the government regulates less and less. Beach sales. Aggressive sales of national goods.   | Starting an awareness-raising campaign on migrants’ contribution, aimed towards non-traditional areas, promoting multiculturalism and other key issues; some of the messages to be promoted focus on how the migrant contributes to the economy, culture, society and politics. | Social networks, conferences, schools, key actors such as spokespersons and communities. |
| Internal armed conflicts: megaprojects and illegal farming that create internal movements and migration. Migration is not voluntary, the structural conditions force people to cross borders and then refuge becomes an issue, because the State cannot protect them. In Colombia it is not clear what came first, the megaproject or the armed conflict. There is a coordination among the conflict actors. Displacement of Indigenous and Afro-American communities. | Promoting local development, territory defence, defence of defenders and transnationality.  |  |
| Violence, drug trafficking and organized crime. 300 thousand internal displaced people in Honduras, maybe an underestimation. Governments intentionally creating this crisis.  | Generating and fortifying alliances with diverse social movements that support the fight for HR (mainly food sovereignty, land and territory, water, among others).   | Existing national and regional networks.   |
| Familiar reunification as motor of migration. Parents taking their children to the USA due to the violence and restrictive laws of their countries.  | Promoting citizen participation spaces in each country where the CSOs work in an active way to change policies.   | Government and CSOs.   |
|  | Monitoring programmes, plans, and regional and global agreements.   | Government and CSOs.   |
|  | Promoting the inclusion of migrant communities in the implementation of the 2030 Agenda for Development (in every topic).   |  |

## **b) Social Inclusion**

In this category we find the issues related to the portability of rights, which include social protection schemes and migratory regularization. The condition of irregular migration is an obstacle to the enjoyment of many rights, such as access to regular labour, the public health system, housing and social protection, among others. This is why we consider it necessary to promote a series of in-depth proposals regarding the need for States to establish effective, permanent and accessible programmes and mechanisms of migratory regularization that go further than simple short-term amnesties.

Regarding social protection schemes, migrant workers are a group affected by the lack of regularization mechanisms. They contribute in an active way to the economies of both their origin and destination countries, but yet are among the most forgotten by the basic coverage and social protection schemes. Although they can access some social security systems, they cannot profit from every corresponding benefit because they do not always have the needed documents or because they cannot apply for residency due to lack of regularization. Moreover, it is uncommon for migrants who return to their origin countries to be able to access the contributions made in their destination countries.

Closely related to this topic is the issue of abuse in processes of international and regional recruitment, through temporary labour programmes that are currently unsuccessful. A clear example is the temporary recruitment of Mexican labourers in the USA through a not transparent transnational process where they suffer wage theft, discrimination, exploitation, and labour human trafficking. Thousands of foreign labourers arrive in the USA to work under the federal programme of temporary working visas H-2A and H-2B, and experience several abuses and ruses that violate their more fundamental rights. To provide an answer to this situation, the *Iniciativa Regional sobre Movilidad Laboral* (Regional Initiative on Labour Mobility) was created. It is a regional effort of 12 organizations that propose to work in alternatives from the civil society, in collaboration with public institutions, private initiatives and unions, to support actions in favour of the human and labour rights of the temporary migrant workers that seek job opportunities in other countries through the programmes of Regulated Transnational Mobility in North and Central America.

This and other processes were discussed and are accounted for in the following Table 2.

**Table 2**  
**Agreements on the “Social Inclusion” Axis**

| Issues  | Actions / Solutions / Approaches  | Global or regional processes or areas   | Other organizations (articulation strategies)  | Participating organizations   |
|---|---|---|--|---|
| Labour rights. Migrants that have job offers. Many times those who have got a visa feel superior to those who have not. Discrimination among themselves.  | Strategic litigation.   | Inter-American Human Rights System.   | Pro Bono Lawyers.  | CAREF Argentina, CDM México/ USA, Fray Matías, CELS, Red Mesoamericana Salud, mujer y migración, NDLON, Global Workers.   |
| Regularization/ Documentation (returnees and deported people)<br>It is a mechanism that could improve inclusion, although it does not guarantee it. Restrictive/inaccessible regularization channels (unattainable requisites). | Campaigns/Media<br>Regional messages through every media, including community radios. | Campaigns, messages.  |  | NALACC, Red Mx, Colectivo por una migración sin fronteras, INEDIM, SJM, RMMSM, Pastoral Movilidad Humana, CDM, SEDHU, CAREF, NDLON, Global Workers, INILAB  |
|   | Community strategies.   | UN committees and processes, e.g., Migrant workers and children committee.                        | Migration policy Institute (DC), Washington Office for Latin American.   | New York Immigration Coalition, ACLU, WGMWG,  |
| Restrictive/inaccessible regularization channels (unattainable requisites)  | Migrant participation as an actor, political participation.                           | Brazil Action Plan.   | International protection, integration, asylum, borders, refuge.  | SEDHU, Pastoral Movilidad Humana, Fray Matías, CAREF, RJM, Servicio Franciscano de Solidaridad, Univ. Diego Portales.   |
|   | Generating evidence for influence.  | Global Forum on Migration and Development.  | Influence.   | CAREF, SJM, NALACC, Red MX, INDM.   |
|   | Education/training.   | ILO, NAFTA labour mechanism.  | Labour rights  | GMIES, FLACSO CR, Fray Matías, UFCW Canada.   |
|   | Alliances with social movements, including unions.                                    | Union forums and meetings.  | Labour rights, monitoring and implementation of practices and regulations.   | NALACC, GMIES, Global Workers, CAREF.   |
|   | Influence in the UN (NY, Geneva).   | World Social Forum on Migration.  | Political influence.   | NALACC, Red MX, INDM.   |
|   | Articulation of law clinics in the region.  | RAD and IPPDH MERCOSUR.   | Political influence for legislation and institutional changes. Promotion of the Brazil action plan (in the IPPDH). | CELS, Conectas, CAREF, INDM.  |
|   | Political influence for changes in the legislation.                                   | Identification, influence, law changes, migrant as an actor, political participation of migrants. |  | Servicio Jesuita Migración (Chile), PMH, Servicio Franciscano de Solidaridad, Red MX, Colectivo Tlaxcala, NALACC, Universidad Diego Portales de Chile, CONECTAS, Red Mesoamericana, CAREF, Centro de los Derechos Migrante, Global Workers, INEDIM, GMIES, UFCW Canada. |
|   |   | City councils.  | Influence, participation, inclusion in civil society.  | Every one.  |
|   |   | Articulation of regional law clinics.   | Content development.   | UDP, CELS, CAREF, UFCW Canada.  |

### c) Undocumented Migration and Borders

Undocumented migration hinders the full enjoyment of rights, such as access to healthcare, to education, the possibility to file complaints against abuses, the right to vote, family reunification, among others. However, most of the issues discussed in international, regional or local spheres are associated with other matters, such as the situation at borders, or the problems related to human trafficking and migrant children. Usually, problems related with irregular migration are not properly addressed; if they are, the discussions do not fully contemplate the whole range of difficulties derived from the application of the migration policies paradigm that focuses in national security and a purported prevention of irregular migration. From their side, most States seek some kind of “profit” or economic benefits by demanding legalization procedures, visas, certificates, etc. They restrict migrant’s regularization based on the idea that if migration procedures are facilitated, and subsequently the acquisition of a legal status become easier, the number of migrants increases.

Regarding borders, they have been for a long time the space reserved for the States to apply measures of control and deterrence that are more and more restrictive and aggressive towards people in the context of migration. This “discretionary nature” creates exemption zones for the compliance with human rights, where the lack of legal guarantees in detention and expulsion cases –in many instances collective and without proper processes– cohabit with the absence of civil and judicial controls. This reality turns the borders into impunity areas, a hostile environment to denounce abuses and human rights violations. In turn, it is important to highlight the ongoing process of border control and detention centres privatization, the precarious detention conditions and the confiscation of belongings – identity documents included– of people detained at the borders –belongings that are often not returned.

In this context, the “Recommended Principles and Guidelines on Human Rights at International Borders,” written in 2014 as an initiative of the UN Human Rights High Commissioner, are an important reference on the duties of the States and individuals regarding border detentions, the right to due process of every migrant and the need to establish mechanisms that guarantee there is no impunity for rights violations, no detention for an illegal entry and no confiscation of personal belongings.



Table 3 shows the main approaches and relevant spaces to incentivize changes on this strategic axis.

**Table 3**  
**Agreements on the “Undocumented Migration and Borders” Axis**

| Actions / Solutions / Approaches  | Global or regional processes or areas                                       |
|---|---|
| Knowledge development and information generation (approaching academics).                               | Merida Initiative and the Prosperity Plan.                                  |
| Monitoring international cooperation policies.  | Arms Trade Treaty and monitoring in UN.                                     |
| Fighting the security focus (microchips, biometrics, etc.).   | Drug policies.  |
| Moving forward, as organizations, in conceptual clarity.  | UN committees that monitor the implementation of International Conventions. |
| Mapping of other processes and spaces.  | Judicial Branches Network.  |
| Mapping of other networks and movements with which we should work.                                      | UN process on Business and HR.  |
| Mapping of campaigns to make one at a regional level (consolidate what we already have and set a date). |   |

#### **d) Migrant Children**

The year 2014 was named by the American media as “the year of the Crisis of migrant children,” which is nothing more than bringing attention to what civil society organizations have been documenting for several years: thousands of children were migrating to try to escape from violence and poverty. After the advertised crisis, states of origin such as Mexico, Guatemala, Honduras and El Salvador were quick to make statements, get together, broadcast announcements, visit borders and shelters to, apparently, get to know the causes of the rise in child migration.

Children and adolescents affected by migration in Central and North America pose a great and urgent humanitarian challenge of human rights, human development and refugees. The problem is mainly present in origin countries such as Honduras, El Salvador, Guatemala and Mexico, where childhood has become a synonym for witnessing and suffering violence; having your human rights violated; being discriminated and socially excluded; and lacking education, job opportunities, medical care and proper nutrition. These conditions force children and/or their parents to migrate.

The same problems await them in the destination countries, Mexico and the USA, where policies focusing on migration control are prioritized over children’s rights and their best interest, which too frequently leads to child and adolescent deportations to the same conditions from which they fled. Moreover, in both countries, migrant boys, girls and adolescents –either accompanied by their families or not– live in the shadows, marginalized from society, in fear of deportation –theirs or their family members’– and the discrimination and xenophobia of which they are victims.

Instead of exercising their right to develop, learn and grow, boys, girls and adolescents cannot access education, healthcare and other crucial services and end up in detention centres. They finally are deported back to the violence from which they are trying to escape. Children’s rights to family and development are violated when migrant parents cannot obtain residency in the same place as their children, do not have the right to work and can be deported without taking into account the children’s best interest.

Table 4 shows the discussions held and the possible actions to take in order to solve these challenges from a human rights perspective.

**Table 4**  
**Agreements on the “Migrant children” axis**

| Issues   | Actions / Solutions / Approaches   | Global or regional processes or areas  | Other orgs.                                    | Participating organizations |
|--|--|--|--|-----------------------------|
| The child not seen as an object of protection (vulnerable) but as a subject. Moving away from rigid systems of child treatment.  | Changing migration policies so as to see children as rights-bearing subjects.  | Global campaign to stop detention of children and adolescents.                                 |  |                             |
| Due process/Access to international protection, detention and deportation:<br>a. Entrance denial and return<br>b. Access to adequate information on possible helpful procedures<br>c. Personal interviews and case-by-case analysis<br>d. Access to lawyers/legal representation<br>e. Lack of analysis of the children's best interest<br>f. Violence and lack of comprehensive programmes in the return countries<br>g. Deportation of parents or other family members | Making use of international organisms' engagement to help raise funds and stop imposed solutions.  | CRM and consultation conference in Mexico, 2015.<br><br>Inter-American Human Rights System.    | UNICEF and UNHCR.                              |                             |
| Access to rights<br>a. Education<br>b. Health<br>c. Access to identity and documentation regardless of the parents' migration status (irregularity or absence of one of the parents)   | Comprehensive strategies in origin, transit and destination countries.   | Alliance for prosperity.   |  |                             |
| Criminalization of migration<br>a. They are being associated with violence and are the target of state programmes of violence prevention<br>b. Detention of both children and adults   | Informative campaigns in origin countries, related to HR; tools for children and adolescents to use when their rights are violated (not only campaigns to avoid migration). Working with the communication areas of several organizations would be useful. | In the EU: Work mechanisms with border patrol.   |  | Everyone.                   |
| Inclusion/Integration<br>a. Both at destination and at origin → Access to rights   | Strengthening alliances with groups working on the subject in the EU; migrants in their origin countries sharing their experiences in transit (Mesoamerica).   | Children's Rights Committee and Migrant Workers Committee through the General Recommendations. | Collaboration with the Children's HR movement. |                             |
| OTHERS:<br>• Lack of appreciation for children's opinion<br>• Due process (children's best interest is not taken into account)<br>• Access to rights and education, parents' situation<br>• Criminalization of childhood<br>• Integrate migratory issues and childhood   | Sharing good practices (some from the Southern Cone), experiences and information on different contexts  | OC-21 Implementation guide in MERCOSUR   |  |                             |
|  | Thinking outside the box, making issues visible, adding new actors, such as artists, to show these issues in another way.  | IACHR Commissioners.   |  |                             |
|  |  | Brazil Action Plan   |  |                             |
|  |  | Advisory meeting asked by MERCOSUR members to pay attention to Mesoamerica's situation         |  |                             |

### e) Gender and Women in Migration

In Latin America there are more migrant women than migrant men.<sup>16</sup> The main risk for women migrant workers, in regards to the link between migration and development, is that of being instrumentalized, not being regarded as rights-bearing subjects or agents of change with the right to having their voices heard. Moreover,

<sup>16</sup> Jorge Martínez, V. Cano y M. Contrucci (2014). *Tendencias y patrones de la migración latinoamericana y caribeña hacia 2010 y desafíos para una agenda regional*. Published by CEPAL. Población y Desarrollo Series N° 109.



international debates on gender and migration have usually limited themselves to topics such as domestic workers or human trafficking networks, which has promoted the idea of migrant women as victims at the same time that several other issues have been omitted.

In this regard, there are groups of women affected by migration that should be taken into consideration, such as women migrant workers that are not domestic workers: those who work in informal sectors like agriculture, street trading and the textile industry; the women and children that stay in their countries of origin, who frequently become heads of household; and those who migrate along with their husbands or meet them at the destination country, whose migratory status are tied to that of their spouses and have few resources to defend themselves in the case of an abuse. Topics such as the situation of imprisoned migrant women and sexual diversity in migration have also not been treated in international debates.

Some key elements for action have been identified by the networks and organizations of the region. Among them: 1) Giving an answer to gender violence in the migration process as a whole: origin, transit and destination countries; avoiding re-victimization, fomenting spaces for family support and social bonding, access to social policies and access to healthcare, fighting the distorted perceptions and prejudices of healthcare providers. 2) Guaranteeing decent job opportunities and labour rights, including the right of aid for women migrant workers. 3) Broadening the view on women in the context of migration; i.e., women in their origin, transit and destination communities. 4) Hearing the voices of the migrant women themselves, to denaturalize gender violence and question roles and stereotypes.

We also consider it important to go back to the proposals made by the Women and Migration Caucus<sup>17</sup> within the framework of the 2013 High Level Dialogue on International Migration and Development, which asked the States to incorporate CEDAW's General Recommendation 19 on Gender Violence and General Recommendation 26 on Women Migrant Workers. In summary, the States should adopt more protection and access to justice policies for migrant women suffering gender violence, independently of their migration status.<sup>18</sup>

Table 5 shows the main agreements of the "Gender and women in migration" axis.

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<sup>17</sup> More information on the group available at: <http://wgmwg.org>

<sup>18</sup> Women Global Migration Working Group (WGMWG). *Key Policy Recommendations regarding Women and Global Migration*. August 2013. Available at: <http://wgmwg.org/wp-content/uploads/2013/08/final-advocacy-doc-ENGLISH.pdf> (Last seen: April 30, 2016)

**Table 5**  
**Agreements on the “Gender and Women in Migration” Axis**

| Issues   | Actions / Solutions / Approaches  | Global or regional processes or areas          | Participating organizations       |
|--|---|--|-----------------------------------|
| Masculinization of migration analysis that hinder the visibility of migrant women. It is also the reason why the vulnerability rankings do not have gender distinction, there is no government actions with impact on women and there is no real change in the condition of migrant women.   | Having ombudsmen and local governments join efforts.  | For every action: UN Committees (CMW y CEDAW). | Everyone in the group discussion. |
| (Bolivia exposes the gender situation in their country) The data available on migrant women comes mostly from shelters and women’s refuges, not from official sources.   | Joining data from NGOs and governments.   | GFMD.  |                                   |
| Another way the issue is made invisible is the assumption that women’s rights are connected or conditioned by children’s rights. Many times, women have access to rights through maternity or an association with reproduction.  | Going back to CEDAW’s General Recommendation 26, which addresses migrant women as rights bearing-subjects and it is not related to maternity. | Sustainable Development Goals                  |                                   |
| Mexico. Field work shows the need to associate children’s and women’s issues, because the first rights that women ask for are related to their children.   | Messages for the media are being produced.  | Others already named by other groups.          |                                   |
| The messages on migrant women in the region are stigmatizing and unfavourable.   | Working with the media to create positive messages.   |  |                                   |
| Mexico – Central America. Research on the migration corridors in the border between Mexico and Guatemala shows that women have their human rights violated frequently and that these violations are not being documented.  | Complaint centre coordinated by women.  |  |                                   |
|  | Network of advocates with Indigenous, Afro-American and Mestizo women.  |  |                                   |
| Mexico – Central America. On the lack of data: having regional bonds empower us to get this information. There is a talk on feminization of migration, but this phenomenon is not reflected on the official data. We do not know how many women are leaving a country, how many are arriving and how many are in transit. But together we could document it. | Devising a mechanism to document every case.  |  |                                   |
|  | Creating a mechanism to communicate the data among countries along the way.   |  |                                   |
| Argentina. One issue is related to decent work. Women as a group are the most affected by labour exploitation, for example in textile workshops, and have trouble accessing other rights.  |   |  |                                   |
| They are also the group most deeply affected by sexual exploitation (human trafficking/lack of job opportunities).   |   |  |                                   |
| Gender violence  | Strengthening the leadership of migrant women, hand in hand with more access to education.  |  |                                   |
|  | Promoting women’s associations.   |  |                                   |
|  | Having feminist groups work on women migration  |  |                                   |
| Mexico. Women as leaders of their communities, the social fabric and local development. Women define the ways of survival. This does not mean they are the leaders of their communities.   | Women taking leadership positions; in politics, in religion, in the countryside and in the labour field.                                      |  |                                   |
| Representation of women in meetings.   | Women’s representation at a local level.  |  |                                   |
|  | Municipal migration programs with a gender perspective.   |  |                                   |
| Migration viewed as an exclusively masculine issue.  | State migration laws with a gender perspective.   |  |                                   |
| Lack of knowledge on what gender perspective means.  | Education on the topic of gender perspective.   |  |                                   |
| Migrant women seen as victims.   | Including migrant women in influential spheres.   |  |                                   |

| Issues   | Actions / Solutions / Approaches  | Global or regional processes or areas | Participating organizations |
|--|---|---------------------------------------|-----------------------------|
| Mexico. Lack of ties between international and national human rights documents.  | Working at federal and international levels to pressure local spheres.  |                                       |                             |
| Lack of standardization in the country's laws.   |   |                                       |                             |
| Homophobia that causes LGBTIQ specific migration.  | Noting that speaking of "gender" is not the same as speaking of women   |                                       |                             |
| Seeing what happens with transgender migrants during detention.  |   |                                       |                             |
| Women in pre-deportation detention.  |   |                                       |                             |
| Human rights violations in risk areas.   | Learning from experience to improve our work, for example on the topics of labour rights, decent work and access to justice, among others. Reading the work of Un Women, IMUMI, Fray Matías, etc. |                                       |                             |
| Seeing what happens after deportation.   |   |                                       |                             |
| There is a lack of information on how to give support and in what country to ask for it.   |   |                                       |                             |
| Brazil. Need for a clear definition of women we are going to support, there is a wide variety of migrant women. Lack of regular job opportunities for migrant women. Their irregular situation renders them vulnerable to labour exploitation. | A labour collective has been created with municipal female secretaries to expose the subject of migrant women and advance on public policies.   |                                       |                             |
| Mexico. Access to healthcare, sexual health services and resources for victims of sexual violence.   | Connecting organizations in different subjects.   |                                       |                             |
|  | Working with healthcare providers.  |                                       |                             |
|  | Demanding the application of attention protocols.   |                                       |                             |
| Mexico. Feminization does not mean quantifying the number of women in the migration process and their impact on it.  | Joining other social movements, like feminist groups to work collectively on pressing forward the gender issue.   |                                       |                             |
|  | Working with a focus on access to rights such as education, health, etc., to make an impact on their necessities.   |                                       |                             |
|  | Working with indicators.  |                                       |                             |
|  | Working from new masculinities.   |                                       |                             |
| Making the work of women inside organizations and the migratory movement visible.  | Including women in every management process: representatives, HR advocates, spokeswomen.  |                                       |                             |
| Uruguay. Lack of knowledge on sexual and reproductive health and on labour rights.   | Informing migrant women.  |                                       |                             |
| United States. Lack of participation in organizations and job clubs.   | Raising awareness in men to promote women participation.  |                                       |                             |
| Healthcare access for people without documentation.  | Having translators help in services.  |                                       |                             |
|  | <i>Mujeres trabajando</i> (working women). International network on gender and migration.   |                                       |                             |
|  | Working with networks to promote improvement on gender and inclusion.   |                                       |                             |

## 4. Next Steps: moving the Global Discussion into Concrete Actions

The preceding tables summarize the main issues, approaches, international or regional spaces and the organizations that could be involved in the actions, and show a wide spectrum in each of those categories. This undoubtedly is an instrument that portrays the complexity and multiplicity of spaces and actions that the organizations and networks are developing, and poses a challenge that is tough to avoid: which one should be prioritized?

The answer depends, usually, on who is being asked the question. In MADE, although we act within the 5-year 8-point Action Plan, we are aware of the fact that the agenda for the protection of migrants and refugees' rights is not completely included in those points. We must move forward on a multiplicity of processes, connecting the initiatives of different actors so the networks and organizations can act in a more strategic way.

Taking this into consideration, we at the INMD try to take a step in that direction following the Regional Meeting. In particular, we try to show how organizations can create a link between the topics brought to the GFMD and how these topics are related with other spaces that organizations take part in, whether within the UN or the Inter-American Human Rights System frameworks, to name a few.

The following paragraphs portray the path we followed from September's event to the writing of this document. We used the "Gender and women migrant" axis as an example of the progress made and how different actors can join forces to move forward in the implementation of the Regional Meeting agreements –with other examples in Box 2.

### **a) Linking the GFMD with the UN Committees in Mexico's case**

Once the Regional Meeting was held, we took some of the agreements to the Migration Collective in the Americas (COMPA, in Spanish), a network comprised of 113 networks and organizations in the region, which has taken an active part in the last editions of the GFMD.<sup>19</sup> Similarly, we resumed communications with the UN Women – Mexico office, who supported us during the event as observers, to explore collaboration option within the framework of their Project *Promotion and Protection of Women Migrant Workers' Rights: Participation with National and International Human Rights Mechanisms to Improve Accountability* (see Box 1).

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<sup>19</sup> The relationship between MADE and COMPA was born in March, 2014, when the former backed the execution of the 3rd Regional Meeting of the latter, looking to improve the work of articulation and the link between the agreements of the GFMD with the implementation of public policies in the region.

### Box 1:

**Project UN Women – Mexico on migrants’ Human Rights *Promotion and Protection of Women Migrant Workers’ Rights: Participation with National and International Human Rights Mechanisms to Improve Accountability***

**Project aims:** 1) Promoting the rights of women migrant workers, informing and strengthening the enforceability of their rights against exclusion and exploitation in every step of the migration process. 2) Improving the States’ accountability facing the demands of organizations that protect women migrant workers’ rights. 3) Strengthening the attention of national human rights mechanisms and international supervisory mechanisms for human rights.

**Member countries:** Mexico, Moldavia and the Philippines, who share similarities, mainly because they are the main migratory corridors that connect Southern and Northern countries.

**Duration:** Three years (February, 2014 to January, 2017)

**Main UN Women – Mexico publications within this project’s framework (in Spanish):**

1. [Mexico’s commitment towards women migrant workers’ human rights](#)
2. [Women migrant workers’ rights in Mexico in the National Plan 2013- 2018](#)
3. [Mexican Legislation and Women Migrant Workers’ Rights. \*An analysis on the compliance with the CEDAW and its General Recommendation 26 on women migrant workers in the legislation\*](#)
4. [Guide to develop a migratory legislation with a gender perspective in Mexico](#)
5. [Women migrant workers, remittances and the creation of global chains of protection in the Chiapas-Central America corridor](#)
6. Influence document: Series “Transforming Our World:” [Women migrant workers’ human rights](#)
7. [Central American women migrant workers in Chiapas. \*Recommendations of public policies to guarantee their rights\*](#)
8. [Women migrant workers in Mexico’s Southern border. Towards an investigation agenda](#)

Based on those meetings, and with the intention of joining efforts, we drafted two parallel paths. The first one was to encourage civil society organizations present in the Meeting to participate in the GFMD to be held in October in Turkey that year, even as part of the Official Delegation of the Mexican Government, to broadcast the messages agreed upon in September. The second path was to organize, together with COMPA and the Migration Forum (FM, in Spanish),<sup>20</sup> an event that could empower us to explore the possibility of connecting the recommendations and agreements from the GFMD with other binding spaces, such as the Committees that follow the international conventions signed by States. We thought of two in particular: The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW) and the Committee on the Elimination of Discrimination against Women (CEDAW). The reason behind this line of thought is that the Mexican Government will soon present reports to both committees.

In respect of the first element, we negotiated, through COMPA, that a couple of the organizations, in particular the *Instituto de las Mujeres en la Migración* (Institute for Women in Migration, or IMUMI) and *Voces Mesoamericanas Acción con Pueblos Migrantes* (Mesoamerican Voices Action with Migrant People, or VM), would join the Official Mexican Delegation that attended the GFMD. The objective was for them, as members of the Delegation, to be able to transmit messages related to migrant women’s rights, as agreed in the Meeting. Furthermore, their participation in events prior to the GFMD, such as the Global Action on Migration and Development and Human Rights and the Civil Society Days of the GFMD, was also encouraged.<sup>21</sup> The Civil Society Days (CSD) had, for the first time, a Rapporteur on women. IMUMI and VM also participated in the parallel event *Gender on the Move: Building Capacity for Strategic Advocacy on Migrant Women Workers’ Rights*, held by UN Women together with the International Migration Research Centre (Annex 2).

It is important to highlight the fact that the CSD Rapporteur on women reported several of the topics discussed during the Regional Meeting, which in turn were based on the agenda of feminist organizations and organizations that protect the rights of migrant women in communities. Among the messages, we could emphasise that when we talk about women, we should not restrict the approach

<sup>20</sup> For more information on the Migration Forum, see: Foro Migraciones, (2016). *Who we are*, Available at: <http://www.sinfronteras.org.mx/index.php/en/about/quienes-somos> (Last seen April 11, 2016)

<sup>21</sup> The participation of both institutions was possible thanks to the financial support of UN Women – Mexico.

only to the challenges that migrant women face, we should take into consideration –and search solutions for– the challenges faced by all women in migration, understanding the different roles assigned to men and women in society.<sup>22</sup> Three more important facts that the Rapporteur pointed out were that there must be an increase of safe channels for women not to be endangered during their migration journey from one country to another; that labour rights and decent work must be central elements in the agenda for women migrant workers; and that it is crucial that migrant leader women are free to defend their rights, express and organize themselves.<sup>23</sup>

Lastly, two additional elements that were discussed during the Civil Society Days of the GFMD alluded precisely to the use of international instruments of human rights. First, a call has been made for States to add indicators related to the ratification and implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Elimination of All Forms of Discrimination against Women in their Sustainable Development Goals indicators.<sup>24</sup> Second, there was a call for States and the private sector to adopt gender sensitive measures and policies, based on HR, in order for migrant women to have full access to social protection. These measures should include the ratification and implementation of the CEDAW, the CMW, ILO’s Convention 87 (on freedom of association) and 189 (on domestic workers), and the Recommendation 26 of the CEDAW (on women migrant workers).<sup>25</sup>

The aforementioned are some examples of a direct link between the discussions held during the Regional Meeting and the messages shared in the Civil Society Days, properly reported by the Rapporteur. Several of these recommendations are reflected on the Common Space reports, between civil society and governments, and even on reports from government round tables.<sup>26</sup> Having taken that first step, after the Global Forum we started to prepare the second one: working on an event together with UN Women to link the recommendations of the Forum with the work of networks and organizations and two UN Committees: the CMW Committee and the CEDAW Committee.

The *Forum for the monitoring of the observations and recommendations of the CMW and CEDAW for Mexico* was chaired by UN Women, together with the Office of the High Commissioner for Human Rights (OHCHR) on January, 2016 (Annex 3). It was co-organized by the INMD, COMPA and FM and 86 representatives of 60 civil society organizations from Mexico participated in it.<sup>27</sup> The IMUMI’s report “Mexico’s Obligations on Women Migrant

## Box 2:

### Examples following to the Regional Meeting led by Fray Matías de Córdova

The Centre of Human Rights Fray Matías de Córdova, an organization based in Chiapas, Mexico, has led processes addressed in the event of September, 2015. Firstly, we can highlight the process co-led by this organization and the Scalabrinian Missionaries in Guatemala on the rights of migrant children; a process supported by the Central America and Mexico Migration Alliance (CAMMINA) that tries to bring together the actions of organizations from the US, Mexico, Guatemala, Honduras and El Salvador. Together, they seek to move forward on the implementation of the recommendations presented in the report “Childhood and Migration in Central and North America: Causes, Policies, Practices and Challenges.”

A second process led by the organization refers to the need to support Central American asylum seekers in Mexico. In March, 2016, together with the Jesuit Migration Service-Central and North America, and with the support of the UNHCR, they organized a meeting to set a (sub)regional network to help people that are forced to leave their countries to exercise their right to international protection with justice and dignity. They also analysed the context and structural causes of the violence that pushes people to leave their countries, and the identification of the challenges faced by refugee seekers in Mexico. As part of this context, and striving to drive learning among organizations, specialists from the Diego Portales University based in Chile that participated in the event of September, 2015, shared collaboration strategies in Latin America to exercise the right to refuge, particularly in borderlands. These strategies go back to the subject of the discussions on the “Irregular migration and borders” axis of the Regional Meeting.

<sup>22</sup> Civil Society Days (CSD) of the Global Forum on Migration and Development, (2015). *Gender Rapporteur Final Report*. Available at: <http://gfmdcivilsociety.org/wp-content/uploads/2014/10/Gender-Rapporteur-FINAL-report.pdf> (Last seen April 11, 2016)

<sup>23</sup> Loc. Cit.

<sup>24</sup> Loc. Cit.

<sup>25</sup> Loc. Cit.

<sup>26</sup> For more information on the other reports, see: Global Forum on Migration and Development, (2015). *Report on Proceedings*. Available at: <https://www.gfmd.org/docs/turkey-2014-2015> (Last seen April 11, 2016)

<sup>27</sup> ONU Mujeres – México, (2016). *Foro de seguimiento a las observaciones y recomendaciones a México del CTM y el CEDAW*. Available at: <http://mexico.unwomen.org/es/noticias-y-eventos/articulos/2016/01/foro-seguimiento-recomendaciones-ctm-cedaw> (In Spanish) (Last seen April 11, 2016)



Workers' Human Rights" was a crucial input for the Forum.<sup>28</sup> This report:

summarizes the commands of the CMW, the CEDAW and its General Recommendation 26 on women migrant workers, and it showcases the observations of the Committees of these Conventions to the periodic reports presented by Mexico. Additionally, it highlights the concerns and recommendations of the UN Special Rapporteurs on Human Rights and violence against women related to migration processes.<sup>29</sup>

The invitation process prioritized organizations working in Mexico because of the focus on both international conventions and the fact that the Mexican government is preparing the progress reports to the committees that will be submitted in late 2016. That is to say, there is a window of opportunity to analyse the international commitments and the recommendations for Mexico of the UN Committees, and to establish a relationship between the Global Forum and the possible monitoring of such commitments and recommendations. In other words, we have the opportunity to use the discussions around the GFMD, an informal, voluntary and non-binding space, with conventions of a binding nature in which States have the responsibility to periodically report to the Committees the progress they are making.

The event (Annex 4, graphic) set a precedent in this sense, because an expert of each of the committees, Gladys Acosta (CEDAW) and Pablo Ceriani (CMW), participated, providing the attendees with first-hand information and counsel on how to work with these international mechanisms. Furthermore, it is the first time in which a United Nations agency in the country coordinates the participation of two experts in an event of this nature, outside from official visits –that are coordinated together with the government.

From our perspective, joining efforts with UN Women – Mexico and with two networks that work on public policies contributed to an important step to land global discussions, of both binding and non-binding spaces, and to link the commitments of the Mexican government to guarantee the rights of women and migrant people in Mexico. Another important element is having the Committees work in unison, articulating the Conventions that they monitor. For example, the work made on other cases, such as the General Recommendation between the CEDAW Committee and the Committee on the Rights of the Child (CRC) –number 31 and number 18, respectively– on harmful practices, or the work between the CMW and the CRC on the Joint General Comment No. 3, on children and migration. In this sense, it is pertinent for both committees to produce a General Recommendation on gender and women in migration.

During the first day of the meeting, there was an exchange with the experts of both committees and on the second day we focused on finding advocacy opportunities in our work with them. In this regard, we firstly agreed on the following advocacy opportunities and next steps:

1. Forming working groups for the elaboration of CMW Alternative Reports and input for the CEDAW Alternative Report, including, among other task: a) Identifying which articles of both Conventions are interrelated; b) Producing the report; c) Translating the report into English; d) Setting a communications strategy; e) Promoting the participation of CSOs in Geneva.

<sup>28</sup> Gabriela Díaz Prieto, (2016). *Compromisos de México con los Derechos Humanos de las trabajadoras migrantes*. UN Women – Mexico and IMUMI, pp. 87. Available at: <http://www2.unwomen.org/~media/field%20office%20mexico/documentos/publicaciones/2016/compromisos%20mexico%20derechos%20humanos%20trab%20migrantes-para%20difusión.pdf?v=1&d=20160217T205424> (In Spanish) (Last seen April 11, 2016)

<sup>29</sup> ONU Mujeres – México, (2016). *Compromisos de México con los Derechos Humanos de las Trabajadoras Migrantes*. Available at: <http://mexico.unwomen.org/es/digiteca/publicaciones/2016/01/compromisos-mexico-dh-trabajadoras-migrantes> (In Spanish) (Last seen April 11, 2016)

2. Establishing working groups to work on inputting into the questions that the CMW and CEDAW Committees will ask to the Mexican State.
3. Proposing a candidate among people of the Civil Society to join a UN Committee.
4. Promoting a transversal approach on the issues of migration and gender perspective in the other eight UN Committees.
5. Producing input for the Joint General Comment on children and migrants, and sending it to the appropriate commission or working group.
6. Requesting an *in situ* visit of the CMW Committee and the CEDAW (possibly a joint visit) to Mexico to monitor the reports and other specific aspects.
7. Identifying and monitoring the workshops on the Universal and Inter-American Human Rights Systems.
8. Exploring and promoting the creation of thematic sub-committees that monitor our topics of interest in the CMW and the CEDAW.
9. Creating promotional material on Conventions and General Recommendations and Comments of both Committees.
10. Finding funds to implement each of these activities.

Once the participants had identified each of these ten opportunities, we had an open discussion to see which one was the most strategic for the organizations. Of these ten, we chose two: the alternative reports and the input to the questions that the Committees will ask the Mexican State. Therefore, the discussion was focused on reaching agreements with each one of the responsible organizations – not mentioned here out of respect for their internal processes. The agreements are the following:

**1st Agreement.** The organizations and networks that are already working on the alternative reports will share their progress with the other participants, particularly with the FM with regards to the CMW, and with the UNESCO Chairs within the National Mexican University regarding the report of the CEDAW. IMUMI will share the work formats that were used to identify which articles of the General Recommendation 26 of the CEDAW refer to migrants, families and communities.

**2nd Agreement.** A Funding Commission will be created.

**3rd Agreement.** A Methodology Committee will be created. It will be responsible for monitoring the offer of the Office of the United Nations High Commissioner for Human Rights to provide counsel to the organizations and to be part of the discussions in other multilateral processes, particularly the GFMD, on the methodology of the report's development. It will also be responsible for the questionnaire that will collect input from organizations during the first quarter of 2016 and will have a section for people to propose questions for the Committee.

**4th Agreement.** Drafting committee, in charge of writing the report once we have the input.

**5th Agreement.** Committee to facilitate the participation of local organizations on the report.

**6th Agreement.** Broadcasting and influencing the commission.

**7th Agreement.** The methodology commission will identify the topics that are yet to be included in the thematic documents. As of now, there are documents of 10 to 15 pages on the following issues: i) violence towards migrants, ii) migrant' rights defenders and advocates, iii) migrant integration and re-integration, iv) temporary work, v) migrant children, vi) migrant detention, vii) return, viii) regulatory framework

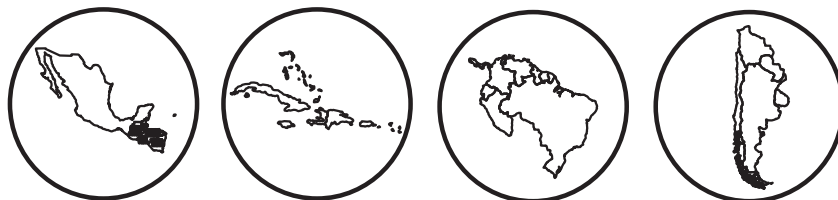


**8th Agreement.** Organization focused on the rights of migrant communities, families and people will draft a “base document” on women in migration/gender perspective in migration to be used as input for all the alternative reports that will be written for the CEDAW.

**9th Agreement.** UN Women – Mexico and the International Network on Migration and Development will identify other alternative reports to be prepared for the CEDAW and the current progress the Mexican State has made on the reports for the Committees.

At the time of writing this document, the networks and organizations are working on the implementation of these agreements. Moreover, as part of this monitoring, we could identify some relevant elements for the joint work with the Committee that monitors the 1990 Convention. These elements consist of countries that the Committee will inspect during the next sessions, considerations on the reports that the organizations can present both in formal and informal meetings with Committee members, and basic data on inscription and accreditation, among others (Annex 4). This information will be a core part of the influence strategy that networks and organizations will implement to have a bigger impact in our work on the recommendations resulting from the GFMD and those given by the CMW and the CEDAW Committees to the Mexican State.

Lastly, this effort should be brought to the multiplicity of spaces for civil participation and collaboration with the Executive branch authorities. For example, the Consultative Council of Migratory Policies of the Ministry of the Interior, the Civilian Advisory Board of the National Institute on Migration, the Advisory Council of the Institute for Mexicans Abroad and many others that have not been created specifically to tackle migration issues, such as the space coordinated by the President’s office to move forward on the implementation of the Sustainable Development Goals. Other monitoring tasks should be addressed together with the Legislative branch, to demand the Executive to implement the Recommendations of the Committee. If possible, we should also work with the judicial branch in the issues under its competency.



# 5. Final Thoughts

In the last couple of decades, we have seen how the States have created several multilateral spaces on the premise that the new globalized coordination requires a greater dialogue among countries on issues that affect every one of us. The Sustainable Development Goals (SDGs) is the most recent process of this nature that the international community actively participated and lead to define the agenda that would define the priorities of many countries and the international cooperation for the next 15 years. Many of these processes, at least in regards to the international migration and development area, are of a non-binding nature, and so the application of the agreements depends on the good will of the governments.

Addressing the subject in this kind of space –which can be seen as positive, as it allows conversations that would be difficult to have in binding processes– also has clear limitations: when States have to make important decisions, they usually do not base them on the agreements made in these informal spaces. A clear example is that, while the GFMD was taking place in Turkey in October, 2015, the State leaders of the EU gathered to find solutions to the Syrian “refugee crisis” and moved forwards in the negotiations that, months later, concluded in an agreement between the EU and Turkey signed in March, 2016, that does not follow the regulations of the 1951 Refugee Convention. This agreement has been strongly criticized by international human rights organizations. This is not the only example; there are more in the Americas region, where, since 2014 and due to the pressure from US on the governments of Mexico and the nations of Central America, there has been an unprecedented increase in detention and deportation tasks; some Central American countries have even deployed their armies to prevent migrant children from travelling to the United States.

What can we do in order to escape this trap where States generate more informal, non-binding processes, with commitments that are not honoured when a “crisis” affects the governments that lead such processes? Undoubtedly, the answer requires a critical reflection, but we propose a first step: to link the commitments made by the States in the numerous multilateral spaces, such as the SDGs and the GFMD, with the universal and regional Human Rights systems. Subsequently, this work and the recommendations that stem from both systems should be brought to the various discussion, negotiation and pressure processes at a national level. In short, we must strategically integrate the global with the national and the non-binding with the binding in our efforts.

This report presented a sample of how we can make progress in this direction, creating alliances not only among civil society networks and organizations, but also with agencies of the United Nations System, such as UN Women. In Mexico, we are moving forward on the integration of what was discussed in the GFMD with the recommendations of the CMW and the CEDAW, since Mexico will present reports in the upcoming months. It is even more relevant due to the fact that Mexico has been one of the main advocates of migrants’ rights agenda in several multilateral spaces, such as the GFMD and the SDGs, a pioneer country in the promotion of the CEDAW, and one of the first in signing and ratifying the CMW. We must force the States to implement at a national level what they promote abroad, force them to stop being “street angels and house devils”. The current needs and the restrictive policies that limit the rights of refugees and migrant people, their families and communities compel us to do so.

# Annex 1: 2015 Regional Meeting Schedule

**Regional Meeting on Migration: Collaborating to transform  
August 31st, September 1st and 2nd, 2015  
Mexico City, Mexico  
- Preliminary Schedule -**

**Day 1 – August 31st, 2015**

| <b>Time</b>   | <b>Activity</b>   | <b>Objective</b>  |
|---------------|---|---|
| 08.30 – 09:00 | Departure from hotel.<br>IMPORTANT: we request attendants to be at the meeting point five minutes earlier.  |   |
| 09:00 – 09.15 | Registration  | Accreditation. Distributing the event's materials.  |
| 09.15 – 10.30 | Welcome and introduction.   | Review of the structure of the Meeting and the motivation behind it. Agenda, objectives and expectations.   |
|               | Introduction of every person and their link to migration.   | Creating an appropriate work environment and getting to know the field of work of each participant.   |
| 10:30 – 11:45 | Roundtable on the migration reality in the Americas.  | Updating our knowledge on migrants and refugees in the Americas.  |
| 11:45 – 13:00 | <p>Panorama on the ongoing regional processes and spaces:</p> <ol style="list-style-type: none"> <li>1. Committee on the Rights of the Child and Committee on Migrant Workers, joint General Comment: Agostina Hernández y Diego Lorente</li> <li>2. Inter-American Human Rights System and Committee on Enforced Disappearances: Diego Morales</li> <li>3. Global Forum on Migration and Developments and agenda post-2015: Rodolfo Córdova</li> <li>4. Cartagena Process / Brasilia Declaration: Gabriela Liguori.</li> <li>5. South American Conference on Migration: Juan Artola</li> <li>6. Regional Conference on Migration: Vinicio Sandoval.</li> <li>7. Southern Common Market and Union of South American Nations: Camila Maia</li> <li>8. Community of Latin American and Caribbean States: Gabriela Segura</li> </ol> | <i>Introducing the debate on possible joint strategies for these spaces.</i>  |
| 13:00 – 14:00 | <b>LUNCH</b>  |   |
| 14:00 -14:45  | Presentation of Border Procedure guides: Diego Morales  | Exposing common practices. Responses from international organisms of protection.  |
| 14:45 – 17:15 | Initial presentations on Borders<br>3 roundtables on essential aspects of human rights at borders   | Analysis on the situation of borders to the north and south of Mexico, Southern and Central America. Common characteristics, structural problems (security, control, business, discourse). Evaluating possible work areas and their impact. |
| 17:15- 17.30  | <b>End of day 1</b>   |   |

### Day 2 – September 1st, 2015

|               |  |  |
|---------------|--|--|
| 08.30 – 09:00 | Departure from hotel   |  |
|               | IMPORTANT: we request attendants to be at the meeting point five minutes earlier.  |  |
| 09.00 – 10.00 | Review of the previous day and explanation of the activities of days 2 and 3   | Reviewing the discussions of the first day and explaining the work methodology for days 2 and 3.       |
| 10.00 – 12.00 | Work in thematic groups according to the axes identified by the Organizing Committee based on last year's discussions and some of the work agendas or the invited organizations.<br>Axis 1. Migration causes (migration and development)<br>Axis 2: Migratory irregularity (including control and borders, detention, and deportation)<br>Axis 3: Inclusion (including regularization, citizenship, and labour rights) | Deepening the analysis, debate and consensus to identify common problems and possible work strategies. |
| 12.00 – 14.00 | Each speaker will present the conclusions of their group's discussions (15 minutes total).<br>Feedback (20 minutes) for each of the 3 axes.  | Sharing ideas, finding agreement.  |
| 14.00 – 15.00 | <b>LUNCH</b>   |  |
| 15.00 – 17.00 | Second work round on the 3 thematic groups.  | Using the feedback from the roundtable to improve the work of each group.                              |
| 17.00 – 17.30 | <b>End of day 2</b>  |  |
| 19.00 – 20.00 | <b>Meeting of the Organizing Committee to "order" the proposals/conclusions of each of the work groups and axes, to be presented the following day; finding COMMON POINTS on each issue.</b>   |  |

### Day 3 – September 2nd, 2015

|               |  |   |
|---------------|--|---|
| 07.30 – 08-30 | Breakfast  | Breakfast for the Organizing Committee to organize its feedback.  |
| 08.30 – 09:00 | Departure from hotel   |   |
|               | IMPORTANT: we request attendants to be at the meeting point five minutes earlier.  |   |
| 09.00 – 10.00 | Review and explanation of the day's activities.  | Feedback on days 1 and 2 from the Organizing Committee.<br>Explaining the work methodology for days 2 and 3.                                  |
| 10.00 – 12.00 | Work in thematic groups:<br>Axis 4: gender<br>Axis 5: childhood  | Incorporating specific perspectives or approaches.  |
| 12.00 – 13.30 | Plenary session on the topics. Each speaker will present the conclusions of their group's discussions (15 minutes total).<br>Feedback (20 minutes) for each of the 2 axes. | Sharing ideas, finding agreement.   |
| 13.30 – 14.30 | <b>LUNCH</b>   |   |
| 14.30 – 16.00 | Second work round on the 2 thematic groups.  | Using the feedback from the roundtable to improve the work of each group. Adjusting the specific diagnosis and the proposed joint work ideas. |
| 16.00 – 17.30 | <b>Final agreements and closing act</b>  |   |

## Annex 2:

# Messages from the event Gender on the Move from the 2015 GFMD

### UN Women GFMD Civil Society Days Side Event

#### Gender on the Move: Building Capacity for Strategic Advocacy on Migrant Women Workers' Rights

13 September 2015, Istanbul

Co-convenor: International Migration Research Centre (IMRC)

#### Output - Key Messages

ON 13 September 2015 during the Civil Society Days of the 8<sup>th</sup> Global Forum on Migration and Development Summit in Istanbul, Turkey, 25 representatives of civil society gathered to discuss how to strategically build advocacy for the promotion and protection of women migrant workers. The following are the key messages that came out of that forum.

What would you identify as the primary message on the empowerment of women migrant workers?

- Change the nuance of empowerment away from “something given” to women migrant workers, towards “something claimed and owned”
- Ensure the agency of women migrant workers is central to all advocacy work;
- Recognize, record and relay the resilience and creativity of women migrant workers;
- Provide platforms in which the voices of women migrant workers can be amplified;
- Promote the value and necessity of women migrant workers to society and economy.

What would you identify as the key message on the vulnerability of women migrant workers?

- Prevention of exploitation and abuse must be paramount through ensuring labour and human rights to women migrant workers, reducing fees and increasing financial inclusion;
- Shine a light on the invisible women migrant workers by focusing on informal sectors, irregular migrants and unexplored geographical contexts;
- Promote inspection and enforcement of labour and human rights of all women migrant workers;
- Provide opportunities for all women migrant workers to connect to unions/associations of migrant workers.

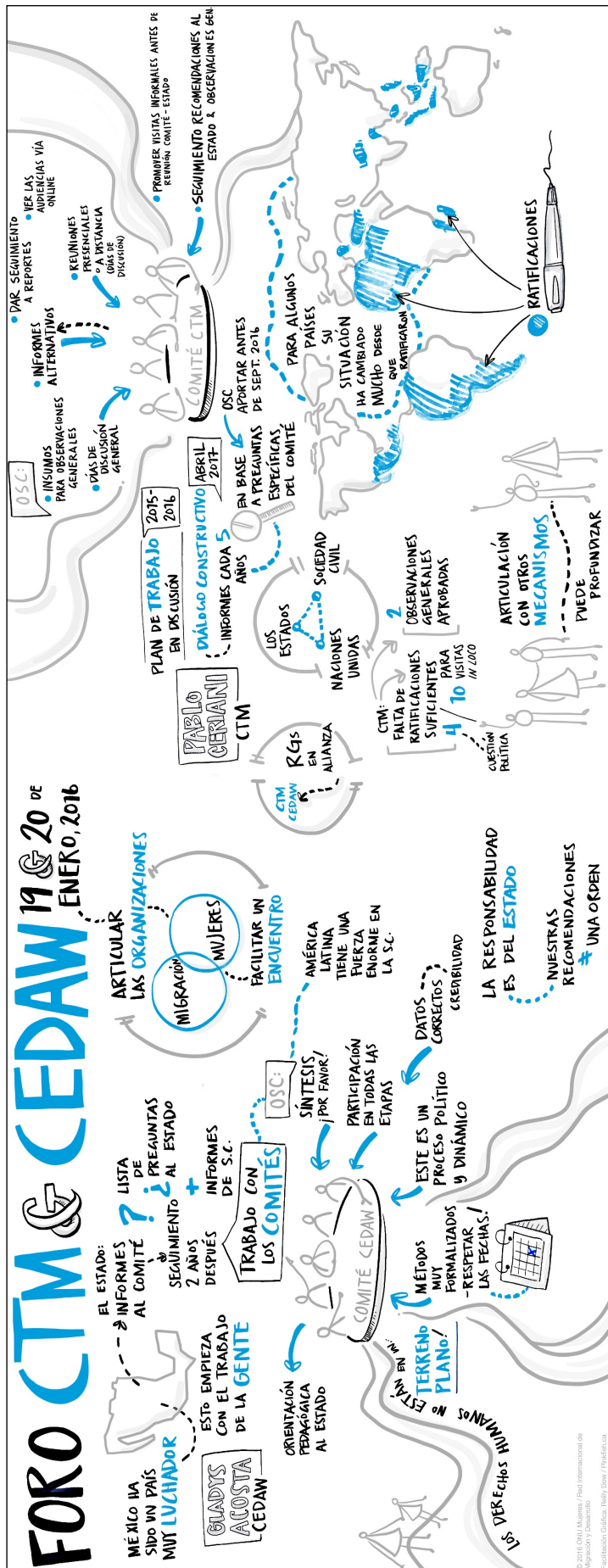
Who/what should be the primary target for advocacy (partner, stakeholder, lever, framework, mechanism)?

- Understand and promote self-organization of women migrant workers and empower them to claim their rights;
- Target advocacy through strategic use of multiple actors, frameworks and levers;
- Empower multiple actors through doing not training – building their capacity to implement changes and multiply the advocacy messages to promote policy change.

**Women migrant workers must be at the centre of all advocacy on the protection and promotion of their rights – the role of all other actors is to be a vehicle for their voice.**

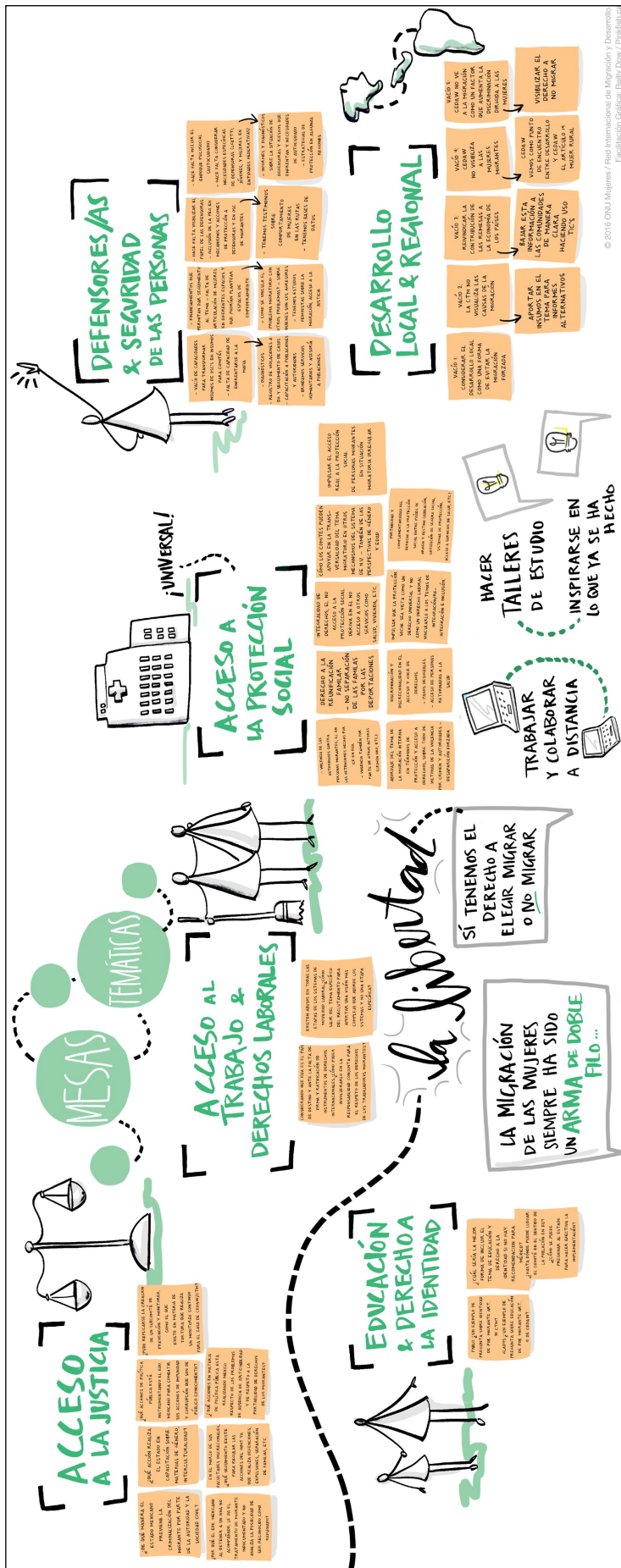
# Annex 3

## Photographic memory of the Forum with experts from the CMW and CEDAW in Mexico



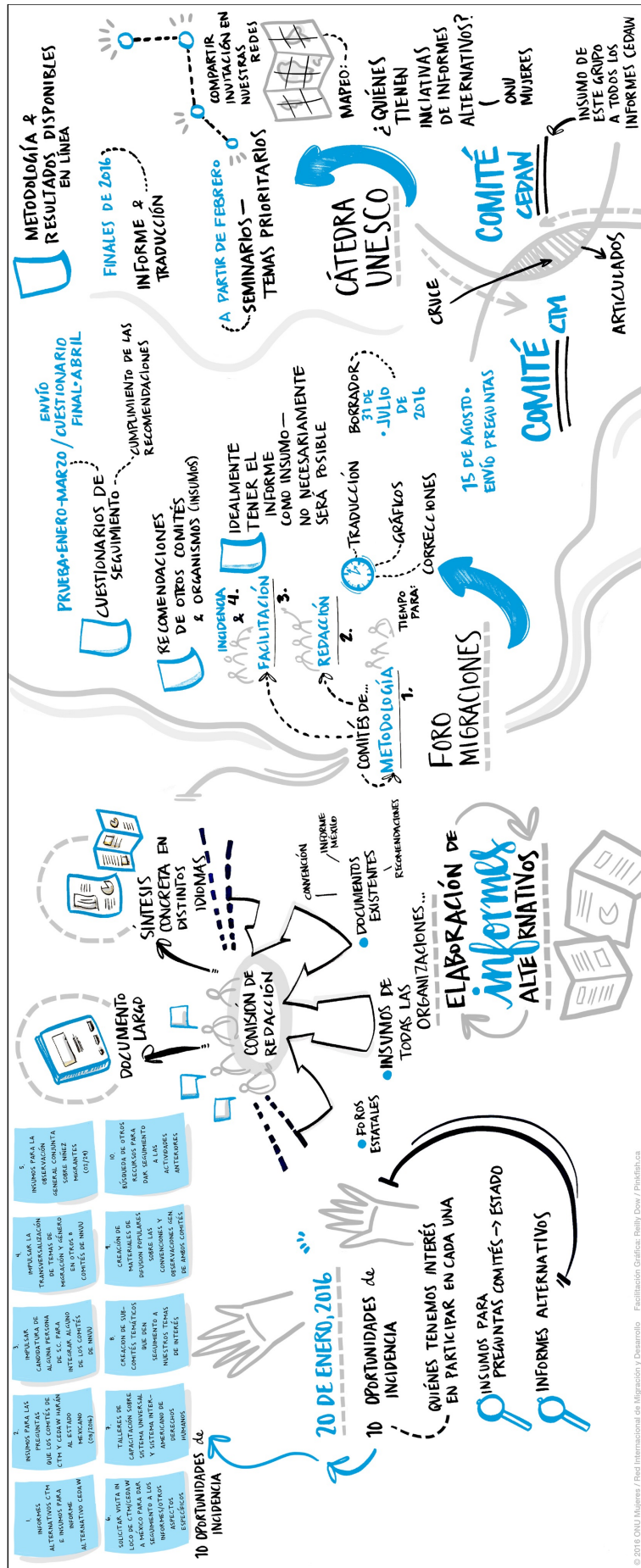




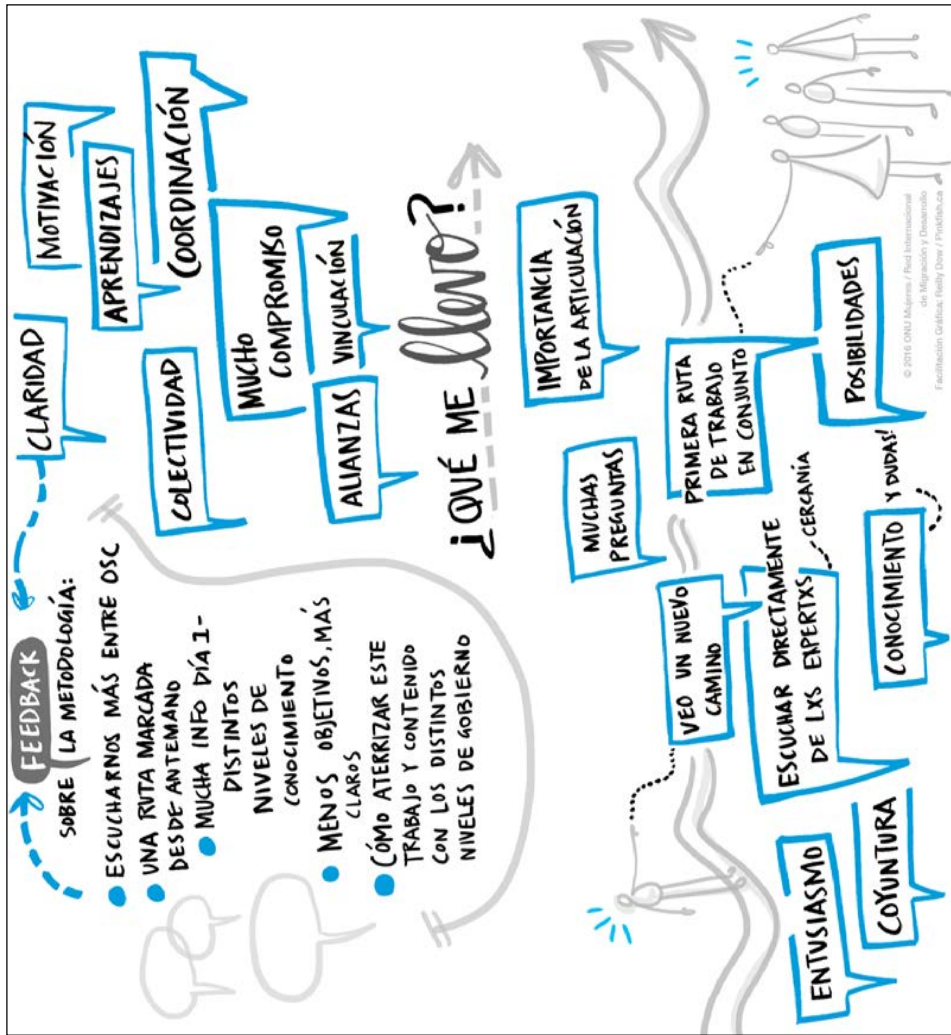


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# Annex 4 Information for CSOs and NHRIs on the 2016 CMW



## COMMITTEE ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES (CMW)

### Information for Civil Society Organizations (CSOs) and National Human Rights Institutions (NHRIs)

25<sup>th</sup> round of sessions  
(August 29<sup>th</sup> to September 7<sup>th</sup>, 2016)

#### I. Consideration of the reports presented by State parties

During the 25<sup>th</sup> round of sessions, the Committee will examine the initial reports presented by **Honduras, Nicaragua and Niger**, and the second periodic report presented by **Sri Lanka**. The Committee will also adopt the list of issues previous to the presentation of the third periodic report of **Mexico and Ecuador**, with regards to the application of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

#### II. Documents

The reports of State parties to be examined during the 25<sup>th</sup> round of sessions, the provisional agenda (CMW/C/25/1) and other documents related to the session will be available online: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1046&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1046&Lang=en)

#### III. Place

The 25<sup>th</sup> round of sessions will be held at the Wilson Palace, in the first floor conference room (TBC).

#### IV. Reports of CSOs and NHRIs

The Committee invites representatives of national and international CSOs to provide specific information on the application of the Convention in the State parties to be considered during the session. This can be done in both written and oral form. The information must be as specific, reliable and objective as possible. The presentation of reports made by CSO coalitions are encouraged over reports by individual CSOs.

The CSOs/NHRIs wanting to present reports to the Committee shall:

- Specify the full name of the CSO/NHRI;
- Specify the State party to which the information refers;
- Specify if the report can be published on the CMW website to be available for the general public;
- Present the report in Word and PDF format via email and send **25 printed copies** to the CMW Secretariat. Additionally, the reports from CSOs/NHRIs can be written in English, French or Spanish and must not be longer than 10 pages. The OHCHR does not translate or publish documents from CSOs/NHRIs.
- Specify as **precisely and briefly** as possible the main human rights issues derived from the Convention that affect migrant workers and their families in the interested State party, and the migrant workers from the State party that live abroad. The goal of the reports should be helping the Committee to reach specific conclusions and recommendations. Moreover, these reports are useful for the preparation of the list of issues, and the list of issues prior to the presentation of reports help to identify the main issues that will be addressed during the constructive dialogue with the State party.

All the written information shall be submitted at least three weeks before the start of the session, i.e. **before August 5, 2016**. The Word and PDF versions of the reports shall be submitted to: [cmw@ohchr.org](mailto:cmw@ohchr.org). The printed reports must be sent to:

CMW - Secretariat  
OHCHR - Palais Wilson

52, rue des Pâquis  
CH-1201 Geneva 10  
Switzerland

#### **V. Meetings with CSOs/NHRIs**

The Committee has reserved time during its 25<sup>th</sup> round of sessions to meet with the CSOs/NHRIs and receiving oral information on the State parties that will be considered during the session. These meetings are scheduled for **Monday, August 29, 2016, from 11:00 to 12:00** and will be held in a public meeting. The conference room will be shortly confirmed by the Committee. The meeting with CSOs and NHRIs is usually held immediately after the opening of the session and could start before 11:00 am. To know the work schedule, please contact the Secretariat and/or check the website of the session.

The oral statements from CSOs/NHRIs should not exceed 10 minutes. However, the time assigned to the CSO/NHRI will be decided by the President according to the number of speakers. The CSOs/NHRIs must also provide **25 copies of their oral statements** at least 15 minutes before the meeting, to be distributed to the members of the Committee and for interpretation purposes. Before the meeting with the CSOs/NHRIs, an electronic version of the declarations must be send in Word format to: [cmw@ohchr.org](mailto:cmw@ohchr.org).

#### **VI. Inscription and accreditation**

The representatives from the CSOs/NHRIs that wish to attend the Committee sessions must fill out the accreditation form (<http://goo.gl/261iF>), including the CSO/NHRI full name and submit it to the attention of Ms. Adele Quist ([aquist@ohchr.org](mailto:aquist@ohchr.org)), with copy to [cmw@ohchr.org](mailto:cmw@ohchr.org), **no later than August 22, 2016**, in order to obtain an identification card to access the United Nations facilities.

After their arrival in Geneva, the representatives of CSOs/NHRIs must collect their entrance passes at the registry desk of the OHCHR, 52 rue des Pâquis Geneva, Switzerland, from 8:00 to 17:00.

We ask every accredited people to bring a print copy of their accreditation form along with their passports or a Government-issued identification (with photo).

Every participant is responsible for their own housing and travel arrangements, as well as the visas needed to enter Switzerland. The CMW Secretariat does not provide assistance in these matters and cannot provide recommendation letters for visa purposes.

#### **VII. Informal meetings with members of the Committee**

The CSOs/NHRIs can organize informal one hour-long meetings with members of the Committee during lunch to discuss specific information on the State parties to be considered. The CSOs/NHRIs that wish to organize such meetings should notify the CMW Secretariat sufficiently in advance in order to coordinate them.

#### **VIII. Additional information**

For more information on the treaty bodies in general, and specifically on the CMW and the role and participation of the civil society in regards to the presentation of State reports, please check the following links:

<http://www2.ohchr.org>; and

<http://www.ohchr.org/EN/AboutUs/Pages/CivilSociety.aspx>



