

Sri Lanka National Consultation on the Global Forum on Migration and Development



Lawyers Beyond
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Sri Lanka

Supported by:



The Sri Lanka national consultation on the 2016 GFMD was organized by Migrant Forum in Asia, The Lawyers Beyond Borders Network Sri Lanka, Solidarity Center and the Diplomacy Training Program through the Support of the Migration and Development (MADE) Civil Society Network. The consultation was held at the Hotel Renuka, Colombo Sri Lanka on 28 February 2016.

The Consultation organized in Sri Lanka aimed to provide updates on the progress of the 2016 GFMD. The consultation will also look into how CSOs can engage with governments in the lead up to December 2016, what preparations can be done and how to mobilize as well for the CSO parallel event in the GFMD.

On 10-12 December 2016 the Global Forum on Migration and Development (GFMD) will be hosted in Asia by the Bangladesh Government. This will mark the ninth such intergovernmental meeting and the second time the GFMD will be hosted in Asia. Civil society must see this as a unique opportunity to mobilize, bringing together our substantive knowledge. Over the years, we have established strong cross-sectoral partnerships on the ground. GFMD Dhaka presents an important opportunity to leverage that unity to take our dialogues with governments to the next level.

The hosting of the GFMD in Dhaka challenges governments to look at the push factors of migration and the need for decent work at home. Bangladesh has ratified the 1990 International Convention on the Rights of All Migrant Workers and Members of their Families. It is important to see how a country that has ratified the Convention sets a different and more ambitious rights-based agenda for the GFMD. The issues faced by Bangladesh are similar to issues faced by migrants in Sri Lanka as a major country of origin.

The Sri Lanka national consultation brought together key migration and development organizations, networks, grassroots and community based organizations, migrants' rights advocates and lawyers providing assistance for migrant workers.

Session 1: Updates and Overview of the GFMD

Tatcee Macabuag from the MFA Secretariat provided an overview of the GFMD and updates on the preparations for the 2016 GFMD. She provided a brief overview of the history of the GFMD, that the GFMD came out of the recommendations of the UN High Level Dialogue on Migration and Development in 2006. The GFMD is an informal, non-binding, voluntary and government-led process, organized annually with country of destination and origin hosting alternately. The following GFMDs have been organized to date:

- July 2007 – 1st GFMD, Brussels, Belgium, Theme: Examine the impact of migration on social economic development in terms of human capital development and labour mobility on the one hand and the contribution of migrant resources on the other hand.
- October 2008 – 2nd GFMD, Manila, Philippines, Theme: Protecting and Empowering Migrants for Development. The goal of the second GFMD was to emphasize the human aspects of migration and protection of migrants.
- November 2009 – 3rd GFMD, Athens Greece. Theme: Integrating Migration Policies into Development Strategies for the Benefit of All.
- November 2010 – 4th GFMD, Puerto Vallarta, Mexico Theme: Partnerships for Migration and Human Development – Shared Prosperity, shared responsibility.
- December 2011 – 5th GFMD, Geneva, Switzerland, Theme: Taking Action on Migration and Development-Coherence Capacity and Cooperation.
- November 2012 – 6th GFMD, Port Louis Mauritius, Theme: Enhancing the Human Development of Migrants and their contribution to the Development of Communities and States.
- May 2014 – 7th GFMD, Stockholm, Sweden Theme: Unlocking the potential of migration for inclusive development
- October 2015 – 8th GFMD, Istanbul, Turkey, Theme: “Strengthening Partnerships: Human Mobility for Sustainable Development.”

This year the GFMD will be organized in Dhaka Bangladesh from 10-12 December 2016. The theme for the 2016 GFMD is “Migration that Works for Sustainable Development of All: a transformative migration agenda”. The following are the sub-themes and roundtable sessions:

Economics of migration and development

- *Roundtable 1.1. Lowering the costs of migration*
- *Roundtable 1.2. Connectivity and migration (people to people contact)*

Sociology of migration and development

- *Roundtable 2.1. Migration, diversity and harmonious societies*
- *Roundtable 2.2 Protection of migrants in all situations*

Governance of migration and development

- *Roundtable 3.1 Migrants in crises: conflict, climate change and natural disasters*
- *Roundtable 3.2 Institutions and processes for safe, orderly and regular migration*

She also discussed the CSO component to the GFMD which started a 1 day CSO meeting prior to the official government process. The results of the CSO meeting were then presented by selected CSO representatives to the government meeting. From the one day CSO meeting, it has evolved into a two day CSO discussion with a one day common space with governments. During the common space, CSOs are given a chance to dialogue with governments and the results of the 2 day CSO discussions and deliberations are presented to the governments.

She said that there are also limitations to the CSO days of the GFMD. Only a limited number of CSOs are allowed to participate in the process and CSOs have to apply in advance in order to participate. A selection committee comprised of a global International Steering Committee of CSOs looks after the selection of the CSO days delegates. The program is also pre-determined and planned by the International Steering Committee.

She also discussed why it is important for CSOs to engage with the GFMD. Currently it is the only Global inter-governmental process that looks at migration even if it is through a narrow lens of migration and development. The GFMD is where states deliberate and decide on global policies and programs on labour migration. The decisions made at the GFMD all though non binding will impact policy discussions in the region. It is also an opportunity for CSOs to engage governments in policy advocacy. CSOs cannot just be service providers for migrants and families. Policy advocacy is needed if issues faced by migrant workers are to be addressed.

The session also discussed various ways that CSOs can continue to engage and participate in the GFMD. The first is through participation in the CSO days of the GFMD. A call for announcement will be circulate and partners are encouraged to apply in the CSO days. Given the limitations of the GFMD CSO days and the reality that not all CSOs will be accepted to the CSO days, the partners also discussed other means of advocacy at the national level through direct engagement with the Sri Lankan Government.

Tatcee also discussed the CSO parallel event to the GFMD, the Peoples Global Action on Migration Development and Human Rights. She The PGA brings together migrant associations, migrant rights organizations, trade unions, faith groups, academia and other civil society from around the world to share information, dialogue, strengthen analyses and develop joint actions and campaigns on current and emerging issues related to migration.

The PGA prioritizes the voices and leadership of organized grassroots migrant and diaspora networks and communities, which are typically marginalized in international forums. The PGA discussions centre on human rights as the basis for development and explores, from a rights-based perspective, the full range of issues involved in migration, including the underlying problems of poverty and injustice, and how civil society and governments must address these. She encouraged the partners to participate in the PGA as well as the PGA preparatory activities. She shared that the PGA will be organizing online discussions on relevant themes of the GFMD as part of the preparation for the GFMD and the results of the online discussions will be used as talking points for CSO advocacy with the GFMD.

Session 2: Workshop on GFMD themes

During the second session participants were divided into groups to discuss and provide inputs to the themes of the GFMD. The exercise aimed to help the participants develop advocacy discussions points for when they will engage the Sri Lankan Government in dialogue on the GFMD. The participants were provided with a set of guide questions to help with the discussion. (please see attached guide questions for reference)

Session 3: Presentation and Open Forum on Workshop Results

In third session the participants presented the results of the workshop and was fallowed by an open forum. Please find below the results of the workshop discussions.

Theme 1: Economics of migration & development (Team-1)

- **Cost of Migration**
- The “Costs of Migration” involves entire Migration Cycle. Discussions by governments should not just be limited to the financial cost of migration. The social cost of migration needs to be included in the discussions of migration.

- There is also lack of clarity among migrants on the cost / fees for migration. This lack of awareness & clarity brings high financial cost in terms of fees. Many migrants loan money in order to pay for fees which leads to debt burden.
- The participants also said that only the financial cost of migration can be measured however it is difficult to measure the social cost of migration.
- The cost of migration can be reduced if governments implement zero recruitment fees policy and employer pays model.
- **Connectivity and Migration**
- Migrant Workers fulfil the labor requirement of destination countries at a low cost. Migrant workers contribute to the economic development of countries of destination.
- The countries of origin benefit through remittances, increase in skills of migrant workers, increase in technical knowledge.
- In terms of benefits for migrant workers and families, families benefit financially through the remittances. It improves the financial status of the family. However in many families there is lack of remittance management and remittances are also not sustainable.
- Migrants are not respected in countries of destination and there is poor integration with local communities among temporary labour migrants. There is also lack of cultural sensitivity among employers. There is less acceptance and integration especially middle east countries.

Theme 2: Sociology of migration and development (Team-2)

- **Migration, diversity and harmonious societies**
- The barriers faced by migrants while working abroad include the following:
 - a. Language
 - b. Skill
 - c. Cultural differences
 - d. Insurance
 - e. Understanding of laws
 - f. Agreement contract must be on two languages (English and local language)
 - g. Standard allowance wages must be same with destination countries
 - h. No cost structure
- The following are the consequences of exclusion and discrimination of migrants:
 - a. Migrants are not protected by the law in the destination country
 - b. No voting rights
 - c. Discrimination on religion, race, gender
 - d. Exploitation, slavery
 - e. Agency and employer holding the document
 - f. Some migrants who are undocumented end up stranded and cannot go back to their own country

- An inclusive society with migrants means protecting the rights of migrants

Protection of migrants in all situations

- It is important for governments to implement to have a strong rights based perspective in in bi-lateral and multilateral agreements. Implementing, monitoring and redress mechanisms are also important if the these are agreements are to work. These agreements also need to reflect inter-national human rights instrument
- The following are the gaps seen in the current migration policies in Sri Lanka specific to women migrant workers
 - a. Mothers with children below 5 years not allowed to work as migrants
 - b. Family background reports (FBR) are required
- Rights of migrant workers can be better protected through information education prior to de-parture, community education, implementation and monitoring of strong policies that will provide protection for migrant workers

Theme 3: Governance of migration and development

- There is a need for policy coherence among countries of origin and destination in line with im-plementing policies on migration.
- Stronger cooperation among government ministries dealing with migration is needed.
- Implementing, monitoring and redress mechanisms need to be put in place in order for policies to work.
- Dialogue among stakeholders is necessary. Government agencies need to dialogue with migrant organizations, migrants rights advocates for stronger monitoring of policies and accountability.
- There should be proper monitoring mechanism needs to channel the policies and decisions from top to middle and bottom

Theme 4: Migrants in crises: conflict, climate change and natural disasters (Team-4)

- **Migrants in Crisis**
- During crisis situations the following issues and problems are faced by migrant workers and fam-ilies of migrants
 - Communication gap
 - Lack of knowledge on institutions dealing with crisis situations and relevant regulatory mechanism
 - Cumbersome emergency repatriations processes- example exit permit
 - Added mental trauma through isolation from family members
 - Exclusion from benefits granted to other citizens in the destination country
 - Special laws and policies have to be formulated on crisis
 - Clear demarcation between Migrant workers and refugees (plus other categories- women, children, migrants with disability, migrants in detention/prison, etc)
 - Embassies of origin countries should have laws and procedures in place/strengthened
 - Disappearance can take place- mechanism to trace migrants
 - If repatriated MW have to find their own means (financial)- compensation, redress
 - Female MW will be vulnerable to sexual abuse/ physical- compensation, redress
 - Countries of origins/sending should start a mapping process
 - Lack of co-ordination between embassies and foreign employment bureau
 - Undocumented workers: Foreign employment bureau is responsible only for regis-tered. Other persons?

- In order to address the above issues, migrant workers should have their rights protected even when there is no crisis in order for migrants to better respond, organize and mobilize in times of crisis. Migrants should have access to communications to embassies and family members even in times of crisis. Governments of countries of origin should have a database of its migrant workers in order to be able to contact and reach them in times of crisis. Information education on what to do in times of crisis should be included in the pre-departure and post arrival orientations of migrant workers

Session 4: Closing and Follow up Action

The last session focused on discussing possible follow-up action of the partner from Sri Lanka in line with engaging the GFMD. The partners agreed on the following follow up activities:

- Endorse and submit to the Sri Lankan Government the Joint Letter calling for CSOs participation in the Government roundtables of the GFMD
- Contribute to online consultations in preparation for the GFMD and the Peoples Global Action on Migration Development and Human Rights
- Provide inputs to the review of the implementation of the CSO 5 year 8 points agenda
- Organize a dialogue with the Sri Lankan Government to follow up on Sri Lanka's representation in the GFMD