



**A civil society proposal for a negotiated outcome in the form of a 5 year action plan
at the 2013 UN High Level Dialogue on Migration and Development**

To: the UN GA Second Committee and UN Member States

November 30, 2012

Background. On 15 November, over 70 civil society organizations active in migration and development programmes and processes worldwide submitted to the UN Secretariat, the members of the UN General Assembly’s Second Committee, and other New York-based UN missions a proposal of 5 points for civil society contribution to the 2013 High Level Dialogue¹.

The first four points proposed how civil society could organize itself for interaction with governments in preparation for and during the HLD and called for the HLD to work towards a succinct negotiated outcome. The fifth point briefly described a set of four themes for roundtables, indicating that further elaboration would imminently be forthcoming.

This document, prepared by a group of civil society organizations and networks present in Mauritius and Manila, contributes that further elaboration for consideration by the Second Committee as the discussion of modalities reaches its final stages; it will also further engage civil society in dialogue about desired outcomes.

Over the past two weeks, civil society organizations active in migration and development around the world have come together at the Global Forum on Migration and Development in Mauritius and at the 5th World Social Forum on Migration in Manila in extensive discussion of the High Level Dialogue on Migration and Development in 2013. At the GFMD, CSOs working at international, regional, national and grassroots levels purposefully met with senior UN officials Mr. Thomas Stelzer and Mr. Peter Sutherland in both bilateral and plenary meetings, and bilaterally with representatives of governments of both the north and south. We have further met in a global civil society Working Group on the High Level Dialogue, convened in connection with the GFMD, and in meetings of the Global Coalition on Migration, in conjunction with the World Social Forum on Migration.

Proposal. Convinced that the High Level Dialogue should aim for something more substantive than a mere summary, and further convinced that there are indeed some issues that have broad-based potential and appeal, we wrestled with the question of what kind of negotiated outcome could be

¹ Available at [<http://gcmigration.org/wp-content/uploads/2012/11/CSO-HLD-5-point-statement-15-Nov-2012.pdf>] More than a hundred additional civil society organizations have since asked to join their names to that proposal, which will be resubmitted shortly with the full list of endorsements of that original proposal.

reasonably achieved at the HLD, both politically and in the context of existing processes, stakeholder engagement and capacities.

With the understanding that this is to be an ongoing process of dialogue with member states and within civil society as the HLD agenda is developed:

- I. We reiterate from civil society's "5 Points" proposal that the HLD should produce "a **succinct negotiated outcome document** that can address critical issues of global migration governance and concrete actions for strong HLD outcomes."
- II. The negotiated outcome document should, however, be in the form of a **five year action agenda**, framed around a maximum of **seven important issues** where there is a broad sense that progress is politically achievable during that period and can be measured. For us, the breakthrough in our thinking was to see the 2013 HLD not as a stand-alone event but as the *beginning* of a five year action agenda that points ambitiously but reasonably to genuine movement on issues, possibly towards a subsequent HLD.
 - a. The action agenda will contain measurable benchmarks and timelines for action at the national, regional and global levels, with appropriate engagement of all stakeholders.
 - b. The action agenda will be developed between January and June 2013 by a time-limited working group established by the Second Committee and fully engaging NGO, trade union and other civil society actors, as well as international organizations.
 - c. The action agenda is directed towards the particular roles that the GFMD and the UN system, including the General Assembly, Secretariat, Global Migration Group and the International Labour Organization, all play in generating and implementing proposals, programmes and policy regarding migration and development and migrant human rights.
 - d. Civil society recognizes the importance of a facility or process within the UN system taking lead responsibility to promote action — and measuring progress — among stakeholders in the implementation of this 5 year action agenda, modestly resourced. Possibilities include a joint working group of states and civil society together with a reporting function incorporated within the existing annual Coordination meeting organized by UN DESA.
- III. We propose that the action agenda's **seven key outcomes**, to be achieved over five years, comprise:
 - a. **In the area of governance of mobility**
 1. Identification or creation, and implementation, of effective standards and mechanisms to **regulate the migrant labour recruitment industry**, an outcome that civil society is convinced is within reach thanks to a growing convergence towards reform among countries of origin, transit and destination and among private sector actors and funders as well as NGO, trade unions and migrants themselves. Benchmarks could include a global synthesis of existing recruitment problems and solutions, national or transnational, a global convening of legitimate private recruitment actors, development of a compact on reducing abuses in the recruitment field, etc.
 2. Reliable, multi-actor mechanisms to address the assistance and protection needs of **migrants stranded in distress**, beginning with those trapped in situations of war, conflict or disaster (natural or man-made) but with the same logic and urgency with respect to migrant victims of violence or trauma in transit. This should include specific attention to egregious gaps in

protection and assistance for migrant women who are raped, and the thousands of children that are unaccompanied and abused along the major migration corridors in every region of the world. Benchmarks could include further work and multi-stakeholder capacity building on frameworks developed by IOM, UNHCR and UNODC, and possibly the consolidation of relevant principles and practices under existing refugee, humanitarian and human rights law.

b. In the area of governance of migration and development

3. Integration of migration into the **post-2015 development agenda** to address not only the contributions that migrants make to development in countries of origin and destination, but the possibilities for better policy planning and coherence that can make migration more genuinely a choice and not a necessity, and greater gain than drain. This development agenda would work to affirm both the right to migrate and the right to remain at home with decent work and human security. As such, it links migration to UN development concerns regarding poverty, health, gender equality, financing for development and sustainable development and to future development goals.

4. Mechanisms to guarantee **labour rights for migrant workers** equal to the rights of nationals, including the rights to equal pay and working conditions, to form and organize in trade unions, to ensure portability of pensions and to have paths to citizenship for migrant workers and their families. This recognizes the long-term needs of many nations for migrant workers, while guaranteeing human security and rights to those workers to meet economic, demographic and development needs while affirming the States' role to protect the rights of all workers. Benchmarks could include addressing the movement of peoples in the global trade agenda and national progress in complying with the worker-related international conventions, in particular ratification and implementation of the UN Migrant Workers Convention and the ILO Convention on Domestic Workers.

5. Models and frameworks that address the needs and **rights of migrant women** in their specificity, including policies and programmes that enable women workers to have the choice whether to migrate or remain in home countries, and legislation that enables migrant women, regardless of status, to have access to basic services; recourse to the justice system; and protection against all forms of violence. The rights of migrant women should be addressed as a separate goal and also seen as a cross-cutting concern in all of the seven goals. In addition, mechanisms should consider the best interests of children in the context of migration, including their rights.

c. In the area of institutional mechanisms of migration governance

6. Benchmarks for **promoting the exchange of good practice and enactment and implementation of national legislation** to comply with the full range of provisions in international conventions that pertain to migrants even outside the labour sphere, with particular concern for rights in the context of enforcement policies, rights to basic social protection and due process.

7. **Redefinition of the interaction of international mechanisms of migrants' rights protection**, which recognizes the important but limited roles of the GFMD and the Global Migration Group, revives emphasis of the distinct mandate of the ILO for worker protection and more coherently

aligns protection activity of the ILO, IOM, UNHCR, OHCHR and UNODC. This would be in the context of the UN normative framework, and involve a thorough evaluation of the GFMD process, including questions of accountability, transparency, inclusiveness and outcomes. A goal would be to institutionalize the participation of civil society in future governance mechanisms.

Civil society recognizes States' central role in legislating and implementing effective policy regarding migration, development and human rights and States' obligation to protect the rights of migrants. We request the UN Second Committee to provide civil society with a substantive response regarding how the above proposal will become part of the HLD deliberations and outcomes. In turn, civil society stands ready to support the five year plan as both advocates and partners.

Prepared by:

- International Catholic Migration Commission (ICMC)
- Migrant Forum in Asia (MFA)
- Migrants Rights International (MRI)
- National Network for Immigrant & Refugee Rights (NNIRR)
- NGO Committee on Migration
- United Methodist Women (UMW)

Endorsed by:

[endorsements forthcoming]