GFMD Thematic Workshop on GFMD's contribution to the GCM

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

6 September 2017, 10:30-12:30
Vienna – Hotel Savoyen – Mancini 2

1. The Working Session on Human Rights of all migrants was chaired by **Ambassador Arturo Cabrera**, Deputy Permanent Representative at the Permanent Mission of Ecuador in Geneva. GCM Rapporteur **Ambassador Esteban Conejos Jr.** of the Philippines gave an insight to the report to be submitted to the GCM on the issues of human rights, social inclusion and cohesion. **Mr. John Bingham**, Head of ICMC Policy, served as rapporteur and summarized the discussions.

2. In opening the session, Ambassador Cabrera highlighted the importance and the unique opportunity for the GFMD to contribute to the GCM. Explaining the pioneer role and experience of his country in guaranteeing rights of migrants, the working session chair enumerated several programs and laws implemented by Ecuador on social inclusion, empowerment, integration and return of migrants. He reflected on the decade-long active participation of Ecuador in the GFMD, and stressed the need to bridge gaps and closer cooperation at the international level in the area of protection and promotion of rights of migrants.

Overview on the GFMD Report's Chapter on GCM Cluster 1

3. Ambassador Conejos gave an overview of GFMD's draft inputs to the GCM thematic cluster 1 on human rights of migrants. He reminded participants that the issue of human rights of migrants was first included in the GFMD agenda at the Philippine GFMD Summit in 2008, which he chaired. He said the time then demanded to give migration a human face. While human rights is a touchy issue, GFMD has initiated and successfully led many fruitful discussions on the topic, thanks to its non-binding and informal character. He stressed that GFMD is not a space for creating norms but for the exchange of relevant practices.

4. Three main recommendations were extracted from the report:
    a) *Guaranteeing migrant' human rights regardless of their immigration status*
    b) *Empowering of migrants*
    c) *Social inclusion and participation*

5. Under each policy area above, there are political/general recommendations and practical/actionable recommendations,[1] which Ambassador Conejos expounded on, to illustrate:

    a) "Guaranteeing migrants' human rights regardless of their immigration status" demands paying particular attention to the vulnerability of migrants. There are three key elements for ensuring the protection of migrants' rights: a) access to justice needs to be granted through the set-up of firewalls with migration enforcement services; b) detention, especially of migrant children, should be avoided; and c) cooperation and responsibility-

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[1] For a complete list of the political/general recommendations and practical/actionable recommendations of the GFMD on this cluster, please click this link: https://gfmd.org/files/documents/cluster_1_excerpt_gfmd_report_to_gcm.pdf

sharing are needed to ensure the protection of human rights. The practical recommendations of the report are: 1. Capacity building for border officials; 2. Effective pre/post-departure information measures and 3. Information mechanism on potential dangers of migrants' journey.

b) The empowerment of migrants is three-fold. It can be political empowerment, through strengthening the participation of migrants in national life; economic, through access to labor markets and fair work; and finally social through access to basic services. In that perspective, the report recommends the support of civil society actors, the promotion of migrants' health and the access to banking and financial services.

c) On social inclusion, Amb. Conejos summarized the main recommendations of the report, including the promotion of more active integration policies, the implementation of legislation combating xenophobia and intolerance or the shaping public perception of migrants. For the latter, the need for accurate data was stressed.

6. The Chair opened the floor and invited all participants to respond to the three guiding questions. Below is a summary of the main takeaways from the discussions.

Question 1: How can the GCM facilitate sustainable implementation of commitments in international standards and frameworks related to the topics covered by this thematic cluster?

- Participants underlined the necessity to put at the center of the GCM process the promotion and protection of human rights, regardless of the migrant's status. Sounding the call against discrimination, exclusion and xenophobia, they argued that upholding the respect for fundamental rights means providing equal access to justice, education and health services. Participants urged for an increased focus on fighting smuggling and trafficking of persons. They advocated for non-criminalization of solidarity towards migrants in humanitarian contexts, as well as the protection of families left behind. Moreover, the need for a gender-based approach should be fostered, as female migrants are particularly exposed to human rights violation. There was a strong consensus on the importance of integration, inclusion and diverse societies, as well as the recognition of the beneficial contributions of migrants in countries of destination, origin and transit. Finally, in order to change attitudes and perceptions towards migrants, efforts should be made at an early stage through the educational system.

- Participants supported the view that a key aspect of ensuring the protection of migrants' human rights is through strengthened partnerships, cooperation and responsibility-sharing -- from macro-cooperation to micro-cooperation, from national to sub-national levels. They underscored the need to establish and/or enhance networks of agreements at the bilateral, trilateral and regional fronts. They said that the government plays a very important role in the migration process, and that institutional policy coherence is required at the national level. In addition, the involvement of all stakeholders is crucial, (including with the civil society, migrants and diaspora, local authorities and even religious actors), as well as Public-Private Partnerships.

- Participants also underlined the existence of human rights norms and obligations, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), or the ILO Convention. But the key is in the effective ratification, implementation and application of these existing frameworks and standards. It would be vital for the GCM to capitalize on such established frameworks, get the wheel rolling and not restate the same rights and commitments.

Question 2: How can the GCM further advance relevant recommendations and good practices shared within the GFMD and affirmed in several UN documents?

- There was a shared call for the GCM to include, after its adoption, a built-in review and follow-up mechanism, possibly structured around target indicators in order to measure the performance and progress on the commitments made by the Member States. Many delegates shared the view that IOM should have a leading role in that process.

- Specific measures to strengthen human rights of migrants were put forward. Pre-and-post arrival information for migrants will inform them about the potential dangers and help them in making informed decisions. Thus, there was a concrete suggestion to develop a specific protocol for pre/post migration process. Another proposal was to extend the mandate of national human rights commissions.

- Participants highlighted new strategies for integration and inclusion that the GCM should promote. A special emphasis was given on the role of diasporas and the potential added value of establishing partnerships with diasporas towards the construction of positive narratives on migration.

- The discussion also reiterated the need to implement firewalls and a clear separation between ensuring access for all migrants to universal services and emergency treatment, on one hand, and migration law enforcement authorities, on the other hand. However, while there was a majority agreement on this principle, one state underlined that there are certain limitations, and that the return of migrants is ultimately the best solution.

Question 3: Which current challenges, if any, are not yet sufficiently covered by existing international standards and frameworks and therefore require specific emphasis by the GCM?

- Participants highlighted the continuing challenge of wrestling with distinctions between legal and irregular migrants, refugees and migrants. Suggestions were made to make a clear distinction in these terminologies.

- Some participants shared their concern about specific gaps in the protection of migrants, in particular in terms of access to housing, shelter, health, education, financial services and justice. They particularly stressed the need to ensure access to speedy justice, complaint and redress mechanisms, as well as access to labor market, decent work, and equal protection with local workers in countries of destination.

- The discussion underlined that the GCM should address capacity-building support and technical assistance, including human rights training for frontline officials and immigration authorities.

7. At the end of the session, the thematic expert rapporteur summed up the highlights of the discussions. The following table outlines the main points of convergence, practical recommendations and remaining challenges or issues for further discussion.

Main points of convergence, recommendations and challenges that emerged from the deliberations

Points of Convergence	Practical Recommendations	Challenges / Issues for further discussion
• Migrants' human rights regardless of immigration status;	• Mechanism for follow up, review and track progress of GCM;	• Distinction between migrants' statuses;

• Positive migrants' contribution and the multi-faceted forms of cooperation	• New strategies for integration and inclusion; • Firewalls to access public services	• Provision of technical assistance and capacity-building; • Resources