Mobilizing Migrant Community and Civil Society Voices for the First Global Forum on Migration and Development (GFMD) 2007

The MFA Experience

Migrant Forum in Asia

T(632)4333508 — F(632)4331292 — www.mfasia.org — mfa@pacific.net.hk
Mobilizing Migrant Community and Civil Society Voices for the First Global Forum on Migration and Development (GFMD) 2007
The MFA Experience
Mobilizing Migrant Community and Civil society Voices for the First Global Forum on Migration and Development (GFMD) 2007: The Migrant Forum in Asia Experience

The Global Forum on Migration and Development is a non-binding informal multilateral government led process that will look at developing a practical agenda on maximizing the gains from migration and development.

This report aims to present the various initiatives and strategies of the MFA network and its partners in engaging with the GFMD process. It provides a background of the GFMD, the Day for CSOs of the GFMD a report of the CSO Global Community Forum on Migration and Development, a summary of the recommendations of the GFMD and recommendations for CSO engagement with the second GFMD in Manila, Philippines.

Copyright © 2008 Migrant Forum Asia (MFA)

This publication is copyrighted. It may be used and reproduced for non-commercial activities only. Use for any other purpose must be by permission of Migrant Forum Asia.

Migrant Forum in Asia
59 B Malumanay St. Teachers Village
Diliman, Quezon City, Philippines
Tel no: +632-4333508
Fax: +632-4331292
E-mail: mfa@pacific.net.hk
Website: www.mfasia.org

Contributors:

Migrant Forum in Asia—is a regional membership organization of migrants, migrants rights advocates, NGOS, grassroots organizations, trade unions and individuals dedicated to promote the rights and well being of migrant workers in the Region.

Migrant Rights International—is an international network of non-governmental organization, federation of migrants’ and migrants’ rights organizations, trade unions and faith-based groups within the various global regions promoting and defending the human rights of migrants.

Edited by: William Gois
Cover Photos: Migrant Forum in Asia
Design and Layout: Lorena Macabuang

Printed by:
M-Plus Print Graphics
180 Alabang-Zapote Road, Pamplona
Las Pinas City 1750 Philippines
Tel (632)8721298 Fax: (632)8745887
In July 2007, the Belgian Government hosted the first Global Forum on Migration and Development (GFMD). The GFMD was the result of the recommendation of the United Nations (UN) High Level Dialogue on International Migration and Development (UNHLD) held on 14-15 September 2006. The GFMD is a non-binding informal multilateral government led process that will look at developing a practical agenda on maximizing the gains from migration and development.

Migrant Forum in Asia (MFA), one of the lead organizations working on the issues of migration and development in the Asian region, felt it necessary for the voices of migrant, trade unions and Civil Society Organizations (CSOs) to be heard in the process of the GFMD. MFA together with its international partner, Migrants Rights International (MRI), was actively engaged in the process of the UNHLD from actual participation in the UN process to engaging grassroots and communities of migrants on the issue. In the lead up to the GFMD, MFA together with its various partners at the international and regional levels adapted the same strategy in terms. MFA and its partners were part of the formal CSO process organized by the GFMD and hosted by the Belgian government at while MFA together with Migrants Rights International organized the Global Community Forum on Migration, Development and Human Rights (GCD-MDHR). The GCD-MDHR was an independent event of CSOs parallel to the GFMD in order to reintroduce the voice and concrete contribution of the migrants, non-government organizations (NGOS) and CSOs in the global debate. Aside from organizing a parallel event, MFA also assisted in disseminating information concerning CSO participation in the formal GFMD process and encouraged its partners and members to apply as official CSO delegates to the GFMD.

This report aims to present the various initiatives and strategies of the MFA network and its partners in engaging with the GFMD process. It provides a background of the GFMD and the Day for CSOs, a report from the CSO Global Community Forum on Migration and Development, a summary of the recommendations of the GFMD and recommendations for CSO engagement with the second GFMD forthcoming in Manila, Philippines in 2008.

**********
Acknowledgment

This report is dedicated to all the members of Migrant Forum in Asia (MFA) and Migrants Rights International MRI.

We would like to acknowledge the contribution and hard work of the Migrants Rights International Steering Committee who have spent long hours in conference calls and meetings to prepare for this activity.

We would also like to thank OXFAM-NOVIB for making it possible for Migrant Forum in Asia to participate in this event.
# Table of Contents

Foreword ........................................................................................................... v
Acknowledgments ............................................................................................... vii
Table of Contents ............................................................................................... ix
List of Acronyms ................................................................................................. xi
Introduction and Background ............................................................................ 1
   GFMD Background .......................................................................................... 1
   Engaging the Discourse on Migration and Development: the MFA Network Experience .................................................. 2

I. Civil Society Organizations Preparatory Activities for the GFMD .................. 5
   A. SAPA Working Group on Migration and Labour ...................................... 7
   B. Asian Consultation Process ...................................................................... 8
   C. Asian Domestic Workers Assembly .......................................................... 20

II. The Civil Society Day of the Global Forum on Migration and Development .... 23

III. Global Community Forum on Migration, Development and Human Rights .. 29
   A. Opening of the Global Community Forum .............................................. 31
   B. De-briefing and Dialogue on the Civil Society Day of the GFMD .......... 32
   C. The State of Human Rights of Migrants. .................................................. 36
   D. Breakout Workshops .............................................................................. 42
      a. Global Domestic Workers Forum ....................................................... 42
      b. Temporary Labour Migration Programs and Vulnerability of Migrant Workers ......................................................... 47
      c. Concrete Programming on Migration and Development: How the European Union Frames It ........................................... 53
         Advocacy Campaigns for Change: Radio 1812 and Campaign Against the High Cost of Sending Remittances ...................... 54
         The Links Between Development, International Trade And Migration Policies .......................................................... 57
         Concrete Programming in Migration and Development II: How NGOs Already do Migration and Development .............. 57
         Detentions and Deportations ................................................................ 61
         The International Protection Regime: Campaigning for the Universal Ratification and Effective Implementation .................. 62
   E. Workshop Reporting and Strategy Building .............................................. 67
IV. The Global Forum on Migration and Development ............................................... 75

V. Looking Towards the Second Global Forum on Migration and Development in Manila . . . 81

VI. Annex ........................................................................................................... 87
Open Letter to UN Secretary General Ban Ki Moon .................................................. 89
Statement of the Asian Consultation Process ............................................................ 91
Statement of Unity of the Asian Domestic Workers Assembly .................................. 96
### List of Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACILS</td>
<td>American Center for International Labour Solidarity</td>
</tr>
<tr>
<td>ADB</td>
<td>Asian Development Bank</td>
</tr>
<tr>
<td>ADWA</td>
<td>Asian Domestic Workers Assembly</td>
</tr>
<tr>
<td>AMC</td>
<td>Asian Migrant Center</td>
</tr>
<tr>
<td>AAMDH</td>
<td>Asian Alliance for Migration Development and Human Rights</td>
</tr>
<tr>
<td>APL</td>
<td>Alliance of Progressive Labour</td>
</tr>
<tr>
<td>ASEAN</td>
<td>Association of South East Asian Nations</td>
</tr>
<tr>
<td>ATUC</td>
<td>ASEAN Trade Union Congress</td>
</tr>
<tr>
<td>CAREF</td>
<td>Servicio Ecuménico de Apoyo y Orientación a Migrantes y Refugiados</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination Against Women</td>
</tr>
<tr>
<td>CELS</td>
<td>Centro de Estudios Legales Y Sociales</td>
</tr>
<tr>
<td>CFMW</td>
<td>Commission for Filipino Migrant Workers</td>
</tr>
<tr>
<td>CLS</td>
<td>Core Labour Standards</td>
</tr>
<tr>
<td>CMR</td>
<td>Coalition for Migrants Rights</td>
</tr>
<tr>
<td>CSMM</td>
<td>Centro de Documentación en Derechos Humans &quot;Segundo Montes Mozo&quot;</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil Society Organizations</td>
</tr>
<tr>
<td>ECOSOC</td>
<td>Economic Social Council</td>
</tr>
<tr>
<td>EIDHR</td>
<td>European Initiative for Democracy and Human Rights</td>
</tr>
<tr>
<td>EMCEMO</td>
<td>Centre Euro Méditerranéen Migration et Développement</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FDW</td>
<td>Foreign Domestic Workers</td>
</tr>
<tr>
<td>FTA</td>
<td>Free trade Agreement</td>
</tr>
<tr>
<td>GATS</td>
<td>General Agreement in Trade and Services</td>
</tr>
<tr>
<td>GCD-MDHR</td>
<td>Global Community Dialogue on Migration Development and Human Rights</td>
</tr>
<tr>
<td>GCIM</td>
<td>Global Commission on International Migration</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>GR 27</td>
<td>General Recommendation 27</td>
</tr>
<tr>
<td>GWJA</td>
<td>Global Workers Justice Alliance</td>
</tr>
<tr>
<td>HLD</td>
<td>High Level Dialogue on International Migration and Development</td>
</tr>
<tr>
<td>HIV/AIDS</td>
<td>Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome</td>
</tr>
<tr>
<td>HRW</td>
<td>Human Rights Watch</td>
</tr>
<tr>
<td>ICCO</td>
<td>Interchurch Organization for Development Cooperation</td>
</tr>
<tr>
<td>ICMC</td>
<td>International Catholic Migration Commission</td>
</tr>
<tr>
<td>IDPs</td>
<td>Internally Displaced Persons</td>
</tr>
<tr>
<td>IFAD</td>
<td>International Fund for Agricultural Development</td>
</tr>
<tr>
<td>IEC</td>
<td>Information Education Campaigns</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labor Organization</td>
</tr>
<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
</tr>
<tr>
<td>IOM</td>
<td>International Organization for Migration</td>
</tr>
<tr>
<td>IRPRD</td>
<td>Institut de Recherche et de Promotion des Alternatives et Development</td>
</tr>
<tr>
<td>JCMK</td>
<td>Joint Committee for Migrant Workers Korea</td>
</tr>
<tr>
<td>JRS</td>
<td>Jesuit Refugee Services</td>
</tr>
<tr>
<td>KBF</td>
<td>King Baudouin Foundation</td>
</tr>
<tr>
<td>MDGs</td>
<td>Millennium Development Goals</td>
</tr>
<tr>
<td>MDWs</td>
<td>Migrant Domestic Workers</td>
</tr>
<tr>
<td>MFA</td>
<td>Migrant Forum in Asia</td>
</tr>
<tr>
<td>MMN</td>
<td>Mekong Migration Network</td>
</tr>
<tr>
<td>MPDL</td>
<td>El Movimiento por La Paz</td>
</tr>
</tbody>
</table>
MRCI – Migrants Rights Center Ireland
MRI – Migrants Rights International
MSAI – Migrant Savings for Alternative Investment
NELP – Nacional Employment Law Project
NGLS – Non Government Liaison Services
NGO – Non Government Organization
NNIRR – National Network for Immigrant and Refugee Rights
PAN – Priority African Network
PICUM – Platform for International Cooperation on Undocumented Migrants
SAPA – Solidarity Asian Peoples Advocacy
SAPA-WGML – Solidarity Asian Peoples Advocacy Working Group on Migration and Labour
TB - Tuberculosis
TIGRA – Transnational Institute for Grassroots Research and Action
TU – Trade Unions
UAE – United Arab Emirates
UN – United Nations
UN-ECOSOC – United Nations Economic and Social Council
UNIFEM – United Nations Development Fund for Women
UN GA – United Nations General Assembly
UN-HCR – United Nations High Commission on Refugees
UN-NGLS - United Nations Non-Governmental Liaison Service
UN-SG – United Nations Secretary General
US – United States of America
WCAR - World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance
WB – World Bank
WTO – World Trade Organization
The First Global Forum on Migration and Development (GFMD) was held in Brussels, Belgium on 10-11 July 2007. The GFMD was a result of the proposals of the United Nations Secretary General (UNSG) at the UN High Level Dialogue on International Migration and Development (UNHLD) on 14-16 September 2006. Over 140 member states participated in the UNHLD to discuss the multidimensional aspects of international migration and development and identify appropriate ways and means to maximize its development benefits and minimize its negative impacts. Additionally the UNHLD focused on policy issues, including the challenge of achieving internationally agreed development goals including the millennium development goals (MDGs). UN member states expressed interest and support in continuing the dialogue by means of an informal, intergovernmental forum as proposed by the UNSG.

The proposed forum will not be a decision making body but rather an informal multilateral government led process. The Government of Belgium offered to host the first GFMD in consultation with the UNSG Special Representative for Migration (SRSG) and an open-ended group of UN member states called the “Friends of the Forum”.¹ The GFMD provided a platform for policymakers to share information on ideas, good practices and policies regarding migration and development and to share new initiatives for international cooperation and multi-stakeholder partnerships. The GFMD aimed to produce concrete and action oriented outcomes, including new policy recommendations, innovative programmes and enhance cooperation among countries. Through dialogue between developing and developed countries the GFMD seeks to arrive at common and evidence-based understandings on areas where migration policies have the greatest potential to contribute to development, and where development policies take greater account of migration and its potential benefits for development.

The first GFMD was comprised of two interrelated parts:

**Civil Society Day (July 9)**

At the request of the Belgian government, the King Baudouin Foundation organized, on July 9, consultations among civil society entities, which brought together more than 200 representatives of NGOs, diaspora organizations, private sector, academics and trade unions worldwide to discuss the issues on the agenda of the governmental days. A report of the civil society organizations (CSO) meeting was presented in the plenary session of the governmental meeting.

¹ Under the GFMD Operating Modalities the Friends of the Forum is open to all States Members and Observers of the United Nations. Specialized agencies of the United Nations and other international organizations may be invited as observers. It acts as a sounding board, ensures that all States Members and Observers of the United Nations are kept abreast of Forum-related developments and advises on the agenda, structure and format of each Forum meeting. Friends of the Forum meetings are chaired by the Chair-in-office.
Governmental Meeting (July 10 – 11)
During the Governmental meeting of July 10-11 more than 800 delegates – representing 156 UN member states and more than 20 international organizations as well as the European Commission and the Holy See – participated in two plenary sessions and 12 roundtable sessions running in parallel on specific issues related to human capital development and labor mobility (Roundtable 1), remittances and other diaspora resources (Roundtable 2), and policy and institutional coherence (Roundtable 3). Each session was prepared and presented by voluntary teams of governments with common interests in the theme, and representing the developing and developed regions of the world in a balanced way. The roundtables yielded concrete project proposals ranging from working groups to feasibility studies, which will need to be implemented and reported on at the next GFMD meeting by willing governments and/or relevant international organizations.

The first GFMD had the following objectives:

- to share current policies and practices that strengthen the positive development impact of migration and to assess how migration policy planning can be linked with development policy planning;
- to identify best practices that seek to ensure mutual migration-development benefits;
- to produce concrete outcomes in the form of new models of policies and practices, of multi-stakeholder partnerships and of a matrix of knowledge gaps; for this purpose, to explore and establish concrete multi-stakeholder partnerships; and.
- to lay the foundation for the future Forum process, including concrete short and medium term actions taken on the outcomes of the Brussels meeting, the possible assessment of these follow-up activities and the implementation of required research; and to define a reporting process on these follow-up activities for the second meeting of the Global Forum in 2008.

Through a consultative process which involved about 115 governments, two themes were identified as top priorities for the first GFMD: ‘Migration and socio-economic development’, and ‘Best ways to strengthen the links between migration policies and development policies’. These issues were addressed by the governments in roundtable discussions that focused on the following topics:

- Human Capital Development and Labour Mobility: Maximising Opportunities and Minimizing Risks
- Remittances and other Diaspora Resources: Increasing their Volume and Development Value
- Enhancing Institutional and Policy Coherence, and Promoting Partnerships

Engaging the Discourse on Migration and Development:
The MFA Experience

Migrant Forum in Asia (MFA), a membership network established in 1994, is among the first migrant organizations to take on the issue of migration and development in the Asian region. The MFA Strategic agenda states that MFA members are committed to help create alternative sustainable economic models, processes and practices for migrants. The networks’ engagement started with its conception of Migrant Savings for Alternative Investment (MSAI) which rests on upholding the economic rights of migrant workers and members of their families through preparing the migrants for sustainable reintegration in their home countries. Asia is home to both countries of origin and destination and migration patterns are marked by
single and temporary migration of persons.

The MSAI was first conceptualized by the Asian Migrant Centre, a founding member of MFA and was first implemented in the Philippines by Unlad Kabayan, also a member of MFA. It aims to provide an enabling environment for the sustainable reintegration of migrants to their home countries since migration is temporary and migrants have to prepare for their eventual return and reintegration.

The current discourse on migration and development looks at managing migration and getting the most out of migrant remittances, treating migrants as commodities with little or no rights. There is a need for migrants and civil society to push for a more holistic approach in tackling the issue particularly in incorporating a rights based approach to the discourse of migration and development. It is also necessary for migrants themselves as the key stakeholders to be involved in this process.

MFA was actively engaged in the process leading up to the UNHLD both in its engagement at the UN level and with the various activities of CSOs. MFA was also part of the Steering Committee, organized by the United Nations Non Government Liaison Service (NGLS) that helped in the preparation of the CSO interactive hearings in the lead up to the HLD and was also part of the CSO representatives that gave interventions at the HLD roundtables. MFA together with MRI and other CSOs also co-organized a five day parallel event on 11-15 September 2006, in time for the UNHLD. The five day parallel event was divided into the following:

- Civil Society Strategy meeting
- Meeting with the UN permanent missions
- The Global Community Dialogue on Migration Development and Human Rights

A report of MFA's engagement in this process was published and can be accessed at the MFA website: www.mfasia.org

MFA believes that it is vital for migrants and migrant CSOs' voices be heard within international processes including the GFMD. The GFMD will be an annual inter-governmental activity that will help shape the global discourse on migration and development. Despite it being a non-binding process it will influence the shaping of migration policies at national and regional levels. There is a need to emphasize among governments to look into a rights based framework in shaping the discourse of migration and development.

*******
Civil Society Organizations Preparatory Activities for the 2007 GFMD
A number of activities were initiated by CSOs in preparation for the first GFMD in Brussels Belgium. Among these initiatives include the Solidarity Asian Peoples Advocacy (SAPA) working group on migration and labour first meeting, the Asian Consultation Process and the Asian Domestic Workers Assembly. This section will focus on the CSO initiatives in preparation for the GFMD. It will provide a summary of the three activities mentioned and how this has contributed to strengthening engagement and advocacy on the migration and development discourse in the region.

A. Solidarity Asian Peoples Advocacy (SAPA) Working Group on Labour and Migration

The SAPA Working Group on migration and labour had its first meeting on 4 February 2007 in Bangkok, Thailand. The SAPA is an open platform for consultation, cooperation, and coordination between Asian social movements and CSOs including NGOs, peoples organizations, trade unions, and those engaged in action, advocacy and lobbying at the level of the intergovernmental processes and organizations. The working group on migration and labour was convened as a broader platform for national and regional CSOs, grassroots and trade unions to address advocacy issues concerning migration in the region. The working group was the result of consultations in the broader coalition of SAPA and with Asian Alliance for Migration Development and Human Rights (AMDHR). It was during the first working group meeting that the members of the AMDHR decided to dissolve the alliance to give way to the setting up of the SAPA working group on migration and labour.

Members of the working group on migration and labour currently include trade unions, regional organizations, national organizations and grassroots organizations. Currently the MFA sits as the convener for the working group. The following are the objectives of the working group:

- Play a key role in expressing concerns and formulating strategies to implement fundamental labour rights, Core Labour Rights (CLS) and the Asian Social Charter.
- Actively support the drafting, monitoring, evaluation and implementation of the ASEAN Framework on the rights of Migrant Workers, which will be submitted to the ASEAN SLOM/ASEAN Labour Ministers. In accordance with the VAP, the ASEAN Ministers will begin discussions on the elaboration of an ASEAN Instrument on the Protection and Promotion of the Rights of Migrant Workers.
- Enhance capacity of CSO-TU to implement CLS, monitoring, evaluation, advocacy, and complaint mechanisms.

During the first working group meeting, members of the working group discussed priority issues and areas for intervention in the year 2007. One of the areas identified for intervention in 2007 was the first GFMD in Brussels, Belgium. Members of the working group agreed for MFA to take the lead as the group’s convener in calling for an Asian Consultation in preparation for the GFMD. MFA will be hosting the consultation and will take charge of calling for participation among broader CSOs in the consultation.
B. Asian Consultation Process in Preparation for the Global Forum on Migration and Development

This section of the report contains a summary of comments and recommendations made at the Asian Consultation Process for the Global Forum on Migration and Development (GFMD) held in Manila on 15-16 June 2007. More than 60 organizations, CSOs, trade unions and grassroots organizations participated in the Asian Consultation Process 2007.

This consultation is a continuation of previous processes at the Asian level held in preparation for the High Level Dialogue in September 2006. One such meeting in Bangkok, held from 16-17 August 2006, led to the formation of the Asian Alliance for Migration, Development and Human Rights (AAMDHR), now known as the Solidarity for Asian Peoples Advocacies Working Group on Migration and Labor (SAPA-WGML). In this process, more groups in the region were consulted, comprising migrant worker organizations, civil society groups, and trade unions. The discussions were structured around the process planned for the Civil Society Day, which relates to the process planned for the GFMD. The discussions were divided as follows:

<table>
<thead>
<tr>
<th>Roundtable 1</th>
<th>Session 1</th>
<th>Highly skilled migration: balancing interests and responsibilities and tackling Brain Drain</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Session 2</td>
<td>Temporary labor migration as a contribution to development: Low skilled migration and measures to combat irregular migration</td>
</tr>
<tr>
<td></td>
<td>Session 3</td>
<td>How can circular migration and sustainable return benefit development?</td>
</tr>
<tr>
<td>Roundtable 2</td>
<td>Session 4</td>
<td>Measures to increase the development value of remittances: Formalization and reduction of transfer costs and ways to enhance the micro-impact of remittances on development to the benefit of the wider community</td>
</tr>
<tr>
<td></td>
<td>Session 5</td>
<td>Strategies for building diaspora/migrant organization capacity for development</td>
</tr>
<tr>
<td>Roundtable 3</td>
<td>Session 6</td>
<td>The value of the “migration and development” nexus and migration out of choice vs. migration out of necessity</td>
</tr>
<tr>
<td></td>
<td>Session 7</td>
<td>Enhancing policy coherence and strengthening coordination at global level (role of agencies and entities with a development, social, labor and human rights mandate)</td>
</tr>
<tr>
<td></td>
<td>Session 8</td>
<td>Looking ahead: Developing strategies and partnerships to work on ‘migration and development’ issues</td>
</tr>
</tbody>
</table>

ROUNDTABLE 1

Session 1: Highly skilled migration: balancing interests and responsibilities and tackling brain drain

As migration becomes the development strategy for some governments, development policies in sending countries have failed to address major root causes of migration. Development agendas of many sending countries must incorporate the complexities of migration phenomenon more effectively.
Given the lack of economic development, highly skilled workers leave their respective countries due to low salaries and lack of gainful employment opportunities. This leads to voids in important sectors of developing nations, such as the arenas of healthcare and civil engineering. Also those who are interested in returning home often lack the support in countries of origin.

Developing nations with weaker economies often enter bilateral agreements concerning trade and investment with an uneven power dynamic between them and their wealthier international partners. Migrant workers have become a literal bargaining chip, resulting in their commodification and expendability. Competition among sending countries also results in weaker negotiating powers vis-à-vis receiving countries, which jeopardizes standards of protection for migrant workers.

The lack of protection for migrant workers increases the reliance on irregular channels and syndicates (smugglers). This makes migrants vulnerable to abuse and exploitation at all stages of the migration process.

Migration policies also tend to sideline the issue of asylum and the protection of forced migrants. Forced migration includes those who are forcibly displaced due to economic factors, environmental changes and natural disasters. Governments of receiving countries as well as the international community must take responsibility to assist and protect them. For these reasons, policymakers should give serious thought to economic development programs that reduce the “push” factors as well as the implementation of existing laws and policies.

**Recommendations to Governments:**

1. Governments from sending countries should introduce regulations & policies concerning the departure of highly skilled workers, such as:
   - Asking highly skilled workers to serve 5-10 years before working overseas.
   - Implementation of reintegration programs, with incentives to encourage return compensation from receiving countries to sending countries.

2. To decrease brain waste, governments from both sending & receiving countries should agree on similar level of standards in order to recognize skills and education of high skilled workers and provide appropriate jobs & salaries.

Finally, governments of sending and receiving countries should institute monitoring mechanisms to keep track of out- and in-migration of skilled workers.
For Further Discussion:

The scope of this discussion varied from the above concrete recommendations to the issue of taxation and compensation.

For those whose education is paid for by government, should they pay tax or fee equivalents to the fees invested by the government? Should there be ‘compensation’ for migrant workers, particularly skilled workers? Should this be paid by migrants themselves, or by receiving countries?

Session 2: Temporary labor migration as a contribution to development: Low skilled migration and measures to combat irregular migration

For many low skilled workers, migration is a key survival strategy when poverty and overpopulation plague many developing nations. As people seek ways to make ends meet, families are often abandoned as a result. Children of these families who are looking for jobs are themselves vulnerable to trafficking.

Governments of sending countries actively recruit workers to go abroad, sometimes with misinformation or information improperly disseminated. Such internal practices lead to much vulnerability for migrant workers negotiating a foreign system in their host countries. Given the inability of many governments to protect their workers in other countries, abuses and exploitations particularly of low skill workers continue to rise. This can lead to irregular or undocumented migration that feed into black-market practices which are high risk and increases fatality. Undocumented migrants are often detained for prolonged or indefinite periods in poor living conditions in detention centers and prisons. More needs to be done to address the deeper underlying factors that contribute to irregular migration. These risk factors and exploitations are not sufficiently challenged given that migrant workers are barred from unionizing and organizing in many countries, have limited access to legal avenues for due process.

The use of the term ‘temporary labor migration’ does not reflect migrant workers’ reality. There are many migrants that end up working as many as 20 years in one country. Temporary migration often becomes long term migration; failure to acknowledge this, results in receiving countries avoiding granting rights to long-term migrants.

Recommendations to Governments:

- Governments of sending countries must not use the mass export of labor as a primary development strategy.
- Governments of sending and receiving countries should look at how protection at all stages of migration can be achieved.
- Governments of sending and receiving countries should push for the ratification of the 1990 UN Convention on Migrant Workers.
- Governments of receiving countries that have a number of irregular migrants should review their immigration policies to ensure that they are realistic, fair and accessible.
Governments of sending and receiving countries should respect the enforcement of standardized contracts, regardless of which country they were signed.

In receiving countries, migrant workers should be covered by labor laws which include ‘safety net’ mechanisms for emergencies and difficulties.

Governments of receiving countries should explore setting up legal services and funds to address the legal needs of migrants, both documented and undocumented, particularly those in detention.

Governments of sending and receiving countries should regulate recruiters, agents and employers, ensuring that labor standards are met, including formalization of contracts (between agents and workers, and employers and workers).

In the exercise of their regulatory powers over recruitment agencies, governments should require, amongst others, the execution of an affidavit of undertaking or assumption of liability in cases of failure to deploy, breach of promise of employment, contract violations, etc., as part of the requirements in securing and maintaining a license to operate as recruitment agencies, and should provide sanctions/penalties in case of violations thereof.

Session 3: How can circular migration and sustainable return benefit development?

The framing of this session is problematic as it only draws attention to benefits of circular migration, rather than the social costs incurred. For example, in cases of deportations of migrant workers for health reasons (for example, because of TB or HIV/AIDS), lack of information on the specific health concerns makes it difficult for civil society groups in home countries to provide support services to returning migrants.

The concept of ‘development’ is questionable as the current discourse places the value of migrants largely in monetary terms. The contributions of returning migrants are not sufficiently recognized; such as the taxes
and levies already paid, and the good and services taxes charged on consumer items bought with remittance monies. Sustainable return cannot benefit development if sending countries lack reintegration programs as well as savings and investment programs for returning migrant workers. The fact is, in many countries, returning migrants are often unable to make use of their skills.

Another area that poses concerns is the current trend of trade agreements. The language of trades and services, particularly under GATS MODE 4, as presently constituted, is geared towards facilitating intra-corporate transfers and the movements of particular types of professionals and skilled workers rather than freer movement of migrant workers. As migrant workers are increasingly included in the dealings of trade agreements, this not only leads to their commodification, but presents a danger as trade discourse has yet to link to migration discourse. Such a disconnect essentially denies the human rights of workers.

Recommendations to Governments:

- Governments of sending countries should provide mechanisms and programs for returning migrants to share their skills, knowledge and experiences.
- The national economic plans of sending countries should include comprehensive reintegration programs for returning migrants, helping them to develop alternative sources of income.
- Governments and institutions should support Migrant Savings for Alternative Investments (MSAI) initiatives.
- Governments and the private sector (particularly those who benefit from migrant labor and remittances) should provide funds for reintegration programs.
- Governments need to pay more attention to labor trafficking, putting in mechanisms for protection and assistance, including reintegration in home countries.
- Governments need to provide a safety net for migrants facing difficulties (such as insurance allowing them to come home and reintegrate in their home country. This should be formalized, for example, in bilateral agreements.
- Local authorities in receiving countries can institute mechanisms for collecting contributions for an emergency fund for migrants.

For Further Discussion:

Free Trade Agreements can be a mechanism of pressure to promote labor laws. For example, in the US-Jordan FTA, US trade unions opposed this on the basis that Jordan’s labor laws do not cover migrant workers. However, this depends on the specific dynamics of the relationship between the two countries involved and on relative bargaining power.

Do social clauses justify FTAs? This may not mean it is human rights and development friendly. This is a controversial strategy for civil society groups.
ROUNDTABLE 2

Session 4: Measures to increase the development value of remittances: Formalization and reduction of transfer costs and ways to enhance the micro-impact of remittances on development to the benefit of the wider community

The general consensus of the consultation disputes the current discourse surrounding remittances due to the primary focus placed on monetary contributions rather than acknowledging both the social and economic contributions of migrant workers. Such discourse places the burden of increasing remittances on migrants and implies the need to raise the number of migrant workers which civil society groups do not necessarily support. This point of view glosses over the high social costs of migration – the strains placed on families and societies, the ‘brain drain’ as exemplified by the crisis in the healthcare industry in the Philippines, and the de-skilling of workers due to lack of recognition of skills.

The social and economic contributions of migrant workers to host countries can be quite significant. There are many other payments in addition to remittances already being paid for by migrant workers which benefit both sending and receiving countries. In some receiving countries, for example, migrant worker levies fund government projects and trade unions provide training and subsidies for all workers. If receiving countries benefit from migrant workers’ payments they have an obligation to protect and assist them.

Also, there is no acknowledgement that remittances as a form of income can contribute to, rather than address, social injustice and inequalities. A recent research suggests that remittances through banks can result in more resources for elites but not the poor, who are excluded from bank accounts and loans.
In establishing the value of remittances, governments should know that:

- Financial flows to home countries are significant – in the Philippines it is larger than the Overseas Development Assistance; in Hong Kong it amounts to USD2 billion (1% of the GDP)
- Benefits of remittances accrue to government and transfer channels
- While remittances help poor families to cope with poverty, true alleviation of household poverty within a nation must be part of its government’s program
- Remittances have provided micro-capital/micro-credit at the local level
- Migration Consequently eases unemployment in home countries and labor shortages in host countries

Factors that reduce the development value of remittances include:

- Postponement by governments in sending countries to address structural change in the economy – governments have become remittance dependent
- Remittances spent on consumption rather than reinvested in production
- Corruption, inefficiencies and lack of infrastructure to facilitate money transfer by government – transfers through government banks are more expensive and less safe, while private channels are efficient but costly
- High transfer fees (for example, to send USD600 from the United States to the Philippines costs USD50 through Western Union)
- Lack of organized reinvestment schemes to maximize the development impact of remittances

Recommendations to Governments:

Governments should:
- Promote and provide support structures to economic initiatives, such as giving incentives to
migrant workers to invest in local economies (for example, allowing tax holidays and exemptions).

- Engage with the private sector to lower remittance fees, provide fair exchange rates, and reinvest in immigrant community projects in both home and host countries (for example, what TIGRA, an immigrant community organizing network in the US, is doing with Western Union)

- Endorse the principles and recommendations of the Asian Alliance for Migration, Development and Human Rights at the Bangkok meeting in 2006 concerning remittances, specifically: “Remittances are the private money of migrants often earned at a high personal cost to the individual migrant. Governments should not use migrants and remittances to keep afloat their mismanaged economies or to finance their “national development” requirements.

This opportunist practice merely transfers the burden of economic development onto the migrants, and to the next generation. Any use of remittances for economic development can only happen with the full and prior engagement of migrants in the entire development process.” (MFA 2007, p.13)

“Develop financial regulations regarding remittances and monitor the cost of remittances and agency fees to migrants.” (MFA 2007, p. 15)

**For Further Discussion:**

There needs to be more discussion on remittances. What are the issues and ethical implications of using private money for national development projects?

**Session 5: Strategies for building diaspora/migrant organization capacity for development**

Civil society groups have already shown their capacity to address reintegration and development initiatives for returnees, but government needs to show strong political will to mainstream and implement these on a national scale. The burden to stimulate development should not be unfairly placed on civil society groups and migrant organizations; governments have greater capacity to act.

The costs of migration are increasing because of border controls limiting access to migration. For example, in some sending countries, visas of receiving countries are being traded for large amounts of money, which raises costs of travel. Governments need to address the root causes of migration, so that migration can eventually become an option rather than a necessity, and social costs of migration can decrease. Furthermore, the development model proposed by the IMF-World Bank is too top-down – governments must play a role to re-emphasize a bottom-up perspective, focusing on grassroots participation.
Recommendations to Governments:

- Governments of sending countries should create economic opportunities at home, such as mainstream migrant savings and investment programs and help migrant workers create capital with multiplier capacity.

- Governments of receiving countries should consider setting up savings mechanisms for migrant workers in order to help them build capital which they can transfer home at the end of their contracts. This can contribute to an end of circular migration.

- Governments should increase the financial literacy of migrant workers to help them make their savings grow. Introduce incentives such as higher interest rates from banks, tax breaks etc, for migrant investments in sustainable development projects.

Recommendations to CSOs:

- For migrant support groups to provide not just protection and welfare services, but work towards economic justice and develop and mainstream alternative economic models (such as Migrant Savings for Alternative Investments, MSAI).

- Forge alliances between trade unions and migrant support groups in order to synchronize efforts and better advocate for rights and protections for migrant workers.

- Engage with the private sector with regard to investments within the framework of ‘Corporate Social Responsibility’.

- Conduct studies on the social and economic contributions of migrants in receiving countries (for example, governments of receiving countries save money when they don’t have to set up social institutions to handle work done by migrant workers such as care for the elderly and children).
Migrant Forum in Asia

ROUNDTABLE 3

Session 6: The value of the “migration and development” nexus and migration out of choice vs. migration out of necessity

Development has been narrowly defined as an economic process. The concept of development should be based on the notion of expanding the freedom of opportunity to enjoy health, welfare, education, labor, respect for human rights, human dignity and well-being both at the level of individuals and societies.

Much of the current mode of labor migration in the Asia region cannot be described as voluntary, when it is in fact a consequence of poverty, the lack of livelihood options and the lack of access to fundamental human rights. The high social costs of migration have direct impact on health, family life and the risk of exploitation.

However, not all migration is forced: we celebrate the free movement of people as a positive contribution to the development of individuals in sending and receiving countries.

Recommendation to Governments:

Endorse the principles and recommendations of the Asian Alliance for Migration, Development and Human Rights as outlined in their meeting in Bangkok in 2006.

Session 7: Enhancing policy coherence and strengthening coordination at global level (role of agencies and entities with a development, social, labor and human rights mandate)

Coherence between policies of sending and receiving countries can explicitly call for human and labor rights protection. In the absence of a coherent global migration policy, existing multilateral and bilateral agreements that effectively promote rights protection of migrants should be further developed.

Currently, most Asian governments do not have this kind of migration policy regime and unfortunately sending government policies give too much power to recruitment agencies. Countries within Asia with explicit emigration policies (Philippines, Sri Lanka, Indonesia, Nepal, Cambodia, etc.) need to ensure that recruitment agencies are closely regulated and made to conform to human and labor rights standards.

Also, there must be serious recognition of forced migrants – particularly in relation to persecution, conflicts, political insecurity, and disasters.

Recommendations to Governments:

- The existing UN normative framework on human rights should be used as the basis for bringing coherence to national and international policies.
- Governments should recognize and protect human and labor rights, ensuring the security of migrants.
The institution of asylum should be protected in migration policies, with reference to UN human rights standards.

Consideration must be given to forced migrants beyond traditional notions of labor migration and development.

Session 8: Looking ahead: Developing strategies and partnerships to work on ‘migration and development’ issues

Looking ahead in developing strategies on “migration and develop” issues, what is truly needed is the political will – both domestically and with receiving countries. This must be seen and practiced as a shared priority for all stakeholders involved.

Key areas to be addressed include policy coherence and coordination at the global level, partnership promotion at the national level, UN/ILO’s role clarification and intentionality, and finally, labor market policy strengthening to meet critical needs.

Recommendations to Governments:

- Governments of receiving countries should create immigration policies and labor laws that will enable migrant workers to work and stay/get documented (particularly for long-term undocumented migrants in their territories), in recognition of their contribution to society.
- Governments of sending countries need to make sure that domestic labor market needs are met or replaced (for example, address the brain drain in terms of people and expertise).
- Governments of sending countries should document and calculate market costs/losses in terms of human resources, capital and labor, and the social cost of migration and human rights issues; as well as market benefits/gains from the temporary migrant labor.
- Bilateral agreements between sending and receiving countries should include re-compensation schemes for education/training and reintegration/social services and labor rights.
- Recruitment agencies need to be made more accountable. There must be recognition that governments are the biggest recruiters, especially those with labor-export policies.
- Governments can act in cooperation with migrant organizations and other stakeholders to establish mechanisms to maximize brain gain and acquired skills.
Governments can design interventions at the scale of local government. There have been positive areas of cooperation with local government units in the Philippines in terms of helping migrants reintegrate meaningfully back into their communities.

Governments should ratify the 17-year old International Convention on Migrant Workers and their Families.

Governments should recognize the broad role of UN in every GFMD process. The involvement of the UN is necessary to make these recommendations/outputs binding to participating states.

**Recommendations to CSOs:**

- Involvement of international financial institutions and development agencies in handling and managing migrants’ resources (for example, WB, IFAD, ADB) should not be remittance-centered or only focused on financial aspects, but should address the social needs of migrants and their families such as brain drain, reskilling/training, the psychosocial costs of separation on families, service delivery, etc. (Note: We should differentiate between ‘remittances’ and ‘resources’; migrant resources are not coursed in one channel and are used for various purposes mostly attending personal needs of migrant workers.)

- Collaboration between trade unions and migrant organizations should be strengthened both in sending and receiving countries.

- At the sub-regional, regional and international level – strengthen existing civil society networks, encouraging them to work in cooperation/coordination with each other, avoiding competition, thereby strengthening collective advocacy at all levels.

- At the national level – forge partnerships amongst migrant organizations, cooperatives, micro-finance institutions for development of migrant workers and their families, which can lead to sustainable development (i.e., social enterprise development, jobs creation, savings mobilization, etc). Some sending countries have also taken up multi stakeholder approach.

- Ensure that the recommendations of civil society in the GFMD are incorporated in the output of the Global Forum itself.

- In preparation for the next GFMD, advocate for national-level consultations for all countries. There has been ongoing policy review by the Philippines government on migration policies to which civil society groups have been invited. The government is considering a possible shift from ‘managed migration’ to ‘migration and development’, focusing on the ‘3Rs = remittance, return, reintegration’. The government wants to encourage ‘productive remittance’ (rather than ‘consumption remittance’). They want to have more comprehensive use of remittances, including looking at “3-for-1” practice of Mexico (for each dollar contributed by migrants, the government contributes 3 dollars) to be used in community infrastructure/services. More research needs to be done into looking at the cost and benefits of such an approach.

********
Migrant Forum in Asia, together with the Coalition for Migrants Rights (CMR), Asian Migrant Centre (AMC), Alliance of Progressive Labour (APL) and Human Rights Watch (HRW), co-organized the Asian Domestic Workers Assembly (ADWA) on 17-18 June 2007 in Manila, Philippines.

The ADWA was envisioned to be a forum and general gathering of migrant domestic workers’ (MDW) organizations, unions, associations, leaders and representatives in Asia, together with allied trade unions/labour groups, NGOs, advocates and support groups.

The main objective of the Assembly was to discuss, analyse, strategize, plan, coordinate and jointly act on national, regional and global issues, agendas and positions of MDWs in Asia. The Assembly will discuss what kind of alliance, network or action mechanism is needed by MDWs in order for them to collaborate and represent themselves more effectively. The general guiding framework of the Assembly was the promotion of human rights, welfare and interests of MDWs in Asia. In particular, the Assembly used the following guiding principles:

- "Domestic Work is Work" - promotion of MDWs' labour and trade union rights; affirmation of decent work and equal pay for equal work principles; recognition and proper valuation of domestic work as work;
- "Women's Work is Work" - promotion of women’s rights and gender justice principles; recognition and proper valuation of women migrants' work, including household labour;
• "Migrants' rights are human rights" - promotion of basic and universal human rights principles, particularly migrants' and domestic workers' human rights, in line with international standards and instruments;

Right to Development principles; social and economic justice, participation and empowerment of MDWs.

For decades, MDWs have been suffering from persistent abuses, violence and violations of their rights, due to their more vulnerable andexploited situation. Several countries are introducing policy reforms affecting MDWs, yet these changes fall far short of the reforms needed to combat widespread abuse, much less remove the systematic vulnerabilities and discrimination/marginalization of MDWs.

Given the dynamic policy climate, it is imperative that domestic workers' groups be united and strategic when advocating for better protection and accountability from governments. Building upon the experiences of recent years, the ADWA provided a space for migrant domestic workers and allies to identify campaign priorities, share strategies, and develop an action plan for 2007 and 2008.

The Global Forum on Migration and Development scheduled in July 2007 in Brussels will be another opportunity to shape international dialogue on MDWs, especially because the MDW groups from the global regions (Asia, Europe, Latin America, North America, Africa) have agreed in 2006 to convene a global meeting of MDW groups as one of the civil society events in Brussels. Please refer to the Annex for the full text of the ADWA statement of unity.

********
The Civil Society
Day of the 2007
GFMD
Executive Summary

The first day of the Global Forum on Migration and Development (GFMD) meeting was devoted to civil society. More than 200 civil society representatives attended the Civil Society Day, 9th July to discuss relevant issues and to offer organized input to the following governmental discussions on July 10th and 11th.

This report is a summary of the issues and recommendations resulting from the sessions of the Civil Society Day, presented to the government representatives in the first plenary session of the governmental discussions, July 10th. A wide range of stakeholders were brought together and included:

- Migration, development and human rights NGOs, including faith-based organizations
- Diaspora organizations
- Researchers
- Trade union representatives
- Private sector actors, including money transfer associations

The agenda largely mirrored the governmental agenda. Three specific themes framed the debates, which took place in eight sessions.

**Theme 1: Human capital development and labour mobility: maximising opportunities and minimising risks.**

1. Highly skilled migration: balancing interests and responsibilities and tackling brain drain.

Migration policies regarding highly skilled workers should be properly linked to development policies to ensure that conditions exist that provide the opportunity to retain them.

Mutual recognition of qualifications of highly skilled migrants must be promoted in order to prevent de-skilling and brain waste.

Governments should adopt policies which allow flexibility in visas and residential status in order to allow highly skilled migrants to return periodically and contribute to home country development.

Governments must work to ensure that decent working and living conditions prevail in countries of origin so that workers truly have the option to migrate or not to migrate, whereby migration becomes a genuine choice. 5
2. Temporary labour migration as a contribution to development: low skilled migration and addressing irregular migration.

Terminology and the importance of language were discussed, and the need for the process to agree set terms when referring to migrants and migration. For example, several delegates felt uncomfortable with terms such as “low skilled migration” when many of the migrants concerned carry great experience and qualifications.

In some countries, domestic work is not recognized as work through contracts, recognition in labour laws, etc. Participants acknowledged that workers of all types often had prior experience and qualifications that are not recognized in destination countries.

Feminization of migration is a reality. The majority of domestic workers are women, who face particularly vulnerable situations and need more protection. Code of ethics should be developed with personnel of embassies who employ migrant workers.

Workers should be informed about their rights, for example through pre-departure and postarrival training. Recruitment agencies need to be regulated, as do their sub-contractors. The concept of “portable justice” – ensuring that workers who have returned to their countries of origin still have means to enforce their labour rights if have suffered from exploitation or abuse in countries of destination – should also be recognized.

3. How can circular migration and sustainable return benefit development?

Circular migration policies should be flexible. Examples include multi-year and multi-entry visas, and admissions and stays not linked to one employer.

Immigration policies should not inhibit circulation. For instance, counterproductive regulations, such as those in France and Spain, providing that migrants absent longer than one year cannot apply for permanent residence or lose existing rights, should be removed.

Circular migration programmes should not undermine migrants’ rights. Policies should include a mechanism through which some temporary migrants can access permanent residency and eventually citizenship. Return is often not in the interest of neither employer nor migrants. 6

Theme II: Remittances and other Diaspora resources: increasing their net volume and development value.

4. Measures to increase the development value of remittances: Formalization and reduction of transfer costs and ways to enhance the micro-impact of remittances on development to the benefit of the wider community.

Policy on remittance transfer mechanisms should aim to improve access, lower costs and increase the range of choices available to remittance senders. Access may be limited because distribution networks do not extend to remote rural areas and to countries with a poor financial infrastructure.

High costs remain a concern, although remittance fees have fallen considerably in many markets. Remittance senders and receivers need access to transparent and comparable information in order to make informed choices.

Liberalizing regulations on entry into the remittance market will simultaneously serve two purposes. First, increased competition will contribute to lower prices. Second, lower barriers to entry will promote a
diversity of services that cater to different needs and thus increase access to remittance services. There are good examples of private-sector actors in different sectors collaborating to create better services and new technologies. Governments should facilitate such collaboration by reconsidering legislation that may prevent innovative partnerships.

Education and health expenses are typical investments in remittance recipient families. However, adequate education and health services are often not well publicized or unavailable. One way to provide these services is through partnerships between microfinance institutions and health and education providers that offer financing. A related approach would be to let remittance senders pay directly for their relatives’ health and education services when sending remittances.

Remittance-senders’ choices can also be expanded by enabling them to use existing services. Giving migrant women IT classes and thus facilitating their use of internet-based services is one example.

5. Strategies for building and/or strengthening diaspora/migrant organizations’ capacity for development.

Diaspora and development initiatives should be diaspora-driven. Efforts should be made to ensure migration and development funding and programming directly involve diaspora organizations themselves and do not merely rely on intermediary NGOs to ensure their participation.

A fund should be designated by receiving governments (and at the EU level) to support migration and development. Such a fund can support diaspora-driven development initiatives and/or to support the capacity building of diaspora organizations.

Options for diaspora capacity building include developing diaspora-specific training programmes and curricula, or providing subsidies to migrant leaders to participate in existing capacity building programmes.

Governments can support migration networking events, activities, and mechanisms. These may focus on sector-specific diaspora networks.

III. Theme Enhancing Institutional and Policy Coherence and Promoting Partnerships: conclusions

6. The value of the migration and development nexus and migration out of choice versus migration out of necessity.

Development is much more than economic growth. Especially in relation to migration, it is important to include non-economic, less measurable factors such as increased recognition and respect for human rights and well-being, integration and social cohesion, stability, democracy, security, the environment and future prospects. Within the migration and development nexus, the total human development of the migrant workers and members of their families should be at the core of the discourse.

Migrants contribute significantly to the socio-economic and cultural well-being of origin and destination societies. As such, states should recognize the mutual obligation and responsibility of origin and destination governments, as well as international agencies towards the promotion and fulfilment of the rights of migrants and members of their families.

By taking a holistic approach, it should be possible to formulate migration and development policies that are interlinked and that reinforce each other. This would involve policy and coordination to ensure coherence at all levels.
Policies in origin and destination countries should take into consideration other patterns of mass migration, for example due to climate change and/or massive political repression in a country. The resulting masses of migrants become potential irregular migrants whose are highly vulnerable to abuse and exploitation. Policies to reduce irregular migration should be introduced taking into account their root causes, for example by making it easier for migrants to stay in destination countries.

7. Enhancing policy coherence and strengthening coordination at global level.

Governments are urged to set up consultation processes with all stakeholders (various government departments, civil society organizations, trade unions, employers’ organization, private sector, academia, migrants’ organization as well as faith-based organizations) at national, regional and international levels leading up to the GFMD-meeting in Manila.

Particular attention should be paid to countries where there is no or little space for democratic non-governmental organizations to operate. Governments and civil society actors should work together to bring about migrants rights where economic interests might be touched.

There is a need to ratify and fully implement international conventions such as the International Convention on the Rights of all Migrant Workers and the Members of Their Families (1990), core ILO Conventions and others such as the recent Maritime Labour Convention of 2006 and the Palermo Protocol on smuggling and trafficking in human beings to the International Convention on Combating International Crime (2000). Full implementation will require monitoring and training at the local level.

8. Looking ahead: developing strategies and partnerships to work on migration and development issues.

The civil society discussions and process should be integrally linked to the states/government process of the GFMD; there should be more direct interaction and dialogue during the GFMD between the states, migrants and civil society.

Civil society gathering at the GFMD should last several days to allow more interaction among civil society groups and with the states.

The UN should provide more solid or formal commitments to convene the GFMD.

**********
Global Community Forum on Migration Development and Human Rights
The Global Community Forum on Migration Development and Human Rights (GCF-MDHR) gathered together more than 160 individuals from 100 organizations from Europe, North America, Latin America, Asia, Africa and the Pacific to discuss the issues of migration, development and human rights. The GCF-MDHR was an independent civil society led event parallel to the first GFMD.

The GCF-MDHR was organized on 10-11 July 2007 in Brussels, Belgium with the aim of reintroducing the voice and concrete contribution of migrants, non-government organizations and civil society in the global debate of migration and development. The GCF-MDHR was organized by MRI, hosted PICUM, with active participation of December 18 and the International Catholic Migration Commission.

A. Opening Session

The first day of the GCF-MDHR started with the opening session led by the host, PICUM. Michele LeVoy of PICUM introduced the organizer of the GCF-MDHR Migrant Rights International (MRI), with support of Dec 18 and the International Catholic Migration Commission (ICMC). She provided an overview of the work of MRI at the international level specifically focusing on the network’s strength of raising grassroots issues at the international level. To date, among the accomplishments of MRI include raising the issues of migrants rights in international forums including the UN Commission on Human Rights, the current Human Rights Council, the World Summit on Social Development in Copenhagen, the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR) and the Fourth World Conference on Women in Beijing in 1995. MRI organizes events in order to bring in the voices of migrants into the international arena and UN debates.

During the UN HLD held in September 2006 in New York, MRI organized a parallel event to the Government Forum, bringing in migrant voices. In this parallel event, civil society groups focused on similar issues that governments looked at – migration and development – but with a focus on human rights. From the UN led process which was the HLD came the Global Forum on Migration and Development (GFMD). Following on the precedence of organizing a parallel event during the UNHLD, MRI decided to organize a CSO parallel program for the GFMD which will focus on human rights. In the GFMD, it seems that the human rights dimension has been taken out of the discourse of migration and development. Discussions are veering more towards managing migration and getting the most out of migrant remittances.

She also highlighted that more than 200 participants met during the formal CSO process organized by KBF
for the GFMD. The CSO process had limited slots and the criteria for participation were difficult. Some CSOs could not participate in the formal process thus it is important to have a parallel CSO process that will raise the voices of those not present.

Ms. Levoy then moved on to introduce the members of the Steering Committee of MRI, which comprises the National Network for Immigrant & Refugee Rights (NNIRR), Migrant Forum in Asia (MFA), Unlad Kabayan, Centro de Estudios Legales y Sociales (CELS), Comitato Antirazzista Durban Italia (CADI), Platform for International Cooperation on Undocumented Migrants (PICUM), Servicio Ecuménico de Apoyo y Orientación a Migrantes y Refugiados (CAREF), and Sindicato Nacional de Trabajadores del Hogar.

She noted that 200 participants registered for this event but, some could not come because of difficulties in obtaining visa and paying for the cost of travel. She also noted that the GCD-MDHR was organized with very limited time and budget. Due to the said limitations interpretation in French and Spanish can only be provided in the main plenary.

B. De-briefing and Dialogue on the CSO Day of the GFMD

The opening of the session was followed by a debriefing and dialogue on the formal CSO day of the GFMD. A number of those present in the formal CSO day of the GFMD were also participating in the GCF-MDHR. The de-briefing was given by members of MRI:

Catherine Tactaquin, Migrants Rights International (MRI)
Don Flynn, Platform for International Cooperation on Undocumented Migrants(PICUM)
Nunu Kidane, Priority Africa Network (PAN)

The first update was given by Catherine Tactaquin a member of the steering committee of MRI. She expressed to PICUM’s staff and volunteers for their work in organizing this event on behalf of MRI. She provided and overview of the GFMD, how the forum came about and the organizing of the formal CSO day of the GFMD. For more than a decade there has been a call and much discussion among international organizations and the UN of having an international forum on migration. In 1990, the United nations came up with a Convention for the Protection of the Rights of Migrant Workers and Members of their Families (UN 1990 MWC) at the same time it was recommended that the UN organize a Global Conference on migration. The UN 1990 MWC only came into force in 2003 with 21 ratification and in 2003 as well the UN General Assembly (UN-GA) through resolution 58/208 of 23 December 2003 decided to hold a High level dialogue on international migration and development.

In the year 2004 the Global Commission on International Migration (GCIM) was also convened, a quasi-formal UN initiative looking at migration. Among the tasks of the GCIM was to conduct research and convene consultations with CSOs and governments. The GCIM published the report of its findings and recommendation in 2005. A number of MFA and MRI members participated in the consultations conducted by GCIM. Among the recommendations of the GCIM was also to convene a global conference or dialogue on migration and development.

The HLD took place on 14-15 September 2006 at the UN Headquarters in New York City. One of the main concerns in the HLD was the missing voices of CSOs. In previous activities, such as the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance (WCAR), migrant organizations influenced 45 paragraphs of the Durban document. In the HLD, the participation of CSOs was very limited. The UN convened an Informal Inter-active Hearings among CSOs, NGOs and the private
sector 2 months prior to the HLD. Out of the 200 organization who participated in the Informal Interactive Hearings 12 representatives were invited to make presentations in a series of round tables in the HLD. MFA and MRI were part of the 12 CSO representatives to the HLD.

Due to the limited participation of CSOs during the UN HLD, MRI convened a parallel CSO event on the same dates of the UN HLD. It was a two day community dialogue with workshops and discussion on thematic issues involving migrant workers in the globe. This program was part of MRI’s inside outside strategy in terms of engaging the issue. The inside strategy involves participating as official CSO representatives while the outside strategy involves visiting consulates, conducting dialogues with government officials and organizing a parallel CSO event. The GFMD came out of the recommendations of the UN HLD. A number of governments from the Global South were concerned about this dialogue being removed from the UN to be a working meeting for governments. They were also concerned that this removal would shift focus from adherence to human rights standards, and from the structured involvement of civil society.

Cathy then moved on to discuss the day of formal CSO day of the GFMD. She observed that was useful, but there were also a lot of limitations. Participants had to apply to come, they had to get approval, the Belgian government had the final say, and there was very limited access to the Global Forum itself. She clarified that an official report of the proceedings will eventually published by the KBF. A report of the proceedings and recommendations will also be presented at the GFMD by 12 representatives from CSOs.

The second update was provided by Don Flyn of PICUM. He started by asking the question: what potential do we have for achieving in these two days? He shared some comments on a way forward – how we, as civil society, could be future orientated. His basic message was that we must maintain an optimism of the spirit. He noted that we often feel isolated, like we are working with our backs against the wall. Instead, he suggested, we ought to grasp the moment, recognize what can be achieved and the possibility of breaking out of where we have been confined, and make broader contacts with civil society.

He shared that PICUM has come up with a publication called “10 Ways to Help Undocumented Migrants”. PICUM has come across all types of organizations – labour unions, NGOs, faith groups. He asked: can all these groups be consolidated into a movement with direction and purpose? How realistic is this? He suggested that the next few years are crucial, because governments across the world are attempting a difficult transition in terms of immigration policies, from a long period of “defending the fortress” to the concept of “managed migration”. That is, that workers need to be directed to the right parts of the economy, and to be exploited. This is a very bureaucratic approach; it is about surveillance, monitoring, and attempts to enroll civil society into this activities. Employers are supposed to be more involved in reporting migrants to authorities. Those involved in health, education and welfare services are supposed to be involved in monitoring and maintaining surveillance of migrants. This creates tensions for civil society; they are likely to “break
Don highlighted that the workshops in the next two days would be orientated to help us think about who we talk to and engage with when advancing the cause of migrant rights. This will help us to see how we can deepen our process of engagement with each other, examine the arguments being taken up by different parties, which is important if we want to build a genuine international movement. Those who look at policies are realizing that they are interacting in an international context. We will focus on deepening the civil society process, providing better information sharing, dialogue, and so on.

Don commented that development in being drawn into the process of “migration management”; it is another one of the bureaucratic targets being set by governments, and translated into statistics, described in terms of the value of money, remittances, etc. He noted that we need to work hard so that the real issues being dealt with are not the economic value of migrants, but their real lives and the lives of their families. Human rights is fundamental to that process; it cannot just be a bureaucratic process. We need to strategize how to advance migrant rights on an incremental basis; we can measure our progress by what is issued in Manila.

The third update was provided by Nunu Kidane of the Priority Africa Network (PAN). She said that migration is an emerging hot topic; there are more controversies and issues emerging. It is important for us to continue engaging with it. She saw a broad gap between sanitized discussions about “managed migration” to the everyday realities faced by migrants.

She raised the questions: Who is civil society? Does it include the World Bank? Western union representatives? These are huge multi-billion dollar corporations. She noted that they were not NGOS or grassroots organizations, but that they were also present in the formal CSO Forum for the GFMD. She also asked what were the commonalities among these corporations and NGOs to be called CSOs? While they have profit interests, her concern was about the rights of migrants workers and their issues. She noted that this raises critical questions: How much of this process do we engage with in setting policies? We need to stay engaged, but how much of this engagement is just legitimizing a process that we are not really a part of?

Nunu recalled that Peter Sutherland said it would be difficult for civil society to convince governments; that there isn’t the space for civil society to influence our own governments. However, civil society needs to come to this sort of international meeting in order to address our own governments. This is convoluted thinking. However, she also acknowledged, there were positive aspects to the Civil Society Day. In this meeting, she met real people, exchanged information about their work, and discussed how to build a movement together. But we had questions. Who was chosen to be part of this civil society process? What were the criteria? Many more should have been selected; there was not much transparency.
After the presentation of Nunu Kidane, Catherine Tactaquin responded to a question concerning the criteria for Civil Society Day participation. She clarified that the King Baudouin Foundation (KBF) was tasked to organize the formal CSO day of the GFMD. The KBF convened an international steering committee to help them in terms of developing a criteria for participation and in recommending participants for the CSO day. The criteria included regional balance, gender balance and an assessment of the organizations work on migration and development issues. Another criteria was also the classification of CSOs which included: NGOs and trade unions, diaspora organizations, business organization or the private sector, researchers and the academy. Prior to sending out the call for applications the KBF also conducted a mapping of organization involved on migration and diaspora issues. For NGOs, they reviewed the applications, looking at representation from global regions. Many didn’t know that the Civil Society Day was going on; only those who had access to information knew about the programme and submitted applications to participate. The names of participants were selected by a Steering Committee of 12 individuals who worked with the Foundation to review the final names. She noted that they worked within limitations.

After providing the above clarifications, Catherine invited comments from participants.

Open Forum

A number of participants reiterated that the process of participation in the formal CSO day of the GFMD was limited. Information concerning the forum and the process of participation was not disseminated widely despite the mapping conducted by KBF. Information was mostly in the KBF and UN website which at times can be difficult for grassroots organization to access.

Another issue raised was the lack of participation of migrant workers in the program. There was no democratic space for migrants to raise their concerns as migrants and refugees. The participation of the World Bank and other private business such as Western Union were highly questioned. It was expressed that these multinational corporations and multilateral institutions have different agendas from NGOs, trade unions and grassroots organization. It was recommended that CSOs need to take back the space, take back control of processes and agendas.

The process of engaging governments and the issue of migration and development was also discussed. It was expressed that not all migrants and grassroots organizations can have access to forum in the internet or come to international meetings. Limitations include finances, travel restrictions for migrants particularly undocumented migrant workers. Other avenues for engagement need to be explored. The experience of Asian CSOs was highlighted wherein engagement comes in different levels: local, national, regional and international level. Dialogues with grassroots organizations, particularly migrants on issues involving them are also important. It was also stressed that the GFMD was only one avenue for engagement. CSOs need to be strategic in terms of looking at how to engage the issue. There are other international meetings and processes
that also take place such as the Worlds Social Forum on Migration, the UN Human Rights Council, engagement at the national and regional levels as well are important.

Some of the participants also stressed the need to look into migration and development not only in terms of remittances and migration management but in a broader perspective to include issues such as the push factors of migration including among them poverty as one of the biggest reasons of migration. The issues of women and undocumented migrant workers also need to be highlighted. The human rights of migrant workers should not be compromised as well in the discourse on migration and development.

A number of participants also expressed the need for stronger solidarity and coordinated action from CSOs for the Second GFMD which will be held in Manila, Philippines. Since the GFMD will be an annual forum, it is important for CSOs be actively engaged in the process. National processes or dialogue with governments prior to the GFMD was also stressed. Organizing and information education among migrants, immigrants and diaspora communities was also emphasized as they seem to be marginalized in international forums such as the GFMD.

C. The State of Human Rights of Migrants

The second session of the GCF-MDHR focused on the state of human rights of migrants. The session was moderated by Pablo Ceriani of Centro de Estudios Legales Y Sociales (CELS) Representatives from different regions provided inputs for the session:

Asia: Rex Varona, Asian Migrants’ Center (AMC) / Migrant Forum in Asia (MFA)
Europe: Michele LeVoy, Platform for International Cooperation on Undocumented Migrants (PICUM)
Latin America: Gabriela Liguori, Servicio Ecuménico de Apoyo y Orientación a Migrantes y Refugiados (CAREF)
North America: Colin Rajah, National Network for Immigrants and Refugee Rights (NNIRR)

The session had four speakers from Asia, Latin America, Europe and North America. The representative from Africa was unable to confirm his participation thus the moderator Pablo Ceriani of CELS invited the participants to share on the issues faced by migrants from Africa, within Africa, the MENA region and the Middle East.

The first speaker was Rex Varona of the Asian Migrant Center (AMC). He said that Asia is a region with more than 50 million migrant workers and home to both countries of origin and destination. Migration is also characterized by the temporary and individual migration for work. He also discussed the pressing issues faced by migrant workers in the region among them, the criminalization of undocumented migrant workers and the lack of recognition of the rights of migrant domestic workers. He said that there are more than 4 million undocumented migrant workers in the region. He also said that representation in regional and international process is important in terms of building migrants' capacity to advocate for their rights. However due to their work status and certain travel restrictions in their contracts, it is difficult for migrants to participate in these processes. He also explained that there are fewer diaspora communities in Asia as few countries in Asia have migrant workers as residents. In Asia 50% of migrant workers are women but, in domestic work and entertainment at least 70-80% are women.

Rex Varona also explained the work of the Asian Migrant Centre(AMC) and the Migrant Forum in Asia (MFA) in the Asian region particularly its advocacy work at the regional and international level. Both AMC
and MFA are members of MRI and were part of the broader network responsible for the global campaign for the ratification of the 1990 UN Migrant Workers Convention. He explained that the network has been engaged on migration and development issues through its Migrant Savings for Alternative Investment (MSAI) program. He further added that MFA is among the leading groups in Asia working on the issue of migration and development. In August 2006 MFA took the lead in organizing an Asian level consultation in preparation for the UN-HLD. The consultation came up with a statement of principles and recommendation on the themes discussed at the UNHLD. In June 2007 MFA again convened an Asian preparatory process for the first GFMD. The first Asian Consultation came up with recommendations and deliberations for the first GFMD. First, it was agreed that the network would not accept any discussion on development without putting it in the context of human rights. Second, any discussions need to involve stakeholders, the migrant workers. Third, it was agreed that there is no need for new conventions. There is a 1986 Declaration on the right to Development with a strong framework, which governments should adhere to. It is the duty of governments to ensure the increasing participation of women and others in the development process. Money should be saved from war and channeled into development. There is also the right to self-determination. Development is a basic human right; it is inalienable, not negotiable. He also said that in preparation for the second GFMD in Manila, Philippines in 2008, MFA is gearing up to bring more people together into a social movement.

The second speaker Michele LeVoy of PICUM shared that in Europe there are an estimated 8 million undocumented migrants. There are no official figures; this figure comes from the GCIM report released 2 years ago. The report was largely ignored by policy makers. The European policy framework concerns border control and migration management. Europeans governments are creating a whole integration strategy across Europe, but they do not address the issues of irregular and undocumented migrants. On the European Union level, there is a social protection process. 27 member states have to write national plans on tackling social exclusion. Undocumented migrants are invisible in these plans, although they face large degrees of exclusion and poverty. They are only considered during border management, and to facilitate their return.

Michele Levoy gave five examples of human rights issues, and how these are experienced. First among these issues is housing. The European Network has done research on immigrants and housing. The research shows that irregular migrants face serious problems, more than the general population. They are subject to exploitation from landlords. Their precarious legal status makes it difficult to complain. She gave the example of a Brazilian woman invited her daughter and son to visit her. While her 17-year-old daughter was taking a shower, she fell down because of carbon monoxide poisoning, went in a coma, and was taken to hospital. The mother, a cleaner, didn’t go to work, and lost 3 out of 4 cleaning jobs. Her daughter was in intensive care. When she came out, the apartment was uninhabitable. They needed a new place. They were undocumented; scared of making the case public. The daughter had memory loss. With the help of social workers and a priest, they were able to file a case.

Second among the issues is healthcare. Not all EU member states grant access to even emergency healthcare to undocumented migrants. They cannot access even basic healthcare. This affects civil society.
Third among these issues are fair working conditions. In terms of remittances, much of the money being sent home are by workers who suffer hard work, abusive and exploitative working and living conditions.

The Fourth issue is education. Children who are undocumented or whose parents are undocumented, have difficulty enrolling in school. Some EU member states say it is obligatory to enroll them; some have no legislation or policy to address the issue. Children stay at home when parents can’t send them to school.

The fifth issue is the right to life. We know of migrants who are stranded at sea although boats pass by. A number of them die in the borders or at sea. Michelle emphasized that these issues need to be addressed and governments should not only be focusing on maximizing the benefits of remittances.

The fourth speaker was Gabriela Liguori from CAREF who shared the issues faced by migrants in Latin America. She noted that it is a continent where migration has played a major role since colonial times. Since the 18th century, there have been many migration cycles, flows from the old continent to Latin America. The original people were condemned to be brutally slaughtered. During the 1950, there was a heavy influx of Europeans who came and settled in Latin America to flee the war. Then the situation changed when Latin America began increasingly to send migrant workers abroad to Europe and North America.

States have a fundamental role to play in terms of migration flows. Public policies that were carried out were largely in favor of European migrants and immigrants. In 1915 there was not one single document in Argentina in terms of access to health, schooling, that would not be given to European immigrants. That would not have happened. Latin American is very heterogeneous. There are high numbers of persons that emigrate; there are many people that leave the country, particularly in Central America and Mexico.

Gabriela also said that there are migration flows within the region itself. Venezuela, Chile, and Argentina receive migrants from other Latin American countries and the numbers are increasing. In Mexico, people are leaving; a higher proportion of them are women. They are particularly vulnerable in fragile situations, facing exploitation in domestic work. Countries that people emigrate to are North America, and Spain. Many years of neo-liberalism has led to the impoverishment of the continent. Latin America has the highest levels of differences in income. The number of Latin American immigrants that went to the US in the last 20 years has increased by 120%. Immigration into countries such as Spain goes hand-in-hand with the rate in which Latin America is going through impoverishment.

She emphasized that it is important to mention the conditions in which these persons have had to insert
themselves as immigrants. We must take into account many differences – there is exploitation at work, immigrants are even treated like slaves. There are risks for these persons to get documented. There are a lot of problems to have basic rights – e.g. health and education – and these can be found within Latin America in intra-regional migration.

Many countries have ratified the Convention on Migrant Workers, but migrant laws are very restrictive. Latin America exports a lot of people. Some countries receive immigrants but there are no differences in the migrant policies. The only special case is Argentina. In 2003 the Immigration law was modified from a restrictive one to one that recognizes immigration as a right; people have a right to immigrate and their basic rights are guaranteed. We have to see whether these rights are implemented or not. There is still much discrimination. Bolivian women at hospitals, for example, are attended to last. They have to wait longer for services. Their rights are recognized, but they should be implemented.

The fourth speaker was Colin Rajah, from NNIRR who focused his presentation on the experiences of their own members, the migrant communities in the US. He stated that the condition of migrant rights is summed up by the phrase: “bad and getting worse”. There is an increasing humanitarian crisis, brought out by the US migration policy specifically. There are three key elements to this policy. Firstly, migration policies are linked to national security and anti-terrorism measures. Secondly, these policies seek to criminalize migrants, both documented and undocumented. Thirdly, there is a significant increase in the militarization of enforcement.

He also explained that Government policies are becoming more anti-immigrant. There is institutionalized racism, and increased human rights violations in the US. Federal policies are being complemented by policies driven at the local, state level that are designed specifically to target migrants. He notes that this happens in a number of ways. There is increase in legislation and laws that diminish or control the wages of
migrants through work conditions; there are new laws in states and cities that look at housing ordinances and zones, and how the number of migrants working there can be controlled and undocumented migrants exposed. For example, they are requiring homeowners to report undocumented migrants. In terms of education – school districts asked to report the children who are going to school, pointing out who are migrants and who may have undocumented status.

Healthcare delivery is being controlled at the basic level, at the level of clinics. Healthcare is expensive. In terms of taxation, remittances are now being taxed by the government even though migrants don’t have access to the so-called benefits they should be entitled to. Policies at all these levels are increasing anti-immigrant. This results in vigilantism, racism, and a hate-movement developing against migrants, by the US public.

The government is also responsible for delivering services for migrants, for example, the processing of visas. However, these services have diminished significantly, while enforcement has increased. The Department of Homeland Security has become the biggest government employer – aside from military – in the world. There are policies to control migration in a dangerous way. For example, since 1994, with Operation Gatekeeper, there has been an average of 2 dead migrant bodies found on the US side of the Mexico-US border. Organisations and groups estimate that for each body found, there are 10 people dead that are never recorded. There have been more than 5,000 dead bodies found since 1994.

There are accompanying policies that support large employers. Large businesses increasingly use the threat of migration enforcement (arrest, detention and deportation) to ensure that their workforce remains cheap and disposable. Since 1986, there have been policies that ensure that this kind of control remains with the employer. This has resulted in a strong response from the community; the migrants respond back. Millions of migrant communities have taken to the streets to demand their rights, asking for access and a pathway to citizenship, protection of civil and labour rights, and for the end to raids, jailing and deportations. But the only government response is to have legislative programmes that allow for guest workers. There is a “Report to Deport” programme, where migrants are encouraged to report themselves to get legal status, but they actually get deported. More jails are being built to house deportees. Border patrols along the US-Mexico border have doubled. The Wall creates funnel effects that increase the risks of crossing the border. There is prevention through deterrence, but it makes migrants take greater risks.

Colin emphasized the need to have sufficient visas and rights protection. The United States needs to shift from a mode of policing to remove the backlog on families wanting to reunite. Instead, the US government cooperates more and more with vigilantes.
Open Forum

Pablo then opened the discussion to participants from the floor. Among the issues highlighted by the participants were the lack of respect for migrants rights the slavery like conditions of migrant workers in the countries of destination particularly among undocumented and irregular migrants.

A number of migrant workers who lived in Europe as undocumented migrants spoke about their experiences. They are invisible in the community despite their contributions as workers to the country's economic growth. They also do not have access to basic services such as education, housing and health care. It was pointed out that these trends do not happen to migrants in Europe alone but to undocumented migrants in other regions such as Asia and the US. Other issues concerning undocumented/irregular migration was also discussed. A number of participants voiced their concern over the increasing number of deaths in the border of Europe and Africa. Some migrants cross the border by sea and die in the process. The right to life and respect for the rights of migrants need to be recognized.

The issue VISA processing fees and recruitment fees were highlighted as well. It was pointed out that European Embassy's in Africa charge very high fees for VISA and require so much documentation from migrants. In many cases migrants have to line up for two hours and pay about 60 Euros only to be informed that they will not be given VISA. These and the bureaucratic process of application encourage migrants to enter the country through irregular means.

Among the issues highlighted by the open forum was the lack of programs and policies for family reunification. Most countries of destination do not allow family reunification. The UN 1990 MWC allows for family reunification however no major country of destination has ratified the convention. This has big impact on the social cost of migration.

The issue of the families of undocumented migrants in countries of destination was also highlighted specifically the children of undocumented migrants. Crackdowns and raids are rampant and the question of who takes care of the children of migrants when their parents are in detention was raised. Most often the children are left under the custody of the state; separated from their parents. A case in the United States (US) concerning an undocumented family from Honduras was given as an example. Both parents were arrested for being undocumented were not able to see their children for several years. This issue is something that will require civil society groups to cooperate amongst each other to protest it. A large number of children who come to America are from countries in armed conflict. They are detained and in complete denial of their rights. According to the law, the US is supposed to respect the rights of all individuals but these children’s rights are not respected.

Another issue highlighted in the open forum was the treatment of migrant workers as a threat to A country's national security. A participant highlighted that a number of countries treat migrants from Moslem countries as terrorist or criminals.

Among the issues highlighted as well was the issue of illegal recruitment. A number of migrants do not have access to information and this is taken advantage of by "mafia's" who overcharge migrants. In some cases migrants need to get 7 visas to get decent work. There is a lot of clandestine migration. A lot of African immigrants go through Morocco as transit country before going to Europe. They live in shantytowns. They don’t have money to go back to their own country. It was emphasized that development programs need to include the needs and rights of the people.

Also highlighted were bilateral agreements and policies on migration that do not work. The bilateral agree-
ment between France and Senegal was given as example. The agreement allows Senegal to send temporary workers to France for three months. After three months the workers are required to go back to their country of origin to re-apply for work. The process of allowing migrants to work for three months only is very unrealistic and leads to the increase of undocumented migration. The working period is not enough time for migrants to earn enough to pay for VISA or placement fees and prepare for reintegration.

A number of participants as well strongly expressed the need for migrants' voices to be represented in international meetings. Participants from Africa particularly highlighted that their governments sign agreements that do not help in resolving the issues faced by migrants.

Pablo Ceriani then drew the session to a close after the open forum. He explained that the workshops will provide participants with more time to discuss issues and strategies for intervention.

D. Breakout Workshops

a. Global Domestic Workers Forum

The discrimination that many domestic workers confront in different parts of the world is well-known: domestic workers are typically excluded from labor laws, work long hours for little pay, and may be at risk of physical and sexual abuse. The workshop on the Global Domestic Workers Forum was organized by Human Rights Watch and co-organized by Coalition of Migrants Rights (CMR) / Migrant Forum in Asia (MFA). The organizing of the Global Domestic Workers Forum came about as a recommendation from the domestic workers workshop held during the Global Community Dialogue on Migration Development and Human Rights (GCD on MDHR) on 11-14 September 2006 in New York, NY. The Forum was conducted in a series of action oriented workshop (3 workshops in total) and had a participatory, interactive format and had facilitated group discussions instead of having speakers or presentations.

The aim of these series of workshops was action-oriented: to strengthen emerging networks between domestic workers' groups and to discuss possible areas for future collaboration.

The workshop was moderated by Nisha Varia of Human Rights Watch with Jennifer Turner of the Human Rights Watch As the Rapporteur.

Because of resource constraints and immigration policies, it was not possible to convene a group representing the full array of different organizations working on domestic workers' rights around the world, but the organizers hoped to strengthen information-sharing and cooperation between participants and to create strategies for outreach and continued networking with domestic workers' groups unable to attend.

In the second part of the forum, participants discussed strategies for strengthening communication and networks and shared information concerning existing e-mail networks, websites, blogs and upcoming meetings concerning migrant domestic workers. Participants also discussed ways of sharing information about model legislation, model employment contracts and campaign strategies.

In Part I, updates will include information from the Asian Domestic Workers Assembly held in Manila in June 2007 (Eni Yuniarti), the Respect and Rights for Domestic Workers network led by IUF (Anneke van
Luijken), recent research on domestic workers in the Middle East by Human Rights Watch, and other participants who wish to share their activities.

In the first part of the forum, participants had the opportunity to introduce themselves, and to share their recent organizing and advocacy initiatives with the rest of the group. Networks from Asia, Latin America, North America, Europe and Africa were represented in the workshop. The focus of the first workshop was on transnational organizing. Among the first initiatives shared during the forum was the Asian Domestic Workers Assembly (ADWA) held in Manila, Philippines on 17-18 June 2007. Eni Yuniarti of the Coalition for Migrants Rights (CMR) in Hong Kong presented the initiatives of ADWA. The ADWA was organized by CMR, AMC, MFA, HRW and the Alliance of Progressive Labour (APL) through the support of ILO and UNIFEM.

CMR is a coalition of organizations and unions of migrant domestic workers in Hong Kong and its members include: Indonesian Migrant Workers Union (IMWU), the Filipino Domestic Helpers Domestic Helpers General Union (FDHG), KOTKIHO, Nepali domestic workers. The ADWA was envisioned to be a forum and general gathering of migrant domestic workers’ (MDW) organizations, unions, associations, leaders and representatives in Asia, together with allied trade unions/labour groups, NGOs, advocates and support groups.

The main objective of the Assembly is to discuss, analyse, strategize, plan, coordinate and jointly act on national, regional and global issues, agendas and positions of MDWs in Asia. The Assembly will discuss what kind of alliance, network or action mechanism is needed by MDWs in order for them to collaborate and represent themselves more effectively.

The general guiding framework of the Assembly is the promotion of the human rights, welfare and interests of MDWs in Asia. In particular, the Assembly will use the following guiding principles:

“Domestic Work is Work” – promotion of MDWs’ labour and trade union rights; affirmation of decent work and equal pay for equal work principles; recognition and proper valuation of domestic work as work;

“Women’s Work is Work” – promotion of women’s rights and gender justice principles; recognition and proper valuation of women migrants’ work, including household labour;
“Migrants’ rights are human rights” – promotion of basic and universal human rights principles, particularly migrants’ and domestic workers’ human rights, in line with international standards and instruments;

Right to Development principles; social and economic justice, participation and empowerment of MDWs.

The ADWA discussed the challenges faced by MDWs both at the country of origin and destination. Among the issues encountered by MDWs at the country of origin included: abuse and exploitation by recruitment agencies, unhealthy and abusive conditions at the migrant training centers prior to departure, contract substitution, lack of capacity for resource and financial management prior to departure, lack of support for return and reintegration of migrant domestic workers. At the country of destination MDWs encounter the following issues: abusive and exploitative living and working conditions, excessive deductions for agency fees, underpayment, not allowed to practice religion, lack of recognition under the local labour laws, MDWs not allowed to have rest days.

The ADWA came up with a statement of principles and unity which reiterated the following strategy positions:

- Domestic work is work!
- Recognize migrant domestic work under national labor laws!
- Women’s work is work!
- Migrants’ rights are human rights!
- Recognize the social and economic contributions of MDWs!
- Uphold and respect the rights and dignity of MDWs
- Asian migrant domestic workers unite!
- Equal pay for equal work!
- Abolish discriminatory policies against MDWs!
- Adopt international standards of protection for MDWs!
- Adopt fair, protective and enforceable standard contracts for MDWs!
- Stop all forms of abuse against MDWs, including physical, verbal, psychological, sexual and other gender-based forms of abuse!
- Regulate recruitment agencies and stop their exploitative fees and practices!
- Recognize and ensure MDWs’ right to health, safety and dignity!
- Ensure proper compensation and redress for abuses and violations against MDWs!

The ADWA also came up with recommendations for a program of action:

- Jointly address identified issues at pre-departure, onsite and in the workplace, return and integration
- Bring these issues at the 2007 and 2008 Global Forum on Migration and Development
- Continuously undertake joint advocacy, campaigns, organizing, capacity building, lobbying and public actions at the national, regional and international level on the key issues identified
- Build and strengthen national and regional alliances and actions
- Initiate/implement training and awareness-raising among MDWs, public education and media work, dialogues with governments, and strengthening linkages with trade unions, the peasant movement and other key sectors
- Affirm that MDWs contribute by their hard labor and remittances to the development of both receiving and sending countries, socially, economically and culturally
Affirm the importance of taking leadership for collective campaigns and struggles
Strengthen alliances for self-representation, to assert MDWs' rights and dignity, and implement priority plans and agenda for effective protection of MDWs
Continue the process of building the Asian regional alliance of MDWs and help develop the global network and alliance

The challenges in convening a migrant domestic workers meeting in the region was also discussed including restrictions in travel. Many were not allowed by their employers from participating in the program while others were restricted by their contracts from leaving their country of employment. Support letters from the co-organizers were necessary to provide the MDWs with exit and re-entry permits in the country of employment. It is a reality in Asia that MDWs are not treated as workers thus labour rights such as rest days and right to participate in CSO or activities of unions are not automatically granted. Despite the efforts of organizers to have as many MDWs participate in the program, there were some who were still unable to participate as they were not permitted by their employers to attend the program. There was also no participation from the Middle Eastern region, one of the biggest regions where MDWs work. These challenges are things that ADWA organizers will need to address in organizing future programs in the region.

The sharing from Eni Yuniarti was followed by further sharing of initiatives and discussions on strategies for organizing. One challenge raised in the organizing MDWs was discrimination in terms of class and pay among MDWs. A participant from Eastern Europe shared that there are differences in pay among Ukrainian, Romanian and Moroccan MDWs. Ukrainians receive better treatment and pay compared to Moroccan and Romanian MDWs and this leads to difficulty in fostering solidarity among the MDWs. A question was then posed to the Asian representatives if they have dealt with the same issue and what strategies were employed in addressing the issue.

A representative from the FDHGU Hong Kong shared that the same trend is currently happening in Asia with Filipinos as the highest paid in the MDW community. In Hong Kong despite the minimum wage set by the Government, there is still disparity in wages among MDWs with Filipinos receiving the highest pay, In-
donesians and Sri Lankans receiving less than the minimum wage. Despite this issue, MDWs still come together under one platform, CMR, to call for a campaign on "equal pay for equal work" among MDWs. CMR has members from different nationalities and they try to find common problems like discriminatory immigration policies. CMR gets support for their campaigns from NGOs and trade unions in Hong Kong. Thus aside from calling for equal pay for equal work, it is also vital to work with NGOs and trade unions in the region especially in calling for the recognition of the labour rights of MDWs. The process of empowering and getting MDW to speak out about common issues and overcome differences in nationality and class is difficult. CSOs and unions employ various strategies such as theater and visual arts to facilitate the migrants coming together.

Nisha Varia of HRW also said that it is very clear that wages differ, but they are trying to campaign for a policy on minimum wage and standard contracts in countries such as Singapore. She also emphasized the need for greater South-South cooperation among governments, to set minimum standards among all the Asian sending countries, but the governments are concerned about losing their competitive advantage or are unwilling to lower their labor standards.

The experience of organizing domestic workers in Europe was also share. Some migrants may make discriminatory comments about other MDWs, thus there is a need to unite MDWs as all are migrants in the first place. One strategy discussed was to fight against discriminatory behavior by employers who demand workers from a certain nationality, religion, or speaks a certain language. It is also important to inspire and listen carefully to what the needs of MDWs, to empower and involve them in the process.

Manori Witharana of ACILS Sri Lanka also said that to promote non-discrimination and equality among MDWs in Asia, civil society organizations and governments have a major role to play. In the late 1990s a high-level ministerial conference was convened in Sri Lanka and the aim was to have a multi-lateral agreement among sending countries. However it did not work out for many reasons, including competition among sending countries. It is still vital for CSOs to work with governments in terms of looking into policies that will recognize the rights of MDWs.

Bridget of HOME Singapore also shared her experience in building solidarity among MDWs who are from different classes. HOME runs a shelter for migrant workers, both men and women who are in distress. In order to build solidarity in the shelter, the migrants are made aware of the issues faced by other nationalities and through the process of sharing they are made to realize that despite the differences in nationalities the issues they face are the same: e.g. they are subjected to the same abuses, most come from families that are so poor and migration is mainly for economic reasons. Information education is key and strategies such as theater, arts, performance arts help a lot.

Kamala from ITUC also said it is important to establish the principle of equality, and to recognize that there is discrimination in how workers are paid, and we speak to this and attend to this in the meetings so that all are aware and we can discuss it. The payment should be made on the job that is done, not the qualifications—this is very important.

The Key Recommendations from the workshop included the following:

- Advance fundraising, timing, and negotiation on visas/time off to facilitate domestic workers’ participation.
- Collaborations, theater, singing/dancing to promote principles of equality and unity.
- Pursue greater recognition of domestic workers as workers. Engage trade unions to work with domestic workers and NGOs on promoting rights.
Continue networking and have more representation from grassroots organizations and MDW's in future programs

b. Temporary Labour Migration Programs and Vulnerability of Migrant Workers

In different regions of the world, migrant workers who are hired under temporary and/or seasonal labour migration programs encounter situations in which their fundamental rights to fair working conditions are not respected. Sub-standard and unsanitary accommodation, poor health care benefits, salaries below the minimum wage and unlawful deductions from earnings – these are just a few of the many forms of "legal exploitation" of workers who often end up becoming undocumented and at an even more increased risk of vulnerability towards their employers.

This workshop started with input from advocates working on both the grassroots and regional levels in North America, Europe, Asia and Latin America on actual experiences of exploitation of migrant workers under temporary labor programs. As labor migration will most likely remain one of the key discussion items in future Global Forums on Migration and Development, this workshop will also seek to highlight ways in which participants can continue networking on the global level to defend the rights of migrant workers.

The workshop was organized by the Platform for International Cooperation on Undocumented Migrants (PICUM) and the National Employment Law Project (NELP). Contributors to the workshop included:

Cathleen Caron, Global Workers Justice Alliance (GWJA)
Helen Lowry, Migrants Rights Centre Ireland (MRCI)
Pablo de la Vega, Centro de Documentación en Derechos Humanos “Segundo Montes Mozo S.J.” (CSMM)

The workshop moderator was Don Flynn of PICUM with Carmelita Barnes of PICUM as Rapporteur.

Cathleen Caron of the GWJA was the first discussant and spoke about GWJA’s efforts in promoting “portable justice”. In North America and Canada, 160,000 temporary workers are brought in every year. Under their guestworker programme, there are 2 categories – H2A, the agricultural sector, under which 40,000 workers are brought in, and H2B, which is non agricultural.
The existing model is the Private Employer Based Model, in which employer decides they don’t have US workers, and petition the Department of Labour saying they can’t find workers in their area. The work offered must be seasonal and temporary, and last for less than a year. They need to advertise for the jobs first, then go to Immigration to rubber stamp the petition. Approval is given for a certain number of workers, they can be searched from anywhere. The government has very limited involvement in these programmes.

One of the problems faced by temporary workers is institutional discrimination/exploitation. Agricultural workers have better protection; non-agricultural workers have no wage guarantees. The Department of Labour sets the wages, but there is no Federal guarantee that they will receive what is promised. The Dept of Labour has no jurisdiction to enforce the wages promised. The migrant workers have no where to turn to when they are exploited, for example when they are underpaid. The conditions of employment give rise to trafficking. Migrant workers are prohibited from seeking assistance from Federally-funded legal programmes. Taxes are taken out of their paycheck and no practical means are available to recover the income tax.

In terms of recruitment, the governments of countries don’t know that US-based employers are recruiting from their country. US employers hire local recruiters; there can be many layers of sub-contracting. There is no reason that the sending countries know about them, so there is constant flagrant violation of the laws of sending countries. Some have laws that prohibit recruitment in their territories. Also, it is illegal to charge recruitment fees, in order to prevent migrant workers from coming to work with debt. There is no pre-departure and know your rights information dissemination. The migrant workers often don’t know who to call when they are in trouble and don’t know the basic wages. There are no rights to see the contracts; they just take the visa and go.

She explained that ‘Portable justice’ concerns the right and ability to access the US justice system even though they are not physically there. In the US, it is possible but discretionary according to the judges. Testifying is difficult. How are they to be represented? It is hard to get visas to come back to testify. We need to explore different ways of giving testimony.

Cathleen raised 3 questions for consideration. First, she pointed out that there is a global trend to have low-wage workers and for them to stay temporarily. As such, they are disposable, least able to demand their rights, and have tenuous residency. This is a departure from earlier histories of movement, and is increasingly popular in the US. There is an assumption that this is good. Is this a fait accompli? Why are the US and Canada raising their barriers to more permanent migration? How do we structure these programmes, if we have them? Should we have government-to-government models? Both governments are hesitant to enforce rights. There is competition between sending countries, such that some ask NGOs not to do post-arrival education, as they are worried about losing the opportunity to send their workers to that programme.

Second she pointed out that blacklisting is absolute by governments thus there is a need to raise the question: where do we go? Do we go back to private employers? Third she said that there are different levels and types of workers, with different vulnerabilities. Do we need to distinguish between workers? What do we call them? Low-wage workers? Low-skilled or unskilled workers?

Helen Lowry of MRCI was the second presenter and she began by mentioning that she didn’t get accepted to go to the Civil Society Forum nevertheless, it was great to meet people in the Global Community Forum. MRCI works with migrant workers and their families, in three core areas – provision of support, empowerment through community work practices, and achieving policy change.

Inward migration is a recent phenomena occurring in the past 10 years in Ireland. About 10% of workforce are not Irish born. There is a long history of emigration, but now there is a huge shift from that. The future of the economy is dependent on labour migration.
The Irish government is trying to “manage migration”. There is a two-tiered system. Firstly is the green card system for highly paid workers, for the highly skilled, with automatic family reunification, and no labour market needs tests.

The second system deals with work permits. There have been some positive changes to work permits. It is increasingly hard to come in through this system. To get residence you must be in country at least five years. There are labour market tests, and other differences. It is an Employer-led system in which the applicant pays the fees: 1000 Euro, non-refundable. Now it takes even years, and there is limited mobility. Bureaucracy is high, with no protections for exploitation in the system.

45.2% of MRCI’s caseload concerns work permits. Over 60% of migrant workers reported at least 1 type of exploitation, such as discrimination, inequality, bonded labour, and so on. Workplace exploitation is one of the key issues. Migrant workers are often unable to take action. In the agricultural industry, hotel and catering industry, and in private homes, the common point of exploitation concerns minimum wage, unfair discrimination, breaches of contracts, bullying, and harassment. There is a danger of becoming undocumented; many come in legally, then become undocumented. By the time they seek help from MRCI, they have become undocumented.

Life as a migrant worker is difficult, in terms of living and working conditions. There is lack of access to support services and to key services. People are invisible. How do you access services? There is the fear and stress of being undocumented; they live in constant fear. One of the major factors is the inflexible immigration system. Once people fall out of the system, it is extremely difficult to get back in. The longer you are out, the harder it is to get back in. We need to minimize risks for these people.

Pablo de la Vega, Centro de Documentación en Derechos Humanos “Segundo Montes Mozo S.J.” (CSMM) was the next speaker and shared examples from Latin America. The Colombian conflict has lasted for five decades, and there are two million Colombians internally displaced. They also try to cross international borders, seeking protection in Venezuela, Panama, North Peru. Peruvians try to find jobs in Ecuador because the national currency is better. There are 600,000 Ecuadorians living in the US, perhaps even up to 1 million although the statistics say there are only 300,000. In Spain, there are 500,000 Ecuadorians, of which
180,000 do not have a permit for residence, while 331,000 have work permits for Spain. 260,000 Ecuadorians should be able to get social security in Spain – there is a convention between Spain and Ecuador on social security, so, theoretically they should be covered. In Italy in 1998 there were 4,908 Ecuadorians, and 2005, there were 53,220, constituting 2.1% of the emigration population.

Migration flows should be compared with flows in other Latin American countries. Between 1997 and 2000, many left Ecuador as a result of bad economics and political developments. From the 1950s onwards the first went to the United States, but after that they went to Italy and Spain.

Most of the migrants are between 18 and 40 years of age. These are the ones who are still strong and can work. Analysts say that these are primarily a 'middle class' movement. Spain is the first country of choice because of language, religion, and weather conditions. In August 2003, no visas were required. Spain signed an agreement with Ecuador in 2001, which creates a technical framework that imposes limits on the selection, assistance and transport of the migrant workers.

The available areas of employment are few, and if these jobs don’t exist then nobody can come. There is currently pres-selection of workers, and migrants have a lack of skill capacity to fill these jobs. There is no participation by employers to train them. Family reintegration is quite weak. The migration model is being tested and tried; Spain is trying to regulate the flows of migrants.

After the third presentation, Don the moderator of the session, invited questions and comments from participants.

Neha Mishra said that there is indeed a trend towards temporary labour migration. She highlighted that this links to the WTO and the gaps in policies. She asked if anyone was doing intervention in this area.

Nicola Piper highlighted that temporary labour migration is a common theme in Asia. In relation to domestic workers, there is clear denial to do anything in terms of policies. We must recognize the long-term character of temp migration – legal domestic workers extend their contracts, some stay long term, up to a decade, never knowing if they can stay longer, if they can bring their families, and so on. There is a complete denial by governments, and no discussion of integration, etc. There are no policies, not even a debate.

Ricardo Diaz noted that immigrants have a voice; he works with Latin American immigrants in Philadelphia. There has been tension about changes of legislation at the Federal level; there are local and state laws that affect the immigrants. He notes that we have to question what is it that we want. Most of the migrants he works with want to work temporarily, to come for a few months and then go home. To do this for ten years is not bad. Some people want to migrate and stay, but if they can come for six months, but have a social security number, they would do it. Some however, want to integrate. Why do we not consider this aspect? There are issues – exploitative employers, a healthcare system that does not accept migrants unless of emergencies, etc, but on a daily basis, if they have a permit to come in, they would want to be able to go home often. This may mean once or twice a year. Not all temporary programmes are evil by definition.
Cathleen spoken about migrants in Mexico and Guatamala, highlighting that they prefer guest worker programmes rather than being smuggled. It is true that not everyone wants to immigrate permanently, but if there is a programme where migrants can have the option to stay permanently or not, then they can better influence how they are treated. Under a guestworker programme, they are under threat of deportation.

Helen highlighted that flexibility is the key. There must be recognition that people are people, so they don’t have to go under ground. Going home sometimes is not an option. How long do you have to stay before you are recognized? Immigration policies are all or nothing. If you don’t have options, you are forced into ways that create vulnerabilities.

Another participant highlighted that temporary migration programmes are based on needs of country or employers, but not on the labour needs of migrants. These programmes are often not what they wanted; they get into this permanently temporary situation that leads to exploitation. We need to focus on the needs of migrants.

A participants shared her perspective from the Anti-Trafficking Movement, saying that they look at the migration debate because they believe that trafficking arises from problems in migration. They are looking for cooperation because these are very much connected. How can we cooperate rather than make things worse? Colin added his response to Ricardo’s comments stating that temporary programmes should be an option, and not forced onto migrants. This is more just as it covers the rights of migrants. We haven’t found a single model around the world that has a good overall programme. The current versions, whether in Europe or the United States are the most punitive and the legal status of migrants is tied to employment, and so on. It is a difficult argument because extreme repression on undocumented migrants means that temporary migration is better, but they are exposed to exploitation. We work closely with MFA. The biggest problem is that MODE 4 has run out of steam. MODE 4 is part of a comparative advantage but not in a HR framework.

Marie from the Anti-Racist Centre of Norway said that there is a dichotomy between temporary and permanent migration from the European point of view. In the 1970s, governments started to have immigration bans, and people were not prepared to become permanent residents. But Europe started to close its borders. They started talking about flexible systems and temporary programmes. Marie noted that NGOs are lagging behind and it is important for to start discussing how this can function. From the government point of view, they want to have problems that are easily managed. We have to accept that migrants will move more than once in their lives. Staying in one place is not necessarily the best thing for them.

Another participant, a migrant himself, raised the situation of an illegal person, married with three children. Undocumented migrants are required to stop reproducing; three children is more than enough. Then the parent has to stop thinking of how to work in the blackmarket, because officially there is no way of supporting the family. Many Latin America friends here in Belgium who cannot speak French well can’t work, because the supervisor will speak French, and they can’t understand or do the work. But the migrant has to work to support his family who are here with him, not just in the black market. So people move again to other countries, in order to get a job. Some want to go home, but they also think they don’t have any future there either. Those who don’t have papers can only work in the blackmarket, they don’t have access to a proper job. We have to pay attention to those who come as a clandestine illegal workers, who have no papers, and have no training and language skills. The first thing is to give them access to school and training so they can work in the legal market. Then they can turn themselves into a legal migrant.

Jackie from the Mekong Migrant Network spoke about undocumented migrants who come from Burma into Thailand. Thailand has a temporary registration process carried out year by year, and people don’t know what will happen after that. The changes in the policy have nothing to do with the needs of the migrants; it changes according to relationships between countries, it change because of national security issues. Temporary migration allows provincial levels of governments to put in special decrees on migrants, such as banning gatherings of more than five people, banning the use of mobile phones and the use of motorbikes.
A participant from Hong Kong raised the issue of GATS MODE 4, which is for highly skilled migrants. She highlighted concerns about companies importing workers and paying them in the wages of the country of origin and not according to standards in the receiving country. She was concerned about the re-interpretation of GATS MODE 4.

Another participant highlighted that we have governments that complain about porous borders. In the end, it is money that upsets governments, that there is a flow of money outside. They also don’t want the people to stay.

Another participant recommended everyone reads the ILO report on trafficking which covers some of the discussion in this session.

**Recommendations**

Gabriela suggested that as far as temporary work is concerned, only a few persons have access to information, only few people come knowing their rights, so few rights are implemented. We have to take one thing into account. Persons who want to emigrate even if they don’t have the necessary information, will emigrate. What is the impact of these programmes in the home countries? Any emigration begins in a temporary way. Once a person is in the country, and receives a contract and work permit, this person wants to stay, and become illegal. This is connected with the trafficking of human beings. These persons are not treated as illegal workers but they are still exploited very much and we must see all the different cases. Persons can become victims of trafficking because they don’t know their rights, they don’t have them. What is the impact of all this? What are the associated problems?

Carlo raised the point that migrants leave because they have to, rather than something attracting them elsewhere. Although it is an individual choice to move, it is a forced choice. Allowing flexibility once you migrate is a secondary issues to having the right to stay with adequate living standards, etc.

Another participant from Bolivia, echoed Carlo’s sentiments, saying that there are countries that expel their populations. Sending countries in Latin America are completely different from that in Europe. People leave because there are no work opportunities – how can we go on working, and develop migrating policies that are good, when we see that Bolivia will impose conditions that make its population want to leave and to go to Europe? These conditions are not good. Workers should be informed of what is going to be the job opportunities in Europe. Many conditions are imposed on the expelling countries, but still, these cannot be observed by the countries; it is beyond their means. Migrant workers should take into account what will happen to them in the country where they go.

A participant from Thailand pointed out that migration does not always benefit people. The migrant should be able to determine whether the movement is temporary or permanent. People are forced to be in temporary situation –they don’t have the right to stay when they want remedies.

Catherine Tactaquin highlighted that there are a lack of programmes to legalise status. We are losing the battle on increasing temporary migration, which is becoming the dominant way of dealing with migrants. We are not addressing the expansion of temporary programmes.

A participant suggested that we exchange email address to keep in contact.

Another participant suggested that all labour rights and human rights should extend to all workers, regardless of temp or permanent status. There must be more routes to becoming documented. In temporary worker programmes, we need to have frameworks where people have rights to participate, socially, politi-
cally, and economically.

Another participant suggested that temporary programmes are on the increase to keep costs and wages low, without having to integrate people into their society. For sending countries, it is a substitute for development. Temporary programmes are better than poverty, but it should not be a substitute for development.

c. Concrete programming in migration and development I: How the European Union Frames and Funds it

The European Commission has incorporated questions related to migration and asylum in its cooperation with third countries, mainly through the Aeneas Programme. A new thematic instrument, replacing Aeneas, will apply from 2007-2013, targeting migration and development. Other external aid instruments which can include migration related interventions are the European Initiative of Human Rights (EIDHR) and the geographical instruments (EDF, ENPI), the latter considered more appropriate to tackle the root causes of migration.

In this workshop, representatives of the European Commission, responsible for programming and executing migration related programmes, will elaborate on the several financial instruments available, its main components and intervention areas and on possibilities for NGO participation. Presenters will give specific examples of migration and development (related) programmes that have been financed recently and of new areas which have been defined for greater NGO involvement.

The organizer of the workshop was International Catholic Migration Commission (ICMC) and the contributors included the following:

Ralph Genetzke, EuropeAid Co-operation Office, European Commission
Francesco Luciani, Directorate General for Justice, Freedom and Security
Marc Richir, Directorate General External Affairs, European Commission

The moderator of the workshop was Petra Hueck, ICMC Europe and the reporter was Salomé Phillmann
Summary points of the workshop included the following:

There are some contradictions in the European Union’s work with third countries: issues like enforcing border control and reducing migratory pressure arise, when they are also involved in promoting the human rights of migrant workers. In the immediate future, funding priorities for the EU include sector approach in developing labor migration and using a balanced approach to migration and development. Detailed documentation process in EC project proposals are in place as control mechanism and guarantee; cooperation and networking are encouraged from proponents in these proposals.

Recommendations from the workshop included the following:

Firstly, the European Commission needs to work on enhancing information circuits currently in place so that more grassroots organizations also learn about their calls for proposals. Secondly, issues like language translation and the legality of the organizations submitting proposals should still be taken into consideration but not to the disadvantage of global initiatives from small organizations. Thirdly, the EU finds it difficult to achieve successful results from projects in partnership with third countries; assistance in project implementation, documentation, monitoring and reporting is needed for partner organizations.

d. Advocacy, Campaigning and Activities for Change

The workshop aimed to ensure that migrant voices are heard and taken into account. There is a need for CSO to work together. This workshop will introduce two concrete initiatives with an invitation to participants in the Global Community Forum to join and take part in 2007. The first one, Radio1812 is a worldwide radio show to raise awareness about migrant issues. The second edition will take place in December 2007. The second initiative is the Global Campaign against the High Costs of Remittances, which TIGRA and its partners launched earlier this year.

The workshop organizers included December 18, Transnational Institute for Grassroots Research and Action (TIGRA) and Migrant Forum in Asia (MFA). The contributors included the following:

Part I: Radio1812: Tune in on International Migrants Day!

- Myriam Horngren, Radio1812 Coordinator (December 18)
- Jan Hoozee, Rec Radiocentrum (Belgium)
- Najla Chahda, Caritas Lebanon Migrant Centre (Lebanon)

Part II: Global Campaign Against the High Costs of Remittances

- Viviana Rennella, TIGRA
- Lian Cheun, MFA

The workshop moderator was René Plaetevoet, December 18 and the reporter was Paolo Proli, December 18. The workshop introduced two concrete examples of globally campaigning in favour of migrants’ rights, with the general recommendation to invite everyone to take part in these initiatives.

Radio 1812, is a global event dedicated to International Migrants Day, producing and broadcasting programmes from radios worldwide. It aims to raise awareness about migrant issues, highlighting their concerns and celebrating their achievements.
Myriam Horngren introduced Radio 1812, saying that it is about voices, audio, and the sound of the voices of migrants. Since the year 2000, the international community has recognised migrants rights, instituting December 18th as International Migrants Day. However, this day was not well known and participation, initially, was low. The goal of Radio 1812 activities is to make the voices of migrants heard, to publicise it. In 2006, Radio 1812 developed a pilot programme to encourage international participation, with audio contribution on the web. It was available in many languages from Chinese to Kazack. The first edition was a success, with 53 radio stations from 27 countries from community stations, to public broadcasts to national broadcasts. We promoted global action within the media. 50 programs have been uploaded and are continually available for downloading. 1812 organisers have support from Louise Arbour, and former UN High Commissioner Mary Robinson. In 2006, 1812 featured an audio file exchange platform, online streaming, and interviews with high profile individuals (i.e. Louise Arbour, and Mariette Grange).

2007 will be the second edition of this initiative to promote International Migrants Day. 1812 will upload multi-lingual content (5 languages) on website, as well as create a multi-lingual action pack for groups who want to participate and benefit from the information and broadcasts, creating more connectivity between voices. 1812 is developing a radio and migrants rights organisations database.

Why take part in this initiative? Firstly, because it is fun and promotes a global initiative to raise awareness concerning migrants rights. Secondly, it is the most effective form of communication, available in many languages, widens debates, increases participation and awareness, does not require electricity, and there is limitless audience potential. Thirdly, airwaves are public good.

How can we take part? First, contact radio1812@december18.net or tune in www.radio1812.net. Secondly, alert local radio stations about the station and the event. Thirdly, encourage the sharing of material with other stations and individuals. Then, provide voices of migrants locally, as their stories can then reach the media. You can upload your own audio, and upload the 1812 banner onto your own website.

Jan Hooze shared about his experiences in working on a diversity project focus on training, education for youth interested in radio. They have two main goals – to encourage participation from multi-cultural backgrounds, and to help motivated people via workshops to create radio. They provide guidance and promote radio creation that focuses on diversity with a positive message. They organise programming that focuses on themes of migration and youth empowerment. They worked with a “black and white” multi-cultural hip hop group and had a project with a “Brazilian girl” group. They approach journalists and radio personalities in a personal manner to increase vocal impacts, emphasizing community radio.

Najla Chadla from Lebanon shared than in in 2000, they opened a retention centre for migrant women. They had over 500 women there per day, who were fleeing abuse from their employers. Action was necessary to prevent and protect women from abuse. They created dialogue with Lebanese employers, who didn’t grasp the notion of human rights and women’s rights. They did not understand why women would leave their homes for work; there is a widely held belief that women are treated well by their husbands.

They launched an awareness raising campaign about the realities for women in Lebanon. On December 18, they launched a 20 minute discussion on the radio that reached many women as well as their employers. Their key message was how to avoid abuses and how to prevent these kinds of abuses and to make women aware of their rights in the Middle East and in their countries of origin.

Viviana Renella & Lian Cheun then shared about the Global campaign against high cost of remittances. TIGRA is a movement centre that looks at transnational/economic justice in migrant rights work. Economic justice issues are migrant issues that force families apart and create economic initiatives within the government. TIGRA holds that people are agents of change and not victims.
In Spring 2006 they participated in a mass mobilization of immigrants. With human mobility under globalization, there are over 200 million migrants globally. The increased debt burden on global south countries is correlated to increase in remittances; roughly half of total remittances globally occur in the US. Remittances to Latin America from US had increased tremendously. The movement of people in the US offers a cyclical pattern of displacement. People move to the first world (EU, US) and create a huge profit margin. People are forced to move to survive, provide for their families; migrants are pushed out of their countries through poverty, war, and natural disasters only to find more poverty and suffering in first world.

What does it actually take to send remittances home? It costs a lot to send a single dollar home. Companies and banks are making profits of these remittances, while capitalizing off on debts on the countries of origin. Banks, corporations and financial institutions profit on the backs of migrants and the countries of origin. People are charged approximately 250$ per year on remittances that amount to about 45 days of work in Global South. Banks have about 5% of the remittance market, and are aggressively strategizing to access this market due to the profit margin.

Our goals for 2007 are to work with 10 cities with 150 organisations. The concept behind building a transnational remittance movement is to help migrants realize their own economic power, holding transnational institutions accountable for the massive profit margins obtained from the blood, sweat of migrants.

The key steps of the campaign (strategy) include:

- Promoting the formation of Million Dollar Clubs by the membership bases of organizations. Migrants fill out surveys (how much they spend, what they are charged, where they spend it), and this begins the conversation about remittances. Remittances are such a personal and guilt-laden experience. Opening up this dialogue allows migrants to realize that they hold a great degree of economic power. It takes 4 migrants to attain 1 million dollars. As poor as migrants are, financial institutions realize their economic power. We also organise leadership development curriculum, entitled “Power of Love and Money”.

- Consolidating a network of organizations (Remittances association) around the world that are linked by the common practice of sending and receiving money. This is a transnational formation of a million dollar network to mobilize benefits on behalf of members/migrants.

- Support the formation of a Community Reinvestment Fund that will function as an alternative economic resource that can strike at the root causes of displacement and promote new models of development. This is an ‘alternative world bank’ to support/strengthen new models of development. It is an economic resource that can strike at the root causes of displacement and allow people to migrate out of choice, not out of need for survival.

TIGRA is calling for lower remittance fees, transparency in services, better exchange rates, reinvestment of a portion of corporate profits to support community identified projects in US and in places of origin, and corporate social responsibility practices that ensure that these corporations do not invest in social/ecologically hazardous projects. Western Union as an example, now controls 18% of global market, with an annual profit margin of 30%. It began in 1851, reaping profits off the displacement of individuals. It made 4 million from 118 million transaction annually.

TIGRA focuses on the empowering nature of the fact that as immigrants we have a collective power, that connects and creates a tremendous potential and sense of agency.

The campaign is looking for partners to join globally. If you want more information or to take part in, please get in touch with the organizers.
The general recommendation is for everyone to join the global campaign. In order to ensure that our voices are heard and taken into account, we need to work together.

e. The Links Between Development, International Trade and Migration Policies

The workshops aimed to explore the connection between neoliberal international trade policies, migration policies and trends that are promoted by the U.S. and E.U. governments, as well as the role of a development approach compared to a human rights approach in discussing migration. Contributors will offer comparisons between policies around U.S. and Latin America, E.U. and Africa, and within Asia.

The organizer for the workshop was National Network for Immigrant and Refugee Rights (NNIRR) and the contributors: Mamadou Goïta, Institut de Recherche et de Promotion des Alternatives en Développement (IRPRD), Anne-Sophie Wender, Migreurope (Morocco). The moderator was Colin Rajah, National Network for Immigrant & Refugee Rights (USA). This workshop explored the connections between neoliberal international trade policies, migration policies and trends that are promoted by the U.S. and E.U. governments, as well as the role of a development approach compared to a human rights approach in relation to migration.

Trade, development and migration policies are interwoven and part of a larger foreign policy package being pushed by the Global North. The Global North stands to have significant financial gains by opening and controlling markets for products and services. There is a marked interest in controlling the flow of labor as a primary commodity because it yields huge profit margins for multinational institutions.

There are parallels between US policies and EU policies: both the US and EU have increased militarization of their borders, increased use of detention centers and processing camps. The use of temporary work programs as well as skill sets/points systems limits drives a global economic agenda.

Recommendations
- There is a need to create a deeper understanding about the links between development, trade and migration policies to implement effective advocacy
- Consolidate a network of NGOs and establish working alliances across development and migrant organizations to actively strategize and resist practices that negatively impact migrant workers.

f. Concrete Programming in Migration & Development II: How NGOs Already Do Migration and Development. The Links Between Development, International Trade and Migration Policies

Migration and Development programmes have only recently been ‘labelled’ as such. What are NGOs at present developing under this heading and under which considerations? The present workshop presents a number of NGOs work in Africa, Latin America and Asia in order to respond to the clear need to share infor-
mation on objectives, experiences and results. Other NGOs are invited to share their experiences and to take part in future networking and experience sharing exercises. A representative of the European Commission will take part in the discussion to channel future programming possibilities.

The workshop was organized by: International Catholic Migration Commission (ICMC) and contributors included the following:

Najla Chahda, Caritas Lebanon Migrant Centre – ‘Advocating for, protecting and enforcing the rights of migrants in Lebanon’
Katrin Hugendubel, El Movimiento por la Paz (MPDL) – ‘La Casa del Migrante, providing legal assistance to and promoting legal migration from Ecuadorian migrants’
Renaud de Villaine, Jesuit Refugee Services – ‘Including forced migrants in migration and development programmes’, JRS experience in Liberia
Sylvie Nicole, ICMC – ‘South-South migration flows: addressing counter trafficking and debt bondage from Indonesian women and girls to Malaysia’
Hossam Aziz, Oxfam Novib, The Netherlands – ‘A development organisations engaging in migration and development: Oxfam Novib’s experience with supporting diaspora organisations in the area of remittances’

The workshop moderator was John Bingham, ICMC and the reporter was Salomé Philemann.

In this workshop, several examples were shared by NGOs of how they implement creative and diverse sustainable development programs for migrant workers and their families. These NGOs are still constrained by the fact that signing and ratification of ILO Conventions is not a priority for many governments in labor receiving countries. More NGOs have been applying a holistic approach to migration and development programs, strengthening links between host and home countries as a programmatic approach. Peace and rehabilitation programs of NGOs in countries with conflict situations have evolved to include reintegration and community development component, but to have these programs make an impact on sustainable community development continues to be a challenge.

Their key recommendations were: Firstly, governments and civil society converge on the issue of human trafficking being one of the worst forms of migration; more partnerships can be set in place surrounding the issue. Secondly, the migration and development debate is beneficial because it ensures that some issues are not forgotten. However, sustainable programs and plans of action are more important in covering emerging issues in the agenda so that the various stakeholders don’t get stuck in issues like irregular migration. Thirdly, it is important to focus on making different interfaces in migration and development. Migrant workers, governments, civil society, private sector, and the academe need to work together so that forced migration is reduced and migration can be a choice rather than a necessity.

Najla Chahda was the first to present in this workshop. She shared that Caritas Migrant Center helps migrant workers to understand their rights and facilitates support for them in Lebanon. There have been 12,000 migrant workers (mainly women) assisted so far, with orientation seminars including different stakeholders and 2,500 women assisted in legal cases.

In March 2007 they launched a multimedia campaign on migrant workers, emphasizing that they are also human, that they have rights, for the Lebanese public. They also conduct workshop awareness with government officials. They work in collaboration with embassies (Sri Lanka, Philippines, Ethiopia) and the ILO, and are part of the Steering Committee of a UN body studying law on the protection of migrant workers.

They work on both national and international law, putting pressure on the government to ratify the Migrant Workers Convention. They have handled cases of exploitation such as non-payment of salaries, and sexual
abuse by employers or member of family. They are targeting society in Lebanon, also the academe, to in-
form students of who migrant workers are, and how they deserve respect in Lebanon.

There are 4 million people in Lebanon, but 12 million in the world, so Lebanon has a lot of migrant workers
abroad too. They also deal with children of migrant workers. The unofficial estimate is 150,000 migrant
workers in Lebanon (from Sri Lanka 80,000; from the Philippines 40,000, and from Ethiopia 30,000). Mi-
grant workers cannot bring their family with them to Lebanon. Regarding the issue of children, according to
Convention on Rights of the Child, those under 18 years old are considered a child.

In the debates during the HLD and GFMD and Civil Society Day, both governments and civil society agree
that the worst form of migration is human trafficking. She shared that when the Lebanese government was
asked why they don’t ratify the Convention, they said that only 26 member states have, and that it was not a
priority for them.

Katrin Hugendubel then shared from El Movimiento por la Paz (MPDL). They provide social action hu-
manitarian aid in over 30 countries (Latin America). Their project in Ecuador is called Casa del Migrante. It
is their first experience in co-development. 6 years ago, this term was not even used yet. There is coopera-
tion between their organization and the municipality of Quite. They observed an increase in migrant work-
ers; an influx happened just before visa requirements were introduced. Their project aimed at identifying
push and pull factors for migrant workers.

Migrant workers lacked knowledge of Spanish law (e.g. concerning labor and residence permits). The mu-
nicipality planned to set up services in Ecuador; it turned out to be a project between a network of NGOs in
Ecuador and the municipality of Quite (3 partners). They provide four types of services: legal counseling;
counseling in workplace (such as job opportunities); psychosocial services and families back home in Ecua-
dor; micro-credit and self-employment.

Migration and development is a hot topic, but the question is how to make development sustainable. The
NGOs involved had various areas of specialization, such as legal counseling, and the involvement of psy-
chologists. They focus on people who had migrated (e.g. migrants in Spain, whose papers were still being
validated in Ecuador).

Why is this programme sustainable? It takes a holistic approach to migration, linking programmes in the
country of origin with those in the host country. It contributes to development (e.g. through transfer of
knowledge, and Spanish-Ecuadorian NGO cooperation). It is a project funded by municipalities of Quite
and Madrid. In 2003-2004 Madrid was involved; in 2005 even without donor money they managed to con-
tinue. The project is still growing; by 2006 there were 5-6 offices running in Quite.

A question was then asked about how remittances work. Katrin answered that the project does not really
promote sending money home, but once this happens, they promote access to micro-credit. The benefit of
debate is these topics are not forgotten; what is new on agenda is covered, and we are not just stuck on ille-
gal migration etc.

Renaude de Villaine from JRS then shared about how they include migrants in migration and development
programmes. JRS does this work in Latin America, Asia, and Africa but this is just the tip of iceberg; there
is huge South-South migration due to conflict and other problems.

In Liberia, they implement a rehabilitation project. In 2003, Liberia elected the first female African presi-
dent, which brought back the confidence of the international community to the country. About 80% are
unemployed, living on less than 1 USD a day. Around 75% have no access to healthcare, and life expec-
tancy is about 41 years of age. There are 500,000 internally displaced persons (IDPs) in Liberia. In 2003, at
the end of the conflict, there were 250,000 Liberian refugees in nearby countries (particularly Cote d'Ivor, Ghana, and Sierra Leone). In 2006, repatriation of these Liberian refugees ended.

JRS’s projects include financial support in schools. For two years they paid teachers in IDP camp schools. They conducted basic training in carpentry and embroidery (skills-building). In 2005, they pulled out of camps to focus on return and reintegration in communities, contributing to development. They provided psychosocial counseling, vocational and management training, micro-credit (putting new skills into practice), and were involved in school reconstruction, teacher training projects, and creating HIV/AIDS awareness. From this experience, JRS draw lessons on reintegration and development, concerning the increase of skills in communities and the creation of job opportunities. There is still a strong need for peace and reconciliation projects for IDPs and refugees.

A question was asked concerning the difference between rehabilitation and migration and development: does it really have migration and development component? Is this genuine development work? This is a classic debate.

Renaude responded, saying that from Cordaid, Caritas Netherlands, now Caritas Europe, facilitated voluntary and forced return of migrant workers 7 years ago. Our concern was that we want migrant workers to be established as entrepreneurs. She asked whether development is limited to situations where conflicts don’t take place? She highlighted that the whole debate is about finding possible opportunities to link migration to development, or the other way around. For example, their experience in educational and leadership programs is that it goes beyond rehabilitation. In North Uganda and Southern Sudan, this meant the building of the education system. When people returned to South Sudan, they experienced working with their communities, not as a development NGO, but in an emerging state-like structure. They are working on the interface between migration and development; to make these interfaces work.

Hossam Aziz, of Oxfam Novib then shared, stating that the issue of basic rights is fundamental to Oxfam Novib. They focus on five main issues: the right to sustainable existence; the right to basic social services; the right to life and safety (emergency aid and also sustainable development; partners around the world get training in disaster management); the right to social and political participation; and the right to identity. Historically, Novib started in 1953 in response to major floods in Netherlands. In 1956, it became a coalition of different Dutch development organizations; in 1994 Oxfam joined Novib. In 2003, Oxfam started a fair trade campaign. There are currently 800 partners; 3,000 partners if Oxfam International in included. They work with diaspora organizations in Netherlands and also in countries of origin.

Hossam highlighted that remittances are private money. They are mainly used for consumption, but Oxfam Novib are trying to pick up on successful cases where remittances have been used for sustainable development. They focus on working with MFIs in savings and investment scheme to stimulate development. He commented that we can’t stop migration, but we would like to stop forced migration, and eventually makes it a choice.

He also shared experiences from Cordaid. In the 1990’s, the political climate was not ready for more than 1.5 migrants. The Dutch government opened a window to diaspora/migrant organizations to find funding from the Dutch government, but their capacity to write proposals, monitor and report progress was still not there; now it is still facilitated by Novib, ICCO, and other organizations.

To apply for windows of small projects, counterpart funds are required; keepers of window can discuss with migrant workers. Migrant organizations were present in the Civil Society Day; they are a significant actors supported by Dutch FAs. In the future, there should be more capacity building for competitors. The basic
problem is that migrant workers always have the feeling that they are not being taken seriously.

There is a very important link in partnering with migrant NGOs in countries of origin. Oxfam Novib says they are known for such partnerships. In HK, they deal with the issue of debt bondage and circular migration; their intervention has been to promote financial literacy orientation while migrants are in HK. Novib mentioned the Philippines as a leading example in migration; in the Philippines, there are centers that provide such trainings before migrant workers are deployed.

Sylvie Nicole from ICMC then presented on the issue of trafficking and debt bondage. Since 2001, ACILS has reviewed Indonesian legislation on anti-trafficking. In March 2007, legislation was enacted. Parallel to that, in Malaysia, there are few structures that protect the rights of migrant workers. ICMC is trying to move towards dissemination of information at district and local levels. Solidarity Center’s involvement in the partnership is in reviewed legislation in Indonesia, and providing a supporting ministry. She emphasised that trafficking can also be for documented migrant workers, not just those who are undocumented.

g. Detentions and Deportations

Detention centers in the region are one of the major concerns because they have a different orientation in their operations. They are mostly hierarchal and detainees are severely disciplined. Migrants, most specially women are subjected to restrictions that are mostly not demanded from other detainees. The government, on the other hand, refuses to have any assessments, even independent monitoring, since these would place them in a most awkward situation, never mind that even the most basic of human rights are being considered in these centers.

After the September 11 attack on the United States, many countries have implemented measures to prevent such a thing from being repeated to their home ground. As a result, countries of destination like the West Asia Region have been conscientious in implementing regulations to prevent these attacks. Extreme measures have been implemented, which are causing the detention of migrant workers in the region.

The objectives of the workshop include:

1. To know the relevant international instruments and mechanisms concerning the detention of persons and how it applies to the context of migrant workers
2. To know the existing initiatives of CSOs and other relevant organizations in addressing the issues concerning migration and detention
3. To identify existing Practices and Advocacy Activities on the issues of migration and detention
4. To map out International Guidelines Concerning Spaces and Conditions of Detention

The organizer include Migrant Forum in Asia (MFA) and National Network for Immigrant and Refugee Rights (NNIRR)

Contributors to the workshop are the following

Diane Abel, doctor presenting the situation of health care of undocumented migrants in detention centers in Belgium, Médecins sans Frontières (MSF) – Belgian projects
Pablo Ceriani, Centro de Estudios Legales y Sociales (CELS)
The key points discussed in the workshop included the following:

1. There has been an increasing use of law enforcement mechanisms (arrest, detention, and deportation) to address the presence of unwanted migrants and refugees. These practices place them in vulnerable conditions, and in some circumstances occur with breaches in human rights.

2. Some of the issues surrounding detention include indefinite detention, prolonged detention, insecurity and stress on detainees, breaches in continuity of medical care, poor conditions of detention, and the lack of (or access to) legal mechanisms to challenge detention.

3. Deportations, including group expulsion, also create vulnerabilities and, when mismanaged, have resulted in humanitarian crises and deaths.

Monitoring detention and deportation can be difficult, particularly as governments are sensitive about these practices being revealed.

The key recommendations were:

1. Civil society must concretely address raids, detention and deportations of migrants and refugees, taking governments to task for their actions.

2. Civil society groups need to document and exchange information on practices of detention and deportation around the world, looking at good and bad practices, and how these compare to human rights standards.

3. We need to continue working on this issue leading to the next GFMD in Manila. We will stay in contact, exploring ways of strategising our actions and linking our campaigns.

h. The international Protection Regime: Campaigning for Universal Ratification and its Effective Implementation

The workshop wanted to put emphasis that respect for human rights should be at the heart of all policies on migration and development. The international protection regime as evidenced by the UN and ILO Conventions provides the context, but universal ratification and effective implementation are key for this to be successful. The workshop will be looking at both of these aspects, based on concrete examples of campaigning and implementation.

The organizers include: December 18 in collaboration with the IPMWC, EPMWR and Migrant Forum in Asia (MFA)

Contributors include the following:

Part I: Campaigning for Universal Ratification
Campaigning at the international level for Universal Ratification of the ILO instruments and the UN Migrant Workers Convention
· Patrick Taran, ILO and member Steering Committee of the Global Campaign
· Jurgen Elias, Emmaüs International
The main points were from the workshop included the necessity of promoting ratification of international conventions at local, national, regional and global levels with the consequent invitation to organise ourselves (NGOs, civil society, etc.) internationally. CSOs and migrant organizations need to play a more active role on this. Building linkages with other actors such as local governments (especially from big cities), regional governments and trade unions was also mentioned as a key intervention. Trade Unions play a big role in terms of facilitating the delivery of services for migrants workers.

A practical example is a campaign in France (“Migrant not Slave”) putting pressure at the local level, involving multi-stakeholders.

It was also discussed that in some receiving countries in Asia, where the Migrant Workers Convention has not been signed, the CEDAW has been used to protect and promote women migrants rights (e.g. through producing shadow reports). the CEDAW will also have a general recommendation 27 (GR27) specifically on women migrant workers. The GR 27 is not yet adopted by the Committee but is being deliberated. Aside from the migrant workers convention, this is also another area for advocacy on migrants’ rights. In Mexico, the Committee on Migrant Workers members used the shadow report to ask governments to give more information about it.

Key recommendations made included the following:
1. As a strategy we should not only focus on Migrant Workers Convention, but also consider the whole UN system including ILO mechanisms and conventions to ensure protection of migrants rights internationally.
2. A specific General Recommendation on migrant women under the CEDAW is under consideration and we need the support of European and Asian civil society organisations and trade unions to put pressure on the members of the committee to adopt a comprehensive GR27.
3. The Committee on the Migrant Workers Convention is going to examine the reports from Syria, Bo-
livia, El Salvador and Azerbaijan. All members of civil society are encouraged to provide information on the situation of migrant workers and the implementation of the Convention in these countries, and to work together with the International Platform on the Migrant Workers Convention.

4. There is a need for a comprehensive ratification campaign in the European Union that includes multi-stakeholders and that adopts creative strategies such as ‘convention capitals’.

To push for the strict implementation and monitoring of the Migrant Workers Convention in countries that have ratified; with collaboration between diasporas and Migrant civil society organizations.

**E. Feedback and Report on the CSO Participation in the GFMD**

A report of the CSO Participation in the GFMD was given by John Bingham of ICMC. He shared what happened during the Civil Society Day and some general impressions for strategic direction. He said that there wasn’t anything ‘necessary’ about the choice of the twelve people who were chosen as the delegation to the states. KBF made an effort to put together a small group that could represent the larger groups. There were 4 Europeans, 3 Africans, Asian and North Americans. 6 were women and were 6 men. There was sectoral diversity, with representation from labour, business, the faith community and the academic community. The selection process happened very fast and late; time and time pressure come up again and again. For Manila, he cautioned, we need to deal with the problem of time. What happens when we have to do things quickly, when someone is in charge and sets the agenda? When he was called to participate, he said, the decision had to be made very quickly; he has to respond fast, ad was given very little time to think of what this meant for ICMC.

In the Civil Society Day, the writing process controlled our message. When the representatives arrived, there was already a draft of the entire civil society day ready, that didn’t say ‘draft’ on it. The results of the discussions were written into drafts, not by civil society groups. Rex did a heroic job in insisting that they were involved directly in the writing process. There was a professional team of writers hired to do this. They did the draft before civil society met. Civil society asserted itself to ensure that their comments got into the report.

On Tuesday morning, they had to decide how to make the verbal presentation? John stated that they were told they had 15 minutes to present the positions, and then the governments would talk for 45 minutes. Altogether they were given 1 hour. They decided they would present three messages, which was difficult as there were 8 workshops. Civil society was very clear on more points than just three. There was argument for more main points to be included. Also, rather than waiting to choose their messages based on the report written by the professional writing team, they decided to choose their message before the report was completed. After all, all of them were part of the online discussions, and had read the background documents, been part of the sessions and plenaries.

Three of the twelve participants – May An, Oscar Chacon, and William Gois – were chosen to present the points from civil society. They would present three things that matched the civil society and government agenda. Their fourth point would be to talk about the road to Manila. De Clerc noted the presence of 155 states, which was large attendance and indicated permanence of the Global Forum. She pointed out that the process is not only about migration on development but on development on migration.

The Prime Minister of Belgium then presented. He spoke clearly on the issues; he pointed out that people die in this process, in trailers, starved of oxygen. There are 7 million illegal immigrants in Europe living in constant fear. Governments are spending more on law enforcement than development. This is inhuman, he said, and it is wrong to say we can do nothing about it. John noted that although they had been told by
Peter Sutherland not to use strong language, not to focus on rights and core issues, the governments themselves were using strong language and some were quite sincere.

They were supposed to start their presentation to the governments at 12 noon. Eugene De Klerk kept telling the governments to hurry, but at 1pm, the civil society representatives still had not spoken. The state representatives did not want to be rushed through their discussions, and kept saying “it is our day, not civil society day”. While they were officially given 15 minutes, they spoke for about 20 minutes. May An noted that people were listening. It was lunchtime, and they thought people would walk out. They hoped for questions and answers and engagement.

They had two responses. One was an enthusiastic response from the Belgian Senate, then an interesting intervention from El Salvador, who said that states should bring civil society reports to their processes. John shared that they were worried about representation by different regions and how to get better sectoral representation. The translators wanted to stop. That was the end of the session. We lost the race of the clock. Our session ended.

John then shared four observations. Firstly, the states that spoke focused almost entirely on migration, very little on development. There was not even much on remittances. There was wide and enormous convergence with the positions of civil society; they focused on the positive side of migration, with some minimal negative comments on undocumented migrants. There were large numbers of states talking about rights, even those not experts on rights. Some were talking about root causes. Argentina gave a presentation and a printed statement. It wasn’t a dialogue or conversation. States read out presentations. Argentina emphasized the importance of legalization, stating that it doesn’t create unemployment but actually helps. A small number of states talked about the necessity of civil society involvement, about one or two of them.

In terms of inclusion, the delegate from Canada said that they wanted to have this conversation between states, and pointed out that the NGOs wanted to have conversations amongst themselves without states. These are not necessarily opposite processes as long as there is some decision-making together. States complained that there were too many topics, too much reading material. For example, on the concept of circular migration, people were talking about different ideas. And on ‘development’, there were many different ideas of what this was.

Fourthly, with reference to the writing dynamic, about moving forward to the next GFMD, John highlighted his concern about the professional writing teams. Who is going to write this thing? What are our resources? We had academics, he noted, but they dominated the writing of the background papers and were forceful about the actual writing at the end. He expressed his worry about this. As NGOs and labour, he noted, we have to be careful about last minute changes. When we were talking about business, there was suddenly comments about research introduced, which over-inflated its significance.

We as NGOs and labour have to do more in advance. ICMC, for example, did a few activities, but didn’t do enough with their networks. There was much to do on this topic. Secondly, John emphasized, we must be strategic. NGOs and labour have to talk about commonalities and about the importance of joining together, especially when there are others joining us as ‘civil society’. We have more common interests than with business and with the academic community. In strategizing, it is essential for us, including migrant organisations, to join together, not to be distracted, and to be who we are. Not to get lost.

John cautioned that we must be careful that we don’t divide ourselves. As NGOs and migrant associations and labour, we cannot become divided and cannot allow ourselves to be used as tokens. We have to ask ourselves: will we be a token church? Token labour person? Token migrant? There is also funding out there that can create divisions amongst us; we need to watch out.
His fourth impression was that we have to be careful not to allow others to use up our time and resources, for example, to get us to do reporting rather than participate in the sessions. We must choose where we put our time.

What we are going to do with our recommendations? What are our next steps? What can we do to lead rather than follow along? How do we remain united, not divided? Going back to the symbol, John commented that we must change from the person falling down to the person who is leading.

Open Forum

A participant commented that it was sad that the Civil Society Day was a meeting where immigrants were represented by others rather than participants themselves. Rather than writing big reports, 500 pages with lots of figures, without any testimony, there must be some space to the ‘clients’. Migrants themselves want to collaborate and change things, not to have international conferences just for people to live in beautiful hotels and write reports that nobody uses. Commenting on the logo, on behalf of migrants, he said “we don’t want to be on top or below, but just to be in the middle”.

A participant from Senegal noted that the pressure on civil society made it difficult for them to tackle all the different points; it takes responsibility and time to make good recommendations. In addition, the Prime Minister from Belgium made a good speech but we need to see what will happen afterwards to ensure good follow-up; to see something produced. There must be connection between recommendations in the Global Forum and the civil society meeting. We need coherence between what happened on Monday and the following two days.

Another participant expressed shock about the process. Rather than just focusing on what to do in Manila, he expressed, we should denounce these projects. We should go from the local to the global. We should think about processes from the World Social Forum experiences.

A participant noted the need to understand the process, analyzing the complaints, checking whether migrants were included, how it was being managed, and by whom. He noted that they participated in processes in which they were not part of planning. What is the result after we participate? Why was the World Bank there? We should denounce the process.

Another participant highlighted the need for civil society in receiving and sending countries to train the population to know what this whole process is about.

A participant suggested that there are 3 categories of states – those governments that only had process, those that have no government process, and the governments that supported the Civil Society Day. That third category is the greatest challenge; they want to use the restricted forum as a stamp of legitimacy.

May Ann responded, noting that there is a need to come to grips with development, and to examine the relationship between migration and development; we need to fine-tune that nexus. She noted that we have lots of experience that we, as civil society, can articulate. She emphasized the need to find common ground with those involved in fair trade and GATS Mode 4. We have one year or more to prepare, but time is not enough. We need more people involved.

Gemma Adaba, who was on the Steering Committee from the beginning, commented that there was a sense of time pressure and a lack of control, and the end product was a result of a flawed process. This was not a genuine civil society Steering Committee. Listening to the KBF, she noted a lot of the control by the Belgian government, who wanted the outcome to happen in a particular way. They wanted a product to ‘look good’, to control the process, which was why there was a set of professional writers and a pre-prepared draft docu-
ment. Time was a proxy for control; by doing everything at the last moment. She cautioned for everyone to be conscious of tokenism: token faith representatives, token labour representatives, etc.

There was frustration that there were key messages that were being muted down in the draft. The chief one crafting all of this, Peter Sutherland, wanted to take the broadest perspective. They want to set up a new infrastructure outside of the UN mechanism. Gemma noted that we should be thinking of process, mobilization, ways to get our message across, without it getting muted. We need to do a lot of strategy.

John noted that to denounce the process is a good idea, while recognizing that the KBF did a good job within the constraints of the Belgium Govt.

F. Workshop Reporting and Strategy Building.

The Workshop reporting and strategy building was moderated by Colin Rajah introduced the session, saying that brief summaries of what took place in the workshop sessions would be presented. After each presenter, members of the audience can ask clarifying points or give comments.

Carmelita Barnes from PICUM reporting from Workshop 2: Temporary Labour Migration Programmes and Vulnerability of Migrant Workers.

The main points were:

- Temporary labour migration is a growing global trend – because it is cheaper, people are here only for a short time, they are treated as ‘disposable’
- Temporary labourers can highly vulnerable – because of low wages, no rights, discrimination, and limited mobility
- There is a direct correlation between the economic sector and exploitation – people treated as economic pawns and their human rights overlooked

Migrants are often forced to leave. There are those who want to stay, but because of circumstances, usually economic, they need to leave to get their families fed.

The key recommendations were:

- There needs to be more flexibility in migration policies for temporary labour – the element of compulsion should be replaced by the right to extend periods of time in a country
- New models of temporary labour should include conditions, which will make it just. A lot of employment agencies charged very high fees. Migrants start with very high debts, which makes them vulnerable. We need to focus on ‘portable justice’, to allow migrants pursue rights and entitlements from abroad.
- There should be a reduction of bureaucratic processing of temporary labour – migrants become undocumented easily; we need to reduce bureaucracy to prevent this.

Carmelita noted that there was a great debate on what ‘temporary migration’ was. She noted agreement among members of the workshop that whether the migration experience was temporary or not should be determined by the migrant, not just the state.
Comments from fellow participants in the workshop:

- The recommendations must include labour rights – access to justice, schooling, education.
- The way it is written is that we support temporary systems; but we have not completely agreed on this.
- We should refer to temporary labour programmes, rather than temporary labour.
- We say that temporary labour programmes are based on the needs of employers not migrants. It should be the choice of the migrant workers. Workers should be allowed the choice of residency.

Because of the significance of the temporary worker system, we want to create a listserv, so that we can maintain communication, to address this in a more significant way. We invite others to join.

Petra Hueck from ICMC Europe presented from Workshop 3: Concrete Programming in Migration and Development I: How the European Union Frames and Funds It.

The main points were:

- Before, the focus was on security concerns and border control. After the High-level Dialogue there has been a change in tone of debate, marked by the positive contributions of migration for development.
- There are advantages of having the debate outside the UN system; it allows informal exchanges of best practices.
- Now, there is a more balanced approach including migration in cooperation and dialogue with third countries (such as the Rabat Conference).
- There are different programmes, some geographic (national, regional) and some thematic. The first contact point is the EU delegation. Thematic programmes include the Migration and Asylum Nexus with five priorities: migrant and development, labor migration, illegal migration and trafficking, promotion of migrant rights, asylum and international protection. Also EIDHR (human rights).
- In terms of implementation, the call for proposals have financial thresholds of >500,000 or <2,000,000, which are problematic for NGOs.
- In relation to global initiatives, there is 10 million € for micro projects for migration and development; probably managed through UNDP.

The key recommendations were:

- Increase communication and consultation between civil society and delegations in the field on migration issues.
- Improve networking and exchange of ‘best practices’ at regional and global level between European and organisations in third countries.
- Raise concerns on UNDP managed facility for micro-projects to ensure access of grassroots migrant associations and NGOs.
- Advocate for more access of NGOs through type micro-projects managed by delegations (like EIDHR).

Comments from fellow participants in the workshop:

- The NGOs work for the EU, but never have the migrants been asked what development means to us. What do we want to have development? How do we develop our own plans? It is good to development some space for migrants to identify the whole process – how migrants can be trained and skilled so that they can be taken into account, so that organizations surrounding migrants take us into account. In the host countries, we migrants are considered inferior, not as
Salomé Philemann presented from Workshop 7 entitled Concrete Programming in Migration & Development II: How NGOs Already Do Migration and Development

The main points were:

- Caritas Migrant Center, Lebanon focus on the protection of migrant rights, EIDHR, legal/social counseling, media campaign and advocacy for ratification of international instruments. Their preferred strategy is to adopt national legislation.
- La Casa del Migrante has a co-development project in Spain and Ecuador, involving municipalities; they take a holistic approach looking at all phases of the migration process. They provide legal and psychosocial counseling, promote workers’ rights, help with remittances and access to the labor market targeting migrants in Spain and prospective migrants and family members in Ecuador.
- JRS works in Liberia on rehabilitation projects, focusing on South-South migration flows, emphasizing that internally-displaced persons and refugees should be treated equally. The JRS programme is to create skills and educational infrastructure, promoting peace and reconciliation. Forced migrants have potential to contribute to migration and development in the rehabilitation phase.
- Oxfam NOVIB is a development agency, engaging in migration and development, defining policies. They undertake capacity building of diaspora organizations (particularly financial literacy), management of remittances, and advocate on the lack of migrant recognition as full and equal partners.
- ICMC works on counter-trafficking, addressing debt bondage among Indonesian migrants to Malaysia. They focus on capacity building of local NGOs and local administration (cross border on new trafficking law). They address root causes of trafficking (such as school drop-outs of girls) and debt bondage by recruitment agencies. They provide protection for trafficked victims in Malaysia and advocate for new legislation.

The key recommendations were:

- Enhance exchange of knowledge of NGO programming through networking.
- Increase partnerships between organizations in sending and receiving countries and stimulate joint programming.
- Migrant associations are new and equal partners in development and must be treated as such.
- Co-development projects may be an effective way to establish sustainable programs and partnerships and should be discussed further.

Comments from fellow participants in the workshop:

- Let’s Exchange knowledge and information amongst different NGOs. We also need to share information about government structures – people should know about existing projects to address poverty, etc.

René Plaetevoet, of December 18 presented from Workshop 4: Advocacy, Campaigning and Activities for Change: Radio 1812 and Campaign Against High Costs of Remittances.

The main points were:

- Radio1812 is a global campaign to promote International Migrants Day, bringing together radio stations and migrants organizations across the world. The second edition will take place in De-
TIGRA and MFA have organized a global campaign against the high costs of remittances. The focus is on Western Union. The main goal of this campaign is to empower migrants by raising their consciousness of the economic power they actually have. The campaign includes such components such as the Million Dollar Clubs, (Global) Remitters Association, and the idea of a Community Re-investment Fund.

The key recommendations made:
- We want all of you to join these two initiatives – please contact the organisers: December 18 or TIGRA/MFA.

Comments from fellow participants in the workshop:
- We should try to continue the campaign for education amongst ourselves, for example, to know what the World Bank and others are doing, going after our remittances.


The main points were:
- Trade, development and migration policies are very interwoven, not just intersecting. They are part of a larger foreign policy package pushed by the Global North to:
  - Open and control markets for products/services from the Global North since markets are already saturated there
  - Control the flow of labour as one of the primary commodities that ensure mass profits for multinational corporations
  - The US and EU have created policies that are similar, which include:
    - increased militarization of borders
    - more detention facilities and processing camps
    - more temporary worker programs
    - using skill-sets / points systems

The key recommendations made were:
- Consolidate a network of NGOs and organisations to actively strategise and resist; we need working alliances across development NGOs and migrant associations.
- Create deeper understanding about the interlinkages between development, trade and migration policies so that we can become more effective advocates.

Comments from fellow participants in the workshop:
- We should add trade unions to the first recommendation.

During the workshop, questions were raised about whether there is consensus about the links between trade and migration. What are the needs of development?

Lian Cheun of MFA presented on Workshop 7: Detention and Deportation.

The main points were:
- There has been an increasing use of law enforcement mechanisms (arrest, detention, and deportation) to address the presence of unwanted migrants and refugees. These practices place them
in vulnerable conditions, and in some circumstances occur with breaches in human rights.

- Some of the issues surrounding detention include indefinite detention, prolonged detention, insecurity and stress on detainees, breaches in continuity of medical care, poor conditions of detention, and the lack of (or access to) legal mechanisms to challenge detention.
- Deportations, including group expulsion, also create vulnerabilities and, when mismanaged, have resulted in humanitarian crises and deaths.
- Monitoring detention and deportation can be difficult, particularly as governments are sensitive about these practices being revealed.

The key recommendations were:

- Civil society must concretely address raids, detention and deportations of migrants and refugees, taking governments to task for their actions.
- Civil society groups need to document and exchange information on practices of detention and deportation around the world, looking at good and bad practices, and how these compare to human rights standards.
- We need to continue working on this issue leading to the next GFMD in Manila. We will stay in contact, exploring ways of strategising our actions and linking our campaigns.

Martina Silvestri of December 18 presented on Workshop 9: The International Protection Regime: Campaigning for Universal Ratification and Effective Implementation.

The main points were:

- It is necessary to promote ratification of international conventions at local, national, regional and global levels with the consequent invitation to organise ourselves (NGOs, civil society, etc.) internationally.
- We need to work more closely together, building linkages with other actors such as local governments (especially from big cities), regional governments and trade unions.
- A practical example is a campaign in France (“Migrant not Slave”) putting pressure at the local level, involving multi-stakeholders.
- In some receiving countries in Asia, where the Migrant Workers Convention has not been signed, the CEDAW has been used to protect and promote women migrants rights (e.g. through producing shadow reports).
- The CEDAW will also have a general recommendation 27 (GR27) specifically on women migrant workers. The GR 27 is not yet adopted by the Committee but is being deliberated.
- In the Mexico, the Committee on Migrant Workers members used the shadow report to ask governments to give more information about it.

Key recommendations made:

- As a strategy we should not only focus on Migrant Workers Convention, but also consider the whole UN system including ILO mechanisms and conventions to ensure protection of migrants rights internationally.
- A specific General Recommendation on migrant women under the CEDAW is under consideration and we need the support of European and Asian civil society organisations and trade unions to put pressure on the members of the committee to adopt a comprehensive GR27.
- The Committee on the Migrant Workers Convention is going to examine the reports from Syria, Bolivia, El Salvador and Azerbaijan. All members of civil society are encouraged to provide information on the situation of migrant workers and the implementation of the Convention in these countries, and to work together with the International Platform on the Migrant
There is a need for a comprehensive ratification campaign in the European Union that includes multi-stakeholders and that adopts creative strategies such as ‘convention capitals’.

To push for the strict implementation and monitoring of the Migrant Workers Convention in countries that have ratified; with collaboration between diasporas and Migrant civil society organizations.

Comments from fellow participants in the workshop:

- The idea of ‘convention capitals’ is to get mayors of cities to declare their city as respecting the international conventions. This is a different scale of intervention in terms of gaining commitment to the international protection regime.

Nisha Varia from Human Rights Watch presented on Workshop 1 and 5: The Domestic Workers Forum.

The main points were:

- It is important to ensure domestic workers’ participation in meetings and consultations, we discussed methods by which this could be achieved.
- It is important of uniting across class, race, and ethnicity.
- There is an intersection between organizing domestic workers, NGOs, and trade unions.

Key recommendations made:

- Advance fundraising, timing, and negotiation on visas/time off to facilitate domestic workers’ participation.
- Use collaborations, theater, singing/dancing to promote principles of equality and unity.
- Pursue greater recognition of domestic workers as workers. Engage trade unions to work with domestic workers and NGOs on promoting rights.

Comments from fellow participants in the workshop:

- It is challenging to organize when there are different standards of pay and working conditions for each of the groups. How do you work together? Find points of commonality?
- How do we work with trade unions?
- Domestic workers need to be recognized as workers particularly in legislation.
- We need to speak much more about integration. Only the Asian region was represented. If you take Africa, there are many women exploited, but there is no representation in this Forum. But here you have many professionals, not domestic workers from Africa.
- We need to include undocumented migrant domestic workers in our work.

********
The Global Forum on Migration and Development
The Global Forum on Migration and Development (GFMD) was established as a venue for discussing issues related to international migration and development in a systematic and comprehensive way. The idea of the GFMD was proposed by the UN Secretary-General and his Special Representative for Migration (SRSG) at the United Nations High Level Dialogue on International Migration and Development in September 2006. There was widespread support by UN Member States for the Forum to be informal, voluntary and government-led, and to operate in a transparent and open manner, without producing negotiated outcomes or normative decisions.

The first meeting was initiated, prepared and organized by the Government of Belgium, in consultation with the SRSG and an open-ended group of UN Member States, the “Friends of the Forum” and took place in Brussels on 9–11 July 2007. The aim was to deepen understanding, through enhanced dialogue and partnerships, of the opportunities and challenges of migration for development and vice versa, and to identify practical and action-oriented ways to address and operationalise these at national, regional and global levels. It brought together government and international expertise in this endeavour.

To bring this process to a productive end within the brief space of 9 months, the Belgium Government set up an international taskforce under the directorship of Ambassador Régine De Clercq, who was specifically charged with the overall organization and coordination of the meeting.

Although Belgium provided the bulk of financial resources required, it was necessary to obtain additional financial and human resources from a number of governments and international partners to supplement the in-house resources. All these resources were managed under the rules and regulations applicable to the Belgian public services.

Belgium launched in November 2006 an enquiry with all UN member states to define the themes to be addressed by the Global Forum and requested them to nominate a focal point, at high level, responsible for national coordination and policy coherence. One hundred and twenty three countries responded to these requests. They played a key role in the Global Forum process. Belgium followed a working method based on close collaboration with these country focal points and active engagement of those willing to work in teams. These teams were managed and coordinated by the taskforce and set up to represent cross-sectoral expertise and the views of all on the migration spectrum in a balanced way across developing and developed countries. The objective was to foster frank exchange and discussion and broad state ownership of the process. Forty-three country representatives, twelve international organizations and seven civil society representatives as well as the European Commission were engaged in these teams. Many of the international organizations became involved at the behest of the governments preparing the sessions.

The taskforce and the teams held multiple meetings and conference calls to complete the background pa-
pers and plan the round table discussions. Close guidance and preparatory support were provided to the roundtable chairs to assure concrete discussion and outcomes, and to avoid lengthy theoretical speeches without real exchange of experience and ideas.

The following key conclusions can be drawn from this first meeting and its preparatory process:

- The GFMD has established a new approach to migration by squarely moving development to the centre of the migration debate; and enabled a shift of the migration and development paradigm by promoting legal migration as an opportunity for development of both origin and destination countries, rather than as a threat.

- It paves the way for a longer term common global vision on migration, based on the recognition of mutual benefits to developing and developed countries; and for restoring trust in migration systems world-wide. Nevertheless, divergent interests and situations will always preclude “one size fits all” solutions.

- It opens the space for migration and development policymakers to reach their respective objectives more effectively by both acknowledging and addressing the benefits and risks of migration for poor people and developing countries.

- It has shown that sharing responsibilities between developed and developing countries can make migration work better for development and vice versa; and that development can lead to migration by choice and not by necessity.

- It provides a platform for discussing experiences, innovative and good practices, and for identifying concrete ways of assuring the positive contribution of legal migration to development (see more details in the roundtable reports).

- It has created, through the country focal points, a vehicle for greater coherence and a more comprehensive approach towards migration, development and other policies at national level. As pointed out by the Global Commission on International Migration (GCIM), this can lead to more coherence in these areas at the international level. The first nine months of the GFMD process have also set in place a structuring framework – in regard to the content and the process – for addressing migration and development issues at the global level. This framework provides the basis for actively following up on the outcomes of the first meeting and reporting on their progress at the next GFMD meeting. It comprises:

  - A global survey, launched in November 2006, in which governments defined thematic priorities to be addressed by the Forum;

  - A global network of- in the meantime- more than 150 national focal points, acting across ministries and government departments and maintaining the link with the GFMD, as well as focal points appointed within international organizations.

  - The Friends of the Forum, a consultative body open to all UN Member States, which acts as a sounding board for the GFMD process and advises the Chair-in-Office on the agenda, structure and format of each Forum meeting.

  - The creation of teams between governments, international organizations and civil society around themes of mutual interest. Some of these are likely to continue working on issues in future meetings.
• Operating modalities for continuation of the Forum, including its link with the UN and the beginning of a support structure.

This first GFMD meeting has been hailed by many participants as a landmark in the migration and development debate. Participants however also stressed that, while development may have moved centre stage in the migration debate, development aid should not be instrumentalized for the regulation of migration flows; nor should migration be seen as an alternative to national development strategies, or the money flows generated by migrants become a substitute for Official Development Aid.

A special tribute should be paid to the many governments, international organizations, academics and other civil society agencies who contributed financial and human resources, and those who invested time and resources in the background papers and the planning of the sessions, to help make this first GFMD meeting a success. We would also like to thank the King Baudouin Foundation for ably organizing the civil society consultations, and the Special Representative of the UN Secretary General for his support and contributions throughout the process.

The first meeting of the GFMD comprised two interrelated parts:

Civil Society Day (July 9)
At the request of the Belgian government, the King Baudouin Foundation organized, on July 9, consultations among civil society entities, which brought together more than 200 representatives of NGOs, diaspora organizations, private sector, academics and trade unions, worldwide to discuss the issues on the agenda of the governmental days. A report of this meeting was presented in the plenary session of the governmental meeting.

Governmental meeting (July 10 – 11)
During the Governmental meeting of July 10-11 more than 800 delegates – representing 156 UN member states and more than 20 international organizations as well as the European Commission and the Holy See – participated in two plenary sessions and 12 roundtable sessions running in parallel on specific issues related to human capital development and labor mobility (Roundtable 1), remittances and other diaspora resources (Roundtable 2) and policy and institutional coherence (Roundtable 3). Each session was prepared and presented by voluntary teams of governments with common interests in the theme, and representing the developing and developed regions of the world in a balanced way. The roundtables yielded concrete project proposals ranging from working groups to feasibility studies, which will need to be implemented and reported on at the next GFMD meeting by willing governments and/or relevant international organizations.

During the roundtable sessions, the cross-cutting issues of root causes of migration, human rights and gender, which had been identified by some governments as crucial for the migration development debate, were examined in a horizontal way. Some recommendations were made to help governments better integrate these into their future respective policy making.

Present at the opening session were HRH Prince Philippe of Belgium, representing His Majesty King Albert II, Mr. Guy Verhofstadt, Prime Minister of Belgium and the United Nations Secretary-General, H.E. Mr. Ban Ki-moon. The meeting was chaired by the Belgian Executive Director of the GFMD, Ambassador Régine De Clercq. In his address, Mr. Guy Verhofstadt, Prime Minister of Belgium, emphasized the importance of development for sound migration policies. United Nations Secretary-General, H.E. Mr. Ban Ki-moon observed that the lead-up to the

GFMD offered a basis for a less politicized discussion about migration. The keynote speech was delivered by H.E. Mr. José Manuel Barroso, President of the European Commission. Other speakers were H.E.
Mr. Couaovi A. L. Johnson, Secretary General of the Commission of the African Union, H.E. Sir John Kaputin, Secretary-General of the African, Caribbean and Pacific Group of States and Professor Ernesto Zedillo, former President of Mexico, who pointed to the links between the GFMD discussion and broader international policy debates such as trade and development and to the consequences that the Doha Round’s failure would have for international migration.

At the closing session of the GFMD meeting, reports on the three roundtables and the horizontal issues were presented by Mrs. Patricia Sto. Tomas, Chairwoman of the Development Bank of the Philippines and former Secretary of Labor, The Philippines (Roundtable 1); H.E. Professor Oumar Hammadoun Dicko, Minister for Malians Abroad and African Integration, Mali (Roundtable 2); Mr. Richard Manning, Chair of the OECD Development Assistance Committee (DAC) (Roundtable 3) and Mr. Jozef De Witte, Director General of the Centre for Equal Opportunities and Opposition to Racism, Belgium (Horizontal issues). In his closing remarks, the Hon. Arturo D. Brion, Secretary of Labor, the Philippines, described the meeting as a milestone in world history and urged governments to continue the existing consultative mechanisms and the informal discussions towards more firm commitments, partnerships and international cooperation. In the final conclusions and recommendations of the Chair, Ambassador Régine De Clercq spelled out how the achievements of this first meeting could be taken forward in a productive and linked-up way.

Ancillary to the Forum meeting and its preparation, UNDESA established a virtual Marketplace to enable countries to ‘market’ their migration/development-related needs and find partners to help meet those needs. This led to a considerable number of meetings between interested parties during the July meeting, and possible follow-up projects. The Marketplace will continue as part of the Forum, and cooperation will likely be pursued after Brussels to the Manila meeting and beyond.

2. The Civil Society Day (July 9)
The first day of the GFMD meeting was devoted to discussions among civil society actors on migration and development issues; and it offered input into the governmental discussions on 10 and 11 July. The agenda largely mirrored the governmental agenda (human capital and labor mobility; remittances and diaspora; institutional and policy coherence) and was organized in eight sessions.

It was stressed during the meeting that migration by itself will not bring about development. The structural barriers to development cannot be overcome without responsible governmental actions in countries of origin and destination. Without a major change in course, migrants and their contributions will indeed not fulfill their potential role as partners in the articulation and implementation of inclusive, equitable and sustainable development policies. Non-state actors also have an important role to play in working towards this change. Participants expressed a clear commitment to pursue this process in the years to come. Joint projects in the field and practical partnerships resulting from the increased cooperation achieved through the Forum will keep the global human development of migrants at the core of their actions.

3. The Governmental meeting (July 10-11)
The discussion within the three thematic roundtables of the Governmental meeting focused on i) human capital development and labor mobility, ii) remittances and other diaspora resources, and iii) enhancing institutional and policy coherence and promoting partnerships. Cross-cutting aspects relating to gender, human rights and root causes of migration were examined in a horizontal manner in the sessions.

The interactive exchanges resulted in a number of recommendations leading to short, medium and longer term actions. While some are in the realm of national policy and can be unilaterally implemented, others will require bilateral and/or multilateral action. Some will involve governments at different levels, and others may need coordination and partnership with international organizations or civil society.
Participants recognized the importance of considering the appropriate support mechanisms for governments and other actors to take these initiatives forward to the next GFMD meeting. Following is a summary of the conclusions and recommendations of the first GFMD meeting. A full report will be produced and disseminated by the end of 2007.

*******
Looking Towards the Second GFMD in Manila, Philippines
The session aimed to facilitate discussions for CSOs to prepare for the Second GFMD in Manila, Philippines. Contributors to the Session included the following:

Catherine Tactaquin, Migrants Rights International (MRI)
William Gois, Migrant Forum in Asia (MFA)

Catherine Tactaquin noted that unless we have been preparing and creating an environment where we know each other, it limits our participation in these types of meetings.

She announced that everyone will receive participant lists and notes from these meetings. She emphasized that if you want to be involved in campaigns or be involved in strategizing, you need to take the initiative. She suggested that perhaps we could create a calendar of events up to next year to get a better sense of what we are doing on a global level.

William Gois then spoke, reflecting on what happened this time around, and highlighting that there are several areas we need to work on for the next GFMD. In relation to the preparation for the Global Forum, the Belgium Government decided that they were not going into the analysis of issues; they wanted to focus on projects and programmes that work.

The idea of a ‘market place’ was introduced in which civil society groups come together to share programmes that are possible in the migration management system. Space was opened up for this and though this, 38 meetings were arranged. He explained that this is why the rights discourse and the stories of migrants “are not required” in the existing format.

William emphasized that as we determine our way forward, we need to consider the roles that foundations play. He acknowledged that the KBF did a fantastic job, as was given to them by the Belgian government, considering the constraints on the Belgian government placed by the Friends of the Forum. But he noted that we should also be able to talk to them to say we don’t want them negotiating for us.

He highlighted the concept of “non-state actors”. The KBF tried to bring as diverse a group as possible to build ‘civil society’ – hence the inclusion of the World Bank. We must be careful of this term and critique it. We have to deal with this new concept.

He also observed that the role of UN agencies was marginalized and there was a lack of proactiveness of UN agencies. In government programmes, multilateral institutions that fall into the Managed Migration Model were given key roles, while the UN agencies were not.

One of the positive things that emerged was a stronger alliance between civil society, trade unions, and migrant organizations. He called this ‘organic alliance-building’. How we reach out is something we must determine. He cautioned against introducing a divisive process.

Catherine and William then invited comments from participants.
One participant suggested that we have to start demanding, start being ‘uncivil society’, saying: We should call for Peter Sutherland to step down. He is completely biased and completely negative about civil society participation. We should demand that he be replaced, especially since the US government is complaining about the Special Rapporteur on Migration.

We need to go back and have national-level dialogues. We need to build alliances internationally, but we need to do this on a national level too. We need to urge people to reach out to trade unions, civil society organisations, migrant groups, etc.

On Monday there was a Forum; today and yesterday we have more discussion on migration, development, and human rights. Its nice to know the perspectives of NGOs on Monday to know whether these these are parallel sessions or integrated? I don’t want to work in parallel. We should have a follow-up session, rather than separate process. We must have a follow-up group and negotiate with all the actors, the KBF, etc, on Tuesday and now. On Monday we criticized that there was a lack of transparency; we should be transparent here. I have ideas.

Secondly, 3 actors missing – Maghreb. Turkish people, African people; if we want to be a serious alternative we need to include these missing actors. If we set up a coordination group, we should include these groups. Another important element – now we take up migration and development. We want to include everything in it. We cannot do so. We must focus on specific topics. There are networks already working on migration and development, and on human rights, so we can work on topics but within the framework of a global initiative. Then also focus on initiatives working locally, reflecting and organizing consultations on each country. We have to agree on planning of action. We have to decide on some dates – e.g. 10 December – Human Rights Day, 18 dec, 8 March –International Day Against Racism, these dates unite us, so we should organize international campaigns around these days.

Another participant noted that in terms of what we want to do, it is logical to think in terms of process and substance. Process means having a structure of a platform moving forward. Have a specific platform and a general platform. We need to make sure that the objective is that we bring the voices of migrants and their families into the table. The whole migration policy debate is being influenced by the unfair and unjust global economy. Migration and development is being used as a ploy to deal with security issues and temporary forms of labour. We need to have our own analysis of unfair trade developments. We need to be very strategic. One of the problems we have is that we are trying to say what the Migration Development Nexus is about, and it is about tackling the root causes of migration, looking at human rights, their total development, all of these issues must be talked about holistically. We must recognize the hostile environment we operate in (e.g. in relation to human rights), and ensure it does not replicate for Manila. We can try to ensure we have a strong platform, which is representative, broad, and inclusive.

In terms of structure for Manila – if we have the Friends of the Forum, we have no direct contact with the government, and therefore we don’t know what the governments want. We need to do our own follow-up at the national level to have our own friends in the Friends of the Forum.

There is dilemma about bringing the process back into the United Nations. We want this, but we don’t want Peter Sutherland to be the Special Rapporteur. Civil society participation is very well defined in the UN system. We had people sitting as observers. There is some merit in making use of the tried and tested procedures of the UN.

Breed Breenan then said that there is a need for a broad, mobilizing process. One of the methods is to have a minimum statement towards Manila. We can use this as a method to mobilize towards the Manila process, perhaps launch it on Dec 18. We need to link migration and development campaigns to trade campaigns.
There are various networks that exist which need to be linked up.

Another participant suggested that it is very important to work in different languages. We spoke about immigration of women working as domestic workers. We talked about illegal workers. The report on this meeting should really include all this information, how to spread it out and how to reach the interests of people. How can we represent all these people, what are we going to do to give this document to the people who need it? We should use this document, and to spread it widely.

A Participant noted that there is a need to think beyond the GFMD. We need to think of the process of migration and development, at local and national levels. Re GFMD Manila, who select the Steering Committee? We don’t want the same process that happened here at the day of CSO of the GFMD.

A participant then recommended that there must be attention paid to migrants in Denmark. The missing links need to be thought of. We are defensive in this Forum, we need to be more open and reach out to the other actors. We should start to think of involving ourselves in the formal process. This is a possibility? Rather than to think we are already excluded. We must come out of the box.

Rex Verona commented: Regarding practical processes, we should bring back the process to the social movements rather than to make it the burden of this group. Rather than spending all the money exclusively, lets develop a calendar regarding initiatives. Then we table it along certain clusters. We can identify a certain number of themes. We can then initiate grassroots, local and national processes that can be reported back into Manila. We can have a five day process for consolidation processes – three days of consultations, two bringing together all the points, then one day with governments.

Nisha Varia then suggested: We should not just think about the Road to Manila. We must have our own goals and timelines. This is just one piece of that. It is good to have local national consultations. Let us not just be reactive. We should set it, think longer term, and think about how Manila fits into it.

Marie from Norway noted that: Migration is seen as an apolitical issue, and discourses influence policies and everyday life. This needs to be taken into account. We need to consider the responses of political parties.

Another participant noted that MRI has done this two years in a role. This process will always be needed. We must make a resolution here – do we need to create something – a global NGO platform – not just for Manila, not to multiply, but to coordinate.

Another participant suggested there is a need to include another neglected migrant groups – seafarers. We need to have active socialization of migrant groups. To do so, there must be mobilization of resources to facilitate their involvement, considering logistics. We need to consider the issue of mass deportations, and also the plight of US born children of those whose parents are detained.

A participant noted the need to look at creative formats for engagement. We can try ideas such as the ‘global villages’ at the AIDS forum, not restrict ourselves to the lecture style in this type of room.

A participant recommended that we should try to work within the framework the involvement of marginalized groups.

Cathy Tactaquin then provided a summary, stating: The broadest point is that we need to be long term, to build a local movement. That is not our only target, want to be more inclusive of migrants themselves, realizing their inability to travel. But as they are part of a global movement, we need to ensure their involvement.
We need to follow up on the civil society day. We need to be aware of and know what the civil society day should be. What is the insider strategy? Outsider strategy?

We should continue the process of working together – to identifying clusters for topics, which may or may not have been covered. This can give us some focus. A calendar of activities is useful for building an international movement. Voice our position especially.

We need to deal with foundations, to have an interactive yet critical perspective. It cannot be done on a shoestring budget. But will the resources be in our hands or the hands of the foundation?

We need to work on Sutherland’s resignation, making sure he is not replaced by someone like him.

We need to establish a global platform about how we understand these issues; this helps us to develop a global movement. In our countries, regions, and our point of view.

********
Annex

Your Excellency:

Civil society organizations representing migrants, rights-based groups, faith-based organizations, and trade unions are highly appreciative of your presence here in Brussels for the Global Forum on Migration and Development.

Representatives from these organizations have come together to hold an inclusive parallel event, the “Global Community Forum on Migration, Development and Human Rights,” on July 10 and 11th to place the human rights of migrants and their families at the heart of all strategies and initiatives related to migration issues.

We appreciate the efforts made by the Belgian government to carry this process forward after the High Level Dialogue on Migration and Development held in September 2006. However, we are critical of the intergovernmental forum which concentrates discussion on temporary forms of migration and remittances as contributions to development without giving adequate consideration to the interests and rights of migrants themselves.

Millions of migrants are suffering under inhumane conditions of work and life. The promotion of human dignity and well-being must form the bedrock of migration policy and be the starting point for discussion.

For these reasons, we are convinced that the global debate on migration, development, and human rights should be returned to the United Nations, where it started. This will ensure that the UN normative framework of rights-based conventions and agreements will be systematically incorporated into evolving global migration policy.

Foremost for such a framework are the following instruments, which must be universally respected and implemented:

- The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families 1990;
- ILO Conventions C97 and C143 and ILO Multilateral Framework on Labour Migration;
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- The Convention on the Elimination of All Forms of Racial Discrimination (CERD);
- The Convention on the Rights of the Child;
- The UN Convention on the Status of Refugees and Protocol;
- The Durban Declaration and Programme of Action of the 2001 UN World Conference Against Racism.
The UN framework offers benchmarks against which national and regional migration policies and legislation could be measured. Further, the voice of civil society and migrants’ organizations will be enhanced through the consultative arrangements for stakeholder participation within the UN.

We urge you to use the convening authority of the United Nations to reclaim this process so critical to sustainable economic growth and well-being and to the lives of millions of migrant workers and their families.

Sincerely,

Migrants Rights International

December 18

International Trade Union Confederation
We, the 60 participants representing migrant organizations, NGOs, diaspora groups, trade unions, development advocates, and civil society groups from 17 countries, have come together at the “Asian Regional Consultation on the GFMD 2007” that was organized by the Migrant Forum in Asia (MFA) and partners on 15-16 June 2007 in Pasig City, Philippines.

This is the second regional consultation focusing on “migration and development” organized by Asian migrant groups and civil society advocates. It builds upon the first consultation held in Bangkok in August 2006, in preparation for the “United Nations High Level Dialogue on Migration and Development (HLD)” in September 2006.

This second Asian regional civil society consultation aims to bring together the various migrant groups, development advocates and civil society organizations in order to coordinate and jointly prepare for GFMD 2007; to broaden and deepen the consensus reached in 2006; to identify priority topics and focal issues to be emphasized in GFMD 2007; to plan common or joint actions and activities; and to start initial discussion on preparations for GFMD 2008.

One of the resolutions at the HLD 2006 (New York) was to continue holding a global discussion on this issue. The governments agreed to hold the first Global Forum on Migration and Development (GFMD) on 10-11 July 2007 in Brussels, after the offer by the Belgian government to host the forum. This will be an inter-governmental, informal, non-binding meeting. 12 civil society representatives will be allowed to join the government meeting; a “Civil Society Day” is scheduled on 9 July to allow more civil society groups to join a parallel process. There is also a standing decision to hold the next GFMD in 2008 in the Philippines.

COMMON POSITION ON MIGRATION AND DEVELOPMENT

The first Asian civil society consultation came up with a joint statement on the common perspectives and positions of migrants and civil society advocates on the issue of migration and development (see attached “Joint Statement of the Asian Alliance on Migration, Development and Human Rights,” August 2006). This joint statement emphasized that there must be continuing dialogue on this issue, and that these discussions must be done in the framework of human rights, social justice, gender equality, sustainability, and the people’s right to development. We asserted that this dialogue must be done in the ambit of the United Nations process, so that governments remain accountable to their commitments in this meeting, as well as to their standing obligations under the United Nations standards, instruments and declarations. We further emphasized that any meaningful dialogue on this matter must ensure the effective participation of migrant groups and civil society advocates.

We reaffirm the joint position, perspectives and demands as embodied in our 2006 Joint Statement. We lament the lack of clear and coherent response or commitment by the governments, especially in Asia, to the perspectives and demands that we raised in HLD 2006. We are deeply concerned that the GFMD 2007 will further ignore the inputs and interventions made in the 2006 HLD process, and bring the discussion back to the level where the primary emphasis is on the exploitative perspectives and agendas of governments and businesses.

We further score the token space and representation accorded to migrants and civil society groups, foreclosing any real and substantive interaction or dialogue. Despite these serious reservations, we, the Asian mi-
grant and civil society groups, decide to continue to engage with the GFMD process to try to make it a more meaningful and real platform for substantive discussion on migration and development issues among the key stakeholders.

For the 2007 GFMD, we specifically want to emphasize the following concerns.

PRIORITY THEMES AND POSITIONS FOR GFMD 2007

1. Migration policy regime and human rights framework

We call for the strengthening and enactment of rights-based migration legislation, based on international standards, for the full protection of migrant workers at all levels. Each country should have a clear migration policy based on fundamental human rights principles, as enshrined in the core U.N. and ILO standards/conventions. Migration policy should firmly commit to the principles of non-discrimination, social and gender justice, the right to mobility, right to information, decent work, the right to work and rights at work, and the right to development. Migration policies should be formulated and implemented with prior consultation and effective participation of the primary stakeholders (migrants, civil society, trade unions).

We reiterate our call for the immediate ratification of the core U.N. and ILO standards and conventions, particularly the Migrant Workers Convention and ILO Conventions 87, 98, 97 and 143. We call for the reform (towards more rights-based framework) and effective implementation by sending and receiving countries of existing policies and laws. Policies and laws should be effectively disseminated, monitored and implemented.

We emphasize the need for concrete and decisive action by Asian governments to improve governance. Pervasive corruption in many sending and receiving countries, as well as the lack of political will to crack down on abuses against migrants, worsen the violation of migrants’ human rights. Good governance means upholding the human rights and dignity of everyone in society, especially the poor and marginalized, including migrant workers.

We demand decisive action by governments to make recruiters, employers, remittance/money transfer companies, lending companies and businesses in the migration industry, to be accountable and liable for their exploitative or abusive practices.

2. Savings, remittance and social contributions

We continue to emphasize our call for the proper recognition, valuation and measurement by host and home governments of the benefits from, and contributions of, migrant workers. Migrants’ social contributions should be recognized and valued as much as their economic contributions. The full appreciation and recognition by sending countries of the social costs and adverse impacts of migration; these social costs should be considered vis-à-vis the benefits.

There is an urgent need for the provision of comprehensive and effective support, mechanisms, programmes and enabling conditions by the sending and receiving governments for the mobilization and harnessing of migrants’ savings, remittances, diaspora funds and economic resources towards community and social development in the home country. This requires the setting up of independent, transparent, coherent and specialized agency(ies), with participation of migrants and other stakeholders, to manage and harness migrant savings and resources towards community development.

We want to caution policy-makers, however, that the harnessing of remittances and resources of migrants should always be considered within the framework of human rights, social development and empowerment.
Over-emphasis and dependency on remittance is not sustainable and is antidevelopmental; this further exploits migrants as milking cows, and shifts the burden and responsibility away from the government.

It is the primary responsibility of the host and home governments to provide the enabling policies, mechanisms or national programmes for effective savings, remittance, social development, and reintegration. States must ensure that migrants and their families benefit from their own remittances.

The mobilization of migrants’ savings and remittance should be voluntary and not forced e.g. via legislation. Migrants and primary stakeholders can only be central actors in development if they are empowered to mobilize and harness their savings, remittance, skills and capabilities for personal, community and national social development. They should be involved in the planning, decision making and implementation of these development initiatives.

Governments should ensure the provision of low-cost and accessible remittance or money transfer channels. This means regulation at the national and/or international level of remittance and money transfer companies/channels, remittance flows, practices, fees and charges. The gains and profits made by governments and remittance companies should be used in part or full to support social and community needs, services, as well as to mitigate the social impacts/costs of migration.

3. Migration and development framework

Development means the ability of one country to improve its economy without compromising the human rights, dignity, health and welfare of its workers. It means enhancing the freedoms of the people. Migration and development must promote global citizenship; migrant workers should be given the same rights and protections as citizens of receiving countries.

Development policies should incorporate migration policy, based on the core human rights and the right to development principles, effective consultation and participation of the primary stakeholders, and with mechanisms against corruption.

Women constitute half of the migrant population and communities; women empowerment and gender justice are essential for any development programme to be effective. Development policy should not focus on getting remittances, but address the problems of poverty, job security and holistic livelihoods of the people.

Dependency on labor migration is not sustainable; the mass export of labor should not be a national development policy of the government.

Immigration policies that exploit and drive migrants to resort to irregular migration should be reformed. Accessible, fair, transparent and non-corrupt regular migration channels should be created especially for migrants in the laboring job categories (factory, fishery, plantations, domestic work, etc.). Development strategies of both sending and receiving countries should not exploit, encourage and make use of irregular or vulnerable migrant workers.

Recognizing the valuable contribution of migrants to both sending and receiving countries, migrants and their families should be covered by universal social security, provident/retirement, and health insurance programmes in both sending and receiving countries. Migrants should have access to social services. They should be covered by decent work, equal pay, and equal opportunities policies.

The rights of marginalized migrants (e.g. women, domestic workers and the “low/semiskilled” workers) to family rights, social mobility and social advancement should not be unfairly restricted.
4. Partnership with other stakeholders
Any partnerships for development with other stakeholders should be based on the core principles of human rights, social and gender justice, and the right to development.

We commit to build effective and strategic partnerships and collaboration among migrants, trade unions, diaspora communities and civil society groups within and among countries to promote our development initiatives.

We shall explore critical partnerships with companies or corporate sector (e.g. airlines, couriers, recruitment agencies, telecommunication corporations, lending agencies and other businesses benefiting from the migrants) based on the above principles. We shall encourage the participation of the business sector in the migration discourse, solicit their support in enhancing migrants’ development initiatives, make them constantly aware of their accountability for abusive or exploitative practices, and encourage them to deepen their socially-responsible and ethical practices. We shall advocate for corporations to create support programs and services for migrants as part of their corporate social responsibility, including the allocation of part of their net profits to address migrants’ needs or mitigate the social costs of migration.

We shall engage recruiters, money transfer companies to push them to operate ethically, and in an accountable and responsible manner.

5. Process and platform in discussing migration and development

Any process discussing migration and development at the international level should ensure the effective participation of the primary stakeholders – migrants and civil society groups. We call on the United Nations and governments to institutionalize a thematic approach in discussing the issues of migration and development; identify specific points to form the basis of a binding program of action so as to avoid the holding of repetitive forums.

We reiterate our demand that the GFMD should be brought under the auspices of the UN. Governments should have accountability over their decisions/commitments at the GFMD; GFMD should also come up with concrete plans of action on development. Therefore, there should be mechanisms for effective implementation and monitoring of the commitments/resolutions and plans of action made at the GFMD.

-end-

List of Participating Organizations
Bangladesh
Ain O Salish Kendra (ASK)
Welfare Association of Repatriated Bangladeshi Employees (WARBE)
Cambodia
Coordination of Action Research on AIDS and Mobility (CARAM-Cambodia)
Cambodian Women for Peace and Development (CWPD)
Hong Kong
Coalition for Migrants Rights (CMR)
Indonesian Migrant Workers Union (IMWU)
The Hong Kong Coalition of Indonesian Migrants Workers Organization (KOTKIHO)
India
Migrants Rights Council
National Domestic Workers Movement
National Domestic Workers Movement – North East Region
Migrant Forum in India
Indonesia
Migrant Care
Jarnas Pekabumi – National Network of Economic Development Indonesian Migrant Workers & Their Families
Solidaritas Perempuan
Center for Indonesian Migrant Workers (CIMW)

Korea
Joint Committee with Migrants in Korea (JCMK)

Malaysia
Migration Working Group

Mongolia
Center for Human Rights and Development (CHRD)

Nepal
All Nepal Women’s Association (ANWA)

Philippines
Atikha Overseas Workers and Communities Initiatives
Center for Migrant Advocacy – Philippines (CMA-Phils)
Kanlungan Center Foundation, Inc.
Unlad Kabayan Migrant Services Foundation, Inc.
Samahan ng Migrating Pilipino at Pamilya Inc. (SAMAPI)
International Network of Alternative Financial Institutions – Phils (INAFI)
Philippine Rural Reconstruction Movement (PRRM)
IDEALS
Philippines Consortium on Migration and Development (PhilComDev)
Batis Center for Women
FAMDEV

Singapore
Humanitarian Organization for Migration Economics (HOME)
Singapore National Trades Union Congress

Sri Lanka
ACTFORM/ACILS
Migrants Services Centre (MSC)

Taiwan
Hope Workers Center

Tajikistan
SAODAT

Regional Organizations
Migrant Forum in Asia (MFA)
Asian Migrant Centre (AMC)
Asia-Pacific Forum on Women, Law & Development (APWLD)
Global Alliance Against Traffic in Women (GAATW)
Focus on the Global South
Union Network International-Asia Pacific Regional Organization (UNI-APRO)
ASEAN Service Employees Trade Union Council (ASETUC)
ICCO

International Organizations
The Hague Process
STATEMENT OF UNITY
Adopted at the 1st Asian Domestic Workers Assembly, 17-18 June 2007, Pasig City, Metro Manila, Philippines

We, 70 participants representing migrant domestic workers, leaders, migrant organizations and unions, together with our partners from civil society, trade unions, and the peasant and social movement, have come together to organize the 1st Asian Domestic Workers Assembly on 17-18 June 2007. The Assembly was organized by the Coalition for Migrants Rights (CMR) and Migrant Forum in Asia (MFA) with the support of the Asian Migrant Centre (AMC), Alliance of Progressive Labor (APL), Human Rights Watch (HRW), UNIFEM and ILO.

We have gathered together to discuss, analyze, strategize, plan, coordinate and jointly act on national, regional and global issues, agendas and positions of migrant domestic workers (MDWs) in Asia. Our objectives of the assembly are as follows:

1. To bring together migrant domestic workers’ (MDW) groups/representatives, migrant organizations, trade union partners, migrant NGOs, advocate, and allies across Asia to discuss common issues, positions, strategies and a joint platform for action for MDWs.

2. To identify strategic issues, agendas, recent policy changes/trends; discuss current strategies and responses; identify common strategic action agendas and opportunities for advocacy and joint action.

3. To analyze gains/successes, gaps/needs, challenges, opportunities and difficulties/obstacles to organizing work, advocacy and empowerment of MDWs.

4. To collectively discuss the need for a regional MDW alliance or action network to serve as joint platform for self-representation of MDWs, analysis of issues/problems, formulation of common responses/strategies, and implementation of joint action plans/priorities at the national, regional and international levels.

5. To develop strategic and priority agendas and plans of action for MDWs in Asia.

6. To plan and prepare for MDWs’ interventions and activities at the Global Forum for Migration in Brussels in July, 2007; and help in the preparations and convening of the global meeting of DWs as one of the parallel events in Brussels. We affirm the following positions and principles and will promote them as our strategic positions and demands:

Domestic work is work!
Recognize migrant domestic work under national labor laws!
Women’s work is work!
Migrants’ rights are human rights!
Recognize the social and economic contributions of MDWs!
Uphold and respect the rights and dignity of MDWs
Asian migrant domestic workers unite!
Equal pay for equal work!
Abolish discriminatory policies against MDWs!
Adopt international standards of protection for MDWs!
Adopt fair, protective and enforceable standard contracts for MDWs!
Stop all forms of abuse against MDWs, including physical, verbal, psychological, sexual and other gender-based forms of abuse!
Regulate recruitment agencies and stop their exploitative fees and practices!
Recognize and ensure MDWs’ right to health, safety and dignity!
Ensure proper compensation and redress for abuses and violations against MDWs!

The following are the priority issues confronting MDWs in Asia that we would like to jointly address now and in the coming years. We will also bring these issues at the 2007 and 2008 Global Forum on Migration and Development:

1. **Issues at pre-departure stage:**

   - Recruitment practices and requirements; including making recruitment agencies responsible for abusive and exploitative practices and requirements;
   - Pre-departure training and preparation;
   - Employment contracts;
   - Post-arrival support and assistance;
   - Savings, financial and economic capacity and preparation; helping in the values formation of MDWs and families, especially on resource management and reintegration preparation;
   - Psycho-social interventions and support for returning migrants;
   - Reintegration opportunities, support, and government programs;
   - Social and community support for returning migrants;
   - Advocacy against unreasonable bans and restrictions on hiring of MDWs.

2. **Issues onsite and in the workplace:**

   - Labor and immigration policy problems;
   - Abusive and exploitative practices of recruitment agencies;
   - Wage issues and problems;
   - Absence of non-standard, unfair or poor provisions, non-enforcement, violations and other problems in relation to MDW employment contracts;
   - Living and working conditions;
   - Healthcare and reproductive health;
   - Abuses, violence against women, gender-based abuses;
   - Cultural, social and religious difficulties;
   - Labor rights; MDW capacity to organize, mobilize, unionize; no channels of consulting or representing MDWs.

3. **Issues on return and reintegration:**

   - Post-arrival problems;
   - Savings, financial and economic capacity and preparation; value system of MDWs and families;
   - Psycho-social intervention and support for returning migrants;
   - Reintegration opportunities, support, government program;
   - Social and community support for returning migrants.

We will continue to undertake joint advocacy, campaigns, organizing, capacity-building, lobbying and public actions at the national, regional and international level on the above MDW issues and positions.

Towards these ends, we will build and strengthen our national and regional alliances and actions. Our individual, organizational and collective efforts will include conducting training and awareness-raising among
MDWs themselves, public education and media work, dialogues with governments, and strengthening linkages with trade unions, the peasant movement and other key sectors.

We affirm that MDWs contribute by their hard labor and remittances to the development of both receiving and sending countries, socially, economically and culturally.

We affirm the importance of taking leadership for our collective campaigns and struggles. We commit to strengthen our alliances so that we can self-represent, assert our rights and dignity, and implement priority plans and agendas for the effective protection of MDWs. We will continue the process of building the Asian regional alliance of MDWs, and help develop our global network and alliance.

We will specifically work to implement the attached Plan of Action that is based on recommendations arising from the 1st Asian Domestic Workers Assembly. Adopted at the 1st Asian Domestic Workers Assembly, 17-18 June 2007, Pasig City, Metro Manila, Philippines.

The Asian Domestic Workers Assembly was made possible through the support of the following:

International Labour Organization
United Nations Development Fund for Women

**Participating Migrant Returnees:**
- Remy Borlongan – Philippines
- Wilma Cagaoan - Philippines
- Malou Pundar – Philippines
- Jean Pundar – Philippines
- Aileen Penas – Philippines
- Muhammad Chairul Hadi – Indonesia

**Participating Organizations:**

**Bangladesh**
- Ain O Salish Kendra (ASK)
- Welfare Association of Repatriated Bangladeshi Employees (WARBE)

**Cambodia**
- Coordination of Action Research on AIDS and Mobility (CARAM-Cambodia)
- Cambodian Women for Peace and Development (CWPD)

**Hong Kong**
- Alliance for Wage Increase (ALLWIN)
- Coalition for Migrants Rights (CMR)
- Association of Sri Lankans in Hong Kong (ASL) – CMR member
- Far East Overseas Nepalese Association (FEONA) – CMR member
- Filipino Domestic Helpers General Union (FDHGU) – CMR member
- Indonesian Migrant Workers Union (IMWU) – CMR member
- Hong Kong Coalition of Indonesian Migrants Workers Organization (KOTKIHO) – CMR member
- Thai Women Association – CMR member
- Hong Kong Confederation of Trade Unions (HKCTU)

**India**
- National Domestic Workers Movement
- National Domestic Workers Movement – North East Region
- Migrant Forum India
Migrants Rights Council

**Indonesia**
- International NGO Forum on Indonesian Development (INFID)
- Migrant Rights Council
- Jarnas Pekabumi – National Network of Economic Development Indonesian Migrant Workers & Their Families
- Solidaritas Perempuan
- Serikat Buruh Migran Indonesia (SBMI)
- Center for Indonesian Migrant Workers (CIMW)
- Congress Confederation of Trade Union (KASBI)
- Solidarities Migrant Scalabrini

**Korea**
- Joint Committee with Migrants in Korea (JCMK)

**Macau**
- Association of Indonesian Moslem in Macau (HALIMAH)

**Malaysia**
- Bocahe Dewe
- Malaysian Trades Union Congress (MTUC)
- The National Human Rights Society (HAKAM)

**Mongolia**
- Center for Human Rights and Development (CHRĐ)

**Nepal**
- All Nepal Women’s Association (ANWA)

**Philippines**
- Alliance of Progressive Labor (APL)
- Atikha Overseas Workers and Communities Initiatives
- Center for Migrant Advocacy – Philippines (CMA-Phils)
- Kapisanan ng Kamag-anakan ng Migranteng Manggagawang Pilipino (KAKAMMPi)
- Kanlungan Center Foundation, Inc.
- Unlad Kabayan Migrant Services Foundation, Inc.
- Samahan ng Migranteng Pilipino at Pamilya Inc. (SAMAPI)

**Singapore**
- Humanitarian Organization for Migration Economics (HOME)
- Singapore National Trades Union Congress

**Sri Lanka**
- Action Network for Migrant Workers (ACTFORM)
- Migrants Services Centre (MSC)

**Taiwan**
- Hope Workers Center

**Tajikistan**
- Saodat

**Regional Organizations**
- Migrant Forum in Asia (MFA)
- Asian Migrant Centre (AMC)
- Focus on the Global South

**International Organizations**
- La Via Campesina
- Human Rights Watch
Migrant Forum in Asia

Migrant Forum in Asia (MFA) is by far the broadest and most representative membership-based network of Asian Migrant Organizations and support groups in the region. Established in 1994, MFA currently has 290 official members from 14 Asian countries with its secretariat based in the Philippines. Some of the members are themselves national networks representing large number of local organizations (e.g. the network members from Japan, Korea, Sri Lanka, India, Indonesia and Hong Kong.) In addition to its formal members, MFA has close working relations with more than 50 other migrant related groups and networks in Asia (South Asia, Southeast Asia, East Asia and West Asia) and other regions of the world. MFA also collaborates with other human rights networks in the region to strengthen the core discourse on the intersectionality of the issues of migrant workers.

MFA acts as a facilitator, a regional communication and coordination point between member organizations and migrants’ rights advocates, forging concerted action to address discriminatory laws and policies, violence against women migrants, unjust living conditions, unemployment in the homeland and other issues affecting migrant workers. As a regional network, there is also much scope in sharing and disseminating information of best practices in the host and sending countries.