

An Appeal to States and NGOs attending the Global Forum on "Migration and Development"

IMADR, together with organizations that are part of the Campaign Against Exploitative Migration and Human Trafficking, issued a joint statement addressed to governmental and non-governmental participants of the Global Forum on Migration and Development (GFMD) from the perspective of the human rights and security of exploited migrants, in particular trafficked women and children.

Hosted by the government of Belgium on 10-11 July 2007 in Brussels, the GFMD followed on from the United Nations High-Level Dialogue on International Migration and Development that took place in New York in September 2006. NGO parallel events - i.e. the Civil Society Day on July 9 and the Global Community Dialogue on Migration, Development and Human Rights on July 10-11 - also took place in Brussels.

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We call upon the participants of the first meeting of the Global Forum on "Migration and Development" to take into consideration the need of the international community to protect migrant workers from the harmful effects of exploitative migration including trafficking and smuggling.

As the United Nations Special Rapporteur on the human rights of migrants has pointed out, "migration is a rational and reasonable behavior; people move to where opportunities are and where they can find a better life. It is also an inherently international issue. Thus, any policy that relies on unilateral means to curb natural migration will never be successful". Pursuing international migration for the sake of national economic development, accompanied by the receiving countries' selective immigration policies, will only benefit skilled labor migration, while aggravating the human insecurity of undocumented migrants.

Thus, the present framework of discussion for the Global Forum on "Migration and Development" may create unexpected harmful conditions for undocumented migrants and accelerate exploitative migration, when combined with the War on Terror and on organized crime. We must prevent the international community from developing an international regime aimed only at promoting co-development

of the sending and receiving countries of international migration without taking into consideration the rights, security and the development of all the peoples involved in what the Special Rapporteur calls "natural migration". A discussion held in the absence of migrants themselves may end up in encouraging exploitative migration by increasing restrictions on unskilled labor migration while helping criminal organizations go further underground by a sweeping control of informal sectors. This is exemplified by the increasing tendency on the part of sending states to impose age restrictions on women migrants, thereby increasing the risk of those women migrating for work getting mired in international clandestine smuggling networks.

We call upon the states participating in this Forum to bear in mind the following guiding principles. These will only compensate with the absence from this Forum of the concerned people themselves.

1. It is our hope that with the participation of the NGO community here present, the human rights, human security and the human development of the migrant communities from the South be the center of a broader, transparent international debate involving fully the UN human rights machinery, especially the Human Rights Council and its procedures as well as the High Commissioner for Human Rights. The states and civil societies of the sending countries should be capacitated to develop joint activities to protect insecure migrants, potential migrants, returnees, and especially the victims of exploitative migration and human trafficking.

2. We recommend that, in view of raising awareness within the international community about natural migration, a system be developed, with the cooperation of relevant regional institutions, to conduct extensive surveys on the different aspects of natural migration – encompassing both transnational and internal migration –, especially the most vulnerable sectors, the trafficked and smuggled migrants in particular women and children. We appreciate the efforts made by the UN Office on Drugs and Crime (UNODC) to collect information for the purpose of meeting the need to implement the UN Convention against Transnational Organized Crime. However, the scope of this information gathering, which currently focuses on the surveillance, control and punishment of transnational organized crime, should be expanded to protect and guarantee the human rights and human security of migrants themselves, with the cooperation between UNODC and the UN Office of the High Commissioner for Human Rights (OHCHR).

3. We remind the international community of Article 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and call upon all states to ensure that all migrant workers, including those undocumented and whether or not trafficked or smuggled, be given the right to organize themselves and to join existing trade unions. By the same token, the various Diaspora communities in their countries of settlement should be encouraged to develop self-organized and self-reliant institutions to assist the needs of their fellow members. Undocumented migrants, victims of trafficking and smuggling included, who are treated as “illegal” and excluded from civil society, should be given adequate means of expressing themselves, for example, through NGOs and social movements supporting them.

4. All the public institutions affecting the security and welfare of undocumented migrants, from detention camps to shelters, should be subject to public surveillance and monitoring. The international community should develop a transparent system with the cooperation of the global civil society, which reports on how undocumented migrants – who are often victims of exploitative migration – are treated in their countries of destination. The responsibility of the various agents of the public and corporate sector should be formally established. Such agents should become subject to national and international sanctions, complementing the surveillance and punishment for transnational criminal organizations.

5. The countries of destination of migrants should assume full responsibility for the security and well-being of Diaspora communities, and treat migrants not as a commodity in the free trade market but as a human being and holder of all fundamental rights, including reproductive rights and the right to development. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) should be ratified by all member states of the United Nations without further delay. Migrant women and the children of migrants, especially those undocumented, should be guaranteed on an equal footing, all the rights and freedoms enshrined in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Rights of the Child (CRC), and all the relevant ILO Conventions.

The above five points are presented to the participating states and NGO representatives of the Forum with the hope that they will be adopted at this first

meeting, or at least that it becomes priority issues for negotiation by the member states at future meetings of the Forum. We invite participating NGOs to join with us in continuing our efforts to have the above points accepted in view of guaranteeing the human rights, human security, and human development of those involved in natural migration. We believe that this would lead to the development of an equitable and sustainable process of international migration guaranteeing the rights, security and welfare of migrants, in their homes in the countries of origin and in their new communities in the countries of destination.

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Asian Regional Exchange for New Alternatives (ARENA)

Asian Women's Human Rights Council (AWHRC)

Buhay Foundation for Women and the Girl Child–Philippines

Centre for Women's Health and Information (CEWHIN)

Coalition Against Trafficking in Women (CATW)–Argentina

International Alliance of Women

L' Association Aide aux Familles et Victimes des Migrations Clandestines (AFVMC)

Mujeres Trabajando

South Asia Forum for Human Rights (SAFHR)

Tamil Nadu Women's Forum

The International Movement Against All Forms of Discrimination and Racism (IMADR)

Third World Movement Against the Exploitation of Women (TW-MAE-W)

Women's Consortium of Nigeria (WOCON)

Women's Rehabilitation Centre (WOREC)