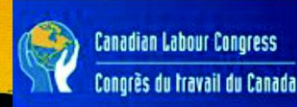


# *Beyond Borders:* How Can We Work Inside and Outside the UN to Advance Migrants' Rights?

June 7, 2013 ~ Washington, D.C.

A U.S.-Canada civil society consultation in preparation for the UN High Level Dialogue on International Migration and Development

Hosted by:



## *Beyond Borders: How Can We Work Inside and Outside the UN to Advance Migrants' Rights?*

### **Consultation Report**

#### **Introduction**

On 7 June 2013, 40+ civil society delegates and individual activists representing migrant communities, trade unions, international networks, and academia from across the United States and Canada gathered in Washington, DC. Hosted by the AFL-CIO, the National Alliance of Latin American and Caribbean Communities (NALACC), the National Network for Immigrant and Refugee Rights (NNIRR), and the Canadian Labour Congress) this gathering was one of seven regional consultations taking place internationally between May and July in the lead-up to the UN High Level Dialogue on Migration and Development.

*The objectives of the consultation were fourfold:*

- (1) To raise awareness among the participants of the UNHLD process, the history of civil society engagement in that process, and the plans in place for engagement in 2013 and beyond;
- (2) To provide regionally-specific inputs to sharpen the points of the 8-point, 5-year action agenda put forward by the Global Coalition on Migration;
- (3) To discuss strategies for engaging both inside and outside the UNHLD process;
- (4) To consider ways in which the UNHLD can further broad, common goals in the global movement for migrants' rights.

Following plenary sessions to set the context, simultaneous breakout sessions aimed at identifying *issues* and *strategies* specific to the USA-Canada region and framed by the GCM's 8-point, 5-year action agenda were held. Workshops were on the following themes: Workers Rights; Human Rights & Protection; Immigration/Diaspora Engagement & Leadership; Government Rule Book for getting legislation right from local to global.

The New York Host Committee, responsible for the planning and implementation of the ‘outside’ parallel process (the People’s Global Action on Migration, Development, & Human Rights) provided updates on the current state of planning. The Global Coalition on Migration also presented updates on the progress of the ‘inside’ strategy. Finally, representatives of the US State Department’s delegation to the UNHLD joined the consultation to share plans on the government side and to field questions from the participants.

### **Some key points from the meeting:**

1. A friendly debate took place about what are the key spaces that we should target for our limited resources and energy to be used most effectively. This included some soul searching about the future of the GFMD as a space for meaningful civil society participation, as well as a call for the construction of alternative spaces, unchained to the UN process, where migrant organizations and their allies could debate, set agendas, and hold their governments accountable.
2. The issues of criminalization and the myriad problems of temporary migration came up in both the plenary discussions and in the report from the other regional consultations.
3. There was also a lively conversation around strategy—which included a focus on media; identifying key targets for advocacy in governments who could move things forward, as well as those likely to block forward motion (US, Canada, among others); the need to develop longer-term campaigns that resonate with community concerns and that can be used to hold governments accountable; and the opportunities for engaging the UN outside the GFMD—for example, in the post-2015 development goals process.

### ***Notes and Documentation:***

#### **Proceedings from Plenary Sessions**

#### **Civil Society Engagement in the UNHLD & GFMD Processes (Karl Flecker, Canadian Labour Congress / Cathi Tactaquin, National Network for Immigrant & Refugee Rights)**

- Of the world’s approximately 214 million migrant workers, 50% are women and 50% are economically active, remitting approximately \$372 billion annually.
- Canada’s rapidly expanding temporary foreign worker programs are often looked to as model programs, in spite of the underlying exploitative practices that are key to their operation.

#### **The UNHLD & GFMD Processes**

- First UNHLD in NYC, 2006 — attempt by Kofi Annan to launch a global conversation on migration
- To bring states to the table, UNHLD focused only on migration & development, with objective of maximizing migration’s benefits while minimizing negative impacts
- Lack of space in UNHLD to discuss human rights — deliberately sidelined
- The 2006 UNHLD resulted in the decision to move the conversation outside of the UN, giving rise to the Global Forum on Migration & Development (GFMD), which has taken place every year since

- Main ideas emerging from the process include: establishing a global governance structure for labour migration, based on economic models; enhancing labour market flexibility
- GFMD has become the primary space where international discourse on labour migration is shaped
- Difficult to get a representative group of civil society into either the GFMD or the UNHLD processes
- However, space has increased and civil society has become more involved over the years, and more actions have been taken on the outside of the process
- Goal for this year is to move the civil society conversation to a global level

#### Successes of Civil Society Engagement

- The People’s Global Action on Migration, Development, *and Human Rights* (PGA) has been a grassroots effort that has been as representative as possible — working to lift up migrant voices outside the UN and GFMD processes
- New networks and coalitions have emerged from the outside process
- A migrant-centered NGO (ICMC) now serves as coordinator of the Civil Society Days for the inside processes of the UNHLD and GFMD
- Some governments have at least begun to acknowledge human rights as a concern
- However, the rights-based framework is still largely missing

#### The 8-Point, 5-Year Civil Society Action Plan

From the 2006 UNHLD and throughout the GFMD processes, agenda setting and securing representative participation and financial support for civil society participation has been frustrating. While advocacy around the UNHLD and the GFMD do not represent the core of the work of most of the organizations that participate, it is clear that the GFMD process is “an animal that’s not going to die”; thus, we hope to move the agenda to open spaces for civil society.

The GCM’s 8-point, 5-year agenda serves as a framework for advocacy at the UNHLD. It defines key points to be expanded upon. The thinking behind the development of this action plan is that the UNHLD and GFMD forums happen, but outcomes are unclear and it is difficult to measure positives or negatives. This action agenda is a way for us to advance a proposal to support an outcome document with clear commitments from governments on areas that concern us all.

#### Comments/Reactions

- Problem in the way that civil society is defined — i.e., civil society is *all* non-government entities (including major corporations like Western Union). This puts us in a reactionary position. We need to be more deliberate in making sure that justice and migrant-focused organizations can work together to set the agenda.
- Lack of resources puts us in a weaker position. As long as we are asking others to pay for our voices to be included, this weaker position will remain. We need to think about changing our approach to raising resources.
- Some governments have been positive about the rights-driven, justice-driven agenda that advocates put forward. We have not been good at seizing every potential opportunity to make

strategic partnerships. We need to build relationships with those who are capable of echoing the agenda that we are putting forward.

- International advocacy on the rights of migrant workers is a significant challenge for those working at the grassroots level. Immigrant community members often work 2-3 jobs, and have little time to engage in this environment. We need to make these issues understood and elevate them to a priority level.
- UNHLD is a key space to push our agenda. However, it might be prudent to rethink participation in the GFMD process, as it is unclear that change can be made in this forum. Perhaps other platforms are better spaces (e.g., the ILO). One of the biggest issues for migrant communities is the pervasiveness of temporary foreign worker programs (TFWPs), which the GFMD pursues as the best way forward. People must have a permanent path to citizenship; migration management needs to be the focus of our interventions.
- PGA has been extremely valuable, allowing civil society to build networks, strategies, etc. It has helped civil society to understand who the players are on the inside. We are now at a point on the outside where we need to be discussing strategy—to have an impact on the outside while allies are pushing on the inside. A 3-point agenda has been set for the outside campaign: (1) criminalization; (2) corporate-driven managed migration frameworks; (3) outside PGA campaign.
- Regarding the 8-point agenda: This has been endorsed by a broad cross-section of groups globally. It is broadly worded with the intention that groups will build it out based on their own contexts. It is our way of seeking opportunities to intervene in the inside process with a cohesive voice, and to bring in some appreciation for the experiences of communities and to democratize the process—to make it more transparent and inclusive. The issues we face in our communities can be attached, in some way, to the 8 points.
- While the sense of frustration is legitimate, it is clear we are not looking to the UN to solve our problems. Rather, this is an effort to nudge states in the right direction. The inclusion of human rights on each of the roundtables for this year's UNHLD marks considerable progress.
- In the Canadian context, the government often takes the lead of the US. Movements in Canada are under-resourced and localized, and it is difficult to link in with the movements happening at the international level as a result. It is important for us to come together with campaigns in our own communities and strategically link them to what is taking place internationally. A tangible campaign linking north and south would help us to mobilize interest on the ground, and we can use that energy to push internationally (and vice versa).
- There are many limitations for civil society participation in the UNHLD and GFMD spaces. Our aim is to look at these as moments and make the most of these opportunities to build a global movement and evolve our own thinking on the issues we work on. We need to take advantage of these spaces while recognizing their limitations.
- The Canadian and US governments are major players in the UN and GFMD, politically and financially. It is critical that we develop our messaging and advocate around it.

### **Report from the NY Host Committee (Outside Process) (Monami Maulik, DRUM)**

Eight organizations in NY are working on the outside strategy, pulling in many sectors including workers centres, unions, youth, organizations that work on policing issues, etc.

The agenda is to pull together a grassroots platform to focus on what we want on the outside regarding migration and sustainable development, decriminalization of migrant communities, and challenging the neoliberal corporate model of managed migration.

Plans are in place for a PGA week of action and engagement in strategy discussions. The PGA will move beyond statements and the HLD, and will focus on engaging media. Tours of New York City may also be part of the week's activities to visit key places in the migrants' rights struggle. Delegates will also be invited to engage with local faith communities to translate actions into awareness-raising. The week will consist of workshops, community organizing, and meetings with government and UN agency officials.

### **Report from the Global Coalition on Migration (Inside Process) (Colin Rajah, GCM)**

Compared to 2006, things have changed. Currently a CSO (ICMC) is in charge of coordinating civil society participation in the UNHLD. This is a more open and accountable process. There is also now a Civil Society Steering Committee (CSSC)—something civil society has been pushing for.

#### Schedule of Inside Events

- July 15<sup>th</sup> Civil Society Hearings
  - Six hours for strategic discussion
  - Modalities are TBD
  - Planning a 2-day pre-hearing process through the CSSC for July 13-14
  - Will discuss the 8-point agenda and allocate time for the regional consultations to come together to review the consolidated civil society report—final chance to feed into the full document
  
- October: HLD
  - Civil society representatives will sit on different panels of the government discussions
  - Selection process is underway
  - Other civil society representatives can participate as observers

#### Expectations for the UNHLD's outcomes

- The UNHLD can conclude with one of two outcomes: a Chair's Summary (non-binding) or a Negotiated Outcome (more implementable / governments more accountable to the text)
- Some countries are strongly pushing against a negotiated outcome (notably the bloc of Canada, US, EU, Australia), while another bloc (led by the Mexican government) is pushing *for* a negotiated outcome (the Mexican government has circulated a draft of such an outcome document)
- Our efforts as civil society should feed into whichever document is produced, preferably a negotiated outcome document

### **Report from the US State Department / US Government Delegation to the UNHLD (Representatives of the Bureau of Population, Refugees, and Migration (PRM))**

Representatives from the State Department provide an overview of the PRM and its connections to the UNHLD and the broader international dialogue on migration and development. Key points from this informal discussion are as follows:

- The PRM’s mandate is to support capacity building for governments in ‘humane migration management’ and to facilitate US participation in international dialogues.
- Co-participants on the US delegation are USAID and the Department of Homeland Security; Kathleen Newland of the Migration Policy Institute (MPI) will also be part of the delegation.
- In the process of determining the US Government agenda for the UNHLD through a series of meetings, and are also in preparatory meetings for the next GFMD in Sweden. One such meeting is on the human rights of migrants (co-chaired by Mexico), and another key meeting in NY is being co-organized by MPI to look at evidence-based policies on migration.
- In the agenda development, PRM is focused on protection issues for vulnerable migrants and ‘humane migration management’ and encouraging the migration and development nexus.
- Preparatory position papers will be drafted beginning in September, so any civil society inputs should be received by mid-August.
- State Department has a strong preference for a Chair’s Summary, as it is seen as helpful for cooperation with other governments. The GFMD is a place where governments can come together in a safe space to minimize the politics of the issues of migration and development, and position on the HLD falls into line with this thinking. Position papers come to conclusions and put forward recommendations—it is more about the process of developing those positions with other countries on drafting teams and the articulation of priorities, and then following through with those engagements within the GFMD framework.

## Workshop Outputs

Reflecting the issue-based and strategic priorities articulated in the consultation, the following workshop outputs will feed into the consolidated global civil society report for presentation at the July 15<sup>th</sup> Civil Society Hearings.

### Group #1: Workers’ Rights

Priority Issues	Strategies
Equality of migrant workers before the law / access to justice for migrant workers with compliance, monitoring, and enforcement mechanisms	Implement a Trans-Pacific Partnership-style enforcement body for the rights of migrant workers
The lawless space of the current recruitment regime and the practices of labour recruiters/brokers	Develop best practices for constituencies regarding treatment of foreign nationals (e.g., providing information on recruitment firms)
Lack of enforcement mechanisms for the protection of migrant workers (contracts, legal aid, institutions)	UN should endorse best practices for information gathering. Data should be collected on who benefits from labour migration, labour market need, etc.

Low-wage / precarious work agenda and ‘forced circularity’	Forge new coalitions, partnerships, and collaborations for cross-border actions/advocacy among origin and destination countries, and from local to national to international
	Work on communication and messaging
	Advocate for the right to organize and bargain collectively

### Group #2: Human Rights & Protection

Priority Issues	Strategies
Criminalization of migrant workers and immigrant communities	Education and training on the root causes of migration and the need for decriminalization
Family unity & protections	Accountability & transparency (in law enforcement, border policing, detention regimes, lobby money, etc.)
Temporary foreign worker support	Advocacy to UN agencies and governments (leading up to, during, and after the UNHLD)
Root causes should be placed in a human rights framework (root causes include economics and trade agreements, militarization/war/interventions, climate change, etc.)	Transnational campaigns (in advocacy and research)
Full access to human rights regardless of status (including full access to the services of the host state)	

### Group #3: Immigrant/Diaspora Engagement & Leadership

Priority Issues	Strategies
Need to expose more effectively the contributions of migrant communities in host/origin countries.	Campaigns should be led by migrants, and we must work to build power in our communities.
Need to better understand the root causes of migration, particularly disaster-induced displacement and climatic migration. Root causes must be presented in a clear manner, linked to the nature of the dominant economic policy model that engenders migration.	Campaign is needed to challenge the current migration paradigm. The dominant economic model of circular migration & the role of remittances, climate change, gender & race / structural issues. We need to construct an alternative discourse.

Need to better understand the racialization of the migrant experience, particularly in understanding structural racism as it intersects with gender and the root causes of migration.	Engage organized migrant communities in leadership and recognize the contributions of migrants (challenge the use of the word ‘diaspora’)
	Inside: Build alliances with friendly governments for the HLD and beyond.

**Group #4: Government Rule Book — Getting Legislation Right from Local to Global**

Priority Issues	Strategies
<p>Priority issues reflected in previous three groups. Those touched on in group discussion included:</p> <ul style="list-style-type: none"> <li>• Criminalization</li> <li>• Safety of migrant communities</li> <li>• Portability of social protection mechanisms</li> </ul>	<p>Pursue legislation at provincial/state, local levels that are based on human rights and international labour standards (in lieu of seemingly futile campaigns for ratification)</p>
	<p>Promote and pursue human rights education for governments, civil society, lawyers, communities in countries of destination (and origin), etc.</p>
	<p>Forge new transnational linkages between civil society and migrant communities to promote grassroots information sharing and to expand thinking on alternative frameworks for governing migration.</p>
	<p>Undertake strategic advocacy at the national, regional, and international levels, and consider strategic litigation as a means of making gains for migrants’ rights in national contexts.</p>