



Dialogue on
Globalization

CONFERENCE REPORT
FES GENEVA

**Human Rights Perspectives in the Global
Forum on Migration and Development**
Report of the parallel event to the 9th session of the UN
Human Rights Council

Geneva, 16 September 2008

FELIX KIRCHMEIER

On Tuesday 16 September 2008, FES Geneva organized jointly with Migrants Rights International a parallel event to the 9th session of the UN Human Rights Council on "Human Rights Perspectives in the Global Forum on Migration and Development" with the following speakers:

Welcome and Moderation:

Türkan Karakurt, Director, Geneva Office, Friedrich-Ebert-Stiftung

Panelists:

Ambassador Luis Alfonso de Alba -Permanent Representative of Mexico to the United Nations

Willaim Gois - Regional Coordinator, Migrant Forum in Asia

Michele Le Voy – Director, Platform for International Cooperation on Undocumented Migrants

Pablo Ceriani – Migrants Rights Programme, Centro de Estudios Legales y Sociales

The Global Forum on Migration and Development (GFMD) is an "initiative of the international community to address the migration and development interconnections in practical and action-oriented ways." This process does not focus specifically on human rights, but the interconnections of course have numerous human rights implications.

In light of the GFMD meeting in the Philippines in October 2008 the parallel event aimed to draw attention to Government and NGO perspectives of how human rights of migrants could be mainstreamed in the GFMD through open participation and interventions of all relevant stakeholders in the process. National and regional experiences were discussed to develop a holistic approach in tackling the issue of migration and development, as well as recommendations presented for strategic engagement in the upcoming meeting of the GFMD. Following the presentations, national delegations, United Nations staff members, NGOs and National Human Rights Institutions were invited to discuss the topic with the panelists.

The first panelist, **Ambassador Luis Alfonso de Alba** of Mexico, recalled his country's efforts to link the GFMD process back into the UN system. While the GFMD had developed as an intergovernmental forum outside the UN, a resolution brought into the UN General Assembly in August 2008 aimed to re-establish that link. This had to be seen against the disadvantages for NGOs in such a separate forum, which would not necessarily follow the standards of civil society participation reached so far within the UN system. While he noted a

high number of abstentions and opposition to this resolution, its passing in the GA marked a positive step towards coherence in dealing with the issue of migration internationally. He also stressed the value of the resolution which included a human rights aspect, recognizing rights of people for the mere fact of their being humans and not just following from an economic logic of migrants as "productive migrant workers". He advocated an integrated approach including economic, developmental, human rights and security aspects. Regarding civil society participation in the GFMD, he stated that so far only a short session was foreseen in the governmental meeting to allow civil society representatives to present the report of their meeting which will precede the main session. While Mexico would plan to attend the civil society meeting and was encouraging other governments to do the same, others might be more hesitant, he regretted. In concluding he recommended to NGOs to raise the issue of NGO participation in the multilateral system also at the UN in New York, to try to get government representatives into the civil society meeting, to approach governments to include NGO representatives in their official delegations and to advocate for better mechanisms at the GFMD session in Argentina next year.

William Gois, Regional Coordinator of the Migrant Forum in Asia, spoke on the links between the GRMD and the Global Social Forum on Migration. He saw possibilities that those two fora could learn from each other and should both include a human rights perspective directly from the start. Like the previous speaker, he admitted a positive development in the GFMD process regarding

civil society participation – while the first meeting in Brussels had been almost purely intergovernmental, the meeting in Manila would see many NGOs, trade unions, migrant-, gender- and human rights groups at least in a special CSO meeting. As not all CSOs were allowed into this meeting, a separate one had become necessary, open for all interested stakeholders without restriction. He also saw the problem of the official CSO event only mirroring the governmental discussions while neglecting other important issues. A further disadvantage for CSOs in his view was the different possibilities for preparation – while the government had set their plans until 2011 and could coordinate the program and their positions, NGOs were only informed at extremely short notice about possibilities for participation. Also, the future of the official “civil society days” would be uncertain as there was no official information available on their (dis-)continuation. Aside of the lacking CSO involvement, he lamented that not even all relevant UN bodies and specialized agencies were involved in the meeting. For example, while the debate was supposed to focus on migration and work, the official role and participation of the ILO and the UN Special Rapporteur on Migration was not clear.

Michelle LeVoy, Director of the Belgian Platform for International Cooperation on Undocumented Migrants, focused her presentation on the migration policies of the European Union. In tackling irregular migration as “illegal migration” the EU parliament had recently adopted a highly disputed return directive. The problems she pointed out in that policy were the possibility *inter alia*: to detention of persons who have committed no crime for up to 18 months; detention of children and unaccompanied minors; ban for irregular migrants to re-enter the EU for a period of five years. This had also to be seen against the backdrop of overfilled and inadequate detention facilities; proven serious mental damage to children detained with their families; additional powers transferred to protection agencies like FRONTEX; and an increasing number of deaths of migrants crossing dangerous “green borders” of the Mediterranean.

While current EU policies were in her view only designed to prevent migrants from entering EU territory or to expel them, she saw

no policies in place for how to deal with them when they were there. Given that an estimated 8 million migrants live in the EU, this was a big gap. In that regard, she encouraged states to maintain the instrument of regularization as a policy option. Relating to the GFMD, she pointed out that migrant children’s problems were not at all debated there.

Completing the panel, **Pablo Ceriani** of the Migrants Rights Programme of the Argentinean “Centro de Estudios Legales y Sociales” addressed the special situation in Latin American countries, being at the same time sending and receiving countries. Recent examples of legislation or constitutional reforms in the region were in his view the most progressive answer to migration. Ecuador for example had aligned its migration policies with human rights standards and along with other Latin American countries protested the fact that the EU had not done so. Reviews of migration laws in Latin America had been undertaken, de-criminalizing irregular migration whether incoming or outgoing. Alongside, the awareness had grown that root causes of migration needed to be tackled, instead of their symptoms. Yet, there was of course still plenty room for improvement in the region. Regional policy coherence was still underdeveloped and many restrictions and practices comparable to those in the US and the EU which are being denounced by Latin American countries still existed there, too. Development plans of the region would still not adequately address poverty and discrimination as root causes of migration.

The following **discussion** revolved around possibilities for stronger NGO participation in the GFMD in the future and ways to make the best of the options at hand for the Manila meeting. For future meetings, UN agencies were encouraged to offensively enter the dialog whereas for the meeting in October recommendations were made to civil society to inform government on their positions and to integrate them into the NGO meeting, as long as this integration is not provided the other way around. While the host countries of this and the following GFMD meetings stressed their general commitment to NGO participation, no concrete announcements were made.

About the author:

Felix Kirchmeier is Program Officer for Human Rights at the Geneva Office of the Friedrich-Ebert-Foundation since 2006. In this capacity he published a number of reports and papers relating to the Human Rights Council and human rights topics. Felix holds a master's degree in political science from the University of Freiburg / Germany.

More information is available on
www.fes.de/globalization

The views expressed in this publication are not necessarily the ones of the Friedrich-Ebert-Stiftung or of the organization for which the author works.

Friedrich-Ebert-Stiftung
Hiroshimastrasse 17
10785 Berlin
Germany
Tel.: ++49-30-26-935-914
Fax: ++49-30-26-935-959
Roswitha.Kiewitt@fes.de
www.fes.de/globalization

Friedrich-Ebert-Stiftung, Genf
6 bis, Chemin du Point-du-Jour
1202 Geneva
Switzerland
Tel. 0041 22 733 3450
Fax: 0041 22 733 3545
E-mail: fes.geneva@econophone.ch
<http://www.fes.de/globalization>