



NGO Responses to the UN Secretary-General's Report

International Migration and Development

Introduction

On 6 June 2006, UN Secretary-General Kofi Annan presented his report *International Migration and Development* to the General Assembly, which will provide the framework for discussion during the Informal Interactive Civil Society Hearings taking place on 12 July 2006 and the High-Level Dialogue of the General Assembly, being held from 14-15 September 2006. To help NGOs have wider access to the report, the United Nations Non-Governmental Liaison Service (NGLS) forwarded *International Migration and Development* to its listserv of over 9,000 NGOs worldwide, calling for their views, comments and responses to the report, as well as a call for comments on the NGLS website.

In compiling this summary it proved impossible to reference all submissions in the text of the compilation. At the same time NGLS has decided not to mention any particular organization in the text but reference their inputs at the end in Annex I. A listing of all NGOs that made submissions is provided in Annex II. NGLS is grateful to have had the opportunity to compile this document, based on the constructive feedback that was received, and hopes it will provide an overview that reflects the overall thrust of the commentaries and that it will also help support a constructive exchange. Many respondents expressed their gratitude for the opportunity to offer their comments in this format, finding that it adds value in the lead-up to the High-Level Dialogue.

This document aims, in a very general manner, to condense a number of these comments based on the sections of the Secretary-General's report and the four segments that compose the Hearings:

Segment 1: Promoting a comprehensive rights-based approach to international migration, and ensuring respect for and protection of the human rights of all migrants and their families.

Segments 2 & 3: International migration and development – challenges for social and economic policies in sending and receiving countries.

Segment 4: Policy responses – Promoting the building of partnerships and capacity-building and the sharing of best practices at all levels, including the bilateral and regional levels, for the benefit of countries and migrants alike.

“I attach great importance to the Informal Interactive Hearings with Non-governmental Organizations, Civil Society Organizations, and the Private Sector on International Migration and Development, which will take place on 12 July 2006 at United Nations Headquarters in New York. It is critical that Member States have an exchange of views with a wide range of constituencies, including migrants themselves, when they are preparing for the High-level Dialogue on Migration and Development in September.”

Kofi Annan
United Nations Secretary-General

NGLS, July 2006

Overview

Over 40 civil society organizations responded, with comments ranging widely from suggestions on slowing down the “brain drain,” to legislation towards family-migration policy, to the need to examine the root causes of migration, including conditions of war, poverty and chronic lack of opportunity that citizens experience in their home countries. Remittances also received many comments with some seeing the more positive aspects while others did not. Insecurity, racism, and injustice were recurring themes with particular emphasis being placed on human trafficking, the feminization of migrants, youth and indigenous migration.

Some respondents based their comments on what they felt was missing from the report, such as agricultural subsidies in the industrialized nations and their role in exacerbating migration, and how trade liberalization policies and bilateral or regional agreements can widen the disparity in wealth between the rich and poor nations of the world. ¹

Some focused on the human suffering brought on by migration and the high price that those who leave their families to search for work in another country pay. A large number of respondents expressed concern that there was no call made in the report urging nations to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which provides an important basis for recognizing and taking action on securing protections for migrant workers and their families. Many stressed that the human rights of all migrants, both documented and undocumented, need constant reiteration, suggesting that a point of departure could be the General Assembly’s High-Level Dialogue in September.

The Secretary-General’s proposal in the report for the development of a permanent forum to share ideas and discuss best practices and policies related to international migration received strong support from several respondents. Many noted that NGOs play a crucial role in development and migration/integration policy areas and should be consulted at all levels and included in the forum. Civil society organizations were seen by a number of respondents as having the capacity to review the impact of policy measures on vulnerable groups more effectively than State organs, and accordingly to assist in countering injustice and designing better policy.

While thankful for the opportunity to comment on the report and for the opportunity to interact with Member States at the Informal Interactive Civil Society Hearings, several voiced concern that the process leading to the Hearings and to the High-Level Dialogue has not fully allowed for proper representation of migrants’ rights advocates and migrants communities around the world. They called for the process and the ensuing discussion and follow-up to be more open, transparent and consultative. ²

Migrants’ voices should be part and parcel of this process since migrants themselves are the real experts when it comes to discussing the benefits as well as the downsides of being part of the international migration processes. ³

Segment 1:

Promoting a comprehensive rights-based approach to international migration, and ensuring respect for and protection of the human rights of all migrants and their families

Segment 1 received the largest number of responses with many of them revolving around the need to promote a comprehensive rights-based approach to international migration that ensures respect for and protection of the human rights of all migrants and their families, with a number expressing concern that this was not sufficiently addressed in the Secretary-General's report:

We are cautious that the report moves too quickly into the positive potential of migration [Paragraph 5] at the risk of discounting the human and social cost of migration. We advise that greater overall attention be given to the root cause of so much migration today as well as to the reality that many migrants today continue to remain on the margins of societies, both in their home countries and in their host countries with no effective social, economic or political participation. To ignore these issues is to ignore the human suffering of so many of our brothers and sisters who are mired in the poverty and social isolation that the global community, through the MDG [Millennium Development Goals] commitment, is seeking to alleviate. These links require urgent clarification and attention. ⁴

We are concerned that the report does not seem to balance the economic dimension with an equivalent emphasis on the people-centred, social dimensions of development. It seems that market forces are presumed to produce desired improvements in living standards for both ends of the migration chain. We believe that an effective consideration of international migration must be clearly embedded in the three principles of Copenhagen, universal employment, social inclusion and poverty eradication. ⁵

One respondent posed a number of questions:

What is the relationship between a deep respect for human rights, and the economic and social wellbeing of States? How would a deeper commitment to human rights on the part of both wealthy and less wealthy nations improve progress towards a more equitable worldwide development, thereby reducing the pressure to migrate? ⁶

A number of respondents expressed concern that the report opted for a migration-management approach based on economic needs when presenting the migration/development nexus.

[Our organization] cautions Governments and the international community that the overemphasis on the labour market economics of migration creates the risk of "commodifying" the migrant workers, i.e. treating them as mere factors of production and not as human beings with basic human rights. ⁷

*This approach is following the States' tendency to view migration only in terms of its economic opportunities, and therefore to move towards more restrictive and utilitarian policies. Human rights are the core values of the UN, without which neither security nor development can be achieved, according to the Secretary-General himself (See: *In Larger Freedom: towards development, security and human rights for all*, A/59/2005/Add.3, p. 6).* ⁸

Injustice and lack of security were also seen as areas that must be addressed through a rights-based approach: *Refugees, people seeking asylum and migrating for economic purposes reflect global, as well as local patterns of insecurity and injustice. This lack of security must be addressed in context of sustaining the improvement of the lives of local people, not by limiting migration and denouncing it as a threat to security. Security in this context means the freedom from persecution, or the freedom from environmental degradation, but also the security of housing, work, a decent income for the individual and his/her family. Experience has shown that (a) improved security tends to lead to a reduction in forced and voluntary migration, and (b) a substantial improvement in the security situation in a country is often followed by high levels of return migration by those who initially left for security reasons.* ⁹

Others noted that employment, decent work and the fair treatment of workers are central to the way forward, and that the Dialogue could create space for meaningful discussion:

[W]e ask that the High-Level Dialogue address the need for a more cooperative international approach. We ask that the issue of employment creation and decent work be given much more attention and that it be considered as a responsibility of all States. The dialogue can be a valuable moment to explore and name some of the challenges to rebalance and make fairer the experience of globalization in our world at once more interdependent and more fearful. ¹⁰

The report ought to challenge the States to treat all workers fairly and under comparable immigration rules. All States need highly skilled, skilled and unskilled workers. All should be provided the opportunity to migrate, just as all should have access to meaningful employment in the home country. ¹¹

Another comment stressed the importance of labour rights in the prevention of exploitation and the need to safeguard them [Paragraph 66]:

To begin to safeguard rights, mechanisms to enforce those rights must be readily accessible. Only one reference is made in the Secretary-General's report to procedural issues of rights enforcement. In Paragraph 261 it states that "...providing no credible mechanism for the redress of grievances are all conditions that put [migrants] at an increased risk of exploitation." Discussing mechanisms for redress only in the national context, however, misses a key aspect of the migrant reality today.

What is absent in the debate is the effect of the lack of transnational access to justice, or portable justice. Without its realization, protection of migrant labour rights, the "mainstay in the prevention of exploitation" is impeded.

Migrant workers are often exploited in their employment. If they depart before resolving any legal challenges to their exploitation they are effectively forced to abandon their legal claims because their access to justice in the country of employment from their home countries is extremely limited. The inability of migrants to seek redress after leaving their country of employment is a scenario common to most, if not all, transnational migratory streams.

The inability of redress leaves migrant workers short-changed and additionally vulnerable to exploitation. Making justice portable, that is allowing for workers to have access to justice no matter where they go, will reduce this vulnerability and have a positive impact on development in the countries of employment. ¹²

Others included specific recommendations against practices that increase the vulnerability of migrants:

- *States should review their laws and policies and make certain that all workers are equally protected under labour laws, regardless of their migration status.*

- *Because rights are often meaningless without a remedy, all migrants, regardless of their status, must be afforded equal remedies for violation of labour rights.*

- *Migrants must be afforded access to legal assistance to assert those rights on an equal footing with citizens.*

- *The only way to adequately enforce labour rights of all workers is to establish a clear "firewall" between labour enforcement and immigration enforcement; that is, to make it clear that a workers' immigration status is never a subject of questioning in a labour dispute. States should institute policies that offer protection to undocumented migrants who make complaints.*

- *States should have in place procedures that restrict disclosure of immigration status in formal legal proceedings.* ¹³

One respondent noted the language barrier as one of the major obstacles which can lead to the immigrants not having their rights realized and also the lack of representation of immigrants in legislative bodies. ¹⁴

Others expressed their concern over the growing feminization of migration [Paragraph 86]:

Today we are aware of the “feminization of migration” including indigenous women. We want to draw attention to the special vulnerability of women migrant workers and their protection needs, in particular in domestic work, and at all stages of the migration process. We urge that Gender Sensitive policies are needed to make sure women and girls are not put into vulnerable situations. 15

Migrant women are being employed in greater numbers predominantly in sectors that are poorly paid, undervalued and badly regulated. Jobs are often insecure, temporary in nature. Migrant women irrespective of their employment situation generally have significant responsibilities for family who are generally in the home country. Migrant women in vulnerable situations are reporting difficulties in accessing basic health and social protection including pregnancy care, are experiencing discrimination as women and as migrants and are being denied opportunities to participate in family life and in some instances form families. Looking ahead this must be a priority for States seeking to cooperate at an international level. 16

One comment focused on the unique situation of indigenous migrants and, after noting that indigenous migrants are mentioned only in Paragraph 164 of the report, called for them to be invited to the discussion table on equal footing:

IPs [Indigenous Peoples] had remained culturally, ethnically and linguistically different in their countries of origin as they had a legitimate claim to permanence, but in the new countries of residence, that claim is said to be no longer valid, and integration with the greater society is expected.

Furthermore, as discrimination against indigenous people has not been tackled in their countries of origin, once they become migrants, many suffer further discrimination. Firstly by the host society who perceives them as foreigners and secondly by their co-nationals who maintain stereotypes and negate the equality of indigenous peoples.

The solution to many of the indigenous populations’ problems can not be left to the countries of destination to find, but must be sought by the countries of origin which have, for so long, prevented indigenous communities from benefiting from the riches of their lands and from maintaining their ways of life. Countries of origin have the duty to protect indigenous peoples and help them develop to their full potential in a way chosen by them. Migration should not be stopped nor encouraged, but greater recognition of indigenous necessities is crucial to ensure that countries of origin do not lose out on the benefits of counting those indigenous peoples among their citizens. 17

Migrant self-organizations called for robust engagement with migrant organizations on the future course of migration and development policy, particularly in reference to the consultative forum proposed by the Secretary-General in his report:

Opening the way for the substantive participation of migrant organizations and other civil society actors and facilitating proposals from migrant organizations and movements to reach the governments at the UN level of policy making can be a major first step. Many migrant organizations, such as ours are willing to bring our alternative development proposals (both grassroots and structural) built on an integrated human rights framework to such a global consultative forum. 18

Finally, another respondent enumerated what their expectations were for the High-Level Dialogue:

[A]s an opportunity to Restate the importance of protection and rights for migrant workers and their families, in particular giving attention and priority to the ratification of the UN Convention on the Protection of Migrant

Workers and their Families; Promote an approach that seeks to achieve the highest possible standards in responding to global migration at an international, regional and national level; Maintain a balance between the role of migration in the promotion of development and the need to protect the migrants involved in this process; Articulate the intersection between social, economic, political and cultural dimensions of integration and participation of migrant workers and the need for States to recognize the necessary conditions for social cohesion and harmony; Emphasize the importance of anti-racism strategies in promoting the inclusion of migrant workers and their families. ¹⁹

Segments 2 & 3:

International migration and development – challenges for social and economic policies in sending and receiving countries

Segments 2 & 3 received comments examining a number of challenges for social and economic policies. One NGO stressed that the aim of connecting development and migration should be to reinforce the fight against the root causes of poverty:

Access to education, more and better jobs, decent working conditions, and free access to basic health care are elements that contribute to the prevention of forced migration by increasing the opportunities in the countries of origin. [We wish] to highlight that the complex and contextual connections between migration and poverty need to be further explored in order to understand home country development. Poverty is not always the main cause of migration and the contribution of migration to reducing poverty is complicated. The “migration and development nexus” needs to be researched in greater detail and ongoing programmes should be monitored and evaluated and an exchange of the best practices ought to be undertaken. We therefore support the call of the Secretary-General for a comprehensive and coherent global policy on migration and development and to put the “migration puzzle” together while keeping Human Rights central in the debate. ²⁰

Others called for diminishing the need for people to migrate:

Lastly, and very important to us are the resources needed for development that would help make migration less frequent. Since the Copenhagen Summit, the Monterrey Conference, and the 2000 World Summit we are concentrating on the MDGs and eradicating poverty. We suggest that the link/follow-up needs to continue here so that real social and economic development occurs.

Pursuing all governments who pledged 0.7% ODA [official development assistance] to fulfill that commitment would be a first step;

Debt cancellation for those countries living with an unsustainable burden is second; And, fair trade agreements are essential. ²¹

One comment focused on the challenges stemming from the health implications created by an influx of migrants and costs required to attend to their needs, particularly the needs of migrant children:

Regardless of cause, a nation receiving immigrants faces pressures to find ways to aid migrants and to figure out how and whether to absorb them to prevent the creation of permanent ghettos. Cultural differences between immigrants and the receiving nation remain problematic when newcomers and receiving nations both do not share a common perspective of unity through change but rather focus on tradition through separateness. This has health implications when cultural traditions interfere with common medical practices of the host country, and raises issues regarding the cultural definitions of individual rights. Containing contagious illnesses in migrants while safeguarding the health of the host population, which will become a more urgent issue, also raises questions of individual vs. communal rights.

[W]e recommend that the balance to be created between aid, absorption and protection of immigrants’ rights take

into account the social and economic burden of newcomers to the health and education sectors of the receiving population. That balance needs to consider current costs against the current and potential economic contribution of the immigrant. ²²

On the issue of irregular migration and the position of undocumented migrants, one comment suggested: *A key message is that, whilst migration has the potential to bring about great benefits in terms of the promotion of equitable development and advancing the welfare of the world's population, positive outcomes will be reduced if policies aimed at managing the movement of migrants are poorly designed, badly administered, and exclude the legitimate interests of all but the most powerful players from consideration.*

[We] welcome the fact that the report urges consideration of regularization programmes as a policy response to the position of undocumented migrants. Whilst a critical analysis is required of the ways in which such schemes are applied in practice, we feel that their broad outcome is general positive and should therefore form a part of the toolkit for the development of a comprehensive approach. ²³

Noting that “co-development is the key word in this debate,” one NGO stressed: *The Triple win is important but too often arguments such as the “brain drain” are abused by countries of destination to stop migration from developing countries. Moreover, the overrepresentation of migrant workers in 3D jobs (dirty, dangerous and demanding) would reinforce a segregation of the labour market with all social consequences for cohesion in society related to it. Such “glass ceiling” policies risk to create “2nd class citizens.” Migrants often end up in deprived areas, reinforcing segregation on the housing market and all socio-economic consequences related to it, such as: social exclusion, lack of (access to) education, access to health, labour market.* ²⁴

The issue of remittances received a wide range of mixed comments: *Remittances are the most immediate and tangible benefit of international migration [Paragraph 190]. But remittances must not become an alternative for either the national development plan of the country of origin, nor for developed countries and countries of destination honouring their commitments to increase ODA.* ²⁵

We are also concerned that there is an over emphasis in the report on the “remittances” aspect of migration. It is high time to acknowledge the crucial and actual role of migrants in the “productive” economy and in “re-productive labour” (as in the case of Migrant Domestic Workers) in the receiving countries. At the same time it is also important to acknowledge that migrants are themselves quite advanced in promoting a “productive” and “developmental” approach to remittances both to their families, communities and governments. ²⁶

A migrant services foundation welcomed the statement that “remittances can dramatically help local economies,” while noting, *It is suggested that further studies be conducted to determine HOW these remittances help the local economies.* ²⁷

Remittances will have no measurable impact if the adequate framework is not put into place, such as a performing educational infrastructure. One aspect that has not been highlighted in the report is the need for adequate documentation of migrants in order to have access to banking and transferring services. We refer in particular to the situation of so-called “tolerated” and “non-status” migrants. ²⁸

The issue of forced migration received many comments with one respondent noting: *The report seems to assume that the majority of migration is entirely voluntary. It acknowledges that it does not cover some important aspects of the movement of people. In particular it does not discuss forced migration [Paragraph 110]. We see this as a serious lacuna. The report fails to note the desperation that pushes millions of people to leave their homes to seek*

a livelihood for themselves and their families in another country. There seems to be lacking a clear sense that migration is an effect of an increasingly interconnected and unequal world. ²⁹

On the subject of trafficking for forced labour and debt bondage, one NGO noted that:

Trafficking for forced labour and debt bondage and modern day slavery is a phenomenon that many developed States have difficulty recognizing or responding to. There is little hard evidence of trafficking for purposes other than sexual exploitation but there is significant anecdotal evidence of trafficking for forced labour. The key issues of concern are protections for victims especially a secure legal status and access to social protection. The absence of protection is having a direct impact on individuals' ability to come forward and seek assistance and for organizations attempting to address trafficking. State denial and lack of response is a growing concern. ³⁰

Concerning the plight of refugees and internally displaced people (IDPs), one organization said:

Though refugees comprise a small number of the overall number of migrants in the world, as the report notes they still make up 23% of all international migrants in the least developed countries [Paragraph 143]. Their development potential should not be dismissed, as the report notes that they do have an "impact on economic outcomes similar to those of migrant workers" [Paragraph 144].

[We] would like to highlight that many of the issues related to migrants and their impact on development are also relevant for refugees and IDPs. These issues include the importance of education and vocational training for migrants, access to the labour market, and issues surrounding return that must be addressed if sustainable development is to take hold.

[We] have sponsored numerous education, vocational training, and business development initiatives for refugees in Africa and other parts of the world which have proven to serve not only as effective instruments of protection, but also as means of preparing the forcibly displaced for return. Accordingly, the forcibly displaced can play a role in the reconstruction process in their countries of origin in post-conflict environments. They can use the skills that they have acquired while in exile and serve as potential stimuli for development, especially in developing countries [Paragraph 252 and Paragraph 251].

Development should be about creating stability, and not just economic growth or keeping people from moving. Development planning should take into account the needs of the forcibly displaced, including both refugees and internally displaced people, and the situation within host countries as well as that in the countries of origin. A development policy that takes these observations into consideration can insure positive benefits to both sending countries and receiving countries. ³¹

On the impact on wages, one NGO suggested that:

Better public education is needed in receiving countries about the impact of migrants on local wages. This may dispel myths about the harmful effects of migrants on local economies. NGOs are well positioned to help with this effort. ³²

On the subject of migration, development and trade liberalization, one NGO noted:

The document deals with migration in a fragmented manner and fails to note that during recent increased push-pull migration and trade liberalization we observed widening income gaps between the rich and the poor countries and within any country.

The document wisely exhorts States to adopt a "co-development strategy," initially defined as encompassing both social and economic development. As the document progresses co-development equates to "economic development" with no further thought to improving the status of less economically prominent States or the poor world-wide.

As proposed, liberalization (and management) of migration as a development tool assimilates migrants to non-human factors of production and will exacerbate present widening of income gaps between countries and within countries. ³³

On the issue of migration as a means of poverty reduction in sending countries, one NGO offered its own country's experience:

Migration tends to be viewed in Canada in the context of labour market needs of employers, but migration, including temporary labour migration, could be a vehicle for poverty reduction and economic development in labour-sending countries. [We have] undertaken a comprehensive assessment of Canada's own Seasonal Agricultural Workers Programme (CSAWP), as an example of "good practice" in managed migration.

In a context such as Canada, where jurisdiction over policy areas of concern to temporary migrant workers is split between federal and provincial governments, and responsibility for programmes that directly affect workers is frequently downloaded to local governments, community groups and local governments play a key role in ensuring migrant workers access the services to which they are entitled. Issues for local communities and governments include housing inspections, health care, road safety, recreation and social services, as well as support for workers' personal and spiritual needs. These groups, however, do not have a formal role in the administration of temporary worker programmes, and are chronically under-funded. ³⁴

Segment 4:

Policy responses – Promoting the building of partnerships and capacity-building and the sharing of best practices at all levels, including the bilateral and regional levels, for the benefit of countries and migrants alike

Noting that demographic and economic reasons underline migrant's inflows from developing to developed countries, one respondent made suggestions on how countries can mutually address migration:

Both the supply and demand for international migrants are likely to increase over the next several decades. Factors responsible include per capita income disparities, developing countries' growing population, high unemployment rate, high dependency ratios, reduced labour force and reduced cost of migration.

Increasing migration is a global challenge. Southern and Northern countries need to cooperate. The panacea for managing international migration is incomplete and sometimes disputable. Developing countries are advised to develop mechanisms for encouraging retention and return migration of their qualified workers. This brain gain will facilitate the transfer of foreign technologies or by helping the development of cultural and economic ties with other countries. Developing countries are also advised to reduce the cost of remittance of funds by their migrant workers.

Developed countries should improve their immigration laws, policies, and practices for ensuring orderly migration and to strengthen enforcement of maximum labour and workplace standards so as to discourage illegal immigration and employment. Governments are also advised to assist immigrants in learning the language of the host country and to fight all forms of racism, and discrimination. It is also suggested that countries encourage temporary rather than permanent migration, so as to allow sending countries to benefit from the new knowledge and skills of returning migrants and simultaneously reduce some existing anxiety in receiving countries. ³⁵

On the issue of brain drain through the migration of physicians and nurses, one respondent discussed the international mobility and migration of healthcare providers and called for strategic approaches:

In many developing countries healthcare systems are suffering from years of under investment, and for healthcare workers this has resulted in low wages, poor working conditions, a lack of leadership, and few incentives of any kind. If donor money can be used in some developing countries to support the wages of healthcare workers,

such incentives may be the more realistic possibility to reduce “brain-drain.” In some countries, educating a group of community-based health workers to offer health services, especially in rural areas, and such workers are far less likely to migrate internationally.

The issues surrounding brain drain are complex. For developing countries, scientific trainees who fail to return are a drain on the economy and on capacity building. While abroad, they can contribute to scientific advances of importance to their home country and serve as mentors for other trainees. Continuing Medical Education (CME) initiatives are one example of such efforts, which can be of benefit to donor, and recipient countries both. Some factors cited by researchers from developing countries as reasons for not returning after training include: lack of research funding, poor facilities, limited career structures, poor intellectual stimulation, threats of violence and lack of good education for children in their home country. However, not all the factors involved in brain drain are due to scientific and research funding; some such as violence and civil war are major factors for not returning back to the home countries.

Providing equipment, access to journals and the Internet, and small re-entry grants appear to be practical strategies that could facilitate continuing research in lower-income countries. Low-cost measures such as networking support with writing grant applications and mentoring strategies also are useful. Governance of local research institutions, perceptions of fairness of academic and career progression opportunities, general optimism regarding progress in the country as a whole and the outlook for ones family and children’s future are significant factors in determining whether professionals stay at home.

The country coordinating mechanism model has potential to encourage new and innovative alliances among partners in recipient countries, drawing on the active participation of civil society and the private sector. Such broad membership might help to improve the quality of funding proposals, increase information-sharing and trust between planners and healthcare workers and contribute to a strong sense of shared ownership. These initiatives strengthen and reflect high-level, sustained political involvement and can support the scale-up of programmes within the health sector and across sectors. The focus should be building on, complement and coordinate with existing regional and national programmes to create government / private / NGO partnerships. ³⁶

On the right to health and health worker migration [Paragraphs 210, 212, 217, 218], one comment called for the right to the highest attainable standard of health to be given a central role during the High-Level Dialogue: Recipient countries should avoid active recruitment of health workers, whether by the government or by private third parties within the government’s jurisdiction, where such recruitment could undermine the right to health in the source country, as is the case for most developing countries. The exception would be if such recruitment takes place under the auspices of a voluntary agreement between source and recipient countries that addresses the exchange of health personnel. Such agreements should be mutually beneficial and must not undermine the right to health in either country. Special consideration should be given to the effects of any such agreement on the people who suffer most from the shortage of health workers, namely poor, rural, and otherwise marginalized populations. Any such agreement and the general practice of avoiding active recruitment should be accompanied by effective monitoring and enforcement.

The right to health also requires that recipient countries work towards health workforce self-sufficiency - that is, towards meeting their health worker needs through domestically educated health workers - such as by increasing domestic health worker training capacity. Recipient countries have an obligation to secure the highest attainable standard of health for their own people, which in many cases will require more health workers. However, this domestic need should be met in a manner that respects the right to health in other countries.

International assistance plays an important role in addressing the health worker crisis, but it is only a part of the solution. National leadership and investment are vital. Developing countries are obliged to take steps, to the max-

imum of their available resources, including domestic resources and through actively seeking external funds, to move as expeditiously as possible towards fulfilling the right to health for their people, including by addressing this crisis and ensuring the availability of and equitable access to skilled health workers. Central elements of national efforts include widespread and meaningful participation in developing and implementing a plan, prioritizing improving access to health services by marginalized and underserved populations, and careful monitoring of progress. ³⁷

The NGO also noted that centrepiece of efforts to prevent the migration of health workers must include ensuring a peaceful and safe environment to live and work in sending countries.

On migration policies for the South, one respondent made a number of suggestions ranging from the provision of loans and funds to setting up regional training centres:

The World Bank can establish ad hoc loan/fund for self-employment migrants or small and medium sized enterprises (SME) to those least developed countries (LDCs) having more migrants and SME types of foreign direct investment.

Low-skill laborers lack full information of migration destination countries. It could be very useful to make city competitiveness indicators and rankings which reflect the most livable or workable cities in less or least developed countries. Risk indicators such as smugglers, sex abuse, cultural and religions tensions, can be a good reference to potential migrants.

It is most important to help LDCs who have the potential to attract labour-intensive types of foreign direct investment to establish efficient e-custom procedures so that the attraction of export-oriented FDI can be sped up. As long as the job opportunities for low-skill laborers increase, the speed of poverty eradication in the South can also increase. ³⁸

On youth and migration, one respondent noted:

Young people under age 30 today compose the largest group of international migrants (32-39 million), and are therefore usually the most affected by migration benefits, risks, policies and other aspects of the experience. The demand for international youth migration is increasing steadily due to 1) a rising number of youth in developing countries; 2) a larger youth faction in developing countries can increase unemployment and lower overall wages, thereby making the prospect of migrating more attractive; and 3) increased youth migration itself will increase the youth migrant network, drawing more youth migrants. Unfortunately, youth in many countries are unable to take advantage of the possibilities of migration because many countries, especially developed ones, do not allow young people many legal opportunities to migrate even in light of heavy demand.

Finally, and most importantly, since young people are the demographic most affected with regard to migration, youth must be significantly represented and involved in any intergovernmental office and global consultative processes on migration that come out of the High-Level Dialogue in September. ³⁹

One NGO stressed the need for a more cooperative and consultative process around migration issues:

An essential area for intergovernmental cooperation is the establishment and enforcement of regional and global labour standards to avoid unhealthy competition between countries of origin, as well as the regulation and active monitoring of transnational recruitment systems.

Promoting safe migration through transparent and accountable recruitment systems, fair and coordinated labour and immigration policies, and the provision of accessible complaint mechanisms, not only protects migrants' rights, but could be one of the most effective methods for preventing human trafficking.

Migrants, and non-governmental organizations that amplify migrants' voices, should play a key role in proposing and responding to policies that affect themselves, their families, their livelihoods, and their future. Creating a more consultative process is one of the most important goals that UN agencies, governments, and the International Organization for Migration should make as they move forward. ⁴⁰

An implicit message in the majority of comments was the importance of migrant civil society participation in the decision-making process, and more specifically the Hearings. One respondent underscoring the importance of such participation:

Many migration policies and regulations have failed because governments refused to acknowledge or to listen to the voices of migrants and civil society organizations working with migrants. Often in the past, the failure of States to consult with migrant civil society has led to the creation of incoherent, fragmented, highly bureaucratic and non-transparent migration policies that in turn have led, intentionally or unintentionally, to the violation of migrants' human rights.

It is now time for Governments and the international community to acknowledge the value of migrant civil society organizations in shaping migration policy and take the necessary steps to institutionalize their genuine participation in these processes. ⁴¹

Finally, looking ahead, one respondent remarked:

The key to reaching a mutually secure and viable global migration policy rests on a foundation of human rights and political freedom. In the 21st century, all borders are open, and opportunities for security and development are at their best in human history. The new Secretary-General and a reformed UN will be tasked with making global migration an asset of synergy for outcomes of peace, security and development. ⁴²

Annex I: Cited Comments

1. Comité de Apoyo a los Trabajadores Agrícolas, US
2. Human Rights Watch
3. December 18, Belgium
4. Congregation of Our Lady of Charity of the Good Shepherd, US
5. Passionists International to the UN International, US
6. Comité de Apoyo a los Trabajadores Agrícolas, US
7. Migrants Rights International (MRI), Switzerland
8. December 18, Belgium
9. Caritas Internationalis, Vatican City
10. Passionists International to the UN International, US
11. Elizabeth Seton Federation, US
12. Global Workers Justice Alliance, US
13. National Employment Law Project, US
14. Mission for Youth Rights, Uganda
15. International Presentation Association Sisters of the Presentation, US
16. Migrant Rights Centre Ireland
17. Irish Centre for Human Rights / NUI Galway, Ireland
18. Commission for Filipino Migrant Workers (CFMW) and the Platform for Filipino Migrant Organizations in Europe, Philippines
19. Migrant Rights Centre Ireland
20. Caritas Internationalis, Vatican City
21. International Presentation Association Sisters of the Presentation, US
22. World Information Transfer, US
23. Platform for International Cooperation on Undocumented Migrants Global, Belgium
24. Caritas Internationalis, Vatican City
25. Passionists International to the UN International, US
26. Commission for Filipino Migrant Workers (CFMW) and the Platform for Filipino Migrant Organizations in Europe, Philippines
27. Unlad Kabayan Migran Services Foundation, Philippines
28. Caritas Internationalis, Vatican City
29. Passionists International to the UN International, US
30. Migrant Rights Centre Ireland
31. Jesuit Refugee Service, Italy
32. Marianists International, Italy
33. Elizabeth Seton Federation, US
34. The North-South Institute, Canada
35. YIELD, ICTs-for-Development, Nigeria
36. Women's Health and Education Centre, US
37. Physicians for Human Rights, US
38. Chung-hua Institution for Economic Research, Taiwan
39. Global Youth Action Network, Mexico
40. Human Rights Watch
41. Migrants Rights International, Switzerland
42. Millennium Forum of NGOs Planning Group, US

Annex II List of All Respondents

1. All India Shah Behram Baug Society for Scientific and Educational Research, India
2. All Nepal Women's Association, Nepal
3. Association of Former UN Civil Servants from Mauritius (AFICS-MAURITIUS)
4. CADI, Italy
5. Caritas Internationalis, Vatican City
6. Christian Children's Fund, Chad
7. Chung-hua Institution for Economic Research, Taiwan
8. Comité de Apoyo a los Trabajadores Agrícolas, US
9. Congregation of Our Lady of Charity of the Good Shepherd, US
10. December 18, Belgium
11. Elizabeth Seton Federation, US
12. Foundation for Subjective Experience and Research S.E.R., Germany
13. Global Helpline Welfare Organization, Pakistan
14. Global Workers Justice Alliance, US
15. Global Youth Action Network, Mexico
16. Human Rights Watch
17. International Federation of Business and Professional Women, UK
18. International Presentation Association Sisters of the Presentation, US
19. International Self-Reliance Agency for Women, US
20. Irish Centre for Human Rights / NUI Galway, Ireland
21. Jesuit Refugee Service, Italy
22. Marianists International, Italy
23. Migrant Rights Centre Ireland
24. Migrant Rights International, Switzerland
25. Millennium Forum of NGOs, US
26. Mission for Youth Rights, Uganda
27. National Employment Law Project, US
28. Passionists International to the UN International, US
29. Peace Worldwide, Pakistan
30. Physicians for Human Rights, US
31. Platform for International Cooperation on Undocumented Migrants (PICUM), Belgium
32. Sisters of Loretto and Co-members, US
33. Social Aid of Hellas, Greece
34. Society for Adolescents & Youth Int'l (SAYHI), Nigeria
35. Sudanese Women General Union, Sudan
36. The Commission for Filipino Migrant Workers (CFMW) and the Platform for Filipino Migrant Organisations in Europe, Philippines
37. The North-South Institute, Canada
38. UNESCO Club Serron, Greece
39. Unlad Kabayan Migrant Services Foundation, Philippines
40. Women's Health and Education Center (WHEC), US
41. World Information Transfer International, US
42. YIELD, ICTs-for-Development, Nigeria

Annex III: Additional Resources

The term "migrant worker" refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, <http://www.ohchr.org/english/law/cmw.htm>]

United Nations Department of Economic and Social Affairs (DESA) Population Division: (<http://www.un.org/esa/population/>)

United Nations Non-Governmental Liaison Service (UN-NGLS): (<http://www.un-ngls.org>)

High Level Dialogue on International Migration and Development: (<http://www.unmigration.org>)

Fourth Coordination Meeting on International Migration, Population Division, Department of Economic and Social Affairs: (<http://www.un.org/esa/population/publications/fourthcoord2005/fourthcoord2005.htm>)

General Assembly Resolution on International Migration and Development (A/RES/59/241): (<http://www.un.org/Depts/dhl/resguide/r59.htm>)

General Assembly Resolution on International Migration and Development (A/RES/60/227): (<http://www.un.org/Depts/dhl/resguide/r60.htm>)

United Nations Symposium on International Migration and Development, Turin, June 2006: (http://www.un.org/esa/population/hldmigration/TURIN/Symposium_Turin.html)

International Labour Organization: (<http://www.ilo.org/public/english/protection/migrant>)

Office of the High Commissioner for Human Rights: (<http://www.ohchr.org/english/issues/migration/taskforce/ohchr-activities.htm>)

Special Rapporteur on the Human Rights of Migrants: (<http://www.ohchr.org/english/issues/migration/rapporteur>)

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families: (<http://www.ohchr.org/english/law/cmw.htm>)

Joint United Nations Programme on HIV/AIDS: (http://www.unaids.org/en/Issues/Affected_communities/migrants_and_mobile_workers.asp)

United Nations Educational, Scientific and Cultural Organization: (http://portal.unesco.org/shs/en/ev.php-URL_ID=1211&URL_DO=DO_TOPIC&URL_SECTION=201.html)

United Nations Permanent Forum on Indigenous Issues: Report of the Expert Workshop on Indigenous Peoples and Migration, April 2006: (http://www.un.org/esa/socdev/unpfii/en/workshop_ipm.html)

United Nations Population Fund: (<http://www.unfpa.org/pds/migration.htm>)

United Nations High Commissioner for Refugees: (<http://www.unhcr.org>)

United Nations Office on Drugs and Crime: (http://www.unodc.org/unodc/en/trafficking_human_beings.html)

World Bank: (<http://econ.worldbank.org/external/default/main?menuPK=1572917&pagePK=64168176&piPK=64168140&theSitePK=1572893>)

International Organization for Migration: (<http://www.iom.int>)

Global Commission on International Migration: (<http://www.gcim.org/en>)

GCIM report Migration in an Interconnected World: New Directions for Action: (http://www.gcim.org/news/?sec=inthepress&lang=en_US&nav=&id=2005/12/19/01)

The Berne Initiative: (<http://www.iom.int/en/know/berneinitiative/index.shtml>)

Organisation for Economic Co-operation and Development: (http://www.oecd.org/topic/0,2686,en_2649_37415_1_1_1_1_37415,00.html)

OSCE, ILO and IOM Handbook on Migration: (http://www.un-ngls.org/site/article.php3?id_article=42)

The Inter-University Committee on International Migration: (<http://web.mit.edu/CIS/www/migration>)

US Committee for Refugees and Immigrants: (<http://www.refugees.org>)

Migration Policy Institute: (<http://www.migrationpolicy.org>)

Migrants Rights International: (<http://www.migrantwatch.org>)

Africa Renewal, Vol. 19 No. 4, African Migration: from tensions to solutions: (<http://www.un.org/ecosocdev/gen-info/afrec/vol19no4/jan06.html>)

id21: insights “Sending Money Home”: (<http://www.id21.org/insights/insights60/index.html>)

December 18th Network: (<http://www.december18.net/web/general/start.php>)

Jesuit Refugee Service: (<http://www.jesref.org/home.php>)

The International Association for the Study of Forced Migration: (<http://www.iasfm.org/pages/1/index.htm>)

The UN Treaty Monitoring Bodies and Migrant Workers: A Samizdat, ICMC and December18, November 2004 (<http://www.december18.net/web/docpapers/doc1940.doc>)

Ten Ways to Protect Undocumented Migrant Workers by the Platform for International Cooperation on Undocumented Migrants: (<http://www.picum.org>)

Caritas Europa's Third Poverty Report: (<http://www.caritas-europa.org>)

North South Institute: The Canadian Seasonal Agricultural Workers Program: Translating Research into Community-based Action: (<http://www.nsi-ins.ca/english/research/progress/13.asp>)

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