



NGO Committee on
Migration



September 12, 2017

Honorable Ms. Louise Arbour
Special Representative to the Secretary-General for International Migration
United Nations, New York

Dear Ms. Arbour,

Thank you for the opportunity to contribute input for the preparation of your input to the zero draft of the Global Compact on Migration and the intergovernmental negotiations.

On behalf of the NGO Committee on Migration, I am pleased to share with you that our committee, as a founding member of the Core Group of civil society's International Steering Committee for the Global Forum on Migration and Development, has actively worked on and strongly supports the consolidated draft of civil society priorities for the Global Compact that is being sent separately to your office today. The consolidated draft includes the inputs you requested on Compact structure and elements, actionable commitments, means of implementation and a framework for the follow-up and review of implementation. Our committee is glad that civil society globally is emphatically carrying, among others, the top priorities that we have focused on these past few years, specifically:

1. Protection and assistance for migrants in vulnerable situations, particularly women and children (a Committee priority since the 2006 UN High-level Dialogue on International Migration and Development)
2. Climate-induced displacement
3. Countering xenophobia and promoting social inclusion

In addition, for your convenience, I have attached to the covering e-mail the responses that our committee wrote and provided to your office and to the Permanent Missions on each of the Issue Briefs for the five thematic consultations thus far. We look forward to receiving Issue Brief #6 and to responding in a similar way before the final thematic session.

Finally, I wish to share that our committee is determined to take these priorities forward in advocacy directly with governments both at the United Nations and in capitals. Here in New York, members of our NGO Committee on Migration have had meetings on the Global Compact with 17 of the permanent missions since April, and with several more than once.

Cordially yours,

Maria Pia Belloni Mignatti
Chair, NGO Committee on Migration
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The mission of the NGO Committee on Migration is to advocate on behalf of the human rights of migrants in accordance with the United Nations Charter. Together with the International Catholic Migration Commission (ICMC) and the International Council of Voluntary Associations (ICVA), the NGO Committee on Migration is one of the three conveners of the global Civil Society Action Committee, which galvanizes civil society thinking, strategies and advocacy worldwide to achieve commitments of the UN High Level Summit for Refugees and Migrants in 2016.

Attachments:

CoM Response to GCM Brief #1: 30 April 2017

CoM Response to GCM Brief #2: 17 May 2017

CoM Response to GCM Brief #3: 12 June 2017

CoM Response to GCM Brief #4: 19 July 2017

CoM Response to GCM Brief #5: 25 August 2017



RESPONSE TO THE SRSG'S ISSUE BRIEF #2

Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution

IN PREPARATION FOR THE SECOND THEMATIC CONSULTATION ON
THE GLOBAL COMPACT ON MIGRATION
May 22nd and 23rd, 2017 in New York

The NGO Committee on Migration calls on States to endorse and urgently implement the action commitments spelled out in the SRSG's Issue Brief #2 on addressing the drivers of migration – including adverse effects of climate change, natural disasters and human-made crises, through protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution.

The drivers of migration of particular concern to our committee are:

- movements in response to human made crises;
- movements in response to environmental change;
- movements in response to lack of access to fundamental human rights, such as **health, food, water, and basic education**, and due to discrimination, especially **gender**, poverty, and separation from family.

We are in strong agreement that our primary focus must be to reduce the adverse factors that motivate people to move out of necessity in unsafe, dangerous, and often desperate conditions, and to enable migration to be safe, regular, and orderly, so that the impact of migration is a win-win situation for all.

As the SRSG notes, Government policy choices affect whether migration takes place through “regular”, authorized channels or through “irregular,” unauthorized channels, and these choices influence the vulnerabilities associated with migration. The more regular migration channels are restricted, the more migration is diverted into irregular, often exploitative channels

Reduction of the drivers of irregular migration will require commitments by States that enhance regular migration, as described in the list of 16 actions proposed in the Issue Brief. Our Committee urges a particular focus on the urgency of commitments to:

- prevent conflict, including by addressing the climate-conflict nexus;
- assist migrants in crisis situations, especially the most vulnerable, **particularly women and children**;
- address environmental factors, especially by strengthening engagement in disaster risk reduction and management and in global reduction of natural resource consumption;
- develop international repositories of analysis on migration drivers; and
- address poverty and discrimination, embracing sustainable development goals, with focus on facilitating Targets 10.7 and 8.8, to ensure that no one is left behind.

We also urge critical attention to the informal Report of the Special Rapporteur on the Human Rights of Migrants, Francois Crepeau, in which he gives an overview of the main discussions at the first thematic consultation in Geneva on the human rights of all migrants, noting both the progress made in the way States have been responding to migration issues over the last few years, as well as the difficulties that remain in forming a consensus on an effective governance mechanism that protects and embraces the human rights of migrants.



RESPONSE TO THE SRSG'S ISSUE BRIEF #3

International cooperation and governance of migration in all its dimensions including at borders, on transit, entry, return, readmission, integration and reintegration

IN PREPARATION FOR THE THIRD THEMATIC CONSULTATION ON
THE GLOBAL COMPACT ON MIGRATION
June 19th and 20th, 2017 in Geneva

The NGO Committee on Migration strongly supports the recommendations in the SRSG's Issue Brief #3 on International cooperation and governance of migration in all its dimensions including at borders, on transit, entry, and return, readmission, integration and reintegration. As the Brief notes, human rights, a whole of government approach, evidence-based policies, partnerships, and public confidence are essential principles cutting across all migration governance. **These principles need to be concretized and implemented now, to protect and assist migrants, through policies and good practices** that are facilitated by an effective, human rights based, gender and age-sensitive governance mechanism.

Our Committee is encouraged that the upcoming thematic consultation on international cooperation and migration governance will **focus on key elements of well-governed migration** such as border management, labor and skills mobility, safe, regular, migration; orderly return, and readmission, social inclusion, migration and development, and crisis-related movements, as outlined in Issue Brief #3. We are in strong agreement with the SRSG that these key elements include:

- expanding legal pathways for migration,
- offering rescue services at sea and at borders while upholding prohibition of collective, expulsion
- implementing national policies that promote social inclusion, and
- supporting diaspora groups to help development in countries of origin.

We are pleased that Panel 1 will explore mechanisms that already exist to enhance cooperation and governance of migration and identify where the governance capacity of Member States can be enhanced through **specific forms** of international cooperation; and that **Panel 2 will explore and present best practices as they relate to questions of transit, entry and borders**, among other issues.

We think it is of the utmost importance that the focus of the consultation be on shaping an actionable government mechanism, and for this purpose concentrate on concrete policies and good practices to ensure safe and regular migration opportunities for people on the move, with a focus on protecting and assisting migrants in crisis and in transit, especially the most vulnerable, particularly women and children. To help accomplish the goals of this consultation, we take this opportunity to strongly recommend some of the already pre-existing guidelines, good practices, and examples, including:

- The Sutherland Report*
- The OHCHR documents on borders**
- the MICIC Guidelines***
- The CS ACT NOW and the second edition of the MADE Civil Society Network's MOVEMENT report, especially the Scorecards****
- The draft Working Document of the Terre des Hommes-Save the Children Initiative on Child Rights in the Global Compacts*****

In addition, there are already good policies and practices by Member States to share, for example Canada's policy of private sponsorship to expand opportunities for safe and regular migration, and Ecuador's policy of equal access to health, education, and the labor market to all residents, without discrimination.

Underscoring that commitments require funding, we join/support the Sutherland Report in calling for the creation of a Financing Facility for Migration to build the capacity of States to achieve the migration related commitments of the SDGs and the broader UN agenda.

Convinced of the **urgency to shift from a concentration of principles to one on practices**, Civil Society has focused on creating specific benchmarks, graduated timelines of 2, 5 and 12 years, and review mechanisms to monitor progress in achieving the NYD commitments. ACT NOW and the MOVEMENT report contain scorecards to monitor progress on achieving migration-related goals of the 2030 agenda and commitments for the GCM. In addition, the Child Rights Draft Working Document uses an SDG approach with goals, targets, indicators, and graduated timelines to measure progress in achieving the Initiative's goals.

We strongly endorse all these efforts.

The NGO Committee on Migration and its Civil Society partners reiterate our steadfast determination and commitment to continue to work hard and collaboratively with States and the international community to build upon the success of the SDGs and the New York Declaration in order to create an effective, human rights based, gender and age-sensitive, actionable and accountable governing mechanism to protect and assist migrants and their families worldwide.

*Report of the SRSG on Migration, Peter Sutherland ([A/71/728](#)) to the UN General Assembly, 3 February 2017

**OHCHR and GMG, [Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations](#), Draft February 2017; and OHCHR, Situations of Migrants in Transit ([A/HRC/31/35](#), 2016)

***MICIC, [Guidelines to protect migrants in countries experiencing conflict or natural disaster](#), September 2016

****[ACT NOW: Civil society response and scorecard](#) for the UN High Level Summit "New York Declaration for Refugees and Migrants", September 2016; and MADE (Migration and Civil Society Network): [2nd edition of MOVEMENT: A Global Civil Society Report on Progress and Impact on Migrants' Rights and Development](#) (through year 3 of the 5 year 8 point Plan of Action), 2017

*****J.Bhaba and M. Dottridge with A.Hong: Child Rights in the Global Compacts, Working document, draft, 30 May 2017



RESPONSE TO THE SRSG'S ISSUE BRIEF #4

Contribution of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits

IN PREPARATION FOR THE FOURTH THEMATIC CONSULTATION ON
THE GLOBAL COMPACT ON MIGRATION

24-25 July 2017 in New York, USA

The NGO Committee on Migration calls on States to endorse and implement the action commitments proposed in the SRSG's Issue Brief #4 on the contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits. We strongly support the brief's call to maximize the impact of migration on development, enable cost-effective remittances and financial inclusion, increase the portability of entitlements and earned benefits, and enhance capacity building and development through gender and age sensitive research and data. We urge member-states to consider and implement these important principles to facilitate the inclusion of migrants and maximize sustainable development goals in host and origin communities.

As the SRSG notes, migrant remittances represent a tremendous force for the cultivation of positive economic and social outcomes in origin countries. Still, remittances are not a substitute for States' duties to ensure social protection. Furthermore, while remittances have lifted millions of people out of poverty, remittances alone will never be sufficient to lift *nations* out of poverty if local and national governments do not remove certain policy barriers that have historically hindered development and excluded large segments of the population from the benefits of development that have been secured. We urge Member States to move forward with the SRSG's suggestion to promote an environment for **cost-effective remittance transfers**. Of the many conditions required for such an environment, we particularly stress the need for **gender-responsive financial education and the full financial inclusion of women**. We underscore this priority, noting that, despite significant social barriers and legal obstacles that have financially marginalized women in every society, migrant women have been found to remit funds to their home countries with greater frequency and reliability, and to remit a larger percentage of their income, than their male counterparts. Additionally, we highlight the finding that remitted funds are more likely to be put toward critical components of the Sustainable Development Agenda, such as food, healthcare, and education, in countries of origin when women are the senders and/or recipients of remittances.*

Our committee strongly emphasizes the SRSG's declaration that migrants contribute not only to economic development in their home and host societies, but also to their social and cultural wealth and development. As catalysts for philanthropy, investments, innovations, and cultural exchange in and between their countries of origin and destination, migrants serve as

bridge-builders among States, ethnic groups, religious communities, cultures, and worldviews. For example, migrants coming from especially climate vulnerable regions or agricultural societies also bring to their countries of destination significant knowledge and skills related to environmental sustainability. Their perspectives and expertise in this area have the capacity to build critical awareness and practical change requisite to achieve the SDGs, especially Goals 6, 12, 13, 14 and 15.

Echoing point #2 of civil society's [5-year Action Plan for Collaboration](#)^{**}, we strongly urge Member States to not only acknowledge the economic benefits of migration but also to **engage members of the diaspora and migration associations as entrepreneurs, social investors, policy advocates, educators, and partners in the design and implementation of social and environmental policies** that fully leverage their contributions to the realization of SDG 16, peaceful, just, and inclusive societies.

We emphatically recommend that Member States develop **national plans, and to enable their local authorities to design and implement local plans**, that foster the social and economic inclusion of migrants within their societies. Such plans should include **access to labor markets, education systems, healthcare systems, and justice systems**. We fully endorse the SRSG's declaration that migrant workers should be able to access social security entitlements and benefits after paying into the national systems that provide these protections. We emphasize the *5-year Action Plan's* point #8, which urges States to ensure mechanisms are in place to guarantee labor rights for migrant workers, including the rights to equal pay and working conditions regardless of migration status, to form and organize in trade unions, to ensure portability of pensions, and to have paths to citizenship for migrant workers and their families. Only when such conditions are in place will cities be able to fulfill their role as "vanguards of cultural pluralism" and the full social and economic development benefits of migration be realized for both host and home countries.

The NGO Committee on Migration and its civil society partners reiterate our unwavering commitment to collaborate with UN Member States and the international community to build upon the monumental strides envisioned by the SDGs and the NY Declaration. We offer our partnership in the critical endeavor to create an effective, human rights-based, gender- and age-sensitive, actionable and accountable mechanism to protect the rights of migrants and their families worldwide, and to enhance sustainable development in communities of origin, transit, and destination.

*Fleury, A. (2016). [Understanding Women and Migration: A Literature Review](#). KNOWMAD Working Paper 8. Washington, DC: The World Bank/Global Knowledge Partnership on Migration and Development (KNOWMAD).

^{**}[5-Year Action Plan for Collaboration](#) submitted by the High-Level Dialogue Civil Society Steering Committee of over 100 civil society organizations for the 2013 High-Level Dialogue on International Migration and Development



RESPONSE TO THE SRSG'S ISSUE BRIEF #5

Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims

IN PREPARATION FOR THE FIFTH THEMATIC CONSULTATION ON
THE GLOBAL COMPACT ON MIGRATION
4-5 September in Vienna, Austria

The NGO Committee on Migration strongly supports the recommendations contained in the SRSG's Issue Brief # 5 on smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims.

Since our founding in 2006, the NGO Committee on Migration has prioritized advocacy efforts promoting the protection and assistance of migrants in vulnerable situations, especially the groups most vulnerable and victimized by smugglers and traffickers: **women and children**. The urgent need for concerted international action in this regard is especially clear at this moment in history. According to the ILO, nearly 21 million people globally are victims of forced labor and trafficking. Of the victims, one quarter are children and more than half are women and girls. Press reports are fraught with stories of migrants being abused or drowned at sea at the hands of smugglers. These realities underscore the urgent need for an actionable Global Compact on Migration that will provide protection and assistance to all migrants, especially those in vulnerable situations in the context of smuggling, trafficking, and contemporary forms of slavery.

Our Committee strongly supports the SRSG's emphasis on the need to address the particular vulnerability of child migrants, especially children traveling alone. We call for **social outreach to aid and monitor vulnerable children** along migratory routes and at destination to assist in early identification and prevention of further harm. In the identification and rescue of child victims of smuggling and trafficking, as with all migration policies regarding children, we call on States to **uphold the UN Convention on the Rights of the Child by placing children's best interests above all other considerations**. To comply with clear international human rights standards, we assert that the **detention of children for immigration purposes should be prohibited**.

We also highlight the need to prevent trafficking by **addressing its drivers in countries of origin, especially those with younger populations**. According to [UNODC's Global Report on Trafficking in Persons](#) (2016), these countries tend to report higher proportions of children among trafficking victims. The report also indicates that these countries are more likely to be characterized by limited access to education, absence of solid institutions dedicated to child protection, and lack or insufficient implementation of policy against traffickers, all of which are favorable conditions for children's exploitation. In accordance with the principle of urgency for all proceedings involving children, we call for **political leadership and awareness-raising interventions to secure expedient protection and legal justice for children** on the move. To delay such action is to prolong children's deprivation of education, nourishment, and healthcare; to exacerbate related physical, mental, and developmental harms; and to increase their risk of being trafficked or exploited.

The NGO Committee on Migration supports the recommendation of the SRSB that States establish and implement **national legal frameworks to protect and assist migrants in vulnerable positions**, irrespective of migration status. We strongly agree that States need to strengthen the capacity of "front-line actors" to protect vulnerable migrants, with particular attention to age- and gender-sensitive responses. We therefore recommend that national frameworks establish mechanisms that **engage the private and financial sectors as well as local medical and social service providers in a whole-of-society approach** to the early identification of smugglers and human traffickers and to the rescue and protection of their victims.

To this end, we urge States to **actively promote and require that businesses within their jurisdictions adhere to the IOM and IOE's [IRIS Ethical Recruitment Principles and Standard](#)**. We also urge them to **engage their financial sectors in the prosecution and prevention of trafficking and forced labor** through the detection of financial flows that perpetuate the USD 150 billion-per-year industry ([ILO, Profits and Poverty, 2014](#)). We strongly support the principle that trafficked persons, victims of modern slavery, and those who provide humanitarian aid to them in the midst of their distress without financial interest should not be treated as criminals. Moreover, trafficking victims must be given **access to justice and protection systems, with firewalls protecting them from arbitrary arrest and deportation**.

Our Committee also voices strong support of the SRSB's recommendation that States "**open or diversify effective and accessible regular migration channels**, including timely family reunification, labour mobility at all skills levels, education opportunities and humanitarian admission schemes." To this list of channels, we **add protection schemes that recognize environmental degradation and climate disaster as legitimate drivers of forced displacement**, drivers for which the most common countries of destination typically bear the greatest historical responsibility. On the matter of national policies that seek primarily to deter migration by criminalizing irregular migration and keeping regular migration channels extremely restricted (even to persons seeking asylum), our Committee reinforces *Issue Brief #5* in taking the position that such policies *are, definitively*, counterproductive. We align ourselves with the [OHCHR Principles and Guidelines on Human Rights at International Borders](#), which state that such policies "serve only to exacerbate risks posed to migrants, to create zones of lawlessness and impunity at borders, and, ultimately, to be ineffective. Conversely, approaches to migration governance that adhere to internationally recognized human rights standards, serve to bolster the capacity of States to protect borders at the same time as they uphold State obligations to protect and promote the rights of all migrants."

Through the adoption of the *New York Declaration for Refugees and Migrants*, UN Member States made a commitment to prevent and combat the abuses and exploitation faced by migrants and refugees and to protect those victimized by them. The NGO Committee on Migration is committed to continuing in its collaboration with UN Member States, UN agencies, other international organization and civil society partners to fulfill this commitment in the context of gender- and age-responsive solutions that are grounded in human rights.



RESPONSE TO THE SRSG'S ISSUE BRIEF #1
Human rights of all migrants, social inclusion, cohesion and all forms of discrimination,
including racism, xenophobia, and intolerance

IN PREPARATION FOR THE FIRST THEMATIC CONSULTATION ON
THE GLOBAL COMPACT ON MIGRATION
May 8th and 9th, 2017 in Geneva, Switzerland

The NGO Committee on Migration calls on States to endorse and urgently implement the ten action commitments spelled out in the SRSG's Issue Brief #1 on the human rights of all migrants, social inclusion, cohesion, and all forms of discrimination, including racism, xenophobia, and intolerance.

We particularly stress the obligation of States to ensure human rights protection and assistance for all migrants in vulnerable situations, especially women at risk and children, as called for in paragraphs 10, 23, and 52 of the New York Declaration (NYD) and reiterated in commitments 9 and 10 of the Issues Brief.

All procedures at borders must be human rights based. Border governance measures aimed at addressing irregular migration and transnational organized crime (migrant smuggling and trafficking in persons) must respect, protect, and fulfill all human rights and be in accordance with the principle of non-refoulement. All migrants have the right to due process, regardless of status.

We recommend that on page 1, second paragraph, the language read as follows:
“A global compact which is above all people-centered, human rights-based, and gender **and age-responsive** would ensure both social inclusion and alignment with the overarching aim of the 2030 Agenda for Sustainable Development to “leave no one behind”....

We urge that on page 1, third paragraph, the language read as follows:
“Member States have a wide range of obligations arising from all core human rights instruments **and from the international jurisprudence on human rights** to promote, protect and fulfill the human rights of all individuals within their territory...

We advocate for commitment 5 on page 7, to read as follows:
“Ensure that no child in the context of migration is left behind in timely assessing quality education **including early childhood development (paragraph 82 NYD)**.”

We recommend that commitment 7 on page 7, read as follows:
“Commit to establishing partnerships with political leaders and parties, media, **civil society**, private sector, local communities, trade unions and other public actors, to promote tolerance, and respect for all migrants, regardless of their status.”