

GFMD, Swiss Civil Society Days, Recommendations

DRAFT for discussion on 23-24 August 2011

1. INTRODUCTION

The following are recommendations from the Swiss Civil Society drafted during the *GFMD Symposium for Civil Society and Governments* on 23-24 August in Geneva, Switzerland. The overall aim is to promote migration and development in a way that is beneficial to migrants, the country of origin and the host society.

2. GENERAL RECOMMENDATIONS

As members of the Swiss Civil Society we urge the Swiss authorities and the International Community:

- 1) To adopt a right based approach in any legislative, policy and intervention measure on migration and development. States are under the obligation to ensure the protection of the rights of the migrants in all stages of their migration process (i.e. at the point of departure, when crossing borders, in transit and high seas, in the destination place and when or upon returning in the place of origin).
- 2) To promote legal and safe channels of migration and maximise, through bilateral collaboration, the positive impacts of migration in the development of the country of origin and destination.
- 3) To shift away from a migration management approach that concentrates on short term economic benefits and seek for a more human and sustainable growth approach in migration and development.
- 4) To recognise that children and youth are also largely affected by migration. They move on their own, with families or in peers, or could be left behind by their migrant parents. Therefore States should make sure that any legislative, policy and intervention on migration responds also to the protection and development needs of children and youth.

3. GFMD THEMATIC PROGRAM RECOMMENDATIONS

According to the core principles of the 2011 GFMD thematic work program, the following recommendation will put the focus on three overarching themes:

- 3.1. The need to recognize and ensure the empowerment (capacity)¹ of migrants in countries of origin and destination.
- 3.2. The necessity of greater coherence between all actors at all levels, from local to global.
- 3.3. The need for further cooperation between Civil Society actors and the governments.

¹ Although the 2011 GFMD Concept paper refers to 'capacity' only, the representatives of the Swiss Civil Society consider that the term 'empowerment' should be used here because of its broader meaning.

3.1. EMPOWERMENT OF MIGRANTS

The protection of the rights of migrants is a State obligation. As members of the Swiss Civil Society we also recognise that migrants can be active agents of development both in the places of origin and destination. The International Community should recognise this development role of the migrant and ensure a legal framework as well as a political and social environment that allows the migrants to develop such a potential at fullest. In particular, migrants' integration in the host society should be eased especially through ensuring access to income generating activities, education, health and other public services.

We demand from the Swiss authorities and the International Community.

- 1) To protect the human rights of migrants irrespective of their migrant status.
- 2) To counter xenophobia against migrants in the host community by fighting against the promotion and dispersion of false, negative and accusatory information and images of migrants.
- 3) To ratify and promote the ratification by other States of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (ICRMW).
- 4) To revise existing national laws and legal procedures to ensure that they foster the potential of migrants and do not entail discriminatory practices.
- 5) To ban administrative detention due to migration status.
- 6) To grant access to legal representation at arrival in the destination country for all migrants, including foreign unaccompanied and separated children and youth.
- 7) To show a determined effort in addressing discrimination against migrants in the private sector. In particular, the trend towards temporary worker programs (which can be exploitative for migrants) as a response to the economic needs of countries of destination has to be adjusted by introducing special protective measures for the temporary workers.
- 8) To eliminate discrimination in visa politics and labour market by abandoning the two-circle model (differentiation between 'high skilled' and 'low skilled' migrant workers).
- 9) To offer adapted and realistic options for migrants to accredit diplomas acquired in the country of origin.
- 10) To respect the unit of the family and promote family reunification through facilitated procedures. Whilst children and youth should be able to maintain the links with the family and other protective actors in the place of origin, any decision on return or not of the child should be based on a best interests' determination, which includes a careful risk assessment, the balancing between the opportunities in the place of origin vs. that of destination as well as the views of the child.
- 11) To ensure equal access to health, education and social assistance regardless of the respective residence status in the country and the elimination of all discrimination against migrants in housing and public services.
- 12) To offer real opportunities for migrants to take part in social debates, including those on migration and development.

3.2. COHERENCE AT THE NATIONAL, REGIONAL AND GLOBAL LEVEL

As members of the Swiss Civil Society we reiterate that:

There is a need to promote the coherence on migration matters and different policies while adopting a migrant-centred focus. All laws, policies and practices with regards to migration – be it on the local, the regional or the global level – should first and foremost

comply with International Human Rights Treaties and Conventions such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the CRC, the CEDAW, the ECHR and other existing human rights bodies.

Despite its contribution to countries of origin and destination, migration shall not be used as a substitute for well-thought policies and interventions by States aiming at economic, human and capacity development. States shall refrain from overemphasizing remittances and must fulfil their responsibilities and obligations represented in MDG 8.

In particular, we demand from the Swiss authorities and the International Community:

- 1) To promote a truthful and meaningful coherence in migration and development policies with specific attention paid to bilateral, regional and international trade agreements and the consequences they could have on the livelihoods and human rights standards of the people concerned.
- 2) To ensure that external and internal migration policies of the Swiss government are coherent, transparent and simultaneously lead to a true win-win-win strategy for migrants, countries of destination and origin.
- 3) That any law, policy and intervention on migration address the lack of suitable and sustainable development in places of origin as a root cause of migration.
- 4) To shift from a migration management approach that concentrates on short term economic benefits and seek for a more human and sustainable growth approach in migration and development.
- 5) To invest adequate political and financial resources in child protection in migration and development policies by taking into account not only the children and youth left behind, but also those who migrate, being it with families, in peers or alone.

3.3. COOPERATION AMONG STATES AND BETWEEN STATES AND OTHER ACTORS

As members of the Swiss Civil Society we reiterate that:

Cooperation is an important tool but it should aim towards improving the situation of migrants. Cooperation has to emanate from a rights-based and migrant-centred framework and should not be based on a migration management approach. It must involve all stake-holders and equally consider all levels – from local to global.

We hence demand from the Swiss authorities and the International Community:

- 1) That the endeavour for cooperation should reiterate equal power relations between developed and developing countries, as well as between migrant-sending and migrant-receiving countries.
- 2) To ensure broad participatory processes with all stake-holders concerned for the development of policies on the protection of human rights of migrants and on migration and development, including consultation processes with all migrant groups.
- 3) To recognize the special role of Diasporas as agents of development in origin and destination country and in migration and development policies. Create strategies and programs to attract the Diaspora to home country institutions.
- 4) To enhance the cooperation among states for the benefit of migrants.
- 5) To facilitate transnational communication and collaboration between civil society organizations and governments across borders, especially through information sharing, translation assistance etc.