



UN High-Level Dialogue on International Migration and Development 2013
Migrant Rights Centre Ireland's Submission to EU Commissioner Cecilia Malmström Home Affairs
January 2013

Introduction

The Migrant Rights Centre Ireland (MRCI) is a national organisation working to promote the rights of migrant workers and their families living in situations of vulnerability throughout Ireland. The MRCI works collectively with migrant workers to become involved in decision-making processes that affect their lives. We seek to influence policy, build public awareness on migration issues, undertake research and document the experiences of migrant workers. The MRCI supports locally based initiatives and networks at a local, national, European and global level.

UN High-Level Dialogue on International Migration & Development

MRCI welcomes the opportunity to contribute to the debate of the UN High-Level Dialogue on International Migration and Development. This represents an opportunity to have meaningful discussion on the global governance of migration and its intersection with development. MRCI has attended the UN High Level Dialogue New York in 2006. We have also attended the Global Forum on Migration and Development from 2007 to 2011. Participation in Mauritius was not possible in 2012 due to the lack of financial assistance. MRCI would like to restate our concerns raised in these discussions.

1. Protection and rights for migrant workers and their families, in particular giving priority to the ratification of the UN Convention on the Protection of Migrant Workers and their Families.
2. Promote an approach that seeks to achieve the highest possible standards in responding to global migration at an international, regional and national level
3. Maintain a balance between the role of migration in the promotion of development, and the need to protect migrants involved in this process.
4. Articulate the intersection between social, economic, political and cultural dimensions of integration and participation of migrant workers and the need for states to recognise the necessary conditions for social cohesion and harmony.
5. Address restrictions to legal channels of migration which force migrants to employ precarious channels to migrate and contribute to irregular migration and the growing phenomena of smuggling and Trafficking in Human Beings.
6. Emphasise the importance of gender equality and anti-racism strategies in promoting the inclusion of migrant workers and their families especially migrant women.

Global Governance of Migration and Development 2013 & Beyond

The lack of a global regulatory framework for migration has seen the dominance of bi-lateral, financial, economic and trade agreements. A human rights approach to global migration has been elusive at best. Migrants continue to be seen as expendable flexible labour without rights and protections.

The movement of people globally is set to grow exponentially over the next 20 years, as demand for labour grows in developing countries. The human rights of migrants, now more than ever need to be protected and addressed as a matter of urgency within the United Nations system. The principles laid out in the International Labour Organisation (ILO) Multilateral Framework on Labour Migration 2006 remains relevant to the forthcoming discussions. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families provides the most comprehensive framework for global and national migration policy.

Labour Migration and Mobility

There is unanimous agreement that the global flow and movement of workers is a permanent feature of the global economic system. Global migration trends are set to increase in the next few decades. There is widespread recognition and support for high skilled migration and the associated rights of those migrating to fill positions in sectors such as IT, engineering and medicine. There is and will be an on-going demand for migrant workers to fill lower and medium skilled positions.

Recent years however have seen attempts at both national and international levels to dismantle systems that set and protect the wages and conditions of low-paid workers, many of whom are migrants. Trends further show an erosion of labour standards and an increase in precarious employment. Migrant workers face increasing restrictions and limitations of their rights including the freedom to change employer. The High Level Dialogue offers the opportunity to focus on the operation and impact of guest worker and temporary migration schemes and their impact on the human rights of migrant workers and their families. In tandem, recruitment practices, employment standards and protections, access to legal redress, progression, and trade union representation should be addressed within this theme.

Gender Equality

Migrant women face particular vulnerabilities and multiple forms of discrimination as women, as migrant workers and as migrant women. The situation of domestic and care workers are of particular concern. The ILO Convention on Decent Work for Domestic Workers has been a significant development in recent years. The UN High Level Dialogue provides an important opportunity to promote the ratification of this convention and to highlight and emphasise the unique situation of migrant women and the steps required to counter gender based discrimination and inequality.

Human Rights

It is important to note that how a person enters a state has an impact on their rights into the future. Permanent migration channels, family reunification and access to citizenship need to be part of the discussions on global migration. Access to social protection and education, with a particular focus on the integration and 2nd and 3rd generation children are critical factors which the High Level Dialogue should address in a concerted and proactive manner.

Irregular Migration

The situation of undocumented migrants and measures to counter and respond to irregular migration including the detention and deportation of undocumented migrants is a growing area of concern for the human rights community. Regularisation of undocumented migrants and the development of solution

orientated approaches are essential in an overall approach to managing migration systems. The High Level Dialogue should lead a discussion on rights-based approaches to addressing irregular migration and the situation of undocumented migrants.

Integration and Anti-racism

Racism has a detrimental impact on social cohesion and solidarity within societies. There is a direct correlation with the failure of states to enable the meaningful integration and inclusion of migrant workers and their families. The High Level Dialogue is well placed to promote the responsibilities of states to take concrete action to address racism and xenophobia.

Trafficking for Forced labour

National and international governmental bodies have a duty to protect victims of all forms of trafficking including, debt bondage and forced labour. The movement and control of migrants for the purposes of extracting their labour is a growing phenomenon and requires greater focus and attention by all stakeholders in society. The High Level Dialogue should not only encourage states to ratify the relevant international instruments but to generate practical and effective responses especially access to victim protections and supports in conjunction with organisations working in this area.

The European Union

The European Union will play a crucial role in defining migration policies for the future. Zero population growth and a declining labour force are key issues for policy development within the EU. Policy responses, such as the Stockholm programme however have framed migration in terms of border security and control. This approach, coupled with a reduction of available legal channels of migration has put many migrants in situations of vulnerability and has contributed to irregular migration and others forms of coercive migration. While a range of directives have been developed as a way of inserting a rights based approach within the EU, their implementation have varied from country to country and indeed Ireland has opted out of many of these directives. The successor to the Stockholm programme needs to take these concerns and dynamics into consideration.

As the EU strengthens partnerships and cooperation between countries caution must also be given to the drive toward circular and temporary channels of migration both globally and within the EU. This trend undermines rights and labour standards and will have a negative impact on growth and competitiveness. The Seasonal workers directive is a case in point. To increase the growth of the EU's economy there is a need to develop fairer and better legal channels for migration which are underpinned by international Human Rights instruments.

The rise of racism and xenophobia within Europe is an extremely worrying trend. Pressures on border countries, in particular Greece, highlight the need to invest in measures to tackle racism and discrimination. In this context there is a pressing need to revisit the Dublin II Regulation. Prioritising empowerment, integration and the rights of all migrants within the Asylum Migration Fund will make a very significant contribution to combating racism and increasing social stability across the EU. The need to promote European values of equality, non-discrimination and equal treatment should remain a priority to push forward the Horizontal Directive on disability, age, religion and gender to access goods and services.

The EU also has a vital role to play in promoting the:

1. Ratification ILO Convention 189 on Decent Work for Domestic Workers
2. Ratification of ILO Convention 97 on Migration for Employment
3. Ratification of ILO Convention 143 on Migrant Workers

4. Ratification of the International Convention on Protection of the Rights of Migrant Workers and Members of their Families

Conclusion

The MRCI believes that migration positively contributes to generating growth and to building a more open and dynamic society to the benefit of all. The regulatory framework for migration inclusive of laws and policies needs to be based on Human Rights principles within the United Nations system, otherwise it will continue to result in violations of rights and undermine social cohesion within states. The values of human rights, equality and non-discrimination should be given priority. MRCI believes that economic growth and development should not be at a cost to human development, people or the environment. As demand and need for migration grows, the way in which our societies respond to protecting people will determine the type of societies we will develop into the future. As a result global governance of migration needs to be inclusive of all actors within society. States, political actors, business interests and civil society all play an important role in the development of migration and development policies. This shared responsibility must be reflected in discussions, decision-making process and actions at a local, national regional and international level and in particular at the UN High-Level Dialogue on International Migration and Development to ensure the best outcomes for people who decide to migrate across the world.