

Report on the 2013 IOM-CSO Consultations

Migrants and Development

12 September, 2013

Geneva, Switzerland



I- Introduction

The annual International Organization for Migration (IOM) consultations with civil society organizations (CSOs) took place on 12 September 2013 at the IOM Headquarters in Geneva, Switzerland, under the broad theme of *Migrants and Development*. The consultations were attended by some fifty participants drawn from a range of civil society organizations.

In his introductory remarks, the Director General, Ambassador William Lacy Swing expressed the commitment of IOM to continuing to dialogue with and learn from civil society, and his pleasure at the continuing good turnout at these consultations. While limited resources may restrict the number of CSOs that can participate in these consultations, IOM is continuously engaged with CSOs through our more than 400 offices globally. Additionally, the Director General and the Deputy Director General's visits to the IOM offices around the world endeavor to include meetings with CSO representatives. IOM offices around the world are also involved in a range of partnerships with civil society. The Director General noted that the theme of the consultations this year is very relevant in light of the second High Level Dialogue on International Migration and Development (HLD) which will be held in New York on 3 and 4

October 2013. He underlined the many common points and similarities between the IOM position and the CSO position, particularly on the question of human rights of migrants, the public perception of migration and the need to integrate migration into the post-2015 Agenda.

The Director General went on to emphasize the importance of partnership with CSOs and invited those who are not yet accredited as IOM observers to join the 56 CSOs that now have observer status at IOM. The Director General further informed participants of the forthcoming IOM launch of a worldwide campaign to improve the perception of migrants and in particular to highlight their many contributions. This campaign seeks to promote the understanding that migration is fundamentally a force for good.

II- HLD and the Integration of Migration into the post-2015 Development Agenda

Participants expressed appreciation for the opportunity that the consultations provide to discuss the topical issue of integration of migration into the post-2015 Development Agenda, especially in the lead up to the 2nd HLD. The key points raised during the discussion were the evolution of international debate on migration since the first HLD of 2006, the differences between the HLD and other global summits, and the expectations of CSOs from the IOM-CSO partnership.

In the context of HLD preparations, a number of activities, such as roundtables and regional consultations, have taken place. Additionally, high level delegations have already registered to participate in this important global event.

Participants indicated that they consider this HLD as particularly important because it coincides with preparations for post-2015 development agenda. IOM is convinced that any future development agenda that ignores the effects of migration risks being incomplete. The HLD constitutes an opportunity to connect migration and development, which is why the new agenda must promote inclusive, equitable and sustainable development by including migration.

Participants were of the view that the international community has today reached the highest level ever of consensus and openness in the multilateral debate on migration. Migration is increasingly on agendas of discussions on, for example, development, climate change and disaster risk reduction, population dynamics, in response to and as a consequence of the economic crisis.

The need to build on what has been achieved through dialogue on migration and development and encouraging the international community to integrate this issue into the post 2015 agenda was further underlined. Speakers expressed concern about the fact that migrants are often the first victims of economic crises, fuelled by anti-migrant sentiments that results in discrimination and undermines their human rights. Further, various participants called for a debate which puts

migrants' rights and wellbeing front and center.

In presenting the IOM perspective on migration and development, the important role that migration as an enabler of development has to play was underlined, particularly given its relevance to all three pillars of sustainable socio-economic development, and environmental protection. The positive contribution of migration to sustainable development hinges on the protection of the human rights of migrants and on the adoption of a fair, transparent and collaborative governing system of migration. On the outcome of the HLD, IOM expressed the desire to see a substantive agenda that reflects the recognition of migration as a reality of the 21st century, and therefore the need to facilitate and not restrict migration. Migration needs to be seen as a process to be managed rather than a problem to be solved.

Through their various interventions, participants emphasized that migration is essentially about expanding possibilities for people to realize their human development aspirations and potential through mobility. In this regard, IOM has identified six key policy areas which it believes have the potential to improve the contribution of migration to development for the benefit of migrants and societies:

1. Improve the public perception of migrants;
2. Integrate migration into development planning, at national level and particularly in the post-2015 development agenda;
3. Protect the human rights of all migrants;
4. Manage migration in crisis situations;
5. Enhance evidence-building and knowledge-based policymaking on migration;
6. Promote policy coherence and institutional development.

With regard to the synergies between IOM and CSO agendas on migration and development, participants highlighted that the six IOM recommendations and the eight CSO action items reveal a good deal of convergence. IOM went on to recall its long experience in assisting stranded migrants often with the support of CSO partners, especially with regard to accessing basic services, such as shelter, health, psychosocial aid, accommodation, food, integration, and information migration services.

The difficulty of the representativeness of CSO views was raised by a CSO delegate. The multiplicity of views and CSO networks complicates the formulation of a common position. Another CSO representative pointed out that for the first time there has been a radical change in CSO strategy from one of non-engagement with governments to one of active and constructive engagement today. This new CSO strategy also focuses on the most critical issues rather than on a long list of topics. The adoption of this new approach has resulted in the formulation and adoption of the eight-point CSO agenda. Several CSO speakers went on to call on governments and international institutions, including IOM, to ensure the follow-up and action on the eight-point CSO agenda, including possibly through specific agreements between IOM and CSOs on

commitments to concrete measures to follow up the points and issues reflected in the IOM and CSO HLD papers. IOM agreed to look at what can be done to fulfill this request.

The issue of CSO interaction with the Global Migration Group (GMG) was also briefly discussed. Although, there is currently no interaction between CSOs and the GMG as a grouping, it was noted that CSOs are partners of individual GMG agencies. It was further pointed out by some CSO participants that there could be value in greater involvement of CSOs in the GMG as integral partners. One CSO delegate suggested that in view the fact that not all GMG agencies work primarily on migration, IOM could perhaps consider taking on the GMG chairmanship on a permanent basis. The DG explained that the GMG now has an annual work plan and that IOM had put in a proposal for its permanent co-chairmanship, with other agencies as rotating co-chairs. IOM added that improvement in the work of GMG can be observed, although some points still need to be addressed, such as consistency of follow up across the broad range of issues in addition to the choice of thematic focus of any given GMG chair.

CSO representatives asked IOM what role, if any, it had in mind for civil society in the campaign to improve the public perception of migrants. IOM emphasized that improving the public perception of migrants can only be achieved through the social integration of migrants and the respect for their rights as human beings. In this regard, IOM calls for enhanced and continued engagement of CSOs in the issue of social integration of migrants.

With respect to data on African migrants and African diaspora, a CSO delegate asked for the assistance of IOM with data gathering so as to contribute to the development of Africa by assisting individual countries to access skills in short domestic supply from its diaspora populations. IOM confirmed its readiness to cooperate with African states and all relevant actors in data gathering relating to the diaspora.

The question of the institutionalization of IOM-CSO annual consultations was raised by several CSO participants. IOM reiterated its intention, as mandated by its Constitution, to continue to work closely with CSOs, through, among other means, these annual IOM-CSO consultations.

III- Migrants' Rights

The importance of the framework of protection of migrants from a Rights perspective was the main point of discussion during the Migrants Rights session. Participants emphasized that the perception of migrants depends to some degree of the protection guaranteed by the legal framework. Speakers criticised the common belief that the enjoyment of human rights is a preserve of its citizens, instead of considering human rights as being applicable to all human beings, including migrants irrespective of their status. IOM and CSO were agreed on the principle that human rights are not a matter of charity but an obligation. Participants insisted on the access of migrants to their economic, social and cultural rights, in parallel to civil and

political rights, in accordance with Vienna Declaration of 1993 which stated that human rights are universal and inalienable, indivisible, interdependent and interrelated.

The IOM presentation on migrants rights focused on the explanation of standards from different fields of international law that are applicable to migrants and migration. The need to protect individuals in all circumstances and to place them at the center of migration governance was a running thread throughout the discussion. Mainstreaming the human rights of migrants to all HLD issues and not only on one HLD roundtable was a point made by several participants. Concerning the implementation of human rights of migrants, both IOM and CSO stated that it is not the task of lawyers to implement human rights but that it is the duty of professionals, like border guards, doctors, teachers, who come in most frequent contact with migrants. It was also stated that the protection of the human rights of migrants is, a priori, the responsibility of States. It was further underlined that excepting the right to enter and the right to vote, all human rights are applicable to all migrants. CSOs and IOM were also in concurrence on the point that all their activities should be founded on human rights. Participants encouraged States who have not yet done so to ratify the United Nations Convention on the Protection of the Rights of all Migrants Workers and Members of their Families.



A CSO representative requested that good practices of States on migrants' rights be more broadly made known so as to encourage States to learn from each other. Some CSO representatives added that the search for alternatives to the detention of migrant ought to be a priority.

The possible contradiction between different rights due to the supposed hierarchy of human rights was raised by a CSO delegate. The speakers confirmed that different levels of migrants' rights exist; some of them are inherent to human being and cannot be denied, like for example the prohibition of torture. It was also stated that migrants have the right to enjoy economic and social rights such as the right to health which includes the access to basic health services rather than only emergency health care.

A further discussion point touched on the 'voluntariness' of Assisted Voluntary Return and

Reintegration programs. IOM explained that sometimes there is simply no other alternative solution to migrants, particularly when they are in a very difficult and vulnerable situation. It was argued that IOM will sometimes find that it has little option but to help migrants for benefit from the assisted return and reintegration support rather than face deportation or prolonged or indefinite detention. Again, the question becomes one of putting the individual at the centre.

Participants agreed on the importance of civil society inputs in the improvement of migrants' rights on the ground, as well as in providing inputs into the reports issued by the various Human Rights Committees. In this regard, it was pointed out that IOM submits reports to the UN treaty bodies on the situation of migrants' rights in States under review. IOM further called on CSOs to contribute by providing inputs into IOM reports, or by preparing their own reports, with IOM support if they so wish.

IV- Migrants and Crises

In the session on migrants and crises, speakers shared lessons learned from Libya (IOM), the DRC (Jesuit Refugee Service), Lebanon (Caritas), Afghanistan (Norwegian Refugee Council) and on the theme of Migration and Health (Médecins Sans Frontières).

- *Libya*

The presentation on the Libya crisis underlined the manner in which the crisis brought the situation of migrants caught in crisis to the fore. The large movements of migrants fleeing Libya and needing support to return home also highlighted the need to respond to crises, both in the country where the crisis occurred and in the countries where migrant workers returned to, especially if these countries are themselves facing political, economic and/or social challenges. The challenge is that, broadly speaking, the international system is not geared towards a comprehensive response involving such a broad variety of actors and in a range of issue areas.

It is based on this experience that IOM decided to develop the Migration Crisis Operational Framework (MCOF), to provide both states and international actors with an analytical and operational tool to improve both preparedness and response to crises. In November 2012, IOM Member States approved the MCOF by consensus through a resolution of the IOM Council. The MCOF combines IOM humanitarian activities and migration management services and into a framework on how to address the complexity and multiplicity of migration crisis issues. IOM considers this framework an important instrument to improve the provision of assistance to migrants caught up in situations of crisis. This tool, which is a live document that can be adapted to future experiences and input, could also help CSOs to better respond to migration crises and migrants' needs. IOM encouraged CSOs to provide feedback on the MCOF and would be pleased to work closely together to identify gaps in the framework document.

Several CSO representatives felt that the Libyan experience demonstrated that many difficulties that countries could be faced with in dealing with huge numbers of returnees, such as Bangladesh, particularly with regard to their evacuation. In this regard, participants agreed on the need for a continued debate on global governance on migrants' crisis, building upon the IOM International Dialogue for Migration discussions in 2012. CSOs appreciated the IOM crisis migration framework and agreed on its utility from a crisis management perspective. However, some areas which need additional attention, for example, the detention of migrants and health-related concerns, were identified. Participants further emphasised the need to enhance linkages and connections between humanitarian response and development.

- *Democratic Republic of Congo*

The presentation on the Democratic Republic of Congo (DRC) crisis focused on the issue of health conditions, water and sanitation. Many migrants and IDPs in the DRC have no access to safe drinking water, with most of them living in spontaneous settlements near Goma. The limited access to safe drinking water has resulted in many diseases, health and hygiene problems within the affected communities. The lack of coordination between different humanitarian agencies was felt to be largely responsible for this situation, and for the general dysfunction of the humanitarian system in the DRC. The presenter suggested that all humanitarian agencies should focus on the entirety of the individual's needs, and that they should then expand their interventions to include the officially recognized as well as the spontaneous settlements.

- *Lebanon and Syria*

Caritas Lebanon has been involved in the evacuation of third national migrants from Lebanon, Libya and Syria. Caritas Lebanon was a principle service provider during the Libyan crisis in 2011 for distressed migrants. In addition to a large array of activities, such as shelter and medical assistance, Caritas has facilitated the smooth repatriation of thousands of migrants. Since the beginning of the unrest in Syria in March 2011, thousands of Syrians have fled their homes and sought refuge in Lebanon. After requests for assistance from the Philippine and Indonesian Embassies in Lebanon, Caritas reached to IOM and various embassies to begin contingency planning with all involved stakeholders for possible evacuation of third country national migrant workers from Syria, through Lebanon, to their countries of origin. In this context, IOM and Caritas organized two site visits of embassy personnel to the border areas to familiarize them with the status of existing facilities and advance on planning for large scale evacuation.

Participants noted the importance of close coordination and transparency between IOM and local NGOs, including Caritas Lebanon, in order to reach the common goal of ensuring the protection of migrant workers during crises.

- *Afghanistan*

Speakers in this session noted that there is no Afghan family that has not been affected by migration and displacement, thereby increasing fragmentation of Afghan society. Many generations were and are still suffering from forced internal and external displacement. In this prolonged crisis context, trafficking is becoming a real concern because of, among others, the criminal structures that have taken root. Despite the economic problems and challenges that the two countries are facing, Pakistan and Iran still host large numbers of Afghan refugees.

Participants recognized the need to solve a lot of problems resulting from the confusion and non-separation between humanitarian space and political work, the partiality of some humanitarian actors and the difficult economic conditions in Afghanistan. The importance and usefulness of local NGOs in humanitarian action was highlighted because of their broad knowledge based on a long experience on the ground.

Speakers called humanitarian agencies to address the challenges related to the urban IDPs which has significantly increased the population of Kabul. This situation has resulted in a high incidence of urban violence which has significantly worsened in recent years. Delegates acknowledged the difficulty in dealing with IDPs in an urban environment, especially because of their vulnerable economic situation. Additionally, the land claims by Afghan returnees from Pakistan to Afghanistan are resulting in new conflicts within the society.

- *The Health of Migrants in Crisis Situations*

Participants deliberated on the health impacts that migrants are faced with in crisis situations, and on what role national migration policies play in this regard. Migrants often constitute the most vulnerable groups in crisis and post-crisis contexts. Often, this is related to existing government policies which may directly or indirectly have consequences on migrants' rights and their limited access to basic services amidst anti-migrant sentiments, discrimination and violence against them. In crisis situations, it is critical to provide comprehensive humanitarian actions including emergency evacuations and return programs, but humanitarian actors and governments must ensure that health needs of migrants are addressed during emergencies and that preventive and curative healthcare services are provided throughout the migration process – before, during travel, at destination and upon their return home. CSO representatives pointed out that border controls and detention centres procedures often contribute to factors that could lead to the deterioration of migrants' health conditions and psychosocial well-being such as lack of access to care or sub-standard quality of care, or language and cultural barriers among others.

While recognising that the protection of migrants is first and foremost the responsibility of states,

CSO participants encouraged IOM to actively engage with governments and partners to facilitate and/or ensure enabling environments including capacity building and awareness-raising to provide rights-based access to health care and psychosocial assistance irrespective of their migration status. In addition, participants agreed to work together to address xenophobia, negative perceptions of migrants and restrictive measures regarded as key issues in accessing health care services in detention centres especially for women and children.

Participants agreed to contribute through global, regional and country level multi-sectorial dialogues and targeted actions to gather more data for evidence-based advocacy for migrant-inclusive and coherent policies, ensure social protection and access to rights-based health service delivery especially, in detention centers, and sharing of good practices.

V- Conclusions and Recommendations

(a) HLD and the Integration of Migration into the post-2015 Development Agenda

- There was broad recognition by participants of the positive developments since the 2006 first High-Level Dialogue on Migration and Development;
- Participants agreed that the 2013 second HLD offers opportunities to establish and improve existing linkages between migration and development;
- The sense of convergence, suggested by the common points between the IOM position on HLD and the CSO eight-point agenda, was noted;
- Participants commented positively on the five-year Action Plan submitted by Global Civil Society to the HLD and stressed its usefulness for the international debate on the integration of migration into the MDGs, including the HLD and post-2015 debate;
- CSO representatives called for closer partnership with IOM and cooperation in some form with GMG, particularly with regard to the five-year Action Plan;
- IOM expressed its willingness to work with CSOs beyond the HLD in order to develop a shared vision on development and migration;
- The negative perception of migrants is an impediment to the fuller realisation of the development impact that migration could result in, leading to participants' call for further work in this area;
- CSO delegates called on IOM to institutionalize the annual consultations with CSOs and to look into the possibility of financially supporting their participation so as to include an

even broader range of CSOs in the consultations;

(b) Migrants' Rights

- Participants underlined the importance of putting the migrants at the centre of migration discourse. Further, respect of the individual and for his/her rights must be the basis of IOM and CSO actions;
- Participants stressed the need for further deliberation and a common understanding of the 'rights-based approach'. The need to ensure effective protection of each migrant, based on the existing international legal framework, should guide deliberation on this issue;
- Participants noted that the international legal framework is a framework for effective, sustainable and accountable migration governance with respect for all human beings;
- There was consensus that states are responsible for implementing their international obligations with regard to migrants, and that humanitarian agencies and CSOs can only but assist States in this regard;
- IOM expressed its will to enhance cooperation and partnership with CSOs in the protection of migrants' rights;
- Participants agreed on the inalienability of human rights which are not limited to citizens and are applicable to all human beings, including migrants,;
- IOM and CSO delegates emphasised the need for a common framework based on a rights approach to address migration-related issues;
- Cooperation between IOM and CSOs must be enhanced so that both can work effectively in the spirit of cooperation and collaboration to achieve the common goals, of which there are many;
- IOM and CSOs agreed to improve communication and coordination at all levels;
- Participants underlined the need to improve the public perception of migration and migrants in both host and origin countries;

(c) Migrants and Crises

- Participants shared concern about the plight of migrants in crises and agreed that there is need to further increase efforts to improve effectiveness of the response, building upon the momentum generated by the adoption of the Migration Crisis Operational Framework

by the IOM Member States in 2012;

- IOM and CSOs agreed to continue to bring the plight of migrants in crisis situations to the attention of the international community and to improve help for and protection of vulnerable migrants;
- The IOM campaign to improve the public perception of migrants was welcomed by the participants;
- CSO participants called for greater coordination, cooperation and the sharing of effective practices between IOM and CSO partners, in crisis situations as well as in ensuring rights-based access to health care and the well-being of migrants upon their return home;
- IOM is committed to ensuring progress on the issues raised by CSOs by continuing close partnership with CSOs, both at Headquarters and field level, in between consultations.

SPECIFIC ACTION POINTS

1. IOM and interested CSOs will continue the deliberation on alternatives to detention centres, particularly for migrant women and children;
2. The IOM campaign aimed at improving the public perception of migration and migrants will endeavour to include CSOs wherever possible;
3. IOM will continue to ensure the protection of human rights of migrants in any actions it undertakes that are assisted voluntary return-related.