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Presented orally and in writing on 10 November 2010 to the opening Plenary of States, Civil Society and Observers, Global Forum on Migration and Development 2010, by John K. Bingham, Chair of the CSD Steering Committee.

**Statement of the Civil Society Days
Global Forum on Migration and Development
Puerto Vallarta, Mexico
8-9 November 2010**

More than 400 delegates and observers from 80 countries, representing migrants and a wide range of other civil society actors, international organizations and 33 governments, met during the Civil Society Days of the Global Forum on Migration and Development in Puerto Vallarta to consider the theme of this year's meeting--"Partnerships for Migration and Human Development: Shared Prosperity, Shared Responsibility." We were honoured by the presence of H.E. Felipe Calderon Hinojosa, President of Mexico and the active participation of the first lady, Sra. Margarita Zavala.

We acknowledge that clear progress has been made on better integrating civil society in the debate with governments, and congratulate the host government Mexico and the organizing team at Bancomer Foundation. We hope that this greater engagement between civil society and government will lead to practical outcomes.

As we meet for the fourth time, we reiterate that while voluntary migration can contribute in important ways to development, migration is not and cannot be used as a substitute for development. Our deliberations took place as the global economic crisis continues to threaten the economic well-being of millions; climate change poses the potential for large scale displacement within countries and across international borders; and criminalization of migrants, militarization of borders and attacks against immigrants, most particularly the massacre of 72 Central and South Americans in Tamaulipas, threaten the human and physical security of migrants. Civil society decries rising xenophobia that scapegoats migrants for broader societal and economic problems that are not of their making. The perception of migrants, in countries of origin, transit and destination needs to change radically. Against this backdrop, particular emphasis was given to the importance of greatly increasing efforts, partnerships and mechanisms to ensure protection of the human rights of migrants worldwide.

Human development

We welcome the GFMD chair's focus on human development. We emphasize that the right to development is a basic human right; it is far more than economic growth. It is a holistic principle that guarantees the social, economic and cultural rights of all, including migrants; it must include opportunities for human growth, access to decent work at

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home and abroad, health care, education, security of life and person, and full participation in political and social processes. In short, there can be no real development without human rights.

We urge governments to move migration out of the national security agenda and towards the framework of human rights, human development and human security. We also call on governments to assess the impact of trade policies, agricultural subsidies, and unsustainable development programs that displace large number of people from their homes and livelihoods.

Remittances are an important but not exclusive means by which migrants contribute to human development. Remittances must not be used as replacement of government responsibility to finance and allocate resources for development. Governments should recognize the potential pitfalls – the perpetuation of the culture of dependency and overreliance of governments on remittances.

We often hear “migration should be by choice, not necessity,” but what does this phrase mean? Essentially, it is creating jobs at home that provide adequate income and decent work conditions and public services, such as health and education, which ensure people’s well-being. While governments have primary responsibility for sustainable development, they should work with civil society to create public policies that alleviate the need to migrate in search of better opportunities. They should also support the initiatives of the many federations and migrant clubs and associations in destination countries that send money back to the origin countries to create jobs, support public services and generate development.

Labour migration

We urge governments to eliminate the degradation of fundamental human rights based on forms of migration, in particular between highly-skilled and mid and low-skilled workers, between temporary and permanent migrants, and between regular and irregular migrants. Visa systems should be reformed to eliminate discrimination in status between so-called “high skilled” and “low skilled” workers with respect to portability of employment permits, family unity and possibilities of permanent settlement. We note as well the problematic use of gender, race and ethnic differences to differentiate and divide labour.

Civil society calls upon governments to organize evidence-based discussions of temporary and circular migration. Civil society considers that the GFMD tends to turn a blind eye to the many pitfalls of temporary labour migration programmes and overestimates their advantages.

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We recommend steps to protect the rights of migrant workers, including strict regulation of recruitment agencies; no shifting of recruitment fees directly or indirectly, in whole or in part, to migrants; lowering other costs of migration; ending visas tied to specific employers (i.e., sponsorship systems, especially for low-skilled workers in sectors of conspicuous vulnerability and abuse); protecting migrant earnings; facilitating remittance transfers; freedom of association; and providing portability of pension and other social security benefits related to employment. We call, in particular, for the adoption, ratification and implementation of the ILO domestic worker's convention to ensure greater protection of this particularly vulnerable population.

Enforcement of worker rights must be de-linked from immigration enforcement policies. Access to justice is fundamental to maximizing the benefits of labour migration for workers. For example, migrant workers should have access to social security benefits, health care, and legal remedies and mechanisms for enforcing rights. Migrant workers should have access to information about their rights and conditions of work in countries of destination.

Redefining and reducing “irregular migration”

Delegates pointed to hypocrisy in government policies to control irregular migration. Effectively, governments say “We need you but we do not want you.” Irregular migrants make contributions to society and the economy but get little in return—for example, they are not eligible for social benefits or pensions despite often contributing in tax payments. Further, by not addressing the root causes of migration, governments are contributing to further irregular migration.

Civil society supports the enactment of specific mechanisms for regularization of the status of irregular migrants to address these contradictions. We caution governments that they should not use the term ‘illegal immigrant’ because everyone has inherent human rights. We support regular and safe migration channels for low-wage workers, domestic workers, etc.

We deplore the growing criminalization of irregular migrants, the heavy emphasis on security, enforcement, militarization, detention, border controls and deportation. Criminalization is a serious obstacle for undocumented migrants in their protection from violence, access of essential public services (for example, health care and education), support services, and access to justice and redress. We urge governments to explore alternatives to detention that not only are more humane but cost less as well. Children should not be detained under any circumstance.

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Human Security and Protection of the Human Rights of Migrants

Children and youth, particularly those unaccompanied in their journeys, must be given appropriate care and protection, in accordance with the principles of the Convention on the Rights of the Child.

Partnerships amongst all stakeholders including government, civil society groups (including migrant associations, trade unions, and human rights organizations) and employers are essential to the promotion of migrant rights, particularly labour rights

In the context of the 20th anniversary of the adoption of the Convention on the Rights of All Migrant Workers and Members of their Families, we urge governments to ratify and implement this important instrument as well as the other core human rights conventions. States that have ratified these conventions should take steps to incorporate them into national legislation and practices.

Families

There needs to be recognition of the social cost of migration, especially for women and families, because of abandonment, alienation of children and difficulty of maintaining family ties while recognizing that migration also has benefits for families. Lack of policy regarding families and too much focus on the individual worker and not their family impede efforts to protect the families left behind by migration. Within this framework, the rights of families (to reunification for example) must be included.

Indicators need to be developed to measure the cost and benefits of migration for families. Mechanisms need to be set up at the local, national and international level for family reunification. More specifically, we urge governments to ease access to visas to allow visitation with family in destination country, create transnational mechanisms to facilitate legal process in the destination country for alimony and child support for families left behind to ensure that they are receiving some money to maintain the household, implement a database system to identify disappeared migrants, with access by either NGO/consulates to be able to help families' track down their relatives, and set up technological systems to allow communication between families

Gender sensitive migration policies: Women's agency and development

Civil society gave particular attention to gender issues, focusing specifically on the situation of migrant women and women staying behind. We underscore that women are not primarily victims, but bearers of rights and active agents in claiming their rights and contributing to development. Migrant women need to be independent in terms of documents, work permits, mobility and control over income. Women's economic, social

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and cultural rights must be ensured, including the right to decent work. We call on governments to develop gender-sensitive monitoring indicators on migration policies, including indicators to measure progress of CEDAW's General Recommendation #26 for women and girl migrants. Governments should recognize and address the adverse effects of current migration policies on women and acknowledge the different needs of women in different regions and circumstances.

We decry violence against women migrants, including trafficking. We call upon governments to implement policies to eliminate violence against women, that they protect migrant women's human rights at every stage of the migration process, irrespective of women's origin, sexual orientation and other grounds of discrimination. Gender-based persecution needs to be considered as grounds for refugee status under the Refugee Convention.

Migrant empowerment

The voice of migrants must be heard in public policy debates, especially regarding migration policies and development policies of their home and destination communities. We must ensure that community-based migrant organizations and youth organizations are allowed to fully participate in processes such as the GFMD.

We support migrant empowerment so they are better able to defend their human and labour rights and combat exploitation and abuses in both countries of origin and destination. We urge governments, foundations and other donors to increase the resources available for capacity building of migrant organizations, focusing on such areas as financial literacy, development of organizational skills, advocacy and education, including small diaspora organizations and binational organizations that work in both countries of origin and destination.

Climate change

Climate change, in combination with other factors affecting people's livelihoods and security, holds potential to displace people in an unprecedented manner. Much of this migration will be internal or across borders into similarly vulnerable countries. Areas of concern include the absence of national and international policies, institutional systems, and rights-based normative rules to address large scale movements of people because of climate change. There is absence of research and in-depth studies on such migration. Moreover, there is lack of consensus on basic definitions—for example, whether those displaced by climate change should be considered migrants, displaced persons or refugees.

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We call upon developed countries to provide technical and financial resources towards mitigation and adaptation strategies and support public services to help countries of the Global South address the impact of climate change. We call for further regulation of corporations to stop the reckless agricultural, deforestation and industrial practices that contribute to the destruction of land, water, forest and environment. Proactive policies must be evolved globally to address problems of island nations and delta regions that are under threat of inundation. Adaptation strategies should consider ways to help people remain at home when possible and ways to help people move in safety and dignity when they cannot stay in place. We call upon governments to involve migration experts and the diaspora in such strategies.

Regional and Inter-regional Consultative Processes

We call upon governments to include civil society in the regional and inter-regional consultative processes. Greater progress will be made in implementing recommendations from the RCPs if governments elevate the processes to formal, binding structures. We call on governments to ensure that a human rights approach is at the forefront of these processes.

Future of the Forum

Civil society recognizes significant steps that the GMFD has taken under Mexico's leadership this year. Civil society applauds several innovations by the Mexican government this year: bringing some 200 civil society delegates together with the entirety of states in the formal GFMD programme of the states, the formal connection of the CSD to the parallel People's Global Action on Migration, Development and Human Rights held the week before; the new focus on irregular migration, climate change, families and gender perspectives in migration; the survey of civil society conducted on the Future of the Forum; and the concrete case study approach that looked at migrant domestic workers and remittance maximization, among others. While progress has been made, we believe that engagement between civil society and governments is still too limited and we call upon governments to more fully bring civil society into their deliberations and work with civil society to ensure implementation of the recommendations coming out of the entire GFMD process. The Civil Society Days expressed concern as well about the ad hoc nature of the GFMD, whose future appears too dependent on the willingness of governments to volunteer to host the annual events.

Moving ahead, civil society urges specific and honest, evidence-based attention within GFMD processes to the following subjects:

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1. The pitfalls of temporary and circular migration
2. Effective partnerships and serious measures to increase protection of migrants in transit
3. Rights-based labour migration policies
4. Reducing the necessity to migrate and the financial and social costs of migration
5. Greater integration of private sector actors and shared initiatives in migration and development.

Finally, civil society looks forward to working with Switzerland to measure and deepen the impact of all these processes, not to reduce the importance of the GFMD but with a fresh look at thematic centered discussions, regional approaches, and formal assessment, in collaboration with all stakeholders in that pursuit.

This statement and also a full report of the Civil Society Days conclusions and recommendations will be made available on the GFMD website.