

CSO JOINT STATEMENT*

Asia-Pacific Regional Preparatory Meeting for the General Assembly High-level Dialogue on International Migration and Development 2013

Item 4

Bangkok, 29-31 May 2013

We wish to thank the Member States and Secretariat of ESCAP, IOM, and members of the Asia-Pacific RCM Thematic Working Group on International Migration, including Human Trafficking, for giving civil society an opportunity to share our thoughts today. Thank you, Mr. Chair.

This statement is made on behalf of civil society organisations, trade unions and migrant workers, and its recommendations are reflective of the themes elaborated in the civil society 7-point, 5-year Agenda endorsed by the Civil Society Steering Committee for the UNHLD.

We welcome the opportunity to address this meeting, and hope to continue to be able to actively partner with you on critical issues of global migration governance and concrete action in the work towards and at the UN High Level Dialogue on International Migration & Development in New York in October. We appreciate the presence and willingness of the States that are here to engage in this process.

Considering that migrant workers support themselves, their families and communities; that countries of origin, transit and destination receive significant social and economic benefits from migrant workers; it is unacceptable that the international governance of migration rests outside the protection of the human rights framework.

Governments should actively prioritize ending all forms of discrimination against migrants, regardless of legal status or factors including nationality, gender, age, sexual orientation or gender identity, health and pregnancy status, or occupation.

The UN High Level Dialogue on International Migration and Development and the post-2015 development agenda must focus on promoting decent work, including a living wage, for migrant and local workers alike. This is the only way to create shared prosperity, reduce inequalities, and dampen xenophobia. The decent work agenda must underpin all migration policies and programmes. Governments should respect the rights and the effective practice of freedom of association, which should also include worker organising and collective bargaining.

Governments must recognize that women are rights bearers and active agents in claiming their rights and contribute to just and fair development. It is imperative that an intersectional perspective on gender that establishes protections that recognize and take into account the numerous, specific risks that migrant women face and provide redress, including compensation be developed.

Governments of origin, transit and destination countries should recognize, respect and affirm migrants' right to the highest attainable standards of physical and mental health, including sexual

and reproductive health and rights, irrespective of migrant status. This should include health services for sexually transmitted infections, HIV, reproductive cancers, contraception, maternal health and safe abortion services. Governments must lift any discriminatory policies based on health status, including HIV status, pregnancy, and communicable diseases.

Governments should also prioritize occupational safety and health of migrants, and ensure safe working conditions and regular inspections of work places, including the elimination of industrial accidents and usage of hazardous or toxic materials.

We propose the establishment and strengthening of migrant-friendly, gender-sensitive and rights-based policies and mechanisms at origin, transit and destination countries and in the international governance of migration, to ensure the following:

- Protection of migrant workers' **labour rights**, including the rights to equal pay and safe and healthy working conditions, to form and organise trade unions and migrant workers' associations, to ensure portability of social protection, to guarantee access to health services and removal of policies that discriminate on the basis of health status, and to provide paths to citizenship for migrant workers and their families;
- Identification or creation, and implementation, of effective standards and mechanisms to regulate the migrant labour **recruitment industry** to prioritise the human rights of migrants;
- Migrants become stranded in many different ways—with emergency situations being one among many scenarios that can render migrants stranded. Governments must not see the label of **stranded migrants** as outside the existing human rights legal frameworks, but as complementary to the human rights framework including the Refugee Convention (1951), the International Convention on the Rights of All Migrant Workers and Members of their Families (1990), and the Convention on the Reduction of Statelessness (1961)
- Governments should recognize **the gender aspects of migration** and address their impacts, and affirm women's autonomy and protect and fulfill their rights throughout the migration process, ensuring independent migration status that provides the right to work and ensures access to redress. Governments must prevent and address sexual harassment, violence and sexual abuse in and outside of the workplace and to promote equitable access to sexual and reproductive health and rights.
- Governments should acknowledge **children and youth** as rights holders, and develop policies for them in the context of migration. This should involve investing in communities in sending areas, lowering the economic and social cost of migration, and ensuring that migrant children and youth, irrespective of their migration status, enjoy the legal protection and rights as per the Convention on the Rights of the Child and other international standards.
- Establish processes to facilitate the **participation** of migrants, people affected by migration, civil society and trade unions, in the development of laws, policies, programmes and initiatives on migration and migrants' rights;

- Promote the **exchange of good practice** and enactment and implementation of national legislation to comply with the full range of provisions in international conventions that apply to migrants, migrant workers and their families, and refugees;
- Reaffirm that a **human rights-based framework** should be the primary framework for intergovernmental governance of migration and institutionalise the participation of civil society in these governance mechanisms;
- Integrate migration into the **post-2015 development agenda** in such a way as to address the financial and social contributions of migrants to development, and that protects and promotes migrants' rights and ensures improved policy planning and coherence to make migration a genuine choice and not a necessity.

Thank you Mr. Chair.

* This statement is endorsed by the following organisations:

Asia Pacific Alliance for Sexual and Reproductive Health and Rights (APA)

Asia Pacific Refugee Rights Network (APRRN)

Asia Pacific Forum on Women, Law and Development (APWLD)

Asia-Pacific Mission for Migrants (APMM)

Asian Migrants Coordinating Body (AMCB)

Asian-Pacific Resource and Research Centre for Women (ARROW)

Building and Woodworkers' International (BWI)

Coalition of Asia-Pacific Regional Networks on HIV/AIDS (7 Sisters)

Coordination of Action Research on AIDS and Mobility (CARAM Asia)

Global Alliance Against Traffic in Women (GAATW)

Global Migration Policy Associates (GMPA)

International Trade Union Confederation – Asia Pacific

MAP Foundation

Mekong Migration Network (MMN)

Migrant Forum in Asia

Migrants Rights International

Raks Thai Foundation

Workers Hub for Change