

Final version

Report of the general rapporteur on horizontal issues

Mevrouw de Voorzitster,
Excellenties,
Dames en Heren,

U zal het zich ongetwijfeld herinneren: het programma van deze bijeenkomst van het Forum kwam tot stand na een brede bevraging. Al zijn de volgende thema's weliswaar niet gekozen door een meerderheid van de Staten, toch hebben sommigen onder u aangegeven dat zij het belangrijk vinden om ook de thema's gender, mensenrechten en de grondoorzaken van migratie aan bod te laten komen op deze bijeenkomst. Men heeft toen de beslissing genomen om deze drie thema's op een transversale wijze te behandelen in de loop van de werksessies.

Ambassadeur De Clercq heeft toen aan het Centrum voor gelijkheid van kansen en voor racismebestrijding gevraagd om een bijdrage te leveren over de mensenrechten van migranten. Waken over de fundamentele rechten van vreemdelingen is één van de wettelijke opdrachten van het Centrum, en daarom zijn wij graag op deze vraag ingegaan. We hebben daarbij kunnen rekenen op de waardevolle bijdrage van verschillende organisaties, zoals het Office of the High Commissioner for Human Rights, de United Nations Division for the Advancement of Women, het United Nations Development Fund for Women, de International Labor Organisation, en ten slotte de International Organisation for Migrations. Voor de genderspecten konden we tijdens deze bijeenkomst rekenen op bijdragen van zowel het Instituut voor gelijkheid van vrouwen en mannen als van Mevrouw Mazal Renford, experte van de Israëliëse delegatie. Voor het thema van de grondoorzaken van migratie tenslotte heeft de Heer Haustrate een onmisbare rol gespeeld. Ik wil elk van hen én ook de medewerkers van de task-force en van het Centrum uitdrukkelijk bedanken.

CAUSES PROFONDES DES MIGRATIONS

Madame la Présidente, je veux d'abord aborder les causes profondes, pour ensuite en venir au genre et finir avec les droits de l'homme.

Observations principales

Les migrations internationales ont des causes diverses et complexes. Elles découlent généralement de disparités économiques, démographiques et sociales majeures. Trop souvent la migration est la seule alternative pour échapper à des conditions locales désastreuses telles la pauvreté extrême, les maladies, les conflits armés, les inégalités et les violences basées sur le genre, l'instabilité politique, la faiblesse des institutions, le manque d'infrastructures, la dégradation de l'environnement, le réchauffement climatique ou la désertification... Ces conditions se traduisent essentiellement par un manque de perspectives de développement. La migration apparaît alors comme rien moins qu'une stratégie de survie personnelle et communautaire.

Recommandations

Les **politiques de développement** axées sur les Objectifs de Développement du Millénaire, **peuvent, en agissant sur les causes profondes de la migration, contribuer** à ce qu'elle se fasse par choix et non par nécessité. Elles peuvent en outre rendre les conditions dans le pays d'origine propices au retour des migrants qui le désirent.

Traiter les causes profondes de la migration implique notamment

- le respect des engagements de porter l'aide publique au développement à 0,7 % du PIB pour contribuer à une distribution plus équitable de la richesse
- une plus grande cohérence dans les politiques des pays du Nord qui ont un impact sur le développement, et en particulier une réduction des subsides à l'exportation, surtout dans le domaine agricole, ou une réduction des droits de douane sur les produits agricoles des pays du Sud, causes d'exode rural
- une participation des pays d'origine aux avantages et aux bénéfices de la globalisation, qui doit être plus inclusive
- la création, dans les pays d'origine, d'un « environnement favorable », en particulier sur le plan de la gouvernance, de la promotion de l'emploi et du travail décent pour tous, et du renforcement des systèmes de santé avec l'accent sur les ressources humaines et la lutte contre des maladies telles que le Sida

Ces mesures pourraient être complétées par un ciblage des politiques sur les pays ou régions à fort potentiel migratoire lorsque celui-ci apparaît comme un indice de manque de développement.

A ces mesures s'ajoutent les contributions des migrants au développement de leur pays d'origine. Celles-ci devraient être intégrées dans les stratégies de développement des pays d'origine tout en préservant le libre choix des migrants.

Une recherche plus précise devrait être engagée sur les causes profondes des migrations dans les différents pays et régions, sur leur impact sur le développement et leurs conséquences pour les flux migratoires.

Gender

The gender aspect of migration and development could have been discussed more extensively as one might have expected during this meeting of the Forum. Some aspects of the discussions however have been highlighted.

These can be summarized as follows:

Currently women constitute **almost half of all migrants** worldwide, an estimated 95 millionⁱ and in some countries they account for up to 80% of the totalⁱⁱ population of migrants.¹ Females occupy an increasingly larger space in the - high and low skilled - **labor migration** world

Migration has a significant impact 1) on the **economic role played by migrant women and/or female headed households** who remain in the home country and 2) **on the dynamics of household communities and society** (e.g. impact on families left without a caretaker because of female migration).

The contribution of migrant women to economic growth and poverty reduction should be recognized. As senders and recipients of remittances, they are **major contributors** to household welfare, education and health, and more generally to the well-being of families, communities and national economies.

Migrant women have **specific vulnerabilities**. Many female migrants are concentrated in low skilled, unprotected and poorly regulated sectors, and are vulnerable to exploitation. Labour migration policies and practices should hence be adopted to ensure **decent working conditions for them**, for example by means of standard contracts.

Women need to be empowered. In this framework, training and skills updating of women has been particularly highlighted to enable women to enhance their skills and pursue professional development. Examples included the training of nurses and gender-sensitive **financial literacy programs** to enable women who are senders or recipients of remittances to make effective use of financial services. In addition, **information and orientation** should be made available to migrant women on rights, obligations, risks, opportunities, integration or return options in origin (pre-departure) and in destination countries.

It is vital to **enhance equity** in access to financial resources and services as well as fiscal incentives, simplified procedures for starting businesses and support entrepreneurship. This maximizes the micro-impact of remittances for women and consequently the economic development of communities in countries of origin.

More generally it is important to **promote legislation, policies and practices for gender-based development** and create an enabling environment emphasizing **gender equity**.

Finally, **data on migration and development** generally obscure the gender aspect. As a preliminary to the design of gender-sensitive policies, initiatives should be planned to sufficiently **disaggregate data notably by sex and age** as well as to **take note of the non-economic impacts including less quantifiable issues**, such as changes in gender roles which could have implications on children.

Human rights

Last, but not least, let me address the issue of human rights.

Why do we have to talk about human rights when we address the migration and development debate? In yesterday's plenary session, Mr Barroso told us never to forget that migration is about human dignity, that migration is about fundamental rights. Fundamental rights apply to all human beings: they apply to citizens and non-citizens; they apply to documented migrants and the members of their families; but fundamental rights even apply to undocumented migrants; simply because they are human beings.

Let me first give you some findings about human rights.

- Despite the solidity and robustness of the formal global human rights framework, there is evidence that international human rights treaties are **not always respected** in practice, nor applied in an equitable manner to international migrants.
- In the opening session, we were reminded that barriers to **legal migration open the door to human trafficking**. Many subsequent interventions stressed the importance to fight human trafficking, a still growing phenomenon and, consequently, the importance of having forms of legal migration.
- Another point is, that it is widely assumed that **migrants whose rights are respected** are in the best position to contribute to the welfare of destination countries. And at the same time they are better placed to act as agents for development of their countries of origin.
- Finally, it is widely assumed that better **integration of migrants in countries of destination will increase migrants' contribution to the development** of their country of origin.

What recommendations were repeatedly formulated in this meeting of the Global Forum?

The recommendations can be **grouped into three categories**. The first one relates to the recognition of the human rights of migrants. The second concerns the promotion of these rights. The last one is about monitoring the actual implementation of these rights.

Regarding the recognition of rights:

- The whole set of international instruments on economic and social rights should be fully implemented. In addition, it was often heard that the stalemate in respect to United Nations Convention on the Rights of Migrant Workers and Members of their Families (1990) needs to be broken.
- All forms of **racism and xenophobia** are unacceptable: Public authorities should address this issue seriously, also within the framework of migration policies. Special attention should be given to the role of the media in creating stereotypes.
- **Legislation and procedures**, where appropriate in cooperation with non-state actors, have to be adopted to ensure a non-discriminatory treatment of migrants. They should be treated as nationals and deserve decent and equitable wages and working conditions; they deserve health care and other social provisions. Practical ways to ensure migrants rights are, amongst others:
 - standard contracts for migrant workers;
 - prosecution of employers who do not abide by labour rights of migrant workers; and
 - the portability of social welfare benefits
- A standardised system of **recruitment** should be fostered both in labour sending and labour receiving countries. Excessive competition between countries could severely damage the rights of migrants.
- For **private recruiters** and other agents a clear licensing and regulating system has to be installed to avoid abuses.
- Public authorities should give due consideration to the implications of the **right to family life** when developing migration policies.

Regarding the promotion of these rights:

The promotion of these rights is vital to the **empowerment** of migrant workers. Indeed, empowerment enables migrant workers to become active agents of their own lives. Migrants need to have the means to exercise their rights in order to fully participate in economic, social and political life both in the countries of origin and of destination. This empowerment is a condition for creating sustainable development through migration.

- Therefore, public authorities, in close collaboration with the diasporas, private partners and civil society organisations in countries of origin, should provide **pre-departure and pre-employment information, orientation and assistance** on rights and obligations. Similar services should also be available in destination countries.
- Countries of origin could maintain a link with their nationals abroad, for example through establishing **support structures in destination countries** for legal advice, advocacy, training, skills upgrading, contract or mobility negotiation, etc.

- Systems for proper **recognition of qualifications** from abroad should be created both in home and host countries to maximize the use of all available skills.
- The **access to banking services** and financial instruments should be facilitated for migrants.

Finally, human rights need good monitoring.

Indeed, good governance requires monitoring of the effects of all initiatives taken in the field of migration and development on the protection and promotion of migrants' rights, in order to ascertain that these are being respected.

Madam Chair, let me conclude.

In spite of the fact that we have been able to take note on each of the above three themes in the past few days, we have probably only scratched the surface. Many issues still remain to be tackled, allowing us to analyze them in a more thorough manner in future meetings of the Forum.

Thank you very much.

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