



# Global Unions' Reaction to the Outcome Document/Annexes for the United Nations 19 September 2016 High-level Meeting to Address Large Movements of Refugees and Migrants

## Introduction

There are many positive elements in the draft outcome document for the 19 September United Nations High-Level Meeting on Large Movements of Refugees and Migrants. It captures the urgency of dealing with the challenge and the need for mobilization, cooperation and global governance on refugees and migrants. That includes dealing with the wide range of root causes of these large movements. It is based on the universal values and standards of the UN, including instruments that protect the human rights of all persons (not only those Conventions applying specifically to refugees and migrants). It stresses the importance of addressing the particular problems of women and children and of the endemic problems of discrimination, racism, and xenophobia.

It underlines the importance of education, health care and other public services, as well as the need for full access to social security and other social protections.

The documents outline the necessity for considerable efforts by governments to act together on the ground, as well as devoting resources to migration. It is clear, however, that the main barriers to effective respect of the rights of migrants and refugees and to their resettlement are neither material nor technical. They are political. This reflection is in no way intended to challenge the commitments proposed, but rather to stress the need to generate the political will, nationally and internationally, to breathe life into those words.

## Global Governance

We welcome the commitment in the draft outcome document to strengthening global governance of migration and refugees. Challenges cannot be resolved at national level alone and require a global governance framework within which cooperation can take place.

Global governance, like all governance, requires a legal basis and rule of law, including full respect for the international standards, rules, and practices that have been developed in the ILO and, by the UN and its specialised agencies. The UN and those agencies have the mandate, the history, and the experience to oversee and apply the many human rights standards that are relevant to migrants and refugees.

Unlike the UN system, the **International Organisation for Migration (IOM)**, while playing an important role in migration, lacks a human rights mandate, authority and legitimacy.

The draft outcome document and annex II propose to give the IOM a status at the same level as the UN and would make it the lead agency for migration. By contrast, the other agencies and therefore, their instruments, mandates, and constituencies, are relegated to a secondary status. If the UN is unwilling or unable to take the lead, as a minimum, one or more of its agencies, in particular, the ILO, should share that responsibility with the IOM.

The IOM has no legal protection mandate and does not claim to have one.

Its stated goal of "managing migration for the benefit of all" is not based on universal principles or standards, but is shaped by national priorities as determined and funded by member state programmes. The IOM assists in the implementation of labour recruitment processes that facilitate the movement of temporary migrant workers across borders.

In some cases, such recruitment processes place migrant workers into employment where there are systemic violations of workers' human rights.

The IOM operates "assisted voluntary return" programmes, which lack agency accountability mechanisms to address cases where migrants are returned to dangerous situations.

The IOM also helps to operate immigrant detention facilities. The question of the root causes of migration identified by the UN documents are linked to the mandates of UN Security Council, the ILO, UNESCO, and the UNHCR. They are also relevant to many others, inside and outside of the UN, but not to the IOM.

## Human Rights and Employment

Being "human rights holders" covered by the Conventions on migrants and refugees and all other UN human rights instruments and exercising those rights are not the same thing. In the documents, particularly concerning refugees, there are references to their participation, involvement and "voice" and yet no mention of their right to form or join trade unions or other organisations to define and defend their interests. It is such enabling rights that allow them to help shape their own destinies. Limits on the effective exercise of **freedom of association** are directly related to the growing inequalities mentioned in the draft outcome document and identified in the 2030 Sustainable Development Goals.

**Precarious work**, mentioned in the draft outcome paper, also has serious effects on the exercise of rights. The very precariousness and insecurity of work creates fear that makes it nearly impossible to join with other workers and act collectively. Such work also impacts other rights linked to the employment relationship, including occupational health and safety and social protections.

In the draft outcome document, there is a call to facilitate "opportunities" for "**circular migration**". This is in the same paragraph that calls for the application of minimum labour standards. Annex I is even clearer, as follows: "Protection of labour rights and a safe environment for migrant workers and those in precarious employment; protection of women migrant workers in all sectors; promotion of labour mobility, including circular migration".

There is often a contradiction between promoting workers' rights and promoting circular migration. Circular migration is essentially temporary migration.

The outcome draft speaks of migration being freely chosen, but temporary migration, very often, is not the kind of migration that is freely chosen. It is also a form of "labour market flexibility" where workers come in as long as they are needed and then cast aside. As with temporary workers in general, there are a host of associated rights and protections issues for migrants that also affect host-country workers. This is especially true for low-skilled workers.

"Circular migration" may sound new, but abuses have been associated with temporary migration for many decades if not centuries. It is, in fact, "old wine in new bottles". Promotion of circular migration should not be part of the Global Compact of 2018. Instead, it should be subject to a realistic and comprehensive examination of its impact on the conditions and rights of temporary migrant workers.

The outcome draft states, "We will commit to reducing the costs of labour migration and promote ethical recruitment policies and practices between sending and receiving countries."

The costs of **recruitment agencies** are often paid by workers and their families in the form of fees, violence and intimidation.

Such agencies are also a source of corruption. Given the flagrant abuses in that industry, the "promotion" of ethical practices and cooperation between sending and receiving countries should be part of an effective legal and regulatory framework.

***This paper is an updated summary of a longer CGU statement which can be downloaded on the following links: [EN](#), [FR](#), [ES](#)***