

GLOBALIZATION/MIGRATION: IMPERATIVES FOR CIVIL SOCIETY AND INTERNATIONAL ORGANIZATIONS

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Abstract

This paper summarizes conditions driving irregular migration and substandard treatment of irregular migrants as a contextual framework, then discusses activities, challenges and constraints facing IGOs and NGOs in addressing irregular migration.

A central premise is that, under contemporary globalization, international labour mobility has increased, while levels of labour exploitation and deregulation have accelerated. Current practices regarding labour migration represent fundamental policy dilemmas for States, social partners, and civil society. Many States have placed increasingly strict barriers on legal entry of labour migrants, yet tolerate the presence of irregular migrants, especially those working in low-paid sectors lacking offer of national workers. Sectors employing migrant workers are usually those where little or no regulatory activity upholds minimum safety, health and working conditions that should ensure “decent work.”

Addressing migration in general and irregular migration in particular from a rights based perspective under economic and social conditions of globalization is bound up with strengthening the rule of law. IGO and NGO experience lead to conclusions that measures to strengthen regulation of migration and of the labour market are key to enhancing protection of migrants and reducing pressures and problems of irregular migration. Five key pillars for viable and comprehensive standards-based policy and practice are proposed as a global framework, and as a measure for identifying and discussing tasks and challenges facing IGOs and NGOs in concretely addressing irregular migration.

Main roles and activities of international organizations, social partners and civil society organizations in addressing service, education, advocacy and policy needs regarding migration are described.

The paper concludes with an outline of political trends that pose particular challenges and constraints to IGOs and NGOs, and suggestions of strategic lines towards effectively advancing protection of basic rights and dignity of irregular migrants, in national and global contexts.

1. GLOBALIZATION, DISPLACEMENT AND IRREGULAR MIGRATION

Growing economic interdependence of states is a widely acknowledged component of globalization. The immediate effects on global population movements are less easy to determine. However, as a recent ILO study put it, “The evidence points to a likely worsening of migration pressures in many parts of the world.... Processes integral to globalization have intensified the

disruptive effects of modernization and capitalist development.”¹ Many developing countries face serious social and economic dislocation associated with persistent poverty, growing unemployment, loss of traditional trading patterns, and what has been termed a “growing crisis of economic security.”

ILO calculates the current global total number of migrant workers and family members to be about 120 million. Global estimates for international migration figures more than doubled between 1975 and 2000, from 75 million people living outside their homelands to 175 million (including labour migrants, dependants, refugees, permanent immigrants). It is likely these numbers will double again in the next 25 years.

In a number of countries, accelerated trade is replacing or undercutting domestic industrial and agricultural production with cheap imports, but at the expense of many jobs in those sectors. Structural Adjustment Programs (SAPs) imposed reductions in government spending, state budgets and state subsidies. Reductions also meant significant reductions in government employment including professionals as well as skilled and unskilled workers. Job creation by private sector in many countries affected by SAPs has apparently not kept up with the numbers rendered unemployed by downsizing governments. In some countries, it has lagged behind. In many countries, structural adjustment conditions included termination of government subsidies or food price supports that also indirectly supported employment in agriculture, food processing and distribution. Population increases have further added to the ranks of job seekers, increasing the gaps in many countries between needs and opportunities for decent work and survival.

Growing demand for migrant labour

Meanwhile, the demand for migrant labour is not declining. Demographic trends and ageing work forces in many industrialized countries suggest that immigration will be an increasingly important option to address both increasing ratios of retired to active population and aging work forces. Some governments have begun to consider “replacement migration” as one policy option.²

The persistence of dual labour markets under globalization appears to be expanding the number of precarious jobs which national workers are reluctant to take. As a result, the demand for foreign labour reflects the long term trend of informalization of low skilled and poorly paid jobs, where irregular migrants are preferred as they are willing to work for inferior salaries, for short periods in production peaks, or to take physically demanding and dirty jobs.³

Small and medium size companies and labour-intensive economic sectors do not have the option of relocating operations abroad. Responses in these sectors include downgrading of manufacturing processes, deregulation, and flexibilization of employment, with increased emphasis on cost-cutting measures and subcontracting⁴. In a considerable number of countries, these measures have expanded the number of jobs at the bottom of the employment scale. Such employment needs are met only partially or not at all by available or unemployed national

¹ Stalker, P.: “Workers without Frontiers – the impact of globalisation on international migration”. ILO, Geneva, 2000.

² UN Population Division: “Replacement Migration – Is it a solution to Declining and Ageing Populations?” New York, March 2000.

³ Stalker P., *op. cit.*

⁴ Lean Lim, Lin; “Growing Economic Interdependence and its Implications for International Migration” in *United Nations: Population Distribution and Migration*, New York, 1998, p. 277.

workers, for reasons of minimal pay, degrading and dangerous conditions, and/or low status in those jobs and sectors, as well as alternative access available for unemployed in some countries to social welfare and unemployment insurance.

Research in Southern European countries demonstrates the extent to which “the migrants take jobs that the locals refuse. It’s simply a matter of substitution.”⁵ A recent study prepared for ILO noted, “We can conclude that migrants are in competition only with marginal sections of the national labour force ...when they are not sufficiently sustained by welfare provisions, in specific sectors, and/or in the less-developed areas inside these countries.”⁶

It is often said that migrant labour fills the “three-D” jobs: *dirty, degrading and dangerous*. The insertion of irregular migrants in the lowest skilled occupations responds to a structural need in developed societies. For the least qualified jobs, employers demand workers who will not exercise pressures on the salary structures. Given that, at least initially, immigrant workers won’t challenge the relation between salary and the social status attached to specific occupations, contracting migrant workers avoids the economic risks – particularly structural inflation – that national workers induce when they demand salary increases.

The exploitability of migrant labour, particularly when it is legally unprotected, renders it an attractive instrument for maintaining competitiveness. However, this is at the expense of formal protections of workplace safety, health, minimum wage and other standards. As the International Confederation of Free Trade Unions (ICFTU) highlights, organizing migrants and immigrants into unions or organizations to defend their interests and rights is often extremely difficult. When it is not considered illegal under national laws, organizing – especially of those without legal authorization for employment – is easily intimidated and disrupted by the threat or actual practice of deportation.⁷

The demand for migrant workers provides a significant impetus to labour flows and facilitates the incorporation of undocumented migrants⁸. Despite relatively high unemployment in a number of developed countries, foreign workers – including unauthorized migrants – are able to find jobs easily⁹. For example, a Mexican undocumented migrant worker to the USA will usually find a job two weeks after his/her arrival. Similar evidence in Europe indicates that undocumented migrants are rarely “unemployed”.¹⁰

Fundamental policy dilemmas

In a number of countries, migration is being simultaneously encouraged and combated. Distance between policy pronouncements and de facto arrangements reflects a major contemporary contradiction in States’ practice. Despite all the political rhetoric about illegal migration,

⁵ Reynieri, E., “Migrants in Irregular Employment in the Mediterranean Countries of the European Union”, International Migration Paper No. 41, ILO, Geneva, 2001.

⁶ *Ibid.*

⁷ See for example, Linard, A., “Migration and Globalisation - the New Slaves”. ICFTU, Brussels. July 1998.

⁸ Escobar Latapí, A., “Emigration Dynamics in Mexico, Central America and the Caribbean”, 12th IOM Seminar on Migration, Managing International Migration in Developing Countries, Geneva, April 1997, p. 4.

⁹ Lean Lim, *op. cit.*

¹⁰ OSCE Office for Democratic Institutions and Human Rights Conference Report: Europe Against Trafficking in Persons’, Berlin, 15-16 October 2001, at 72.

numerous governments informally tolerate irregular migration while they officially reinforce controls against “illegal” migrant workers. The effects are, on the one hand, a continued supply of cheap labour, while on the other hand, “illegal” migrants unable to organize in the workplace to defend their dignity and decent work conditions, stigmatized and isolated as well from allies and support.

The practices of tolerating migrant workers in irregular status to meet labour needs in certain sectors of the market constitutes a de facto employment policy in which part of the work force becomes a variable which can be reduced or even eliminated (in theory) in periods of economic downturn, through exercise by States of their prerogative to expel foreigners from their territory. By the same manner that migration policy can be utilized to satisfy labour market needs with foreign labour, deportation can be utilized to reduce ‘excess supply’ by returning this temporary labour to countries of origin.

However, it appears that many restrictive measures have been established with little or no consideration of labour domestic labour demand and supply. In some regions, imposition of tighter border controls and restrictions on movement cut across traditional routes and patterns of labour and trade migration. Basic labour economics theory suggests that placing restrictive barriers between high demand and large supply creates a potentially lucrative market for services of getting the supply to where the demand is.

Tighter border controls have not halted migratory flows nor have they had projected results in reducing the number of workers crossing borders. Instead they have put more pressure on those who migrate. With few options available for legal migration in the face of strong pull-push pressures, irregular migration channels become the only alternative, and one which presents lucrative “business” opportunities for helping people arrange travel, obtain documents, cross borders and find jobs in destination countries.

The flow of low-skilled migrants to more developed regions is channelled by clandestine means precisely because of the non-existence of legal migration categories that would allow for their legal entry in destination countries. Once they are in host countries, they remain confined to jobs in unstructured or informal sectors, in irregular work and under exploitative conditions of employment.¹¹

Tolerance of restrictions on freedom of movement, long working hours, poor or non-existent health and safety protections, non-payment of wages, substandard housing, etc. all contribute to expanding a market for trafficked migrants who have no choice but to labour in conditions simply intolerable and unacceptable for legal employment. Worse still is the absence of worksite monitoring, particularly in such already marginal sectors as agriculture, domestic service, sex-work, which would contribute to identifying whether workers may be in situations of forced or compulsory labour.

Testimony to the ineffectiveness of approaches based unilaterally on control measures is the fact that the trafficking and smuggling “business” is considered to be worth 10-15 billion US dollars¹², second only to drugs and arms smuggling. As noted by the ILO Global Report on Forced Labour:

¹¹ Abella, M.I., "Mondialisation, marchés du travail et mobilité", in *Migrations et avenir*, CIEMI, Paris, Vol. 14, No. 79, January-February 2002.

¹² Widgren, J., "Le trafic d'hommes, un marché lucratif", in *Courrier International*, No. 505, July 2000.

‘The recent rise in labour trafficking may basically be attributed to imbalances between labour supply and the availability of legal work in a place where the jobseeker is legally entitled to reside.’¹³

Ultimately, labour trafficking would have far less reason to take place if jobseekers had more freedom of geographical movement and freedom of access to employment. Smuggling occurs because borders have become barriers between jobseekers and job offers. Trafficking occurs not only when borders are barriers to labour supplies meeting demands, but when no knowledge is available about proper migration channels, when employment is itself illegal and/or underground, and where conditions of work much worse than legal minimums are tolerated or ignored.¹⁴

Language of Exclusion

Marginalization, exclusion and exploitation of irregular migrants are both reinforced and implicitly justified by banal association of irregular migration with crime, arms, drug trafficking and terrorism, and discussion of draconian measures to “combat illegal migration”. Social stigmatisation and outright violence is encouraged by the language of illegality and military terms – as if ‘illegal migrants’ were an enemy in military confrontation.

Legally and semantically, the term *illegal migrant* contradicts the spirit and letter of the Universal Declaration of Human Rights, which establishes in Article Six that *every person* has the right to recognition before the law, and in Article 7, that every person has the right to due process.

The Gender Dimension

A word on the gender dimensions of irregular migration is warranted. Differential opportunities for legitimate employment affect men and women differently. Demand for migrant workers from receiving countries is defined by the labour market segmentation in these countries, i.e., opportunities are available for precisely these low-skilled jobs considered suitable for women.

The feminisation of international labour migration, together with the fact that most job opportunities for women migrants are in unregulated sectors (agriculture, domestic work, sex industry) and the existence of sex-disaggregated labour markets contribute to the increase of discriminative labour markets in countries of destination. In addition, women have less access to information on migration/job opportunities, recruitment channels, and often have less preparation than men to cope with the working and living conditions in countries of destination.

Further to this, restrictions on admission and work affect men and women migrants differently. For instance most legal channels of migration offer opportunities in typically male-dominated sectors. Gender-selective migration policies and regulations for admission and entry often reproduce and intensify existing social, economic and cultural inequalities between male and female migrants; e.g. the right to entry does not necessarily mean the right to work for women in certain Western European countries. Female migrants are thus marginalized even further, they are more often left with no option but irregular migration, and exposed to worst forms of abuse.

2. THE RULE OF LAW

¹³ ILO, ‘Stopping Forced Labour’, Global Report, Report I (B), Geneva, 2001, at 53.

¹⁴ ILO, “Stopping Forced Labour”, *op. cit.*

The underlying premise of this review is that the rule of law associated with principles of human rights provide the foundational values and rules for governance of nations worldwide, and for international relations as well. This premise further presumes that social cohesion and social peace in multi-cultural societies can only be achieved in conditions of democratic rule, which in turn requires the accountability provided under rule of law.

The central notion of human rights is the implicit assertion that certain principles are true and valid for all peoples, in all societies, under all conditions of economic, political, ethnic and cultural life. Human rights are *universal* - they apply everywhere; *indivisible* - political and civil rights cannot be separated from social and cultural rights; and, *inalienable* - they cannot be denied to any human being.

The two major covenants covering the broad definitions of political and civil rights, and economic, social and cultural rights were adopted in the mid-1960s¹⁵. These, together with the Universal Declaration of Human Rights, are often referred to as the "International Bill of Human Rights", universally applicable to all human beings.

While the extension of application of human rights to vulnerable groups has been a long and difficult process, notions of human rights have in fact been gradually and explicitly extended to non-citizens in international norms, which generally serve as the basis for elaborating national law.

Fundamental rights at work

The elaboration of international labour standards has been an important component of building the rule of law and extending protection to groups at risk of exploitation and abuse, including specifically migrant workers. Attention to migrant workers was included in the ILO Constitution when it was established in 1919. The first international instruments addressing protection of foreign workers were elaborated under ILO auspices in the 1920s.

The ILO later elaborated two international standards specifically covering migrant workers. The Migration for Employment Convention, 1949 (No. 97) provides the foundations for equal treatment between nationals and regular migrants in areas such as recruitment procedures, living and working conditions, access to justice, tax and social security regulations, and provides norms on contract conditions and against unjustified termination of employment or expulsion. 42 States have ratified this instrument. The Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) was adopted at a time when concern about irregular migration was growing. Its two main objectives are: 1) to regulate migration flows, eliminate clandestine migration and combat trafficking and smuggling activities; and 2) facilitate integration of migrants in host societies. Its Article 1 establishes the obligation of ratifying States to "respect the basic human rights of all migrant workers," independent of their migratory status or legal situation in the host State.

In 1998, the International Labour Conference adopted the *ILO Declaration on Fundamental Principles and Rights at Work*. This Declaration, approved by tripartite delegations from all 176 member countries, established that all Member States, even if they have not ratified the fundamental Conventions, have an obligation arising from the very factor of membership in the

¹⁵ International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights

Organization to respect, to promote and to realize the principles concerning the fundamental rights which are the subject of those Conventions, namely: (1) freedom of association and the effective recognition of the right to collective bargaining; (2) elimination of all forms of forced or compulsory labour; (3) effective abolition of child labour; and (4) elimination of discrimination in respect of employment and occupation.

These principles are incorporated in eight fundamental Conventions of the ILO,¹⁶ they are applicable to all workers, without distinction of nationality, and in many cases regardless of migration status. The latter was recently reinforced by decision of the supervisory Committee on Freedom of Association of the ILO, which held¹⁷ in a case specifically referring to irregular workers that Convention No. 87 recognizes the right of workers, without distinction whatsoever, to establish and join organizations of their own choosing without previous authorization.

Furthermore, the bulk of international labour standards that address conditions of work apply to migrant workers, in many cases irrespective of immigration status. A current study indicates that, over the years, ILO conventions have served to address conditions of migrant workers in literally hundreds of cases.

A set of international standards

The 1990 [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#), which enters into force July 1 2003, is based on concepts and language drawn from the two ILO Conventions. It extends considerably the legal framework for migration, treatment of migrants, and prevention of exploitation and irregular migration.

ILO participates in the "global campaign" effort launched in 1998 to promote wider ratification, led by a Steering Committee that includes IOM, the Office of the UN High Commissioner for Human Rights, UNESCO and several international trade union, church, migrant and human rights NGOs¹⁸. Since this campaign was initiated, ratifications and signatures have tripled.

These three Conventions together provide a comprehensive "values-based" definition and legal basis for national policy and practice regarding non-national migrant workers and their family members. They serve as tools to encourage States to establish or improve national legislation in harmony with international standards. They are not simply human rights instruments. Numerous provisions in each add up to a comprehensive agenda for national policy and for consultation and cooperation among States on labour migration policy formulation, exchange of information, providing information to migrants, orderly return and reintegration, etc.

¹⁶ Conventions on Freedom of Association and Protection of the Right to Organise, 1948 (No. 87) and on the Right to Organise and Collective Bargaining, 1949 (No. 98); on Forced Labour, 1930 (No. 29) and on Abolition of Forced Labour, 1957 (No. 105); on Minimum Age, 1973 (No. 138) and on the Worst Forms of Child Labour, 1999 (No. 182), and on Equal Remuneration, 1951 (No. 100) and Discrimination (Employment and Occupation), 1958 (No. 111).

¹⁷ Case No. 2121, Complaint presented by the General Union of Workers of Spain (UGT) against the Government of Spain for denial of the right to organize and strike, freedom of assembly and association, the right to demonstrate and collective bargaining rights to "irregular" foreign workers.

¹⁸ See Global Campaign website at: www.migrantsrights.org.

A total of 62 different States have ratified one or more of these three complementary standards¹⁹; 11 member States of the European Union have ratified one or both ILO conventions.²⁰

3. COMPREHENSIVE POLICY RESPONSES REQUIRED

What's needed

Protection of migrants and reduction or resolution of irregular migration can only derive from a comprehensive approach to dealing with causes, consequences and dynamics of international migration. Solid frameworks for viable, comprehensive and sustainable national migration policy have already been elaborated. Drawing from international norms, policy recommendations agreed at major international conferences, and ILO, social partner and NGO experience, five elements can be named as a core agenda:

- 1) Establishing a *standards-based approach to migration*, protecting basic rights of all migrants and combating exploitation and trafficking. The point of establishing legal rights and policy standards is to ensure social legitimacy and accountability, which can only be ensured by a foundation in the rule of law. Social legitimacy of—and public cooperation with—governance comes of its association with justice, human dignity and democratic values.
- 2) Putting in place an *informed and transparent labour migration admissions system* designed to respond to measured, legitimate labour needs. Such a system must be based in labour ministries and rely on regular labour market assessments conducted in consultation with social partners to identify and respond to current and emerging needs for workers, high and low skilled. ILO research underlines this as a fundamental starting point: legal labour migration channels contribute to reducing exploitation, trafficking and smuggling of migrants²¹. Admissions policies must also take into account family reunion and humanitarian concerns.
- 3) *Enforcement of minimum national employment conditions standards in all sectors of activity*, to criminalize abuse of workers and reduce incentives for recruitment of irregular migrants. Enactment of national minimum standards for protection of workers, national and migrant, in employment, is required where these do not exist. ILO Conventions on occupational safety and health, against forced labour, and on discrimination provide minimum international norms for national legislation. A necessary complement is monitoring and inspection including in agriculture, domestic work, sex industry and other sectors subject to ‘irregular’ employment, to identify and prevent exploitation of children and to detect and stop forced labour, as well as to uphold minimal decent work conditions.

¹⁹ The ILO Migration for Employment Convention No. 97 of 1949, ratified by 42 countries, the ILO Migrant Workers (Supplementary Provisions) Convention No. 143 of 1975, ratified by 18 countries; and the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ratified by 21 countries and signed by 10 others. Texts and related information available respectively on the ILO website, at www.ilo.org/ilolex, and on that of the Office of the UN High Commissioner for Human Rights, www.unhchr.ch.

²⁰ Belgium, France, Germany, Italy, Netherlands, Norway, Portugal, Slovenia, Spain, Sweden, and the United Kingdom

²¹ ILO; Mekong Sub-Regional Project to Combat Trafficking in Children and Women, *Legal Labour Migration and Labour Markets: Alternatives to Substitute for Trafficking in Children and Women*, p.1.

- 4) *A Plan of Action against discrimination and xenophobia*. Main elements were identified in the Declaration and Program of Action adopted at the World Conference Against Racism and Xenophobia (WCAR) in Durban in 2001, which included 40 paragraphs on treatment of migrant workers, refugees and other non-nationals²²:
- Adoption in national law of relevant standards to protect rights of non-nationals.
 - Make racist and xenophobic discrimination, behaviour and action unacceptable and illegal.
 - Elaborate administrative measures and procedures to ensure full implementation of legislation, and accountability of all government officials.
 - Establish independent national human rights/anti-discrimination monitoring bodies with power to (i) monitor and enforce legislation; and (ii) receive and act upon individual complaints.
 - Promote respect for diversity and multicultural interaction.
 - Encourage communications media to emphasize positive images of diversity and of migration
 - Incorporate multi-cultural and diversity training in educational curricula.
 - Mobilize civil society cooperation.
- 5) *Institutional mechanisms for consultation and coordination with social partners in policy elaboration and practical implementation*, to ensure coordination within governments and consultation with social partners and concerned civil society bodies on all main areas of policy concern. It is as much the partnership as the foundation that will ensure workable policy. Labour migration policy must be elaborated and implemented in full consultation with the social partners, namely the workers organizations and employer associations concerned. ILO experience shows that policy will only be viable, credible and sustainable if it takes into account the concerns and interests of employers and workers.

These five pillars are essential; they require mutual reinforcement to address the factors that today drive irregular migration and its attendant abuse. Other measures are also required, including

- Changing terms of international aid, trade and relations to facilitate *development* which addresses human needs and sustains social justice.
- Creation of specialized institutions for policy coordination, enforcement and monitoring
- Elaboration of gender sensitive policies and implementation focusing on ensuring both equal treatment and equal outcomes.
- Combating trafficking and exploitation of migrants by organized crime.

4. IGO AND NGO ACTIVITY: SOME ASPECTS

Civil Society

Much of the concrete attention given to migrants, notably regarding protection of their rights and dignity, has been and is given by the day-to-day work of local, national and regional non-governmental organizations. Following are a few highlights of NGO activity on migration and migrants' rights issues. Information available from NGOs and this authors' own 30 years' experience in and with civil society organizations suggests a general assessment that most NGOs providing services to migrants tend to avoid distinguishing between regular and irregular categories, except where they may explicitly offer legal assistance and other appropriate special

²² See "List of paragraphs in the Durban Declaration and Programme of Action which include provisions relating to migrants and refugees", OHCHR.

support specifically in response to needs of irregular migrants denied recognition and services from government or government funded services. As noted below, many NGOs involved in advocacy have explicitly included or emphasized protection and other concerns for irregular migrants.

The one international survey of NGO activity in migration to date was conducted under the auspices of the UN Commission on Population and Development in 1997; this survey sought to identify the roles and activities of NGOs in implementing the recommendations on international migration adopted as Chapter X of the Program of Action of the International Conference on Population and Development held in Cairo in 1994.²³ More than 100 NGOs reflecting activity in all regions of the world responded to an extensive questionnaire. The results demonstrated that there are NGOs in most countries of the world that provide direct services to migrants, some complementing their service activities with public education activities and policy advocacy with local and national government. Among the conclusions of the study,

NGOs working in the field of international migration...provide a place for information, dialogue and cooperation between migrants (documented, *undocumented* and refugees), citizens, employers and government agencies in countries of origin and destination.

The survey demonstrated that NGOs were involved in, among other activities: information services and orientation seminars to migrants in countries of origin; assistance in return and reintegration; in destination countries, assistance in housing, employment, healthcare, education, legal services, skills retraining, recognition of qualifications, etc; social, vocational and psychological counselling; addressing specific problems related to trafficking and sexual exploitation of migrants; facilitating dialogue, mediation and good relations between migrants and host country nationals; challenging racism and xenophobia; research and documentation on root causes of migration; training and public education activities, promotion of international standards and improved national legislation and policy; and cooperation with international agencies.

A few snapshots follow of NGO activity, in some cases specifically focused on irregular migrants:

--Asia has the most advanced regional organizing and networking on migrants, comprising a regional NGO migrant center, several regional NGO networks and organizations addressing migration and migrants rights, and a well established, functioning regional network of organizations of migrants and migrant workers. These organizations have succeeded in making issues of migration central not only to the agendas of NGO conferences in the region, but also in developing strong lobby efforts promoting migrants rights at regional intergovernmental conferences, such as meetings of the Asia Pacific Economic Council-APEC.

The Scalabrini Migration Center in the Philippines produced a directory of migrant concerned NGOs across the region, and the Asia Migrant Center together with the Migrant Forum in Asia produce a comprehensive Asia Migrant Yearbook with extensive attention to migrants rights issues as well as data on general migration conditions and NGO activity throughout the region.

Europe has two distinct networks that focus on issues of irregular migration. One is the Platform for International Cooperation on Undocumented Migration (PICUM), a focal point for

²³ UN Commission on Population and Development: *Activities of intergovernmental and non-governmental organizations in the area of international migration; Report of the Secretary General*. New York. 1997. UN document E/CN.9/1997/5

information sharing and advocacy, with member labour, church, human rights, migrant and other organizations now in most Western European countries. It held in May 2003 an important conference at the European Parliament to shed light on the dilemmas of irregular migration

"United Against Racism and Fascism" is a broader network reaching hundreds of organizations throughout Europe on issues of combating discrimination and xenophobia; There are literally hundreds of local migrant associations in countries across all of Europe. "United" produces a regularly updated directory of concerned NGOs and regular lists of national and regional activities; many such activities feature issues of irregular migration.

Civil society attention to migration and migrants rights concerns in Africa has a long history, although much less visible internationally than that of other regions. Extensive labour migration throughout Southern Africa has made concern with conditions of migrant workers a long-standing agenda of worker organizations—and churches-- in South Africa, Lesotho, Botswana, Mozambique and others among the 14 countries of SADC (Southern Africa Development Community). The South African Council of Churches and the Confederation of South African Trade Unions (COSATU) have repeatedly elaborated policy positions and issued statements calling for protection of irregular migrants. The Southern Africa Migration Project (SAMP) a research and advocacy network comprising partner institutions and academics in a number of countries, has given specific attention to questions and responses to irregular migration and to xenophobia in its work over nearly a decade now.²⁴ Of note as an inter-organizational effort involving both NGOs and IOM and UNHCR is the ongoing Roll Back Xenophobia campaign launched in 1999 in South Africa.

--In the Americas, ARMIF, the Regional NGO Association on Forced Migration served as an active structure of national coalitions --each with an array of humanitarian, labour, church, migrant, human rights, etc NGOs-- in Central America and Mexico during the 1990s; it catalyzed NGO engagement with the regional inter-governmental Puebla Process. A Civil Society Forum on Migration in Central and North America has now emerged; one is being formed for South America.

An emerging dimension is the emergence of new migrant organizations and networks and transition of migrant organizations towards explicit organizing activity around protection of rights, advocacy for adoption of legal standards and for regularization of migrant growth. Of note are the Asia-wide NGO «Rights and Roots» Campaign and the. Some other efforts have emerged in the context of nationality networks (such as Filipino regional networks, one example is the Commission of Filipino Migrants in Europe.)

Globally, there are only two organizations specifically focused on promotion of migrants human rights: Migrants Rights International, with only one regular staffperson, and the December 18 "on-line network" with a portal website (www.december18.net) run by volunteers. Six international non-governmental organizations have given specific attention, in some cases since many years, to promoting migrants human rights issues among their constituencies. These are the International Confederation of Free Trade Unions, the International Catholic Migration Commission, the International Movement Against Discrimination and Racism, Public Services International, the Women's International League for Peace and Freedom, and the World Council of Churches. All have taken stands that explicitly recognize rights of all migrants.

²⁴ See the SAMP website for publications, news articles and other documentation: www.queensu.ca/samp/

In the last five years, several major international human rights organizations have begun to expand previous concern with refugees and asylum seekers to address migrants' human rights. Human Rights Watch conducted research and published a study on treatment of refugees and migrants in South Africa in 1997²⁵, and since 2000 has been conducting a series of national studies of migrants human rights in Western European countries, with particular emphasis on treatment of irregular migrants.²⁶ Amnesty International and Amnesty USA have produced reports respectively documenting executions of migrants in the Middle East and abusive treatment of migrants in immigration detention.

The protection of migrants is now beginning to emerge as an issue of priority on agendas of humanitarian organizations and networks. In particular, the recent regional member national society conferences in Asia-Pacific and Europe of the Red Cross/Red Crescent movement both focused on the humanitarian challenges associated with irregular migration; the outcome conclusions of both events set working on migration issues as a priority for Red Cross/Red Crescent societies and for the Geneva headquartered International Federation of Red Cross and Red Crescent Societies (IFRC). Both sets of recommendations explicitly recognized the convergence of international humanitarian and human rights principles and law, and included calls for ratification of the 1990 International Convention on protection of migrants' rights.

Main International Initiatives

Particularly significant in political and organizational terms are the several international/global initiatives that have taken shape to promote respect for migrants' rights; all of these have given special attention to advocating for protection of irregular migrants.

Global Campaign for Migrants Rights

As a collective approach to and Recognizing that progress on human rights will only be achieved by broad cooperation among different sectors and different regions, an alliance of major intergovernmental and international non-governmental organizations came together in 1998 and launched the Global Campaign for entry into force of the 1990 International Convention on migrants rights.²⁷

The Campaign Steering Committee now includes 14 leading international bodies in human rights, labour, migration and church humanitarian fields, including ILO and IOM, the Office of the UN High Commissioner for Human Rights and UNESCO as well as Human Rights Watch, the Migrants Forum of Asia, the International Catholic Migration Commission and MRI.

The campaign effort is premised on the need to inform, advocate and convince governments that ratification of the Convention is necessary. This is achieved only by building awareness about the Convention with government officials, diplomats, politicians, NGOs and the public-at-large, nationally and internationally. Initial campaign priorities recognize that sending states have more immediate

²⁵ Human Rights Watch: *Prohibited Persons: Refugees, Asylum Seekers and Migrants in South Africa*. New York. 1997

²⁶ See the dedicated webpages on the Human Rights Watch website: www.hrw.org/campaigns/migrants/ for texts of these reports, as well as relevant statements, letters and other documentation.

²⁷ See Global Campaign website, at: www.migrantsrights.org

interest in ratification, just as it was not states that mistreated prisoners that brought the Convention Against Torture into force.

The campaign has already contributed to putting the migrants' rights Convention back on the agenda of a number of inter-governmental bodies. Since this campaign got underway in 1998, the number of ratifications and accessions has doubled, to sixteen, and the number of additional signatories more than tripled to ten, more than in the previous eight years combined. As noted earlier, four more countries have recently announced that they are in the process of ratifying.

UN Special Rapporteur on Human Rights of Migrants

The symbolism alone of naming a UN Special Rapporteur on Human Rights of Migrants in 1999 was critical: mandating this special rapporteur, for a period of three years, acknowledges that violations of migrants human rights are as serious and as mainline human rights concerns as torture, violence against women, racism and internally displaced persons, areas where other Special Rapporteurs have been focusing attention for some time.

The mandate and activities to date of the special rapporteur, Gabriela Rodriguez of Costa Rica, are described in her own article in this issue. Her mandate is an extensive one, taking into account functions of receiving information from all relevant sources, including migrants themselves, formulating recommendations to prevent and remedy violations of migrants' rights, promoting effective application of relevant international instruments, recommending actions and measures applicable at the national, regional and international levels, and taking into account a gender perspective. The challenges she faces in fulfilling this mandate are all the more daunting in the face of the minimal resources she has been allocated to date.

International Migrant's Day

On December 4 of last year, the UN General Assembly officially proclaimed December 18 as International Migrant's Day! The initiative for this designation emerged some three years ago among Filipino and Asian migrant organizations, including the Asia-Pacific International Migration network (APIM). The December 18 network began a campaign for official UN designation in late 1999 with support from Migrants Rights International and the Steering Committee for the Global Campaign on the migrants' rights convention. The Mexican delegation in Geneva included the proposal in a resolution adopted by the UN Human Rights Commission in April 2000; it then made its way to adoption by the General Assembly over the course of the year. The resolution invites UN member states, intergovernmental and non-governmental organizations to observe this day by disseminating information on human rights and fundamental freedoms of migrants, sharing experiences, and undertaking action to ensure the protection of migrants. It is expected that IMD will allow for acknowledgement and publicity of the contributions migrants make to the economies, cultures and well being of both host and home countries world-wide. Local events were held in countries around the world on the first official IMD; officials of various governments and UN agencies issued statements, giving the initiative an initial impulse and visibility.

World Conference Against Racism and Discrimination

The 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance provided a unique opportunity to address discrimination, hostility and violence directed at migrants, refugees and other non-nationals worldwide, particularly those in irregular situations. Indeed, one of the most salient successes of the Durban conference was elaboration of

a comprehensive and viable strategic plan of action to combat xenophobia and discrimination against migrants. International organization, trade unions and NGO delegates²⁸ from all regions contributed much to this achievement, through concerted efforts both at preparatory meetings and the conference itself. ILO, IOM, OHCHR and UNHCR established an informal working group which developed common positions, advocated with delegates, and produced a working paper distributed to all Conference delegates, entitled *Racism, Discrimination and Xenophobia and International Migration*, summarizing relevant IGO experience and policy recommendations. Led by the ICFTU, trade unions developed common positions in regional and global consultations, lobbied national governments, and conducted an intense advocacy effort throughout the duration of the Durban conference²⁹ with delegates representing more than 100 national and international sectoral unions and confederations

Broad inter-organizational working groups were established among Each of these groupings established incoordinated

The arena of combating xenophobia and building respect for non-nationals is an especially crucial agenda for this World Conference; attention to this aspect is currently begin given increasing importance in the preparatory process. The UN Special Rapporteur on Human Rights of Migrants, the international NGO Working Group on Migration and Xenophobia, and the ILO are among international actors developing specific input on migration concerns for the Conference.

ILO

Activity of the International Labour Office (ILO) on migration includes provision of assistance and technical cooperation to governments in elaboration of legislation, policy and administration, promotion and monitoring of its Convention standards on migrant workers, and programs to extend protection of rights and dignity to especially vulnerable groups of migrants, such as domestic workers and victims of trafficking. In particular, the ILO has conducted since 1991 a project to document and identify and promote remedies to discrimination in employment against migrant and ethnic minority workers. Initial activity concentrated on countries in North America and Western Europe. This effort is being expanded to address discrimination in other regions, and to develop an extensive compendium of “good practices” by governments, employers, worker organizations and others, to encourage wider elaboration and implementation of practical anti-discrimination activities and measures.

ILO is a specialized agency of the United Nations system; it is unique in having civil society participation in its governance through its tri-partite structure in which representatives of national employer and worker organizations participate alongside representatives of government.

IOM

While not actively advocating migrants’ human rights as such, the International Organization for Migration (IOM) contributes through its programmes, policy development, and training and capacity building for governments. IOM legal staff and field officers make available to governments information on applicable international norms, policies and measures which contribute to protecting basic rights and dignity of migrants. IOM has integrated concerns for protection of migrants in efforts to combat trafficking and in conducting information campaigns

²⁸ See “Proposed Elements for a Program of Action Against Xenophobia” at www.migrantwatch.org/WCAR

²⁹ See the ICFTU Report on WCAR.

directed at potential migrants to raise awareness of risks. It also administers programmes providing assistance to migrant victims of trafficking and human rights abuse.

Training Efforts

The integration of a human rights dimension into several emerging international governmental training initiatives is a recent and positive development. Perhaps exemplary is the development of the UN joint inter-agency International Migration Policy Programme (IMP) cosponsored by the UN Institute for Training and Research (UNITAR), the United Nations Population Fund (UNFPA) and the International Organization for Migration (IOM) and the International Labour Office (ILO), providing training, capacity building and networking for senior government migration managers in various regions of the world. Since its inception, the IMP programme has included attention to human rights of migrants and refugee protection as components in its programme to provide a comprehensive understanding of migration for government policy-makers. Presentations and discussions on the applicability and implementation of human rights instruments and measures have featured in all of its regional migration policy conferences held to date in the Asia-Pacific region, for Central Asia, the Caucasus and Neighboring States, for Eastern and Central Europe and in Southern Africa.³⁰

IOM has increasingly integrated information on applicable human rights instruments and mechanisms in its numerous, regionally based training seminars for government officials. It has also initiated a project of providing training to its own staff on migrants rights issues.

The Convention on the Rights of Migrants is one of the seven treaties covered in a series of subregional and national level workshops organized in 2000-2001 by a joint programme between the Office of the United Nations High Commissioner for Human Rights and the United Nations Development Programme. Entitled "Human Rights Strengthening", the workshops raised understanding of main treaty provisions, examine implications of ratification and inform governments of assistance available from the UN if they pursue ratification.

The Canadian Human Rights Foundation has organized several training seminars in Asia both for NGOs and government officials specifically on application of migrants' human rights. It recently co-produced with the Asia Migrant Centre, Ateneo Human Rights Centre and Asia Pacific Forum on Law and Development, a comprehensive *UN Road Map* to serve as a training manual and "guide for Asian NGOs to the international human rights system and other mechanisms."³¹

Academia and Research

In recent years, academic research has finally begun to delve into questions of migrants human rights. While this article cannot pretend to present a survey of the field, several salient initiatives are nonetheless noted. Published material by Richard Cholewinski, Shirley Hune and Jan Niessen has been referred to above. Helene Moussa of Canada has written extensively on migrants rights and related topics of racism and xenophobia. Dissertations have been written by Syed Refaat Ahmed at Tufts University and by Amy Ilene Gurowitz at Cornell. Richard Perruchaud, Shyla Vohra and Heikki Mattila at IOM have produced excellent articles regarding application of human rights standards to migrants (see other article in this issue). The Asia-Pacific International

³⁰ See IMP Website: www.unimp.org

³¹ Asia Migrant Centre et al: *Promoting and Protecting the Rights of Migrant Workers; A UN Road Map*. Montreal. 2000.

Migration project and the Scalabrini Migration Centre in the Philippines have compiled considerable data. The Southern Africa Migration Project (SAMP) mentioned is also involved in organizing training workshops in the region that include human rights dimensions.

Social Partners

The trade union movement in a number of countries has made enormous strides in recent years. Major policy shifts followed by extensive organizing drives among migrant workers have taken place in recent years by mainstream trade unions and national confederations across Europe, as well as in the Americas and Asia. National confederations in Argentina, Belgium, Canada, France, Germany, Ireland, Italy, Korea, Portugal, Spain, the UK and the USA – among others – have full-time national staff for migrant worker organizing and anti-discrimination issues; all are active in policy advocacy for improved protection of rights and decent work conditions for migrants.

Employers' organizations across Europe have also been turning their attention to migration policy issues; UNICE in particular has elaborated an active approach in Council of Europe and European Union fora.

5. CHALLENGES AND CONSTRAINTS FOR IGO/NGO ACTION

Tensions between Globalisation and Protection of Migrants

As noted earlier, several features of contemporary globalization are contributing to human displacement and to limited re-employment or absorption in domestic and foreign labour markets. Technological changes, while producing huge productivity increases, are also eliminating many jobs extraction, production and distribution of goods and services as well.

In a world where movement across borders is increasingly controlled and restricted, increasing displacement leads inevitably to increasing irregular migration. The propagation of images of uncontrolled movements and criminal migration produces loud and clear demands for “law and order” regarding migration control that cannot be ignored by government officials responsible for migration policies.

Numerous observers have noted that globalization has led to increasing concentration of power and wealth in fewer hands, within countries and internationally. It appears less and less possible for national economic and social mechanisms –as they currently function-- to adequately meet the needs of large sectors of populations in many countries. This increasing concentration of wealth is not leading to allocation of the resources necessary to administer promote and defend human rights in local, national and global contexts.

It appears that reductions in allocations of resources to meet human needs and to uphold human rights may be associated with arguments and measures that relativize such rights, particularly economic, social and cultural rights. As far back as 1993, the positions taken by a number of governments at the World Conference on Human Rights signaled a strong and explicit challenge to the universality, indivisibility and inalienability of human rights. At that time, the most prominent basis cited for these challenges was cultural, historical and regional relativity of human rights. Perhaps ironically, those critiques asserted that human rights notions apply differently and to different degrees in different cultural and regional contexts; they are not fully ‘global’.

In recent times, arguments are again being forcefully put forth that human rights are not indivisible, rather that civil and political rights should be differentiated from economic, social and cultural rights. This discourse asserts that the latter, in contrast to the former, can only be considered as ideals because they are both too costly and impractical to implement throughout the world. Furthermore, measures to extend and assure such rights require costly and extensive systems, such as welfare, food subsidies, extensive health, education and social service systems, jobs programs, effective judicial systems, etc. Due to society-wide and large-scale needs, these systems generally require large tax revenues and management by the State. However, taxation today is often stridently characterized as an impediment to private investment, development and economic growth, both in industrialized and developing countries.

A result of this trend to relativize human rights appears to be a growing reluctance by a number of States to elaborate legislation which extends or underwrites human rights, especially economic or social rights. This appears to be all the more so the case for adoption of extensive and detailed standards covering a range of political, civil, economic and social rights such as those set out in the 1990 Convention on migrants rights.

4. A counter-offensive has taken shape against human rights as universal, indivisible and inalienable. In part, this challenge focuses on distinguishing between «realizable» political and civil rights versus economic, social and cultural rights characterized as costly, unsustainable and secondary.

5. This counter-offensive is targeting in particular the extension of human rights protection to migrants: --Migration and migrants are being criminalized, most dramatically through widespread characterization as «illegals» implicitly outside the scope and protection of the rule of law.

--Association of migrants with crime, trafficking, drugs, disease, AIDS and other social ills is actively and widely promoted. A press release earlier this year from the government of Canada announced allocation of "\$3 million to Combat Migration Causing Development Problems in South Africa."

6. Trafficking has emerged as global theme focusing on migration; it is a compelling issue for human rights advocates as well as for law enforcement.

--International organizations are giving considerable attention to addressing trafficking: IOM, ILO and the OHCHR each have full time staff, have organized major conferences, and IOM and ILO have million dollar regional programs on trafficking, but very little on promotion of migrants' human rights standards.

--the trafficking issue effectively defines migration in a crime control, prevention and policing context, in contrast to a 'standards' approach, which could define trafficking and law enforcement in a human rights context.

7. A new international legal framework addressing migration in the context of crime suppression, prevention and punishment is being established.

--Negotiations are being concluded in Vienna on a new International Convention Against Transnational Organized Crime and two Protocols, one on Combating Trafficking in Persons, the other to suppress smuggling of migrants. Both draft protocols currently emphasize crime suppression and prevention measures at the expense of human rights protections.

--Observations have been made that this process offers an opportunity for derogation of strong human rights protection standards by substitution: the elaboration of measures without adequate protection references that could then be widely ratified, would put in place a legal regime subordinating protections to crime control and strict law enforcement concerns.

--Calls have been made since early 1990s for guidelines or minimum standards explicitly less strict and specific than those of the 1990 Convention; such minimum standards or guidelines would substitute the Convention's explicit standards by general, vague and non-enforceable «principles» instead of detailed and explicit standards with monitoring and enforcement mechanisms.

--Discussion is now underway in the ILO towards revising and possibly replacing its two migrant worker rights instruments, possibly with a so-called general "framework convention."

8. Meanwhile, ratification and entry into force of the 1990 Convention is being explicitly discouraged

--A 'conventional wisdom' is now being propagated by some European government officials that the 1990 International Convention on migrants human rights is 'dead', and in any case it is far too detailed to be practical and applicable to current policy needs.

--Pressure has reportedly been exercised by some European governments on others to impede any formal consideration of ratification, at least by Western European States.

--One major power has gone so far to complain in the UN General Assembly that the lack of progress on ratification of this convention makes unjustifiable any further expenditure by the UN on publicity or promotion.

9. Inter-governmental organizing on Migration 'management' is proceeding rapidly:

--There are now a number of functioning or soon to be established regional inter-governmental consultative processes, under such names as Puebla, Bangkok, Dakar, Cairo, MIDSA (Migration International Dialogue for Southern Africa), Central Asia and Caucuses, Mediterranean, and Lima.

--In some regions, there are already regional consultative mechanisms with permanent secretariats, such as the Intergovernmental Consultations for Europe, North America and Australia (IGC), the Budapest Process for Eastern and Central Europe, and the Asia Pacific Consultations.

--Some of these regional mechanisms are being assisted by IOM, with considerable interest and funding by western States as well as governments in all regions.

--Emphasis in several of these is on "controlling irregular migration".

--Specific intergovernmental accords and agreements are being established: many are bilateral, some make mandatory return of migrants to a country previously transited, some now have been established on common visa spaces, the latter often modeled on the Schengen Accord adopted by a number of European states.

--In many of these mechanisms, NGOs have little or no access or dialogue; they simply don't exist in several of these international policy formulation and cooperation processes.

--The Puebla Process for Central and North America is a notable exception, in part due to a history of active regional NGO coordination and engagement, dialogue with governments, and advocacy, including specific requests to be consulted in regional structures, contacts, and operational cooperation.

The general organizing focus on irregular migration is not a benign development, especially if the agendas are dominated by a control, restriction and crime suppression approach and consideration of human rights and service considerations are minimal.

In a considerable number of countries, migration management responsibilities have been shifted from labour ministries to interior or home affairs ministries, thus transforming contexts for policy elaboration and implementation from that of labour market regulation to that of policing and national security. To the vast extent that migration is about work, ministries of labour/employment must retain a central role in administration of migrant worker policies,

because labour migration inevitably has direct implications on labour market regulation, conditions of work and other fundamental areas of their competence.

Reference to social dialogue – consultation with social partners – is regrettably absent in many migration policy initiatives. The ultimate consequences are very serious. To the extent that an increasingly large and important sector of the working class is managed outside normative protections, outside social dialogue and outside labour market institutions, it contributes to accelerated deregulation of labour markets as well as to deterioration of labour-employer-State relations overall.

The predominance given to migration control is both root and reflection of fundamental impediments to rationally and effectively addressing international migration. Migration, regular and irregular, has, does and will continue as inexorably as the economic forces at work in a globalized economy. The international community – sometimes reluctantly – acknowledges the need to manage and regulate movements of capital, goods, technology, services, information, etc., whether through formal means or “market mechanisms.” It is manifestly contradictory when this logic is denied application to migration.

Promoting an agenda of migration control may be a useful vehicle to capture political attention and budgetary resources. However, when pursued to the detriment of other considerations, that focus inevitably subordinates fundamental humanitarian and human rights considerations as well as economic and developmental factors to secondary roles.

Certain controls are part of migration regimes, but cannot be either the sole or primary determinants. To be effective and viable, migration policies must be built on long term economic, social and development considerations, in a context of respect for international human rights norms.

Absence or Denial of Resources

At the global level, no international organization –UN, intergovernmental nor NGO, has full-time staff and corresponding resources allocated to monitoring and promoting protection of human rights of migrants in general. A striking manifestation of this is the situation faced by the UN Special Rapporteur on Human Rights of Migrants, who has only one half time assistant, travel allocations for only one mission per year, and is offered no compensation other than coverage of travel expenses and per-diem while on official mission. Granted this is also the situation faced by other Special Rapporteurs on thematic human rights issues. However, complementary attention to some of the other pressing international human rights dilemmas is provided through treaty bodies, specialized agencies and NGOs, which also have staff capacity and resources that do not exist for migrants rights concerns. This resource starvation, particularly accentuated for responses to migrants’ human rights, is a sad commentary on the funding priorities of many UN member governments.

In a sad parallel, little funding has been made available from any public or private source for international NGO or IGO initiatives to promote standards, provide for staff, fund publications or communications, networking, or other activities specifically addressing human rights of migrants.

The few organizations which have sought such funding from their donor bases or from foundations in Western countries have consistently been informed that human rights of migrants is not a priority and no funds can be made available. In 1998, the two main Scandanavian church agency funders for migration-related activities of the World Council of Churches indicated they would no longer provide funding for this area of activity. Over the last three years, more than twenty North American

foundations and European funding agencies that prominently support refugee, humanitarian and general human rights initiatives have turned down requests from the only international non-governmental organization focused on promotion of migrants human rights; when a reason was given it was that funding this area of concern is not a priority or not possible.

Reasons for this appear to be complex, and not solely based on the political sensitivities raised by the topic of migrants' rights. An explicit tendency manifested in recent years by a large number of private foundation and other non-State donor agencies in industrialized countries is to increasingly concentrate funding on regional and local based initiatives, often within a select number of specific countries. This has resulted in less attention being given, both in internal agency structure and in grants, to supporting global or inter-regional initiatives.

The notable exception to this resource starvation is in the field of trafficking. Governments and international organizations are giving considerable attention to addressing trafficking: IOM, ILO and the OHCHR each have full time staff, have organized major conferences, and IOM, ILO and UNDP have million dollar regional programs on trafficking. Governments and private donors have provided considerable funding to NGO initiatives addressing trafficking and provision of protection and services to victims of trafficking, especially in Asia and Europe, more recently also in the Americas. While this attention and support concretely contributes to extending awareness of human rights protection issues and needs, it is nonetheless a context where crime control, prevention and policing have generally taken precedence over a 'standards' approach, which could define trafficking and law enforcement in a human rights context.

Lack of Documentation, Research and Analysis

The lack of attention to and resources for migrants human rights also translates into a dearth of documentation on the incidence and character of abuse or denial of rights, a relative lack of credible data on the general conditions faced by migrants, and not a great deal of general research and literature on the topic. As noted in the introduction, a review of migration literature shows that, in many bibliographies, human rights of migrants is not even listed as a topic; when it is, the number of entries are few.

The lack of data hampers an accurate assessment of the extent, nature and characteristics of abuse. The lack of research and documentation has contributed to the lack of attention and resources allocated to respond. And certainly, to the extent that *good policy requires good data*, the lack of information, research and analysis inhibits effective policy formulation and implementation by governments, international agencies and civil society actors.

Dispersed and localized Civil Society efforts

Efforts and organizations defending human rights of migrants and combating xenophobia are scattered, fragmented and relatively limited in impact. There is little international coherency in civil society efforts, and nothing yet that could be called a movement.

With the notable exception of the concerted effort around the Durban WCAR and the campaign for the 1990 Convention, the center of gravity of international NGO discourse and advocacy appears to remain centred on denunciation of conditions and government action or inaction that constitutes lack of protection of human rights of migrants.

As noted above, while inter-governmental dialogue appears focused on elaborating *national security*-based responses to migration, elaboration of alternative, rights-based approaches to

governance of migration is desperately lacking. In the experience of this author, unless options and political support for alternative approaches can be generated from civil society, it seems unlikely that current trends will be effectively slowed and ultimately reversed.

Much more than sparse campaigns are needed to defend and advance migrants rights and dignity in the context of today's globalizing world, with its polarized accumulation of wealth and power and increasing exclusions. To build any kind of coherent movement, common approaches, strategies, coordination, and the ability to mobilize human resources are needed. All this is required to generate alternative solutions, influence the course of events, contribute to the elaboration of national policies, and so on. And it ain't gonna happen spontaneously.

National committees or coalitions --where they don't already exist-- are essential mechanisms to take up these campaigns and to collectively work to roll back xenophobia. As experience elsewhere shows, it is essential to define an active, assertive and broad civil society stance -- nationally, regionally and globally-- on promoting migrants rights and dignity as well as combating xenophobic hostility.

International institutions can do more to support, facilitate and resource coherent migration policy by emphasizing a standards-based approach, by expanding inter-agency coordination, and by ensuring consultation and cooperation with social partners and civil society.

Recommendations directed at social partners and civil society actors recognize a complementarity and possible cooperation with government measures in a number of areas.

1) Advocacy for national adherence to basic international human rights standards, for elaboration of anti-discrimination legislation and for appropriate practices remains an appropriate responsibility for civil society organizations in most countries. Given wide ratification of UN and ILO anti-discrimination instruments, emphasis is needed on ratification of the 1990 International Convention on migrants' rights. Establishment of national committees or coalitions --where they don't already exist-- are essential mechanisms to take up promoting the convention as well as efforts to "roll back xenophobia."

2) Business, trade union, religious, civil society and community leaders and organizations, politicians and political parties, parliamentarians, as well as by sports, arts and cultural personalities, need to speak out publicly, take leadership and promote initiatives to: promote respect for diversity, condemn xenophobic attitudes and actions, discourage discrimination and support equality of opportunity.

3) Elaborate and implement national employer, trade union, NGO strategies and programs to explicitly sanction xenophobic behavior, monitor conditions, and support and encourage government and non-government measures and remedies at all levels, in dialogue and cooperation with local and national government to the extent possible.

4) Provision of direct services, attention to and support for migrants by employers, trade unions, and NGOs is an essential component of solidarity.

5) Develop institutions and personnel focused on and capable of professionally carrying out these activities, and promote attention by the broader civil society, particularly through public institutions --national human rights bodies, legal and judicial fora, parliamentary bodies and members-- as well as church-based institutions and NGOs.

6) Support, link with and engage in the several international initiatives mentioned earlier, including the Global Campaign, the Special Rapporteur, the World Conference Against Racism and Xenophobia, and celebration of International Migrants Day.

International institutions can do more to support, facilitate and resource this process.

1) Dialogue and coordination among international agencies on migration, including specifically related to protection of migrants, is essential, but minimal at present. Creation of fora for regular consultation is imperative; initiatives such as the International Migration Policy Program offer possibilities.

2) A standards-based approach needs to be more adequately incorporated in policies and activities of international agencies, particularly in the assistance and cooperation they provide to governments.

3) Consultation and cooperation between international institutions and NGOs is especially imperative in this arena, where some NGOs have accumulated far more experience and expertise.

Advancing the protection of migrants' human rights requires common approaches, strategies, coordination, and the ability to mobilize human resources are needed. Officials and institutions of governments, international organizations, civil society organizations and migrant groups all have roles to play and contributions to make. Various initiatives described above demonstrate that dialogue and cooperation is possible and viable among governmental, international and civil society actors. All this and more will be required to generate alternative solutions, influence the course of events, contribute to the elaboration of national policies, and so on.

CONCLUSION

Experience demonstrates that only a common international approach based on human rights law, humanitarian principles and universal respect for diversity can assure democracy and social peace in increasingly diverse societies.

The rule of law and respect for universal notions of human rights are essential foundation for democracy and social peace. The premise of this article is that migration must be governed by a comprehensive policy framework based on legislation that incorporates the international norms regarding migrant workers and decent work.

Adherence to basic international human rights standards, addressing labour market needs and composition, elaboration of anti-discrimination legislation and implementation of appropriate practices are shared responsibilities among government, social partners, civil society and migrants themselves. Recent progress is encouraging, but the challenge is huge. Only active engagement by the institutions of the European community, and its member governments --as well as social partners and civil society-- will assure viable, credible and sustained protection and decent working conditions for foreign and national workers alike.

Adherence to basic international human rights standards, elaboration of anti-discrimination legislation and implementation of appropriate practices are shared responsibilities among government, social partners, civil society and migrants themselves. Community and political leaders, diplomats, parliamentarians, business, trade union, religious, and civil society leaders as well as by sports, arts and cultural personalities must speak out and act to promote respect for diversity and condemn xenophobic attitudes and actions.

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