



**FUNDERS LEARNING VISIT
GENEVA, SWITZERLAND
MAY 4-6, 2010**

Migrant Workers: The Human Rights to Movement and Labor

Wednesday, May 5, 2010, 9:45-11:15 am

Facilitators: **Mark Thomson**, Secretary General, Association for the Prevention of Torture; **Monette Zard**, Human Rights Program Officer, Ford Foundation

Speakers: **Julie Broome**, Programme Officer, Sigrid Rausing Trust

Patrick Taran opened by discussing the International Labour Organization's work on migration. Their objectives include equality of treatment, the application of universal human rights to all migrants, and the application of standards to all workers. Challenges include expanding deregulation, nonapplication of the rule of law, dehumanization and exclusion, alienation, and the status of illegals as excluded from legal recognition. Economically, there is an explicitly two-tiered system. A convention on migrant workers is necessary because there are 105-225 million living outside countries, nearly 50% are economically active, more than 90% including refugees. About 10% of the workforce is migrant labor.

- Mobility has been increased by globalization and capitalization, but this is taking place within a context of deregulation, deteriorating conditions, and poor inadequate standards, which make migration more precarious.
- It's also driven by a supply-side inability to create jobs where people live, especially for growing and youthful populations.
- This provides cheap but vulnerable labor.
- ILO has distinct labor rights for migrants.
- There are 3 international instruments on migrant workers, an international charter on migration for protection of rights and migration overall. Two thirds of countries (82) have accepted at least one of the instruments, but less than full ratification is due to lack of promotion – the UN hadn't even published it. Only civil society organizations have been promoting it – they're responsible for between 8 and 40 ratifications.
- Points include: explicit and direct support to widen conventions, extension of labor law enforcement where migrants are working, support of anti-discrimination measures, discouragement of using migrants as scapegoats in public discourse, expansion of public support in employment measures, support for unionization, support for international organizing, and expansion of continued exchange

Michele LeVoy discussed her work for the human rights of undocumented immigrants. She started in 2001 with a network in Brussels of over 100 members, many of whom worked directly with undocumented migrants on the local level, who were rejected from asylum status. They exchanged information about law and practice, and influenced policy on the local, regional, and international level.

- Developed a directive in Stockholm
- Policies pose further threats, as does the current economic crisis
- Principle of nondiscrimination and legal obligation
- Six instruments talk about nondiscrimination
- It's important to use a rights-based approach – e.g. for healthcare, there are different levels of access in different countries, and some give migrants almost the same level, but in others there's a lack of access to doctors
 - Right to health hearing in Swedish parliament
- Recommendations:
 - International human rights framework – most EU states have ratified the core conventions, but those working with migrant workers are not well informed of UN mechanisms, and monitoring – organizations need capacity building
 - Campaign for ratification of migrant worker conventions
 - Social cohesion through access, marginalizing further
 - Strengthen capacity of people working with undocumented migrants
 - Use more favorable language, not “illegal”

Genevieve Gencianos gave an overview of civil society work on the convention. There is no adherence to it, but there have been 42 ratifications. The Steering Committee is chaired by OHCHR. The Durban conference was too politicized and watered down.

Question & Answer:

Q: What about movement from South to South?

A: The UN is looking at free movement among South-South governments, and it's important to have this enshrined at the ILO recommendations and Convention, but it often depends on economic, market, and commodities interest. People are not considered as “commodities” when indeed they should have the same free movement that commodities are allowed. Trade unions also have arrangements to advocate and build coalitions around enforcement on bilateral and multi-lateral agreements, which is particularly important for health workers. One third of all migration is South-South.

Q: What about the gender breakdown of migration?

A: PICUM is doing a three-year strategy for undocumented women and their health needs (they are particularly vulnerable). Gender-sensitizing our own organization is challenging as well. Previously the pattern was women accompanying male migrants, but now they are workers themselves. Many leave their children behind, which exacerbates their vulnerability.

Q: What about internal migration?

A: EU policy on integration for those migrating within EU nations is not even – even EU migrants such as Romanians and Bulgarians are subject to discrimination and abuse. About 800 million people around the world are internal migrants, but patterns are repeating from agrarian to now industrial work.

Q: What about issues of trafficking, women, children, and unaccompanied minors?

A: There are about 2.5 million women who are trafficked.

Comments:

- In Brazil, there are relatively progressive policies on the protection of migrant workers – they're ratifying both ILO conventions, and it's being observed in the whole of Latin America.
- Many other regional communities are following the EU model of incorporation protection measures for migrant workers (e.g. Ecowas, CIS, SADC).
- The US debate on migration runs parallel to international discourse. However, US exceptionalism promotes an internal view that the US is separate from international debates on migration, and the US is focused on the 12 million undocumented migrants on its own land. But they value the effect of undocumented labor in keeping wages down, and therefore not pressing the already pressed economy – this may actually prevent the progressive regularization of undocumented workers.
- It's important to support organized labor, civil society and support groups to work in coalition to push for changes in national policies. E.g., strong lobby efforts of the AFL-CIO in the US to push for an ILO convention.
- The EU is implementing control oriented policies, then creates a segregation of rights for higher skilled labor vs. lower-level unskilled workers.