

International Migrants Day

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Introduction

Migration has always been there, it is a fact. From time immemorial, people have moved in search of new opportunities and better lives. Climate change, demographics, instability, growing inequalities and aspirations for a better life, as well as unmet needs in labour markets, mean it is here to stay. Migration is a phenomenon that has neither positive nor negative connotation. It is a phenomenon that must be understood and managed rather than prohibited and criminalised.

The total number of international migrants, i.e. people residing in a country other than their country of birth, has increased from an estimated 175 million in 2000 to 244 million persons in 2015. According to the [2018 Global Migration Indicators](#) published by the IOM (p. 18-19), there are around 258 million migrants today, which represents 3.4 % of the world's total population. Nearly two thirds of all international migrants live in Europe (76 million) or Asia (75 million). 150.3 million are migrant workers, 4.8 million are international students, 68.5 million have been internally displaced due to persecution, conflict, generalized violence, human rights violations, or other reasons (IDPs), 25.4 million are registered refugees and 50 million are irregular migrants. In addition, 25 million have been victims of forced labour and 18.8 million have been displaced by environmental disasters. One of every ten migrants is under the age of 15. The impact of remittance flows is also significant having reached \$436 billion in 2014 – far exceeding official development assistance and, excluding China, foreign direct investment.

Migration and development

The lure of a well-paid job in a wealthy country is a powerful driver of international migration. The attraction has intensified as income differentials among countries continue to grow. This holds true not only regarding the large and growing differentials between high and low-income countries, but also with regard to the more dynamic and the less dynamic developing countries. Many advanced and dynamic economies need migrant workers to fill jobs that cannot be outsourced and that do not find local workers willing to take them at going wages. Population ageing also underlies this growing demand, as it gives rise to deficits of workers relative to dependants. And as younger generations become better educated, fewer in their ranks are content with low-paid and physically demanding jobs.

Migration may reduce wages or lead to higher unemployment among low-skilled workers in advanced economies, many of whom are themselves migrants who arrived in earlier waves. However, most migrants complement the skills of domestic workers instead of competing with them. By performing tasks that either would go undone or cost more, migrants allow citizens to perform other, more productive and better-paid jobs. They also maintain viable economic activities that, in their absence, would be outsourced. By enlarging the labour force and the pool of consumers and by contributing their entrepreneurial capacities, migrants boost economic growth in receiving countries.



At the point of origin, deeper poverty does not lead automatically to higher migration. The poorest people generally do not have the resources to bear the costs and risks of international migration. International migrants are usually drawn from middle-income households. However, when migrants establish themselves abroad, they help friends and relatives to follow and, in the process, the costs and risks of migration fall, making it possible for poorer people, though not for the poorest, to join the

stream. Low-skilled migration has the largest potential to reduce the depth and severity of poverty in communities of origin.

Mounting evidence indicates that international migration is usually positive both for countries of origin and of destination. Its potential benefits are larger than the potential gains from freer international trade, particularly for developing countries.

The United Nations and Migrants

On 4 December 2000, the General Assembly, taking into account the large and increasing number of migrants in the world, proclaimed 18 December *International Migrants Day* (A/RES/55/93). On that day, in 1990, the Assembly adopted the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (A/RES/45/158). The Convention (ICMW) aims at protecting migrant workers and members of their families; its existence sets a moral standard and serves as a guide and stimulus for the promotion of migrant rights in each country. It applies during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence.

The *Committee on the Protection of the Rights of All Migrant Workers and Members of their Families* (CMW) is the body of independent experts that monitors implementation of the ICMW by its State parties. All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Convention and then every five years. The Committee will examine each report and address its concerns and recommendations to the State party in the form of '*concluding observations*'. The Committee will also, under certain circumstances, be able to consider individual complaints or communications from individuals claiming that their rights under the Convention have been violated once 10 States parties have accepted this procedure in accordance with article 77 of the Convention. So far only four countries have done so – Ecuador, El Salvador, Uruguay and Mexico.



The 132 Member States that participated in the *High-level Dialogue on International Migration and Development*, conducted by the General Assembly on 14 and 15 September 2006, reaffirmed a number of key messages. First, they underscored that international migration was a growing phenomenon and that it could make a positive contribution to development in countries of origin and countries of destination provided it was supported by the right policies. Secondly, they emphasized that respect for the fundamental rights and freedoms of all migrants was essential to reap the benefits of international migration. Thirdly, they recognized the importance of strengthening international cooperation on international migration bilaterally, regionally and globally.

Although the High-level Dialogue stressed that international migration could contribute to development, it recognized that international migration was not a substitute for development. All too often, migrants were compelled to seek employment abroad because of poverty, conflict or violations of human rights. Peace and security, good governance, the rule of law and the provision of decent work in countries of origin ensured that people migrated out of choice instead of necessity. International migration needed to be an integral part of the development agenda and should be part of national development strategies.

Following the High-level Dialogue, the Government of Belgium launched a process to establish the *Global Forum on Migration and Development* as a voluntary, non-binding and informal consultative process, led by and open to all States Members of the United Nations and observers. By providing a venue for Governments to address issues related to international migration and development in a systematic and comprehensive way, the Global Forum brings together Government expertise from all regions, promotes dialogue, cooperation and partnerships, and fosters practical and action-oriented outcomes at the national, regional and global levels.

Since the 2006 HLD, intergovernmental cooperation in the area of migration has increased markedly. Various regional intergovernmental groups and consultative processes have been focusing increasingly on the development dimensions of international migration, although they have done so in different ways and with different perspectives. The need to understand better the issues raised by international migration in relation to development, to exchange experience and know-how, and to build common positions has propelled more countries to join regional groups and some regional groups to cooperate with each other. It seems that the HLD served as a catalyst to generate considerable activity in this area.

Throughout human history, migration has been a courageous expression of the individual's will to overcome adversity and to live a better life. Today, globalization, together with advances in communications and transportation, has greatly increased the number of people who have the desire and the capacity to move to other places. This new era has created challenges and opportunities for societies throughout the world. It also has served to underscore the clear linkage between migration and development, as well as the opportunities it provides for co-development, that is, the concerted improvement of economic and social conditions at both origin and destination.

Migration draws increasing attention in the world nowadays. Mixed with elements of foreseeability, emergency, and complexity, the challenges and difficulties of international migration require enhanced cooperation and collective action among countries and regions. The United Nations is actively playing a catalyst role in this area, with the aim of creating more dialogues and interactions within countries and regions, as well as propelling experience exchange and collaboration opportunities.



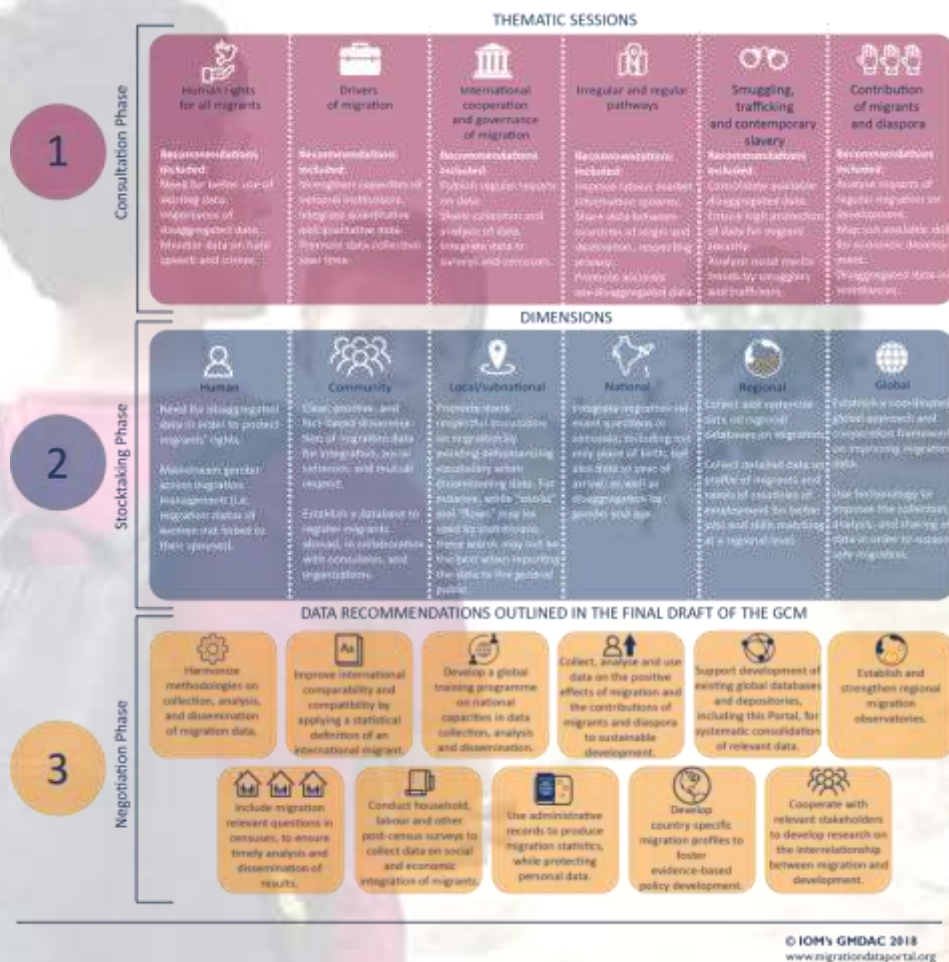
Global Compact FOR Migration

Global Compact for Safe, Orderly and Regular Migration

On 19 September 2016, Heads of State and Government came together at the UN General Assembly to discuss topics related to migration and refugees. As a result of the debate, the *New York Declaration for Refugees and Migrants* was adopted, recognising the need for a comprehensive approach to migration. The Declaration called upon Member States to:

- protect the safety, dignity, human rights and fundamental freedoms of all migrants, regardless of their migratory status, and at all times;
- support countries rescuing, receiving and hosting large numbers of refugees and migrants;
- integrate migrants - addressing their needs and capacities as well as those of receiving communities - in humanitarian and development assistance frameworks and planning;
- combat xenophobia, racism and discrimination towards all migrants;
- develop, through a state-led process, non-binding principles and voluntary guidelines on the treatment of migrants in vulnerable situations; and
- strengthen global governance of migration, including by bringing IOM into the UN family and through the development of a *Global Compact for Safe, Orderly and Regular Migration*.

With regards to the last point, UN Member States agreed to cooperate on the elaboration of a *Global Compact for Safe, Orderly and Regular Migration (GCM)* and a *Global Compact on Refugees (GCR)*. In early 2017, UN Member States agreed on the process and timeline for a GCM. Its elaboration took place through three phases (i.e., consultation phase, stocktaking phase, and negotiation phase). During the **consultation phase** between April and December 2017, a series of six informal thematic sessions on facilitating safe, orderly and regular migration were held in Geneva, New York and Vienna. The purpose of these sessions was to gather substantive inputs and concrete recommendations for the development of the GCM from relevant stakeholders on global, regional, national and local levels. The



stocktaking phase consisted of a preparatory meeting co-chaired by the co-facilitators, and took place in Puerto Vallarta, Mexico in December 2017. The two main purposes of the meeting were to review and distil the wealth of information gathered and to engage in comprehensive analysis in order to foresee the process going forward, namely the intergovernmental negotiations in the first semester of 2018. As a result of the conversations held during the two phases, the Zero Draft of the GCM was released. This marked the beginning of the **intergovernmental negotiations** which eventually resulted in the final draft of the GCM, released on 11 July 2018.

The GCM was then adopted by the world leaders at the two-day Intergovernmental Conference held in Marrakech, Morocco from 10 to 11 December 2018, laying out the first-ever global cooperation framework for sharing responsibility to protect the world's 258 million people on the move and supporting the host communities working to accommodate them. At the conference, senior Government officials, along with partners from civil society, the private sector and migrant communities discussed opportunities for partnership. The GCM was approved by 164 UN Member States. Among the countries

that did not adopt the GCM were Australia, Austria, Bulgaria, Chile, the Czech Republic, the Dominican Republic, Hungary, Israel, Latvia, Poland, Slovakia, United States and others.

The GCM is a non-legally binding document. It is grounded in values of state sovereignty, responsibility-sharing, non-discrimination, and human rights, and recognizes that a cooperative approach is needed to optimize the overall benefits of migration, while addressing its risks and challenges for individuals and communities in countries of origin, transit and destination. It comprises 23 objectives for better managing migration at local, national, regional and global levels. The compact:



- aims to mitigate the adverse drivers and structural factors that hinder people from building and maintaining sustainable livelihoods in their countries of origin;
- intends to reduce the risks and vulnerabilities migrants face at different stages of migration by respecting, protecting and fulfilling their human rights and providing them with care and assistance;
- seeks to address the legitimate concerns of states and communities, while recognizing that societies are undergoing demographic, economic, social and environmental changes at different scales that may have implications for and result from migration;
- strives to create conducive conditions that enable all migrants to enrich our societies through their human, economic and social capacities, and thus facilitate their contributions to sustainable development at the local, national, regional and global levels.

GICJ's position

Migration is a phenomenon that has been part of the human experience since time immemorial. Positive aspects of migration must be recognised by the international community as a whole, including prosperity, innovation and sustainable development in a globalized world. Migration shall not be prohibited or used with negative connotation as a tool for foreign policy. Instead, it should be managed and regulated. The majority of migrants around the world today travel, live and work in a safe, orderly and regular manner. However, migration undeniably affects our countries, communities, migrants and their families in very different and sometimes unpredictable ways. It is crucial that the challenges and opportunities of international migration unite us, rather than divide us.

In line with the objectives laid down in the GCM, the **Geneva International Centre for Justice (GICJ)** calls on Member States of the United Nations to:

- collect and utilize accurate and disaggregated data as a basis for evidence-based policies;
- minimize the adverse drivers and structural factors that compel people to leave their country of origin;
- provide accurate and timely information at all stages of migration ensure that all migrants have proof of legal identity and adequate documentation;
- enhance availability and flexibility of pathways for regular migration;
- facilitate fair and ethical recruitment and safeguard conditions that ensure decent work;
- address root causes and reduce vulnerabilities in migration;
- save lives and establish coordinated international efforts on missing migrants;
- strengthen the transnational response to smuggling of migrants;
- prevent, combat and eradicate trafficking in persons in the context of international migration;
- manage borders in an integrated, secure and coordinated manner;
- strengthen certainty and predictability in migration procedures for appropriate screening, assessment and referral;
- use migration detention only as a measure of last resort and work towards alternatives;
- enhance consular protection, assistance and cooperation throughout the migration cycle;
- provide access to basic services for migrants;
- empower migrants and societies to realize full inclusion and social cohesion;
- eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration;
- invest in skills development and facilitate mutual recognition of skills, qualifications and competences;
- create conditions for migrants and diasporas to fully contribute to sustainable development in all countries;
- promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants;
- cooperate in facilitating safe and dignified return and readmission, as well as sustainable reintegration;
- establish mechanisms for the portability of social security entitlements and earned benefits;
- and strengthen international cooperation and global partnerships for safe, orderly and regular migration.



Geneva International Centre *for* Justice

Independent, non-profit, non-governmental organization

GICJ is an independent, non-profit, international non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

Mission

GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work

GICJ has been tackling issues of justice and accountability since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the world. Through these channels, GICJ is able to receive documentation and evidences of human rights violations and abuses as they occur in several countries. GICJ continues to bring this information to the attention of relevant UN bodies in order to gain justice for all victims.

Geneva International Centre for Justice

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