IOM International Organization for Migration
OIM Organisation Internationale pour les Migrations
OIM Organización Internacional para las Migraciones

**INFORMAL CONSULTATIONS ON
INTERNATIONAL DIALOGUE ON
MIGRATION**

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*Human Rights and Migration:
Working Together for Safe, Dignified and Secure Migration*

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1.   This discussion note provides an update on International Dialogue on Migration (IDM) activities in 2009 since the last Informal Consultations on 26 February 2009, and proposes two possible overarching themes to guide the IDM in 2010, for consideration by the membership.

IDM 2009: *Human Rights and Migration: Working Together for Safe, Dignified and Secure Migration*

2.   The first IDM intersessional workshop for 2009 took place in Geneva on 25 and 26 March 2009 and discussed "**Effective Respect for the Human Rights of Migrants: A Shared Responsibility**". It was attended by more than 200 participants representing 71 governments, 22 international organizations, 8 non-governmental organizations, the private sector, academia and the media.[1]

3.   The panellists and participants shared local, regional and international experiences in protecting the human rights of migrants, with a focus on implementation and practical measures. The workshop highlighted, among other things, different national legislative and institutional frameworks, mechanisms to prevent and remedy discrimination, ways to design labour mobility programmes that are respectful of human rights, activities to promote integration, combat racism and harmonize relations between migrants and societies, and examples of bilateral, regional, international and multi-stakeholder cooperation in the realm of human rights and migration.

4.   Several key themes and common understandings emerged from the discussion. First, human rights are crucial to effective migration governance. Individual migrants, irrespective of migratory status, are entitled to full respect for their human rights; as a corollary to this, migration policy needs to take full account of human rights. The principle of non-discrimination is paramount in this regard. It was also stressed that conditions particular to migration can complicate the full enjoyment of human rights.

5.   Second, violations of the human rights of migrants stem less often from shortcomings in existing laws and frameworks than from obstacles to their effective implementation. In many cases, this is due to lack of or insufficient capacity of key players. Ways to translate principles into practice include training law-enforcement officials, strengthening the capacity of legal administrators, raising awareness among host communities, ensuring effective access to mechanisms of redress, and empowering migrants themselves.

6.   Third, the notion of shared responsibility was considered essential to making the human rights of migrants a reality. No single actor bears sole responsibility for ensuring protection of the human rights of migrants: countries of origin, transit and destination, as well as many non-governmental partners, such as recruitment agencies and employers, all have a role to play.

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[1] For further information on the workshop, including final agenda, list of participants, background paper and presentations, please visit www.iom.int/idmhumanrights.

Moreover, partnership is essential: inter-State cooperation as part of regional consultative processes or bilateral labour mobility programmes, interministerial working groups, alliances of civil society organizations, trade unions and businesses, as well as the cross-fertilization between them, were some of the examples of partnerships presented at the workshop. The participants also stressed that as a precondition to shared responsibility and joint action, stakeholders need to develop a shared understanding of the issues, of their common interests and of their mutual rights and responsibilities.

7. Subject to the availability of funding, the second intersessional workshop, on "**Trafficking and Exploitation of Migrants: Ensuring Protection of Human Rights**", will be held in Geneva on 9 and 10 July 2009. The aim of this workshop is to situate trafficking and exploitation of migrants within a larger framework of migration governance guided by human rights principles. The discussion will enable participants to draw lessons from traditional approaches to trafficking and exploitation and explore innovative and collaborative solutions that protect the human rights and fundamental needs of migrants who, through trafficking or otherwise, have fallen victim to exploitation and abuse.[2] Planning for this workshop has started and, as always, the Administration would welcome suggestions for case studies and speakers or other input by the membership.

IDM 2010

8. The Administration takes this opportunity to request the membership to select an overarching theme for IDM 2010 from the suggestions below, or to make alternative suggestions. It is in the nature of the IDM to reflect as closely as possible current issues and concerns as voiced by the membership. Thus, no discussion taking place in 2009 or, in all likelihood, 2010 can ignore the global financial and economic crisis and the specific challenges it poses to migrants and to migration governance. This dimension will be integrated into whichever theme is selected.

(a) South-South Migration

9. While international policy debate and research on migration have focused primarily on South-North flows, it is important to realize that today approximately 50 per cent of migrants from developing countries in fact reside in other developing countries. According to World Bank estimates, South-South remittances may account for up to 30 per cent of developing country remittance receipts. Moreover, the unfolding economic crisis and its consequences on the developing world in particular are also likely to impact migration and remittance patterns. There is thus a strong rationale for focusing the IDM on South-South migration, as reflected in the significant interest which this theme attracted when it was first proposed for consideration but not selected last year.

10. Within the framework of this proposed theme, IDM 2010 would explore the complexities of South-South migration, given that many developing countries are not only countries of origin, but also and increasingly countries of transit and destination. There is a need to review the current trends, characteristics and driving factors of South-South migration and ways to improve the availability of migration data pertaining to this phenomenon. Income differentials, proximity, trade, networks, seasonal patterns and environmental factors are

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[2] For further details on the second intersessional workshop, please refer to Document IC/2009/1 (para. 9-11).

among the drivers of South-South migration and call for a variety of policy and programmatic actions. Some of the manifestations of South-South migration are "chain migration" or "replacement migration", whereby skilled migrants from one developing country fill the gap left by professionals in other developing countries who have migrated to developed countries in search of work. Migration flows are often "mixed", as migrant workers, refugees, trafficked persons, unaccompanied minors and others with specific needs form part of the pattern of movement, requiring special attention from policymakers and other stakeholders. Moreover, how migration is managed varies significantly between different regions. While in some, migration may take place largely in an irregular fashion, in others, States have established regimes to permit various degrees of free movement.

11.   A discussion of the migratory issues affecting developing countries would not be complete without consideration of internal migration, whether seasonal, temporary or permanent, as well as of its possible linkages with cross-border migration. Internal migration, essentially rural-urban, is a phenomenon of significant magnitude in many developing countries and can have repercussions on, for example, infrastructure, urban planning, public health and social stability. Sudden reversal of such movements, in response to downturns in the economy, may also raise complex policy issues.

12.   A number of policy areas are relevant to South-South migration, including, but not limited to, human rights, labour markets, migrant and public health, border management and travel documentation, and migrant-society relationships. Of particular importance is South-South migration and its connection with development. How does the development contribution of migrants, to home and host countries, play out in a South-South context? In what ways is internal or cross-border migration, often temporary, a livelihood strategy in the face of certain environmental conditions? Policy implications also arise in post-crisis and peace-building settings, where States may need to manage migration flows between neighbouring countries or the return of internally displaced persons. The need for capacity-building in respect of the legal, institutional and programmatic frameworks and the economic and human resources for effective migration management and practical implementation underlies any discussion on policymaking for South-South migration. One way to enhance capacity that would be featured under this theme is bilateral, subregional, regional and interregional cooperation, through regional economic processes that may be linked to free movement regimes, regional consultative processes specifically related to migration, and other mechanisms.

(b)   Migration and Social Change

13.   Migration is a process of change, for migrants, their families and societies. The migration process creates a context in which migrants and communities of origin, transit and destination interact with one another and, in doing so, alter each other's behaviour and attitudes. Migration thus makes a significant contribution to shaping the world as it is today, not only in economic terms, but more importantly as a transnational social phenomenon connecting and transforming people and places. The relevance of such an analysis of the forces of globalization is further amplified by the consequences of the global economic crisis and, as protectionist tendencies grow, by an increasingly negative perception of migration and its implications.

14.   Migration brings about innovation and new ideas; it opens up opportunities for individuals and societies; it challenges established world views, facilitates cultural exchange and contributes to better understanding among peoples. But migration also raises many questions. How do societies manage change? How do they define themselves in the face of growing diversity, including, for example, religious pluralism? How do societies respond and adapt to such diversity? And not least, what impact does modern mobility have on the lives, choices and identities of individuals? The growing heterogeneity and increasingly transnational nature of modern societies, a consequence of migration, adds to the complexity of maintaining social cohesion and stability while harnessing the benefits of the transnationalization of societies. IDM 2010 would facilitate dialogue on the ways in which different protagonists view and experience migration as a vector of social change, and on the measures that can be taken at all stages of the migration process and by all stakeholders to make these changes as positive and beneficial as possible.

15.   Among the many facets of migration and social change, possible topics to explore include how to maintain social cohesion and shared values while accepting that individual and collective identities may be becoming more fluid. It may be necessary to tackle the potential sense of alienation and social exclusion felt by individual migrants by facilitating their integration and participation in their communities of destination, while at the same time enabling them to maintain their ties with societies of origin. In concrete terms, the IDM would be an opportunity to examine innovative policy tools which, going beyond the national framework, can help address transnational realities, for example through provisions for multiple citizenship, portability of pensions and health insurance, and transferability of educational credentials. Also relevant in this regard is the issue of transnational families, the positive potential and possible negative repercussions for families whose geographical separation may increase the vulnerability of some individuals, in particular women and children.

16.   Addressing the transnational dimension of social change would offer an opportunity to look not only at host societies, but also at consequences for the home country. For instance, recognition is growing of the potential contribution of diasporas and returning migrants to development and social change, by way of their financial and entrepreneurial input, cultural enrichment and the networks they may have forged abroad. In addition, migration plays a role in transforming societies in post-crisis and peace-building contexts, when return, resettlement and reconstruction require durable solutions for refugees, internally displaced persons, and members of the diaspora. The issue of migration as a factor of social transformation implies examining cooperative approaches among States and with other stakeholders, including migrants, to better grasp the opportunities migration offers and tackle the challenges experienced by changing societies.

17.   Once an overarching theme has been identified, more specific workshop topics relating to that theme will be proposed to the membership for selection at the next IDM consultations (in autumn 2009). As with all IDM activities, partners will be sought for the organization of relevant workshops, and a broad range of stakeholders encouraged to participate, in the light of the specific intersessional workshop themes that the membership selects.