

CMW-GFMD 'side event' on migrants Geneva, 19 May, 2016

**Organised by the Permanent Mission of Bangladesh and the
UN Committee for the Protection of the Rights of All Migrant Workers and Members of Their Families**

*A panel discussion on the impact of the existing international normative framework;
promotion and protection of the rights of migrants, including women and children; challenges
and best practices in the context of international migration*

“Getting it right on migration governance”

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I offer a few remarks on priority issues for this session: importance of the international normative framework; promotion and protection of migrant’s rights and welfare; challenges faced by women and children in migration; labour exploitation; and what's coming next.

Priority issue

The priority today is getting it right on rights based governance. That means, first and foremost, ensuring respect for and implementation of normative standards of protection of rights. That means –and guarantees, upholding dignity and ensuring basic wellbeing/welfare of all migrants. It also means preventing xenophobia, reinforcing social cohesion, and consequently enhancing economic viability.

Migration is about human beings: it cannot be ruled by market forces. It requires a framework for governance. That means a deliberate set of rules, institutions, policies and practices, by States, with a whole of government approach and participatory involvement of stakeholders, namely economic actors, migrants and refugees themselves, and civil society actors.

International Normative Framework

We are reminded here that a comprehensive international framework for migration governance exists. Its core legal instruments are the ICRMW and ILO Conventions 97 and 143. As well as the 1951 Convention and 1967 Protocol on the Status of Refugees.

What is good practice? First of all, obeying the law seems to me more than 'best practice.' Indeed, “in practice”, 48 countries have ratified the ICMRC, 18 more signatories are on their way to do so. Counting the total of countries ratifying or signing at least one of those three core migration governance instruments, we're about to reach 100.

Its Impact

The next question I hear is, what is the impact? Our reading of the evidence –legal, policy and practical changes in ratifying countries and reports to the CMW—consistently shows that treatment of migrants has improved in those countries that ratified and domesticated these norms.

But those norms are being consistently set aside, ignored or dismissed –or simply relegated to mention as mere *references*. Why? Because implementing them is politically inconvenient and economically constraining. They

are, after all, regulatory instruments.

The notion of a global compact as primary instrument of cooperation and governance of migration and refugee flows is deeply troubling. Especially in the context where a comprehensive normative, institutional and agreed policy framework exists and is fully applicable, but not applied. That particularly in agreements or compacts between states and groups of states that sometimes explicitly do not uphold standards of protection of refugees or of rights that those same states formally adhered to.

Vulnerable groups are groups at risk of abuse and exploitation –precisely because of the absence of full, State guaranteed respect for rights, including equality of treatment and non-discrimination.

Women and Children

Women and children often identified as particularly at risk. But they are not at risk because somehow they are vulnerably 'weaker' or without agency. Women and children migrants are at risk because they are denied adequate legal recognition and protection, and effectively prevented from organizing themselves for empowerment, mutual support and claiming solidarity in host societies.

Rather, migrant women are highly desired, and recruited into segmented and segregated labour markets where women are considered –and forced to be—more docile, flexible, and lower paid workers.

Women, particularly children, are victimized and suffer disproportionately the consequences of today's de facto migration regimes. Their situations are often the consequence of utilitarian migration policies and regimes – that emphasize 'temporary or circular migration, that impose less protection and inequality of treatment, and that are explicitly based on separating families, often for long periods of time.

The risks that many children of –affected by—migration face are also the results of de facto offshoring the costs of social reproduction and providing no compensatory resources to sustain costs of social reproduction, socialization and skills and training incurred elsewhere than where migrants are employed, earn living and pay taxes.

The cost are doubled so to speak when parents, the primary caregivers, trainers and agents of social reproduction, are compelled by economic and political circumstances to go elsewhere to earn income to support children and childrens' schooling, training, healthcare as well as basic housing, nutrition and welfare.

A few telling examples of costs of current migration regimes to children –and societies—left behind:

- Quito region: alcoholism and suicide rates twice as high for adolescents with one or both parents working abroad.
- Significantly higher school leaving rates for barrel kids –whose primary relationship with parents is receiving barrels with material goods sent home. The barrels provide sustenance and sometimes modest luxuries, so what incentive to stay in school to train for future work?
- High delinquency rates among youth in Lesotho, where in past years many, indeed most adult males –fathers and role models-- had disappeared because only option was working in mines in South Africa –living for years in mining camps in another country, not at home.
- High death and injury rates among adolescents in Paraguay, were every kid who has a parent working abroad buys a motorbike... and then many die in accidents resulting from reckless driving reflecting absence of parental supervision.

This and other situations around the world mean need for specific attention by countries of origin –which means most countries today—to ensuring provision of social support for education, health and welfare of children remaining at home when parent or parents obliged to migrate abroad alone to sustain their families.

Importance of migration

150 million of the 232 million people living outside their countries of birth or origin in 2013 were economically active.¹ Foreign born workers comprise 10% to 15% of labour forces in Western European countries, 30% in Switzerland, and 18-22% in immigration countries of Canada and the USA. 40 to over 90% in GCC countries.

The value of migrant labour to global economy? At least 3 trillion dollars annually. More than total annual global trade in petroleum, gas and derivatives. That is an extrapolation of migrant take-home pay from the 600 billion annual flow of remittances. Migrants on average remit some 20% of their earnings; most earnings are expended in the country of employment.

Strong economic incentives to lower costs, or keep costs low, by differentiating lower protection and lower costs and benefits for growing portion of work forces –10 to 30% across Western Europe for example, 18-22% in so called immigration countries, and 40 to over 90% in GCC member countries.

The lack of rights protections and equality of treatment spill over to native workforces: higher unemployment, worsening conditions—reasons quite easily exploited by political forces growing in strength and influence in countries represented here. Ironically that results in increasing social costs as social cohesion breaks down in what are objectively increasingly multi-national, multi-ethnic, multi-cultural societies.

The only way to avoid social meltdowns and intra-class warfare is to uphold the notion and the letter of the law –equality of treatment and non-discrimination, including on grounds of nationality.

Absence of labour protection

Even more critically, absence of protection make migrant labour more deadly worldwide than transit migration. We've all seen the figures, 3,700 migrant deaths crossing the Mediterranean in 2015. But, how many know that 500 Nepalese migrant workers go home in body bags every year from just one GCC country? Or that a similar number are returned in similar circumstances to India from another Gulf country? Or that the biggest single concern for the Tajik embassy in Russia is arranging to ship bodies home? Or that occupational death and injury rates for foreign workers are twice as high as for nationals in EU member countries?

But the absence of research, the absence of data, does not mean the problem doesn't exist or makes it go away.

Rather, what we know and what we don't know makes imperative fully applying, supervising and enforcing international labour standards for employment and working conditions of ALL migrant workers. Including on OSH – Occupational Safety and Health. And regardless of immigration status.

Good practice you ask? Mauritius –that ratified ILO 97 long ago, set up a flying squad of labour inspectors specially trained and authorized to monitor work-sites where migrants are employed. It's made a difference.

1 ILO, *International Labour Migration: a Rights Based Approach*, International Labour Office, Geneva, 2010, p. 1.

Yes, ratifying and implementing norms can be stated as values imperative. It is equally an economic and social governance imperative. Societies north and south are not going to thrive by returning to regimes that are little better than apartheid in law and practice.

But without an increasing reliance on migrants, they are not going to remain viable economically.

Values and costs

Who pays the costs? I find little more than anecdotal data on the massive foreign aid subsidies that poorer third world countries are providing every year to developed, industrialized countries in the form of migrating skills and workers. Schooling, skills training, and higher education paid for by the home country.

Transfers worth millions of dollars, not ironically when many industrialized countries are reducing support to and privatizing education, particularly tertiary education and universities.

More coming

I conclude with the observation *we ain't seen nothin' yet*.

Within 15 years, the majority of world's countries and populations will be in serious work force decline.² Germany loses 5 million members of its work force in the next fifteen years. The Russian Federation has lost 10 million since 2000. Switzerland needs 400,000 additional workers by 2030. And there's the big one: China's work force declines by 100 million people in the next 30 years.

Some 122 of 224 recognized countries and political territories are at or well below *zero population growth* fertility rates³. All face increasing departures from the work force uncompensated by decreasing numbers of youth entrants. This means increasingly 'globalized' demand –and competition—for the most crucial economic resource of all: trained skills and talent at all levels.

The skills crisis is critical and worldwide. A forecasting study by the McKenzie Global Institute⁴ estimated that the global shortage of high skilled and trained technical skills may reach 85 million by 2020. 38-40 million skilled workers with tertiary education will be lacking, especially in developed countries. Another 45 million will be missing with technical and vocational skills needed by employers. This within five years when employers around the world complain that they cannot fill one in three jobs on offer with the needed level of skills.

If we don't get it right on rights based governance of migration today, we're gonna be in bigger trouble tomorrow. I fear we've not been getting it right and are taking steps backwards now.

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- 2 For a corporate view on the phenomena, see Ernst & Young online report: "Six global trends shaping the business world: Demographic shifts transform the global workforce" at [http://www.ey.com/GL/en/Issues/Business-environment/Six-global-trends-shaping-the-business-world - Demographic-shifts-transform-the-global-workforce](http://www.ey.com/GL/en/Issues/Business-environment/Six-global-trends-shaping-the-business-world-Demographic-shifts-transform-the-global-workforce)
 - 3 This and following figures drawn from the on-line *CIA World Factbook, Country Comparison: Total Fertility Rate(s)* at <https://www.cia.gov/library/publications/the-world-factbook/rankorder/2127rank.html>. 2.1 to 2.2 children per woman is considered the 'replacement rate' of zero population growth, below which population will decline.
 - 4 McKenzie Global Institute: 2012. *The World at Work: Jobs, Pay and Skills for 3.5 Billion People*. See http://www.mckinsey.com/insights/employment_and_growth/the_world_at_work. Summary and full text available for download on that page.