

A Platform for Action towards the Global Compact on Migration: Reclaiming the Human Rights of Migrant Peoples

Submission to the Regional Consultation in Europe on the proposed Global Compact on Migrants

“Migrants and refugees over decades have contributed enormously to the economic and political development of Europe as well as to their countries of origin. Some have undertaken hunger strikes for basic rights such as family reunion and led struggles against detention and deportation. Many today affirm their human rights in struggles such as undocumented migrants and their undocumented children, those working as domestic workers and the care sector, in industry factories, as agricultural workers on Europe's farms, as workers in the informal sector, as construction workers building our homes and offices, as workers in service industries such as hotel and catering and tourism, sexual work or as seafarers on Europe's ships and as workers on Europe's oil rigs”. From International Call for the Permanent Peoples Tribunal (PPT) on the Rights of Migrant and Refugees Peoples

On September 19, 2016, the United Nations General Assembly hosted a High-Level Summit in New York, marking the first time world leaders, heads of state and government, came together at the UN with the aim of improving international cooperation and governance of migration and refugee issues. The New York Declaration was the outcome of this Summit. In it, the 193 UN Member States committed to negotiating two “Global Compacts”, a “Global Compact on Refugees” and a “Global Compact on Safe, Regular and Orderly Migration.” We welcome this opportunity to reclaim a human rights based approach to the challenges of migration at this juncture of globalization.

KEY HUMAN RIGHTS PRINCIPLES FOR THE AGENDA OF A GLOBAL COMPACT ON MIGRATION

Migration (beyond borders or internal) is an intrinsic dimension of human history. A strict “categorization” approach to the human rights of migrants and refugees is complicated by the cross-cutting nature. Migrants will pass through varying legal categories during their journey, particularly when migratory journeys are long and hazardous. We call for more integration of both Global Compacts that strengthens the universality and indivisibility of human rights, and establishes a framework and mechanisms that are human rights based and guarantee mobility options upholding human dignity for ALL peoples. Furthermore, the Global Compact must ensure the human and labour rights of migrants and refugees and their families, their integration into their destiny countries, their ability to lead full lives in their places of residence and the promotion of their active role in local, regional and global development.

1. Establish more legal and safe channels of migration

- *Ensure legal, safe and affordable pathways for migration with equal possibilities and rights regardless of gender, age or origin.*
- *End the ongoing construction of Fortress Europe and the externalisation and militarisation of borders, especially in North Africa and Turkey – which is daily leading to increased violations of human rights and has turned the Mediterranean and Aegean Sea into a vast mass grave and the site of crimes against humanity*

2. Human mobility is a human right, not a crime

- *Migration is NOT a crime - End the criminalization of migrant and refugee peoples and stop detention of migrants and refugees, regardless of migration status.*
- *End the policy of forced returns, currently deportation regimes and forced returns are leading to serious violations of human rights.*
- *The criminalization of international solidarity is a violation of International Human Rights Law*

and unacceptable that persons of civil society are prosecuted for providing assistance to refugees and migrants throughout the European continent.

3. Migrants and refugees are key actors in migration and development policies

- *Ensure full participation and representation* of migrants and refugees in the articulation, monitoring and assessment of migration and development policy frameworks and mechanisms.
- Fulfil a gender balance in the formation of these mechanism at all levels.

4. Guarantee the application of full human, labour and social rights

- *Implement full and equal rights for all workers*, in all sectors of the economy, regardless of migration status, gender or age which also includes access to justice and public services fully aligned with human rights standards .
- *End 'circular' and 'seasonal' migration programs* which in essence are “temporary” migration programs, that further division and conflict in labour sectors with unequal labour and human rights.
- *Protect the labour rights of migrants and refugees* (whether land based or sea based, in rural or urban work) against exploitation and abuse from ‘visa politics’ or/and confiscation of passports by employers or spouses.
- *End the practice of 'tied' employment* – employment and work must be based on the integrity of the individual person themselves and not dependent on an employer or spouse.
- *Provide regularization mechanisms for undocumented migrants* (workers) – acknowledge their economic and social contribution they already put into European societies for so many years.
- *The option for full citizenship should be available to all.*

5. Migrants and refugees and their children are part of European society

- *Implement zero tolerance of racism and xenophobia in all its forms.*
- *Ensure zero tolerance of hate-speech* by politicians and others that portray migrants and refugees as the “threat” to the European way of life.
- *Apply sustained monitoring and action against all forms of discrimination* including in the labour market, in politics, in society.
- *Facilitate with support programmes the integration of migrant and refugees* and their children in European societies.

6. Put in place a transparent, accountable and binding Global Compact

- *TMP Europe calls for a human rights led vision to building the Global Compact.*
- Halt the disintegration of the people's' rights and facilitate the convergence of efforts to Reclaim the rights enshrined in the wide range of United Nations Conventions and Declarations, including the UN Convention on the Rights of All Migrant Workers and Members of their Families, as well as the UN Refugee Convention.

In advocating these principles and proposals, the members of TMP-Europe join their efforts to those organisations and movements working to build another world to end inequality, poverty and injustice and lay the foundations for a new paradigm promoting and applying the human rights of migrant and refugee peoples. Numerous movements with their experiments and initiatives are demonstrating that concrete and feasible alternatives are not only urgent and necessary but also possible. Alternatives that will make a crucial difference in the lives not only of migrant and refugee peoples but for all peoples and for the planet. This process for the Global Compact on Migration provides a unique opportunity for governments to act decisively in the direction of reclaiming human rights on

migration and development.

The TMP-E starting point in its submission to the Europe Regional Consultation on the Global Compact arises principally from the lived experience of migrants in the context of the region of Europe and in particular in the European Union (EU). TMP-E proposes its recommendations based on the indictment presented at the launch of the Permanent Peoples Tribunal (PPT) Session on the violations with impunity of the human rights of Migrant and Refugee Peoples in Barcelona on July 8, 2017. The Call for this PPT was endorsed by over 100 migrant and refugee organizations, social movement and human rights networks. The PPT indictment identified four main stages in the migration journey – which are also characterized as “sites with rights” and “sites without rights”. Furthermore, the agendas of Gender and Youth are recognized as integral and cross-cutting in all stages of the migration journey:

1. Root Causes and Forced Displacements and out-migration

The forced displacement crisis is neither spontaneous nor circumstantial. It is linked to several structural causes that underpin the prevailing social and economic model; therefore, these causes (continuing wars, irreversible destruction of the environment, and generating hunger, impoverishment, and climate change) need to be addressed at their core, otherwise the human tragedies that cause forced displacement will not be identified. Currently, the mechanisms used by capital to grab capital gains and maintain its profit rates escalate, extending to exploitation, expulsion by dispossession and necropolitics.

2. Hazardous & Dangerous journeys of transit and closure of legal routes leading to mass deaths.

The "non-law" spaces that are built on European borders allow, people badly wounded in barriers not to be assisted, and human beings in the desert to be abandoned. All this justified by the primacy of the territorial sovereignty of Europe. These are areas where Europe can implement policies that are separate and far removed from human rights. They are "non-law" contexts where legal primacy is exercised by immigration control and where bilateral relations have more weight than international conventions. The impact that these policies have on the violation of the rights of the people who move has increased in the last decade, and has had a significant impact on the right to life.

3. Border regimes that are militarized and criminalized – and operate on exclusionary policy

The creation of non-law spaces by externalising and militarising borders create no-rights zones. The construction of non-law spaces has been accompanied by the victimisation, criminalisation and reification of people on the move, which has formed part of the process of stripping them of their status as people. That is why neither they nor their families have recognised rights and the European states are thus exempt from responsibility for the violence that they exert against the victims and the survivors of the border war.

4. Fortress Europe – living and working conditions that are exclusionary and intensifying levels of racism, xenophobia and islamophobia eroding the possibility of integration.

The consequences of the global financial crisis and the pursuit of neoliberal austerity measures has led to a profound economic and political crisis in Europe. The EU is currently restructuring its economic and political system. Unemployment has reached record levels, especially in "peripheral" countries (Greece, Spain, Portugal, Ireland, Bulgaria, Romania and the Baltic States). There is an imbalance between the former Eastern European countries and those of Western Europe in terms of economic and social conditions. Explicit authoritarian and racist political parties are on the rise in several countries and their representatives hold seats in national parliaments and governments. This toxic mix

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of political and economic conditions has fuelled more overt racism, xenophobia and islamophobia and focusing the blame on migrants and refugees with some sections of European citizens seeing them as the cause of unemployment, insecurity and the pressure on public services, including schools, housing and health services.

These conditions and accompanying hate speech draws more attention from the media for politicians (men and women) who resort to using prejudice that portrays migrants and refugees as "the threat" to the European way of life and:

- *fail to mention that the budgetary cuts to public services are, in fact, false solutions governments use to address the economic and financial crisis at the European and global level;*
- *maintain silence about the impacts of European trade and investment policies (such as the economic partnership agreements or the free trade and investment agreements with Asia, Latin America and African countries being factors that contribute to the impoverishment of people, collapsing livelihoods and the failure of economies in the global South;*
- *hide the fact that some European states are participating and European arms corporations are gaining high profits in the wars in the Middle East which are a main cause for refugee flight and migration.*

In addition to the situation and conditions in Europe and its borders, we see similar conditions arising in areas such as the Mexico-US border regime and the current forced movement of the Rohingya peoples into Bangladesh. It is these contexts which give urgency to reclaiming a human rights framework as central to a new policy era on migration.

For more information on the PPT please look at <http://transnationalmigrantplatform.net>



Transnational Migrant Platform Europe

The member organisations of TMP-E have a long history of working together and in participating in the United Nations initiatives aimed at strengthening migrant and refugee rights – these include the advocacy and ratification campaigns for the UN Convention on Rights of All Migrant Workers and Members of their Families and for the ILO Convention on Domestic Work, including the rights of migrant domestic workers. Since 2008 the TMP-E has played an important role in facilitating the preparation and participation of migrant organisations in important international and UN related initiatives: The Global Forum on Migration and Development (GFMD) as Co-convenor with other regional migrant networks in the shaping and holding of Civil Society Days around the GFMD from Belgium 2007 to Berlin 2017; Holding Europe-wide Conferences for the Peoples Global Action on Migration & Development (from Manila 2008 to Berlin 2017).

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