Introduction

At a time when migration was hardly recognized as a priority in international fora, representatives of civil society organizations dealing with the human rights situation of migrants decided to form an international alliance that will serve as a vehicle for international advocacy. The alliance was forged in Cairo in September 1994 during the UN International Conference on Population and Development. It was called the International Migrants Rights Watch Committee, later renamed and known today as Migrants Rights International (MRI).

Members of MRI envisioned a global civil society alliance that would mainstream the discussion of migration, particularly the situation of migrant workers and members of their families, within the framework of human rights. Pursuant to this, they identified four major objectives of the organization, namely: (1) to promote the recognition and respect of the human rights of all migrants and members of their families; (2) to advocate for widespread ratification of the UN International Convention on the Protection of
the Rights of All Migrant Workers and Members of their Families; (3) to facilitate the efforts of migrant associations and other non-governmental organizations in advocating for migrants’ rights; and (4) to monitor trends and developments in the situation of migrants’ rights and welfare.

Over the years, MRI has evolved from a core group of experts and civil society leaders into a network incorporating greater representation of migrant rights and migrant organizations including the Migrant Forum in Asia, migrant workers unions, faith-based groups and other civil society players within the various global regions. An international secretariat was established in Geneva, site of many international migration and human rights events. The secretariat serves as the ‘nerve center’ and undertakes the coordination of the international activities of the organization. Crucial to the activities of the MRI alliance is the ability to link national and regional campaigns with the larger international advocacy, particularly at the United Nations. MRI seeks to enhance the capacity of migrant associations and their support groups so they can engage in international processes, which contribute to the development of migration policy and the improvement of the human rights situation of migrant workers and their family members. This article will focus on how this has been and is being done.

The Global Campaign for Ratification of the UN Migrant Workers’ Convention

For migrants’ rights advocates, the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereafter ‘Convention’) offers the most comprehensive body of human rights norms and standards for the protection of migrants’ human rights and welfare, and adopts the principle of non-discrimination with respect to rights of all migrant workers and members of their families. However, several years after its adoption by the UN General Assembly in 1990, the Convention remained unknown and sorely short of the required number of state ratifications for its entry into force.

Thus, in 1998, Migrants’ Rights International convened a Steering Committee of major international civil society organizations along with intergovernmental agencies such as the International Labor Office, the International Organization for Migration, and the UN Office of the High Commissioner for Human Rights. The purpose of the Steering Committee was to establish a broad base of support from international agencies, civil society, and Governments in order to launch a global campaign for ratification and entry into force of the Convention. International support for the Convention was created, not only in Geneva, but also worldwide through the existing networks and members of the Steering Committee. Activities were geared towards supporting mobilizations and campaigns with the involvement from the grassroots and national levels and from the different sectors of society. Their foremost objective was to promote awareness of the existence, content, and intent of the Convention.

Various ‘popularization campaigns’ were undertaken, including by the members of MRI. From the original grouping in 1998, the Steering Committee now has 14 members consisting of four members from the intergovernmental agencies: the International Labor Office (ILO), International Organization for Migration (IOM), UN Office of the High Commissioner for Human Rights (OHCHR), and the United Nations Educational, Scientific, and Cultural Organization (UNESCO). Members from the non-governmental organizations include: December 18, Human Rights Watch, International Catholic Migration Commission, International Confederation of Free Trade Unions, International Movement Against All Forms of Discrimination and Racism, Migrant Forum in Asia, Migrants Rights International, Public Services International, Women’s International League for Peace and Freedom, and the World Council of Churches. New observers have also come in, namely: Amnesty International and the International Confederation of Free Trade Unions, International Movement Against All Forms of Discrimination and Racism, Migrant Forum in Asia, Migrants Rights International, Public Services International, Women’s International League for Peace and Freedom, and the World Council of Churches. New observers have also come in, namely: Amnesty International and the International Federation of the Red Cross and Red Crescent Societies.

In addition to its main purpose, the Steering Committee also provides a rich platform for exchange of information, resources, and experiences from among the member organizations. The members meet monthly in order to exchange updates of the individual organizations’ work vis-à-vis the Convention and identify strategies for campaigning, including events, letter-writing campaigns, and support to each other’s initiatives. In all these, there is created in the process of collaboration a value-added component that enhances the collective campaign. Complementation
of work is done, as well as supplementation of needs.

With regard to how it operates, currently, there is a ‘Convener’, which is rotated among the Steering Committee membership. This encourages full participation and leadership of every member, as well as the sense of ownership. In all these, MRI remains constant as the secretariat that supports the Steering Committee.

Some of the activities of the Steering Committee include:

- The publication of the campaign manual, Achieving Dignity, first published in 1998 and was considered as one of the first popular materials and guide to promoting the Convention. It is now in its fourth printing, and currently available in English, French, and Spanish.¹
- Maintaining a website, <www.migrantsrights.org>, where one can find all the useful and relevant information and updates on the Convention and the global campaign activities as participated in or facilitated by the members of the Steering Committee. Likewise, members of the Steering Committee devote a page or section in their websites for information on the Convention or make reference to the Global Campaign site.
- Organizing public events, such as panel events and debates during the annual regular session of the UN Commission on Human Rights in Geneva and the annual Council session of the International Organization for Migration. This year, the Steering Committee also held panel events during the International Labor Conference of the ILO in June 2004 and the annual Metropolis Conference, which was in September this year in Geneva.
- Marking the entry into force of the Convention through high-level celebratory activities in the United Nations at Geneva on 1 July 2003. A high-level panel event was organized, with the heads and high officials of the OHCHR, IOM, ILO, UNESCO, ICFTU, and the UN Special Rapporteur on the Human Rights of Migrants as panelists. On the same occasion, the heads of the same intergovernmental agencies issued a joint statement welcoming the entry into force of the Convention and expressing the commitment of their offices to work towards increased collaboration and joint activities in the field of migration and human rights.² Outside of Geneva, simultaneous celebratory activities were held by civil society organizations worldwide, including the member organizations of MRI. MRI also issued an international statement marking the coming into force of this international human rights treaty on migrants, with the determination to continue the global campaign towards universal ratification.³

From the slow progress of ratification in the late 1990s, the number of ratifications and signatures has doubled since the global campaign was launched. The needed number of ratifications was reached, and allowed the Convention to enter into force on 1 July 2003.⁴ To date, the number of ratifications continues to increase and more States, including those that have already signed (preliminary to ratification), are moving towards ratification.

Likewise, with the entry into force of the Convention, the Steering Committee has re-focused its goal from widespread ratification towards achieving universal ratification.

This includes a particular focus on migrant-receiving countries and convincing them to ratify.
With the establishment of the UN Migrant Workers’ Committee (hereafter ‘Committee’), the global campaign takes on a critical role of advocating for more state parties to the Convention. This was evident in the statement by the Chairperson of the Committee when he addressed the NGOs during their first session in Geneva on 1–5 March 2004. The Committee also commended the important role of the Steering Committee and all the NGOs worldwide for helping to bring the Convention into force.

Towards this, MRI’s catalytic role in launching the global campaign and convening the Steering Committee offers a ‘best practice’ within the migrant civil society movement on how a broad base international cooperation can be attained in promoting migrants’ human rights. MRI’s ability to work with governments, international agencies, and civil society actors, at the same time ensuring participation from grassroots migrant organizations, becomes its indispensable contribution in bringing the international human rights instrument for migrants into reality.

Implementing the UN Migrant Workers Convention and the Role of Civil Society Organizations

Meanwhile, bringing the Convention into force is only the first phase of establishing the international human rights norms and standards in the treatment of migrants. The other half of the challenge is ensuring full and effective implementation of the Convention by the State parties at the national level.

MRI, as a network of grassroots, national, and regional migrants rights organizations, have always been involved in monitoring the human rights situation of migrant workers and members of their families. MRI organizations have always assumed a monitoring and advocacy role in their respective countries and regions with regard to the situation of migrants. With the entry into force of the Convention, and with it the establishment of the treaty monitoring body (the Committee), the MRI network is working towards institutionalizing an independent NGO monitoring mechanism. This monitoring mechanism will establish a systematic, progressive, and participatory process, among migrant workers associations and unions, NGOs and civil society stakeholders, in the monitoring and reporting of implementation of migrants’ rights, particularly in the implementation of the UN Migrant Workers Convention. As well, monitoring migrants’ rights will also include the use of the various international human rights instruments, UN mechanisms, ILO Conventions, and other commitments, such as the Durban Declaration and Program of Action, among others. The establishment of the monitoring mechanism will involve a development phase, which will include a series of consultations among civil society stakeholders. The objective is to ensure broad involvement from migrants and migrant rights organizations in the monitoring and reporting on the implementation of the human rights of migrants at the national level.

The major components of the monitoring mechanism will include: (1) capacity building for migrants’ rights, and (2) the establishment of structural linkages within the MRI network to bridge national monitoring with treaty monitoring and international advocacy.

The capacity-building component will include training on the content of international standards, the documentation and data-collection on violations of migrants’ rights and standards, setting up of retrieval systems, and enhancing reporting skills. The structural linkages that will be built will aim at formulating national and international strategies around shadow-reporting to the Migrant Workers Committee. This will include coalition building, effective reporting, public campaigning, and advocacy. Likewise, special focus will be given to the more efficient use, at national level, of the UN Commission on Human Rights and the mandate of the UN Special Rapporteur on the Human Rights of Migrants, with which MRI has routinely been involved as part of its international advocacy work.

At the same time, MRI is also considering to become part of the NGO Group on the UN Migrant Workers Convention, together with December 18, International Catholic Migration Commission, World Council of Churches, Amnesty International, and Human Rights Watch. The NGO Group will be established for the purpose of assisting civil society organizations so they can actively involve, bring information, and provide support to the monitoring function of the Migrant Workers Committee. The
NGO Group takes its core membership from the NGO members of the global campaign Steering Committee.

Making Use of the Treaty based Mechanisms at the United Nations

As mentioned above, fundamental in the activities of the MRI network organizations is monitoring the human rights situation of migrants in their countries, as well as the situation of migrant workers abroad. Occasionally, the national NGOs also submit information to the treaty bodies, such as the Committee on the Elimination of All Forms of Racial Discrimination (CERD) and the Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW), particularly when their respective countries are scheduled for reporting. However, this system has not yet been institutionalized within MRI. With the launching of the monitoring mechanism, the MRI network will also make sure that the information gathered is also submitted to the other treaty bodies, in addition to the Migrant Workers Committee. This will effectively ensure that there is proper monitoring of the rights situation of migrants in countries which are not state parties to the Convention, but are state parties to the other core human rights Conventions. This way, MRI network organizations can hold countries accountable for violations of migrants’ human rights, even if they have not ratified the Migrant Workers’ Convention.

In addition, at the Geneva level, the MRI international secretariat is also able to monitor the work of the treaty bodies by keeping track of the country reporting schedules, as well as progress in reporting, and making this information available to its NGO network. The secretariat, through its presence in Geneva, is also able to follow important developments at the treaty bodies that are relevant to migrants’ rights. For example, in March 2004, the MRI international secretariat was able to participate in the thematic session by the CERD on the Rights of Non-Citizens. Together with other NGOs, MRI advocated and provided inputs to the members of the Committee towards their consideration of a new General Recommendation on the Rights of Non-Citizens in the elimination of all forms of racial discrimination.

Non-Treaty based Mechanisms Available for Migrants Rights Advocates

Furthermore, at the United Nations, there is a non-treaty based mechanism that is relevant to the promotion of migrants’ human rights. This is the UN Commission on Human Rights, which is the principal human rights organ of the United Nations. It consists of 53 member governments elected by the regional groups on a rotating basis. The Commission meets every year during spring for six weeks in Geneva. It takes up all matters pertaining to human rights. The Commission engages in general debates on twenty-one (21) agenda items, considers reports, and submits resolutions and decisions for action within the charter of the UN. Among the agenda items that are routinely considered is the agenda item 14(a) on Migrant Workers.

As part of ensuring their participation to these international processes, MRI, through its special consultative status with the UN Economic and Social Council, is able to bring annually to the Commission a delegation of migrants and migrant rights organizations. The MRI secretariat provides the preparatory work for the delegation, consolidates the advocacy plan based on the proposals of the participating NGOs, and assists them in understanding and maximizing the use of the Commission in promoting migrants’ human rights.

More directly, MRI involves itself in the work of the Commission through contributions during consultations on agenda item resolutions pertinent to migrant workers’ submission of written and oral interventions to the general debate, and direct advocacy with government delegations.

At the 60th session of the Commission of Human Rights from 15 March to 23 April 2004, MRI brought a delegation of 28 migrant NGO representatives, including among them migrant domestic workers from all over Europe. They came to engage the UN Special Rapporteur on the Human Rights of Migrants, Mrs. Gabriela Rodriguez-Pizarro, in a dialogue focusing on their human rights issues and concerns. MRI organized the dialogue in view of the Special Rapporteur’s thematic report to the 60th session of the Commission, which highlights the human rights situation of migrant domestic workers, particularly female migrant domestic workers, and
the vulnerabilities they face. In the dialogue, the female migrant domestic workers were able to bring testimonies from their own experiences, including situations of their undocumented status and harrowing experiences as victims of trafficking.

Furthermore, MRI also organized a parallel event at the Commission entitled ‘The Human Rights of Migrants.’ Members of the MRI delegation were able to present their own national and regional issues and concerns, as well as organizing activities and campaigns. The Special Rapporteur also participated in the event and was able to provide valuable responses and recommendations to the NGOs.

Linking Migrant Civil Society with International Processes Affecting Migrants’ Situation

Outside the UN human rights mechanisms, there are various other international fora and processes that are relevant to the situation of migrants. MRI keeps track of these developments and anticipates active involvement.

At the level of the ILO, the annual International Labor Conference (ILC), which is the tripartite policymaking assembly of the organization, will take up as part of its agenda the topic of ‘Migrant Workers.’ The ILC, which took place in Geneva on 1–17 June 2004, decided on policy recommendations and concrete actions that the ILO will pursue in the coming years on the issue of labor migration. It also brought together thousands of representatives of governments, employers, business community, trade unions, migrant organizations, academics, and other civil society actors.

MRI sees the ILC 2004 as a critical juncture in international labor migration policy. As such, it sees itself as involved in two critical tasks, namely: (a) to ensure migrants’ and migrants’ rights NGOs’ representation and participation in the tripartite meeting, and (b) to strategize and implement a rights-based advocacy agenda towards the Conference. The aim is to ensure that human rights norms and standards are placed at the core of the Conference’s actions and recommendations with regard to migrant workers. As of writing, preparations are underway towards addressing these critical tasks.

Furthermore, outside the UN system, there is the
International Organization for Migration (IOM), which is the only intergovernmental agency specializing in international migration, providing direct services, and embarking on policy research and development in this area. Of high importance to the IOM is its annual Council meeting in Geneva, which determines the policies and directions of the organization. MRI sits as an observer NGO to the IOM Council. As such, it is able to attend and make interventions during the Council meetings. On a more regular basis, MRI follows the current developments at the IOM, shares this information with its NGO network, and occasionally facilitates NGO dialogues with key staff at the IOM headquarters in Geneva as part of the activities of its annual NGO delegation to the Commission on Human Rights. Among the processes currently facilitated by the IOM are the ‘Berne Initiative’ on Asylum and Migration, the Geneva Migration Group, the regional consultations on migration, and policy debates in the area of voluntary returns, integration of migrants, trafficking, health and HIV, labor migration, and migration and development, among others. At the same time, the IOM also states commitment to protect and promote migrants’ human rights and the desire to work closely with civil society. These stated commitments, however, remain to be seen.

Also at the international level, the most recent development was the launching in December 2003 of the Global Commission on International Migration (GCIM). The mandate of the Commission, which runs for about 18 months, is ‘to place international migration on the global agenda, analyze gaps in current policy approaches to migration, and examine inter-linkages with other issue-areas.’ The Commission is supported by about a dozen governments, led by Sweden and Switzerland, and is co-chaired by Jan Karlsson (Sweden) and Mamphela Ramphele (South Africa), who is also currently the Managing Director of the World Bank. The establishment of this body is indeed a very interesting development and may determine the course of the international migration debate in the following years. Therefore, MRI considers it important to closely monitor the developments at the GCIM and to be involved, as much as possible, in its consultations and hearings. The first of the seven regional hearings was in Asia, in Manila, Philippines, from 17–19 May.
2004. To this, MRI recommended the participation of Migrant Forum in Asia, its regional partner organization consisting of more than 250 migrant and migrant rights organizations all over Asia, to be represented at the meeting.

Finally, at the World Trade Organization (WTO), international trade negotiations are now beginning to include issues relating to labor migration, technically defined as the ‘movement across border of natural persons as service providers,’ in particular the negotiations on Mode 4 of the General Agreement in Trade in Services (GATS).

MRI, together with its national organization in the US, the National Network for Immigrant and Refugee Rights (NNIRR), participated in the Fifth WTO Ministerial Meeting in Cancun, Mexico, from 10–14 September 2003. This was the first time that MRI has followed a WTO Ministerial meeting with the objective of understanding the process and dynamics in trade negotiations particularly on how they impact the situation of migrants and their rights. MRI prepared a report from the Cancun activities in cooperation with NNIRR. Apart from summarizing the organizations’ contribution to civil society activities in Cancun, the report also attempted to provide the initial analysis of issues relating to the Trade-Migration nexus. And with GATS Mode 4 negotiations being among the more recent areas of negotiations at the WTO, migrant rights’ advocates can seize the opportunity to pioneer mobilizations and advocacy in this area. Nevertheless, reflecting upon the recent experience in Cancun, further consideration and strategizing are required to determine how NGOs can impact the WTO deliberations.

Conclusion

Over the years, the constant vigilance and coordinated advocacy efforts of migrants and migrant rights’ advocates have helped highlight migration and its human rights implications. Consequently, migration and migrants’ rights are now ‘mainstream’ issues in various international policy forming events. As well, international processes with implications for national migration policies have exhibited a strong involvement of national NGOs and migrant associations as shown in the examples above. MRI, with its core mandate to promote the recognition of and respect for the human rights of all migrants, sees the strength of an organized and coordinated advocacy, which strongly links national campaigns to international advocacy and vice-versa. Current developments in addressing migration at the international level will only become relevant to migrants and migrant rights NGOs, in so far as they are able to gain access to this information, participate in these processes, and are able to bring in the migrants’ voice, i.e. ensuring that the human dimension and human rights perspectives are not left out of the discussion. Towards all these, MRI continues to work towards enhancing its network and in effect, enhancing the capacity and role of migrants and migrant rights organizations in promoting, monitoring, and actively addressing the human rights situation of migrants worldwide.

Endnotes


4 As of 28 September 2004, there are 27 State Parties to the Convention, namely: Azerbaijan, Belize, Bolivia, Bosnia and Herzegovina, Burkina Faso, Cape Verde, Colombia, Ecuador, Egypt, El Salvador, Ghana, Guatemala, Guinea, Kyrgyzstan, Libya, Mali, Mexico, Morocco, Philippines, Senegal, Seychelles, Sri Lanka, Tajikistan, Timor Leste, Turkey, Uganda, and Uruguay. Fourteen states have signed namely, Argentina, Bangladesh, Cambodia, Chile, Comoros, Guinea-Bissau, Indonesia, Lesotho, Liberia, Paraguay, Peru, Sao Tome and Principe, Sierra Leone, and Togo.

5 Statement by Mr. Prasad Kariyawasam (Sri Lanka), Chairperson of the UN Migrant Workers’ Committee (Treaty body), addressed to NGOs, Geneva, 4 March 2004.

6 The 2001 World Conference Against Racism Declaration and Program of Action bring with them around 45 paragraphs reiterating States’ commitment and concrete actions in the promotion and protection of the human rights of migrants in the fight against racism. Towards this, MRI has taken as an important
work the follow up to these commitments and incorporating the fight against racism, racial discrimination, and xenophobia, as part of its member organizations’ mandates and activities.

The UN Special Rapporteur on the Human Rights of Migrants is a special procedure established within the UN Commission on Human Rights in 1998 in order to hear and report on the human rights situation of all migrants, provide recommendations for the enhancement of migrants’ human rights, and in special cases, act on urgent appeals. Last year, the mandate was renewed by the Commission for another 3 years. The person named is Mrs. Gabriela Rodriguez Pizarro (Costa Rica), who is now in her second term as Special Rapporteur.

The delegation of migrant domestic workers was made possible through the mobilization and support of RESPECT, which is the European Network of Migrant Domestic Workers and the Collectif de soutien aux sans-papiers de Genève.

