

Amnesty International statement to the 90th Session of the Governing Council of the International Organization for Migration (IOM)

1 December 2005

Mr Chairman

Migration is increasingly prominent in the world today; it is on the top of the agenda of multilateral policy discussions, it is increasingly important in inter-governmental deliberations, and it heads the domestic political agenda in many countries. As highlighted by issues discussed in the context of the International Migration Dialogue at this year's Council, migration today touches on such diverse policy issues as development, health, trade, the environment and security.

This intervention will briefly highlight Amnesty International's concerns in relation to the issues of international migration and development; policy coherence seen from a human rights standpoint; and International Organisation for Migration (IOM) strategy and the global governance of migration.

International migration and development

Amnesty International believes that sustainable development should be based on respect for, protection and fulfilment of the human rights of all people. While migration is increasingly a subject of debate within the international sphere, all too often it is framed solely within a discourse of control, containment or even criminality. Yet migrant workers can play an essential role in the development process, including through filling employment and skills gaps in destination countries, and sending much needed remittances back to countries of origin.

Migration *per se* is not and should not be seen as a problem which requires a solution; it is an inevitable part of the human condition. It is important to recognise, as the General Assembly recently has, that migrant workers have positive impacts on development on both the countries they leave and those to which they migrate. In framing the discussion on migrant labour and development, it is essential that the rights of all migrant workers and their families

are placed at the centre. This is all too often not the case, an omission which Amnesty International believes has created a climate in which human rights abuses by governments and employers against migrant workers are too often overlooked, or even accepted, resulting in migration policies that are often abusive; including as a result of the individual being viewed as a commodity, or a unit of labour, and placed secondary to the requirements of the host country or country of origin, or the industry that requires his or her labour.

Building on the Millennium Declaration, the UN Secretary General recognised the interrelation of human rights, development and security in his report “In Larger Freedom”, noting that “we will not enjoy development without security, we will not enjoy security without development, and we will not enjoy either without respect for human rights.” Experts in human development increasingly recognise that human rights should be both the means and the end of development. Recognition that this extends to the rights of migrant workers is essential to ensure that increasing economic development is not based on exploitation, discrimination, abuse and the deepening of inequality.

While the benefits to both migrants themselves as well as to the countries of origin and destination are an important positive consequence of international migration, Amnesty International is firmly of the view that migrant workers should not be looked upon solely as “agents of development”, and accordingly encouraged or even coerced to migrate in conditions which may violate the inherent dignity of the human person, and at the expense of their fundamental human rights. The international community must take steps to ensure that migratory movements are the consequence of an informed and truly voluntary decision on the part of the individual rather than the result of direct or indirect coercion, including through the denial of fundamental rights.

Policy coherence must be premised on human rights obligations

The search for coherence within policies which impact on migrants, whether they are explicitly migration policies or development, trade and other policies that have important consequences for migration, must be premised primarily and explicitly on the human rights of all migrants, regardless of their status. Amnesty International urges states and other stakeholders to ensure that they avoid a rush to cohere policies at the lowest common denominator.

IOM strategy and the governance of international migration

The final report of the Global Commission on International Migration has stated that “the international community has failed to capitalise on the opportunities and to meet the challenges associated with international migration”. In large part this is due to an institutional incoherence at the international and inter-agency level, which has been exemplified by efforts by various international actors to carve out individual territorial space within the international migration context. When the rush to acquire the “mandate” for all aspects related to migration

becomes an end in itself, the losers inevitably are the migrants, the people who should be, but are not, at the centre of the entire migration debate.

Too often discussions within this Council have spoken of migration as an abstract, purely economic phenomenon. What has been missing from the debate has been an understanding that we are talking about the movement of human beings; individuals who become obscured behind the statistics and policy discussions. In seeking to address the challenges associated with international migration, IOM and member and observer states of this Council must ensure that the migrants, their rights, needs and contributions are at the centre of their policy and practice. Indeed, in seeking to further an understanding of where and how IOM could position itself in the field of migration, there needs to be a concerted effort to engage with migrant communities.

Amnesty International has urged IOM to refrain from involvement in any projects, on behalf of governments, which negatively impact on the human rights of migrants, refugees, asylum-seekers or IDPs. IOM should ensure that a culture of protection and human rights compliance is instituted within the organisation, at headquarters and particularly in regard to its project-based operations at field level. It is important in this regard to ensure that IOM's relations with NGOs, whether in the operational or policy-setting field, are open and accountable. In its statement to last year's Council meeting, Amnesty International urged that "it would be opportune for IOM's member states and the organization itself to reflect on its core competencies and its role within the international migration arena. This could take place within the context of an independent and external evaluation of IOM's overall mandate." We still believe there is the need for inclusive, broad-based and transparent consultations on IOM's future strategic directions, including not just an independent evaluation of its programmes at headquarters but also of its operations worldwide.