SUB-REGIONAL CARIBBEAN CONSULTATION TOWARD A

GLOBAL COMPACT

ON SAFE, ORDERLY AND REGULAR MIGRATION

REPORT ON RESULTS FOR THE PREPARATORY PROCESS FOR THE GLOBAL COMPACT ON MIGRATION

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I. INTRODUCTION

Migration in the Caribbean is a growing challenge. The Global Compact on Migration (GCM) for a safe, orderly and regular migration presents an opportunity for the Caribbean region to include its significant, and particular, perspective, and experiences into the consultation process. The Sub-Regional Caribbean Consultation was convened in Trinidad and Tobago over the period November 27 - 28, 2017, and organized and facilitated by the International Organization for Migration with financing from the European Union.

The event brought together government representatives from Bahamas, Grenada, Guyana, Jamaica, Saint Lucia, and Trinidad and Tobago. In addition, there was also representation of the Economic Commission for Latin America and the Caribbean (ECLAC) as well as the Association of Caribbean States (ACS).

The event was inaugurated by Ms. Charmaine Gandhi-Andrews, Chief Immigration Officer, Immigration Division, Ministry of National Security of the Government of Trinidad and Tobago, Mr. Dillon Alleyne, Deputy Director of the ECLAC subregional headquarters for the Caribbean and Mr. Robert Natiello, Regional Coordination Officer for the Caribbean and Chief of Mission in Guyana of IOM.

During the two-day event, country representatives were introduced to details about the Global Compact process, as well as the specific thematic areas that were to be discussed. Participants broke down each topic into those corresponding to key priority areas for the participating countries.

Initial discussions included global and regional migration overviews and participants were then tasking with contributing to the definition of the terms Safe, Orderly, Regular, and Responsible in order to better help align discussions with SDG 10.7.

The event agenda included six thematic discussions corresponding to the global thematic consultations being carried out as part of the first phase of GCM consultation. Introductory presentations were delivered upon commencement of each discussion, followed by group exercises focused on each specific theme. Each discussion generated inputs from the participants to assist in developing guidelines for defining the sub-region's position regarding the Global Compact.

This document presents the results obtained from the thematic discussions.

II. ESSENTIAL TERMINOLOGY FOR THE GLOBAL COMPACT

As its name indicates, the Global Compact seeks to contribute towards achieving safe, orderly, and regular migration. Goal 10.7 of the Sustainable Development Goals (SDG) coincides with this objective, including the topic of responsible migration. However, neither the New York Declaration nor the SDG contain a definition of these terms.

In an effort to clarify the GCM's central objective, the Sub-Regional Caribbean Consultation included a space for the institutions to dialogue on the meanings that, according to the representatives, these terms should have within the context of the GCM.

1. Safe Migration

The concept of safe migration implies the promotion and protection of the integral well-being and dignity of migrants in countries of origin, transit and destination, ensuring the basic human rights of both regular and irregular migrants are recognized without discrimination to age, sex, gender, language, sexual orientation, religion, ethnicity, race or political affiliations.

To achieve safe migration there needs to be a strengthening of efforts to ensure the welfare of vulnerable migrants and marginalized persons such as: people with disabilities, elderly, women, children, LGBTI, victims of human trafficking, violence and natural disasters.

Ultimately, the State is obliged to offer the same level of protection to migrants from threats or risks as they do nationals.

2. Orderly Migration

Orderly migration refers to adherence to recognized procedures established in the countries of origin, transit and destination. These procedures need to promote and protect the human rights of migrants throughout the migratory process.

In addition, for migration to take place in an orderly manner, the process that enables regular migration should aim to minimize disruptions to migrants, governments (origin, transit, and destination), and receiving communities. Furthermore, to achieve this, existing and emerging irregular channels need to be identified, as well as potential and likely triggers of mass displacement or other migration flows.

Of course, in order for this to be achievable, States need to commit to providing access to information and developing service mechanisms that facilitate regular immigration and emigration.

It is valuable to note that in order improve orderly migration, it is important to develop evidence-based policies.

3. Regular Migration

Regular migration encompasses the guarantee to provide basic services to migrants, independent of their migration status. It should also consider the implementation of migration policies that guarantee the right to personal development, which would have an impact in harnessing the contribution of migrants to sustainable development of the destination countries.

For these policies to be developed, it is important that there is a formal data collection system that accurately depicts the profile of migrants currently residing in their countries, and therefore the policies that are to be developed adapt appropriately to the migrants.

In order to achieve regular migration, there needs to be a universal commitment by States to respect and protect human rights of migrants.

4. Responsible Migration

Responsible migration implies that migrants comply with their duties and obligations in countries of origin, transit and destination, and, in turn, States must fulfill their international legal obligations relative to the security, dignity, human rights and fundamental freedom of migrants.

For migration to happen responsibly, States need to foster regular and safe pathways for migration, through ensuring better coordination and cooperation among the countries of origin, transit and destination. Responsible migration is based on procedures and policies.

III. RESULTS OF THE CONSULTATIONS

Theme I. *Human rights of all migrants, social inclusion, cohesion and all forms of discrimination, including racism, xenophobia and intolerance*

The situation of human rights of migrants is of a particular interest for the sub-region, considering the many risks faced by migrants that travel **from** and **to** these countries. There are valid concerns regarding the risks faced during travelling, which range from lack of aid to real threats of mistreatment and harm. Despite the fact that all migrants are protected by international human rights frameworks, many violations still occur.

The representatives in attendance acknowledged that despite the recognition of Human Rights in the majority of the world, there is still an important lack of will in some countries to **effectively protect the human rights and fundamental freedoms of migrants, including women and children, regardless of their migratory status** and in the different stages of the migratory process; this is evidenced with a lack of compliance with existing migration conventions, treaties and standards by some countries. In addition, there can also be a particular cultural perception and specific norms in relation to women, children and other vulnerable groups that increase their risks. The representatives also discussed the challenge that in current legislations of many countries, there are still large gaps and deficiencies that do not effectively address the subject of the protection of human rights of migrants.

In this context and because of these challenges, the representatives proposed that the GCM needs to consider the following objectives:

Objectives:

- Universal human rights, regardless of the migratory status of people.

- Intergovernmental adherence to best practices as it relates to the treatment of migrants.

- Multilateral/Bilateral cooperation agreements between deporting countries and recipient countries -Timely notification, identification of deportees.

- Strengthen and/or develop reintegration programs for deportees as needed, with the appropriate assistance from the deporting countries.

- Migration should be addressed with balanced approaches, inclusive of a human rights perspective.

- The protection of the human rights of returned migrants particularly women and unaccompanied children and teenagers, and others based on their vulnerabilities.

- Regular Migratory flows should be considered as a development opportunity for the countries of Latin America and the Caribbean.

On the same topic of Human Rights, participants identified **access to basic services for migrants, and gender-responsive services** as a priority for the region. In this respect, the significant lack of resources and of disaggregated data, makes it challenging to approach the situation and develop differentiated treatment or options appropriate for women and other vulnerable migrants. There is also an added factor of a lack of awareness of policy, information and basic human rights by migrants, therefore they either do not demand it or do not use it, even if there is availability of these basic services.

The representatives also made significant proposals towards the GCM in this regard.

<u>Objectives</u>:

- Improve dissemination of information between the States, NGOs and migrant communities.

- Proper collection of data disaggregated by sex, age, gender, race and country of origin.

- Develop and implement policies to facilitate access to gender responsive and basic services for migrants.

- Include gender mainstreaming and use intersectional approaches throughout policy design.

- Have multi-stakeholder approaches.

<u>Recommendations to be considered:</u>

- Develop partnerships with agencies and institutions (including IOM) to support developing countries financially, as well as through technical assistance and capacity building.
- Develop innovative public and private partnerships with a whole of society approach.
- Promote public awareness raising and information programs for migrants and the general population.

Representatives also addressed under this issue **combating racism, xenophobia, discrimination and intolerance towards all migrants**. It is undeniable that the last years have seen a rise in these attacks. And even if it has been accentuated by the current political climate and discourse, discrimination towards migrants has always existed. The perpetuation of negative myths surrounding the impact of migration in destination countries, the lack of cultural and country awareness and general lack of political will, on the part of some countries, only bolster the general harmful attitude (and actions) towards migrants.

In order to address this situation, participants suggested that the GCM focus to:

<u>Objectives</u>:

- Recognize the positive contributions made by migrants to the development of origin and destination countries.

- Eliminate and reduce all forms of discrimination.

- Establish policies and programs to raise awareness.

- Engage the media to debunk the myths surrounding migrants.

- Develop laws, where they do not exist, that penalize discriminatory language and xenophobic expressions.

- Address the notion that regular migration has a negative impact.

- Make the right to equality and non-discrimination should be at the core of migration governance.

Recommendations to be considered:

- States should ensure that regulations are not discriminatory nor aimed at reducing the human rights of migrants.

- Engage in constant reviews of regulatory frameworks.

- Promote the recognition of cultural diversity and social cohesion.

- Promote cultural diversity and social cohesion.

Theme II. *Addressing drivers of migration, including adverse effects of climate change, natural disasters and human-made crises, trough protection and assistance, sustainable development, poverty eradication, conflict prevention and resolution.*

The Caribbean sub-region is one of the more geographically unique regions in the world and as a result this varied archipelago has its own share of challenges, particularly it relates to tropical storms and hurricanes. In addition, it's linguistic, cultural, and economic features tend to necessitate equally unique preparedness and response. Recent catastrophic natural events in the Caribbean have drawn worldwide attention to the vulnerability of small island and low lying states, as hurricanes in the Atlantic and other effects of climate change have grown in frequency and strength.

As a result of these recent events, representatives prioritized the issue of **Migration because of climate change, natural disasters and human-made crises.**

The three hurricanes that ripped through the Caribbean in 2017, as well as Hurricane Matthew in 2016, have motivated Caribbean countries to bring more attention to the effects of climate change on naturally occurring weather phenomena, particularly hurricanes and resulting flooding, destruction of infrastructure, and human displacement.

As a result of the hurricanes, nationals became displaced internally and across the archipelago, many evacuated and fled to other Caribbean countries, and many foreign nationals were evacuated by their home countries. Many hurricanes in the region in the past have also triggered mass migration flows to other Caribbean islands in an attempt to escape the extreme conditions resulting from climate change and consequent natural disasters. Particular attention was paid in discussions to the nature of small and vulnerable countries and economies, emphasizing the shock intensity to small populations and economies resulting from infrastructure debilitation and sudden population and demographic changes as a result of migration due to natural disasters.

In this context and because of these particular challenges, the representatives proposed that the GCM needs to focus on the following objectives in its development:

- Increase financial investment aimed at mitigating the effects of climate change, particularly in the most vulnerable and least resilient countries.

- Encourage research on environmental issues and climate change, including through data collection and modelling.

- Strengthen government and community capacity to prepare and respond to disasters.

- Strengthen the attention and assistance to populations affected by migration caused by climate change, with priority for the most vulnerable.

- Guarantee the human rights of migrants in vulnerable conditions in disaster situations.

- Evaluate and respond to displacement as a result of natural disasters.

Recommendations to be considered:

- Initiate appropriate processes to exchange good practices and statistics to inform policies, strategies, and legislation that recognize climate change as a driver of migration.

- Create or strengthen existing multilateral and regional collaboration for burden sharing, financing, and response to climate change and natural disasters.

- On the basis of common, but differentiated responsibilities (CBDR), developed countries should accelerate their compliance with international conventions and agreements on the environment and recognize their responsibility in the displacement caused by climate change, natural disasters and human-made crises.

- Strengthen government and community response to emergencies through capacity building, training, and establishment of both external and internal partnerships.

Theme III. *International cooperation and governance of migration in all its dimensions, including at borders, on transit, entry, return, readmission, integration and reintegration.*

The Caribbean region is one of the few regions in the world that currently lacks a consolidated forum for the discussion of migration issues, such as a Regional Consultative Process (RCP). While there are multiple specialized intergovernmental agencies in operation within the region, including the Caribbean Community (CARICOM) and the Caribbean Single Market and Economy (CSME), there is recent interest from countries in pursuing multilateral discussions around migration issues more specifically.

International cooperation emerged as a salient issue that needed particular attention given an observed challenge of generating commitment to sustained dialogue to action and providing sustainable finance, implementing relevant projects and programs for the long term. In addition, there was agreement that due to lack of financing, countries were often unable to fully participate in global discussions around issues, including on migration. Given the unique characteristics of the Caribbean, it was agreed that a stronger voice in discussions was imperative.

In this context, the representatives proposed that the GCM needs to consider the following objectives in its development:

- Full participation of all regions in relevant fora with financing to that end, particularly for traditionally under-represented regions, such as the Caribbean.

- Strengthen international collaboration through regular and permanent dialogue, e.g. through RCPs on migration.

- Mainstream migration as a feature into policies and practices in regional specialized agencies.

- Identify and maintain vigilance on evolving national and regional priorities.

- Align policies, laws and regulations and actions with Sustainable Development Goals.

- Cooperation among States must ensure that the human rights of migrants are respected regardless of their immigration status, in all dimensions of migration governance.

- A gender approach should be included within the law reforms and new regulatory proposals on borders, in transit, entry, return, readmission, integration and reintegration of migrants.

Recommendations to be considered
- Establish a global funding mechanism for financing participation of traditionally under-represented regions in relevant global fora.

- Ensure a participatory, inclusive and cross sectoral approach towards migration at the national, regional and international level.

- Encourage international cooperation to recognise at the time of migrants' return, the qualifications, education and skills acquired in the countries of destination to facilitate integration into labor markets.

- Encourage cooperation among countries to ensure access and portability of social benefits for migrants.

- Ensure intergovernmental and interagency coherence including within/between governments to facilitate good governance.

- Strengthen cooperation on the return and reintegration of migrants between countries of destination and origin.

Theme IV. *Contributions of migrants and diasporas to all dimensions of sustainable development, including remittances and portability of earned benefits.*

Within the approximately 244 million international migrants in the world, 65% of these persons are migrant workers, and 73% are of working age. Notable is the fact that a higher percentage of migrants participate in the labor market as compared to nationals, especially with respect to women. It is worth noting that according to the World Bank, remittances showed that there was a positive trend, although with different paces, most of the countries of this sub-region.

Participants acknowledged that there are currently many challenges with regards to recognizing the positive contributions of migrants and diasporas. There is general disregard for these contributions, because they are not being highlighted and the prevalent negative perceptions that permeate diasporas and migrants overall in turn focus and exaggerate the perceived negatives of migration. The representatives indicated that lack of robust data in many countries of the sub-region is a significant challenge in addressing and confronting these negative myths that dismiss migrant's contribution. It was noted that some countries in the region do have and are developing comprehensive diaspora engagement strategies.

On the specific subject of **the contribution of migrants to sustainable development,** participants proposed that the discussions to develop the GCM should aim to:
- Regularize migratory processes and facilitate access to work and its concomitant rights and obligations.
- Recognize the integral contribution that migrants make in both countries of origin and destination.
- Propose that countries of destination facilitate the incorporation of migrants into the workforce.

Recommendations to be considered:
- The countries of destination should seek to encourage the professional and technical growth of the migrants who are in their territories.
- Expand legal options for entry into the workforce.
- Mainstream migration into national development plans.

Considering that participants acknowledge the contributions of migrants, they considered another priority for the region the issue of **harnessing the contribution of diasporas and strengthening links with countries of origin and host**. The challenge of lack of robust disaggregated data by sex and age regarding the Diasporas and their education level and professions was highlighted.

The proposals towards the countries discussions on the development of the GCM on this matter were:

Objectives:

•   Expand the range of options for regularization of migrants.
•   Provide mechanisms to regularize irregular migrants.
•   Include citizens who reside abroad in national public policies.
•   Map diasporas.
•   Identify and develop areas of contribution for diasporas in the host country/destination country.
•   Change the negative perception of diasporas in the host country.
•   Conduct studies of the role of diasporas in the host country to improve public awareness.
•   Establish mechanisms for disaggregated data collection and analysis to assess the impact of diaspora in the host and origin country.

Recommendations to be considered:
• Expand the channels by which nationals residing abroad can participate in the development of public policy, such as conferences, meetings, town halls, ICT, etc.
• Enhance opportunities for a safe, regular and orderly migration, especially with respect to visas and work permits.
• Identify and implement policies and procedures to enhance safeguard systems for the protection of the diaspora.
• Use the diasporas in host country to counter the negative narrative associated with migration.

The final topic addressed on this issue was the subject of **remittances.** The representatives considered that the GCM discussions should aim to:

Objectives:
• Optimize the mechanisms for sending remittances so they are adequate, reliable, safe and flexible.
• Promote and facilitate entrepreneurship in home countries.
• Promote and facilitate investment in social initiatives, programs, education and other options for development.

Recommendations to be considered:
• Provide financial education for migrants in the host and home country.
• Incentivize investment in development projects in the home country by offering differentiated costs associated with sending remittances, paying particular attention to priority groups such as women, older people and young adults.
• Standardize the costs of sending remittances.
• Expand sending/receiving mechanisms to include innovative and technology based options.

Theme V. *Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims*

Trafficking in persons and smuggling of migrants is a priority topic for the sub-region. According to the representatives, the sub region has experienced an increase in trafficking cases. The many challenges that participants report in dealing with this range from lack of funding to sufficiently address the situation (investigations, assistance), to lack of awareness and sensitization at different levels of the judicial and legislative branches, that deny or underestimate the real situation.

In order to appropriately address the **trafficking in persons and smuggling of migrants** in the GCM, representatives considered that discussions focus on:

<u>Objectives</u>:

- Strengthening the control mechanisms at borders and ports of entry.
- Strengthening capacities of law enforcement and the judiciary within States to enforce the law.
- Measures to avoid the criminalization of victims of trafficking or persons subjected to smuggling.
- Prioritizing the prevention of trafficking in persons and smuggling of persons.
- Prioritizing the identification of victims of trafficking and persons subject to smuggling.
- Strengthening the capacities of States to prevent and combat trafficking in persons and smuggling of migrants.
- Sensitizing persons at all levels within society, with an emphasis on those on the front lines.
- Strengthening the protection of victims of trafficking and persons subject to smuggling.
- Ensuring that proper and necessary assistance is provided to victims of trafficking.
- Strengthening regional and international cooperation for investigation and prosecution of these crimes.
- Strengthening regional and international cooperation for data collection and exchange of information and best practices.

<u>Recommendations to be considered</u>:

- Foster cooperation with national and regional statistical offices and institutions for data gathering and analysis.
- Create temporary protection programs for migrant victims of trafficking or contemporary forms of slavery, similar to the Temporary Protection Status.
- Create programs that facilitate, from the countries of origin, the processes of family reunification in the countries of destination.
- Adopt laws that penalize all forms of trafficking in persons and that are aligned with the Palermo Protocol.
- Create special laws, as is necessary, to prevent, combat and penalize migrant smuggling and align with Palermo Protocol against the smuggling of migrants by land, sea and air.
- Harmonize, at the regional level, the regulations that refer to the smuggling of migrants, to facilitate their prevention and combat the scourge.

- Develop information campaigns on the rights of migrants in relation to trafficking in persons.
- Increase resources dedicated to raising awareness on trafficking in persons.
- Raise awareness by developing information campaigns for the prevention of trafficking in persons and identification of victims.
- Develop information campaigns on the risks of irregular migration.
- Develop information sharing mechanisms and protocols.
- Facilitate access to international funds for victims of trafficking, especially women and children, for restitution and reparation programs.
- Identify and share information on accessing existing funds and relevant programs available to victims of trafficking and of modern forms of slavery.
- Develop partnerships that involve widest possible cross section of actors to provide protection and assistance to victims.

Theme VI. *Irregular migration and regular pathways, including decent work, labour mobility, recognition of skills and qualifications and other relevant measures*

While there are some flows of irregular migrants, there has been little organized multilateral cooperation to address this issue in the region. It is recognized that much irregular migration, due to its geographic nature, results in dangerous journeys across the sea. In addition, the isolated nature of some islands can result in unknown arrivals into territories of states. It is also recognized that irregular migrants are often unable or unwilling to access essential services such as education and health systems.

In order to appropriately address the **irregular migration** in the GCM, representatives considered that discussions need to include:

- Collection of data on and analysis of the impact of irregular migration on development, including disaggregated, comprehensive data collection on irregular migrants and their communities with a view to inform policy.

- Reducing irregular migrant vulnerability through access to information on regularization processes.

- That migratory status should not be a barrier to access to essential services, relevant to the capacity of the destination state.

- Registration for social, law enforcement and judicial services shall not threaten current or future migration status.

- Prioritize the regularization of migratory status of children and their access to basic rights, considering the right to family unit.

Ensure a gender-based approach in the discussion and development of agreements on irregular migration.

<u>Recommendations to be considered:</u>

- Generate awareness campaigns that provide information about the risks and dangers faced by migrants in irregular migratory status during transit, as well as in the countries of destination.

- Tri-sectoral partnerships (government, private sector and civil society) for awareness and education campaigns, and, technical assistance, with a focus on protection of migrants' rights and access to relevant services.

- Monitor the fraudulent recruitment of migrant workers to protect them and discourage irregular migration.

- Guarantee the rights of migrant workers in the destination country, especially their labor rights and facilitate the safe sending and receipt of remittances.