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**Statement at the UN Civil Society Hearings on Migration and Development  
United Nations, New York, 12 July 2006**

Session 1: Promoting a comprehensive rights-based approach to international migration, and ensuring respect for and protection of the human rights of all migrants and their families

**Public Services International**

1. Public Services International (PSI) is the global union federation of public sector trade unions representing more than 20 million workers involved in the delivery of public services.
2. Recognising migration as an important global concern and a trade union issue, PSI has embarked on a project on migration and women health workers in sixteen sending and receiving countries around the world. Our aim is to promote the rights of women migrant health care workers, defend their right to join and be represented by trade unions, provide them with proper information so they can make informed decisions when considering the option of migration, and – as a way to address the push factors of migration – advocating for investment in quality public health services, decent conditions of work, gender equality, equal pay, and non-discrimination in health sector employment.
3. PSI welcomes the decision by the UN General Assembly to establish a High Level Dialogue on Migration and Development and the opportunity for civil society to contribute to this dialogue. In view of this, we would like to forward four key messages in promoting a rights-based approach to international migration and development.

**Message 1: Setting Labour Migration in the Frame of the Decent Work Agenda**

4. The decent work deficit in developing countries and the failure of the global economy to create jobs where people live are critical push factors of migration. Decent work means ensuring that jobs that provide a living wage are available in the place where people live. Migration should never be used as an alternative to decent employment opportunities in the home countries.
5. PSI believes that adequate funding for public services and equitable terms and conditions of employment are key elements to addressing fundamental push factors to migration. It is often the lack of access to essential public services such as health, housing, education and social services, equal opportunities at the workplace, and gender discrimination that force people to leave their jobs and their home countries. The PSI participatory research in the health sector provides evidence of this. When asked about their choices, for example, the majority of the health care workers who were interviewed in the research responded that "they would rather stay in their home countries, if only they could earn a living wage."

**Message 2: Addressing the Developmental Impacts of Skilled Migration**

6. PSI welcomes the emphasis placed by the UN Secretary General in his report on the developmental impacts of brain drain in the health sector of developing countries. Partnerships between sending and receiving countries in promoting ethical recruitment guidelines, regulation of recruitment agencies, retention and recruitment of needed personnel, training opportunities and human capital formation involving shared responsibilities between sending and receiving countries are good practices that could be further explored and developed. In addressing migration and the global shortage in health human resources, the role of the social partners, i.e. the workers, employers, and governments, should be recognised and promoted through social dialogue.

**Message 3: Promoting the Gender and Rights-based Approach to Migration and Development**

7. Examining migration and its relationship to development has to begin from the framework of rights, otherwise we risk treating migrants as "the means and not as the end in itself." The UN High Commissioner for Human Rights

Louise Arbour gave a powerful reminder of this when she addressed UN Member States in a panel on the preparation to the High Level Dialogue held on July 4<sup>th</sup> in Geneva:

*"Managing migration flows effectively requires an understanding that migrants are not simply agents of development, but human beings with rights which States have an obligation to protect."*

8. PSI expresses its concern over the "management of migration as a tool for development." For the same reason that we caution that migration should not substitute for decent employment in the home countries, the overemphasis in promoting labour migration and the remittances that migrants bring overshadows the social and human dimension to migration and remittances. While we recognise the volume of remittances (around US\$167 billion that flows to developing countries annually) and its impact in alleviating poverty among migrants' families, we are seriously concerned about the unaccounted social impact of migration on family and societal structures, particularly when migration is only allowed on a "temporary, single-person, and contract-basis."
9. Therefore, we caution against the proliferation and promotion of "temporary labour migration schemes" which are currently very attractive to States facing labour shortages. Migrant workers in temporary contracts are generally not allowed the option of family reunification, training opportunities, immigration rights, incentives to integration and basic social rights. They are difficult to organise and are often hesitant to join trade unions for fear of their employers' threat on their employment and residency status. Such conditions are also recipes to migrants' exclusion from society and contribute to discrimination, racism and xenophobia. The current mode 4 negotiations in the GATS at the WTO brings serious concern in terms of promoting this type of labour contracting scheme set in the paradigm of trade liberalisation. In this case, however, negotiators are not negotiating trade in goods; they are negotiating trade in migrant workers' labour.
10. PSI welcomes the emphasis placed in the UN Secretary General's Report on gender and migration. Recognising inequalities between women and men in the migration process provides the premise for establishing gender sensitive employment and migration policies. It is important to understand the vulnerabilities faced by women migrants both as women and as migrants (particularly the undocumented women migrants) but also equally important is to recognise women as powerful "economic and social change agents" if fully empowered and accorded space to genuinely participate in decision-making processes in society.
11. A comprehensive gender and rights-based approach to international migration means the full and effective implementation of a multilateral normative framework embodied in:
  - UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
  - UN Basic Human Rights Conventions (particularly the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights, Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Elimination of All Forms of Racial Discrimination, and Convention on the Rights of the Child);
  - ILO Conventions on Migrant Workers, C97 and C143;
  - ILO Declaration on Fundamental Principles and Rights At Work and its follow-up;
  - ILO Multilateral Framework on the Rights-based Approach to Labour Migration;
  - The Durban Declaration and Programme of Action of the 2001 UN World Conference Against Racism.

#### **Message 4: Ensuring Participation of Trade unions and Migrant Civil Society Organizations**

12. Finally, any policy is bound to fail when decided and established without consultation and participation of those who are directly affected by such policy or to whom such policy is addressed. Trade unions and migrant civil society organizations representing migrant workers and their families bring in the migrants' voice in shaping migration policy. It is therefore critically important that they are able to actively and genuinely participate in this UN Dialogue on Migration and Development as well as its follow-up. The "global consultative forum" suggested in the UN Secretary General's Report currently misses the component of civil society participation. At this juncture, we strongly register our concern over this exclusionary approach and therefore urge the UN Secretary General and the General Assembly to establish a mechanism for genuine civil society participation within the global consultative forum.

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Statement delivered by:

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