



April 29th, 2022

H. E. Ms. Rabab Fatima
Permanent Representative of Bangladesh

H. E. M. Olivier Maes
Permanent Representative of Luxembourg

Excellencies,

As the members and partners of the Civil Society Action Committee platform, we are writing to express our deep disappointment in relation to the latest version (Rev. 3) of the Progress Declaration of the International Migration Review Forum, circulated last Tuesday, April 27th, 2022, and discussed and negotiated yesterday and today at the UN headquarters.

We also take this opportunity to echo and fully support the statement delivered yesterday by several Latin American states when they expressed their disappointment on several changes introduced in the Rev. 3 draft.

While we recognize that some positive provisions were kept in the text, we find that, in relation to the previous version (Rev. 2), it is evident that several substantive changes as well as subtle wording edits have watered down its general approach, depth and reach. These changes are unacceptable, and go against the spirit and letter of the Global Compact for Migration. We are most concerned about the changes introduced in the following issues – which we believe to be vital for the wellbeing and the respect of migrants` rights:

1. The shift from “reaffirm” in par 2 to “recall”. The Global Compact **MUST** be reaffirmed.
2. In par 11, it is important to maintain the Rev. 2 text as it includes migrants fleeing countries of crisis and distress, we recommend that “including those” and “who are compelled to leave their homes” are not deleted; the word “up” may be deleted; and “origin” is included. Therefore, we recommend it should read, **“including those caught in situations of crisis in countries of origin, transit and destination who are compelled to leave their homes”**.
3. The deletion, in relation to child detention, of “taking into account that such detention is never in the best interests of the child” (par 26) and the deletion of “evaluate” and its replacement by “consider” (par 42bis). It is disheartening that child detention may be considered and accepted in some circumstances while governments, in endorsing the

Global Compact, were committed to “working to end the practice of child detention in the context of international migration” (GCM par 29).

4. The deletion of the need to avoid criminalizing those who provide humanitarian assistance to migrants (par 28 and 43ter); this is even more clear if we see “to avoid considering unlawful to provide assistance” in par 44bis. How can we have a people-centered Global Compact that “carries a strong human dimension to it” (GCM par 15), if saving lives and providing humanitarian assistance is a crime? Also, the inclusion of language on prosecuting migrants that might have been victims of smuggling (par 43ter).
5. The deletion of “commitments and actions” in the title of section 3.
6. The deletion, in relation to the meaningful participation of migrants in policy issues, of the word “processes” and its replacement by “discussions” (par 38), and the deletion of “participation in” and its replacement by “contribution to” (par 39bis). “Participation” is the only respectful and people-centered way for migrants to be “included in migration governance” (GCM par 15 in fine).
7. The inclusion of “their applicable” in relation to the need to have legislation and migration policies consistent with international human rights obligations (par 41).
8. In par 43, the inclusion of “the availability of” in relation to the need to diversify pathways to facilitate safe, orderly and regular migration, and “in line with national laws” after “regularizing migrants in irregular status” which make completely empty that par’s already mild first words “We will strengthen our efforts to enhance”. Also, a citation should be added at the end of par 43, citing GCM para 7(i), which includes regularizing migrants in irregular status as one of the actions to address and reduce vulnerabilities in migration.
9. The inclusion of “for the consideration of Member States” and “upon their request” in relation to the indicators (par 49).

These changes from the prior draft, represent a step backwards from making the Global Compact a framework aimed at improving the legal, labor, and human rights and the living conditions of all migrants, regardless of their migration status. These changes also detract from acknowledging the contributions of migrants and civil society organizations to countries of origin, transit and destination, in contradiction to the Global Compact’s whole of society approach.

We strongly recommend to revise the upcoming Rev. 4 in relation to the points we have mentioned above on language (points 1-9).

With this in mind, we call on all delegations in the negotiation process of the Progress Declaration, but especially those that have introduced proposals based on securitized, exclusionary and discriminatory approaches, to refrain from trying to further water down the text.

We also take this opportunity to propose:

- an essential tweak to the final clause of Rev.3 par 44bis (formerly 55), indicated in bold type here within the Rev3 text: ".. and **to ensure in all contexts** that the provision of assistance of an exclusively humanitarian nature for migrants is not considered unlawful **or subject to civil or administrative penalty.**" This is so that (a) humanitarian assistance is not criminalized even *outside* of search and rescue; and (b) it is clear that the problem is not just *criminal* sanctions when others are also common.
- an essential tweak to par 7, indicated in bold type here within the Rev.3 text, to present a huge piece of the migration and migrant reality that is central to the GCM, the IMRF and multiple sections of this Progress Declaration; "We recognize that as many as 281 million people were international migrants in 2020 globally, of whom 48 per cent were women and girls and 15 per cent under the age of 20; **that in 2019 169 million (60%) of the total were migrant workers;** and that remittances are..."
- with the logic mentioned immediately above – and with strong solidarity across civil society, trade unions and migrants worldwide, a final short addition of a par 45ter, here in bold type: **We reiterate our commitment to promoting fair labour conditions and decent work, and upholding ILO international labour standards, including the freedom of association, right to organize and collectively bargain, for all migrants regardless of status, to support migrant agency for fair migration and inclusive growth.**

Excellencies, we are well aware of the difficulties for you in finding a “balanced” text, but securitization, exclusion and discrimination should not be the basis of any consensus. We are confident that you will continue to work towards ensuring the text of the Progress Declaration remains strong and inclusionary. We take this opportunity to reiterate our commitment to continue our collaboration towards a meaningful and effective Progress Declaration that fully embraces the Global Compact for Migration.

Sincerely,

The Civil Society Action Committee

cc. UN Member States