

Global Migration Group

Practitioners Symposium

“Overcoming barriers: Building partnerships for migration and human development”

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Input for Parallel working group A:

“Rooting migration policies in human rights: Ensuring the rights of all migrants and improving human development outcomes for migrants and their families, destination communities and communities in countries of origin”

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1. What is role of academia and research institutions in ensuring the protection of migrants’ rights? How can they contribute to national and international coalitions for migrants’ rights protection?

Academia and research institutions can play a very important role in ensuring the promotion and protection of migrants’ rights, by complementing the work of other stakeholders (NGO’s, Migrants’ Associations, Governmental Bodies, International Agencies, etc.). Academia and research institutions can contribute to national and international coalitions for the protection of migrants’ rights in a number of ways, including by:

1. **Facilitating and improving discussions from a variety of perspectives on migration and human rights.** Academia and research institutions can contribute to discussions on many issues linked to migration policies and human rights (at national, regional, and global levels).
 - a. Promote engagement with such issues as:
 - i. Root causes of migration, especially its linkages to the globalization process and human development disparities;
 - ii. Children’s rights in countries of origin and destination as a key issue to promote within sustainable, effective and rights-based migration policies;
 - iii. The impact of gender inequities on migration, and conversely the impact of migration policies on gender inequities;
 - iv. The importance of employing a right-based approach to migration policies (its legal, ethical and other substantive foundations, as well as its positives outcomes for host societies in both short and long term).
 - b. Promote migration and human rights issues through a variety of initiatives, such as: publications, public discussions, teaching and training activities, academic, social work, etc.
 - c. Contribute to discussions on migration and human rights issues through a range of different approaches, including: public policy, human rights law, international relations, sociology, anthropology, ethics, economy, etc.

2. **Engaging in advocacy activities linked to research initiatives**, both on the issues mentioned above and others.
3. **Networking with civil society and migrants' associations, as well as other stakeholders.** In some cases, academic institutions can play a useful role as the intermediary between states and civil society organizations.
4. **Developing activities intended to further sensitize various audiences to issues related to migration and human rights**, such as migrants' rights, migrants' contribution to host societies, necessity of integration policies, the relevance of addressing root causes of migration, etc.
5. **Implementing initiatives aimed at training key stakeholders on the human rights of migrants** (e.g., child protection officers involved in migration control policies).
6. **Introducing a human rights-based approach to migration as a cross-cutting issue in the curricula of various fields of study.** This includes developing graduate and postgraduate courses on migration and human rights issues, such as on migrants' rights, migration policies, international mobility, integration, human development, etc.
7. **Designing and implementing legal and interdisciplinary clinics on migrants' rights.** Clinics could be designed to educate stakeholders in direct contact with migrants, including those working in public institutions (e.g., teachers, health care providers, civil servants, etc.), on key international human rights standards (e.g., CRC, CEDAW).
8. **Producing data (through a rights-based approach) on the realization of migrants' rights**, including through partnerships with states and civil society (e.g., producing data for shadow reports on countries compliance with international human rights standards). This may be critical for designing, implementing, and evaluating public policies that impact migrants' rights.

2. How has the global economic crisis affected advocacy for and enforcement of the rights of migrants?

The crisis has created an opportunity to discuss and highlight several issues related to the human rights of migrants, utilizing a human rights based approach that takes in account child and gender dimensions.

These issues include:

1. **The deprivation of migrants' social, economic, and labor rights** has worsened as a result of the crisis.
2. **Migration policies and practices have become increasingly restrictive in the context of the current economic crisis.** These policies and practices restrict migrants' rights based on their nationality, their immigration status or both. A new paradigm is needed for the design and reform of migration policies—one that incorporates principles of instrumentality and utilitarianism. Recent developments include:
 - Increase in the severity of detention and deportation policies, including raids and collective expulsions.
 - Increased obstacles to family reunification.
 - Increased discrimination at work and labor exploitation.

- Escalation of xenophobia, visible at the social and political level, particularly in political parties with anti-immigration (and anti-immigrant) platforms.
 - Increase in the return of migrant and other initiatives that wrongly associate migrants with the causes of the crisis.
 - Increase in social exclusion and marginalization of migrant populations, which has negative impacts on the living conditions of migrant families in both destination and origin countries.
 - Rise of social conflicts within multicultural societies.
3. **Structural problems, namely the root causes of migration**, and those parties responsible for addressing these problems, need to be identified at the national, regional, and global level. Migrants are not and should not be held responsible for the crisis.

National, regional, and multi-lateral processes intended to identify solutions in the short and long term, which benefit all members of society in all societies, are important fora for discussing and highlighting issues related to migrants' rights. Particular focus is needed on the following issues:

1. *In destination countries*, non-discrimination and equal opportunities for migrant children and children born to migrants' parents.
2. *In countries of origin*, ensuring the right to not migrate (through human development) as well as the vulnerabilities of, and risks faced by, children left behind.

3. *How has the international dialogue on migration and development changed the environment for networking and partnerships on the protection of migrants' rights? Has it created new ideas and opportunities for engagement with different stakeholders?*

The extent of current networking and partnerships on the protection of migrants' rights has consisted of states' periodic dialogues on migration at the global level and in regional processes. While networking takes place within civil society, at both official and parallel civil society events, there is not enough networking or partnerships between civil society and states, which partly stems from the competing interests and priorities of states and civil society. As a result, at present, there are not many opportunities for states and civil society to exchange ideas and proposals for the protection of migrants' rights.

By improving networks and partnerships between states and civil society, there will be more room to garner ideas and identify opportunities to improve the protection of migrants' rights. Interaction between states and civil society could range from discussions to the design, implementation and monitoring of policies and practices.

Regardless of the form of this interaction, civil society has the potential to shape states' agendas for the protection of migrants' rights, as well as increase transparency and participation. Increased civil society participation, particularly migrants' associations, would also improve the identification of difficulties, opportunities, challenges to improve protection of migrants' rights.

Civil society could foster the use of a *comprehensive approach to the migration and development nexus*, with human rights as the key link. In particular the following key issues should be taken into account:

- A human rights approach should be the core element of any interaction, with child and gender dimensions, which have been invisible issues thus far
- The absence of deep discussions on the migration-development nexus, as well as opposition and the lack of good practices to improve protection for migrants' rights
- In regards to the root causes of migration, the focus should be on how development impacts migration, rather than how migration impacts development
- Good Practices (beyond cooperation to development) should be sought out and new partnerships should be forged for the protection of migrants' rights

4. *How to measure the human development implications of the protection of migrants' rights?*

1. First, it is important to note the extent of the challenges:
 - Why do we need to measure the protection of rights in terms of its contribution to development?
 - If there is an intrinsic relationship between human rights and human and sustainable development (more rights leads to more equality, which leads to more human development), how migrants rights could be in other way?
 - Is this issue raised in relation to other social groups? Could migrants' rights be an exception? Is this why there are such exceptions made to the notion of the universality of human rights when it comes to migrants?
 - Therefore, we may focus on how this different treatment impacts human development, particularly regarding social exclusion and unequal opportunities.
2. Some human development indicators, measured vis-à-vis protection of migrants' rights could include:
 - Rights-based indicators (e.g., access to social services) should include migrants, i.e. migrants' access to social services.
 - Public policies should be designed and implemented which aim to improve to improve human development indicators, so as to include migrants.
 - Independent monitoring bodies should be established or called on to periodically evaluate such indicators.
3. Through these indicators, good practices could be identified within laws, policies or programs that improve migrants' contribution to development, such as:
 - Regularization policies (permanent mechanisms or extraordinary programs)
 - Recognition in law of migrants' rights, regardless their immigration status
 - Effective realization of such rights (e.g., access to social services)
4. Some key issues to consider when designing such indicators include:
 - Child development at origin and destination
 - Gender-based development at origin and destination
 - Coherence between short and long-term policies
 - A rights-based approach (with child and gender dimensions) to irregular migration, and its link to human development in origin and destination
 - Coordination with policies that might impact root causes of migration from other countries (i.e., policies on economic, trade, foreign investment, etc.)