HUMAN RIGHTS INDICATORS FOR MIGRANTS AND THEIR FAMILIES

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- The Global Knowledge Partnership on Migration and Development (KNOMAD) is envisaged to be a global hub of knowledge and policy expertise on migration and development issues.

- Draws on experts from all parts of the world to synthesize existing knowledge and generate new knowledge for use by policy makers in sending and receiving countries.

- KNOMAD activities are organized around 12 Thematic Working Groups. The work to develop human rights indicators for migrants and their families, is being carried out within the frame of Group 7

- Thematic Working Group 7: Migrant rights and social aspects of migration

Working Group 7

- Key Questions addressed by this Thematic Working Group are :

- 1.   How does the protection of migrant rights vary across the world? How are migrants being treated in different countries? Are there examples of exploitation, effective recourse, and / or pending court cases worth highlighting?

- 2.   What are the barriers to enjoyment of rights by migrant, including social and economic rights?

- 3.   How is immigration policy in the destination country impacting migrant rights?

- 4.   What are the obligations of sending and receiving country governments in protecting the rights of migrants?

- 5.   How do bilateral agreements affect migration flows and development outcomes?

Indicators and Data - Working Paper and Draft Indicators

▶ *Human Rights Indicators for Migrants and their Families* (forthcoming), a working paper (in publication)on this question , was developed and refined in consultation with experts and key stakeholders.

▶ The paper explains the value of human rights indicators and proposes a framework of indicators on, among others, the rights to non-discrimination, education, health, and decent work. It builds on a case study by Rosalia Cortes that describes Argentina's progress in Argentina towards fulfilling the human rights of migrants and their families.

▶ Human Rights Indicators for Migrants and their Families The working paper was written by Pablo Ceriani Cernadas, of the Committee on Migrant Workers and the National University of Lanus (UNLA), Argentina, assisted by Luis Campos, UNLA, and by Michele LeVoy and Lilana Keith of the Platform for International Cooperation on Undocumented Migrants (PICUM).

Methodology

- Indicators framework is based on a model developed by OHCHR. It has been enriched and implemented by international and regional human rights bodies and institutions, and governments. To each human right, the model attaches specific characteristics or attributes. Taken together, these capture the full meaning of the right.

- For example, the right to health has been given five attributes: (i) Sexual and reproductive health; (ii) Child mortality and health care; (iii) Natural and occupational environment; (iv) Prevention, treatment and control of diseases; and (v) Accessibility to health facilities, health services and essential medicines .

Methodology continued

▶ To each attribute, the model attaches structural, process and outcome indicators. These make it possible to consider:

▶ • The commitments that states have made (the legal and policy framework).

▶ • Key process issues (such as the scope and application of the legal and policy framework, implementation of programmes, financing, and provision of remedies).

▶ Indicators also pick up cross-cutting principles, including accountability, the prohibition of discrimination, and the rights to equality, participation, remedy, and access to justice.

Example Indicators 1: Access to Education

▶ *Structural*

▶ Does legislation explicitly establishes the right to compulsory education for all migrants, regardless of migration or residence status.?

▶ Does legislation or policy remove / bar practices that, formally or practically, hinder or prevent enjoyment of the right to education (by requiring students to possess a residence permit, or teachers and other officials to report migrants to migration authorities, for example).?

▶ *Process*

▶ What proportion of the migrant population is enrolled in educational institutions (disaggregated by migration or residence status, age, gender, sex, ethnic origin, nationality, nationality of parents, place of residence and length of residence).?

▶ *Outcome*

▶ Percentage of migrants who finish compulsory education , in terms of: (a) children and adolescent migrants; and (b) children born to migrant parents (both foreigners and nationals),; and (c) relative to nationals, who finish their compulsory education , (disaggregated by migration or residence status, as well as age, gender, sex, ethnic origin, nationality, nationality of parents, place of residence and length of residence).

Example Indicators 2: Access to Health Services

▶ *Structural*

▶ Does legislation affirm the right of migrants to access health services?. Is their access legally restricted to certain services? Is access conditioned in law by their migration or residence status.?

▶ Do public policies prevent health services from levying fees that are determined by migration or residence status.?

▶ *Process*

▶ The number of awareness-raising activities and campaigns for health workers, health authorities and civil servants linked to health facilities that have focused on the right of migrants to health care and services that operationalize the right.?

▶ The number of awareness-raising activities and campaigns addressed to the migrant population that have focused on the right of migrants to health care and services that operationalize the right.?

▶ *Outcome*

▶ The rates of: (a) mortality,; (b) morbidity;, (c) life expectancy,; and (d) prevalence of diseases in the migrant population disaggregated by migration and/or residence status as well as age, gender, sex, ethnic origin, nationality, nationality of parents, place of residence, length of residence and specific health conditions? .

Remaining concerns

▶ Data availability and sources;

▶ Available data is rarely disaggregated in terms of migration and residence status

▶ Socioeconomic and administrative statistics often fail to capture migrants, particularly undocumented migrants, or do not identify their residence status.

▶ Concerns arise when gathering and disseminating data about migrants, particularly undocumented migrants.

▶ Data and statistics about migration are often misused and misrepresented to support political positions

▶ Data-gathering, analysis and dissemination of data, all associated with the application of indicators, should avoid compromising confidentiality, the right to privacy, and data protection of migrants and their families.