

**TWELFTH COORDINATION MEETING ON
INTERNATIONAL MIGRATION**

Population Division
Department of Economic and Social Affairs
United Nations Secretariat
New York, 20-21 February 2014

**CONTRIBUTIONS TO THE 2013 HIGH-LEVEL DIALOGUE ON MIGRATION AND
DEVELOPMENT¹**

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¹ The views expressed in the paper do not imply the expression of any opinion on the part of the United Nations Secretariat.

A. INTRODUCTION

The Special Rapporteur dedicated his 2013 GA report (A/68/283) to global migration governance, as his contribution to the High-level Dialogue on International Migration and Development. Some of the issues raised in this contribution are set out more in detail in his report.

The High-level Dialogue held in October 2013 took a significant step forward in ensuring that the human rights of migrants was part of all the discussions at the High-level Dialogue and in the adoption of a Declaration. However, as the Declaration was not accompanied by a plan of action, the follow-up to the High-level Dialogue seems rather unclear. The Special Rapporteur will contribute to the follow-up to and the implementation of the Declaration in the following ways:

B. FOLLOW-UP TO AND IMPLEMENTATION OF THE 2013 HIGH-LEVEL DIALOGUE ON INTERNATIONAL MIGRATION AND DEVELOPMENT

1. *“Work[ing] towards an effective and inclusive agenda on international migration that integrates development and respects human rights”*

In this regard, the Special Rapporteur will continue to advocate for better migration governance and a strengthened institutional framework by focusing on urging States to hold regular High-level Dialogues, every three to five years, which should be interactive and action-oriented, each with a rights-based negotiated outcome document.

The Special Rapporteur also supports the proposal made by OHCHR to establish within the United Nations a standing panel on migration and human rights, as recommended in the OHCHR report “Migration and Human Rights: Improving Human Rights-Based Governance of International Migration”. The creation of such a panel would enable systematic interaction between all relevant stakeholders, ensuring coherence and consistency in addressing migration and human rights-related issues.

The Special Rapporteur believes that there is potential for more engagement by the Human Rights Council on issues relating to the human rights of migrants. This is something he plans to raise in his intervention during the annual Human Rights Council panel on the mainstreaming of human rights throughout the United Nations system, which this year will focus on the human rights of migrants.

2. *“Recognize the need for international cooperation to address, in a holistic and comprehensive manner, the challenges of irregular migration to ensure safe, orderly and regular migration, with full respect for human rights”*

Irregular migration is often a result of a lack of legal migration channels and largely in response to unrecognized needs in the labour market, as migrants are often willing to do the “dirty, difficult and dangerous” jobs that nationals will not at the exploitative wages that unscrupulous employers will offer. If States were to recognize their labour needs, including for low-skilled work, and open up more regular migration channels, this would lead to fewer irregular border crossings, less smuggling of migrants, less loss of life at borders, less labour exploitation and fewer migrants’ rights violations. The Special

Rapporteur will continue to stress that State policies contribute in many ways to increasing irregular migration and entrenching it in criminal settings where the human rights of migrants are at risk.

3. *“Emphas[ing] the need to respect and promote international labour standards as appropriate, and respect the rights of migrants in their workplaces”*

The Special Rapporteur will focus his 2014 thematic report to the Human Rights Council on the labour exploitation of migrants, with specific sections dedicated to, inter alia, migrant women and domestic workers. Additionally, he shall focus some of his country visits on labour exploitation and set forward recommendations for better protection of the human rights of migrant workers in the countries visited. A related topic, recruitment practices and their impact on the human rights of migrants, is another focus of his current research.

4. *“Acknowldg[ing] that the United Nations system can benefit from the discussions and outcomes of the Global Forum on Migration and Development” ... and “strengthen[ing] their collaboration and cooperation to better and fully address the issue of international migration and development, in order to adopt a coherent, comprehensive and coordinated approach”*

The Special Rapporteur is concerned that migration dialogues often take place outside the United Nations or formal regional cooperation structures, which all have a strong international human rights framework. Such informal processes focus on the economic, developmental and political aspects of migration, without properly integrating human rights concerns. He is also concerned at the lack of accountability of such informal processes due to the absence of detailed records of proceedings. While noting that such informal discussions between States may be useful to create political trust and momentum, they are not sufficient to lead to any significant changes or improvements relating to global migration governance and a better protection of the human rights of migrants. The Special Rapporteur thus remains convinced that a strengthened institutional framework inside the United Nations is needed, in addition to these informal forums.

Greater involvement on the part of the United Nations in the global debate on migration seems difficult to achieve as long as States want the Global Forum on Migration and Development (GFMD) to remain the only international forum to discuss migration. As the Special Rapporteur has noted, the GFMD is an informal, non-binding, voluntary and government-led process, focused on migration and development, which gives limited attention to the human rights of migrants. The same can be said of many of the Regional Consultative Processes (RCPs) which States have created to try to manage specific migration routes. Such processes serve a useful purpose in creating spaces for a debate between States on politically sensitive issues, but their capacity to create a strong institutional and normative framework that would be conducive to better protection of human rights for migrants is limited. Consequently, there is a need to bring the migration dialogue inside the United Nations framework. The United Nations plays an important role as a forum for international cooperation between States, with human rights as one of its pillars: it is capable of embracing the extreme complexity of international migration in all its dimensions.

The Special Rapporteur believes that creating a new United Nations-based institutional framework would usefully complement regional or bilateral agreements, processes or organizations outside the United Nations also dealing with migration. It could also, in turn, have a positive effect on informal migration governance outside the United Nations, including the GFMD and RCPs. In this respect, the Special Rapporteur will continue to urge all United Nations Member States to consider welcoming within the

United Nations family an organization dedicated to governing international migration that would include a specific mandate on the protection of the human rights of migrants.

The Special Rapporteur also believes that there should be a closer link between the GFMD and the High-level Dialogue, particularly through the role and expertise of the Global Migration Group. If States decide to hold high-level dialogues more regularly, for instance every three to five years, the years between Dialogues could be used by States at the GFMD to prepare for the following High-level Dialogue.

C. INTEGRATING MIGRATION INTO THE IMPLEMENTATION FRAMEWORK OF THE POST-2015 UNITED NATIONS SUSTAINABLE DEVELOPMENT AGENDA

Migration is indeed a key factor for development which can have an impact on, inter alia, poverty reduction, health and education, and as a result it is essential to reflect this in the post-2015 United Nations development agenda. However, the Special Rapporteur is keen to emphasise that first and foremost migrants are human beings with human rights. They should not be seen exclusively as agents for development.

The Special Rapporteur has observed that a key shortcoming of the MDG framework was its failure to fully reflect the promise of the Millennium Declaration in which countries resolved to strive for the full protection and promotion of all human rights. Indeed, more than a decade after the adoption of the Millennium Declaration, experience has shown that issues left out of a universally-agreed agenda are not effectively monitored and reported on, and easily become blind spots when priorities are set, policies defined or budgets allocated.

Human rights norms and standards provide concrete guidance as to how goals and targets for the post-2015 development agenda should be framed. Governments have already committed to uphold human rights in numerous international treaties. Grounding development priorities in human rights is not only a legal and moral imperative, but can also enhance effectiveness and accountability.

Human rights are not reserved to citizens (except for the right to vote and be elected, and the right to enter and stay in the country): they benefit everyone who is on a State's territory or within its jurisdiction, without discrimination, regardless of their administrative status and circumstances. Migrants are human beings and enjoy the same rights as anyone else. The Special Rapporteur would therefore recommend the following to be considered in the post-2015 United Nations sustainable development agenda.

1. *Mainstream migration*

The language used to develop the post-2015 agenda targets should be migration-sensitive and inclusive – not only focusing on citizens but on migrants as well, thereby recognising their human rights and contribution to development, and their need to be explicitly recognised as legal entities and drivers of development, with a particular focus on those migrant individuals and groups who are most marginalised and excluded from development. Mainstreaming migration would entail including targets and indicators for migrants in the different goals, such as poverty reduction, health, education and employment.

2. *(In)equality*

The post-2015 agenda should incorporate equality as a stand-alone and cross-cutting goal, aiming to progressively eliminate disparities within and between the most marginalized groups such as migrants and the general population as well as between countries in order to achieve more inclusive forms of development.

3. *Targets and indicators*

While each country would have to adapt global targets and indicators to their specific context, the human rights framework provides the following guidance:

- Collect data on inequalities. The current lack of data on certain issues is not accidental; neglect often coincides with a low political profile. Effective implementation of migration policies and programmes is dependent on the availability of relevant, valid and reliable data and rigorous monitoring of results and outcomes. A commitment to better and more accurate data collection is essential to identifying and monitoring inequalities affecting migrants.
- Go beyond disaggregation of data. Data collection should focus primarily on the human rights aspects of migration and should be disaggregated according to sex, age, disability, sector of employment and legal status. However, by itself, disaggregation does not automatically result in the reduction of inequalities. It is the action of policymakers in response to the information revealed by disaggregation that can result in the required change, which must then be reflected in target setting.
- Monitor more than income inequality. Population censuses are the main statistical source of information about migrants; however, they are of limited value in tracking irregular and marginalised migrant populations¹. A human rights perspective can help to reorient the collection of data to go beyond traditional sources and to analyse such sources as population statistics or economic indicators with an eye on vulnerability, discrimination and exclusion. In order to assess progress in reducing inequalities, monitoring must also capture other causes of lack of access to basic rights and services.
- Measure inequality. Goals, targets and indicators must be framed in a way that aims to reduce inequalities through targeting the most marginalized groups such as migrants; they must not continue to focus solely on aggregate progresses and outcomes. Progress in reducing inequalities should be measured between marginalized groups such as migrants and citizens.

4. *Three levels of assessment are essential*

In order to assess progress in achieving the goal and its targets, the rate of progress as set according to the target for each population group and the reduction of inequalities should be clearly measured, including for migrants.

NOTES

¹ As discussed at the Day of General Discussion of the Committee on Migrant Workers on the role of migration statistics for treaty reporting and migration policies