International Frameworks for Migrants' Rights & Migration Governance



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UN Human Rights Framework

What is a Human Rights-Based Approach to Service?

- Ministries that promote and protect human rights based on international human rights standards and principles
- Involves identification of groups whose human rights have been violated; understanding why people are unable to exercise their rights; redressing the denial of rights of the people by addressing the unjust distribution of power
- Works towards strengthening rights-holders to claim and exercise their rights; compelling duty-bearers to comply with their obligations
- ► Human Rights are the goal and guiding principles
- Human rights-based situation analysis is basis for identifying the priorities and course of action

Charity, Needs-, or Rights-based Approach?

Charity Approach	Needs Approach	Rights-Based Approach
Focus on input not outcome	Focus on input not outcome	Focus on process and outcome
Emphasizes increasing charity	Emphasizes meeting needs	Emphasizes realizing rights
Recognizes moral responsibility of rich towards poor	Recognizes needs as valid claims	Recognizes individual and group rights as claims toward legal and moral duty-bearers
Individuals are seen as victims	Individuals are objects of development interventions	Individuals and groups are empowered to claim their rights
Individuals derserve assistance	Individuals derserve assistance	Individuals are entitled to assistance
Focuses on manifestation of problems	Focuses on immediate causes of problems	Focuses on structural causes and their manifestations

Important Questions in Rights-Based Advocacy:

- What rights are being violated / not respected here?
- ▶ Who are the rights-holders?
- Who are the duty-bearers?
- ▶ Why is it that people cannot enjoy their rights?
- What are the international principles and standards of human rights applicable here?
- What is the domestic law on the human rights violation in question?
- ► HOW CAN WE HELP IN THIS CONTEXT?

Main Steps in Applying the Rights-Based Approach to a Problem:

- ▶ See the problem as a human-rights issue: identify rights being violated, rights-holders, and duty-bearers
- Design a response based on the international human rights standards and principles
- Involve the most vulnerable: consult the stakeholders without discrimination, build inclusive networks and coalitions
- Hold duty-bearers to account and aim to change unjust laws, policies, procedures, and practices
- Review progress towards the goal

International Principles of Human Rights

HUMAN RIGHTS ARE:

- Universal and Inalienable
- ▶ Indivisible
- Interdependent and Interrelated

HUMAN RIGHTS MUST BE APPLIED IN A MANNER WHICH IS:

- ► Equitable and non-discriminatory
- Participatory and Inclusive
- Accountable and supported by the Rule of Law

Universal Declaration of Human Riahts

(1949)

1. We are all born free with equal rights

2. We have a right to be free from discrimination

3. We have a right to live in freedom and safety

4. We have a right to be free from slavery 5. We have a right to be free from torture or degrading treatment

6. We have a right to be treated fairly by the law

7. We have a right to equal protection under the law

8. We have a right to seek justice when our rights are 9. We have a right to be free from unfair imprisonment or exile

10. We have a right to fair public hearings 11. We have a right to be considered innocent until proven g**uilty**

12. We have a right to privacy & freedom from attacks against our reputation

13. We have a right to free movement in our own country

14. We have a right to protection in other countries from persecution 15. We have a right to belong to a country

16. We have a right to get married

17. We have a right to own things

18. We have a right to our own thoughts and religion

19. We have a right to think and say what we want

20. We have a right to gather peacefully

21. We have a right to take part in government and elections

22. We have a right to a social safety net

23. We have a right to work and join trade unions

24. We have a right to rest and play

25. We have a right to health, food, clothing, and housing

26. We have a right to education

27. We have a right to enjoy the arts and sciences

28. We have a right to a world order that allows all our rights to be enjoyed.

29. We have a responsibility to our COMMUNITY

30. No one can take away our human rights

UN Conventions related to the Rights of Migrants

- INTERNATIONAL AGREEMENTS BETWEEN STATES
- WRITTEN FORM
- GOVERNED BY INTERNATIONAL LAW
- STATES MUST JOIN INDIVIDUALLY

The Refugee Conventions (1951) and its Optional Protocol (1967)

- cornerstone of refugee protection and the key legal documents that form the basis of UNHCR's work
- defines term "refugee"
- core principle is non-refoulement, which asserts that refugees should not be returned to a country where they face serious threats to their life or freedom (customary international law)
- outlines the basic minimum standards for the treatment of refugees, including the right to housing, work, and education while displaced so they can lead a dignified and independent life
- outlines States' legal obligations to protect refugees
- defines a refugee's obligations to host countries
- specifies certain categories of people (e.g. war criminals) do not qualify for refugee status
- Zambia ratified in 1969

Convention on the Rights of the Child (1990)

- obliges countries to put the best interest of every child in their territory at the centre of their decisions, regardless of the child's migration status (i.e. to prioritize children's rights over any immigration-related procedure or their legal status to ensure they have access to healthcare, education, and housing)
- many argue "best interest of the child" principle prohibits detention/imprisonment of migrant children as well as any separation from their parents, which have been shown to be traumatic and harmful
- Zambia ratified in 1998

Convention on the Rights Migrant Workers and Members of their Families (1990-2003)

- sets minimum standards for migrant workers and members of their families, with a focus on eliminating the exploitation of workers in the migration process
- defines civil and political rights in relation to the specific situation of migrant workers (e.g. the right to have consular authorities informed in the event they are arrested)
- contains provisions on breaches of migration legislation and prohibitions (e.g. prohibition of collective expulsions).
- sets out the economic, social and cultural rights of migrant workers in view of their particular situation (e.g. the right to basic medical care or the right of access to education for children of migrant workers)
- most comprehensive international treaty in the field of migration and human right
- only 41 states have ratified it and no major immigration country has done so (nor has Zambia)

Convention against Transnational Organized Crime: Palermo Protocol (2000)

- ▶ 3 purposes:
 - To prevent and combat trafficking in persons (especially women and children)
 - ▶ To protect and assist the victims of such trafficking, with full respect for their human rights
 - ▶ To promote cooperation among nations in order to meet those objectives.
- Only applies to situations of international trafficking
- Clearly defines trafficking and requires all Parties to establish and enforce laws prohibiting all forms of trafficking
- Zambia ratified in 2005

Convention against Transnational Organized Crime: Protocol against the Smuggling of Migrants by Land, Sea and Air (2000)

- Aims to prevent and combat smuggling, promote cooperation among nations, and protect the rights of smuggled migrants
- Requires Parties to criminalize the smuggling of migrants
- Specifies that migrants should not become liable for having been smuggled
- Requires Parties to strengthen border measures and oblige commercial carriers of passengers to check the travel documents
- Requires Parties to cooperate in raising awareness of the dangers of smuggling to the migrants involved and to raise general awareness of the growing involvement of organized criminal groups
- Parties who are a smuggled migrant's country of origin are required to accept their return
- Zambia ratified in 2005

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UN Compacts related to the Rights of Migrants

- INTERNATIONAL AGREEMENTS BETWEEN STATES
- WRITTEN FORM
- NOT LEGALLY BINDING
- STATES ADOPT VIA MAJORITY VOTE

Global Compact for Migration: Structure

- ▶ Vision:
 - Common understanding
 - Shared responsibility
 - Unity of purpose
- ▶ 10 Guiding principles
- ▶ 23 Objectives & commitments
- Suggested policies and good practices corresponding to each objective

GCM objectives include:

- 1. Better data collection and evidence-based policies
- 2. Minimize factors that compel people to leave their country of origin
- 3. Ensure that all migrants have proof of legal identity and adequate documentation
- 5. Enhance availability and flexibility of pathways for regular migration

GCM objectives cont.

- 6. Facilitate fair and ethical recruitment of migrants workers and decent conditions for their labor
- 8. Save lives and establish coordinated international efforts on missing migrants
- **9/10.** Strengthen the transnational response to smuggling of migrants and eradicate trafficking in persons
- **13.** Use migration detention only as a measure of last resort and work towards alternatives

GCM objectives cont.

- **15-17.** Provide access to basic services, promote full inclusion, and support social cohesion
- **20.** Promote faster, safer and cheaper remittances and foster financial inclusion of migrants
- 21. Cooperate in facilitating safe and dignified return and "sustainable reintegration"
- 23. Strengthen international cooperation and global partnerships for safe, orderly and regular migration

Global Compact on Refugees (2018)

- Framework for more predictable and equitable responsibility-sharing
- Recognized that a sustainable solution to refugee situations cannot be achieved without international cooperation
- Provides a blueprint for governments, international organizations, and other stakeholders to ensure that host communities get the support they need and that refugees can lead productive lives
- ▶ Four key objectives are to:
 - ▶ Ease the pressures on host countries
 - ► Enhance refugee self-reliance
 - Expand access to third-country solutions
 - Support conditions in countries of origin for return in safety and dignity

Africa's Regional Frameworks related to Migration

African Union Agenda 2063: The Africa We Want

Vision document whose message might be summed up as a vision of an Africa by Africans for all Africans

 Gives shape to notion of Pan-Africanism as a movement toward a continental governance structure akin to that of European Union and a unified African economy

African Union Agenda 2063: The Africa We Want

- Migration within Africa: overall very pro-migration with respect to:
 - African passport that allows for free movement and opportunity to work to all Africans in all parts of continent
 - "faster movement on the harmonization of continental admissions, curricula, standards, programmes and qualifications and raising the standards of higher education to enhance the mobility of African youth and talent across the continent"
 - Improvements in transportation and information infrastructures, which would facilitate both labor migration and more possibilities for remote work
- ▶ Inter-continental migration:
 - Development picture painted by doc seems oriented toward goal of creating quality of life and labour opportunities inside Africa via migration within the continent and to reduce emigration to other regions
 - References to demographic dividend suggest that the vision is for a reduced flow of emigration from the continent for greater conservation/capitalization on the gifts/talents/potential of young Africans
 - Likely to face challenge as Europe and North American age demographics dictate that job opportunities for migrants ought to increase over next several decades due to the ageing populations in those regions

African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa

- Known as the "Kampala Convention"
- world's only legally binding regional instrument on internal displacement
- 30/55 AU Member States have ratified, including Zambia (2009)
- ▶ Includes:
 - overview of regulations and protections related to arbitrary displacement
 - protections given to IDPs throughout the process of displacement
 - delineation of solutions for the greater situation as a whole
- terms, regulations, and definitions have greatly expanded upon formerly utilized and related legal documents and treaties, especially the UN's 1998 Guiding Principles on Internal Displacement
- 2017: Parties met in Zimbabwe to create Harare Plan of Action— a guiding document for the Kampala Convention's implementation

Sustainable Development Goals & the Rights of Migrants

A SAMPLING



HUMAN MOBILITY AND POVERTY REDUCTION - A SNAPSHOT



Migration is a powerful

poverty reduction tool

Human mobility benefits both

ORIGIN AND DESTINATION

communities 💚



Boosting innovation and entrepreneurship

> Contributing to productivity and fiscal budgets

After moving to a developed country, migrants from the poorest countries, on average, experienced:



Increase in income. 15x doubling of school enrolment rates



Reduction in child mortality

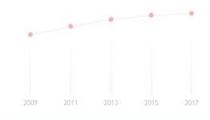
Remittances are a key finance source for developing countries



Totaling USD 647 BILLION in 2022, significantly exceeding official development assistance and aiding poverty reduction

Learn more from the: Migration Data Portal's SDG Tool

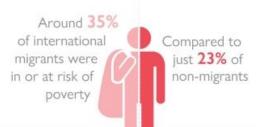
In CHILE, between 2009 and 2017. the country's GDP increased by \$63.3 BILLION



Migrants - while accounting for just 3.5% of the workforce - contributed to more than 11% of economic growth



Yet, migrants are more likely than non-migrants to be in poverty



have no access to social protection



Labour migrants are not covered



Cannot transfer their benefits home or to another country

Sources: IOM, 2015 | IOM, 2023 | UN/ECLAC, 2022 | World Bank, 2016

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FOOD SECURITY AND HUMAN MOBILITY - A SNAPSHOT



The relationship between

MIGRATION AND AGRICULTURE

and the food-migration nexus offers numerous opportunities for building

sustainable food systems



Half of all remittances sent to developing countries goes to rural areas



Where **75%** of the world's poor and food-insecure live

Around half of the total sector's estimated workforce

In Italy,

370 000

migrants from 155 countries
are employed in agriculture

Migrants, and especially youth, often develop new skills and introduce innovative ideas for potential investment or new businesses back home, particularly in the food sector



Yet, migrants face a higher risk of food insecurity and malnutrition, compounded by the effects of climate change and converging crisis

United States of America (US)-born children with foreign born mothers who had been in the US for more than five years were food insecure

In contrast to US-born children to native born mothers

By mid-2022

The number of forcibly displaced people in food-crisis countries and territories reached 103 MILLION

14 MILLION than at the end of 2021

urces: Children Health Watch: 2018 | EU/EPRS: 2021 | FSIN, 2023 | IFAD, 2023 | UN, 2023

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Learn more from the:
Migration Data Portal's SDG Tool

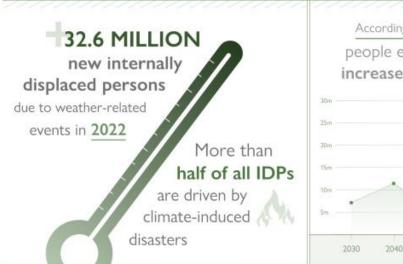


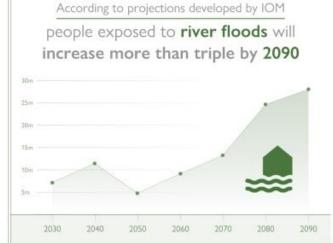
HUMAN MOBILITY AND CLIMATE CHANGE - A SNAPSHOT



THE CLIMATE CRISIS IS RESHAPING HUMAN MOBILITY,

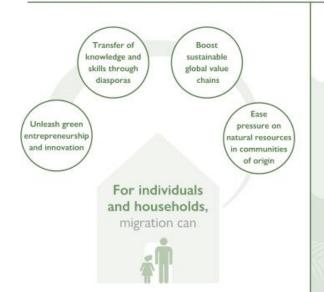
and the implications are far-reaching





Learn more from the:
Migration Data Portal's SDG Tool

Proactively addressing climate and environmental factors helps make migration a choice, not a necessity





The 'Falepili Union', illustrates opportunities for building out migration pathways that can work for the benefit of all



International and Regional Fora for Migration Advocacy



Pan-African Forum on Migration

- Continental consultative process on migration and human mobility issues in Africa
- formerly "Intra-Regional Forum on Migration in Africa"
- brings together all African Union (AU) Member States (MSs), AU regional economic communities (AU RECs), Regional Collaborative Platforms in Africa, UN agencies and intergovernmental organizations to:
 - deliberate on topical issues affecting migration governance in Africa
 - shape and inform policy development
 - share experiences
- May include participation of African diaspora networks across the globe, African civil society organizations, academia, trade unions, employers' federations, media, local authorities, and others
- Annual meetings held in country that is serving as the Chair (Zambia in 2016)



Global Forum on Migration and Development

- Purpose: create space for governments and other stakeholders to engage in dialogue and partnerships, help each other, and learn from each other in order to maximize migration's developmental benefits while minimizing its negative impacts
- From 2007-2021, the largest and most comprehensive global platform for dialogue and cooperation on international migration and its relationship with development
- A space for informal and voluntary dialogue among countries (governments & civil society) on current and emerging migration and development concerns
- Occurs outside UN facilities and is hosted by a different government each year

Global Forum on Migration and Development

- ▶ Emphasizes:
 - searching for better solutions to common challenges
 - promoting good practices
 - capacity- and knowledge-building
 - partnerships and cooperation between governments and other stakeholders in the fields of migration and development
- ▶ Includes:
 - Roundtable discussions around central themes proposed by the host governments
 - Designated spaces for dialogue among youth, business community, and mayors/locallevel leaders
- Though not a UN-sponsored meeting, more than 150 governments have participated
- A living process: each year builds upon the achievements, lessons, and creative designs of the previous year
- Informal nature makes it unique from official UN for a on migration and allows for more open and candid conversation and learning among participants

International Migration Review Forum

- Forum for review of each nation's progress toward achievement of the 23 objectives of the Global Compact for Migration
- ► Held at global level, but includes space to assess GCM progress made at the local, national, regional and global levels
- Occurs ever 4 years at UN Headquarters
- Began in May 2022 (4 years after adoption of GCM)
- More formal than GFMD and hosted by UN General Assembly



International Migration Review Forum

▶ Includes:

- hearing for all migration stakeholders with the President of the General Assembly (day before)
- four interactive multi-stakeholder round tables
- policy dialogue at which governments deliver statements and share new policies/prgorammes related to migration management
- ▶ a plenary at which the UN Network on Migration members offer global-level insights on progress
- Outcome: inter-governmentally agreed Progress Declaration
- Accompanied by publication of a progress report from the UN Secretary-General



Africa's Regional Migration Review Forum

- opportunity to review regional, sub-regional, and national progress towards the implementation of the GCM in Africa
- Occurs every four years, alternating with 4-year rotation of the IMRF
- ► First RMRF held online in 2021 due to pandemic (originally scheduled for 2020)
- Next forum:
- Jointly organized by UN Network on Migration, Economic Commission for Africa (ECA), International Organization for Migration (IOM), and African Union Commission (AUC)
- First RMRF was preceded by a series of informational events/sessions and a consultation for civil society to gather insights on GCM implementation from each country of the continent
- Outcome: review report, which is fed into the International Migration Review Forum to inform the global-level discussion on migration-related trends, challenges, and practices in Africa

UN Network on Migration's "Migration Week"

- Hosted every two years in Jan/Feb by the UN Network on Migration
- Objectives:
 - Raise awareness: Increase global awareness of the GCM, its objectives, and the importance of safe, orderly, and regular
 migration
 - Mobilize support: Galvanize political commitment from Member States and stakeholders to implement the GCM through concrete actions and new pledges, as well as to engage proactively in the Regional Reviews
 - ▶ Foster dialogue: Facilitate meaningful discussions and exchanges among policymakers, experts, civil society organizations, and migrants themselves to address migration challenges and explore innovative solutions

Includes:

- ▶ High-level events: political leaders, representatives of the UN system, and key stakeholders share their commitments and progress towards implementing the GCM
- ▶ Policy dialogues: platform for exchanging good practices, challenges, and innovative solutions
- Stakeholder consultations: gather inputs and perspectives on GCM implementation from civil society organizations, migrants' associations, and other stakeholders to ensure inclusivity and diversity of voices, ahead of the Regional Migration Reviews
- Knowledge sharing sessions: workshops, seminars, and training sessions to share knowledge, research findings, and evidence-based practices related to the GCM
- Exhibitions and cultural events: Showcase the contributions of migrants through exhibitions, film screenings, art displays, and cultural performances, promoting social cohesion and combating stereotypes
- Media engagement: raise public awareness about migration, counter misinformation, and highlight stories of migrants, fostering a more balanced narrative
- Side events and parallel activities: States, the UN system, and stakeholders sponsor events to explore specific migration-related topics of interest and engage a broader range of participants

UN Network on Migration

- Entity within the UN that has a mandate to support the implementation of the GCM through support to States and coordination of the many entities in the UN system with a mandate that relates to migration
- Prioritizes
 - the rights and well-being of migrants and their communities of destination, origin, and transit
 - issues where a common UN-system approach would add value and from which results and impact can be readily gauged
- Has a regional network for East & Southern Africa and a country network for Zambia

UN Network on Migration: Members

- Chief Executives Board Secretariat (CEB)
- Department of Economic and Social Affairs (DESA) *
- Department of Public Information (DPI)
- Food and Agriculture Organization (FAO)
- Inter-Agency Standing Committee Secretariat (IASC)
- International Fund for Agricultural Development (IFAD)
- ▶ International Labour Organization (ILO) *
- International Maritime Organization (IMO)
- International Organization for Migration (IOM) *
- Joint United Nations Programme on HIV/AIDS (UNAIDS)
- Multi-Partner Trust Fund Office (MPTFO)
- Office for the Coordination of Humanitarian Affairs (OCHA)
- Office of the High Commissioner for Human Rights (OHCHR) *
- Peacebuilding Support Office (PBSO)

- United Nations Alliance of Civilizations (UNAoC)
- United Nations Children's Fund (UNICEF) *
- United Nations Conference for Trade and Development (UNCTAD)
- United Nations Development Programme (UNDP) *
- United Nations Educational, Social and Cultural Organization (UNESCO)
- United Nations Economic Commission for Africa (UNECA)
- United Nations Economic Commission for Latin America and the Caribbean (UNECLAC)
- United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)
- United Nations Economic and Social Commission for Western Asia (UNESCWA)
- United Nations Economic Commission for Europe (UNECE)
- United Nations Entity for Gender Equality and the Empowerment of Women (UN Women)

- United Nations Environment Programme (UNEP)
- United Nations Framework Convention on Climate Change (UNFCCC)
- United Nations High Commissioner for Refugees (UNHCR) *
- United Nations Human Settlements Programme (UN Habitat)
- United Nations Industrial Development Organization (UNIDO)
- United Nations Institute for Training and Research (UNITAR)
- United Nations Office on Drugs and Crime (UNODC) *
- United Nations Population Fund (UNFPA)
- United Nations Sustainable Development Group (UNSDG) Secretariat
- United Nations University (UNU)
- Universal Postal Union (UPU)
- World Food Programme (WFP)
- ▶ World Bank *
- World Health Organization (WHO) *

HLPF on Sustainable Development

- Annual forum held in July at UN Headquarters (New York)
- ▶ Progress review forum for the Sustainable Development Goals
- Key features:
 - ▶ 5 SDGs selected as theme each year
 - ▶ Panel discussions on thematic SDGs
 - presentation of "Voluntary National Reviews" by governments
 - questions, challenges, good practices, "shadow reports/presentations" offered by civil society
- Possible to follow most of proceedings online via UN WebTV
- ▶ Zambian government presented VNRs in 2020 and 2023 (next VNR in 2026?)
- Possible to present migration concerns not only when SDG 10 is one of the thematic SDGs for the year but also by relating migration to any SDG

Africa Regional Forum on Sustainable Development (ARFSD)



- Annual forum held between February and April in preparation for HLPF on Sustainable Development
- Forum for review of progress toward Sustainable Development Goals at national and sub-regional levels within Africa
- Also integrates review of progress toward Agenda 2063: The Africa We Want
- Organized by UN Economic Commission for Africa (ECA)
- Includes workshops on how to conduct a "Voluntary Local Review" of SGD progress; climate talks. Science, Technology, and Information Forum; and launch of Economic Report on Africa
- Possible to present migration concerns not only when SDG 10 is one of the thematic SDGs for the year but also by relating migration to any SDG

JCoR's Online Training Programme for the HLPF

- Offered each year from January through August to all members of JCoR's global network whose government is presenting a VNR that year
- ▶ Input sessions cover the following topics:
 - ▶ role of Religious in the UN system
 - ► SDGs/ODS
 - ► HLPF/FPAN (purpose and channels for input)
 - where to find and how to approach reflection on your government's VNR report
- Provides coaching and resources to guide and encourage delegates in pursuit of various available channels for input to the HLPF/FPAN
- Includes 6 global calls with all delegates and 2 regional calls with delegates from one's own global region
- Offers space for delegates to meet and to share reflections and challenges with other delegates from their global region

Universal Periodic Review (UPR) before the Human Rights Council

- Every nation's human rights record reviewed every 4 years by
 - Human Rights Council
- Civil society has opportunity to submit on our own experiences and human rights violations
- Government is given recommendations; must report on actions taken to improve during next Review (4 years later)
- ▶ JCoR members have collaborated on reports for Haiti, Brazil, United States, and DRC
- ▶ Zambia's next review likely in Jan 2027 with reports due in Oct 2026