



High-Level Dialogue on International Migration and Development

Key OHCHR messages, August 2006

OHCHR wishes to bring the following messages to the attention of the High-Level Dialogue on International Migration and Development, to be held at the UN General Assembly in New York on 14-15 September 2006.

Respecting human rights is not only a legal obligation. It is also a pre-condition for our societies to grow and prosper in peace and security.

An agenda for a human rights approach to migration is needed. Migration can be an empowering experience that motivates men and women to seek better prospects beyond their countries' borders. Such legitimate experience must not be undermined or crushed by abuse. The *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families* offers States the most comprehensive framework for the protection of the human rights of migrants. Concerns linked to its low level of ratification must be addressed and efforts must be intensified to better articulate a human rights approach to migration, including through greater dissemination of tools to strengthen States' capacities in this regard. Good practices should be documented to serve as guidance to inform States' approaches. OHCHR and the special procedures of the Human Rights Council, particularly the Special Rapporteur on the human rights of migrants, can assist States in this endeavor.

Migrants have human rights. Managing migration requires an understanding that migrants are not simply agents of development, but human beings with rights which States of origin, transit and destination have an obligation to protect.

Development is more than an economic parameter and encompasses human rights. Development goes beyond economic growth to embrace notions linked to human development, which focuses on the individual, his and her family and community, and seeks to expand individual capabilities and choices through health, education, a decent standard of living and political freedom.

Human rights deficits must be addressed in order to make migration an informed choice. Migration should take place in conditions of dignity and be the result of an informed choice rather than a strategy of survival. It is often violence, social and economic exclusion, poverty, lack of access to health care, food and education, inequality of opportunities, and gender discrimination that force people to leave their communities and livelihoods. People migrating because of these human rights deficits are less equipped to confront the challenges ahead of them in a foreign country. They are exposed to greater risks of abuse and violations. Migration policies must address the human rights and development deficits that are the causes of a substantial part of the migration phenomenon.

Migrants are exposed to specific vulnerabilities and risks and are to be protected against those risks. The degree of exposure to vulnerability and risks of human rights abuses and violations differ greatly among migrants depending on several factors inter-playing together, such as regular or irregular immigration status; gender; nationality; ethnicity; age; migration policies of the country of destination; consular protection programmes of the country of origin; sector of occupation, etc. In varying scale, all migrants suffer some degree of vulnerability in respect of which they require protection.

Discrimination is an underlying factor of migrants' vulnerability, which limits or nullifies migrants' contribution to development. When it concerns migrants, discrimination takes multiple facets encompassing gender, race and religion and generates mutually reinforcing patterns of exclusion, disadvantage and abuse affecting the full spectrum of public life from conditions in the workplace, to access to social services, justice, education, housing, health care, and participation in the decision-making processes. The consequences fostered by such an environment jeopardize the contribution of migrant women and men to development. Discrimination against migrants thus needs to be addressed forcefully.



Focus on protection needs of migrants most exposed to the risk of human rights violations and abuse. Protection policies and measures are especially needed to combat trafficking and smuggling of migrants and in the areas of access to information; the regulation of recruitment agencies; and unaccompanied migrant children and children of migrants. Unaccompanied children seeking employment are particularly vulnerable and exposed to exploitation. States should take measures to ensure that their specific protection needs are met. Children of migrant workers are to be given equal opportunities to exercise their rights, in particular the right to education, in a way that enable them to integrate in the host society while maintaining links to their country of origin and its culture.

Measures to protect the human rights of victims of human trafficking and smuggling are urgently needed. States have a responsibility under international law to act with due diligence to prevent human trafficking and smuggling of migrants, to investigate and prosecute traffickers and smugglers, and to assist and protect victims of these crimes. Anti-trafficking and anti-smuggling measures must protect the human rights and dignity of persons, in particular the rights of those who have been trafficked and smuggled, and of migrants, internally displaced persons, refugees and asylum-seekers. The *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, produced by OHCHR, seek to inform State action in devising measures to protect and provide redress to the victims of trafficking.

Make information on safe and legal migration available and accessible. Countries of origin and destination must urgently consider developing programmes which provide sound and easily accessible information on safe channels for legal migration, the possible harms of illegal migration including trafficking, and information concerning destination countries and cities, for instance on travel, job placement, legal rights and health. Information should also be provided on assistance available to migrants in the countries of destination, such as those provided by women's groups and human rights organisations, legal aid services, various governmental services and counseling services.

Recruitment agencies should be adequately regulated so as to avoid that migrants are given misleading information or exposed to exploitation. Agencies involved in labour recruitment and transportation of migrants must be regulated in efficient ways. Procedures for accountability as well as those which ensure safe living and working conditions must be developed and monitored. This would go a long way in preventing all kinds of harms and abuses, including trafficking.

Policies to empower migrant women. Migration can be an empowering experience for women. They enter the labour market and learn new skills that can improve their economic and social status. Nevertheless, many women migrate in circumstances which expose them to the risk of exploitation and abuse, particularly when migration takes place for the purpose of marriage and domestic labour. Migrant women can experience discrimination in the labour market, which reinforces their exclusion from society. When confronted with domestic violence, they may be in such a vulnerable situation that they do not have the means to seek protection and redress, particularly when their stay in the country is conditioned to the relationship with their partner. Migration policies and programmes should be gender sensitive to ensure that adequate attention is given to the special circumstances of migrant women.

Respect of human rights maximizes the contribution of migrants to development. It is a reality that migration can cause tensions within receiving societies, notably in the employment market where vulnerable domestic labour can be in direct competition for jobs with migrants. However, these tensions will lessen if migrants are integrated as opposed to marginalized. Human rights principles can contribute in different ways to integration. The enjoyment of rights such as education, work, housing, and health, together with the exercise of liberties like freedom of expression and religion as well as access to justice and participation to public life are all elements that concur to integrate women and men into the mainstream of society. Our goal should be spawning a virtuous cycle whereby the human rights of migrants are respected; migrants are integrated in host societies and can fully contribute to the development both of the host countries and of their countries of origin.