



Global Forum on Migration and Development

HUMAN RIGHTS PERSPECTIVES GLOBAL FORUM ROUND TABLES

The list below provides a basic reference to rights included in the international human rights instruments that may be of direct relevance to the issues discussed by the different roundtables scheduled for the Global Forum on Migration and Development. The list is not exhaustive and serves only as a quick guide to the most obviously relevant rights contained in the international instruments.

In general, OHCHR would like to recall that human rights are central, not ancillary, to the migration-development process: the effect of a respect for rights goes far beyond the individual migrant, and benefits their home societies and those in which they live and work. Development cannot exist without full respect of human rights, on the basis of non-discrimination and equality of treatment.

Through their voluntary accession to human rights treaties, all UN member states have undertaken to protect the fundamental civil, economic, social, and cultural rights of all migrants in their countries, regardless of their immigration status. International co-operation and consultation should take place within this human rights framework. Rights based policy making should take into account the vulnerability of many migrants and their human rights protection needs throughout the migration process. It should look at the causes of migration and at the need to ensure respect for human rights in the countries from which most migrants originate. It must further reflect on the vulnerability of all migrants - irregular as well as regular – and recognise both the link between legal status and human rights, and the negative correlation between irregularity of status and exploitation.

Roundtable 1: Human capital development and labour mobility

Relevant human rights are for instance:

- Equality and non-discrimination on the ground of race, colour, descent, national or ethnic origin in the enjoyment of all human rights (articles 1 and 5 ICERD; article 26 ICCPR; article 2 CRC)
- Women's right to equality and non-discrimination (articles 1 and 2 CEDAW; article 26 ICCPR)
- Right to adequate standard of living (article 11 CESCR; article 27 CRC))
- Right to education (article 13 CESCR; articles 30, 43 and 45 ICRMW; articles 28 and 29 CRC)
- Right to health (article 24 CRC; 12 CESCR; articles 28, 43 and 45 ICRMW)
- Right to work (article 6 CESCR)
- Freedom of movement (article 12 ICCPR; articles 8 and 39 ICRMW)
- Access to vocational training and guidance (articles 43 and 45 ICRMW; article 28 (d) CRC)
- Expulsion guarantees (article 13 ICCPR; articles 22 and 56)
- Consular assistance (articles 23 ICRMW)
- Right of migrant workers to be fully informed about their rights and conditions related to their admission (articles 33 and 37 ICRMW)
- Migrants' link with State of origin (articles 31 and 41 ICRMW)
- Right to return temporarily to country of origin without losing work permit (article 38 ICRMW)
- Facilitation of returning migrants (article 67 ICRMW)



- Just and favourable conditions of work (article 25 ICRMW; article 7 CESC)
- Control of recruitment agencies (article 66 ICRMW)
- Prevention of illegal and extortive practices, including prevention of smuggling and trafficking (article 6 CEDAW; 68 ICRMW; article 8 ICCPR; articles 32 to 36 CRC and OP CRC Sale of Children; article 9 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons; principles 3, 4, 5 and guidelines 1 and 7 of Recommended Principles and Guidelines on Human Rights and Human Trafficking)
- Cooperation and coordination between states and regions (guideline 11 of Recommended Principles and Guidelines on Human Rights and Human Trafficking)
- Promotion of sound, equitable, humane and lawful conditions of migration (ICRMW, part VI, in particular articles 64 and 70)

Roundtable 2: Remittances and other diaspora resources

Human rights issues of importance in this context are for instance:

- Equality and non-discrimination on the ground of race, colour, descent, national or ethnic origin in the enjoyment of all human rights (articles 1 and 5 ICERD; article 26 ICCPR)
- Women's right to equality and non-discrimination (articles 1 and 2 CEDAW; article 26 ICCPR)
- Right to an adequate standard of living (article 11 CESC; article 27 CRC)
- Right to property (article 15 ICRMW)
- Migrants' rights to freedom of association (articles 26 and 40 ICRMW; article 8 CESC; article 22 ICCPR)
- Freedom of thought, conscience and religion (article 12 ICRMW; article 14 CRC; article 18 ICCPR)
- Migrants' link with State of origin (articles 31 and 41 ICRMW)
- Taking into account the special needs of migrants and consultation of migrant communities (article 42 ICRMW)
- Migrant workers' right to transfer earnings and savings and State's facilitation of such transfers (articles 32 and 47 ICRMW)
- Avoiding double taxation (articles 46 and 48 ICRMW)

Roundtable 3: Enhancing policy and international coherence, and promoting partnerships

Human rights issues involved for instance:

- Equality and non-discrimination on the ground of race, colour, descent, national or ethnic origin in the enjoyment of all human rights (articles 1 and 5 ICERD; article 26 ICCPR)
- Women's right to equality and non-discrimination (articles 1 and 2 CEDAW; article 26 ICCPR)
- Right of migrant workers to be fully informed about their rights and conditions related to their admission (articles 33 and 37 ICRMW)
- Promotion of sound, equitable, humane and lawful conditions of migration (ICRMW, part VI, in particular articles 64, 65, 68, 69 and 70: guideline 11 of the of Recommended Principles and Guidelines on Human Rights and Human Trafficking)
- Prevention of trafficking in persons (article 9 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons; principles 3, 4, 5 and guidelines 1 and 7 of Recommended Principles and Guidelines on Human Rights and Human Trafficking).