

Background Paper¹

Round Table 2:

Rights and Migration: working to ensure the health, safety, and rights of migrants

Section 1: Introduction

1.1 Migration, development and human rights

Migration is an important driver of sustainable economic and social development. Across the globe, the majority of migrants² engage in regular migration. In most cases, migrants' rights are fulfilled and respected and the potential of migration to act as a positive driver of growth and prosperity is realised, both for migrants themselves as well as societies and economies in origin and destination. However, the positive contributions that migrants make to their countries of origin, while in transit, in destination and on return, are not always fully recognised. Many migrants – especially in situations of irregular and mixed movements – face unacceptable risk of human rights violations, including labour violations, at every step of their journeys. These risks are compounded further by global crises such as the COVID-19 pandemic and the climate crisis.

A migration and development lens is fundamental to multilateral dialogue including the [Global Forum on Migration and Development \(GFMD\)](#). However, discussions and responses must also be founded on a [human rights-based approach](#) that is people-centered and gender-responsive³. Over the past decades, the Member States of the United Nations (UN) have developed [a globally acknowledged system of human rights law](#), which encompasses a wide range of binding instruments and international customary law, together with other guidelines, best practices and principles, including the [Global Compact for Safe, Orderly and Regular Migration \(GCM\)](#), and the [Sustainable Development Goals \(SDGs\)](#). These frameworks provide a common ground from which to address and effectively implement the human rights of migrants, regardless of their migration status or citizenship, and underline the [fundamental principles](#) of non-discrimination, accountability, transparency, and the

¹ This background paper outlines discussion areas for the Global Forum on Migration and Development (GFMD) Round Table Two (RT2) – Rights and Migration: Working to ensure the health, safety, and rights of migrants. It has been written in consultation with members of RT2 by the Mixed Migration Centre (as penholder), under the leadership of the co-chairs Egypt and Colombia. Please note that the content of this paper does not necessarily reflect the views and official positions of the penholder, the GFMD Chair or the governments or international organizations involved in the GFMD process.

² While there are different positions, including among UN agencies and between states, on whether refugees are migrants or a separate group, without taking a position on this matter, for ease of reading and, more importantly, because all basic rights discussed in this paper apply to both migrants and refugees, the term 'migrants' is used throughout the document inclusive of refugees and asylum seekers.

³ Throughout this paper, reference to a human rights-based approach should be taken to incorporate a gender-responsive approach.

objective of [empowerment and the meaningful participation](#) and inclusion of migrants in policy development, delivery and review on issues affecting them.

The upcoming [75th anniversary of the Universal Declaration of Human Rights](#) provides an important and timely opportunity to reflect and reinforce the integration of a human rights-based approach throughout all migration and development policies. Mainstreaming a human rights-based approach into migration responses is imperative to safeguard the dignity, well-being, and rights of migrants, as well as members of their families, and to harness the magnitude of positive social, economic, and cultural contributions that migrants make to their countries of origin, while in transit, in destination and on return. It is also a precursor to fostering sustainable, climate-responsive, and equitable development to the benefit of all.

1.2 Understanding the issues: human rights violations throughout migration journeys⁴

Human rights and [development deficits](#) are major factors contributing to many of the internal and cross-border migration movements seen throughout the world, often acting as [key drivers](#) for people to seek safety, protection, stability, and decent work across borders. Once on the move along migration corridors, migrants, [including many migrant children](#), are regularly subjected to [human rights violations](#), including physical harm, cruel, degrading and inhumane treatment, torture, forced labour, human trafficking, aggravated smuggling, extortion, arbitrary detention, including of children, enforced disappearances, death and violence, including sexual and gender-based violence (SGBV)⁵, as well as violence based on religion, belief, social class, ethnicity, and race, among other grounds. Migrants often face dangerous and overcrowded conditions during their journeys, which can result in a range of physical and mental health-related issues.

While in transit and destination, migrants often face greater risk of human rights violations compared to citizens due to the lack of protections afforded to them, especially when in an irregular situation. Migrants are met with [significant barriers to integration and accessing basic rights](#), such as social protection, healthcare, education, and housing. Lack of information about their legal rights and basic services, including access to healthcare, can leave migrants more susceptible to rights violations. Additionally, communication and language barriers can hinder access to basic services further. These barriers are often heightened in countries facing [their own economic and development challenges](#), where resources may be limited, including for their own citizens.

Compounded by a lack of regular pathways, migrants, particularly those in irregular situations, working informally and/or in non-compliant workplaces, [face abuse of their fundamental principles and rights at work, including through](#) exploitation, wage discrimination and theft, unsafe and unhealthy working environments, [violence and harassment, discrimination](#), abuse, forced labour and slavery. Many have their migration status tied to an employer, impeding their labour mobility, and compounding vulnerability. Low-income migrant workers, and particularly migrant women domestic workers, are at heightened risk of such abuses. Many migrant children face situations of child labour, including situations of extreme exploitation. Migrants are also often precluded from exercising fundamental civic freedoms both online and offline which would allow for their equal participation in society and provide key avenues to realise and access their own rights. This includes access to information, [rights to freedom of association](#) and collective bargaining, to freedom of peaceful

⁴ While regular migration does not automatically guarantee a safe migration journey and experience at destination in which all rights are upheld, the most severe rights violations are often more common in the context of irregular migration. However, it is beyond the scope of this paper to make distinction between regular and irregular migration in all sections.

⁵ Acknowledging that there are different positions on gender issues, the Co-Chairs of roundtable 2, Colombia and Egypt, welcome different perspectives on such issues in the dialogue space of the Forum.

assembly, of expression, to strike and protest, and to public participation. In addition, migrants often do not have effective access to justice, which prevents them from voicing concerns and obtaining remedies.

Due to the myriad of human rights violations experienced by migrants throughout their journeys, many migrants who return to their countries of origin, particularly those returned involuntarily, do so with limited to no financial gains or with [debts incurred, often as a result of illegitimate recruitment costs](#). [Upon return, many migrants are met with significant barriers to re-integration](#) and face the same human rights and development deficits which spurred their migration in the first instance.

Underpinning the rights violations that migrants face throughout their migration journeys are systemic power imbalances, and [negative narratives](#) fueled by stigma, xenophobia, racism, gender inequality and other forms of intolerance. [Migrants may experience situations of vulnerability](#) and added barriers to accessing their rights at all stages of their journeys as a result of intersecting factors due to their race, religion, age, gender, migration status, statelessness, accompaniment status of minors, and disability, among others.

[Migrants in irregular situations and along mixed migration routes](#) often face the most critical situations of vulnerability. The factors leading to irregularity are multiple, however, irregular migration is often the result of the unavailability of regular pathways for migrating for work or safety. Migrants in irregular situations are entitled to the fulfilment of their fundamental rights, however, irregular migration status is often met with restrictive responses from states leading to [heightened vulnerability](#) of human rights abuses, discrimination, exploitation, marginalisation and other protection risks, both at borders and within countries.

[The COVID-19 pandemic](#) has highlighted and [exacerbated existing vulnerabilities](#) that migrants face, as well as created new ones. COVID-19 has resulted in migrants experiencing widespread job losses, reduced income, increased instances of wage theft, further barriers to accessing social protection and healthcare, as well as challenges in returning to their home countries.

Similarly, [climate change is a risk multiplier](#) and has already [impacted global migration patterns](#) and increased vulnerabilities experienced by migrants. Into the future, it is expected that climate change will have profound impacts on migrants' rights as it intensifies environmental and socio-economic pressures, triggers further displacement and migration as adaptation, and leads to resource scarcity. Human rights-based migration and development policies must therefore be climate responsive, just as climate policies must be informed by a human-rights based approach to migration and development.

Section 2: Key Policy Issues and Considerations

There are multiple policy issues to consider in relation to ensuring the rights, health, and safety of migrants. This section outlines a non-exhaustive list of key issue areas which have been developed in consultation with members of the GFMD RT2.

2.1 Human rights-based regular pathways for admission and stay

In 2022, Member States of the GCM, through the [Progress Declaration of the International Migration Review Forum](#) (IMRF), reiterated that while progress has been made in mainstreaming migration into development and climate change adaptation strategies, the availability and flexibility of pathways for regular migration [remain limited](#). When founded in a human rights-based approach, [regular pathways for admission and stay](#) are key for ensuring the safety, health, and rights of migrants. [Pathways include](#), but are not limited to, family reunification processes, labour migration pathways,

humanitarian admissions, regularisation programs and pathways for health-related considerations, best interests of the child, for migrants facing the adverse effects of climate change and environmental degradation, and for survivors of SGBV, as well as other forms of violence, exploitation, or human trafficking. Rights-based regular pathways that convey the right to work are particularly important because, through employment, migrants gain autonomy, can provide for themselves and their families, and integrate into their communities.

Without a foundation in a human rights-based approach, regular pathways for admission and stay may not automatically decrease vulnerability nor protect migrant's rights and, in the worst case, may exacerbate risks. As outlined in the [United Nations Network on Migration Guidance Note on Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability](#), regular pathways should be people-centered, child-sensitive, gender-responsive, trauma-informed and uphold international human rights including labour standards. In terms of being child-sensitive, regular pathways should ensure procedural safeguards, be independently monitored, involve child protection actors, and ensure that children have access to education, play, and health services, among other critical services. Regular pathways should also include the prohibition of discrimination and ensure the right to due process. The guidance note also states that to be effective, regular pathways should also be accessible, affordable and take into consideration appropriate procedural safeguards, monitoring, and review.

2.1.1 Human rights-based BLMAs and multilateral agreements

Underpinned by relevant International Labour Organization (ILO) and UN standards, guidelines, and principles protecting migrants, bilateral and multilateral agreements form a key avenue for regular pathways for migrants. However, bilateral and multilateral agreements made without a human rights-based approach [may inadvertently or explicitly reinforce exploitative practices](#), or act as a cover to legitimise exploitation and heightened enforcement policies. The United Nations Network on Migration, co-led by ILO and IOM, has created a [UN system-wide guidance for creating human rights-based Bilateral Labour Migration Agreements \(BLMAs\)](#). This guidance states that BLMAs should be migrant-centered and [prioritise and uphold the human rights, including labour rights, of migrants](#) by securing rights at work such as freedom of association, the right to collective bargaining, the eradication of forced and child labour, as well promoting fair and ethical recruitment practices, eliminating discrimination in the workplace, and promoting decent work.

Incorporating national laws and regulations governing human rights and gender equality, BLMAs should be developed through a process based on social dialogue, which engages employers' and workers' organisations and should recognise the crucial role businesses and trade unions can play in the successful and rights-based settlement and integration of migrants. BLMAs should also include [provisions for addressing exploitation and human rights abuses](#) and ensure that migrants who have been trafficked or smuggled receive appropriate assistance. One promising BLMA has been developed between [Germany and the Philippines](#), based on ILO and UN normative frameworks. It ensures the equal treatment and social protection of migrants, government-to-government hiring arrangements, and assures the inclusion of trade unions from both countries in the oversight committee.

2.1.2 Regularisation measures

Regularisation measures are another tool used to address irregularity and its associated vulnerabilities. However, as with other regular pathways, [regularisation measures need to adopt a human rights-based approach and be sustainable](#). This includes ensuring that undocumented people themselves can apply, procedures are accessible, properly disseminated and widely known of, timeframes and requirements are sustainable, decisions are based on clear objective criteria,

procedural safeguards ensuring the right to due process are in place and reasons for refusal are clearly documented and can be appealed, among others. In recent years, countries such as [Colombia](#), Thailand, Morocco and Ecuador [have championed policies](#) which have sought to regularise large populations of undocumented migrants within their jurisdictions. The benefits of regularisation for migrants, and for broader societies and economies, are widely evidenced including in a report released by the [Special Rapporteur for the human rights of migrants](#) in April 2023.

2.2 A human rights-based approach to border management

A human rights-based approach to border management, as well as measures to counter [migrant smuggling](#), and [human trafficking](#), including prosecution of perpetrators of human rights violations, must be prioritised to ensure the rights and safety of migrants, regardless of their migratory status. When managing their borders, [States must respect, protect and fulfill migrants' rights](#) including the right to due process, justice, the right to respect family life, the right to life, freedom from torture, inhumane and degrading treatment, the principle of [non-refoulement](#), and arbitrary or collective expulsion, among others. Moreover, approaches to border management should prioritise the well-being and dignity of migrants including equal access to basic services, including healthcare, regardless of migration status as outlined in IOM's [Health Border Mobility Management](#) (HBMM) framework. Migrants, including those in irregular and mixed situations, [must also be protected from arbitrary or prolonged detention](#) upon entry or when staying in a State's territory. States should promote and implement alternatives to detention and take steps to end child immigration detention as per GCM Objective 13.

However, "externalisation" measures are increasingly employed by some States, or groups of States, compelling other nations to enforce controls preventing the irregular movement of migrants into their territories, as noted in [the recent report on Human Rights and Migrants by the UN Secretary General](#). These measures are often accompanied by the criminalisation of irregular migration – both for migrants themselves, as well as those who may seek to assist them – alongside the increased use of arbitrary detention. The growing use of surveillance and artificial intelligence technologies to identify and track the movement of migrants at borders, has also resulted in [mounting concerns regarding human rights violations](#). The previous [UN Special Rapporteur on Racism](#) has noted the potential harms caused by using some technologies within border management, due to racism, violence, and lack of mechanisms of redress for those affected.

However, strict and harsh border management does not prevent irregular migration. Instead, it can often lead to [increased vulnerabilities](#), as migrants embark on riskier journeys and become more dependent on smugglers to avoid detection. The number of migrants who die attempting to cross highly securitised borders has [increased dramatically in recent years](#). Over 59,516 migrant deaths have been recorded by the [International Organization for Migration \(IOM\) Missing Migrants Project](#) since 2014, with the actual numbers of deaths likely much higher. In the context of missing migrants, States should work together to support families in finding their loved ones, for example, through the ability of family members to visit countries where their loved ones have disappeared, among others. Development and human rights deficits in countries of origin, a lack of accessible pathways for regular migration, the externalisation of borders and increasing securitisation and deterrence approaches are some of the key elements leading to increasingly risky journeys.

2.3 Right to work and rights at work

While the [drivers of migration](#) are often mixed, [a large share of the world's movements are related to labour migration](#). [People who migrate in search of safety and stability, as well as those displaced by climate change](#), are also often engaged in – or would aspire to – work while in transit and destination, alongside other migrant workers. While migrants work across different sectors, many, particularly those in irregular situations, are employed in the informal sectors, or in temporary and precarious jobs where they have [limited or no fulfillment of their labour rights](#) and social protection. This includes a large proportion of women migrant workers who are overrepresented in the informal sectors. Migrants engaged in the labour market [irregularly](#) have increased risk of exploitation, discrimination and marginalisation.

The COVID-19 pandemic reiterated that migrant workers are essential workers and imperative to socio-economic development. Simultaneously, COVID-19 also [exposed the glaring rights deficits](#) migrants face at work, as well as in other areas. Ensuring both the right to decent work, as well as protecting rights at work, is critical for the achievement of human rights for migrants, as well as supporting sustainable development and is in the interest of both States and employers alike. [Wages and working conditions](#) are some of the most important issues for migrant workers. Through migration, migrants contribute significantly to the socio-economic development of destination countries, as well as providing an important development lifeline for their families and countries of origin, including through [remittances, skills transfers](#), trade links and cultural exchange. However, migrant workers are particularly vulnerable to wage theft including non-payment, partial/underpayment and late payment of wages, and unfair recruitment practices. This is despite the existence of international standards, [including ILO standards on wage protection, being highly ratified, as well as numerous industry-led initiatives aimed at redressing these violations](#). The right to a safe and healthy working environment is [recognised by the ILO as a fundamental principle](#) regardless of migration status. It is found in the International Covenant on Economic, Social and Cultural Rights (ICESCR), [the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families](#), as well as the UN SDGs, [particularly target 8.8](#). Fostering a safe and healthy workplace is also enabled by ensuring migrants [the rights to freedom of association and assembly](#), collective bargaining, fair recruitment, as well as access to justice, among others. Specifically on fair recruitment, the International Organisation of Employers (IOE), chair of the Business Advisory Group of the GFMD's Business Mechanism, has released [a good practice guide for employers calling for fair, inclusive and structured recruitment](#) practices to avoid forced labour and discrimination against migrants. While human rights-based temporary labour pathways can benefit migrant workers, countries of origin and destination, States relying on migrant workers should develop the possibility of long-term pathways to permanent status for migrants. These pathways should be human rights-based and promote family unification and labour mobility between employers and sectors, among others factors.

"Undocumented migrants' ability to speak out against abuses positively influences their working conditions. The ability to seek access to justice in cases of exploitation should not be limited by the risk to be reported to migration enforcement authorities. Hence, in order to ensure rights at work for migrants, there should be a clear allocation of roles between migration authorities, labour inspection and justice mechanisms".

2.4 Social protection

To ensure rights at work and beyond, migrants must be granted [safe access to social protection](#) throughout every stage of their migration journeys alongside the communities in which they live and work, without discrimination, regardless of status or length of residence.

Whilst access to social protection enhances the social and economic integration of migrants and reduces vulnerability, migrants are often disproportionately excluded from, or only partially covered by, [social security benefits](#) including for child and family protection, maternity, unemployment support, employment injury, sickness, health protection, old-age, invalidity/disability, and survivors' benefits. The ILO offers a [comprehensive set of guidelines](#) for policy makers and practitioners on extending social protection to migrants and their families and has also developed an [intervention model](#) outlining a good practice checklist for extending social protection to migrant workers in irregular situations. In instances where countries, particularly those hosting large populations of migrants, lack sufficient resources to provide adequate social protection, the international community can channel humanitarian assistance and/or development aid to strengthen national social protection systems. [Bilateral, regional or multilateral social security agreements](#) are also key instruments to ensuring the portability of earned social security entitlements between origin and countries of destination.

2.4.1 Access to healthcare

[Many migrants lack access to healthcare](#), including access to treatment, disease prevention, and mental health services, among others. As outlined in the [World Health Organization's \(WHO\) Global Action Plan](#), barriers to migrants accessing healthcare services can differ from country to country, and may include language and cultural differences, prohibitively high costs, discrimination, administrative hurdles, and lack of information about health entitlements, among others. These experiences can also in turn precipitate negative mental health outcomes.

Ensuring comprehensive access to healthcare for migrants requires inclusive legal frameworks, culturally competent healthcare services, and active collaboration among governments, international organisations, and local communities. When providing social protection, [equal access to affordable and quality healthcare, including provision for mental healthcare](#), must be ensured to migrants based on need, rather than migration status, as established by the ICESCR. This translates into the provision of timely and appropriate healthcare, access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information, including on sexual and reproductive health.

One key principle in ensuring equitable access to the right to healthcare, particularly for migrants in irregular situations, is [the creation of firewalls](#) whereby healthcare professionals' independence and patient privacy is upheld and service providers are not required to share information about their patients, including with immigration authorities, for immigration control purposes.

With regards to healthcare, as with access to other rights, multiple forms of discrimination create barriers to equitable access. [Women and girls often face disproportionate barriers to accessing healthcare](#), including access to sexual and reproductive healthcare, including family planning, pre-natal and other maternal healthcare services. A human rights-based and gender responsive approach facilitating equitable access to these services is imperative for the health and well-being of migrant women, girls, and their families as well as broader society.

The COVID-19 pandemic resulted in some good practice, migrant-centered responses to healthcare, as documented through the [WHO's compendium showcasing positive examples](#) in migrant and refugee health, as well as the [United National Network on Migration's report: Promising Practices in the Provision of Essential Services to Migrants](#). However, the pandemic also led to the emergence of [discriminatory practices](#) confirming the urgent importance of adopting an inclusive and human rights-based approach to ensuring the well-being and dignity of all, regardless of migration status.

2.4.2 Access to housing

Access to suitable housing is intrinsically linked to the health and well-being of migrants. Providing migrants with safe, affordable, and dignified housing options is essential for preventing health risks, ensuring social integration, and fostering a sense of stability that positively impacts both individual migrants and the communities they join. This includes the provision of housing through integration programmes, temporary housing centres, including housing support for migrants in vulnerable situations, or different options of affordable housing solutions,

The COVID-19 pandemic also [highlighted the importance of ensuring adequate housing](#) for migrants. During the pandemic, the conditions of housing for many migrant workers, including their predominance in collective accommodation – labour camps and dormitories – in some sectors, exacerbated the spread of COVID-19, exposing migrant workers disproportionately to the virus and hampering public health efforts to prevent the spread of COVID-19. Similar situations also occurred with migrants in immigration detention, highlighting the urgent need to explore non-custodial alternatives to detention.

Ensuring adequate housing, including protection against arbitrary eviction, and in line with the ILO [Workers' Housing Recommendation](#), is therefore an important issue for policy consideration. Steps required towards this goal have been highlighted in the context of South-East Asia in the report [Home truths: Access to adequate housing for migrant workers in the ASEAN region](#)

Section 3: Priority Areas for Discussion: Cross-cutting gaps and tensions

Emerging from the areas identified above in Section 2, several cross-cutting thematic areas need to be considered to ensure the health, safety, and rights of all migrants. These include accountability, implementation and enforceability of international law and standards; countering negative narratives with evidence-based data and human rights-based discourse; promoting the meaningful participation and inclusion of migrants; and ensuring rights for migrants in the context of climate change. Alongside these thematic areas, the guiding principle of a [whole-of-society approach](#) should be considered and supported by the GFMD's own [Business, Civil Society](#) and [Mayors Mechanisms](#), and [Youth Stakeholder Network](#).

3.1 Accountability, implementation, and enforceability

Despite an existing solid and growing body of international law laying the foundation for a human rights-based approach to migration and development, [implementation and adoption of some international instruments remains weak. While rights may be afforded at the national and regional levels in some instances, weak implementation and adoption at the international level undermines these efforts and](#) leaves migrants in situations of vulnerability and without protection of their human rights. Accountability, implementation, and enforceability are crucial to bridging the gap between policy and practical application of international, regional, and national frameworks that aim to protect the rights of migrants. This includes promoting and increasing the ratifications of the [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families](#)

alongside ILO instruments⁶, including [Convention No. 97](#), [Convention No. 143](#), [Convention No. 181](#), [Convention No. 189](#), and [Convention No. 190](#) as well as full implementation of the objectives of the GCM, International Covenant on Civil and Political Rights (ICCPR) and ICESCR. This would also advance progress towards the SDGs which themselves are founded on a human rights-based approach.

A key cross-cutting priority of RT2 will be to address this gap and showcase effective ways to translate principles into actionable practices. This will include understanding the barriers States face to implementation of relevant frameworks, as well as how to improve States' review and reporting requirements, including on the GCM, as agreed in the [Progress Declaration](#) of the first IMRF.

3.2 Balanced, nuanced, evidenced and human rights-based discourse

Supporting evidence and human rights-based discourse on migration and development is another key cross-cutting priority of RT2. To counter negative narratives on migration and to contribute to the fulfillment of rights of migrants, balanced, evidenced and human rights-based discourse must be prioritised. [Negative narratives towards migrants](#) often contribute to xenophobia, discrimination, and hostility towards migrant communities and impede their socio-economic integration. Narratives, discourses, and acts amounting to racial discrimination or hate crimes and other reprehensible acts against migrants, must be duly investigated, sanctioned and the affected migrants must have access to justice. A human [rights-based perspective](#) is an essential element of countering these narratives including populist rhetoric, which has [expanded significantly because of COVID-19](#) as some political leaders have capitalised on anti-migrant narratives for political gain.

Underpinning a human rights-based narrative on migration should be robust data highlighting the experiences of migrants. However, [data on migration is often incomplete](#), particularly in the context of human rights violations, irregular movements, trafficking and smuggling, and the vulnerabilities that particular groups of migrants face throughout their journeys. A promising practice includes the [Migrant Rights Database](#), which is a comprehensive assessment of the treatment of migrants across 65 indicators of rights protections in States home to the majority of the world's migrants. However, while there is a growing body of evidence supported by UN and civil society actors, more is needed to ensure that the experiences of migrants, particularly those placed in the most vulnerable situations, are understood and responded to. Further, all actors need to ensure migrants can safely report violations [without fear of persecution](#), or prosecution, detention, and deportation regardless of their status, and that they have access to information in their languages, particularly on relevant laws and procedures.

3.3 Meaningful participation and inclusion of migrants

Migrants' active and meaningful participation in all relevant levels of decision-making around policy and service development, provision and review, [is vital for developing human rights-based responses](#), and ultimately will lead to more effective outcomes for all. The safeguarding of civic freedoms, especially to the freedoms of association, assembly, expression and access to information, plays a significant role in achieving this objective, alongside strengthening and expanding involvement from migrant-led organisations and increasing participation of migrants in workers', employers' and civil

⁶ See [C029 - Forced Labour Convention, 1930 \(No. 29\)](#); [P029 – Protocol of 2014 to the Forced Labour Convention, 1930](#); [C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#); [C098 - Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#); [C100 - Equal Remuneration Convention, 1951 \(No. 100\)](#); [C105 - Abolition of Forced Labour Convention, 1957 \(No. 105\)](#); [C111 – Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#); [C138 - Minimum Age Convention, 1973 \(No. 138\)](#); [C155 - Occupational Safety and Health Convention, 1981 \(No. 155\)](#); [C182 - Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#); [C187 – Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#).

society organisations. The civic freedoms of organisations and individuals working to protect the rights of migrants should also be safeguarded. Particular guidance on the meaningful inclusion of migrants at the city level can be found in the multi-agency report [Local Inclusion of Migrants and Refugees: A gateway to existing ideas, resources and capacities for cities across the world](#). This guidance, with key contributions from the GFMD Mayors Mechanism, offers best practice examples of municipal innovation in migrant participation and inclusion. Following this guidance, as well as recommendations of the [IMRF Progress Declaration](#), RT2 should explore ways in which States can enhance civic space and promote the meaningful participation of migrants, with special consideration to the full, equal and meaningful participation of women, youth and other groups facing additional barriers to engagement.

3.4 Migration and human rights in the context of climate change

Climate change has already impacted migratory movements and it will continue to have a major impact on migrants' rights into the future. While the intersections between climate change and migration will be explored in depth in RT1, they also provide important cross-cutting themes in the context of RT2 – Migration and Rights. Climate-adaptive migration pathways will need to be informed by a human rights-based approach to avoid significant negative human rights impacts. As the effects of climate change intensify, [without appropriate, and human rights-based regular migration pathways](#), people may be unable to move and thus exposed to greater risks of climate change impacts; or they may be forced to move through irregular channels, exposing them to risks associated with irregular migration and informal work. In line with a comprehensive and human rights-based approach, complementary protection options should be provided to ensure effective rights protection to people displaced in the context of climate change. This may include temporary protection measures, humanitarian visas, and permanent settlement options for migrants unable to return home.

Climate change will also increase risks to the right to a safe and healthy working environment through, for example, [increasing risks of heat stress for workers](#) in construction, agriculture, and other sectors. Action will also be required to ensure that green jobs are decent jobs, including in the extractive industry. Human rights-based regular pathways, including for labour mobility ensuring decent work, can support adaptation to, and mitigation of, climate change, making action on this issue beneficial from a human rights and climate perspective. Considerations on the labour rights perspective on climate change and migration can be found in a [policy brief produced by the ILO](#). Further guidance can be seen in the recommendations of the United Nations Framework Convention on Climate Change [Task Force on Displacement](#).

Section 4: Ideas for Action

The denial of the rights of migrants hinders the realisation of the developmental, societal, and economic contributions of migration at all stages of the migration cycle and impedes sustainable and equitable development. To comprehensively address the challenges and potential of migration and to thereby contribute to realising the SDGs, a human rights-based approach is crucial, considering that human rights are transversal throughout the 2030 Sustainable Development Agenda and the GCM.

Annex A provides an overview of practices as formulated by RT2 members. This includes practices which members themselves believe to be promising in the areas of access to healthcare and education; the expansion of regular pathways for admission and stay; strengthening civic engagement, integration, and participation; improving coordination and data collection; and decent work and fair

recruitment. Some remaining gaps pertaining to promising practice examples for RT2 include in the areas of improving accountability, promoting evidence-based migration policies and balanced discourse, international responsibility sharing, the positive use of technology in supporting a human rights-based approach to migration, and examples of flexibility between migration pathways.

Section 5: Guiding Questions for GRT Discussions

The following three guiding questions have been proposed for the RT2 discussion on Migration and Rights.

1. What are the key implementation and accountability gaps that exist in ensuring the rights of migrants? How can accountability be strengthened to ensure a human rights-based approach to migration and development is implemented?
2. How can substantive participation of relevant stakeholders, particularly migrants, be ensured in the design and implementation of migration policies to reduce deficits in their implementation and increase accountability?
3. How can a human rights-based approach be ensured at borders, and for migrants in transit, along migration routes?

List of Annexes

Annex A - Compendium of practice provided by members of RT2 and other stakeholders

Annex B – International law and frameworks relevant to RT2

Annex C – International agreements, guidelines, recommendations, and reports relevant to RT2

Annex A: Compendium of practices provided by members of RT2 and other stakeholders

Below is a non-exhaustive list of practices which individual members of RT2 believe to be promising and have shared through the consultation process. These practices have not been independently verified or evaluated by the penholder or Co-Chairs. Practices have been grouped together under the thematic areas of access to healthcare (including during the COVID-19 pandemic), regular pathways for admission and stay, civic engagement, integration, and participation, coordination and data collection, access to information and education, and fair work and recruitment.

Access to healthcare

- **Finland:** In 2022, [Finland](#) widened its healthcare coverage for undocumented migrants, however, the new coalition government has recently proposed to roll back the legislation.
- **Sweden:** In 2013, [Sweden](#) passed a law widening its healthcare coverage for undocumented migrants.
- **Portugal:** The Portuguese Constitution establishes that all persons, including foreigners, [have the right to comprehensive healthcare](#). All existing healthcare resources must be made available to the exact of each person's needs, regardless of their economic, social or migration status.
- **Portugal:** During the COVID-19 pandemic, [Portugal](#) granted temporary residence status to more than 350,000 migrants, providing them full access to healthcare and social support. During this time, Portugal also granted universal access to COVID-19 vaccinations, vaccinating 600,000 migrants, including people without documentation.
- **El Salvador:** During COVID-19, [access to vaccines](#) was guaranteed regardless of migration status or nationality.
- **Egypt:** Access to primary healthcare is universal for all migrants and refugees in public healthcare facilities on an equal footing with Egyptian citizens. Egypt has also facilitated the inclusion of migrants and refugees in secondary and tertiary healthcare, and has provided access to national health campaigns free of charge. In 2021, the Government of Egypt included migrants, refugees and asylum-seekers in the [COVID-19 national response plan](#), despite the limited number of available vaccines.
- **China:** During the COVID-19 pandemic, China supported foreigners through information dissemination (in multiple languages) to understand the pandemic situation about prevention and control measures. Foreigners in China were provided with expedited and door-to-door procedures to facilitate their residence permits and foreigners staying in China due to the pandemic were given the convenience of residence permits.
- **France:** The French Agency for Development (AFD) is supporting [a project in Egypt](#) that helps to improve the quality of and access to mental health services and psychosocial support, and the detection of disability among migrants in vulnerable populations, alongside host populations.

Regular pathways for admission and stay

- **Ireland and Canada:** The elimination of caps on migrants who come from specific crises, such as the recent temporary protection offered to Ukrainians displaced by war.
- **Brazil:** Through [Operation Welcome](#), Brazil provides emergency assistance including medical care, food, education, accommodation and voluntary relocation to Venezuelan migrants, along with temporary residence for two years, with the possibility to obtain permanent status after 9 years.

- **Colombia:** The Colombian government has launched [a regularisation process](#) of around 2.5 million Venezuelan migrants and asylum seekers, with the aim to promote their social and economic inclusion.
- **Ecuador:** Between September 1st 2022 and August 15th 2023, the government of Ecuador will [regularise Venezuelan migrants](#) who have entered the country irregularly (it is estimated that around 500,000 Venezuelans emigrated to Ecuador since 2018).
- **Spain:** Migrants in irregular situations can regularise their status by engaging [in vocational training programmes](#) for at least two years.
- **Thailand:** Thailand has implemented [regularisation schemes](#) for migrants on a regular basis, particularly during the COVID-19 pandemic, with the aim of preventing migrants' status from becoming irregular. Thailand has also put in place bilateral MoUs on labour cooperation with neighbouring countries, to facilitate regular pathways for migrants so they can receive due protection and to prevent the vulnerability and exploitation of migrants.

Civic engagement, integration, and participation

- **Guatemala:** Guatemala is attempting to foster better migration management through the establishment of a [Multisectoral Roundtable for Attention to Migration](#) in 2021 that will promote participation, intersectoral collaboration, accountability and transparency.
- **Malta:** In 2019, Malta introduced the [“I Belong”](#) initiative to meaningfully integrate migrants into society. This program sought to increase information accessibility to migrants and created the Inter-Ministerial Committee and Forum on Integration Opportunities to encourage greater migrant participation in decision-making.
- **Germany:** In 2017 Germany held a [“Living Together Hand in Hand—Shaping Local Communities”](#) competition with an eye towards deepening immigrant integration into civic life.
- **Portugal:** In 2014 Portugal created the [Council for Migration](#), a body partially composed of representatives from migrant communities and migrant-focused civil society organisations that participates in policymaking. Portuguese municipalities are encouraged to create their own local plans for migration integration from this initiative.
- **Belgium, Morocco and Tunisia:** In 2018, Belgium and the EU, in partnership with Morocco and Tunisia, launched the Enabel Programmes [“Empowerment juridique des personnes migrantes”](#) (*Legal empowerment of migrants*), focusing on access to rights and services as a tool to enhance integration of migrants, and [“Déploiement des politiques migratoires au niveau régional”](#) (*Deploying migration policies at the regional level*) in Morocco in 2020, notably aiming at enhancing migrants' access to health services, education and work. Belgium also implemented the “Amuddu” project in Morocco in 2018, focusing on migrants' economic integration by facilitating their access to the job market, to professional/vocational training, and self-employment.
- **Colombia:** The Colombian government has implemented [Diálogos Fronterizos por la Vida](#) (*Border Dialogues for Life*), which seeks to engage migrants and host communities together to design concrete solutions for the problems that affect both groups.
- **China:** China has a dedicated hotline in English and Chinese for foreigners and has launched [a portal website](#) in Chinese, English, Russian, French, Spanish and Arabic to provide information on immigration management and government services.
- **France:** The project [“ODDyssee: les migrations font bouger le monde”](#) (*Migrations move the world*) aims to deconstruct preconceived ideas, promote the role of migrants in development, and forge links with the host society.

Coordination, data and research

- **African Union:** In 2020, the African Union inaugurated the [African Observatory for Migration and Development](#), which aims to collect and provide African states with a unified source of data on migration for research, policy formulation and better governance.
- **North, West and Central Africa and Europe:** [The Euro-African Dialogue on Migration and Development](#) (the Rabat Process) brings together countries of origin, transit and destination of the migration routes linking Central, West and Northern Africa with Europe. The Rabat Process provides a framework for consultation and coordination; contributes to meeting the challenges posed by migration; and encourages opportunities for exchange and development.
- **University of Cornell:** The [Migrant Rights Database](#) is a database which evaluates 65 specific indicators of rights protections in 36 States hosting the majority of the worlds' migrants.

Access to information and education

- **Greece:** In Ioannina, Greece, authorities collaborated with migrant-allied civil society organisations [to provide migrants with information on COVID-19 prevention](#) in their neighbourhoods, refugee centres, and places of employment as well as published official information on COVID-19 and the government's response to it in multiple languages.
- **MENA/US:** A Global Voice for Autism is working to equip refugee and conflict-affected communities with the skills to support development and success of children on the autism spectrum. It has created an application [Include2020](#) which serves as a virtual centre for educators, researchers, learners, and inclusivity professionals, and also offers offline educational content access in English and Arabic. As of 2021, they have served more than 16,000 children, parents and teachers across the world through their capacity-building support and advocacy program.
- **Egypt:** Egypt grants migrants access to public primary and secondary education on par with Egyptian students. The government also provides fee exemptions to migrants and refugees from certain nationalities and facilitates their access to tertiary education.
- **France:** Since 2021 France funds a project called "[Migration dialogues](#)" which aims to promote a responsive discourse on migration. This project targets mainstream medias (journalists, bloggers and influencers) as well as journalism schools through training activities to support content development and information-sharing on migration issues.
- **Thailand:** Thailand has put in place regulations that allow migrants to access healthcare and education. All children residing in [Thailand](#) can gain access to basic education regardless of migratory status.

Decent work and fair recruitment

- **ILO/ITUC/Global:** A [Recruitment Advisor platform](#) was developed by the International Trade Union Confederation (ITUC) with support from the [ILO Fair Recruitment Initiative](#). It is a global recruitment and employment review platform offering migrant workers easy access to information about recruitment agencies and workers' rights when they are looking for a job abroad. Recruitment Advisor is developed by a consortium of unions from different countries and lists thousands of recruitment agencies in the Philippines, Indonesia, Nepal, Sri Lanka, Bangladesh, Kenya, Ghana, Nigeria, Uganda, Ethiopia, Hong Kong, Bahrain, and Jordan.
- **Colombia:** Colombia launched the program [Empléate sin Fronteras](#) (*Employment without Borders*), which seeks to reactivate economic local territories and to reduce socioeconomic gaps by providing opportunities to migrants and returning Colombian migrants alike.

- **China:** Under Chinese legislation, employed foreigners are entitled to labour remuneration, rest and vacation, labour safety and health protection, occupational skills training, social insurance and welfare, submission of labour dispute for settlement. The law also stipulates that foreign workers shall not be discriminated against in employment regardless of their ethnicity, race, sex or religious belief.

Annex B: International law and frameworks relevant to RT2

Core international human rights treaties relevant to the rights of migrants

- [The United Nations Charter \(1945\)](#)
- [The Universal Declaration of Human Rights \(1948\)](#)
- [The International Covenant on Civil and Political Rights \(1966\)](#)
- [International Covenant on Economic, Social and Cultural Rights \(1966\)](#)
- [International Convention on the Elimination of All Forms of Racial Discrimination \(1965\)](#)
- [Convention on the Elimination of All Forms of Discrimination against Women \(1979\)](#)
- [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(1984\)](#)
- [Convention on the Rights of the Child \(1989\)](#)
- [International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families \(1990\)](#)
- [Convention against Transnational Organized Crime \(2000\); including Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children; Protocol against the Smuggling of Migrants by Land, Sea and Air](#)
- [Convention on the Rights of Persons with Disabilities \(2006\)](#)
- [International Convention for the Protection of All Persons from Enforced Disappearance \(2006\)](#)

ILO Conventions relevant to the rights of migrants

- [C029 - Forced Labour Convention, 1930 \(No. 29\)](#)
- [P029 - Protocol of 2014 to the Forced Labour Convention, 1930](#)
- [C081 – Labour Inspection Convention, 1947 \(No. 81\)](#)
- [C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 \(No. 87\)](#)
- [C098 - Right to Organise and Collective Bargaining Convention, 1949 \(No. 98\)](#)
- [C97 - Migration for Employment Convention \(Revised\), 1949 \(No. 97\)](#)
- [C100 – Equal Remuneration Convention, 1951 \(No. 100\)](#)
- [C 102 - C102- Social Security \(Minimum Standards\) Convention, 1952 \(No. 102\)](#)
- [C105 - Abolition of Forced Labour Convention, 1957 \(No. 105\)](#)
- [C111 - Discrimination \(Employment and Occupation\) Convention, 1958 \(No. 111\)](#)
- [C118 - Equality of Treatment \(Social Security\) Convention, 1962 \(No. 118\)](#)
- [C122- Employment Policy Convention, 1964 \(No. 122\)](#)
- [C138 - Minimum Age Convention, 1973 \(No. 138\)](#)
- [C143 - Migrant Workers \(Supplementary Provisions\) Convention, 1975 \(No. 143\)](#)
- [C155 - Occupational Safety and Health Convention, 1981 \(No. 155\)](#)
- [C181 - Private Employment Agencies Convention, 1997 \(No. 181\)](#)
- [C182 - Worst Forms of Child Labour Convention, 1999 \(No. 182\)](#)
- [C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 \(No. 187\)](#)
- [C189 - Domestic Workers Convention, 2011 \(No. 189\)](#)
- [C190 – Violence and Harassment Convention, 2019 \(No. 190\)](#)

Conventions and other agreements or guidelines relevant to the rights of Refugees and Stateless Persons

- [Convention relating to the Status of Refugees \(1951\) and the Protocol relating to the Status of Refugees \(1967\)](#)
- [Convention relating to the Status of Stateless Persons \(1954\)](#)
- [Convention on the Reduction of Statelessness \(1961\)](#)
- [R205 – The Employment and Decent Work for Peace and Resilience Recommendation, 2017 \(No. 205\)](#)
- [The Global Compact on Refugees \(2018\)](#)
- [ILO General principles and operational guidelines for fair recruitment and definition of recruitment fees and related costs \(2019\)](#)

Annex C: International agreements, guidelines, principles, recommendations, compendiums and reports relevant to RT2

International agreements relevant to the rights of migrants

- [The Global Compact for Safe, Orderly and Regular Migration \(2018\), plus the IMRF Progress Declaration 2022](#)
- [The 2030 Agenda for Sustainable Development \(2015\)](#)

Guidelines, recommendations and compendiums

- [ILO R86 – Migration for Employment Recommendation \(Revised\), 1949 \(No. 86\)](#)
- [ILO R115 - Workers' Housing Recommendation, 1961 \(No. 115\)](#)
- [ILO R151 – Migrant Workers Recommendation, 1975 \(No. 151\)](#)
- [The UN Declaration on the Human Rights of Individuals Who Are Not Nationals of the Country in which They Live \(1985\)](#)
- [ILO's Multilateral Framework on Labour Migration \(2006\)](#)
- [UNHCR, Refugee Protection and Mixed Migration: A 10-Point Plan of Action \(2007\)](#)
- [OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking \(2002\)](#)
- [UNODC International Framework for Action to Implement the Trafficking in Persons Protocol \(2009\)](#)
- [United Nations Global Plan of Action to Combat Trafficking in Persons \(2010\)](#)
- [ILO R200 – HIV and AIDS Recommendation, 2010 \(No. 200\)](#)
- [UN Guiding Principles on Business and Human Rights \(2011\)](#)
- [UNODC International Framework for Action to Implement the Smuggling of Migrants Protocol \(2011\)](#)
- [ILO R201 – Domestic Workers Recommendation, 2011 \(No. 201\)](#)
- [ILO R202 – Social Protection Floors Recommendation, 2012 \(No. 202\)](#)
- [IOM Migration Crisis Operational Framework \(2012\)](#)
- [ILO R205 – Employment and Decent Work for Peace and Resilience Recommendation, 2017 \(No. 205\)](#)
- [ILO General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs \(2019\)](#)
- [Inter-American Principles on the Human Rights of all Migrants, Refugees, Stateless Persons and Victims of Human Trafficking \(2019\)](#)
- [United National Network on Migration's report: Promising Practices in the Provision of Essential Services to Migrants \(2021\)](#)
- [United Nations Network on Migration Guidance Note on Regular Pathways for Admission and Stay for Migrants in Situations of Vulnerability \(2021\)](#)
- [ILO Extending social protection to migrant workers, refugees and their families: A guide for policymakers and practitioners \(2021\)](#)
- [ILO Intervention Model: Extending social protections to migrant workers in an irregular situation \(2021\)](#)
- [ILO UN system-wide guidance for creating rights- based Bilateral Labour Migration Agreements \(BLMAs\), \(2022\).](#)
- [PICUM Regularisation mechanisms and programmes: Why they matter and how to design them \(2022\)](#)

- [WHO Promoting the health of refugees and migrants: experiences from around the world \(2023\)](#)
- [African Commission on Human and People's Rights Guiding Principles on the Rights of Migrants Draft \(2023\)](#)

UN thematic reports (non-exhaustive list)

- [A/HRC/44/42: Right to freedom of association of migrants and their defenders - Report of the Special Rapporteur on the human rights of migrants, \(2020\)](#)
- [A/77/178: Refusing to turn away: human rights defenders working on the rights of refugees, migrants and asylum-seekers - Report of the Special Rapporteur on the situation of human rights defenders, \(2022\)](#)
- [A/77/189: Report of the Special Rapporteur on the human rights of migrants \(2022\)](#)
- [A/HRC/50/31: Human rights violations at international borders: trends, prevention and accountability, \(2022\)](#)
- [ILO Home truths: Access to adequate housing for migrant workers in the ASEAN region, 2022](#)
- [A/HRC/53/26: How to expand and diversify regularization mechanisms and programmes to enhance the protection of the human rights of migrants - Report of the Special Rapporteur on the human rights of migrants, \(2023\)](#)