

Expert Meeting on

Protecting the human rights of migrants in the context of return

6 March 2018

Palais Wilson, Room 1-016

Agenda

9.00-9.30	Reception of participants
9.30 – 9.45	<p>Welcoming remarks and tour de table</p> <ul style="list-style-type: none"> • Peggy Hicks, Director of Thematic Engagement, Special Procedures, Research and Right to Development Division, OHCHR
9.45 – 11.00	<p>SESSION 1: Setting the scene Moderated by: Pia Oberoi, Migration Advisor, OHCHR</p> <ul style="list-style-type: none"> • Nils Melzer, UN Special Rapporteur on Torture • Felipe Gonzalez Morales, UN Special Rapporteur on the Human Rights of Migrants <p><i>Session goal:</i> To define key terms, introduce key human rights challenges identified in the context of return of migrants, and provide an overview of the OHCHR expert meeting Background Paper.</p> <p><i>Session discussion topics:</i></p> <ul style="list-style-type: none"> • <i>Defining terms:</i> Stakeholders use a number of different terms when referring to the return of migrants. Are there accepted or consensus definitions for some of these terms? What, if anything, do these terms mean from a human rights perspective? • <i>Key challenges:</i> Returns are associated with a number of negative impacts on the human rights of migrants, but the full extent of these harms is not well-understood. What human rights harms or risks of harm are present in current return practices?
11.00 – 11.15	Coffee break
11.15 – 12.15	<p>SESSION 2: Lawfulness of returns Moderated by: Elsbeth Guild, Professor of Law, Queen Mary University of London</p> <ul style="list-style-type: none"> • Massimo Frigo, Senior Legal Advisor, International Commission of Jurists • Daniel Kanstroom, Director, Post-Deportation Human Rights Project <p><i>Session goal:</i> To explore the human rights obligations of States in the context of forced return, including specific consideration of protection obligations for migrants falling outside the protections of international refugee law, pre-removal procedures, and return implementation.</p> <p><i>Session discussion topics:</i></p> <ul style="list-style-type: none"> • <i>Protections against removal:</i> What are the limitations on States in returning migrants, taking into account both situational and personal factors which may create vulnerability to human rights abuses in the context of return? • <i>Due process and procedural guarantees:</i> What are the specific due process guarantees to which all migrants are entitled in the context of pre-removal and return procedures? • <i>Access to justice and right to a remedy:</i> What rights do returnees have <i>vis-à-vis</i> the returning and receiving State following an unlawful return?
12.15 – 13.15	Lunch break

13.15 – 14.15	<p>SESSION 3: Voluntariness of returns Moderated by: Michele LeVoy, Director, PICUM</p> <ul style="list-style-type: none"> • Violeta Moreno-Lax, Co-director, Centre for European and International Legal Affairs • Liza Schuster, Researcher, City University of London <p><i>Session goal:</i> Assuming returns are lawful, to explore the human rights obligations of States and other duty bearers in the context of voluntary return, including what constitutes voluntariness according to international human rights law.</p> <p><i>Session discussion topics:</i></p> <ul style="list-style-type: none"> • <i>The meaning of “voluntary”:</i> A human-rights based approach to migration views migrants as rights holders who should be empowered to make migration decisions as a matter of free and informed choice, ensuring their rights are upheld. What does voluntariness require from a human rights perspective? • <i>Incentivising or coercing voluntary return:</i> Decisions around whether to voluntarily return are often based upon limited choices or incentivised through financial or other means. When do such measures effectively negate the voluntariness of return?
14.15 – 14.30	<p>Coffee break</p>
14.30 – 15.30	<p>SESSION 4: Sustainability of returns Moderated by: Anna Crowley, Program Officer, International Migration Initiative, Open Society Foundations</p> <ul style="list-style-type: none"> • Jean-Pierre Cassarino, Associate Researcher, Institut de Recherche sur le Maghreb Contemporain • Katie Kuschminder, Research Fellow, European University Institute <p><i>Session goal:</i> To explore the concept of “sustainability” from a human rights perspective, including issues of effective reintegration, and obligations of States to ensure monitoring, accountability and redress for human rights violations in the country of return.</p> <p><i>Session discussion topics:</i></p> <ul style="list-style-type: none"> • <i>Access to human rights:</i> What measures should States take to ensure the equal enjoyment of human rights by all returning migrants, including with regard to social protection, health care, housing and an adequate standard of living, education and decent work? • <i>Effective reintegration:</i> What does effective reintegration require beyond the mere provision of cash and/or livelihood assistance? • <i>Monitoring, accountability and redress:</i> How can States—including both returning and receiving States—ensure adequate and ongoing post-return monitoring and evaluation? What are mechanisms to ensure accountability for abuse and violations of human rights as a result of the return?
15.30-17.00	<p>SESSION 5: Conclusions and recommendations Moderated by: Ben Lewis, Human Rights Officer, OHCHR</p> <ul style="list-style-type: none"> • Perseo Quiroz, Advocacy Officer, Amnesty International (Lawful return) • Christian Wolff, Program Manager, ACT Alliance (Voluntary return) • Brooke Lauten, Humanitarian Policy and Protection Advisor, NRC (Sustainable return) <p><i>Session goal:</i> To identify recommendations for States and other stakeholders to respect, protect and fulfil the human rights of migrants in the context of return and to provide expert inputs to OHCHR’s draft <i>Key Messages on the Human Rights of Migrants in the Context of Return</i>.</p> <p><i>Session discussion topics:</i></p> <ul style="list-style-type: none"> • <i>Conclusions and recommendations:</i> What are the key conclusions and recommendations you have to ensure the protection of the human rights of migrants in the context of returns? • <i>Positive practices:</i> What positive practices exist that translate States’ human rights obligations in the context of return into concrete laws, policies and practices?
17.00 – 17.30	<p>Closing</p>