

# Training course on Human Rights at International Borders

# **Session 2**

## **Migrants in vulnerable situations at international borders**

# Session 2 learning objectives

## **After this session, learners will be able to:**

- Describe why the training course gives special consideration to migrants in vulnerable situations
- Identify situations of vulnerability in the context of migration

# **2.1.**

# **Migrants in vulnerable situations**

## 2.1.1. Why focus on migrants in vulnerable situations

- Many of today's migratory movements are not entirely "voluntary"
  - Many migrants fall outside the specific legal categories that guarantee international protection, e.g., "refugee", "trafficked person", among others
- There is need to understand the **protection gaps** experienced by migrants who do not fit the criteria for refugee protection, but who are not moving entirely voluntarily and are therefore in need of human rights protection

## 2.1.2. Migrants in vulnerable situations: concept

**Persons in the context of migration who are “unable effectively to enjoy their human rights [and] are at increased risk of violations and abuse”**

- They are entitled to call on a State’s **heightened duty of care**
- It is important to **identify** individuals in vulnerable situations so as to determine appropriate **specific protection** to which they are entitled and to refer them to the **appropriate services**
- It is important to recognize that, even in vulnerable situations, migrants **exercise autonomy** and **make their own decisions**

## 2.1.3. What is meant by vulnerable situations

Some migrants need specific protection of their human rights because of:

- **Situations** that made them leave their country of origin
- **Circumstances/conditions** in which they travelled and/or experienced/faced on arrival at destination
- **Personal characteristics** such as age, gender identity, disability, health status, among others

## **2.1.4. Ensuring a human rights-based approach to migrants in vulnerable situations**

- Recognizes that situational and personal vulnerability are created by external factors
- Seeks to empower migrants to claim their rights
- Ensures the situation of each person is assessed individually
- Is aware of the impact of discrimination and stereotyping



## 2.1.5. Gender and migrants in vulnerable situations

- Gender interrelates with situations that migrants experience at home, in transit, at destination and on return.
- Gender may affect the risks and consequences of human rights abuses that migrants face, and their recourse to assistance, justice and remedy.
- Note that:
  - Not all women migrants are in vulnerable situations, however, due to pervasive gender-based *discrimination*, some will require a heightened duty of care.
  - It is important to respect the individual autonomy of the migrant, regardless of their gender.

## **2.1.6. Exercise: Identifying vulnerable situations in countries of origin, transit and destination**

In your group, consider vulnerable situations that might:

- A. Cause people to leave their country
- B. Occur during transit, at international borders or once they reach their destination
- C. Be linked to an individual's identity or circumstances

Write your points on the card or on the flip chart assigned to your group. Then move on to another flip chart and add to the situations listed on it.

# Situations that cause people to leave their country

- Persecution
- Conflict or generalized violence
- Risk of torture and other cruel, inhuman or degrading treatment or punishment
- Natural disaster or climate change
- Lack of enjoyment of their human rights, such as health or education
- Family reunification, including children travelling unaccompanied

# Situations that migrants may encounter during their journey and at destination

- Sexual and gender-based violence, other violent crime, kidnapping
- Trafficking or forced labour
- Abusive smuggling
- Arbitrary detention
- Torture or trauma in transit
- Family separation
- Hunger, dehydration
- Lack of access to means of communication

# **Situations that may be associated with a person's identity, condition or circumstances**

- Children, especially unaccompanied or separated children
- Older persons
- Persons at risk owing to their sexual orientation or gender identity
- Persons with disabilities
- Pregnant or nursing women, girls or other individuals who may not identify as women
- Certain health conditions, including HIV

## 2.1.7. Considerations for identifying migrants in vulnerable situations

- May or may not have **physical signs of injury**
  - May not volunteer **information** or may be **reluctant to discuss** their experiences
  - May have **specific needs**: medical, sexual/reproductive health care
  - May display various **indicators of trauma**: impaired memory, difficulty focusing, inability to trust, tendency to startle easily, anxiety, nightmares, inability to sleep, headaches, loss of appetite, digestive problems
- Carry out a sensitive gender-/age-responsive inquiry to **avoid generating unnecessary distress and retraumatizing** the migrant

# Questions?