

**Seminar on the Contribution of Development to the Enjoyment of all Human Rights,**

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Poverty, low income, unemployment, underemployment and insecurity are considered basic factors pushing the migrants towards developed countries with greater job opportunities. Conflicts are an important driver of migration, especially into emerging market and developing economies. The climate-related disasters more often can be seen as a factor that intensifies emigration.

Today's seminar has aim to explore how much promotion of sustainable development enables better enjoyment of human rights, based on experience of different stakeholders and identify challenges and gaps and share good practices and experiences in this regard. The answer on this question also requires an answer to the question of how much ensuring the enjoyment of migrants' human rights affects the strengthening of sustainable development. This issue is particularly important, having in mind that use of irregular migration pathways often increases the risks of migrants becoming vulnerable to human rights violations, especially sexual and gender-based violence, abuse, exploitation and discrimination in countries of origin, transit and destination. The respect of human rights is a legal obligation for the states that ratified international human rights standards, but for all states it is a precondition for peace, development and security. Human rights are formally expressed and codified in international human rights law and apply to all people at all times. This includes not only a state's own citizens but everyone within the state's jurisdiction or effective control. This means that all migrants, regardless of their status, are entitled to the same international human rights as everyone else.

Some migrants will need specific protection because of the situations they left behind; the circumstances in which they travel or the conditions they face on arrival; or because of personal characteristics such as their age, gender identity, disability or health status. This is important for people who move along the same routes and are similarly exposed to human rights violations, abuse and xenophobia. This approach was further elaborated in paragraph 4 of the Global Compact: *"Refugees and migrants are entitled to the same universal human*

*rights and fundamental freedoms, which must be respected, protected and fulfilled at all times.*“

During the examination of the state parties reports, UN treaty bodies regularly raise concerns about issues related to migrant workers that fall within the framework of their specific treaty. Also, the treaty bodies have raised the issue of migrant workers in their general comments on thematic issues.

The Convention on Migrant Workers<sup>1</sup> established the rights of migrant workers and members of their families, as well as equal conditions for work of migrant workers and the State Parties nationals. This Convention does not depart substantively from the fundamental rights protected in UN core treaties, and the other universal human rights treaties, but it articulates these rights in ways which take into account the particular situation of migrant workers and their families. It emphasizes the link between migration and human rights. The CMW does not create new rights for migrants, but aims to guarantee equal treatment and equal working conditions for migrants and citizens.

There is a low level of ratification of this convention. It has been ratified dominantly by the states of origin. Only four European countries ratified CMW, i.e., Albania, Azerbaijan, BiH and Turkey. Taking into account the low level of ratification, the Committee decided to promote the value of this international standard through cooperation with other UN treaty bodies, issuing joint general comments and organizing other joint activities. This approach has been recognized as essential.

Also, the regional human rights systems were developed to reflect regional values. In the context of Europe, the regional arrangements for protecting human rights in Europe are extensive, involving the Council of Europe, the European Union and the Organisation for Security and Cooperation. From the perspective of migrants' rights attention should be given to the European Convention on Human Rights and Freedoms, European Social Charter (revised) that is granting the protection of men, families, women, mothers, children, invalids, migrants and others in the field of work, professional orientation, health services, collective bargaining and social security. Its article 12 imposes the obligation for the member States to take steps, either through execution of relevant bilateral and multilateral agreements or by other means, and subject to the conditions laid down in such agreements, to ensure equal

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<sup>1</sup> The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

treatment with their own nationals of the nationals of other Parties in respect of social security rights.

The issue of the protection of women migrants holds particular attention of states. In the context of Europe, the Istanbul Convention especially stresses out the states' obligations in the case when migrants are victims of domestic violence (Chapter VII – Migration and asylum).

In the context of today topic's discussion, the sustainable development should be looked from [the perspective of the 2030 Agenda for Sustainable Development](#), having in mind that this document was adopted by the all UN Member States in 2015. The 2030 Agenda is based on the human rights principles, such as accountability, participation and non-discrimination and includes the pledge therein to leave no one behind, and reaffirming that the realization of sustainable development in all of its three dimensions contributes to the promotion and protection of human rights for all.

Migration is by its nature a phenomenon that is always changing, always adapting to the economic and social realities. Managing this migration in full respect of migrants' rights is challenging. The reviewing process of the state parties' reports by the CMW Committee shows the lack of attention of national authorities to importance of development and respect national policies and priorities. The Committee has emphasised that full protection of human rights will remove many of the root causes of migration, such as violations of economic and social rights, discrimination and violence.<sup>2</sup> In this situation, policies which protect and respect human rights are not only legal duties for states, but also a means to the end of making migration a matter of choice. Human rights are central to the migration-development process. Reports by UN treaty bodies, CoE human rights monitoring mechanisms and other international and regional bodies may thus offer good insight into areas which require further improvement and alignment of states with their international and regional commitments. They should be used as base in development of a national policy capable of structuring and coordinating the country's institutional response to migratory phenomena, in compliance with international obligations.

Also, there is a need to strengthen international cooperation on migration and to ensure that the human rights and dignity of all migrants and their families, in particular of women

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<sup>2</sup> CMW/C/4/CRP.2, para 4.

migrant workers, are respected and protected. Cooperation between States is especially important in respect of the establishment of circular migration programmes