Towards a human rights-based approach to migration

Accompanying materials

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Accompanying materials

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| --- | --- |
| **Module 1**  | **Introduction to the course and to international migration** |
|  | **Session 1: Course introduction and overview** | 1. Sample agenda (handout)
2. People bingo (sample activity)
3. Introductions questionnaire (sample activity)
4. Participants’ expectations (sample activity)
5. Knowledge, skills and attitudes (sample activity)
6. Establishing ground rules (sample activity)
7. “My learning path” (handout)
 |
|  | **Session 2: An introduction to migration** | 1. Definitions: activity instructions (sample activity)
2. Definitions: cards (energizer) (sample activity)
3. Definitions: memory cards (group activity) (sample activity)
4. Terms and definitions relevant to migrants and migration (handout)
5. Migrant stories (sample activity)
6. Migrant stories (handout)
7. Migrant stereotypes: Take a human rights stand (sample activity)
8. Migrant stereotypes: quiz (sample activity)
 |
| **Module 2** | **Understanding migration as a human rights issue** |
|  | **Session 3: International human rights law and migration** | 1. What are human rights? (sample activity)
2. Human rights in the Universal Declaration of Human Rights: list (handout)
3. Power walk (sample activity)
4. Legitimate distinction versus discrimination (sample activity)
 |
|  | **Session 4: The Convention on Migrant Workers** | 1. Carousel activity: drafting a convention on the rights of migrant workers (sample activity)
2. The rights of all migrant workers and members of their families (sample activity)
3. List of Convention rights (handout)
4. Case study (handout, sample activity)
 |
|  | **Session 5: The United Nations human rights system** | 1. United Nations Network on Migration (handout)
2. Table of functions carried out by the United Nations human rights system (handout)
3. What’s in it for me? (sample activity)
4. Case study (sample activity)
5. List of useful links (handout)
6. List of useful links for NGOs (handout)
 |
| **Module 3** | **A human rights-based approach** |
|  | **Session 6: A human rights-based approach to migration** | 1. Case study (sample activity)
2. Applying a human rights-based approach in our work: troubleshooting activity (sample activity)
 |
|  | **Session 7: Protecting rights in practice** | 1. Liberto country brief (handout)
2. Simulation instructions (handout)
 |
| **Other** |
|  | 1. Pre-training needs assessment
2. Evaluation form: day 1
3. Evaluation form: day 2
4. Evaluation form: day 3
5. Overall evaluation of the training course
6. Daily evaluation: activities (sample activity)
 |

Towards a human rights-based approach
to migration

**1**

Sample agenda

Day One

|  |  |
| --- | --- |
| 9–10.30 a.m. | **Module 1, session 1: Course introduction and overview** |
| 10.30–10.45 a.m. | *Break* |
| 10.45a.m.–12.15 p.m. | **Module 1, session 2: An introduction to migration** |
| 12.15–1.15 p.m. | *Lunch break* |
| 1.15–2.45 p.m. | **Module 2, session 3: International human rights and migration** |
| 2.45–3 p.m. | *Break* |
| 3–4 p.m. | **Module 2, session 3 – continued** |
| 4–5 p.m. | **Module 2, session 4: Special focus – the Convention on Migrant Workers (up to the case study exercise)** |
| 5–5.15 p.m. | Wrap-up for Day 1 |

Day Two

|  |  |
| --- | --- |
| 8.45–9 .a.m. | Daily recap |
| 9–10 a.m. | **Module 2, session 4 – continued** |
| 10–10.15 a.m. | *Break* |
| 10.15 a.m.–1 p.m. | **Module 2, session 5: The United Nations human rights system (includes break)** |
| 1–2 p.m. | *Lunch break* |
| 2–5.30 p.m. | **Module 3, session 6: A human rights-based approach to migration (includes break)** |
| 5.30–5.45 p.m. | Wrap-up for Day 2 |

Day Three

|  |  |
| --- | --- |
| 9–9.15 a.m. | Daily recap |
| 9.15–9.45 a.m. | **Module 3, session 7: Protecting rights in practice** |
| 9.45–10.15 a.m. | Instructions |
| 10.15 a.m.–noon | Group work |
| noon–1 p.m. | *Lunch break* |
| 1–1.45 p.m. | Presentations |
| 1.45–2.30 p.m. | Debrief  |
| 2.30–3 p.m. | Final evaluation and close |

People bingo

**2**

In this activity, participants stand up and introduce themselves. The training room must be large enough for people to move around comfortably.

*Time*

Approximately 20 minutes

*Materials*

Prepare bingo grid sheets.

*How to run the activity*

* **Make a grid** for each person (include the training team). For example, a grid of 5 x 4 squares is good for 20 participants. Provide each person with a grid and a pen or pencil.
* **Write** a different question in each square. You can change the questions and adapt them to the context. You can include migration and/or human rights questions as well.
* **Invite** participants to move around the room, matching people to questions.
* **Say** that every person who matches a statement should sign their name. Encourage participants to obtain as many different signatures as possible – and to meet as many people as possible.
* **Give** them 10 minutes to try to fill the grid.
* **End** the activity and review some of the interesting facts group members have discovered about each other.

*Debrief*

See session plan.

Sample questions

* Has brown eyes
* Has travelled more than five hours to get here
* Speaks a foreign language
* Likes to wake up early
* Has visited more than 10 countries
* Is afraid of dogs
* Has more than one pet
* Doesn’t drink coffee
* Is wearing red
* Plays a musical instrument
* Name begins with an “S”
* Loves rap music
* Has more than three siblings
* Plays soccer/football
* Favourite colour is purple
* Prefers reading to watching TV
* Has climbed a mountain
* Doesn’t eat meat
* Has taken a dancing class
* Loves chocolate

Sample table

|  |  |  |  |
| --- | --- | --- | --- |
| Has brown eyes | Has travelled more than 5 hours to get here | Speaks a foreign language | Likes to wake up early |
| Etc… | …… | …… | …… |
| …… | …… | …… | …… |
| …… | …… | …… | …… |
| …… | …… | …… | …… |

Introductions questionnaire

This icebreaker introduces participants to one another at the start of the course. It will also help you to discover the participants’ expectations and experience.

*Time*

Approximately 20 minutes, depending on the number of participants

*Materials*

Flip chart, markers

*How to run the activity*

* **Ask** participants to introduce themselves. Ask them some questions. What is your job? Where do you live? What personal expectations and goals do you have for the course?

You can also ask more thematic questions: “Please name something you bring to this course” or “Migration – what is the first thing that comes to your mind?” (See the computer presentation slide on this.)

You can ask a humorous question: “Which is the world’s happiest country?” or a factual question: “How many countries have you lived or worked in?”

* Option 1: Participants answer the questions in plenary.
* Option 2: Participants pair up and ask questions of each other. Each participant then introduces the other partner in plenary. This takes an extra five minutes.

Reminder: List expectations on a flip chart.

**It is essential** to describe the expectations clearly.At the end of the course, you will come back to them to see which ones have been achieved. They must make sense.

*Debrief*

See session plan.

Participants’ expectations

This activity elicits participants’ experience of migration and human rights and their expectations of the training course. It may be especially useful if you were not able to organize a detailed training needs assessment.

The exercise will also help you to manage expectations and to adapt the course to match participants’ experience and objectives.

In addition, the activity promotes self-directed learning.

*Time*

Approximately 10 minutes, depending on the number of participants

*Materials*

Flip chart, markers

*How to run the activity*

* **Ask** (one or two) participants to think about, and write down, their expectations of and objectives for the training course. Ask them to consider what they want to achieve by the end of the course. (Examples might include obtaining certain information, “learning by doing”, changing attitudes, etc.) Ask participants to be as specific as possible.
* **Invite** the participants (if there is time) to share their thoughts with their neighbour.
* **Ask** the participants to share their expectations and objectives in plenary. Note them on a flip chart. Note how many people share each objective.
* **Say** whether the training will address the different expectations. If it will not, explain why. If possible, tell participants where they can go to fulfil the expectations the course will not meet.
* **Return** to these expectations and objectives at the end of the course. Go through them in plenary to see which expectations have or have not been met.

*Debrief*

See session plan.

Knowledge, skills and attitudes:
Now I know, now I can, now I believe

This activity encourages the participants to ask themselves what specific knowledge, skills and attitudes they hope to acquire by the end of the course. It is more detailed, and makes the participants aware that the course will not just deliver information but provide a safe space for exploring beliefs about migration and new ideas and attitudes.

The participants also realize that, through activities and exercises, they will learn and practise skills that will be useful in their work.

*Time*

Approximately 10 minutes, depending on the number of participants

*Materials*

Flip chart, markers, sticky notes

*How to run the activity*

* **Prepare and display** three flip-chart sheets. Title them: (1) Now I know; (2) Now I can; (3) Now I believe.
* **Ask** participants to think about what they hope to achieve by the end of the course.
* **Invite** them to write on a sticky note one thing they would like to know that they do not already know.
* **Invite** them to write on a different sticky note one skill they hope to gain that they do not currently have or would like to improve. (For example, “Now I can work with others to advocate for better migrant health services.”)
* **Invite** them to write on a different sticky note one attitude or belief that they would like to have at the end of the course but do not have now. (For example, “I believe that migrants have the same rights and entitlements as citizens in my country.”)
* **Explain** that the sticky notes are anonymous. Encourage the participants to be as honest as possible. The purpose of the exercise is to identify their personal motives for attending the course.
* **Ask** participants to place their sticky notes on the relevant flip charts.
* **Read out** some of the sticky notes. **Explain** again that the participants should use the objectives to guide them during the course. Encourage them again to engage as fully as possible in order to achieve their goals.
* **Tell** the participants that they will be invited to remove their sticky notes at the end of the course if they feel the course has enabled them to achieve their objectives.

*Debrief*

See session plan.

Establishing ground rules

Ground rules can help both trainers and participants to apply shared rules of behaviour during the training course. To create ownership and encourage adherence, rules should be agreed in a participatory manner.

*Time*

Approximately 10 minutes

*Materials*

Flip chart, markers

*How to run the activity*

* **Ask** participants to list behaviours they think are appropriate and inappropriate during the course.
* **Ask** them, speaking as individuals, to describe the environment they need to feel safe to discuss difficult and controversial issues.
* **Ask** the group to say if they agree with each rule of behaviour as it is named. **List** the agreed behaviours on a flip chart.
* **Ask** if everyone agrees with the rules that have been identified, and if they agree to adhere to them.
* **Place** the ground rules where they will be visible during the course.
* **Refer** to them as necessary to set the tone for the training.
* **Consider** whether you need to remind participants of the rules before they begin activities or sessions that address controversial topics. For example, you might say that, while it is not necessary for everyone to agree and that disagreement is acceptable, everyone has agreed to be respectful of the views of others, to listen actively to others’ opinions, etc.
* **Respect** the rules yourself, in your facilitation and conduct.
* **Explain** that certain ground rules may inadvertently privilege some cultures over others. For example, some participants may say that expressions of anger should be avoided in all discussions, while others may believe it is natural and appropriate to express emotions. Where differences over rules arise, discuss and analyse them carefully before rules are listed.
* You may decide to give some participants specific roles during the week (e.g. as timekeepers).

*Debrief*

See session plan.

Issues that ground rules commonly cover

* Timeliness
* Mobile phone and laptop usage
* Smoking/non-smoking
* Wearing name badges
* Asking questions
* Respecting each other’s opinions
* Honesty
* Creating a safe space in which to explore and express ideas without judgment
* Confidentiality
* Staying on topic
* Not interrupting; listening
* Trying not to generalize; speaking from experience.
* Participating as fully as possible
* Agreeing that the goal is not to agree but to deepen understanding
* Body language and non-verbal responses, which can be as disrespectful as words

Training course: Towards a human rights-based approach to migration

 [insert place and dates]

**3**

MY LEARNING PATH

|  |
| --- |
| Day 1 – [insert day of the week] |
| Day 2 – [insert day of the week] |

|  |
| --- |
| Day 3 – [insert day of the week] |
| Day 4 – [insert day of the week] |

NOTES

|  |
| --- |
|  |

Activity: Definitions

This activity introduces participants to migration-related terminology and definitions. They can also discuss the importance of language – why it is important to avoid stereotyping and negative terms such as “illegal” or “clandestine”.

Choose one of the two options below, taking into account the dynamics of the group.

Option 1: Definition cards (energizer)

*Time*

Approximately 20 to 30 minutes, depending on the time required for discussion in plenary

*Materials*

Print definition cards. Prepare definitions handout.

*How to run the activity*

* Instruct people to take a card and find its partner (either the correct name or the correct definition).
* The room should be large enough to allow people to move around comfortably.

**Reminder:** This activity is for 20 people. If you have more than 20 participants, ask people to team up. The activity can be conducted outdoors.

*Debrief*

See below (definition memory).

Option 2: Definition memory cards (group activity)

*Time*

Approximately 20 to 30 minutes, depending on the time required for discussion in plenary

*Materials*

Print a memory board and a set of memory cards for each group. Cut the cards. Prepare the definitions handout.

*How to run the activity*

* Distribute sets ofmemory card to each table.
* Instructparticipants to work in their group to match the definition cards to the terms on the board.

*Debrief*

* **Go through** the different definitions and ask participants if they are happy with the solutions proposed.
* **Lead** a discussion on why terminology is important.
* **Highlight** that terms such as “illegal” create the impression that a migrant has committed a criminal offence, which is untrue. This reinforces negative stereotypes of migrants.
* **Give** examples that illustrate the complexity of migration.
* **Distribute** copies of the definitions handout.
* **Display** the definitions on the walls of the training room (if desired).

Activity: Definition cards (energizer)

*Migrant*

Any person who is outside a State of which he or she is a citizen or national (temporarily or permanently, regularly or irregularly).

*Migrant worker*

A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.

*Irregular migrant*

A person who enters or stays in a country without correct authorization.

*Refugee*

Aperson who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable to or, owing to such fear, is unwilling to avail himself or herself of the protection of that country.

*Asylum seeker*

Any person who is seeking protection as a refugee but whose claim has not been finally determined.

*Trafficking in persons*

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

*Smuggling of migrants*

The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident.

*Unaccompanied child*

A child who has been separated from both parents and other relatives and is not being cared for by another adult who, by law or custom, is responsible for
doing so.

*Separated
child*

A child who has been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives.

*Internally displaced person*

A person who has been forced or obliged to flee or to leave their home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who has not crossed an internationally recognized State border.

Definitions: memory cards

|  |  |
| --- | --- |
| Any person who is outside a State of which he or she is a citizen or national (temporarily or permanently, regularly or irregularly). | A person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national. |
| A person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable to or, owing to such fear, is unwilling to avail himself or herself of the protection of that country. | Any person who is seeking protection as a refugee but whose claim has not been finally determined. |
| The procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident. | A child who has been separated from both parents and other relatives and is not being cared for by another adult who, by law or custom, is responsible for doing so. |
| A person who has been forced or obliged to flee or to leave their home or place of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who has not crossed an internationally recognized State border. | The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. |
| A person who enters or stays in a country without correct authorization. | A child who has been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. |

|  |  |
| --- | --- |
| *Migrant* | *Migrant worker* |
| *Irregular migrant* | *Refugee* |
| *Asylum seeker* | *Trafficking in persons* |
| *Smuggling of migrants* | *Unaccompanied child* |
| *Separated child* | *Internally displaced person* |

Common terms and definitions relevant to migrants and migration

***Migrant:*** No universally accepted legal definition of “migrant” has been agreed. However, an international migrant can be defined as “Any person who is outside a State of which he or she is a citizen or national”.

Office of the United Nations High Commissioner for Human Rights (OHCHR), *Recommended Principles and Guidelines on Human Rights at International Borders* (2014).

***Migrant worker:*** A migrant worker is “a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national”.

International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, article 2 (1).

***Migrants in vulnerable situations:***Migrants are in vulnerable situations when they are unable effectively to enjoy their human rights and are at increased risk of human rights violations or abuse. Migrants in vulnerable situations may need specific human rights protection because of the situations they left behind, the circumstances in which they travel or the conditions they face on arrival, or because of discrimination based on personal characteristics such as their age, gender identity, disability or health status.

OHCHR and Global Migration Group, *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations* (2018)

***Irregular migrant:*** While no universally accepted definition of the term has been agreed, “irregular migration” tends to refer to the movement of international migrants who enter or stay in a country without correct authorization. Other terms commonly used to describe migrants in an irregular situation are “undocumented”, “unauthorized”, “unlawful” and even “illegal”.

OHCHR, *The Economic, Social and Cultural Rights of Migrants in an Irregular Situation* (2014).

***Refugee:*** Aperson who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country.

Convention relating to the Status of Refugees (the 1951 Convention), article 1.

***Asylum seeker:***Any person who is seeking protection as a refugee but whose claim has not been finally determined.

OHCHR and Global Migration Group, *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations* (2018).

***Trafficking in persons:***Trafficking in persons is defined as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, article 3.

***Smuggling of migrants:***Smuggling of migrants is defined as “the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State party of which the person is not a national or a permanent resident”.

Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, article 3.

***Unaccompanied child:*** A child, as defined in article 1 of the Convention on the Rights of the Child, who has been separated from both parents and other relatives and is not being cared for by another adult who, by law or custom, is responsible for doing so.

Committee on the Rights of the Child, general comment No. 6 (2005) on treatment of unaccompanied or separated children outside their country of origin.

***Separated child:*** A child, as defined in article 1 of the Convention on the Rights of the Child, who has been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives.

Committee on the Rights of the Child, general comment No. 6 (2005) on treatment of unaccompanied or separated children outside their country of origin.

***Internally displaced person:*** Internal migration takes place within the borders of one country, often as migrants move from rural to urban areas.Internal migrants who are compelled to move are known as internally displaced persons, defined as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.”

Guiding Principles on Internal Displacement, introduction, para. 2.

Migrant stories

This activity introduces participants to some of the complexities of contemporary migration, and to migration terminology and definitions. It gives participants an insight into migrants’ experiences and reviews the legal categories that have emerged to describe the different types of violation and experience they face.

The activity will show the participants how legal categories can overlap, and how migrants may fall into several categories at different times in their journey or may not fit squarely in any category. Give the participants an opportunity to discuss how to apply the definitions and categories. Underline in particular that the proliferation of categories of legal protection can expose migrants to increased risk.

**Reminder:**This activity can be preceded by one of the definitions activities (the energizer or memory cards activity). Doing a definitions activity first is recommended if participants are not already familiar with the different categories of migrant. The extra activity will add 20 to 30 minutes to the programme.

*Time*

Approximately 35 to 40 minutes, including at least 20 minutes for the debrief. You can shorten the activity if you use fewer examples.

*Materials*

* Slides
* Print migrant story cards
* Print definitions handout
* Flip chart for debrief

*How to run the activity*

* **Explain** to the participants that they will each receive a short summary of a person’s migration experience. The stories are all based on true experiences and have been summarized for this activity. The aim is to give participants an insight into how migrants are categorized, bearing in mind that each individual’s migration experience will be different.
* **Distribute** a migrant story to each participant.
* **Instruct** the participants to take a sheet of paper and draw a vertical line down the middle of it, halving the page.
* **Bring up** the slide with instructions.
* **Ask** participants to read their story. They should then identify the issues the migrants faced and note them on the left side of their paper in bullet form. Allow five minutes.
* **Distribute** the definitions handout once participants have noted the issues. Ask participants to decide in which categories the migrant belongs. Tell them to identify all the categories that could apply and to think about other categories that might be missing. Allow 10 minutes.

*Debrief*

See the session plan and the trainer’s debriefing guidelines below. Allow 20 minutes.

Migrant stories and trainer debriefing guidelines

|  |
| --- |
| **Yusuf, 17 years old**I have been here in this detention centre for two weeks. There is no work in our village back home. All the young men have to leave to be able to support their families, and the security situation is getting worse. It took me one year to get to Europe, walking across mountains that were strewn with dead bodies, and working along the way to finally reach where I am now. In Türkiye I worked in a restaurant where the hours were long and the work was very tiring and occasionally dangerous (I have been burned by the fires of the oven several times). My passport was retained by the restaurant owner for “safe keeping”, so I have no documents with me.I have told the guards here that I am 17 but they laugh at me and tell me that I look much older. There is no telephone in the centre to contact my family, and my mobile phone was taken away from me. I share a cell with four adult men, and am not allowed outside for more than 10 minutes a day. I sometimes feel that I am more scared here than crossing those dangerous mountains.Debriefing guidelinesYusuf (from Afghanistan)*Issues*: He fled lack of opportunity and a security situation; right to health; working conditions; possible disability; irregular migration and smuggling; presumption that he is a child; prohibition of immigration detention of a child; conditions in detention, being held with unrelated adults and unable to contact family or keep personal belongings (phone).*Categories*: Unaccompanied child; smuggled migrant child; child migrant worker (in Türkiye); victim of human rights violations or abuse; migrant in a vulnerable situation. |
| Amodita, 20 years oldI left my home when I was 14 years old because my father was desperately ill and I needed to work to pay for his medical treatment. Both my parents are elderly and they rely on the money that my sister and I can earn. A friend of the family knew an agent who arranged documents, a place for me to work and someone to accompany me on the journey. My parents put all their savings into paying the agent and took out extortionate loans.I lived with a rich family, where I cleaned, cooked and took care of the two children. Even though I worked very hard, my employers were never happy and abused me. One day they both subjected me to vicious sexual violence and I knew I had to escape. I am now in a shelter and am receiving medical treatment but I am in constant fear of deportation. I do not want to return home as I have not been able to achieve my goal to send money home. How can I face my parents when all I have done is spend their money?Debriefing guidelinesAmodita (from Bangladesh)*Issues*: Initially a child domestic worker; labour exploitation; physical and sexual abuse; right to health (medical and psychological care); sexual and reproductive health and rights; irregular migration.*Categories:* Victim of sexual abuse; migrant worker; smuggled migrant; victim of human rights violations or abuse; migrant in a vulnerable situation. |
| Ichanga, 25 years oldMy village has been affected by drought since before I was born and my family had to leave for the city in search of a livelihood because my father could no longer farm his land. We lived in a shanty town for a few years but were still unable to make a living. My parents then took me and my brother to Libya. The Libyans did not treat us well and when conflict erupted it became very dangerous.I was working in Libya but my employers refused to pay me, telling me I had to work or else be killed. They had taken my passport and I had no choice but to leave by crossing the Mediterranean. I don’t know what has happened to the rest of my family – I have not been able to reach them. I don’t know how long it will take for me to get a passport. I think this is why I am in prison here in Italy. I don’t know what will happen to me. Maybe they will send me back to my country. I have not lived in my country for 20 years and have no family left there.Debriefing guidelines:Ichanga (from Nigeria, unisex name)*Issues*: Internal displacement due to drought; lack of sustainable livelihood; migrant worker; confiscation of personal documents; exploitation; irregular migration; smuggled migrant; detention for purposes of identification and expulsion; sustainability of return.*Categories:* Migrant worker; irregular migrant; smuggled migrant; labour exploitation; victim of human rights violations or abuse; migrant in a vulnerable situation. |
| Yasmine, 22 years oldOur community has lived in the region for over a century, but we are not of the same religion as the majority of the population, which has led to problems so serious that last year a mob came and burnt down our entire village. Those who survived fled to a refugee camp from which the Government does not allow them to leave. I stayed there for a few months but could not bear the squalid conditions and misery. There was nothing worth living for. I managed to find a man who was willing to help me get me out of the country. I didn’t have anything of value, so he agreed to let me pay him back once I got a job. After my journey at sea, the people on the boat took me and half of the group to a camp in the jungle where we were treated like slaves and sexually abused. I was lucky enough to escape but have not seen a doctor even though I am worried that I may be pregnant. I am too afraid I’ll be detained and deported. A woman that I met recently gave me some medicine, but now I have a high fever. I don’t know what to do.Debriefing guidelinesYasmine (from Myanmar)*Issues*: Persecution on grounds of belonging to a particular religious group; right to an adequate standard of living; trafficking; forced labour; sexual exploitation; possible pregnancy; sexual and reproductive health and rights; self-medication; fear of detention and deportation.*Categories:* Refugee; victim of trafficking; victim of forced labour; victim of sexual exploitation; victim of human rights violations or abuse; migrant in a vulnerable situation (possible pregnancy).  |
| José and cousin, 15 years oldMy cousin and I (both 15 years old) left together because our families wanted us to receive a better education and they feared that we would be pressured to join a gang. In our community the men are supposed to be out on the streets, not reading books in school; that’s for girls. My father moved to live irregularly in the US two years ago, and after my mother was killed in a shoot-out we decided to try and join him. We travelled north on buses and on foot, trying to avoid the “la bestia” train because we heard how the Mexican authorities were stopping many people, arresting them and sending them back across the border.We are waiting here at the US border to earn enough money to pay a “coyote” to smuggle us across the border because it is too risky to take your chances on your own. We hear stories of other travellers who have been kidnapped by the coyotes for ransom. I have been working long hours at whatever jobs I can find. We are living in a run-down part of the border town, in an abandoned building without access to sanitation. Debriefing guidelinesJosé and cousin (from Honduras)*Issues*: Fleeing gang violence; lack of education; family reunification (with José’s father); irregular migration; smuggling; child; right to an adequate standard of living; working conditions.*Categories*: Child migrant worker; unaccompanied child; victim of human rights violations or abuse; migrant in a vulnerable situation. |

Activity: Migrant stories

Yusuf, 17 years old

I have been here in this detention centre for two weeks. There is no work in our village back home. All the young men have to leave to be able to support their families, and the security situation is getting worse. It took me one year to get to Europe, walking across mountains that were strewn with dead bodies, and working along the way to finally reach where I am now. In Türkiye I worked in a restaurant where the hours were long and the work was very tiring and occasionally dangerous. (I have been burned by the fires of the oven several times.) My passport was retained by the restaurant owner for “safe keeping”, so I have no documents with me.

I have told the guards here that I am 17 but they laugh at me and tell me that I look much older. There is no telephone in the centre to contact my family, and my mobile phone was taken away from me. I share a cell with four adult men, and am not allowed outside for more than 10 minutes a day. I sometimes feel that I am more scared here than crossing those dangerous mountains.

Amodita, 20 years old

I left my home when I was 14 years old because my father was desperately ill and I needed to work to pay for his medical treatment. Both my parents are elderly, and they rely on the money that my sister and I can earn. A friend of the family knew an agent who arranged documents, a place for me to work and someone to accompany me on the journey. My parents put all their savings into paying the agent and took out extortionate loans.

I lived with a rich family, where I cleaned, cooked and took care of the two children. Even though I worked very hard, my employers were never happy and abused me. One day they both subjected me to vicious sexual violence and I knew I had to escape. I am now in a shelter and am receiving medical treatment but I am in constant fear of deportation. I do not want to return home as I have not been able to achieve my goal to send money home. How can I face my parents when all I have done is spend their money?

Ichanga, 25 years old

My village has been affected by drought since before I was born and my family had to leave for the city in search of a livelihood as my father could no longer farm his land. We lived in a shanty town for a few years but were still unable to make a living. My parents then took me and my brother to Libya. The Libyans did not treat us well and when conflict erupted, it became very dangerous.

I was working in Libya but my employers refused to pay me, telling me I had to work or else be killed. They had taken my passport and I had no choice but to leave by crossing the Mediterranean. I don’t know what has happened to the rest of my family – I have not been able to reach them. I don’t know how long it will take for me to get a passport. I think this is why I am in prison here in Italy. I don’t know what will happen to me. Maybe they will send me back to my country. I have not lived in my country for 20 years and have no family left there.

Yasmine, 22 years old

Our community has lived in the region for over a century, but we are not of the same religion as the majority of the population, which has led to problems so serious that last year a mob came and burnt down our entire village. Those who survived fled to a refugee camp from which the Government does not allow them to leave. I stayed there for a few months but could not bear the squalid conditions and misery. There was nothing worth living for.

I managed to find a man who was willing to help me get me out of the country. I didn’t have anything of value, so he agreed to let me pay him back once I got a job. After my journey at sea, the people on the boat took me and half of the group to a camp in the jungle where we were treated like slaves and sexually abused. I was lucky enough to escape but have not seen a doctor even though I am worried that I may be pregnant. I am too afraid I’ll be detained and deported. A woman that I met recently gave me some medicine, but now I have a high fever. I don’t know what to do.

José and cousin, 15 years old

My cousin and I (both 15 years old) left together because our families wanted us to receive a better education and they feared that we would be pressured to join a gang. In our community the men are supposed to be out on the streets, not reading books in school; that’s for girls. My father moved to live irregularly in the US two years ago, and after my mother was killed in a shoot-out we decided to try and join him. We travelled north on buses and on foot, trying to avoid the “la bestia” train because we heard how the Mexican authorities were stopping many people, arresting them and sending them back across the border.

We are waiting here at the US border to earn enough money to pay a “coyote” to smuggle us across the border because it is too risky to take your chances on your own. We hear stories of other travellers who have been kidnapped by the coyotes for ransom. I have been working long hours at whatever jobs I can find. We are living in a run-down part of the border town, in an abandoned building without access to sanitation.

Migrant stereotypes: Take a human rights stand

The objective of this activity is to hold an open discussion of common myths and stereotypes about migrants and migration. The activity encourages the participants to explore their own attitudes and expectations and gives the group an opportunity to identify ways to challenge stereotypes.

The activity exposes participants to a series of statements. By agreeing or disagreeing with them, they reveal their personal attitudes. The activity makes use of physical space to show social dynamics and will appeal to spatial learners. Several stereotypes and responses to them are listed below and in the presentation slide. Look for stereotypes and facts that are particularly relevant to the contexts in which the participants work.

To create the conditions for an open discussion, establish a safe environment. Make sure everyone feels comfortable enough to be honest and to say why they feel the way they do. No one should be criticized for expressing an opinion. Emphasize, too, that the aim is not to test participants’ knowledge.

*Time*

Approximately 20 minutes, depending on the number of statements and the duration of the discussion

*Materials*

Tape or string to mark a line. Alternatively, create and display signs saying “Agree” and “Disagree”.

*How to run the activity*

* **Mark** a line on the floor (if there is sufficient space) and tell participants that “Agree” lies on one side of the line and “Disagree” on the other. Alternatively, display signs saying “Agree” and “Disagree” on opposite walls of the room.
* **Inform** the participants that they will discuss some common statements made about migration or migrants, that they may have heard or may believe.
* **Gather** the participants in the middle of the room.
* **Instruct** them to move to the “Agree” side of the tape if they agree with the statement displayed on the presentation slide, and to the “Disagree” side if they disagree. Tell them to move further back from the tape if they feel strongly.
* **Show** a slide with a statement. Continue to show slides.
* **Ask** one or two participants why they chose to stand where they did after each statement was displayed. Encourage a debate and discussion.
* **Give** the relevant response (see below). If participants react strongly, take time to discuss their reactions with the group.

*Debrief*

See session plan.

*Statements – Responses*

* **Is irregular migration (crossing borders or staying in countries without official permission) a crime?**
* **No**. Under international law, irregular entry, stay and exit are administrative misdemeanours rather than criminal offences and should be sanctioned accordingly. They involve no crimes against persons, property or national security.[[1]](#footnote-1) In the New York Declaration for Refugees and Migrants, States have undertaken to review policies that criminalize cross-border movements.[[2]](#footnote-2)
	+ **Facilitate** a discussion on why it is better to use the term “irregular” rather than “illegal” or “clandestine”. If it is appropriate, ask participants to reflect on whether similar terms and distinctions exist in their own languages.
	+ **Highlight** that negative terms such as “illegal” create the impression that migrants have committed a criminal offence. This reinforces negative stereotypes of migrants.
* **Do irregular migrants pay taxes?**
* **Yes.** Migrants in an irregular situation contribute to the economy and to the social security schemes of States in which they are employed. They pay sales taxes, property taxes and sometimes also personal income tax. Even those who do not pay taxes directly often contribute to social protection programmes by paying indirect taxes. According to the Institute on Taxation and Economic Policy of the United States of America, “the 11 million undocumented immigrants currently living in the United States collectively paid $11.64 billion in state and local taxes”. The Institute adds: “Various studies have estimated between 50 and 75 percent of undocumented immigrants currently pay personal income taxes using either false social security (SSN) or individual tax identification (ITIN) numbers.” However, the vast majority of irregular migrants are unable or afraid to claim social security benefits.
* **Are expatriates (expats) and migrants different?**
* **No.** There is no legal definition of a migrant or an expatriate. The definition of migrant adopted by the Office of the United Nations High Commissioner for Human Rights (OHCHR) (“any person who is outside a State of which he or she is a citizen or national”) includes expats.
	+ **Signal** that some people consider that migrants are vulnerable by definition and, therefore, that expats cannot be migrants. Such a stance should be treated with caution because it is their situations that make people vulnerable. Migrants are not inherently vulnerable and expats can find themselves in situations of vulnerability.
* **Regularization programmes are a means of addressing irregular migration.**
* **Yes.** It is widely believed that migrants are attracted to States that have regularization programmes. However, there is little empirical evidence that regularization pulls in irregular migrants. By contrast, regularization does help resolve the status of migrants who are in an irregular situation and protects and promotes their human rights, for example by enabling irregular migrant children to go to school and migrant women to escape domestic violence.
	+ **Provide an example**. In 2009 a study examined the effects of regularization on third-country nationals who had been staying irregularly in member States of the European Union. It showed that regularization helped to boost social integration and cohesion, increase family protection, reduce marginalization, prevent trafficking and exploitation generate accurate data on immigrant populations and regulate informal sectors of the economy to the benefit of both foreign and local workers.
	+ **Give another example**. Between 2007 and 2010, more than 1 million residence permits were granted to migrants under the “Patria Grande” regularization programme in Argentina. A drop in unemployment and poverty followed. Reports indicate that, between 2006 and 2013, unemployment and underemployment in Argentina fell from 20 per cent to 7.8 per cent, while poverty rates declined from 54 per cent to 13.2 per cent and extreme poverty from 27.7 per cent to 3.5 per cent. These figures clearly demonstrate that migration, accompanied by active social policies, enhances and benefits society. Policies based on border controls and immigration restrictions are ineffective because they do not stop migration; on the contrary, they marginalize millions of individuals, increase security risks and fuel irregular migration.

Migrant stereotypes: quiz

This quiz enables participants to recognize and reflect on some of their preconceptions about migration and to identify ways to challenge common myths and stereotypes. Rather than simply naming common stereotypes, participants are asked to describe their own stereotypical thoughts. Each question should be followed by a short debate in plenary.

Several stereotypes and responses to them are listed below and in the presentation slide. Look for alternative examples and facts that are relevant to the contexts in which the participants work.

To create the conditions for an open discussion, establish a safe environment. Make sure everyone feels comfortable enough to be honest and to say why they feel the way they do. No one should be criticized for expressing an opinion. Emphasize, too, that the aim is not to test participants’ knowledge.

*Time*

Approximately 20 minutes, depending on the number of statements and the duration of the discussion

*Materials*

Slides, Yes/No cards

*How to run the activity*

* **Distribute** a set of Yes/No cards to each participant.
* **Tell** the participants that they will now discuss some common statements about migrants and migration that they may have heard or believe.
* **Instruct** participants to hold up a Yes card if they agree with the statement displayed on the presentation slide, and a No card if they disagree.
* **Show** the first slide with the first statement/question.
* **Ask** one or two participants to say what they feel, and why, after each statement appears. Encourage a debate and discussion.
* **Give** the relevant response (see below). If participants react strongly, take time to discuss their reactions with the group.

*Debrief*

See session plan.

*Statements – Responses.*

* **Is irregular migration (crossing borders or staying in countries without official permission) a crime?**
* **No**. Under international law, irregular entry, stay and exit are administrative misdemeanours rather than criminal offences and should be sanctioned accordingly. They involve no crimes against persons, property or national security.[[3]](#footnote-3) In the New York Declaration for Refugees and Migrants, States have undertaken to review policies that criminalize cross-border movements.[[4]](#footnote-4)
	+ **Facilitate** a discussion on why it is better to use the term “irregular” rather than “illegal” or “clandestine”. If it is appropriate, ask participants to reflect on whether similar terms and distinctions exist in their own languages.
	+ **Highlight** that negative terms such as “illegal” create the impression that migrants have committed a criminal offence. This reinforces negative stereotypes of migrants.
* **Do irregular migrants pay taxes?**
* **Yes.** Migrants in an irregular situation contribute to the economy and to the social security schemes of States in which they are employed. They pay sales taxes, property taxes and sometimes also personal income tax. Even those who do not pay taxes directly often contribute to social protection schemes and programmes by paying indirect taxes. According to the Institute on Taxation and Economic Policy of the United States, “the 11 million undocumented immigrants currently living in the United States collectively paid $11.64 billion in state and local taxes”. The Institute adds: “Various studies have estimated between 50 and 75 percent of undocumented immigrants currently pay personal income taxes using either false social security (SSN) or individual tax identification (ITIN) numbers.” However, the vast majority of irregular migrants are unable or afraid to claim social security benefits.
* **Are expatriates (expats) and migrants different?**
* **No.** There is no legal definition of a migrant or an expatriate. The definition of migrant adopted by OHCHR (“any person who is outside a State of which he or she is a citizen or national”) includes expats.
	+ **Signal** that some people consider that migrants are vulnerable by definition and, therefore, that expats cannot be migrants. Such a stance should be treated with caution because it is their situations that make people vulnerable. Migrants are not inherently vulnerable and expats can find themselves in situations of vulnerability.
* **Are regularization programmes a means of addressing irregular migration?**
* **Yes.** It is widely believed that migrants are attracted to States that have regularization programmes. However, there is little empirical evidence that regularization pulls in irregular migrants. By contrast, regularization does help resolve the status of migrants who are in an irregular situation and protects and promotes their human rights, for example by enabling irregular migrant children to go to school and migrant women to escape domestic violence.
	+ **Provide an example**. In 2009 a study examined the effects of regularization on third-country nationals who had been staying irregularly in member States of the European Union. It showed that regularization helped to boost social integration and cohesion, increase family protection, reduce marginalization, prevent trafficking and exploitation, generate accurate data on immigrant populations and regulate informal sectors of the economy to the benefit of both foreign and local workers.
	+ **Give another example**. Between 2007 and 2010, more than 1 million residence permits were granted to migrants under the “Patria Grande” regularization programme in Argentina. A drop in unemployment and poverty followed. Reports indicate that, between 2006 and 2013, unemployment and underemployment in Argentina fell from 20 per cent to 7.8 per cent, while poverty rates declined from 54 per cent to 13.2 per cent and extreme poverty from 27.7 per cent to 3.5 per cent. These figures clearly demonstrate that migration, accompanied by active social policies, enhances and benefits society. Policies based on border controls and immigration restrictions are ineffective because they do not stop migration; on the contrary, they marginalize millions of individuals, increase security risks, and fuel irregular migration.

|  |  |
| --- | --- |
| YES | NO |

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**4**

Activity: What are human rights?
(group brainstorming)[[5]](#footnote-5)

This activity takes place in two parts. The main aims are: (a) to enable participants to appreciate and internalize what human rights mean to them; and (b) to increase participants’ empathy for migrants and their understanding of migrants’ experiences. The activity is also intended to highlight the function and purpose of human rights and the importance of the notion of dignity in the context of migration.

*Time*

Part I: 20 minutes

Part II: 30 minutes

*Materials*

Flip-chart paper, markers, photos

Handout: list of rights under the Universal Declaration of Human Rights

*How to run the activity*

Part I: What are human rights? (Group brainstorming, 10 minutes; debrief, 10 minutes.)

* **Divide** the participants into groups. Give each group a flip chart. Ask the groups to brainstorm the question: “What do we need to flourish and to lead fulfilled lives as human beings?”
* **Give** the groups five minutes to note their ideas on their charts, using keywords. Invite the participants to think of themselves and their families and what they need to lead dignified and fulfilled lives (e.g. a good education, a home, enough food, a family, security and liberty). The keywords do not need to be expressed as rights.
* **Distribute** the summary list of rights to participants once they have finished. Ask the participants to compare their keywords with the rights on the list. Ask:
	+ Are there similarities between the keywords on your flip charts and the rights on the list?
	+ Are any rights missing?
	+ Do you want to add anything to your own list?

*Debrief*

* **Ask** participants to briefly summarize theirfindings.
* **Underline** that this activity helps demonstrate how human rights affirm the legal entitlement to values and living conditions that we consider essential if we are to flourish as human beings and live a life of dignity, free from fear and want.

Part II: A picture tells a thousand words. (Group brainstorming, 20 minutes; debrief, 10 minutes)

* **Retain** the same groups.
* **Distribute** photographs of migrants in a specific context. For example:
	+ Migrant factory worker
	+ Migrant woman and her children
	+ Migrant domestic worker
	+ Migrant man in detention
	+ Migrant child alone
	+ Migrant arriving at a border

Give each group a different photograph.

* **Distribute** the handout with questions.
* Ask each group to invent the story of the person in their photograph. Ask them to describe the person’s experiences. As they do so, ask them to respond to the following questions (20 minutes):
	+ What do you think is going on here? Who is this person? What are their circumstances? What have they experienced?
	+ What are their human rights needs?
	+ Does the picture capture their story? What might be missing?

*Debrief*

* **Make sure** that the picture of each group can be seen by everyone when the group presents its story. Rather than go through each group’s answers, collect responses on the potential rights violations the groups have identified. Askthese questions:
	+ What human rights do you think are most important to the person in the picture, given their presumed circumstances?
	+ What could be the consequences of limiting the human rights to which they are entitled?
	+ Do you think the person in the picture wants the same human rights as you do? Do you think the person enjoys the same human rights as you? Why or why not?
* **Conclude** the discussion by emphasizing that the capacity to empathize with the experiences of others who may lead very different lives is an essential component of human rights work and of a human rights-based approach to migration. Emphasize that the very different situations of the migrants pictured show how important human rights are to a life of dignity.
* **Add** that many migrants are denied the full range of human rights which everyone should enjoy and that many of us take for granted.

Human rights in the Universal Declaration of Human Rights: list.

**5**

|  |  |
| --- | --- |
| Article 1  | Right to equality  |
| Article 2  | Freedom from discrimination  |
| Article 3  | Right to life, liberty and security of person  |
| Article 4  | Freedom from slavery  |
| Article 5  | Freedom from torture and degrading treatment  |
| Article 6  | Right to recognition as a person before the law  |
| Article 7  | Right to equality before the law  |
| Article 8  | Right to remedy by a competent tribunal  |
| Article 9  | Freedom from arbitrary arrest and exile  |
| Article 10  | Right to a fair public hearing  |
| Article 11  | Right to be considered innocent until proven guilty  |
| Article 12  | Freedom from interference with privacy, family, home or correspondence  |
| Article 13  | Right to free movement in and out of the country |
| Article 14  | Right to seek and enjoy asylum from persecution in other countries  |
| Article 15  | Right to a nationality and the freedom to change it |
| Article 16  | Right to marriage and family |
| Article 17  | Right to own property  |
| Article 18  | Freedom of belief and religion  |
| Article 19  | Freedom of opinion and information  |
| Article 20  | Right of peaceful assembly and association  |
| Article 21  | Right to participate in government and in free elections |
| Article 22  | Right to social security |
| Article 23  | Right to desirable work and to join trade unions |
| Article 24  | Right to rest and leisure |
| Article 25  | Right to an adequate standard of living (including health, food, clothing and housing) |
| Article 26  | Right to education |
| Article 27 | Right to cultural life |
| Article 28 | Right to a social and international order in which one’s rights and freedoms can be fully realized |

The full text is available in more than 500 languages. See [www.standup4humanrights.org/en/download.html](http://www.standup4humanrights.org/en/download.html).

Activity: Power walk

This activity simulates a community. Everyone starts equal, but they end up in very different positions. The power walk enables the participants to reflect on power structures in a community and on the barriers that may prevent migrants from accessing their human rights. The activity uses physical space to demonstrate differences of power, which may benefit spatial learners.

However, it is an activity that requires trust. The space needs to feel safe if participants are to share their experiences and be open with each other without fearing judgment. The aim is to recognize and identify obstacles and to discuss how to address them, rather than blaming individuals who may be perceived to have advantages or privileges, or more access to help.[[6]](#footnote-6)

Adapt the characters and their statements to highlight inequalities that are likely to be experienced by migrants in the country or region in which the participants work.

*Time*

Approximately 30 minutes, depending on the time required for discussion in plenary

*Materials*

One card per participant, describing their role.

The room should allow the participants enough space to line up and move forward 20 paces. If there is not enough space inside, the activity can be held outdoors.

*How to run the activity*

* **Give** each participant a card that describes their character’s role or position. Add gender and age to the description, because this information will be useful later on.
* **Tell** the participants not to share their identity with others. It will be disclosed at the end of the exercise. If fewer than 20 people are participating, reduce the number of roles, making sure that you do not withdraw too many roles from one class of characters (for example, those with economic power, women or migrants).
* **Ask** participants to listen to the statements you will read. Each time a character answers “yes” to a statement, the participant who is that character should take one step forward. You will need sufficient space to allow some participants to take 20 steps forward.
* By the end of the exercise, some participants will be at the front, some in the middle and some at the back.

*Debrief*

* **Ask** participants how they feel about where they stand. Did they come to any new realizations? If so, which had the most impact?
* Emphasize that, if we want to ensure that all persons are treated equally without discrimination, a first step is to recognize the obstacles that prevent individuals from enjoying their human rights.

Sample statements to be read aloud

* I can bring complaints to my municipal and administrative officials.
* I can register the birth of my child.
* I have my own bank account.
* I have access to affordable medical care when I need it.
* I can live in a decent home.
* I am not afraid of violence in my home.
* I am able to enter and leave most countries.
* I vote in general elections.
* I can live with my partner and children.
* I can join a trade union.
* I can afford to have access to radio and TV.
* I have access to a mortgage.
* I/my children go to school.
* I can file a complaint against my employer.
* I can report to the police if a crime has been committed against me.
* I can afford to buy the food I like.
* I attended tertiary education or I expect to obtain a diploma/degree.
* I only have sex when I want to.
* I live close to my family and friends.
* I earn a living wage.
* I can peacefully express political opinions about the Government without fear.
* I have never had to line up or beg for food.
* I have access to information about HIV/AIDS and other transmissible diseases.
* I am not likely to be harassed or abused (in the street, at home or at work).
* I can question the expenditure of community funds.

Sample roles

|  |  |  |
| --- | --- | --- |
| Character/role | Gender | Age |
| Minister of Foreign Affairs | M | 53 |
| Journalist at a national newspaper | M | 42 |
| Lesbian, gay, bisexual, transgender or intersex university student | F | 20 |
| Doctor  | F | 55 |
| Civil servant in a rural town | F | 35 |
| Primary school teacher | M | 26 |
| Visiting professor at prestigious university (non-national) | F | 43 |
| Wealthy foreign businessman | M | 39 |
| Documented migrant farm worker | F | 40 |
| Taxi driver (non-national) | M | 55 |
| Refugee | M | 38 |
| Undocumented homeless person | M | 65 |
| Illiterate domestic worker in an irregular situation | F | 19 |
| Teenager with a visual disability  | F | 16 |
| Drug addict  | M | 48 |
| Poor elderly pensioner | F | 83 |
| Police officer | M | 27 |
| Migrant shopkeeper | F | 26 |
| Irregular migrant worker | M | 32 |
| Trafficked sex worker | F | 17 |

Activity: Legitimate distinction versus discrimination

In this activity, participants discuss their attitudes to and understandings, perceptions and opinions of the idea of “legitimate distinction”. You can run this activity with participants seated with voting cards, or standing, depending on the energy level of the group. Use the approach adopted for “Taking a human rights stand”.[[7]](#footnote-7)

*Time*

Approximately 20 minutes, depending on the number of statements selected and the time required for discussion in plenary

*Materials*

Prepare a pair of green and red voting cards for each participant (see sample). Alternatively, use tape or string to mark a line, or display signs that say “Agree” and “Disagree” on opposite walls of the room.

*How to run the activity (voting cards)*

* **Distribute** one set of green and red cards to each participant.
* **Bring up** slides of each example and ask participants to vote. Is the example a case of legitimate distinction (green) or discrimination (red)?
* **Facilitate** a short discussion of each example. Why did the participants vote as they did? Pick out the criteria they used. Each example includes prompts to encourage reflection, explanations of the issue and reasons for concluding that the distinction is legitimate or discriminatory.
* The boxed texts are actual examples, which you can use to illustrate the scenario in more detail (if you wish).

**Reminder**: As an alternative to voting cards, gather participants together and ask them to move to the left or right of the tape when they decide that the example is a case of legitimate distinction or a case of discrimination. Ask them to stand further away from the line when they feel strongly.

Tip

Separating cases of legitimate distinction from cases of discrimination is usually complex and rarely clear cut. Cases are debated and contested by experienced lawyers around the world. For non-lawyers and the purposes of this training, the following discussion points can assist debate.

* Does the measure aim to correct a situation of inequality between migrants and national populations?
* Does the measure increase access to rights or create an additional barrier for migrants?
* What alternative measures could be proposed that are less controversial but similarly effective?

Tell the participants to remember that these are grey areas that usually require an analysis of specific circumstances, case by case. The purpose of this exercise is to encourage reflection and debate rather than achieve a legal analysis.

Examples

1. **On the outskirts of the capital of Arcadia, about 50 families have settled in abandoned houses. Most are migrants in an irregular situation. The Government has decided to fund mobile clinics to provide free health services and advice to people in the neighbourhood once a week. Residents in the surrounding areas think this is unfair, because they have to travel to access health services.**

**Question:** *What could be done to ensure that people who do not benefit from this measure will not feel discriminated against?*

**Issues:** For irregular migrants it is usually very difficult to access health care and services on the same terms as the local population. This is often because migrants face legal and practical barriers. In many countries, a person must be able to show proof of status (evidence of legal residence, insurance, registration etc.) to be eligible to receive health care. In some countries, health staff may be required to report individuals who cannot show such proof (in the absence of firewalls). Afraid that they will be caught and deported by immigration authorities, irregular migrants will often not seek the health care that they need and that they are entitled to.

**Answer:** Providing mobile neighbourhood clinics is one way to reach out to migrants in vulnerable situations to ensure they can obtain adequate health care, to which they are entitled. The measure addresses several issues, including migrants’ fear of being reported, a lack of awareness of where and how to access services, financial constraints and language barriers. It does not provide favourable treatment to migrants (it does not give them better health care than the care that local people receive) but takes targeted action to remedy inequalities, taking into account the particular requirements of a marginalized group. It takes steps to fulfil the rights of a group whose right to an adequate standard of health is not being met, but does not harm the general population’s access to adequate health care.

To avoid putting irregular migrants at further risk (for example, if irregular migrants are attacked because members of the host community think they have received preferential treatment), the authorities should consider how they can work with the wider community to explain why these services have been made available to irregular migrants.

References

World Health Organization, “Refugee and migrant health”, [www.who.int/health-topics/refugee-and-migrant-health#tab=tab\_1](http://www.who.int/health-topics/refugee-and-migrant-health#tab=tab_1).

International Organization for Migration, “Migration health”, [www.iom.int/migration-health](http://www.iom.int/migration-health).

International Federation of Red Cross and Red Crescent Societies, “Health and care for migrants and displaced persons: case studies from the Asia Pacific region” (Kuala Lumpur, 2017). Available at <https://reliefweb.int/report/world/health-and-care-migrants-and-displaced-persons-case-studies-asia-pacific-region>.

Médecins Sans Frontières, Greece, <https://msf.or.ke/en/node/4936>.

Yves Jackson, “Health care for undocumented migrants in Geneva: safety is the key to success” (Geneva University Hospitals and University of Geneva). See [www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/IssueBrief1.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/IssueBrief1.pdf).

1. **Migrant children are offered support classes free of charge to help them increase their level of educational achievement.**

**Question:** *Is this a legitimate use of government resources?*

**Issue:** For migrant children, the right to education is particularly important, because through schools they are able to integrate in the societies to which their parents have moved, and schooling facilitates access to the labour market when they have completed their education. However, numerous factors make it difficult for many migrant children to attain educational achievements equal to those of the local population. These factors include language barriers, poverty, discrimination and bullying.

**Answer:** Children have a right to education. It is a right that all children must enjoy without discrimination. In guaranteeing the right to education, States have a duty to take into account differing educational needs, including the needs of marginalized groups and groups in situations of vulnerability. If a particular group, such as migrant children, underperforms, the State should examine the reasons and should take appropriate measures to ensure that children in the group are in a position to achieve the same educational standards as their peers in the wider community. Such measures can include targeted strategies and actions to strengthen children’s capabilities.

**Report of the Special Rapporteur on contemporary forms of racism, racial discrimination,**

**xenophobia and related intolerance, Doudou Diène**

Mission to the United States of America ([A/HRC/11/36/Add.3](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/130/57/pdf/G0913057.pdf?OpenElement)), 28 April 2009.

“**109. Special measures to promote the integration of students in public schools as well as to reduce the achievement gap between white and minority students should be developed, in accordance with article 2, paragraph 2, of ICERD.**”

**Statement by the delegation of the United States of America, Geneva, 16 June 2009**

“The United States is pleased to respond to the report of Special Rapporteur Doudou Diene’s mission to the United States of America last year. […]

The United States continues to look for ways to support school districts seeking to achieve diversity and avoid racial isolation in its schools, as well as reduce the achievement gap between white and minority students. For example, Congress recently appropriated funds under Title Four (IV) of the Civil Rights Act program for technical assistance to school districts seeking to develop and implement student assignment plans to promote diversity and avoid racial isolation. And finally, the American Recovery and Reinvestment Act provides new funding to improve education for at-risk students and to narrow the achievement gap while stimulating the economy.”

**Concluding observations of the Committee on the Elimination of Racial Discrimination (United Kingdom of Great Britain and Northern Ireland, 2001)** ([CERD/C/304/Add.102](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G01/417/15/pdf/G0141715.pdf?OpenElement)).

“20. The Committee recommends that the State party consider introducing affirmative measures in accordance with art. 2, paragraph 2, of the Convention, when circumstances so warrant, for certain racial groups or individuals belonging to ethnic minorities who are experiencing disadvantage with respect to educational achievement and other elements of their socio-economic profiles.”

1. **In order to counteract segregation and improve integration, the Government has introduced a measure under which individuals who seek access to social housing must attend a course to learn the national language.**

**Question:** *Can the Government achieve its aim by imposing this requirement? Are other ways of achieving this aim available to it?*

**Issues:** States have a duty to take steps to ensure that all those under their jurisdiction have access to affordable housing of good quality. Migrants, and in particular individuals in an irregular situation, face difficulties when they try to access adequate housing. Legal restrictions and administrative requirements often prevent them from renting social or private housing. As a result, many migrants live in overcrowded conditions and in substandard housing, which is usually overpriced and located in neighbourhoods with poor services and facilities. Mastery of the local language does not resolve this complex problem.

**Answer:** Individuals have a right to adequate housing. Administrative and other official requirements should not prevent persons from obtaining adequate, secure accommodation. In particular, failure to meet a requirement should never result in denial of the right to adequate housing, or in homelessness or destitution. In this case, the condition imposed (language training) will only ever apply to a restricted group of people (non-native speakers), and it therefore constitutes discrimination.

The example does not indicate whether the language courses in question are free of charge, or whether the requirement is met on completion of the course, on successful completion of the course, or on enrolment. Free language courses for migrants should be welcomed; they promote migrants’ professional development and integration. However, they will not resolve all issues of integration and segregation. Integration requires action by local communities in countries of transit and destination, not only by migrants. It is established on the basis of respect, tolerance and mutual understanding. This example of policy places all the responsibility on migrants.

This measure is discriminatory because it is directed at migrants only and does not achieve the stated aim of countering segregation and improving integration.

**Human Rights Watch report, “Netherlands: Discrimination in the Name of Integration”**, 15 May 2008.

“The Netherlands should abolish the overseas ‘integration test’ that discriminatorily targets only migrants of certain nationalities trying to join their families, while citizens from other, ‘western’ countries are exempt, Human Rights Watch said in a briefing paper released today. People of Moroccan and Turkish origin – two of the three largest ‘non-western’ migrant communities in the Netherlands – have been especially affected. […]

Under this integration test, applicants must demonstrate basic knowledge of the Dutch language and basic concepts of Dutch society before they enter the Netherlands. The test is administered in Dutch by telephone to the applicant sitting at a computer at the Dutch embassy or consulate in the applicant’s home country. If the candidate fails the telephone test, the person will have to take the exam again and pay the examination fee of €350 each time the test is taken. Recently, the government decided to make the overseas integration test tougher by raising the pass mark. […]

Exempted from the test are citizens from the European Union (EU), the European Economic Area (EEA), Switzerland, Australia, Canada, Japan, New Zealand, South Korea, and the US.

‘It sends the message that certain groups are not welcome,’ said Cartner. ‘And it risks alienating these communities instead of facilitating their integration.’”

[www.hrw.org/news/2008/05/14/netherlands-discrimination-name-integration](http://www.hrw.org/news/2008/05/14/netherlands-discrimination-name-integration).

**Concluding observations of the Committee on the Elimination of Racial Discrimination (Netherlands, 2010)** ([CERD/C/NLD/CO/17-18](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/413/77/pdf/G1041377.pdf?OpenElement)).

“5.  The Committee notes that, under the Civic Integration (Preparation Abroad) Act, migrants from certain countries requiring a temporary residence permit to enter the Netherlands for family formation or unification must pass the civic integration examination before entering the country. As this requirement applies only to migrants from certain countries, the Committee is concerned that the application of the Act results in discrimination on the basis of nationality, particularly between so-called ‘Western’ and ‘non-Western’ state nationals. (arts. 2 and 5).

The Committee recommends that the State party review this legislation with a view to abolishing the discriminatory application of the civic integration examination abroad to ‘non-Western’ state nationals. The Committee, furthermore, urges the State party to ensure the systematic review of its immigration laws to ensure compatibility with the Convention.”

**Concluding observations of the Committee on the Elimination of Racial Discrimination (Netherlands, 2015)** ([CERD/C/NLD/CO/19-21](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/216/36/pdf/G1521636.pdf?OpenElement)).

“30. The Committee recommends that the State party ensure that policies aimed at the integration of migrants are not discriminatory in effect. It encourages the State party to discontinue the Civic Integration Examination Abroad and allow migrants to take the Civic Integration Examination in the State party without discrimination.”

1. **Country X has initiated a migration programme for labour migrants in the information and communications technology (ITC) and construction sectors.**

**Question:** *Is this labour migration programme gender-responsive?*

**Issue:** Sovereign countries are entitled to regulate immigration in accordance with international law. Often, however, migration policies and programmes do not accommodate the real internal demand for low-skilled labour, and they offer entry only to migrants whose specialized skills will make the country more competitive internationally. In many developed economies, for instance, the demand for caring and cleaning staff is increasing and cannot be met by local labour.[[8]](#footnote-8)

As a result, low-skilled migrant workers who have been attracted by job opportunities often find themselves in an irregular situation, at heightened risk of exploitation and without access to redress if employers violate their rights. In addition, highly skilled posts tend to be occupied by men. For this reason, in many developed economies more women than men are migrant workers with irregular status.

By actively recruiting in the ITC and construction sectors, the migration programme is actively contributing to the perpetuation of gender inequality.

**Answer:** It is a State’s prerogative to introduce labour migration schemes or not. However, programmes should be based on a gender-responsive analysis of market requirements. In particular, countries should avoid a “stratified entry” immigration model that recruits certain, usually highly skilled, categories of migrants but excludes low-skilled migrants, even though there is clear demand for their services. The stratified model inevitably causes an increase in the number of migrant workers who are at risk because they are in an irregular situation, and it has a disproportionate impact on migrant women.

As it involves active recruitment in the ITC and construction sectors only, this labour migration programme perpetuates gender inequality[[9]](#footnote-9) and is discriminatory.

**OHCHR, “Behind closed doors: Protecting and promoting the human rights of migrant domestic workers in an irregular situation”, 2015**

“17-25 million migrant women are estimated to work in the domestic service sector. […]

Globally, there are no accurate data on the number of migrant domestic workers who are in an irregular situation. In the first place, accurate data on the number of domestic workers in general are hard to come by because much domestic work is informal and is not reported as employment in many countries. Secondly, irregular migrants are not registered in their countries of employment and are not included in official statistics either. In addition, for evident reasons, migrants are reluctant to provide information that would reveal their irregular status to officials. Lack of information is one reason why the proportion of domestic workers who are irregular migrants is likely to be underestimated.”

**Concluding observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (Philippines, 2009)** ([CMW/C/PHL/CO/1](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=CMW%2FC%2FPHL%2FCO%2F1&Lang=en))

“27. While noting with appreciation the activities undertaken by the National Commission on the Role of Filipino Women (NCRFW) and the national legislation enacted to improve the situation of migrant Filipino women, the Committee notes with interest the prominent numbers of female migrant workers. Moreover, the Committee, like the Committee on Cultural, Economic and Social Rights, notes with concern that women are most often employed in gender-specific industries such as care givers, entertainers and domestic workers where they are vulnerable to physical, sexual, and verbal abuse, unpaid/delayed/underpaid wages, and may face inequitable working conditions.

28. The Committee urges the State party to continue its efforts to promote the enhancement and empowerment of migrant women facing situations of vulnerability by inter alia:

(a) Conducting a thorough assessment of the situation and taking concrete measures to address the feminization of migration comprehensively in its labour migration policies, including income of women in the informal sector, and minimal social protection for women;

(b) Negotiating more secure employment opportunities and terms and conditions for women in vulnerable sectors through bilateral agreements in those countries where discriminatory treatment and abuse are more frequent.”

The Committee on Migrant Workers reiterated these recommendations in 2014. The Committee’s work has clarified the obligations of countries that promote institutionalized migration by inviting them to regulate the relevant industries and apply human rights standards, rather than considering economic and development aspects alone.

In response, the Government of the Philippines passed the Migrant Workers and Overseas Filipinos Act, which improved the protection offered to Filipino migrant workers abroad, raised awareness of poor or fraudulent recruitment practices and increased the number of consular staff available to assist and protect Filipino migrants in other countries.

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Legitimate distinction

Discrimination

Carousel activity: Drafting a convention on the rights of migrant workers

This activity leads participants to consider which specific rights a migrant workers’ convention should address. Do this activity before going through the substance of the convention.

The activity invites the participants to brainstorm in three groups, imagining the concerns of regular and irregular migrant workers and their families and suggesting which specific human rights might help address those concerns and fill human rights protection gaps. Remind participants of the “What are human rights?” activityin the previous session. This activity continues that work, focusing on migrant workers. The next activity, “The rights of all migrant workers and members of their families”, goes further still: participants will compare their own thinking with the rights set out in the actual Convention on Migrant Workers.

Carousel brainstorming allows participants to review the knowledge they have acquired and to reflect on new issues. Working in three groups, the participants discuss a question on the flip chart allocated to their group and propose rights that should be included in a migrant workers’ convention. The groups then visit the other two stations, discuss those issues, and add their comments to the ideas already listed. Each group appoints a rapporteur to present its findings. Carousels are a good way to involve participants from the start of a session, ensuring that everyone participates.

**Reminder:**The flip charts will be used again, during a follow-up activity later in the session.

*Time*

Approximately 20 minutes, depending on the time required for discussion in plenary

*Materials*

Three flip charts, markers

The room should be large enough to allow participants to move around and to gather at three different flip-chart stations.

*How to run the activity*

* **Write** one of the categories of rights below on each flip chart:
* **Basic rights and freedoms**: These include the basic rights affirmed in other human rights treaties (freedom of movement, the right to health, the right to education, the prohibition of slavery, the right to cultural identity, etc.)
* **Procedural** **rights**: These include rights related to criminal, civil or administrative proceedings. They include the right to recognition before the law, protection from collective expulsion, protection from confiscation or destruction of documents, the right to consular protection, etc.
* **Employment** **rights**: Any issues specifically related to employment, including the rights to equal pay, overtime and identity documents, and the rights to transfer earnings, form or join trade unions, etc.
* **Bring up** the slide with instructions.
* **Divide** the participants into three groups.
* **Explain** that each group has been assigned a flip chart headed by one of the three categories of rights. The group is invited to brainstorm rights that a convention on the rights of migrant workers and their families should include under that heading.
* **Remind** participants of the “What are human rights?” activity, in which they reflected on the challenges and vulnerabilities of migrants. Explain that this activity focuses specifically on migrant workers and their families.
* **Allow** the groups a maximum of five minutes to brainstorm around their first flip chart, and then ask them to move to a different flip chart. Each time they move, the groups may need less time to complete their work because other groups will have already added a lot of information.

At the second station, participants read the new topic and what the previous group has written, they discuss the topic with their group, and they add new information.

* **Continue** the same process at the third flip chart.

**Debrief**

* **Debrief** in plenary. Highlight the key issues, rights and obligations on each flip chart.
* **Tell** the groups to keep this work in their minds, because these flip charts will be used again later in the session.

Activity: The rights of all migrant workers and members of their families

In this activity, the participants interact with the Convention on Migrant Workers (specifically part III) and are introduced to the rights it affirms. They learn about the substance of the Convention without a lecture. The debrief encourages them to learn from each other, rather than just from you. Building on the carousel activity that participants completed at the start of the session, it consolidates knowledge they gained collaboratively earlier on.

*Time*

Approximately 20 minutes, depending on the time required for discussion in plenary

*Materials*

A copy of the Convention on Migrant Workers for each participant, three flip charts from the “drafting a convention on the rights of migrant workers” carousel activity, markers

*How to run the activity*

* **Ask** the participants to rejoin the group they were in during the carousel activity earlier in the session.
* **Display** the flip charts showing the three categories of rights used in the carousel activity.
* **Assign** one group to each of the three flip-chart topics (“Basic rights and freedoms”, “Procedural rights” and “Employment rights”).
* **Invite** the participants to examine their copy of the Convention.
* **Ask** each group to find the relevant articles in part III of the Convention (on the human rights of all migrant workers) and write the relevant articles next to the rights they had identified on the flip chart.
* **Tell** the participants that they will have 10 minutes to identify the articles. Tell them to remember that not all the issues they have identified will necessarily be in the Convention.

**Debrief**

* **Ask** the groups whether they were surprised by anything while doing this exercise. For example, were some rights missing? Did the Convention identify rights they had not thought of?
* **Emphasize**, referencing the flip charts, that the rights in the Convention largely reflect the rights affirmed by other international human rights instruments. At the same time, because migrant workers and their families have particular vulnerabilities, the Convention includes some rights and corresponding protections that specifically address these needs (see session plan and slides).
* **Point out** any rights that the participants have missed. Use the slides as appropriate.
* **Highlight** rights, guarantees and protections that are not common in other United Nations treaties.
* **Note** that the rights are minimum agreed standards, not aspirations.

List of rights contained in the Convention (mostly in part III): Answer sheet

* Non-discrimination (article 7)
* Freedom of movement to and from the country of origin (article 8)
* Right to life (article 9)
* Protection against torture (article 10)
* Freedom from slavery and forced or compulsory labour (article 11)
* Freedom of thought, conscience and religion (article 12)
* Freedom of opinion and expression (article 13)
* Right to privacy (article 14)
* Right to property (article 15)
* Right to liberty and security (articles 16 and 17)
* Right to a fair trial and equality before the law (article 18)
* No punishment without law (article 19)
* Prohibition of imprisonment for debt (article 20 (1))
* Prohibition of expulsion for failure to fulfil employment-related contractual obligations (article 20 (2))
* Protection from confiscation or destruction of documents (article 21)
* Prohibition of collective expulsion and right to an individual assessment (article 22)
* Right to consular protection (article 23)
* Right to recognition as a person before the law (article 24)
* Right to fair conditions of work (article 25)
* Right to join trade unions (article 26)
* Right to social security (article 27)
* Right to emergency medical care (article 28)
* Right to a name, birth registration and nationality (article 29)
* Right to education (article 30)
* Right to cultural identity (article 31)
* Right to transfer earnings and savings on termination of their stay in the State of employment (article 32)
* Right to information (article 33)

**List of Convention rights (focusing on the human rights of ALL migrant workers, parts II and III)**

* Non-discrimination (article 7)
* Freedom of movement to and from country of origin (article 8)
* Right to life (article 9)
* Protection against torture (article 10)
* Freedom from slavery and forced or compulsory labour (article 11)
* Freedom of thought, conscience and religion (article 12)
* Freedom of opinion and expression (article 13)
* Right to privacy (article 14)
* Right to property (article 15)
* Right to liberty and security (articles 16 and 17)
* Right to a fair trial and equality before the law (article 18)
* No punishment without law (article 19)
* Prohibition of imprisonment for debt (article 20 (1))
* Prohibition of expulsion for failure to fulfil employment-related contractual obligations
(article 20 (2))
* Protection from confiscation or destruction of documents (article 21)
* Prohibition of collective expulsion and right to an individual assessment (article 22)
* Right to consular protection (article 23)
* Right to recognition as a person before the law (article 24)
* Right to fair conditions of work (article 25)
* Right to join trade unions (article 26)
* Right to social security (article 27)
* Right to emergency medical care (article 28)
* Right to a name, birth registration and nationality (article 29)
* Right to education (article 30)
* Right to cultural identity (article 31)
* Right to transfer earnings and savings upon termination of their stay in the State of employment (article 32)
* Right to information (article 33)

Activity: Case study

1. Johnis 33 years old and was recruited to work as a labourer in Liberto, which shares a land border with his own country, Islandia. He is married to Bea, who is 31 years old, and together they have three children. The eldest is a boy aged 16; the two girls are 14 and 8 years old. The youngest daughter has a disability as a result of contracting polio. When John received notification of his travel to Liberto he applied to bring his family with him but they were denied visas. Liberto has a law that allows family visas only for certain highly skilled professions. The family decided that John would travel ahead and his family would find a way to follow him.
2. Unable to get a visa, Bea was introduced through a family friend to a man who helped people to cross the border to Liberto. A week later, having paid a very large fee to the man, they were smuggled across the border, crammed into a truck, with many other people, including single mothers with infants and a group of adolescent boys travelling without their parents.
3. When the truck reached the border, it was surrounded by border police, who rounded up the people. No one spoke the language of the police, and there were no interpreters. The boys told the police their age, but the police said that they were lying and that they all looked like adults. Within hours they were all returned back across the border with no questions asked, and were left in the inhospitable border area to make their own way home.
4. Bea returned to the man, who arranged a second attempt to cross the border, this time for a larger fee, as he had a bigger truck that could make the journey at night with less chance of detection. This attempt was successful, and Bea and the children were able to make their way to Salve, the capital of Liberto, and join John.
5. John gets paid $200 a month, but his colleague from Liberto gets paid $400 a month for essentially the same job. Unlike his colleagues, John is not entitled to days off or sick leave. He has a contract that is renewed on a month-to-month basis. The other labourers belong to a trade union but, as a non-national, John is not allowed to join.
6. Bea has taken a job as a domestic worker for a Liberto family, working 15 hours a day. She has not received the full salary she was promised when she started her job and she has been repeatedly sexually abused by her male employer. She would like to quit her job but her employers have threatened to report her to the police if she does.
7. In order to make ends meet, John’s son stole small amounts of food and clothing for his family. He was arrested and is now in detention. He shares a cell with three adult men. The Liberto Human Rights Commission has recently visited the detention centre that he is in and has highlighted the severe overcrowding, the unsanitary facilities and the use of violent interrogation methods. John’s son speaks very little of the local language, but the family have not been able to secure legal assistance or an interpreter, as these services are not available to non-nationals. John was told by a guard at the detention centre that his son will probably be deported soon, as this is what usually happens to irregular migrants.
8. The family live in a dilapidated apartment building, where all the labourers employed by John’s company are required to live. The rent is automatically deducted from John’s salary. As John is not entitled to have his family live with him, they are constantly in fear that they will be denounced to the company. Even though the small two-room apartment has only sporadic running water and bad sanitation, John cannot complain to his company, because he fears he would lose his job.
9. The children are not attending school. A few months ago, Bea took the girls to the local school, intending to register them. Once there, however, she was asked to submit a valid residence permit and was informed by the clerk that the school was obliged by law to share with the immigration authorities the details of all children without valid documents. Bea quickly took the girls home, taking care to avoid the immigration police patrol stationed just outside the school gate. The girls are now taught with a few other migrant children in the home of a family member with no specific training.
10. The youngest daughter’s medical condition continues to worsen, because the only medical treatment she and the rest of the family are able to obtain is provided by a local non-governmental organization (NGO). Its doctors are the only ones in the area who are willing to treat irregular migrants in confidence.
11. Two months ago, the murder of a Libertan national, allegedly committed by a migrant, sparked violent attacks against migrants. Vigilante groups of Liberto nationals continue to carry out xenophobic attacks, spurred on by inflammatory and often inaccurate media reports. Migrants are called “cockroaches” and are accused of being criminals and security threats. Last week, Bea and her eldest daughter were subjected to hate-filled verbal abuse by a gang of men who threw stones at them and told them to “go home”. They did not dare report this to the police.
12. In response to the public hysteria, the Government of Liberto has launched a wide-scale round-up of all irregular migrants, and John and his family live in fear of being deported.

Instructions

1. Working in groups, identify the human rights concerns of Bea, John and their family. Base your analysis on the information contained in the case study.
2. What human rights standards are relevant to these concerns? (Draw on the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on Migrant Workers.)
3. Do migrants in your country experience similar human rights violations?

This case study uses an imaginary family’s migration experience to make the participants aware of some of the many human rights violations that migrants face.

The case study is used in three different sessions (sessions 4, 5 and 6). Each use builds on the knowledge that participants have acquired and enables participants to apply particular skills to a specific scenario. The participants progressively:

* **Identify human rights issues and applicable normative standards from international human rights instruments;**
* Consider how international human rights mechanisms can be used to address specific migrant concerns;
* Identify relevant stakeholders and separate out their duties and rights;
* Decide what steps would assist migrants to participate actively in processes and identify activities that are relevant to them.

In this session, participants are encouraged to apply the knowledge they have acquired and to develop their capacity to identify human rights concerns and relate them to relevant international human rights standards (from the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on Migrant Workers). Participants are also invited to consider the situation in the countries in which they work, and the human rights concerns of migrants in those countries.

**Reminder:**Retain the answers noted during this exercise, because they will be reviewed in the next session.

*Time*

Approximately 40 minutes, depending on the time required for discussion in plenary

*Materials*

**Print** all handouts and be ready to distribute them at the relevant moment in the session:

* Case study story: ideally distribute this before the session or during the break.
* Case study instructions: distribute these during the activity, or display them on a slide.
* Copies of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on Migrant Workers: one copy of each per table.

If possible, the training facility should include breakout rooms, where groups can hold discussions.

*How to run the activity*

**Human rights issues to be discussed:** all.

* **Familiarize** yourself with the case study and read through the answer sheet before the session. Identify any additional issues and accompanying standards you want to include.

A total of 40 minutes is envisaged for this activity. Allow at least 15 minutes for debriefing, depending on the number of groups.

* **Bring** everyone together in plenary.
* **Introduce** the activity and distribute copies of the case study if you have not already done so. To ensure participants have enough time to read and reflect, it is best to distribute the case study during an earlier break.
* **Allow** the participants time to read it. Give them some extra time if it is not written in their first language.
* **Distribute** the instructions. Do this during the activity, not before.
* **Read** the instructions with participants and explain that they will work in groups to answer the questions they receive.
* **Tell them** that the case study will be used again in future sessions, so participants should keep their copies.
* **Divide** the participants into groups, taking into account as far as possible their background and personalities.
* **Ask** groups to write on flip charts and to nominate a rapporteur to present their work in plenary.
* **Suggest** that, in part 2 of the activity, groups should form pairs, and divide up the work. This should enable them to finish more quickly.

**Debrief**

* **Debrief** in plenary.
* **Ask** each group to name a few of the rights and the accompanying standard(s) they have identified. Ask each subsequent group to identify different rights and standards.
* **Draw attention** to the fact that some violations are indirect and some are the result of acts or omissions.
* **Facilitate** a brief discussion of human rights concerns and practice in the participants’ countries.
* **Remind** the participants that they will use the case study again in the next session.

**Answer sheet**

|  |  |
| --- | --- |
| **Issues** | **Human rights standards / sources** |
| Family reunification | Convention on Migrant Workers, art. 44, right to family life |
| John’s working conditions* Different rates of pay for same job
* Conditions of work
* Trade union membership
 | Discrimination (all instruments); equal remuneration (International Covenant on Economic, Social and Cultural Rights, art. 7; International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on Migrant Workers, art. 25)Conditions of work (International Covenant on Economic, Social and Cultural Rights, art. 7; Convention on Migrant Workers, art. 25)Trade unions (International Covenant on Economic, Social and Cultural Rights, art. 8; International Covenant on Civil and Political Rights, art. 21; Convention on Migrant Workers, arts. 27 and 40) |
| Bea’s working conditions * Full salary not paid
* Overtime
 | Right to protection of health and safety in working conditions (Convention on the Elimination of All Forms of Discrimination against Women)Working conditions (International Covenant on Economic, Social and Cultural Rights, art. 7, Convention on Migrant Workers, art. 25 (1) (a) and (3)) |
| Detention of son* Conditions
* Child status
* Language and translation
* Visits, information
 | Liberty and security of person, detention, fair trial (International Covenant on Civil and Political Rights; Convention on the Rights of the Child; Convention on Migrant Workers, arts. 16, 17 and 18 (3) (d) and (f) |
| Gender-based and sexual violence  | Security of the person (International Covenant on Civil and Political Rights); freedom from torture and cruel, inhuman or degrading treatment (International Covenant on Civil and Political Rights; Convention against Torture); right to protection from violence against the person (Convention on Migrant Workers, art. 16 (2)); non-discrimination (all instruments); gender-based violence (Convention on the Elimination of All Forms of Discrimination against Women) |
| Collective expulsion* No individual examination at the border
* No right to consular assistance
 | Convention on Migrant Workers, arts. 22 and 23 |
| Possible deportation of son- Separation of child from parents - Return to whom and where? | Best interests of the child (Convention on the Rights of the Child, art. 3); separation of a child from parents (art. 9)Right to family life (International Covenant on Civil and Political Rights; Convention on the Rights of the Child)Due process in expulsion, right to consular assistance (Convention on Migrant Workers, arts. 22 and 23) |
| Housing* Overcrowding
* Lack of water and sanitation
 | Right to adequate shelter (International Covenant on Economic, Social and Cultural Rights); rights to water and sanitation (International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women)Access to housing and social housing on an equal basis to nationals (Convention on Migrant Workers, art. 43 (1) (d)) |
| Education* Children not attending school
 | Right to education (International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, Convention on Migrant Workers, art. 30) |
| Health* No access to medical treatment, including for a child with a disability
 | Right to an adequate standard of health (International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of Persons with Disabilities)Access to emergency medical care (Convention on Migrant Workers, art. 28) |
| Xenophobic violence | Non-discrimination (all instruments); racism and xenophobia (International Convention on the Elimination of All Forms of Racial Discrimination)Right to protection from violence against the person (Convention on Migrant Workers, art. 16 (2)) |
| Incitement in the media to hatred or violence.  | International Covenant on Civil and Political Rights, art. 20Non-discrimination (all instruments); racism and xenophobia (International Convention on the Elimination of All Forms of Racial Discrimination)Right to protection from violence against the person (Convention on Migrant Workers, art. 16 (2)) |
| No recourse to police protection | Protection of the law, right to a remedy, access to justice (International Covenant on Civil and Political Rights/all instruments)Convention on Migrant Workers, art. 24 |
| Round-up of irregular migrants; fear of deportation | Prohibition of collective expulsion, right to consular assistance (Convention on Migrant Workers, arts. 22 and 23) |

United Nations Network on Migration

**6**

Membership (2021)

Department of Economic and Social Affairs (DESA)\*

Department of Public Information (DPI)

Economic Commission for Africa (ECA)

Economic Commission for Europe (ECE)

Economic Commission for Latin America and the Caribbean (ECLAC)

Economic and Social Commission for Asia and the Pacific (ESCAP)

Economic and Social Commission for Western Asia (ESCWA)

Food and Agriculture Organization of the United Nations (FAO)

Secretariat of the Inter-Agency Standing Committee (IASC)

International Fund for Agricultural Development (IFAD)

International Labour Organization (ILO)\*

International Maritime Organization (IMO)

International Organization for Migration (IOM)\*

Joint United Nations Programme on HIV/AIDS (UNAIDS)

Multi-Partner Trust Fund Office (MPTF Office)

Office for the Coordination of Humanitarian Affairs (OCHA)

Office of the United Nations High Commissioner for Human Rights (OHCHR)\*

Office of the United Nations High Commissioner for Refugees (UNHCR)\*

Peacebuilding Support Office (PBSO)

United Nations Alliance of Civilizations (UNAOC)

United Nations Children’s Fund (UNICEF)\*

United Nations Conference for Trade and Development (UNCTAD)

United Nations Development Programme (UNDP)\*

United Nations Educational, Scientific and Cultural Organization (UNESCO)

United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women)

United Nations Environment Programme (UNEP)

United Nations Framework Convention on Climate Change (UNFCCC)

United Nations Human Settlements Programme (UN-Habitat)

United Nations Industrial Development Organization (UNIDO)

United Nations Institute for Training and Research (UNITAR)

United Nations Office on Drugs and Crime (UNODC)\*

United Nations Population Fund (UNFPA)

Secretariat of the United Nations Sustainable Development Group (UNSDG)

Secretariat of the United Nations System Chief Executives Board for Coordination (CEB)

United Nations University (UNU)

Universal Postal Union (UPU)

World Bank

World Food Programme (WFP)

World Health Organization (WHO)\*

\* Member of the Executive Committee of the United Nations Network on Migration

Mission Statement of the United Nations Network on Migration

The United Nations system is committed to supporting the implementation, follow-up and review of the Global Compact for Safe, Orderly and Regular Migration.

To this end, the United Nations established a Network on Migration to ensure effective, timely and coordinated system-wide support to Member States. In carrying out its mandate, the network prioritizes the rights and well-being of migrants and their communities of destination, origin and transit. It places emphasis on those issues where a common United Nations system approach would add value and from which results and impact can be readily gauged.

In all its actions the network respects the principles of the Global Compact for Migration and is guided, inter alia, by the Charter of the United Nations, international law and Agenda 2030 for Sustainable Development. Due regard is also given to the prevention agenda of the Secretary-General.

Objectives

The objectives of the United Nations Network on Migration are drawn from the Executive Committee decision of 23 May 2018 and the Global Compact for Safe, Orderly and Regular Migration. The objectives of the network are to:

* Ensure effective, timely, coordinated system-wide support to Member States in their implementation, follow-up and review of the Global Compact for Migration for the rights and wellbeing of all migrants and their communities of destination, origin and transit;
* Support coherent action by the United Nations system at the country, regional and global levels in support of implementing the Global Compact for Migration where such action would add value, while ensuring well-defined linkages with United Nations structures at all levels;
* Act as a source of ideas, tools, reliable data and information, analysis and policy guidance on migration issues, including through the capacity-building mechanism established in the Global Compact for Migration;
* Ensure that its actions promote the application of relevant international and regional norms and standards relating to migration and the protection of the human rights of migrants;
* Provide leadership to mobilize coordinated and collaborative action on migration through the United Nations system, including by speaking with one voice as appropriate, in accordance with the Charter of the United Nations, international law and the mandates and technical expertise of relevant entities within the United Nations system;
* Ensure close collaboration with existing coordination mechanisms within the United Nations system that address migration-related issues, actively seeking synergies and avoiding duplication;
* Establish and provide support to the capacity-building mechanism, as outlined in the Global Compact for Migration;
* Engage with external partners, including migrants, civil society, migrant and diaspora organizations, faith-based organizations, local authorities and communities, the private sector, employers’ and workers’ organizations, trade unions, parliamentarians, national human rights institutions, the International Red Cross and Red Crescent Movement, academia, the media and other relevant stakeholders at global, regional and national levels;
* Report to the Secretary-General as required on the implementation of the Global Compact for Migration, the activities of the United Nations system in this regard and the functioning of the institutional arrangements, and support the biennial reporting of the Secretary-General to the General Assembly, as called for in the compact.

For more information about the United Nations Network on Migration and the Global Compact for Migration, see <https://migrationnetwork.un.org/>.

General Assembly resolution 73/195, adopting the Global Compact for Migration (A/RES/73/195).

Table of functions carried out by the United Nations human rights system

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **State review** | **Inquiries/ investigations/ fact-finding missions** | **Individual complaints** (subject to ratification) | **Interim measures** | **General comments, general recomm-endations** | **Days of general discussion** | **Country visits** | **Human Rights Council sessions (regular and****special)** | **Urgent appeals** | **Allegation letters** |
| **Office of the United Nations High Commissioner for Human Rights** |   | ✓ |  |  |  |  | ✓ |  |  |  |
| **Treaty bodies** |
| Human Rights Committee | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |  |  |  |  |
| Committee on Economic, Social and Cultural Rights | ✓ |  | ✓ |  | ✓ | ✓ |  |  |  |  |
| Committee on the Elimination of Racial Discrimination | ✓ |  | ✓ |  | ✓ | ✓ |  |  |  |  |
| Committee on the Elimination of Discrimination against Women | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |  |  |  |  |
| Committee against Torture | ✓ | ✓ | ✓ |  | ✓ | ✓ |  |  |  |  |
| Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment | ✓ |  | ✓ |  | ✓ | ✓ | ✓ |  |  |  |
| Committee on the Rights of the Child | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |  |  |  |  |
| Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families | ✓ |  | ✓ (not yet in force) |  | ✓ | ✓ |  |  |  |  |
| Committee on the Rights of Persons with Disabilities | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |  |  |  |  |
| Committee on Enforced Disappearances | ✓ | ✓ | ✓ |  | ✓ | ✓ |  |  |  |  |
| **Human Rights Council** | ✓ |  | ✓ |  |  |  |  | ✓ |  |  |
| special procedures |  |  |  |  |  |  | ✓ |  | ✓ | ✓ |
| universal periodic review | ✓ |  |  |  |  |  |  |  |  |  |

Activity: What’s in it for me? (brainwriting)

This activity encourages participants to reflect on the knowledge they have acquired during the session and the benefits that engaging with the various human rights mechanisms could have for their work and for the promotion and protection of migrants’ human rights.

Brainwriting is a variation of brainstorming. Learners write down their ideas on a sheet of paper that they pass to their neighbour, who adds new ideas. The technique generates ideas by drawing from participants’ different experiences, thereby expanding the learners’ knowledge base. It also enables all participants to contribute their thoughts.

*Time*

Approximately 15 minutes, depending on the time required for discussion in plenary

*Materials*

A sheet of paper for each participant and a flip chart for collating the main ideas

*How to run the activity*

* **Instruct** each participant to take a blank sheet of paper.
* **Show** the question on a slide:

***What are the benefits of engaging with*** ***the United Nations human rights mechanisms?***

* For your work; for government; for civil society; for victims of human rights violations; for international organizations, etc.
* Explain to participants that they have one minute to write their answer on the sheet of paper.
* Tell them to hand the sheet to their neighbour when they have finished. The process repeats itself: everyone adds a new benefit on the new piece of paper that has been handed to them.
* Continue the process until the participants receive their original sheet of paper, or until five or six benefits have been identified.

**Debrief**

* **Ask** participants to read out the benefits listed on their sheet of paper.
* **Note** the main ideas on a flip chart.
* **Prompt** participants if some of the examples below are not mentioned.

**Examples of benefits**

The United Nations human rights system

* Provides guidance on legal standards;
* Can be used as a tool to raise awareness of migrants’ rights at the national and local levels;
* Encourages and supports monitoring of shortcomings and progress towards the realization of migrants’ rights;
* Offers opportunities to build relationships during reporting and other processes (with government officials, civil society actors, staff of the national human rights institution, OHCHR staff and staff from other United Nations agencies);
* Gives direction to programmes and projects and to civil society organizations, national human rights institutions, specialized agencies of the United Nations and bilateral and multilateral donors.

*Benefits for Governments*

* The system offers guidance on how Governments can improve their performance.
* The system offers opportunities to cooperate with other partners and stakeholders.

*Benefits for United Nations agencies and international organizations*

* The system is a foundation for human rights-based programming.

*Benefits for NGOs, civil society organizations and national human rights institutions*

* NGOs and national human rights institutions can influence standard-setting at the international level through different forms of engagement.
* For victims, the system can provide international recognition of violations they have suffered.
* International conventions and the recommendations of United Nations mechanisms provide a framework for monitoring States’ compliance.
* The outcomes and recommendations of United Nations mechanisms can underpin and legitimize national advocacy.
* United Nations human rights mechanisms offer opportunities to organize with like-minded actors in the same country or with NGOs from different parts of the world.

Case study

1. Johnis 33 years old and was recruited to work as a labourer in Liberto, which shares a land border with his own country, Islandia. He is married to Bea, who is 31 years old, and together they have three children. The eldest is a boy aged 16; the two girls are 14 and 8 years old. The youngest daughter has a disability as a result of contracting polio. When John received notification of his travel to Liberto he applied to bring his family with him but they were denied visas. Liberto has a law that allows family visas only for certain highly skilled professions. The family decided that John would travel ahead and his family would find a way to follow him.
2. Unable to get a visa, Bea was introduced through a family friend to a man who helped people to cross the border to Liberto. A week later, having paid a very large fee to the man, they were smuggled across the border, crammed into a truck, with many other people, including single mothers with infants and a group of adolescent boys travelling without their parents.
3. When the truck reached the border, it was surrounded by border police, who rounded up the people. No one spoke the language of the police, and there were no interpreters. The boys told the police their age, but the police said that they were lying and that they all looked like adults. Within hours they were all returned back across the border with no questions asked, and were left in the inhospitable border area to make their own way home.
4. Bea returned to the man, who arranged a second attempt to cross the border, this time for a larger fee, as he had a bigger truck that could make the journey at night with less chance of detection. This attempt was successful, and Bea and the children were able to make their way to Salve, the capital of Liberto, and join John.
5. John gets paid $200 a month, but his colleague from Liberto gets paid $400 a month for essentially the same job. Unlike his colleagues, John is not entitled to days off or sick leave. He has a contract that is renewed on a month-to-month basis. The labourers belong to a trade union but, as a non-national, John is not allowed to join.
6. Bea has taken a job as a domestic worker for a Liberto family, working 15 hours a day. She has not received the full salary she was promised when she started her job and she has been repeatedly sexually abused by her male employer. She would like to quit her job but her employers have threatened to report her to the police if she does.
7. In order to make ends meet, John’s son stole small amounts of food and clothing for his family. He was arrested and is now in detention. He shares a cell with three adult men. The Liberto Human Rights Commission has recently visited the detention centre that he is in and has highlighted the severe overcrowding, the unsanitary facilities and the use of violent interrogation methods. John’s son speaks very little of the local language, but the family have not been able to secure legal assistance or an interpreter, as these services are not available to non-nationals. John was told by a guard at the detention centre that his son will probably be deported soon, as this is what usually happens to irregular migrants.
8. The family live in a dilapidated apartment building, where all the labourers employed by John’s company are required to live. The rent is automatically deducted from John’s salary. As John is not entitled to have his family live with him, they are constantly in fear that they will be denounced to the company. Even though the small two-room apartment has only sporadic running water and bad sanitation, John cannot complain to his company, because he fears he would lose his job.
9. The children are not attending school. A few months ago, Bea took the girls to the local school, intending to register them. Once there, however, she was asked to submit a valid residence permit and was informed by the clerk that the school was obliged by law to share with the immigration authorities the details of all children without valid documents. Bea quickly took the girls home, taking care to avoid the immigration police patrol stationed just outside the school gate. The girls are now taught with a few other migrant children in the home of a family member with no specific training.
10. The youngest daughter’s medical condition continues to worsen, because the only medical treatment she and the rest of the family are able to obtain is provided by a local NGO. Its doctors are the only ones in the area who are willing to treat irregular migrants in confidence.
11. Two months ago, the murder of a Libertan national, allegedly committed by a migrant, sparked violent attacks against migrants. Vigilante groups of Liberto nationals continue to carry out xenophobic attacks, spurred on by inflammatory and often inaccurate media reports. Migrants are called “cockroaches” and are accused of being criminals and security threats. Last week, Bea and her eldest daughter were subjected to hate-filled verbal abuse by a gang of men who threw stones at them and told them to “go home”. They did not dare to report this to the police.
12. In response to the public hysteria, the Government of Liberto has launched a wide-scale round-up of all irregular migrants, and John and his family live in fear of being deported.

The case study is used in three different sessions (sessions 4, 5 and 6). Each use builds on the knowledge that participants have acquired and enables participants to apply particular skills to a specific scenario. The participants:

* Identify human rights issues and applicable normative standards from international human rights instruments;
* **Consider how international human rights mechanisms can be used to address specific migrant concerns;**
* Identify relevant stakeholders and separate out their duties and rights;
* Decide what steps would assist migrants to participate actively in processes and identify activities that are relevant to them.

Building on the case study in session 4, participants are invited to take a further step. Having identified human rights issues, they are asked to link them to specific treaties and relevant United Nations human rights mechanisms, and then decide how they can engage strategically with United Nations human rights bodies and procedures to improve the protection of migrants’ human rights.

**Reminder:** Adapt the questions and slides to ensure that the exercise is relevant to the participants’ work. Some suggested questions for NGOs and government representatives can be found below.

*Time*

60 minutes. Allow at least 15 minutes for debriefing, depending on the number of groups.

*Materials*

Print all handouts and get them ready for distribution at appropriate points in the session:

* Make sure the participants still have their copy of the case study story from the previous session. Make extra copies available.
* Distribute the case study instructions and addendum during the activity.

Ideally, the training facility should include breakout rooms where groups can hold discussions.

*How to run the activity*

**Human rights issues to be discussed:** access to justice.

* **Explain** to the participants that this activity consolidates their work on the case study in session 4. They will now focus on how to use the mechanisms discussed in this session.
* **Distribute** the instructions and addendum.
* **Read** the instructions with participants and explain that they will work in groups to answer the questions they receive.
* **Regroup** participants into their previous groups, or create new ones as appropriate.
* **Ask** groups to do their work on flip charts and to nominate a rapporteur to present in plenary.

**Debrief**

* **Ask** each group to discuss one mechanism, to save time and avoid duplication.
* **Facilitate** a discussion when the groups have fed back. Did groups identify benefits and challenges as well as other mechanisms relevant to the issues identified? Did they identify other actions that could be effective?

**Instructions for participants**

Imagine that you are an organization devoted to the promotion and protection of migrants’ rights in Liberto. Consider the issue of access to justice that came up in the case study. Consider the information in the addendum (if relevant). Develop a strategy.

1. Which mechanisms covered in this session would you make use of?
2. What aims or goals would you have in mind when using each one?
3. How would you go about achieving your goals, considering the resources you have available?

**Variation**

If most of the participants are government officials, a variant of the group activity can be selected:

The United Nations resident coordinator has informed the Government of Liberto and Libertan NGOs about upcoming human rights State reviews and requests for country visits. (See addendum.) In groups, discuss:

1. Which issues will you report on?
2. Which ministries/departments/institutions will provide the data you need?
3. How will you coordinate with relevant ministries and NGOs to obtain the information you need?
4. What arguments can you make to show you are committed to meeting your human rights obligations?

**Addendum**

1. The Committee on the Rights of the Child will hold a day of general discussion on children in the context of migration.
2. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance is organizing a regional consultation on xenophobia and access to justice.
3. Liberto will be reviewed by the Committee on the Elimination of Racial Discrimination.
4. The United Nations High Commissioner for Human Rights will visit Liberto for a three-day mission.
5. Liberto is due to be examined under the universal periodic review.

**Answer sheet**

|  |  |  |
| --- | --- | --- |
| **Issue** | **Human rights standards/sources** | **United Nations human rights system** |
| Family reunification | Convention on Migrant Workers, art. 44, right to family life  | Raise with the Committee on Migrant Workers or at the universal periodic review; encourage a visit by the Special Rapporteur on the human rights of migrants. |
| John’s working conditions* Different rates of pay for same job
* Conditions of work
* Trade union membership
 | Discrimination (all instruments); equal remuneration (International Covenant on Economic, Social and Cultural Rights, art. 7; International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on Migrant Workers, art. 25)Conditions of work (International Covenant on Economic, Social and Cultural Rights, art. 7; Convention on Migrant Workers, art. 25)Trade unions (International Covenant on Economic, Social and Cultural Rights, art. 8; International Covenant on Civil and Political Rights, art. 21; Convention on Migrant Workers, arts. 27 and 40) | Raise with a treaty body or at the universal periodic review; raise at sessions of the Human Rights Council on the topic; raise at days of general discussion of human rights treaty bodies; encourage a visit by the Special Rapporteur on the human rights of migrants. |
| Bea’s working conditions* Full salary not paid
* Overtime
 | Right to protection of health and safety in working conditions (Convention on the Elimination of All Forms of Discrimination against Women)Working conditions (International Covenant on Economic, Social and Cultural Rights, art. 7; Convention on Migrant Workers, art. 25 (1) (a) and (3)) | Raise at treaty body reviews, at the universal periodic review, at sessions of the Human Rights Council on the topic or at days of general discussion of human rights treaty bodies; encourage visits by the Special Rapporteur on the human rights of migrants and the Special Rapporteur on contemporary forms of slavery. |
| Detention of son* Conditions of detention
* Child status
* Language and translation
* Visits, information
 | Liberty and security of person; detention; fair trial (International Covenant on Civil and Political Rights; Convention on the Rights of the Child; Convention on Migrant Workers, arts. 16, 17 and 18 (3) (d) and (f)) | Encourage visits to detention facilities and immigration detention centres by the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the human rights of migrants, or the Working Group on Arbitrary Detention. |
| Gender-based and sexual violence | Security of the person (International Covenant on Civil and Political Rights); freedom from torture and cruel, inhuman or degrading treatment (International Covenant on Civil and Political Rights; Convention against Torture); right to protection from violence against the person (Convention on Migrant Workers, art. 16 (2)); non-discrimination (all instruments); gender-based violence (Convention on the Elimination of All Forms of Discrimination against Women) | Seek information on the occurrence of similar cases. Raise the issue at treaty body reviews or at the universal periodic review. Encourage a visit by the Special Rapporteur on the human rights of migrants.Raise with the Committee on the Elimination of Discrimination against Women; contact the Special Rapporteur on violence against women and girls, its causes and consequences; contact the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; raise with the Working Group on discrimination against women and girls. |
| Collective expulsion* No individual examination at the border
* No consular assistance
 | Convention on Migrant Workers, arts. 22 and 23 | Raise at treaty body reviews; raise at the universal periodic review; request interim measures or submit a communication to the Special Rapporteur on torture or the Special Rapporteur on the human rights of migrants. |
| Possible deportation of son- Separation of child from parents- Return to whom and where? | Best interests of the child (Convention on the Rights of the Child, art. 3); separation of a child from parents (art. 9)Right to family life (International Covenant on Civil and Political Rights; Convention on the Rights of the Child)Expulsion due process, right to consular assistance (Convention on Migrant Workers, arts. 22 and 23) | Ask the Committee on the Rights of the Child and the Human Rights Committee for interim measures; submit a communication to the Special Rapporteur on the human rights of migrants.  |
| Housing conditions* Overcrowding
* Lack of water and sanitation
 | Right to adequate shelter (International Covenant on Economic, Social and Cultural Rights); rights to water and sanitation (International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child, Convention on the Elimination of All Forms of Discrimination against Women)Access to housing and social housing on an equal basis to nationals (Convention on Migrant Workers, art. 43 (1) (d) | Raise with a treaty body or at the universal periodic review; raise with the Special Rapporteur on the human rights to safe drinking water and sanitation or the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living. |
| Education* Children not attending school
 | Right to education (International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of the Child. Convention on the Elimination of All Forms of Discrimination against Women, Convention on Migrant Workers, art. 30). | Raise with a treaty body or at the universal periodic review; raise at sessions of the Human Rights Council on the topic; raise at days of general discussion of human rights treaty bodies; submit a communication to the Special Rapporteur on the right to education. |
| Health* No access to medical treatment, including for a child with a disability
 | Right to an adequate standard of health (International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of the Child; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of Persons with Disabilities)Access to emergency medical care (Convention on Migrant Workers, art. 28) | Raise at a review by the Committee on Economic, Social and Cultural Rights; raise with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health or the Special Rapporteur on the rights of persons with disabilities; request the Committee on Economic, Social and Cultural Rights to conduct a fact-finding mission to Liberto. |
| Xenophobic violence | Non-discrimination (all instruments); racism and xenophobia (International Convention on the Elimination of All Forms of Racial Discrimination)Right to protection from violence against the person (Convention on Migrant Workers, art. 16 (2)) | Raise during a country review by the Committee on the Elimination of Racial Discrimination; raise with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. |
| Incitement in the media to hatred or violence | International Covenant on Civil and Political Rights, art. 20Non-discrimination (all instruments); racism and xenophobia (International Convention on the Elimination of All Forms of Racial Discrimination)Right to protection from violence against the person (Convention on Migrant Workers, art. 16 (2)) | Raise with the Committee on the Elimination of Racial Discrimination or at the universal periodic review; request a visit by the United Nations High Commissioner for Human Rights; request a visit by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. |
| No recourse to police protection | Protection of the law, right to remedy, access to justice (International Covenant on Civil and Political Rights/all instruments)Convention on Migrant Workers, art. 24 | Raise at treaty body reviews and at the universal periodic review; raise with the Special Rapporteur on violence against women, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, or the Working Group on discrimination against women and girls. |
| Round-up of irregular migrants; fear of deportation | Prohibition of collective expulsion, right to consular assistance (Convention on Migrant Workers, arts. 22 and 23) | Request a special session of the Human Rights Council; submit a communication to the Special Rapporteur on the human rights of migrants; request the Committee on the Rights of the Child to call for interim measures. |

List of useful links

Human rights and migration – OHCHR activities and resources [www.ohchr.org/EN/Issues/Migration/Pages/MigrationAndHumanRightsIndex.aspx](http://www.ohchr.org/EN/Issues/Migration/Pages/MigrationAndHumanRightsIndex.aspx)

Human rights bodies

[www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx](http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx)

OHCHR calendar of meetings and events

[www.ohchr.org/EN/NewsEvents/Pages/Meetings.aspx](http://www.ohchr.org/EN/NewsEvents/Pages/Meetings.aspx)

Treaty body calendar of State reviews: expected dates of consideration

<http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En>

Ratifications

<http://indicators.ohchr.org/>

Search by country

<http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx>

Treaty body deadlines for submission of documentation <http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx>

UN Web TV <https://media.un.org/en/webtv/>

**Research / documentation**

Universal Human Rights Index: search documents from treaty bodies, special procedures and the universal periodic review

<http://uhri.ohchr.org/>

Jurisprudence database

<http://juris.ohchr.org/>

List of useful links for NGOs

Human rights and migration – OHCHR activities and resources [www.ohchr.org/EN/Issues/Migration/Pages/MigrationAndHumanRightsIndex.aspx](http://www.ohchr.org/EN/Issues/Migration/Pages/MigrationAndHumanRightsIndex.aspx)

Human rights bodies

[www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx](http://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx)

OHCHR calendar of meetings and events

[www.ohchr.org/EN/NewsEvents/Pages/Meetings.aspx](http://www.ohchr.org/EN/NewsEvents/Pages/Meetings.aspx)

Ratifications

<http://indicators.ohchr.org/>

Search by country

<http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx>

Treaty body calendar of State reviews: expected dates of consideration

<http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En>

Treaty body deadlines for submission of documentation <http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx>

UN Web TV

<https://media.un.org/en/webtv/>

Research / documentation

Universal Human Rights Index: search documents from treaty bodies, special procedures and the universal periodic review

<http://uhri.ohchr.org/>

Jurisprudence database

<http://juris.ohchr.org/>

NGOs supporting United Nations human rights mechanisms

Committee on the Elimination of Discrimination against Women

International Women’s Rights Action Watch (IWRAW) Asia Pacific: [www.iwraw-ap.org/](http://www.iwraw-ap.org/)

Committee on the Rights of the Child

Child Rights Connect: [www.childrightsconnect.org/](http://www.childrightsconnect.org/)

Committee on the Elimination of Racial Discrimination

The International Movement Against All Forms of Discrimination and Racism: <https://imadr.org>

Committee on Economic, Social and Cultural Rights

ESCR-Net - International Network for Economic, Social and Cultural Rights: [www.escr-net.org](http://www.escr-net.org)

Human Rights Committee

Centre for Civil and Political Rights: [www.ccprcentre.org/](http://www.ccprcentre.org/)

universal periodic review

UPR Info: [www.upr-info.org/en](http://www.upr-info.org/en)

Guides

**Human Rights Committee**:

Centre for Civil and Political Rights,*The International Covenant on Civil and Political Rights (ICCPR) and the Human Rights Committee: A Guide for Civil Society Engagement*

<https://ccprcentre.org/files/media/NGO_GUIDELINES.pdf>

**Committee on the Elimination of Discrimination against Women and Committee on Economic, Social and Cultural Rights:**

IWRAW Asia Pacific and ESCR-Net, *Participation in ICESCR and CEDAW Reporting Processes* (in English only)

[www.escr-net.org/usr\_doc/CEDAW\_CESCR\_reporting\_guidelines\_FINAL\_Oct\_6\_2010.pdf](http://www.escr-net.org/usr_doc/CEDAW_CESCR_reporting_guidelines_FINAL_Oct_6_2010.pdf)

**Committee on the Elimination of Racial Discrimination**:

International Movement Against All Forms of Discrimination and Racism, *ICERD and CERD: A Guide for Civil Society Actors*

[www.ohchr.org/Documents/HRBodies/CERD/ICERDManual.pdf](http://www.ohchr.org/Documents/HRBodies/CERD/ICERDManual.pdf)

**Committee on Economic, Social and Cultural Rights**:

ESCR-Net, *Claiming ESCR At the United Nations: A manual on utilizing the OP-ICESCR in strategic litigation*

[www.escr-net.org/sites/default/files/ESCR-NET-OP-Manual-FINAL.pdf](http://www.escr-net.org/sites/default/files/ESCR-NET-OP-Manual-FINAL.pdf)

**Committee on the Rights of the Child**:

Child Rights Connect, *The Reporting Cycle of the Committee on the Rights of the Child: A Guide for NGOs and NHRIs*

[www.ohchr.org/Documents/HRBodies/CRC/GuideNgoSubmission\_en.pdf](http://www.ohchr.org/Documents/HRBodies/CRC/GuideNgoSubmission_en.pdf)

**Committee on the Rights of Persons with Disabilities**:

ESCR-Net and IWRAW Asia Pacific, *Claiming Women’s Economic, Social and Cultural Rights: A Resource Guide to Advancing Women’s Economic, Social and Cultural Rights Using the Optional Protocol and Convention on the Elimination of All Forms of Discrimination Against Women and the Optional Protocol and International Covenant on Economic, Social and Cultural Rights*

[www.escr-net.org/sites/default/files/Guide%20on%20Women%27s%20ESCR%20-%20Final.pdf](http://www.escr-net.org/sites/default/files/Guide%20on%20Women%27s%20ESCR%20-%20Final.pdf)

OHCHR, *The Convention on the Rights of Persons with Disabilities: Training Guide*, Professional Training Series No. 19

[www.ohchr.org/Documents/Publications/CRPD\_TrainingGuide\_PTS19\_EN%20Accessible.pdf](http://www.ohchr.org/Documents/Publications/CRPD_TrainingGuide_PTS19_EN%20Accessible.pdf)

OHCHR, “Civil society space and the United Nations human rights system: a practical guide for civil society”

<http://www.ohchr.org/Documents/AboutUs/CivilSociety/CS_space_UNHRSystem_Guide.pdf>

OHCHR, “How to follow up on United Nations human rights recommendations: a practical guide for civil society”

[www.ohchr.org/Documents/AboutUs/CivilSociety/HowtoFollowUNHRRecommendations.pdf](http://www.ohchr.org/Documents/AboutUs/CivilSociety/HowtoFollowUNHRRecommendations.pdf)

OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society*

[www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook\_en.pdf](http://www.ohchr.org/sites/default/files/AboutUs/CivilSociety/Documents/Handbook_en.pdf)

OHCHR, “United Nations Human Rights Council: a practical guide for NGO participants”

[www.ohchr.org/en/publications/policy-and-methodological-publications/united-nations-human-rights-council-practical](http://www.ohchr.org/en/publications/policy-and-methodological-publications/united-nations-human-rights-council-practical)

OHCHR, “Universal periodic review: a practical guide for civil society”

[www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf](http://www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf)

Case study

1. Johnis 33 years old and was recruited to work as a labourer in Liberto, which shares a land border with his own country, Islandia. He is married to Bea, who is 31 years old, and together they have three children. The eldest is a boy aged 16; the two girls are 14 and 8 years old. The youngest daughter has a disability as a result of contracting polio. When John received notification of his travel to Liberto he applied to bring his family with him but they were denied visas. Liberto has a law that allows family visas only for certain highly skilled professions. The family decided that John would travel ahead and his family would find a way to follow him.
2. Unable to get a visa, Bea was introduced through a family friend to a man who helped people to cross the border to Liberto. A week later, having paid a very large fee to the man, they were smuggled across the border, crammed into a truck, with many other people, including single mothers with infants and a group of adolescent boys travelling without their parents.
3. When the truck reached the border, it was surrounded by border police, who rounded up the people. No one spoke the language of the police, and there were no interpreters. The boys told the police their age, but the police said that they were lying and that they all looked like adults. Within hours they were all returned back across the border with no questions asked, and were left in the inhospitable border area to make their own way home.
4. Bea returned to the man, who arranged a second attempt to cross the border, this time for a larger fee, as he had a bigger truck that could make the journey at night with less chance of detection. This attempt was successful, and Bea and the children were able to make their way to Salve, the capital of Liberto, and join John.
5. John gets paid $200 a month, but his colleague from Liberto gets paid $400 a month for essentially the same job. Unlike his colleagues, John is not entitled to days off or sick leave. He has a contract that is renewed on a month-to-month basis. The labourers belong to a trade union but, as a non-national, John is not allowed to join.
6. Bea has taken a job as a domestic worker for a Liberto family, working 15 hours a day. She has not received the full salary she was promised when she started her job and she has been repeatedly sexually abused by her male employer. She would like to quit her job but her employers have threatened to report her to the police if she does.
7. In order to make ends meet, John’s son stole small amounts of food and clothing for his family. He was arrested and is now in detention. He shares a cell with three adult men. The Liberto Human Rights Commission has recently visited the detention centre that he is in and has highlighted the severe overcrowding, the unsanitary facilities and the use of violent interrogation methods. John’s son speaks very little of the local language, but the family have not been able to secure legal assistance or an interpreter, as these services are not available to non-nationals. John was told by a guard at the detention centre that his son will probably be deported soon, as this is what usually happens to irregular migrants.
8. The family live in a dilapidated apartment building, where all the labourers employed by John’s company are required to live. The rent is automatically deducted from John’s salary. As John is not entitled to have his family live with him, they are constantly in fear that they will be denounced to the company. Even though the small two-room apartment has only sporadic running water and bad sanitation, John cannot complain to his company, because he fears he would lose his job.
9. The children are not attending school. A few months ago, Bea took the girls to the local school, intending to register them. Once there, however, she was asked to submit a valid residence permit and was informed by the clerk that the school was obliged by law to share with the immigration authorities the details of all children without valid documents. Bea quickly took the girls home, taking care to avoid the immigration police patrol stationed just outside the school gate. The girls are now taught with a few other migrant children in the home of a family member with no specific training.
10. The youngest daughter’s medical condition continues to worsen, because the only medical treatment she and the rest of the family are able to obtain is provided by a local NGO. Its doctors are the only ones in the area who are willing to treat irregular migrants in confidence.
11. Two months ago, the murder of a Libertan national, allegedly committed by a migrant, sparked violent attacks against migrants. Vigilante groups of Liberto nationals continue to carry out xenophobic attacks, spurred on by inflammatory and often inaccurate media reports. Migrants are called “cockroaches” and are accused of being criminals and security threats. Last week, Bea and her eldest daughter were subjected to hate-filled verbal abuse by a gang of men who threw stones at them and told them to “go home”. They did not dare to report this to the police.
12. In response to the public hysteria, the Government of Liberto has launched a wide-scale round-up of all irregular migrants, and John and his family live in fear of being deported.

The case study is used in three different sessions (sessions 4, 5 and 6). Each use builds on the knowledge that participants have acquired and enables participants to apply particular skills to a specific scenario. The participants:

* Identify human rights issues and applicable normative standards from international human rights instruments;
* Consider how international human rights mechanisms can be used to address specific migrant concerns;
* **Identify relevant stakeholders and separate out their duties and rights;**
* **Decide what steps would assist migrants to participate actively in processes and identify activities that are relevant to them**.

In this session, participants are asked to focus on the key element of participation in the context of a human rights-based approach. In the previous sessions, the participants analysed human rights issues and relevant human rights laws and standards, and they explored the avenues made available by the United Nations human rights system to monitor and secure accountability. In this session, participants consolidate that work by discussing how they would ensure the participation of various key stakeholders in the migration-related activities they conduct.

*Time*

Approximately 45 minutes, depending on the time required for discussion in plenary

*Materials*

* Flip chart from Module 1, listing potential stakeholders
* Flip charts from the previous case study activity
* Print all handouts and get them ready for distribution at the relevant point in the session:
* Make sure participants still have their copy of the case study story from the previous sessions. Make extra copies available;
* Distribute the case study instructions during the activity.

Ideally, the training facility will have breakout rooms where groups can hold discussions.

**Prepare** by identifying key activities that relevant stakeholders could or should do, and actions that will improve participation. This preparation will help you to provide feedback after the activity is completed.

*How to run the activity*

**Human rights issues to be discussed:** violence and employment/worker-related rights.

45 minutes are envisaged for this activity.

* **Ask** the participants to form groups.
* **Explain** to the participants that this activity builds on the case study in which they identified human rights issues and standards. In this session, they will focus on applying a human rights-based approach in a manner that empowers migrants and increases their participation.
* **Ask** the participants to re-read the case study and the flip charts on which they listed human rights issues and stakeholders.
* **Show** the slidewith instructions. Go through them in plenary.
* **Tell** each group which issue it will focus on:
* violence;
* employment/worker-related rights.

**Reminder:** The number of groups will depend on their size, but normally at least two groups will work on the same issue.

* **Advise** groups to subdivide for part 2 of the activity. If subgroups work on different stakeholders, the group will complete the work more quickly.
* **Ask** groups to work on flip charts and choose a rapporteur to present their work in plenary.

**Debrief**

* Begin with a gallery walk.
* Select one focus area. Ask the first group to summarize its work. Which stakeholders did the group prioritize? What activities did it select to enhance the participation of those actors?
* Compare the group’s findings with the findings of other groups that looked at the same focus area. Did they prioritize the same actors? If not, why not? Do the groups’ choices for enhancing participation coincide? What can be learned from the differences?
* **Facilitate** a brief discussion.
* **Repeat** this procedure with the second focus area.
* **Facilitate** an overall debrief.
	+ Did the participants find this activity useful? Did they find it challenging?
	+ What did they learn from doing it? Were there any surprises?
	+ Discuss enabling conditions for meaningful participation. Factors that promote participation include: a safe environment (migrants do not fear they will be deported or reported); the presence of enabling legislation or processes (guaranteeing the rights to information and freedom of association, for example); access to relevant information and knowledge; familiarity with the local language; and confidence that participation will not just be pro forma. Government officials who work with migrants should be sensitive to age, gender and culture. Official structures should promote participatory processes and ensure they are both available and accessible.
	+ Remind participants to make sure that migrant organizations and associations with which they work represent all voices in the migrant community, including women migrants, migrants with disabilities, youth, etc.
	+ Highlight that the goal of securing the participation and inclusion of migrants cannot be achieved in an ad hoc way by simply promoting migrant-specific organizations. Migrants should be present in all relevant government and civil society processes and should be represented in bodies and organizations that traditionally might not consider migrant concerns. If this is the case, it will be possible to mainstream migrant perspectives and address migrants’ human rights concerns as a matter of course.
* **Tell** the participants that they have just applied a human rights-based approach. They have analysed the context in terms of human rights norms and standards, they have identified duty bearers and rights holders and they have decided what actions various stakeholders should take to protect and promote the rights of migrants, ensuring that migrants participate actively as rights holders.

**Instructions for participants**

Recall Module 1. List the stakeholders who may be relevant to migration issues.

1. Consider the human rights issue your group has been given. Identify the three most important relevant stakeholders.
2. Consider each of these stakeholders in turn. What can they do to ensure that migrants’ voices are heard? What can they do to enable migrants to participate actively in decisions that concern them? What can they do to ensure that migrants have a role in shaping responses to the issue you are considering?
3. Think about the conditions that need to be fulfilled to ensure that all migrants – particularly migrants who are marginalized and in vulnerable situations – can meaningfully participate in decisions and processes that are relevant to them.

**Answer sheet**

|  |  |  |  |
| --- | --- | --- | --- |
| **Issue** | **Human rights standards/sources** | **United Nations human rights system** | **Duty bearers and responses** |
| Family reunification | Convention on Migrant Workers, art. 44, right to family life  | Raise with the Committee on Migrant Workers or at the universal periodic review; encourage a visit by the Special Rapporteur on the human rights of migrants. | Liberto Ministries of Labour and the Interior*Advocate for a new law/policy/bilateral agreement to allow family visas for migrant workers.* |
| John’s working conditions* Different rates of pay for same job
* Conditions of work
* Trade union membership
 | Discrimination (all instruments); equal remuneration (International Covenant on Economic, Social and Cultural Rights, art. 7; International Covenant on Civil and Political Rights; International Convention on the Elimination of All Forms of Racial Discrimination; Convention on Migrant Workers, art. 25)Conditions of work (International Covenant on Economic, Social and Cultural Rights, art. 7; Convention on Migrant Workers, art. 25)Trade unions (International Covenant on Economic, Social and Cultural Rights, art. 8; International Covenant on Civil and Political Rights, art. 21; Convention on Migrant Workers, arts. 27 and 40) | Raise with a treaty body or at the universal periodic review; raise at sessions of the Human Rights Council on the topic; raise at days of general discussion of human rights treaty bodies; encourage a visit by the Special Rapporteur on the human rights of migrants. | Liberto Ministries of Labour and the InteriorTrade unions |
| Bea’s working conditions* Full salary not paid
* Overtime
 | Right to protection of health and safety in working conditions (Convention on the Elimination of All Forms of Discrimination against Women)Working conditions (International Covenant on Economic, Social and Cultural Rights, art. 7; Convention on Migrant Workers, art. 25 (1) (a) and (3)) | Raise at treaty body reviews, at the universal periodic review, at sessions of the Human Rights Council on the topic or at days of general discussion of treaty bodies; encourage visit of the Special Rapporteur on the human rights of migrants and of the Special Rapporteur on contemporary forms of slavery. | Liberto Ministries of Labour and the InteriorTrade unions*Lodge a complaint; collective bargaining.* |
| Detention of son* Conditions of detention
* Child status
* Language and translation
* Visits, information
 | Liberty and security of person; detention; fair trialInternational Covenant on Civil and Political Rights; Convention on the Rights of the Child; Convention on Migrant Workers, arts. 16, 17 and 18 (3) (d) and (f) | Encourage visits to detention facilities and immigration detention centres by the Subcommittee on Prevention of Torture, the Special Rapporteur on torture, the Special Rapporteur on the human rights of migrants, or the Working Group on Arbitrary Detention. | Liberto immigration authorities and criminal justice agenciesNational human rights institution of Liberto*Encourage cooperation between civil society organizations and immigration or criminal justice agencies (information, translation, access to justice).**File complaints.**Train staff.**Provide information; arrange a speedy trial; establish a separate detention facility for juveniles.**Establish a liaison or specialized unit.* |
| Gender-based and sexual violence | Security of the person (International Covenant on Civil and Political Rights); freedom from torture and cruel, inhuman or degrading treatment (International Covenant on Civil and Political Rights; Convention against Torture); right to protection from violence against the person (Convention on Migrant Workers, art. 16 (2)); non-discrimination (all instruments); gender-based violence (Convention on the Elimination of All Forms of Discrimination against Women) | Seek information on the occurrence of similar cases. Raise the issue at treaty body reviews or at the universal periodic review. Encourage a visit by the Special Rapporteur on human rights and migration.Raise with the Committee on the Elimination of Discrimination against Women; contact the Special Rapporteur on violence against women and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; raise with the Working Group on discrimination against women and girls. | Liberto Ministries of Labour, the Interior and HealthLiberto criminal justice agenciesLiberto health and social servicesGender equality officeTrade unions*Provide access to treatment; establish complaint system; put firewalls in place. Provide support throughout the criminal justice process; provide legal aid.* |
| Collective expulsion* No individual examination at the border
* No consular assistance
 | Convention on Migrant Workers, arts. 22 and 23 | Raise at treaty body reviews; raise at the universal periodic review; request interim measures or submit a communication to the Special Rapporteur on torture or the Special Rapporteur on the human rights of migrants. | Liberto Ministry of the Interior; immigration authorities |
| Possible deportation of son - Separation of child from parents- Return to whom and where? | Convention on the Rights of the Child, art. 3, on the best interests of the child; art. 9 on separation of a child from parentsRight to family life (International Covenant on Civil and Political Rights; Convention on the Rights of the Child)Expulsion due process, right to consular assistance (Convention on Migrant Workers, arts. 22 and 23) | Ask the Committee on the Rights of the Child and the Human Rights Committee for interim measures; submit a communication to the Special Rapporteur on the human rights of migrants.  | Liberto immigration authorities Son’s embassy or consular representatives*Establish procedures that comply with international human rights law; negotiate arrangements regarding deportation of children between the country of origin and Liberto.*  |
| Housing * Overcrowding
* Lack of water and sanitation
 | Right to adequate shelter (International Covenant on Economic, Social and Cultural Rights); rights to water and sanitation (International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of the Child; Convention on the Elimination of All Forms of Discrimination against Women)Access to housing and social housing on an equal basis to nationals (Convention on Migrant Workers, art. 43 (1) (d)) | Raise with a treaty body or at the universal periodic review; raise with the Special Rapporteur on the human rights to safe drinking water and sanitation or the Special Rapporteur on adequate housing. | Liberto Ministries of Housing and Public Works/ Infrastructure*Take steps to improve available, affordable and habitable housing stock; link rights to water and sanitation with national Sustainable Development Goals and targets.* |
| Education* Children not attending school
 | Right to education (International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of the Child; Convention on the Elimination of All Forms of Discrimination against Women; Convention on Migrant Workers, art. 30) | Raise with a treaty body or at the universal periodic review; raise at sessions of the Human Rights Council on the topic; raise at days of general discussion of human rights treaty bodies; submit a communication to the Special Rapporteur on the right to education. | Liberto Ministry of Education*Establish firewall between schools and immigration authorities**Set up programmes to encourage families to send children to school.* |
| Health* No access to medical treatment, including for the child with a disability
 | Right to an adequate standard of health (International Covenant on Economic, Social and Cultural Rights; Convention on the Rights of the Child; Convention on the Elimination of All Forms of Discrimination against Women; Convention on the Rights of Persons with Disabilities)Access to emergency medical care (Convention on Migrant Workers, art. 28) | Raise at a review with the Committee on Economic, Social and Cultural Rights; raise with the Special Rapporteur on the right to health or the Special Rapporteur on the rights of persons with disabilities; request the Committee on Economic, Social and Cultural Rights to conduct a fact-finding mission to Liberto. | Liberto Ministry of Health; health and social services*Establish firewalls between health services and immigration authorities*. |
| Xenophobic violence | Non-discrimination (all instruments); racism and xenophobia (International Convention on the Elimination of All Forms of Racial Discrimination)Right to protection from violence against the person (Convention on Migrant Workers, art. 16 (2)) | Raise during a country review by the Committee on the Elimination of Racial Discrimination; raise with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. | Liberto Ministry of Justice, criminal justice agenciesMedia organizations*Work with the media and the Government to address xenophobia, public perceptions of migrants and violence against migrants.**Take special measures to enhance the protection of migrants.* |
| Incitement in the media to hatred or violence | International Covenant on Civil and Political Rights, art. 20Non-discrimination (all instruments); racism and xenophobia (International Convention on the Elimination of All Forms of Racial Discrimination)Right to protection from violence against the person (Convention on Migrant Workers, art. 16 (2)) | Raise with the Committee on the Elimination of Racial Discrimination or at the universal periodic review; request a visit by the United Nations High Commissioner for Human Rights; request a visit by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. | Liberto Ministry of Justice and criminal justice agenciesMedia organizations *Work with the media and the Government to address xenophobia, public perceptions of migrants and violence against migrants.**Take special measures to enhance the protection of migrants.* |
| No recourse to police protection | Protection of the law, right to remedy, access to justice (International Covenant on Civil and Political Rights/all instruments)Convention on Migrant Workers, art. 24 | Raise at treaty body reviews and at the universal periodic review; raise with the Special Rapporteur on violence against women, with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance or with the Working Group on discrimination against women and girls. | Liberto criminal justice agencies*Establish firewalls in policy and practice to ensure that victims of violence can obtain police protection.* |
| Round-up of irregular migrants; fear of deportation | Prohibition of collective expulsion, right to consular assistance (Convention on Migrant Workers, arts. 22 and 23) | Request a special session of the Human Rights Council; submit a communication to the Special Rapporteur on the human rights of migrants; request the Committee on the Rights of the Child to call for interim measures. | Liberto Ministry of the Interior and immigration authoritiesTransportation companiesEstablish procedural safeguards to prevent collective deportation, examine every case individually, and accord the right to appeal deportation decisions. |

Applying a human rights-based approach in our work: troubleshooting activity

This activity has three parts. To start with, a short plenary brainstorming session is used to explore how participants use a human rights-based approach in their work. In pairs, participants then discuss obstacles to adopting a human rights-based approach. Finally, in groups, they decide how such obstacles can be addressed.

The activity helps participants to understand and apply a human rights-based approach in specific, practical ways. First, it encourages them to share the different ways in which they already apply this approach in their work. This increases their awareness and confidence. Second, the troubleshooting phase of the exercise allows participants to voice their doubts and concerns and then address them through positive, productive problem solving. As participants learn to recognize and address challenges, they collectively compile a list of ideas that they can use in their work.

*Time*

50 minutes

*Materials*

Flip charts, markers

**Prepare** headers on flip charts during pair work.

**Think** in advance about what participants can do to solve challenges. It is important to end the session positively. This said, participants should lead most of the discussion during the activity.

*How to run the activity*

**Part I** (plenary – 10 minutes)

* Show the slide.
* Initiate a plenary discussion. Ask participants to say how they use a human rights-based approach in their work.
* Emphasize that examples should be consistent with human rights values. They might, for example, involve participation, non-discrimination and accountability.
* Note the examples on a flip chart.

**Part II** (pair work – 10 minutes; plenary – 10 minutes)

* **Form** pairs. Ask pairs to identify four obstacles that impede the adoption of a human rights-based approach in the migration work of their organizations/agencies.
* **Gather feedback** in plenary. Note the obstacles on a flip chart. Do not duplicate.
* Make sure key obstacles are mentioned. The list should cover the following points:
	+ A human rights-based approach requires staff to address challenges in a more comprehensive way. This is resource intensive.
	+ Meaningful participation is time-consuming and may require new skills.
	+ Collaboration with others implies compromising to reach consensus.
	+ A human rights-based approach assumes awareness of human rights standards, norms and processes. Training and ongoing learning may be necessary.
	+ Some stakeholders are resistant because they think human rights are a “Western construct”.
	+ A human rights-based approach requires us to consider and analyse all the human rights issues that are relevant to a specific situation to ensure that our work does not compromise other rights or put people at additional risk. A risk analysis considers the extent to which a course of action may increase exposure to abuse or violence.
	+ A human rights-based approach requires us to weigh options and make difficult choices.
	+ A human rights-based approach requires us to review our activities and programmes and possibly change them. This is resource intensive.
	+ This approach has the potential to alienate Governments that are resistant to human rights.

**Part III** (group work – 10 minutes; plenary – 10 minutes)

* Each of the above challenges falls into one of three categories:
	+ Participation: These challenges are associated with enhancing the participation of affected groups (in this case, migrants) and improving collaboration between organizations and stakeholders.
	+ Knowledge of human rights: These challenges are associated with capacity-building to ensure that people understand what human rights and a human rights-based approach are.
	+ Resistance: These challenges arise when people do not support human rights conceptually or in practice.
* **Invite** the participants to sit at tables. Ask the groups at each table to discuss one challenge. More than one group can work on the same issue so that ideas can be compared.
* **Ask** groups to devise ways to address and resolve their challenge.
* **Reconvene in plenary**. Ask groups to describe their solutions. Lead a discussion. Can other groups add tips or proposals?
* **Note** the solutions. By the end of the exercise, the participants will have compiled a reasonable list of specific measures that they can take away to use in their work.
* **Conclude** by saying to participants that it is true that a human rights-based approach may require organizations to expend time and resources, but the benefits outweigh these costs. In addition, a human rights-based approach can generate many unanticipated opportunities.
* **Close** by recalling the benefits of a human rights-based approach that participants discussed earlier in the session.

LIBERTO COUNTRY BRIEF

General information

Liberto has a population of approximately 30 million. It is situated on the coast and shares land borders with several poorer countries. Because it is one of only a few middle-income countries in the region, it attracts large numbers of both documented and undocumented migrants, as well as refugees. In 2014, the country had approximately 50,000 documented migrants.[[10]](#footnote-10) While exact numbers are difficult to obtain, reliable estimates indicate that the number of irregular migrants may be as high as 50,000, one-third of whom are under 18 years of age.[[11]](#footnote-11) Approximately 1,500 asylum seekers also live in the country.[[12]](#footnote-12) Liberto is in the process of revising its migration law,[[13]](#footnote-13) and has no national anti-discrimination legislation. It has a national human rights institution, but there are concerns about its independence. Liberto has a vibrant and vocal civil society, but few human rights voices are raised on behalf of migrants.

International obligations

Liberto has ratified the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child.

It has not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, the International Convention for the Protection of All Persons from Enforced Disappearance or the Convention relating to the Status of Refugees.

Liberto has recently come under increased regional and international scrutiny for its treatment of migrants, particularly migrants whose status is irregular.

At a regional meeting in a nearby country, it was noted that Liberto has not ratified a number of core international human rights instruments. At the same meeting, a resolution – which Liberto did not endorse – committed all countries in the region to take steps to end the detention of migrant children.

The Special Rapporteur on the human rights of migrants will visit Liberto in three months. Liberto is due to submit its report to the Committee on Economic, Social and Cultural Rights and is due to be reviewed by the Committee on the Elimination of Racial Discrimination and under the universal periodic review.

Migration in Liberto

Last month, following media reports of criminal acts allegedly carried out by migrants, members of the Government and right-wing political parties called for tighter border controls and draconian measures to address irregular migration.

Xenophobic attitudes are prevalent and incidents of violence against migrants have increased in recent years; most of these acts have not been punished. A new far-right political party called Libertans for Liberto has been increasing in popularity and membership. Media reports have claimed that migrants take Libertans’ jobs, cause overcrowding in public hospitals and threaten national security – claims that have worsened a culture of fear and suspicion against migrants in Liberto.[[14]](#footnote-14)

Crisis situation in Salve

Campsites have sprung up recently around the capital city of Salve (which lies close to the border) to accommodate migrants who have fled the long-running conflict and breakdown of governance in neighbouring Parens. Migrants and asylum seekers live in home-made tents and are exposed to the weather. The incidence of waterborne diseases rises in the rainy season. Those with disabilities find it difficult to move around and access services.

Tensions within campsites and between migrants and local communities have steadily increased, as have calls to the Government to take action to “remove these eyesores and the people who illegally inhabit them”.[[15]](#footnote-15) A month ago, police raided three major sites. They burned shelters, destroyed personal property and expelled some 300 people across the border. Those expelled included children, persons with disabilities and pregnant individuals.

Detention

More irregular migrants are being detained. Under immigration law in Liberto, migrants who are in an irregular situation can be detained for up to 24 months without judicial review. General conditions in immigration detention facilities are very poor. These facilities are overcrowded, they lack medical services (including for mental health care) and adequate sanitation, they provide little access to daylight, and they offer no child-friendly spaces. Violence and deaths are common in detention centres, as are suicide and self-harm.[[16]](#footnote-16)

Labour migration

While Liberto law includes strongly worded provisions that prohibit irregular migrants from working, the country’s economy (particularly in the areas of care work, hospitality, construction and fishing) relies on migrant workers, many of whom are undocumented. Irregular migrant workers, including women migrant domestic workers, are typically exploited and abused by their employers. Many migrant women report that sexual violence is extremely common in the workplace.[[17]](#footnote-17) Irregular migrants receive significantly less pay than regular migrants or Libertan nationals.

Health

With respect to the right to health, irregular migrants tend to be disadvantaged. By virtue of their situation, they have significant health needs. Many arrive in Liberto after long and arduous journeys and are in need of medical assistance. Many require medical care, owing to the dangerous work they do. Many have mental and physical health needs as a result of being in detention. However, they are frequently denied access to public health care because of their status.

Housing

Migrants in both regular and irregular situations are unable to obtain adequate housing. Many migrants face discrimination due to xenophobic and racist attitudes and are denied opportunities to rent or purchase property. Because the laws that criminalize irregular migration also apply to individuals who assist non-nationals for financial gain, few places for rent are available to migrants, and those that are available are overpriced and inadequate. As a result of these circumstances, many migrants live in camps and temporary shelters outside the capital or in the poorest areas of the city.

Migrant children

The situation of migrant children is of particular concern. While Liberto has ratified the Convention on the Rights of the Child, it entered reservations with respect to migrant children. Many migrant children are unable to access education either because the schools require proof of legal status or nationality or because parents are concerned that their undocumented status will be reported to the authorities.[[18]](#footnote-18)

There are large numbers of unaccompanied migrant children in Liberto; many arrived in the past few months from a neighbouring country, Parens.[[19]](#footnote-19) These unaccompanied children have either arrived in Liberto without their parents or caregivers, or their parents have been detained or deported by the authorities. Most live with other migrants in campsites or other forms of temporary shelter, or they are homeless in and around Salve. Many are in detention because they lack legal documentation or have committed minor crimes, such as petty theft. Those who are not in detention are exposed to police harassment and potential future detention, involvement with criminal gangs, exploitative child labour or child trafficking, which is a growing problem in Liberto.

Key Stakeholders

* The Liberto Ministry of Migration
* OHCHR country office
* The Liberto Migrant Support Organization (LMSO, a national NGO)
* Rights for Migrants (R4M, an international NGO)
* The Liberto Human Rights Commission (LHRC)

Liberto Ministry of Migration

The Ministry of Migration has overall responsibility for policy and providing services for migrants. However, migration, and particularly irregular migration, is a complex issue that involves several government agencies. The Ministry of the Interior is responsible for border control and border officials; the Ministry of Justice is responsible for law and order and the police; and the Ministry for Social Welfare is responsible for services such as child protection services. No one mechanism brings all the responsible ministries together.

The Ministry of Migration is responsible for regulating the legal status of foreign nationals, including migrants and asylum seekers. It is also responsible for developing policy and advising the President of Liberto and the Ministry of Justice on migration legislation and procedures. While, theoretically, the Ministry of Migration also oversees border management and police action with respect to migrants, its working relationships with the Ministries of the Interior and Justice are strained.

The Minister of Migration is new to the post. Conscious of the troubling international reputation that Liberto is acquiring for its treatment of migrants, he is concerned about the upcoming visit of the Special Rapporteur on the human rights of migrants. He would like the Government to soften its policies on and approach to migrants but is unwilling to oppose the ultra-nationalist, far-right members of his party and their sympathizers in the Parliament and in the media.

OHCHR

Until recently, the OHCHR country office in Liberto has not been able to focus much on migrants’ human rights due to a lack of resources. However, amid growing international concern about the situation of migrants in the country, OHCHR has now provided additional support for work on migrants’ rights, not least to help prepare for the upcoming visit of the Special Rapporteur on the human rights of migrants.

OHCHR has had a reasonably good relationship with the Government of Liberto, but recent discussions about the Special Rapporteur’s visit have caused tensions. While OHCHR has worked closely with civil society organizations on a range of human rights issues, some Libertan organizations have been frustrated because the advocacy from OHCHR has been less strong than they would like and because OHCHR has not focused more on migrants’ rights. The human rights officer working on migration is keen to strengthen the relationship between OHCHR and all stakeholders in this area. Their aim is to improve the terrible human rights situation of many migrants in Liberto by making the fullest use of both the Special Rapporteur’s visit and the examination of Liberto before the Committee on Economic, Social and Cultural Rights.

Liberto Human Rights Commission (LHRC)

The LHRC is a statutory body established by the Parliament of Liberto in 2009. Its commissioner is selected by the President from a list of candidates approved by Parliament. The mandate of the LHRC is to investigate allegations of human rights abuses and to recommend actions for the Government to take. It does this through a network of human rights monitors across the country. While the LHRC is well respected by international actors, its recommendations are often denounced by the Government of Liberto for being biased. At the same time, civil society has complained that the LHRC is not critical enough.

The LHRC lacks resources but has received training from OHCHR and has recently started some work on migrants’ rights. It has not been very vocal. The LHRC plans to run workshops to challenge misconceptions about migrants but is rather at a loss to know what it should do to improve the situation. It is empowered to provide human rights advice on policy and legislation but has not yet commented on migrants’ rights. It has never engaged with international human rights mechanisms but has welcomed the fact that the Special Rapporteur will visit Liberto. It hopes the visit might help to give direction to the LHRC’s work on migration.

Liberto Migrant Support Organization (LMSO, national NGO)

The LMSO was created in 2002, with financial support from the European Union. It works with Rights for Migrants (R4M) on advocacy and awareness-raising activities. It is the only national NGO working on migration and for migrants. A small team of volunteers based in Salve assists migrants throughout Liberto. However, the number of volunteers has begun to fall due to recent attacks on staff by local Libertan youth and a general reluctance to engage with migrant issues in Liberto.

LMSO runs the following activities:

* Advocacy: LMSO campaigns on the needs of migrants and raises community awareness with the aim of increasing public acceptance of migrants.
* Food distribution: LMSO distributes food to migrants in urban centres including the campsites around Salve. This programme is severely underfunded.
* Health clinics: LMSO operates 10 mobile health clinics in rural areas and around Salve. The clinics provide basic health services and prenatal care. This work is funded by UNHCR and is available to all displaced populations.
* Emergency shelters: LMSO manages five small emergency shelters in urban areas in Liberto. Each one can accommodate 20 migrant families per night.

LMSO does not have a good relationship with the Government because it is publicly critical of the Government’s migration policies. LMSO is frustrated by the international community’s failure to respond more actively to the situation of migrants. LMSO was critical of OHCHR on these grounds, but it has welcomed the fact that OHCHR has now appointed a member of staff to work on migration.

Rights for Migrants (R4M, international NGO)

R4M has worked in Liberto for only two years. It has a team of five international and 50 national staff who operate throughout the country. R4M does not have a very positive relationship with the Government. The organization’s mandate is to advocate for and support the realization of migrants’ rights. To achieve this goal, R4M combines high-level advocacy, grassroots work to change local attitudes and programmes that assist and empower migrants in developing countries. It works with LMSO on certain initiatives.

R4M’s principal activities are:

* Advocacy: R4M campaigns for the rights of migrants, opposes immigration detention and combats xenophobia.
* Awareness-raising: R4M runs a campaign for migrants called “Know your rights”.
* Unaccompanied children: This is one of R4M’s main concerns. Together with an international children’s rights organization, it runs workshops for teachers aimed at reducing xenophobia and violence against migrant children in schools. A public information campaign against the detention of children aims to persuade the Government to stop this practice and create alternatives.
* Health: R4M provides an emergency health service in Salve for women who have experienced sexual or gender-based violence. It also runs a helpline for migrant women who are survivors of workplace or domestic abuse.

SESSION 7

Protecting rights in practice

Group exercise instructions

INSTRUCTIONS TO PARTICIPANTS

**Your objectives**

* To design a programme on the human rights of migrants that applies a human rights-based approach
* To practise using the knowledge and skills you have acquired in the previous modules
* To practise incorporating the various elements of a human rights-based approach in the different phases of programming
* To appreciate the value that the human rights-based approach adds tomigration programming.

**Programming exercise**

The country brief provides background information on the human rights situation of migrants in Liberto and on five key stakeholders:

* The OHCHR country office
* The Liberto Ministry of Migration
* The Liberto Migrant Support Organization (LMSO – national NGO)
* Rights for Migrants (R4M – international NGO)
* The Liberto Human Rights Commission (LHRC).

You will work in four groups, focusing on one of the following themes:

Group A: Detention of migrants

Group B: Protecting labour rights

Group C: Provision of health care, education and housing

Group D: Preventing and combating xenophobia and violence against migrants.

Your task is to **develop a multi-stakeholder programme** that corresponds to the structure of the programme cycle and incorporates the key principles of a human rights-based approach. Your *overall goal* is to enable migrants and their families to realize their human rights more fully.

1. **Analysis**

In your group, identify human rights issues in the focus area your group has been allocated. The outcomes of this analysis will underpin your planning. Ask:

* Which human rights standards are relevant to your issue?
* Who are the rights holders? What are their claims? What gender-specific concerns can you identify?
* Who are the duty bearers? What obligations do they have? (Remember the overall obligations to promote, protect and fulfil rights.)
* What other interest groups or stakeholders are relevant to the issue?
* What is the relationship between the rights holders and the duty bearers?
* What might cause the identified human rights issues?
* What capacity gaps can you identify, among both rights holders and duty bearers?
* How will you obtain the information you need?
1. **Planning and implementation**

Working as a group, define the impact, outcomes and outputs you want to achieve in the focus area. Identify corresponding activities for achieving them, and the process you will adopt. Decide who will take on which roles and who will have responsibility for the activities. Ask:

* What changes do you want to see happen?
* Are your goals realistic and achievable?
* Who are the relevant duty bearers?
* Who are the rights holders?
* What capacity gaps need to be filled to achieve your outputs and goals?
* For whom are the different activities designed?
* Are your methodology and choice of activities consistent with a human rights-based approach? Does the process you adopt apply the principles of a human rights-based approach? (Recall that such an approach should be participatory, accountable, non-discriminatory, empowering and based in international human rights law.)
1. **Monitoring and evaluation**

Decide how you will monitor and evaluate your methodology and activities continuously throughout the programme cycle. Ask:

* What do you want to measure?
* How will you measure it?
* Who will you involve?
* How does the monitoring and evaluation process address participation, non-discrimination and accountability?
* **Present your plan**

Working as a group, make sure your programme can be coherently presented. Nominate a member of the group to make the presentation.

**Your group will have a maximum of 10 minutes to present its analysis and findings.**

Training course

*Towards a human rights-based approach
to migration*

PRE-COURSE QUESTIONNAIRE

*To help us ensure that this course meets your needs effectively,*

*kindly complete this questionnaire and email it to [insert email].*

Name:

Sex:

Location:

Position and description of current responsibilities:

1. What are your reasons for participating in this course? Please describe what you hope to learn and achieve by the end of it.

1. Have you had any previous training on migration or human rights? If yes, please indicate when it took place, its duration, and who organized it.
2. In what way does your work relate to migration and human rights?
3. What is the greatest challenge facing you in your work on migration and human rights?
4. Have you ever contributed, in a Government, as part of civil society or in another capacity, to any United Nations human rights mechanism? If yes, which one and how were you involved?
5. How would you describe a human rights-based approach to migration?
6. Do you plan to implement activities that will promote the protection of migrants’ rights? Please name and describe the activities you plan to undertake.
7. In your opinion, which human rights issues should be prioritized in a human rights course on migration?
8. Please describe any activities you are carrying out on [insert issues in focus].
9. Please use this space to describe any issues that you want to bring to the attention of the training team.



OHCHR training course

Towards a human rights-based approach to migration

[Location], [Date]

Daily evaluation form – [insert date]

Name (optional): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Module 1, session 2: Introduction to migration**

 Unsatisfactory Very satisfactory

A. Session content 1 2 3 4

B. Methodology used 1 2 3 4

Comments/suggestions:

1. **Module 2, session 3: International human rights law and migration**

 Unsatisfactory Very satisfactory

A. Session content 1 2 3 4

B. Methodology used 1 2 3 4

Comments/suggestions:

1. **Any additional comments?**

OHCHR training course

Towards a human rights-based approach to migration

[Location], [Date]

Daily evaluation form – [insert date]

Name (optional): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Module 2, session 4: The Convention on Migrant Workers**

 Unsatisfactory Very satisfactory

A. Session content 1 2 3 4

B. Methodology used 1 2 3 4

Comments/suggestions:

1. **Module 2, session 5: The United Nations human rights system**

 Unsatisfactory Very satisfactory

A. Session content 1 2 3 4

B. Methodology used 1 2 3 4

Comments/suggestions:

1. **Module 3, session 6 (initial part): A human rights-based approach to migration**

 Unsatisfactory Very satisfactory

A. Session content 1 2 3 4

B. Methodology used 1 2 3 4

Comments/suggestions:

1. **Any additional comments?**

OHCHR training course

Towards a human rights-based approach to migration

[Location], [Date]

Daily evaluation form – [insert date]

Name (optional): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Module 3, session 6 (continued): A human rights-based approach to migration**

 Unsatisfactory Very satisfactory

A. Session content 1 2 3 4

B. Methodology used 1 2 3 4

Comments/suggestions:

1. **Module 3, session 7: Protecting rights in practice: a practical session**

 Unsatisfactory Very satisfactory

A. Relevance of the content 1 2 3 4

B. Methodology used 1 2 3 4

Comments/suggestions:

1. **Any additional comments?**

|  |
| --- |
| **END OF COURSE EVALUATION FORM** |
| **PART A. CONTENT AND PROCESS** |
| **1. Course objectives****Please indicate your response by ticking the appropriate box.** | **Strongly Agree Disagree Strongly**  **agree disagree** |
| NOW THAT I HAVE COMPLETED THIS COURSE, I FEEL I AM BETTER ABLE TO: |  |
| 1. Identify and apply relevant human rights standards to the situations faced by migrants, particularly those who are most marginalized
 |  |
| Please explain your response: |
| 1. Adopt a human rights-based approach in my work on migration
 |   |
|  Please explain your response: |
| 1. Explain to others the value and relevance of human rights to migration policy and practice
 |   |
| Please explain your response: |
| 1. Understand how I can use international human rights mechanisms to support the realization of migrants’ rights in my country
 |   |
| Please explain your response: |
| 1. Craft strategic responses that, through policy and in practice, will advance the realization of migrants’ rights
 |   |
| Please explain your response: |
| 1. Identify ways to strengthen current activities that are relevant to migration and human rights
 |   |
| Please explain your response: |
| **2. Course activities****Please indicate your answer by ticking the appropriate box** |  **Yes Partially No** |
| 1. Were you and other participants able to share experience effectively during the course activities?
 |   |
| Please explain your response: |
| 1. Did the activities enable you to integrate theory and practice effectively?
 |   |
| Please explain your response: |
| 1. Was enough time allocated for activities throughout the course?
 |    |
| Please explain your response: |
| 1. Was the mix of presentations and work in large and small groups appropriate?
 |   |
| Please explain your response:  |
| **3. The trainers****Please rate the trainers on the skills listed below by ticking the appropriate box.** | **Excellent Good Average Poor** |
| 1. Ability to communicate information clearly
 |    |
| 1. Ability to create a safe and open learning environment
 |    |
| Additional comments: |
| **4. Training materials****Please rate the training materials by ticking the appropriate box.**  | **Excellent Good Average Poor** |
| 1. Evaluate the quality of the training materials in terms of the contribution they made to your learning experience
 |    |
| Additional comments: |
| **PART B. GENERAL COMMENTS AND REFLECTIONS** |
| **Please answer the following questions** | **Yes Partially No** |
| 1. Did the training course meet your expectations?
 |   |
| Please explain your response. |
| 1. What aspects of the training course did you find **most** useful? Please explain.
 |
| 1. What aspects of the training course did you find **less** useful? Please explain.
 |
| 1. Do you feel that your ideas or perceptions have changed as a result of your participation in this training course? Please explain and provide examples.
 |
| 1. How do you intend to apply what you have learned in your work?
 |
| 1. What suggestions do you have for improving this training course?
 |
| 1. Were any issues not covered that you would have liked to see included in the course?
 |
| 1. Please share any other comments you may have.
 |
| 1. How did you find out about this course?
 |

Daily evaluation: activities

Evaluation in small groups

* Participants divide into groups.
* Each group nominates a rapporteur.
* Each group discusses the following questions:
* What worked well today?
* What can be improved?
* What do we expect to see tomorrow?
* The rapporteurs stay with the training team afterwards to communicate the results.

Are we on target? (pages 184–186 of the *Handbook for Human Rights Educators*[[20]](#footnote-20))

* Trainers draw a target on a flip chart, divided into four sections with a statement about the training in each section.
* On their way out, participants vote anonymously using adhesive dots. The closer to the centre they place the dot, the more they agree with the sentence.
* The four statements could be as follows:
* I am satisfied with the methodology used today.
* The course is meeting my expectations.
* I can use the knowledge I acquired today in my work.
* The content has helped me reflect on my perceptions about migration.

Head, heart and hands (pages 193–195 of the *Handbook for Human Rights Educators*)

* Prepare and distribute a sheet with questions (see sample from the *Handbook*).
* Ask participants to reflect and note under each header:

*Head:* New ideas, concepts, facts, information, analysis

*Heart:* New understandings, discoveries about self, changes in values or beliefs

*Hands:* New skills, things I will do differently, actions I will take

1. See report of the Special Rapporteur on the human rights of migrants, François Crépeau, 2 April 2012 (A/HRC/20/24), para. 13; “Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development”, report of the Working Group on Arbitrary Detention, 10 January 2008 (A/HRC/7/4), para. 53; report of the Working Group on Arbitrary Detention, 18 January 2010 (A/HRC/13/30), para. 58; Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families, para. 24. [↑](#footnote-ref-1)
2. New York Declaration for Refugees and Migrants, para. 33. [↑](#footnote-ref-2)
3. A/HRC/20/24, para. 13; A/HRC/7/4, para. 53; A/HRC/13/30, para. 58; Committee on Migrant Workers, general comment No. 2, para. 24. [↑](#footnote-ref-3)
4. New York Declaration, para. 33. [↑](#footnote-ref-4)
5. Part II is adapted from the activity available at [hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-3/Activity\_10.htm](http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-3/Activity_10.htm). [↑](#footnote-ref-5)
6. See OHCHR, *From Planning to Impact: A Manual on Human Rights Training Methodology*, p. 70, available at [www.ohchr.org/sites/default/files/Documents/Publications/training6en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/training6en.pdf). [↑](#footnote-ref-6)
7. See OHCHR, *From Planning to Impact: A Manual on Human Rights Training Methodology*, p. 72, available at [www.ohchr.org/sites/default/files/Documents/Publications/training6en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/training6en.pdf). [↑](#footnote-ref-7)
8. European Union Agency for Fundamental Rights, *Migrants in an irregular situation employed in domestic work* (Luxembourg, Publications Office of the European Union, 2011), p. 7, available at <http://fra.europa.eu/en/publication/2012/migrants-irregular-situation-employed-domestic-work-fundamental-rights-challenges>. [↑](#footnote-ref-8)
9. United Nations Entity for Gender Equality and the Empowerment of Women, *Gender on the Move: Working on the Migration-Development Nexus from a Gender Perspective* (Santo Domingo, 2013), available at [www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2013/12/GenderOnTheMove\_low2b%20pdf.pdf](https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2013/12/GenderOnTheMove_low2b%20pdf.pdf). [↑](#footnote-ref-9)
10. Source: Liberto Ministry of Foreign Affairs, 2015. [↑](#footnote-ref-10)
11. Migration Policy Commission, *Country Profile: Liberto* (2014). [↑](#footnote-ref-11)
12. Source: Office of the United Nations High Commissioner for Refugees, 2015. [↑](#footnote-ref-12)
13. All foreigners will soon be required to carry identification documents and will be subject to summary detention if they fail to do so. Under current law, migrant detainees are entitled to appeal against an expulsion order, although this right is rarely enforced. It is known that the current President wants the revised law to remove this safeguard. [↑](#footnote-ref-13)
14. See, for example, “Migrant numbers soar – so does crime in Liberto”, *Liberto Daily News*, March 2015. [↑](#footnote-ref-14)
15. See “Illegal migration in Liberto on the rise – Government failing to take action”, *Liberto National Times*, 2015. [↑](#footnote-ref-15)
16. Human Rights Watch, *Liberto Report: Unlawful detention practices* (2014). [↑](#footnote-ref-16)
17. Libertan Women’s Alliance, “Migrant women routinely abused by employers – the shame in our homes”, March 2014. [↑](#footnote-ref-17)
18. Rights for Migrants (Liberto), “Education is a right for all, not just for Libertans”, press release, December 2013. [↑](#footnote-ref-18)
19. For the Children, *Liberto’s Lost Children: Irregular Migrants and their Families* (2015). [↑](#footnote-ref-19)
20. See OHCHR and Equitas, *Evaluating Human Rights Training Activities: A Handbook for Human Rights Educators*, Professional Training Series No. 18, available at [www.ohchr.org/sites/default/files/Documents/Publications/EvaluationHandbookPT18.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/EvaluationHandbookPT18.pdf). [↑](#footnote-ref-20)