



“KEY MIGRATION ISSUES” WORKSHOP SERIES¹: WORKSHOP ON MIGRATION AND HUMAN RIGHTS² 27 JUNE 2006

INFORMATION NOTE

BACKGROUND

Migration and Human Rights

Migration and human rights should be considered from various perspectives. Many of the world’s migrants face violations of their human rights and lack protection while they are on the move or living in a country other than their own. In addition, human rights violations and other forms of discrimination are often a cause of migration.

An international legal framework for the protection of the human rights of migrants exists and obliges states to protect the rights of all human beings, be they nationals or not. The 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families represents a single comprehensive instrument setting out the rights to which migrants are entitled and protects their rights, be they in a regular situation or undocumented.

The question at stake today is how to assure the implementation of the existing normative framework and its non-discriminatory application to non-citizens. The widespread shortcomings in ensuring the respect of migrants’ rights derives from various reasons, including lack of state capacity and concerns about state sovereignty. Adopting a rights-based approach to migration entails conceiving of migrants not only as the objects to be managed but as subjects with rights and responsibilities, who make individual choices.

This workshop will look at the existing legal instruments for the protection of migrants’ human rights and address conflicts that arise between ensuring migrants’ rights and the discretion of sovereign states with regard to the admission, stay and naturalization of foreigners. Taking into account the different perspectives of countries of origin, transit and destination, it will stimulate thought and discussion about how these questions can be internationalized, moving from a paradigm of state control to one of shared responsibility.

Migration and Children’s Rights

If migrants’ rights are human rights by the same token, migrant children’s rights are children’s rights. The main instrument for the protection of children’s rights, the Convention on the Rights of the Child, includes not only economic, social and cultural rights, but also certain political and civil rights, which are adapted to the needs of children. Adopting a rights-based approach to the needs of children translates into no longer conceiving of children as passive objects of protection, but as subjects with special rights. Under the Convention, state parties are required to act in the best interest of the child and to realize the rights of all children under their jurisdiction.

The workshop will present examples of how a rights-based approach to child migration can be put into practice. It will focus on the existing legal instruments that protect the rights of children on the move and examine the situation of children migrating with their family, as well as the

¹This Series is financially supported by UNFPA.

²This Workshop is financially supported by the Government of Liechtenstein.

needs of those migrating alone to join family members. Unaccompanied children are particularly vulnerable and at risk of neglect, violence, sexual assault and other abuses, including trafficking and military recruitment in the context of armed conflict. Natural disasters, environmental degradation and violent conflicts force children to flee, or lead to their internal displacement, often separating them from their parents or other care-givers. Children may also be evacuated from countries of war and zones of crisis, leading to family disruptions.

OBJECTIVES

- to explore how migrants' rights can be ensured
- to discuss how responsibility for the protection of migrants' rights can be shared internationally
- to look at linkages between the respect for human rights, development and international migration
- to explore how a rights-based approach to child migration can be put into practice
- to identify risks and opportunities for youth migrants

ORGANIZATION

A first session will look at the existing legal framework for the protection of migrants' human rights, the responsibility of states and the role of civil society. It will inform participants about the 2006 treaty event organized by the Office of Legal affairs on the theme of "crossing borders" and will also look at lessons learned from the field with regard to the protection of migrants' human rights. In addition, this session will explore potential synergies between a human rights based approach to poverty reduction and development on the one hand, and international migration on the other.

A second session will look at different perspectives on what a shared responsibility for ensuring the respect of migrants' rights means in practice and discuss the role and responsibilities of countries of origin and destination. The session will also examine the impact that a rights-based approach to development in countries of origin can have on international migration.

A third session will address the issue of migration and children's rights. It will give an overview of the protective legal framework for children on the move and focus on different approaches to improve the various situations of unaccompanied minors. It will also shed light on the legal situation regarding youth migrants, who fall in between existing categories of rights holders, focusing on their specific needs and the question of how those can be addressed.

PARTICIPANTS

The workshop is designed for members of permanent missions responsible for the functional commissions, 2nd and 3rd Committees, ECOSOC and other venues where migration issues are of relevance. Participants are requested to regard their attendance as a firm commitment.

RESOURCE PERSONS

IOM, UN Office for Legal Affairs, UN Department for Economic and Social Affairs, UNDP, UNICEF, UNHCR, Realizing Rights, Migrants Rights International, government representatives etc.

WORKING LANGUAGE

The workshop will be conducted in English.

DATE AND VENUE

The workshop will be held at United Nations Headquarters in New York on Tuesday, 27 June 2006, from 9 a.m. to 12 p.m. and from 2 p.m. to 6 p.m.

REGISTRATION

Members of the permanent missions accredited to the United Nations in New York who wish to participate in this workshop are requested to complete the attached nomination form and return it to the following address:

UNITAR c/o Ms. Sarah Rosengaertner
1 United Nations Plaza, Suite DC1-603
New York, NY 10017-3515
Phone: (212) 963-3021 or 9196
Fax: (212) 963-9686 or 0995
E-mail: rosengaertner@un.org

REGISTRATION DEADLINE: 23 JUNE 2006