

Position
document

Including migrants in the Post-2015 United Nations development agenda



A document of the GMG Working Group on
Migration, Human Rights and Gender

Members of the GMG Working Group on Migration, Human Rights and Gender: ILO, IOM, OHCHR, UNESCO, UNICEF, UNHCR, UNODC, UN Women, WHO.

The WG is co-chaired by OHCHR, UN Women and UNICEF.

We call upon States to promote and protect effectively the human rights and fundamental freedom of all migrants regardless of the migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and for a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability (para 157).

The Future We Want: Outcome Document of the United Nations Conference on Sustainable Development (as endorsed by General Assembly resolution 66/288 of 27 July 2012).

I. A three-prong approach for including migrants in the post-2015 UN development agenda

The new development agenda should be universally valid, and leave no one behind. It should incorporate a focus on promoting and protecting the human rights of all marginalised groups, including through empowering and including migrants regardless of their status or circumstance.

- The post-2015 agenda could promote equality as a stand-alone goal, with particular attention to the most marginalised groups, such as migrants at risk of discrimination and exclusion, in order to achieve more inclusive and truly sustainable development.
- The post-2015 agenda could develop specific migrant-sensitive targets under relevant goal areas.
- The post-2015 agenda could ensure systematic disaggregation of indicators by migrant status (i.e. nationality and migration status), in addition to disaggregation by age and sex in all relevant goals.¹

The post-2015 UN development agenda must ensure that goals are aligned with the concept of freedom from fear as well as freedom from want, incorporating a focus on personal security, administration of justice and public participation. Importantly, the outcome document of the UN Conference on Sustainable Development (2012) also recognised that sustainable development requires the meaningful involvement and active participation of all affected groups including migrants (para 43).

¹ Human rights-based criteria for disaggregation at global and national levels could ensure that migrants are neither excluded from disaggregation, due inter alia to their status as non-nationals, nor unreasonably “left till last” in terms of disaggregation.

II. Why should migrants be included in the post-2015 UN development agenda?

An inclusive and equal society is more likely to be sustainable. Inequalities and exclusion are harmful not just for the individuals who are disadvantaged, but for society as a whole. Highly unequal societies tend to grow more slowly than those with low income inequalities, are less successful in sustaining growth and recover more slowly from economic downturns. Excluding large numbers of people from accessing productive resources and assets, health, adequate food, clean water and sanitation, quality education, decent work, skills and technology and cultural life, will result in a reduction and waste of human potential. By addressing directly particular inequalities and their causes, the dynamics of power and exclusion which underlie poverty can be tackled.

Equality is one of the core values of the UN Millennium Declaration, the statement of principles underlying the MDGs. Yet the near-silence of the MDGs on issues of discrimination was problematic, given the alarming increase in inequalities within and between many countries. The MDGs placed progress overall as the main indicator, which disguised slower progress for certain segments of society or growing exclusion and marginalization of groups in vulnerable situations. Without an incentive to record their situation, certain groups with little political

capital, such as migrants, were rendered invisible to the development agenda. As a new post-2015 UN development agenda is being debated, there is a growing consensus that another approach to measuring progress is needed, one which will provide more comprehensive information about how that progress is distributed, and also provide incentives to focus on those groups which are being left behind.

Discriminatory laws, policies, social norms and attitudes exclude certain groups from participating fully and equally in all aspects of life. While not all migrants are marginalised or excluded, the lack of citizenship attachment to the country of residence, coupled with other factors such as discrimination based on nationality, legal status, sector of work as well as on sex, age, linguistic or religious identity and other circumstance such as statelessness renders certain migrant groups and individuals more vulnerable to unequal treatment and exclusion from development. While the exact dimensions and features of inequalities vary from country to country, a recurrent picture of inequalities for many migrant groups, including migrants in an irregular situation, low-skilled migrant workers, migrant women at risk including those who work in particular sectors such as domestic work, migrant workers in such sectors as construction, fisheries and agriculture, and child and adolescent migrants is quite clear for almost all regions.

Abuse and exploitation of migrants in particularly vulnerable situations is often prevalent, and migrants in need of protection are likely to be denied access to effective mechanisms including asylum procedures. Inequalities are also a key driver for precarious migration (from countries of origin, as well as in terms of onwards movements from countries of transit), which can have severe, and often tragic, consequences for the human rights of migrants on the move. Redressing discrimination and inequalities will be essential if global opportunities for progress are to be shared by those most in need of its benefits.

Finally, and in order to ensure the effective inclusion of migrants, the sustainable development agenda should be concerned with the human rights-based governance of migration. While international agreements are often drawn up to facilitate the movement of goods and capital across borders, the movement of people across borders is less well governed and often takes place in the absence of effective rights-based regulations. A new global partnership on sustainable development should aim to enhance policies for safe, regular and human rights-based migration, while ending exploitation, abuse and violence against all migrants, regardless of their migration status. Sufficient channels for the regular movement of migrants should be put in place, which respond adequately to the demand *inter alia* for migrant workers and for family reunification. Such policy measures could reduce the necessity for migrants to seek out irregular channels and the risk that they will fall prey to traffickers and other abusive facilitators of movement.



III. A question of data

A critical lack of data collection and disaggregation by migrant status conceals exclusion and inequalities and makes it difficult to measure progress and dismantle entrenched patterns of discrimination. Where a group of people is socially, economically or politically excluded, or where chronic human rights violations are not recognized by the State, the relevant data tends not to be systematically collected, leading to vicious cycles of exclusion. Experience has shown that issues relating to migrants tend to become blind spots when priorities are set, policies defined or budgets allocated with resulting gaps in monitoring and accountability. The selection of MDGs indicators - which was limited by established indicators and data sources, and ignored the potential to generate demand and capacities for new data - has proven its shortcomings. It is important that a new sustainable development agenda encourages stakeholders to seek out new and innovative data sources to measure and monitor the development progress of all migrants, including migrants in an irregular situation. Moreover, to ensure the visibility of both men and women in migration, all data should be sex disaggregated.

IV. Suggested targets and indicators

The following table provides a limited set of suggested targets and associated illustrative indicators to include migrants in the post-2015 development agenda which correspond to the various focus areas currently being debated by the Open Working Group on Sustainable Development Goals. Two types of targets are suggested below:

- Migrant-sensitive targets (in *italics*)
- Targets which can encompass more than one social group at risk of exclusion, including through disaggregation at the global and national levels

| Focus area | Suggested target | Illustrative indicator(s) ² | Inter-governmental sources |
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| Poverty eradication (1) | Ensure that all persons who are poor and vulnerable are covered by social protection to reduce vulnerabilities of the poor | <ul style="list-style-type: none"> • Proportion of poor and vulnerable migrants covered by social protection and social protection floors to reduce vulnerabilities of the poor • Proportion of migrants among the working poor³ | |
| Health and population dynamics (3) | Reduce barriers to the universal access to health services <i>Ensure health services coverage and financial protection for migrants and their families</i> | <ul style="list-style-type: none"> • Number of countries that have developed national health policies, strategies and plans to promote universal health coverage for migrants, including irregular migrants • Proportion of migrants with equal access to adequate, affordable and accessible health services • Percentage of migrants facing discrimination in access to and provision of health services | Human Rights of Migrants, A/HRC/RES/23/20, 2013 (para 4(e)) World Health Assembly Resolution 61.17 on the Health of Migrants |
| Education (4) | All girls and boys have access to and complete inclusive, quality primary and secondary education and are able to access tertiary education All girls and boys achieve recognized and measurable learning outcomes, especially in literacy, numeracy and essential life and work skills <i>Addressing migrants' exclusion from education, including culturally appropriate education, on the basis of discriminatory grounds</i> | <ul style="list-style-type: none"> • Proportion of migrant children accessing and completing universal, free and compulsory primary education leading to relevant and measurable learning outcomes • Proportion of migrant children accessing and completing progressively free secondary education with graduates demonstrating relevant learning outcomes • Proportion of migrant learners that transit to and complete tertiary education leading to certificate, diploma and/or degree and have access to lifelong learning opportunities | Protection of Migrants, A/RES/68/179, 2013 (para 5(h)) Human Rights of Migrants, A/HRC/RES/20/3, 2012 (para 3) Declaration of the UN High-level Dialogue on International Migration and Development, A/68/L.5, 2013 (para13) Six goal areas of the Education for all Steering Committee |
| Gender equality and women's empowerment (5) | Promote decent work for women Prevent and respond to violence against women and girls Eliminating gender disparities in primary and secondary education and achieving gender equality in education | <ul style="list-style-type: none"> • Proportion of migrant women employed in the informal economy, including part-time and casual work • Proportion of migrant women reporting forms of physical and/or sexual violence to law enforcement officials • Proportion of migrant girls having access to and completing primary and secondary education and demonstrating relevant learning outcomes. | Declaration of the UN High-level Dialogue on International Migration and Development, A/68/L.5, 2013 (para11) Protection of Migrants, A/RES/68/179 2013 (para 5(e)) Education for all Steering Committee Goal 5 |

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|---|--|---|--|
| <p>Employment and decent work for all (11)</p> | <p><i>Ensure the effective protection of the rights of migrant workers and their families, including equal opportunity and treatment in employment, in compliance with international labour standards</i></p> | <ul style="list-style-type: none"> • Number of countries that have ratified relevant international standards and whose national legislation provides for equality of treatment in respect of employment⁴ • Number of national laws ensuring equality of treatment in respect of social security benefits in accordance with international standards • Proportion of migrant women suffering from workplace-related gender discrimination as shown by number of complaints on abuses | <p>Declaration of the UN High-level Dialogue on International Migration and Development, A/68/L.5, 2013 (para14)</p> <p>Protection of Migrants, A/RES/68/179 2013 (para 4(i))</p> |
| <p>Promote equality (12)</p> | <p><i>Monitor and end discrimination and inequalities against all migrants in laws, policies and practices</i></p> | <ul style="list-style-type: none"> • Percentage of migrant children and children of migrants under age 5 whose birth is registered with a competent civil authority • Proportion of migrants able to actively participate in decisions that concern them • Percentage of migrants excluded from adequate, affordable and accessible public services | <p>Protection of Migrants, A/RES/68/179 2013 (para 3(a))</p> <p>The Future We Want, A/RES/66/288, 2012 (para 43)</p> <p>Declaration of the UN High-level Dialogue on International Migration and Development, A/68/L.5, 2013 (para 1)</p> |
| <p>Means of implementation/Global Partnerships for Sustainable Development (18)</p> | <p><i>Pursue policies for planned, well managed and regular migration in full respect for human rights⁵</i></p> <p><i>Improve the collection, dissemination and use of disaggregated data on the situation of migrants</i></p> | <ul style="list-style-type: none"> • Number of social security agreements ensuring the portability of social security rights • Proportion of bilateral and multilateral agreements on migration that provide human rights safeguards | <p>The Future We Want, A/RES/66/288, 2012 (para 157)</p> <p>Declaration of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001 (para 38)</p> <p>ICPD Programme of Action Chapter X (para 10.8)</p> |
| <p>Peaceful and non-violent societies, rule of law and capable institutions (19)</p> | <p><i>Prevent crime, violence, abuse and exploitation against all migrants including migrant women and children</i></p> <p><i>Eliminate acts, manifestations and expressions of racism, racial discrimination, xenophobia and related intolerance against migrants</i></p> | <ul style="list-style-type: none"> • Number of countries putting in place alternatives to the detention of migrants including migrant children • Number of migrants killed, injured or victims of crime while attempting to cross maritime, land, air borders • Percentage of migrants with effective access to national protection mechanisms, including asylum procedures • Proportion of migrant victims of crime, including bias-driven violence, provided with legal aid | <p>Protection of Migrants, A/RES/68/179, 2013 (paras 4(a), 5(f))</p> <p>Declaration of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, 2001 (para 16, 48)</p> <p>Human Rights of Migrants, A/HRC/RES/23/20, 2013 (para 4(b))</p> |

² All indicators should be disaggregated by age and sex, nationality and migration status.

³ Using the national definition of the poverty line.

⁴ Including wages, working hours, social security benefits, skills recognition, unionization

⁵ Currently situated in Focus Area 12