

12 principles for a rights-based, rule of law agenda on migration, governance and human rights

Twelve key concerns for action and advocacy reflecting and building on activity by civil society organizations and networks worldwide, consistent with human rights standards and agendas of the United Nations and other international and regional organizations.

- 1) **Rights Protection**: strengthening effective protection of all migrants' rights and dignity by adopting, implementing and enforcing national law and practice in conformity with international human rights standards, particularly the International Convention on the Protection of the Rights of all Migrant Workers, ILO Convention 97 on migration for employment, ILO Convention 143 on migrant workers (supplemental provisions) and ILO Convention 189 on Decent Work for Domestic Workers; reaffirming that a normative human rights-based framework must be the primary foundation for national and intergovernmental governance of migration.
- 2) **Decriminalization**: re-establishing that migration, regular or irregular, is not a criminal act and must not be treated as such; obtaining rights-respectful imagery and language of migrants and migration; ending use of terminology of illegality regarding migrants; adopting domestic laws to end the criminalization of migrants; obtaining effective alternatives to migration-related detention for all migrants; ending all practices of arbitrary, "preventative", or non-criminal detention and deportation of migrants; ending detention of children for immigration reasons; distinguishing migrant trafficking from smuggling, and differentiating trafficking and smuggling control from migration policy and administration.
- 3) **Discrimination and Xenophobia**: fighting all forms of discrimination against migrants, including structural and systemic; ensuring access to justice for all migrants; recognising and impeding multiple discrimination faced by migrants; preventing, investigating and punishing xenophobic hostility and violence against migrants/foreigners including whether perpetrated by the state or private actors; obtaining respect, equality of treatment and integration in accordance with international standards.
- 4) **Decent Work**: extending application, supervision and enforcement of international labour standards to all migrant workers in all countries; regulating recruitment, hiring and the employment relationship; supervising recruitment agencies; extending labour protections to all occupations; ensuring equality of treatment and opportunity for all workers; ensuring strict separation of labour law enforcement from immigration control.
- 5) **Health**: realizing migrants' right to health, including sexual and reproductive health, as well as effective access to prevention, education, care and treatment facilities and services, irrespective of migration status; avoiding discrimination based on health status, including HIV, pregnancy or communicable diseases.
- 6) **Social Protection**: extending access, coverage, equality of treatment and portability to migrants, including in informal situations irrespective of migration status; ensuring strict separation of access by all migrants to health services, schooling, labour protection and inspection, and social security from immigration control .
- 7) **Migrant Self-determination and Organizing**: supporting unionization, migrant community

organizing, including capacity building and networking; respecting the rights to freedom of association and collective bargaining of all migrant workers.

8) **Gender**: obtaining specific and effective protection for specific risks with equality of opportunity and treatment for women and girl migrants; recognizing and addressing impacts of gendered aspects of migration; affirming women's autonomy protecting and fulfilling their rights throughout the migration experience; providing independent migration status for women that ensures right to work and access to justice.

9) **Family Life**: upholding and extending effective practice of the rights to family life and right to family reunification; recognising that diverse forms of family exist and should be taken account of in migration policy.

10) **Children**: acknowledging children as individual rights holders and States' obligations to respect and protect the rights of all children in all aspects of migration; committing to act with the best interests of the child as the primary motivation in all actions affecting child migrants; ceasing detention of children on the basis of childrens' or their parents' or guardians' immigration status in recognition that it is never in the best interests of the child.

11) **Migrants at Particular Risk**: obtaining recognition, protection of specific rights as well as access to services and justice for migrants in irregular situations, migrants in transit, stranded migrants*, victims of trafficking as well as refugees and asylum seekers; ensuring access to international protection to all those in need of it.

12) **Right to Remain**: realizing the rights of individuals and peoples to remain in homelands of origin in conditions of dignity and safety with full recognition and respect for human rights as defined in international standards; recognizing that persons born in and/or established in and/or with family ties in a country of habitual residence have human rights and humanitarian entitlements to be authorized to remain; providing paths to citizenship for migrants with established residency in destination countries.

In and through all of these, promoting integrated governance of migration under the rule of law locally, nationally and regionally while ensuring involvement of social partners, concerned civil society organizations and migrant organizations in the development of laws, policies, programmes and initiatives on migration and migrants' rights.

These 12 Principles for a rights-based agenda have been identified in consultation with executives of several human-rights-focused civil society and international organizations seeking to determine a common action and advocacy agenda on human and labour rights of international migration.

This is a draft document intended to inform our work for a rights-based approach to migration. We invite suggestions towards developing a comprehensive framework for this work and elaborating this into a longer annotated document. Send comments to: taran@globalmigrationpolicy.org

[^] **Stranded Migrants**: understood to be protected under the existing human rights legal framework including the 1951 Convention and the 1967 Protocol on the Status of Refugees, the International Convention on the Rights of All Migrant Workers and Members of their Families (1990), and the Convention on the Reduction of Statelessness (1961)