UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

Towards a Human Rights-Based Approach to Migration

Training Guide

Towards a Human Rights-Based Approach to Migration

Training Guide

Professional Training Series No. 26

UNITED NATIONS
HUMAN RIGHTS
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Contents

Icons used in this publication

The following icons illustrate the different types of information provided in this training guide:

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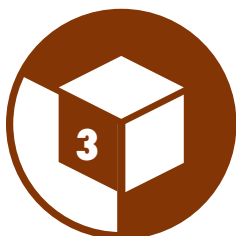
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Introduction to the training guide

Background

Contemporary migration is an increasingly complex phenomenon, whether one looks at who moves, why they move, or how. Currently some 281 million people live and work in countries that are not their own. This is high on the agenda of the international community not just because migration is a symptom and an effect of deep social, economic and – now – environmental stresses and change, but because the often precarious movement of people worldwide engages fundamental human rights and responsibilities.

Migrants, notably those in an irregular situation, are disproportionately vulnerable to human rights abuses and violations, including discrimination, marginalization, exploitation, violence and xenophobia. They frequently have no access to guarantees of due process or to remedies. As border controls have become stricter and regular pathways to entry and stay have narrowed, migrant journeys have become longer, more fragmented and more dangerous. Between 2014 and 2021, more than 40,000 women, men and children have gone missing or have lost their lives on migratory routes across the globe. Too many people have been reported dead or missing en route, and countless other disappearances were never reported, the bodies never found.

Yet the human rights dimensions of migration still remain widely neglected. Migration is more usually discussed in terms of economic development or security and border control. Inflammatory and xenophobic rhetoric against migrants helps politicians win votes, and in times of crisis the migrant makes a convenient scapegoat to blame for societal and economic difficulties.

Recognizing the seriousness of the human rights challenges that arise in the context of migration, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has been working to close the protection gap between the human rights norms enshrined in international law and the many violations of rights that occur in practice. OHCHR has strongly advocated for the inclusion of a human rights perspective in migration policies and their implementation, and has called for the realization of the human rights of all migrants, regardless of their migration status, in accordance with the international human rights framework.

Goals and objectives of the course

This training guide is designed to enable participants to understand the human rights perspective on migration, and how human rights laws and standards can be operationalized to make migration safer and an empowering experience for all. It provides an introduction to related principles and issues and is designed for persons with limited knowledge of human rights or migration.

The **goal** of the course is to teach participants to recognize the scope and content of international human rights standards relevant to migrants, and so enable them to adopt a human rights-based approach in their work on migration. The **learning objectives** specify that, by the end of the course, participants will be able to:

- Identify and apply relevant human rights standards to the situations that migrants face, particularly migrants in vulnerable situations;

- Adopt a human rights-based approach to migrant issues;

- Assess how international human rights mechanisms can help practically to realize migrants' human rights at the national level;

- Respond strategically, through policy and practice, to help realize migrants' human rights;

- Identify ways to strengthen activities on migration and human rights.

Based on OHCHR's human rights training methodology, this training guide aims not only to build knowledge and understanding of the human rights framework, but to enhance skills and attitudes that will enable practitioners to better promote and protect the human rights of migrants.[1] It encourages participants to consider their own views and the views of their colleagues on migrants and migration, and to appreciate more fully the challenges that migrants face and the positive contributions that migrants make to their countries of origin and countries of destination.

The guide is designed to support the work of OHCHR staff who operate in field presences and at headquarters, staff of other United Nations entities and international organizations, including members of the United Nations Network on Migration, officials of regional organizations, government officials, staff in national institutions for the promotion and protection of human rights, members of non-governmental organizations (NGOs), trade unionists, other relevant civil society actors and humanitarian actors.

Using the training guide

The training guide contains session plans for the trainer and is supported by sample slide presentations and associated materials, including activities and handouts for participants, which are available electronically under the "Professional Training Series" of the OHCHR "Training and Education publications" category, at www.ohchr.org/en/publications/about-ohchr-publications.

To meet the need for user-friendly guidance material and training in this area, the guide has been designed to allow trainers to easily design a training course on a human rights-based approach to migration issues. You are encouraged to adapt the sample materials to meet the needs of the participants and the context in which the training course takes place.

The training guide is modular. Each module consists of two or more sessions. The sessions include:

- Slides (downloadable presentations)
- Session plans
- Activities
- Additional resources
- Handouts for participants

The training guide contains three core modules and an additional module on focus issues.

The core modules are:

Module 1: Introduction

   – Session 1: Course introduction and overview

   – Session 2: An introduction to migration

Module 2: Understanding migration as a human rights issue

   – Session 3: International human rights and migration

   – Session 4: The Convention on Migrant Workers

   – Session 5: The United Nations human rights system

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[1] For OHCHR's human rights training methodology, see OHCHR, *From Planning to Impact: A Manual on Human Rights Training Methodology*, Professional Training Series No. 6/Rev.1 (New York, 2019) (R/P/PT/6/Rev.1); and OHCHR and Equitas, *Evaluating Human Rights Training Activities: Workshop Guide*, Professional Training Series No. 18/Add.2 (Montréal and Geneva, 2020) (HR/P/PT/18/Add. 2).

Module 3: A human rights-based approach

– Session 6: A human rights-based approach to migration

– Session 7: Protecting rights in practice: a practical session

A training course that works through these core modules will take approximately three days. A sample agenda is included at the end of this section. Because the actual timing will depend on the adaptations you make and on the participants, it is only indicative.

Module 4 (forthcoming) will include additional sessions on specific topics of relevance to migrants and human rights:

Module 4: Issues in focus

– Session 8: International borders

– Session 9: Economic, social and cultural rights and access to public services

– Session 10: Reframing narratives on migrants and migration

– Session 11: Climate change and migration

Each of the additional sessions is approximately three hours in length.

OHCHR recommends that all the core modules should be completed, because they cover essential ground on migration and human rights and give the participants opportunities to practise and implement essential skills.

All four modules promote participatory and experiential adult learning and combine a range of training techniques to accommodate different learning styles and preferences. Each module gradually builds a participant's understanding of concepts relevant to migration and human rights and applies and demonstrates the knowledge gained through activities, reflection and facilitated discussion. The modules integrate a gender dimension and adopt a practical approach, with examples. The activities vary in complexity from short exercises and brainstorming to more complex exploration of a case study in Modules 2 and 3.

The scenario in session 7 (the last session of the core modules) invites the participants to design a programme using a human rights-based approach. Building on the earlier case study, they will identify stakeholders, draw on the work of United Nations human rights mechanisms, adopt methodologies that ensure participation and empowerment and apply their knowledge to support and protect migrants in a fictional country.

The modules are designed to be flexible. They can accommodate examples and short case studies taken from the operational context in which the training takes place, and can include other multimedia tools. Once you have familiarized yourself with the course material, we strongly encourage you to add examples and case studies that highlight the local context and the experience of participants.

Planning and designing a training course

Before you adapt the training materials for a specific course, take time to assess the local context and the learning needs of the participants. Several key elements should be considered when you are planning a training course based on this material.

Assess training needs

Do a needs assessment beforehand. This will help you to design an effective training course. The training materials have been developed to provide essential information and meet a range of learning preferences, but they need to be adapted to match the particular needs and circumstances of those who will be trained.

When assessing participants' needs, you may find it useful to consider the following points:

- **Context:** Familiarize yourself with the country or region. What is the legislative framework on migration and human rights? What administrative procedures are relevant? What are the most common human rights concerns for migrants? Which United Nations entities, civil society organizations and other partners work on human rights and for migrants?

- **Migration policies, programmes, practices:** What policies, programmes and practices will participants be familiar with? What experiences might they be able to share? How effective are policies and implementation? What analysis has been done?

- **Participants:** What attitudes to migration and human rights do participants have? What knowledge and skills do they possess? What is the broader human rights context in which they work? What are their roles and functions? Do you need to look out for any tensions or dynamics between participants? Do any gender-specific issues need to be addressed?

- **Desired results/impact:** What outcomes or results can the training be expected to achieve? How will these be measured? Who will subsequently provide support to ensure that actions are taken?

- **Trainers:** What competencies do you need? Are other experts available who can share their experiences with the participants?

- **Logistics:** Address logistical questions systematically, for example on the size of the participant group, its gender balance and diversity, the location and facilities (including training equipment), documentation and resources, interpreters, accessibility for persons with disabilities, dates and timing, security during the training and safe return after it, budget and funding, etc.

The needs assessment requires resources and tools such as questionnaires, as well as consultation with experts and partner organizations, a review of documentation and interviews with representative participants. Included in the materials is a sample pre-course questionnaire.

Adopt and apply an evaluation methodology

Needs assessment initiates an evaluation cycle that starts before, runs through, and continues after the course. Evaluation ensures that training sessions are relevant and effective and produce results. For information on how to evaluate training activities, see *Evaluating Human Rights Training Activities: Workshop Guide*, Professional Training Series No. 18/Add.2 (HR/P/PT/18/Add.2), issued in 2020 by OHCHR and Equitas.

Having adapted the course in light of the needs assessment, validate the course plan (learning objectives, agenda and session plans). To do this, we advise you to consult local experts and representative participants.

You can continue to fine-tune the course as you teach it, by means of observation, debriefings at the beginning or end of each day, and written or oral feedback from the participants. At the end of the course, assess whether the learning objectives have been achieved and if the training has been effective. Tools to help you do this include questionnaires, final exercises, role-plays, self-assessments and informal discussions with all those involved in the training.

The materials that accompany this guide contain examples of tools that you can use during and at the end of the course to evaluate its effectiveness and impact. They include:

- End-of-day evaluation forms. These enable participants to assess the effectiveness of each module in terms of added knowledge and skills and professional relevance. You can also invite participants to evaluate the methodology.

- End-of-day evaluation activities or debriefs. Complementing the end-of-day forms, interactive evaluation activities can be used to gather participant feedback on the effectiveness of the training and its methods, and to identify changes in attitude and understanding.

- End-of-training evaluation questionnaires. Issued at the end of the training course, these provide feedback on what participants have learned, on the course and on the learning environment. Use this information to assess the results relative to the desired results, to confirm potential follow-up needs and to improve the course in future.

Personal learning journals can be distributed at the start of the course. Encourage participants to reflect on how and what they learn as the course proceeds. **Included in the materials:** "My learning path".

Evaluation should continue over the medium and long term after the course ends to assess whether participants have put into practice what they have learned, and whether the training course has made an impact on their work and their institution. Tools for this purpose include follow-up questionnaires, on-the-job observation, reviews of products developed by the participants, follow-up interviews with all those involved in the training, organizational performance records and media and news reports.

During evaluation, collect as much gender-sensitive and sex-disaggregated data as possible. This information will enable you to determine whether women, men and those who identify outside those binary categories report any significant differences in their learning experience.

Other issues

Participants

Audiences for courses based on this guide may include OHCHR staff in field presences and at headquarters, staff of other United Nations entities and international organizations, including members of the United Nations Network on Migration, officials of regional organizations, government officials, staff in national human rights institutions, members of NGOs, trade unionists, other relevant civil society actors and humanitarian actors.

Whenever possible, include a mix of participants from government, non-government and United Nations organizations. This can enhance the learning of all and may encourage collaboration in the future. Organizers should seek to convene a group that is gender-balanced.

The training guide is designed for people with limited knowledge of human rights or migration. The course is not suitable for people with advanced knowledge and experience of migration and human rights. If experienced participants happen to attend the course, encourage them to make full use of their expertise. Paired with less experienced participants, they can provide peer support and mentoring.

Although no rules govern the number of participants, the ideal group is between 20 and 24 persons.

Facilitation team

The size and composition of the facilitation team will vary according to the scope of the course. Ideally, at least two trainers should facilitate, and they should have some administrative support to help prepare the course. To implement the participatory methodology of the training guide, trainers should have a reasonable level of training experience and facilitation skills. They should also be conversant with human rights concepts and with migration, and they should have practical field experience.

Training venue

The training course will require:

- A training room with sufficient space for about five tables, each seating five to six people;
- A laptop, a projector, a screen and audiovisual equipment for showing short films;
- Ideally, an internet connection, for showing online resources;
- Whiteboard(s), flip charts, markers and sticky notes.

If possible, the training should be residential. This will ensure that participants can focus on the training. They will also form stronger connections with other participants. If a second room can be made available, it will facilitate breakout sessions and administration. Ideally, a printer and copier should be available to produce handouts.

The OHCHR publication *From Planning to Impact: A Manual on Human Rights Training Methodology* (Professional Training Series No. 6/Rev.1, 2019 (HR/P/PT/6/Rev.1)) addresses a number of general issues of training design and organization.

Overview of the core modules and the aims, content, learning objectives and key messages of each session

MODULE 1: INTRODUCTION TO THE COURSE AND TO INTERNATIONAL MIGRATION

Overall aim of the module: to introduce participants to the course, their trainers and each other.

This first module encourages participants to reflect on the issues that migration raises from personal, national and international perspectives. Participants should consider the factors that drive migration, public attitudes to and beliefs about migrants and migration, how these inform policy and practice, and the relevance of human rights standards to discussion of migration.

Session 1: Course introduction and overview

Session aim

In this session, participants are welcomed to the course and introduced to each other. An overview of the course objectives and structure is presented.

Participants have an opportunity to reflect on their own learning objectives for the week.

The session should set the tone for the course: it should encourage honest and respectful sharing and should be participatory and fun.

Content

The session:
- Introduces participants and trainers to each other;
- Outlines the course goals, objectives and agenda (based on the training needs assessment);
- Elicits participants' objectives for the course;
- Sets the tone for the course and establishes ground rules.

Learning objectives

After this session, participants will be able to:
- Name other participants and have an idea of their backgrounds and personal and professional experience of migration;
- Describe the objectives and structure of the course;
- Identify their personal goals and expectations of the course.

Key messages

- The course is participatory. Participants should contribute as much as they can to discussions and activities.
- Participants will learn through a combination of information, activities and sharing experiences.
- The course is an opportunity to reflect on and discuss factors that impede and facilitate the realization of migrants' human rights – including attitudes and stereotypes, resources and cooperation with others.
- Many of us have personal experiences of migration and it will be helpful to reflect on and share these.

Session 2: An introduction to international migration

Session aim

This session introduces participants to the characteristics and complexities of international migration and explains migration terminology. Participants discuss how and why debates around migration take the form they do, reflecting on why people move and how States tend to view migration.

Participants are encouraged to think about stereotypes of migration and migrants, and the social attitudes and policy choices that result.

Content

The session:
- Highlights in broad terms the characteristics of international migration (how and why people migrate) and discusses the specific characteristics of migration in the participants' country or region;
- Explains and defines migration terms used in this field;
- Encourages participants to reflect on myths and stereotypes used to describe migrants and migration and to identify ways to counter harmful stereotypes;
- Identifies relevant stakeholders and examines how migration policies can affect migrants' human rights.

Learning objectives

At the end of this session, participants will be able to:
- Explain the characteristics of international migration and how they are relevant for their country or region;
- Describe the meaning of key terms used in the migration field;
- Recognize common migrant stereotypes and the stereotypes in their country or region;
- Recommend actions that can be taken to respond to common myths or stereotypes about migrants and migration;
- Identify policy responses to migration that are relevant in their country or region.

Key messages

- Migration is as old as humankind and occurs within and between every region in the world. Almost every country is a country of origin, transit or destination, and more and more countries are all three.
- People choose to migrate for many reasons and they migrate in many ways. It is important to remember that all migrants, regardless of their motivations and migration status, have human rights.
- We need to challenge beliefs and attitudes towards migrants that we and others hold because many are based on stereotypes and myths rather than reality.
- Migration is a complex and multifaceted phenomenon with important economic, social and political dimensions. However, human beings with human rights are at the heart of this phenomenon and they should be at the centre of analysis and policy interventions on migration.

MODULE 2: UNDERSTANDING MIGRATION AS A HUMAN RIGHTS ISSUE

Overall aims of the module: to introduce participants to international human rights laws and standards and build understanding of the relevance of these standards to all migrants and efforts to promote and protect their human rights.

The module will enable participants to identify specific human rights issues affecting migrants, to apply relevant standards in context, and to identify corresponding responsibilities of the State.

The module will enable participants to recognize the value of applying human rights standards to policy and practice on migrants and migration.

Session 3: International human rights and migration

Session aim

This session introduces participants to international human rights standards and key human rights concepts. It assumes very little prior knowledge of human rights laws and standards.

By the end of the session all participants should be able to recognize the fundamental elements of human rights law and why and how these rights apply to migrants. The session focuses in particular on the principle of non-discrimination.

Content

This session:
- Introduces the core international human rights instruments;
- Identifies human rights norms relevant to the situation of migrants;
- Presents examples of State obligations to respect, protect and fulfil human rights;
- Sets out the implications of these obligations for migrants.

Learning objectives

After this session, participants will be able to:
- Acknowledge that all human rights standards apply to migrants;
- Explain the meanings of the key human rights obligations of Governments to respect, protect and fulfil human rights;
- Appreciate the importance of non-discrimination to the situation of migrants;
- Identify how various instruments can be applied to the situation of migrants;
- Recognize which human rights treaties their Governments have ratified and discuss how these might relate to migrants.

Key messages

- Human rights are inherent and inalienable. Everyone, including migrants, is entitled to them.
- States have agreed that they have a responsibility to respect, protect and fulfil the rights of all persons – including migrants – within their jurisdiction.
- The absolute prohibition on discrimination is particularly relevant to migrants.
- There is no hierarchy between human rights. They are all interrelated and indivisible. Consequently, lack of access to a right often affects the enjoyment of other rights.
- States (as duty bearers) have specific obligations to people who fall within their jurisdiction (rights holders).
- The human rights framework provides tools for practical action to protect and promote the rights of all migrants.

Session 4: The Convention on Migrant Workers

Session aim

This session deepens participants' knowledge and understanding of human rights treaties that explicitly address the rights of all migrants.

In the previous session participants received a preliminary introduction to human rights standards and State obligations. This session introduces them to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It explains the basic content of the Convention and its value to policy and practice on migrants and migration, and explores some of the challenges to ratification and implementation.

Participants are also briefed on the Global Compact for Safe, Orderly and Regular Migration.

The session ends with a case study activity. Participants are encouraged to apply their knowledge by analysing human rights issues and relevant norms.

Content

The session will:
- Introduce the Convention on Migrant Workers (background and content);
- Develop understanding of the Convention's value to policy and practice on migrants and migration;
- Explore some of the challenges to ratification and implementation;
- Use case study analysis to identify the human rights concerns of migrants and relevant human rights standards.

Learning objectives

After this session, participants will be able to:
- Describe the purpose of the Convention and its position as one of the core international human rights treaties;
- Identify key articles that are not present in other human rights treaties;
- Explain what the Convention adds to migrant policy, practice and advocacy;
- Analyse specific situations in which the rights of migrants are violated and identify relevant normative standards.

Key messages

- The Convention establishes obligations for countries of origin, transit and employment.
- It affirms the rights and obligations of migrant workers in more precise terms.
- It identifies specific rights and protections of migrant workers.
- It is a valuable tool for promoting and protecting the rights of migrants.

Session 5: The United Nations human rights system

Session aim

This session introduces participants to the various United Nations human rights mechanisms (treaty bodies and Charter-based bodies) that promote, monitor and protect human rights. Alongside OHCHR, this includes treaty bodies, special procedures and the universal periodic review.

Building on previous sessions, participants will learn how specific human rights issues can be addressed in the United Nations human rights system and will be able to identify avenues offered by the system that can help to realize migrants' rights.

The session will encourage participants to explore how they and other actors can strategically engage with the United Nations human rights system and use it to promote, protect and monitor the rights of migrants.

Content

This session will:
- Describe the ways the United Nations system addresses migration;
- Provide an overview of the various United Nations human rights mechanisms;
- Explain the role and functions of OHCHR, the human rights treaty bodies and Charter-based bodies;
- Explore how Governments, civil society and United Nations entities can engage with the United Nations human rights system at various stages;
- Examine how these mechanisms and their activities can support practitioners who work on migrants' human rights;
- Encourage the participants to consider and evaluate how they and other actors might strategically engage with the United Nations human rights system to promote and protect migrants' human rights.

Learning objectives

After this session, participants will be able to:
- Identify the value of OHCHR's work on migration to the United Nations system;
- Recognize the various routes that are available to engage with the United Nations human rights system to promote, monitor and protect the human rights of migrants;
- Assess, analyse and identify the most appropriate and effective avenues to use to support the realization of migrants' rights;
- Identify concrete actions that can be taken to protect specific rights in the context of migration and to prepare a response strategy that makes use of United Nations human rights mechanisms and bodies.

Key messages

- Human rights are central to the mission of the United Nations. They are affirmed in treaties and are foundational elements of the Charter of the United Nations.
- The United Nations human rights system monitors States' implementation of their human rights obligations, provides advice to States on how to improve their record, and provides guidance on the interpretation of treaties.
- The United Nations human rights mechanisms have various tools with which civil society, national human rights institutions, Governments and individuals can engage.
- The reporting, monitoring and accountability processes of the United Nations human rights system can be used in practical ways to promote respect for the rights of migrants and to influence policy and practice.
- The outcomes and recommendations of treaty bodies, Charter-based human rights bodies and OHCHR can be used both to strengthen protection at the national level and to monitor implementation. The human rights mechanisms are essential instruments of accountability.
- All stakeholders should actively engage with the United Nations human rights system in order to maximize its influence and impact at the national level.

MODULE 3: A HUMAN RIGHTS-BASED APPROACH

Overall aim of the module: The final core module brings together the various elements discussed in previous sessions and encourages participants to explore the value of adopting a human rights-based approach to migration. In a practical scenario exercise, participants apply the knowledge and skills they have acquired by planning a migration programme that uses a human rights-based approach.

Session 6: A human rights-based approach to migration

Session aim

This session introduces the concept of a human rights-based approach. Bringing together the various elements learned in the previous sessions, it shows participants the value of adopting a human rights-based approach to migration.

Participants analyse how they might adopt a human rights-based approach in their work, and what skills they might require in order to do so.

Content

The session:
- Explains what a human rights-based approach is, and links it to previous modules;
- Considers the relevance of a human rights-based approach to migration;
- Discusses where a human rights-based approach adds value;
- Identifies challenges and obstacles that may be associated with a human rights-based approach, and ways to address them.

Learning objectives

After this session, participants will be able to:
- Describe the elements of a human rights-based approach and what adopting such an approach to migration means;
- Identify ways to empower migrants and increase their participation;
- Appreciate the value of a human rights-based approach to migration;
- Propose ways in which a human rights-based approach can enhance their work with migrants;
- Analyse the challenges and obstacles to implementing a human rights-based approach to migration;
- Suggest practical ways to address challenges.

Key messages

- A human rights-based approach is a methodology to address inequality, vulnerability and discrimination. It is different from a needs-based approach. It is based on international human rights laws and standards that States have agreed to apply.
- A human rights-based approach focuses on how duty bearers can meet their obligations and rights holders can claim their rights. It is an accountability framework.
- A human rights-based approach promotes the empowerment of migrants as a key goal, as well as their meaningful participation in policy and decision-making processes and other activities that affect them and their families.
- A human rights-based approach strengthens the legitimacy of actions that are taken to realize these rights, because they are based on legal standards that Governments have willingly agreed to apply.
- A human rights-based approach adopts a specific conceptual position on duty bearers and rights holders. It also transforms how practitioners address migrant issues, because a human rights-based approach considers process to be no less vital than outcome.

Session 7: Protecting rights in practice

Session aim

This final session of the core modules is a practical simulation, which encourages participants to implement the knowledge and skills they have acquired by incorporating a human rights-based approach into a programme for migrants.

Participants consider a scenario in a fictitious country, Liberto. They identify relevant international human rights laws and standards, stakeholders and United Nations human rights mechanisms, and they apply methodologies that promote the participation and empowerment of migrants.

In this simulation, participants analyse the context and the human rights challenges migrants face, set priorities based on objective and justifiable criteria, and develop a programme based on a human rights-based approach to address the issues identified.

Content

In this session, participants will:
- Design with others a programme that includes specific activities that seek to achieve the goals articulated;
- Practise incorporating the various elements of a human rights-based approach into a migration programme;
- Draw on the knowledge and skills they have acquired during the previous three modules;
- Focus on making sure that the process and outcomes of the programming exercise reflect a human rights-based approach.

Learning objectives

After this session, participants will be able to:
- Incorporate a human rights-based approach in developing a programme for migrants;
- Apply the knowledge and skills they have acquired during the course;
- Link and incorporate the various elements of a human rights-based approach throughout the different phases of developing a programme;
- Appreciate the value the human rights-based approach adds to migration programming.

Key messages

- The principles of a human rights-based approach run through all phases of programming.
- Detailed analysis is required of human rights issues and their causes and of the capacities of rights holders, duty bearers and other stakeholders to support and sustain change.
- Strategic planning requires a clear description of the human rights outcomes that are sought and a plan to achieve them.
- In a human rights-based approach, the way in which action is taken to achieve human rights objectives (process) is as important as their achievement (outcome).
- Monitoring and evaluation must take place throughout, and should involve all stakeholders in a participatory manner.

Sample agenda – core modules

Day One	
9–10.30 a.m.	**Module 1, session 1:** Course introduction and overview
10.30–10.45 a.m.	Break
10.45 a.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

Module 1
Introduction to the course and
to international migration

Module outline

Module title	Module aim	Topics / sessions	Session overview (methodology, timings)
Module 1: **Introduction to the course and to international migration**	This module introduces participants to the course, the trainers and each other. It encourages participants to reflect on the issues that migration raises from personal, national and international perspectives. Issues include the factors that drive migration, public attitudes to and beliefs about migrants and migration, how these inform policy and practice around the world and the relevance of human rights standards to discussion of migration.	**Session 1:** **Course introduction and overview**	*1–1.5 hours* A mix of discussion, activities and slides
		Session 2: **An introduction to international migration**	*2.5 hours* Slides, activities and discussion

Aim of the session

In this session, participants are welcomed to the course and introduced to each other. An overview of the course objectives and structure is presented.

Participants have an opportunity to reflect on their own learning objectives for the week.

The session should set the tone for the course: it should encourage honest and respectful sharing and should be participatory and fun.

SESSION OVERVIEW

SESSION 1: COURSE INTRODUCTION AND OVERVIEW

Content	This session will: • Introduce participants and trainers to each other; • Outline the course goals, objectives and agenda (based on the training needs assessment); • Elicit participants' personal expectations for the course; • Set the tone for the workshop, including by establishing ground rules.
Learning objectives	After this session, participants will be able to: • Indicate each other's names, backgrounds and personal and professional experience of migration; • Describe the objectives and structure of the course; • Identify their personal expectations and goals for the course.
Key learning points / key messages	• The course will be participatory. Participants should contribute as much as they can to discussions and activities. • The course's approach combines learning through information, activities and sharing experiences. • The course is an opportunity to reflect on and discuss the factors that impede or facilitate efforts to realize migrants' human rights. These include attitudes and stereotypes that are prevalent in our countries, resources and cooperation with others. • Many of the participants have personal experiences of migration. It will be helpful to reflect upon and share these.
Preparation	• Flip charts: course objectives, ground rules, training map and parking lot • Name tags and sticky notes (on tables) • Video set-up (if desired) • Activity handout
Equipment	• Flip charts, markers, sticky notes, name tags, name plates, handouts, projector, internet connection
Handouts and additional session resources	• Trainer bios • Course agenda • People bingo (sample activity) • Introductions questionnaire (sample activity) • Participants' expectations (sample activity) • Knowledge, skills and attitudes (sample activity) • Establishing ground rules (sample activity) • "My learning path" (handout) • Video (if desired)

SESSION PLAN

Tips

The length of this session may vary, depending on the activities selected.

If the training is set to last longer than 2–3 days, extend the introductory session. Give participants time to get to know each other. Spend time on creating a collaborative atmosphere.

The activities below are suggestions only. Adapt or change them to align with the needs assessment, the context, and the needs and preferences of the participants.

Time	Activity	Resources
10 minutes	**Welcome to the course**	
	• **Officially welcome** participants to the training. • **Explain** the background to the training. • **Introduce** the organization/course organizers. • **Invite** the trainers to introduce themselves. • **Give** an overview of this session.	*Slides* *Handout: training team bios*
15–30 minutes	**Introductions**	

	Ask participants to introduce themselves. You can do introductions in a variety of ways. For example:
	
	(a) Activity: Introductions questionnaire
	
	    See sample activities
	
	    Reminder: If you use this method, disregard the section below on participant expectations.
	
	(b) Activity: People bingo
	
	    See sample activities
	
	To wrap up
	• **Recognize** the expertise in the room.
	• **Make sure** the participants have name tags. Ask them all to wear them for at least the first two days, so that everyone has a chance to remember people's names.
		Handout on people bingo (if this activity is selected)
		
		Flip chart on course objectives
		
		Place name tags and name plates on a table and ask participants to complete them (using their preferred names)

Time	Activity	Resources
5–10 minutes	**Personal expectations**	
	• **Present** what emerged from the training needs assessment. Describe participants' areas of interest and ask them to describe their expectations of the course. • **Run** an activity to elicit participants' experience of migration and human rights, especially if you were only able to organize a limited training needs assessment beforehand. This activity will encourage participants to talk about their objectives for and expectations of the training course. Use this information to manage participants' expectations and tailor the course to their needs. **Possible activities** If you did not use the introductions questionnaire above, which includes a question on this, two additional ways to ascertain participants' expectations of the course are: (a) Activity: Participants' expectations. See sample activities (b) Activity: Knowledge, skills and attitudes – Now I know, Now I can, Now I believe. This activity encourages all participants to reflect on the specific knowledge, skills and attitudes they hope to gain by the end of the course. See sample activities To wrap up • **Make clear** the limitations of the course if expectations emerge that are not within the scope of the training.	*Flip chart* *Flip chart* *Place sticky notes on each table* *Place markers on each table* *Put up three flip charts, headed "Now I know", "Now I believe" and "Now I can"*
5 minutes	**Course objectives**	
	• **Explain** the course's goal(s) and objectives and link them (as appropriate) to the results of the training needs assessment and to participants' objectives. • **Display** a flip chart in the room in a place where it can be seen throughout the course.	*Flip chart*
10 minutes	**Course structure, content and methodology**	
	• **Refer** to the course agenda and explain the course's structure. It moves sequentially from introducing migration to reviewing the human rights standards and instruments relevant to migrants, then examines how the international system oversees and supports the realization of those rights. • **Explain** that each module will include activities and discussions. These will explore common attitudes to migration and migrants in many countries that impede the achievement of migrants' rights. Each module will also explain the tools available to challenge such attitudes and will show how participants and their institutions can address such impediments and protect and promote migrants' rights.	*Flip chart image of training map* *Handout: course agenda*

Time	Activity	Resources
5 minutes	**Additional Information**	
	• **Clarify** when breaks will occur in the agenda. • **Direct** participants to course materials, including daily and final evaluation forms, so they know what to expect and what will be provided at the end of the course. **Reminder:** Participants often want to know whether they will receive copies of slides before, during or after a session or the course. • **Put up** a "parking lot" flip chart to list pending questions that cannot be addressed at once or that are off-topic. Explain that they will be addressed if there is time. • **Highlight** any administration or housekeeping issues. For example, indicate the location of toilets and break areas and explain health and safety requirements and any other policies or procedures. Explain who will handle logistical issues. You may want to put up a flip chart at the back of the room with housekeeping reminders.	*Handouts: daily and final course evaluations, self-inventory* *Workbooks are already on the table*
5–10 minutes	**Ground rules for the course**	
	It is helpful to set ground rules to ensure that everyone observes the same behavioural standards and agrees the conditions under which the training course will take place. Ground rules can be set in many ways but should be addressed at the start of the course. It is best if they are set by the participants. Activity: Establishing ground rules *See sample activities* • **List** the ground rules in a visible place for the duration of the course. • **Refer** to them as necessary and early on to set the tone of the training.	*Flip chart, markers*
5–10 minutes	**How common is migration?**	
	• Address this question in the first session of the course to encourage the participants to personalize migration and recognize how common it is in our own families. • **Invite** everyone to stand up. • **Say:** "Please sit down if you live in the same place (town/city) as your four grandparents". • Many (most?) will remain standing. • **Ask** the participants to look around them to see how many people have experienced migration directly at some point in their lives, personally or through their families.	*Flip chart*

Time	Activity	Resources
	Use this activity to emphasize that many of us have personal experience of migration. **Ask** those who remember their experience to use adjectives to describe how they felt or why they moved. **Note** their adjectives on a flip chart. **Comment** on experiences that are shared.	
	Video	
	If there is time, you can show a video at the end of the session. *See Additional resources*	

ADDITIONAL RESOURCES

Videos on the human rights of migrants

• "I am not here".
www.youtube.com/watch?v=v1GY6ItQVaM
Published on 21 September 2015; language: English/English subtitled.
Director, editor and cinematographer: Ashvin Kumar.
Co-producer and lead researcher: Christina MacGillivray.
A documentary film produced by OHCHR, "I am not here" reveals the harsh reality of life as an undocumented migrant domestic worker through the true stories of three women. Hoping to find a place of safety and opportunity in a distant country, migrants make perilous journeys, risking drowning, deportation, arrest and physical and sexual violence. Those who survive the journey become nannies, housekeepers and drivers – present everywhere but trying to disappear in the multitude of their new country. If it works out, they realize their dream and can educate their children. In the worst cases, they are locked away in homes by their employers, are abused without recourse and survive in fear. This film depicts three women who took these risks in the hope of a better life.

• Storytelling on migration: animated video series.
www.ohchr.org/EN/Issues/Migration/Pages/VideoStories.aspx
In these short videos, which are part of OHCHR's Stand Up for Human Rights campaign, migrants, particularly migrants in irregular situations, tell their stories in their own voices. Fifteen two-minute videos have been disseminated via social media. OHCHR was joined by Indian-American comedian Hari Kondabolu, who has been honoured by the Mayor of New York City, Bill de Blasio, for his ability to unite people of all backgrounds and beliefs in laughter while raising awareness about important matters of social justice and equality.

• UN Human Rights Stand-Up for Migrants comedy night.
https://vimeo.com/489345099/bdbcdf07d4
To celebrate International Migrants Day, OHCHR, the City of Geneva, the Federal Department for Foreign Affairs of Switzerland and Amnesty International hosted Stand-Up for Migrants, a comedy event to create a space for a broad audience to come together in shared creativity, discussion and laughter. Comedians Hari Kondabolu, Thomas Wiesel, Deborah Frances-White, Charles Nouveau, Bruno Peki, Evelyn Mok and Noman Hosni shared their own stories of migration to counter hate and unite us in laughter.

• OHCHR migration video channel.
www.youtube.com/playlist?list=PLYUVFvBU-lodCuyIHELCpd2JB44pNmQIH

• United Nations Refugees and Migrants video channel.
www.youtube.com/playlist?list=PLwoDFQJEq_0Y-lZxNM6nFXWteTM4oUjM9

- WorldLeadersTV: "Migrants entitled to all human rights".
  www.youtube.com/watch?v=ZnfyCtW7q1g
  Published on 4 September 2013; language: English.
  MaximsNewsNetwork, OHCHR.
  OHCHR called for a review on how irregular migrants are treated. Speaking at a forum held at OHCHR headquarters in Geneva ahead of an international migration summit at the United Nations General Assembly in October 2013, the former United Nations High Commissioner for Human Rights, Navi Pillay, said that migrants briefly appeared in the international discourse "as 'development heroes' or 'security villains' before being relegated again to the shadows".

- "Protect the human rights of migrant workers in the Middle East".
  www.youtube.com/watch?v=946LfiSpCS0
  Uploaded on 9 April 2010; language: English.
  Migrant Rights.
  For too long, migrant workers have been an invisible majority in the Middle East. They are rarely discussed in the media and receive little protection from their host Governments, many of which lack clear policies to safeguard their welfare. Migrant Rights urges people to join its struggle for migrant rights in the region. See www.migrant-rights.org.

- "Nepal: Migrant Women & Human Rights".
  www.youtube.com/watch?v=PpjPEgik_ig
  Uploaded on 4 January 2010; language: English.
  MaximsNewsNetwork, UNTV, Nepal.
  Almost half a million women from Nepal work overseas each year. The money they send home supports their families, but sometimes these women are cruelly exploited.

Module outline

Module title	Module aim	Topics / sessions	Session overview (methodology, timings)
Module 1: Introduction to the course and to international migration	This module introduces participants to the course, the trainers and each other. It encourages participants to reflect on the issues that migration raises from personal, national and international perspectives. Issues include the factors that drive migration, public attitudes to and beliefs about migrants and migration, how these inform policy and practice around the world and the relevance of human rights standards to discussion of migration.	**Session 1: Course introduction and overview**	*1–1.5 hours* A mix of discussion, activities and slides
		Session 2: An introduction to international migration	*2.5 hours* Slides, activities and discussion

Aim of the session

The session introduces participants to the characteristics and complexities of international migration and explains migration terminology. Participants discuss how and why debates around migration take the form they do, reflecting on why people move and how States tend to view migration.

Participants are encouraged to think about stereotypes of migration and migrants, and the social attitudes and policy choices that result.

SESSION OVERVIEW

SESSION 2: AN INTRODUCTION TO INTERNATIONAL MIGRATION

Content	This session will: • Highlight in broad terms the characteristics and complexities of international migration (how and why people migrate) and discuss the specific forms that migration takes in the participants' country or region; • Explain and define terms used in this field; • Encourage the participants to reflect on myths and stereotypes commonly used to describe migrants and migration, and to identify methods to counter harmful stereotypes; • Identify relevant stakeholders and examine how policymaking on migration can affect the human rights of migrants.
Learning objectives	After this session, participants will be able to: • Explain the characteristics of international migration and how they are relevant in their country or region; • Describe the meaning of key terms used in the migration field; • Recognize common migrant stereotypes and acknowledge stereotypes that are prevalent in their country or region; • Recommend actions that can be taken to respond to common myths or stereotypes about migrants and migration; • Identify policy responses to migration that are relevant in their country or region.
Key learning points / key messages	• Migration is as old as humankind. It occurs in and between all regions of the world. Almost every country is a country of origin, transit or destination, and more and more countries are all three. • People choose to migrate for many reasons and they migrate in many ways. It is important to remember that all migrants, regardless of their motivation and legal status, are entitled to their human rights. • We need to challenge attitudes to and beliefs about migrants that we and others have which are based on stereotypes and myths rather than reality. • Migration is a complex and multifaceted phenomenon with important economic, social and political dimensions. However, at its heart are human beings with human rights. They should be at the centre of analysis and policy interventions on migration.
Preparation	Note the definition of "international migrant" on a flip chart. Draw a globe on a flip chart. Print out handouts. Prepare activities: print definition cards/memory cards (if needed); print migrant stories; print yes/no cards (if needed).
Equipment	Flip charts, markers, projector, internet connection (if desired), scissors, tape.
Handouts and additional session resources	• Definitions: activity instructions (sample activity) • Definitions: cards (energizer) (sample activity) • Definitions: memory cards (group activity) (sample activity) • Terms and definitions relevant to migrants and migration (handout) • Migrant stories (sample activity) • Migrant stories (handout) • Migrant stereotypes: Take a human rights stand (sample activity) • Migrant stereotypes: quiz (sample activity).

SESSION PLAN

Tips

- Two activities are included in this session: a definitions activity and an activity on myths/stereotypes. Decide which activities are appropriate, taking account of the profile of the participants, the context and the time available.

- Three internet-based interactive advocacy tools can also be shown during this session if desired. They have been included in the computer slides but are hidden. The tools are described in more detail in the *Additional resources* section at the end of the session plan.

Time	Activity	Resources
5 minutes	**Session introduction**	
	• **Introduce** the session by giving a brief overview. Run through the session objectives. • **Remind** participants that they will receive a resource list and suggestions about where they can go for more information.	*Slides*
5 minutes	**International migrant – a definition**	
	• **Explain** that no universal legal definition of "international migrant" or "migrant" has been agreed. During the training session we will use the working definition that OHCHR uses in its work on migration: *"Any person who is outside a State of which he or she is a citizen or national, or, in the case of a stateless person, his or her State of birth or habitual residence."* This definition includes migrants who intend to move permanently or temporarily and migrants who move in a regular or documented manner, as well as migrants in irregular situations. (See OHCHR, *Recommended Principles and Guidelines on Human Rights at International Borders*, Chapter I, para. 10.) • **Display** the definition on a flip chart on the wall. • **Highlight** that the definition is intentionally broad and is designed to include a wide range of migrants, to take account of the many reasons why they move, and to recognize the human rights challenges they face on their journeys and in their countries of destination. • It differs from the definition adopted in the Convention on Migrant Workers, which focuses on workers and members of their families and excludes, for example, international students (see articles 2–4).	*Flip chart*

Time	Activity	Resources
5 minutes	**Who moves?**	
	• **Display** the flip chart with a globe. • **Ask** participants: What percentage of the global population are migrants? *Answer:* Approximately 3.5 per cent. There were 281 million migrants in 2020. Explain that this includes 26 million refugees. For the latest data, see Department of Economic and Social Affairs, Population Division: International Migration. • **Ask** participants: What do you think the gender breakdown is among international migrants? *Answer:* Approximately 48 per cent women and 52 per cent men. However, there are differences between regions and countries. For instance, in 2019 female migrants outnumbered male migrants in the global North, whereas male migrants outnumbered female migrants in the global South. • **Remind** participants that people move for different reasons, making it important to focus on differences of purpose and on gender inequalities at all stages of the migration process. • **Emphasize** that migration policies can affect women, men, girls, boys and those who identify outside those binary categories in different ways.	*Slides* *Flip chart*
10 minutes	**Why do people move?**	

	• **Refer to** the discussion at the end of the previous session. Highlight that many of us have migrants in our own family history.
	• **Emphasize** that, whatever debates frame the way we currently look at migration, migration is as old as humankind.
	  – Today, in countries of origin, transit and destination, migration is often framed in public debates as a growing concern.
	  – While in some ways our borders are more open than before (for example, goods and capital move freely in many areas), in other respects, and particularly for certain groups of migrants, borders are becoming harder to cross.
	• **Ask** participants to think of their own experiences and knowledge of migration and invite them to suggest why people are drawn to leave their homes today.
	• **Note** the different reasons on a flip chart (if desired).
	• **Encourage** the participants to think of their own experiences of migration, and the experiences of their family or friends, when they consider migration in the course of their work.
	• **Show** the slide and list any reasons that the participants did not identify.
		Slides
		
		Flip chart

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Time	Activity	Resources
	• **Explain** that decisions to migrate are driven by a combination of so-called push and pull factors. Push factors include social, financial, environmental and cultural stresses, unemployment and lack of access to decent work, a lack of access to adequate healthcare, education or housing, conflict, domestic violence, family concerns, personal ambitions and a lack of opportunities. Pull factors include a desire to reunite with family members, employment opportunities and accessible migratory routes. The influence of these factors varies from person to person. They are often intertwined and may be gendered.	
5 minutes	**Challenges along the journey**	
	• **Explain** that migrants are often most exposed to human rights violations or abuses when they cross international borders and are in transit. • Human rights risks often begin in the country of origin, where migrants face their first barriers, such as exit bans or exit visa requirements. The risks accumulate during their journeys. • Major obstacles that make it difficult for people to migrate safely from one country to another include harsh law enforcement or military responses, walls and fences, dangerous interception methods at sea and land borders and other techniques designed to "keep migrants out", and the absence of safe and regular migration channels. This includes a lack of provision for family reunification and a lack of international labour opportunities at all skill levels. • The criminalization of irregular migration, blanket detention policies and dangerous return practices create specific additional risks for migrants. • All these barriers push migration further underground, making journeys more expensive, more dangerous and much longer and more circuitous. They compel migrants to use smugglers to facilitate their travel and expose them to human rights violations and abuses at each step of their journey.	
5 minutes	**Where do people move?**	
	Reminder: If participants are from the same country or region, this section and the slide should be adapted accordingly. • **Display** a flip chart with a drawing of the globe. • **Ask:** What percentage of migrants do you think move from the global South to the global North? • **Note and illustrate** on the flip chart that approximately 35 per cent of migrants move from South to North, and 36 per cent move from South to South (although this figure might be higher were more accurate data available). Over a fifth of migrants (23 per cent) migrate from North to North. A small but growing number of migrants (6 per cent) migrate from North to South.	

Time	Activity	Resources
	• **Display** the Circos visualization to illustrate global cross-border migration movements and how they have changed over time. • **Highlight** some of the problems with data on migration. These include a lack of data and significant gaps in data collection (who is captured and who is not), as well as the variety of different types of data, definitions and sources, etc. To obtain information on international migration, the United Nations Department of Economic and Social Affairs mostly uses data from population censuses, population registers and nationally representative surveys. However, some countries consider migrants to be "foreign-born" while others treat them as foreign citizens. This leads to inconsistent results, because it excludes some migrants from the count and includes other people who would not identify as migrants. (See Department of Economic and Social Affairs, "International migrant stock 2019".)	
45 minutes	📊 〽️ **Migrant stories, definitions and categories**	
20 minutes	Activity: Migrant stories This activity introduces participants to some of the complexities of contemporary migration, as well as migration terms and definitions. Participants glimpse some of the experiences of migrants across the globe, and learn how different types of migrants have come to be categorized. 🔔 **Reminder:** This activity can be preceded by one of the definitions activities (the energizer or memory cards activity). We recommend you do this when groups are not familiar with the different types of migrant. Doing a definitions activity will add 20 to 30 minutes to the programme. 〽️ *See sample activities*	*Slides* *Flip chart* *Migrant story cards* *Definitions handout* *Memory cards or energizer cards (if doing the definitions activity)*
20 minutes	**Debrief** • **In plenary**, summarize each story (**show slides**) and ask participants what issues and categories the stories evoke. Note them on a flip chart. • **Ask** participants if they feel that the human rights of migrants in their stories are adequately protected. Ask how they could be better protected. • **Summarize** by highlighting features that migrants in the stories share: – Most travelled in an irregular manner. (Although this is not true of all migrants, it is important to highlight that irregular migrants face particular risks because they cannot access safe and regular migration channels.) – All fit into one or several legal categories at one point, but not throughout, and there are gaps.	

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Time	Activity	Resources
	– **All experience human rights abuses and violations** in their country of origin or habitual residence, on their journey, or in their country of destination. Due to their experiences and circumstances, they are unable to effectively enjoy their human rights. Specific human rights interventions could help to mitigate the human rights risks they face, deliver appropriate protection and/or provide redress.	
5 minutes	**Definitions and categories** • **Highlight** that the slide shows "forced" and "voluntary" migration. • **Ask** participants to decide whether the migrants whose stories they have discussed moved voluntarily or were forced to move? • **Conclude** by noting that migrants are placed in many different categories and defined in different ways. The real challenge is to fit complex human experiences and choices into what are often narrowly defined legal categories. • Terminology and migration policy are often premised on the idea that migrants fall into clear and separate categories; in fact, this is rarely the case. A migrant's experience lies on a continuum between migration that is explicitly forced and migration that is explicitly voluntary – and over time their position may shift, perhaps several times. **The challenge of terminology** • An additional risk associated with the strict application of fixed categories is that their proliferation can fragment protection, because some people will inevitably fall into gaps between them. • In fact, many migrants in vulnerable situations fall outside specific legal categories but still need human rights protection. **Migrants in vulnerable situations** • Migrants are in vulnerable situations when they are not able effectively to enjoy their human rights and are at higher risk of human rights violations or abuse. • **Explain** that, regardless of their status, migrants in vulnerable situations may need specific human rights protection. They may be at risk as a result 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.	

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Time	Activity	Resources
	• **Emphasize** that migrants are not inherently vulnerable, but may come to be at risk because their situations put them at risk. There may be risks associated with the factors that caused them to leave their country of origin, the conditions in which they travel or that they encounter at their destination, their circumstances, their identity or structural discrimination. • Failure to identify migrants in vulnerable situations may create significant protection gaps and exacerbate the human rights risks that migrants face. • **Reflect** on the stories and show how the migrants in them are in vulnerable situations and entitled to human rights protection, even if they do not fall into legal categories (victims of trafficking, refugees, persons with disabilities, etc.) that offer specific forms of protection.	
10 minutes	**Actors and stakeholders involved in migration**	

	Migration is ... whose business?
	
	• **Ask** participants to identify the various stakeholders involved in migration at the national level.
	• **Note** these categories on a flip chart.
	• **Ensure** the list includes:
	  – Migrants and their families
	  – National authorities of the States from which they originate
	  – National authorities of the States through which they travel
	  – National authorities of the States to which they move
	  – Local authorities
	  – International organizations
	  – Regional organizations
	  – NGOs and civil society organizations
	  – Migrants associations
	  – National human rights institutions / ombudspersons
	  – Trade unions
	  – Employers organizations
	  – The business sector
	• **Begin** a discussion on the implications of this list. Point out the large number of actors/stakeholders. Use the questions below as a guide.
	  – Do you work with or for any of the organizations listed?
	  – What difficulties of coordination and coherence could arise?
	  – How might the differing interests of stakeholders negatively affect the human rights of migrants and their families? Give an example.
	  – Can you think of some good practices that would improve coordination between stakeholders?
		Slides
		
		Flip chart

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Time	Activity	Resources
	• **Conclude** by encouraging participants to continue to discuss and share their ideas with others – about the challenges of working with such a large number of stakeholders, opportunities to respond and solutions. • **Explain** that the group will do some activities on multiple stakeholders later in the training.	
35 minutes	**Stereotypes, myths, reality**	
5 minutes	**Make** the following introductory comments: • In many countries, a complex mix of factors influence how issues of migration are communicated and responded to. For example, some actors may gain politically or commercially from talking about "illegal" migrants rather than "undocumented" migrants or migrants "in an irregular situation". • Myths and stereotypes often characterize debates on migration. They may be used to bolster claims that migration or the rights of migrants should be limited or curtailed. • Even those of us who work on the human rights of migrants are not immune from being influenced by concepts or ideas that are not based on fact. Psychologists have shown that we all have "implicit stereotypes" and biases. In other words, due to our culture, upbringing and previous experience, we unconsciously attach characteristics to people who do not belong to our social group. This bias exists, even if we consciously and explicitly reject it. • This is part of human nature and does not mean we are all xenophobic or racist. It does mean that we should take care to recognize and address our biases, critically analyse what we hear about migrants and migration and take steps to prevent hidden biases from leading to behaviour or actions that could result in discrimination. • Participants are encouraged to take the implicit association test, administered by Harvard University, at home. A video explanation of the test can be viewed in plenary, if time permits (available at www.youtube.com/watch?v=9VGbwNI6Ssk).	
20 minutes	**Possible activities** **Select** the activity that best matches the dynamics in the room. Two sample activities are provided as options. They encourage participants to recognize some of their own preconceptions, discuss common myths and stereotypes openly and explore ways to challenge them. (a) Activity: Take a human rights stand This activity is best done outdoors or in a facility that is large enough to allow all participants to move about comfortably. 　　　　**See sample activities** (b) Activity: Migrant stereotypes quiz 　　　　**See sample activities**	

Time	Activity	Resources
	Remind the participants that it is important to speak and react honestly. This is an opportunity to reflect on their own biases as much as those of others. Encourage everyone to respond honestly and respect the responses of others. **Debrief** We may disagree with many of the comments and statements that are made about migration, but we must acknowledge that numerous people hold such beliefs, and we should be ready to respond in ways that encourage a respectful and open conversation. It is unlikely that we will be able to persuade those who hold beliefs strongly to think or behave differently. Fears and legitimate concerns underlie many negative reactions to migration, including concerns about the insecurity created by austerity measures, threats to social security and welfare, the lack of employment opportunities, the perceived or actual effects of globalization and security threats associated with crime, conflict or terrorism. Recognizing this can help to open a pathway to dialogue.	
10 minutes	**How to respond to prejudice and inaccurate perceptions** • **Invite** participants to respond and note their comments on a flip chart. Alternatively, bring up slides. • **Facilitate** a brief discussion on the various methods that can be used to counter inaccurate or false statements about migrants and migration. • **Emphasize** the importance of evidence-based arguments, while being mindful that statistics and data can be manipulated and may sometimes be counterproductive. • **Ask** the participants if they have ever seen statistics about migration being manipulated. • If they cannot supply an example, use the one below. Read out the two statements and ask which one is true. – *Statement 1:* The number of international migrants has doubled in the past 20 years. – *Statement 2:* For 20 years, the number of migrants in the world has remained at a constant level of around 3.5 per cent of the world's population. – *Answer:* Both statements are true, because the overall world population has increased significantly in the last 20 years. In relative terms, the number of international migrants proportionate to the global population has remained constant. • **Point out** that, depending on their viewpoint and the argument they want to make, people will highlight either statement 1 or statement 2. • **Explain** that, while it is important to rely on evidence rather than anecdotes or perceptions, the truth is that accurate and balanced data on migration are often lacking. Where this is so, statistics can easily be twisted to propagate myths about migrants and migration.	

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Time	Activity	Resources
15 minutes	**Policy responses and implications**	

	• **Ask** participants to consider how migration issues are framed in political and social commentary and debate in their country.
	• **Ask** them to list on a flip chart the viewpoints that most influence policymakers.
	
	Reminder: If you think this discussion is politically sensitive, you might wish to set up small groups rather than discuss the topic in plenary.
	
	Policy responses to migration
	
	• **Ask** participants to consider what, in their experience, migration debates are based on. Show a slide that lists a range of elements.
	
	Why are these approaches problematic?
	
	• **Ask** in plenary: What are some of the more problematic implications of common policy responses to migration?
	• **Show** slide to reveal common policy responses to the areas of concern highlighted in the previous slide.
	• **Conclude** by making these points:
	  – Migration policy often features abstract demands for security or economic growth, paying little attention to the human rights impacts of such approaches on migrants and their families.
	  – All States are entitled to govern migration in their jurisdiction.
	  – A State's sovereignty is nevertheless constrained by the obligations it has voluntarily accepted under international human rights law, customary law and other relevant branches of law.	

5 minutes	**Summary and key messages**	
	Key messages and quote from the United Nations High Commissioner for Human Rights • **Emphasize** that the issue of migration is complex and multifaceted, and has implications for many areas of policy and analysis. • **Explain** that migration is a fundamentally human issue, but that security, economic and political concerns can divert the focus from migrants as people, and from their needs and rights. • **Remind** the participants that Governments have developed and adopted human rights standards. They have good policy reasons, as well as a legal duty and a moral obligation, to apply these standards to migration policy and the treatment of migrants.	

Time	Activity	Resources
	• **Reaffirm** that the purpose of this course is to enable participants to reflect on and decide how they can promote and protect the human rights of all migrants in the context of their work and functions. • **Remind** the participants that the next module will examine the international human rights framework and its relevance to migrants. Participants will seek to: – Understand the relevance of human rights standards to migrants, with the aim of promoting and protecting the human rights of all migrants; – Explore the ways in which a human rights-based approach guides policy formulation and implementation, and monitoring on migration.	
	Hidden slides	
	A number of hidden slides with interactive tools are available. More slides can also be found under: *Additional resources.* These can be used if time permits.	

ADDITIONAL RESOURCES

Background reading

- Council of Europe: Commissioner for Human Rights, "Issue paper: criminalisation of migration in Europe: human rights implications", 2010.
  https://rm.coe.int/16806da917

- Department of Economic and Social Affairs, Population Division, International Migration.
  www.un.org/development/desa/pd/content/international-migration-1

- Global Migration Group, *International Migration and Human Rights: Challenges and Opportunities on the Threshold of the 60th Anniversary of the Universal Declaration of Human Rights*, 2008.
  https://digitallibrary.un.org/record/642516

- Harvard University, implicit association test.
  https://implicit.harvard.edu/implicit/

- International Council on Human Rights Policy, *Irregular Migration, Migrant Smuggling and Human Rights: Towards Coherence*, 2010.
  https://reliefweb.int/report/world/irregular-migration-migrant-smuggling-and-human-rights-towards-coherence

- OHCHR, "Migration and human rights: improving human rights-based governance of international migration", 2013.
  www.ohchr.org/sites/default/files/Documents/Issues/Migration/MigrationHR_improvingHR_Report.pdf

- OHCHR, "Reframing narratives on migration".
  www.ohchr.org/EN/Issues/Migration/Pages/Reframing-Narratives-on-Migration.aspx

- OHCHR and Global Migration Group, *Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in vulnerable situations*, 2018.
  www.ohchr.org/EN/Issues/Migration/Pages/VulnerableSituations.aspx

- OHCHR, *From Planning to Impact: A Manual on Human Rights Training Methodology*, 2019.
  www.ohchr.org/en/publications/professional-training-series/planning-impact-manual-human-rights-training-methodology

- OHCHR and Equitas, *Evaluating the Impact of Human Rights Training Activities: Workshop Guide*, 2020.
  www.ohchr.org/en/publications/professional-training-series/evaluating-impact-human-rights-training-activities

- Panos Global South Network and United Nations Alliance of Civilizations, *Media-Friendly Glossary on Migration*, 2014.
  http://panosnetwork.org/the-beacon/33-mesndly-glossary-on-migration

- United Nations, General Assembly, "Report of the Special Rapporteur on the human rights of migrants", 2013 (A/68/283).
  https://undocs.org/Home/Mobile?FinalSymbol=A%2F68%2F283&Language=E&DeviceType=Desktop&LangRequested=False

- United Nations, Human Rights Council, "Promotion and protection of the human rights of migrants in the context of large movements: Report of the United Nations High Commissioner for Human Rights", 2016 (A/HRC/33/67).

- United Nations, Human Rights Council, "Situation of migrants in transit: Report of the Office of the United Nations High Commissioner for Human Rights", 2015 (A/HRC/31/35).
  https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/31/35

- United Nations Development Programme, *Human Development Report 2009: Overcoming barriers: Human mobility and development.*
  http://hdr.undp.org/en/content/human-development-report-2009

Alternative aids (for use by trainer as appropriate)

- OHCHR film, "I am not here".
  www.youtube.com/watch?v=v1GY6ItQVaM#t=1033
  Published on 21 September 2015; language: English/English subtitled.
  Director: Ashvin Kumar. Co-producer and lead researcher: Christina MacGillivray.
  A documentary film produced by OHCHR, "I am not here" reveals the harsh reality of life as an undocumented migrant domestic worker through the true stories of three women. Hoping to find a place of safety and opportunity in a distant country, migrants make perilous journeys, risking drowning, deportation, arrest and physical and sexual violence. Those who survive the journey become nannies, housekeepers and drivers – present everywhere but trying to disappear in the multitude in their new country. If it works out, they realize their dream and can educate their children. In the worst stories of horror, they are locked away in homes by their employers, are abused without recourse and survive in fear. This film depicts three women who took these risks in the hope of a better life.

- OHCHR, Storytelling on migration, animated video series.
  www.ohchr.org/EN/Issues/Migration/Pages/VideoStories.aspx
  In these short videos, which are part of OHCHR's Stand Up for Human Rights campaign, migrants, particularly migrants in irregular situations, tell their stories in their own voices. Fifteen two-minute videos have been disseminated via social media. OHCHR was joined by Indian-American comedian Hari Kondabolu, who has been honoured by the Mayor of New York City, Bill de Blasio, for his ability to unite people of all backgrounds and beliefs in laughter while raising awareness about important matters of social justice and equality.

- Migration data portal.
  www.migrationdataportal.org/international-data
  This tool from the International Organization for Migration (IOM) provides a range of internationally comparable migration data, which the interactive world map visualizes.

- The global movement of people.
  www.global-migration.info/
  This interactive online tool illustrates migration between and within regions in five-year periods between 1990 and 2010. Click on a region to discover movement country by country.

- Population Reference Bureau (PRB), Global Migration Trends Infographic.
  www.prb.org/resources/global-migration-trends-infographic/

- Channel 4 News, "Two Billion Miles", featured in "Refugees and migrants travel two billion miles in 2015", 2 November 2015.
  www.channel4.com/news/refugees-and-migrants-travel-2-billion-miles-in-2015
  Featuring an interactive video story describing contemporary migrant journeys to Europe.

- Fortress Europe *(The Guardian)*.
  www.theguardian.com/global-development/ng-interactive/2014/jan/refugee-choices-interactive
  Invites participants to make the choices refugees have to make when they seek refuge in Europe. Click on the link and do the exercise with participants. Let them choose the next step to take, then read out where it leads them. In between are short video clips of refugee testimonies which you can watch together. It is a great tool to understand the consequences of current migration, and especially border regimes, for people trying to flee their countries.

- IOM, Missing Migrants Project.
  http://missingmigrants.iom.int/
  Provides global figures and infographics on the number of deaths/missing persons at international borders.

Module 2
Understanding migration as a human rights issue

Module outline

Module title	Module aim	Topics / sessions	Session overview (methodology, timings)
Module 2: **Understanding migration as a human rights issue**	This module introduces participants to international human rights laws and standards and builds understanding of the relevance of these standards to all migrants and efforts to promote and protect their human rights. The module will enable participants to identify specific human rights issues affecting migrants, to apply relevant standards in context, and to identify corresponding responsibilities of the State. The module will enable participants to recognize the value of applying human rights standards to policy and practice on migrants and migration.	**Session 3:** **International human rights law and migration**	*2.5 hours* Slides, discussion and activities
		Session 4: **The Convention on Migrant Workers**	*2 hours* Slides, discussion and activities
		Session 5: **The United Nations human rights system**	*2.5 hours* Slides, discussion and activities

Aim of the session

The session introduces participants to international human rights standards and key human rights concepts. It assumes very little prior knowledge of human rights law and standards. By the end of the session all participants should be able to recognize the fundamental elements of human rights law and why and how these rights apply to migrants. The session focuses in particular on the principle of non-discrimination.

SESSION OVERVIEW

SESSION 3: INTERNATIONAL HUMAN RIGHTS AND MIGRATION

Content	This session will: • Introduce the core international human rights instruments; • Identify human rights norms relevant to the situation of migrants; • Illustrate the obligations of Governments to respect, protect and fulfil human rights; • Set out the implications of these obligations for migrants.
Learning objectives	After this session, participants will be able to: • Acknowledge that all human rights standards apply to migrants; • Explain the meanings of the key human rights obligations of Governments to respect, protect and fulfil human rights; • Appreciate the importance of non-discrimination to the situation of migrants; • Identify how various human rights instruments can be applied to the situation of migrants; • Recognise which human rights treaties their Government(s) have ratified and discuss how these might relate to migrants.
Key learning points / key messages	• Human rights are inherent and inalienable. Every person, including migrants, is entitled to them. • States have agreed that they have a responsibility to respect, protect and fulfil the rights of all persons within their jurisdiction, including migrants. • The absolute prohibition on discrimination is particularly relevant to migrants. • There is no hierarchy between human rights. All rights are interrelated and indivisible. Consequently, lack of access to one right often affects the enjoyment of other rights. • States (as duty bearers) have specific obligations towards persons who fall within their jurisdiction (rights holders). • The human rights framework provides tools for practical action to protect and promote the rights of all migrants.
Preparation	• Print out handouts. Prepare voting cards. Identify suitable photos for brainstorming exercises. Prepare roles (if you do the power walk activity).
Equipment	• Flip charts, markers, projector, internet connection (if desired), scissors, tape
Handouts and additional session resources	• What are human rights? (sample activity) • Human rights in the Universal Declaration of Human Rights: list (handout) • Power walk (sample activity) • Legitimate distinction versus discrimination (sample activity) Optional: • A list of human rights treaties the relevant State has ratified

SESSION PLAN

Tips

This module encourages participants to reflect more deeply on the lived experiences of migrants and on the meaning and purpose of human rights. Run the session in a sensitive and empathetic manner because it is trying to build empathetic awareness, promote different attitudes and encourage different behaviour.

Time	Activity	Resources
5 minutes	**Session introduction**	
	• **Provide** an overview of the module. • **Introduce** the session by running through the session's objectives. • **Relate** this session to the previous module and to the sessions that will follow.	*Slides*
60 minutes	**What are human rights?**	
	Group brainstorming exercises This activity has two parts. Its purposes are (a) to enable participants to recognize and internalize what human rights mean to them; and (b) to increase their empathy for and understanding of the experiences of migrants. The activities highlight the function and purpose of human rights standards and legal accountability and the importance of the notion of dignity when considering migrants and their experiences. *See sample activities*	*Slides* *Flip chart* *Handout of list of rights* *Selected photos*
20 minutes	**What are human rights?** **Carry out part I of the activity** **End** with a short **debrief**. Point out that this activity underlines that human rights are a legal entitlement, that they affirm certain values, that these values are essential if we are to flourish as human beings and that human rights create conditions in which we can live in dignity, free from fear and want.	
30 minutes	**A picture tells a thousand words...** **Part II of the activity** **Debrief** by showing the slide(s) and asking the participants to say what rights may have been violated. Ask: • What human rights do you think are most important to the person(s) in the picture(s)?	

Time	Activity	Resources
	• What could be the effect of restricting the rights to which they are entitled? • Do you think the person in the picture wants the same human rights that you want? Do you think the person enjoys the same human rights that you do? Why or why not? • **Conclude** the discussion by emphasizing that a capacity to empathize with the experiences of others who may lead very different lives is an essential element of our work and of a human rights-based approach to migration. Highlight that the variety of circumstances portrayed in the slide(s) demonstrates how interrelated human rights are, and highlights how their inter-relatedness underpins lives of dignity. • We must recognize that many migrants are denied access to human rights that everyone is entitled to enjoy.	
10 minutes	**What are human rights?** **Bring up** the slide. Highlight that, as concepts, human rights: • are expressions of human dignity (refer to the previous discussion); • are a set of agreed values and norms underpinned by principles of equality and freedom; • affirm values that are universal, meaning that they apply to everyone everywhere; • are inherent, in that every person is born with human rights because they are a human being; • are contained in international and national legal standards and agreements; • were codified after the Second World War, when the Governments of the world agreed that a formal and universal statement of human values was required. Accordingly, they adopted the Universal Declaration of Human Rights in 1948 (discussed in more detail below). **Explain** that human rights are also instruments of legal governance: • They are set out in a range of international legal instruments. Some of these take the form of declarations, others are binding legal treaties, and some are part of customary international law. • Specific human rights are affirmed in most constitutions and in the domestic laws of countries across the globe. They are particularly evident in some post-colonial societies in which struggles for independence or self-determination were waged in the name of human rights and human dignity. • **Ask** participants to give examples of human rights that are affirmed in their own national laws.	
	Underline that, operationally, human rights laws apply principles of accountability. • As noted, all individuals have rights inherently, by virtue of their humanity; States do not grant human rights. This is the first element that defines the relationship between individual and State.	

Time	Activity	Resources
	• Because they exercise power and have sovereignty within their borders and are responsible for the governance of those under their jurisdiction, States have the primary duty to respect, protect and fulfil human rights. • This duty is defined by States themselves, which voluntarily agree to sign and ratify international standards, and then introduce national laws that reflect them. International laws create forms of accountability between States. International and national laws create relations of accountability between States and the individuals they govern. • The duty of a State to respect, protect and fulfil human rights includes a duty not to breach human rights by its own actions, and a duty to prevent third parties from violating the rights of individuals in its jurisdiction. States have a duty to sanction individuals who violate human rights and to provide redress to victims of violations. • Other actors have a duty to respect the rights of others. In the majority of circumstances (although not all), States are expected to regulate third party fulfilment of this duty through their justice systems. • Under the Universal Declaration of Human Rights, every person also has a responsibility to respect the rights of others. Parents are responsible for raising and providing guidance to their children, we all have a duty of care to others, etc. However, this responsibility is not defined formally. The human rights framework establishes no precise relationship of accountability between individuals.	
5 minutes	📇 **The international legal protection framework**	
	• **Emphasize** that the international legal protection framework for migrants includes all United Nations human rights conventions, as well as other international bodies of law. • International human rights law affirms that all human beings have human rights and are entitled to enjoy them without discrimination, regardless of their legal status. • The 1951 Convention relating to the Status of Refugees recognizes that a refugee is a person who has a "well-founded fear of being persecuted" by State actors in the jurisdiction where the person is a citizen, or by non-State actors from whom the State has failed to protect the person. Under the 1951 Convention, States are forbidden to return persons who have sought refugee status either to the State from which they have fled or to a third State that might return them to that State (refoulement). Refugee law provides a specific set of guarantees to this particular category of persons who have left their country. • Other areas of international law that may provide protection to migrants include international labour law, the law of the sea, international humanitarian law, the statelessness conventions and the United Nations Convention against Transnational Organized Crime and its protocols.	

Time	Activity	Resources
5 minutes	📑 **Universal Declaration of Human Rights** 📑 **Core international human rights instruments**	

Add additional time if required	• **Begin by asking** participants if they can name any human rights treaties.
	• **Describe** the evolution of the human rights treaties.
	  – Point out that the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights were developed in response to the horrors of the Second World War. The split into two treaties was an effect of the cold war.
	  – Point out that, as the international community became more conscious of the importance of human rights, it negotiated additional treaties to address issues in more detail.
	  – Later human rights treaties address specific forms of human rights violation (racism, torture, forced disappearance) or the situation of particular groups (women, children, migrants, persons with disabilities).
	• **Emphasize** that the treaties are not hierarchical. They all have equal standing in law but were negotiated and adopted by Governments at different times.
	• **Highlight** other relevant treaties, including the treaties that protect refugees and stateless persons, and International Labour Organization (ILO) treaties on labour rights.
	
	🔔 **Reminder:** If the training is held in a particular country, add a slide that lists all the treaties that country has ratified.
	
	💡 **Tip:** The slides include hyperlinks that link to a slide summarizing each treaty from the perspective of migration. Decide which treaties you want to discuss in more detail (some, all or none), taking account of the time available. (The explanatory slides are hidden at the end of the presentation: they will not display in a slide show unless you click on the hyperlink.)
	
	To access the hyperlink
	Go to the slide show and click on the relevant treaty. The relevant slide will appear. To return to this slide, right-click and select "last viewed".
	
	🔔 **Reminder:** No hyperlink has been set up for the Convention on Migrant Workers, because it will be covered in the next session.
	
	📖 *For additional material on specific instruments, see the Additional resources section.*
		Slides

Time	Activity	Resources
15 minutes	**Rights holders and duty bearers**	
	Rights impose duties	
	• **Ensure** participants understand the terms "duty bearer" and "rights holder". • **Explain** the relational nature of human rights. Human rights law frames a specific relationship between States and individuals who are in its territory or under its jurisdiction. • Emphasize the specific way in which human rights law makes duty bearers (States) accountable to rights holders. **Obligations of the State** • **Explain** that it is now widely accepted that States have three forms of obligation or responsibility in the context of human rights standards: to respect, to protect and to fulfil. – **Respect.** The State must not engage in any activity or adopt any laws or policies that violate the human rights of any individuals in their jurisdiction. – **Protect.** States must regulate and monitor the actions of third party actors and take necessary measures to effectively protect individuals from abuses that third party actors commit. States must also provide avenues for remedy or redress when they fail to prevent harm. – **Fulfil.** States must take positive actions to fully realize rights, for example by allocating resources. • **Point out** that it is essential to understand these different responsibilities in order to analyse gaps in implementation and determine what priorities the State and other actors should set. **Add** that, later on, we will look at duty bearers again, in the session on the human rights-based approach.	
	Obligations of the State to migrants • **Say** that the slide illustrates how the obligations of the State can affect policy and practices with regard to migrants. • **Give an example** (if time permits). Ask the participants to imagine that an employer has been discovered to have paid lower salaries to some workers because they have irregular migrant status. What should the State do to meet its human rights obligations? • **Explore** the examples provided (as appropriate). Ask participants to think of examples from their own countries. • **Highlight** the particular situation of migrants. Recall how many actors (including private actors or privatized service providers) are involved in the migration process. Emphasize that, to protect migrants effectively, migration needs to be regulated adequately, not pushed underground.	*Slides*

Time	Activity	Resources
10 minutes	📊 **Human rights: key concepts**	
	• **Run through** each of the key principles of human rights and make sure everyone understands what they mean. • **Ask** participants to consider human rights norms and the violations that migrants experience, and to say whether they think the concept of non-discrimination is especially relevant for migrants.	*Slides*
30 minutes	**Special focus: non-discrimination**	
	🔔 **Reminder:** Depending on the knowledge and attitudes of the group, you might start this section with a "power walk" activity on the rights of migrants. (This may take an extra 30 minutes.) 📈 *See sample activities*	
10 minutes	📊 **Non-discrimination: a key issue for migrants** • **Emphasize** that the prohibition of discrimination (the right to non-discrimination) is one of the first articles in all human rights treaties. • **Ask** a participant to read aloud the definition on the slide. What are the main points embedded in this definition? • **Go through** each main point and facilitate a discussion of why the principle has been articulated in this way. (Try to avoid discussing the difference between a legitimate distinction and illegitimate discrimination, because it will be examined in the next slide.) • **Underline** that the definition focuses on the effects of discrimination. It considers the impact of the act rather than just the motivation for it. On this basis, it explicitly recognizes indirect discrimination and covers acts that may not be discriminatory at face value but are discriminatory in their effect. • **Encourage** participants to provide examples of each main point. – An example of indirect discrimination might be a job advertisement for a cleaner that required applicants to speak and read English fluently. The requirement may not be reasonable if speaking and reading English fluently is not necessary to perform the job. In addition, it could disadvantage a person on the basis of their nationality or national origin. Another example might be a requirement that, to access primary education, all children must produce a residence or identity certificate. This would indirectly discriminate against migrant children in an irregular situation, who would not have access to such documents.	

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Time	Activity	Resources
	• **Highlight** "prohibited grounds". Ask participants to give examples of prohibited grounds. Note these on a flip chart and add any that have been missed. – Prohibited grounds of discrimination in the International Covenant on Civil and Political Rights include grounds "such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." – This list of grounds was expanded in the Convention on Migrant Workers (see next module). • **Seek**, in this discussion, to highlight the power of the definition and the many ways in which discrimination can and does occur. • **Highlight** that discrimination is a cause of violence and xenophobia, racism and religious intolerance and inadequate or ill-intentioned laws, policies and practices, as well as denial of access to services, goods and facilities, etc. Migrants may experience everyday discrimination in many other subtle and nuanced ways. • **Conclude** by noting that, to determine whether an act is discriminatory, one must consider the effect of the action from the perspective of the person affected, without regard to whether this effect was intended.	
10 minutes	**Non-discrimination: women and intersectionality** • **Emphasize** the particular situation of women and the discrimination they often experience on the basis of sex or gender. Not least because the proportion of women migrants has risen, migration policies need to include gender analysis and take gender perspectives into account. • Migration impacts women in different ways at various levels and throughout the migration process: in countries of origin, transit and destination. • Migration can be empowering for women. They can acquire or increase their autonomy and independence, including financial independence, and they can acquire new skills. The question is how to achieve this and not perpetuate or exacerbate discrimination and inequality. • **Explain** intersectionality in the context of discrimination. Migrant women may suffer discrimination as women and as migrants; migrants who have a disability may suffer discrimination on both grounds. **Reminder:** For more on these points, see Committee on the Elimination of Discrimination against Women, general recommendation No. 26 (2008) on women migrant workers.	

Time	Activity	Resources
20 minutes	📊 **State actions** • **Underline** that human rights standards do not prevent a State from adopting laws that make distinctions, for example between nationals and non-nationals or between regular migrants and irregular migrants, but they do restrict the distinctions a State can make and the actions a State can take. Human rights law sets out the principles that must govern any form of differential treatment and makes it clear that it is not permissible to make certain kinds of distinction. • **Highlight** that these three principles (reasonableness, proportionality and legitimacy) come from fundamental principles of international law regarding state actions. • **Explain** that this is a fundamental threshold question to use in analysing State actions in relation to alleged discrimination (discussed further in the next slide). 📊 **Legitimate distinction versus discrimination** • **Emphasize** that it is important to distinguish between an action that draws a legitimate distinction (one that is not only allowable but may increase protection and address inequality) and one that is discriminatory. • **Explain** the factors that can be used to decide whether an action is based on a legitimate distinction or is discriminatory. Activity: Legitimate distinction versus discrimination This activity allows participants to share and explore different understandings and perceptions of, attitudes to and opinions about the concept of legitimate distinction. Depending on the group's energy levels, this activity can be conducted seated, with voting cards, or standing, using the "Taking a human rights stand" approach. 🌐 *See sample activities*	
10 minutes	**Summary and key messages**	
	📊 **Bringing human rights home** • **Ask** participants to say which treaties have been ratified by their country or the country in which they work. • Do these treaties have relevance to migrants in your society? In what ways? • Has the Government incorporated the standards contained in these treaties in domestic law? **Conclude** the session (key messages). • Human rights are inherent and inalienable, which means that migrants are entitled to human rights on the same terms as all people.	

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Time	Activity	Resources
	• Governments have agreed they have a responsibility to respect, protect and fulfil the rights of all persons present in their jurisdiction, including migrants.	

• The absolute prohibition on discrimination is particularly relevant to migrants.

• There is no hierarchy between human rights: they are interrelated and indivisible. Lack of access to one right often affects the enjoyment of other rights.

• Governments (as duty bearers) have specific obligations to people in their jurisdiction (rights holders).

• The human rights framework provides a set of tools that make it possible to take practical action to protect and promote the rights of all migrants.

Useful resources

• OHCHR, "What are the Covenants?". http://2covenants.ohchr.org/downloads/Fact%20Sheet%20Covenants.pdf

• OHCHR, "Easy-to-read version of the Human Rights Covenants". http://2covenants.ohchr.org/downloads/Fact%20Sheet%20Easy-to-read%20Covenants.pdf

• OHCHR, Fact Sheet No. 15 (Rev.1), *Civil and Political Rights: The Human Rights Committee.* www.ohchr.org/Documents/Publications/FactSheet15rev.1en.pdf

• OHCHR, Fact Sheet No. 24 (Rev. 1), *The International Convention on Migrant Workers and its Committee.* www.ohchr.org/Documents/Publications/FactSheet24rev.1en.pdf

• OHCHR, Fact Sheet No. 33, *Frequently Asked Questions on Economic, Social and Cultural Rights.* www.ohchr.org/Documents/Issues/ESCR/FAQ%20on%20ESCR-en.pdf

• Universal Declaration of Human Rights in multiple languages. www.ohchr.org/en/human-rights/universal-declaration/translations/english

• Universal Declaration of Human Rights (simplified version). www.ohchr.org/sites/default/files/Documents/Publications/ABCannexesen.pdf

ADDITIONAL RESOURCES

- Global Migration Group, *International Migration and Human Rights: Challenges and Opportunities on the Threshold of the 60th Anniversary of the Universal Declaration of Human Rights*.
https://digitallibrary.un.org/record/642516

- OHCHR, "What are the two Covenants?".
https://2covenants.ohchr.org/About-The-Covenants.html#:~:text=What%20are%20the%20two%20Covenants,that%20everyone%20is%20entitled%20to

- OHCHR, Easy-to-read version of the Covenants.
https://2covenants.ohchr.org/downloads/Fact%20Sheet%20Easy-to-read%20Covenants.pdf

- OHCHR Fact Sheet No. 15 (Rev. 1), *Civil and Political Rights: The Human Rights Committee*.
www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-15-rev-1-civil-and-political-rights-human-rights-committee

- OHCHR Fact Sheet No. 16 (Rev. 1), *The Committee on Economic, Social and Cultural Rights*.
www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-16-rev-1-committee-economic-social-and-cultural-rights

- OHCHR, "Migration and human rights: improving human rights-based governance of international migration".
www.ohchr.org/sites/default/files/Documents/Issues/Migration/MigrationHR_improvingHR_Report.pdf

- OHCHR, fact sheet series.
www.ohchr.org/en/publications?field_content_category_target_id[169]=169&created[min]=&created[max]=&sort_bef_combine=field_published_date_value_DESC

- OHCHR video, "What is a human right?" – An introduction to the concept of human rights and to the United Nations framework to promote and protect human rights.
www.youtube.com/watch?v=JpY9s1Agbsw

- Stand Up for Human Rights campaign.
www.standup4humanrights.org

- United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), *Gender on the Move: Working on the migration-development nexus from a gender perspective*, 2013.
www.unwomen.org/en/digital-library/publications/2013/12/gender-on-the-move

- Universal Declaration of Human Rights, available in multiple languages.
www.ohchr.org/en/human-rights/universal-declaration/translations/english

- Universal Declaration of Human Rights, simplified version.
www.ohchr.org/Documents/Publications/ABCannexesen.pdf

Links to the United Nations human rights treaties and ratifications

- Core international human rights instruments.
  http://ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx

- Human rights treaty ratifications map.
  http://indicators.ohchr.org/

- Ratifications by country and treaty.
  http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx

Module outline

Module title	Module aim	Topics / sessions	Session overview (methodology, timings)
Module 2: Understanding migration as a human rights issue	This module introduces participants to international human rights laws and standards and builds understanding of the relevance of these standards to all migrants and efforts to promote and protect their human rights. The module will enable participants to identify specific human rights issues affecting migrants, to apply relevant standards in context, and to identify corresponding responsibilities of the State. The module will enable participants to recognize the value of applying human rights standards to policy and practice on migrants and migration.	**Session 3: International human rights law and migration**	*2.5 hours* Slides, discussion and activities
		Session 4: The Convention on Migrant Workers	*2 hours* Slides, discussion and activities
		Session 5: The United Nations human rights system	*2.5 hours* Slides, discussion and activities

Aim of the session

This session deepens participants' knowledge and understanding of human rights treaties that explicitly address the rights of all migrants.

In the previous session participants received a preliminary introduction to human rights standards and State obligations. This session introduces them to the Convention on Migrant Workers. It explains the basic content of the Convention and its value to policy and practice on migrants and migration, and explores some of the challenges to ratification and implementation.

Participants are also briefed on the Global Compact for Safe, Orderly and Regular Migration.

The session ends with a case study activity. Participants are encouraged to apply their knowledge by analysing human rights issues and relevant norms.

SESSION OVERVIEW

SESSION 4: THE CONVENTION ON MIGRANT WORKERS

Content	This session: • Introduces the Convention on Migrant Workers (background and content); • Explores challenges to ratification and implementation; • Uses a case study to link specific human rights concerns of migrant workers and members of their families to relevant human rights standards.
Learning objectives	After this session, participants will be able to: • Recognize the purpose of the Convention and its position as one of the core international human rights treaties; • Identify key articles that are not present in other human rights treaties; • Explain what the Convention adds to policy and practice on migration and advocacy for migrants; • Analyse specific situations in which the human rights of migrants are violated or abused and identify relevant normative standards.
Key learning points / key messages	• The Convention establishes obligations for countries of origin, transit and employment. • It applies general rights and obligations in more precise terms to the situation of migrant workers. • It articulates a limited set of rights and protections that are specific to migrant workers. • In sum, the Convention is a valuable tool for promoting and protecting the rights of migrants.
Preparation	• Print handouts.
Equipment	• Flip charts, markers, projector, paper
Handouts and additional session resources	• Carousel activity: drafting a convention on the rights of migrant workers (sample activity) • The rights of all migrant workers and members of their families (sample activity) – one copy for each participant • List of Convention rights (handout) • Case study (handout). Ideally, distribute this before the session – one for each participant. • Copies of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights – one copy of each per table

SESSION PLAN

Tips

In this session, you take the participants through the main elements of the Convention. When you do so, be dynamic, allow time for questions and answers, use examples to highlight points, etc.

The session also includes a major case study activity that will be used in session 5 of Module 2 and in Module 3. Give participants the time they need to read the case study as well as doing the exercise. It may be helpful to distribute it the night before or during an earlier break.

Time	Activity	Resources
<5 minutes	**Session introduction**	
	• **Provide** an overview of the module. • **Introduce** the session by running through its objectives. • **Inform** the participants that the session is quite technical. Invite them to speak up at any time if they have questions or comments.	*Slides*
20 minutes	**Carousel – drafting a convention on the rights of migrant workers**	
	In this brainstorming activity, participants rotate in groups to discuss three different areas of rights that could/should be included in a new convention on migrant workers' rights. *See sample activities* • Debrief in plenary. Review the key issues / rights / obligations reflected in each group's work and explain that the groups will return to this activity later in the session.	*Slides* *Three flip charts*
<5 minutes	**Quick facts about the Convention on Migrant Workers**	
	• **Highlight** these quick facts about the Convention: 　– The Convention was adopted on 18 December 1990 and entered into force in 2003. 　– It is the most comprehensive international treaty in the field of migration and human rights. 　– It draws from existing core human rights treaties and ILO conventions. 　– Of the core international human rights treaties, it is among the least ratified. • **Clarify** that this session will cover the basic elements of the Convention, its importance and resistance to its adoption. Add that participants will be asked to suggest responses to this resistance.	*Slides*

Time	Activity	Resources
10 minutes	**Why a convention on migrant workers?**	
	• **Ask** participants: Why do you think the Convention was drafted? • **Remind** participants of previous sessions. These: – Underlined the importance, spread and complexity of migration; – Confirmed that "human rights are migrants' rights"; – Highlighted the specific vulnerabilities of migrant workers and their families. **Why a convention for migrant workers?** • **List** the reasons why the Convention is important. It: – Sets out minimum standards of protection of civil, political, economic, social and cultural rights for all migrant workers and members of their families; – Recognizes the particular vulnerabilities of non-nationals at all stages of the migration process; – Affirms existing norms and adds new ones to address these vulnerabilities; – Requires States (and other actors) to prevent and eliminate exploitation throughout the migration process; – Sets out the obligations and responsibilities of States (of origin, transit and employment) under international law; – Provides an avenue for individual complaints (point out that only two States have so far opted into this mechanism, which has not yet been used); – Seeks to harmonize the treatment of migrant workers and their families internationally. **Map of ratifications** • **Show** the slide containing a map of ratifications. • **Ask** the participants whether their country has ratified the Convention. • **Point out** that only a small number of countries have ratified or acceded to the Convention. No country in the European Union has done so, nor have the United States, Canada or Australia. • **Ask** the participants: Given the vulnerabilities of migrants and their families, why do you think ratification remains low? • **List** the reasons on a flip chart. • **Summarize** the main points made. Underline that there is an ongoing struggle to persuade States to ratify the Convention and defend migrants' rights. • **Signal** that participants will have another opportunity to discuss this issue at the end of the session. • **Say** that a concerted worldwide campaign for ratification is ongoing. Ask the participants to keep this campaign in mind during the session. It is a vital element of efforts to raise awareness of the situation of migrants in society and to address the often sensitive issue of migration.	*Slides* *Flip chart*

Time	Activity	Resources
5 minutes	**Structure and scope of the Convention**	

	• **Distribute** copies of the Convention.
	
	📇 **Who does the Convention protect?**
	
	• **Explain** that the Convention is divided into nine parts (but do not go into detail) and protects different types of migrant worker.
	• **List** the categories on the slide (articles 2 and 4).
	• **Indicate** those who are not protected (article 3):
	  – Diplomats and international civil servants
	  – Investors
	  – Refugees and stateless persons (unless provided for in relevant national legislation or international instruments signed by the State Party concerned)
	  – Students and trainees
	  – Seafarers and offshore workers who have not been able to take up residence and engage in a remunerated activity in the State of employment
	• **Explain** that the Convention provides protection by establishing the obligations of countries of origin, transit and employment.
	• **Explain** that the Convention defines the rights of migrant workers before departure, in transit, in the country of employment and on return to their country of origin or habitual residence (article 1).
	• **Highlight** that the Convention recognizes the legitimacy of territorial rights:
	  – The Convention recognizes that States are entitled to control entry into their territory (article 79). The treaty expresses a preference for regular migration, and calls on States to cooperate in their governance of migration.
	  – It seeks to end irregular movement of migrant workers and discourages their employment in an irregular or undocumented situation, while calling on States to adopt the most effective measures "to address the extreme vulnerability of migrant workers and members of their families in an irregular situation."[2]
	  – It affirms that a balance must be struck between the rights of States and the entitlement of all migrants to enjoy their fundamental human rights, especially migrants who are in the most vulnerable situations by virtue of their irregular status.
		Slides
		
		Copies of the Convention

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[2] Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, general comment No. 2 (2013), para. 16.

Time	Activity	Resources
5 minutes	**Definitions: "migrant worker", "documented migrant" and "non-documented migrant"**	
	What is a migrant worker? • **Observe** that the Convention adopts an internationally agreed definition of "migrant worker". Its central element is engagement in a "renumerated activity". The definition is broad and offers protection to: – Persons who plan to become migrant workers; – Persons who currently work outside their own country; – Persons who have ended their work abroad and are returning to their countries of origin. • **Point out** that the Convention adopts definitions of specific categories of migrant workers. (They are listed in the previous slide.) • **Explain** that article 5 provides a definition of migrants who are in a documented or regular situation. They are defined as persons who are authorized to enter, stay and engage in a remunerated activity lawfully (according to relevant national and international laws). Migrants who fall outside this definition are considered to be non-documented or in an irregular situation. • **Emphasize** that the Convention is significant in that it recognizes and offers protections to the families of migrant workers. It recognizes that migrants are social beings who have the right to family life (a right affirmed in the International Covenant on Civil and Political Rights) in the context of migration.	*Slides*
5 minutes	**Non-discrimination**	
	Non-discrimination • **Recall** that, in the previous session, participants discussed the key human rights principle of non-discrimination. • **Point out** that, as discussed in plenary and at the start of the session, many migrant workers frequently experience discrimination. • **Emphasize** that the Convention is based on the principle of non-discrimination. All migrant workers are entitled to the same fundamental human rights as nationals of the relevant country. **Grounds of discrimination** • **Explain** that, as human rights treaties evolved, became more detailed and focused on particular groups, they specified additional prohibited grounds of discrimination. • **Emphasize** that these grounds are non-exhaustive.	*Slides* *Flip chart*

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Time	Activity	Resources
	• **Show** the slide. It compares the grounds listed in 1966 in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights with those listed in the Convention on Migrant Workers. • **Highlight** that migrant workers may face discrimination on all the grounds specified in the other treaties. The grounds added in the Convention on Migrant Workers are especially relevant for migrant workers. In particular: – Migrant workers should not experience discrimination based on grounds of **nationality**, **marital status**, or their **economic position**. • **Ask** the participants: Why have these particular grounds been identified? • Discrimination on grounds of nationality: – Migrant workers may suffer discrimination directly because of their nationality. For example, they may find that particular jobs are closed to them because of their nationality. • Discrimination on grounds of economic position: – Migrant workers are frequently employed in jobs that are poorly paid and unskilled and that have low status. – Their skills may not be recognized or rewarded. • Discrimination on grounds of marital status: – Here the Convention on Migrant Workers reflects the language in the Convention on the Elimination of All Forms of Discrimination against Women. – The Convention on Migrant Workers is relevant in many contexts. For example, a domestic worker may be refused employment if she is married or may be fired because she wants to marry.	
20 minutes	**Part III of the Convention: rights of all migrant workers**	
5 minutes	• **Ask:** Why does the Convention repeatedly refer to "all migrant workers"? • **Explain** that it does so to ensure that the rights of non-documented migrants are recognized as well as the rights of migrants who have regular status. The Convention recognizes that irregular migrants are particularly exposed to violations, while promoting forms of migration that are documented and regularized. • **Repeat** that the Convention protects all migrant workers and members of their families irrespective of their legal status. However, the Convention grants different sets of rights to documented workers and to undocumented workers. In consequence, it is divided into two main parts: one describes rights applicable to all migrant workers regardless of their status (part III); the other describes rights applicable to migrant workers in a regular situation (part IV).	*Slides* *Flip chart*

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Time	Activity	Resources
	Reminder: You may be asked a question about differences of treatment between migrants and non-migrants – for example, regarding access to health care. If this happens, point out that article 81 is a "safety clause". It states that nothing in the Convention can be used to diminish rights recognized (perhaps subsequently) in other human rights treaties or in the laws of individual States. You can also refer to the general comments of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (for example, its general comment No. 2, paras. 72–74) or to the statement by the Committee on Economic, Social and Cultural Rights on the "Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights" (E/C.12/2017/1). **Activity: the Convention on Migrant Workers** The aim of this activity is to encourage participants to interact with part III of the Convention and familiarize themselves with the rights of all migrant workers and members of their families. The group can absorb the substance of the Convention without a lecture. The debrief afterwards allows participants to learn from each other rather than from you alone. The exercise builds on the activity completed at the start of the session and therefore collaboratively reinforces earlier learning. *See sample activities*	
minimum 10 minutes	**Debrief** • **Ask** the participants whether they were surprised by anything when they did this exercise. Were any rights missing? Did they uncover rights they had not considered? • **Use the flip charts** that identify rights and articles to show that the Convention largely reaffirms rights set out in other international human rights instruments. However, recognizing that migrant workers and their families are exposed to particular risks, the Convention also addresses some of their specific protection needs and provides additional guarantees. • **Use slides** to point out any additional rights that participants did not mention. • **Highlight** features of the Convention and rights that are not commonly mentioned in other United Nations treaties. • **Underline** that the rights in the Convention are agreed minimum standards, not just aspirations.	
10 minutes	**Basic rights and freedoms** Article 33 affirms the right of migrants to information, free of charge and in a language they understand. Migrant workers are often denied access to information about their rights, the job they do, rates of pay, expenses, conditions, etc. Without this information, they may find they are working as forced labour. Point out that migrants may be denied information about their rights in their countries of origin as well as in their countries of destination.	

Time	Activity	Resources
	Procedural rights • Article 21 prohibits confiscation or destruction of a migrant's identity documents. Employers and sponsors frequently confiscate the passports of migrant workers. • Article 22 prohibits the arbitrary or collective expulsion of migrant workers. • Article 23 asserts that migrant workers are entitled to consular protection in cases of expulsion. This responsibility of the country of origin is potentially of great significance. What steps do embassy staff and labour attachés take to assist migrant workers from their countries? How much do Governments invest in consular protection? **Employment rights** • Article 26 asserts that migrant workers have the right to join trade unions. Point out that this article differs from article 40 in part IV, which covers migrant workers in a regular situation. Article 40 affirms the right to form associations and trade unions. • Article 32 states that migrant workers have the right to transfer earnings and savings when their stay in the State of employment ends.	
40 minutes	**Case study activity**	
15–20 minutes	*See sample activities*	*Slides* *Case study handout and instructions*
20 minutes	**Case study exercise** **Debrief** • **Invite** one group to identify a few of the rights and accompanying standards that it identified during the exercise. Ask every group in turn to do the same, each time selecting different rights and standards. • **Highlight** the fact that acts or omissions can cause impacts or violations indirectly. • **Hand out** the answer sheet once every group has contributed. • **Tell** the participants that they will revisit this case study in the next session.	*Flip charts* *Answer sheet handout*
15 minutes	**Ratification of the Convention**	
	• **Remind** the participants of their earlier discussion about the Convention's value and why ratifications are so low. Put up the relevant flip charts. • **Recall** that the Convention on Migrant Workers is one of the least ratified treaties.	*Slides* *Flip charts*

Time	Activity	Resources
	What are some of the challenges to ratification?	
	• Although ratification brings clear benefits, resistance to the Convention is still widespread among States that are most likely to receive migrants. At the same time, more and more countries are becoming countries of origin, transit and destination at the same time. • **Put up** the flip chart that lists challenges to ratification. • **Ask** participants what additional reasons might explain why States are reluctant to ratify the Convention. Can they find examples from their own countries or regions? • **Point to** that part of the slide that lists the reasons commonly given for not ratifying the Convention. • **Ask** participants to think of rebuttals for each point. Note their ideas as you go through the list. • **Ask** participants to suggest how the challenges to ratification can be overcome. How could one generate political will or support? Can participants point to examples of success in their own country or region?	
	Why ratify?	
	• **Ask** participants to say why ratification is worth achieving. Answers include: – Ratification demonstrates government commitment (legally and symbolically). – It implements international standards domestically. – It demonstrates accountability to the international community. – It provides a foundation for policies and programmes. – It promotes awareness of rights. There are other core human rights treaties, but other treaty bodies and reports do not regularly address migrants' rights. The Convention on Migrant Workers focuses attention on the specific concerns of migrant workers and their families. – Ratification facilitates cooperation and coordination between countries of origin and destination. – Ratification sets out a human rights-based approach. The Convention does not merely articulate rights: it provides a framework for action.	
5 minutes	**Introduction to the Global Compact for Safe, Orderly and Regular Migration**	
	• The Global Compact for Safe, Orderly and Regular Migration (the Global Compact for Migration) is a State-led process to improve international cooperation on international migration in all its dimensions. In parallel, States endorsed a global compact on refugees.	

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Time	Activity	Resources
	• The Global Compact for Migration was adopted during an intergovernmental conference held in Marrakesh, Morocco on 10–11 December 2018. The vast majority of Member States endorsed it at the United Nations General Assembly on 19 December 2018. (152 Member States voted in favour, 12 abstained and 5 voted against.) • The Global Compact for Migration is the first intergovernmental document on international cooperation on migration in all its dimensions to be negotiated under the auspices of the United Nations. Although it is not binding, the compact contains explicit commitments and references to international law, including all the core United Nations human rights treaties, and takes a balanced and principled approach. The compact seeks to cover all dimensions of international migration in a holistic and comprehensive manner (referred to as the "360-degree approach"). It therefore provides a significant opportunity to address the challenges associated with contemporary migration and to strengthen human rights protection for all migrants regardless of their status. • The Global Compact for Migration contains 23 objectives, each of which "contains a commitment, followed by a range of actions considered to be relevant policy instruments and best practices" for its effective implementation. • The United Nations Network on Migration was set up to support States and other stakeholders to implement, follow up and review the Global Compact for Migration. (See the next session for more on the network.) The Global Compact also includes a capacity-building mechanism consisting of a connection hub and a start-up fund: the United Nations multi-partner trust fund to support the Global Compact for Safe, Orderly and Regular Migration. In addition, the International Migration Review Forum is due to meet every four years to conduct a follow-up and review, alternating with discussions at regional level. *For more on the Global Compact for Migration, see Additional resources.*	
<5 minutes	**Summary and key messages**	
	• The Convention establishes obligations for countries of origin, transit and employment. • It applies general rights and obligations in more precise terms to the situation of migrant workers. • It sets out some additional rights and protections that are specific to migrant workers. • The Convention is a valuable tool for promoting and protecting the rights of migrants. • **Finish the session** by encouraging participants to think of ways to support ratification or use a ratification campaign to raise issues relevant to the protection of migrant workers and their families.	

ADDITIONAL RESOURCES

- International Steering Committee for the Campaign for the Ratification of the Migrants Rights Convention, "Guide on Ratification – International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families".
  www.ohchr.org/sites/default/files/Documents/Press/HandbookFINAL.PDF

- Euan MacDonald and Ryszard Cholewinski, *The Migrant Workers Convention in Europe: Obstacles to the Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families: EU/EEA Perspectives*, UNESCO Migration Studies (Paris, United Nations Educational, Scientific and Cultural Organization, 2007).
  https://unesdoc.unesco.org/ark:/48223/pf0000152537

- OHCHR Fact Sheet No. 24 (Rev. 1), *The International Convention on Migrant Workers and its Committee*.
  www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-24-rev-1-international-convention-migrant-workers-and-its

Global Compact for Migration

- Global Compact for Safe, Orderly and Regular Migration (A/RES/73/195).
  www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_73_195.pdf

- Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration.
  www.un.org/en/conf/migration/global-compact-for-safe-orderly-regular-migration.shtml

- OHCHR, resources page on the Global Compact for Migration.
  www.ohchr.org/EN/Issues/Migration/Pages/GlobalCompactforMigration.aspx

- United Nations Network on Migration.
  https://migrationnetwork.un.org/

Module outline

Module title	Module aim	Topics / sessions	Session overview (methodology, timings)
Module 2: Understanding migration as a human rights issue	This module introduces participants to international human rights laws and standards and builds understanding of the relevance of these standards to all migrants and efforts to promote and protect their human rights. The module will enable participants to identify specific human rights issues affecting migrants, to apply relevant standards in context, and to identify corresponding responsibilities of the State. The module will enable participants to recognize the value of applying human rights standards to policy and practice on migrants and migration.	**Session 3: International human rights law and migration**	*2.5 hours* Slides, discussion and activities
		Session 4: The Convention on Migrant Workers	*2 hours* Slides, discussion and activities
		Session 5: The United Nations human rights system	*2.5 hours* Slides, discussion and activities

Aim of the session

This session introduces participants to the various United Nations human rights mechanisms (treaty bodies and Charter-based bodies) that promote, monitor and protect human rights. Alongside the work of OHCHR, this includes treaty bodies, special procedures and the universal periodic review.

Building on previous sessions, participants will learn how specific human rights issues can be addressed in the United Nations human rights system and will be able to identify avenues offered by the system that can help to realize migrants' rights.

The session will encourage participants to explore how they and other actors can strategically engage with the United Nations human rights system and use it to promote, protect and monitor the rights of migrants.

SESSION OVERVIEW

SESSION 5: THE UNITED NATIONS HUMAN RIGHTS SYSTEM

Content	This session will: • Describe the ways in which the United Nations system addresses migration; • Provide an overview of the various United Nations human rights mechanisms; • Explain the role and functions of OHCHR, human rights treaty bodies and Charter-based bodies; • Explore the ways in which Governments, civil society organizations and United Nations entities can engage with the United Nations human rights system; • Examine how these mechanisms and their activities can support practitioners' work on migrants' human rights; • Encourage the participants to consider and evaluate how they might strategically engage with the United Nations human rights system to promote and protect migrants' human rights.
Learning objectives	After this session, participants will be able to: • Identify the added value of OHCHR's work on migration to the United Nations system; • Recognize the various routes that are available to engage with the United Nations human rights system to promote, monitor and protect the human rights of migrants; • Assess, analyse and identify the most appropriate and effective avenues to use to support the realization of migrants' rights; • Identify concrete actions that can be taken to protect specific rights in the context of migration, and prepare a response strategy that makes use of United Nations human rights mechanisms and bodies.
Key learning points / key messages	• Human rights are central to the mission of the United Nations. They are affirmed in core treaties and are a foundational feature of the Charter of the United Nations. • The United Nations human rights system monitors States' implementation of their human rights obligations, provides advice to States on how they can improve their record and provides guidance on the interpretation of treaties. • United Nations human rights mechanisms have various tools at their disposal with which civil society, national human rights institutions, Governments and individuals can engage. • The reporting, monitoring and accountability processes of the United Nations human rights system can be used in practical ways to promote respect for migrants' rights and to influence policy and practice. • The recommendations and reports of the treaty bodies, the Charter-based human rights bodies and OHCHR can be applied to strengthen protection at the national level and to monitor implementation. They are a key mechanism of accountability. • To maximize the value of the United Nations human rights system and its impact at the national level, all stakeholders need to engage actively with it.

Preparation	Prepare sticky notes. Display the flip chart on stakeholders from session 2. Display the flip charts identifying human rights issues from session 4. Print handouts on the United Nations system (from annex 2 of OHCHR, "Migration and human rights: improving human rights-based governance of international migration") and on resources and links.
Equipment	LCD projector, flip chart paper, pens, sticky notes, internet (to view videos)
Handouts and additional session resources	• United Nations Network on Migration (handout) • Table of functions carried out by the United Nations human rights system (handout) • What's in it for me? (sample activity) • Case study (sample activity) • List of rights in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (from session 3) • List of rights under the Convention on Migrant Workers from session 4 • List of useful links (handout) • List of useful links for NGOs (handout) To give participants more information, you may also decide to prepare the draft programme of work of the Human Rights Council, the schedule of the universal periodic review and the schedule for civil society and other contributions to the universal periodic review process.

SESSION PLAN

Tips

The session plan provides a basic introduction to the different mechanisms of the United Nations human rights system and their functions. Part 2 offers an options menu of functions that you can discuss. We advise you to *choose two or three functions at most* to give the group time for meaningful discussion. Consider the composition and responsibilities of the participants (are they government officials, representatives of NGOs or civil society organizations, staff of the national human rights institution, United Nations staff or migrant human rights defenders?) before deciding to what degree they can make use of the mechanisms in practice and benefit from doing so.

Time	Activity	Resources
5 minutes	**Session introduction**	
	• **Provide** an overview of the module. • **Rehearse** the session's objectives. Building on the previous session, session 5 explores the mechanisms and processes through which the United Nations promotes, protects and monitors compliance with human rights.	*Slides*
15 minutes	**Migration in the United Nations system**	

	• **Ask** participants to identify any relevant United Nations bodies, agencies, programmes or funds that carry out work on migrants' rights.
	• **List** the suggestions on a flip chart.
	• **Point out** that migration is relevant to all three pillars of the United Nations: peace, security and human rights.
	• **Distribute** the handout on the United Nations Network on Migration. Describe some of the ways in which the United Nations and its various bodies and agencies address migration. For example:
	  – **General Assembly resolution 63/184** on the protection of migrants (A/RES/63/184);
	  – **The Commission on Population and Development**, a commission of the Economic and Social Council, has published studies and advice on population changes and their effects on economic and social conditions.
	• **Describe** the United Nations Network on Migration. Established to provide effective, timely and coordinated system-wide support to Member States as they implement, follow up and review the Global Compact for Migration, its members are United Nations entities whose mandates relate to migration and that desire to participate. Members of the Executive Committee – including OHCHR – have technical expertise and capacity and are mandated to work on migration-related issues. IOM acts as the network's coordinator and secretariat.
		Slides
		
		Handout on the United Nations Network on Migration

Time	Activity	Resources
	Reminder: The **Additional resources** section has more information about how the network assists States to implement the Global Compact for Migration at country and regional levels.	

- **List** some of the United Nations agencies whose mandates include a migration dimension.
  - **Office of the United Nations High Commissioner for Refugees** (programmes and funds). UNHCR is mandated to lead and coordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees.
  - **International Labour Organization.** A specialized agency, ILO promotes social justice and internationally recognized human and labour rights. Key standards include the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the Domestic Workers Convention, 2011 (No. 189).
  - **United Nations Office on Drugs and Crime** (United Nations Secretariat). UNODC is mandated to assist the international community to prevent and combat trafficking in persons and the smuggling of migrants, to prosecute persons who commit these crimes, to protect and assist trafficked persons and smuggled migrants, and to promote cooperation to these ends. Its assistance focuses on the criminal justice components of responses to trafficking and smuggling, but includes action to assist and protect victims of trafficking and protect the rights of smuggled migrants.
  - **UN-Women** (programmes and funds). Created in 2010, UN-Women is the United Nations Entity for Gender Equality and the Empowerment of Women.
  - **United Nations Children's Fund** (programmes and funds). Guided by the Convention on the Rights of the Child, UNICEF works to realize the rights of all children, adolescents, youth and women, including in the context of migration.
  - **International Organization for Migration** (related organization). An independent, autonomous and non-normative organization, IOM facilitates the organized transfer of migrants, refugees and displaced persons, provides migration services (including recruitment, language training and orientation activities) and offers a forum for States and other parties to discuss international migration. IOM joined the United Nations system through a relationship agreement in September 2016.
- **Invite** participants to discuss the value that OHCHR adds to the work of the United Nations on migration. Draw attention to the overlapping mandates of some United Nations entities and the benefits of inter-agency cooperation.

Time	Activity	Resources
5 minutes	**The United Nations human rights system**	→
	• **Ask** participants if they have experience of engaging with any of the human rights mechanisms. Can they name some of them?	*Slides* *Flip chart*
	• **Show** the slide. Point out that human rights are a foundational element of the Charter of the United Nations and are central to its mission. All Member States have signed the Charter of the United Nations (dating from 1945), which commits the United Nations and its members to promote and protect human rights and fundamental freedoms.	
	• The post of United Nations High Commissioner for Human Rights was created in 1993; the Office of the United Nations High Commissioner for Human Rights (OHCHR) was created at the same time. A department of the Secretariat of the United Nations, OHCHR is responsible for promoting and protecting human rights and mainstreaming human rights in United Nations programming.	
	• **Explain** that a number of mechanisms exist, with various functions, but they can be grouped into three main bodies: OHCHR, treaty bodies and the Human Rights Council.	
	• **OHCHR**, headed by the High Commissioner, leads the human rights work of the United Nations. It acts as the Secretariat to the treaty bodies and the Human Rights Council.	
	• The **treaty bodies** were brought into being by the different human rights treaties (variously called conventions, covenants or optional protocols) to monitor their implementation.	
	• The **Human Rights Council** (together with its subsidiary mechanisms) is an intergovernmental body of the United Nations, whose authority derives from the Charter of the United Nations. It was created in 2006.	
	💡 **Tip:** You can also explain the information on this slide using a flip chart. If you do this, you can add information on the treaty bodies and other mechanisms as the session progresses.	
10 minutes	📊 **Office of the United Nations High Commissioner for Human Rights**	
	• **Summarize** the mandate of OHCHR and the role of the High Commissioner. Both were established in 1993 by General Assembly resolution 48/141.	*Slides* *Handbook for civil society (one copy per person)*
	• **Describe** the main ways in which OHCHR seeks to implement human rights standards on migration globally.	
	– Thematic work. OHCHR identifies and targets gaps in the human rights system, leads protection and research and addresses current issues. *Example: The Economic, Social and Cultural Rights of Migrants in an Irregular Situation,* www.ohchr.org/sites/ default/files/Documents/Publications/HR-PUB-14-1_en.pdf.	

Time	Activity	Resources
	– Standard-setting and monitoring work. OHCHR contributes to the development of international norms and works to ensure they are implemented, in addition to acting as the secretariat of the human rights mechanisms (see below). *Example: Recommended Principles and Guidelines on Human Rights at International Borders,* www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf. – Implementation in the field. OHCHR provides analysis and early warning (of human rights crises and deteriorating situations), offers technical assistance to Governments, deploys staff and resources and undertakes monitoring and reporting. *Example:* Field office staff, in collaboration with the Asylum and Migration Unit, provide technical support to Governments when they draft migration laws. – Human rights education and awareness raising. *Example:* OHCHR has produced a training guide on a human rights-based approach to migration and a further guide for border officials on human rights at international borders. – Monitoring/fact-finding/inquiries. OHCHR conducts missions to assess the human rights situation in a country. *Example:* OHCHR sends joint missions (field office and Asylum and Migration Unit staff) to assess the human rights situation of returned migrants or migrants at borders, in transit, etc. See https://youtu.be/cvmjQ1B2fx0. • **OHCHR** participates as an observer at the intergovernmental Global Forum on Migration and Development. • For recent examples of activities and events, see: www.ohchr.org/EN/Issues/Migration/Pages/MigrationAndHumanRightsIndex.aspx.	
<5 minutes	**Treaty bodies**	
	• **Introduce** this part of the session. Provide a quick overview of treaty bodies. • **Explain** that each human rights treaty established a committee of independent experts to monitor States' implementation of and compliance with that treaty. • **Explain** that States that have ratified a particular treaty are required to report to that treaty body. States that have not ratified a particular treaty are not obliged to report to that treaty's committee. • You may want to refer to this video clip, which explains the treaty bodies: www.youtube.com/watch?v=vE0T45t040k. 🖳 **Treaty bodies** • **Point out** that, currently, there are 10 treaty bodies. • **Explain** that treaty bodies may have a variety of functions.	*Video clip* *Slides*

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Time	Activity	Resources
	• **Highlight** the main functions this session will explore: the reporting cycle, concluding observations, general comments and general recommendations, inquiries, individual complaints, interim measures and days of general discussion. • **Underline** that the decisions and recommendations of treaty bodies are authoritative but not binding.	
<5 minutes	📊 **Human Rights Council**	
	• You may want to show or refer to this video clip on the Human Rights Council: www.youtube.com/watch?v=k2YJgfJ1rC4. • **Explain** that the Human Rights Council derives its mandate from the Charter of the United Nations. It can discuss human rights situations and issues of all kinds relating to all Member States. • **Briefly explain** the role of the Human Rights Council: – It is the main intergovernmental forum for human rights dialogue. – It is composed of *47 Member States of the United Nations, elected by the General Assembly*. Membership is regionally balanced. – It meets at least three times each year. – It can address situations of gross human rights violations and emergencies in special sessions. – It promotes the coordination and mainstreaming of human rights in the United Nations system. • **Indicate** that the Human Rights Council establishes special procedures and runs the universal periodic review (see next slides).	*Video clip* *Slides*
<5 minutes	📊 **Human Rights Council: special procedures**	
	• **Explain** that special procedures are independent experts appointed by the Human Rights Council. Among their functions, they: – Hold thematic and country mandates; – Investigate States' compliance with their human rights obligations; their work is not restricted to a specific treaty nor to the treaties that a State has ratified; they cover all the human rights obligations relevant to their mandate; – Conduct country visits; – Issue communications and urgent appeals. • **Make it clear** that there are many thematic special procedures. Quite a number of them investigate issues that are relevant to migrants. Some have published reports on migration. Examples include the Working Group on Arbitrary Detention, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the Special Rapporteur on human rights defenders.	*Video clip* *Slides*

Time	Activity	Resources
<5 minutes	**Human Rights Council: universal periodic review**	
	• **Explain** that the universal periodic review is a relatively recent mechanism (established in 2006) under which States periodically (at four-year intervals) review the human rights record of each United Nations Member State. • **Emphasize** that the process is a peer review. It is cooperative and interactive and complementary to the work of treaty bodies. • **Point out** that reviews examine the entire human rights performance of the country under review. They are not limited to rights covered by treaties the country has ratified. The reviewing States subsequently issue recommendations, which the State under review can accept or reject.	*Video clip* *Slides*
30 minutes	**Part 2. Functions and how to engage**	
	Reminder: Part 2 of the session reviews the functions of bodies in the United Nations human rights system that offer opportunities to address migrants' human rights concerns. A range of actors – not only States – can make use of these opportunities. The presentation is broad brush and is designed to show participants how they can engage. It does not train participants to report or shadow-report to the treaty bodies, or to engage in other forms of intervention or advocacy. You can choose from a menu of functions. The different functions are all described on hidden slides. Consider the participants' background knowledge, the contexts in which they work and their motivation for engaging with the United Nations human rights system. Focus your presentation on functions the participants will find relevant. We advise you to **choose two or three functions at most** to give the group time for meaningful discussion. To run the session, you will need to "un-hide" the slides you want to use. • Each function includes examples. These illustrate how the particular human rights mechanism in question has addressed the human rights concerns of migrants, and how States, NGOs and national human rights institutions can engage with the mechanism. Select examples that are relevant to the participants. • The slides group similar functions, such as individual complaints and allegations. During the discussion, you should nevertheless distinguish between functions that are similar but distinct. **Functions and how to engage** • **Distribute** the handout that lists all human rights mechanisms and functions.	*Slides* *Sticky notes* *Handout*

Time	Activity	Resources
	• **Explain** that, in this section, the participants will focus on the main functions of human rights bodies and will discuss how Governments, national human rights institutions, civil society organizations, United Nations agencies and individuals can engage with these bodies. • **Explain** that the session will focus on practical benefits and challenges. Examples will show how different bodies have promoted migrants' rights. • **Point out** that some mechanisms are designed to address broader situations and structural issues. Examples include State reviews, country visits, days of general discussion, general comments and general recommendations, and inquiries. Other procedures address individual cases, but can also promote structural change. Examples of this include individual complaints, allegations, urgent appeals and interim measures. • **Distribute** sticky notes. Ask participants to think of their area of work and to note down a particular human rights challenge on which they would like to have more guidance. • **Invite** the participants to attach their notes to the board or flip chart. Read the notes aloud. Throughout the session, suggest how the United Nations human rights mechanisms might provide useful support or guidance on the questions raised.	
15 minutes	📊 **State review**	
	• **Ask** participants whether they have heard of or participated in State reviews. • **Explain** that all the treaty bodies and the universal periodic review periodically review States' human rights compliance. After their reviews, both mechanisms produce a document with recommendations. Treaty bodies issue concluding observations; the universal periodic review issues an outcome document. • State reviews are a cyclical process. They enable Governments and civil society to monitor progress, identify shortcomings, measure overall compliance with respect to human rights obligations and act on recommendations received. • **Describe** the reporting cycle for treaty bodies. Outline the State report, the list of issues, written replies and shadow reports, country reviews and statements from NGOs or national human rights institutions, concluding observations and follow-up. • **Emphasize** that certain treaty bodies, including the Committee on Migrant Workers, also apply what is known as a simplified reporting procedure (using lists of issues prior to reporting). • **Indicate** that some treaty bodies, namely the Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Human Rights Committee (which monitors implementation of the International Covenant on Civil and Political Rights), the Committee on the Elimination of Discrimination against Women and the Committee on Enforced Disappearances, have a follow-up procedure to their concluding observations. Some countries also conduct a midterm review within the universal periodic review process.	*Slides*

Time	Activity	Resources
	• **Remind** participants that neither universal periodic review recommendations nor treaty body recommendations are binding. They can nevertheless put political pressure on the State under review and can be used as leverage in advocacy.	

An example of a treaty body review: the Committee against Torture

Tip: This example shows how a treaty body not immediately associated with migrants, such as the Committee against Torture, can still address migrants' rights. Choose a different example if it is more relevant for the participants.

Concluding observations on the second periodic report of Qatar, 2012 (CAT/C/QAT/CO/2)

"The State party should strengthen its efforts to provide legal protection to migrant workers, including female domestic workers, in its territory against torture, ill-treatment and abuse and guarantee access to justice. In that regard, the State party should:

(5) Adopt, as a matter of urgency, labour legislation covering domestic work and providing legal protection to migrant domestic workers against exploitation, ill-treatment and abuse."

An example from the universal periodic review

• **Explain** that, before each country is reviewed, interested parties can approach reviewing States to ask them to include issues related to migration in their recommendations to the State under review.

Universal periodic review of Iceland, 2011 (A/HRC/19/13)

"62.9. Fight against domestic violence through more effective measures against perpetrators, and especially by protecting and avoiding the deportation of migrant women victims of gender violence (Spain)".

Response: Accepted.

How to engage

Governments

• **Explain** that Governments are the principal actors in universal periodic reviews, as well as being the subject of treaty body reviews. Explain the various steps that Governments follow to prepare State reports and reviews, and what is expected of them in terms of follow-up.

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Time	Activity	Resources
	NGOs and civil society organizations • **Explain** that NGOs and civil society organizations can play a role in State review processes, principally by supplying information and evidence. They can compile information from human rights monitoring in a shadow report or as part of the universal periodic review process. They can send information to NGOs and civil society organizations that are represented in Geneva, for use in advocacy or presentations. Representatives can themselves travel to Geneva to present human rights information and concerns to treaty bodies or meetings of the Human Rights Council. Organizations can press their Governments to implement recommendations issued by treaty bodies or the Human Rights Council or under the universal periodic review, and they can run advocacy and awareness-raising campaigns to improve official follow-up. • **Inform** the participants that interactive dialogues between Governments and treaty bodies, as well as meetings of the Human Rights Council, can be followed on the United Nations human rights website. To facilitate the involvement of people who cannot be present in Geneva, question-and-answer sessions are live streamed. • **Tell** participants from civil society organizations and NGOs that they can obtain more information on how to submit written information to the treaty bodies from OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society* (2008), p. 51. • **Include** a slide on recent and upcoming reviews if the participants are from relevant countries.	
5 minutes	📰 **Inquiries**	
	• **Explain** that some treaty bodies, namely the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities, the Committee on Enforced Disappearances and the Committee on Economic, Social and Cultural Rights, are mandated to conduct inquiries into grave or systematic human rights violations of the conventions they monitor, if the State has accepted the treaty body's competence to do so. Inquiries may include a country visit. • **Explain** that the **Human Rights Council, the United Nations High Commissioner for Human Rights and the Security Council** can also mandate inquiries. These are more often called commissions of inquiry, investigations or fact-finding missions. The mandates of these missions set out in specific terms the violations in question and the scope of the inquiry. • **Example:** Committee on the Elimination of Discrimination against Women, report on Mexico under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/2005/OP.8/MEXICO).	*Slides*

Time	Activity	Resources
	Treaty body inquiries: how to engage Describe the treaty body inquiry procedure. 1. An inquiry may be initiated if the Committee receives reliable information indicating that the rights contained in the Convention it monitors are being systematically violated by a State party. 2. The Committee invites the State party to cooperate in the examination of the information by submitting observations. 3. Based on the State's observations and other relevant information available to it, the Committee may decide to appoint one or more of its members to conduct an inquiry and report urgently to the Committee. Where warranted and with the consent of the State party concerned, an inquiry may include a visit to its territory. 4. The Committee examines the inquiry's findings and transmits them to the State together with any comments and recommendations. 5. The Committee asks the State to submit its observations on the Committee's findings, comments and recommendations within a specific time period (usually six months). It may also ask the State to indicate what measures it has taken in response to the inquiry. 6. The inquiry procedure is confidential, and the cooperation of the State party must be sought at every stage. **States** • States are required to cooperate throughout the inquiry process, including by: – Providing observations; – Consenting to requests for country visits; – Respecting time limits. **NGOs and civil society organizations** • **Explain** that, to justify an inquiry, information on grave or systematic human rights violations must be gathered. NGOs and civil society organizations often make essential contributions to this work. • On the basis of evidence, NGOs and civil society organizations can request the Committee, the Human Rights Council or the United Nations High Commissioner for Human Rights to conduct an inquiry. • Once a relevant human rights mechanism has decided to conduct an inquiry, country visits or interviews with affected victims may take place, which civil society can support by identifying witnesses, submitting documentation, etc.	

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Time	Activity	Resources
	For further information, refer participants to OHCHR, Fact Sheet No. 30 (Rev. 1), *The United Nations Human Rights Treaty System*; OHCHR, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice* (New York and Geneva, 2015) (HR/PUB/14/7); and the OHCHR "Complaints about human rights violations" web page, at www.ohchr.org/en/treaty-bodies/complaints-about-human-rights-violations. *See also Additional resources.*	
5 minutes	**Individual complaints and allegations**	
	• **Explain** that almost all treaty bodies can consider individual complaints they receive, although not all States permit treaty bodies to receive individual complaints. The Human Rights Council can receive individual complaints (under a confidential procedure). Special procedures can submit letters of allegation to States on behalf of individuals. An advantage of individual complaints brought under the Charter of the United Nations is that they do not require the State to have ratified relevant treaties and are not tied to a specific treaty but cover all international human rights laws relating to a mandate established under a Human Rights Council resolution. • **Add** that complaints offer a form of redress and recognize the violations that individual victims have suffered. However, the complaints process can be lengthy. • **Describe** the main steps of an individual complaint made to a treaty body: – A complaint may be made by a victim or group of victims, or (at some treaty bodies) on a victim's behalf. It is not anonymous. – The complainant must first exhaust domestic remedies or show that no effective domestic remedy is available. – A complaint must be made within a certain time after the event. – Usually, a complaint cannot be received if another international mechanism is already considering it. – The treaty body and the State concerned communicate. Usually, the State has six months to provide an explanation and describe any remedy it has taken. – Complaints are examined on their merits. • Treaty bodies do not accept anonymous complaints. Victims may request that their name is not disclosed when the final decision is published. • **Explain** the procedure of the Human Rights Council. The Human Rights Council can receive complaints concerning a "consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms". Any person or NGO may make a complaint against any State regardless of whether the State has ratified relevant conventions. The procedure is confidential.	*Slides*

Time	Activity	Resources
	• **Special procedures** will not receive complaints (communications) unless they include information on the identity of the alleged victim(s), of the alleged perpetrator(s) and of the person(s) or organization(s) submitting the complaint. The complaint must include a detailed description of the circumstances of the incident or violation that has occurred, is occurring or will occur.	

Example of an individual complaint to the Committee on the Elimination of Discrimination against Women

Committee on the Elimination of Discrimination against Women, Views, Communication No. 6/2005, *The Vienna Intervention Centre against Domestic Violence and the Association for Women's Access to Justice v. Austria*, 2007 (CEDAW/C/39/D/6/2005).

Para. 3.7: "The authors request the Committee to assess the extent to which there have been violations of the victim's human rights … and the responsibility of the State party for not detaining the dangerous suspect. The authors also request the Committee to recommend that the State party offer effective protection to women victims of violence, particularly migrant women, by clearly instructing public prosecutors and investigating judges what they ought to do in cases of severe violence against women."

Para. 12.1.5: "The Committee considers the failure to have detained Irfan Yildirim as having been in breach of the State party's due diligence obligation to protect Fatma Yildirim."

Individual complaints or allegations: how to engage

Governments

• The State against which a complaint has been filed should respond within a certain period of time to the treaty body, the Human Rights Council or a special procedure mandate holder, answer questions it is asked, and describe measures it has taken to respond to the case.

NGOs and civil society organizations

• May support or submit cases on behalf of victims;

• May participate in strategic litigation or interventions;

• May draw on the jurisprudence of the mechanisms to support their analysis or arguments at the national level.

For further information on treaty body complaint procedures, refer participants to OHCHR Fact Sheet No. 7 (Rev. 2), *Individual Complaints Procedures under the United Nations Human Rights Treaties*. For special procedures communications, refer them to OHCHR, "What are Communications?"

www.ohchr.org/en/special-procedures-human-rights-council/what-are-communications.

See also Additional resources.

Time	Activity	Resources
<5 minutes	📊 **Interim measures and urgent appeals**	
	• The treaty bodies that can request interim measures are the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child, the Committee on the Rights of Persons with Disabilities and the Committee on Enforced Disappearances. Special procedures can issue urgent appeals to Governments.	*Slides*
	• **Explain** that interim measures and urgent appeals are communications to Governments about cases of concern that are time sensitive (in other words, where a violation is alleged to be ongoing or imminent). These measures are appropriate where they are deemed necessary to avoid irreparable harm to the victim(s), such as loss of life, threats to life (including the death penalty), expulsion or deportation or other imminent or ongoing damage of a very grave nature.	
	• **Point out** that interim measures are linked to the submission of an individual complaint. The requirements are therefore those that apply to individual complaints. In addition to procedural requirements, the State concerned must accept the treaty body's competence to examine violations of human rights protected by the convention it oversees.	
	📊 **An example of an urgent appeal**	
	Joint urgent appeal by the Special Rapporteur on extreme poverty and human rights, the Special Rapporteur on the human rights of migrants and the Special Rapporteur on adequate housing.	
	• "GENEVA (16 December 2014) – A group of United Nations human rights experts today urged the Dutch Government to immediately provide homeless irregular migrants in the Netherlands with emergency assistance, such as food, clothing, and shelter (popularly called 'bed, bath and bread' in the country). The Netherlands refuses to provide emergency assistance to this group, despite repeated disapproval by international and regional human rights bodies."	
	• "GENEVA (28 January 2015) – The decision by the Government of the Netherlands to provide funding to help municipalities that offer emergency shelters for homeless migrants is a welcome change of position, three human rights experts said on Wednesday."	
	Governments	
	• A State that receives an interim measure or an urgent appeal should respond within a short time to the relevant treaty body or special procedure mandate holder, describing the measures it has taken, either to address or redress the violation that has been alleged or to prevent an imminent violation.	

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Time	Activity	Resources
	NGOs and civil society organizations • Should support or submit urgent cases on behalf of victims as soon as possible; • Should act promptly; • Should consider strategic litigation or other forms of intervention; • Can use the jurisprudence of the mechanisms to support their analyses or arguments at the national level.	
10 minutes	📑 **Country visits**	
	• **Explain** that country visits are fact-finding missions that the United Nations High Commissioner for Human Rights can mandate (monitoring, fact-finding missions), or that special procedure mandate holders and the Subcommittee on Prevention of Torture can conduct. • **Clarify** that, during such visits, independent experts meet with relevant government officials and institutions, service providers, the national human rights institution, NGOs, affected individuals and other relevant stakeholders. • **Point out** that special procedure mandate holders require an invitation to visit. Invitations may be specific or standing invitations. In all cases, they must agree specific dates with the relevant Government. Members of the Subcommittee on Prevention of Torture travel without requesting dates (although visits are still organized and require the State's cooperation). The Subcommittee can visit any government-controlled facility where people are detained (including psychiatric institutions, immigration reception facilities, detention centres, children's institutions, etc.). • **Emphasize** that country visits are opportunities to learn from experts, to deepen understanding, to raise awareness among officials and to heighten the public visibility of human rights concerns. • **List** any forthcoming visits or requests for visits to countries in which participants live or work. 📑 **Example of a country visit** The former Special Rapporteur on the human rights of migrants visited Sri Lanka in 2014. • François Crépeau was invited by the Government. • He met with government officials, the United Nations country team, the Human Rights Commission of Sri Lanka, members of the diplomatic community, recruitment agencies, civil society organizations, academics and families of migrants and returned migrants. • He visited Mirihana detention centre, Boossa prison, the Sahana Piyasa welfare centre in Katunayake, the Sri Lanka Bureau of Foreign Employment, provincial centres and training centres in Kurunegala and Kandy, and the migrant resource centre in Tangalle. • He provided a preliminary report to the Government and issued a press release. • He issued a final report with recommendations in 2015.	*Slides*

Time	Activity	Resources
	Example of recommendations. • "Enhance efforts to prevent exploitation and abuse of migrants, during the recruitment stage, while in service in the destination country, and upon return to Sri Lanka." • "Enhance the monitoring of the recruitment industry, through putting in place a comprehensive policy with high standards, improving services offered by recruitment agencies, holding them accountable for the non-execution of their duties, reducing costs for migrants, and regulating irregular sub-agents." • "Abolish recruitment fees for migrants." For this visit, see: OHCHR, "UN expert calls for better protection against abuse and exploitation of Sri Lankans migrating abroad for work".	

Country visits: how to engage

The Government
- **Extends** an invitation or accepts a request to visit;
- **Agrees** on dates and appoints a focal point to manage logistics (credentials, ministries and persons to meet, venues for official meetings, etc.);
- **Provides** background documentation (copies of relevant legislation, policies, legal cases, press reports, etc.);
- **Coordinates** the visit. Ensures that relevant ministries and staff on the ground are informed of the visit, that the delegation has access to sites, victims and other interlocutors, that people who speak to the delegation do not face reprisals, etc.

NGOs and civil society organizations
- **Indicate** that, in addition to government officials, national human rights institutions, NGOs, United Nations agencies and individuals can assist independent experts during country visits. For instance, they can:
  – Identify stakeholders (victims, witnesses, scholars, lawyers, activists, etc.);
  – Meet the visiting team (OHCHR staff, mandate holders, other experts on delegations, etc.);
  – Submit evidence and documents, background and analytical reports, witness statements, cases and case studies, etc.;
  – Submit proposed recommendations.
- **Explain** that, after their visit, special procedures submit a report and oral update to the Human Rights Council. States, the national human rights institution and civil society representatives can provide written and oral statements during the relevant session of the Human Rights Council.

Time	Activity	Resources
5 minutes	📇 **General comments and general recommendations**	
	• **Explain** that all treaty bodies issue general comments or general recommendations.	*Slides*
	– General comments or general recommendations are authoritative interpretations of a convention by its Committee. They provide guidance on the content of particular rights and on the nature of obligations in the treaty in question.	
	– General comments and general recommendations can be used to inform and give force to the application of human rights in situations of migration.	
	• **Point out** that general comments and general recommendations are drafted in consultation with Governments, national human rights institutions, NGOs, scholars, United Nations staff and other experts. These and other stakeholders are invited to submit research evidence, findings from consultations with affected individuals, evidence of good practice and examples of laws, policies or programmes that might enrich the draft general comments or general recommendations.	
	• **Emphasize** that many committees have raised concerns about the treatment of migrants in their general comments and general recommendations.	
	Example of a general recommendation by the Committee on the Elimination of Discrimination against Women	
	• **Present** and discuss the Committee's general recommendation No. 26 (2008) on women migrant workers.	
	📇 **General comments and general recommendations: how to engage**	
	Governments, NGOs and civil society organizations	
	• **Point out** that treaty bodies publish calls for contributions. States, NGOs and civil society organizations can submit written submissions in response.	
	• In certain cases, the treaty body holds days of general discussion (see the next section). Interested stakeholders can participate and deliver oral statements.	
<5 minutes	📇 **Days of general discussion**	
	• **Explain** that all treaty bodies organize days of general discussion. These are informal public meetings during which representatives of Governments, United Nations bodies and specialized agencies, intergovernmental organizations and NGOs discuss a particular human rights issue.	*Slides*
	• **Clarify** that the outcome document includes recommendations, but that these are not binding. In some cases, the discussion has led to the elaboration of a general comment or recommendation.	

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Time	Activity	Resources
	• **Add information on the Convention on the Rights of the Child.** Under article 45 (c) of the Convention, the Committee on the Rights of the Child can ask the General Assembly to invite the Secretary-General to undertake studies on its behalf. So far, two such studies have been requested and issued by the Secretary-General: on children and armed conflict and on violence against children. The General Assembly subsequently established two mechanisms: the Special Representative of the Secretary-General for Children and Armed Conflict and the Special Representative of the Secretary-General on Violence against Children. **An example from the days of general discussion** • **Explain** that the Committee on the Rights of the Child held a day of general discussion in 2012 on the rights of all children in the context of international migration. Among its conclusions, the Committee stated: "Attention should be paid to addressing the gender-specific impacts of reduced access to services, such as sexual and reproductive health rights and security from violence." • **Point out** that the event led the treaty bodies governing the Convention on Migrant Workers and the Convention on the Rights of the Child to publish two general comments on children in the context of international migration. • For more information on the event, refer participants to Committee on the Rights of the Child, "Report of the 2012 day of general discussion: the rights of all children in the context of international migration", available at www2.ohchr.org/english/bodies/crc/docs/discussion2012/ReportDGDChildrenAndMigration2012.pdf. 📰 **Days of general discussion: how to engage** • Days of general discussion are open to the public. Governments, national human rights institutions, NGOs and civil society organizations can participate and deliver oral statements.	
<5 minutes	📰 **Sessions of the Human Rights Council**	
	• **Recall** that the Human Rights Council holds regular sessions three times per year. • Governments and civil society organizations can participate, both by making statements on relevant topics and by convening or participating in side events. **Example of a side event during the Human Rights Council** • This side event was held by the International Detention Coalition, supported by OHCHR, to launch a global strategy to end detention of child migrants. 📰 **Sessions of the Human Rights Council: how to engage**	*Slides*

Time	Activity	Resources
	• Explain that accredited organizations can: – Submit written statements; – Deliver oral statements during the session; – Organize or participate in side events.	
5 minutes	**Engaging with the United Nations human rights system**	
	• **Emphasize** the great importance of data to human rights work. The provision of accurate, up-to-date and disaggregated data makes it possible to update State reports and shadow reports and to measure and monitor implementation of recommendations. • **Point out** that most States have ratified several United Nations human rights treaties and cooperate with special procedures and the universal periodic review process. Information on the situation of migrants can be useful to all the United Nations mechanisms. • **Acknowledge** that United Nations reports and standards are written in legal language. To be effective and to have impact nationally, participants may decide to "translate" the findings and recommendations issued by United Nations mechanisms into more ordinary language that can be understood easily by partners and stakeholders. • **Underline** that efforts to support and influence United Nations human rights mechanisms are likely to be most effective if participants organize and cooperate with States, national human rights institutions, civil society and other actors. For instance, States should gather relevant information from within government and should consult other stakeholders when they prepare reports and other communications with treaty bodies. Civil society can maximize its impact by bringing NGOs together, sharing information, submitting joint statements and reports, etc. • **Encourage** participants (especially NGOs and civil society organizations) to consider how they can use their resources to achieve the most positive impact. Options include video statements, video links and streaming, using the media and public or private advocacy, drawing on recommendations made by the United Nations. It is important to decide which mechanism is in the best position to address a particular human rights concern. That decision will be influenced by the nature of the violation and the available resources. For organizations to be effective and to make an impact, strategic decisions must be made.	*Slides*

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Time	Activity	Resources
	• **Acknowledge** that what the United Nations human rights system can deliver has limits. Recommendations must be based in law. Many of the procedures are protracted. The United Nations human rights system has limited capacity and resources. The political environment in some States is unfavourable. Underline to the participants that, if they choose to work through the United Nations human rights mechanisms, they will need to be strategic in their engagement, set priorities, target results that are realistically achievable, find reserves of patience and take steps to avoid causing inadvertent harm to the migrants they are trying to support and defend.	
5 minutes	**What's in it for me?**	
	Reminder: Adapt this slide to fit the context and the group.	*Slides*
	Tip: Depending on how much time is available, you could explore this question through a brainstorming activity, such as "brainwriting". Encourage the participants to identify benefits and draw on their own experience.	
	See sample activities	
	• **Ask** participants to say how the United Nations human rights mechanisms and the recommendations they issue might help them in their work to protect migrants' rights.	
	• **Offer** some examples. (Select examples that match the participants' professions and experience.)	
	– The United Nations mechanisms provide guidance on legal standards.	
	– They can be used to raise awareness of migrants' rights at the national and local levels.	
	– They encourage and support efforts to monitor progress as well as shortcomings in implementing migrants' rights.	
	– They are a space in which to build relationships with government officials, civil society actors, staff at the national human rights institution, OHCHR staff and the staff of other United Nations agencies.	
	– They give direction to programmes and projects run by civil society, national human rights institutions, United Nations specialized agencies and bilateral and multilateral donors.	
	For Governments	
	• The United Nations mechanisms provide guidance on how States can improve their record.	
	• They give opportunities to cooperate with partners and stakeholders.	
	For United Nations agencies and international organizations	
	• The United Nations mechanisms lay a foundation for human rights-based programming.	

Time	Activity	Resources
	For NGOs, civil society organizations and national human rights institutions • The United Nations mechanisms create a range of opportunities for NGOs and national human rights institutions to influence international standard-setting. • They recognize the violations victims have suffered and thereby provide a degree of international redress. • The recommendations they issue provide a framework for monitoring a State's compliance with international standards. • The reports and recommendations of United Nations mechanisms can reinforce national advocacy. • The mechanisms create opportunities to cooperate with like-minded actors in the country, and in Geneva or New York with NGOs and other actors from elsewhere in the world.	
1 hour	**Case study activity**	
	See sample activities **Reminder:** Adapt the questions to ensure that the exercise is relevant to the work that participants do. Suggested questions for government representatives and NGOs are listed in the handout. **Debrief** • To save time and avoid duplication, ask each group to report back on one mechanism. • After reports have been completed, lead a discussion. Did the groups identify benefits as well as challenges? Were the mechanisms they chose relevant to the concerns they identified? What other actions could be effective?	*Slides* *Flip charts from group work in Module 2 (case study exercise)* *Case study handout from session 4*
5 minutes	**Summary and key messages**	
	• **Remind** participants that human rights are central to the mission of the United Nations. They are affirmed in core treaties but are also a foundational feature of the Charter of the United Nations. • **Emphasize** that human rights law is an accountability framework. It applies to every human being. Its treaties can all be used to promote and protect migrants' rights. • **Recall** the broad structure of the United Nations human rights system, consisting of OHCHR, the treaty bodies and the Human Rights Council. • Overall, the various human rights mechanisms provide guidance to States on fulfilment of their obligations. They monitor States' progress, and they hold States accountable for violations.	

Time	Activity	Resources
	• Taken together, the mechanisms can address general situations and individual cases. • Because not all countries have ratified all the treaties, and few have ratified the Convention on Migrant Workers, it is particularly important for the protection of migrants' rights to make sure that all parts of the United Nations human rights system work in a complementary way. • To maximize its value and impact at the national level, all stakeholders need to engage actively with the United Nations human rights system. • **Remind** participants that most United Nations human rights processes are lengthy. Where cases are urgent, urgent appeals and interim measures can be used. • **Emphasize** that the United Nations human rights system can have much more impact when it is supported by civil society advocacy and monitoring.	

ADDITIONAL RESOURCES

- General Assembly resolution 48/141 (A/RES/48/141), establishing the mandate of the United Nations High Commissioner for Human Rights.
https://digitallibrary.un.org/record/180226?ln=en

- OHCHR, sessions of the Human Rights Council.
www.ohchr.org/en/hr-bodies/hrc/sessions

- OHCHR, universal periodic review.
www.ohchr.org/en/hr-bodies/upr/upr-main

- OHCHR Fact Sheet No. 7 (Rev. 2), *Individual Complaint Procedures under the United Nations Human Rights Treaties*, 2013.
www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-07-rev-2-individual-complaints-procedures-under-united

- OHCHR Fact Sheet No. 30 (Rev. 1), *The United Nations Human Rights Treaty System*, 2012.
www.ohchr.org/en/publications/fact-sheets/fact-sheet-no-30-rev-1-united-nations-human-rights-treaty-system

- OHCHR, *Commissions of Inquiry and Fact-Finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice*, 2015.
www.ohchr.org/en/publications/policy-and-methodological-publications/commissions-inquiry-and-fact-finding-missions

- "OHCHR Training Package on Reporting to the United Nations Human Rights Treaty Bodies", 2017.
www.ohchr.org/EN/PublicationsResources/Pages/TrainingPackage.aspx

- United Nations system chart.
www.un.org/en/delegate/page/un-system-chart

- United Nations Network on Migration – Migration Network Hub.
https://migrationnetwork.un.org/

- "What is it?" series: "What is a human rights treaty body?".
www.youtube.com/watch?v=vE0T45t040k

- "What is it?" series: "What is the UN Human Rights Council?".
www.youtube.com/watch?v=kkmuIQoHbNs

For civil society participants

- OHCHR, *Working with the United Nations Human Rights Programme: A Handbook for Civil Society* (New York and Geneva, 2008).
  www.ohchr.org/en/publications/special-issue-publications/working-united-nations-human-rights-programme-handbook

- OHCHR, *United Nations Human Rights Council: A Practical Guide for NGO Participants*, 2013.
  www.ohchr.org/Documents/HRBodies/HRCouncil/PracticalGuideNGO_en.pdf

- OHCHR, *How to Follow Up on United Nations Human Rights Recommendations: A Practical Guide for Civil Society*, 2013.
  www.ohchr.org/Documents/AboutUs/CivilSociety/HowtoFollowUNHRRecommendations.pdf

- OHCHR, *Universal Periodic Review: A Practical Guide for Civil Society*, 2014.
  www.ohchr.org/EN/HRBodies/UPR/Documents/PracticalGuideCivilSociety.pdf

- OHCHR, *Civil Society Space and the United Nations Human Rights System: A Practical Guide for Civil Society*, 2014.
  www.ohchr.org/Documents/AboutUs/CivilSociety/CS_space_UNHRSystem_Guide.pdf

For national human rights institutions

- Asia Pacific Forum, *International Human Rights and the International Human Rights System: A Manual for National Human Rights Institutions*.
  www.asiapacificforum.net/resources/manual-on-international-human-rights-system/

- OHCHR, "UN Human Rights and NHRIs".
  www.ohchr.org/en/countries/nhri

For United Nations country teams

- "OHCHR Training Package on Reporting to the United Nations Human Rights Treaty Bodies", 2017.
  www.ohchr.org/EN/PublicationsResources/Pages/TrainingPackage.aspx
  See, in particular, *Reporting to the United Nations Human Rights Treaty Bodies Training Guide*: Part I - Manual, Chapter 5, "Engagement of the United Nations System in the Reporting Procedure".
  www.ohchr.org/en/publications/professional-training-series/reporting-un-human-rights-treaty-bodies-part1

Module 3
A human rights-based approach

Module outline

Module title	Module aim	Topics / sessions	Session overview (methodology, timings)
Module 3: A human rights-based approach	The final core module brings together the various elements discussed in previous sessions and encourages participants to explore the value of adopting a human rights-based approach to migration. In a practical scenario exercise, participants apply the knowledge and skills they have acquired by planning a migration programme that uses a human rights-based approach.	**Session 6: A human rights-based approach to migration**	*2.5 hours* Slides, discussion and activities
		Session 7: Protecting rights in practice	*4 hours 15 minutes* Group work

Aim of the session

This session introduces the concept of a human rights-based approach. Bringing together the various elements learned in previous sessions, it shows participants the value of adopting a human rights-based approach to migration.

Participants analyse how they might adopt a human rights-based approach in their work and what skills they might require in order to do so.

SESSION OVERVIEW

SESSION 6: A HUMAN RIGHTS-BASED APPROACH TO MIGRATION

Content	This session will:
	• Explain the concept of a human rights-based approach, tying together the previous modules.
	• Consider the relevance of this approach to migration issues.
	• Reflect on the value this approach adds.
	• Discuss some challenges and obstacles and how to resolve them.
Learning objectives	After this session, participants will be able to:
	• Explain the elements of a human rights-based approach and what it means in the context of migration.
	• Identify ways to empower migrants and enable them to participate.
	• Appreciate the value that a human rights-based approach adds to work on migration.
	• Propose ways to use a human rights-based approach to enhance their work with migrants.
	• Analyse the challenges and obstacles to adopting a human rights-based approach in the context of migration.
	• Suggest practical ways to address challenges.
Key learning points / key messages	• A human rights-based approach is a methodology for addressing inequality, vulnerability and discrimination. It differs from a needs-based approach. It is based on international human rights laws that States have agreed to apply.
	• A human rights-based approach focuses on what duty bearers must do to meet their obligations and on how rights holders can claim their rights. It is an accountability framework.
	• A human rights-based approach promotes the empowerment of migrants as a key goal, as well as their meaningful participation in policy and decision-making processes and other activities that affect them and their families.
	• A human rights-based approach strengthens the legitimacy of actions taken to realize rights, because they are based on legal standards that Governments have willingly agreed to apply.
	• A human rights-based approach adopts a specific conceptual position on duty bearers and rights holders. It also transforms how practitioners address migrant issues, because a human rights-based approach considers process to be no less vital than outcome.
Preparation	Display the flip chart on key stakeholders from session 2.
Equipment	Projector, slides, flip charts
Handouts and additional session resources	• Case study (sample activity)
	• Applying a human rights-based approach in our work: trouble-shooting activity (sample activity)

SESSION PLAN

> ## Tips
>
> A growing body of literature describes human rights-based approaches to development. Some of it can be found on the OHCHR website. Do some background reading to prepare for the session.
>
> For a short list of recommended background reading, see *Additional resources.*
>
> Make sure the participants still have their copies of the case study used in session 5.
>
> To prepare for the exercise in session 7, at the end of this session you may find it helpful to put participants in their teams and distribute session 7 materials.

Time	Activity	Resources
5 minutes	**Module introduction**	
	Module overview	*Slides*
	• **Introduce** the module by giving a brief overview.	
	• **Situate** this module in relation to previous modules.	
	– **Point out** that this is the last of the core modules.	
	– **Remind** the participants that they have discussed human rights principles and the core treaties that are relevant to migrants. They have also discussed the accountability mechanisms available at international level. Tell them that they will now focus on how to apply these principles in their work, using a human rights-based approach.	
	– **Tell** the participants to think of the human rights-based approach as a tool of critical analysis. Say that it will help them to understand and position migration concerns as human rights concerns and so help them decide what to do in response.	
	• **Encourage** participants to think about their own work during this session and to consider how a human rights-based approach could improve its effectiveness and outcomes.	
	Why adopt a human rights-based approach to migration?	
	• **Say** that this session will show the participants that using a human rights-based approach improves the quality and impact of migration programmes.	
	• **Encourage** participants to participate honestly and openly. The session is a chance to share experience, to consider challenges as well as opportunities, and to work collectively to find solutions.	
	• **Allow** time for questions.	

Time	Activity	Resources
10 minutes	📊 **The human rights-based approach is a different point of view…**	
	The slides in this section introduce the concept of a human right-based approach and distinguish it from a needs-based approach. The acronym PANEL (participation, accountability, non-discrimination, empowerment, law) can be noted on the flip chart.	*Slides* *Flip chart*

📊 **The human rights-based approach is a different point of of view: law and non-discrimination.**

- **Explain** the difference between a human rights-based approach and a needs-based approach.
  - A needs-based approach relies on notions of charity and vulnerability. We help people who are vulnerable and in need because it is the right thing to do.
  - A rights-based approach, in contrast, is not driven by benevolence but focuses on accountability. States have a legal duty (which they assumed voluntarily) to respect, protect and fulfil the rights of those in their jurisdiction, including migrants. Other actors in society have a duty not to harm the rights of others and a (moral) responsibility to help others claim their rights.
  - In addition, duty bearers are required to make sure that, when rights are guaranteed, **no one experiences discrimination**.
  - The human rights-based approach moves the motive of action from benevolence (which is optional, a choice) to law (which is regulatory, **mandatory**).
- **Write** "law" and "non-discrimination" on the flip chart.

📊 **The human rights-based approach is a different point of view: accountability.**

- **Explain** the difference between unfulfilled or unrealized needs and unfulfilled or unrealized rights.
  - A need not fulfilled leads only to dissatisfaction.
  - In contrast, a right that is not respected (while also leading to dissatisfaction) ultimately leads to a violation, for which the duty bearer can be held accountable and victims can legally and legitimately claim redress or reparation.
- **Write** "accountability" on the flip chart.

📊 **The human rights-based approach is a different point of view: participation and empowerment.**

- **Continue** by highlighting the different implications for agency and dignity of a needs-based approach and a human rights-based approach.
  - Under a needs-based approach, those who receive assistance depend on the kindness and goodwill of those who provide assistance.

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Time	Activity	Resources
	– By contrast, under a human rights-based approach, people are not passive beneficiaries of State services but **active participants**, recognized as **rights holders**. They are at the centre of processes that affect them and fully participate in decisions that affect them. • **Write** "participation" and "empowerment" on the flip chart.	
15 minutes	🖳 **What is a human rights-based approach?**	
	• **Ask** participants to say what they think a human rights-based approach means. • **Note** their phrases or words on a flip chart. • **Reveal** the slide, and explain: – A human rights-based approach *applies* the normative standards we discussed in session 3 on the international framework of human rights. – It is an **analytical method** that can be used to generate action and guide how we act. • The first step is to redescribe issues in human rights terms. This requires us to identify where human rights principles are relevant, to identify duty bearers and rights holders and to ascertain where rights are not being respected, protected and fulfilled. • Using this analysis, we then identify priorities for action. Human rights law is applied to assess what must be done to protect, fulfil and promote rights, to prevent violations and to provide redress, remedy or reparation where required. • Under a human rights-based approach, human rights principles guide all aspects of how we do our work. The type of process determines the final outcome and its sustainability in creating a favourable environment for the realization of human rights. • Accordingly, regardless of whether or not we are duty bearers, the ways we act should reflect human rights principles, such as participation, equality and non-discrimination, and accountability. 🖳 **What is a human rights-based approach?** • **Review** the words and phrases of participants you recorded earlier on the flip chart. Note where their responses coincide with points on the slide. • **Make** the points below: • A human rights-based approach is based on common agreed standards. – The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights have near universal application. – All Governments have ratified at least one core human rights treaty.	*Slides* *Flip chart*

Time	Activity	Resources
	– Most constitutions and domestic legal frameworks incorporate (some) human rights.	

- A human rights-based approach draws attention to the most marginalized.
  - It addresses issues of discrimination, encourages the use of disaggregated data and focuses on those most at risk of human rights violations.
  - The universality of human rights requires priority action on those whose rights are currently most denied. Migrants in the most vulnerable situations must be prioritized.
  - **Ask** the participants to explore the implications of this. Ask: In your work, do you clearly identify migrants who may be in vulnerable situations? Do you identify their specific human rights protection needs? Do your policies and services include additional steps to reach those whose rights are most at risk?
- A human rights-based approach deepens participation and empowerment.
  - Participation is often talked about but means different things to different people.
  - It is now recognized as a human right.
  - It should not mean just gathering information or advice from groups we assist and have duties to.
  - It implies capacity to influence outcomes.
  - A participatory process should increase the capacity of individuals and groups, empower them to pursue the realization of their rights and build their knowledge and awareness of rights.
  - It should also empower duty bearers and build their capacity to fulfil their obligations.
  - A human rights-based approach emphasizes process as well as outcomes.
  - It recognizes that the quality of a process affects the quality and achievement of results and outcomes, and also their sustainability.
  - For example, a training programme for police on human rights and detention of migrants should be developed with the participation of both police officers and migrants, responding to issues raised by both in relation to the application of international standards. Its value should be measured not solely in terms of whether the training took place but by what was achieved – what changes in behaviour occurred as a consequence.
  - This is a more substantial outcome, which is only possible to achieve when we pay significant attention to the processes we use to arrive at a result. A participatory process is one that respects rights and leads to better, more sustainable outcomes.
- A human rights-based approach strengthens accountability.
  - Duty bearers are accountable to rights holders. Their duty to them is to respect, protect and fulfil their rights.

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Time	Activity	Resources
	– Governments assume these responsibilities when they ratify human rights treaties and agreements. – When building the capacity of duty bearers, focus on strengthening the accountability mechanisms that ensure migrants can seek remedy, redress or reparation. – Adopting a human rights approach allows one to make use of the human rights accountability system of the United Nations.	
5 minutes	**What is a human rights-based approach to migration?**	
	Highlight the following points: • The approach applies the universal rights standards adopted by Governments and considers migrants to be rights holders, regardless of their status. • It places migrants at the centre of migration policies and other policies that significantly affect them. • It pays particular attention to the situation of migrants in vulnerable situations. • It develops strategies that will empower migrants to claim their rights. • It identifies relevant duty bearers and their obligations to migrants, their capacity to meet those obligations and their accountability. • It ensures that migrants are included in relevant national plans and strategies, such as plans to provide public housing or strategies to combat racism and xenophobia.	*Slides*
45 minutes	**Case study activity**	

25 minutes	• **Place** participants in groups.
	• **Explain** that this activity builds on the case study that participants will remember from previous sessions, which identified human rights issues and standards. In this session, participants will focus on using a human rights-based approach to increase participation and empowerment.
	• **Ask** the participants to re-read the case study and the flip charts that identified relevant human rights issues and stakeholders.
	• **Show** the slide with instructions and go through the instructions together.
	• **Inform** each group which area it will focus on:
	  – Violence;
	  – Employment and employee rights.
		Case study from sessions 4 and 5
		
		Flip charts that list human rights issues from session 4
		
		Handout with instructions on the exercise

Time	Activity	Resources
20 minutes	**Case study exercise** *See sample activities*	

25 minutes	**Debrief**
	• **Feedback** in plenary. Do a **gallery walk**.
	• **Start** with one focus area. Ask the first group to name the stakeholders it prioritized and briefly describe the activities linked to them.
	• **Ask** other group(s) that were given the same focus area to compare their findings. Did they prioritize the same actors? If not, why not? What do participants think of the different activities that have been proposed in order to enhance participation?
	• **Facilitate** a brief discussion on any differences in approach and findings, always looking at the same focus area.
	• **Repeat** this process for the second focus area.
	• **Facilitate** an overall debrief.
	  – Did they find the activity useful? Challenging?
	  – What did they learn? Were there any surprises?
	
	• **Explain** what is meant by "enabling conditions for meaningful participation". For migrants, positive factors include a safe environment (for example, no fear of being reported or deported), enabling legislation or processes (e.g. the right to information, freedom of association), access to information and knowledge, knowledge of local languages, and confidence that participation will not be symbolic. In government, officials working with migrants should be age-, gender- and culture-sensitive, and they must be willing to promote participatory processes and make them accessible.
	• **Point out** to participants that, when they work with migrant organizations and associations, it is important to ensure that all voices are represented (including women migrants, youth, migrants with disabilities, etc.).
	• **Emphasize** that efforts to promote migrant inclusion and participation should not focus only on migrants organizations. Migrants should participate in all official and civil society processes and should be represented in bodies and organizations that traditionally might not consider migration. This will mainstream migrant perspectives and ensure that all relevant processes take account of migrants' concerns.
	• **Remind** the participants that they have just used a human rights-based approach. They analysed the context in terms of human rights norms and standards. They identified duty bearers and their responsibilities, as well as other stakeholders. They promoted the participation of migrants as rights holders.
	• **Now introduce** the next section, which will explain in more detail the value that a human rights-based approach adds to work on migration.	

Time	Activity	Resources
5 minutes	**What does a human rights-based approach add to work on migration?**	
	• **Ask** the participants to throw some ideas out. • **Show** the slide and run through the points it lists. As you do so, encourage the participants to contribute examples, based on their work or their experience. • List the merits of a human rights-based approach. • A human rights-based approach is an analytical tool. – It is holistic. It takes into account civil, political, economic, social and cultural aspects of a problem, and gender dimensions. – It applies the respect, protect, fulfil typology. This facilitates effective planning of responses and programmes of action. – It encourages an integrated response. This is important when multiple actors may be looking at different aspects of a problem. • A human rights-based approach generates responses efficiently. – It generates practical responses, which may be local or national, international or regional, or a combination. – An analysis that uses an accountability framework and human rights principles is more likely to identify, and find ways to address, the underlying causes of a problem, rather than just its symptoms. • A human rights-based approach has a broad scope. – For the same reasons, as a human rights-based approach reveals more and more aspects relevant to the issue, it similarly broadens the scope of strategies we require to address each aspect. – It permits a range of actions: advocacy, reports to international treaty bodies, litigation, programmes, training, etc. – The method used under this approach identifies all the stakeholders that have an interest in each issue and includes them in its response. This identifies not only the subjects of action, but potential partners as well. • A human rights-based approach increases legitimacy. – A needs-based approach depends on the goodwill of those who can help. There is a degree of arbitrariness. – Applying human rights laws and standards, which States have chosen to be bound by, gives programmes and policies a firm legal foundation. – Its shared analytical framework means that different actors can find common ground in their analysis, programming, monitoring and evaluation. • The legitimacy of human rights claims is moral and ethical as well as legal.	*Slides*

Time	Activity	Resources
5 minutes	**Recommendations from the Secretary-General to States on use of a human rights-based approach in the field of migration**	
	📊 **Secretary-General's report on migration and human rights (2013).**	*Slides*
	• **Highlight** that, in this report, the Secretary-General made the following recommendations to States:	
	– Include information in universal periodic review reports on what has been done to protect the human rights of migrants.	
	– Ratify all relevant human rights treaties, including the Convention on Migrant Workers.	
	– Adopt comprehensive national plans of action, informed by human rights standards, to protect the rights of all migrants.	
	– Take positive measures to prevent and sanction discrimination against migrants and to avoid their marginalization and social exclusion.	
	– Ensure that all migrants, regardless of legal status, have access to adequate health care, realize their right to education, receive equal treatment in the workplace and are eligible for social security, focusing especially on those in the most vulnerable situations.	
	– End criminalization of irregular migrants. Take steps to end immigration detention and implement alternative measures to detention.	
	– End all detention of children based on their migratory status or irregular entry.	
	– Develop human rights indicators on migration, in partnership with all relevant stakeholders.	
5 minutes	📊 **Human rights-based approach and the Global Compact for Migration**	
	• **Highlight** where the Global Compact for Migration encourages a human rights-based approach in migration governance:	*Slides*
	– The preamble states that the Global Compact for Migration "rests on the purposes and principles of the Charter of the United Nations" as well as on the Universal Declaration of Human Rights and the nine core international human rights instruments.	
	– The Compact includes a standalone guiding principle on human rights, including commitments to non-regression and non-discrimination.	
	– It mainstreams standards for human rights protection throughout the document, and makes some 90 references to human rights.	
	– Its guiding principles are people-centred, gender-responsive and child-sensitive.	

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Time	Activity	Resources
	– It makes specific commitments. For example, it affirms that immigration detention must in all cases be a last resort; it contains commitments to work towards ending child immigration detention and to uphold the prohibition of collective expulsion and of refoulement under international human rights law; it includes text that is a starting point towards the non-criminalization of irregular migration; it commits to protecting the human rights of migrants in vulnerable situations; and it refers explicitly to OHCHR tools and guidance.	
50 minutes	**Applying a human rights-based approach in our work: troubleshooting**	
10 minutes	Activity *See sample activities* • **Start** a plenary discussion. Ask the participants to give examples of how people and institutions use a human rights-based approach in their work. • **Emphasize** that the actions need merely to be consistent with human rights values – for example, participatory, non-discriminatory and accountable. • **Note** the examples on a flip chart.	
10 minutes in pairs 10 minutes in plenary	**Group work** • Ask participants to form pairs and identify four obstacles that prevent their organizations or entities from adopting a human rights-based approach in their migration work. • Feedback in plenary. Note the obstacles on a flip chart. Note each obstacle just once. • Obstacles include (non-exhaustive list): – We would need to address challenges in a more comprehensive way. – The approach is resource intensive. – Meaningful participation is time-consuming. – We might need new skills. – Collaboration requires us to compromise to reach agreement. – We need to be aware of human rights standards, norms and processes. This will require training and ongoing learning. – Some stakeholders are resistant because they think human rights are a "Western construct". – We must analyse a range of human rights to understand each situation and do a risk analysis to ensure we do not compromise other people's rights or put anyone at additional risk. – It requires us to exercise judgment and make difficult choices. – It requires us to review our activities and programmes and possibly make changes; this is resource intensive. – We might irritate our Government, which is resistant to human rights ideas.	

Time	Activity	Resources

10 minutes in pairs *10 minutes in plenary*	• Say that each of the challenges above can be classified as one of three types of obstacle:
	  – *Difficulties of participation.* In these cases, collaboration between stakeholders presents difficulties.
	  – *Lack of knowledge of human rights.* Stakeholders know too little about human rights and a human rights-based approach. This impedes cooperation and capacity-building.
	  – *Resistance to human rights.* Key actors do not support human rights in practice or conceptually.
	• **Seat** the participants at tables. Ask each group to work on a specific challenge. More than one group can work on the same challenge.
	• **Ask** the groups to brainstorm. How can this challenge be addressed and resolved?
	• **Share in plenary.** Invite groups to share ideas. Can anyone suggest any new tips?
	• **By the end**, the participants should have drawn up a reasonable list of specific measures that they can take away and use in their work.
	• **Conclude** by reminding participants that, while a human rights-based approach may require organizations to devote time and resources to the process, the benefits outweigh the costs. Moreover, the process itself can create unanticipated benefits and opportunities.
	• **Remind** participants of the benefits of a human rights-based approach that the group discussed earlier in the session.
		Slides
		
		Flip chart

5 minutes	**Wrap-up / summary**	
	Summary • Find the PANEL flip chart with the key words "participation", "accountability", "non-discrimination", "empowerment" and "law". Emphasize how these key words relate to the content discussed in the last session. **Key messages** • A human rights-based approach is a **methodology** to address inequality, vulnerability and **discrimination**. It differs from a needs-based approach, being based on international human rights **laws** that States have agreed. • It focuses on how duty bearers can meet their obligations and rights holders can claim their rights. It is a framework of **accountability**. • A key goal is to **empower** migrants. A human rights-based approach seeks to enable migrants to **participate** meaningfully in policymaking, decision-making and other activities. • Actions taken to realize migrants' rights using a human rights-based approach have legitimacy because they are supported by legal standards that Governments have willingly adopted.	*Flip chart* *Slides*

Time	Activity	Resources
	• A human rights-based approach considers process to be no less vital than outcome. The commitment to meaningful participation of migrants in decision-making is not just a matter of including migrants in law-making, policymaking and programmes; it is also a matter of ensuring that they can influence how measures are developed, adopted and implemented.	
	And remember...	
	It is true that a human rights-based approach can be challenging and can require resources. However, the end result is more effective and more sustainable and can lead to lasting changes in behaviour, attitudes and how people act.	
	Encourage participants to continue to share with each other their experiences of a human rights-based approach throughout the training.	

![icon] ADDITIONAL RESOURCES

- Dan Banik, University of Ohio, "Implementing Human Rights-Based Development: Some preliminary evidence from Malawi" (Geneva, OHCHR, 2007).
  www2.ohchr.org/english/issues/poverty/expert/docs/Dan_Banik.pdf

- Flavia Bustreo, Paul Hunt and others, *Women's and Children's Health: Evidence of Impact of Human Rights* (Geneva, World Health Organization, 2013).
  http://apps.who.int/iris/bitstream/10665/84203/1/9789241505420_eng.pdf

- Pablo Ceriani Cernadas, Michele LeVoy and Lilana Keith, *Human Rights Indicators for Migrants and their Families* (Global Knowledge Partnership on Migration and Development (KNOMAD) (including OHCHR, ILO and UNICEF), 2015).
  www.ohchr.org/Documents/Issues/Migration/Indicators/WP5_en.pdf

- OHCHR, *Frequently Asked Questions on a Human Rights-Based Approach to Development Cooperation* (New York and Geneva, 2006) (HR/PUB/06/8).
  www.ohchr.org/en/publications/special-issue-publications/frequently-asked-questions-human-rights-based-approach

- OHCHR, "Migration and human rights: improving human rights-based governance of international migration".
  www.ohchr.org/sites/default/files/Documents/Issues/Migration/MigrationHR_improvingHR_Report.pdf

- OHCHR, resources on the Global Compact for Migration.
  www.ohchr.org/EN/Issues/Migration/Pages/GlobalCompactforMigration.aspx

- OHCHR, resources on human rights and the 2030 Agenda for Sustainable Development.
  www.ohchr.org/EN/Issues/SDGS/Pages/The2030Agenda.aspx

- United Nations, General Assembly, "Promotion and protection of human rights, including ways and means to promote the human rights of migrants: Report of the Secretary-General", 2013 (A/68/292).
  http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/68/292&Lang=E

- United Nations Sustainable Development Group, "Human rights-based approach".
  https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach

Module outline

Module title	Module aim	Topics / sessions	Session overview (methodology, timings)
Module 3: **A human rights-based approach**	The final core module brings together the various elements discussed in previous sessions and encourages participants to explore the value of adopting a human rights-based approach to migration. In a practical scenario exercise, participants apply the knowledge and skills they have acquired by planning a migration programme that uses a human rights-based approach.	**Session 6:** **A human rights-based approach to migration**	*2.5 hours* Slides, discussion and activities
		Session 7: **Protecting rights in practice**	*4 hours 15 minutes* Group work

Aim of the session

This final session of the core modules is a practical simulation, which encourages participants to implement the knowledge and skills they have acquired by incorporating a human rights-based approach into a programme for migrants.

Participants consider a scenario in a fictitious country, Liberto. They identify relevant international human rights laws and standards, relevant stakeholders and United Nations human rights mechanisms, and they apply methodologies that facilitate the participation and empowerment of migrants.

In this simulation, participants analyse the context and the human rights challenges that migrants face, they set priorities based on objective and justifiable criteria, and they develop a programme based on a human rights-based approach to address the issues identified.

SESSION OVERVIEW

SESSION 7: PROTECTING RIGHTS IN PRACTICE

Content	In this session, participants will: • Together with other participants, design a programme that includes specific activities to achieve explicit goals; • Practise incorporating the various elements of a human rights-based approach to migration programming; • Draw on the knowledge and skills they have acquired during the previous three modules; • Work to ensure that both the process and the outcomes of the programme reflect a human rights-based approach.
Learning objectives	After this session, participants will be able to: • Incorporate a human rights-based approach in developing migration programmes; • Use the knowledge and skills they have acquired during the previous three modules; • Link and incorporate the various elements of the human rights-based approach into the phases of developing a programme; • Appreciate the value that a human rights-based approach adds to migration programming.
Key learning points / key messages	• The principles of the human rights-based approach run through all phases of programming. • The approach requires a detailed analysis of human rights issues and their causes and an assessment of rights holders, duty bearers and other relevant stakeholders and their capacity to support and sustain change. • Strategic planning requires a clear description of the human rights outcomes that are sought and a plan to achieve them. • In a human rights-based approach, how activities are implemented (process) is as important as their achievement (outcome). • Monitoring and evaluation must take place continuously and must involve all stakeholders in a participatory manner.
Preparation	• Depending on the number of participants, some working groups may focus on the same topic. • Print all handouts. Construct table-tents. Ensure that each team has flip charts and markers.
Equipment	• Laptop and projector, flip charts, markers, at least four tables seating six per table
Handouts and additional session resources	• Liberto country brief (handout) • Simulation instructions (handout)

SESSION PLAN

Tips

Tell participants *the day before* which organizations they will represent and (ideally) the teams they will be in. Explain the operational context and give participants time to read the organizational brief by handing it out the evening before.

Time	Activity	Resources
5 minutes	**Session overview**	
	• **Explain** that this is a practical session. Start by introducing participants to the basic programme cycle structure that will be used during the session.	*Slides*
5 minutes	**The programme cycle**	
	• **Introduce** the elements of a programme cycle. Point out that specific contexts (development, humanitarian, etc.) will make it necessary to adjust and add to the cycle. For the purposes of this brief exercise, we want to provide a basic structure, to act as an example. Participants can then enhance and add elements in their own work settings.	*Slides*
5 minutes	**Analysis**	
	• **Say** that analysis is the starting point. It is conducted at three levels. What are the causes of the problem(s)? Who is involved? What are their capacities? • **Remind** participants that this mirrors their work in earlier modules, where they began by **identifying the human rights issues**. • The second step is to analyse roles. Just as they did in sessions 2 and 5, participants run a stakeholder analysis of three specific groups: – Rights holders. Who are they and what are their human rights claims? What gender-specific concerns can be identified? – Duty bearers. Who are they and what are their human rights obligations? – Other parties with an interest or influence. • The third step is a **gap analysis**, for which the key questions are: – Are rights holders claiming their rights? If not, what is lacking?	

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Time	Activity	Resources
	– Are duty bearers fulfilling their obligations? If not, what is lacking? – What characterizes communication between rights holders and duty bearers and other stakeholders? • **Typical gaps** include inadequate legal, policy and institutional frameworks, lack of commitment, lack of knowledge and/or skills, lack of capacity and/or resources, insufficient legitimacy and lack of information. • Treaty bodies and special procedures can identify capacity gaps.	*Slides*
10 minutes	📧 **Planning and implementation**	
	• **Explain** that results-based management is a widely used tool that focuses on results (outcomes). By contrast, the human rights-based approach framework values results but also the process by which they are achieved. Outcome and process are both important. • **Emphasize** that a human rights-based approach sets operational parameters. Human rights principles prescribe how we operate, plan and implement our activities. They set limits on what we can do and how we do it, ensuring that we act in a manner that creates a favourable human rights environment and that our actions do not inadvertently harm third parties or the migrants we try to support. • **Recall** that planning processes should be guided by human rights-based approach principles: they should be participatory, accountable, non-discriminatory, empowering and legal. 📧 **Human rights-based approach and change** • **Explain** that a human rights-based approach clearly **identifies** the subjects of programming results as rights holders and duty bearers. • **Outcomes** should show that duty bearers are carrying out their responsibilities more fully or more effectively. They should show positive institutional or behavioural change. • **Outputs** should close capacity gaps. • The **impact** and **results** of a human rights-based approach should show that human rights (as guaranteed in international law) are being realized more fully.	*Slides*
5 minutes	📧 **Monitoring and evaluation**	
	• **Underline** that monitoring and evaluation should continue throughout the programme cycle. Specifically, they should show whether programmes have been participatory, accountable, non-discriminatory, empowering and legal. • **Stress** the importance of monitoring and evaluation. It is vital to verify that activities are being carried out as planned and are having the anticipated impact.	*Slides*

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Time	Activity	Resources
	• **Explain** that a comprehensive monitoring and evaluation plan that is sensitive to human rights concerns will assess a programme's progress and effectiveness by reviewing its processes, outcomes and impact. • **Add** that a **human rights-based monitoring and evaluation plan should be culturally sensitive**. Participants will need to consider whether programmes are appropriate for the national context in which they work. Continuous monitoring and evaluation can clarify whether a programme is culturally nuanced and whether it is developing local roots that can help ensure its success in the long term. **Human rights-based approach: four critical questions.** • **Show** the four critical questions on the slide. Say that they should always be asked of a programme that adopts a human rights-based approach. They reaffirm that a human rights-based approach focuses on *process*, because: – Doing so helps to ensure that the most marginalized people are involved and contribute to the programme; – In development, the effectiveness of a programme is seen not only in its outputs but also in its processes; – The final outcomes of a programme, as they relate to the realization of human rights, may only be visible in the long term; – A good way to check the effectiveness of a programme is to ensure that its processes are human rights-friendly.	
20 minutes	**Practical session: introduction**	
	• **Distribute** the country brief (if you have not already done so) and give participants 10–15 minutes to read it. • **Distribute** the instructions and go through them in plenary. • **Explain** that each working group will be assigned a specific topic area. – Group 1: Detention of migrants – Group 2: Protection of labour rights – Group 3: Ensuring health, education and housing – Group 4: Preventing and combating xenophobia and violence against migrants • **Assign** participants to groups (if you have not already done so). • **Tell** participants not to worry too much about terminology. Ask them to focus on the substance. Their aim is to show that they have applied human rights-based approach principles throughout the programme they are designing.	*Slides* *Country brief* *Instructions*
90 minutes	**Group exercise**	
	• Make yourself available to provide assistance as required.	

Time	Activity	Resources
40 minutes	**Presentation in plenary**	
	• **Call** a short break at the end of the exercise. Use this to review each group's work and discuss how they would like to structure the points they want to make in the debrief. • **Tell** each group that it has 10 minutes to present its programme.	
50 minutes	**Debrief**	
	• **Facilitate** a structured debrief on each of the thematic areas. • **Encourage** discussion to draw out some key points. – What analysis did the group do to understand the issue it is addressing? How did its analysis inform planning and implementation? What methods of monitoring and evaluation did it adopt? – What evidence is there that the group applied a human rights-based approach? – Were its goals and outcomes achievable? Do the activities it proposes clearly link to goals and outcomes? Do they reflect human rights principles? – Has the group included elements to enhance migrants' participation and empowerment throughout the programme? – Has the group considered how it will monitor the impact of its programme? • **Provide** brief technical feedback on each of the plans. • Open a plenary discussion on process. How did each group address process? Explore key points. **Summary and key messages** • The principles of a human rights-based approach run through all phases of programming. • A human rights-based approach requires detailed analysis to identify human rights issues and their causes and an assessment of rights holders, duty bearers and relevant stakeholders and their capacity to support change. • Strategic planning requires those responsible to clearly define the human rights outcomes they want to achieve and to draw up a plan to achieve them. • For a human rights-based approach, how activities are implemented (process) is as important as achieving human rights objectives (outcome). • Monitoring and evaluation must be continuous and must involve all stakeholders in a participatory manner.	

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