



QUNO

Quaker United Nations Office

Foundations for Implementation

A reference tool containing guidance drawn from the UN's Special Procedures and Treaty Bodies to support States in human rights based implementation of the Global Compact for Safe, Orderly and Regular Migration.

Objective 16: Empower migrants and societies to realize full inclusion and social cohesion

What This Reference Tool Contains

This compilation draws on recommendations from:

- Special Procedure thematic reports that relate specifically to migrants
- Treaty Body General Comments and General Recommendations that relate specifically to migrants

This practical tool emphasises recommendations for individual State action rather than observations, and includes those recommendations that assist in turning the objectives into practical actions rather than echoing the principles and standards agreed in the Compact.

December 2018

Objective 16: Empower migrants and societies to realize full inclusion and social cohesion

Guidance from Special Procedures

| Source | Guidance |
|---|---|
| Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2018), A/73/216 (para.83(a)) | Take immediate steps to repeal laws and policies that criminalize irregular migration or that, based on immigration status, impede the ability of people on the move to participate in or develop meaningful relationships in their host communities, work, obtain an education or have access to services, including mental health care and support; |
| Special Rapporteur on the situation of human rights defenders (2018), A/HRC/37/51 (para.66(c)) | Enable people to promote and protect human rights regardless of their immigration status; in particular, people on the move and those who defend their rights should be able to exercise, inter alia, their right to freedom of information, freedom of expression, freedom of association and freedom of assembly; |
| Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (2010), A/HRC/14/43 (para.66) | While the debates surrounding the concept of so-called “national identity” may focus on how to provide individuals and groups of individuals with a sense of belonging, which helps to build a cohesive nation with shared values and ideals, it should not be used as a tool to create artificial differences among some groups of the population. In the current context of globalization, migration and multiculturalism, the Special Rapporteur recommends that the concept of national identity be handled in an inclusive manner so as to allow individuals who do not identify with, for instance, cultural or historical elements of a given country, to nonetheless get a sense of belonging and avoid being treated as the outsiders. Moreover, the Special Rapporteur recommends that State actors and non-State actors ensure that any debate on national identity follows a participatory approach in order to enable meaningful participation of civil society. Such debate should also take into account the multiplicity of identities of each individual and therefore avoid the trap of defining identity by relying on the grounds of one sole element, such as ethnicity or nationality |
| SR Racism (2007), A/62/306 (para.69(h)) | Recall the urgency and necessity of approaching immigration and asylum issues, which are major sources of the current resurgence of racism and xenophobia, with a view to respecting and protecting immigrants’ and asylum-seekers’ human rights, as guaranteed by the relevant international instruments, and not solely on the basis of such considerations as security and defence of national identity. In that vein, integration policies should reflect respect for the cultural and religious specificities of immigrants and their capacity to enrich national culture and identity |

16

| | |
|---|--|
| <p>SR Racism (2006), A/HRC/32/50 (para.74)</p> | <p>In relation to migration, there is a need to find innovative ways to draw social solidarity from the existing local cultural, social and political context. All actors — including local officials, leaders, private actors, and service providers — who have the power to bring about immediate positive change need to be sensitized to the value of social solidarity. There is a need to move away from a purely State-centred approach and to put further emphasis on a bottom-up implementation of policies to foster social tolerance, mutual respect and trust. Assertions of rights based on the minority status of individuals or groups can be effective in drawing attention to patterns and practices of discrimination including xenophobia. However, as this strategy requires groups that are already in vulnerable situations to be made visible, the necessary safeguards should be taken in order to prevent a further entrenching of categories. For example, Portugal has established a coherent integration policy for immigrants and seriously encourages intercultural dialogue. This is managed by the High Commission for Immigration and Intercultural Dialogue, which is responsible for enacting a progressive action plan for immigrant integration that has clear implementation deadlines</p> |
| <p>Special Rapporteur on freedom of religion or belief (2009), A/64/159 (para.70)</p> | <p>With regard to the situation of migrants, the Special Rapporteur is concerned at restrictions imposed on their freedom to manifest their religion or belief publicly and she recalls that according to international human rights law any such limitations must be prescribed by law and must be necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. In addition, States should implement specific measures involving the host community and migrants in order to encourage respect for cultural diversity, to promote the fair treatment of migrants and to develop programmes, where appropriate, that facilitate their accommodation into social, cultural, political and economic life</p> |

Guidance from Treaty Bodies

| Source | Guidance |
|--|---|
| <p>CERD General recommendation No.30: on discrimination against non-citizens (2004), CERD/C/30 (para.VII.37)</p> | <p>Take the necessary measures to prevent practices that deny non-citizens their cultural identity, such as legal or de facto requirements that non-citizens change their name in order to obtain citizenship</p> |
| <p>CMW / CRC Joint general comment No.4 / No.23: on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return (2017), CMW/C/GC/4-CRC/C/GC/23 (para.II.J.63)</p> | <p>States should develop concrete measures to foster intercultural dialogue between migrant and host communities and to address and prevent xenophobia or any type of discrimination or related intolerance against migrant children. In addition, integrating human rights education, including on non-discrimination, as well as migration and migrants' rights and children's rights, within education curricula would contribute to preventing in xenophobic or any form of discriminatory attitudes that could affect migrants' integration in the long term</p> |



QUNO offices:

In Geneva:
13 Avenue du Mervelet
1209 Geneva
Switzerland

Tel: +41 22 748 4800
Fax: +41 22 748 4819
quno@quno.ch

In New York:
777 UN Plaza
New York, NY 10017
United States

Tel: +1 212 682 2745
Fax: +1 212 983 0034
qunony@afsc.org

This reference tool is part of a larger document that contains guidance for all 23 objectives of the Global Compact for Safe, Orderly and Regular Migration. It is available online at: quno.org/resource/2018/11/foundations-implementation

For hard copies, please contact Laurel Townhead at ltownhead@quno.ch.

