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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 1: Collect and utilize accurate and disaggregated data as a basis for evidence-based policies

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 1: Collect and utilize accurate and disaggregated data as a basis for evidence-based policies

Guidance from Special Procedures

Source	Guidance
Special Rapporteur on the human rights of migrants (2015), A/70/310 (section A (p.24))	Work in partnership with the relevant international organizations to further develop a collective understanding of global trends in international labour recruitment
SR migrants (2015), A/HRC/29/36 (para.95)	Invest in filling data gaps — such as those around underground labour markets, labour exploitation of migrants, deaths at sea and push and pull factors — to develop evidence-based policies. In addition, increase harmonization and coordination in respect of migration data sources to develop a systemic picture
SR migrants (2014), A/69/302 (para.109(f))	Ensure the systematic disaggregation of indicators by migrant status (e.g. by nationality and by migration and residence status), in addition to disaggregation by all prohibited grounds of discrimination, including age, gender, income, disability, rural/urban area, nationality and disability, in all relevant goals;
Special Rapporteur on the human rights of migrants (2010), A/65/222 (para.108)	States should strengthen efforts to collect data and measure the impact of their migration policies on the enjoyment of human rights by migrants and societies at large at all stages of the migration process
SR migrants (2010), A/65/222 (para.109)	States are especially encouraged to share information about key indicators of the impact of migration programmes, plans and policies to address irregular migration, as well as common challenges and best practices at all levels across boundaries and regions
SR migrants (2010), A/65/222 (para.110)	Stakeholders should make available statistical and substantive information on, inter alia: (a) The root causes of migration; (b) The demand of migrant labour, including irregular migrant labour, in countries of destination; (c) The distinction between immigration control and crime prevention
SR migrants (2010), A/65/222 (para.111)	The Special Rapporteur recommends the compilation and sharing of best practices in addressing irregular migration to help States and other stakeholders to develop human rights-based public policies
SR migrants (2009), A/HRC/11/7 (para.89)	States are especially encouraged to share across boundaries and regions information about key indicators of the impact of migration on children, as well as common challenges and best practices to address migrant children protection-related gaps at all levels. It is also important that stakeholders contribute to make available statistical and substantive information on, inter alia, the root causes of migration of children and adolescents (with family members or unaccompanied), to help States to identify policy gaps

<p>SR migrants (2009), A/HRC/11/7 (para.94)</p>	<p>The Special Rapporteur encourages the collection of data at the national level and the preparation of studies and research on unaccompanied or separated children</p>
<p>SR migrants (2008), A/HRC/7/12 (para.72)</p>	<p>States should bolster their ability to analyse data about migration policy. In support of individual States' domestic policies, laws and practices that have cross-border effects, an observatory could be established to compile accurate statistical and related data and to provide independent, impartial and expert analyses of key aspects of migration policy in order to discern their successes and deficiencies</p>
<p>SR migrants (2008), A/HRC/7/12 (para.73)</p>	<p>States should take further measures to enhance annual quantitative data on labour demand by host countries, which is the driving force behind economic migration, in an effort to better regulate the supply of labour migrants with the needs of host countries. Host countries and countries of origin each need to identify, respectively, current and projected labour supply shortages and surpluses by economic sector, occupation, region and province; furthermore, differentiation between labour shortages that are structural and those that are seasonal or otherwise temporary is important for designing and implementing effective labour migration policies</p>
<p>Special Rapporteur on the human rights of migrants (2006), A/61/324 (para.56)</p>	<p>The acknowledgement of the existence of this demand [for migrant labour and migrants' participation in the labour market of receiving countries] should begin with the collection and/or publication by Governments of data on the presence of migrant labour in their countries, by sector of the economy, over the past five years</p>
<p>SR migrants (2003), E/CN.4/2003/85 (para.75(f))</p>	<p>Official statistics should be kept on the percentage of migrants deprived of their liberty out of the total number subject to administrative detention;</p>
<p>Special Rapporteur on torture (2018), A/HRC/37/50 (para.65(f))</p>	<p>Data collection and firewalls: States and other stakeholders working with migrants should develop reliable systems of representative data collection with a view to fostering a better understanding of the prevalence of victims of torture and ill-treatment among various migrant populations, the cause and circumstances of such abuse, the specific needs of the victims and their experience upon return. In doing so, States should establish systems that effectively protect personal rights, including firewalls between data collected for identification and protective purposes and data collected for the purposes of law enforcement and criminal justice</p>
<p>Special Rapporteur on extrajudicial, summary or arbitrary executions (2017), A/72/335 (para.106)</p>	<p>States should monitor and record, at borders, points of arrival or disembarkation, all allegations of suspicious death or disappearances for investigation and trend analysis</p>
<p>Special Rapporteur on extrajudicial, summary or arbitrary executions (2017), A/72/335 (para.116)</p>	<p>Identification, tracing and burial of the dead. States should establish centralized regional databases and mechanisms to link existing national databases</p>

Special Rapporteur on extrajudicial, summary or arbitrary executions (2017), A/72/335 (para.117)	States should establish firewalls between criminal/enforcement data collection and data collected for identification
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (2013), A/HRC/23/41 (para.76(c))	Encourage collection of disaggregated data by age and gender of all migrant workers, to assess their level of health-related knowledge, health needs and occupational injuries and deaths, including suicide, and accordingly inform policies regarding migrant workers. Such information should be protected by adequate data protection measures to ensure privacy and confidentiality of the data;
Special Rapporteur on trafficking in persons, especially women and children (2007), A/HRC/4/23 (para.63(i))	States ensure that gender-disaggregated data on the incidence of forced marriages internationally, regionally and nationally are collected, reported and compared as part of crime, gender equality and migration statistics;
Special Rapporteur on contemporary forms of slavery, including its causes and consequences (2009), A/HRC/12/21 (para.98)	Research needs to be developed on bonded labour with regard to its links to land reform, the impact of privatization programmes, access to microcredit, labour migration policies, and immigration and foreign labour recruitment policies. This research should contain gender- and age-specific data

Guidance from Treaty Bodies

Source	Guidance
CERD General recommendation No.30: on discrimination against non-citizens (2004), CERD/C/30 (para.I.5)	States parties should include in their periodic reports, in an appropriate form, socio-economic data on the non-citizen population within their jurisdiction, including data disaggregated by gender and national or ethnic origin
CMW General comment No.1: on migrant domestic workers (2011), CMW/C/GC/1 (para.C.32)	States of origin and employment are encouraged to cooperate on...regular and public reporting of migrant domestic worker flows, employment, rights issues, training and other programmes, and issues of justice administration
CMW General comment No.1: on migrant domestic workers (2011), CMW/C/GC/1 (para.C.66)	States parties should include in their reports information about efforts to monitor the situation of migrant domestic workers, including through the provision of statistical data, and to protect their rights under the Convention
CEDAW General recommendation No.26: on women migrant workers (2009), CEDAW/C/2009/WP.1/R (para.23)	States parties should conduct and support quantitative and qualitative research, data collection and analysis to identify the problems and needs faced by women migrant workers in every phase of the migration process in order to promote the rights of women migrant workers and formulate relevant policies
CRC General comment No.6: treatment of unaccompanied and separated children outside their country of origin (2005), CRC/GC/2005/6 (para.IV.g.29)	States parties must protect the confidentiality of information received in relation to an unaccompanied or separated child, consistent with the obligation to protect the child's rights, including the right to privacy (art. 16). This obligation applies in all settings, including health and social welfare. Care must be taken that information sought and legitimately shared for one purpose is not inappropriately used for that of another

<p>CRC General comment No.6: treatment of unaccompanied and separated children outside their country of origin (2005), CRC/GC/2005/6 (para.IV.g.30)</p>	<p>Confidentiality concerns also involve respect for the rights of others. For example, in obtaining, sharing and preserving the information collected in respect of unaccompanied and separated children, particular care must be taken in order not to endanger the well-being of persons still within the child's country of origin, especially the child's family members. Furthermore, information relating to the whereabouts of the child shall only be withheld vis-à-vis the parents where required for the safety of the child or to otherwise secure the "best interests" of the child</p>
<p>CRC General comment No.6: treatment of unaccompanied and separated children outside their country of origin (2005), CRC/GC/2005/6 (para.VII.b.100)</p>	<p>Data collected within such a system should ideally include but not be limited to: basic biographical data on each child (including age, sex, country of origin and nationality, ethnic group); total number of unaccompanied and separated children attempting to enter the country and the number that have been refused entry; number of requests for asylum; number of legal representatives and guardians assigned to such children; legal and immigration status (i.e. asylum-seeker, refugee, temporary resident permit); living arrangements (i.e. in institutions, with families or living independently); enrolment in school or vocational training; family reunifications; and, numbers returned to their country of origin. In addition, States parties should consider collecting qualitative data that would allow them to analyse issues that remain insufficiently addressed, such as for instance, disappearances of unaccompanied and separated children and the impact of trafficking</p>
<p>CMW / CRC Joint general comment No.3 / No.22: on the general principles regarding the human rights of children in the context of international migration (2017), CMW/C/GC/3-CRC/C/GC/22 (para.II.16)</p>	<p>States parties should develop a systematic rights-based policy on the collection and public dissemination of qualitative and quantitative data on all children in the context of international migration in order to inform a comprehensive policy aimed at the protection of their rights. Such data should be disaggregated by nationality, migration status, gender, age, ethnicity, disability and all other relevant statuses to monitor intersectional discrimination. The Committees stress the importance of developing indicators to measure the implementation of the rights of all children in the context of international migration, including through a human rights-based approach to data collection and analysis on the causes of unsafe migration of children and/or families. Such information should be available for all stakeholders, including children, in full respect of privacy rights and data protection standards. Civil society organizations and other concerned actors should be able to participate in the process of collecting and evaluating data</p>
<p>CMW / CRC Joint general comment No.3 / No.22: on the general principles regarding the human rights of children in the context of international migration (2017), CMW/C/GC/3-CRC/C/GC/22 (para.II.17)</p>	<p>Children's personal data, in particular biometric data, should only be used for child protection purposes, with strict enforcement of appropriate rules on collection, use and retention of, and access to, data. The Committees urge due diligence regarding safeguards in the development and implementation of data systems, and in the sharing of data between authorities and/or countries. States parties should implement a "firewall" and prohibit the sharing and use for immigration enforcement of the personal data collected for other purposes, such as protection, remedy, civil registration and access to services. This is necessary to uphold data protection principles and protect the rights of the child, as stipulated in the Convention on the Rights of the Child</p>



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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

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